

RESULTS OF ELECTIONS
OF
ATTORNEYS GENERAL
1857 - 2010



COMPILED

BY

Douglas A. Hedin
Editor, MLHP



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FOREWORD

The Office of Attorney General of Minnesota is established by the constitution; its duties are set by the legislature; and its occupant is chosen by the voters.¹ The first question any historian of the office confronts is this: why is the attorney general elected and not appointed by the governor?

Those searching for answers to this question will look in vain in the debates of the 1857 constitutional convention. That record is barren because there was a popular *assumption* that officers of the executive and legislative branches of the new state government would be elected. This expectation was so deeply and widely held that it was not even debated by the delegates. An oblique reference to this sentiment was uttered by Lafayette Emmett, a member of the Democratic wing of the convention, during a debate on whether the judges should be elected:

I think that the great principle of an elective Judiciary will meet the hearty concurrence of the people of this State, and it will be entirely unsafe to go before any people in this enlightened age with a Constitution which denies them the right to elect all the officers by whom they are to be governed.²

Contemporary editorialists were more direct and strident. When the convention convened in St. Paul in July 1857, the *Minnesota Republican* endorsed an elected judiciary and opposed placing appointment power in the chief executive:

The less we have of executive patronage the better. Nothing has operated more disastrously to the purity of the national government than the leaving of so many offices at the practical control of the President.

¹ The 1857 Minnesota Constitution, Article 5, § § 1 and 5, provided:

Section 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, and attorney general, who shall be chosen by the electors of the state.

....

Section 5. The official term of office of the secretary of state, treasurer and attorney general, shall be two years. . . . And the further duties and salaries of said executive officers shall each thereafter be prescribed by law.

² Debates and Proceedings of the Minnesota Constitutional Convention 494 (1857) (remarks of Lafayette Emmett, Friday, August 14, 1857).

Executive officers should be confined to the discharge of their own proper duties. It is neither natural, democratic nor safe to render either the subordinate or co-ordinate departments of the government the mere emanations of their will.

Let the people rule: let us *manage*, so far as possible, our own affairs. Let *all* offices be directly elective. Each office should be kept, so far as may be, independent of and separate from all the rest; and should be held answerable only to the earthly source of all civil authority—the people themselves.³

The popular conviction that constitutional officers should be elected, not appointed, was in part a reaction against the process by which the territorial government was staffed. Under the Organic Act, which created Minnesota Territory, the President appointed the territorial governor, secretary, attorney, marshal and the supreme court.⁴ All appointees were members of the President's political party; many were "imports" from Eastern or Middle West states; and personnel changed frequently because each new President implemented the policy of rotation in office.⁵

More fundamental was the belief that in a real democracy the people govern themselves through elections, that elected officials are more accountable to the people than appointed ones. An appointed official, it was thought, would owe his allegiance to his patron, less to the people. There was a faith in the wisdom of "the people" expressed through elections, even though the franchise was denied to many. Delegates, editorialists and residents were not so naive as to think that voters would not make mistakes; but if one was made, it could be corrected by ousting the offending policymaker in the next election, which was not far off.

³ *Minnesota Republican*, July 9, 1857, at 2 (emphasis in original).

While it is entertaining to read the rich rhetoric of editorialists demanding freedom from the bridle of government-by-appointment, especially as statehood neared, it is important to recall that Minnesota's territorial government functioned reasonably well and was free of corruption. The only presidential appointee clearly unfit for office was Chief Justice Aaron Goodrich, who lacked judicial temperament.

⁴ Section 11 of the 1849 Organic Act provided:

And be it further enacted, That the governor, secretary, chief justice, and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the senate, appointed by the president of the United States.

⁵ See generally Douglas A. Hedin, "'Rotation of Office' and the Territorial Supreme Court" 70-4 (MLHP, 2010-2011).

The public's preference for elected executive branch officers also reflected its distrust of concentrating power in the governor. As a result the constitution contained several provisions designed to prevent the abuse of executive power, the most obvious being impeachment (or threat thereof).⁶ The terms of the governor, attorney general and other constitutional officers were only two years, too brief a time to amass power; a century would pass before executive branch officers could be trusted to serve four years.⁷

While the governor was granted the power to fill vacancies in other constitutional offices and the judiciary, those appointees were required to stand in the next election (or primary) if they wanted to remain in office.⁸ Early elections permitted the voters to

⁶ Article 13, §1, of the 1857 Constitution provided:

The governor, secretary of state, treasurer, auditor, attorney general and the judges of the supreme court, and district courts may be impeached for corrupt conduct in office or for crimes and misdemeanors; but judgment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit in this state. The party convicted shall also be subject to indictment, trial, judgment and punishment according to law.

⁷ In the general election on November 4, 1958, Article V, §5, was amended to increase the length of the terms of executive officers from two years to four, beginning in 1963. After revisions in 1974 and 1998, it now provides:

Sec. 4. The term of the secretary of state, treasurer, attorney general and state auditor is four years, and until a successor is chosen and qualified. The duties and salaries of the executive officers shall be prescribed by law.

⁸ Article 5, §4, of the 1857 Constitution provided:

[The governor] shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other state and district offices as may be hereafter created by law, until the next annual election, and until their successors are chosen and qualified.

Vacancies in the judiciary were addressed Article 6, § 10:

In case the office of any judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor until a successor is elected and qualified, and such successor shall be elected at the first annual election that occurs more than thirty days after the vacancy shall have happened.

pass judgment on the new appointee. Thus, after Lyndon Smith died on March 4, 1918, Governor Burnquist appointed Deputy Attorney General Clifford L. Hilton to fill the vacancy. In the primary only three months later, Hilton barely defeated Thomas V. Sullivan, receiving only 51.7 % of the vote.

There was one other source for the constitutional requirement that the attorney general and other executive officers be elected: the examples of other state governments.⁹ The Minnesota constitutional convention did not operate in a vacuum; both wings were influenced by the frameworks other state governments in addition to the federal model.

* * *

In every election beginning with the first on October 13, 1857, candidates for attorney general have run with the support or endorsement of a political party. From the first election until 1912, candidates were endorsed at a party convention, and ran on the party's state ticket, not separately. That ticket was printed in partisan newspapers which endorsed the entire slate. They concentrated on the battle between the gubernatorial candidates, and occasionally singled out a candidate for attorney general for praise.


Here are two examples: The Democratic Party Ticket (A) was published in the *Saint Paul Democrat* on Tuesday, November 5, 1867; and the Alliance Party Ticket (B) was published in the *St. Paul Daily News* on Thursday, October 30, 1890.

⁹ An alternative form of electing the attorney general was not mentioned at the convention, although delegates originally from New York surely were aware of it. The 1821 New York Constitution provided that the state legislature select the attorney general. Daniel J. Hulsebosch, *Constituting Empire: New York and the Transformation of Constitutionalism in the Atlantic World, 1664-1830* 266 (North Carolina Univ. Press, 2005) ("The convention of 1821 abolished the [C]ouncil [of Appointment] and gave the governor the power to appoint superior court judges as well as militia officers. The legislative houses had the power to appoint the secretary of state, comptroller, treasurer, attorney general, surveyor general, and commissary general.").

A

Saint Paul Pioneer.
A DEMOCRATIC JOURNAL,
 DAILY, TRI-WEEKLY AND WEEKLY.
 PIONEER PRINTING COMPANY
 ST. PAUL, TUESDAY, NOV. 5.

Rally to the Polls!



**VOTE THE STRAIGHT
 Democratic Ticket.**

For Governor.
HON. CHARLES E. FLANDRAU,
 OF HENNEPIN COUNTY.

For Lieut. Governor.
HON. ARBA K. MAYNARD,
 OF LE SUEUR COUNTY.

For Secretary of State.
HON. AMOS COGSWELL,
 OF STEARNS COUNTY.

For Attorney General.
HON. ANDREW G. CHATFIELD,
 OF SCOTT COUNTY.

For State Treasurer.
JOHN FRIEDRICH, Esq.,
 OF GOODHUE COUNTY.

Ramsey Co. Democratic Ticket.

Senators..... **GEORGE J. BECKER.**
Representatives..... **WILLIAM P. MURRAY.**
 DAVID C. JONES.
 CHARLES H. LENSEN.
 JAMES KING.

Sheriff..... **CALVIN S. ULIN.**
Treasurer..... **JACOB MATYER.**
Register of Deeds..... **SAMUEL M. FLUNT.**
County Attorney..... **J. P. MELANCON.**
Assessor..... **LORENZO HOYT.**
County Commissioner..... **THOMAS SILVERMAN.**
Ward 1..... **JAMES MANFIELD.**
Ward 2..... **L. B. GREIG.**

NEGRO VOTING AMENDMENT.
 "Amendment to Section One, Article Seven of the Constitution"—**NO.**
THE BOND PROPOSITION.
 This is not a party question, and may be voted "Yes," or "No."
 "Application of State Rail Road Bond Sinking Fund for the extinguishment of the Minnesota State Rail Road Bonds."
TAXATION OF BANK STOCKS.
 This amendment must be on a separate ballot.
 "Amendment of Section Four, Article Nine of the Constitution."—"Yes," or "No."

