TRANSITIONAL FACTIONALISM:
THE KANSAS REPUBLICAN LEAGUE AND REFORM, 1904-1906

On 18 January 1904 Republican state chairman Mort Albaugh reported on party affairs to Senator Chester I. Long. Like earlier summaries sent from Topeka to Washington by Albaugh, this message dealt with problems confronting Long's friends in the factionalized Kansas Republican organization. This letter, however, contained a greater sense of urgency and anxiety. On January 13 a reform association, which called itself the Kansas Republican League, held a rally at Topeka; and Albaugh, after a few days of waiting, concluded that this group posed a threat to the welfare of his political allies. 

Although the alleged purpose of this organization was to lead an anti-machine reform movement, Albaugh realized that it represented a combination of Kansas railroad attorneys, some supporters of Senator Joseph R. Burton, and a few sincere reformers. Four years earlier a somewhat similar coalition, the Boss-Busters, had dethroned Cy Leland. It had taken two years for Leland, Albaugh, and others to recoup their losses, and then they had succeeded because the earlier movement crumbled from want of zeal. There was, so it seemed to Albaugh, no lack of ardor this time. The league, he wrote Long, has "a degree of frenzy in it akin to the old Pops . . . and I want to say frankly . . . I think it will take every possible effort . . . to stem this tide and even then we may fail."2

The leaders of the Kansas Republican League had called the mid-
January meeting at Topeka as the first step in a concerted drive to capture county conventions that were being held throughout the state during the second half of the month. Counties were selecting delegates to attend the Republican State Convention in March. The leaders of the Republican League knew that if they controlled enough county delegations, they would in turn control the Republican party at the state convention and would eventually control the state. Two years earlier, preparations for the county conventions and for the state convention had been relatively undramatic, but since 1902, events had transpired that insured that the preconvention period would be hectic in 1904.

From mid 1903 onward the governor's office had come under sporadic attack from "reformers." Governor Willis J. Bailey spent an undistinguished year as chief executive of Kansas, but revelations of petty graft during his first few months in office aroused the ire of certain leading Kansas newspapers and gave opponents of the so-called Leland machine a rallying cry. During the regular session of the legislature in 1903 men close to Bailey were implicated in a number of small-scale scandals, and the governor unfortunately failed to disassociate himself from charges that he was implicated in these money grabs.

Like Bailey's administration, the legislature of 1903 was commonplace. It enacted laws making the Kansas railroad commission elective, and it prepared a constitutional amendment that would make the office of state printer subject to popular vote. It sent a delegation to the St. Louis World's Fair. It did not reapportion the state's congressional districts, reorganize the state treasury system, or create a state tax commission, as many citizens had demanded. Some newspapermen commended the legislators for having kept their work unusually free of the normal blackmail practiced against Kansas business interests. Blackmail had been kept at a minimum, so one writer said, because Republican bosses exercised strong control and kept legislators in line.3

But like Banquo's ghost, the thing that would not stay down in 1903 was the charge of abuse of public funds, and before the end of the year the distinguishing feature of the legislature was not honesty but petty larceny. According to a veteran reporter who covered the legislature, nothing regarding charges of dishonesty was exaggerated by the press. In a column appearing at the close of the session, Jay House charged that "everybody who had sufficient pull was put on [the state payroll] by one or the other of the bodies. If there was no position open a new one was created."4

Allegedly, the elevators at the state capitol were operated by a force
of men that was sufficient to keep them going around the clock in six-hour shifts, with six or seven assistant operators ready to spell regular crews should they tire. Likewise, each window in the legislative chambers was said to have an assistant sergeant-at-arms to raise and lower it.\textsuperscript{5} Not everyone agreed with the complaints of newspapermen. For example, Albaugh wrote that he thought newspaper criticism was essentially unfair regarding petty graft and that “a better and cleaner House had never been assembled in Kansas.”\textsuperscript{6}

Nevertheless, the opinion that the state was being plundered by petty chiselers persisted, and it was turned into a political weapon against Governor Bailey. Initially, the old Republican boss, Cy Leland, was the object of the attack, since supposedly he “ran the House of Representatives,” where most of the dishonesty occurred. But by the close of the 1903 session and thereafter, Bailey replaced Leland as the main target of scorn. In November of 1903, in order to allay criticism of his administration, Bailey announced that he and Attorney General C. C. Coleman were meeting to discuss what steps were needed in order to remedy irregularities and to discuss whether it was necessary to have an investigation of the charges of dishonesty. Apparently it was not, since no further actions were reported from the governor’s office.\textsuperscript{7}

So far as evidence does exist relative to the scandals in Bailey’s administration, the governor appears to have had nothing to do with the small raids on state funds. But his unwillingness or his failure to stop such affairs did seem to support charges that he was protecting petty chiselers for political reasons. These charges hurt him substantially in 1904. They even prompted an old friend to attack him. William Allen White, a member of the Leland-Bailey faction, editorialized in July 1903 that Kansas was in dire need of a governor who would attack corruption no matter whom he injured and no matter what position he touched. “Kansas needs,” White wrote, “a man with a jaw—not the jawbone of an ass; not a jawsmith full of wind and wonders, but a man with a firm jaw who can set it by time lock and go after the petty-larcenists.”\textsuperscript{8}

