In 1932 and 1934, during the depths of the depression, the national Democratic party under Franklin Roosevelt and the South Dakota Democrats behind Tom Berry scored substantial electoral victories. On the national level during this period, the New Deal brought the most sweeping domestic reforms in the nation’s history and made the Democrats the majority party. Yet, South Dakota’s Democrats sponsored relatively little progressive legislation, and their day in the sun ended in 1936 and 1938, when the Republicans regained control of the state’s politics, which they were to hold, except for 1959-60, for more than thirty years. Why South Dakota’s Democrats did not bring substantial reform and why they ultimately failed at the polls while the national New Deal succeeded is the problem this paper will discuss.

The 1930s were not a propitious period for reform in most states, because of the severe financial crisis they faced. The situation was especially critical in South Dakota because the agricultural depression of the 1920s had hit hard, and the state’s business ventures of the 1915-1919 era had backfired, leaving it under a heavy burden of debt. Its effort to provide credit to farmers incurred a loss of $57 million alone.¹

In the late twenties the state began to prune its budget severely. Governor William J. Bulow (1927-31), a popular Democrat who was regularly elected in the face of Republican

landsides, curbed the free-spending habits of the legislature in a showdown in 1927; and his successor, Republican Warren Green (1931-33), an unpretentious dirt farmer, held the line on a budget increase. As the state’s financial plight worsened in 1932, when the cash income from South Dakota crops and livestock decreased to one-third of the 1929 value, candidates in both parties tried to outbid each other in promising further budgetary cuts.\(^2\) But South Dakota’s financial plight does not completely explain its aversion to reform in the 1930s.

Although it is popularly believed that economic misfortune exposed the innate radicalism of South Dakota farmers in the 1930s, there actually was little violence in the state during the decade, and the basic values of its citizens remained conservative. South Dakotans were not as radical as their neighbors. The state had no strong parallel with such radical movements of the thirties as the Farmer-Labor party in Minnesota, the Farm Holiday Movement in Iowa, or the Nonpartisan League in North Dakota. Despite a decline in cash income from crops—from $17 million in 1929 to $6 million in 1932—and from livestock—from more than $150 million to $45 million for the same years—and despite a drop in the average value of farm land—from $71.39 an acre in 1921 to as low as $18.65 by the early thirties—South Dakota farmers remained remarkably stoic.\(^3\)

The state’s branch of the Farm Holiday Movement—an aggressive national organization founded by Milo Reno in 1933, which proposed to raise prices through a farm strike—reflected the conservatism of its farmers. The South Dakota Farm Holiday had a five-man board of directors drawn from the Farmers Union, the Farm Bureau, and the Grange, but also from such pillars of the establishment as the State Chamber of Commerce and the State Banker’s Association. It was so respectable that the merchants of Sisseton asked the local branch to organize area farmers in order to bring agrarian discontent in the northeastern part of the state under


\(^3\) Ibid., p. 283.
control. In May 1933 the South Dakota Farm Holiday refused to support a farm strike called by the national organization. The only major farm strike that it organized, in November 1933, drastically cut down livestock shipments into Sioux Falls and Watertown for a few days but petered out because of inadequate support from members and other farmers.  

Another index of South Dakota’s conservatism during the 1930s is the sharp contrast with its more radical twin, North Dakota, in the number of farm mortgages foreclosed. Although depression conditions were about the same in both states, there were 12,000 fewer foreclosures in North Dakota, where farmers had always been more radical.  

There were isolated incidents of violence and illegal activity. Farmers trying to blockade Sioux City killed a truck driver who violated their lines. Yet, although this incident occurred in South Dakota, it can be considered an episode in the more radical Iowa Farm Holiday Movement. During 1933, before the New Deal’s mortgage relief program took effect, there were some instances of preventing mortgage foreclosure sales or, after intimidating would-be bidders, buying the farm for a pittance and returning it to the original owner. At Milbank an enraged mob stripped and badly beat a sheriff after a deputy had fired a tear gas bomb at them.  

But such incidents were rare. In February 1933 a South Dakota newspaper reported that, in contrast to other states, “we have had no farmers’ marches on the capital, only one or two mobs resisting orderly settlement of debts, and only one shooting.” The following incident recalled by Ruth Loriks


7. Lorena Hickok to Harry Hopkins, 7 November 1933, Harry Hopkins Manuscripts, Franklin D. Roosevelt Library, Hyde Park, New York; author’s interview with Emil Loriks, 1 June 1970, cited hereafter as Loriks Interview (a copy of this interview is in the South Dakota Oral History Collection at the University of South Dakota, Vermillion).
presents a more accurate picture of South Dakota’s response to the depression than do the accounts of the violent farmers at Jefferson and Milbank:

The neighbor woman lost her husband and, of course, he was owing in the bank. So the auctioneers come out there, and she served lunch, and she stood weeping in the windows. “There goes our last cow....” And the horses. She called ‘em by names. It just pretty near broke our hearts. They didn’t give her a chance to take care of her bills. They never gave her an offer. They just came out and cleared it out. She just stood there crying....

Despite the prospect that Franklin Roosevelt would unseat Herbert Hoover on the national scene, South Dakota Democrats were not very optimistic in 1932. Although the Democrats received almost twice as many votes in the 1932 primary as they had ever received before, they still polled only 42,000 votes in contrast to 128,000 on the Republican side. They were handicapped by their chronic financial woes; the Democratic State Committee would report expenditures of only $5,123, in contrast to the $28,209 spent by the Republicans in 1932.

They also had their usual problem of finding candidates for the statewide offices below governor. Emil Loriks, a Farmers Union leader who played a prominent role in state politics in the 1930s, was offered the support of the party regulars for governor in 1932 but turned it down. He thought that the odds against a South Dakota Democrat were too long, even in 1932, to justify mortgaging his farm to raise money for a campaign. On the hopeful side, the party had come through a primary fight between the party regulars affiliated with Senator William Bulow and a more progressive group without serious wounds. A progressive, U. S. G. Cherry, won the nomination for U. S. Senator, and Tom Berry, the choice of the Bulow faction, was the nominee for governor.


11. Loriks Interview.
On the Republican side, where the state's progressives had traditionally fought out their differences with conservatives, there was more discord. Former governor Carl Gunderson, who had been decisively beaten in an effort to wrest the nomination for governor from the conservative incumbent, Warren Green, backed Democrat Berry in the general election.\textsuperscript{12} Senator Peter Norbeck, the leading Republican progressive, remained silent on the presidential contest, and although he endorsed the state Republican ticket, he gave it only lukewarm support. Norbeck's moves followed more from expediency than from ideology. He later admitted that he had not voted for Roosevelt in 1932 and implied that he had separated his campaign from the regular state Republican effort to avoid the impending anti-Hoover tide.\textsuperscript{13}

As the election drew nearer and the depth of opposition to President Hoover became apparent, Democratic confidence increased. But few anticipated the ultimate Democratic sweep. Roosevelt defeated Hoover by 183,515 to 99,212, almost a two-to-one margin, and carried in all but one of the Democratic statewide candidates. Although the state ticket trailed Roosevelt by substantial margins, it still won decisively; Berry, for example, beat Green by 158,058 to 120,473. Senator Norbeck, who soundly defeated U. S. G. Cherry by 151,000 to 125,000, was the only Republican to survive the Democratic landslide.\textsuperscript{14}

The Democratic victory in South Dakota in 1932 did not lead to the sweeping changes in the state that Roosevelt's victory produced on the national scene. In contrast to the new young faces that swarmed into national government during the Hundred Days, major South Dakota Democrats elected in 1932 were, relatively speaking, old campaigners. Governor Berry was fifty-three, Lieutenant Governor Ustrud was sixty-one, and


\textsuperscript{13} Gilbert C. Fite, \textit{Peter Norbeck: Prairie Statesman} (Columbia: University of Missouri, 1948), p. 188; Peter Norbeck to Lewis Benson, 7 Feb. 1936, Norbeck Manuscripts, University of South Dakota, Vermillion; Norbeck to Mrs. E. R. Deering, 16 January 1936, Norbeck Manuscripts.

