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Wild Bill goes to Washington : a reassessment of the Senate career of North Dakota's William Langer

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WILD BILL GOES TO WASHINGTON:
A REASSESSMENT OF THE SENATE CAREER OF NORTH DAKOTA'S
WILLIAM LANGER

by
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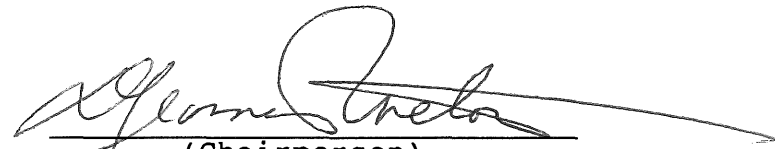
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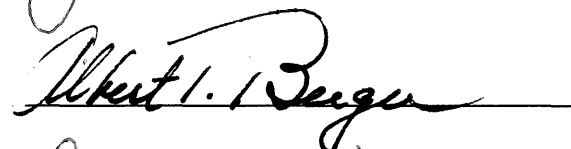
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Because of her zest for the study of history, and in thanks for her frequent words of encouragement, this thesis is dedicated to my grandmother, Olga Johnson Bergeson.

ABSTRACT

William Langer is firmly established as a legend in North Dakota history. The legend began during his controversial terms as attorney general (1916-1920) and governor (1932-1934 and 1936-1938). A maverick in the United States Senate after his election to the upper chamber in 1940, admirers saw him as a civil libertarian and a defender of the "common man." The loyalty and devotion of his constituents increased over the years because of his willingness to do favors for them and because of his considerable campaign skills. However, a study of his papers, the Congressional Record, and newspaper and magazine articles reveals that Langer introduced few bills that were enacted into law. In addition, he was not taken seriously by his fellow Senators and often devoted his time in Congress to the obstruction of Senate business.

The first chapter outlines Langer's career before he entered the Senate in 1941, paying particular attention to the development of his political ideas and strategies. The second chapter is an assessment of Langer's peculiar habits

in the Senate, as well as a summation of the the views of his colleagues and of the national media towards the North Dakotan.

Chapter three questions the notion that Langer was a humanitarian liberal by concluding that his advocacy of liberal causes was severely limited by his inability to translate his ideas into law. Few of Langer's proposals were taken seriously; his civil rights proposals in particular were usually intended to obstruct Senate business by fostering heated debate.

Chapter four examines Langer's opposition to the Internal Security Act of 1950 and concludes that, although Langer argued against the Act on civil libertarian grounds, his opposition was actually based on the limits the Act placed on immigration by Germans.

Chapter five details Langer's response to the McCarthy era and concludes that, although he never hesitated to employ anti-communist rhetoric, Langer can be properly placed in neither the McCarthyite nor the anti-McCarthyite camp.

Introduction

The William Langer legend is still very much alive in North Dakota. North Dakotans born long after his death in 1959 can recite stories told by their parents or grandparents about "Wild Bill."

Most stories about Langer center around a favor that he did for a North Dakotan and most hint that he was probably corrupt. One person might tell of the time Governor Langer had state employees paint a relative's house; another of how Senator Langer got him out of the Army during World War II; yet another of how constituents continued to threaten uncooperative public officials with their intention to write Langer for help five years after his death.

Although Langer had already secured a prominent position in North Dakota history and folklore by 1940, his legend continued to grow while he was in the Senate. Elected with less than forty percent of the vote in 1940, in 1958 he carried every county in the state without having received the endorsement of any party.

Langer's legendary status presents problems for the historian. Langer sought to build his legend while he was alive by exaggerating his early accomplishments. Consequently, many facts about his early life have become clouded in myth. In addition, the hundreds of boxes of his correspondence in the Elwyn B. Robinson Department of Special Collections in the Chester Fritz Library at the University of North Dakota present Langer as he wanted to be seen by his constituents. Taken alone, his papers serve only to add to the Langer legend.

The legend begins to crumble, however, when one searches for Langer's tangible achievements. Once he reached the Senate, there were very few. A study of the Congressional Record reveals a Langer who was not taken seriously by his colleagues and who, with little or no reason, often brought the machinery of the Senate to a grinding halt.

Inspired by the discovery of Langer's celebrated filibuster of the Internal Security Act of 1950, I decided to study Langer's response to the McCarthy era. That study proceeded for a some time under a few false premises. First, I assumed that Langer was under the same Cold War electoral pressures as other senators. Given his loyal personal following, however, Langer was virtually immune to charges based upon ideology. Second, I assumed that his statements were a true reflection of his political

philosophy. As often as not, however, his pronouncements were every bit as complex and contradictory as were his motives. Third, I assumed that Langer was taken seriously by his colleagues and by the media. For the most part, however, he was not. Langer once gleefully agreed to the charge that he was little more than a "messenger boy" for the people of North Dakota. A study of his career in the Senate makes it clear that this claim was more than a campaign ploy. If one must assess Langer's accomplishments in Washington, they would probably amount to little more than the favors he did for individual constituents. Langer spent more time talking on the Senate floor than did most of his colleagues, but he accomplished little or nothing by doing so.

Yet, Langer loyalists in North Dakota and around the nation continued to hail him as a champion of the common person, and the voters of North Dakota, as well as his colleagues in the Senate, grew to admire him more and more as time passed.

I

Langer's Background in North Dakota Politics

William Langer entered upon the North Dakota political scene soon after he graduated with degrees in liberal arts and law from Columbia University in 1910. Langer was determined to make his classmates back east "sit up and take notice" of what he would accomplish in North Dakota. His classmates did not doubt his ability to do so; their prophecy was that Langer would become a United States Senator and be the third politician in American history to be "at the same time fearless and truthful." The other two with such qualities had been Abraham Lincoln and Theodore Roosevelt.¹

After Langer had secured a position with the law firm of H. R. Bitzing in Mandan in 1910, Bitzing, who was Morton county states attorney, appointed him assistant states attorney. Langer soon made his mark. In one of his first actions as states attorney, he requested that thousands of acres of railroad land be put on the tax roles. The railroads challenged the action, but Langer both won in the district court and the state supreme court. The case sent a

signal to other counties along the Northern Pacific Railroad line. Soon thousands of additional acres of railroad land were taxed as well and Langer gained a reputation for fighting the "interests."

In 1914, at the age of twenty-eight, Langer ran for states attorney of Morton County and won handily. As states attorney, he concentrated on enforcing prohibition, promoting badly needed property tax reform, and enforcing compulsory school attendance laws. His methods often caused an uproar. Soon after he took office, he arrested over 150 citizens of Mandan and charged them with liquor violations. He also promised to arrest the parents of children who were not attending school. Even those who Langer's actions affected came to admire his determination and courage.

As states attorney, Langer built support for a bid to become North Dakota's attorney general in 1916. After receiving the support of temperance organizations, the education establishment, and the progressive wing of the Republican party, Langer successfully sought the endorsement of the Nonpartisan League. Thus was born an association with an organization that he would eventually turn into a personal machine. Langer won the election of 1916 and moved across the river from Mandan to the state capital in Bismarck.

As attorney general, Langer continued to focus on morality issues. In his effort to clean up the liquor

establishments and "bawdy houses" in the city of Minot, he arrested several prominent citizens and shut down the phone exchange at gunpoint. The phone company charged that Langer had illegally seized their property, and Langer was in turn arrested by local authorities. The arrest may have been intended to protect Langer from the angry citizens of Minot; the phone company later dropped charges once Langer had safely returned to Bismarck.²

Langer won a second term in 1918 but soon angered leaders of the Nonpartisan League by defending one of its opponents, Minnie Nielson. Nielson, whom a League candidate had defeated in the primary election for the office of state superintendent of public instruction, staged a campaign in the general election and won. Nielson's victory angered the League leadership, and Langer was requested to declare her legally unqualified for office. He refused.

Langer further antagonized the League leadership when he investigated a League-run bank in Fargo and found that it had loaned money equivalent to several times its capital. Because it was League enterprises that had borrowed the money, and because the bank allowed those enterprises to use post-dated checks collected from farmers in the form of dues as collateral, Langer feared that the farmers could suffer in the end and, consequently, closed the bank.

By 1919 Langer believed that the Nonpartisan League had drifted from its original purpose and had become corrupt.

He accused outsiders and radicals of using the League to fleece North Dakota farmers. Among these radicals, according to Langer, were members of the Industrial Workers of the World (IWW). As attorney general he hired private detectives from Kansas City to infiltrate the labor federation, but was disappointed when their efforts turned up no evidence of radicalism or conspiracy in the IWW.

Although Langer continued to support the League's original program, he decided in the fall of 1919 to run for governor against the NPL. During the subsequent 1920 campaign, many believed that Langer supported the publication of The Red Flame, a scurrilous magazine dedicated to associating the Nonpartisan League with Bolshevism, free love, and godlessness. Langer gave speeches as far away as Kansas, warning farmers of the dangers of the League. In a marriage of convenience Langer accepted the nomination of the infant Independent Voters Association (IVA) but lost in the primary election to the incumbent League candidate Lynn Frazier.

During the years from 1920 to 1928, Langer limited his political activity to working for the election of other candidates. In 1920, as he had in 1916, Langer served as state chairman for the committee that supported California Senator Hiram Johnson for the presidency. In 1924 he actively supported Robert LaFollette of Wisconsin for the

presidency, and in 1928 he backed Democrat Al Smith of New York.

During these years, Langer repudiated the IVA and returned to the Nonpartisan League. It was a far different League from the one Langer had abandoned; the radical element, including A. C. Townley, was long gone. The League organization had deteriorated to little more than a shell. After the NPL met with disaster in the 1928 elections, its leadership was reshuffled and Langer took over most of the control.

Langer reorganized the local League groups and made the primary qualification for local party positions loyalty to himself rather than loyalty to the League.³ In 1930, he sought to revive the Leader, the defunct League organ, but lack of funds forced Langer to put his plans on hold.

The Depression increased the prospects for what was now William Langer's Nonpartisan League. Both the League and the Republican party nominated Langer for the governorship in 1932, and with his victory, Langer became the only Republican governor elected in the nation that year. The positions he took during the campaign were vague, but he did come out in favor of reductions in state expenses and in real estate taxes. After his inauguration Langer shocked many supporters by advocating a 2 percent sales tax. The NPL-dominated legislature acceded to his wishes, but the tax

was immediately referred to the voters of North Dakota and soundly defeated.

Langer's first tenure as governor was filled with controversy. North Dakota's economy was in a crisis unequalled in the state's history. In 1932, in an attempt to help suffering farmers, Langer declared a five-year moratorium on farm foreclosures. He called out the National Guard on several occasions to enforce the moratorium, which many contemporary observers believed conflicted with federal law.

Also in 1932, Langer declared an embargo of North Dakota wheat in an attempt to raise the price of grain. The price did go up, but because the federal government made a large purchase of wheat at the same time, it is not clear that Langer's embargo deserves the credit for the increase.⁴ The courts later declared the embargo unconstitutional.

Langer came under fire for his administration of the relief funds the Federal Emergency Relief Administration (FERA) program provided North Dakotans. Relief request forms required that applicants declare who they supported for the office of governor in the last election and required the signature of the local NPL precinct committeeman. Harry Hopkins, the head FERA administrator in Washington, received numerous reports that Langer was playing politics with the agency's relief money.⁵

Langer's continued efforts to revive the Leader brought him further trouble. After his attempts to raise money in 1930 fell flat, Langer hit upon a scheme to assess all state employees 5 percent of their annual salaries to fund the paper. The plan came unglued when some Langer supporters violated a federal law by soliciting contributions from federal employees working in North Dakota.

A federal trial followed in 1934, and the court found Langer guilty. Due to the obvious lack of impartiality on the part of presiding judge Andrew Miller, who had held a grudge against Langer dating back to Langer's days as assistant states attorney, the governor stood a good chance of overturning the verdict upon appeal. Meanwhile, however, the Supreme Court ruled that Langer by virtue of the guilty verdict was no longer governor. Lieutenant Governor Ole Olson officially became the chief executive.

Because Langer was ineligible to run for governor in 1934, his wife Lydia ran instead. She made a respectable showing in the general election, but lost to Democrat Thomas Moody. To dispose of Moody, Langer investigated his background and found that he was not legally eligible to hold the office of governor in North Dakota. After the Supreme Court ousted Moody, Lieutenant Governor Walter Welford became North Dakota's fourth governor in seven months in February of 1935.