But White was not seriously interested in seeing Bailey removed from the governor’s office at the end of his first term. During most of the anti-Bailey campaign he defended the governor. In doing so, he followed the lead of his factional confederate, Henry J. Allen of Ottawa, who attacked members of the Republican League. If the Republican party needed reforming, Allen wrote—and White agreed—it would be by Kansans of good faith and not by men angered because of “somebody’s defeat for
the Senate or somebody's failure to become State Printer, or somebody's desire to organize and control a legislature."\(^9\)

During the campaign against the governor, Bailey and his friends defended his administration by dismissing Republican League charges of corruption and by repeating Allen's statement that the reform organization was "built on resentment and personal disappointment," because of defeats suffered in the 1903 senatorial race, in the contest over the office of state printer, and in the past legislative session. Bailey used this defense sincerely, since he believed that the league was seeking revenge for his having helped Long's candidacy in late 1902 through the contests for the speakership and the office of state printer.\(^10\)

Many local politicians did consider Bailey's actions at that time reprehensible. Judge Nelson I. Case of Oswego, for example, claimed that he was terribly angered when Bailey and Leland arranged the speakership and when Clark resorted to "unlikely methods" in squeezing out E. W. Hoch for the job of state printer. Hoch, in Case's opinion, was eminently suited for the office of state printer and would "easily have been elected had ordinarily fair methods been observed."\(^11\)

Corruption, the fight over the job of state printer, and the speakership struggle contributed only in part to Governor Bailey's woes in 1903. The so-called Leland machine in November of 1903 won a struggle with Senator Burton and attorneys of Kansas railroads over the position of federal district judge that became vacant when William C. Hook resigned to accept a place on the United States Circuit Court of Appeals. Burton and the railroads favored Topeka attorney Charles Blood Smith, while Leland, Long, and Albaugh backed their own associate, Judge John Pollock of Winfield. After they had fought for months, President Roosevelt appointed Pollock, because of Long's endorsement and because the president disliked Burton by this time.\(^12\) Bailey had little to do with the outcome of the fight, but as the first friend of Long's and Leland's to stand for reelection, he bore the brunt of the hostility that was aroused by Pollock's victory. Bailey displeased railroad officials in other ways. J. R. Richards of the Missouri Pacific, which supported Bailey in 1902, had the following to say of the governor in early 1904:

> From the very instant that Governor Bailey was elected he has shown an unfriendly spirit towards us, without the least disposition to reciprocate what we have done for him and his friends. It has given me deep pain, after we have exhibited in so many ways to Governor Bailey . . . such a friendly spirit . . . . What else could be expected than that I and my friends . . . fight in self-defense?\(^13\)
Publicly, the struggle against Willis J. Bailey was based upon a number of vague but high-minded principles. The speakership, the election of a state printer, the appointment of Pollock, and railroad animosity remained sub rosa issues during the Kansas Republican League's campaign. Edward W. Hoch, who became governor as a result of the movement, set the tone for the anti-Bailey crusade in January of 1904, stating that the league was motivated by aims higher than mere personal dislike of certain officials:

It is a movement widespread and intense and impersonal. . . . It grows out of unwise leadership; of unfair standards of Republicanism; of factional intolerance; of the multiplicity of useless offices; of extravagance in public expenditures; of enormous increase in the burdens of taxation; . . . of the trafficking in public trusts to subserve private and factional ends. In a word, it is a culminating protest against the skull and cross bones in politics.14

Although the Kansas Republican League claimed to be an anticorruption, antextravagance reform organization, much like its predecessor, the Boss-Busters, it included men with a variety of motives. The initial leaders of the league were Burtonites and railroad officials, whose reputations as reformers remained dubious. Other politicians whose reform images were less tarnished included Edward W. Hoch and Walter R. Stubbs, both former friends of Burton's. By early 1904 these men had become independent of all factions and seemed to be genuinely interested in change.

Neither Hoch nor Stubbs took part in the Boss-Busters campaign of 1900. As individuals they were fundamentally different in character and circumstances. Stubbs, a millionaire contractor from Lawrence, was energetic, strong-willed, and relatively new to public affairs. Hoch was a moderately well-to-do newspaper editor. He was easy-going and quiet and was a veteran politician. He had purchased the Marion Record in 1872. During the decade of populism he had remained a staunch Republican, playing a significant role as a state legislator.15 Claiming to be a moderate, he was one of the strongest supporters of prohibition in the Republican party. His prohibitionist ideas incorporated most of what James H. Timberlake has established as the progressive framework in this area. Hoch held the antiliquor ideal to be "a great benefit morally, educationally and financially."16

Walter R. Stubbs, the other reform leader, was a markedly different man. His meteoric rise in Republican affairs led writers to stress his amateur political status. A wealthy railroad builder, he did not seek
public office until 1902, and by 1904 he was Republican state chairman. He was an able practitioner of the art of politics. He fared well under the convention system, but with the adoption of the statewide primary in 1908 his multicolored talents shone forth in splendor. He reportedly spent a fortune advancing his political aspirations, purchasing newspapers and spending freely for publicity and party organization.  

