Albert Bierstadt traveled across northeast Kansas in 1859 as a photographer member of a wagon train. The Kansas State Historical Society has five of his photographic plates and the picture reproduced here, "Wolf River Ford, Kansas," was first printed in the Kansas Historical Quarterly, v. 24 (1958), facing p. 1.

Compare this Bierstadt photograph, "Wolf River Ford, Kansas," with his cover painting, "Wolf River, Kansas." Obviously, painters, like poets, take considerable license. Yet all the ingredients—Indians, white men, teepees, horses, and dogs—were there in the northeast Kansas area, and the famed photographer-painter artistically brought them together in one of his masterworks of color.
Alfred M. Landon, Independence oil man, as he appeared in the early 1930's.
Alfred M. Landon and the Oil Troubles of 1930-’32

DONALD R. McCoy

Kansas, during the 20th century, has been one of the chief oil producing states and has contributed substantially to shaping public regulation of the petroleum industry. One of the state’s most famous citizens, Alfred M. Landon, played an important role in the development of that regulation. Yet one searches in vain for more than incidental reference to either Kansas or Landon in the histories which deal with the oil industry in this century. This is not surprising because almost all of these histories have been concerned with the organizational development of the industry and have, as a result, minimized anything which might have restricted its growth. This article, which examines the roles of Kansas and Landon in the early 1930’s in achieving more effective oil regulation, is designed to help balance the record.1

I

Alfred M. Landon, who is most widely known as the 1936 Presidential nominee of the Republican party, was an oilman before he was a politician. He plunged into the oil business as an independent producer in 1911 and prospered until by the late 1920’s he was one of Kansas’ leading oilmen. Over the years, he had also dabbled in politics and in 1928 was elected chairman of the Republican state central committee. The year 1930 was to mark a crucial—and seemingly foreboding—turning point in both his oil and political careers. Then he was removed from the state chairmanship after the primary election defeat of his political sponsor, Gov.

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1. J. Stanley Clark’s The Oil Century (Norman, 1958) is the one important work which considers public regulation of the oil industry during the 20th century, although it emphasizes the development of the interstate oil compact and with special reference to Oklahoma. Incidentally, material on earlier efforts at oil regulation in Kansas is to be found in William E. Concelley, History of Kansas: State and People (Chicago, 1928) v. 2, pp. 735ff., 1047ff.
Clyde M. Reed, and he found that he had been dismissed from the school of politics just in time to watch a sickening slump in oil prices.

The state of the industry had been deteriorating since 1926 when a barrel of crude oil commanded as much as $2.31. A series of discoveries of highly productive oil fields—known in the trade as flush pools—and the onset of the great depression had forced prices down to as low as a dollar a barrel by the summer of 1930. Then, in October, less than a month after Landon had lost the state chairmanship, the greatest production area in the industry’s history, East Texas, was discovered. Again prices dipped, more disastrously than ever. The inability or unwillingness of the East Texas producers to control their output led production there to go up as everything else in the national economy was going down. In panic, operators in other flush areas removed self-imposed limits on their production, thereby demoralizing the price structure of the petroleum market. By late 1930 Mid-Continent crude oil prices were down to 18 cents a barrel and those in East Texas were down to 10 cents a barrel. These prices painfully reflected the fact that alone either California, Oklahoma, or Texas could supply the nation’s demand for oil. The oil industry seemed to be drowning in its own surplus.²

While Landon was in no immediate danger of going bankrupt, he was unsettled by the chaotic state of the industry. He and other small oil producers saw in the galloping increase of supply over demand the possibility of the monopolization of the industry by a few large companies which could emerge solvent from the fierce struggles for markets which low prices brought. It had become apparent as early as June, 1929, that the dominant trade association of the industry, the American Petroleum Institute, which was controlled by the major companies, would not take effective steps to balance production and demand, and the small producers were moved to act for themselves. On June 11, 1929, they organized the Independent Petroleum Association of America, under the leadership of Wirt Franklin of Oklahoma, to fight for limitations on domestic production and for restrictions on petroleum imports.

They had some success in securing voluntary limits on production but they were repulsed by congress in 1930 in their attempts to obtain a dollar a barrel tariff on oil imports.\(^3\)

In December, 1930, while the I.P.A. was regrouping its forces to approach congress again on the tariff, a new crisis developed, one which particularly threatened Oklahoma and Kansas, the third and fourth largest oil-producing states. Landon, as a newly elected director of I.P.A., found himself in the center of the fight to resolve the situation. The crisis proclaimed itself with the announcement of Prairie Oil and Gas Company, a former subsidiary of Standard Oil of Indiana, that it would withdraw as a purchaser of crude oil effective January 1, 1931. Its withdrawal would affect some 33,000 wells, thousands of operators, lessors, and field workers, and a daily production of 54,000 barrels in Kansas and Oklahoma. Prairie justified its action on the ground that it had in storage 60,000,000 barrels of oil at a time when demand was slow. It might have added that its chief customers had found cheaper and better quality oil sources elsewhere, and were in business to earn money, not to gratify their long-existing sources of supply. The major companies seemed to have concluded that the independents were doomed and should be forced out of business, especially the many “costly” small wells like those serviced by Prairie.\(^4\)

Landon had no direct economic stake in these small or “stripper” wells. His interests were in larger production units located on major company pipeline connections and in his investments in the Sinclair and Standard oil companies. But he saw in Prairie’s action a threat to all independents because the reason for cutting off the strippers today—oversupply—could be used against big independents tomorrow. Landon was also sincerely outraged by the fact that abandonment of stripper wells meant the complete loss of their production forever—a violation, as he saw it, of the basic precepts of conservation.\(^5\)

Landon acted soon after receiving news of Prairie’s announcement. He telephoned and wrote his more influential friends ex-
plaining the situation. Hundreds of millions of barrels of oil would be lost because of Prairie’s withdrawal—reason enough to expect Standard Oil and other major firms to help the strippers. But Landon also contended that “there is the moral responsibility of a business concern to its life-long customers, whose business was solicited.” He noted that Prairie did not intend to shut down its own wells, wells which drained “oil from adjacent farms of the independent operator who was their customer.” Help was needed. Spurred by Landon, other oil independents, and public officials like Governor Reed, the newspapers of Kansas branded stories and editorials on the evils of closing the stripper wells. Similar efforts were made in Oklahoma.

