ORIGINS OF THE SOUTHERN CONSERVATIVE REVOLT, 1932-1940

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ORIGINS OF THE SOUTHERN CONSERVATIVE REVOLT, 1932-1940

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During the political interlude between Wilson and Roosevelt, the United States was under the leadership of the Republican party which adhered to a conservative philosophy. While this regime continued, conservative southerners were content, but in 1933, Franklin Roosevelt, who had campaigned on the need for a "New Deal" was inaugurated President. Although southerners readily accepted the relief and recovery features of the first phase of the Roosevelt program, they opposed his program of sweeping reform because it constituted an impending threat to intrenched political and economic interests in the South.

Despite the impending crisis, various factors stymied the desire of most southern conservatives to revolt from the remainder of the Democratic party. One of these was the fact that the threat to the existing order in the South did not fully emerge during Roosevelt's first term of office. However, by 1937 the New Deal was an immediate danger to southern conservatives, and this factor caused southerners who adhered to that philosophy to politically rebel against the new liberalism.

The reaction against the New Deal was not localized to the South. Instead, it included within its ranks conservative
and more extreme right wing organizations from all sections of the nation. However, without the aid of the conservative southerners, the reaction to liberalism would not have gained the impetus it achieved. Thus, the role of the southern conservative was extremely important.
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CHAPTER I

THE SEEDS OF POLITICAL REBELLION

On March 4, 1933, the United States under a new Chief Executive, Franklin Delano Roosevelt, began to break away from over a decade of political conservatism and to embark upon a period of peaceful revolution. This revolution, like the earlier ones under Washington, Jefferson, Lincoln, and Wilson, was motivated by the realization of a need for reform.\(^1\) The necessity for this at the national level was primarily the result of two factors.

The first of these elements was related to the fact that during the interlude between Wilson and Roosevelt there was a marked decline in executive leadership which was primarily due to the *laissez faire* philosophy of Presidents Harding, Coolidge, and Hoover. This philosophy, which had been paramount in the thinking of the Republican party since the early rise of industrialism after the Civil War, demanded that government should not interfere with or enter into competition with business.

The second primary force that helped pave the way for the Roosevelt reform movement was the depression of 1929.

From the viewpoint of many progressive New Dealers or liberals, the panic revealed the innate dangers of the then existing economic philosophy. These men believed the nation's economy would have been much sounder if the government had placed more regulations upon the activities of private enterprise. More specifically many of the liberals were of the opinion that government should control key industries such as the public utilities. Another aspect of their over-all economic philosophy, which also had extensive social overtones, was that measures should be taken to provide for the welfare of individuals during time of hardship. A vast majority of the American public also felt there was a need for a change. They revealed their thoughts in 1932 when they elected a Democratic congress and a Democratic president. The party, and especially its leader, had campaigned on the necessity of inaugurating a "New Deal." However, it is important to note that not all Democrats were liberal in thought. This was especially true of the Southern faction of the party.

Conservatives from the South eventually revolted against the New Deal in both successful and unsuccessful attempts to prevent the transformation of the ideas of the new democratic community into political action. These concepts were both of a social and of an economic nature, with the latter receiving the more emphasis during the First New Deal.

The First New Deal was obviously geared to the problems of economics. The program was specifically designed to help the nation's vast industrial machine to get back on its feet and to provide immediate relief for the destitute. In following this plan the President and his advisers placed themselves in a difficult position; difficult because success meant the government would have to intervene in the economy during a critical period and in critical places. Having decided upon a goal and the general means to attain it, the next facet of the scheme was to turn their ideas into laws.

Roosevelt, during his first 100 days in office, was able to accomplish much of this phase of the plan. On his second day in the White House he closed the nation's banks in order to re-establish their stability and to help create an atmosphere of trust in them amongst the public. During the remainder of the first 100 days, numerous acts were passed which were designed to aid the economy in regaining prosperity. Among these were the Civilian Conservation Corp Act (CCC), the Federal Emergency Relief Act (FERA), the Agricultural Adjustment Act (AAA), the Investment Securities Act (ISA), the Tennessee Valley Authority Act (TVA), the National Industrial Relief Act (NIRA), and nine other major pieces of legislation.\(^3\)

Contrasted to this segment of Roosevelt's plan was the Second New Deal, a program first mentioned by the President

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on January 4, 1935, in his annual address to Congress. In a broad sense the objective of it was to provide for the security of all citizens. As Roosevelt stated in his address, this was to be accomplished in three different areas.  

The first aspect of the plan called for legislation that would redistribute the natural resources and the means of production in both urban and rural areas. Next, the President desired to see Congress take steps that would provide unemployment and old age benefits to destitute mothers, needy children, and the handicapped. Finally, the Second New Deal called for an attack upon the nation's housing problem. Here the intention was to provide better facilities for underprivileged Americans.  

Despite the obvious benefits to be derived by the public from such a program, it was met with intense opposition from two quarters. As could be expected the Republican party was against Roosevelt's proposal, for political as well as ideological reasons. The other major resistance movement was less easily explained because it came from within the ranks of the President's own party, primarily from the one party South.  

Opposition from the South was extremely important because of the number and the role of the section's representatives in the Congress. In 1933, of the ninety-six members

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5 Ibid., p. 95; Rauch, pp. 156-157.
of the Senate, sixty were affiliated with the Democratic party, and thirty of these were from southern or border states. Included in this southern block were the eleven states of the Confederacy plus Oklahoma, Kentucky, Missouri, and Maryland. The remainder of the Senate included thirty-four Republicans and one member of the Farmer-Labor party.\textsuperscript{6}

The proportional party representation was approximately the same in the House of Representatives as in the Senate. Of the 431 members of the body (there were four vacancies), 313 were Democrats, 113 were Republicans, and five were members of the Farmer-Labor party. In the Democratic delegation 137 of the total number were either from the South or from the border states.\textsuperscript{7}

Four years later, after the 1936 elections, the Democratic party had more significant majorities in the Congress. The number of Democrats in the Senate had increased to seventy-six, and the number of representatives to the House from the party had increased by eighteen. Thus, Democrats held 331 seats in the latter body. However, the number of congressmen from the southern bloc had not been raised.\textsuperscript{8}

From these figures it is obvious that the southern bloc did not constitute a numerical majority in the party, but it

\textsuperscript{6}Congressional Directory, 73rd Congress, 2nd Session (Washington, 1933), pp. 157-159.

\textsuperscript{7}Ibid., pp. 147, 155-157.

was great enough to form a conservative coalition with the Republican party which was capable of halting New Dealism. This could be accomplished more easily when the coalition received the support of conservative Democrats from other sections of the nation. Furthermore, there were other means southerners could utilize in stopping or seriously altering virtually any piece of legislation they disliked.

One such means was through the seniority system which prevails in Congress. Under the seniority rule those members of the majority party who have served in Congress and upon a committee the longest are elevated to the position of chairman. In this position it is possible for them to delay or to totally block a bill, and the means by which the legislative body can bring the measure out of the committee against the chairman's will are rarely used. In 1933, when the Democrats returned to power, many of the key committees in both houses of Congress were thus controlled by southerners of long tenure in the legislature. The Senate saw seventeen of its thirty-three standing committees pass into southern hands, among them the committees on Appropriations, Finance, and Banking and Currency. Thus, southern Senators were placed in a position where they were capable of blocking or delaying any revenue measure that came to the Senate from the House. The picture in the House of Representatives was even more favorable to southerners, because in this body they held the chairmanship of thirty-three of its forty-four standing committees. Included among
these were the eleven concerned with monetary functions, plus four of the most important non-monetary committees. The latter group included the House committees on Ways and Means, Rules, Interstate and Foreign Commerce, and Judiciary. With control of these, southerners were capable of delaying, altering, or destroying virtually any piece of legislation.

By 1937 the situation had changed somewhat, but the southern bloc was still in a dominant position. Both the Speaker of the House and the Majority Leader in the Senate were from that section, and southerners still chaired seventeen committees in the Senate and twenty-five in the House. However, in the latter body the southern bloc had lost control of several key committees, the most important of these being the committees on Rules, and Interstate and Foreign Commerce. The latter was lost by the South when Sam Rayburn, the representative from the Fourth Congressional District of Texas, was elevated to the position of majority leader.

With the picture of southern power in the Congress complete, two essential questions arise. The first of these is why did the South revolt from the ideology of the party, and the second is, why did they wait until the time of the Second New Deal to act? Simple deduction indicates that the answer to the former was concerned with the almost innate conservatism of most southern politicians. However, the answer to the latter question is more difficult.

9Ibid., 73rd Congress, 2nd Session, pp. 175-180, 191-203.
10Ibid., 75th Congress, 1st Session, pp. 175-181, 191-203.
Basically there were four primary reasons why the South did not revolt from Roosevelt's policies until the time of the social legislation of the Second New Deal. The first was related to the calibre of the members of the Seventy-Third and Seventy-Fourth Congresses. During this critical period in the nation's history, members of Congress tended to be extremely negligent of their legislative duties. Indeed, as pointed out in an article in The Nation congressmen during Roosevelt's early days acted in an apathetic manner.\textsuperscript{11} An indication of this was the manner in which Congress delegated away its legislative functions by passing the NIRA.\textsuperscript{12} Furthermore, the rapidity with which Congress enacted legislation tends to reveal that congressmen did not read or did not understand many of the bills sent to them from the White House. A prime example of this was the Emergency Banking Bill which was passed on the same day the President sent it to Congress.\textsuperscript{13} The most logical explanation for the attitude of Congress at this time was the state of confusion in the country; confusion caused by the depression and the lack of executive leadership prior to Roosevelt. Thus, it was not surprising that southerners as well as the representatives from other sections of the nation were willing to be led by a strong executive.

\textsuperscript{11}Paul Y. Anderson, "The Honeymoon is Over," The Nation, CXXXVI (April 12, 1933), p. 395.


\textsuperscript{13}Arthur M. Schlesinger, Jr., The Coming of the New Deal (Cambridge, 1958), pp. 7-8.
A second explanation for no southern revolt prior to the era of social reform was the type of legislation that was presented to the Congress during the First New Deal. As stated earlier, the purpose of this program was primarily to help business regain its former economic position as well as to provide emergency relief, with the result that a great amount of the early Roosevelt legislation was conservative. Examples of this would be the NIRA, the manner in which the banks were closed during the bank holiday, and the President's early attempts to balance the budget by cutting federal expenditures on veterans' benefits and federal salaries.\textsuperscript{14} These measures were supported by conservatives from all sections.