The courts granted Langer a second trial, but it was no less controversial than the first. Langer later admitted that he had paid money to the son of the judge, although Langer claimed that he owed the man the money, and critics charged that Langer cronies worked to influence two men on the jury who later caused a hung jury by refusing to vote to uphold Langer's conviction. A third trial found Langer not guilty of perjuring himself in the first trial, and a fourth trial on the original charges ended in a decision of "not guilty." Langer had avoided jail, but his support within the NPL and across the state had withered.

After mending fences within the NPL, Langer won the League endorsement for the governorship at the 1936 convention but lost in the primary to Walter Welford. Undaunted, he ran as an independent in the general election and won with 36 percent of the vote.

Langer's second term as governor was only slightly less turbulent than his first. He immediately caused an uproar by firing several members of the faculty and administration at the agriculture college in Fargo. Many charged that Langer was merely attempting to assert control over the considerable funds spent by the college. As a direct result of the firings, the college lost its accreditation and was censured by the American Association of University Professors.

Langer continued to draw accusations of corruption. He sold what was generally regarded to be worthless stock to an attorney for the Northern Pacific Railroad for \$25,000 and soon used his position on the Tax Commission to lower the railroad's tax bill. He helped a bond firm make a commission of nearly a quarter of a million dollars in dealings with the Bank of North Dakota and then sold land to a partner in the firm for a sum that Langer later admitted to Congress was more than twice its market value.

Langer's preoccupation with the Leader continued. Instead of soliciting "donations" from the salaries of state employees, Langer financed the paper by filling it with large advertisements for the state mill and elevator. It did not matter that there was no need for the elevator to advertise to the farmers from whom it purchased wheat.⁶

Langer sought a United States Senate seat in 1938 but met head on with the incumbent Gerald Nye who was at the peak of his popularity due to his investigations into the dealings of munitions makers during World War I. Langer helped Nye by ignoring national issues and concentrating instead upon publicizing his own record as governor. After losing the primary to Nye, Langer again ran as an independent in the general election and was soundly defeated.

To prevent Langer from doing in 1940 what he had done in the previous two elections, his enemies in the legislature passed a law which prohibited candidates from

running in general elections if they had been defeated for the same office in the primary. Their strategy backfired in 1940 when Langer scored an upset victory in the Republican senatorial primary against Lynn Frazier. Langer's opponents believed that Frazier could win as an independent in the general election, but the legislature's recent actions legally barred him from running. Instead, William Lemke made the 1940 Senate race another three-way affair by abandoning his race for a seat in the House of Representatives and running for the Senate as an independent.

Langer won the election with only 38 percent of the vote, but soon faced charges of fraud. A group of North Dakotans would attempt to deny Langer a seat in the Senate due to his "moral turpitude," but William Langer had finally achieved his long-sought-after status as a United States Senator.

The patterns established during Langer's career before 1940 were to continue to be evident during his time in the Senate.

Early in Langer's career, he saw his primary base of political support to be the German population of North Dakota. In his first political contest for the post of state's attorney for Morton County, each ethnic group supported its own candidate. Langer was the candidate of the Germans. In those days many of the German citizens spoke little or no English and Langer was the only candidate

who spoke German. In the predominantly German rural areas of the county, Langer received nearly every vote.⁷

From that first campaign onwards, Langer did not hesitate to address crowds in both German and English. The German population continued to vote heavily for him, and he subsequently considered German North Dakotans his own special constituency.

When Langer ran for attorney general, he made direct appeals to the German population. In a press release during that campaign, Langer claimed that ". . . Germans all over the state of North Dakota are insisting that a German who has made a wonderful and extraordinary record as States Attorney of Morton County, be their representative on the state republican ticket, and that William Langer be the candidate representing Germans."⁸ During the same campaign, Langer's literature emphasized that "He comes from a well known German family and is a native of North Dakota."⁹

Langer began his political career as a Progressive; his role models were Theodore Roosevelt and Robert LaFollette.¹⁰ He retained his progressive tendencies throughout his career, becoming something of a relic of the era during his later years in the Senate. His progressive background is crucial in explaining Langer's reaction to the politics of the Cold War.

During his early career, Langer was often a moralistic progressive before he was a practitioner of ethnic politics.

As states attorney, Langer offended many Germans with his stringent enforcement of compulsory school attendance laws.¹¹ Langer's rigid enforcement of prohibition had also offended many Germans, and he sought to keep them in his camp by appealing to their higher ideals. According to his campaign literature, Langer would "not attempt to get the votes of Germans by promising [them] free and open saloons sometime in the dim future."¹²

With the outbreak of World War I, however, prohibition faded into the background as German-Americans became more worried about attacks on their loyalty and patriotism than they were concerned about their right to drink beer. Langer wasted no time coming to the defense of individual Germans who came under fire, as well as to the defense of German-Americans as a group. World War I was one of many times when Langer worked to strengthen his political base by rallying to the defense of German-Americans. Although Langer's German support was to decline in importance as he developed a constituency of personal followers which transcended ethnic lines, his support of the interests of Germans was to become a central feature of his career in the United States Senate.

Langer was always an avid writer of letters. From the earliest years of his political career, he kept a carbon copy of almost every letter he mailed, whether it was personal or political. He rarely let even the most critical

or trivial of letters go unanswered, including the many which arrived from outside the state of North Dakota. He gave equal credence to every letter no matter how humble in appearance or origin. His attention to correspondence became one of Langer's most potent political weapons in the Senate.

The emphasis Langer placed upon correspondence was merely a part of Langer's gift at the game of "personal politics." In a state with few people, a politician could build a following based not on ideology or party but on personal contact. According to one of his classmates at Columbia University, Langer had a "talent for friendship."¹³ His extraordinary memory for names and faces as well as his magnetism, his impressive physical appearance, and his irresistible friendliness enabled him to make an impression upon everyone he met. His enormous energy for campaigning sometimes took him to the steps of a farmer's house at three o'clock in the morning on his way to a political speech the next day.

When he campaigned for the governorship in 1932, Langer promised members of his audiences that if they ever had problems, they could just come down to his office and let him know. After he entered the statehouse, the waiting room outside his office was often full of farmers in difficulty due to the Depression. Langer kept his promise and spent long hours meeting with each of the aggrieved parties.

Langer had great sympathy for individual complaints and grievances, and he recognized that there was no better way to win a person's vote for many elections to come, no matter what his party allegiance, than by doing the person a favor. He reveled in situations where he was able to grant a person a favor. Even if a law were obviously flawed, Langer preferred to grant hundreds of individual exemptions and exceptions rather than to change the law.

After he declared a moratorium on farm foreclosures during the Depression, it became apparent that the declaration at times hurt innocent people and at other times helped the hated "interests." Rather than repair or replace the original declaration, Langer considered each case individually. According to historian Glenn H. Smith, Langer usually "served as the judge and jury and issued instructions based solely upon a note or letter from a mortgagee or lawyer which outlined the facts as he saw them."¹⁴ The exemptions, exceptions, and even contradictory new proclamations were hopelessly inconsistent and led to confusion. What mattered to Langer was that in each case the grievance was addressed, not through legislative maneuvering or bureaucratic procedure, but through the personal intervention of Bill Langer. When a troubled farmer received that sort of attention from the governor of North Dakota, he was sure to vote for Langer at the next

election and to repeat the story of his success to his friends and neighbors.

Langer's emphasis on personal politics led him to a ruthless use of patronage as governor. Langer sought and relished control over favors to North Dakotans. The political benefits of granting favors were obvious to Langer. At the same time, Langer saw in such activity an opportunity to mitigate the pernicious effects the large, impersonal "system" had on the common people.

Like many progressive politicians, Langer never found it necessary to operate within the bounds of party discipline. The interests of the common man transcended party boundaries. He developed the NPL into a personal political machine and cared little to appease the more conservative Republicans who also nominated him for office.¹⁵

Although he was a student of the law, Langer had little faith in the efficacy of law. His interest in the law was not that of a scholar but that of an advocate. Some might say Langer studied the law only to find out what he could get by with; it is more likely that his legal activity was his attempt to bring the results of the actual system of justice in line with his notion of "absolute justice." When confronted by the case of an elderly man who stood to be hurt badly by Langer's farm foreclosure moratorium, Langer wrote ". . .we will prepare a modification so that absolute

justice may be done."¹⁶ Absolute justice, in Langer's estimation, was possible only if each case was examined on its own merits and dealt with according to the dictates of common sense. More accurately, "absolute justice" was justice according to Bill Langer.

Langer's identification of himself with the "common man" overshadowed his identification of himself with "absolute justice." Because he could not conceive of himself doing anything contrary to the interests of the common person, he interpreted any attack on himself as an attack on an entire class of people. However, he never made clear who he meant to include in the category of common people. In his early races Langer seemed to refer most often to the farmers who perceived themselves to be the victims of the large corporations and monopolies. Later, it seemed he limited common person status to members of the Nonpartisan League, and at other times he included all of the downtrodden people of the world. No matter who happened to be included, Langer often deflected criticism of his own ideas and tactics by charging that the accuser was committing a wrong against the common people. Langer's world was one of good against evil, one which pitted sinister interests, trusts, and monopolies against the common people and their representative Bill Langer.

Langer first became involved with A. C. Townley's Nonpartisan League when he received the League's endorsement

for attorney general. He parted ways with the NPL during the campaign of 1920 and returned only when he was able to control the reconstituted League as his own political machine.

Langer's split with the League is pertinent to the present study due to his free-wheeling use of "red scare" tactics to discredit the leadership of the League in the campaign of 1920. Although he would later bemoan the "hysteria" of the McCarthy era, in that earlier time of hysteria, Langer did not hesitate to use every possible method to smear Townley and Lemke with the "red" label.

Langer took the justification for his attacks on Townley and the League directly from the progressive manual. The League, Langer claimed, had become elitist, given over to long-hairs from the east who descended upon North Dakota to dictate policy to farmers they despised. In Langer's rhetoric, the League had become every bit as onerous as the interests and the monopolies. The NPL's control of North Dakota represented a rule of the many by the few. Although Langer's attacks on the League were more the result of his ambitions than his ideology, the rationale of his campaign was based upon hatred for monopoly and concentration of power. His later anti-communism would stem from the same progressive roots.

Langer developed a tactical philosophy during his early years in government which was to guide him until his death.

Once evil was identified, it was to be destroyed by using every legal and rhetorical device available. To be soft in the face of obvious evil was inexcusable.

In the face of so many overwhelming evils in the world, the rules could be stretched to benefit the downtrodden "common man." The ruthless use of patronage, for example, never seemed to Langer to contradict his otherwise progressive views.

In May of 1941, Langer rose in the Senate to eulogize another champion of the "common man," Huey Long. Langer was probably describing his own aspirations as much as he was paying tribute when he declared:

It has been said that once or twice in a generation nature spawns a great commoner--one who combines the simple, humble, honest virtues of the common people, the inherent fairness and decency of the great mass of good folks, their quick anger at injustice and greed. He was such a man.

The times demanded an "enlightened fighting champion," Langer went on to say, and

it was because Huey Long knew how to fight, how to fight fire with fire, knew how to combat ruthlessness with ruthlessness, force with force, and because he had the courage to battle unceasingly for what he conceived to be right that he became an inspiration for so many in their own fight for a square deal, and the object of such relentless persecution on the part of his enemies.¹⁷

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2. Glenn Smith, "William Langer and the Art of Personal Politics," in The North Dakota Political Tradition, ed. Thomas Howard, (Ames: Iowa State University Press, 1981), p. 129. Although Smith does not cite his sources, his article provides a more credible summation of Langer's career than does Geelan's The Dakota Maverick.

3. Ibid., p. 132.

4. Ibid., p. 134.

5. Ibid., p. 135.

6. Ibid., p. 141.

7. Ronald V. Olson, "William Langer's Rise to Political Prominence in North Dakota" (Master's thesis, University of North Dakota, 1967), p. 34. Olson's is one of several theses written at the University of North Dakota about Langer in the late 1960s following the opening of Langer's papers to historians.

8. Undated press release, Box 1, Folder 18, The William L. Langer Papers, The Orin G. Libby Manuscript Collection, Elwyn B. Robinson Department of Special Collections, Chester Fritz Library, University of North Dakota, Grand Forks, North Dakota, henceforth referred to as the Langer Papers.

9. Campaign literature from the 1920 governor's race, Box 1, Folder 8, Langer Papers.

10. Smith, "Personal Politics," p. 125.

11. Ibid., p. 127.

12. Campaign press release, Box 1, Folder 18, Langer Papers.

13. John M. Holzworth, The Fighting Governor, (Chicago: The Pointer Press, 1938), p. vii. Holzworth, a classmate of Langer's at Columbia University, presents a legendary Langer in this laudatory work, originally written to promote Langer during the 1938 senatorial campaign. Surprisingly, Holzworth repeats as fact Langer's false claim to be the valedictorian of his graduating class at Columbia. Many of the author's subsequent observations are equally credulous.