There was a meeting of independent oil producers in Tulsa on December 11, with Landon on hand with a pocketful of resolutions of derogation and action. But the producers were so frightened and confused that the meeting was fruitless. Other action had to be taken. Alarmed by the situation, Tom C. Johnson, the Kansas state umpire on oil disputes, named a committee of three to consider ways and means of providing markets for the “distress” oil. Landon was named chairman, with Arthur Denman of Sedan and Carl Weiner of Chanute serving as the other members. The committee called independent oil operators to meet at Chanute, December 19, to consider the whole problem of Prairie’s withdrawal. The call was accompanied by Landon’s statement that innumerable shallow wells would be permanently ruined by salt water seepage if shut down for any length of time. It was time for action—markets, or at least some form of storage, must be found.

Landon forcefully presided over the Chanute meeting, and a sheaf of resolutions was passed. The threatened loss of at least 200,000,000 barrels of oil to the national economy was stressed as was the loss of employment to thousands of field workers and the financial ruin of hundreds of small oil producers. The independents demanded a state plan to prorate purchases of oil among the various oil producers, a national tariff on oil, and price relief action by President Hoover and industry leaders. They also advocated meetings between representatives of the major petroleum companies and state and national officials. On behalf of the owners of 12,000

8. Jack Harris to Fred Palmer, February 15, 1936; Wichita Beacon, December 12, 1930; Chanute Tribune, December 17, December 20, 1930; Topeka Capital, December 18, 1930.
Kansas wells, they asked for aid “to prevent the greatest economic waste civilization has ever witnessed in times of peace.” Warning that the small producers had been “sentenced to be shot at sunrise on January first,” Landon sent the Chanute resolutions, and other letters and telegrams to congressmen, Kansas and Oklahoma state officials, fellow independents, executives of major oil companies, the John D. Rockefellers, Jr. and Sr., federal officials—“to everybody but Santa Claus.”

The answers to Landon’s letters and telegrams indicated sympathy for the strippers’ plight, blamed 10 years of industry-wide waste and folly, vaguely promised help to relieve the situation if other companies would agree to a specific plan, or stated in one case that the company could not help because it had no pipelines in the area. Landon was not satisfied with these messages of condolence, explanations of the problem, or vague offers to help. Only action would suffice. He telegraphed industry leaders that the problem was “not the problem of small independent producers but of leaders of industry who will be held responsible by public opinion for social and economic waste occurring.” He also hinted at the possibility of a boycott of their companies’ retail products, saying that “the ordinary comity of business relationships causes you to have a direct interest in [a] state in which you have thousands of filling stations.” Landon expanded his thinking in a reply to the president of A. P. I., Edward B. Reeser of the Barnsdall Oil Company. He asserted that overproduction and depression, wherever they occurred, were caused, in transgression of sound economic laws, by the greed of all business participants. It was the responsibility of those who caused the crisis to resolve it. The public would not stand for those who brought on depressions not acting promptly to counter them. Capitalism must act to justify its existence. In the oil industry, Landon emphasized, a complete program was required, not just continuation of stripper-well production. Proration of purchasing and conservation had to be applied to all producers.

By December 23 it appeared that federal intervention had secured a solution. Secretary of the Interior Ray Lyman Wilbur was notified by the major oil companies that they would resolve the

9. Chanute Tribune, December 19, 1930; Topeka Capital, December 20, 1930; e.g., Landon to John D. Rockefeller, Sr., December 19, 1930, Landon to U. S. Guyer, December 20, 1930.

problem. They were sending several representatives to Independence, Kan., for consultation, and announced that Prairie would cooperate in any forthcoming plan. Wilbur cautioned, though, that it would take time to establish a satisfactory plan. Landon reported his pleasure with this announcement but stated that he assumed the current arrangements with Prairie would continue until the plan of the major companies went into operation. Governor Reed hoped the large companies would do something, but cautioned that the incident was not yet closed. Democratic Governor-elect Harry Woodring expressed his intention of creating a state natural resources commission to deal with oil problems in the future. Kansas, he warned, would “not sit idly by.”

E. B. Reeser scheduled a meeting of major purchasers in Tulsa on December 26. When questioned about this development, Landon said he did not expect to be invited to Reeser’s “closed door” meeting. He gave some advice, though: the participants should recognize that it would be foolhardy, in protecting natural resources, to discount the value of the stripper wells for, with the use of pressure-recovery methods, these wells could produce as much in the future as they had in the past. In any event, the major purchasers must keep in mind that the burden of relief fell on them.

The Tulsa meeting was attended by representatives from the Standard Oil of Indiana, Stanolind Pipeline, Prairie, Texaco, Carter Oil, Oklahoma Pipeline, Gypsy Oil, Gulf Pipeline, Empire, Dutch Shell Pipeline, Dixie Oil, and Barnsdall companies. A plan of action could not be devised during the first conference, so the representatives adjourned until the next day. Reeser emphasized that any action taken by the major companies would be a public service because of the availability of flush pool crude oil at cheaper handling costs. He repeated what was by now the shibboleth of the major companies on the crisis: “The condition of said small wells is not the fault of any purchasing company but merely evidence of the workings of an inexorable economic law.” He cautioned that a boycott of the retail products of the purchasing companies would be ill-advised for it would retard settlement.

The secret meeting reassembled on December 27 and only yielded an announcement by Reeser that the group had agreed that something would be done but “nothing has been settled as yet

12. Ibid., December 26, 1930.
and it is dangerous to be too optimistic.” The specific allotments of distress crude among the purchasing companies was said to be the obstacle. December 28, December 29, and December 30 went by without a solution forthcoming from the conference. Although Landon had suggested that Standard of Indiana, which had been the largest purchaser of stripper oil, was most responsible for the crisis, he now diplomatically decried any attempt “to charge a few major concerns with the responsibility of relieving the distressed oil producers. The problem belonged to all the major companies and all of them must share in its solution. This is practical for if the burden is spread equally no one company will have to buy too much and the future stripper production will be preserved.” While Landon was quoted on December 29 as being optimistic, he was well aware that time was running out.14