\textsuperscript{14} \textit{South Dakota Legislative Manual, 1933}, pp. 296, 299, 301.
Congressman Fred Hildebrandt was fifty. Instead of surrounding himself with bright young men, Berry drew on such party regulars from the Bulow days as Charles Robertson, L. E. Corey, John Cogley, and Guy Harvey.15

From the outset, Berry removed Republican appointees with an almost religious fervor, in contrast to Governor Bulow, who had retained a fair number of Republicans in office. In his attempt to build a strong party organization, the Associated Press reported, Governor Berry assessed appointees under patronage 1 percent of their salaries. This income provided an estimated twenty-five thousand dollars for the 1934 campaign and the same for 1936.16

Berry keynoted the next four years of Democratic rule in his inaugural address. His opening statement, “The point has been reached in the affairs of this state and in the nation as well when we must commence to return to a simpler and less expensive government,” indicated that drastic economy would be the theme of his administration. He advocated an end to such progressive schemes as state hail insurance, the state bonding department, and the state coal mine. He even suggested an end to the state primary law, claiming that the elections “cost the people more than they are worth.” He advocated a regressive tax policy that would hit all income groups. Conspicuously missing from his list of recommendations was a debtor relief program.17 A disgruntled progressive observed that Berry’s address lacked even “one lofty far reaching sentiment that reaches humanitarian proportions.”18

Berry’s proposals did not meet with the approval of the major farm organizations. On the eve of the legislative session the Farmer’s Union, the Farm Bureau, and the Grange agreed to a positive legislative program, in contrast to the 1920s, when they had merely opposed certain legislation. They now endorsed a graduated net income tax that would especially hit

the higher income groups, measures to relieve the debt burden of farmers, and drastic economies in government. The farm organizations had a friend in Lieutenant Governor Hans Ustrud, a LaFollette progressive, and in two aggressive young spokesmen in the legislature, Emil Loriks of Arlington in the senate and Oscar Fosheim of Howard in the house.\textsuperscript{19}

Although progressives and conservatives in South Dakota had traditionally ignored the anemic Democrats and fought out their differences within the Republican party, the 1932 cataclysm that gave the Democrats overwhelming majorities (twenty-nine to fifteen in the senate and seventy to thirty-four in the house) reduced the shattered Republicans to the role of onlookers, while the Democrats were at the scene of the conflict. Berry and the party regulars were the conservative faction; the spokesmen for the farm organizations were the progressives.\textsuperscript{20}

Conservatives and progressives differed over several major problems in South Dakota in the 1930s. They disagreed over the role of the state government in combating the depression. Berry believed that too much government intervention would do more harm than good and that the depression must be allowed to run its course. The progressives, on the other hand, insisted that only vigorous activity by government would save capitalism. The most important specific issue in South Dakota politics in the early thirties was taxation: the progressives advocated tax reform favoring the lower income groups, while the conservatives were basically interested in finding enough revenue to run the state government.

However, too much can be made of ideological differences. Berry, after all, lost no sleep over the logical contradiction between his insistence on conservative policies on the state level and his support of Franklin Roosevelt and the national New Deal. Berry's faction was basically interested in winning elections and in patronage.

But Fosheim and Loriks were a different breed of Democrat—they were indifferent to patronage. Both men

\textsuperscript{19} Schell, History of South Dakota, p. 285.

\textsuperscript{20} South Dakota Legislative Manual, 1933, pp. 520-70.
identified more with the Farmers' Union and the cause of the small farmer than with the Democratic party. When Loriks first ran for the senate, he did not even know the name of the Democratic county chairman. When a group of his constituents sought state jobs from Berry, the governor called Loriks in and told him, "in front of my own people," that it would be hard to help them since Loriks had not consistently supported his administration. This kind of pressure simply could not move Loriks, who spoke a different political language.  

The first test between the Berry regulars and the farm bloc came early in the session when the state, teetering on the edge of bankruptcy, appeared ready to default on interest charges on rural credit bonds. At the eleventh hour, Governor Berry prevailed on the legislature to end the exemption on gasoline used for farm purposes and to divert from the highway fund half of the four cents per gallon gasoline tax to meet the payments on the rural credits debt. Loriks and Fosheim, indifferent to the plight of the state's credit, proposed to retain the exemption for agricultural purposes and to use the diversion to lower the property tax. But the Berry administration, riding a steam roller in the midst of a crisis, a performance that resembled the New Deal two months later during the Hundred Days, had no trouble winning by thirty-three to eight in the senate and ninety to ten in the house. On 13 January Berry signed the bill; and on 14 January Minneapolis banks advanced the state $750,000 on tax anticipation warrants, just in time to meet the bonds, which fell due on that day.

The prime issue between the administration and the farm organizations was the gross income tax. The keystone of Berry's financial program, it was designed to replace the property tax as

21. Author's interview with Oscar Fosheim, 1 June 1970, cited hereafter as Fosheim Interview (a copy of this interview also is in the South Dakota Oral History Collection at the University of South Dakota, Vermillion). Loriks Interview.  

the basic source of state revenue. While almost everyone agreed that property owners needed relief, the farm organizations objected that the gross income measure disregarded losses. Both the farm groups and the State Federation of Labor complained that the flat 1 percent rate on incomes disregarded ability to pay. Berry replied that the net income tax simply would not raise enough money.

Relations between Berry and the farm organizations deteriorated throughout the session. He criticized the net income tax supporters for not meeting with him. When the farm leaders did see him and vigorously questioned his program, Berry grew angry, disclaiming, "Who do you represent anyhow? I doubt if you represent ten percent of the farmers of this state while I represent all of them."  

After a hard fight, the gross income tax passed the senate by thirty to fourteen and the house by fifty-eight to forty-four. Surprisingly, the Republicans voted with the farm progressives. Nine out of fifteen Republicans in the senate and twenty-five out of thirty-four in the house voted against the bill. The gross income tax, a measure from the same family as the sales tax, was therefore the work of a Democratic administration appealing to the party loyalty of a large and inexperienced group of legislators against the progressives.

Berry and the regular Democrats scored other legislative victories over the progressives during the 1933 session. Invoking economy as their watchword, they eliminated the Child Welfare Commission and such relics of the Progressive Era as state hail insurance, the state coal mine, and the state bonding department. Berry also found it convenient, once he was in office and faced the task of satisfying office seekers and cementing party loyalty, to forget both a Democratic plat-

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24. Ustrud, Behind the Scenes.


form plank proposing to combine state institutions under one governing board and the portion of his inaugural address that condemned dual officeholding by legislators.  

A particularly poignant question before state legislators in 1933 was the plight of the debtor in a period of falling land values and declining prices. Despite the 34,419 farm foreclosures between 1921 and 1932, which involved 20 percent of South Dakota’s farm acreage, and the fact that foreclosures were on the rise again in 1932, Governor Berry did not see fit to mention this catastrophe in his inaugural address. When Floyd Olson was declaring a mortgage moratorium in Minnesota and William Langer was calling out the National Guard to enforce his moratorium on all debts in North Dakota, Governor Berry was merely urging creditors not to foreclose mortgages.  

He rejected the request of the Farm Holiday for a moratorium, disclaiming any power to interfere with foreclosures. Although the depression in South Dakota had begun in the early 1920s, he asked citizens to respect foreclosures of mortgages that were in arrears for more than two years, which indicated that the individual rather than circumstances was to blame.  