GUERRILLA TICKETS.
 Look out for the Guerrilla tickets of the bolters to-day, marked "Democratic." Look out for the Radical tickets marked "Democratic." Put them under your feet, or light your pipes and cigars with them.

B

THE ALLIANCE

State Ticket.

FOR GOVERNOR,
S. M. OWEN, OF MINNEAPOLIS

For Lieutenant Governor,
J. O. BARRETT, of Brown's Valley.

For Secretary of State,
M. WESENBERG, of Duluth.

For State Treasurer,
ERICK MATHISON, of Lac qui Parle.

For Auditor,
ADOLPH BIERMANN, of Rochester.

For Attorney General,
ROBERT TAYLOR, of Kasson.

For Clerk of the Supreme Court,
F. W. KOLARS, of Le Sueur.

CONGRESSIONAL.

For Representative, First District,
W. H. HARRIES, of Houston County.

For Representative, Second District,
JAMES H. BAKER, of Blue Earth Co.

For Representative, Third District,
W. W. GAMBLE, of McLeod County.

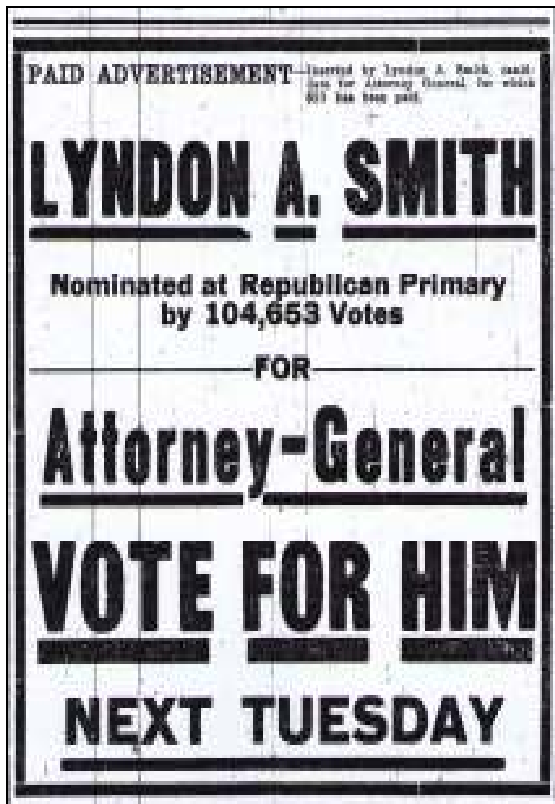
For Representative, Fifth District,
KITTEL HALVERSON, of Stearns Co.

Look out for frauds. Cut out this ticket and compare it with the one you vote. Spurious tickets are being circulated.

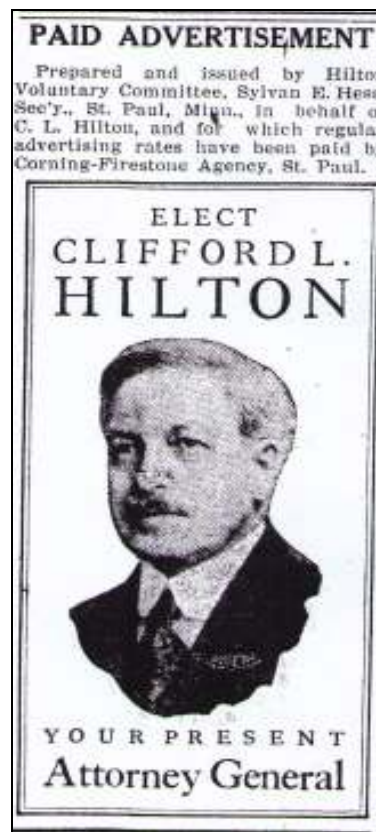
In 1912, the legislature adopted a state-wide primary for selecting party candidates for constitutional offices in the general election.¹⁰ This caused candidates to change the way they campaigned. Competing against fellow party members in the primary, a candidate was forced to run a separate, more personal campaign, with his own advertisements. This continued after he won the primary. As the nominee, he was listed on the party ticket, which was widely publicized, but he also continued his separate campaign.

Here are two examples: In 1914 incumbent Lyndon Smith won the Republican primary; opposed in the general election by a Democrat, he ran his own campaign, parallel to the party's, and published his own advertisements. Four years later, Clifford L. Hilton, who was appointed attorney general following the death of Smith in 1916, won the Republican primary, and continued to run his own advertisements in the general election, which he won. Smith's ad (A) was published in the *Minneapolis Journal* on Sunday, November 1, 1914; and Hilton's (B) appeared in the *Wabasha Herald*, October 31, 1918.

A



B



¹⁰ 1912 Laws (Special Session.), ch. 2, at p. 4 (June 19, 1912); Stat. ch. 6, §§ 325-357, at p. 74 (1913).

Since 1912, a major party candidate for attorney general has sought the shelter of the umbrella of the party's endorsement and simultaneously waged a more personal campaign in the primary and general election that is separate from the party's.

* * * *

There have been twenty-nine attorneys general in Minnesota since statehood—too small a sample for a statistical analysis—but because they served over such an extended period—one hundred fifty years—a few conclusions can be drawn.

Initially, there is a weak correlation between the political affiliations of the governor and the attorney general, a pattern very apparent in recent decades. Eleven generals have served with a governor who was of a different political party. The first was Charles H. Berry, a Republican, who served during the administration of Governor Henry Sibley, a Democrat, 1858-1860; next was General William Colvill who was elected on Union Party ticket (which was so closely associated with the Republican Party that some histories list him as a Republican) and served with Governor Marshall, a Republican, 1866-1868. General Wallace Douglas, a Republican, served during the one term of Governor John Lind, a Democrat who was also endorsed by the Populist and Silver-Republicans, 1899-1901; and General Edward T. Young, a Republican, served with Governor John Johnson, a Democrat, 1899-1904. General Lyndon Smith, a Republican, served with Governor Winfield Hammond, a Democrat, in 1915 (Hammond was inaugurated in January and died in December); and General Henry Benson, a Republican, served with Governor Floyd B. Olson, 1929-1933. General Walter Mondale, Democrat-Farmer-Labor, served with Governor Elmer L. Anderson, a Republican, 1961-1963; General Warren Spannaus, a member of the DFL, served with Republican Governor Albert Quie, 1979-1983; General Hubert Humphrey, DFL, served during both terms of Governor Arnie Carlson, Republican, 1991-1999; General Michael Hatch, a Democrat, served with Governor Jesse Ventura of the Reform Party, 1999-2003, and during the first term of Governor Timothy Pawlenty, a Republican, 2003-2007; and his successor, General Lori Swanson, DFL, served during Governor Pawlenty's second term, 2007-2011.

Second, a general who seeks the governorship is not likely to succeed. Six have run and lost. The first was General Moses E. Clapp who served three terms, 1887-1893, but lost his bid for the Republican gubernatorial nomination to David Clough in 1896. Harry H. Peterson was attorney general from 1933 to 1936, when he was appointed to the supreme

court, where he served until 1950, when he ran for governor, losing to Luther Youngdahl. Next, General Head ran for governor in 1970, losing to Wendell Anderson. General Spannaus did not survive the 1982 DFL primary for governor, losing to former governor Rudy Perpich. General Humphrey lost to Jesse Ventura in 1998; and General Hatch was defeated by Governor Pawlenty in 2006.

Why? Besides specific explanations of a single election, two generalizations — or speculations — come to mind. During his years in office, a general's zeal for partisanship may have dulled, lessening his ability to wage an effective gubernatorial campaign. Related to this is the public's view of the nature of the office: the general is the state's chief legal officer who represents the state's interests, defends its laws and prosecutes particular crimes in court, advises the governor and other constitutional officers, and carries out a multitude of other duties impartially and without regard to party politics. And so, when a general runs for governor, the public is jarred, its picture of him fractured by his sudden transformation into a partisan who takes hard positions on divisive social issues, taxes and other controversial matters while exploiting his opponent's weaknesses. Once far above petty politics, he is now another officer-seeker, and because his exemplary service as the state's chief lawyer involved legal matters so technical, complex and boring, they are rarely mentioned. Conclusion: it is very difficult for an attorney general to be elected governor of Minnesota.

Next, five generals have served on the Minnesota Supreme Court. Two reached the court first by election. Francis R. E. Cornell was elected to the court in 1874, following the last of his three terms as attorney general. The situation of Charles M. Start was unusual; elected attorney general in 1879, he resigned in March 1881, to accept appointment to the Third Judicial District, where he served fourteen years. He was elected Chief Justice in 1894, and served on the court until 1913, when he retired.

Three generals reached the supreme court first by appointment. In each case they were of the same political party as the governor. In March 1904, the last year of his third term, Wallace Douglas was appointed associate justice; he did not seek election to a full term that fall, and served only nine months on the court. Clifford L. Hilton was appointed attorney general in 1918, and won five successive elections; in 1928, he was appointed to the court, where he served until 1942. Harry H. Peterson was elected attorney general in 1932 and re-elected twice. In December 1936, before beginning his third term, he was appointed to the court, where he served until 1950, when he resigned to run for governor.