14. Glenn Smith and Walter C. Anhalt, "Who Saved the Farm? Governor Langer and the Mortgage Moratoria," North Dakota Quarterly, Vol. 44, No. 4, (Special Issue, 1976): p. 14.

15. Smith, "Personal Politics," p. 126.

16. Langer to George J. Fischer, 22 June 1933, Box 37, Folder 5, Langer Papers.

17. U. S. Congressional Record, Senate, 77th Cong. 1st Sess., 1941, vol. 87, part 3, p. 3323.

II

The Senate's Terrible Mr. Bang

The stormy politics of North Dakota followed William Langer into the staid chambers of the United States Senate on January 3, 1941. As Langer was about to be sworn in, majority leader Alben Barkley informed him that his seating in the Senate had been protested by a delegation of North Dakotans. Until the charges could be investigated, Langer was seated "without prejudice."

Langer's case was referred to the Committee on Privileges and Elections which sent a team of investigators to North Dakota. Langer urged North Dakotans to cooperate with the investigation, and many did, particularly his political enemies. So many cooperated that the investigation lasted for more than a year. The 4,194 pages of testimony submitted to the Senate included tales of Langer's escapades going back 27 years to his days as states attorney in Morton County. The grab bag of allegations included charges that Langer "stole" a drug store, unlawfully siezed telephone lines, incited a riot in Minot, defied federal and state courts by calling out the National

Guard, declared the independence of North Dakota from the United States, fixed juries, paid the son of a judge who was trying him in court, engaged in several questionable land and stock deals, and blackmailed state employees into contributing to the Nonpartisan League.

In the end, the debate on the floor of the Senate became confused and it is likely that Senators who voted for Langer's seating were merely questioning the Senate's right to pass such a judgement, not registering approval of Langer's character or excusing his past behavior. In fact, Langer gleefully agreed to many of the charges and sometimes embellished them when he found that the investigators had left out colorful details. During the floor debate, Langer punctiliously pointed out trivial errors of fact and occasionally interrupted to help Senators find the correct page numbers of portions of the testimony.

Langer's unrepentant, proud attitude befuddled his closest advisors. At a time when humility was expected, he defiantly chomped on his unlit, still-wrapped cigar. The controversy did not end until March of 1942 when the Senate, after weeks of debate, rejected the recommendation of the committee (which had voted 13-3 to deny Langer a seat on grounds of "moral turpitude") and seated him by a vote of 52-30.

Langer was able to act as a Senator during his year of limbo, and he quickly established the patterns which were to

characterize his career in the upper chamber. He inserted reams of letters and editorials from North Dakotans into the Congressional Record. He began to introduce numerous private bills. He was aware that he was at the mercy of his fellow senators, however, and did not yet begin his tactics of obstruction and delay on the Senate floor.

From his seat in the Senate, Langer was able to use correspondence more effectively as a political instrument than ever before. After the United States became involved in World War II, many North Dakotans had complaints about their treatment at the hands of the many wartime boards and agencies. Langer's reputation for addressing individual complaints led many to write him seeking furloughs or outright discharges from the armed forces and exemptions from the draft. Thousands more wrote in attempts to cut through the layers of bureaucracy surrounding the rationing of machinery, tires, gasoline, radio batteries, sugar, even shotgun shells. ". . . Every place I asked what can be done they tell me it takes Senator Langer to get anything done," observed a petitioner from Elgin, North Dakota.¹ A Mr. Albrecht who was refused a spare tire for his car wrote, "I told Mr. Thompson [head of the rationing board] that if I don't get my tire I am going to write Bill Langer." On the strength of that threat alone, the board issued Albrecht a certificate for a spare the next day.²

It is not clear whether Langer's storied reputation for successfully resolving complaints and for filling requests is deserved. Some soldiers were furloughed, a few received discharges, and many were exempted from the draft. These soldiers and their families often wrote effusive letters of thanks giving credit to Langer. However, a great majority of the requests for a release from duty were denied. Many farmers received machinery, tires, and more generous gasoline rations following Langer's actions, but it is difficult to establish exactly what influence Langer had on the final result.

In most cases, Langer simply forwarded the constituent's letter to the appropriate government agency and asked them to "see what they could do" to address the problem. Subsequent letters to constituents were carefully crafted to convey the impression that Langer had taken up the case, but only when obvious injustices were done did Langer employ the full force of his explosive rhetoric in a letter to an agency.

One such case involved a recent German immigrant, August Bauer. After ransacking his home, the FBI accused Bauer of showing an inordinate interest in troop movements through Jamestown and of committing "moral indiscretions" with his secretary. To protect national security, Bauer was interred at Fort Lincoln. Bauer wrote Langer, and after receiving the FBI report, Langer wrote to J. Edgar Hoover

and offered to appear on Bauer's behalf. Although Hoover did not respond directly to Langer's offer, Bauer was quickly released.³

Langer's effectiveness in resolving the thousands of complaints which came his way during World War II cannot be accurately gauged. It is certain, however, that through the careful use of these thousands of grievances he was able to expand his personal political base. Langer was indiscriminate in whom he helped and delighted in treating the requests of his political enemies with as much interest as he treated the complaints of his political cronies. How could a farmer, Republican or Democrat, not vote for a man who, it seemed at least, had pulled the right strings to get a combine delivered to the farm just in time for the harvest?

Langer employed many methods of using a constituent's correspondence to make the writer feel important. Hundreds, probably thousands of his replies began, "I can't tell you how long it has been since I received such a fine letter as yours." It did not matter that many of the requests from constituents were written on the back of envelopes or shabby notepads. One barely legible note contained a simple request: "Dear Bill, Please see what you can do about getting me an alarm clock."⁴ In this case as in many others, there was nothing Chester Bowles, the Director of the Office of Price Administration, or any of the other

agency heads Langer wrote could do to solve the problem. In the end, however, the farmer had a handful of letters to prove that for one moment at least, the attention of Washington had been riveted on his lack of an alarm clock.

Langer quickly discovered that the Congressional Record provided an unparalleled opportunity to make North Dakotans feel as though a national audience heard their views and complaints. When Langer inserted a letter from a constituent into the Record, he would later write the author of the letter a note, claiming that the letter was "so important" that he had placed it in the Record for all senators to read. When he inserted editorials from weekly small-town newspapers in the Record, he could be assured that the entire readership of the paper would feel honored, to say nothing of the editor.

Organizations often would send Langer suggested resolutions and he would introduce them, even if one contradicted a resolution from another group which Langer would introduce at the same time. It did not matter that the resolutions were inevitably dead-on-arrival when referred to committee. It was important only that Langer could write the group that theirs was such a fine resolution that he had decided to introduce it on the floor of the Senate.

Langer would stop at nothing to give one of his constituents a sense of importance. In a state beleaguered

by a sense of inferiority, there could be no better campaign tool. In a state with as small a population as North Dakota's, it was not difficult to build a loyal political base through the skillful use of constituent correspondence. Langer rarely disagreed openly with the content of letters that came to him from North Dakota, no matter what views the constituent expressed. Even virulently racist letters did not stir Langer, as long as they came from his home state. Langer responded to an violently anti-Semitic letter from a Fargo resident with a letter which, although it did not repeat any of the specific claims made by the constituent, began by stating, "You are so absolutely right in your letter of November 28, that it is pitiful even to answer it."⁵

Langer's propensity to grant individual exceptions to his edicts as governor translated in the Senate into an unending stream of private bills "for the relief of" individual people, particularly refugees and other aliens seeking to get into the United States or to be considered for citizenship. When a constituent suggested a change in the immigration laws, Langer wrote, "It has always been my position that orphans, refugees, escapees and expellees may best be helped by the enactment of separate, emergency refugee legislation . . . rather than by amending our basic immigration law."⁶

After Langer was seated in March of 1942, he turned more attention to debates on the floor of the Senate. Langer knew his fate was no longer in the hands of his fellow senators, and he immediately began to take advantage of the rules of the Senate to obstruct bills that he did not like and to promote causes dear to his heart.

In 1943 Langer gave a full view of what the Senate would come to expect of "the terrible Mr. Bang," as columnist Drew Pearson labelled him.⁷ In April of that year he issued a messianic cry for a nation-wide revival of the Nonpartisan League to oppose the two established parties which he insisted were run by the "interests."⁸ The project fell flat, but that did not prevent Langer from demanding an investigation of the Republican convention of 1940, which he claimed nominated Wendell Willkie at the behest of none other than Harry Hopkins.⁹

The Senate got its first taste of a Langer temper tantrum in 1943 when Senator Joseph Guffy of Pennsylvania, while engaged in a dispute with a South Dakota senator, mistakenly attacked corruption in North Dakota instead of South Dakota. When Langer corrected him at length, Guffy said that he did not need to discuss corruption in Langer's home state because it was already so evident, and that "I would not be surprised if today some of the Senators who voted in favor of seating the Senator would, if they had the opportunity, reconsider the vote they cast to seat him."¹⁰

Such a gratuitous attack sent Langer into orbit. He obtained the floor and launched into a virulent diatribe against Guffy, charging, among other allegations, that a Guffy aide had violently raped a woman and that Guffy had full knowledge of the rape but did nothing. When finished with the Pennsylvanian, Langer moved back to his own career in North Dakota politics, which he recalled in lengthy detail.

Attempts to get Langer to yield failed, and when Senator Thomas Connally of Texas attempted to trick Langer into giving up the floor by calling him aside and whispering into his ear while a second senator claimed that Langer had stopped talking, the presiding officer returned the floor to Langer. When Langer subsequently refused to yield to Connally, the Texas Senator said, "The Senator was quite willing to yield a year or two ago," referring to Langer's relative tameness before the Senate voted to seat him.¹¹

It was the method to Langer's madness that most irritated his fellow Senators: claiming ill health, Langer managed to get permission from the presiding officer of the Senate to have the clerk read his speech while he sat. When the speech deteriorated into the reading of a stream of newspaper and magazine articles about the 1940 election, it became apparent that Langer had devised an ingenious method of filibuster. When an exasperated Senator Scott Lucas of Illinois asked the presiding officer if the clerk could be

compelled to read until "he is out of breath," the officer replied that nothing in the rules could limit the length of time to be taken.¹²

Although Langer usually had to read his own speeches from that time on, he devised many other ways of obstructing the business of the Senate. One of his favorite methods was to derail debate on a bill to which he was opposed by introducing an irrelevant, yet controversial amendment. Thus, when in 1948 Langer opposed the repeal on the tax on oleomargarine, a measure which would have hurt North Dakota dairy farmers, he did so by adding a lengthy anti-lynching bill as an amendment. It did not matter to Langer that the amendment was an exact replica of a bill that had been introduced separately, and that the National Association for the Advancement of Colored People, B'nai Brith, and other civil rights organizations deplored Langer's use of civil rights to obstruct other bills. Langer's strategy was not so much to have the amendment passed, but to see if he could spawn a filibuster by luring the Senate into debating one of his amendments.

In June 1948 Langer sought to slow the passage of a defense appropriations bill by introducing a series of civil rights amendments ranging from one prohibiting the poll tax to one prohibiting the armed forces from doing business with contractors using discriminatory hiring practices. When one of these threatened to stir debate, Senator Lucas stood up

to remind the Senate that there was a "general understanding" that Senators were to "submerge their convictions" on civil rights to prevent a filibuster. The Senate leadership had prepared for Langer's tactics on this occasion, but they had not prepared enough. Langer's final anti-discrimination amendment stirred a long debate until it was finally passed, only to be reconsidered and later defeated. Langer had succeeded. The business of the Senate had been disrupted, and nobody doubted Langer's opposition to the defense appropriations bill.¹³

Another defense appropriations bill provided Langer an opportunity for further mischief in 1951. After the Senate passed an amendment to cut the defense appropriation by 2.5 percent, Langer decided that the time might be right for deeper cuts and offered an amendment to slash the appropriation by 50 percent. Infuriated that a 2.5 percent cut was brought to a vote while his 50 percent cut was ruled out of order, Langer decided to find out just what decrease would be acceptable to the presiding officer. He tried a 40 percent cut, but it was ruled out of order, as was a 30 percent cut and a 20 percent cut.