Finally, on December 31, the major companies announced a plan of relief for the strippers. The major companies would take one-half of the distress crude oil if Prairie would take one-half. W. S. Fitzpatrick, Prairie’s president, was unable to give an immediate answer and could not arrange for a decision by Prairie until January 2, 1931. This, of course, meant that the pipeline to the stripper wells would be cut off as scheduled—the oil industry had not taken care of its own. It was not a Happy New Year’s Day in the oil fields. At seven in the morning, Prairie Oil and Gas Company cut its stripper pipeline connections after 30 years of service in the Mid-Continent field. Then on January 2 Fitzpatrick told Landon that Prairie could not buy one-half of the distress oil. The news spread rapidly and on that January night the boycott of retail products that Landon had hinted and Reeser had feared began to creep up on the majors. It was not organized, it was spontaneous and it proved painful, especially to Standard Oil of Indiana.15

Landon was to abet the boycott with more formal action. In fact, everything was to be tried. As Landon said, “We’ve got to pull their hair, poke them in the eyes, and kick them in the belly.” He issued a statement saying that unless buying commenced soon, the Kansas oil industry might be wiped out. After his conferences with the state’s affected producers, they reported that the longest they could hold out was two weeks because salt water, rising slowly but constantly, would ruin the stripper oil pools. Storage space and pumping were needed to meet this problem and the strippers

15. Ibid., December 31, 1930; Topeka Capital, January 2, 3, 1931; Jack Harris to Fred Palmer, February 15, 1936; Oddens, op. cit., p. 458.
had neither. Once the water got a good start in the wells, it would push back into the oil sands and reduce the pressure so that pumping could not bring out the oil.

Landon and E. B. Lawson, who headed the stripper fight in Oklahoma, were in constant touch with their states’ officials and congressional delegations. They visited all the distress oil area and telephoned all over the country, begging and demanding assistance. Reaction in Washington was quick, as Senator Arthur Capper and others further pressed the federal government for help. Capper reported that President Hoover and Secretary Wilbur were making every effort to persuade the major companies to enter into an effective agreement to protect the stripper wells. Wilbur stated that two-thirds of the distress oil, largely outside of Kansas, had been taken care of by switch-overs to other nearby pipeline connections. The trouble was that most of Kansas’ and Oklahoma’s Prairie customers had no competing pipelines in the vicinity to which they could turn. It was reported that in Kansas, 14,500 wells, with a daily production of 9,985 barrels, 621 operators and 1,396 leases were directly affected by Prairie’s withdrawal. Twenty-two Kansas counties were involved. In Oklahoma, 19,125 wells, producing 44,307 barrels per day, 449 operators, and 3,318 leases were involved. All these leases, as well as the producers and their workers, and the income they spent, were now out of economic circulation.  

In early January Landon went to Topeka to work on a solution to the situation with Governor Reed. Reed and Gov. W. J. Holloway of Oklahoma called for a January 15 conference in Washington of representatives of oil states. The call had the full approval of Governors-elect Woodring of Kansas and William H. Murray of Oklahoma. The governors of Texas, Louisiana, Arkansas, Colorado, Wyoming, New Mexico, Montana, and California were invited to send representatives. Favorable responses were received immediately from Texas, Wyoming, and Montana, and the cabinet-level Federal Oil Conservation Board announced its willingness to assist the conference. Governor Reed directed Kansas Attorney General Roland Boynton to give oil matters precedence. Then Reed issued a statement declaring that the stripper wells gave Prairie Oil and Gas its start, and therefore that company had some responsibility to solve the stripper well problem. He described a Prairie proposal to resume handling stripper oil at a service charge of 30 cents a barrel as financially absurd, when oil was selling for but little more than that. Reed also telephoned Vice-President

A. W. Peake of Standard of Indiana to discuss the problem and to demand a solution. Peake assured the governor that the problem would be solved. Meanwhile, E. G. Seubert, Standard of Indiana’s president, told Landon that his company had proposed the major purchasers absorb Prairie’s load so that it could in turn take the stripper production without a loss. Seubert said that the major companies were all set to go on this basis but that Prairie had not yet consented. Fitzpatrick replied, in the press, that conditions prevented Prairie from cooperating. He insisted that his company was not responsible for the stripper crisis for its market had dwindled disastrously. He pointed out that Standard of Indiana’s purchases from Prairie had been reduced recently from almost 80,000 barrels a day to 12,000 and would, he had been advised, soon be cut to nothing.17

Pressures on the major companies continued to come from congressional elements and the executive branch. Sen. Arthur Capper was in constant touch and frequent conference with President Hoover, Secretary Wilbur and Secretary of Commerce Robert P. Lamont. The first week in January, Landon sent a telegram to Capper explaining the situation at considerable length, and Capper showed the wire to President Hoover, who commended Landon’s presentation. Landon’s message emphasized that the independents were not trying to blame anyone; they were trying to get a solution. But the major oil companies had not done all they could, as they had claimed. He chided the major pipeline companies by saying that if Prairie’s service charges were too high so were those of the other pipeline companies, for their charges were all the same. The Interstate Commerce Commission should reduce these high charges and promptly. He asserted that the major purchasers of crude oil should forget about Prairie and buy through their own Oklahoma facilities. As for the companies’ offer of December 31, “It looks to us that a relief offer was made that the other companies knew would be rejected when it was made.” If Prairie had no market then it was not fair for the major companies to force them to purchase the distress oil. Of course, Landon said, the independents did not really know the facts of the negotiations between the major companies for they were kept secret. “We are only urging that something be done to save us and a great section of two states from the utter ruin that is now confronting us while the oil industry is quarreling about who is to blame for it.”18

17. Wichita Beacon, January 5, 6, 1931; Topeka Capital, January 5-7, 1931; Independence Reporter, January 6, 1931.
18. Topeka Capital, January 8, 1931.
The representatives of the major companies met again, in New York, and again they were unable to accomplish anything. The matter was referred back to the purchasing committee set up earlier by their representatives in Tulsa. Standard of Indiana offered to buy 3,000 barrels of distress oil daily through Prairie. Fitzpatrick refused to accept this offer unless other major companies arranged to take the balance of the distress oil. Standard announced that it was already taking 12,000 barrels of distress crude through Stanolind lines. The major companies, though, exuded confidence in a settlement, but headlines in the Topeka Capital read “BIG SHOTS’ DO NOTHING.”

II

Other pressures were developing during the first two weeks of January. As voluntary proration broke down among oilmen throughout Kansas, new complaints reached Secretary Wilbur from other areas of the state affected by the wild competition of producers to secure purchasers. Businessmen in Wichita screamed in a full-page advertisement, “TALK OIL TARIF! . . . Now is the Time to Act! Let No Effort Be Left Undone for the Protection of the Oil Industry on Which Our Prosperity Depends!” In Oklahoma, the state house of representatives asked for an embargo and tariff on oil imports. These prefaced a vigorous, almost desperate renewal of efforts to secure congressional action to tidy the oil industry.