Being the incumbent attorney general does not weigh heavily upon a governor who must fill a vacancy on the supreme court. From 1864 to 2010, governors made 78 appointments to the court. This gross number is misleading because three of these were appointments of newly elected justices to fill vacancies caused by the resignation of a justice defeated in the last election. In these particular cases, which occurred between 1893 and 1905, the governor had no discretion when making the appointment because the justice had already been selected by the voters.¹¹ When these unusual appointments are removed, we are left with this startling statistic: of the 75 gubernatorial appointments to the supreme court from 1864, when Governor Stephen Miller appointed Thomas Wilson Chief Justice and Samuel J. R. McMillan Associate Justice, to 2010, when Governor Pawlenty appointed Lorie Gildea Chief Justice, only three were generals. The last—Governor Hjalmar Peterson’s appointment of General Harry Peterson—occurred almost eighty years ago.

Why have there been so few, the last so long ago? The political lives of the governor and attorney general are not as entwined as they were in the nineteenth century, leaving the governor with less political debt to the general. Winfield Hammond, elected governor on the Democratic ticket in 1914, attributed his success in part to the support he received from Neil M. Cronin, the party’s candidate for attorney general who lost.¹² Since that time, few governors could make a similar statement. When the governor and general do not belong to the same party, the general is not even considered for a vacancy (from 1961 to 2011, a DFLer was attorney general 46 years, but governor only 20 years). Recent governors have established a process to evaluate candidates for judicial vacancies, which may have deterred a few incumbent or former generals. There is a final consideration that may be the most important: most generals, like most lawyers, have no interest in serving on the bench, and they may make this lack of ambition known to the governor.

¹¹ In October 1893, Daniel Dickinson, who was defeated in November 1892, resigned, and newly-elected Daniel Buck was appointed to complete his term. Next, Buck, who was defeated by Calvin Brown in the November 1898 election, resigned in November 1899, and the governor thereupon appointed Brown to fill the vacancy and complete the last six weeks of Buck’s term. And, finally, John Lovely, defeated in November 1904, resigned in October 1905, and was replaced by newly-elected Charles Elliott. See “Results of Elections of Justices to the Minnesota Supreme Court, 1857-2012” 29-34 (MLHP, 2012).

¹² Cronin’s biographical sketch was published in newspapers during his unsuccessful campaign for Congress in 1916; it concluded, “In 1914 he was Democratic candidate for attorney general of Minnesota. During the campaign he stumped the state with Governor Hammond and the latter attributed his success in large part to Mr. Cronin’s efforts.” *Wabasha Herald*, October 13, 1916, at 12.

Few former generals have served in important federal offices. In 1901, eight years after his last term as attorney general, Moses E. Clapp was elected to the U. S. Senate, where he served until 1917. Walter Mondale served in the U. S. Senate from 1964 to 1980, followed by a term as Vice President. Miles Lord served as a federal district court judge from 1966 to 1985. There is also the unusual case of G. Aaron Youngquist, who was elected in November 1928, but resigned a year later to accept appointment as Deputy Attorney General in the U. S. Justice Department in Washington.

Only one was a careerist: Joseph A. A. Burnquist served eight terms, from 1935 to 1955. He was almost seventy-six years old when he left office. When the term of office was two years, generals typically served two or three terms, although Clifford Hilton served almost ten years. After it was doubled, practices have varied. General Spannaus served three terms and General Humphrey four. Unlike Burnquist, Humphrey seems to have harbored ambitions for higher office, as evidenced by his unsuccessful run for the U. S. Senate in 1988 and the governorship a decade later.

It is only a slight exaggeration to say that a newly-elected general already has one foot in the political graveyard. At the present time, a general's odds of being appointed to the state supreme court are slim, of being elected governor slight, and of securing an important federal post small. Someday a general with the right temperament will be appointed to the supreme court and another with exceptional political skills will be elected governor or to an important federal office. But for now the historical record is clear: at the end of their last term, most generals return to private practice. □



ELECTION RESULTS

1857

(October 13, 1857)

George A. Nourse (Republican).....16,804
Charles H. Berry (Democrat).....17,703

George A. Nourse subsequently moved to Nevada where he was elected its first attorney general, serving 1864-1867. However, because he was United States Attorney when elected, the state supreme court held that he was ineligible for state office, and removed him. *State of Nevada ex rel. George A. Nourse v. Robert M. Clarke*, 3 Nev. 566 (1868).

Charles Henry Berry (1823-1900), a Winona lawyer, later served in the Minnesota Senate, 1874-75.

Source: *Daily Minnesotan*, December 18, 1857, at 2, and December 19, 1857 at 2 (microfilm, MHS), and *New York Daily Tribune*, Tuesday, December 29, 1857, at 6 (online).

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1859

(November 8, 1859)

John B. Brisbin (Democrat).....17,630
Gordon E. Cole (Republican).....21,186

John Ball Brisbin (1827-1898), a St. Paul lawyer, was President of the Territorial Legislative Council, 1856-57, a member of the Minnesota House of Representatives, 1863-64, and mayor of St. Paul in 1857.

Gordon Earl Cole (1833-1890), a Faribault lawyer, served in the Minnesota Senate, 1866-67, and the Minnesota House of Representatives, 1883-85.

Source: *Journal of the House of Rep.*, December 9, 1859, at 39.

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1861

(November 5, 1861)

Gordon E. Cole (inc. & Republican).....	16,112
Wheeler H. Peckham (Democrat).....	10,389
William Peckham.....	144
S. P. Jones.....	2
O. Gallagher.....	1
Write-ins.....	4

Source: Journal of the Senate, January 8, 1862, at 13.

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1863

(November 3, 1863)

Gordon E. Cole (inc. & Republican).....	19,575
William H. Grant (Democrat).....	12,332

William Henry Grant (1829-1901) was a St. Paul lawyer and businessman.

Source: SAM 66, Roll 1, Image 37; Journal of the House of Rep., January 11, 1864, at 14.

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1865

(November 7, 1865)

William J. Colvill, Jr. (Union).....	17,460
William Lochren (Democrat).....	13,436

William J. Colvill, Jr. (1830-1905), a Red Wing lawyer, newspaper publisher and Civil War hero, ran for attorney general as a member of the Union Party, whose principles were closer to the Republicans than Democrats at that time; he served in the Minnesota House of Representatives in 1865 and as a Democrat in 1878. He ran for U. S. Congress in 1866, as a Democrat, losing to Ignatius Donnelly. He ran

unsuccessfully as a Democrat for the state Railroad Commission in 1879.

William Lochren (1832-1912), a Minneapolis lawyer, served in the Minnesota Senate, 1869-71. He ran for Associate Justice of the Minnesota Supreme Court in 1874, losing to Francis R. E. Cornell; in 1875, he sought election by the state senate to the United States Senate, losing to Samuel J. R. McMillan. He was Minneapolis city attorney, 1877-78. He served on the Fourth Judicial District, 1881-1893, and was Judge of the United States District Court, 1896-1908.

Source: Journal of the House of Rep., January 8, 1866, at 14.

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1867

(November 5, 1867)

Francis R. E. Cornell (Republican).....	34,657
Andrew G. Chatfield (Democrat).....	28,918
John Friedrichs.....	408
Emil D. Munch (Republican).....	393
Write-ins.....	13

Francis Russell Edward Cornell (1821-1881), a Minneapolis lawyer, served three terms in the Minnesota House of Representatives, 1861, 1862 and 1865; he was elected Associate Justice of the Minnesota Supreme Court in November 1874, serving from January 1875 to death on May 23, 1881.

Andrew G. Chatfield (1810-1875) was Associate Justice of the Territorial Supreme Court, 1853-1857. In 1863, he sought election by the state senate to the United States Senate, but lost to Alexander Ramsey. He ran for chief justice in 1864, losing to Thomas Wilson. Elected judge of the Eighth Judicial District in November 1870, he served from January 1871 to death on October 3, 1875.

The votes for Munch were write-ins because at this time, he was running to be state treasurer as a Republican. He was elected to that office in 1867, and re-elected in 1869, serving from January 1868 to January 1872. In 1876, he was indicted for embezzling state funds while state treasurer; he was tried at the October 1876 term of the Ramsey County District Court, and a verdict of not guilty rendered.

Source: Journal of the House of Rep., January 8, 1868, at 12.

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1869

(November 2, 1869)

Francis R. E. Cornell (inc. & Republican).....	29,300
Seagrave Smith (Democrat).....	23,812
J. Ham. Davidson.....	1,348
Write-ins.....	49

Seagrave Smith (1828-1898), served one term in the Minnesota Senate, 1868-70; he ran for judge of the First Judicial District in 1864, losing to Charles McClure; he ran for judge of the Fourth Judicial District in 1884, losing to Arthur H. Young; he ran for chief justice of the Minnesota Supreme Court twice: in 1888, losing to incumbent, James Gilfillan, and in 1894, losing to Charles M. Start. He was appointed judge of the Fourth Judicial District in 1889, elected to a full term in 1890, and re-elected in 1896. He died in office on November 2, 1898.