In 1902 a local political leader induced Stubbs to run for state representative. Though inexperienced, he was easily nominated and elected. He remained unnoticed until 6 March 1903, when, according to one observer, he “broke loose” and joined the reform bandwagon that was under way in the house. In a maiden speech Stubbs announced that henceforth he should be known as a reformer who would help to free the state legislature of the dictations of Republican party bosses. His debut caused quite a stir in the Kansas City Star. One week after Stubbs’s announcement the Star noted that the representative from Lawrence was “a new member who commanded marked attention” and that Stubbs always had “something to say which was to the point,” even though his speeches were not well organized. 

Since the personal papers of Walter R. Stubbs are not available, there is no sure way of knowing why he joined the antimachine group. Two explanations are usually put forth concerning his motives. According to one group of writers, Stubbs witnessed the role that New York financial interests played in the election of Senator Long in 1903 and was angered by it. He was also dismayed by extravagance during the same legislative session. Another theory, not as widely accepted, claimed that Stubbs became a reformer as a result of a double cross by the Leland-Albaugh machine. The machine, wishing to demonstrate its power to the fledgling state representative, was said to have diverted funds from the appropriations of the University of Kansas in order to finance a road-building project between the state penitentiary at Lansing and the federal penitentiary at Leavenworth. Stubbs, unimpressed by this and angered because he felt that he represented the university, retaliated by joining the campaign to remove bossism from the legislature. Whatever Stubbs’s motives, he was a leader of the Kansas Republican League by early 1904.

The Kansas Republican League itself supposedly originated in 1903 during the regular session of the state senate, when, as George P. Morehouse, one of the founders of the league, expressed it, “a little antimachine club” called the Lodge was formed to stop legislative boodling. In a letter written about a year later to the head of the Kansas State Historical Society, Morehouse claimed that before the senators returned
home from the 1903 session in March, the Lodge invited Republicans from over the state to a semisecret meeting at Topeka. There they organized the Kansas Republican League and elected Morehouse, who was from Council Grove, president of the organization. Morehouse also wrote that in the months after March the league worked effectively and quietly to remove Bailey from the governor’s chair, sending hundreds of letters and much antimachine propaganda into all corners of Kansas. The league supposedly held a public meeting in May, its only rally of any importance until 13 January 1904.

Morehouse maintained in his letter that from the first there were two goals set for the league. The first was to make certain that Bailey was not renominated in 1904; the second was to champion Theodore Roosevelt for the presidential nomination. Evidence regarding its activities in 1903 seems to indicate, however, that during the first year the idea of helping to secure the nomination for Roosevelt was not really an aim of the organization. This objective appears to have resulted from Hoch’s insistence in January 1904 that nomination of Roosevelt be a goal. Of course, Roosevelt was a popular figure in Kansas, and his name attached to any reform group could only add to its popularity.

According to observers wise in the ways of the Republican party, the decision to have Hoch oppose Bailey in 1904 was made in the final analysis by the friends of Senator Burton. At first, Burtonites such as National Committeeman David Mulvane and Rock Island attorney Marcus A. Low opposed Hoch, but by January 1904 they had reversed their positions and were supporting him. Rumor had it that Hoch would have announced as a candidate in late 1903 if Mulvane and Low had approved and that he would not have entered in 1904 had they not unconditionally sanctioned his candidacy.

Stubbs and Thomas Bent Murdock encouraged Hoch to announce for the gubernatorial race in late 1903. They planned a Hoch-for-Governor rally at Topeka in December, but it failed to materialize. Stubbs also circulated petitions across Kansas, which numerous people signed, indicating that they favored Hoch for the nomination. At a January 5 meeting called for the purpose of having Hoch announce his candidacy, he still would not commit himself. During the following week Mulvane reportedly informed Hoch that Hoch would have Mulvane’s and Low’s support. As a result, a letter from Hoch, which “virtually announced his candidacy,” was read to the meeting of the Kansas Republican League in Topeka on January 13. Hoch’s formal announcement came in late
January. His candidacy united Stubbs, Murdock, the Burtonites, and important railroad officials in the Kansas Republican League.  

In the campaign to oust Bailey and nominate Hoch, the effective politicking was carried on by members of the Kansas Republican League. Although they organized county conventions throughout the state, in retrospect their victory in Reno County proved to be the key to Bailey's defeat. Situated in the most populous part of west central Kansas, Reno County virtually dominated the political affairs of the areas adjacent to it. During the few years preceding 1904, Billy Morgan, a leading lieutenant of the Leland-Long-Albaugh coalition, controlled it. Morgan, who preceded George Clark as state printer, was also editor and publisher of the *Hutchinson News*. Articulate, though cautious as a political manipulator, he had previously had little trouble within his political bailiwick. This was not to be true in 1904.

Metropolitan dailies from Kansas City and Topeka had been criticizing Morgan's faction since early 1903, but he felt that their influence was nominal. Then, in January of 1904, Hutchinson attorney W. Carr Taylor, vice-president of the Kansas Republican League, began to recruit anti-Bailey precinct committeemen for the Reno County convention. Morgan fought back, but with too little, too late. On January 24 Taylor and his friends controlled the Reno County convention, electing a delegation to the state convention that endorsed Hoch. Immediately, Sumner County followed suit. Then county after county in central and western Kansas joined the Hoch bandwagon. By January 26, two days after the Reno County convention, Bailey's supporters were ready to surrender. On that day Albaugh recognized that the "Hoch epidemic" had spread so rapidly that all was lost. "I thought," he wrote Senator Long, "that the victory in Jackson [County] might check [Hoch] . . . but when the boys lost out in Reno, I knew, beyond a question of doubt, that it was impossible to check it. Everything has gone to pieces, and I feel sure the governor will get out of the race."  