Earlier, in December, 1930, preparations were already being made by oilmen to renew their demand for a tariff on oil imports. On December 6 the Mid-Continent Oil and Gas Association in Dallas called for a protective tariff on oil as well as equitable state proration systems and within a week a group of 300 Kansas I. P. A. members, meeting in Wichita, seconded these demands. The I. P. A. had been working on the matter of an oil tariff since its defeat in congress the preceding March. Imports of foreign oil in 1929 had run 108,710,000 barrels or a daily average of 298,000 barrels; in 1930, the imports had run 105,619,000 barrels or about 289,000 barrels daily. This was, of course, more than the total estimated output of the nation’s stripper wells, and over one-ninth of the 1927-1933 average annual domestic production of 900,000,000 barrels.

19. Wichita Beacon, January 9, 1931; Topeka Capital, January 9, 10, 1931.
Early in January, 1931, Secretary Wilbur stated his opposition to a protective tariff on oil. He gave two reasons: one, that our petroleum exports exceeded our imports by 50 percent; the other, that imports allowed us to conserve our oil resources. His second reason, while perhaps theoretically valid, was scoffed at when great waste characterized American petroleum operations. Wilbur’s first reason, while sound international economics, made no sense to producers, lessors, and workers whose income had been cut off. They forcefully presented their viewpoints to the government and, by the end of January, Wilbur and the administration leaders flagged in their opposition to the movement for a protective tariff on oil.22

The oil states conference convened on January 15, as planned, soon after congress reassembled. The representatives of the 13 states at the conference essentially limited themselves to declaring for pressing congress for action and for maintaining White House pressures on oil industry leaders to solve the problems of the independents. The conference then broke up into a number of lobbying units to effect their tactical goals. Senator-elect Thomas Gore of Oklahoma was to lead the lobbying activities in congress, with Senator Capper and Rep. Homer Hoch, respectively, preparing resolutions for introduction in the senate and house for investigations of the oil industry designed to find a basis for antitrust action. Wirt Franklin, the I. P. A. leader, again led the independent oil forces in Washington. He named a committee of three, which included Landon, to press for congressional action. A spirit of urgency pervaded the independents’ actions as 13,000 stripper wells were still without markets. Fortunately for the stripper owners, damage to the unconnected wells was negligible as most of them were pumping oil into makeshift storage facilities.

While Landon had been cool toward a tariff on oil imports, he now supported the tariff movement though neither he nor Franklin looked to the tariff as a panacea or were optimistic about congressional action. It was obvious that most progressive Republicans and Democrats in the senate would not accept a tariff increase. Moreover, in the house, the chairman of the powerful rules committee, Bertrand Snell of New York, had said the oil tariff would not be considered because it would reopen the whole tariff question. Landon knew that the depression and the controversy over the Hawley-Smoot act had heightened sensitivity to the tariff question but thought that was no excuse for permitting ruin in the oil fields.

and the development of a monopoly of oil properties because of forced sales by the independents to the major companies. Landon made a compromise proposal which he hoped would succeed in congress: imports should be limited on a pro rata basis to one-quarter of 1928 crude oil imports, or about 19,000,000 barrels.\textsuperscript{23} On January 17 the Hoch investigation resolution was introduced; also submitted was a bill by Rep. Milton C. Garber of Oklahoma providing for a dollar a barrel crude oil tariff, a 50 percent ad valorem tariff on petroleum products and presidential authority to stop imports. In the senate, Gerald Nye of North Dakota demanded an investigation of the oil industry. Five days later Capper introduced a bill, based on Landon’s proposal, to limit crude imports to one-fifth of the 1928 level, or 16,000,000 barrels, the limitation to be effective for three years. The Capper bill also provided for an embargo on refined petroleum products. Toward the end of January, Representative Hoch, following a conference with Landon, introduced an amendment to the Interstate Commerce act which would limit pipeline companies to carrying only crude oil. Landon had told Hoch that the pipelines would have to be divorced from production purchasing and refining operations if the oil monopoly was to be broken. “The country just can’t stand [the] results much longer.”\textsuperscript{24}

III

Landon was increasingly impatient for action on the immediate issue of marketing the production of the stripper wells. While the congressional hoppers were filling up with bills and the national administration was still negotiating with the big companies, the stripper problem had not been met. Landon repeatedly trod a circuit of government offices, talking to members of congress and conferring with administration leaders. In late January he concentrated on Robert Lamont, hoping that the Secretary of Commerce, who impressed him as being genuinely sympathetic toward the strippers, could secure a negotiated settlement.\textsuperscript{25}

Despite intensive efforts, Secretary Lamont achieved nothing in his negotiations with the representatives of the big oil companies. Landon was despondent. Of one of Lamont’s conferences, Landon said, two-and-a-half billion dollars of wealth “sat down” to talk for three hours.

\textsuperscript{24} \textit{Topeka Capital}, January 18, 23, 25, 29, 1931.
And that two and one-half billions refused to turn a finger to help save the
distress in their own industry. It looks to me as if too much power in the oil
industry, as in the public utility fields, has been centered in too few people.

I don’t know just what can be done about this in Kansas, but I am beginning
to believe it will have to be along the lines of breaking down monopolistic
control.

Using a wide sweep, Landon saw the need for legislation to remove
interstate oil pipeline and refining companies from the filling station
business, to prohibit natural gas companies from owning and oper-
ating local distributing companies, and to take them and electric
power companies out of the business of selling appliances. “The
time has about come for return of the Roosevelt policies in dealing
with huge combinations and mergers that tend to produce monopo-
lies, and I think we might as well take that attitude in Kansas and
in the nation.” 26