The legislature eventually passed debtor relief legislation similar to programs in neighboring states, although not as sweeping. It enacted a moratorium law providing an extra year for the redemption of foreclosed farms. To obtain some revenue from delinquent taxpayers, the state permitted them to combine all their back taxes and interest into one lump sum that could be paid off in ten yearly installments without further interest. The owner of property on which he was unable to pay taxes was also permitted to redeem it within two to four years of the date of sale; the legal and contract interest rates were reduced, although only after a fairly close

27. Ustrud, *Behind the Scenes*.


While this relief program was to bail out many debtors, the one-year moratorium would expire before the next biennial session of the legislature had a chance to extend it. When progressives proposed a two-year moratorium, they were defeated.

In addition to their qualified success on debtor relief, progressives scored a number of other victories in the 1933 session. The state’s primary law was one legacy of the Progressive Era to withstand the ground-swell for economy in government, surviving narrowly in the house by four votes and in the senate by Lieutenant Governor Ustrud’s tiebreaking vote. Again the Republicans sided with Democratic insurgents against the governor. Oscar Fosheim curbed the committees’ stranglehold on bills pending before them when he pushed through a change in the house rules to lower the number of required signatures from thirty-five to twenty on petitions to pry bills out of committee. In later years Fosheim considered this rules change a greater accomplishment than his ore tax.

The progressives scored a small success when they were able to write into the gross income tax a slightly graduated rate for higher incomes. Finally, farm progressives who chaired the senate and house appropriations committees sharply pruned Berry’s budget from $5,485,000 to $5,044,013. This performance was akin to obtaining blood from a stone, since Berry’s request was a substantial reduction from the $6,841,000 allotted by the austere Green administration.

Nevertheless, the 1933 session of the legislature was no great victory for progressivism. Despite some accomplishments, Governor Berry largely controlled the legislature. His
success was due to the influx of new and inexperienced legislators after the 1932 election. Although low salaries meant a high turnover rate in state legislatures all over the country in this period, only 35 of the 103 members of the South Dakota house had served there previously.\(^{34}\) Consider also that seventy of the house members and thirty of the forty-four senate members were Democrats, who were anxious to preserve party harmony after many years out of power. Add to this a popular governor who was willing to use his patronage power and able to bargain, and one has the ingredients for a legislature under effective executive control. Because he subordinated reform to the state’s financial crisis and constantly exhorted against radical legislation, Berry won praise from such conservative elements as the *Sioux Falls Argus-Leader.*\(^{35}\) In many ways, his first year in office resembled the so-called First New Deal of Franklin Roosevelt, which also stressed solving an immediate crisis rather than bringing long-range reform, received support from conservatives, and sidetracked radical legislation, such as the Black Thirty Hour Bill and the Thomas Amendment to the Agricultural Adjustment Act.

Yet, even in 1933-34 Roosevelt never broke with the left as sharply as Berry did, and by 1935 FDR had gradually moved toward an alliance with progressive interests. Tom Berry was never to move leftward on state issues. At the end of his two terms he was still pursuing the same themes: economy in government and opposition to “radical” legislation.

Just as progressive opposition to the New Deal began to emerge in the latter part of 1933, mainly because of the National Recovery Administration, South Dakota farm organizations began to assert themselves more vigorously against Governor Berry. They launched a vigorous campaign to prevent the gross income tax from going into effect on 1 July 1933. Twenty-three thousand signatures were collected for a

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34. Ibid., 1 Jan. 1933, p. 1.
35. Ibid., 14 Feb. 1933, p. 6.
referendum but were thwarted when the state supreme court ruled the petition illegal by a three-to-two vote.36

The farm organizations tried to sustain their momentum at a special session of the legislature that Governor Berry was forced to call for 30 July 1933 in order to pass legislation to license and tax wine and 3.2 beer, after Congress had legalized them in March. Berry was still able to hold the Democratic ranks in order, however, and kept the one-week session from tampering with the gross income tax. Tempers flared during the session. When Lieutenant Governor Ustrud delayed transmitting the beer bill from the senate to the house in order to delay adjournment, his offices and Fosheim’s desk were ransacked, presumably by administration supporters in search of the bill, and the house censured Ustrud.37

But legislative battles and elections were not the whole story of South Dakota politics in the 1930s; the national New Deal had made a powerful impact on the state’s political life. Politicians in other states had a lot to say when federal relief money was channelled through local authorities, and South Dakota was no exception. Tom Berry was the only governor who also served as state relief director, holding the position from March 1934 to January 1935. Because it was so important in a state where more than one-third of the population were on relief, the program itself could scarcely be attacked by South Dakota Republicans. Instead, they charged Berry and the Democrats with corruption and playing politics with relief. This was the central Republican theme of the three election campaigns from 1934 through 1938.

Although the reiteration of these charges created an impression of Democratic wrongdoing that lingered in later decades, statistical evidence and observations by dispassionate contemporary observers indicate that, although irregularities existed, the Berry administration’s record on relief was a reasonably good one. Berry pointed out in the 1934 campaign that thirty-four of the sixty-six county relief directors were Republicans and claimed that 70 percent of the total relief

37. Ustrud, Behind the Scenes.
personnel were Republicans. Berry had good reason to appoint Republicans to administer relief since in many localities the persons with experience in public office were Republicans. 38

Among contemporary observers, Fosheim and Loriks, who had not hesitated to attack Berry, recalled in later years that the Democrats were no worse than their Republican predecessors and successors. When Turner Catledge of the New York Times visited the state in 1936, he was impressed by the bipartisan administration of relief at the county level and the general lack of politics in relief administration. Lorena Hickok, an investigator for Harry Hopkins, who shared her boss’ aversion to playing politics with relief, travelled over the state in 1933 and reported, “They’ve got things pretty well cleared up when you consider the area to be covered.” She concluded that South Dakota was “tough” on relief abuses. “I wonder sometimes,” she mused, “if they’re not going to be a little too tough.” 39

If the Republicans charged publicly that there was too much politics in New Deal programs in South Dakota, the state’s Democrats privately complained that there was much too little. Arthur Schlesinger, Jr., has shown that New Deal administrators in Washington were largely indifferent to political considerations. They staffed their local programs with the best men they could get, regardless of party. Secretary of Agriculture Henry Wallace elected to place the AAA farm subsidy program in the hands of the county agents, who were usually Republican. When Harry Hopkins inaugurated the Works Progress Administration in 1935, he sought out the most efficient local administrators, who often belonged to the GOP in Republican South Dakota. 40 Throughout the decade, South Dakota Democrats constantly and fruitlessly exclaimed

that too many jobs were going to Republicans. “Unless we do something,” a county chairman wrote to Jim Farley, the sympathetic but generally helpless Democratic National Chairman, “… the Republican Party will be able to steal the New Deal.”

Progressive opposition to Berry carried over to the spring primaries in 1934. Lieutenant Governor Ustrud, whom Berry had tried to persuade to resign after Ustrud had defeated the administration’s effort in the senate to abolish the primary law and who was obviously not slated for renomination, opposed Berry in the Democratic primary. Ustrud stumped the state and vigorously flayed Berry on tax policy, the repeal of progressive legislation, and politics in relief.

But Ustrud was not able to make headway among Democrats against Berry’s machine, to draw Republican progressives across party lines, or to muster support among the farm organizations. Both Loriks and Fosheim supported Berry against Ustrud. They recalled that although they sharply disagreed with him over various issues, their personal relations with the likeable governor remained good. Besides, they were preparing through the Farmers’ Union a statewide campaign to force an ore tax on the 1935 legislature and saw little hope in Ustrud’s underfinanced and understaffed campaign.

