

NOAH WITHOUT AN ARK!



Cartoon by Bruce Russell
Los Angeles Times, February 28, 1937

THE BATTLE TO SAVE THE COURT: THE KANSAS PRESS AND THE COURT PACKING FIGHT OF 1937

by
James C. Duram

A forethought: Once while pondering the difficulties of getting at intent and motives, the late Justice Felix Frankfurter said: "The Devil himself knoweth not the mind of man." (Concurring in *Leland v. Oregon*, 343 U.S. 803)

On February 5, 1937. President Franklin Delano Roosevelt, emboldened by his landslide Presidential election victory over Kansas Governor Alfred M. Landon, sent Congress a bill to reorganize the Federal judiciary (hereafter cited as the court plan). Despite the President's insistence that the court plan was aimed at increasing the efficiency of the federal judiciary, it was, in truth, a thinly veiled attempt to add six new justices to the U.S. Supreme Court. Roosevelt, who had been denied an opportunity to appoint any justices during his first term, was determined to overcome the Court's rigid opposition to New Deal legislation.¹

The Court's decisions in its 1935 and 1936 terms had virtually paralyzed federal and state attempts to create relief, recovery and reform programs aimed at alleviating the effects of the Great Depression. The decisions had sharply curtailed the uses of the federal taxing and commerce powers and the states' police powers. Moreover, the decisions were stated in such sweeping language that they seemed to suggest that the federal government and the states were precluded from any kind of effective action with regard to the economic crisis.²

President Roosevelt was stunned and surprised at the almost immediate bipartisan negative reaction against the plan in the Senate and the massive public opposition that appeared soon thereafter. The 4 ½ month legislative

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and political battle proved to be one of the most critical in U.S. history. Though the President suffered a stinging rebuke when the court plan went down to defeat, the U.S. Supreme Court's shift and subsequent acceptance of liberal nationalism in the midst of the struggle paved the way for the emergence of the modern American welfare state. It was, truly, as some have argued, a constitutional revolution.³

One of the most sustained partisan defenses of the United States Supreme Court's restrictive interpretation of the scope of national economic regulatory powers appeared in the editorial columns of the American daily press.⁴ From 1934-1937, the overwhelming majority of American newspaper editors, including nearly all of the forty-four Kansas editors whose editorials form the basis of this study, expounded their definitions of conservative constitutionalism in an emotional attack on New Deal legislation. Though often masked in patriotic, non-partisan terms, much of this hostile response was an expression of the basic attitudes and values of the conservative American business community of which the newspaper industry was a part.⁵ Recognition of the business-oriented perspective of the editors is essential for those seeking to understand the dynamics and significance of the constitutional debates of the New Deal era.

Previous research into the personal backgrounds and organizational affiliations of the editors suggests that much of the hostile editorial response of the Kansas press to the New Deal was the result of their Republican oriented pro-business backgrounds. A composite picture of the Kansas editors (often editor/publishers) constructed from, among other sources, a survey by Eleanor A. Duram proves conclusively that the alliance between the editors and the Republican party in the 1930s was, with few exceptions, a firm one.⁶ Only two of the forty-four editors surveyed regarded themselves as Democrats.

Furthermore, the survey illustrates that the nature of that relationship in the 1930s went far beyond mere editorial deference to the pervasive climate of opinion reflected in the long established Republican domination of the Jayhawk State. Many of the editors were, in fact, members of the power structure which shaped the party's policies in Kansas. Among their group, the editors counted several who had served as Republican National Convention delegates, one (Arthur Capper) who was a U.S. senator, two former congressmen, one former secretary of the Republican State

Committee, two ex-governors, and a number of former state legislators. In addition, several served on various state boards as appointees of Governor Alfred M. Landon and previous Republican governors.⁷

Evidence of the pro-business orientation of the editors comes from many sources. Many, because of the small size of their operations, were directly involved in the managerial as well as the editorial aspects of the newspaper business.⁸ In addition most belonged to the social and fraternal organizations dominated by members of the business community in their respective towns and cities. Many also held positions as directors of banks and other businesses. Others had also invested in oil and agribusiness enterprises.⁹ Correspondence between the editors and the complaints in their editorial columns indicate that they had chafed under what they regarded as the onerous demands and regulations of the NRA newspaper code prior to its destruction by the U.S. Supreme Court in May 1935.¹⁰ The editors also condemned what they regarded as the reckless experimentation in fiscal policies of the Roosevelt administration.