The pressures on government and industry were sustained by
home sources to help Landon and the other independents in their
fight. Outrage over the oil situation continued to be a familiar edito-
rial theme in Kansas newspapers. The Topeka Capital warned that
to “destroy [the stripper wells] is to confess that the oil industry as
now conducted is reckless of waste and loss of incalculable national
wealth in natural resources.” On January 30 Governor Woodring
wrote President Hoover and Seubert of Standard of Indiana that
he was appalled to think that the destruction of thousands of wells
would be allowed. He held the big producers responsible and
requested immediate action by the federal government and the
sponsorship by Standard Oil of a new conference of purchasers.
The governor declared his support of the tariff bill and warned of
state action to deal with the stripper problem. In fact, he threat-
ened Standard with state action—maybe, mused the governor, a
state inquiry into the business arrangement between the ostensibly
divorced Standard Oil companies of Kansas and Indiana; he also
warned Fitzpatrick that if Prairie went into the retail oil trade, as
was rumored, its products would not be well received in Kansas.
Standard and Prairie were given until February 10 to act. The
governor’s statements followed reports from Carl Weiner that
Kansas producers were burning crude oil for lack of storage and
market facilities.27

Despite discouragements, Secretary Lamont’s conferences con-
tinued, Woodring entered into negotiations with Standard of In-
diana, and Landon conferred with officials of the major oil com-

panies in New York. Soon their efforts began to fruit. Secretary Lamont told Landon on February 7 that Standard Oil of New Jersey, Standard of Indiana, Gulf, and Texaco had offered to take almost all of the available stripper oil in Kansas and Oklahoma. If Gulf and Texaco would accept another 1,000 barrels, a permanent solution could be implemented. Then on February 8 Governor Woodring announced that he and a representative of Standard Oil of Indiana had reached an acceptable agreement whereby that company would purchase 6,000 barrels daily of unconnected Kansas crude oil for a period of 60 days up to a total of 300,000 barrels. The governor viewed this truce as giving the time necessary to find a permanent settlement. Landon was a bit discouraged as he believed Lamont was on the verge of arranging a continuing agreement when Woodring accepted a temporary one. Yet Woodring's truce and a similar one concluded in Oklahoma did mean that further negotiations could be conducted under more relaxed conditions. On behalf of the oil independents, Landon thanked Lamont, Woodring, and Capper for their efforts.28 In March and April Woodring, with Landon serving as his advisor, negotiated a continuing agreement with the major companies to buy Kansas' stripper well output.29 Thus, with bludgeoning publicity, blunt talk, persistent lobbying, state and national government pressures, and the informal boycotts, the stripper markets were retrieved.

IV

After the temporary settlement of the stripper well problem, Landon returned to Kansas. Yet his work as an oil crusader was far from over. The stripper question had spurred interest in other matters. Upon Landon's return in the middle of February, 1931, he assumed the task of obtaining state oil conservation and production control legislation. In this he had the support of many Democratic and Republican legislators as well as of Governor Woodring. Landon was chiefly interested in two proposals then before the Kansas legislature. One would place intrastate pipelines under the jurisdiction of the Public Service Commission and prohibit preference in pipeline connections and purchasing. The other was a conservancy measure designed to adjust—on a proration basis—production to demand, and to stop waste.

29. Landon to Stephen Frazier, February 23, 1931; Topeka State Journal, March 6, 1931; Landon to Harry Woodring, March 24, 1931, Harry Woodring to Landon, April 2, 1931; Topeka Capital, April 11, 12, 1931.
One political problem of pipeline control was the fact that some major producers supported it; Landon worked hard to persuade party progressives and oil independents that they should not oppose pipeline control on the basis of “guilt by association.” The chief problem with oil conservancy was the reverse: the major oil companies bitterly opposed it. These difficulties were somewhat mitigated by consolidating the pipeline control and conservancy proposals into one bill, later known as the Geddes-Carpenter bill. Landon worked constantly with legislators to enlist their support for the bill. He testified before the oil and gas committees of the Kansas senate and house of representatives. He saw to it that delegations of independent oilmen personally lobbied for the bill, and that those who could not be in Topeka wrote, wired, and telephoned in support of the legislation. Landon also earlier did what he could—and successfully—to manipulate the election of a friendly progressive Republican as speaker of the house of representatives.30

Some success was achieved when on March 3 the bill was approved in the house of representatives. The battle then shifted to the state senate and the opposition became more vocal. Pat Malloy, the general counsel of the Sinclair Gas and Oil Company, flatly stated that proration of production would not work and pointed as proof to the reductions in crude petroleum prices where such measures had been instituted. Landon replied, using as a weapon Stanolind’s recent 40-cent a barrel price cut. He asserted that unless Kansas enacted proration Oklahoma would repeal its wobbly proration law to try to beat such price cuts with increased production; the result of full Oklahoma production would be the crumbling of what remained of the crude oil price structure. Yet, under considerable pressure from “big business” lobbyists, the senate oil and gas committee killed the Geddes-Carpenter bill, three to six, on March 7. Immediately telegrams of protest flooded the committee’s mailbox, and oil independents in Topeka buttonholed senators to urge reconsideration of the committee’s action. These tactics succeeded and the bill was revived and reported out of committee. It was passed March 13 in the senate, 22 to 17, and Governor Woodring promptly signed it. Thus, Woodring, Landon and the independents achieved state-enforced control of oil production in Kansas. The state became the first to adopt an effective public conservancy-

30. E.g., Landon to Randolph Carpenter, February 18, 1931; Landon to S. C. Bloss, February 18, 1931; Topeka Capital, February 26, March 3, 1931.
proration law, a type of measure which over the years contributed greatly to supporting crude oil prices and set an example for other states to follow.\textsuperscript{31}

The new conservancy-proration law provided the Public Service Commission with full power to make rules for managing production and preventing waste in petroleum operations. The key criterion was that the production of individual wells be limited to the amount which could be marketed, rather than pumping indiscriminately and thereby creating a price-depressing surplus, much of which would be lost forever. Under the law, corporations and their officials were liable to fine and/or imprisonment for violating the commission's rulings. Wells producing less than 15 barrels per day were exempt, thus protecting the strippers from being restricted by other than natural limitations on their production. They were further protected by making it virtually impossible for a big producer to pump a common source of oil dry by multiple drilling.\textsuperscript{32}

V

For Landon the passage of the conservancy-proration law afforded great personal satisfaction. Not only was his fight somewhat successful for state production control, but also for petroleum conservation. Yet, more had to be done. While having concluded the battles for relief of the stripper well owners and for the conservancy-proration law, he was still seeking national and regional action to help the oil industry regain its health and to make it competitive for the independent operator.