He then tried a new tack. Instead of cutting the defense budget, why not make sure some of the funds went towards useful projects? One by one, Langer offered amendments to use five billion dollars of defense funds to provide telephone service for poor farmers, to provide

amendments to use five billion dollars of defense funds to provide telephone service for poor farmers, to provide student loans for those who had been rejected by the Armed Forces and were thus disqualified from receiving the benefits of the GI Bill, to provide free urinalysis for all citizens (with a limit of one test per six months), and to provide for the construction of elevator facilities to store surplus grain. All the amendments were rejected, as was another that proposed to use defense funds for the construction of a four-lane interstate highway system. "It seems to me that no better defense could be provided our country than would be provided by good roads," Langer said, without realizing that only a few years would pass before the Eisenhower administration would fall in line with his proposal. But Langer was not serious; he gleefully agreed to a modification of the amendment by Senator Russell Long of Louisiana which stipulated that two of the proposed highways cross the state of North Dakota, and the amendment was rejected.¹⁴

Although Langer's filibustering seemed to accomplish little, it served several of his purposes: He was obstructing a bill to which he was opposed at the same time that he was promoting his pet projects. In addition, Langer could solemnly write his constituents informing them of the introduction of his various high-sounding amendments without mentioning that his measures had not been taken seriously by the Senate.

On June 10, 1948, Langer announced that he would object to any and every bill put forward by the Senate. His committee had worked for two years on a bill to provide maternity leave for government employees, Langer protested, only to have a member of the committee block the bill by objecting to it. Therefore, "so long as we cannot take care of poor defenseless women, I shall object to every bill."¹⁵ After the presiding officer lamented that there was really no use calling the calendar "as long as the Senator objects en bloc to all subsequent bills,"¹⁶ Senator John Williams of Delaware, the senator guilty of blocking the maternity leave bill, rose to protest. If Langer had been at all serious in trying to pass the bill, Williams said, he would have made an attempt to follow the proper procedures in the committee.¹⁷ Sufficiently shamed, Langer sat down. As was so often the case, Langer's proposals were doomed by the ineptness of their construction and by his apparent lack of sincerity.

In January of 1949, Senator Wayne Morse of Oregon, himself a noted filibuster artist, proposed a cloture rule that was clearly aimed at Langer. Although he opposed the bill, Senator Richard Russell of Georgia said "if it takes a thief to catch a thief," Morse was the one to put a stop to tactics of delay and obstruction.¹⁸ After discovering that the new rule would include limits to debate on amendments, Langer rose in indignation. He was opposed, he said, to

anything designed ". . . to keep a Senator from a small state from laying bare upon the floor of the Senate the feelings of the people of his state."¹⁹ When Senator William Knowland of California charged that Stalin must have been happy with Langer's attempts to stop the peacetime draft through the use of a filibuster, Langer exploded that he had done "nothing that even savors of a filibuster," and that he was merely quoting the views of "church after church, Rotary clubs, the Farmer's Union, and boards of higher education." He was only doing his duty, he claimed, by "bringing to the attention of the Senate the views of the people of his state."²⁰

Langer's tantrums became commonplace and were easily provoked. Langer delighted in teasing other Senators into believing that he was about to begin a tirade. He would then watch in glee as his colleagues scrambled to appease him before it was too late. In the early years, Senators not yet trained in the art of handling "Wild Bill" often made grave mistakes that cost hours upon hours of the Senate's time. By 1951, however, it seemed that his fellow senators had learned that the best way to get Langer to sit down was to humor him through effusive compliments or to join in his "opera bouffe," as one senator labelled one of Langer's shows.²¹ Many senators seemed to share the attitude of Senator Herman Welker of Idaho: "The Senator [Langer] has spent his adult lifetime serving the people of

North Dakota. Whether we like it or not, the people of North Dakota like it."²²

Langer's shenanigans usually did little more than disrupt Senate business. Occasionally, however, they brought the institution a good deal of shame. Such was the case in March of 1949 when Langer's hatred of Winston Churchill caused an incident that left many a senator embarrassed. When Churchill visited the United States in March of 1949, Langer charged on the Senate floor that Churchill, a "cunning hypocrite," a fascist and a "cold-blooded foreign propagandist" had "done all he could" to defeat the United States in the Spanish-American war.²³ In a wire sent to Senator Connally the next day, Churchill said "The statement made by Mr. Langer is entirely devoid of the truth." Churchill had been to Cuba, but left the island two years before fighting between the Americans and the Spanish broke out.²⁴ Langer was berated by many newspapers for the irresponsible charges, even by those publications traditionally friendly to him. But nothing would dissuade Langer from repeating the charges with even more lurid rhetoric the next day, adding the allegation that Churchill had started the Cold War at Fulton, Missouri.²⁵

In 1952, Langer welcomed Churchill back to the United States by suggesting in a widely publicized telegram to the rector of the Old North Church that two lanterns be hung in the belfry of the "hallowed edifice." Just as Paul Revere

warned the colonists that the British were coming, ". . . our fellow countrymen should be equally warned and alerted today."²⁶ The ploy earned Langer a great many letters of praise from constituents and other citizens from across the nation who were equally suspicious of the British prime minister.²⁷

One of Langer's pet projects in the Senate was the promotion of North Dakotans for federal appointments. He repeatedly extolled the virtues of North Dakotans on the Senate floor and noted the lack of federal appointees from North Dakota. To get his point across, Langer often filibustered routine confirmations of presidential appointments. His methods varied. After objecting to the nomination of one William Jennings Bryan (no apparent relation to the politician) to the post of customs collector in District 27 of California, Langer noted that President Truman had appointed nobody from North Dakota and proceeded to list hundreds of appointees from other states.²⁸

Langer later bemoaned the lack of a cabinet level appointee from North Dakota. To emphasize his point, Langer went through all of the cabinet posts, listing for each the states that had at one time or another had a native son appointed to the post. At other times, he would merely read biographical sketches of North Dakota citizens he thought qualified for federal service, or biographies of great North Dakotans of the past.²⁹

Many of Langer's statements on the Senate floor stretched credulity to its limits. When Senator Olin Johnston of South Carolina charged that the Indians of North Dakota were as unqualified to govern due to their lack of education as were the blacks of South Carolina, Langer retorted that over half of the Indians of North Dakota had degrees from Harvard, Yale, Columbia, or the University of North Dakota.³⁰ Such wild exaggerations were commonplace for Langer and were rarely refuted by other Senators.

To the extent that Langer cooperated with anyone on the floor of the Senate, he worked most closely with other Senators who were outside of the Senate's inner club. Upon Langer's death in 1959, Estes Kefauver of Tennessee, a prominent Senate outsider, said, "After I became a member of the Senate, there was no member of this body with whom I had closer association or stronger ties than with Senator Langer."³¹ Hubert Humphery and Langer humored each other as friendly rivals from adjacent states on the floor of the Senate before Humphery became accepted as a member of the Senate elite. Towards the end of Langer's career, however, Humphery's presidential ambitions and constant mailings to Langer's office had begun to grate on the increasingly cranky North Dakotan.³² Wayne Morse of Oregon, as dedicated a non-conformist as Langer and every bit as cantankerous, often rose in Langer's defense and seemed to regard Langer as something of a mentor.³³ Margaret Chase

Smith and Langer were on friendly terms throughout Langer's time in the Senate, sharing an interest in the direct popular election of the president and the rights of women. Smith offered to campaign for Langer in 1958, but Langer did not mount a campaign in that, his final election.³⁴

Langer had as little regard for party loyalty in the Senate as he had had in his early career. When criticized for a lack of party loyalty in January 1951, Langer gave his views towards the Republican party, of which he was little more than a nominal member. ". . . I owe the Republican party in North Dakota absolutely nothing,"³⁵ he fumed, adding later that "The regular Republican party is not interested in William Langer. I am a branch of it myself, the farmer-labor branch of the Republican party. . ."³⁶ In 1947 Langer informed the Senate that if a bill to amend the Civil Service Retirement Act did not pass, he would advise his constituents to vote Democratic.³⁷

In debate on the Senate floor, Langer was as likely to direct his venom against the Republican party as he was against the Democrats. In February 1951, he railed against the Democratic-controlled Congress for taking so long to pass legislation providing money to fight the Korean War. The Democrats should have no problem passing such a law overnight, Langer insisted, since "every time they have been in office there has been a war."³⁸ Nevertheless, only three months later Langer attacked the Republicans for having "the

consummate gall to rise and say that the Democrats are the war party."³⁹

Langer seemed unconcerned that his defiance of party ties would hamper his effectiveness as a legislator in the tradition-bound United States Senate. Only rarely did legislation other than private bills authored by Langer pass the Senate, and the private bills passed unquestioned on the strength of senatorial courtesy. He did not need the Republican party in the Senate because he had no serious legislative goals. He did not need the Republican party in North Dakota because his constituency there was based upon personal, not party, ties.

Langer was perfectly willing, however, to accept the spoils of the seniority system when he was the senior member of the Republican party on the Judiciary Committee in 1952. The Republicans took control of the Senate in that year's election, and Langer was to become the chairman of the powerful committee. Senator Knowland, no friend of Langer's, called for an exception to the seniority system to exclude Langer from the chairmanship, but other Senators were wary that the entire pecking order would collapse and allowed Langer to take control. The position was to give Langer what Time magazine called "nuisance leverage."⁴⁰

Langer's first year at the helm of the important committee went smoothly. An Eisenhower administration official went so far as to say that "Bill has been mellowed

by time and responsibility."⁴¹ Some even called him "Mild Bill."

But Knowland's worst fears were confirmed in 1954 when the nomination of Earl Warren as Chief Justice of the United States had to pass through Langer's Judiciary Committee. Although Langer steadfastly denied the charges, the national media and most of his fellow senators accused him of unnecessarily delaying Warren's nomination for well over a month. Langer insisted upon airing a series of questionable letters charging that Warren was a communist and that he had allowed organized crime to establish its headquarters in California. He also took the unprecedented step of requesting an FBI investigation into Warren's past.

The explanation of Langer's actions was simple: Eisenhower had snubbed Langer by not seeking the North Dakota senator's approval of several federal appointments in the state, including a judgeship and several postmaster positions. Langer guarded his power of patronage most jealously, and the media and other members of the Senate assumed that the delay of the Warren nomination was in revenge for Eisenhower's insensitivity.⁴²

Such charges sent Langer into a rage. He took to the Senate floor to defend himself against what he perceived to be an attack on his integrity. Almost with pride, he inserted many editorials protesting his delay tactics into the Congressional Record. There was no deliberate delay,

according to Langer. He was only doing his job by investigating every charge, and he was staying up late at night despite his ill health to do so. Langer contended that the delay was due to the number of objections filed against Warren and that if Eisenhower had nominated a jurist instead of a politician there would have been fewer such objections.⁴³

Langer's "thoroughness" was defended by Senators Morse, Long, and Kefauver, but other senators were furious. Knowland renewed his efforts to remove Langer from the chair of the Judiciary Committee.⁴⁴

Langer had supported Warren in his unsuccessful presidential campaign of 1952 and was personally acquainted with the future Chief Justice.⁴⁵ But Langer would go to almost any length to defend his patronage privileges, even if that meant he had to call into question the integrity of a man he knew to be innocent.

National magazines had singled out Langer as one of the worst senators long before the Warren affair. "A lone-wolf, incapable of cooperation, 63-year-old Langer has probably introduced more trivial bills than any other Senator," reported a Time article in 1950 listing the eight "most expendable" senators.⁴⁶ According to a later article in the magazine, Langer had a reputation "for being long on wind and trivial proposals, short on judgement and accomplishment; he was on almost all lists of the ten worst

Senators."⁴⁷ Time earlier had referred to Langer as the "beady-eyed" Senator from North Dakota.⁴⁸

U. S. News was befuddled by Langer's plan to enter law practice to finance a Senate anti-monopoly investigation in 1954. "He has to do it that way, he says, because the Senate leadership stalled his request for \$37,500 for committee operations. . . Old-timers around the Capitol cannot recollect a similar instance in the past." According to the magazine, "Langer frequently is involved in unusual situations." His imposition of the legally questionable grain embargo as governor was cited as but one example of his unpredictability.⁴⁹

Of the national magazines, The Saturday Evening Post printed the most serious attempt to understand Langer. Because Langer had become chairman of the Judiciary Committee and could therefore no longer be ignored, the Post sent its Washington editor Beverly Smith to North Dakota in 1954, soon after Langer was accused of being a part of an alien smuggling racket. Smith's lengthy and comprehensive article provides one of the most insightful investigations of Langer's personality available to this day. Even so, she was frustrated by her subject and called her article a "feeble attempt" to understand the tumultuous senator.⁵⁰

After 1954, Langer faded from the national scene until his death in 1959, thus escaping further criticism. After his death, however, Newsweek spoke of Langer's ability to

raise "unskirted hell on the floor of the U. S. Senate." In addition, "Except on farm and foreign policy, he seemed to have no consistent philosophy." The only tribute the magazine could muster was to say that ". . . in a time of political conformity, the Senate lost one of its most dedicated non-conformists."⁵¹

Langer seemed to derive just as much satisfaction from criticism as he did from praise. If he was criticized in the editorials of national news magazines, he was sure to insert the articles into the Record. A North Dakota reporter who covered many Langer campaigns wrote, "He appeared happiest when his actions startled people. Generally he seemed to take the attitude that all publicity, even if unfavorable, was good publicity."⁵²

When William Langer entered the Senate, he entered an office conducive to the efficient development of a personal constituency. But despite his increasing support in North Dakota, Langer's days of effectiveness as a government official were over. From 1940 on his only contributions to the formation of public policy would be wind and noise.