Source: Journal of the House of Rep., January 5, 1870, at 12; SAM 66, Roll 1, Image 69 (vote totals, however, are indecipherable on the microfilm).

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1871

(November 7, 1871)

Francis R. E. Cornell (inc. & Republican).....	46,560
J. L. Macdonald (Democrat).....	30,233
U. F. Sargent.....	131

Source: Journal of the House of Rep., January 3, 1872, at 16.

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1873

(November 4, 1873)

George P. Wilson (Republican).....	40,751
William P. Clough (Democrat).....	35,757
Write-in.....	302

This was an open election, without an incumbent in the race.

George Potter Wilson (1840-1920) began practicing law in Winona in 1862; he served three terms as attorney general; and in 1887 moved to Minneapolis where he continued to practice.

William Pitt Clough (1845-1916), a St. Paul lawyer, apparently was not consumed by ambitions for public office. See Christopher C. Andrews, ed., *History of St. Paul, Minn.* 50-51 (1900) (“In 1873, he was the Democratic candidate for attorney-general, but the nomination was made during his absence from the State, and came to him, unsolicited and undesired.”).

Source: Journal of the House of Rep., January 8, 1874, at 19.

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1875

(November 2, 1875)

George P. Wilson (inc. & Republican).....	45,091
Richard A. Jones (Democrat).....	34,683
C. M. McCarthy.....	2,749

Richard Asbury Jones (1831-1888), a Rochester lawyer, served three terms in the Minnesota House of Representatives, 1870, 1871 and 1879-80; he was appointed Chief Justice of Dakota Territory in 1887.

Source: Journal of the House of Rep., January 6, 1876, at 17.

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1877

(November 6, 1877)

George P. Wilson (inc. & Republican).....	56,328
John R. Jones (Democrat).....	37,042
James E. Childs.....	1,162
S. L. Pierce.....	208
N. C. Martin.....	856

John Robinson Jones (1828-1900), a Chatfield lawyer, served as county attorney of Fillmore County.

Source: Journal of the House of Rep., January 10, 1878, at 18.

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1879

(November 4, 1879)

Charles M. Start (Republican).....	60,806
P. M. Babcock (Democrat).....	38,604
Oscar Stephenson (Greenback-Labor).....	_____
Alfred W. Bangs (Prohibition).....	_____

Charles Monroe Start (1839-1919), a Rochester lawyer, was Olmsted County attorney for eight years. He did not complete his term as attorney general, resigning on March 12, 1881, to accept appointment to the Third Judicial District Court, where he served until 1895. He was elected Chief Justice of the Minnesota Supreme Court in 1894, and re-elected in 1900 and 1906; he retired on January 1, 1913.

Babcock was a lawyer from Hennepin County, Stephenson, a lawyer from Ramsey County.

Alfred Walstern Bangs (1830-1904), a lawyer from Le Sueur County, also ran two years later. He then moved to North Dakota, later to South Dakota, where he served in the state legislature. Curiously, Supreme Court records state Bangs was admitted to the bar on April 3, 1882. 1 *Roll of Attorneys: Supreme Court, State of Minnesota, 1858-1970* 15 (State Law Library, 2011).

Source: 1881 Blue Book, at 267-69 (according to a footnote, "The returns of Watonwan county were not canvassed by the canvassing board, having been enclosed in the envelope containing returns for county officers."). The Blue Book lists only Smart and Babcock as candidates, but contemporary newspapers list Stephenson and Bangs.

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1881

(November 8, 1881)

William J. Hahn (inc. & Republican).....	66,812
George N. Baxter (Democrat).....	35,936
Joseph McKnight.....	2,598
Alfred W. Bangs (Prohibition).....	572
Write-ins.....	51

William J. Hahn (1841-1902), a Lake City lawyer, served three terms as Wabasha County attorney. He was appointed attorney general by Governor Pillsbury in March 1881 to fill the vacancy caused by the resignation of Charles Start. He was elected to a full two year term in November of that year, and re-elected in 1883 to a term ending in January 1887. In 1882 he moved to Minneapolis where he lived, practiced law and engaged in business until death on September 23, 1902.

George N. Baxter, when Rice County Attorney, prosecuted three of the Northfield Bank robbers in November 1876.

Source: SAM 66, Roll 1, Images 128-29, 131.

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1883

(November 6, 1883)

William J. Hahn (inc. & Republican).....	79,324
John W. Willis (Democrat).....	50,973
Francis Cadwell.....	4,925
Edward H. Wood.....	79
Write-ins.....	52

John Willey Willis (1854-1935) later served one term on the Second Judicial District, 1893-1899. In 1894, with the dual endorsements of the Democrat and Peoples' Parties, he ran unsuccessfully for Associate Justice of the Minnesota Supreme court, losing to Loren W. Collins, the incumbent Republican.

Francis Cadwell (1842-1929) later served as judge on the Eighth Judicial District, 1891-1905.

Hahn's term began January 1884 and normally would have ended in January 1886; however, because a 1883 constitutional amendment changed the time of elections for state officers to even-numbered years, his term was extended to January 1887. The amendment to Article 7, § 9, provided:

All state, county or other officers elected at any general election whose terms of office would otherwise expire on the first Monday of January, A. D. one thousand eight hundred and eighty-six, shall hold and continue in such offices respectively until the first Monday in January, one thousand eight hundred and eighty-seven.

Henceforth all elections were held in even numbered years.

Source: SAM 66, Roll 1, Images 167-68.

**

1886

(November 2, 1886)

Moses E. Clapp (Republican).....	115,512
John H. Ives (Democrat).....	95,881
W. M. Hatch.....	8,908
Write-ins.....	56

Moses Edwin Clapp (1851-1929), a Fergus Falls lawyer, served three terms. He sought the Republican nomination for governor in 1896, losing to David M. Clough. On January 23, 1901, the Minnesota Senate elected him United States Senator to complete the term of the late Cushman Davis. He was re-elected in 1904 and 1910, but was denied re-nomination by the Republican Party in 1916.

Ives (1855-1902), a St. Paul lawyer, served in the Minnesota House of Representatives, 1889-1893, and the Senate, 1899-1902.

Source: SAM 66, Roll 1, Images 206, 207, 213.

**

1888

(November 6, 1888)

Moses E. Clapp (inc. & Republican).....	142,074
Charles D'Autremont Jr. (Democrat).....	104,202
C. R. Shannon.....	15,629
William Welch.....	644
Write-ins.....	36

Charles D'Autremont Jr. (1855-1919), a Duluth lawyer, was St. Louis County Attorney (elected 1884) and Duluth Mayor (elected 1892); he later invested in and managed mining companies.

Source: SAM 66, Roll 1, Images 237, 240.

**

1890

(November 4, 1890)

Moses E. Clapp (inc. & Republican).....	98,187
David T. Calhoun (Democrat).....	85,821
Robert Taylor (Prohibition & Alliance).....	55,610

David T. Calhoun (1853-1906), practiced law in Little Falls and St. Cloud. For a profile of him, see "The Bench and Bar of Stearns County" (MLHP, 2013)(published first, 1915).

Robert Taylor was a lawyer from Kasson.

1891 Blue Book, at 558-59.

**

1892

(November 8, 1892)

Henry W. Childs (Republican).....	108,785
John C. Nethaway (Democrat).....	90,690
John L. MacDonald (Peoples).....	37,702
Robert Taylor (Prohibition).....	14,000

Henry Warren Childs (1848-1906), practiced law first in Fergus Falls, later in St. Paul. After serving three terms as Attorney General, 1893-1899, he returned to private practice. He wrote memorials to Governors Austin and McGill, and delivered an address on Christopher Columbus, all published by the Minnesota Historical Society.

John Lewis MacDonald (1838-1903), a Shakopee lawyer, served in the Minnesota House of Representatives, 1869-70, and Senate, 1871-73; elected judge of the Eighth Judicial District in 1876 and re-elected without opposition in 1883, he served from 1877 to 1886 when he resigned because he was elected as a Democrat to the United States House of Representatives from the Third Congressional District, defeating Benjamin B. Herbert; he served one term, 1887-1889, losing a bid for re-election to Darwin S. Hall, a Republican, in 1888.

Source: 1893 Blue Book, at 467.

**

1894

(November 6, 1894)

Henry W. Childs (inc. & Republican).....	150,529
William Logan Brackenridge (Democrat).....	66,905
John L. MacDonald (Peoples').....	60,265
Robert Taylor (Prohibition).....	9,400

Brackenridge (1856-1905) was a Rochester lawyer, who had served as city attorney and Olmsted County Attorney.

Source: 1895 Blue Book, at 466-67.

**

1896

(November 3, 1896)

Henry W. Childs (inc. & Republican).....176,273
John A. Keyes (Democrat-Peoples).....138,966

John Arnold Keyes (1859-1917), a Winona lawyer, served two terms in the state House of Representatives, 1889-1892, as a Republican; in 1892 he moved to Duluth and continued to practice law.

