The Crowded Field: Eight Men for the Senate

RALPH R. TINGLEY

Party factionalism, individual ambitions, and personal rivalries contributed in 1924 to a situation unique in South Dakota politics. The names of eight candidates vying for one seat in the United States Senate graced the November ballots. Beyond the multiplicity of candidates, the election contest was also marked by its longevity, an element aggravated by a complex primary system initiated by the Richards Primary Law of 1918. Under this law, the election process started on the second Tuesday of November in the preceding year so that almost twelve months passed before final office holders were elected.

The 1924 election, therefore, started on 13 November 1923, when every precinct elected three proposalmen for each party. Besides selecting county candidates, these proposalmen also chose three of their number from the county to assemble with other county delegations on 4 December to propose candidates and prepare a state platform for their party. At this state meeting in Pierre, each delegate had the power to cast votes totaling one-third the number of votes cast in his county for the party's gubernatorial choice in the preceding election. Proposalmen who dissented from the majority nomination could file an alternate slate. Any additional nonconformists were required to file as independents, without majority or minority sponsorship but with individual petitions that had endorsements representing at least 1 percent of the total number of votes cast for the party's

CHRONOLOGICAL OUTLINE OF THE 1924 ELECTION

November 13, 1923 - Precinct elections: To elect county proposalmen and a member of the county central committee.

November 20 - County proposal meetings: Made up of county proposalmen. To elect three state proposalmen.

December 4-State proposal meeting: Made up of state proposalmen. To promulgate party platforms and propose candidates for state, congressional, and presidential officers.

December 18-Last date for filing protesting proposals.

December 26 – Second county proposal meeting: Made up of county proposalmen. To propose candidates for county officers and to select and endorse a paramount state issue.

January 1, 1924 - Last day for filing majority, minority, or individual party proposals for county, state, and national officers.

February 23-Last day for filing individual petitions for supreme court and circuit court judges.

March 9-Last day for registration. No person allowed to vote at primary election unless party affiliation is registered with county auditor, or he shows by substantial affidavit that he is entitled to vote.

March 25—Primary Election: To nominate party candidates from majority and minority and individual proposals and, also, to elect party state central committeemen and delegates to the national convention.

April 22-Election of county chairmen.

August 5-Last day for filing independent nominations for state offices.

August 25-Last day for filing independent nominations for county offices.

November 4 – General election: To select county, state, and national officers from independent and party nominees.

SOURCE: Sioux Falls Daily Argus-Leader, 12 Nov. 1923.

candidate in the preceding gubernatorial election. The law was widely criticized for its complexity and because it "made it hard to get a real expression of the people in so far as candidates for office are concerned." Scornfully, the Aberdeen Evening News

1. South Dakota, Revised Codes (1919), vol. 2, sec. 7106-20; Sioux Falls Daily Argus-Leader (hereafter cited as Argus-Leader), 12 Nov. 1923; Sioux Falls Daily Press (hereafter cited as Sioux Falls Press), 9 and 20 Nov. 1923. Herbert S. Schell, History of South Dakota, rev. ed. (Lincoln: University of Nebraska Press, 1968), pp. 273-74, alludes to the persistent campaign that finally secured the temporary enactment of the Richards Primary Law in 1912 and its reenactment six years later as well as some alterations in the statute before 1924.

observed that it was a "strange thing...no South Dakotan . . . has listed the Richards primary as one of the seven wonders of South Dakota," and the Iroquois Chief chortled that a diagram prepared by Gladys Pyle, assistant secretary of state, made "reasonably plain the ten contortions necessary before the voter and the candidate gets squared around for the main event."2

Prior to the required state meetings, leaders of three parties, the Republican, Democratic, and Farmer-Labor, caucused in Huron to discuss platforms and candidates. While general consensus was apparent on some issues and candidates, numerous controversies passed unresolved to the Pierre assemblies, which convened on 4 December 1923. The presence of many uninstructed proposalmen added to the element of uncertainty, and talk of fusion of Democratic and Farmer-Labor forces for some offices further augmented the confusion as well as caused the Republicans some concern.3

318

In the Republican party, two men openly sought nomination for the Senate: Governor William H. McMaster and Senator Thomas Sterling, the incumbent. The former had indicated his aspirations in the summer of 1923 before Senator Sterling announced his desire to retain his seat. Sterling identified himself as favoring the reelection of President Calvin Coolidge, while McMaster, along with Senator Peter Norbeck, supported the presidential hopes of Senator Hiram Johnson of California.4 By a margin approaching two to one, the Republican proposalmen endorsed Coolidge, and then, in a surprising demonstration of independence and inconsistency, narrowly named Governor McMaster as the favored candidate for the Senate. Sterling's campaign manager, S. W. Clark of Redfield, accurately declared that the slighted senator would nevertheless enter the primary contest.5

Among the Democrats and Farmer-Laborites, fusionist groups caused conflicts. Ulysses Simpson Grant Cherry, a Sioux Falls at-

3. Sioux Falls Press, 1 and 2 Dec. 1923; Argus-Leader, 1 Dec. 1923; Iroquois Chief, cited in Sioux Falls Press, 1 Dec. 1923.

4. Argus-Leader, 1, 5, 12, and 27 Nov. 1923; Sioux Falls Press, 1, 2, 5, 18 Dec. 1923 and 23 Mar. 1924.

^{2.} Sioux Falls Press, 23 Dec. 1923; Aberdeen Evening News, cited in Argus-Leader, 13 Dec. 1923; Iroquois Chief, cited in Argus-Leader, 2 Nov. 1923. For other examples of criticism, see the Argus-Leader, 26 Nov. and 3 Dec. 1923.