On January 30 Bailey withdrew from the campaign. The assault in mid January took its toll on his sagging confidence; and with the defeat in Reno County, he saw no alternative except withdrawal. Kansas governors normally served two terms; Bailey served one. In his announcement that he would not seek renomination he stressed that though he felt that he deserved the usual second term, he was quitting because he believed the party was paramount to his personal ambitions. He said that his continued presence in the race could only injure the party irreparably. Such solicitude for Republican welfare seemed unreal, but
no better explanation for Bailey's avoiding an intraparty fight exists. He, of course, would not have withdrawn had he not recognized that defeat was imminent. The immediate results of 1904 were that Bailey was finished politically and Leland temporarily took a back bench in the party leadership. So did Albaugh, who resigned as state chairman when Bailey withdrew.\textsuperscript{26}

Immediately prior to Albaugh's resignation and Bailey's decision not to seek renomination, another event rocked the Republican party. On January 23 Senator Burton was indicted by a federal grand jury in St. Louis. He was charged with accepting money from the Rialto Grain and Securities Company in violation of an act forbidding senators and congressmen from using their influence to prejudice the outcome of investigations by the post-office department. The securities company was trying to regain mailing privileges that had been revoked as a result of the firm's alleged use of the mails to commit fraud.\textsuperscript{27}

In late 1903 United States District Attorney Joseph W. Folk raided the office of the Rialto Company in search of evidence in connection with another case he was prosecuting. While he was seizing the Rialto records, Folk discovered letters that incriminated Burton in a conspiracy with the firm concerning the post-office investigation. Folk presented this evidence to Attorney General Philander Knox, who, in turn, passed it on to President Roosevelt. Together they ordered a full investigation of Burton's activities, and on the basis of the inquiry they sought an indictment.\textsuperscript{28}

Burton's problems naturally had repercussions in Kansas. The genesis of the case against Burton, which became public on January 23, was hotly debated by the various factions. Fourth Assistant Postmaster General Bristow was accused of having initiated the proceedings at the eleventh hour to ease the fight that was then coming to a climax against his political confederate Governor Bailey. If Burton, who had connections in the Kansas Republican League, were disgraced, this would naturally damage the reputation of the league as a champion of honesty. Furthermore, Bristow was known to have senatorial ambitions of his own, which could be advanced only if Burton's seat were vacated.

As a Lelandite of long standing, Bristow made an ideal suspect. But Bristow seems to have had little to do with the indictment. In a letter to a friend in the faction, Senator Long stated that President Roosevelt had informed him that Attorney General Knox, in conjunction with Folk, had decided to begin legal proceedings. Burton initially had suspected Bristow, but later he came to believe that President Roosevelt, rather than the assistant postmaster general, was the cause of his woes.\textsuperscript{29}
From the time of his presentment onward, Burton never did deny that he had been on the Rialto payroll, nor did he deny that he had worked for the company through postal officials. He said that in this respect he had not violated any federal statute and that in appearing before the department he had only followed examples set by legislators older and more experienced than he. David Graham Phillips tried to prove this in his famed *Treason of the Senate*. Burton agreed that his actions might have seemed indiscreet, but he did not think they were either morally or legally wrong.30

The jury that convicted Burton in April of 1904 disagreed. They maintained that letters exchanged by Burton and officials of the Rialto Company indicated that he had received payments from the firm; they also maintained that his statement in one letter that he intended “to attend to matters” in Washington made him guilty of using his influence as a senator to prejudice a post-office investigation. For two years the senator fought the conviction through federal courts. On 21 May 1906, however, the United States Supreme Court ruled against him. A few months later he resigned from the Senate, on the eve of proceedings to expel him, and was imprisoned for a short term.31

Burton's indictment in January 1904 injected an element of confusion into the activities of the Kansas Republican League. Although Burtonites were only moderately active at this time, they were exceedingly powerful in the league, and the senator's arrest did upset the power structure of the league and modify its emphasis. Burton and his friends had become members of the league in order to increase their political power, which had been curtailed in 1902 by their role as harmonizers. Because railroad men figured prominently as supporters of Burton, his group had a conservative influence on league activities. When Burton's followers became uncertain of their future after the senator had been indicted, reformist elements headed by Stubbs and Hoch increasingly set the tone for the organization. This caused a number of Kansas railway officials to become apprehensive about it. Before this time, they had believed that the "Methodist purification" talk used by Stubbs and Hoch was just demagogic fare, designed to gain support. As Hoch and Stubbs increased their influence, officials of the Santa Fe and the Rock Island began to have second thoughts about the league.