Another factor involved in southern thought and action was found in their attitude toward the section's political leaders. Among the leaders from the area were Cordell Hull, John Nance Garner, Joseph T. Robinson, and Rayburn. Each of these four men, to whom southern congressmen looked for leadership, were either the possessor of or desired to become the possessor of key positions in the government. Hull, the former senator from Tennessee, was the Secretary of State; Garner, the ex-Speaker of the House, was the Vice President; Robinson, the senator from Arkansas, desired to become a justice on the Supreme Court; and Rayburn, the Texan, wanted to become the Speaker of the House.\textsuperscript{15} Because of these factors

\textsuperscript{14}Einaudi, pp. 60-62, 114-116.

the men involved were forced to work for the New Deal. This was especially true in the cases of Robinson and Rayburn because they were in the Congress. Robinson played such an active part in pushing New Deal legislation through the Senate that at times the staunch conservative resembled a progressive.\textsuperscript{16}

The last important factor involved in the delay of the southern conservative break from the liberal faction of the party concerned the actions of the Supreme Court. Throughout the entire period of the First New Deal and a large part of the Second New Deal, there was a conservative majority on the Court. The result of this was that on many occasions liberal legislation was declared unconstitutional. Indeed, nine of the most important pieces of legislation passed during the New Deal prior to the Judiciary Reorganization Bill of 1937 were invalidated by the Bench.\textsuperscript{17} Such conservative decisions were naturally welcomed by all who adhered to a states rights philosophy, and this assurance that the Court would declare progressive measures unconstitutional allowed southern conservatives to vote for them, because they were assured that the laws would not remain in effect permanently.\textsuperscript{18} Thus, the actions of the Supreme Court permitted conservative Democrats from the South to remain loyal to the party and still be content in knowing that liberalism would not prevail.

\textsuperscript{16}Anderson, p. 395.

\textsuperscript{17}Ickes, \textit{The First Thousand Days, 1933-1936}, I, 271.

Had circumstances remained favorable to conservatives throughout the entire Roosevelt era, the schism in the Democratic party would probably not have occurred, but this was not the case. Instead, several paramount problems were destined to cause conservatives, and especially conservative southerns, to break from the ideology of the national party. Among the issues destined to create disunity in the Democratic camp were ones concerning economics, civil rights, labor, both industrial and rural, and executive domination, which would be characterized by the President's court packing attempt and the interference of Roosevelt in certain 1938 congressional elections. These and other conflicts between the two major factions in the Democratic party emerged primarily during the Second New Deal.

The advent of the Second New Deal by 1935 brought to the surface two paramount facts that became important to the success or failure of the policies of President Roosevelt. The first of these was the certainty that the era of good feeling toward business was over. Under the new program as explained by Roosevelt in his annual address to the Congress on January 4, 1935, it became obvious the administration no longer intended to pursue a pro-business course. Secondly, Roosevelt in this address revealed his intentions to push

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19 Rauch, p. 159.
a policy of social welfare designed to benefit the masses of
the American public.\footnote{Congressional Record, 75th Congress, 1st Session (Washington, 1935), pp. 94-97.}

A program of extensive social legislation had been de-
sired by liberals since the beginning of the President's
first term of office. However, the conservatives of the South
did not share this belief or desire, and their opposition was
based on a fear of what such a program would do to their sec-
tion. Traditionally southern conservatives represented the
various economic interests that have controlled the section
since Reconstruction days. In controlling the South, conserv-
atives kept the cost of both state and local government at a
minimum, and this resulted in a low tax rate that favored
business. However, this form of rule also resulted in a lack
of social and economic benefits for the masses. The means
utilized in maintaining control varied, but essentially racism
was the focal point. One of the basic uses of racism was the
disfranchisement of the Negro through the use of the white
primary, the poll tax, and the literacy test. The other basic
use of the race issue was directed against the poorer white
where the attempt was to convince him of the need for continued
white supremacy and the danger of any change in the status quo.
However, periodic attempts of some southerners to cast off
the yoke of conservatism had previously resulted in the
Populist movement, the Progressive movement, and periodic at-
ttempts at labor organization. Each of these were attempts
to better the social and economic plight of the common man, but they were primarily for whites. Thus, even liberal movements in the South have not seriously attempted to eliminate racism.

During the 1930's the fear that New Dealism would disrupt the existing social and economic order was a focal point of the opposition to Roosevelt. Conservatives, completely aware of the fact that the changes New Dealism called for would significantly alter the existing political and economic order, were in opposition to the program. Southern liberals would support virtually all progressive legislation except proposals dealing with the race question. Here the section's liberals were forced to act against the President because to support legislation designed to aid the Negro would be an act of political suicide.

Indicative of this dichotomy in southern politics was the emergence of Roosevelt's first major southern critic, Huey P. Long, a former governor of Louisiana, United States Senator, and alleged state dictator. Despite popular conceptions, Long did not come from an extremely poor or uneducated family. Instead, he was from a middle class agrarian one which emphasized education, and Long graduated from college and Tulane Law School.

While still a relatively young man, Long developed certain philosophical concepts which remained with him until his assassination. The most important of these were the ones
pertaining to economics and politics, it being Long's conviction that all important matters revolved around these two fields of endeavor. Thus, it is not surprising that the "Kingfish" became alarmed at the political and the economical situation in his native state during the 1920's. During this period both the political and economic life of Louisiana were significantly influenced by the Standard Oil Company, and as a result of their domination the state was characterized by extremely conservative rule. More conservative than the state government was the one of the city of New Orleans. In that city the Choctaw Club, a local political machine controlled by Bourbon type Democrats, legislated in favor of the areas vested economic interest. It was this type of political atmosphere Long opposed. In his first attempt at a major political office Long failed, but in 1928 he was elected governor. Later, Long became a United States senator, and it was in this position he first opposed the New Deal.

In 1932 Long believed Roosevelt intended to bring to the nation many needed reforms, and according to the "Kingfish" this belief led him to support Roosevelt for the presidency in the 1932 election. However, Long, like many other reformers and pseudo-reformers, soon tired of the President's non-social First New Deal. Indeed, the senator from Louisiana broke with Roosevelt shortly after his inauguration over the bank issue.

It was the Senator's opinion that the banks should have been nationalized by the Government during the crisis of 1933. Later Long opposed the NIRA because he considered it to be a sellout to Wall Street, and after this he became a regular critic of virtually all of Roosevelt's policies.\textsuperscript{22}

During the early phase of Long's resistance to the New Deal, his influence remained localized, but by the time of the Second New Deal in 1935 he was a political force to be seriously considered. One of the main factors in the rise of the "Kingfish's" popularity was the spreading of his "Share-Our-Wealth" clubs. A major purpose of these clubs, which were centered primarily in the South, was to redistribute the nation's wealth in such a manner that every adult would have an income of $2500 per annum.\textsuperscript{23} Although the plan was never put into effect, it did increase Long's prestige.

With his popularity on the rise, Long began to emerge as a threat to the New Deal. One of the early manifestations of this occurred in 1935 over the conflict as to whether or not the United States should join the World Court. Long cannot be given full credit for defeating the World Court Bill, but he was instrumental in keeping the United States out of the organization.\textsuperscript{24}

\textsuperscript{22}Rauch, p. 171.

\textsuperscript{23}Raymond Moley, \textit{After Seven Years} (New York, 1939), p. 305.

\textsuperscript{24}Ickes, I, 284.
Also in 1935, Long's political machine began to reach across state lines. Both Senators Joseph T. Robinson, of Arkansas, and Pat Harrison, of Mississippi, began to fear the power of Long. The two senators were up for re-election in 1936, and they were being opposed by Long-backed candidates.\textsuperscript{25} Furthermore, James Farley, Roosevelt's campaign manager in 1932 and 1936, began to worry about the effect Long would have on the presidential election. The Senator had already made it clear that he intended to run in 1936, and Farley estimated Long would poll about six million votes that would otherwise go to Roosevelt.\textsuperscript{26} As a result of this rise in popularity and the threat it posed to New Dealism, Roosevelt and his advisers began to contemplate and to initiate schemes that were designed to destroy Long's political future.

One of the President's early schemes to eliminate Long was his new tax plan. The basic theme of this program was to increase the tax rate paid by the wealthy. By doing this Roosevelt hoped to reveal to the common man that the government intended to have the wealthy pay a large share of the cost of New Dealism. The President's tax was intended to take the fire out of Long's "Share-Our-Wealth" program.\textsuperscript{27} Another Roosevelt plan designed to ruin Long was based on economic sanctions. The President through his Secretary of Interior,

\textsuperscript{25}Moley, p. 305. \hfill \textsuperscript{26}Ickes, I, 462.
\textsuperscript{27}Moley, p. 310.
Harold L. Ickes, refused to send relief funds into Louisiana. Their reason for doing this was centered around Louisiana laws which the national government found repugnant. Specifically, the laws in question were passed in 1934, and they stated that all federal money appropriated for use in Louisiana would be spent as the state saw fit. 28 Obviously Roosevelt, by stopping federal spending in Long's state and also by giving patronage to the Senator's opponents, hoped to cause his defeat. However, these and other indirect approaches proved to be unnecessary, because Long was assassinated in 1935. One of Long's followers, the Reverend Gerald K. T. Smith, attempted to take over his machine, but he failed. Thus ended one of the early southern threats to the New Deal.

The actions of Long cannot be classified as part of a sectional revolt against New Dealism because the Senator had very little in common with the typical southern legislator. However, he did reveal that dissension within the ranks of the President's party was entirely conceivable. Of more importance than Long's resistance to New Dealism were the actions of a large group of southern conservatives in the mid-1930's when a true split between the liberal and conservative factions of the Democratic party developed.

This conflict concerned, and resulted from, an attempt by liberals to have an effective federal anti-lynch law enacted.

Their reason for desiring legislation of this nature was based on the fact that during the interval between 1918 and 1934 there were 559 known lynchings in the United States. Of the total number, 251 victims had been forceably taken away from the custody of law enforcing agents. Most of the lynchings, and the vast majority of those in which abduction from the police was concerned, occurred in the South. After viewing this appalling situation for many years Senators Edward P. Costigan, of Colorado, and Robert F. Wagner, of New York, both Democrats, introduced an anti-lynch bill in the Senate. Southern resistance to the Wagner-Costigan Bill was immediate and enduring. Shortly after the bill was introduced southern opposition to it was organized under the leadership of Senators Walter F. George, of Georgia, and Elliason D. Smith, of South Carolina. The strategy designed by these men and utilized by their forces was the filibuster. The southerners were successful, and the anti-lynch proposal was defeated in 1935, and was not to become an issue again for three more years.

Another disruptive element to the New Deal during the mid-1930's resulted partially from the administration's farm program and from agricultural conditions in the South. Conditions in the South were such that during the decade between

29 _The Nation_, CXXXVIII, June 6, 1934, 633.
31 _Ibid._, CXXXX, May 1, 1935, 484.
1920 and 1930 there was a 69 per cent increase in the number of white tenant farmers in the section, and the same trend was also prevalent amongst the Negro population.\textsuperscript{32} When the farm problem became more acute after the depression of 1929, Roosevelt, Secretary of Agriculture Henry Wallace, and other New Dealers attempted to find a solution to agricultural difficulties. Their answer came primarily in the form of the AAA of 1933 with its acreage allotment and farm subsidy plans, and prior to its being declared unconstitutional in 1936 the program did aid many farmers. However, it did not benefit the tenant farmer or the sharecropper because of the manner in which parts of it were enforced and interpreted by the landholders and the Department of Agriculture itself.