Source: 1897 Blue Book, at 487.

**

1898

(November 8, 1898)

Wallace B. Douglas (inc. & Republican).....137,505
John F. Kelly (Democrat-Peoples & Midland-Populist).....96,731
Daniel W. Doty (Prohibition).....8,404

Wallace Barton Douglas (1852-1930), a city attorney of Moorhead and county attorney of Clay County, served one term in the Minnesota House of Representatives, 1895-97. He was re-elected attorney general in 1900 and 1902; he resigned on March 31, 1904, to accept appointment by Governor Van Sant to be Associate Justice of the Supreme Court, filling the vacancy caused by the resignation of Loren W. Collins, who sought the Republican nomination for governor. He did not run for a full term on the court in the fall election; he returned to private practice in St. Paul. For his bar memorial see, "Wallace Barton Douglas (1852-1930)" (MLHP, 2010-12).

Doty was a St. Paul lawyer.

Source: 1899 Blue Book, at 502-3.

**

1900

(November 6, 1900)

Wallace B. Douglas (inc. & Republican).....180,091
R. C. Saunders (Democrat-Peoples).....123,446

Saunders was county attorney of Pine County.

Source: 1901 Blue Book, at 534-35.

**

1902

(November 4, 1902)

Wallace B. Douglas (inc. & Republican).....165,744
Frank D. Larrabee (Democrat).....90,520

After Douglas resigned on March 31, 1904, to accept appointment to the supreme court, Governor Van Sant appointed William J. Donahower (1865-1928) attorney general, and he served nine months, from April 1904 to January 1905.

Larrabee, a Minneapolis lawyer, wrote *Functions of Government: A Development of Principles That Necessitate the Existence of Government* (1897).

1903 Blue Book, at 514-15.

**

1904

(November 8, 1904)

Edward T. Young (Republican).....180,346
Thomas J. McDermott (Democrat).....87,528

Edward T. Young (1858-1940), an Appleton lawyer, served two terms in the Minnesota House of Representatives, 1889-1890, 1893-1894, followed by two terms in the Senate, 1895-1902. He was the nominal defendant in *Ex Parte Young*, 209 U. S. 123 (1908). After leaving office,

he served as special counsel for the state in the *Minnesota Rate Cases*, 230 U.S. 352 (1913).

For his biographical sketch, see “Thomas Jefferson McDermott (1861-1939” (MLHP, 2013)

Source: 1905 Blue Book, at 508-9.

**

1906

(November 6, 1906)

Edward T. Young (inc. & Republican).....	169,908
John C. Dwan (Democrat).....	85,154

John C. Dwan (1862-1920), graduated the University of Michigan Law Department in 1891; moved to Two Harbors where he practiced law; was county attorney of Lake County, 1897- ; he was one of the founders and incorporators of Minnesota Mining and Manufacturing Company in 1902.

Source: 1907 Blue Book, at 484-87.

**

1908

(November 3, 1908)

George T. Simpson (Republican).....	180,521
M. E. Mathews (Democrat).....	98,569
A. W. Uhl (Public Ownership).....	12,661
John T. P. Power (Independence).....	3,636

Simpson (1867-1951) was Winona County Attorney, 1900-1904, and Assistant Attorney General, 1905-1907.

Source: 1909 Blue Book, at 526-29.

**

1910

(November 8, 1910)

George T. Simpson (inc. & Republican).....	172,257
John M. Freeman (Democrat).....	87,183

Simpson did not run for re-election, but he ran unsuccessfully for the Republican nomination for attorney general in 1932, losing in the primary to incumbent Henry N. Benson.

Source: 1911 Blue Book, at 476-79

**

1912

PRIMARY ELECTION (September 17, 1912)

Republican

Thomas Fraser.....	56,137
Lyndon A. Smith.....	84,816

Democrat

William F. Donohue.....	25,327
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GENERAL ELECTION (November 5, 1912)

Lyndon A. Smith (Republican).....	166,950
William F. Donohue (Democrat).....	83,997
J. H. Morse (Prohibition).....	27,140

Following his graduation from the University of Minnesota Law School in 1896, William Donohue began practicing law in Melrose, served one term in the Minnesota House of Representatives, 1899-1901, was Stearns County Attorney, 1901-1905, and ran unsuccessfully in 1916 to represent the Sixth Congressional District, losing to Harold Knutson, a Republican. For more, see "William F. Donohue (1862-1932)" (MLHP, 2013).

Lyndon Ambrose Smith (1854-1918) was Lieutenant Governor, 1899-1903.

Source: 1913 Blue Book, at 342-43, 352-53, 506-7.

**

1914

PRIMARY ELECTION (June 16, 1914)

Republican

James Manahan.....	76,110
Lyndon A. Smith.....	104,653

GENERAL ELECTION (November 3, 1914)

Lyndon A. Smith (inc. & Republican).....	195,372
Neil M. Cronin (Democrat).....	94,025
August V. Rieke (Progressive).....	16,736

James Manahan (1866-1932), a St. Paul lawyer, was elected as a Republican to an at-large congressional seat in 1912. When that seat was eliminated in 1914, he ran as a progressive Republican for attorney general, losing decisively to Lyndon Smith. His autobiography, *Trials of a Lawyer* (MLHP, 2011), was posthumously published in 1933, and is posted on the MLHP.

Neil M. Cronin (1880-1963), attended the University of Nebraska Law School, began practicing law in Minneapolis in 1907, and ran as a Democrat to represent the Tenth Congressional District in 1916, losing to Thomas D. Schall.

August V. Rieke (1865-1944), was a Fairfax lawyer, who served as Renville County Attorney, 1899-1903, and one term in the Minnesota Senate, 1903-1907.

Source: 1915 Blue Book, at 250-53, 536-37.

**

1916

GENERAL ELECTION (November 7, 1916)

Lyndon A. Smith (inc. & Republican).....263,285

Smith was unopposed — the only time a candidate for attorney general had no opposition.

He died on March 4, 1918. To fill the vacancy, Governor Burnquist appointed Clifford L. Hilton, the Deputy Attorney General.

Source: 1917 Blue Book, at 512-13

**

1918

PRIMARY ELECTION (June 17, 1918)

Republican

Clifford L. Hilton (inc.).....164,209
Thomas V. Sullivan.....153,192

GENERAL ELECTION (November 5, 1918)

Clifford L. Hilton (inc. & Republican).....180,877
Thomas Davis (Framer-Labor).....99,933
B. B. Gislason (Democrat).....56,029
Lars O. Haug (National).....15,047

On April 1, 1918, Clifford L. Hilton (1866-1946) was appointed attorney general by Governor Burnquist to fill the vacancy caused by the death of Lyndon Smith. He served to January 1, 1928, when he was appointed Associate Justice of the Supreme Court by Governor Christianson. Elected to a full term in November 1928, and re-elected in 1934 and 1940, he retired from the court on May 1, 1943.

Thomas V. Sullivan, was an associate of St. Paul lawyer, James Manahan. He also ran for attorney general in 1920 as an Independent, and in 1924 as the Farmer Labor Party candidate.

For his bar memorial, see “Lars O. Haug (1864-1938)” (MLHP, 2013).

Davis was nominated by petition.

Source: 1919 Blue Book, at 250-53 & abstract.

**

1920

PRIMARY ELECTION (June 21, 1920)

Republican

Clifford L. Hilton (inc.).....	118,932
Thomas V. Sullivan.....	117,799
John C. Larson.....	29,434
Elmer C. Patterson.....	12,860
Stelle S. Smith.....	17,298

GENERAL ELECTION (November 2, 1920)

Clifford L. Hilton (inc. & Republican).....	446,736
R. A. McQuat (Democrat).....	53,738
Thomas V. Sullivan (Independent).....	251,488

Source: 1921 Blue Book, at 100-1 & abstract.

**

1922

PRIMARY ELECTION (June 19, 1922)

Republican

Clifford L. Hilton (inc.).....	228,234
John C. Larson.....	122,191

Democrat

James E. Doran.....	31,608
George L. Siegel.....	22,734

GENERAL ELECTION (November 7, 1922)

Clifford L. Hilton (inc. & Republican).....	319,529
Roy C. Smelker (Farmer-Labor).....	254,715
James E. Doran (Democrat).....	72,157

Source: 1923 Blue Book, at 280-83 & abstract.

**

1924

PRIMARY ELECTION (June 16, 1924)

Farmer Labor

S. J. Kroman.....	9,996
John C. Larson.....	31,655
R. F. Peterson.....	19,787
Roy C. Smelker.....	16,049
Thomas V. Sullivan.....	103,644

GENERAL ELECTION (November 4, 1924)

Clifford L. Hilton (inc. & Republican).....	417,376
Thomas V. Sullivan (Farmer Labor).....	342,236
Robert C. Bell (Democrat).....	43,913

Source: 1925 Blue Book at 314-15, abstract.