Berry did not take Ustrud very seriously. He made no concessions to progressive sentiment when he told voters: “You know me. You know what I have been doing. Most of you have been up there to Pierre. So if you want a change, vote for somebody else. I’m not going to change very much.” Governor Berry won going away, by 61,484 to 16,037.

In the Republican primary, W. C. Allen, the well-known publisher of the Dakota Farmer, won easily by 46,654 to 19,113 over his nearest rival, even though he did not cam-


42. Argus-Leader, 31 Apr. 1934, p. 1; Ustrud, Behind the Scenes.

43. Loriks Interview; Fosheim Interview.

paign vigorously and was sixty-four years old. Allen ran in 1934 as a progressive. Under his prodding the Republicans wrote a reasonably progressive platform. Claiming that Berry’s tax program had shifted the burden from the rich to the poor, Allen favored a graduated net income tax and a restored state property tax, with exemption for homeowners. He opposed using part of the gasoline tax to fund rural credit bonds. He charged that the standard relief wage in South Dakota—thirty-five cents an hour—was inadequate when compared to the fifty-five cents an hour paid in Minnesota and promised to take politics out of relief. He also opposed the NRA because it raised industrial prices without any corresponding benefit to the farmers.

Many progressives recognized that Allen was more attractive than Berry. Ustrud refused to endorse Berry, and Senator Peter Norbeck, who had refused to campaign for Republican conservatives in the past, enthusiastically supported Allen. Objecting to the repeal of state hail insurance, the attempt to abolish the primary law, and the political manipulation of relief, Norbeck noted that although he himself was “not a severe critic of Governor Tom Berry” and although “there is much good in him,” Berry, nevertheless, “has the viewpoint of big business and yields too much to the demands of Democratic spoilsmen....”

Berry campaigned on his legislative record and on his record of obtaining considerable financial assistance for South Dakota as a Democrat and a friend of President Roosevelt. He admitted that some adjustment might have to be made in the gross income tax, said that Allen’s implied promise to raise relief rates was financially irresponsible, and pointed to the strong Republican influence in the relief program.

Although the Republicans were optimistic, the Democrats


swept the November elections by large majorities. Berry overwhelmed Allen by 172,228 to 119,477, improving his share of the two-party vote to 59 percent—more than 2 percent over 1932. In a clearcut contest between a firm New Dealer and a Hoover Republican in the First Congressional District, Democratic Congressman Fred Hildebrandt increased his margin over C. A. Christopherson from 18,000 in 1932 to 38,000. But there were some slightly hopeful harbingers for the Republicans. In the Second Congressional District, Democratic Congressman Theodore Werner, an earnest but unspectacular campaigner, had a closer contest with Francis Case, a young Republican moderate, winning by 35,467 to 32,109. Although the Democrats gained two seats in the senate, for a thirty-one to fourteen advantage, the Republicans picked up six seats in the house, slicing the Democratic margin to twenty-three.

The election of 1934 in South Dakota was not settled on local issues. In a state with such a high percentage of people on relief, the national New Deal, particularly its farm and relief programs, was the main factor. Governor Berry’s landslide victory despite the opposition to his tax program in 1933 and 1934 and the dismantling of it at the 1935 session indicates that voters were endorsing the national New Deal more than they were backing Berry’s legislative achievements.

The 1935 session of the legislature featured an all-out assault by the farm organizations on Governor Berry’s gross income tax. Under Emil Loriks, who was elected president in 1934, the Farmers’ Union put its weight behind an ore tax aimed at the Homestake Mine—virtually the sole plank in its platform. The farm bloc in the legislature had been trying to impose a special tax on the well-managed and profitable Homestake since the mid-twenties, but the Homestake had been able to beat back all efforts. Its lobby was the biggest in Pierre. The legislators favorable to the mine had served longer than the Homestake’s enemies, the small farmers for whom service at Pierre was a burden that they often could not


endure for more than one or two terms; and the Homestake’s friends knew the arts of obstruction better.\(^51\)

But by the New Deal years the state’s perilous financial situation and the Homestake’s continuing prosperity amid general impoverishment, especially after Roosevelt had increased the price of gold in 1933-34, swelled the demand for an ore tax. To ensure that public opinion would penetrate the Homestake’s barriers at Pierre, the Farmers’ Union launched a campaign to gather enough signatures to force a referendum on the ore tax in the 1936 election. The Union would hold the petition as a club over the legislators. Fosheim and Loriks toured the state in the fall and winter of 1934 to set up local committees, which had collected more than twenty thousand signatures by the time the legislature convened in January 1935.\(^52\)

At the same time that the Farmers’ Union was pushing for the ore tax, the Farm Bureau backed a complementary program based on a net income tax that had rates ranging from 2 to 10 percent on personal incomes over $9,000 and on corporate incomes exceeding $250,000. Deductions were permitted for heads of families and for each dependent. The graduated net income tax and the ore tax had a common philosophy; both were efforts to place most of the tax burden on the wealthier interests and both were opposed to a gross income tax and a sales tax. The Farmers’ Union and the Farm Bureau supported each other’s program.\(^53\)

Despite the growing militance of the farm organizations, Governor Berry’s second inaugural address was a carbon copy of the first. Cautioning legislators not to “easily be tempted to look for easy cure-alls,” he urged a modified gross income tax. Economy was again the key word in a message advocating legalizing liquor, reapportioning the legislature, eliminating and consolidating local government units, and abolishing the state primary. He concluded by warning that

\(^{51}\) Loriks Interview; Fosheim Interview.

\(^{52}\) Thompson, “South Dakota Farmers Union,” pp. 78-79.

"widespread attempts at legislative remedies are likely to leave us worse off than they found us." Until high prices and good weather should return, "we are simply marking time in South Dakota." 54

But Berry could not stem the tide the Farmers' Union had summoned behind the ore tax. The Union was determined to thwart any tax program, including renewal of the gross income tax, which was to expire in 1935, that omitted the ore tax. Fosheim introduced a 10 percent ore tax modeled on the Minnesota mining tax. Despite Berry's personal appeal to the senate and house taxation committees to give careful consideration to the measure, the farm bloc under Fosheim quickly shut off debate in the house and forced through a 10 percent ore tax by a seventy-three to thirty vote early in the session, on 26 January. 55

Berry quickly realized that the Democratic lines would not hold in this session. Although still opposed to a sizeable ore tax, he announced on 29 January that he would support any equitable tax legislation. This amounted to the tacit acceptance of the net income tax, which had strong support in the party. A statehouse reporter noted the new mood among the Democrats:

It is probably natural that the Democrats should be less party conscious as time wears on. Two years ago the flush of victory made members feel for quite a time like one big happy family. Today, however, there have been quite a few scraps over patronage and there is a feeling among many office holders that they won their positions through their own merit, not through that of state and national leaders, with the result that they have an air of independence. 56

The Democrats wrangled for a long time over whether to support the gross or the net income tax. So heated was the dispute that some tried to bring in W. W. Howes, an old pro in South Dakota Democratic politics who was currently serving as Assistant Postmaster General, to mediate. After

Berry promised to “get behind” its choice, the senate-house taxation committee narrowly approved the gross income over the net income tax.\(^57\)

Despite Berry’s effort to rally support for it, which included a personal appearance before the house, the lower chamber overwhelmingly rejected the gross income tax seventy-three to twenty-eight. It was a clear-cut test of the legislators’ party loyalty against their sensitivity to outside interests. Representative Jess Kistler of Mitchell captured the mood of the legislature when he explained, “I was elected on the Democratic ticket, but I was also elected by the people of Davison County. I am going to vote for what I know they want regardless of any committee action or remarks of any public officials.” \(^58\)

The administration was more successful in the senate, which substituted for the house ore tax a measure that levied only a 5 percent rate and taxed merely the refined product instead of the ore itself. But the farm bloc held its lines in the house, which refused by a fifty-seven to forty-six vote to concur with the senate changes. \(^59\)

At this juncture, with the program of both the administration and the Farmers’ Union stalemated, Governor Berry publicly attacked Loriks and Fosheim. He charged that theirs was an untried bill that would not raise enough revenue; they replied that it was modeled on Minnesota’s tested mining tax. \(^60\) In a speech to the Young Democrats, Berry took note of the party’s shattered legislative ranks in a call for “Democrats who will stick together and not go off in every direction.” He implied that the party should be purged of rebels when he encouraged his listeners “to go out in the next campaign and select candidates who will stick to the Democratic Party to the last ditch.” \(^61\)

\(^{57}\) Ibid., 14 Feb. 1935, p. 1.