One of the clearest manifestations of the symbiotic relationship between the economic and political interests of the Kansas editors appeared in their enthusiastic support for the policies of Republican Governor Alfred M. Landon, a graduate of the University of Kansas Law School, who had prospered in the oil business prior to his election in 1932. Once in office, he created an administration which emphasized a businesslike, "no nonsense," pay-as-you-go approach to state government.¹¹ His oft-repeated belief that American business and agriculture could work their way out of the Depression without extensive government controls and economic experimentation struck a responsive chord with the hard-pressed editors. Such statements, his strict fiscal policies, and the close personal ties which Landon had established with many of the newspaper people translated into enthusiastic editorial support in the editorial columns of Kansas newspapers.¹²

Rolla A. Clymer, editor of the *El Dorado Times*, exemplified the depth of that support in a letter to a fellow editor written shortly after Landon's reelection in 1934 when he stated:

Will Beek [Republican State Chairman] and I were in accord on this all along. We had Landon's fine record to expound and we

had most loyal support by Kansas newspapers I have ever seen.¹³

Additional evidence supporting the argument that the pro-business mentality of the editors played a major role in the shaping of their subsequent attitudes toward constitutional issues can be seen in the timing of the emergence of opposition to the New Deal in the Kansas newspaper editorials. The crystallization of the anti-New Deal position in the Kansas press occurred in the five months following the 1934 congressional elections, the same period when strong, organized business opposition to the New Deal was developing nationwide.¹⁴ Writing two days after the 1934 elections, the editor for the *Abilene Daily Reflector* presented a classic expression of the assumptions that lay at the heart of that opposition:

Business recovery will not come from more wildeyed legislation. The depression cannot be licked unless experiments in business are put in the discard.¹⁵

Moved by their long-established pro-business political and economic sympathies, the Kansas editors joined their brethren throughout the country in mounting an attack on what they characterized as excessive regulation of business, wild spending, socialistic concepts, dangerous experimentation, and hastily drafted legislation of the New Deal.

One of the major themes in this continuing critique in both the Kansas and the national press was a scathing indictment of the constitutional inadequacies of the New Deal. Such criticism was greatly stimulated by the U.S. Supreme Court's invalidation of numerous pieces of New Deal legislation from January 1935 to May 1936 in what one commentator described as a "earnival of unconstitutionality."¹⁶ The editorials in the Kansas press exemplify the process whereby the American business community used its defense of conservative constitutionalism to advance its political and economic goals.¹⁷

The Kansas editors thus laid a solid groundwork for their 1937 barrage in editorial comments on the constitutional aspects of the New Deal during the three years prior to the eruption of the Court fight.¹⁸ Many of the editors were frustrated and angry that their previous efforts had come to naught. Their vociferous support for Kansas Governor Alfred M. Landon's 1936

presidential bid had ended in failure, with Landon failing to carry his home state. Small wonder many of them seized the opportunity presented by Roosevelt's Court packing proposal to blast the President with editorial broadsides.

The editors were further encouraged when it became apparent almost immediately after Roosevelt introduced his court plan that he was politically vulnerable. The plan had sharply divided his own party in a manner that no critical issue had since Roosevelt came to power in 1933. In addition to his normal opponents, the President's plan bumped head on into one of the most well-established myths in modern American politics—the idea that the U.S. Supreme Court was a non-political, neutral tribunal that stood above the clamor of partisan American politics.

An editorial in the *Topeka Daily Capitol* aptly stated the essence of this belief:

The American people have never hesitated to engage in a knock-down and drag-out political fight relating to the executive and legislative branches of government. . . . But the people have always had a reverence for the courts. It is the last bulwark to insure life, liberty, and the pursuit of happiness. And so they have stood for the courts through thick and thin as an independent, coordinate branch of government.¹⁹

Public perception in 1937 proved to be far more crucial than reality.