During the first week of February, both Low of the Rock Island and A. A. Hurd, general attorney for the Santa Fe, told Balle Waggener, a Democrat and the Missouri Pacific representative, who had opposed Hoch and Stubbs all along, that perhaps they had created a monster and that
maybe the election of Hoch would prove worse for corporate interests in Kansas than even the election of the most extreme Populist in the state. Waggener agreed, saying "[Hoch] is known to be antagonistic to railroad interests. . . . His nomination . . . will bring about a worse condition of affairs than . . . during the Populist legislature of 1897."32

As far as leaders of the Republican machine were concerned, dissension within the Republican League was grist for their political mill. Although Governor Bailey, Mort Albaugh, and Leland could find little solace in Burton's troubles, others of their confederates, especially politicians close to Senator Long, were elated over Burton's defeat and the dissension within league ranks. Senator Long and his associates recognized that if the Kansas Republican League were successful, it would constitute a threat to them at a future date. Thus, when the league began to split into warring groups, Billy Morgan happily advised the senator to avoid any agreements with league members until a complete rupture had occurred. In this way, Morgan believed that Long could improve his standing in the party.33

Morgan's certainty that a division would come was based on a number of accurate observations concerning the nature of the league's leadership. Aware of railroad influence, he suspected that neither Stubbs nor Hoch could be restrained by these interests for long. Moreover, he felt that Stubbs, Hoch, and Mulvane all had senatorial ambitions, which would conflict when Burton resigned. He was certain that Mulvane, even if he were not primarily interested in a Senate seat, would not want Hoch or Stubbs to become powerful within the Republican party. On the basis of these opinions, Morgan decided that Mulvane would soon seek an understanding with Long. Morgan felt that Mulvane and his friends would make useful allies. He was not alone in this view; Albaugh, as well as Morgan, suggested that Long should at the moment avoid any alliance with Mulvane but that he should do everything possible to encourage a split in the Republican League.34

Considering the way in which the old machine group in the Republican party was affected by the campaign of the Kansas Republican League in 1904, it becomes imperative at this point to note that between 1901 and 1904 a significant shift in power occurred within the ranks of the so-called Leland machine. As has previously been noted, Leland never completely regained the position that he had lost by his defeats in 1900 and 1901. During 1902 and 1903 the important leaders within the Leland alliance were Bailey, Long, and Albaugh. The withdrawals of Bailey and Albaugh in late January 1904 eliminated them as factional strongmen, although
Albaugh remained an advisor to Long. By February, Senator Long was the supreme power in "the machine." For many politicians who remained loyal to the faction, Long was now looked upon as the man who should make the major decisions concerning the activities of the faction.

In February, then, Long rendered his first judgment as boss of the faction. He agreed with Morgan's and Albaugh's suggestions that the differences within the Republican League should be exploited. He, too, felt that the time was not yet propitious for a union with Mulvane and his supporters, that watchful waiting should be the policy of the machine faction. The senator believed that the time to act would be at the state convention in 1904, where Long's supporters could cleverly promote disharmony in the ranks of the Republican League by backing its reform wing on certain points and by upholding the railroad group and Mulvane on others. In this way they would demonstrate to each wing the essential incompatibility of various elements in the membership of the league. In the long run, the senator expected a factional understanding with Mulvane.86

Although the Republican State Convention at Wichita in March of 1904 offered Long's faction the hoped-for opportunity to divide the Republican League, what happened there did not completely destroy it. Long's cohorts used their votes to help nominate a slate of candidates that was arranged by the railroad group of the Republican League, but they also helped to write a reform platform that was not to the liking of the railroad following. Their best single chance to demonstrate the fallacy of perpetuating an organization that included Mulvane, railroad attorneys, Stubbs, and Hoch came over the question of the state railroad commission.36

Stubbs and Hoch had promised a place on the commission to J. S. George, president of the powerful Kansas Federation of Commercial Interests. The federation was one of Stubbs's main supporters in 1904, and at one point it demanded all five Republican nominations to the commission. With Hoch's help, Stubbs apparently convinced George to accept a more moderate reward; but at the state convention, because of railroad opposition and because of the votes provided by the Long faction, even this recompense was denied George. In spite of his defeat, George was not alienated from Stubbs and Hoch, but he was at the time angered by Republicans in general and the Republican League in particular.37

Having lost the struggle over the railroad commission and having seen the railroad favorites dominate the state ticket, Stubbs and Hoch salvaged what they could at the convention by incorporating their reform ideas
into the party platform. They were responsible for anticorruption and economy planks in the platform. They wrote the part of that document calling for equalization and minimization of state taxes. With others they endorsed the old McKinley program of trade reciprocity, and they encouraged a wider use of the Sherman Antitrust Act. After a bitter struggle they placed a “radical” railroad plank in the platform, by which the Republicans promised to enact amendments to existing laws in order to eliminate discrimination, inequality, and extortion in rate-making and to require adequate facilities for customers of all lines operating in Kansas. Waggener’s fears regarding Hoch’s antirailroad bias seemed to be coming true.38

A few days after the state convention the Republican state committee convened to select a chairman for the party. At this meeting, Long and his backers irreparably splintered the Kansas Republican League. Prior to the committee meeting, Mulvane and railroad officials agreed that State Treasurer J. R. Burrows of Smith County should be the next Republican state chairman. Stubbs already had declined the support prof­fered by Hoch, and Hoch subsequently decided to support newspaperman Tom McNeal of Topeka. Stubbs, in turn, endorsed a friend, State Repre­sentative Jonathan N. Dolley of Maple Hill. But Hoch opposed Dolley, and Stubbs would not support McNeal. Thus, to keep the reform wing intact, Stubbs was forced back into the chairmanship race.