An excellent example of the detrimental effects of New Deal farm legislation was the acreage allotment scheme and the payment of farm subsidies. In 1934 the plantable cotton acreage had been reduced by 40 per cent; the idea being to reduce the cotton surplus which was accentuating the farmer's plight. As a corollary to this a subsidy was to be paid by the government to those affected by the program. The unfortunate aspect of these plans was that the non-landowning farmer was displaced, and the planters usually did not pass any of the subsidy on to the tenant or sharecropper.\textsuperscript{33}


Because of these and other grievances, farmers began to take the initiative in an attempt to better their condition.

One of the means utilized by the tenant farmer and the sharecropper, both white and black, to lift themselves from their lowly station was the formation of agricultural workers' unions. One such union, the Sharecroppers Union (SCU), was formed prior to the New Deal in 1931 in Tallapoosa County, Alabama. The SCU, which was supported by the Communist Party in Birmingham, was overtly suppressed by various legal and extralegal white groups, but it went underground and was successful. By the spring of 1932 the SCU had a membership of 500, and the following year it boasted a membership of 3,000. With its membership increasing annually the SCU conducted strikes in 1934. During the early part of the year they met with some success, but this was offset because of a strike in the fall which did not accomplish its purpose of acquiring a union wage rate for cottonpickers.\textsuperscript{34}

By 1935 the SCU had 10,000 members, and it moved its center of action from the Birmingham area to the Black Belt near Montgomery. At this time the union, which now had locals in North Carolina, Georgia, Louisiana, and Mississippi, planned a strike that was to be coordinated with one called by the Southern Tenant Farmers Union (STFU) in Arkansas and Oklahoma.\textsuperscript{35}

\textsuperscript{34} Ibid., pp. 295-297. \textsuperscript{35} Ibid., pp. 297-298.
The STFU, a joint white-Negro union, had been organized in 1934 in protest of the government's crop and acreage restrictions, and by 1935 it had a membership of 15,000. With grievances similar to the SCU, the STFU hoped to receive the aims advocated in the "unity agreement" sent to them by the Alabama organization. These were:

1. For $1 a day (minimum) for 10 hours' work on the farms, plus room and board for monthly help; for $1 per hundred pounds for picking cotton; and for a united cottonpickers' strike to enforce these demands.

2. For cotton and tobacco crop-control checks to be made out and sent directly to the sharecroppers and tenants;

   For the right to sell or store their own cotton when and where they please;
   For the abolition of the landlord store system; and
   For general reduction in "sure" rent.

3. For cancellation of all back debts, taxes, etc., for poor farmers, croppers and tenants;

   Against foreclosures, for the right to stay on the land; and

   For the abolition of the Bankhead gin tax for all farmers raising less than 10 bales of cotton.

4. For 40 cents an hour, 140 hours a month on all relief jobs. All skilled work at trade-union wages;

   For direct cash relief at the rate of $8 a week for the head of the family plus $3 for each dependent; and

   For $5 a week cash relief for unemployed single workers and youths.

5. For a planned boycott of meat and other foods to force prices down.

6. For the right to organise, meet, petition, strike and picket without interference; and

   Against lynchings and landlord terror.

7. No discrimination against Negroes, women, or youths in these demands.36

On August 19, 1935, the SCU began its strike at the plantation of J. R. Bell in Lowndes County, Alabama, when the

36 Ibid., p. 298.
owner refused to pay more than forty cents per hundred pounds for picked cotton; the workers wanted one dollar. Violence erupted when a Negro organizer, Willie Witcher, began to walk away rather than listen to Bell explain his problems. As Witcher walked away he was shot in the leg by a deputy who then beat him with a pistol and told him, "I'll kill you, you black son of a bitch." To this the Negro replied, "You might kill me but you'll never scare me." Witcher was then taken to jail for twenty-eight days, but the strike continued.37

After the affair at Bell's plantation the strike spread, and workers refused to toil in the fields. To counter this the local sheriff and other white citizens formed committees of vigilance to stop the growing menace. Violence became the order of the day, and relief workers were called in to pick the cotton. Also the strikers sent representatives to Washington to plead their case before Wallace, but the Secretary, who was apparently under pressure from the landholders, could not yield to the workers at this time. Instead, he turned them down, and others such as Cully Cobb, the head of the cotton section of the AAA, called them "red."38

Eventually the strike came to an end, and the workers had made slight gains in many sections of Alabama. However,


it was not until the following year that the true benefits of the agitation of the STFU and the SCU were received. To the dismay of the landholding classes the New Deal came to the aid of the tenant farmer and the sharecropper in 1936. During that year the government raised cotton rentals for sharecroppers from fifteen to twenty-five dollars, and the New Deal insured that payments would go to the tenant or cropper and not to the landlord first.\textsuperscript{39} Needless to say, the conservative planters and their representatives were disturbed about these events. However, their true concern was not over this isolated case, but over the general trend of the New Deal.

Originally the New Deal, although an obvious break from the \textit{laissez faire} philosophy of Presidents Harding, Coolidge, and Hoover, had been a program that had as a principal motivating factor the securing of a favorable atmosphere for business. The early legislation passed by the executive pressured Congress had benefited the various conservative interests in the nation. At this time (1933-1935) legislation designed to aid the masses was secondary. However, 1935 was a turning point in the career of Franklin Roosevelt.

Aside from seeing his first major opponent, Huey Long, eliminated in 1935, the President took certain steps that revealed his future course. First, he made his break with

\textsuperscript{39} Jamieson, "Labor Unionism in American Agriculture," pp. 310, 313.
business. It was not a hostile one, but it was a break. Secondly, Roosevelt in his address to the Congress on January 4, spoke of the necessity of aiding the people and not the special interest groups. Finally, in many ways the reforms announced in the AAA in late 1935 and put into effect in 1936 were among the first concrete indications that the much awaited break had arrived.

Southern conservatives had organized briefly when the anti-lynch law had been presented before the Senate, but this was a race question, and when it was defeated the organization died also. However, future events were destined to create unity in the camp of southern conservatives and their allies. Roosevelt and his New Deal were moving in a direction that was contrary to the best interest of conservatism.
CHAPTER II

REORGANIZATION AND REVOLT

The year 1936 was a crucial one for the New Deal. In the preceding year Roosevelt had issued a call for a Second New Deal, in his annual address to the Congress, but this could not be accomplished until the people had an opportunity to express their opinion of the new liberalism. Their choice to move forward or to revert to the conservatism of the past was to be expressed in the national elections of 1936 when the two presidential candidates, Roosevelt, the progressive incumbent, and Alf Landon, the conservative governor of Kansas, opposed each other. As the eve of the election approached, certain prominent magazines, such as the Literary Digest, predicted the defeat of the President, but instead the people gave him a resounding mandate to move forward into an era of progressiveness. It would later be argued by conservative southerners that this mandate was to advance only within the framework of the Constitution.\(^1\) As the Chief Executive captured all states but Maine and Vermont in the elections, his fellow Democrats were also doing well, and when the last

\(^1\) Congressional Record, 75th Congress, 1st Session, Appendix, p. 374; Hauch, p. 273.
results came in there was happiness in their camp. Democratic optimism was based on the fact that the new Congress was to contain 331 Democrats in the House of Representatives and seventy-five in the Senate.\textsuperscript{2}

Shortly after the Seventy-Fifth Congress convened, the President sent two messages to Capitol Hill. One contained a plan for the reorganization of the executive branch of the government. Originally this proposal caused little controversy in the Congress, but the second proposal submitted by Roosevelt resulted in the inevitable and long postponed split between conservative southern Democrats and the liberal New Dealers.

The latter measure, which was sent to the Congress by the Chief Executive on February 5, 1937, called for the reorganization of the federal judiciary. In doing this the President had special plans for the revamping of the anti-New Deal Supreme Court. Undoubtedly the impact of the scheme, which provided for a possible increase in the number of justices on the bench to fifteen, upon the nation, the Democratic party, and the Supreme Court itself was extremely important, but the reasons it was submitted are also of paramount significance.\textsuperscript{3}

\textsuperscript{2}Congressional Directory, 75th Congress, 1st Session, pp. 56-57, 155.

\textsuperscript{3}Congressional Record, 75th Congress, 1st Session, Appendix, pp. 187-188, 878-880.
Roosevelt's primary reason for wishing to alter the composition of the Court was not motivated by a desire to establish a presidential dictatorship. Instead, it was prompted by his desire to see liberal legislation remain intact and not be destroyed by the judiciary. The President, before making his proposal, had carefully reviewed the record of the New Deal before the Supreme Court, and in doing this he probably obtained the same statistics as the Senate Judiciary Committee. The committee's figures revealed that up to 1937 only sixty-four federal acts out of approximately 58,000 had been declared unconstitutional by the Supreme Court. However, eleven of these acts had been enacted by the New Deal, and the Court had also ruled against some progressive legislation passed by the states. 4

Of equal importance was the nature of the bills cast aside by the High Court. Included among the acts declared unconstitutional were the first AAA, the NIRA, the Guffey-Snyder Bituminous Coal Act, the Railroad Retirement Act, the Municipal Bankruptcy Act, the first Farm Moratorium Act, and the Securities Exchange Act. Also of paramount significance was the unfavorable decision rendered in the New York Minimum Wage Law case. The effect of these decisions was to limit the power of the Federal Government and the state governments

4Senate Report 711, 75th Congress, 1st Session, p. 18.
in several important areas. The AAA ruling curtailed the spending power of the Government, and the Guffey decision did the same to the commerce regulatory power. Restricting the authority of state governments under the due process clause of the fourteenth amendment were the Washington Utilities and the New York Minimum Wage cases. Finally, the Jones case crippled the administrative procedure of the Securities Exchange Commission. With severe limitations in these areas the President realized it would be extremely difficult to protect and to provide for the welfare of the American public.

The problem of how to deal with an obstructionist judiciary had been considered by the President, his cabinet, and his advisers prior to the 1937 crisis. Indeed, two years earlier as New Deal legislation began to be declared unconstitutional, Roosevelt and his aides began to consider means to remedy the situation. Attorney General Homer Cummings made one of the earliest proposals when he recommended that the size of the Court be increased, but Roosevelt did not agree with this opinion in 1935. Instead, it was his belief that the decisions of the Bench should be upheld, because he felt this would cause a public reaction when the people discovered on whose shoulders the blame rested. A few months later in November, 1935, the President had changed his mind and hoped for a constitutional amendment which he believed

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would alleviate the situation. The potential amendment was to give to the attorney general the power to take an act which he believed might be unconstitutional to the Court and allow them to state what phase of it, if any, was illegal. After this was done, the bill could then be resubmitted to Congress, and the non-valid segments could be eliminated.  