The introduction of Roosevelt's judicial reorganization bill on February 5, 1937, brought forth a barrage of condemnation in Kansas newspapers. The editors developed an extensive initial catechism of their objections to the plan which they repeated and reinforced in their subsequent discussions of the specific events of the court packing fight.²⁰ They accused the president of seeking to gain control of the Supreme Court as the final step on the way to his complete control of the government. As the editor of the *Topeka State Journal* put it—the Court plan threatened the Constitution's checks and balances because "Roosevelt wants to make the court over to make his own judgements. If Congress passes this law the country would not be a republic but a dictatorship."²¹

Seeking to take advantage of growing American concern about the rise

of fascism in Europe, many then repeated an earlier charge that the New Deal leadership was pursuing similar policies. As the editor of the *Augusta Daily Gazette* put it: "Observers who saw events lead to dictatorship in Russia and Germany feel that the proposal could very easily do the same thing in America."²² The editor of the *Concordia Blade Empire* even referred to the president as "Reichsfuehrer Roosevelt" in his initial discussion of the court plan on February 9, 1937.

Moreover, the editors contended that the plan was fraught with danger even without the threat of dictatorship that it posed. Even granting Roosevelt's good intentions, if the Court were restricted now for liberal reasons, could it not be restricted later for conservative ones? The editor of the *Arkansas City Traveller* pointed out that

. . . such a court might at some later time be found out of sympathy with some newer deal, whereat it would be found necessary to increase the membership to twenty five in order to bring about the desired results.²³

Such a development, the editors insisted, would lead to a loss of respect for the Court and the Constitution it was supposed to defend.²⁴

They emphatically rejected the argument that Roosevelt's overwhelming victory in 1936 gave him a popular mandate to reform the Supreme Court. They accused him of deliberately avoiding the question during the campaign in order to prevent the people from expressing democratic opinion on the Court issue. As the editor of the *Neodesha Sun*, put it:

Do you think that President Roosevelt himself did not realize his unfrankness when he carefully concealed from the voters his intention touching the gravest effort he or any other president has made to change the pattern of the government?²⁵

The editors continued to emphasize Roosevelt's deceit and deceptiveness throughout the Court fight.

During their extensive discussions of the bill, they condemned the pressure Roosevelt was putting on Democratic senators as overpowering and unfair. The administration's supporters in Congress were accused of putting

party loyalty above the good of the nation, while its opponents were praised as patriots who were willing to sacrifice their political careers for the country's well-being. The editors of the *Abilene Reflector Chronicle* pessimistically predicted that the court plan would be approved because ". . . there are so many spineless congressmen who will do anything to hold their jobs and get patronage that they will. . . be influenced just as the relievers were in the last election."²⁶ The editor of the *Wichita Eagle* predicted that the President's loyalists would most certainly ". . . crack the partisan whip over the heads of those Democratic senators who, sensing the seriousness of the matter, are putting partisan expediency aside. . ."²⁷ Here, the editors attempted to take advantage of traditional American sympathy for the underdog.²⁸

The editors condemned the administration for attempting to deal with the Court through legislative enactment rather than by constitutional amendment. Some purposely omitted discussion of the potential for delay in the amending process. Others insisted that many previous amendments had been passed quite rapidly. Still others emphasized that such an important issue deserved careful study. The editor of the *Wichita Eagle* pointed out that the average time to get a constitutional amendment ratified after its introduction was fifteen months, insisting that was not too long a time to wait ". . . in view of the safety to liberty in that procedure and the menace to individual freedom in hastier schemes for action."²⁹

Many insisted that the amendment approach was the most constitutionally safe way to handle the problem of gaining increased powers for the federal government. However, they were purposely vague about the type of amendment they wished to support, hoping to delay action on the Court plan by appearing to join forces with its liberal opponents, many of whom were advocating an amendment that would actually restrict the powers of the Court in matters relating to federal taxing and commerce powers.³⁰

The editors persistently reminded their readers of their responsibility to defend the Court and Constitution. It was for the people to decide whether they would allow the American system of government to be radically modified by their indifference. If the people expressed opposition to the plan, Congress would take heart and defeat it. Borrowing the title from a currently popular novel about the rise of a dictator in America, the

editor of the *Augusta Daily Gazette* warned: "It can Happen Here! Only the force of public opinion can prevent it."³¹ Contrary to their high praise for the Republican party as the defender of constitutionalism prior to the struggle, the papers contained little mention of the Republicans during the Court fight, preferring to keep their readers' attention focused on what was presented as an issue that went beyond partisanship.³²