^{5.} Argus-Leader, 5, 10, and 17 Dec. 1923; Sioux Falls Press, 5 Dec. 1923. The proposalmen, casting blocks of votes proportionate to the strength of the Republican vote for governor in 1922, gave 50,379 votes to Coolidge and 27,340 to Johnson. McMaster received 40,207 votes to Sterling's 37,827.

torney, suggested that the progressives of all three parties join to smash the South Dakota "machine," but progressive Republicans had no interest, and the Democrats were divided over their Senate nominee and presidential choice (most favored William G. McAdoo, but a small number urged the candidacy of Henry Ford). Within the Farmer-Labor ranks, fusion of progressives was blocked by the reluctance of Tom Ayres, state chairman, who faced revolt in his own party and did not favor taking the risk of being engulfed by the more numerous Democrats. Each group talked fusion on its own terms and castigated others for lack of cooperation. Only after delaying proceedings in Pierre, pending possible union with the Farmer-Labor party, did the Democrats complete their nominations, selecting U.S.G. Cherry, who had been the only one to publicly solicit the Democratic nomination for the Senate before the meeting. Competition, however, had soon appeared, and although Cherry won majority support, Mark P. Bates, a stockman from Letcher, filed for the primary as a minority Democrat.7 After similar delay, the Farmer-Labor machine moved through its agenda and chose Tom Ayres as its offering for the Senate.8

Disenchanted Democrats and Farmer-Laborites made the next move. Ford-Democrat James F. Houlihan of Watertown played an instrumental role in the framing of a fusion slate of minority factions of the two parties. This slate carried Mark P. Bates as its candidate for Senate; thus, Bates was running on two tickets. This group endorsed Henry Ford for president, a gesture without substance because Ford could not be persuaded to qualify for listing in the primary election.

After the Pierre meetings, attention in the 1924 election turned to the primary campaigns. The most vigorous campaigners were the Republicans Sterling and McMaster. There were differences in opinion as to the probable winner in this race, and the added inducement of the record of the past, which in-

^{6.} Argus-Leader, 11 Dec. 1923; Sioux Falls Press, 1, 2, 5, 6, 15, and 21 Dec. 1923.

^{7.} Argus-Leader, 27 Nov. 1923; Sioux Falls Press, 11, 27, 28 Nov. and 6 Dec. 1923. The Democrats selected William McAdoo for their presidential majority choice by 39,018 votes to Henry Ford's 5,072. The Farmer-Labor proposalmen also disappointed the Ford supporters by endorsing Senator Robert LaFollette of Wisconsin, 31,999 to 7,247.

^{8.} Sioux Falls Press, 5 and 6 Dec. 1923.

^{9.} Argus-Leader, 5, 6, 7, and 11 Dec. 1923; Sioux Falls Press, 20 Nov. and 5, 6, 7 Dec. 1973. Bates, a former Nonpartisan League leader, had been Farmer-Labor candidate for governor in 1922.

320

dicated that in general Republican candidates had the edge in November contests, gave impetus to the candidates' efforts. During the first week of February, Governor McMaster opened his primary campaign, and Senator Sterling returned to the state from Washington in the middle of the month for his intensive efforts. Both men covered the state in a contest that one reporter called "one of the biggest and most bitter of [the] primary campaign." 10

Senator Sterling encountered criticism on several scores. His vote against a soldiers bonus brought fire despite his promise to support a new measure, which, he said, he could conscientiously endorse. The McMaster faction identified the incumbent with the "eastern bloc" while promising that should the governor move to the Senate, he would join the "farm bloc." The governor attacked numerous other bogies currently popular in the state, including operators of eastern anthracite mines, the farm machinery trust, the Esch-Cummins law, the Federal Reserve system, tariff provisions alleged to bear adversely upon farmers, and Secretary of the Treasury Andrew Mellon for tax proposals that would ease the burdens of the wealthy. Not all these sinister issues could be directly linked with Sterling, but the senator's open support for President Coolidge served as a basis for assuming his sympathy for all those things opposed by McMaster, who still supported Senator Hiram Johnson's bid for the Republican presidential nomination. 11 Johnson himself came to the state for a series of speeches in which he boosted his own candidacy while urging that McMaster be sent to Washington to "back up the things for which Norbeck stands . . . for the interests of [the] west."12

Senator Sterling, meanwhile, naturally pointed with pride to his Senate record. Responding to the governor's attacks, Sterling hit at the high cost of the McMaster state administration and launched into an area that served to enliven both the primary and the final campaigns—South Dakota's so-called gasoline war. Beginning in August 1923, Governor McMaster had periodically authorized sale of state stocks of gasoline at prices below those of private dealers when the latter engaged in what the governor

^{10.} Argus-Leader, 2 Feb. 1924; Sioux Falls Press, 3, 10, and 15 Feb. 1924.

^{11.} Argus-Leader, 13, 15 Feb. and 14 Mar. 1924; Sioux Falls Press, 5, 10, 14, 22, 23, 24 Feb. and 23 Mar. 1924. The McMaster forces also attacked Sterling for voting against the ousting of Michigan senator Truman H. Newberry who was charged with excessive spending in a 1918 primary campaign against Henry Ford (Flandreau Enterprise, cited in Sioux Falls Press, 16 Nov. 1923).

^{12.} Aberdeen Evening News, 18 Mar. 1924.

McMASTER SAYS THAT GAS PRICE IS ROBBERY

Orders State Gas Sold at 16
cts until Prices become
Reasonable

Pierre, S. Dak., Aug. 7: Characterizing the price of gasoline in South Dakota as "highway robbery." Governor McMaster this afternoon ordered the state warehouse at Mitchell to sell gasoline to the public at 16 cents a gallon and calls on the people of the state to form associations to purchase the product by carload lots "until such time as dealers cease their policy of geeed and avariage."

Both of these newspaper items appeared on the front page of the Quinn Courant, 9 Aug. 1923.

THE HIGH

PRICE OF GAS

While long satisfied that the Standard Oil Co. and other oil concerns were not selling gas at a loss, the order of Gov. McMaster for the state store house at Mitchell to sell gas at 16 cents comes as a big surprise. Gas retails at Quinn for 29 cents. The local dealers get about i centa a gallon for handling it, a not unreasonable profit. Quinn is nearer the gas supply than Mitchell, so it can be laid down here as cheapiy as there, at least.

The state will lose nothing in selling at 16 cents, in fact, it is reasonable to suppose it will make a profit. This means that the Oil Companies are making a profit of at least nine cents a gallon, and probably more.