As more acts were declared invalid by the Supreme Court, Roosevelt's attitude toward that body was again altered. In January, 1936, Roosevelt decided to allow the Court to indict itself in the eyes of the public through its pro-conservative opinions, but by the end of the month he was considering an act which would limit the Court's authority in declaring legislation unconstitutional. Roosevelt anticipated the judges' probable reactions to such a measure, and he was prepared to draw a page from the book of Andrew Jackson. If the Court declared the limiting act unconstitutional the President intended to go to the pro-administration Congress and ask them whom he should follow. Upon receiving a favorable reply, he intended to tell the justices to enforce their decision. After reviewing the possibilities of these and other proposals, Roosevelt finally settled upon a scheme largely worked out by Cummings.

On the morning of February 5, 1937, the Chief Executive held a meeting with his cabinet and various congressional

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6 Ickes, I, 271-272, 373-374, 467.  
7 Ibid., I, 524, 529-530.
leaders. All cabinet members were present with the exception of Cordell Hull and Henry Morgenthau, the Secretary of Treasury. The congressional figures were Majority Leader Robinson, Speaker John Bankhead, Majority Leader Rayburn, and the chairmen of the House and Senate Judiciary Committees, Hatton Sumners of Texas and Henry F. Ashurst of Arizona. Vice President Garner was also in attendance. The meeting was brief, and the President informed the leaders in relatively broad terms that he intended to revamp the Supreme Court. After doing this, Roosevelt rushed to a press conference, leaving behind him a group of stunned individuals. The latter point was especially true of the southerners who were there.8

Secretary of Interior Harold Ickes accurately described the effect of Roosevelt's move on these politicians. According to Ickes, Garner was speechless, which of course was a rare state for the Texan. Robinson seemed to indicate a mild assent for the program, but this was probably due to his position in the Senate, and Rayburn, as the House Majority Leader, was in a similar situation. Speaker Bankhead expressed neither a pro nor a con attitude,9 but the same could not be said for the chairman of the House Judiciary Committee. Sumners, a Texan, voiced his opinion as the men drove away from the White House when he said, "Boys, . . . here's where I cash in my chips."10

8Ibid., II, 64. 9Ibid., II, 65-66.

After going through the formality of telling his congressional leaders what he intended to do and informing the press, Roosevelt sent his plan to Capitol Hill. When the mimeographed sheets containing the proposals were read by the congressmen, it was obvious that many of them were not deceived by the Chief Executive's attempt to conceal his true intentions.\(^\text{11}\) One man who immediately recognized the purpose of the scheme was the liberal representative from San Antonio, Texas, Maury Maverick, who quickly signed one of the sheets to insure House action on the measure. However, not all who realized Roosevelt's intentions reacted favorably.

Garner finally voiced his opinion of the plan by holding one hand on his nose and the other in the Roman thumbs down position. Other conservative southerners who expressed opposition to the scheme were Harry Flood Byrd, Carter Glass, both of whom were from Virginia, and Nathan L. Bachman of Tennessee. The eighty-year-old Glass was referred to by the President as the "unreconstructed rebel," and he was quick to indicate his stand on the plan. Glass stated that he was against it, but he doubted his convictions would hurt the President because the Congress was too apathetic. The senator from Virginia was of the opinion that most Democratic congressmen were afraid to violate the wishes of the Chief Executive.\(^\text{12}\)

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\(^{11}\) Raymond Moley, *After Seven Years* (New York, 1939), pp. 356, 360, 361.

\(^{12}\) Alsop, pp. 68-71.
As the first reports were received in the White House, it appeared that both Roosevelt and Glass were correct. National magazines such as the liberal New Republic predicted the proposal would pass the House by a wide margin and the Senate, where southern conservatives were proportionally stronger, by a narrow one; Robinson and Bankhead were of the same opinion. The only real opposition appeared to be coming from the press, as had been anticipated by the President. However, Roosevelt belittled the power of the press and believed his victory over it in 1936 could easily be repeated. Furthermore, the Chief Executive felt the masses would rally around him as they had in the election, but as indicated in the Dallas Morning News, respondent public opinion was almost unanimously against the program.\(^\text{13}\) Too, members of the opposition did not, as the President did, view the elections as a total mandate.

Senator Walter F. George of Georgia, one of the authors of the Democratic platform of 1936, maintained that the victory was not a total mandate. Conservative George pointed out that the party had not mentioned any new policy relating to the Supreme Court in the platform or in the campaign.\(^\text{14}\) The question had been discussed prior to the convention, but

\(^{13}\) Ibid., pp. 68-71; New Republic, LXXX (February 17, 1937), 29; (February 24, 1937), 57; (April 21, 1937), 306 (All editorial statements); Dallas Morning News (February 12, 1937), p. 1.

the President had stated that he would not do anything drastic. Thus, George and other conservatives were prepared to argue that the mandate was to move forward within the framework of the Constitution and not around it as the President allegedly was attempting.¹⁵

Opposition to the judicial reorganization plan came politically from three major groups. The Republican party was against it, as had been anticipated, but they were not strong enough to defeat the measure. The other adversaries were a liberal bloc led by Senator Burton Wheeler of Montana and a powerful southern conservative one with Connally, Glass, Sumners, Byrd, and Josiah Bailey at the helm. Later, Senator James Byrnes, of South Carolina, and Garner would also become significantly involved with this group. Roosevelt did not anticipate any major opposition from either of the latter two factions, nor did he expect the Republican party to remain in the background while the Democrats fought the battle between themselves. These two groups from whom the Chief Executive received unexpected opposition joined together in the fight for different reasons. Liberals were motivated to act against the plan because they considered "court packing" to be an evil and a threat to the separation of powers doctrine. Although conservatives overtly expressed the same

type of moralistic arguments, they were also motivated by factors directly related to the social, economic, and political foundations of the South.16

Dating back to the days of the Redeemers, many southern politicians were controlled by and represented various economic interests. Some, such as Byrd, owned vast business holdings, and others believed as Glass that business should be allowed to proceed with its activities without any interference or intervention from the Government. Those men realized that it was necessary in accomplishing this to insure that the poor white farmer did not rise up at once in an attempt to better his plight. Carter Glass, as well as most southern politicians, realized one of the most effective means of keeping white opposition down was to create the fear that progressive movements were going to elevate the Negro to a position of social, political, and economic equality. Glass attempted to create a race issue during the court fight by pointing out that many of Roosevelt's advisers had reproached the South because of its practice of segregation. According to the Virginian these men would help decide who would sit on the Supreme Court, a court that had prevented anarchy from engulfing the South by validating its suffrage laws.17

16Odegard, p. 11; Ickes, II, 98; Moley, pp. 360-361; Rauch, p. 273; Alsop, pp. 73-76; Dallas Morning News, February 12, 1937, pp. 9, 13.
17Congressional Record, 75th Congress, 1st Session, Appendix, pp. 661-664.
After the message was delivered to Congress, the White House began to organize its strategy to get the bill enacted. In doing this the President did not turn to his congressional leaders. Instead, he looked for advice from his inner circle of advisers and especially from James Roosevelt, Tommy Corcoran, Homer Cummings, Charles West, Joe Kennan, and occasionally Ben Cohen. Of these men Corcoran was the most brilliant, and his voice was often heard by the President. However, it was Kennan who was usually correct during the early stages of the fight.

Kennan's insight emerged the day after the plan was revealed. Cummings, who like the Chief Executive was confident, and Kennan were going over a list of senators from whom support could be expected. This list contained the names of seventy-five Democrats, and Cummings, as well as most New Dealers, expected to receive support from all of them but a few of the most confirmed southern Tories. Kennan disagreed, maintaining that the party could expect defections from men who had consistently supported the administration. Two such men he said would be Senators Joseph O'Mahoney of Wyoming and Tom Connally. Cummings scoffed at this, but within two weeks both congressmen proved Kennan was correct.18

Shortly after the Kennan-Cummings conversation, the administration found itself confronted with an unusual problem for the New Deal. The problem came from the normally

18 Alsop, pp. 81, 86-88.
subservient House of Representatives where Roosevelt hoped to have his court plan acted upon first. In this body Hatton Sumners, using his influence in behalf of the southern conservative bloc, had produced a majority of five on his committee who would oppose the measure. This meant the administration would have to use strong arm tactics publicly in order to get the bill on the floor. Both Rayburn and Bankhead believed it would be possible to dragoon the proposal through the House, but this would leave the body hostile toward the White House. Therefore, they recommended the measure be sent to the Senate for action. A fight occurred in the inner circle, and once more Kennan revealed his political wisdom by advocating the normal procedure of sending the bill through the House. Kennan reasoned that the House, whose members had to face the people every two years, would be easier to manipulate than the Senate. Furthermore, he believed the administration would have a psychological advantage over the Senate if the House had already passed the proposal. Despite this advice, Roosevelt decided to follow the Bankhead-Rayburn idea, and the bill was sent to the Senate for consideration. 19

When it became evident that the court plan was to be considered in the Senate first, the President and his forces began to utilize political pressure to force doubtful men in line. Successful results were achieved, and by February 19, it appeared the measure would pass. Estimates gave the

19 Ibid., pp. 86-88.
President a majority of 100 in the House and in the Senate thirty were committed in favor of the bill. The remainder of the Senate was divided into approximately equal groups of thirty in opposition and thirty uncommitted. However, all but two men in the uncommitted faction were Democrats, and it was on the assumption that more than a majority of the latter group would back the plan that Roosevelt placed his confidence. Within a relatively short period of time the President discovered that he had made a false assumption.  

The fall of Roosevelt's scheme had begun with the defection of men such as O'Mahoney and Connally, but their opposition had not been devastating. Extremely detrimental opposition did not occur until defection, or near defection, occurred among the ranks of the nation's liberals, beginning when the Independent, George Norris, voiced his dislike for the court plan. Roosevelt was able to convince Norris to return to the ranks of the faithful, but his original statements were damaging to the court reorganization scheme. Next, the dedicated liberal from Montana, Burton Wheeler, stated his intention to fight the bill. Roosevelt once more attempted to talk an individual into remaining loyal, but Wheeler, who had frequently been ignored by the President, was not dissuaded. Instead, the senator from Montana was destined to lead the opposition.  