Editorial references to the Senate Judiciary Committee hearings on the Court plan centered on two events. Several of the editors commented favorably upon the letter Chief Justice Charles Evans Hughes sent to the Committee on March 21, 1937 refuting the idea that the Court was behind in its docket. They contended that the letter exploded administration arguments about the necessity for reform.³³ The committee vote recommending rejection of the plan also evoked considerable response. Emphasis in the editorials was on the strong language in the majority report stressing the dangers of the proposal. The editor of the *Manhattan Mercury* typified the enthusiasms of this response when he noted: "... the language in the report was so direct and vigorous that the President's ears must have burned when he read about it."³⁴ After the adverse committee vote many predicted the defeat of the measure.

Editorial response to the Court's dramatic shift in March-May 1937 to a favorable attitude towards state and New Deal socio-economic legislation differed in several respects from their response to earlier aspects of the Court struggle. Caught by the strength of their earlier argument that the Court made decisions solely on the basis of what the Constitution allowed, the editors made the best of what to them, to say the least, was an embarrassing result. A number expressed surprise and disappointment that the Court had upheld the Wagner Labor Act, the Social Security Act and state minimum wage legislation, suggesting that they were based on unsound, unworkable premises, or that the Court's shift, given the five to four split in the decisions, was not a permanent one.³⁵ However, most were quick to add that the decisions proved the Court was not hostile to current social legislation, thus negating the need to pack the Court.³⁶ The editor of the *Ottawa Herald* exemplified their newly discovered respect for the Court's flexibility when he said: "Yesterday's decision took all the wind out of the sails of the Roosevelt proposal to inject new blood into the Court. Nothing can be accomplished by enlarging the Court."³⁷

The recommittal of the Court plan to the Senate Judiciary Committee on July 22, 1937 caused expressions of delight in the Kansas papers. The editors hailed the defeat of the bill as a great victory for democracy, proclaiming that the threat of a dictatorship by Roosevelt or some future autocrat had disappeared.³⁸ Many praised the American people for their role in defeating the Court plan. As the editor of the *Coffeyville Journal* said: the recommittal “. . . was a triumph for our form of government . . . even more significant is that the real opposition came from the people.”³⁹ Several of the editors urged the President to abide by the people’s decision and cease his attempts to gain control of the Court by legislative means. Despite the Court’s shift, (or perhaps belatedly because of it) they were convinced that President Roosevelt had been dealt a crushing blow, one that left his party divided, and the American people highly distrustful of his motives.

The Kansas editors had scarcely concluded their victory celebration over the demise of the Court plan when President Roosevelt unintentionally handed them an opportunity to extend their criticisms of his “cavalier” attitude toward the Court and Constitution. The resignation of the conservative Supreme Court Justice Willis VanDevanter on June 2, 1937 finally gave Roosevelt his first opportunity to fill a seat on the high court. Many of their initial comments on the President’s nomination and the rapid confirmation of Senator Hugo L. Black of Alabama, a loyal New Dealer with a pro-regulatory stance towards business, emphasized his lack of significant judicial experience and temperament, two of the strong points, they pointed out, of retiring Justice Willis VanDevanter.⁴⁰

An editorial in the *Winfield Courier* typified the disgust and frustration of the newspapermen:

While no doubt it is true that any outsider as radical as Black might have been turned down . . . because Black is a senator he will be confirmed....Black’s law career contains no record that would entitle him to consideration for the Supreme Court. . . His fitness for the high place may be summed up in a fact that he has been a willing tool of the New Deal administration.

The Black nomination was thus further convincing evidence of the president’s lack of respect for the Court.

When news of Black's earlier association with the Ku Klux Klan surfaced in mid-September, the editors took full advantage of the opportunity, calling for Black's resignation and condemning Roosevelt for ignoring the charges when they were first raised. The President was accused of debasing the Court, of using the Black appointment as revenge for his defeat in the Court fight. The fact that Black had accepted Klan support and later resigned from that organization was cited as evidence of his political opportunism and lack of character.⁴²

One of the most succinct statements of this position appeared in the *Jola Register* after Justice Black attempted to explain his beliefs in a radio address. "... no satisfactory speech is possible, Either he was not serious when he took the Klan oath or he is not now. His character is painfully lacking in traits necessary to be a justice."⁴³

The discussion of the Black affair proved to be the concluding phase of the Kansas editors' five-year-long critique of the constitutional sins of the New Deal. A growing crisis in world affairs and a variety of national, state, and local issues provided them with fresh topics. Their journey through one of the most significant watersheds in our constitutional history ended about where it started, with the editors convinced of the constitutional waywardness of the New Deal and their pro-business Republicanism still intact.