Mulvane hoped to eliminate Stubbs from the contest by getting the Republican League to endorse Burrows. Knowing that his supporters could control a league caucus, Mulvane called a meeting just before the state committee was to vote for state chairman. At the caucus Mulvane nominated Burrows, and Hoch entered Stubbs as a candidate. With the help of his railroad associates, Mulvane easily defeated Hoch and Stubbs in the voting, and Burrows received the endorsement.

Hoch was angered, of course, by this turn of events. He claimed the traditional right of the party’s gubernatorial nominee to name the state chairman. When the Republican League delegates returned to the state committee meeting, Mort Albaugh, acting for the Long faction, requested a temporary adjournment. During the intermission he contacted Hoch and informed him that Senator Long was interested in seeing Republican tradition upheld and that the senator’s friends would vote with Hoch. Convinced that he should name the state chairman, Hoch accepted the support of his recent enemies. With this information, Albaugh next met privately with Burrows and informed the state treasurer that he must withdraw from the race. The state committee then reconvened. Hoch

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nominated Stubbs, and with the help of Long's friends the Douglas County millionaire was elected. Apparently Mulvane did not know about Albaugh's agreement with Hoch, because when Burrows declined to stand for the office prior to the nomination of Stubbs, Mulvane hurriedly conferred with the treasurer and then stomped violently from the hall where the committee was in session.\textsuperscript{39}

This bit of political melodrama delivered the blow that Long's backers had anticipated. The Kansas Republican League was permanently split, and its last meeting was held in the form of the caucus during the session of the state committee. Henceforth, more groups would be operating in the Kansas Republican party.

The proliferation of factions, however, was no longer destined to be the central theme of Kansas politics. The mainstream of Republicanism was shifting as both the times and the men in party affairs began to create a new Republican character, one that was more responsive to issues and less devoted to personalities and friendships. The solace found in the old uncomfortable factional arrangement was now to be shattered as Republicans became issue-oriented and even less unified. From 1900 to 1904 crude forms of antibossism, anticorruption, and harmony campaigns dominated Republican discussions and attracted the majority of public attention. Because of these less essential concerns, fundamental questions about Kansas government were brushed aside.

After 1904 some Kansas Republicans began to react to social, economic, and political problems in line with a pattern being established across the United States, and they began to demand an active role on the part of the state government. In their response these new Republicans were guided by a traditional Kansas reform attitude, which had been established as early as the 1870s, as well as by a number of problems that matured in the early twentieth century. What they would demand after 1904 would be government operated under the utilitarian plan of the greatest good for the greatest number. In the process they would increase the tempo of change and release reform energies hitherto misdirected towards antibossism.

The first burst of reform lawmaking came in 1905, assuaging some old grievances and temporarily resolving some immediate problems. Hoch, freed from the restraints of the nonreform element in the Kansas Republican League, increased the number of changes he sought beyond those included in the 1904 platform. Having easily defeated the Democrat David M. Dale in November, he appeared before the state legislature in January 1905 with an extensive reform program.
As was expected, he demanded in his initial legislative message that the corruption of the previous session not be repeated. He requested that a modified civil-service system be created in order to supply personnel for state charitable institutions, that a state printing plant be built, and that new methods be developed to eliminate the practice of depositing state money in favored Topeka banks. Having enumerated reforms to correct the issues that had been part of the reason for creating the Kansas Republican League, Hoch recommended laws to regulate the exploitation of Kansas gas and oil wealth. He asked for the enactment of railroad laws that would fulfill the promises of the 1904 platform. And, he urged that juvenile courts be created. The governor recommended that the archaic property-tax structure in Kansas be revised by the establishment of a state tax commission. His message also stressed the need to bolster existing prohibition laws.

Hoch, who was a reluctant supporter of female suffrage, proposed a limited municipal franchise for women. He then noted that reapportionment of Kansas congressional districts was needed because of the population changes reported in the 1900 census. In an unexpected move he insisted that a direct-primary law be enacted. He concluded his message with the usual requests for the construction of better roads and for laws promoting the irrigation of arid lands.40

Hoch's address was a comprehensive underscoring of the new temper of Republican politics in Kansas. It surpassed any previous gubernatorial message in breadth of aim and understanding of problems. It incorporated the whole of the 1904 platform and added ideas that Hoch had emphasized independently during the campaign. The governor had once told a crowd of supporters that party platforms were "sacred," like personal promises and business contracts. Now the governor added that he intended to keep Republican pledges.41

Ed Hoch was not known as a political battler, but when Republican legislators seemed reluctant to accept his suggestions, he forced much of his program through the legislature with the help of Stubbs, who was elected Speaker of the House. He withheld patronage, made lavish job promises, used special messages, and appealed to the public in order to achieve his goals. Before Hoch's objectives were realized, a number of acrimonious fights took place among Republicans, and ultimately Hoch's reform measures caused a split between the governor and Stubbs.42

Hoch was unable to keep his pledge of less governmental spending during the 1905 session, but no one charged that there was corruption as a result of increased state appropriations. The Kansas City Star, evalu-
ating the legislature at the close of the session, listed as the main achievements of Hoch’s administration the plan to construct a printing plant, the election of a state printer, the establishment of a regulated, diversified system for depositing state funds, and the reorganization of the Kansas eleemosynary system. The biggest shortcomings of the legislature, according to the *Star*, were its unwillingness to create a tax commission and its failure to pass the proposition for a statewide primary.\(^{43}\)