It is evident that the contention of the oil companies that the high price of gas is due to its scarcity and the great demand is camaflouge. It is due to the fact that the people are ignorant as to cost and supply, and the oil companies price is made "regardless of cost."

considered gouging. Contrary to the contention that his procedure was a blow against big oil interests, Senator Sterling and other critics of the program insisted that in the long run the state sales helped the giant corporations at the expense of small dealers and without lasting benefit to consumers. Recriminations flew as each faction professed to be against the "interests" and for the consumer. Finally, the prohibition issue entered into the fray as the two candidates blamed each other for shortcomings in enforcement. 13

In the Democratic and Farmer-Labor contests, Cherry and Ayres, both challenged by Mark P. Bates, could expect with some certitude the victories that would put their names on the final ballots. Although Bates was a political veteran and his ticket had the aid of a series of speeches by Frank Comerford, a Chicago attorney, he could hardly hope that with his vote divided by his double listing he could topple either of his opponents. Yet, for each candidate, there were elements of personal pride involved and an awareness of the effect that the size of one's vote in the spring might have on the fall election. Ayres, ably assisted in his

13. Argus-Leader, 13 Nov., 6 Dec. 1923 and 25 Feb., 3 Mar. 1924; Sioux Falls Press, 7, 10, 26 Feb. and 4, 23 Mar. 1924; "Twenty-Third Annual Review of the Progress of South Dakota, 1923," South Dakota Historical Collections 12 (1924): 565; Aberdeen American News, 21 Mar. 1924.

322

campaigning by Alice Lorraine Daly, a formidable Farmer-Labor spokesperson and now state chairperson, declined a proposal by Bates for debates, alleging that Bates's motivation "was based entirely upon personal grounds." 14

Into this three-cornered struggle, the South Dakota Supreme Court injected a new factor. The court interpreted the primary law as prohibiting the name of a candidate from appearing more than once on a ballot for the same office. Adjustments were made in some county offices, but by the time of the ruling, the ballots were printed and Bates continued to be a double-listed candidate. Ayres asserted that any vote for the minority Farmer-Labor candidate would be void, but others insisted that, in keeping with earlier cases in which judicial rulings came after ballots were prepared, the electioneering and voting could continue without alteration. ¹⁵

Ayres determined in his campaign to emphasize that farmers needed to look elsewhere than to the old parties. Farm distress was acute, and even the farm bloc in Congress was essentially unsuccessful in its efforts for farm legislation. The importance of the farm vote was axiomatic and was well expressed by the *Chester Tribune* when it observed that at the Pierre meetings, nominating speeches "for practically every candidate related how he had either been born on a farm, raised on a farm, or had worked on a farm; or at some time had at least seen a farm." 16

Cherry gave addresses on college campuses and elsewhere in support of the World Court, on which subject, said one writer, he was "recognized as an expert" as well as on "international relations." The campaign, however, demanded that he discuss more than an approach to foreign affairs, for attacks came from James Houlihan over the failure of fusion between the majority Democrats and the schismatic Farmer-Labor group. Beyond the question of who was to blame for the breakdown of cooperation, the dispute was expanded to include the issue of McAdoo's candidacy, which the Houlihan-Bates bloc opposed.¹⁷

The embattled candidates waited for election results on a rainy

^{14.} Argus-Leader, 18 and 21 Feb. 1924; Sioux Falls Press, 11, 20, and 21 Mar. 1924; Iroquois Chief, cited in Argus-Leader, 23 Feb. 1924.

^{15.} South Dakota, Revised Codes (1919), vol. 2, sec. 7241; Argus-Leader, 4 and 5 Mar. 1924; Sioux Falls Press, 29 Feb. and 6, 8, 9, 11, 23 Mar. 1924.

^{16.} Chester Tribune, cited in Sioux Falls Press, 13 Dec. 1923. See also Sioux Falls Press, 19 Dec. 1923.

^{17.} Argus-Leader, 1 Mar. 1924; Sioux Falls Press, 12, 13 Jan. and 9, 13, 19, 22, 24 Feb. 1924.

323

25 March. The returns were decisive with Senate races decided well before the last precinct reported. Governor McMaster with 45,213 votes eclipsed Sterling with 32,292, carrying fifty of the sixty-eight counties in which voting took place. Further vindication of McMaster's challenge to Sterling came in the victory of Republican delegates to the national convention who supported Hiram Johnson. The twice-listed Bates fell to Democrat Cherry, 3,276 to 7,103, but he nevertheless ran ahead of Cherry in nine counties. Cherry's votes afforded little comfort to Democrats because their total was minute—for example, they totaled 6 votes (Cherry 5, Bates 1) in Campbell County, while the Republicans rolled up a combined score of 1,057. Bates did slightly better as a Farmer-Labor hopeful: his 1,542 votes looked more respectable from a percentage point of view beside the 2,827 garnered by Tom Ayres. 18

In a three-way November contest, the primary indications suggested certain victory for Governor McMaster because the Farmer-Labor column was more likely to draw votes from Democratic ranks than from among Republicans. But, South Dakota was not to have even the comparative quiet of a triangular race for the Senate. Friends of Senator Sterling suffered rebuff when they urged him to run as an independent candidate, but other would-be candidates were less reticent. Continued schism in the Farmer-Labor ranks mandated a slate to rival that on which Tom Ayres ran, and, to the surprise of no one, Mark P. Bates entered the lists.19 Accentuating the struggle between Bates and Ayres was the hope of each candidate and his colleagues that he might secure the endorsement of Senator Robert M. LaFollette, who was widely heralded as an independent candidate for president. The Bates faction and the Ayres Farmer-Labor group both endorsed LaFollette. Only personal intervention by Philip LaFollette, son of the candidate, persuaded the rival groups to subordinate their individual ambitions and

^{18.} Aberdeen Evening News, 25 Mar. 1924; Argus-Leader, 25 Mar. 1924; Sioux Falls Press, 26 and 28 Mar. 1924; "Twenty-Fourth Annual Review of the Progress of South Dakota, 1924," South Dakota Historical Collections 13 (1926): 530. Primary campaign expenditures were as follows: McMaster, \$7,526; Sterling, \$3,917 (plus \$8,542 spent by his committee); Cherry, \$833.01; Ayres, \$76.46; Houlihan fusionist group supporting Bates, \$1,570; Coolidge organization, \$30,792; Hiram Johnson group, \$16,057 (Argus-Leader, 25 Apr. 1924; Sioux Falls Press, 22, 25, and 26 Apr. 1924).