The editorial treatment of the Court fight in the Kansas press represents the culmination of the sharp critical attitude that the editors had expressed about the constitutional shortcomings of the New Deal since almost its very inception. It reminds us that the major constitutional debates that have been such a persistent part of our political landscape have not occurred in political or economic vacuums. Moreover, it presents a superb example of the way interest groups in American society create a perception of what constitutes "correct" constitutional interpretation that fits quite comfortably with their economic, political, and social needs. Conservative constitutionalism proved to be one of the most convenient and thus frequently invoked defenses of the American business community as it faced the sweeping changes in the American economy during the thirties.

This brief, somewhat tentative characterization of the Kansas editorial treatment of the Court packing fight as part of this response should not be regarded as proof that constitutional controversy is locked in a rigid

economic determinism, but rather that it underscores the truism of James Madison's remarks in the Tenth Federalist concerning the natural affinity between a group's economic needs and its political practices. Standard New Deal scholarship has long emphasized that the opposition to the New Deal came from many sources, yet as Gary Dean Best pointed out in his recent work, the local press remained as one of the last bastions of conservatism that withstood the shattering effects of the New Deal political juggernaut.⁴⁴ It should not seem surprising, then, if the Kansas editors' attempt to save the American people from themselves during the constitutional struggle of 1937 also sought to cripple the fountainhead of excessive regulation and taxation that Franklin D. Roosevelt and the New Deal had come to symbolize in many segments of the American business community.

NOTES

1. Alfred H. Kelly and Winfred Harbison. *The American Constitution: its Origins and Development*, 3rd ed. (New York: W.W. Norton, 1963), 749-753; Melvin Urofsky, *A March of Liberty*, Vol. 2 (New York: Alfred Knopf, 1988), 683-685.
2. Robert G. McCloskey, *The American Supreme Court*, 2d ed. rev. (Chicago: University of Chicago Press, 1994), 112.
3. *Ibid*, 117-120.
4. Barry Cushman, *Rethinking the New Deals Court: the Anatomy of a Constitutional Revolution*. (New York: Oxford University Press, 1998), 13.
5. See, for examples of this orientation, the editorials in *Editor and Publisher*, the official journal of the American Newspapers Publishers' Association during the New Deal era. Especially relevant are the following editorials: 5 January 1935, 24; 31 August 1935, 18; 7 September 1935, 22; 12 September 1936, 26; 14 November 1936, 24. For discussion of its causes: James C. Duram, "Editorial Attitudes towards the Constitutional Issues of the New Deal," (Partially published PhD dissertation, Wayne State University, Detroit, 1968), 173-6. S. Alexander Ripa, "Constitutionalism: Political Defense of the Business Community During the New Deal Period," *Social Studies*, 56 (October, 1965), 187-190.
6. The forty-six newspapers used in this study were: *Abilene Daily Reflector*, *Arkansas City Daily Traveler*, *Atchison Daily Globe*, *Augusta Daily Gazette*, *Burlington Daily Republican*, *Caldwell Daily Messenger & News*, *Chanute Tribune*, *Cherryvale Republican*, *Clay Center Dispatch*, *Coffeyville Daily Journal*, *Columbus Weekly Advocate*, *Concordia Blade-Empire*, *Council Grove Republican*, *Dodge City Daily Globe*, *El Dorado Times*, *Emporia Weekly Gazette*, *Fort Scott Daily Tribune-Monitor*, *Garden City Daily Telegram*, *Goodland Daily News*, *Great Bend Tribune*, *Hiawatha Daily World*, *Hutchinson News*, *Independence Daily Reporter*, *Iola Daily Register*,