In addition to Langer's remarkable memory for names and energy for campaigning, he succeeded in expanding his support in North Dakota during his undistinguished Senate career for three reasons: First, his reputation for "getting things done" on behalf of his constituents grew to the level of myth. Second, his unabashed, eloquent defenses of

North Dakota gave the citizens of the state a feeling of pride and a sense that their interests were protected in Washington. Third, Langer so identified himself with his home state that he was able to present an attack on himself as an attack on the people of North Dakota. Any criticism of him by the national or even the regional media thus worked to his own benefit.

Langer never made the transition from being a lawyer in the wild west to being a legislator in Washington. He had no patience for the legislative process. It had been difficult enough for him to cope with the limits on his power in the governor's office in Bismarck. It was impossible for him to cooperate or compromise with his fellow senators in Washington.

Towards the end of Langer's career, the anger many senators felt towards him during his early years in the Senate dissipated and was replaced by mere exasperation. It was apparent that Langer had used his "talent for friendship" to win over many of his early detractors in the same way that he won over North Dakota voters, and by the time of his death, Langer's colleagues admired him for his humanitarianism and friendliness.

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44. Newsweek, 1 March 1954, p. 19.
45. U. S. News, 5 March 1954, p. 14.
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47. Time, 7 July 1942, p. 14.
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III

Langer: A Humanitarian Liberal?

It would be possible to examine William Langer's record in the Senate and conclude that he was a consistent and perpetual advocate of human rights and civil liberties. A perusal of the index to the Congressional Record shows that from the time he went to Washington in 1941 until his death in 1959, Langer was sympathetic to a wide variety of liberal causes. Indeed, given the nature of some of his proposals, it is possible to argue that Langer was many years ahead of his time.

In the realm of civil rights, Langer consistently pressed for equality for blacks. It would be difficult to accuse him of doing so in order to gain votes: North Dakota's black population numbered only in the hundreds, and for most North Dakotans, civil rights was not a pressing issue in the 1940's and early 1950's. His support for racial justice for all ethnic minorities was consistent throughout his entire career in the Senate.

In 1943 Langer protested discriminatory hiring practices in the navy shipyards. In a long speech on the

Senate floor, Langer recited the heroics of black men in stories taken from what he called the "then uncensored" press of 1941, and expressed outrage that black federal employees, despite their competence, were still treated unfairly.¹

Later in the same month, Langer introduced a bill to prohibit discrimination on the basis of color in the WAVES. "With the WAACs and WAVES fighting for four freedoms all over the world," he observed, "how strange it is that there should be the necessity here in the United States for a bill of this character."²

Later, Langer proposed that Federal aid to public schools be tied to the elimination of discrimination on the basis of race, creed, or color. He cited statistics from an unnamed state which allegedly provided schools \$66.21 per white student and \$12.62 for each black student.³ In 1945, Langer introduced a bill to prohibit any college or University that, in the opinion of the United States Commissioner of Education, "in any manner discriminates against any person on account of race, color, or creed, or on account of his views with respect to such discrimination, or in any way attempts to prevent or restrain the freedom of expression of such views by any person" from receiving federal funds.⁴

In 1948, Langer stated that ". . . There is more discrimination against Negroes today than at any time since the turn of the century."⁵

Langer and Senator Olin Johnston of South Carolina sparred over racial matters in the spring of 1949. Had Johnston done anything while governor of his state to permit the Negro to vote? The southerner replied that he had not. Was Johnston a white supremacist, and if so, why? Johnston's position was that he merely favored a system in which those who were most qualified to rule were in control of the government. Would Langer want North Dakota's Indians to have too much control?⁶

Johnston's refusal to help the blacks in his state stood in contrast to Langer's consistent work on behalf of the Indians of North Dakota throughout his entire career. From the time when Langer broke into the Fort Yates jail to confer with five Indians he was to defend successfully in a murder trial until his last days in the Senate he worked to help individual Indians whom he believed had been wronged by "the system." As usual, however, Langer's help was limited to individual cases and his effective legislation was limited to private bills. The bills he introduced to require that the Bureau of Indian Affairs be headed by an Indian and his proposals to grant reservations greater self-government were not serious attempts to change the law.

Despite his refusal to disagree with anti-Semitic letters he received from constituents, it is difficult to charge Langer with anti-Semitism. In 1943, Langer delivered a long speech on the Senate floor in favor of a Jewish

homeland in Palestine and in favor of Jewish representation in the future United Nations. He qualified his support for a new Isreal, however, by adding that any state developed for the Jewish people would have to allow "the full civic and religious rights to the non-Jewish inhabitants of Palestine. . ."⁷

Langer's belief in the equality of all races led him to introduce many bills that would admit displaced persons into the United States without regard to their nationality.⁸ He opposed racially based immigration quotas as well, but his support for an equitable immigration policy was limited to the introduction of sweeping, simplistic bills.

Langer was a consistent advocate for those who were persecuted for their religious beliefs during World War II. He defended Jehovah's Witnesses who claimed that they were abused while incarcerated for concientious refusal to serve in the armed forces. In 1949, Langer introduced a resolution urging the President to pardon all convicted for their refusal to serve during World War II due to their religious convictions.⁹

According to the index of the Congressional Record, Langer annually introduced a constitutional amendment to provide equal rights for women. He also introduced or supported legislation to abolish poll taxes, to prevent the lynching of Indians, to prevent the lynching of blacks in the armed forces, to provide jobs for the handicapped, to

provide for German war orphans, provide financial relief for all persons detained as enemy aliens, to remove racial restrictions on naturalization, to permit Indians to select the commissioner of the Bureau of Indian Affairs, to prohibit child labor, to prevent the use of animals in experimentation, to provide maternity leave for federal employees, to regulate the use of wire-tapping and listening devices, to provide for the direct election of the President, to establish a national Infantile Paralysis clinic, to provide aid to crippled veterans, to increase the benefits of serviceman's dependents, to prevent the drafting of fathers, to provide maternity care for wives of enlisted men, to prevent discrimination against blacks in Washington D. C. restaurants, to provide special parcel post rates for the blind, to abolish the Electoral College, to provide stools for all postal clerks, to establish a federal agency for the handicapped, to establish a federal advisory committee for the blind, to fund cancer research, to provide for libraries in rural areas, to encourage world disarmament, and to prohibit the production of nuclear weapons.¹⁰

The titles of his proposed bills make an impressive list, but Langer was no Hubert Humphery. Langer's bills were simplistically worded and not designed to pass. At best they were intended to appear as a statement of Langer's ideals and at their worst they were designed to look good in

a letter to a constituent. Furthermore, it did not matter to Langer that existing law rendered some of his measures unnecessary.

Most of his civil rights proposals were not serious attempts to pass effective legislation but rather were introduced as amendments to agriculture or defense measures in an attempt to kill or at least delay the passage of bills Langer did not like. Although there is no question that Langer believed in racial equality, his civil rights proposals were mischievous attempts to derail Senate debate by broaching the most controversial topic possible. Often, Langer succeeded. For example, he often introduced anti-lynching bills as obstructive amendments to agriculture bills. Langer objected fiercely to a bill to repeal the tax on oleomargarine, for example, and responded by attempting to amend the bill to prevent lynching.¹¹ Although he received the support of some civil rights groups and the admiration of many supporters of civil rights groups, others rightly accused him of using civil rights as a political tool. Senators who dared point out that anti-lynching legislation had little to do with oleomargarine taxes were treated to long, indignant diatribes attempting to prove the opposite.

His proposals on behalf of other disadvantaged minorities were no more serious. Langer seemed incapable of constructing a bill that was worded in such a way that it

would have a chance of passage. Although the titles of his proposals are impressive as they appear in the index to the Congressional Record, the text of the bills is inevitably simplistic and naive. The man identified by many of his colleagues as the senator most concerned with the plight of children seemed himself to be possessed of a childlike faith that the world's problems could be solved by a series of simple decrees.

Upon further analysis, most of Langer's humanitarian efforts in the Senate take on the character of the bill he introduced in June 1945 to require that 10 percent of all major league baseball players be returning veterans missing one or more limbs.¹² Proposals such as this one were often comic and seemed to mock the very people Langer professed to want to help.

Others of Langer's liberal and civil libertarian views have been regarded with satisfaction by liberals of today. Langer was suspicious of the activities of the Central Intelligence Agency, for example, and in 1949 sought to limit the duties CIA agents could perform while in the United States. Although he might vote alone, Langer said, he would not stand by while a "gestapo" was established in the United States "by which people may be hounded by a central bureau."¹³

Langer opposed most military spending. Those who were in favor of large military expenditures following World War

II, were simply "hysterical with fear," he charged. Military funds, Langer went on to say, are by definition wasted, while money spent on domestic programs brings returns.¹⁴ Langer also consistently opposed the military draft.¹⁵

When the Supreme Court's Harris decision broadened the right of search, Langer immediately introduced a bill to strengthen the laws against illegal search and seizure.¹⁶

In 1953, Langer was the only member of the Senate Judiciary Committee to oppose a bill designed to help congressional investigating panels force witnesses to answer questions. The bill was a direct blow to the Fifth Amendment, but Langer opposed it because it granted immunity from prosecution for any offense mentioned in the hearing. Such immunity, Langer contended, would encourage criminals to broaden their testimony to enlarge their immunity.¹⁷

Langer had long been opposed to the type of tactics that characterized the witch hunts of the McCarthy era. In 1942 he had mocked the Dies Committee's "guilt-by association" tactics and disputed the notion that communists needed to be outlawed. "In North Dakota, we did not do as some other states have done, namely pass a law prohibiting a communist column on the ballot," he declared. "On the contrary, we had an investigation made to find out why a man would vote communist, and it did not take long to discover the reasons." Hunger, poverty, and hardship put people in a

position where they would "vote almost any kind of ticket."¹⁸

In July 1950, Karl Mundt of South Dakota maintained on the Senate floor that a train wreck in Missouri was caused by "subversive elements." When authorities revealed that in fact a prank by a group of boys had caused the accident, Langer reprimanded the South Dakotan: "It all goes to show how that in a time of hysteria, anything which may happen anywhere in the U. S., no matter how bad, may be blamed on some organization or person who is not at all guilty. . ." ¹⁹

The broad sweep of the hunt for subversives troubled Langer. "What about the peaceful advocacy of socialism?" he asked his fellow senators, wondering if they could find any American more loyal than the head of the Socialist Party, Norman Thomas.²⁰

Loyalty boards appointed by the President were not consistent with the American conception of justice, Langer maintained, adding that such work was what the courts were for.²¹ Bills against subversives were "the product of hysteria and frantic, unthinking fear" and struck at the foundation of American democratic institutions because they "required proof of no overt act or evil intent."²² The Nixon-Mundt bill proposed in 1950 to control un-American and subversive activities would, in Langer's words, "declare guilt by legislative fiat."²³ Langer added that "this bill,

if enacted, would constitute the greatest threat to civil liberties since the alien and sedition laws of 1798."²⁴

Langer often defended those who he felt were denied a fair hearing when accused of subversion. Although disclaiming any connection to a group of New York communists on trial for subversion, Langer said, ". . .in America a murderer, a Communist, a Democrat, or a Republican, a smuggler or a bank robber, under the Constitution of the United States is entitled to a square deal when he goes into court." The judge in this particular case, according to Langer, had "hand-picked" the jury to obtain a conviction.²⁵

Langer tied his arguments for racial equality to the issues of the Cold War. If the United States government was effectively to oppose communism abroad, Langer argued that it needed to protect liberties and the rights of minorities at home. "God only knows," he charged, "we have departed far enough from these sacred principles of reasoned and decent human conduct on the domestic scene."²⁶ But Langer was also aware that the United States was not alone in this regard; the behavior in Africa of the England he hated was serving to drive blacks there "into the arms of the Soviets," he said in 1948.²⁷

Communism was a threat, but the measures taken to combat communism were a larger threat. According to Langer, ". . . our American way of life is threatened whenever freedom of speech, freedom of press, freedom of assembly, or

freedom of worship is denied any group of persons in our land."²⁸ To Langer, measures such as the Internal Security Act of 1950 threatened traditional American liberties.