In congress, as has been seen, Landon helped spur men like Senator Capper and Congressman Hoch to action. He fed them ideas and material, and they relied upon him to gather the evidence to support their legislative maneuvers. Landon and his political friends early in the 1931 session of the Kansas legislature secured a resolution for an oil tariff, which Capper could use in the fight in congress. Landon also helped round up not only oil independents from Kansas and Oklahoma but also representatives of banks and labor unions to serve as witnesses for the Capper tariff and embargo bill before the senate committee on commerce. In his own testimony before the committee, Landon followed the theme that not just the industry's current financial losses—in excess of $100,000,000 a year—should be considered, but also (contradictorily, as he favored re-

\textsuperscript{31} Tepeka Capital, March 5, 8, 9, 14, 1931; State of Kansas, \textit{Session Laws, 1931} (Topeka, 1931), ch. 226; Rister, \textit{op. cit.}, p. 369; Clark, \textit{op. cit.}, pp. 237ff.

\textsuperscript{32} Kansas, \textit{Session Laws, 1931}, ch. 226.
stricting production) the loss of the development of untapped lands. Senator Capper's testimony followed. Capper asserted that oil import volume fixed the crude oil prices in the United States; he saw a direct relation between it and the fall of crude prices from $2.40 per barrel in 1928, to $1.29 in 1930, and $0.87 in early 1931. He saw supporting evidence in the retail gasoline prices which averaged 18.09¢ per gallon in 1926, and 18.49¢ in both 1930 and 1931. The only reason, he concluded, for the fall in home crude oil prices while retail gasoline prices increased was the flooding of the market with imported oil.  

After Capper's testimony, the major operators spoke against his bill. Their viewpoint was that it would deprive the people of cheap gasoline and oil products. R. G. Stewart, president of Standard of Indiana's importing subsidiary, the Pan-American Petroleum and Transportation Company, stated that the four largest oil companies agreed only to import enough to supply the market. (Showing an awareness of antitrust legislation, he later contradicted himself to say that no agreement was made.) Aiming a blow at those who called for more regulation of the industry, Stewart suggested that the antitrust laws be repealed so that the oil companies could get together to solve the industry's problems. He condemned regulation and tariff as being contrary to all laws of economics. Despite this testimony, the senate commerce committee decided, nine to six, to report the Capper bill on February 5, 1931. By this time W. H. Sproul of Kansas had offered two oil tariff bills in the house, and Garber of Oklahoma a companion measure to the Capper bill.  

The Capper bill was given a preferred position for consideration by the senate steering committee. But success eluded the bill's advocates as the major oil companies launched their main attack. Using a naval construction bill as a lever, their senate allies toppled the Capper oil embargo bill from its preferred position. Kansas Senators Henry J. Allen and Capper tried to counter by obtaining President Hoover's support for the Capper bill. Hoover's reaction was mixed, indicating sympathy for the bill though opposing its embargo provision.  

Landon, aided by Marvin Lee of Wichita, recruited a trainload of oilmen and farm leaders to travel to Washington further to press congress. A campaign of wires from businessmen was also un-

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33. Topeka Capital, January 22, 28, 1931; Kansas City Star, January 29, 1931; Wichita Eagle, January 28, 1931; Topeka Capital, January 30, 31, 1931; Congressional Record, 71st Cong. 5d Sess., v. 74, pp. 4122, 4123.

34. Topeka Capital, February 3, 6, 8, 1931.
leashed. The independent oil lobby which had been perambulating over the capital for almost a month began to sprint. In the house, representatives from 25 oil states were organized to ask Speaker Nicholas Longworth where he stood on the tariff. He replied that he favored its passage and told his junior colleagues that they could tell that to their friends in the senate. Despite Longworth's statement and the oil independents' agitations, the ways and means committee voted, on February 23, to reject all embargo and tariff bills. Speaker Longworth told the committee's chairman, William C. Hawley, that the decision should be reconsidered because something had to be done. Other house Republican leaders, including Majority Leader John Q. Tilson and Chairman Bertrand Snell of the rules committee, had by this time come to support reconsideration. From Topeka Landon demanded that oil-state Republicans support for speaker of the narrowly divided 72d house only someone who would agree to prompt hearings on the oil tariff. Counterpressures were again brought to bear in the house. A covey of New England representatives told Longworth to forget the oil tariff if he wanted their support for reelection as speaker. Longworth sought to appease everybody—or at least to absolve himself of responsibility—by appointing a special committee to deal with the oil tariff. The hopes of the oil independents slumpd, for of the five committee members, three were known to oppose an oil tariff.

The Kansas delegation was enraged. Following Landon's suggestion, six of the seven Kansas Republican representatives refused to attend the house Republican caucus. Meanwhile, in the senate, Capper was unable to obtain a vote on his bill and, despite a last minute filibuster by Senator Thomas, the Nye resolution for investigation of the oil industry was lost. While the oil independents failed completely in the senate, one minor concession was granted by the house in the establishment of a committee to investigate the need for tariff protection for oil and agriculture. The Hoch pipeline divcroment bill also failed. The oil independents had received little help from congress, but they had learned a lot about politics. They thought they would be better prepared to renew their fight at the opening of the 72d congress in December, 1931.

37. *Wichita Eagle*, November 29, 1931; *Topeka Capital*, February 27, March 1, 1931; *Congressional Record*, 71st Cong., 3d Sess., v. 74, pp. 6706, 7298f., 6767f.
Action was, however, developing in other areas. The states encompassing the Mid-Continent field were seeking some cooperative way to mitigate the oil situation. The governors of these states and representatives of the independents had been in increasingly closer contact since December, 1930, and, as congress faltered, they decided to consult formally on the crisis. A meeting was scheduled for March 1, 1931, in Fort Worth, Tex. Governors Murray of Oklahoma and Ross S. Sterling of Texas were there as well as a representative of the governor of New Mexico and Landon as Governor Woodring’s representative. The only actions taken by the representatives of the four states were to schedule a second meeting and to send a strong message to President Hoover asking him to urge the major companies to limit imports. Some favorable results followed the conference. Within the week, the Federal Oil Conservation Board announced that all the major oil importers but one had voluntarily agreed to cut imports. Shell, Gulf, and Standard of New Jersey soon limited their imports and by the end of March Standard of Indiana, the hold-out importer, reported that it too would practice restriction. The result was a substantial reduction of imports, which decreased from 105,619,000 barrels in 1930 to 86,087,000 in 1931.28