Junction City *Union*, Kansas City *Kansan*, Lawrence Daily Journal-World, Leavenworth *Daily Times*, Lyons *Daily News*, McPherson *Daily Republican*, Manhattan *Mercury*, Manhattan *Morning Chronicle*, Neodesha *Daily Sun*, Newton *Evening Kansan-Republican*, Ottawa *Herald*, Parsons *Sun*, Pittsburg *Headlight*, Pittsburg *Sun*, Salina *Journal*, Topeka *Daily Capital*, Topeka *State Journal*, Wellington *Daily News*, Wichita *Beacon*, Wichita *Democrat*, *Wichita Eagle*, Winfield *Daily Courier*. Criteria for selection included geographic distribution, membership in the Kansas Daily Newspaper Association, and availability of back copies of the papers either in their local communities or in the Kansas State Historical Library, Topeka. (Hereafter cited as KSHS) The survey (hereafter cited as Survey) was compiled from mailed questionnaires, obituaries, personal interviews, *N.W. Ayer & Son's Directory of Newspapers and Periodicals*, 1936 (Philadelphia: N.W. Ayer & Son, 1936), 311-340, and *Who's Who in America, 1936-1937* (Chicago: A.N. Marquis Co., 1937). For an example of a typical Republican editor, see James D. Callahan, ed., *Jayhawk Editor, A Biography of A.Q. Miller, Sr.* (Los Angeles, Sterling Press, 1955).

7. Survey

8. Callahan, *Jayhawk Editor*, 253; Author interview with Rolla Clymer, El Dorado, KS, 8 March, 1974; "Rolla A. Clymer Papers" and "Jess C. Denious Papers," 1934-37, *passim*, KSHS.

9. Survey

10. For an excellent analysis of the bitter opposition of the editors to the NRA Newspaper Code, see J.K. Ohl, *Hugh S. Johnson and the New Deal*, (De Kalb: Northern Illinois University Press, 1985), 15. See, for example: Rolla A. Clymer to Ellina C. Murdock, 16 January 1934, and Roy F. Bailey to Clymer, 2 February 1934, "Clymer Papers, KSHS"; *Abilene Daily Reflector*, 9 November 1934; *Columbus Weekly Advocate*, 10 January 1935; *Independence Daily Reporter*, 14 January 1935; *Iola Daily Register*, 19 January 1934.

11. Donald R. McCoy, *Landon of Kansas* (Lincoln: University of Nebraska Press, 1966), see especially chapters. 7&8. Author interview with Alfred M. Landon and Oscar Stauffer, 7 June 1974, Topeka, KS.

12. McCoy, 220; Rolla A. Clymer to Mrs. Buist, 5 February 1934, Alfred M. Landon to Rolla A. Clymer, 20 March 1934, Rolla A. Clymer to Alfred M. Landon, 4 May 1934, Rolla A. Clymer to F.W. Brinkerhoff, 26 November 1934, "Clymer Papers," KSHS; Jess C. Denious to Alfred M. Landon, 2 April 1935, F.W. Brinkerhoff to Jess C. Denious, 4 April 1935, Alfred M. Landon to Jess C. Denious, 6 April 1935, Jess C. Denious to R.T. Anderson, 16 August 1935, "Denious Papers," KSHS; see also: *Arkansas City Daily Traveler*, 28 August 1934; *Atchison Daily Globe*, 14 January 1935; *Concordia Blade-Empire*, 17 January 1935; *Garden City Daily Telegram*, 7 November 1934; *Independence Daily Reporter*, 12 January 1935; *Manhattan Morning Chronicle*, 8 November 1934.

13. Rolla A. Clymer to F.W. Brinkerhoff, 26 November 1934, "Clymer Papers," KSHS.

14. W.E. Leuchtenberg, *Franklin D. Roosevelt and the New Deal*, (New York: Harper

and Row, 1963), 146-147.

15. *Abilene Daily Reflector*, 9 November 1934.

16. Landon-Stauffer Interview. R.G. McCloskey, *The American Supreme Court* (Chicago: University of Chicago Press, 1960), 160-164.

17. Ripa, 187-190.

18. James C. Duram, "Constitutional Conservatism: The Kansas Press and the New Deal Era as a Case Study," *Kansas Historical Quarterly*, (Winter, 1977): 432-447.

19. *Topeka Daily Capitol*. See also Leuchtenberg, 255; M. Urofsky, *A March of Freedom* (New York: Knopf, 1988), 686-687.