Many of Langer's impassioned pleas for the preservation of American liberties were not issued as a part of the debate over a particular bill but in response to attacks, real or imagined, upon groups near and dear to Langer's heart. When the Farmer's Union of North Dakota was labeled by a Senator from New Hampshire as a "communist front," Langer took the floor in protest, inserted enough articles and chapters of books in favor of the Farmer's Union to fill 35 pages of the Congressional Record, and then launched into a long discussion of America's democratic ideals.²⁹

In 1950, an attack on the Farmer's Union provided Langer with an opportunity to issue a characteristic protest against the guilt-by association mood of the time: "I know of no law which provides that a Communist cannot join a cooperative organization," he said, implying that it was neither troubling nor surprising that three communists may have found their way into the Farmer's Union and that their presence was no proof of communist influence in the organization.³⁰

A second attack on a group dear to Langer was more a product of the Senator's imagination, or perhaps of his unwillingness to leave the Senate floor without delivering the tirade he had prepared for the day. After Louis Budenz

said in a Congressional hearing on the American communist movement that it had been Owen Lattimore's assignment to represent the Chinese communists as "nothing but North Dakota Non-Partisan Leaguers," Langer exploded on the Senate floor as if the NPL had been labelled a communist front. He was appalled that ". . . a man who, so far as I know, never has been to North Dakota, should take the name of the Non-Partisan League in vain, and even by innuendo or insinuation try to mix it up with Russian Communists."³¹ When Senator Owen Brewster of Maine pointed out that the statement was actually a compliment to the NPL, Langer would have none of it and proceeded to insert articles and chapters from books that filled twenty-three pages in the Record.³²

Langer not only defended groups closely identified with North Dakota; when the National Lawyer's Guild was accused by Attorney General Brownell of subversion, Langer defended it on the Senate floor in a speech entitled "National Lawyer's Guild--Legal Bulwark of Democracy." "In my opinion," Langer said, "the Lawyer's [sic] of the National Lawyer's Guild are just as loyal as any Senator on this floor."³³ Many criticized Langer for his defense of the Guild, but he responded by placing the responsibility for a final judgement on the office of the attorney general: "Certainly if there was any proof that the National Lawyer's Guild was communistic, I have every confidence that the Attorney General would have so designated them a long time

ago."³⁴ After the attorney general castigated the Guild in stronger terms (although he never formally declared the Guild subversive), Langer was less friendly, calling the organization a "stench in the nostrils of every decent attorney," and a group that "without any question in the world, is communistic and properly designated as one of subversive activity."³⁵

Langer's concern for civil liberties led him to associate himself with the Emergency Civil Liberties Committee directed by Clark Foreman and headquartered in New York City. Langer's staff worked closely with Foreman's. In August 1955, Langer agreed to allow Foreman to mail 5,000 copies of a brief from his office, apparently under Langer's frank. After Foreman offered only to send the labels to Langer's office and pay for the labor of sticking them on the publication, Langer responded that "the work must be done under supervision in my office but you will have to provide the manpower to do it."³⁶

In 1955, Langer was the featured speaker at a conference sponsored by the ECLC in Philadelphia. Although Langer received top billing, other prominent civil libertarians present were Louis L. Redding of the National Association for the Advancement of Colored People, Nation writer Frank Donner, and I. F. Stone, editor of I. F. Stone's Weekly.³⁷

Langer's appearance at the conference puzzled some of his supporters and infuriated the editors of the Hearst newspaper chain. A veterans' group which had asked Langer to speak withdrew its invitation, and the New York Journal American fumed in an article entitled "Senator at Red-tinted Hoe Down" that Langer offered the "piece de resistance" in a "monotonous menu" of speeches, many of which were given by people who had been indicted on charges of being a communist.³⁸ Langer continued to puzzle observers when only days after appearing at the ECLC conference he spoke to the anti-communist Christian Democratic Union of Central Europe and, according to the New York Herald Tribune, "won their hearts."³⁹ When asked about the apparent contradiction, Langer replied that "as a member of the United States Senate, I feel free to address any group of American citizens."⁴⁰

In late 1955, Langer spoke at an "assembly for justice" in New York on behalf of Morton Sobell, an alleged communist sympathizer imprisoned in Alcatraz on charges of espionage. Hearst writer Leon Racht noted that according to the Daily Worker, Langer had said that he would do "everything in his power" to see that "Mrs. Sobell's husband" received justice. Racht blasted Langer's "ranting" in front of "1,800 communists and fellow travelers" and claimed that the Senator's propensity to back the common people against the

so-called "greedy, grasping" monopolies was further evidence of Langer's weakness on the communist issue.⁴¹

Civil liberties groups other than the ECLC lauded Langer's work to preserve civil liberties. A member of The Committee to End Sedition Laws wrote Langer and noted his "world reputation for fair play and insistence upon the rights of our people."⁴² Firing Line, An American Legion publication, blasted Langer's affiliation with the ECLC and other "communist-front" groups.⁴³ After Langer addressed the ECLC in a rally at Carnegie Hall in New York City, the Federal Employees Veterans Association canceled a speech Langer was scheduled to deliver to them a few days later. A surprised Langer issued a press release which argued that veterans of any group should be concerned about their civil liberties.⁴⁴

Langer was a humanitarian. He could not resist taking up the case of an underdog, no matter where that underdog might reside. He often, for example, took on the cases of residents of Washington D. C. He also endeared himself to his fellow Senators over the years by showing genuine concern for their families. Langer could not bear to ignore suffering if it was within his sight.

There is also little doubt that Langer's concern for civil liberties was authentic. Some of Langer's longest and most impassioned letters are to non-North Dakotans and concern civil liberties. He worked diligently on behalf of

many he believed to be falsely accused of a crime even though few of them had any ties to North Dakota. He spent much time and energy promoting civil libertarian causes despite there being little probability that such efforts would increase his support at home.

Yet his civil libertarian beliefs did not always hold sway; often they were overshadowed by other, more pressing concerns. And both Langer's humanitarianism and his civil libertarianism were handicapped by his inability to draft passable legislation.

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2. Ibid., p. 3766.
3. Ibid., Part 8, pp. 8558-8562.
4. Ibid., 79th Cong. 1st Sess., 1945, Vol. 91, Part 1, p. 1114.
5. Ibid., 80th Cong. 2nd Sess., 1948, Vol. 94, Part 6, p. 7257.
6. Ibid., 81st Cong. 1st Sess., 1949, Vol 95, Part 2, pp. 2506, 2507.
7. Ibid., 78th Cong. 1st Sess., 1943, Vol 89, Part 2, pp. 2230-2233.
8. Ibid., 80th Cong. 2nd Sess., 1948, Vol 94, Part 4, p. 4368.
9. Ibid., 81st Cong. 1st Sess., 1949, Vol 95, Part 4, p. 4578.
10. This list of Langer's causes was compiled from a survey of the indexes to the Congressional Record from 1941-1959.
11. Congressional Record, Senate, 81st Cong. 2nd Sess., 1950, Vol. 96, Part 1, p. 124.
12. Ibid., 79th Cong. 1st Sess., 1945, Vol. 91 Part 4, p. 5598.
13. Ibid., 81st Cong. 1st Sess., 1949, Vol. 95, Part 5, p. 6951.
14. Ibid., 80th Cong. 1st Sess., 1947, Vol. 93, Part 1, p. 1342.

15. Glenn Smith, "Senator William Langer and Military Conscription, 1945-1959," North Dakota Quarterly, Vol. 37, No. 4 (Autumn, 1969), p. 19. Smith argues in this article that Langer was "either a voice from a more simple American past, or an unheeded spokesman for the future."

16. Congressional Record, Senate, 80th Cong. 1st Sess., 1947, Vol. 93, Part 4, p. 4848.

17. New York Times, 21 August 1953, p. 24

18. Congressional Record, Senate, 77th Cong. 2nd Sess., 1942, Vol. 88, Part 6, p. 7530.

19. *Ibid.*, 81st Cong. 2nd Sess., 1950, Vol. 96, Part 8, p. 10981.

20. *Ibid.*, 81st Cong. 2nd Sess., 1950, Vol. 96, Part 3, p. 3171.

21. *Ibid.*

22. *Ibid.*, p. 3170.

23. *Ibid.*

24. *Ibid.*

25. *Ibid.*, 81st Cong. 1st Sess., 1949, Vol. 95, Part 1, p. 497.

26. *Ibid.*, 80th Cong. 2nd Sess., 1948, Vol. 94, Part 4, p. 4529.

27. *Ibid.*

28. *Ibid.*, 81st Cong. 2nd Sess., 1950, Vol. 96, Part 11, p. 14318.

29. *Ibid.*, p. 14322.

30. *Ibid.*, p. 14374.

31. *Ibid.*, Part 4, p. 5426.

32. *Ibid.*

33. New York Times, 28 August 1953.

34. Langer to Hiram R. Smith, 5 March 1951, Box 492, Folder 4, Langer Papers.

35. Langer to W. McKay Skillman, 8 September 1959, Box 475, Folder 9, Langer Papers.

36. Langer to Clark Foreman, 31 August 1955, Box 401, Folder 2, Langer Papers.

37. An Emergency Civil Liberties Committee promotional flier, Box 401, Folder 2, Langer Papers.

38. A clipping from the New York Journal American, 16 April 1955, Box 401, Folder 3, Langer Papers.

39. A clipping from the New York Herald Tribune, 18 April 1958, Box 401, Folder 2, Langer Papers.

40. Ibid.

41. An article entitled "Dakota Maverick" by Leon Racht, identified by Clark Foreman as a writer for the Hearst newspaper chain, found on an unidentified, undated newspaper clipping, Box 401, Folder 2, Langer Papers.

42. Allan D. McNiel to Langer, 1 November 1955, Box 401, Folder 2, Langer Papers.

43. Firing Line, a publication of the American Legion, 15 April 1955, Box 401, Folder 2, Langer Papers.

44. Press release from Langer's Senate office, 1 October 1955, Box 401, Folder 3, Langer Papers.

IV

Langer, Germany, and the Internal Security Act of 1950

Langer's opposition to the Internal Security Act of 1950 could be viewed as an act of courage in defense of civil liberties at a time when anti-communist hysteria was running high. Langer spoke against the Act at many times during the debate, and to prolong matters, he filibustered from midnight until he dropped of exhaustion at nearly five o'clock in the morning. He was taken by ambulance to Bethesda Naval Hospital where he remained for seven days.

Langer's arguments against the Internal Security Act centered upon the effects that the Act would have on free speech, freedom of assembly, and freedom of thought. But Langer's behavior after the Act's passage suggests that he had another motive in mind; passage of the Internal Security Act would make it more difficult for Germans and Austrians to enter the United States. Once the attorney general interpreted the Act in a way which allowed more Germans to immigrate to the United States, Langer's opposition to the Act all but vanished.

Langer's opposition to an act which would limit the ability of Germans to immigrate was consistent with his career-long dedication to German causes. He had long deplored American policy in post-war Europe. In 1946 he had issued what was to be only the first of many long diatribes on the subject. His rhetoric at that time was even more inflated than usual:

. . .when the whited sepulchers of our empty promises which are now being filled with the wasted flesh and bones of innocent and guilty alike are fully exposed to view, when our riches win us nothing but universal loathing, when we are unable longer to take the names of Jefferson, Washington, or Lincoln upon our lips without shame, when we must cast our eyes to dust at the mention of the name of our Lord and Master, then the American people will demand to know who has smeared them with this guilt.¹

In 1947 Langer argued that the Morgenthau Plan to pastoralize Germany was designed "to make the annihilation and the extermination of the German nation and of the German people complete."² Also in 1947, Langer began to argue that American policy in Germany was the product of "deliberate betrayal" by communists within the Truman administration.³

In 1948 Langer railed against the "unholy" record of the United States Government in Germany. Charging that as many as 4,000,000 Germans had died from mistreatment or starvation during forced relocation programs, he maintained that an administration "blinded by wartime passions" was

following a war against Nazi inhumanity with equal inhumanities of its own.⁴

Langer was offended at the nature of the justice meted out by the United States military courts in occupied Germany. "We cannot have a double standard of justice, one brand for us at home and another for export," he said in 1949. "We must get to the bottom of this shocking deviation from American principles . . ."⁵ As evidence of wrongdoing, Langer cited numerous beatings, forced confessions and hangings of Germans he believed were denied due process by American officials.⁶

Langer believed that even after the Soviets were no longer involved in the Nuremburg trials they continued to control them from behind the scenes. Langer demanded that the payrolls of the American prosecution staff at the trials be subpoenaed by the Senate Judiciary Committee. Then, he claimed, ". . . it will be seen that the entire prosecution staff was composed of leftists and men who since have been exposed as communists and members of communist front organizations."⁷ Langer also revealed in 1949 that his German-American constituents in North Dakota unanimously agreed that unless America sent food to Germany, the communists would take over that country.⁸

Had not Langer's eccentricity and ineptitude already discredited him with the media and his fellow Senators, his use of the communist issue might have succeeded in bringing

attention to the German problem. His arguments echo those of the China Lobby, which assumed that policies that in retrospect worked to bring about the downfall of the Nationalist government in that country must by implication have been inspired and implemented by communist spies. Soon, however, the threat to the German cause was to come not from the State Department, but from the Senate itself.