Toward the end of the session, the Democrats, needing a program to replace the expiring gross income tax, compromised on two bills. They enacted the Farm Bureau's net income tax to replace the gross income tax. The administration, however, was able to limit the tax on higher incomes to 8 percent and to add to the measure a sales tax that was expected to raise even more ($3 million) than the net income tax ($2 million).\(^6^2\) The ore tax of the Farmers' Union emerged from the house-senate conference committee a 4 percent gross tax on the unrefined ore. Fosheim recalled that he had conspired with another legislator who agreed to ask for a stiff ore tax from the conference. Then, Fosheim, the 'bête noire' of the Homestake, disarmed his opponents by suggesting the lower 4 percent rate, which the committee accepted.\(^6^3\) The legislature approved the conference version, which was expected to raise $640,000, a compromise between the $1,000,000 the Farmers' Union measure promised and the $500,000 expected from the senate bill and a significant increase over the $160,000 the mining companies were then paying to the state.\(^6^4\)

The final tax package presented by the 1935 session was, therefore, a compromise. Contemporary observers who considered the revenue program a complete victory for the farm bloc were not wholly correct. Yet, it embodied the Farm Bureau's net income tax and the Farmers' Union's ore tax, and it was a significant display of the muscle the farm bloc had when it was united and focusing its efforts in one area.

The farm progressives scored other successes as well. They obtained the renewal of the debtor relief legislation of 1933. This time they gained a two-year moratorium on real estate mortgages, instead of the one year gained in 1933. They obtained a tax on the middlemen who operated grain elevators. And the Farmers' Union scored a special success in

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63. Ibid., 27 Feb. 1935, p. 1; Fosheim Interview.
legislation separating the Farm Bureau from the extension program at the state agricultural college.\textsuperscript{65}

The progressives, joined by Republicans, struck a blow for civil liberties when they defeated a libel bill sponsored by the governor. Berry had been stung by harsh criticism of his policies, especially in relief. In 1934 he had instituted libel suits against two newspapers and a Republican spokesman that drew retractions from all three parties,\textsuperscript{66} and he had engaged in a shouting match with Ralph Hillgren, the \textit{Argus-Leader}'s statehouse correspondent, at one press conference and excluded him from another.\textsuperscript{67} The rejected libel bill applied only if an editor spurned a demand for a retraction, but it provided a mandatory jail sentence and a fine if a conviction was obtained.\textsuperscript{68}

In addition to the farm bloc, the federal government was the force for progressive legislation in South Dakota that it was in every state in the mid-thirties. On 1 March 1935, Federal Relief Administrator Harry Hopkins informed Governor Berry that the federal government had spent $24,432,688 on relief in South Dakota while the state government had contributed nothing. “I must insist,” he concluded, “that South Dakota make available state funds to the amount that they agreed upon as its fair share of relief costs since federal aid must be conditioned upon state cooperation in accordance with its ability.”\textsuperscript{69} However, South Dakota’s situation was not unusual. Every state was on a rigid austerity program, and most were hesitant to carry their share of relief contributions. In the closing hours of the legislature, on 8 March, Governor Berry, who was directing operations on the floor of the house and the senate, drove through a tax on the gross incomes of all wholesale and retail establishments.

\textsuperscript{65} Thompson, “South Dakota Farmers Union,” pp. 89-90.


\textsuperscript{69} Ibid., 1 Mar. 1935, p. 1.
doing business in the state, which provided three hundred thousand dollars for relief.  

The Public Works Administration sponsored legislation to clear the way for public power projects in the state. It obtained measures creating a South Dakota Electricity Corporation, which would have the authority to acquire and operate public power enterprises; authorized municipal operation of power enterprises; and permitted the formation of nonprofit power corporations for rural areas. 

Despite these successes, many progressive measures went down to defeat. The utilities companies were particularly successful in obstructing unfriendly bills. They blocked an administration effort to tax them when they marshalled against it a coalition of Republicans and, on the grounds that the tax would raise the electric rates of the farmer, the farm bloc. However, when farmers could be shown that a bill might mean lower rates, they supported it. The house approved measures compelling power companies to file for assessment purposes detailed reports on the amount and cost of the electricity sold in each city. The measures also required public authorities to fix the utilities rates on the same valuation that they returned for assessment purposes. Yet, both measures died in senate committee, ostensibly because of the last minute logjam.

Two progressive measures that were receiving attention in other state legislatures at this time were also beaten. The Berry administration loyally backed a state recovery act, to extend the NRA’s principles to firms that engaged only in intrastate commerce and were, therefore, not covered by the national act. Although the act required a minimum wage of only twenty dollars a week, permitted a maximum work week


72. Ibid., 1 Mar. 1935, pp. 1,2.

of fifty-six hours, protected the worker’s right not to join as well as to join a union, left it up to each industry to decide whether it wanted to adopt a code, and was limited to two years, it had no chance of passage. 74

While state recovery legislation failed to pass most of the legislatures that considered it in 1935, because of the popular revulsion against the NRA, such legislation would never have had much of a chance in South Dakota. Conservatives hated it as a symbol of the national New Deal. But progressives also voted against it: a superficially surprising but understandable reaction when one realizes that South Dakota progressives were also farmers who saw the NRA as a device to raise industrial prices at the expense of agriculture and considered it a symbol of regimentation and a threat to their individualistic values. The fifteen votes that Berry mustered in the senate for the bill came from his hard-core supporters. 75

In sum, the legislature in 1935 passed more progressive legislation than in 1933, but the session did not compare with those of the Progressive Era. The farm bloc obtained a tax on grain elevators, and the PWA pushed through public power bills. The mortgage moratorium measure was extended and liberalized, but it was still not as extensive as debtor relief legislation in neighboring states. After years of trying, the farm bloc forced through the ore tax, but only after strenuous efforts over the most vigorous opposition and only after accepting a rate reduction from 10 to 4 percent. They also obtained an income tax but had to accept a sales tax along with it.

In contrast to these progressive successes, the 1935 legislature proved quite conservative in several areas. The utilities beat back several efforts to regulate them. Because of financial problems, the state dragged its feet on relief until coerced by the federal government. And the progressives themselves helped to defeat the state recovery act. Although the 1935


75. Patterson, New Deal and the States, pp. 112-17; Argus-Leader, 1 Mar. 1935, p. 1.
Session was more progressive than the one in 1933, it was not as reform minded as the legislatures of the 1917-25 period.

Shortly after the end of the legislative session, in March 1935, Governor Berry had another opportunity to demonstrate his conservatism, when workers at the Morrell meatpacking plant in Sioux Falls, enraged because the company had disregarded seniority and included their union’s leaders in a layoff of 108 of its 1448 employees, struck and occupied the plant. When the company complained it would lose thousands of dollars if its meat was not loaded, Berry became the first governor in the state’s history to call out the troops during a labor disturbance. He mobilized the National Guard, which peacefully dislodged the workers.\(^\text{76}\)

When the strike continued and local authorities claimed that pickets were preventing nonstriking employees from working and were disrupting traffic, Berry again summoned troops and broke the strike. Berry’s performance won him the praise of the Argus-Leader and a demand from the union for his impeachment.\(^\text{77}\) His action gained widespread support in South Dakota and had many precedents in American labor history. But there were a growing number of governors in the 1930s, such as Floyd Olson of Minnesota, George Earle of Pennsylvania, and Frank Murphy of Michigan, who refused to call out the troops in similar circumstances, on the grounds that such action threw the state’s support to the employer.