^{19.} Madison Daily Sentinel, 9 July 1924; Aberdeen Evening News, 9 July 1924; Argus-Leader, 29 Mar. and 21 July 1924; Sioux Falls Press, 9 and 13 July 1924.



William H. McMaster

field a single slate of LaFollette electors so that the LaFollette vote would not be divided. On other candidates, agreement failed, and the Ayres-Bates rivalry continued. Meanwhile, LaFollette maintained his independence to the point of refusing to endorse any state candidate while at the same time capitalizing on their willingness to support him. Even when LaFollette spoke in Sioux Falls in October and Tom Ayres was one of several candidates on the platform, LaFollette reiterated his intention to remain neutral. Both Ayres and Bates spoke at separate LaFollette

325

rallies and tried by association to benefit from the LaFollette boom, which for a time seemed strong enough to snatch the state away from the Republicans.²⁰

Even while the Farmer-Labor fusionists were launching Bates's candidacy for the Senate, other aspirants appeared. During the primary campaign, George W. Egan, a flamboyant and colorful Sioux Falls lawyer, had attacked McMaster and urged the nomination of Sterling and Coolidge. Egan, a controversial figure with a sizeable personal following, had a long record of involvement in law suits and was, at the time of the election campaign, appealing his conviction on a charge of fraud arising from collection of insurance money after the destruction of property by fire. Senator Sterling had disavowed Egan's earlier support: "I . . . recognize . . . his right to take any part in the campaign that he may wish," said Sterling, "but I want it understood that I have not solicited his support or cooperation in any way, directly or indirectly."21 Undaunted by this rebuff, Egan had continued his tour, including an Aberdeen address at the Orpheum theater "after the first performance of the movies," where he again attacked the governor and endorsed the incumbent senator. He wound up the primary by addressing an estimated five thousand in Sioux Falls where, besides castigating McMaster, he praised those he called the "lovely women" of the city. After the primary (and with temporary success in his fight against his legal conviction), Egan threw himself into the race for mayor of Sioux Falls despite his earlier protestations that he sought no office. He ran first in a three-way contest for mayor, but in heavy voting in a run-off election, he was defeated by Thomas McKinnon.22 Even while campaigning for mayor, Egan revealed to an audience that he wanted "to go to the United States senate for South Dakota," but at the same time, he declined to say in what year he might seek that office, although he inferred that success in the race for mayor might precipitate an immediate bid for the Senate as an independent.23 Defeat rather than victory became the spur to run

^{20.} Argus-Leader, 13 Aug. and 17, 18 Oct. 1924; Sioux Falls Press, 9 July and 9, 18 Oct. 1924; Evening Republican (Mitchell), 8 and 18 Oct. 1924; Madison Daily Sentinel, 9, 18, and 23 July 1924; Aberdeen Evening News, 9, 10, 23, 25, and 26 July 1924; Aberdeen American News, 20 and 27 July 1924.

^{21.} Sioux Falls Press, 20 Mar. 1924.

^{22.} Aberdeen American News, 26 Apr. 1924; Aberdeen Evening News, 21 Mar. and 22 Apr. 1924; Argus-Leader, 4, 7, 13, 14, 25 Mar. and 10, 16, 22, 23 Apr. 1924; Sioux Falls Press, 22 Feb. and 5, 15, 20, 24, 25 Mar. 1924.

^{23.} Sioux Falls Press, 12 Apr. 1924.

326

for higher office, and in the middle of June, he began circulating nominating petitions. He announced that the formal opening of his campaign would be on Independence Day at Lake Campbell. where for several years there had been "an annual Egan Day celebration where he [was] the guest of honor." Egan's platform called for higher pensions for veterans of the Civil and Spanish-American wars (but nothing was said about those of the World War), stabilization of farm prices, continued separation from the League of Nations, and a checking of the influence of capital on legislation. He urged enforcement of the Volstead Act as long as it remained the law. Denouncing the Ku Klux Klan, which was active in South Dakota, he asserted that he was the only Senate candidate to do so. Like most candidates, he advocated lower taxes for the small taxpayer, the workingman, and the farmer. Although Egan supported Coolidge, his platform accorded only partially with the president's position, and, strangely enough, he won the support of former Senator Richard F. Pettigrew, a bitter critic of Coolidge and an active worker for LaFollette. Egan spoke widely and directed his major attacks against McMaster, whom he charged with working hand in hand with Standard Oil and with depositing state funds in banks already known to be insolvent. His challenge for a series of debates with the governor fell upon deaf ears.24

Five candidates were now in the running for the Senate, and two additional candidates, likely to draw votes primarily from McMaster, soon appeared. Watertown resident Don Livingston announced first. Livingston had served under Governor Peter Norbeck as state marketing commissioner, and during the World War, Herbert Hoover had chosen him to buy and ship relief goods, a task which took him to Russia. Livingston claimed that he had had a major role in securing higher prices for wheat, corn, and hogs, as well as in arranging for boxcars for the shipment of South Dakota's 1917 corn crop. Like Egan, Livingston pledged support to Coolidge. He promised active campaigning "before September 25" with plans for few addresses to interrupt personal visits with voters. Livingston's campaign, however, was shortlived, and despite late efforts to solicit support, he withdrew from

^{24.} Madison Daily Sentinel, 4 and 21 July 1924; Aberdeen Evening News, 9 July 1924; Rapid City Daily Journal, 31 Oct. and 1 Nov. 1924; Pierre Daily Dakotan, 18 Oct. 1924; Evening Republican, 1 Nov. 1924; Argus-Leader, 12 Apr., 28 June, 19 July, and 31 Oct. 1924; Sioux Falls Press, 7 Dec. 1923 and 12, 13 Apr., 15, 29 June, 20 July, 15, 31 Oct. 1924; Volin Advance, cited in Sioux Falls Press, 28 Sept. 1924.