These reforms, important as they were, were not the big news of the 1905 legislature. That body was destined to be remembered as the one that tried to establish a state oil refinery in Kansas. “Monopoly,” Hoch had said during his electioneering in September of 1904, “threatens to rob our people of the chief benefits of this great [oil] endowment! How can we save this wealth to the state and to its people?” The way, of course, seemed clear to him—enact laws to curb the activities of the Standard Oil Company.\(^{44}\)

Most Kansans, and certainly Governor Hoch, believed that Standard Oil was using its position as the only large oil refiner in the state to lower the price paid for crude oil purchased from independent Kansas producers. “We must,” Hoch said at the Kansas Day Club meeting in 1905, “take that monster the Standard Oil Company by the throat and compel it to be decent.”\(^{45}\)

Whether Standard Oil was being decent or indecent in 1905 remains a moot question. Allan Nevins has argued that overproduction caused Standard to cut prices in the Kansas oil fields in 1904 and 1905. He wrote: “In Kansas alone the Standard had lost millions in falling prices on the huge quantities it had too generously bought. Even when prices were steady, the carrying charges on ... stored oil were heavy, while losses by fire, evaporation, and leakage added to the bill.”\(^{46}\) To compensate for losses, or for potential losses, price cuts were made.

Of course, Standard Oil could easily endure its losses, since it operated on an international scale and was able to offset income deficits in one area by higher prices in another. Kansas independents could not shift their burden of lower prices. They were also unwilling to accept the classical idea of supply and demand as the root of the difficulty. They understood that behind impersonal market factors lurked live men. In the case of the Standard Oil Company, they felt that the men were sinister individuals who were interested in squeezing every independent out of business and in monopolizing the oil market further. The Kansas attitude was cogently expressed again by Governor Hoch, writing in the *Independent* in 1905: “The Standard Oil Company is a national and an
international monopoly. It has for years carried on a systematic absorp-
tion of the oil interests of this country and of foreign countries. It has
been the cause of bankruptcy to many small investors and threatens to
bankrupt all of them who oppose its greedy ambitions.” He added that
it worked locally to reduce the price of crude oil, so that Standard could
gain possession of other people’s properties.\(^{47}\)

The fact that Standard was actually preparing to leave Kansas in favor
of the Indian Territory, where new wells were springing up, seems to
have escaped the notice of many Kansans. Rather than acquiring more
holdings in the state, the company was actually interested in reducing
its commitments.\(^{48}\) Nevertheless, the complaint that Standard intended
to seize all oil holdings remained the major source of criticism against the
New Jersey organization.

Charges directed against Standard Oil Company took three forms in
1905. Independent producers complained that Kansas railroads were
giving rebates to the company, that Standard was purchasing crude oil
at different prices from various producers, and that it held too powerful
a position in the Kansas oil market. Standard Oil did dominate oil
refining in the state. To make matters worse, it used its position in an
authoritarian fashion. Whenever a Kansas producer sold oil to the
company, the latter did all the business involved in the transaction. It
measured and tested the oil, fixed the price paid, paid whatever royalties
were due landowners, and distributed the profit from the sale to the
producer’s stockholders according to their holdings. This naturally an-
gered the managers of independent companies that were doing business
with the New Jersey corporation.

Many independents believed that Standard Oil Company punished
producers who at times sold crude oil to independent refineries by refus-
ing to accept the oil of these independents during the crisis of 1904–1905.\(^{49}\)
Standard Oil further contributed to suspicion of its methods when in 1903
it devised a new program for classifying crude oil. It divided Kansas oil
into three gravitation categories and paid different rates for each grade.
Although from a scientific viewpoint its method made sense, the practice
angered a number of local producers who complained that “Standard Oil
gaugers . . . marked crude oil lower than it ought to be.”\(^{50}\)

The most damaging charge against Standard concerned discrimination
in railroad rates. Standard’s rise to greatness as a result of railroad rebates
was well known, and Kansans assumed that the same method of tamper-
ing with freight rates was being used again. According to a reporter for
a national magazine, the company in 1902 and 1904 conspired with the
Santa Fe to raise rates on shipments of crude oil from Kansas in order to deter independents from using this means of escaping Standard. For its cooperation the Santa Fe supposedly received a 10 cent per barrel royalty on all oil shipped through Standard’s Sugar Creek pipeline. Although the conspiracy charge was never proven, Santa Fe rates were raised in 1904. Moreover, Charles Gleed, a director of the Santa Fe, was in close touch with Standard officials during this period. Another railroad operating in Kansas—the Missouri, Kansas and Texas Railway Company—had John D. and William Rockefeller as members of its board of directors. It is easy to understand why many independents assumed complicity between Standard Oil and the railroads.\(^\text{51}\)

If Standard did make clandestine arrangements with railroads, its actions in this respect were fundamentally different from those of the independent producers. While Standard Oil secretly fought to gain an advantage in the marketplace, Kansas producers were publicly attempting to secure the same thing. In January 1905 they formed the Kansas Oil Producers Association and planned to use it as a vehicle to promote their interests in the oil fields. Their objective was to induce the state to act as a countervailing force to Standard Oil.