Although the acquiescence of South Dakotans in the state’s interference in the Morrell strike illustrates Paul Johnstone’s contention that the farmer no longer identified with the urban laborer, there is evidence that in the hard times of the thirties a significant minority of farmers held on to the old Populist vision of solidarity between the farmer and the urban laborer against the vested interests of the businessman.\(^\text{78}\) Fosheim recalled that he brought provisions

\(^{76}\) Argus-Leader, 10 Mar. 1935, p. 1.

\(^{77}\) Ibid., 14 Mar. 1935, pp. 1,6.

to the Morrell strikers, and a conference of mostly rural progressives denounced, in 1937, the use of police in labor disputes. 79

The spring primaries in 1936 were the dullest in years. Although Tom Berry was defying South Dakota’s traditional two-term limitation on the governor and was less than popular with progressives, it was a measure of Berry’s personal popularity and his control of the party machinery that he won the Democratic nomination unopposed in the primary. Berry’s natural move in 1936 would have been to run for the U.S. Senate seat held by Democrat William Bulow. But Berry decided against a primary fight that would have torn the Democrats apart and would not guarantee that the winner could survive the general election. Berry may well have been aiming for the Senate seat of the ailing Peter Norbeck, which would be up in 1938.

On the Republican side, 1936 was a year for new faces. There was little competition for the Republican gubernatorial nomination, which went to Leslie Jensen, a forty-four-year-old businessman from Hot Springs who was relatively inexperienced in politics. Another businessman, Chandler Gurney, forty, soundly beat C. A. Christopherson, one of the old Republican regulars, in the primary for the senatorial nomination against Bulow. The congressional candidates were Karl Mundt, thirty-six, a former speech teacher at Eastern Normal, in the eastern district and Francis Case, forty, in the western district.

The most interest in the spring elections centered on the Republican presidential primary, where Senator William Borah of Idaho was challenging the front runner for the nomination, Governor Alf Landon of Kansas. Borah was trying to emulate the victory of his fellow progressive Senator Hiram Johnson of California against Calvin Coolidge in South Dakota in 1924. The primary was the closest that South Dakota Republicans came in the 1930s to a clear-cut conflict between their progressive and conservative factions. Borah prevailed on Senator Norbeck to lead his ticket, while the ex-governor

Warren Green headed the Landon slate. After a half-hearted campaign, for which the weakening Norbeck did not return to South Dakota and in which the national Landon organization showed little interest,\(^8^0\) Landon edged Borah 44,518 to 44,261.\(^8^1\)

The conservatives won another victory at the Republican state convention in May when they replaced S. X. Way, a progressive and a long time Norbeck ally and the publisher of the *Watertown Public Opinion*, as national committeeman. Yet, while the congressional candidates were a conservative group, gubernatorial candidate Jensen had urged the election in the presidential primary of a “progressive but sound choice”—a statement interpreted as a boost for Borah.\(^8^2\)

The 1936 campaign was expected to be one of the closest the state had ever witnessed. As economic conditions improved, farmers were returning to the Republican party. In August the Democratic National Committee declared that South Dakota “could be won by President Roosevelt only by a vigorous campaign...”\(^8^3\) In October the Gallup Poll showed Landon leading Roosevelt by 54 to 46 percent. And on 1 November the *New York Times* reported that “the indications are very definitely in favor of a Landon victory.”\(^8^4\) Since Roosevelt had run fifty thousand votes ahead of the Democratic state ticket and even further ahead of the congressional candidates in 1932, Republicans hoped for a clean sweep.

The correspondence of South Dakota Democrats with National Chairman Farley in 1936 throws some light on the problems they thought they faced. They noted the persistence of the old individualistic values with the growing antagonism to relief. “...The attitude of the people is such,” remarked one Democrat, “that more and more they are becoming

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dependent upon the Government to take care of them under all situations.” They also feared that a strong showing by North Dakota Congressman William Lemke (the presidential candidate of Father Coughlin), Doctor Townsend, and the remnants of the Long following would siphon votes from Roosevelt.  

Other Democrats reported that some of the older Lutheran ministers were telling their congregations that the drought of the mid-thirties was divine retribution for the destruction of crops and piglets under the AAA. Senator Bulow observed that “this will not affect the younger generation so much but the older members and the women members of these congregations may be quite affected.”

Like politicians in the 1970s, South Dakota’s Democrats were disturbed by the views of the news media and by the high cost of advertising. Bulow complained about WNAX, the most powerful radio station in the state and the only one permitted to broadcast at night. The partisan commentaries over WNAX of D. B. Gurney, the father of Chandler Gurney, rankled Bulow as did the charge of fifty dollars for fifteen minutes of air time quoted to him by the station. Bulow sought the help of Senators Joseph Guffey of Pennsylvania and Harry Byrd of Virginia in getting permission for KSOO in Sioux Falls to operate in the evenings during the campaign so that he could present his views.

The Republicans vigorously assaulted the Democrats in 1936. They attacked Berry’s record on relief so consistently that the Democratic candidates issued a statement denying that they had used relief for political purposes. The senatorial race centered on Bulow’s pro-New Deal voting record,

85. Ellsworth Evans to James Farley, 14 September 1936, Democratic National Committee Manuscripts; L. W. Bicknell to Farley, 7 September 1936, ibid.; William Bulow to Farley, 14 September 1936, ibid.

86. Herbert Hitchcock to James Farley, 22 August 1936, Democratic National Committee Manuscripts; William Bulow to Farley, 17 August 1936, ibid.

87. L. W. Bicknell to James Farley, 7 September 1936, Democratic National Committee Manuscripts; William Bulow to Farley, 17 August 1936, ibid.; Bulow to Joseph Guffey, 17 August 1936, ibid.

which Gurney attacked. Bulow, who would soon break with Roosevelt over court-packing and who would oppose Roosevelt’s aid to the allies against Hitler prior to Pearl Harbor, ran in 1936 as “Roosevelt’s friend and supporter.”

The Hildebrandt-Mundt race in the eastern congressional district was significant because here, at the outset of his political career, Mundt was charging the Democrats with being “soft on Communism,” the issue on which he would make a national reputation a decade later. He charged extravagantly that Linn Gale, “one of America’s most notorious and vicious Communists,” was an “office associate and counselor” of his opponent. Admitting that he had hired the man for about a month for some clerical work, Hildebrandt displayed a carelessness toward the dynamite in the Communist issue when he dismissed Mundt’s charges as “childish and picayunish.”

This cavalier attitude would boomerang to hurt liberals in the post-World War II era.

The 1936 election results were the least decisive of any election in South Dakota history. On the Democratic side, Roosevelt carried the state, Senator Bulow and Congressman Hildebrandt won reelection, and the party won most of the state offices. The Republicans, however, regained the governor’s and lieutenant governor’s offices and the western congressional seat and won control of the state legislature.