When the Mundt-Nixon bill to control subversives was introduced in 1950, Langer objected to it on civil libertarian grounds, noting that it was opposed by many labor unions, the NAACP, the American Civil Liberties Union, and the National Lawyers Guild. Langer cited Charles Evans Hughes' opposition to anti-subversion measures and asked his fellow Senators if they thought Hughes had been a communist.⁹

After Mundt-Nixon was incorporated into what was to become the Internal Security Act of 1950, it became apparent to Langer that the Act's immigration restrictions and deportation provisions would greatly affect Germans attempting to immigrate to the United States as well as Germans who had already arrived. The Act, he later argued, would prevent 90 percent of those Germans who wished to come to the United States from doing so.¹⁰

Langer knew that it would be futile to argue for leniency for German immigrants while memories of World War II were still fresh. Instead, Langer decided that the most

compelling arguments against the Act concerned its effects upon traditional American civil liberties. Langer consistently worked to advance the cause of Germans, but his methods had come full circle from his earlier use of anti-communism to discredit American policy in Germany, to his later contention that the Internal Security Act would harm traditional civil liberties. It simply would not work to charge that the Internal Security Act of 1950 was a communist plot, although Langer would later attempt to make such a connection.

Despite Langer's use of anti-communist arguments to oppose American policy in Germany, Senator Pat McCarran of Nevada, the author of the Internal Security Act of 1950, attacked Langer for his opposition to the act by questioning his patriotism. The position Langer took, McCarran said, "is supported by every communist organization in the world."¹¹

Langer's opposition to the Internal Security Act led him to filibuster several times before his final, dramatic collapse on the floor of the Senate during the last day of debate. The bill passed while Langer was in the hospital, and Langer determined to work for its repeal.

Less than two months out of the hospital, Langer traveled to Germany to assess the effects of the Internal Security Act on the German people. Upon his return, he gave a report to the Senate in which he alleged that the Act was

playing into the hands of the communists in Germany. "Just as with denazification," Langer said, "so this interpretation of the security law tends to divide the Germans from the Americans," thus accomplishing the purpose of the communists and "fellow-travelers" in Washington.¹² In particular, Langer was offended that the act would bar from the United States former members of the Nazi youth who had joined the organization when they were as young as 10 years old.¹³

Langer's efforts were not in vain. In late December of 1950, he received word from Senator McCarran that the hardship on Germans was caused by a "misinterpretation" of the law.¹⁴ A few days later, the act was "reinterpreted" by the attorney general, and Langer was able to write a concerned citizen in Pennsylvania that the Senate "just didn't seem to have the nerve to repeal it [the Internal Security Act] as they should have, but this goes a long way."¹⁵

Only a few more days later, Langer began to waffle on the issue to constituents who wrote supporting his previous stand against the Act. To one who wrote asking Langer to author a bill to repeal the Act, Langer replied that it would do no good to introduce such a bill because McCarran was chairman of the Judiciary Committee, and therefore there would be no chance to get such a bill out of committee.¹⁶ Such an excuse is particularly flimsy coming from Langer,

who throughout his career introduced hundreds upon hundreds of bills he knew would die in committee. Furthermore, when Langer replaced McCarran as chairman of the Judiciary Committee in 1953, he did nothing to repeal the bill. In fact, the reinterpretation by the attorney general seemed to satisfy all of Langer's objections to the Internal Security Act.

Langer continued to charge that the communists were behind American policy in Germany. In early 1951 he proposed that a senate investigating committee look into the role of "the Alger Hiss and Harry Dexter White crowd" in the seizure of German property following the war. At the same time, he nominated Senators McCarthy and Nixon, "who have worked admirably to ferret out communists" from the American government, to sit on the committee.¹⁷

Langer's opposition to the Internal Security Act as reinterpreted by the attorney general was limited to an occasional brief statement. Indeed, in 1954, Langer introduced an amendment to strengthen the Act by requiring that communist-front organizations not only had to register as such with the government, but had to register all of their printing equipment and printed materials as well. The amendment was to make illegal many "communist underground" printing facilities that Langer contended made up an "integral part of the conspiratorial operation of the Communists in this country. . ." ¹⁸

As late as 1955, Langer wrote to constituents concerned about the discriminatory provisions in the Internal Security Act that he would "see what he could do" to get it repealed.¹⁹ Langer's views became more evident in 1957 when a group of citizens wrote Langer in opposition to a change of the immigration laws that they feared would "permit the admission of Asiatics in wholesale numbers."²⁰ Langer replied that he agreed, and would "keep on fighting against any measure which would weaken our present immigration laws."²¹

Although the immigration reform bill McCarran later co-sponsored with Congressman Francis Walter of Pennsylvania (the McCarran-Walter Act of 1952) contained much that Langer could have found objectionable on civil-libertarian grounds, it also contained a provision that required positive proof that aliens who were "believers in Nazism and Fascism" had tried to advocate the establishment of those ideologies in the United States before such persons could be deported. That provision, as it happens, was objectionable to one German-American, President Dwight Eisenhower, but it may have served to smooth the passage of the bill through the Senate by silencing the opposition of the senior senator from North Dakota.²²

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Langer's Response to the McCarthy Era

William Langer, like most Americans of his day, accepted the major premises of anti-communism. Although his sympathy for individual cases often led him to defend persons accused of having communist sympathies, and although his civil libertarian beliefs led him to question the methods used by the more zealous opponents of communism, Langer was a true believer in the perils of international communism.

The foundations of Langer's anti-communism were laid during his early days as a progressive politician in North Dakota. Langer had left the Nonpartisan League in 1920 because he thought the organization had come under the control of a few "elite" eastern intellectuals. In the same way, he saw communism in the Soviet Union and in Eastern Europe as an evil, not so much because it was atheistic and favored the redistribution of wealth, but because it represented to Langer a dictatorship of an intellectual elite at the expense of the common man, especially the farmer. Langer considered communists to be in the same

category as the interests and the monopolies. Both groups represented control over the many by the few.

Langer's anti-communist ideas concentrated on improving the lot of the underprivileged: "We wiped out the communist party in North Dakota while I was governor," he believed, "not by force, not by taking their names off the ballot, but by having a government there of the people, for the people and by the people--a government where every man is king and every woman queen."¹ During the peak of the Cold War, Langer held that "The best way to wipe out communism is to see to it that every poor man owns his own home and his own property."²

Although the official policy of the United States government interpreted anti-communism to be nearly synonymous with opposition to the Soviet Union, Langer's anti-communism was consistently shaped by his "common man" philosophy. The difference between Langer's view and the official view became apparent in 1950 when the Senate voted to give aid to Yugoslavia in reward for Tito's resistance to Soviet hegemony. Langer balked. The United States government, Langer charged, was "giving millions of dollars to a bloody Communist outfit which murdered hundreds of thousands of families, took hundreds of thousands of homes," and which was now looking to the United States to supply food the Yugoslav farmers had rightly refused to produce.³ To Langer the communists in Yugoslavia represented to farmers there

the same evils the interests and monopolies represented to the farmers of North Dakota. "The common man," Langer said on the Senate floor, "doesn't want the communists in control any more than he wants the Rockefellers in control."⁴

Langer often emphasized the low regard communists held for the notion of private property and came to regard any threat to private property as a communist plot. Using the argument that confiscation of property is one of the first steps of a communist regime, Langer attempted to label the Allied confiscation of German property following World War II an implemenation of communist ideology.⁵ In 1951, Langer wrote in a letter to John J. McCloy, United States High Commissioner for Germany, ". . . I have criticized unmercifully the denazification program. I am entirely satisfied that if it was not instigated, it was assisted by the Communists."⁶

Langer's anti-communism, although built on the principles he inherited from the progressive movement, was never an end in itself; most often it was employed as a weapon in his fight against what he saw to be greater evils. Anti-communist activism is not a consistent theme in Langer's career. His two dalliances with the movement, during the Red Scare of the 1920's and from 1946 through the end of the McCarthy era, occurred only when anti-communism was the political weapon of choice. Langer actively sought out communists during his tenure as attorney general of

North Dakota, but soon gave up on the notion that it was possible to root out communists from society. From that time on, Langer employed anti-communism primarily as a tool to achieve other political ends, most prominently to protest the American occupation policies in Germany.

Langer's ardent opposition to the Allied policy in occupied Germany stemmed from his desire to please his German constituency. Many of these North Dakotans received word from their relatives in Germany describing the conditions there, and many more attempted to help their relatives emigrate to the United States. Langer's goal was to moderate Allied policy in whatever way and by whatever means he could. He often chose as his tool the explosive issue of "communism in government."

Langer had no sympathy for the State Department, which, he noted often, did not employ a single North Dakotan. He castigated its officials as persons "who have never milked a cow, who never worked a single day with their hands as day laborers, who never knew what it was like to try to support a family on \$100 a month, and who have no more conception of the sweat and the labor that it takes to produce a dollar than the man on the moon." These men were the equivalent of the House of Morgan, Dillon, Read & Co., and the Rockefellers, "the millionaire autocracy."⁷

Langer's charges of communist infiltration in the State Department are more eloquent and would seem at first glance

to be even more disturbing to the sensitivities of a Cold War American than would the statements made by Senator McCarthy. But Langer's charges did not resonate with the press and with the American people as did the charges made by McCarthy. Langer's eccentricity had already discredited him with the press, and his charges were often hidden in a burst of feverish pronouncements, many of which were contradictory. McCarthy was an effective propagandist while the media saw Langer as little more than a cranky relic of the past given over to occasional bursts of irrationality on the Senate floor.

Many of Langer's speeches and letters to constituents were based on the assumption that the State Department was riddled with communists. "These Russian Communists [in the State Department] have just about succeeded in wrecking America," Langer wrote to J. M. Wylie of Fargo in 1950. "I don't know what else we can do to clean up the Communist situation as apparently there is no way of getting rid of Mr. Acheson unless the House brings impeachment proceedings."⁸ American policy in Allied-occupied Germany provided Langer with ample opportunity to charge that the Department was infiltrated by persons taking directions from the Kremlin.

Anti-communism dovetailed neatly with some of Langer's pet causes. He was easily able to use anti-communism to express his hatred for the United Nations, for example.

Langer, who was one of two senators to vote against the UN charter, often attempted to stain the organization with the alleged disloyalty of members of Truman's staff. In a speech against the UN in 1951, Langer charged that the blueprint for the international organization was drawn up by treasonous Alger Hiss.⁹

Langer's isolationism served at times to moderate his anti-communism. Although many politicians used the issue of international communism to justify an expanded American role overseas, Langer denied that the best way to fight communism was through force and increased military spending. Langer did not believe that the communist threat justified an increase in covert activities by American intelligence agencies. Such activities violated the principles upon which the United States was founded and they would threaten the civil liberties of Americans should the CIA turn its attention to within American borders.

When the United States government, acting through the CIA, helped overthrow the government of Guatemala in 1954 Langer was particularly critical, citing the lack of information given to Congress as his reason. "Is there a foreign invasion in Guatemala or is there a civil war?" he asked on the Senate floor. "If it is a foreign invasion, exactly who are the invading forces and who are behind them?"¹⁰ Langer doubted whether the issue in Guatemala really was the spread of a communist conspiracy and he

raised the question of whether the Central American country's problems might be due more to social injustices and the "baleful influence" of the United Fruit Company than to the "malignant machinations of international communism."¹¹

Langer always regarded the CIA with suspicion, but he always treated the Federal Bureau of Investigation with respect. Langer trusted J. Edgar Hoover to have complete control over the issue of domestic communists. Never did Langer see fit to criticize the Bureau for possible violation of civil liberties. Only the CIA posed a threat of becoming "an American gestapo."¹²

Hoover's agency was often useful to Langer, sometimes in unexpected ways. For example, Hoover's penchant for issuing exact numbers of communists in each state was helpful to Langer when he sought to refute charges that the North Dakota Nonpartisan League and Farmer's Union were communist. Langer used Hoover's numbers to show that North Dakota's handful of communists could not possibly threaten the national interest.