the race on 25 October. His retreat supported contentions that he had designed his candidacy as "spite work" to sap strength from McMaster, to whom he was reputedly "notoriously unfriendly." In quitting the race, he reaffirmed his support of Coolidge while calling upon his friends to help elect U. S. G. Cherry, the Democrat.²⁵

The seventh to announce for the Senate was yet another Republican—who perforce filed as an independent. With his wife as his manager, Charles Hall Dillon of Yankton, almost seventy-one years old and a justice of the state's highest court, offered himself to the voters. Declining to step down from the bench, Dillon defied the state's constitutional prohibition against a judge being "elected to any other than a judicial office... during the term for which he was elected such judge." On his behalf, he cited decisions in similar cases in other states that the "United States constitution by prescribing certain qualifications for... senators... excludes all others," but critics, including Governor McMaster, persistently aired the issue, and it plagued him throughout the campaign. ""

"The constitution," said Justice Dillon, further relying upon the federal document, "is my platform, the welfare of the people, integrity of officers in office and honest political service is my aim." More explicitly, he fashioned numerous planks including a bonus for veterans, reductions in income tax rates, repeal of the Esch-Cummins act, the right of farmers to fix prices, "amended and efficient child labor acts," and "real service for the state and federal government." Aggressively, Dillon trumpeted the information that he alone among state officials had declined a monthly expense allowance. The law, denounced by Dillon as unconstitutional, authorized annual payment of up to \$1,800 for expenses incurred as a result of residing in Pierre. His strict reading of the

^{25.} Evening Republican, 14 Oct. 1924; Madison Daily Sentinel, 2 and 25 July 1924; Aberdeen American News, 26 Oct. 1924; Argus-Leader, 2, 8, 24 July and 27 Oct. 1924; Sioux Falls Press, 2, 3, 9, 25 July, 24 Aug., 6, 7 Sept., and 14, 26 Oct. 1924; Pierre Capital Journal, cited in Sioux Falls Press, 9 July 1924; Hudsonite, cited in Sioux Falls Press, 30 July 1924; Volin Advance, cited in Sioux Falls Press, 8 July 1924; Pierre Daily Dakotan, 28 Oct. 1924.

^{26.} South Dakota, Constitution, Art. 5, sec. 35.

^{27.} Sioux Falls Press, 2 Aug. 1924.

^{28.} Ibid., 5 Aug. 1924.

^{29.} See South Dakota, Laws (1921), chap. 400, p. 538. Earlier legislation (South Dakota, Revised Codes [1919], vol. 2, sec. 5131) provided a maximum of \$50 per month in expenses.

328

constitution in this regard had already saved the state \$3,150. The governor, on the other hand, Dillon declared, had availed himself of the opportunity to claim expenses. Judge Dillon, true to his usual Republican affiliation, endorsed President Coolidge although, at the same time, he admitted he could not always agree with the occupant of the White House. The combination of his platform provisions and his support of President Coolidge induced wry observations from opponents and the press. The Wentworth Progress feared identification with Coolidge would lose progressive votes. The progressive trend of Dillon's platform struck one editorialist as being like that of LaFollette—except that Dillon said he stood on the constitution, which LaFollette was charged with attacking because of his plan to permit reversal of Supreme Court decisions.³⁰

Ironically, one of Dillon's erstwhile supporters, Richard O. Richards, was displeased with the justice's decision to run for the Senate. Publicly, Richards deplored the possibility that such an able jurist might vacate the bench. But, although Richards cited decisions in which he thought Dillon's opinions were superior to those of some others of the court, many voters knew that Richards was a Bates supporter, and they suspected that Richards might be less solicitous of the quality of the court than of the support that might shift from Bates to Dillon. Indeed, one story that enjoyed brief popularity was that Bates would withdraw in favor of Dillon. Some critics charged Dillon with conspiring against incumbent justices seeking reelection, and others undercut Dillon by reporting that he would drop out of the contest. The candidate denied all these rumors, and while he assured Richards and the public that the Senate offered "greater opportunity for service," he continued to clutch his judicial robes tightly as a hedge against his probable inability to secure the toga of a senator.31

As if seven candidates offered too lean a range of choice, rumors of additional candidates made their rounds. Of these, one

^{30.} Argus-Leader, 17 July, 2 Aug., 6, 22 Sept. and 28 Oct. 1924; Sioux Falls Press, 5, 19, 20, 30 July, 1, 2, 5, 26 Aug., 6 Sept., and 19, 28 Oct. 1924; Canistota Clipper, cited in Sioux Falls Press, 9 Aug. 1924; Aberdeen Evening News, 19, 22 July and 28 Oct. 1924; Evening Republican, 17, 28, 31 Oct. 1924; Rapid City Daily Journal, 28 Oct. 1924; New Era (Parker), 11 Sept. 1924; Wentworth Progress, cited in Sioux Falls Press, 18 Sept. 1924.

^{31.} Aberdeen Evening News, 28, 29, and 30 Oct. 1924; Evening Republican, 11, 15, 29, and 30 Oct. 1924; Rapid City Daily Journal, 1 Nov. 1924; Argus-Leader, 4 Aug. and 29 Oct. 1924.

329

had the ring of truth—and Henry L. Loucks became senatorial candidate number eight. Loucks, seventy-eight years old, had been variously affiliated in times past with several parties and was high in the Farmers' Alliance, even serving as national president of the Southern Alliance. Unsuccessful in earlier bids for public office, Loucks determined to stand again.³² Like both



Sioux Falls Daily Press, 26 Oct. 1924.