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20 Ibid., pp. 87-88.
21 Rexford G. Tugwell, The Democratic Roosevelt (Garden City, N. Y., 1957), p. 388; Alsop, pp. 87-89.
The leadership of the strange coalition of liberals and southern conservatives was announced at a dinner given by the reactionary senator from Maryland, Millard E. Tydings. Attending the dinner were numerous senators who opposed the plan, and after the leadership of Wheeler was announced the men formed a steering committee to lead them in their fight. Members of the committee were Frederick Van Nuys of Indiana, Peter Gerry of Rhode Island, Bennet Champ Clark of Missouri, Edward Burke of Nebraska, Connally, Byrd, Bailey, George, Tydings, and Wheeler. The first two weeks of the mounting struggle over the reorganization bill thus ended.22

The next phase of the attack against the court proposal and the defense of it was directed at the public. Proponents and opponents resorted to the radio in an attempt to create petition pressure from the masses. Among the chief spokesmen for the anti-court men in this early stage were two southerners, Bailey and Glass. On February 13, 20, and 23 Bailey delivered blistering attacks over the radio against the President's scheme. The focal point of these attacks was the claim that Roosevelt was attempting to inaugurate a damaging concept that would alter the American governmental structure. Bailey maintained that it would no longer be necessary to have constitutional amendments, because the purpose they served could be accomplished by simply increasing the size of the Supreme Court when it became hostile to the programs desired by the

22Alsop, pp. 87-89, 104.
other branches of the government. Also, Bailey pointed out that the proponents of the bill were not truly interested in the over-worked court, because their basic propaganda theme was that great new things would happen if the President were allowed to appoint six new justices.\textsuperscript{23}

While the conservative-liberal coalition uttered their sentiments of disapproval, the forces of the Chief Executive were not idle. Roosevelt would not take to the radio waves until the fourth of March, but his supporters made nightly broadcasts in an attempt to persuade the public to support his side.\textsuperscript{24} Proponents such as Hugo Black of Alabama, Barkley, and Richard Russell of Georgia dwelt on the logic of the proposal, the need for it, and the hypocrisy of their opponents. Senator Barkley delivered a speech in which he denounced the anti-court proposal men as Liberty Leaguers and members of other Bourbon groups who had tried to defeat the President in 1936. Continuing, he pointed out that most conservatives were not interested in the Constitution but only in the economic interests they represented. Although the senator did not mention the names of Byrd, Glass, Connally, and "Cotton" Ed Smith of South Carolina, he was probably thinking of them as well as of other southerners.\textsuperscript{25}

\textsuperscript{23}\textit{Congressional Record}, 75th Congress, 1st Session, Appendix, pp. 207-209, 282-284, 324-326.

\textsuperscript{24}\textit{Dallas Morning News}, February 18, 1937, pp. 1, 16.

\textsuperscript{25}\textit{Congressional Record}, 75th Congress, 1st Session, Appendix, pp. 844-845.
Despite this early barrage by the forces of the New Deal, they were unable to swing a majority in the Senate over to their side. Instead, by February 22, only thirty-one of the committed sixty-three senators were in favor of the proposal, but there was one potential bright aspect for the President in that all but two of the remaining members were Democrats. Roosevelt attempted to persuade some men to come to his aid by talking to them personally, but a majority of these senators were not in a listening mood.\textsuperscript{26} These factors plus the all important ones of respondent public opinion and the attitude of professional groups caused the President to make a direct appeal to the people.\textsuperscript{27}

Roosevelt made his first speech in behalf of his scheme on March 4, at the Democratic victory celebration. The address was delivered over national radio networks, and for the first time the President dropped all pretense of what his true intentions were. Instead of talking about an overworked Court, he referred to an obstructionist body. He argued that the Supreme Court by its decisions was going against the will of the American public which had demonstrated its desires in the 1936 elections. Finally, Roosevelt stated that the "nine old men" were taking it upon themselves to determine what was good for the nation by interpreting the Constitution as if it


\textsuperscript{27} \textit{Dallas Morning News}, February 12, 1937, p. 1.
were an inflexible document. This speech and a second one made on March 9, proved to be inadequate in altering public opinion to any significant degree.  

Shortly after Roosevelt made his speeches, they were partially answered by the opposition, but it was not until twenty days after the March 4 speech, that the true conservative answer was heard. The aging Carter Glass, who seemed to have gained a new reason for living when the proposal was first sent to Capitol Hill, was given the opportunity to officially answer the President. Glass had worked on his speech for two months, and it contained the words of one who was trying to save the old conservative system that had been beneficial to the economic interests of his native South. The Senator spoke of how the Chief Executive had not been given a mandate to "rape" the Supreme Court, and of how Roosevelt only wanted "... judicial marionettes to speak the ventriloquism of the White House ... ." This was the hour of splendor for Glass, and he closed his speech with an appeal for the people to support those who were trying to halt the move toward autocracy. Despite Glass' splendid


29 Congressional Record, 75th Congress, 1st Session, Appendix, p. 662.

30 Ibid., 75th Congress, 1st Session, Appendix, pp. 661-664.
effort to rally the public around the conservative flag, his speech had little lasting effect.

Of more interest to the New Deal than the speeches of various conservatives were the reactions of the nation's organized forces, the industrial and farm laborers of America, to the President's proposal. Coming from the master of the Grange, Louis J. Taber, a conservative who had backed Landon in 1936, was a negative reply to Roosevelt's call for help. Taber had requested the thirty-six state Grange organizations to oppose the President, and all but four followed their conservative leader. Other farm groups such as the Farm Bureau Federation and the Farmer's Union joined the National Grange in opposing the Chief Executive. Although he received more support from industrial labor, Roosevelt did not receive the endorsement of the larger unions such as the American Federation of Labor.\textsuperscript{31}

As the fight for popular support continued, the bill was sent to the Senate Judiciary Committee where it was believed the reception would not be hostile. However, the Senate Judiciary Committee did contain many individuals who disliked Roosevelt's Court plans. Of the eighteen members of the Committee only eight were committed in favor of the proposal, and two were uncommitted at this time. Thus it was true that the reorganization plan received a better reception in

the Senate than it would have in the House, but it was still not popular.32

Although the proponents and the opponents of the measure had the same number of supporters on the Committee, the advantage was clearly held by the opposition. This was primarily true because the administration's forces did not have a committeeeman who was an expert on hearings. All supporters, with the exception of Norris, lacked the quick retort and sharp tongue necessary in a committee fight, and Norris was only lukewarm in support of the proposal. The opposition, however, had three top men in Connally, Burke and Van Nuys. Burke and Connally were to prove to be especially valuable in hammering away at administration witnesses such as Cummings.33

While the committee meetings continued, opposition outside of that body began to mount. Up to the point of the Court measure the southern conservative segment of the Democratic party had gone along with the President on virtually all measures, but now under the leadership of Harrison, Byrnes, and Garner they began to take a stand against Roosevelt. Their opposition, however, did not originate simply because of his Court bill. Instead, these conservative southerners found cause for opposition in other Roosevelt policies which indicated future liberal changes for their section under the New Deal. Specifically, they were concerned with the problems

32 Alsop, pp. 118-122.
33 Odegard, pp. 10-11; Ickes, II, 98.
of finance and labor, and at the meeting attended by the above mentioned conservative southerners plus Bankhead, Rayburn, and Roosevelt, the conflict emerged. At this meeting the President demanded a 1938 WPA budget of one and a half billion dollars, but the congressional leaders refused to go above one and a fifth billion. Roosevelt agreed to the congressional figure, but later while under the influence of Harry Hopkins, the head of the WPA, he reverted back to his original demand. By again demanding his first figure, and by not consulting these southern party leaders before changing his mind, Roosevelt greatly alienated Garner and the others.34

The disturbing factor concerning labor erupted during the sit-down strikes of 1937. Garner was particularly disturbed about these strikes, and he desired to see legislation enacted that would prohibit them. The President, in response to the desires of the Vice President, promised Garner in March, 1937, that any acute developments concerning the strikes would be handled by the White House, but the nation's conservatives decided to act first. When the President departed for a brief vacation in March, the Guffey-Vinson coal bill was before the Congress. Byrnes, who held the Vice President's views in regard to the strikes, intended to offer an amendment which would make them illegal in the mines. The proponents of the measure opposed Byrnes, and he countered with a proposal for a general censorship of sit-downs. Amidst this

34 Alsop, p. 130.
turmoil Roosevelt hastened back to the nation's capital with the intentions of summoning all of his congressional leaders to a meeting. However, by the time he arrived in Washington, the conference had been reduced in number to Roosevelt, Garner, and Robinson. Unfortunately for the President the meeting was doomed to failure, because Garner felt he had been duped when the White House released a false report that the Chief Executive had not called the conference. This resulted in a verbal battle between the two party leaders and the overt opening of the split between Roosevelt and Garner.35

Garner, who was now in an extremely anti-New Deal mood, began to oppose the Court plan as well as the labor and financial solutions proposed by the President. Harrison and Byrnes were also opposed to Roosevelt's monetary and labor policies, and as part of a general southern conservative reaction they joined Garner in the fight against the New Deal. Thus, the only southern party leader in the Senate to remain loyal was Joe Robinson, and at times he was apprehensive about the situation. Outside of Congress other important events relating to judicial matters were also taking place.

While the Senate Judiciary Committee listened to witnesses representing all sides, the Supreme Court, which was apparently fearful of the President, rendered decisions in several important cases. Two of the most significant ones involved the Wagner Labor Relations Act and the Social Security Act, both

of which granted extensive powers to the government. The Court, in a most liberal manner, declared, as they had recently done in the minimum wage law case, the two acts constitutional. Shortly after this the Bench also upheld the Railway Labor Act. All of these decisions, which revealed the Court's desire to liberalize itself,\(^{36}\) had a direct bearing upon the fate of the judicial reorganization proposal. First, the new approach of the Bench made it easier for opponents of the bill to muster support from moderate groups, and the opposite effect was true for the proponents of the plan. At this point the logical move for the administration's forces was to seek a compromise by which the President could have appointed a few justices, but Roosevelt decided to carry on his fight for the entire program.\(^{37}\)

After making this mistake, the President saw his position weakened by another event. On May 18, Justice Willis Van Devanter submitted his resignation from the Court, and by doing this he revealed one weakness in Roosevelt's argument that the majority of one he received in the Wagner case was not enough. Another event of this day was the meeting of the Senate Judiciary Committee which by a vote of ten to eight decided to recommend to the Senate that they reject Roosevelt's proposal. After the events of this bleak day it appeared

\(^{36}\)"Is the Supreme Court Going Liberal," *The Nation*, CXLIV (April 3, 1937), 367-368; *Public Papers, FDR*, VI, 686.

that the only satisfaction the Chief Executive would receive was the appointment of Van Devanter's replacement, but even that was destined to create a furor.