**

1926

PRIMARY ELECTION (June 21, 1926)

Republican

Clifford L. Hilton (inc.).....	299,149
W. J. Donahower.....	62,862

GENERAL ELECTION (November 2, 1924)

Clifford L. Hilton (inc. & Republican.....	384,724
Frank E. McAllister (Farmer-Labor).....	214,781
George Cahill (Democrat).....	45,049

On January 1, 1928, Hilton was appointed Associate Justice of the Minnesota Supreme Court by Governor Theodore Christianson to fill the vacancy caused by the resignation of Associate Justice James Quinn effective the previous day. The Governor then appointed Albert Fuller Pratt (1872-1928) attorney general, but he died on January 28, 1928, serving only 28 days. The Governor thereupon appointed Gustaf Aaron Youngquist, an Assistant Attorney General, to complete the term.

McAllister was a St. Paul lawyer.

Source: 1927 Blue Book, 182-83 & abstract.

**

1928

PRIMARY ELECTION (June 16, 1928)

Republican

John C. Larson.....	90,404
G. Aaron Youngquist (inc.).....	146,781

GENERAL ELECTION (November 6, 1928)

G. Aaron Youngquist (inc. & Republican).....	524,151
C. F. Gaarenstrom (Farmer-Labor).....	192,472
George Cahill (Democrat).....	205,681

Gustaf Aaron Youngquist (1885-1959) had served as Polk County attorney, 1915-1918, and was appointed Assistant Attorney General in 1921. He was appointed attorney general in February 1928 by Governor Christianson to fill the vacancy caused by the death of Albert Fuller Pratt. He easily won this election, but did not complete his term, resigning in November 1929 to join the United States Justice Department in Washington, D. C., where he served until 1933. Excerpts from his unpublished, engaging *Autobiography* in which he describes prosecuting Prohibition Act violators and arguing dozens of cases before the U. S. Supreme Court appear in 52 *Minnesota History* 195-197 (1991).

Source: 1929 Blue Book, at 190-91 & abstract.

**

1930

PRIMARY ELECTION (June 16, 1930)

Republican

Henry N. Benson (inc.).....	212,516
John C. Larson.....	130,688

**GENERAL ELECTION
(November 6, 1930)**

Henry N. Benson (inc. & Republican).....	358,955
Joseph B. Himsl (Farmer-Labor).....	256,581
Walter F. Dacey (Democrat).....	86,037

Henry Nathaniel Benson (1872-1960), the incumbent, was appointed attorney general on November 29, 1929, by Governor Christianson to fill the vacancy caused by the resignation of Gustaf Aaron Youngquist. A St. Peter lawyer, he served three terms in the Minnesota Senate, 1911-1923.

Joseph Benedict Himsl (1872-1950), was Stearns County Attorney for eight years, and probate court judge for eighteen years; appointed to the Seventh Judicial District Court in 1936, he was elected to a full term in 1936, and re-elected in 1944.

Source: 1931 Blue Book, at 188-89 & abstract.

**

1932

**PRIMARY
(June 20, 1932)**

Republican

Henry N. Benson (inc.).....	165,025
George T. Simpson.....	61,124

Democrat

John M. Gannon.....	34,907
Ray G. Moonan.....	39,153
Arthur A. Sturdevant.....	15,396

**GENERAL ELECTION
(November 8, 1932)**

Henry N. Benson (inc. & Republican).....	345,486
Harry H. Peterson (Farmer-Labor).....	379,418
Ray G. Moonan (Democrat).....	218,076
Thomas Foley (Communist).....	8,585

Harry Herbert Peterson (1890-1985), a St. Paul lawyer, was Ramsey County attorney, 1923-1926. He was re-elected in 1934 and 1936; in December 1936, Governor Hjalmar Peterson appointed him Associate Justice of the Minnesota Supreme Court. He was elected to full terms on the court in 1938 and in 1944. He resigned to run for governor in 1950, but lost to Luther Youngdahl.

Foley was nominated by petition.

Simpson had served previously as attorney general, 1909-1913.

Source: 1933 Blue Book, at 188-89, 196-97 & abstract.

**

1934

GENERAL ELECTION (November 6, 1934)

Harry H. Peterson (inc. & Farmer Labor).....	436,140
Oscar F. Youngdahl (Republican).....	345,372
Alric Anderson (Democrat).....	190,049

No primary was held this year.

Oscar Ferdinand Youngdahl (1893-1946), a Minneapolis lawyer, was elected to the U. S. House of Representatives from the Fifth Congressional District in 1938 and re-elected in 1940; however, in he failed to receive the Republican endorsement in 1942, and returned to private practice.

Source: 1935 Blue Book, at abstract.

**

1936

PRIMARY ELECTION (June 15, 1936)

Democrat

George F. Cashman.....	53,294
Thomas F. Gallagher.....	61,439

Republican

C. A. (Gus) Johnson.....	23,482
John C. Larson.....	15,598
John A. Weeks.....	26,773
Ben Wennerberg.....	33,097
Oscar F. Youngdahl.....	94,204

GENERAL ELECTION (November 3, 1936)

Harry H. Peterson (inc. & Farmer Labor).....	530,815
Oscar F. Youngdahl (Republican).....	382,846
Thomas F. Gallagher (Democrat).....	156,018

Thomas Francis Gallagher (1897-1985), a Minneapolis lawyer, ran for governor in 1938, but lost to Harold Stassen. In 1942, he was elected Associate Justice of the Minnesota Supreme Court, taking office in 1943; he was re-elected in 1948, 1954 and 1960. He retired at the end of his term in January 1967.

Source: 1937 Blue Book, at 202-205 & abstract.

**

1938

PRIMARY ELECTION (June 20, 1938)

Republican

Lewis L. Anderson.....	46,957
Joseph A. A. Burnquist.....	127,038
Chester S. Wilson.....	59,748

Democrat

Alric Anderson.....	11,151
George W. Janiser.....	13,205
John D. Sullivan.....	46,780

**GENERAL ELECTION
(November 8, 1938)**

William S. Ervin (inc. & Farmer Labor).....	378,385
Joseph A. A. Burnquist (Republican).....	530,971
John D. Sullivan (Democrat).....	154,799

Ervin (1886-1951), the incumbent, was appointed by Governor Hjalmar Peterson to fill the vacancy caused by his appointment of Harry H. Peterson to the Supreme Court in December 1936. He served from December 15, 1936 to January 1, 1939.

Joseph Alfred Arner Burnquist (1879-1961) served one term in the Minnesota House of Representatives, 1909-1912, Lieutenant Governor, 1913-1915, three terms as Governor, December 1915 - January 1921, and eight terms as attorney general, beginning January 1939 and ending January 1955.

Source: 1939 Blue Book, at 210-213 & abstract

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1940

**PRIMARY ELECTION
(September 10, 1940)**

Farmer-Labor

David J. Erickson.....	61,487
Lewis E. ("Scoop") Lohmann.....	51,823

**GENERAL ELECTION
(November 5, 1940)**

Joseph A. A. Burnquist (Republican).....	604,763
David J. Erickson (Farmer-Labor).....	284,337
John D. Sullivan (Democratic).....	278,750

For the bar memorial to Lewis E. Lohmann (1895-1986), see, "Hennepin County Bar Memorials: 1986" 24 (MLHP, 2012).

Source: 1941 Blue Book, at 222-23 & abstract.

**

1942

PRIMARY ELECTION (September 8, 1942)

Republican

Joseph A. A. Burnquist (inc).....	274,780
Hugo Hendricks, Sr.....	79,340

GENERAL ELECTION (November 3, 1942)

Joseph A. A. Burnquist (inc. & Republican).....	432,695
David J. Erickson (Farmer-Labor).....	187,074
Patrick A. Burke (Democrat).....	114,385

Erickson (1887-), a Duluth lawyer, served two terms in the Minnesota House of Representatives, 1917-1921.

Hugo Hendricks, Sr. (1887-1965) was a Minneapolis lawyer.

Source: 1943 Blue Book, at 266-67 & abstract.

**

1944

GENERAL ELECTION (November 7, 1944)

Joseph A. A. Burnquist (inc. & Republican).....	649,780
Erling Swenson (Farmer-Labor).....	437,633

No primary was held this year.

Swenson (1885-1974), a Minneapolis lawyer, served four terms in the Minnesota House of Representatives, 1919-1927, followed by one term in the state Senate, 1927-1931. He ran unsuccessfully for U. S. Congress in 1930, 1942 and 1948.

Source: 1945 Blue Book, at abstract.

**

1946

PRIMARY ELECTION (July 8, 1946)

Democratic-Farmer-Labor

Walter C. Boland.....	59,468
Joseph C. Vesely.....	44,632

GENERAL ELECTION (November 5, 1946)

Joseph A. A. Burnquist (inc. & Republican).....	526,331
Walter C. Boland (DFL).....	325,764

Source: 1947 Blue Book, at 176-77 & abstract.

**

1948

PRIMARY ELECTION (September 14, 1948)

Democratic-Farmer-Labor

Jack N. Omvedt.....	90,928
Francis M. Smith.....	107,646

GENERAL ELECTION (November 2, 1948)

Joseph A. A. Burnquist (inc. & Republican).....	624,891
Francis M. Smith (DFL).....	524,607
John Kellane.....	1
Harley Gibbons	1
Jack N. Omvedt.....	1

Kellane, Gibbons and Omvedt received write-in votes; they did not have a party designation.