At their organizational meeting on January 19 the oil producers outlined what the Kansas legislature should do to promote their interests. To stop discrimination in freight rates, they asked for a law granting a maximum tariff on oils and for a law making Standard’s Sugar Creek pipeline a common carrier. They requested legislation forbidding anyone to undersell a competitor in order either to ruin him or to recoup losses suffered in another area. They also wanted a board of supervision that would grade and inspect oils. The keystone of their program, as they saw it, was a demand that the state build and operate its own oil refinery. They assumed that a refinery large enough to compete with Standard could be built and operated efficiently enough to raise the price of crude oil.\(^\text{52}\)

Four of the five requests made by the oil producers became law in 1905, with only the resolution asking for a board of supervision being defeated. Of the laws enacted, the measure to establish a state oil refinery met the stiffest opposition. It was easy to find support for the other three measures, since no actual expenditure of state funds was involved, but a refinery would be costly. Moreover, state regulation differed considerably from state ownership. In the refinery law the oil producers were challenging the foundations of free enterprise. Speaker Stubbs said, “The public policy and constitutional laws of this state . . . are opposed to
the government engaging in a commercial business." For this reason Stubbs, although he favored economic regulation, fought the refinery proposal and temporarily kept Hoch from giving it his unqualified endorsement.

Hoch had not realized how much a refinery would cost when he initially approved the idea. When he found out the expense involved, he modified his views on what type of refinery should be built. Rather than a plant that would compete with Standard Oil's, Hoch suggested a pilot refinery, so the state could get some idea of the cost of refining oil and then take steps to see that Standard paid an honest price for crude oil.

Hoch's revised opinion was unacceptable to the Kansas public and to the oil producers. Public pressure always bothered Ed Hoch. He was a man whose nerve fiber was more that of the democrat than was his colleague Stubbs's. If Stubbs believed his ideas correct, he never yielded in regard to them. Hoch was sensitive to criticism, and he allowed his attitude to be influenced by popular demand. After having switched in January from the idea of a competitive refinery to the idea of a limited pilot plant, he did another about face in February. He returned to the original concept of a competitive refinery, and he used his influence to force a measure providing for its construction through the Kansas legislature. His second reversal won him the gratitude of the oil producers and the public, but it cost him Stubbs's support and led to charges that he was a devotee of socialism and populism.

Hoch answered these charges in a special message to the legislature and in an article in the Independent. The gist of his tortured logic in answering these complaints was that a state refinery constituted the antithesis of socialism. "True," he noted, "it has the semblance of socialism, but its soul is that of competition." He said that socialism attempts to negate property rights; whereas the refinery law negated no rights of the Standard Oil Company to own property. No one planned to drive Standard from Kansas, or to deny it a legitimate profit. He added that if free competition were possible, there would be no need for a state refinery; but such was not the case, "on account of the greatest Socialistic corporation now doing business on earth, the Standard Oil Company."

In March the State Refinery Law was passed. It provided that an oil refinery be constructed at Peru in Chautauqua County, where it would be operated by inmates of a proposed branch of the state penitentiary. An appropriation of $410,000 was passed in the form of bonds to be sold by the state treasurer and by the warden at Lansing. Governor Hoch immediately ordered that the reserve school fund not be used to purchase
these securities. This announcement caused potential buyers of the bonds to wait and wonder. If the state were reluctant to buy its own bonds, private investors would do well to discover the cause of this reluctance. At about the same time the state treasurer and the warden refused to sell the bonds. Attorney General Coleman then requested a writ of mandamus to force the treasurer and warden to act. In a hearing on this request the State Supreme Court ruled not only that the mandamus was unwarranted but that the refinery law was unconstitutional, since it intended to create a state-owned business in competition with private capital.\footnote{56}

The struggle against Standard Oil in Kansas occasioned a national investigation of the corporation in 1906. During the agitation for a state refinery, Congressman Philip P. Campbell of southeastern Kansas presented a resolution to the House of Representatives, asking that the Bureau of Corporations be instructed to inquire into the activities of the Standard Oil Company. The next year, bureau chief James R. Garfield headed such an investigation.\footnote{57}

Kansas Republicans had come a long way during the oil fight. In 1890 J. G. Blonecker, president of the state's Republican League, had said that he had little fear of monopolies, because the laws of supply and demand would always right such situations. He added that if a man was driven out of business, he would just have to seek another occupation. Fifteen years later a Republican governor, Edward Hoch, was convinced that “man's cupidity needed some sort of curb.” The problem, Hoch said during the struggle with Standard, was to find a way in which capital and talent could have the widest latitude, while the interests of the people were still protected against selfishness.\footnote{58}

The oil legislation of 1905 set the tenor for the legislature of that year. The fight for the passage of administrative measures kept the prairie fires of reform, which the Kansas Republican League had lighted, aglow. One perceptive observer wrote that perhaps the country had witnessed “the definite starting-point of a victory for fair play that will mark a new era in government.”\footnote{59} The first burst of legislative activity carried important changes into operation, but not all demands for reform were met. The oil question was exhausted, but Standard's alleged allies, the railroads, still provided fuel for the fires of reform. As in the days of populism, Kansas reformers began to turn their attention towards unfair railroad activities. During the remainder of the decade the Santa Fe, the Missouri Pacific, and others of the great transcontinental lines were to become the symbols of the need for change.