Roosevelt undoubtedly wanted to name a liberal to the Court, but the word in Washington was that Joe Robinson was to have his lifetime dream fulfilled because of his loyal support to the New Deal and the party. However, Roosevelt did not desire to appoint the conservative from Arkansas because this would leave the Court in a status quo position and anger the nation's liberals. Robinson's conservatism, despite his loyalty to the party, was indicated by his pre-1933 voting record, his friendship with the utility magnate of his region, Harvey Couch, and his very close association with members of the landed planters of the South. However, Roosevelt was in an extremely difficult position because the influential senator had many friends on Capitol Hill who believed their comrade's time had arrived.38

Roosevelt, instead of announcing his choice of Robinson and taking advantage of Senate approval to push a compromise through the body, remained silent. For over two weeks the President ignored the man who had served him so faithfully in the Senate, and for two weeks Robinson ignored the Chief Executive. Thus, as the remaining crucial stage of the court fight progressed the President and his key congressional

38"Robinson Will Not Do!", The Nation, CXLV (May 29, 1937), 607-608; Alsop, pp. 135-147, 208-210, 228.
figure were on unfriendly terms. Finally, on June 3, the President, through his son James, invited the Majority Leader to dinner. During the conversation that took place between the two men, Robinson's possibilities of receiving the appointment were not mentioned. Roosevelt did inform the Senator that he could seek a compromise, and Robinson intended to find one that would allow the Chief Executive to appoint more than one justice. If this were done then he would be able to appoint a liberal and Robinson. The Senator left the White House with a smile on his face, but all was not as well with the remainder of the party. 39

More discord within the ranks of the Democratic party became evident as soon as Robinson began to muster a team to work for the compromise. Men such as Senators M. M. Logan, Sherman Minton, and William Hatch, Democrats of Kentucky, Indiana, and New Mexico, were picked instead of Robinson's usual southern conservative cohorts of Harrison and Byrnes. 40 Other evidence of discord in the ranks of southerners appeared when Garner departed for his home in Uvalde, Texas. Garner frequently returned to his home, but he had never before departed for more than a few days during a session of Congress. Garner, Byrnes, and Harrison had not been actively engaged in the southern fight against the Court proposal, but they had been against other aspects of the New Deal. Nevertheless,

they had been three of Roosevelt's key workers in the Senate, and it was obvious that their support would be missed by the White House during this critical time. Without them, the load was left almost entirely in the hands of Robinson.

After the unfavorable report from the Judiciary Committee was released, it became absolutely necessary for the proponents of the bill to find a compromise; several were considered and rejected. Finally, Robinson decided to use one devised by Hatch which contained a scheme for the enlargement of the Court. However, the members of the opposition were confident by this time, because they now had forty-two senators within their ranks who were willing to filibuster any compromise measure. Victory was in their hands, and they were not disposed to accept anything less than a total triumph. Despite these conditions, the aging Robinson was determined to continue the fight.

On July 6, Robinson opened the debate with a strong defense of the President, a severe criticism of the Court, and a plea for Democrats to close ranks. Immediately, members of the opposition began to harass the Senator with questions.41 As the fight continued with the opponents widening their advantage through the element of time, Robinson began to tire. Then on July 13, as Senator Bailey was delivering one of those rare speeches that are capable of altering the minds of

41 Congressional Record, 75th Congress, 1st Session, pp. 6787-67-97.
some senators, Robinson was forced by his physical condition to leave the Senate. He retired to his quarters in the Methodist Building, and on the following morning his body was discovered by the family maid and the elevator boy with a copy of the preceding days events on Capitol Hill by its side.

Bailey's speech and the time element had greatly hindered the aims of the administration, but Robinson's death meant there was no longer a leader in the Senate to effectively carry the President's banner in the Court fight. Leaderless, with the exception of Barkley who, under the authority of the Chief Executive, had assumed the duties of the Majority Leader, the President decided to have his followers pursue any policy that would eliminate the stigma of defeat. Roosevelt's forces attempted to do this during the period that directly preceded and followed Robinson's funeral, but the opposition sensed victory.

Garner, who attended the funeral, was greeted in Little Rock in the most cordial manner by southern Democrats, and he proceeded to try to pick up the pieces of a strife-ridden party. In this he was partially successful, and upon returning to Washington he informed the President on July 20, that he was defeated. This was done after numerous conferences with both the proponents and opponents of the scheme.

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42Ibid., 75th Congress, 1st Session, pp. 7095-7102.
44Ickes, II, 170-171.
informed the President that he would be willing to act as a mediator, and the Texan also told the President that he could probably obtain a compromise that would increase the size of the Supreme Court to eleven. However, Garner, who was trying to protect the interests of southern conservatives, would do this only on the condition the New Deal would agree to his labor and relief programs. Roosevelt promptly turned his Vice President's terms down, but he did grant him permission to settle the issue.45

After leaving the White House, Garner went to see Wheeler to inform him that he had been victorious and to go ahead and write his own settlement. Wheeler contacted Burke and the two discussed the Vice President's statement. On July 21, the leaders of the liberal-conservative coalition had decided to eliminate the Supreme Court from the judiciary bill,46 and on the following day the Senate voted to recommit the President's proposal. However, before this was done Hiram Johnson of California, a member of the opposition, forced Logan, who had introduced the recommittal motion, to verbally state that any new bill would not alter the composition of or even deal with the Supreme Court.47 The fight was over

46 Alsop, pp. 283-288.
47 Congressional Record. 75th Congress, 1st Session, pp. 7374-7381.
and the coalition of conservative Democrats, liberals, and Republicans had attained their victory, but the death of the bill meant far more than the defeat of one proposal.

The recommittal meant that for the first time Roosevelt and his New Deal had been defeated on a major issue; defeated by a coalition that included many southern conservatives. Now for the first time men who had desired to oppose him had done so. Their opposition to the President at this time can be found in the nature of events, and of paramount importance was the necessity of conservative forces to maintain the means of halting liberalism. Prior to the bill many liberal measures had been cast aside by the Court, and this allowed southern conservatives to remain loyal to the party. However, if the Court plan had been effected then the minority Tories from the South would have been the only surviving bastion of conservatism. Thus, they were forced to take a stand against the party.

An important result of the conservative stand was that the victory made it psychologically easier for them to oppose Roosevelt in the future. Furthermore, in the conflict men emerged who would lead the southern bloc in the future. Among these ex-loyalists one finds the names of Garner, Byrd, Glass, Harrison, Byrnes, and Bailey; all important political figures. Finally, the struggle revealed the political balance of power that could be controlled by southern conservatives when they joined or threatened to form an alliance with the Republican
party. With this power these men, who out of necessity had to oppose the President, could now, without the support of the Court, protect the economic interests that many of them represented. However, as is the case with most wars victory was not achieved after the first battle.
CHAPTER III

CONSERVATIVE REBELLION

Even as the rebellious segments of the Democratic party were fighting the President over the court issue, other events were occurring which contributed to further disunity. Although a secondary problem, the election of a majority leader after the death of Joe Robinson in mid-July caused a significant amount of resentment in the camp of the southern conservatives. In this contest, which pitted two southerners against each other, the administration was placed in an extremely difficult position. One of the contestants was the New Dealer from Kentucky, Alben Barkley, and the other was the loyal but conservative senator from Mississippi, Pat Harrison. Thus, Roosevelt was faced with the alternatives of supporting Barkley, who would definitely back the New Deal, or not endorsing anyone and possibly seeing Harrison, who might not advance the New Deal, elected to the party. 1

The President, who had been warned of the danger of entering into this contest, 2 made his choice obvious shortly after Robinson's death when he wrote his famous "My dear Alben"

1 Ickes, II, p. 170.
letter which made the Kentuckian the acting majority leader and gave him instructions to carry on the fight.\(^3\) Jim Farley later asked the Chief Executive why he sent this letter, which he obviously knew would alienate numerous Harrison men, and the President replied by maintaining that he did not have anyone else available to contact in regard to the Court bill. However, he attempted to convince Farley that his letter did not mean that he was supporting Barkley, and on July 16, in a move to smooth over the matter, he allowed Harrison, after a White House conference, to inform the press that the President was neutral. Despite this the damage of the letter had been done, and furthermore, Roosevelt did not remain on the sidelines.\(^4\)

Although he did not become overtly involved in the leadership fight, Roosevelt did use his influence in behalf of Barkley. When Farley returned to Washington after Robinson's funeral he was requested by Roosevelt to have pressure applied on Senator Dieterich of Illinois. Farley refused, but Roosevelt persuaded Hopkins and Corcoran to do the favor. The result of this was that Dieterich switched to Barkley's side, and Harrison lost by a thirty-eight to thirty-seven margin.\(^5\)

\(^3\) Ibid., p. 99.


\(^5\) Farley, pp. 91-93; Ickes, II, 170-174.
The President obtained the Senate leader he desired, but in the process he alienated many key men.

Originally it had appeared that Roosevelt would purge arch conservatives like "Cotton" Ed Smith after the Court fight but attempted to mend the wounds of other southerners of the Harrison-Byrnes-Garner variety. However, his taking part in the leadership fight thwarted any real hope of conciliation, and these men, who were afraid of a third term with its federal controls, relief funds, farm bounties, and wages and hours legislation, moved farther away from the New Deal. Furthermore, Harrison, Byrnes, and Garner were aware of Corcoran's part in the leadership fight, and they intended to get revenge by making him Garner's "whipping boy."

Of more importance to most southerners of all classes during 1937 was the union problem and the question of wages and hours legislation. Conservative political and business leaders in the South were alarmed by the sit-down strikes that were taking place in the industrial areas of the nation, and they were determined that unionism would not gain a foothold in the South. In their fight against unionism one of the main opponents of conservatives was John L. Lewis and his Congress of Industrial Organizations (CIO).

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8 Ickes, II, 174-175.
Among southern leaders expressing vocal opposition to the CIO were Governor James Allred of Texas and Representative Eugene Cox of Georgia. Allred expressed concern over the legality of sit-downs and warned the CIO, which intended to organize oil workers in Texas, not to cause any trouble in the state. Cox, in a more violent manner, maintained that any unionist who entered the South with intentions of undermining the section's economy or corrupting the Negro would be met by the "flower" of southern manhood. While these and other conservatives voiced their contempt for the labor movement to the people of the South, action was also being taken in Washington by their cohorts.

Despite Roosevelt's desire to keep labor legislation from becoming involved with other bills, Byrnes, who was beginning to disagree with the President, proposed an amendment to the Guffey-Vinson Bituminous Coal bill which was designed to place the administration on record as against sit-downs. Support for this proposal and the ultimate amendment, which was intended to declare sit-downs illegal when they became involved in interstate commerce, drew significant support from the southern textile industry states. Indeed, Byrnes' own state of South Carolina was one which embraced thousands of under-paid textile workers whom the CIO was trying to organize.