The second Mid-Continent states governors’ meeting was held March 9, but Landon did not attend because of the critical position of the proration bill in the Kansas senate. The idea of a compact between the states to limit oil shipments from the area was favorably discussed. Again regional conversation coincided with federal activities as the Federal Oil Conservation Board tried to negotiate industry-wide production restriction agreements to balance supply and demand. The federal government also encouraged an interstate compact to deal with the oil crisis. A third regional meeting, April 8, attended by representatives of 10 oil states and presided over by Governor Murray’s cousin, Col. Cicero Murray, made further efforts to secure an interstate compact. Landon, now freed from his other interests in the oil fight, showed great concern over the nature of the proposed compact, which would establish an interstate oil commerce commission to act as an umpire to allocate

28. New York Times, March 2, 6, 1931; Topeka Capital, March 1, 2, 6, 12, 1931; Federal Oil Conservation Board, op. cit., p. 8; Wichita Beacon, March 31, 1931; I. P. A., op. cit., p. 9. Giddens supplies different import figures, 62,129,000 bbls. in 1930, and 47,250,000 bbls. in 1931, but the percentage of decrease is almost exactly the same—Giddens, op. cit., p. 461.
a production quota to each state. He wrote widely over Kansas asking oilmen for their reactions to this proposal. Personally, Landon opposed it. He wanted such a commission to act only in an advisory capacity, as an information exchange, and to aid in coordinating state stabilization programs. The states would then be expected to implement stabilization programs through their own proration apparatus. This was best in terms of effective stabilization action as an umpire committee would be quite limited in its enforcement power and might be too easily influenced by the national power of the major companies. Landon voiced these views in the following governors’ conferences, and, as they were widely shared among Mid-Continent area oilmen, they influenced the character of the informal regional compact established in April by Kansas, Oklahoma, and Texas. This agreement set up the oil states advisory committee which functioned, somewhat weakly, as an information exchange and stabilization coordinator. Yet it was the forerunner of the 1935 interstate oil compact which has operated with considerable effectiveness since then in serving as an information exchange, advisory body, and conservation coordinator.\(^{59}\)

VII

The oil independents and their allies, exhausted from a winter of fighting, relaxed their efforts during the spring of 1931. This was true of Landon, too, as about all he did was to encourage his friends in congress to be prepared for the December session. The respite was short-lived. While demand for oil continued to decline as the depression grew worse, production and importation had not dropped enough to balance the curtailed demand, much less to reduce the tremendous stocks of petroleum in storage. The result was a snipping away at already depressed price levels. By early June the market appeared to crack, with Mid-Continent prices down to between 25 and 37 cents a barrel. The independents fluttered for almost a month, hoping that the price would soon “naturally” go up or that the major petroleum companies would further curtail their production and imports. They were wrong on both counts. By July, the price level had descended to a top price of 22 cents—from $1.57 the year before. Meetings were held in Oklahoma and Kansas to take action. The Oklahoma oil independents met July 10 in Oklahoma City to arrange a complete shutdown of production; a

meeting of Kansas independents was scheduled for Wichita, July 11. The Oklahoma shutdown came, and Wirt Franklin wired Landon that the independents must stand together in the two states. Landon had worked for a large turnout at the Wichita meeting but was pessimistic that anything would be accomplished. Some 300 Kansas independents came, representing 60 percent of the state’s production. Landon’s pessimism was not completely warranted as they showed that they had emerged from their three-month hibernation. They voted unanimously to join the Oklahomans in closing their wells to retaliate for the price slashes.\textsuperscript{40} Yet the fact remained that the shutdown was incomplete as all were not represented at the Wichita meeting and many of those in attendance later weakened in their resolve.

The price structure improved a bit during the next month and Landon continued to be active in urging better organization to enforce the shutdown or whatever else might be decided by the oilmen. He gave a fighting speech—the first lengthy speech of his life—before a “mass meeting” of independent oil producers at Tulsa, July 27. There he likened their fight to that of “rag-tag, bob-tailed” men of the American Revolution and equated their plight with that of the small merchants and farmers of 1931. He pinned the blame on monopoly.

Every thinker knows that the greatest issue in the world today is the communistic system versus the capitalistic or individualistic system. But when the capitalistic system ceases to be an individualistic system by reason of this tendency to monopolize all branches of industry and finance, what then?—when you eliminate the small business man, whether he be in the oil or merchandising business, or in the farming business, or in the banking business, you have removed the solid foundation that this government and business system rests upon. . . . it would be foolish to refuse to face the fact that it is this kind of a situation that makes rebels.

Something drastic must happen to save the system, Landon asserted. The small businessman, farmer, and oilman must be organized with the motto \textit{Don’t tread on me} “if we expect to survive.” Oil men must buy only from top payers and boycott others. A situation that maintained retail gasoline and motor oil prices while crude oil prices fell must be subjected to public scrutiny and to harsh revision.\textsuperscript{41}

That these thoughts were not just for publicity’s sake was indicated in a letter Landon sent to an acquaintance, a Sinclair Oil Corporation official, who disagreed with his ideas. Landon even

\textsuperscript{40} Wichita Beacon, June 7, 1931; Topeka Capital, June 7, July 12, 1931; Wirt Franklin to Landon, July 10, 1931, Landon to Walter Fees, July 10, 1931.

\textsuperscript{41} Landon speech to the Independent Oil Producers, Tulsa, Okla., July 27, 1931.
expanded on the dangers. "If we keep on going the way we are headed, I do not think there is much question but what there will be a revolution in this country." Many rather conservative oil producers believed that there was no place for them in a monopo-
listic society. These men could well be the gift of leadership to the radicals of the country instead, as in the past, of being a stabilizing force. The big corporations had better realize that they could lose their ballast, the ballast of the middle class. Should radicalism break loose, Landon knew that even men of modest fortune, like himself, would be lost, but he also knew that they might be lost should monopoly succeed.42

The voluntary shutdowns did have some effect by the end of July, when the top crude price was 42 cents a barrel. Later, state public service agencies in Oklahoma and Texas issued shutdown orders to oil producers which contributed to boosting the price to 70 cents by the third week of August. These were followed by an order of the Kansas Public Service Commission for a 90 percent shutdown in the flush Ritz and Canton pools, where 20 percent of the state's oil was produced. The strict production control implemented in the three states helped boost the crude oil price to 85 cents a barrel by December, 1931.43