Source: 1949 Blue Book, at 174-75 & abstract.

**

1950

PRIMARY ELECTION (September 12, 1950)

Democratic-Farmer-Labor

Orville L. Freeman.....	79,888
Jack N. Omvedt.....	14,028
J. Norman Peterson.....	44,480
Frank Patrick Ryan.....	70,300

GENERAL ELECTION (November 7, 1950)

Joseph A. A. Burnquist (inc. & Republican).....	575,736
Orville L. Freeman (DFL).....	429,320

Orville Lothrop Freeman (1918-2003), a Minneapolis lawyer, ran for governor in 1952, losing to C. Elmer Anderson; he was elected governor in 1954, re-elected in 1956 and 1958, but lost to Elmer L. Anderson in 1960. He then served as U. S. Secretary of Agriculture from 1961 to 1969.

Source: 1951 Blue Book, at 173-73 & abstract.

**

1952

PRIMARY (September 9, 1952)

Democratic-Farmer-Labor

Alan L. Johnson.....	122,640
Everett F. Malluege.....	83,364

GENERAL ELECTION (November 5, 1952)

Joseph A. A. Burnquist (inc. & Republican).....	793,501
Alan L. Johnson (DFL).....	560,760

Source: 1953 Blue Book, at 358-59 & abstract.

**

1954

PRIMARY ELECTION (September 14, 1954)

Republican

Elmer R. Anderson.....	109,834
Forrest T. Anderson.....	24,024
Bernhard LeVander.....	131,188

GENERAL ELECTION (November 2, 1954)

Bernhard LeVander (Republican).....	526,761
Miles W. Lord (Democratic-Farmer-Labor).....	587,833

Elmer R. Anderson was a Minneapolis, attorney.

Source: 1955 Blue Book, at 348-49 & abstract, at 355.

**

1956

PRIMARY ELECTION (September 11, 1956)

Democratic-Framer-Labor

Miles W. Lord.....	174,868
Gordon C. Peterson.....	63,319
Frank P. Ryan.....	54,600

Republican

Henry W. Haverstock, Jr.....	51,400
A. R. (Al) Johanson.....	31,632
Earl L. Johnson.....	66,050
Keith Kennedy.....	128,965

**GENERAL ELECTION
(November 6, 1956)**

Miles W. Lord (inc).....694,694
Keith Kennedy.....688,931

Gordon C. Peterson was a St. Louis Park attorney.

Source: 1956-1957 Blue Book, at 522-23, 526-27, 640.

**

1958

**PRIMARY ELECTION
(September 9, 1958)**

Democratic-Farmer-Labor

Miles W. Lord327,799

Republican

Gaylord A. Saetre.....190,400

**GENERAL ELECTION
(November 4, 1958)**

Miles W. Lord (inc. & DFL).....627,851
Gaylord A. Saetre (Republican).....498,478

This was the last election of Miles Welton Lord (1919-). He served as U. S. Attorney from 1961 to 1966, when he was nominated and confirmed as U. S. District Court Judge, a post he held until September 1985, when he retired and returned to private practice.

In the general election this year, a constitutional amendment passed that increased the length of the term of attorney general and other constitutional officers, from two years to four, beginning in 1963.

Source: 1959-1960 Blue Book, at 448-49, 452-53, 474-75.

**

1960

PRIMARY (September 13, 1960)

Democratic-Farmer-Labor

Walter F. Mondale.....262,883

Republican

Gaylord A. Saetre.....251,330

GENERAL ELECTION (November 8, 1960)

Walter F. Mondale (DFL).....871,495

Gaylord A. Saetre (Republican).....624,759

This was an open election, without an incumbent running. It also was the last election for a two year term, won by Walter Frederick Mondale (1928 -), a Minneapolis lawyer. Re-elected to a four year term in 1962, he served until December 30, 1964, when he was appointed to the U. S. Senate. A section of his autobiography is devoted to his years as attorney general: *The Good Fight: A Life in Liberal Politics* 14-22 (Scribner, 2010).

Source: 1961-62 Blue Book, at 462-63, 466-67, 490-91.

**

1962

PRIMARY ELECTION (September 11, 1962)

Democratic-Farmer-Labor

Walter F. Mondale.....276,405

Republican

Robert L. Kunzig.....247,821

**GENERAL ELECTION
(November 6, 1962)**

Walter F. Mondale (inc. & DFL).....	730,783
Robert L. Kunzig (Republican).....	494,621

The election was for a four year term beginning January 1963. Mondale did not complete his term because Governor Karl Rolvaag appointed him United States Senator in late December 1964; he was elected to a full six year term in 1966 and re-elected in 1972; he resigned in December 1976 because he was elected Vice President, serving 1977-1981; he ran unsuccessfully for re-election as Vice President in 1980, and for President in 1984, losing to Ronald Reagan; he ran for U. S. Senate in 2002, losing to Republican Norman Bertram Coleman, Jr.; after serving as U. S. Ambassador to Japan, 1993-1996, he returned to private practice in Minneapolis.

To fill the vacancy caused by his appointment of Mondale to the U. S. Senate, Governor Rolvaag appointed Robert W. Matson, Sr. (1924-1982) attorney general. He served two years, but did not seek election to a full term, and returned to private practice in January 1967.

Sources: 1963-1964 Blue Book, at 492-99, 544-45.

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1966

**PRIMARY
(September 13, 1966)**

Democratic-Farmer-Labor

Robert Latz.....	152,046
Wayne H. Olson.....	262,537
J. N. Omvedt.....	39,274

Republican

Douglas M. Head.....	245,320
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**GENERAL ELECTION
(November 8, 1966)**

Douglas M. Head Republican).....	667,852
Wayne H. Olson (DFL).....	586,982

This was an open election, without an incumbent running.

Latz, a Minneapolis lawyer, served four terms in the Minnesota House of Representatives, 1959-1967; he later wrote *Jews in Minnesota Politics: The Inside Stories* (2007).

Olson served as Commissioner of Conservation during most of the administration of Governor Karl Rolvaag.

Head (1930-1911), a Minneapolis lawyer, served in the Minnesota House of Representatives, 1961-1964. He ran for governor in 1970, losing to Wendell R. Anderson.

Source: 1967-68 Blue Book, at 358, 364, 386.

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1970

PRIMARY ELECTION (September 15, 1970)

Democratic-Farmer-Labor

William Drexler.....	48,086
Arnold Olsen.....	81,891
Paul A. Skjervold.....	38,144
Warren R. Spannaus.....	205,733

Republican

Robert A. Forsythe.....	201,802
Roger Wm. Kuehn.....	27,814

GENERAL ELECTION (November 3, 1970)

Warren R. Spannaus (DFL).....	680,479
Robert A. Forsythe (Republican).....	644,390

Another open election because General Head ran for governor rather than re-election.

Spannaus, a Minneapolis lawyer, was an Assistant Attorney General, 1963-65, and Chairman of the DFL State Central Committee, 1967-1969, before being elected attorney general.

Source: 1971-1972 Blue Book, at 460-66, 479.

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1974

PRIMARY ELECTION (September 10, 1974)

<u>Democratic-Farmer-Labor</u>	
Warren R. Spannaus (inc.).....	290,556
<u>Republican</u>	
Dean A. Nyquist.....	133,410

GENERAL ELECTION (November 5, 1972)

Warren R. Spannaus (inc. & DFL).....	786,857
Dean A. Nyquist (Republican).....	396,441
Allan W. Lamkin (American).....	40,617

Source: 1975-76 Blue Book, at 575, 580.

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1978

PRIMARY ELECTION (September 12, 1978)

<u>Democratic-Farmer-Labor</u>	
Warren R. Spannaus (inc.).....	425,068
<u>Independent Republican</u>	
Howard A. Knutson.....	182,712

American Party of Minnesota
 Arnie Olsen.....4,214

**GENERAL ELECTION
 (November 7, 1978)**

Warren R. Spannaus (inc. & DFL).....858,547
 Howard A. Knutson (Independent Republican).....612,122
 Arnie Olsen (American Party of Minnesota).....64,256

Spannaus' last election for attorney general. In 1982, he was defeated in the DFL primary for governor by former governor Rudy Perpich.

Source: 1979-1980 Blue Book, at 486-87, 490-91.

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1982

**PRIMARY ELECTION
 (September 14, 1982)**

Independent Republican
 Sharon (Scarella) Anderson.....121,155
 Elliot Rothenberg.....153,877

Democratic-Farmer-Labor
 Hubert H. Humphrey III.....473,950

**GENERAL ELECTION
 (November 2, 1982)**

Elliot Rothenberg (Independent Republican).....653,162
 Huber H. Humphrey III (DFL).....1,082,539
 Samuel A. Faulk (Conservative Peoples' Party).....18,278

Rothenberg, a Minneapolis lawyer, served one term in the Minnesota House of Representatives, 1979-1981. He wrote *The Taming of the Press: Cohen v. Cowles Media Company* (Praeger, 1999), an account of a court case that arose out of the 1982 gubernatorial election.