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9 *Dallas Morning News*, April 4, 1937, pp. 1, 16.
10 *Newsweek*, X (July 10, 1937), 8.
Despite southern support, Byrnes' amendment was defeated by a vote of forty-eight to thirty-six after the Guffey bill had been accepted by a fifty-eight to fifteen margin. Of importance here is the fact that twenty-four Democrats from the South joined twelve Republicans in the vote for the amendment. Thus, the trend away from the New Deal, which was motivated largely by economic factors, gained impetus.\textsuperscript{11}

Another labor move of concern to southern conservatives was the attempt of liberals, including southerners such as Hugo Black of Alabama, to raise the wage level throughout the United States by passing minimum wage laws. Earlier, wage levels in certain industries had been established by the NIRA codes, but at that time southern planters and industrialists received the benefit of the differential. Later, under the Walsh-Healey Act, Secretary of Labor Frances Perkins was allowed to set labor standards with manufacturers doing business with the government. In some cases, as was demonstrated by her action of July 28, 1937, the Secretary of Labor gave southern firms the benefit of the differential. On that day eight rulings were handed down, and one of them was advantageous to the southern manufacturer of men's underwear. The differential in this case provided for a minimum wage of thirty-two and one half cents per hour for southern workers engaged in the manufacture of men's underwear in comparison

\textsuperscript{11}Dallas Morning News, April 2, p. 1; April 3, p. 14; April 4, pp. 1, 16; April 6, pp. 1, 16, 1937.
with thirty-five cents per hour in the North. As the New Republic pointed out, it was rather disheartening to see the administration sanctioning a wage of thirteen dollars for a forty-hour week. Shortly after this a special board of the Department of Labor voted unanimously against the wage differential, but much to the relief of the southern capitalists, Perkins rejected the proposal.¹²

During the spring and summer of 1937, new wages and hours legislation was introduced before the Senate. The first proposal was the Black-Connery bill which was designed to create at a minimum a thirty-hour week with a wage of at least forty cents an hour. Despite the apparent weakness of this measure, opposition from conservative, and especially southern conservative, forces appeared immediately. Primarily southerners objected to two particular phases of the bill. The first was that it lacked a wage differential that would have allowed southern manufacturers to pay a lower scale than the remainder of the nation, and secondly, southern, as well as other industrialists, objected to the minimum work week of thirty hours. During the months of April and May, opposition reached a peak with the result that Roosevelt decided to have a substitute bill introduced.¹³


¹³Rexford G. Tugwell, The Democratic Roosevelt (Garden City, New York; 1957), p. 284; Rauch, p. 287.
The President's measure, the Fair Labor Standards Act, was introduced on May 24, and immediately opposition developed toward it. Senator Black, in attempting to reveal the need for the measure, produced pay vouchers from a southern mill dated July 3, 1937. These vouchers contained statements of the pay earned by laborers for a four and four and one-half day week, and the figures revealed that at this one mill the worker's pay was approximately eight cents per hour. Other evidence presented by advocates of the bill compared the salary of a coal miner in Alabama who made $2.52 per day with one in Illinois who was making $5.03 for the same amount of work. \(^{14}\) To counter these and other figures, southerners, such as "Cotton" Ed Smith, resorted to the traditional appeal to emotionalism. Smith maintained that, "Any man on this floor who has the sense to read the English language knows that the main object of this bill is, by human legislation, to overcome the splendid gifts of God to the South."\(^{15}\)

Other key southerners involved in the fight for the opposition were George, Harrison, Connally, and the usual hard line Tories like Byrd. George, in one of the more logical conservative arguments, pointed out that local conditions should govern the wages in a given area. Harrison, like other southern conservatives, was convinced that the wages

\(^{14}\) "Wages and Hours Bill," *Newsweek*, X (August 7, 1937), 13-14.

\(^{15}\) *Congressional Record*, 75th Congress, 1st Session, p. 7682.
aspect of the bill would destroy the economic system of the South. Finally, opposition to the bill was presented because of amendments or proposed amendments such as the one introduced by Senator Copeland of New York which was designed to punish law enforcement officers who allowed lynch mobs to apprehend prisoners. This and other amendments that were not directly related to the bill were defeated, but they did elicit resentment from the southern conservative bloc. 16

After various arguments had been presented by both sides Connally of Texas moved that the measure be re-committed to the Labor Committee, but his proposal was defeated. On the recommittal vote ten of the eighteen participating southerners backed the Connally motion and of these, three were freshmen who normally voted with the administration. Furthermore, after the motion was defeated eight southerners still persisted in voting with Republicans against sending the bill to the lower house. 17

Although the southern bloc was not as powerful in the House as it was in the Senate, it had a valuable ally in the Chairman of the House Committee on Rules, John O'Connor of New York. This conservative with the aid of several other members of the committee, including the southerners, was able

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16 "Wages and Hours Bill," *Newsweek*, X (August 7, 1937), 13-14; Rauch, p. 288.

to delay the bill for seven months. After this delay the proposal was debated before the House, and it was passed by this body on June 14, 1938. However, before it was passed seventy-two amendments had been introduced, most of which were defeated. Although the vast majority of the amendments were defeated, the conservative forces obtained a partial victory, because the bill was extremely weak. The Fair Labor Standards Act, which banned child labor in industries involved in interstate commerce, established a progressive minimum wage and a maximum work week. The wage was set at twenty-five cents per hour for the first year, and after seven years (1945) it would be forty cents per hour. The work week would be forty-four hours long for the first year, forty-two for the second, and forty hours thereafter. Thus, Roosevelt, after a hard fight which saw many important concessions granted to the southern conservative bloc, received a wages and hours bill, but he would not be as fortunate with other desired legislation.

Besides the wages and hours legislation several other major measures were delayed or killed by the action of conservative southerners and Republicans during the Seventy-Fifth Congress. Among these were the Executive Reorganization

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19 Rauch, p. 305.
Bill, the new AAA, the proposal for the extension of the TVA into other areas, the Federal Anti-Lynch law, and certain monetary aspects of various phases of the farm program. In delaying, altering, or killing these proposals the southern conservative-Republican coalition resorted to the threat of the filibuster and the tying up of bills in the committee. "Cotton" Ed Smith utilized the latter tactic on the administration's farm bill.

Among the acts passed by the Congress during the first session were the Neutrality Act, the Railroad Retirement Act, the Sugar Control Act, the Bankhead-Jones Farm Tenant Bill, the Guffey-Vinson Bituminous Coal Act, and a few less important ones. With only these victories it was obvious that the New Deal was not progressing properly, and a disheartened, determined, and angry President chose to defy and attempt to destroy his enemies rather than mend the wounds in the party before the 1938 elections.

Roosevelt's first step in regard to a treatment for the defiant southern bloc came in his choice of a successor for the retiring Justice Van Devanter who officially stepped down

20"Record of the 75th Congress, 1st Session," Newsweek, X (August 28, 1937), 10; Odegard, p. 15.


22"Record of the 75th Congress, 1st Session," Newsweek, X (August 28, 1937), 10.
from the Court on July 2, 1937. In appointing a replacement Roosevelt maintained that he had started with a list of fifty nominees and later limited it to three; these being Solicitor General Stanley Reed, Senator Hugo Black, and Senator Sherman Minton of Indiana. The President in selecting Black maintained he did so because the Alabamian had served the New Deal longer than the others. 23

As soon as the name of Hugo Black was officially mentioned in the Senate as a replacement for Van Devanter, bedlam broke lose. There were outcries from some southerners that Black was an anarchist, and the aging Glass, in reply to a statement that Black's appointment would please the common man stated, "they must be G... D... common." 24 Finally, after controversial discussions, Black's name was sent to the Senate Judiciary sub-committee for consideration. By doing this it was obvious that many members of the Senate were revealing their opposition to his appointment, because it was the first time that such action had been taken since the Cleveland administration during the year 1888. 25 At this point the nomination of Black had already caused the split between the liberal and conservative factions of the party to widen, but it would not be until after Black's confirmation that the issue became violently controversial.

23Farley, p. 98.
25Ibid.
Black's appointment grew into what approached a complete scandal for a liberal administration when the Pittsburgh Post Gazette revealed that the ex-senator had been a member of the Ku Klux Klan when he ran against the anti-KKK Senator Oscar W. Underwood in 1923. Complicating matters was the fact that Black was in Europe when the disclosure was made, and he refused to make a statement until he returned to the United States in October. In his radio statement Black did not deny his membership in the organization, nor did he denounce the Klan. His refusal to condemn the KKK was motivated by the fact that he did not desire to cast stones at many of his friends and backers in Alabama. However, there were many New Dealers such as Jim Farley who felt the organization should have been denounced. Roosevelt did not agree, and Secretary Ickes held a similar view by pointing out that Klan membership in Alabama during the 1920s was like belonging to the Lions Club in other sections of the nation.  

To an extent Black's message had satisfied the nation, but his nomination still alienated many conservative southerners. In all probability the Senate would have confirmed the name of any liberal Roosevelt might have nominated, but his choice of Black was an obvious slap at conservative southerners. First, Black was a liberal from the South, and this in itself was an insult to many. However, the grand

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insult lay in the fact that southern senators out of sectional tradition could not refuse one of their own, and Roosevelt well knew this. Aside from the issue of local pride being in Black's favor, the fact that the Senate rarely refused to support a fellow senator was also to his advantage. Thus, Black received a favorable vote, but it was a hostile one. However, Roosevelt was not satisfied with simply causing a little discomfort for those who had opposed him on the court plan, the wages and hours bill, and who were prepared to oppose him on future measures.

As the first session of the Congress came to a close, the President had been thwarted on many counts. Both of his reorganization measures had failed to be enacted. His plan for social legislation had been halted by the same men who had opposed him on the court proposal, and the same was true of other phases of his program such as its farm policies, fiscal needs, and labor demands. With very few exceptions the first session of the Seventy-Fifty Congress had been a disastrous one, and Roosevelt had barely received satisfaction over the Black affair. Of even more importance than any individual defeat was the fact that for the first time the President had been seriously contested by conservatives, and he lost. This, as the Chief Executive knew, could establish a precedent for the future. Thus, with a minority, but a unified one, in direct opposition to him, it was necessary for the President to take up the fight and find a solution
for his problems. If this could not be accomplished then, as Roosevelt was aware, the New Deal would move into history as a gallant but lost cause.
CHAPTER IV

EXECUTIVE PURGE AND SOUTHERN TRIUMPH

With the Congress divided into pro- and anti-New Deal Democratic factions, plus the usual Republican opposition, it became necessary for Roosevelt to take decisive steps to protect his program. What to do about Republican opposition was not a major problem. These men, as the President knew, were in the political position where it was their obligation to counter the majority party, and Roosevelt's solution to their disturbance would be to back Democrats who opposed most of these Republicans in the 1938 elections. The problem confronting him was what to do about members of his own party who were in opposition to the administration. Accentuating this problem was the fact that his southern adversaries were men with tenure as elected Democrats.

Early evidence following the rejection of the court plan in 1937 indicated that Roosevelt intended to politically purge those members of his party who had opposed him, but many such as Jim Farley believed the 1938 elections would, according to sound political practice, heal the wounds. However, the President was extremely bitter over his defeat. Furthermore,

¹Farley, p. 95.
the actions of the remaining sessions of the Seventy-Fifth Congress demanded some type of executive reprisal.

As Rexford Tugwell and others have pointed out, the failure of the Chief Executive with all sessions of the Seventy-Fifth Congress increased reaction against the administration both at home and abroad. At home business leaders were no longer afraid when the President announced a program, and they even contemplated regaining some of their lost privileges. Furthermore, the Fascist and Nazis groups in America increased their activities as the President was blocked, and their European counterparts, the dictators of Europe, pointed to the failure of the world's leading democracy. With these events added to the defiance of southern conservatives, it was not so much a matter of whether or not executive action would be taken as when it would be taken.