Meanwhile, the oil tariff issue was again becoming active. A mail and visitation campaign was being conducted by the major companies to undercut support for the tariff. The election of the speaker of the house of representatives was again part of the issue, for early in the fall it still appeared the Republicans would control the house. As every Republican vote would be needed to organize the house under Republican control, Landon hoped to trade the vote of the Kansas congressional delegation for favorable consideration of the oil tariff. "The people of Kansas should insist that their delegation vote for a speaker of the house who would favor the oil tariff." Landon suggested Homer Hoch for the speakership.44

By November it was clear that the Democrats had picked up enough strength in special elections to organize the house of represen-
tatives. That fact cheered the oil independents because Rep. John Nance Garner of Texas, an ardent advocate of the oil tariff, was the leading Democratic choice for speaker. It also appeared that a chairman of the ways and means committee would be selected who would be favorable to the tariff. Landon was optimistic,

42. Landon to Dan T. Pierce, July 28, 1931.
43. Topeka Capital, August 23, 30, October 11, 1931; Federal Oil Conservation Board, op. cit., p. 8; Kansas City Star, December 10, 1931.
44. Wichita Beacon, September 8, 1931.
saying: "It wouldn't surprise me if the oil tariff measure would come up the very opening day of congress.—The shoe is on the other foot." He added: "There's one thing we oil men are not going to do this year and that's wait until it's too late to make our noise." Early in December Wirt Franklin called Landon to Washington to assist in formulating oil legislation. He had previously volunteered to spend two weeks of his time in the capital for I.P.A. The tariff campaign was to be based on a demand for a dollar a barrel duty on crude oil and a 50 per cent ad valorem duty on refined products. The independents' main argument in support of the tariff was that recovery of the oil industry—which had now slipped to third place in national importance—was possible, and that its recovery would help to revive agriculture and transportation.45

As Landon became increasingly involved in state politics in preparation for the 1932 elections, he became less of a force in the oil battle. Yet he kept in contact with and on occasion joined the front-rank fighters. Landon's optimism about the Democratic house proved excessive. The tariff proposal, taken up rather early in the session, appeared to have been killed on January 9, 1932, though it was revived two weeks later. Landon continued to dramatize the subject in Kansas—and for quotation elsewhere—by condemning monopoly and its "pirate" pricing practices, and by demanding tariff and antitrust action. Landon took time in April to lobby in Washington for the oil tariff, now euphemistically called an excise tax. He later engaged in raising money to finance the independent oil lobby in Washington, and participated in the attempts to obtain state and national Republican platform pledges for relief to oil independents.46

Some of the pressure on congress was reduced as crude oil prices rose to a range of between 76 cents to a dollar per barrel. In late March, 1932, however, the house adopted a compromise measure—an excise tax of one cent a gallon on imported crude oil. The senate, with many of the oil tariff foes from the old 71st congress still on hand, presented another problem. Yet, after a great deal of fencing in the finance committee, a measure was reported—by a ten to nine vote—to impose a one-half cent per gallon or 21 cents a barrel excise tax on crude oil, in addition to two and one-half cents a gallon on gasoline and four cents a gallon on other imported pe-

45. Wichita Eagle, November 29, 1931; Independence Reporter, December 1, 6, 1931; Kansas City Star, December 10, 1931.
46. Topeka Capital, January 10, 26, February 7, April 16, May 1, 1932; John M. Franklin to Landon, March 2, 1932, Landon to John M. Franklin, March 6, 1932.
troleum products. Assiduous efforts by the bill’s opponents to stalemate its final consideration failed and the senate approved the measure the day after Memorial Day. It went to a conference committee where house conferees accepted the senate version. Victory was at last achieved.\textsuperscript{47} Landon and the I. P. A. were not completely satisfied by the tax rates in the law, but the excise did result in the virtual elimination of imports of motor fuel and considerably reduced imports—by 65 percent between the first and last halves of 1932—of crude oil and other oil products.\textsuperscript{48}

VIII

In December, 1930, the small oil producers found themselves in a crucial position. Not only was their income barely matching their production costs, but many of them were threatened with loss of their pipeline connections and thus their markets. Although the federal government was working for international economic stabilization, the independent oil producers believed that statesmanlike arrangements could not be made in time to save most of their businesses. They were desperate and, perhaps because of their desperation, they were able to force national and state governments and the major oil companies to take mitigative actions, actions that were significant in shaping the course of the petroleum industry.

Although the developments of 1930, 1931, and 1932 did not save the industry from near calamity again in 1933 and 1934, they did establish the bases for lasting public oil policies. Some protection for independent oil operators has constantly been a theme of legislation, and restriction of oil imports has been an integral part of federal policy. Moreover, since 1932, all of the important petroleum states have enacted fairly effective laws to allot production quotas among oilmen and to curb the waste of crude oil. The interstate oil compact of 1935, now adhered to by over 30 states, has continued to be an influential agency.

That the part of Kansas in the development of managed production and conservation of oil must be considered is obvious. In enacting and enforcing the first fully effective conservancy-proration law, in joining with Oklahoma in leading the fights for the protection of independent oilmen and for limiting imports, and in helping to lay the basis for the interstate oil compact, Kansas played a role


which should not be overlooked by future historians of the oil industry.

Yet there is more to this chapter of oil history. The struggle for petroleum stabilization and conservation in Kansas also had political ramifications. Governor Reed’s defense of the stripper-well owners earned him some good will—of which he had enjoyed little—that helped him to win nomination and election as United States senator in 1938; Governor Woodring’s actions on oil matters helped him to achieve some national notice and perhaps influenced his appointment in 1933 as assistant secretary of war, a stepping stone to promotion to the secretaryship in 1936. Landon benefited more definitely from the oil battle. During the winter of 1930-1931, scarcely a day went by without his name being printed in the newspapers of Kansas, and, throughout the rest of 1931, his name was sure to appear in newspaper copy sometime during the week, and maybe twice on Sunday. Because of his leadership in the oil fight and the publicity it attracted, he advanced from a political cipher in the fall of 1930 to the leading contender for the Republican gubernatorial nomination by the summer of 1931. While he won the nomination in 1932 by a margin of almost two-to-one over his opponents, he succeeded in a strenuous three-man general election race for governor by only 5,637 votes. He had entered the oil fight to save his stripper-well friends and to stop the price-depressing over-production which threatened the business of all petroleum independents, but his reward was unusual. Without the oil fight, Landon might not have sought or won the gubernatorial nomination in 1932. If he had not been nominated, he would not have been elected governor and thus would not have had in 1936 “an experience that comes to few,” the Republican Presidential nomination.