Roosevelt won a substantial victory over Landon by 160,137 to 125,977; Lemke received 10,338 votes. Yet, despite Roosevelt’s healthy 35,000-vote margin, his percentage of the total vote in South Dakota declined, from 63.6 in 1932 to 54.0 in 1936, while his percentage of the national vote was increasing from roughly 57 to 60 percent. In contrast to FDR’s 54 percent in South Dakota, North Dakota gave him 69 percent of its vote. In sum, the Roosevelt vote indicates that even at the high tide of the New Deal on the

92. Ibid.
national scene, the Republicans were reasserting themselves in South Dakota.

In the congressional races, the popular Bulow won a second term, although only by a plurality. In a three-way race he polled 141,509 to Gurney’s 135,461 and the 12,816 votes of Arthur Bennett, on the Lemke ticket. Although Fred Hildebrandt retained his congressional seat, Karl Mundt’s fine showing in losing by only 2,600 votes foreshadowed his later string of electoral successes. In the western district, Francis Case won back a House seat for the Republicans in a year when they lost fourteen House seats nationally. He defeated Theodore Werner by 34,812 to 32,549.  

On the state level, Governor Berry’s defeat, by 151,659 to 142,255, testified to the strength of the state’s animus against a third term for its governors. Although Berry was the most popular of the state’s Democrats, as he would demonstrate by running well ahead of the rest of the Democratic ticket in 1938 and 1942 in losing causes, he lost in 1936 while the Democrats were carrying most of the state offices. The ore tax also hurt Berry in Lawrence County, the home of Homestake Mine, where he had won 5,603 to 1,895 in 1934 but lost by 5,748 to 3,033 in 1936. The lack of enthusiasm for Berry by progressives also was a significant, although probably not a decisive, factor. The Democrats carried the other state offices, except for lieutenant governor, by margins ranging from 19,335, for commissioner of school and public lands, to 376, for attorney general.

The 1936 election was thus a mixed bag of successes and failures for both parties, but the long range trend favored the Republicans. Renewed prosperity was eroding Democratic strength as the voters returned to the Republican party. This would all become clear with the Republican avalanche in 1938.

Berry summoned a special legislative session that met in December 1936 to adopt measures to fulfill the requirements of the unemployment compensation provisions of the federal

93. Ibid., pp. 385-87.

Social Security Act. Conservative to the end, he opposed efforts to enact further legislation during the special session.  

During his lame duck period, Berry also had to appoint a successor to Senator Peter Norbeck, who had finally succumbed to cancer, in December 1936. Berry’s instinct was to resign, allowing the lieutenant governor to replace him and to appoint him to the Senate. Complicating matters was the arrest of Lieutenant Governor Robert Peterson on the charge of bank embezzlement on 19 December. Although Peterson had originally intended to resign, he changed his mind. Meanwhile, the Republican governor-elect and lieutenant governor-elect filed oaths of office, which, they argued, permitted them to assume office at once if both Berry and Peterson resigned. Berry, trapped by the prospect of being appointed to the Senate by a governor under indictment and by the possibility that Jensen might assume the governorship and appoint a Republican to the Senate, put aside his own ambitions and appointed Herbert Hitchcock, a Mitchell attorney and a Democrat, to serve out the remaining two years of Norbeck’s term.

Berry’s biographer, Joe Ryan, implied that the governor acted from principle by refusing to accept an appointment from “a man under a cloud.” Whether or not Berry’s motives were so pure, he really had no choice. Permitting Peterson to appoint him to the Senate would have been political suicide. Actually, even if Peterson had been clean, Berry would probably not have survived at the polls in 1938. When governors have entered the Senate by this backdoor route in recent decades, the voters have usually thrown them out at the first opportunity.

Leslie Jensen, who succeeded Tom Berry as governor in January 1937, held considerably more progressive political views than his predecessor. He was one of a group of

moderate Republican governors who came to power in 1936 and 1938, which included Harold Stassen in Minnesota, George Aiken in Vermont, and Leverett Saltonstall in Massachusetts. In his inaugural address, he advocated a taxation policy favoring the low income groups. He called the graduated net income tax the most equitable revenue-raising measure and urged a sales tax exemption on all food purchases of less than forty cents. To help small farm and home owners, he recommended a modest homestead exemption from the property tax and advocated a more liberal moratorium law, modeled on the statutes of neighboring states. He advocated renaming Custer State Park in memory of Senator Peter Norbeck. And he cautioned, after a decade of budget cutting, that the time had come to stop slashing funds for the state’s educational institutions. A conference of farm and labor leaders in January 1937 in Pierre essentially echoed Jensen’s tax program as well as asked for a 25 percent ore tax.

Jensen and the farm bloc had some success in getting progressive measures through the legislature. Fosheim obtained an increase in the ore tax from 4 to 6 percent, after prying it out of hostile senate and house committees, although the tax still fell short of his goal of 10 percent. A homestead exemption was written into the state property tax, which was reinstated to pay off rural credits bonds. And the farm bloc helped to defeat a strong effort to restore the death penalty in the wake of the murder of the state penitentiary warden. In accord with Jensen’s recommendations, the legislature extended the debtor relief legislation and approved South Dakota’s participation under the New Deal’s Soil Conservation and Domestic Allotment Act. The legislature also followed the national trend by loosening its purse strings. More prosperity, a greater demand for state services, and the

98. Patterson, New Deal and the States, p. 142.
fact that the harsh austerity of the early thirties was not feasible for any extended time led to the first appropriation increase of the decade. The 1937 legislature increased the budget by 10 percent over 1935 and, lured by the federal funds available under the Social Security Act, appropriated an additional $4 million for the state’s matching share, mainly under the old age assistance provisions of the act.\(^\text{101}\)

Yet the state’s basic conservatism remained an obstacle to many progressive measures. For the third year in a row the legislature overhauled its tax program and, despite the increase in the ore tax and the homestead exemption, put together a basically conservative package. It increased the sales tax from 2 to 3 percent, defeated an effort to exempt food purchases from the sales tax,\(^\text{102}\) and knocked down a proposed graduated land tax. The farm bloc itself joined conservatives to reject Jensen’s bid for a more steeply graduated income tax because he proposed to apply the Homestake’s payments against its obligations under the ore tax.\(^\text{103}\)

The legislature also demonstrated its conservatism in areas other than taxation. It made grants to the elderly, under its old age program, liens against their property, and the house increased slightly the number of members required to pry a bill out of committee.\(^\text{104}\) The senate decisively defeated a bill requested by Negroes that would have prevented discrimination by race in restaurants, stores, and hotels.\(^\text{105}\) And the legislature once again refused to ratify the Child Labor Amendment. Something of a backlash against youth contributed to the rejection of the Child Labor Amendment. During the debate, one legislator objected to political activity by college students, citing the “bright young squirts” of Columbia University who were then “drafting laws for

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102. Ibid., 5 Mar. 1937, p. 2.
Congress.” One last conservative fillip was the legislature’s refusal to rename Custer State Park after Senator Norbeck.\(^{106}\)

On balance, Jensen’s administration was no more progressive than Tom Berry’s had been, but neither was it significantly more conservative. And when the handicaps that Jensen and the farm bloc had to contend with are considered, the progressive element can be seen to have compiled a rather good record. In fact, the 1937 session was productive enough to win praise from a leading progressive organ, the *Mitchell Daily Republic*.\(^{107}\) The 1936 elections had demonstrated the resurgence of conservatism in South Dakota, a resurgence that gathered force in early 1937 as the nation reacted to the sit-down strikes and to FDR’s attempt to pack the Supreme Court. The farm bloc was considerably weaker than in the previous two sessions, and its ineluctable obsession with the ore tax prevented it from giving Jensen the support that would have put over a progressive net income tax. Considering these handicaps, the progressives were moderately successful in this session, when they added some progressive features to the tax package and beat back or modified some reactionary measures.

The 1938 election demonstrated that Jensen’s personal progressivism did not reflect the mood of the Republican party. In fact, it was a clear-cut contest between a conservative Republican state ticket and a progressive Democratic slate. Jensen tried for Norbeck’s old seat but lost to the conservative Chandler Gurney in the Republican primary. The party’s candidate for governor was State Chairman Harlan Bushfield, another solid conservative.