Ayres and Bates, H. L. Loucks gave his blessing to the platform and presidential aspirations of LaFollette. Loucks recalled that in

32. Alan L. Clem, Prairie State Politics: Popular Democracy in South Dakota (Washington, D.C.: Public Affairs Press, 1967), pp. 22, 24, 27; Schell, History of South Dakota, pp. 226-28, 233, 241; Madison Daily Sentinel, 28 July 1924; Argus-Leader, 28 July and 4, 5 Aug. 1924; Sioux Falls Press, 6 June and 2, 5 Aug. 1924. In addition to the eight candidates who ran, Colonel Mitchell L. Shade of Mitchell and former governor Charles N. Herreid were also mentioned as possible candidates.

330

1914, LaFollette had endorsed him for United States senator, but in 1924, it was Loucks who gave support while LaFollette kept his peace. While giving "full endorsement [to] the platform of Robert M. LaFollette," Loucks explained that he would "concentrate on the single issue of financial reform." His principal goal was to end payment of interest on borrowed money. "Any charge for its use in excess of the cost of administration," said Loucks, "is a tax that must be paid for by the producer or consumer." Rent on property representing invested money was acceptable, but he condemned interest on money itself.³³

Among the several candidates with little or no recognized hope of election, Tom Ayres, bearer of the Farmer-Labor standard, expended the greatest efforts to gain votes. Beginning in September, the Farmer-Labor party sent what it designated a "flying squadron" of six speakers, including Ayres, about the state appealing for support for the party and for Senator LaFollette, with whom the Farmer-Laborites continued to identify themselves. During the last few weeks on the hustings, speakers traveled alone or in smaller parties for broader coverage of the state. Senator Magnus Johnson of Minnesota and Parley Parker Christiansen, 1920 presidential candidate of the Farmer-Labor party, invaded South Dakota on behalf of the third party, and always there were the tireless appearances and speeches of Alice Lorraine Daly. Ayres leveled his barrages primarily at Cherry and McMaster, with the latter receiving the heavier assault aimed at his record in Pierre. The "gas war" was late, according to Ayres, and the large companies were not hurt. Both major party candidates, he charged, avoided discussion of the great national issues, and claiming the opponents were essentially "in harmony" on principal matters, Ayres dismissed the idea of Cherry-McMaster debates as being like "a fixed prize fight." He attacked the state's participation in a Defense Day observance as imperialistic, and all together, he tried to make clear that he offered a genuine alternative to the usual political fare in the state.34

^{33.} Sioux Falls Press, 8 Oct. 1924. See also Argus-Leader, 9 Sept. and 8 Oct. 1924; Sioux Falls Press, 9 Sept. and 5 Oct. 1924; Redfield Journal-Observer, cited in Sioux Falls Press, 17 Sept. 1924; Garretson News, cited in Sioux Falls Press, 14 Oct. 1924.

^{34.} Aberdeen Evening News, 25 and 31 Oct. 1924; Rapid City Daily Journal, 21 Sept. and 1 Oct. 1924; Argus-Leader, 2, 16, 17, 22 Sept., 25, 30 Oct., and 4 Nov. 1924; Sioux Falls Press, 26 Aug., 9, 17, 21, 25 Sept., and 25, 28, 30 Oct. 1924.

331

Despite the apparent confusion of the octagonal contest for the Senate seat, most political students agreed that the real race lay between the official Republican and Democratic candidates, William H. McMaster and U. S. G. Cherry. The impact of the other six was limited to the possible damage they might inflict by taking votes from the two front runners. With Livingston, Dillon, and Egan all supporting Coolidge, Governor McMaster stood to lose votes of staunch, regular Republicans. Further doubt fell upon claims of Republican unity when newspapers revealed that both Governor McMaster and Senator Norbeck had absented themselves from a party meeting in Huron in July. Most of the Republican leadership endorsed McMaster, but there were dissidents who were biding their time. McMaster, originally a Johnson supporter, was not being clear about his presidential preference. As late as the second week of September when McMaster visited Sioux Falls, he declined an interview by a possibly hostile reporter of the Sioux Falls Press. "So the reporter left," the Press wrote, "not knowing whether the governor will support President Coolidge or Senator LaFollette in the campaign."35

Republican vice-presidential candidate Charles G. Dawes helped force a decision from McMaster. Dawes agreed to speak in Sioux Falls in September, and in the face of this event, McMaster and other straddlers found themselves compelled to speak out. Enjoying the discomfort of Johnson Republicans, the Democratic state chairman, Louis N. Crill, observed with understandable exaggeration that McMaster was in training for the "three legged race" with "one foot on the Coolidge band wagon, one foot on the Davis platform and the other firmly holding down the end of the string of the LaFollette kite."36 Senator Norbeck conciliated party regulars by presiding at the Dawes rally and by declaring his support. Even more dramatic for the thousands in the Sioux Falls coliseum and the uncounted radio audience was Governor McMaster's capitulation. The governor arrived late and ringingly pledged his support to the party slate from top to bottom. But to some listeners, the promise had a hollow ring when McMaster

^{35.} Sioux Falls Press, 10 Sept. and 19, 24 July 1924; Argus-Leader, 18 and 19 July 1924; Pierre Capital Journal, cited in Sioux Falls Press, 1 Nov. 1924; Volin Advance, cited in Sioux Falls Press, 17 Sept. 1924.

^{36.} Sioux Falls Press, 19 Sept. 1924. John W. Davis was the official Democratic candidate for president.