Humphrey, a Minneapolis lawyer, served in the Minnesota Senate, 1973-1983. He was re-elected attorney general in 1986, 1990 and 1994. His sixteen years of service equaled General Burnquist's.

Source: 1983-1984 Blue Book, at 314-15, 340-41.

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1986

PRIMARY ELECTION (September 9, 1986)

Democratic-Farmer-Labor

Richard Bullock.....	24,161
Samuel A. Faulk.....	16,271
Hubert H. Humphrey III (inc.).....	406,487
Wendy Alison Nora.....	27,544

Independent Republican

Sharon Anderson.....	73,272
Lewis C. Freeman.....	93,703

GENERAL ELECTION (November 4, 1990)

Hubert H. Humphrey III (inc. & DFL).....	985,569
Lewis C. Freeman (Independent Republican).....	399,483
Derrick P. Grimmer (Grassroots Party).....	16,394

Freeman was an Eden Prairie lawyer.

Grimmer was a founder of the Grassroots Party in Minnesota; in later years, it focused on changing drug laws and some supporters drifted to the Green Party.

Two years later, Humphrey ran for the U. S. Senate, losing to incumbent Republican David Durenberger.

Source: 1987-1988 Blue Book, at 318-19, 340-41.

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1990

PRIMARY ELECTION (September 11, 1990)

Independent Republican

Sharon (Peterson Chergosky Scarrella) Anderson.....	46,469
Howard B. Hanson.....	97,383
Kevin E. Johnson.....	127,758

Democratic-Farmer-Labor

Hubert H. Humphrey III.....	355,339
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GENERAL ELECTION (November 6, 1990)

Hubert H. Humphrey III (inc. & DFL).....	1,126,447
Kevin E. Johnson (Republican).....	655,282

Source: 1991-1992 Blue Book, at 354-355, 378-379.

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1994

PRIMARY ELECTION (September 13, 1994)

Democratic-Farmer-Labor

Kent S. Herschbach.....	24,590
Hubert H. Humphrey III (inc.).....	329,147
Lewis Dupont Smith.....	20,668

Independent Republican

Sharon Anderson.....	148,660
Thomas M. Neuville.....	127,992
Andrew Olson.....	94,926

**GENERAL ELECTION
(November 8, 1994)**

Sharon Anderson (Independent Republican).....	488,753
Hubert H. Humphrey III (inc. & DFL).....	1,115,285
Dean W. Amundson (Grassroots Party).....	69,776

This was Humphrey's last election. He ran for governor at the end of his term, losing to Jesse Ventura.

Source: 1995-1996 Blue Book, at 352-53, 372-73.

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1998

**PRIMARY ELECTION
(September 11, 1998)**

Democratic Farmer Labor

Michael A. Hatch.....	212,278
Ember Reichgott.....	111,715
David Lillehaug.....	135,636

Independent Republican

Sharon Anderson.....	50,863
Charlie Weaver, Jr.....	83,285

Reform Party

James A. Mangan.....	13,906
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**GENERAL ELECTION
(November 3, 1998)**

James A. Mangan (Reform Party).....	116,481
Charlie Weaver, Jr. (Independent Republican).....	879,864
Michael A. Hatch (DFL).....	960,048
Ruth A. Mason (Libertarian Party).....	49,173
Write-in.....	1,757

Michael Allen Hatch, a Minneapolis lawyer, served as Chairman of the DFL State Central Committee, 1980, and Commissioner of the Minnesota Department of Commerce, 1981-1989; he ran unsuccessfully in the DFL primaries for governor in 1990 and 1994.

A lawyer in Anoka, Weaver served in the Minnesota House of Representatives, 1997-1999.

Source: 1999-2000 Blue Book, at 350-51, 376-77.

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2002

GENERAL ELECTION (November 5, 2002)

Michael A. Hatch (inc. & DFL).....	1,197,362
Thomas O. Kelly III (Republican).....	894,654
Dale C. Nathan (Independence).....	96,817

There were no primaries in 2002.

Nathan (1934-), an Eagan lawyer, wrote *Minnesota Injustice: True Court Horror Cases - With Names* (2004).

Kelly, a Minneapolis lawyer, wrote many papers published by the Center of the American Experiment.

This was Hatch's last election for attorney general. He ran for governor in 2006, losing to incumbent Timothy J. Pawlenty.

Source: 2003-2004 Blue Book, at 326-27.

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2006

PRIMARY ELECTION (September 12, 2006)

Independence Party

Richard Bullock.....	2,913
John James.....	3,237
Dale Nathan.....	2,699
Juel Carlos Carlson.....	1,681

Republican

Jeff Johnson.....	86,262
Sharon Anderson.....	62,452

Democratic-Farmer-Labor

Lori Swanson.....	125,412
William Luther.....	62,825
Steve Kelley.....	112,150

GENERAL ELECTION (November 7, 2006)

John James (Independence Party).....	86,032
Jeff Johnson (Republican).....	865,465
Lori Swanson (DFL).....	1,131,474
Papa John Kolstad (Green Party).....	41,000

Swanson served as Deputy Attorney General, 1999-2003, and Solicitor General, 2004-2007, under General Hatch.

William Paul Luther, a Brooklyn Park lawyer, served one term in the Minnesota House of Representatives, 1975-77, and four terms in the state Senate, 1977-1994. He then served four terms in the United States House of Representatives for the Sixth Congressional District, 1995-2003, losing in 2002 to John Kline, Republican.

Papa John Kolstad was a Minneapolis musician and businessman.

Source: 2007-2008 Blue Book, at 452-453, 464-465.

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2010

PRIMARY ELECTION (August 10, 2010)

Independence Party

William P. Dahn.....13,570

Republican

Sharon Anderson.....55,874

Chris Barden.....65,658

Democratic-Farmer-Labor

Leo F. Meyer.....57,157

Lori Swanson (inc.).....340,160

GENERAL ELECTION (November 2, 2010)

William P. Dahn (Independence Party).....102,865

Chris Barden (Republican).....839,033

Lori Swanson (inc. & DFL).....1,075,536

David J. Hoch (Resource Party).....14,040

Write in.....1,613

Sharon Anderson, a frequent candidate, reportedly received 5 write-in votes.

Source: 2011-2012 Blue Book, at 480-81, 498-99.

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ACKNOWLEDGMENTS

A “source” for the candidates and vote totals is listed at the end of each election — usually, the Minnesota Legislative Manual, called the “Blue Book” here, the Journals of the Minnesota House of Representatives and Senate, or SAM 66, Roll 1, which is the microfilm of most of the Secretary of State’s records of 19th century state-wide elections located in the Ronald M. Hubbs Microfilm Room at the Minnesota Historical Society. I am indebted, as always, to the State Law Library and the Historical Society for making these records easily available to me— and others— interested in Minnesota’s legal past.

Biographical data about some candidates in a particular election are listed following the vote totals. It is difficult to find reliable information about the backgrounds of most challengers, but over time, I hope to provide additional information about them, and correct earlier errors.

There are many sources for the profiles already listed. A great deal of information has been collected and posted on the websites of the Minnesota Legislative Research Library, especially its list of “Legislators Past & Present,” and The Office of the Revisor of Statutes. Those of us researching the legal history of the state soon learn the value of the information gathered, organized and posted by these two services as well as by the State Law Library. Occasionally our research directs us to other states for information about laws, individual officials and other subjects, and we usually come away disappointed in what little is available. The Research Librarians, the Revisors and the State Law Librarians are highly successful in preserving and disseminating to the public this state’s historical records (and someday a history of each will appear on the MLHP).

As might be expected, wikipedia and other sites on the internet provide information about many candidates for attorney general. Also useful were Warren Upham & Rose Barteau Dunlap, *Minnesota Biographies, 1655-1912* (14 Collections Minn. Hist. Soc., 1912), *A History of the Office of Attorney General* (St. Paul: State of Minnesota, 1997), a thin paperback collection of sketches of the generals, and articles on the “bench and bar” of various counties already posted on the MLHP.

FURTHER RESEARCH

The Office of Attorney General of Minnesota has not been the subject of any historical research. It should be. Its importance to state government is obvious.

For starters, we need much more information about the backgrounds of the generals themselves. Someday we may have a study of them that is a companion to Robert A. Heiberg’s “Social Background of Minnesota Supreme Court Justices: 1858-1968,” 53 Minnesota Law Review 901-937 (1969), one of the few first-rate articles on the state’s legal history.

We also lack accounts of how, over the 150 years of its existence, the structure of the office has changed. How many employees did it have, for example, in the 1870s and 1970s? How much has its budget increased? When and why have new divisions within the office been established? Then we can examine more complex matters such as the relationships between the attorney general and the governor, other executive officers, county attorneys and the public. And there are studies to be written about the various political aspects of the office. It is inherently political because the general is elected not appointed.

RELATED ARTICLES

“Results of Elections of Justices to the Minnesota Supreme Court, 1857-2012” (MLHP, 2012). ■



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