20. *Augusta Gazette*, 11 February 1937; *Dodge City Globe*, 2 February 1937; *El Dorado Times*, 9 February 1937; *Fort Scott Tribune-Monitor*, 6 February 1937; *Great Bend Tribune*, 11 February 1937; *Goodland News*, 6 February 1937; *Hutchinson News*, 6 February 1937; *Lyons News*, 8 February 1937; *McPherson Republican*, 6 February 1937; *Neodesha Sun*, 6 February 1937; *Newton Kansan-Republican*, 8 February 1937; *Pittsburg Sun*, 7 February 1937; *Salina Journal*, 6 February 1937; *Topeka Capitol*, 6 February 1937.

21. *Topeka State Journal*, 6 February 1937.

22. *Augusta Daily Gazette*, 31 March 1937.

23. *Arkansas City Traveller*, 6 February 1937.

24. Typical responses appeared in the *Garden City Telegram*, 12 February 1937; *Goodland News*, 6 February and 1 March 1937; *Lyons News*, 18 February 1937; *Manhattan Mercury*, 13 February 1937.

25. *Neodesha Sun*, 11 February 1937; Typical responses appeared in the *Emporia Gazette*, 11 February 1937; *Newton Kansan-Republican*, 15 February 1937.

26. *Abilene Reflector Chronicle*, 20 February 1937.

27. *Wichita Eagle*, 2 February 1937.

28. Typical responses appeared in the *Garden City Telegram*, 10-12 February 1937; *Goodland News*, 10 February 1937; *Great Bend News*, 22 March 1937.

29. *Wichita Eagle*, 27 February 1937.

30. Typical responses appeared in the *Council Grove Republican*, 6 February 1937; *Hutchinson News*, 6 February 1937; *Lyons News*, 29 March 1937; *McPherson Republican*, 7 April 1937.

31. *Augusta Daily News*, 31 March 1937.

32. *passim* regarding the lack of partisan Republican reference. Typical responses appeared in the *Dodge City Globe*, 17 February 1937; *Great Bend Tribune*, 22 March 1937; *Neodesha Sun*, 6 February 1937; *Pittsburg Sun*, 7 February 1937; *Topeka Capitol*, 5 February 1937.

33. Typical responses appeared in the *Dodge City Globe*, 24 April 1937; *El Dorado Times*, 31 March 1937; *Great Bend Tribune*, 10 April 1937; *Iola Register*, 23 March 1937.

34. *Manhattan Mercury*, 16 June 1937; typical responses appeared in the *Goodland News*, 15 June 1937; *Winfield Courier*, 16 June 1937.

35. Typical responses appeared in the *Coffeyville Journal*, 26 May and 9 June, 1937; *El Dorado Times*, 5 April 1937; *Iola Register*, 25 May 1937; *Newton Kansan-Republican*, 14 April 1937; *Winfield Courier*, 25 May 1937.
36. Typical responses appeared in the *Fort Scott Tribune-Monitor*, 13 April 1937; *Iola Record*, 4 April 1937.
37. *Ottawa Herald*, 25 May 1937.
38. Typical responses appeared in the *Goodland News*, 23 July 1937; *Hutchinson News*, 23 July 1937; *Junction City Union*, 22 July 1937.
39. *Coffeyville Journal*, 31 July 1937.
40. Typical responses appeared in the *Coffeyville Journal*, 13 August 1937; *Great Bend Tribune*, 13 August 1937; *Junction City Union*, 23 August 1937.
41. *Winfield Courier*, 13 August 1937.
42. Typical responses appeared in the *Council Grove Republican*, 6 September 1937; *Coffeyville Journal*, 2 October 1937; *Dodge City Globe*, 9 October 1937; *El Dorado Times*, 6 October 1937; *Great Bend Tribune*, 14 September 1937. The editor of the *Abilene Daily Reflector*, on 16 September 1937 noted that William Allen White, the editor of the *Emporia Gazette*, was justifiably "wrothy" over the Klan charges given previous bitter battle with the KKK in the twenties.
43. *Iola Register*, 2 October 1937.
44. Gary Dean Best, *The Critical Press and the New Deal*, (Westport CT: Prager, 1997). X.