On the Democratic side, the party’s defeat in the 1936 governor’s race had shattered the Berry machine and had cleared the way for the farm progressives to make their weight felt in the party. Their two leaders, Oscar Fosheim and Emil Loriks, won the party’s nominations for the governor-


ship and Congress, respectively, in the spring primary. Now that the progressives had gained control of the Democratic party and the conservatives had cemented their dominance of the Republican party, some of the remnants of the Norbeck machine, led by S. X. Way and Enoch Norbeck, supported the Democratic ticket. In fact, although Governor Jensen unenthusiastically backed Bushfield, he told Fosheim that he personally preferred him.

Yet, the progressives had gained control of the party, too late. In the conservative resurgence of 1938, Fosheim lost to Bushfield by 149,362 to 127,485, and Loriks was beaten by Mundt, 111,796 to 95,353. Berry, running as a supporter of the national New Deal, lost to Chandler Gurney by 146,813 to 133,064.

The 1938 election was a watershed in South Dakota political history between the first four decades of the century and the more recent scene. It not only foreshadowed Republican dominance of the state for the next thirty years, but it also marked a change from the era when progressives and conservatives fought it out within the Republican party and when the Republican candidate was often more progressive than his Democratic counterpart to the current McGovern era when the Democratic candidate in a typical election is usually the more liberal.

In concluding this account of South Dakota politics in the 1930s, let us return to the original question: Why did the Democratic gains of 1932 and 1934 dwindle as early as 1936 and evaporate in 1938, and why were they unable to launch a “Little New Deal,” as other states did during the thirties? Some of the blame rests with Governor Berry, who could not unite the Democratic conservatives with farm progressives such as Loriks and Fosheim. A more progressive governor in the 1930s, a Langer or an Olson, without their eccentricities, could have appeased the progressives and kept the support of


109. Fosheim Interview.

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the regular Democrats. The regulars were unlikely to buck a winner, whatever his ideology, in a Republican state as long as he could deliver the patronage.

Berry might also have used the relief program more effectively to build up the party’s organization. Although he did construct a strong machine through the use of patronage in a state where party politics had generally been beyond centralized control, he did not do enough to drive Republicans out of local relief organizations. Berry’s tolerance did not prevent the Republicans from charging him with corruption in his administration of relief, which detracted from his efforts to build a more powerful machine.

Yet, even if Berry had purged Republicans from relief, the rest of the New Deal programs in the state would still have been honeycombed with Republicans. The reluctance of men like Henry Wallace and Harry Hopkins to give much weight to party affiliation in areas where most of the qualified persons were Republicans hampered the growth of the Democratic party in the prairie states.

For their part, the farm progressives were not guiltless. Like their Populist predecessors in 1896, they had real grievances but tended to focus too intensely on a single issue. Just as free silver in the 1890s was not the real answer to the farmers’ problems, a 30 percent ore tax on the Homestake in the 1930s was neither wise nor the main solution to the state’s financial problems. Although the farm progressives were right in forcing a 4 percent ore tax on the Homestake in 1935 and increasing it to 6 percent in 1937, they carried the issue to an extreme in the later thirties. Because they feared the slightest tampering with the ore tax, they provided the votes to defeat Jensen’s progressive proposal for a more steeply graduated net income tax. And when Fosheim made the 30 percent ore tax the main issue of his 1938 campaign for governor, he undoubtedly cost the Democrats the votes of many moderates.

Still, after one has explored all the alternatives he is forced to conclude that even a progressive governor, a purge of Republicans from the administration of relief, a national New Deal that was more responsive to the needs of state
Democratic organizations, and a more realistic farm bloc would not have radically reoriented South Dakota's politics. Under a more progressive governor the Democrats might well have pushed through a higher ore tax, a more steeply graduated income tax, and a more drastic debtor relief program as early as 1933. A Democratic governor might have held on until 1938. But that is about all that could have been done. They could not have prevented a Republican resurgence and the repeal or substantial modification of their progressive measures.

Indeed, to study South Dakota's history in the 1930s is to be impressed with how little the basic values of its people changed despite the catastrophe of the depression. The Democratic victory in 1932 did not mark the long term shift away from the Republican party that it did in eastern states. It was merely a sudden, but evanescent, outburst.

In South Dakota there was significantly more dissatisfaction with the national than with the local Republican party. As popular as he was, Tom Berry ran roughly fifty thousand votes behind Franklin Roosevelt in 1932 and 1936. The Republicans had no dearth of candidates in their primaries between 1932 and 1936 and, despite significant Democratic gains, maintained a substantial edge in registered voters. Despite two bad Republican defeats in 1932 and 1934, Congressman Werner reported in 1936 that "the republicans are 'lousy' with money and they are spending it in buying up newspapers and everything else."\(^{111}\)

Prosperity began to revive in the mid-thirties, as table 1 illustrates, and the voters started to turn again to the Republican party. The greatest Democratic success came in the economically disastrous year 1934, but by 1936, when farm income had risen, it was obvious that South Dakota was moving back toward the Republicans, even though the New Deal was at its height nationally:

Just as there was no basic shift in their party preference, South Dakotans underwent no real change in their basic values. Although the old individualistic values remained

\(^{111}\) Theodore Werner to James Farley, 28 September 1936, Democratic National Committee Manuscripts.
TABLE I

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Cash Farm Income</th>
</tr>
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<tbody>
<tr>
<td>1933</td>
<td>70,800,000</td>
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<tr>
<td>1934</td>
<td>80,400,000</td>
</tr>
<tr>
<td>1935</td>
<td>103,200,000</td>
</tr>
<tr>
<td>1936</td>
<td>116,900,000</td>
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<tr>
<td>1937</td>
<td>102,600,000</td>
</tr>
<tr>
<td>1938</td>
<td>107,800,000</td>
</tr>
<tr>
<td>1939</td>
<td>128,100,000</td>
</tr>
<tr>
<td>1940</td>
<td>140,000,000</td>
</tr>
</tbody>
</table>


strongest in rural states, this was true, to a degree, of the nation as a whole. William Leuchtenburg, in his excellent study of the New Deal, concluded that as prosperity returned Americans went back to “the only values they knew, those associated with an individualistic, success-oriented society,” with its distrust of strong government and of assistance to the unfortunate. While one may disagree with Governor Tom Berry’s conservatism, it must be conceded that he well understood the people of South Dakota when he said, in his second inaugural, “Just as soon as we get a normal year, when the rains come and the grasshopper is no longer a burden, no one will more quickly nor more cheerfully withdraw from federal and all other public relief than the independent South Dakotan....”

Despite all the benefits that the New Deal conferred on South Dakota—such as the relief grants, from which the state

received $46 per capita each year, while Connecticut, for example, was getting less than $15—its citizens were never comfortable with the New Deal. In January 1936, Senator Norbeck, an astute observer of the political mood of South Dakotans, remarked, "I well realize the State as a whole is not for the New Deal." 113 People raised on the notion that bigness is evil, whether in corporations or in government, resented the statism of the New Deal. Individuals who believed in the American ethic of self-help were not happy with the welfare state. Many, of course, never reconciled their beliefs with reality. They accepted federal money at the same time that they denounced the general principle of government assistance when other groups benefited. During the 1930s, when other states were expanding their wages-and-hours laws, ratifying the Child Labor Amendment, appropriating large amounts for relief, and protecting labor unions, none of these programs had a chance in South Dakota.

This story of South Dakota's politics in the 1930s, then, indicates that continuity rather than change characterized the state's response to the economic crisis of the decade. There was no substantial reform in South Dakota, because even the depression, which hit this state harder, perhaps, than any other, did not permanently shake its citizens' loyalty to the Republican party and caused no real change in their individualistic values.

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