332

added that he would join the farm bloc in the Senate, which many party stalwarts viewed with mistrust.37

Continuing his policy of putting local interests ahead of possible national party views, McMaster refrained from talking about Coolidge and, instead, emphasized what he judged South Dakotans preferred to hear. Repeated barbs were cast at Standard Oil, International Harvester, and the coal trust. He demanded lower freight rates and stabilized prices for farm products. His apparent alienation of conservative Republicans led the New York Times to suggest that if McMaster won the election, it would "be by LaFollette votes." Like Norbeck, editorialized the Evening Republican of Mitchell, McMaster would be called a

"red" when he went to Washington.38

Various critics issued allegations charging McMaster with maintaining a slush fund and other questionable practices. Pierre publisher John E. Hipple charged that one of his paper's employees was simultaneously listed as a state employee, and that other state officials and employees were reputedly crisscrossing the state with the message of the governor's virtues.³⁹ The editor of the Miller Gazette characterized one of these appointees, Colonel Chester M. Leedom, state highway commissioner, as someone who "possesses a loud voice and is rather careless of making statements during the heat of a campaign."40 In addition to Leedom and others from the state, McMaster had the support of Charles H. Burke, commissioner of Indian Affairs, who arrived from Washington on vacation at an opportune time to make "a trip of political inspection." In a series of speeches, he tried to rally South Dakotans to the entire G. O. P. slate.41

Just as McMaster saw U. S. G. Cherry as the man to beat, Cherry also deemed it expedient to concentrate his attack upon McMaster while ignoring the other six candidates. Cherry challenged McMaster to meet in a series of debates, but

^{37.} Ibid., 19 and 20 Sept. 1924; Evening Republican, 20 Sept. 1924; Rapid City Daily Journal, 20 Sept. 1924; New York Times, 20 Sept. 1924; Argus-Leader, 19 and 20 Sept. 1924.

^{38.} New York Times, 28 Oct. 1924; Evening Republican, 22 Sept. 1924. See also Argus-Leader, 28 Oct. 1924 and Sioux Falls Press, 24, 26, 29, 31 Oct. and 1 Nov.

^{39.} Sioux Falls Press, 18 Sept. 1924.

^{40.} Miller Gazette, cited in Sioux Falls Press, 9 Sept. 1924.

^{41.} Rapid City Daily Journal, 29 Oct. and 4 Nov. 1924; Argus-Leader, 14 Oct. 1924; Sioux Falls Press, 15, 18, and 24 Oct. 1924; Watertown Herald, cited in Sioux Falls Press, 19 Oct. 1924; Wentworth News, cited in Sioux Falls Press, 11 Sept. 1924.

333

McMaster declined to speak on the proposed debate resolution "that the official acts and record of William H. McMaster are such as to require the rejection of his candidacy for the office of U. S. senator." With no debates in view, Cherry hoisted his slogan It's Cherry Time in Washington and covered the state in individual appearances and with Democratic colleagues. In his addresses, he emphasized that his own interest in farming had persuaded him of the need for agricultural representation on the Federal Reserve Board and "all other government boards and commissions dealing with matters affecting the interests of

42. Sioux Falls Press, 17 Sept. 1924.

Paid Advertisement by U. S. G. Cherry of Sloux Falls, South Dakota



A DAILY MESSAGE

to the

CITIZENS OF SOUTH DAKOTA

Four weeks ago I publicly proposed to Governor McMaster that he share time with me upon the public platform in the ten larger cities of the state in discussion of the charges I have widely and publicly made

of misuse and abuse by him of his office as Governor. He has neither accepted the proposal nor denied the charges. I submit to a candid public that this amounts to an admission of guilt of the things charged. I am paying advertising rates for this space in this issue and subsequent issues of this paper and propose to re-state a few only of these charges. If what I am about to publish is untrue in any material respect I am unfit to represent the people of this state in the office of United States Senator, to which I have been regularly nominated. If they are true he is not entitled to the office he already holds as Governor of this state, and should not be advanced to the highest office in the gift of the people of the state. If they are true he has already despoiled the party that honored him.

Message No. 1 WATCH FOR TOMORROW'S MESSAGE IN THIS PAPER U.S. G. Cherry

334

agriculture."⁴³ In his attacks on McMaster, Cherry gave major attention to the governor's record in Pierre. Controversy centered around the publication of an efficiency survey of South Dakota government by the Bureau of Municipal Research in New York. Democrats contended that Governor McMaster initially delayed publication of the survey and then suppressed portions of it that were uncomplimentary; and, indeed, the Sioux Falls Press, in publishing the entire survey, demonstrated that considerable material had been excised from the earlier official release. McMaster responded that he had withheld parts of the survey in order to make it a readable length, but his detractors hammered away at the alleged "doctoring."⁴⁴

The "gasoline war" continued to emerge intermittently as a political topic as the weeks of travel, rallies, and editorializing rolled on. During the months of the campaign, state sales of gasoline had been occurring at selected places, and charges that the other was a tool of Standard Oil and other major companies flew between McMaster and Cherry. Critics of South Dakota gasoline policies contrasted prices in the state with the lower schedules found in Nebraska and Iowa. Professing to be unembarrassed by the critics, McMaster employed a campaign song entitled, "'Mac' Gave Us Cheaper Gasoline," the composition of a teacher at the normal school in Springfield. Governor Charles Bryan of Nebraska also had controversies with gasoline companies, and despite Bryan's presence as vice-presidential candidate on the Democratic ticket, South Dakota's Republican governor consulted the Nebraska chief executive about their common problem. Legal action appeared in the melee when forces opposing state sales sought a court order to halt the South Dakota program; but, only temporary delays in sales resulted, and Governor McMaster suffered no legal defeat. 45

Optimistic claims of victory expressed by all candidates at an early date became somewhat muted as November drew near. By

^{43.} Ibid., 19 Sept. 1924.

^{44.} The survey was published by the Sioux Falls Press in twenty-six installments between 25 July and 23 August 1924. See also Sioux Falls Press, 13, 14, 16, 21 May, 8 June, 13 July, 23 Aug., 17, 19 Sept., 1, 2, 16, 22, 28, 29, 30, 31 Oct., and 2, 4 Nov. 1924; Argus-Leader, 13, 16, 21 May and 17 Sept. 1924; Aberdeen Evening News, 13 May and 1, 29 Oct. 1924.

^{45.} Madison Daily Sentinel, 5, 16, 30 June and 15, 25, 31 July 1924; Evening Republican, 16, 24, and 29 Oct. 1924; Argus-Leader, 2 May, 14, 19, 25, 26 June, 28 Aug., and 23, 25, 31 Oct. 1924; Sioux Falls Press, 1 Mar., 7 May, 5, 6, 11, 22, 24, 26, 27 June, 19 July, 1, 2, 30 Aug., 4, 19, 20, 21 Sept., and 4 Nov. 1924.