Hoover often responded personally to Langer's many letters to the Bureau. In one case, in a typical Langer ploy, he forwarded to Hoover "for investigation" a post card from a Mr. Dilley in Detroit on which he scribbled "any Senator who would use his franking privilege to defend such a subversive bunch of traitors [as the

National Lawyers Guild] has enlisted in the red army under Stalin."¹³ Hoover informed Langer that he had dispatched two agents to interview Dilley and that the results of the interview would be forwarded to the attorney general's office. A subsequent letter from an assistant to the attorney general revealed that the frightened Mr. Dilley had produced absolutely no proof of Langer's communist affiliations when the agents confronted him.¹⁴

Langer used anti-communism only when it suited his ends. When President Eisenhower neglected to consult Langer before making several appointments to federal offices in North Dakota, Langer employed anti-communism to show his anger at the administration. As a direct result of Eisenhower's snub, Langer obstructed the confirmation of Earl Warren as Chief Justice of the Supreme Court and insisted that the FBI determine whether Warren was a stooge of the Kremlin, as several letters to the North Dakota senator had charged. Later Langer "sent Washington puzzling," in the words of the U. S. News, with a sporadic inquiry into charges that Federal Judge Luther Youngdahl was biased in favor of Owen Lattimore, who was about to be tried in Youngdahl's court on perjury charges.¹⁵ Such allegations by Langer were, because Lattimore's case centered on charges of communism, tantamount to accusing Youngdahl of communist sympathies.

Langer never maintained that either Warren or Youngdahl were communists, but the credence he gave to spurious charges made in letters of questionable origin served to embarrass everyone involved. Perhaps the media suspected that Langer was making a mockery of the witchhunts; in any case, his charges never were taken seriously, even by the most virulently anti-communist groups. Langer did not make anti-communism an issue in his political campaigns, although Richard Nixon urged him to do so in 1951.¹⁶

Langer echoed McCarthy's charge that the Democrats in the executive branch had presided over "eighteen years of treason" in a speech prepared for delivery on the Senate floor in August 1950. At that time, Langer charged that ". . . After 18 years of Democratic rule. . . 18 years of appeasing communists--of alignments with foreign nations who today are in possession of all our secrets. . . we stand at the lowest ebb in decades, sacrificing our youth in battle."¹⁷ But Langer's fury at the established political parties was not limited to the Democrats. He later inserted letters into the Record accusing Mr. Republican himself, Senator Robert Taft, of communist sympathies.

Langer and Joseph McCarthy shared many characteristics. Both were from the midwest and were often in accord on farm issues. Both entered the Senate followed by charges of previous corruption in the politics of their home state. Both were outsiders in the Senate club.

Although skilled practitioners of the arm-around-the-shoulder, glad-handing political style, both Langer and McCarthy seemed to suffer from feelings of inadequacy and inferiority which resulted in their propensity to exaggerate their achievements. Perhaps as a response to their initial rejection by Senate insiders, both were more than happy to manipulate the rules and trample upon the venerable traditions of the Senate. Both developed a personal following in their home states and across the nation independent of traditional party lines.

Historian Richard Fried has described the principal elements of McCarthy's style as "recklessness in accusation, careless inaccuracy of statement, and abuse of those who criticized him." Such a description also describes Langer's methods at their worst.¹⁸

Although both were Republicans, Langer and McCarthy often opposed Eisenhower. The president feared McCarthy more; Eisenhower's disdain for the junior Senator from Wisconsin never interfered with McCarthy's control of federal patronage. Langer, however, was sometimes denied the privilege of advice on federal appointments, much to his dismay.¹⁹

Not surprisingly, Langer's policy of supporting German causes led him to support McCarthy's advocacy of the cause of German SS troops who were scheduled to die for their part in the Maledy massacre during World War II. There is no

indication, however, that the two Senators coordinated their efforts on behalf of the doomed Germans.

When McCarthy attacked the alleged communists in the State Department on the Senate floor in February 1950, Langer rose briefly to support the Wisconsin senator.²⁰ When other senators protested McCarthy's refusal to list the names of those accused of being communists, Langer noted that the Judiciary Committee had been investigating communists for more than half the year, and that he thought the senator from Wisconsin was entirely correct.²¹ Langer left the floor as McCarthy continued his diatribe, however, and subsequently made a habit of absenting himself from the Senate when McCarthy was making his charges. Such behavior was unusual for Langer who usually remained in his front seat and listened intently to even the most esoteric and lengthy speeches.

Langer defended McCarthy in 1951 when the Wisconsin senator came under attack from Senators Humphery, Harley Kilgore of West Virginia, and Herbert Lehmann of New York for his investigative tactics. McCarthy was not in Washington at the time, and Langer was "disgusted" that the Wisconsin senator did not have the opportunity to defend himself. Langer backed McCarthy's claims that communist spies had penetrated crucial areas of the United States government. In particular, Langer thought it unpardonable that the Roosevelt administration had given \$2 billion to a

project (Los Alamos) that employed a spy who "day after day, as our government was developing the atom bomb, was giving the secrets to Russia." Given such activities, Langer questioned, what is a United States Senator to do but to investigate as McCarthy had done?²²

Langer's defenses of McCarthy occurred early in McCarthy's era of prominence and could be seen as an attempt by Langer to discredit the State Department and the Roosevelt administration as much as they were an attempt to defend McCarthy. In any case, Langer did not defend McCarthy again on the Senate floor until the proceedings to censure the Wisconsin senator began in 1954. At that time Langer rose only to mention that Senator Bob LaFollette of Wisconsin had denied the authority of one group of Senators to compel another senator to appear before it, just as McCarthy had done when he ignored a subpoena to appear before a Senate committee.²³

Although Langer approved of McCarthy's selection of targets, he could never reconcile himself to McCarthy's methods of guilt-by-association. Langer's ambivalence towards McCarthy is illustrated by his absence during most of McCarthy's diatribes. If Langer happened to be on the floor when McCarthy began, he stayed only long enough to ask a few harmless questions about communist infiltration in the State Department before leaving.²⁴

Langer was a firm believer in the virtues of temperance and a honorary member of the Women's Christian Temperance Union, and McCarthy's drinking habits may have offended him. When McCarthy begged to be excused from the Senate hearings on his censure because of an "arm injury," Langer may have shared the suspicions of those who believed McCarthy was merely "drying out." On Senate floor, Langer claimed to be "moved to tears" by McCarthy's problems and suggested that the Senate send him roses. True to form, Langer sent McCarthy a bouquet of roses and received a thank you note from the hospitalized senator a few days later.²⁵

Langer and McCarthy tangled briefly in 1953 after Langer became chairman of the Judiciary Committee. As chairman, Langer sought to maintain his committee's leading role in the investigation of communism in the face of a challenge by McCarthy, who was attempting to make the investigating subcommittee of the Government Operations Committee his platform for inquiries into the issue. Both McCarthy and Langer hoped to appoint Senator Homer Ferguson of Michigan to head their respective subcommittees.²⁶

The dispute was settled by an agreement between Senator Jenner, who was to become the chairman of the Internal Security Committee under the jurisdiction of the Judiciary Committee, and McCarthy. Although McCarthy's committee "was not yielding any of its prerogatives," it would "leave the subversive field largely to Mr. Jenner."²⁷ It appeared as

though the agreement would have the effect of divorcing McCarthy from the investigation of communism, but such was not the case. More significant than the agreement between Jenner and McCarthy was the Senate's decision to fund liberally each of the rival committees,²⁸ leaving the door open for McCarthy to continue his roughshod investigations by disregarding the spirit, if not the letter, of his agreement with Jenner.

In the battle over the authority to investigate communism in government, Langer had weighed in against McCarthy, as might be expected from the chairman of a committee whose jurisdiction was threatened. Because McCarthy disregarded the agreement between he and Jenner, the dispute ended in a short-term defeat for the Judiciary Committee.

Langer refused to commit himself before the Senate vote to censure McCarthy in 1954. In the end he voted against the censure, but he maintained all along that he was attempting to be impartial, just as if he were "acting as judge and jury." Langer was troubled because he was convinced that the legal grounds on which the censure was based had little to do with the motives of many of the Senators voting for the censure. Rather than being subjected to a censure, Langer believed that a Senator should be either expelled by vote of the Senate or allowed to remain.²⁹ In a letter that explained his vote against

the censure to a resident of Brooklyn, Langer expressed his concern that if use of the censure motion become a norm, he would himself eventually be censured for his espousal of unpopular opinions.³⁰

Many of the issues raised in 1954 during the debate over the censure of McCarthy recalled those of Langer's seating debate in 1941, and Langer was fully aware that he was eventually seated due to confusion in the Senate over that body's authority to pass judgement on him. In 1941, the Senate decided to leave the matter in the hands of North Dakota voters. However, according to columnist David Lawrence, if the Senate had the right to judge McCarthy it might also have the authority to reopen Langer's case and judge him as well.³¹

Despite their many similarities, the anti-communism of McCarthy and the anti-communism of Langer differed. Although both were reckless in charging that government officials were communist, Langer sought less to gain publicity than to change United States policy in Germany. Langer's eccentricity discredited him with the media to the extent that his charges were usually not reported. Langer's charges were always broad and never made sensational claims that could be based upon documents. He only attacked persons already identified by others as possible communists, and his attacks were often so overblown that it was difficult to take them seriously.

Historian Micheal Rogin has placed Langer firmly in the McCarthyite camp, but it is probably not accurate to classify Langer as either a McCarthyite or an anti-McCarthyite.³² Neither Langer's McCarthyism nor his defense of civil liberties were central to his political program. Both were used as tools to further what Langer thought was more important--the obstruction of a farm bill that he believed to be harmful to North Dakota farmers, for example, or his effort to cause a change in the policy that guided the Allies in occupied Germany.

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VI

Conclusion

To William Langer, senatorial politics had nothing to do with the art of the possible and everything to do with the art of getting reelected to represent a state with a small population. Such an art required the passage of no legislation, only fastidious attention to the needs of individual constituents and the creation of an illusion of influence and importance. Langer created this illusion through personal contact, through the use of the Congressional Record, and by pulling publicity stunts which resulted in the occasional appearance of an article about him on the front page of the New York Times. Tales of Langer's work habits are no doubt true; sadly, only the effort he put into the cases of individual constituents did much good.

There is something tragically compelling about this man who undeniably possessed humanitarian instincts; who was utterly devoted to his constituents and to his wife Lydia; and who was willing, even eager, to work long hours at the expense of his health for what he believed to be right. As

compelling as Langer's story is, however, those who search for something larger underlying the anecdotes heard to this day on the street corners and in the cafes of North Dakota are grasping at air: it is those stories alone that are the lasting legacy of Langer's senatorial career.

Langer was perhaps not so much incapable of entering serious debate as a senator as he was fully aware of and jealously protective of his luxurious irrelevance. Langer's impish behavior on the Senate floor, exemplified by the time when he pulled cigars one-by-one from the pocket of a Senator who was attempting to speak, adds credence to the characterization of Langer as a humorist crank. As such, he would be at home in a body such as the House of Commons, which, more than the United States Senate, maintains a healthy sense of humor towards the occasional oddball whom it seats. Langer's habit of sabotaging any attempt by his fellow senators to pass his own bills brings to mind the practice of the Canadian Hippopotamus party of running a second candidate against the first if it appears that the first is going to win.

It is more appealing to a historian to view Langer as a relic from the Progressive Era or perhaps as Wayne Morse did, as the last of the prairie populists. His rambling, overblown rhetoric smacks of nineteenth-century oratory, and he often viewed contemporary times through the eyeglasses of a Theodore Roosevelt Republican. Langer's interminable

recitations on the Senate floor of his days as state's attorney in Morton County, attorney general of North Dakota, and governor seem to be nostalgic trips back to a time and a place which made sense to him.

Langer defies most any categorization. Furthermore, to take Langer's pronouncements on the Senate floor at face value and to assert that "Langer was staunchly opposed to limits on filibuster," or "Langer was a fighter for civil rights," is to mislead. Langer's motives in Senate debate were muddled and complex, and his ideology, if he had one, was so eccentric to the 1940's and 1950's that it is impossible to view him in conventional terms. Langer's inability to translate his ideas into law calls into question his seriousness as a Senator. It may be best to give him neither credit nor blame for the positions he took on the issues of the day.

For Langer to know that he had tantalized serious people, especially academics, with his occasional brilliance; had tortured them with his contradictions; had amazed them with his complexity; and most of all, had fooled them into taking him seriously--would have caused him to smile with satisfaction.

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