335

then, the dark clouds of political reality had obscured for all but Cherry and McMaster the bright hopes of the summer; traditional whistling in the dark continued, but the portents of the future were generally clear. Any failure to have a clear vision of the ultimate winner stemmed from the unknowns and uncertainties of elections and, especially, from the profusion of candidates. In addition to these factors, the extension of citizenship to all Indians in 1924 created a potentially enlarged electorate with essentially unknown political preferences. Some observers who contemplated the confusion were baffled, and the *Volin Advance* predicted that "hundreds of intelligent voters" would not make their choices until they secured their ballots. It was, said the editor, "a case of a lot of candidates and not much choice."

On 4 November 1924, victory in the Senate contest, as in the South Dakota election in general, went to the Republican party. McMaster's 26,278 vote margin over Cherry was even greater than party leaders had publicly predicted. The winner's 90,006 votes represented approximately 44.12 percent of the total cast, while Cherry's 63,728 was 31.24 percent. Running third, in keeping with many forecasts, was Tom Ayres, whose almost 21,000 votes accounted for 10.27 percent of the total. He outran his opponent Mark P. Bates almost two-and-one-half times. McMaster carried fifty-one counties, Cherry sixteen, and Ayres one; and in eight counties in the Republican column, Ayres ran ahead of the Democratic candidate. Trailing behind Ayres were the independ-

46. Volin Advance, cited in Sioux Falls Press, 19 Oct. 1924; Evening Republican, 1 Nov. 1924; Pierre Daily Dakotan, 30 Oct. 1924; Madison Daily Sentinel, 8 July 1924; Argus-Leader, 30 Sept., 27 Oct., and 1 Nov. 1924; Sioux Falls Press, 7 Sept. and 23, 26, 28, 31 Oct. 1924. See also Onida Watchman, Wentworth News, Dell Rapids Tribune, Daily Huronite, and Canistota Clipper as quoted in Sioux Falls Press on 12, 28 Aug., 23 Sept., 11 Oct., and 9 Aug. 1924, respectively.

SAMPLE BALLOT

County, South Dakota
NOVEMBER 4, 1924

	TO VENIE	LIC T, 1027	" achi	
Republican Party	Democratic Party	Farmer Labor Party	Independent Candidates	
For United States Senator Wm. H. McMaster	For United States Senator—U. S. G. Cherry	For United States Senator— Tom Ayres	For United States Senator— Mark P. Bates For United States Senator— C. H. Dillon For United States Senator— Geo. W. Egan For United States Senator— Doc Livingston For United States Senator—	NO TO HOS
Representative in Congress Second District— Royal C. Johnson	For Representative in Congress Second District — Jack P. Reinhard	For Representative in Congress Second District Walter P. Wohlheter	For Representative in Congress Second District— Fred H. Hildebrandt	_

336

William H. McMaster	90,006	44.12%
U. S. G. Cherry	63,728	31.24%
Tom Ayres	20,952	10.27%
George Egan	14,484	7.13%
Mark P. Bates	8,442	4.13%
Charles Hall Dillon	3,835	1.88%
H. L. Loucks	1,378	0.67%
Don Livingston	1,138	0.55%
Total	203,963	99.99%

ents: Egan, Bates, Dillon, Loucks, and Livingston, ranging in percentages from 7.13 for Egan to 0.55 for Livingston, who had renounced his candidacy too tardily to strike his name from the ballots. The old warrior H. L. Loucks with 1,378 votes was 240 ahead of Livingston. Even the respected Justice Dillon attracted only 3,835 votes. As expected, Egan did better in Minnehaha County where his tally of 2,405 votes presumably helped deprive McMaster of carrying the most populous county. Egan and Cherry, the Sioux Falls residents, won slightly over 56 percent of the county's vote with their combined total of 8,753.47

Among the defeated candidates, Ayres and Egan could point to face-saving elements, but there was no such consolation for Cherry. For him, there was no striking honor in running second in a field of eight. He was, after all, a Democrat, not a third-partyist or an independent or someone simply trying to divide the vote. Defeat rather than Cherry Time on the Potomac had come. It was a Republican year in South Dakota, and Senator William H. McMaster had helped sweep the state.

47. South Dakota, Legislative Manual (1925), pp. 237-38.

Copyright © 1979 by the South Dakota State Historical Society. All Rights Reserved.

Copyright of South Dakota History is the property of South Dakota State Historical Society and its content may not be copied or emailed to multiple sites or posted to a listsery without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.

All illustrations in this issue are the property of the South Dakota State Historical Society except those on the following pages: pp. 291, 292, 293, 313, from the Robinson Museum, Pierre; pp. 295, 301, from the Museum of the American Indian, Heye Foundation, New York; p. 296, from the Robinson Museum and the Milwaukee Public Museum, Wisconsin; p. 297, from the Robinson Museum and the South Dakota Historical Resource Center, Pierre; p. 298, from the Gold Seal Company, Medora, North Dakota, and Ian M. West, Reigate, Surrey, England; p. 299, from Fort Buford Museum, North Dakota; p. 300, from the Museum für Volkerkünde, Berlin, Germany; p. 302, from the South Dakota Historical Resource Center; p. 305, from George S. Kingsbury, History of Dakota Territory and George M. Smith, ed., South Dakota: Its History and Its People, Vol. 5 (Chicago: S. J. Clarke Publishing Co., 1915); p. 312, from Otto L. Sues, Grigsby's Cowboys (Salem, S.Dak.: James E. Patten, 1900); p. 321, from the Quinn Courant, 9 Aug. 1923; pp. 329, 333, from the Sioux Falls Daily Press, 26 and 24 Oct. 1924; p. 335, from the Evening Huronite, 25 Oct. 1924; p. 340, from Stephen R. Riggs, trans., Cante-Teca: The Pilgrim's Progress by John Bunyan, in the Dakota Language (New York: American Tract Society, ca. 1858); p. 355, from William Seale, Recreating the Historic House Interior (Nashville: American Association for State and Local History, 1979); p. 375, from the W. H. Over Museum, Vermillion.