The first valid indication of what the President intended to do cannot be found in his discontent after the court fight. At this time the Chief Executive was angered as could be expected, but in all probability future success would have mellowed his hostility. Instead, the first significant overt indication came as the deadline for filing in the Illinois primary approached in late January, 1938. At this time James Roosevelt contacted Farley and inquired as to whether he had made a statement of the administration's stand on the coming primaries. Farley replied in the negative, and he was then

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2 Tugwell, pp. 460-461.
instructed to dictate a statement for the party over the telephone. Later the last two sentences in his announcement were rejected by the President. These two sentences stated that the nominations were entirely the business of the individual states and congressional districts and that the National Committee would support all party nominees in the general election. By refusing to accept these policies, Roosevelt made it obvious that he did not intend to support all Democratic candidates.\(^3\)

According to the President he would not endorse those men who had been elected on the principles of New Dealism from 1932 to 1936 and had then rejected liberalism. It was thus his intent to rid the party of men who had ridden into Washington on one program only to switch to another. Furthermore, the Chief Executive was of the opinion that not only was a purge the only means to have his program enacted, but it was also the one manner in which the Democratic party could hold its position as the nation's true liberal party.\(^4\)

The first phase of the purge began in February when Roosevelt prepared to dole out patronage. In doing this there would be rewards for those who supported him, and to some twenty-seven senators and 100 representatives there would be punishment for not "going along" with the President.\(^5\)

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\(^3\)Farley, pp. 120-121.

\(^4\)Public Papers, FDR, VII, xxvii-xxviii.

\(^5\)Farley, pp. 121-122.
After this the more important aspect of the purge began with an attack upon various congressmen who were confronted with the task of getting re-elected.

As this phase of the purge of 1938 got underway, it was not so much a matter of condemning opponents of the administration as it was endorsing advocates of New Dealism and ignoring adversaries. This was the strategy of the transcontinental trip the President took in July. The speaking tour officially began in Ohio where the President backed the incumbent, Senator Robert J. Bulkley. Next the train entered Kentucky where Governor A. B. Chandler was contesting Barkley. Here both men rode with Roosevelt, but in his speeches the President supported the incumbent senator. After this the Chief Executive supported Senators Elmer Thomas of Oklahoma and Hattie Caraway of Arkansas. This aspect of the President's interference in the 1938 elections was successful, as all above incumbents were victorious. However, while the President was attaining triumph, the conservative element, which was also conducting a purge to rid the Congress of liberals, also met with partial good fortune in that they defeated Senator James Pope of Idaho.²

Other segments of the trip took the President into areas where there was no issue, such as New Dealer against conservative. Here, as was demonstrated by the President's

²Ickes, II, 420-421; Odegard, pp. 21-22; Shannon, pp. 153, 157-159, 278.
treatment of Tom Connally in Texas, Roosevelt simply ignored the individual involved. One interesting note of the two-day Texas trip was that Garner, who was in his native state at the time, was "fishing" and did not see his boss. Roosevelt's strategy here was not intended to defeat candidates, but it did indicate his opinion of some politicians.7

After attaining several victories by supporting New Dealers up for re-election, and especially after the Barkley triumph, Roosevelt decided to embark upon a more active and politically dangerous campaign for his program. In doing this he switched from simply supporting advocates to opposing adversaries who had consistently fought the New Deal. Among the paramount opponents of the President in this endeavor were southern Senators George, Tydings, and Smith of South Carolina. Also Representative John O'Connor of New York was destined to be purged. Lesser intended victims were Senators Bennett Champ Clark of Missouri and Pat McCarran of Nevada plus Representatives Cox of Georgia and Smith of Virginia. After deciding upon the obstructionists he desired to oust, the next problem confronting the President was to uncover candidates capable of fulfilling this objective. The states where it became most difficult to find willing and qualified candidates were Georgia and Maryland. In Georgia, White House Secretary Marvin H. McIntyre finally recruited the

Ickes, II, 421.
United States District Attorney at Atlanta, Lawrence S. Camp, to contest the solidly politically qualified and popular Walter George. As an opponent for Tydings the administration finally decided upon Davey Lewis, a long time member of the House of Representatives, and Governor Olin Johnston was the man who opposed Smith in South Carolina. Pitted against O'Connor was a man whom he had defeated in a prior contest, John Fay. 8

Of the three senatorial campaigns in the South where the President was taking an active part, it was in Georgia that he campaigned the hardest. Roosevelt not only campaigned here hard because he desired to see his adopted state represented in the Senate by a liberal, but also because George had been opposing him since 1935. Since that year the Senator had voted against the public utilities holding company bill, the court proposal, the executive reorganization plan, the wages and hours bill, and other lesser pieces of progressive legislation. Complicating the case in Georgia was the entry of former Governor Eugene Talmadge. Talmadge, who had the support of the farmers, was not desired by the New Deal, and his candidacy presented the problem that administration opposition to the incumbent might elect Talmadge. In New Deal circles this would be as bad as having George back. Another complicating factor was that Camp was from Northern Georgia,

as was Senator Richard Russell, and local tradition called for the election of one senator from each section of the state. Thus, Roosevelt was in a dangerous position in Georgia.\(^9\)

During the Georgia primary, Roosevelt revealed his choice while at Warm Springs where he stated that he hoped Camp would be the next senator from the state.\(^10\) This was obviously a warning to George, but it was not until his Barnesville address on August 11 that Roosevelt made his most significant plea for the defeat of George. In this address the President opened his speech with various comments on the social and economic needs of the South, using the report of his special committee on these factors as his guide. Then, after mentioning these needs, Roosevelt utilized them as a means of attacking George by pointing out that the nation, and especially the South, needed to send men to Washington who would support progressive legislation. Switching his attack, the Chief Executive pointed out the difference between the Georgia race and the one in Kentucky. He stated that he had supported Barkley because the Senator had more experience than Chandler. However, Roosevelt continued, the issue was not the same in Georgia. George, according to the President, had the experience, but he was one who listened not to the people but to the small dictatorship of the industrialists.

\(^9\)Ibid., pp. 278-279.  
\(^10\)Ibid., p. 279.
After condemning George, the President then cast a stone at Talmadge. Finally, the Chief Executive completed his speech by stating that if he were voting his vote would be cast for Camp who he believed would vote for the necessary improvements needed by the nation.\textsuperscript{11}

Immediately following the President's speech, George accepted Roosevelt's challenge,\textsuperscript{12} and stated that he was sorry the nation's leader questioned his democracy. In his campaign the Senator did not directly criticize the Chief Executive. Instead, he maintained the President was not informed, and then dwelt on race and religious points that would appeal to his white Anglo-Saxon Protestant constituency. This was accomplished by revealing that Ickes had a Negro working for him, utilizing the left-over effect of the Leo Frank case, dropping the name Cohen whenever possible, and mentioning at intervals that Corcoran was an Irish Catholic.\textsuperscript{13}

George, despite administration interference, defeated Camp and Talmadge in the primary by receiving 43.9 per cent of the total vote and 59 per cent of the unit vote. Camp, the New Dealer, finished third with only 23.9 per cent of the popular and 4.9 per cent of the unit vote.\textsuperscript{14} Thus, in the Georgia primary, which was the last of the three southern

\textsuperscript{11}Public Papers, FDR, VII, 463-471.
\textsuperscript{12}Byrnes, pp. 101-102.
\textsuperscript{13}Shannon, pp. 282-283.
\textsuperscript{14}Ibid., p. 284.
ones in which the President had a vested interest, Roosevelt saw his man defeated.

In South Carolina, where the arch conservative "Cotton" Ed Smith was contested by Olin Johnston, Roosevelt, who had been warned not to interfere by Byrnes, Hopkins and others, did not actively campaign, but he did reveal his choice in several ways. Indeed the very announcement by Johnston of his intention to run for the Senate was made on the grounds of the White House after a conference with the Chief Executive. Also, Roosevelt, after leaving Georgia made a brief stop in Greenville where he made a short speech. In this talk Roosevelt mentioned Johnston's name while neglecting to speak of Smith, and he also made a remark about a family being able to live on fifty cents per day. The latter point was a reply to an alleged statement made by Smith in the wages and hours bill fight. Another insult to Smith at this time was the fact that he had not been invited to appear with the President at the Greenville gathering.

The South Carolina campaign, as was true of many seen in the South, was characterized by both candidates attempting to appear to be the greater segregationist. Smith revived the Red Shirts, an organization that had driven the Republicans

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17 Public Papers, FDR, VII, 476-477.
18 Byrnes, p. 103.
out of the state government in earlier days, and he tried to associate the CIO with pro-Negro attitudes. Johnston, not to be outdone, mentioned that Smith had "voted for a bill that would permit a big buck Nigger to sit by your wife or sister on a railway train." Smith won the election by more than 50,000 votes. Two of the most important factors in this election were that people resented Roosevelt's interference, and that Byrnes cast his lot with the incumbent. After the election Roosevelt informed Byrnes that he had defeated him, and the South Carolinian replied by stating that all eighteen delegates who had supported the Chief Executive in 1932 voted against his interference.

In Maryland the situation was similar to the Georgia case in that Roosevelt actively campaigned against Tydings. While campaigning in the Maryland primary, the President made a principal speech at Denton and minor extemporaneous ones at Morgentown, Berlin, Sharpstown, Salisbury, and Annapolis. The Denton address was important not only because it was broadcast over the radio to all of the people of Maryland, but also because Roosevelt portrayed Lewis in a very glamorous manner. Here, Roosevelt stated, was a man who had faithfully served in a liberal way both urban and rural dwellers. Earlier at a press conference Roosevelt had criticized Tydings because he wanted to run on the prestige of the

19 Shannon, August, 1939, pp. 287-289.
20 Ibid., p. 288.
President but with Republican money. Despite these and other remarks the Chief Executive was unable to defeat Tydings. The only satisfaction received by the President in his purge was that O'Connor had been defeated. However, the defeats suffered by the Chief Executive meant significantly more than the mere fact that Tydings, George, and Smith would return to Capitol Hill.

Of much greater importance than the return of these three to Washington was the fact that Roosevelt had not lowered the political temperature in the United States. In general the President violated three major principles of American politics. First, he breached the basic doctrine that the executive must not interfere with the election of members of the Congress. In doing this he also revealed that presidential popularity does not easily shift to those supported by the Chief Executive. Secondly, and closely related to the former, he violated the rule that the representatives of the national party should not interfere in state elections. Finally, Roosevelt broke party tradition by stating his preference for a liberal Republican over a conservative Democrat. All of these factors were significant in creating an attitude that was hostile toward the White House.

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21 *Public Papers, FDR, VII*, 489, 510-520.

22 "Mr. Roosevelt's Purge," *The Economist*, CXXXII (September 10, 1938), 491.
Also of paramount importance to the future of the New Deal were the gains made by the Republican party in 1938. Their victories were a more reliable indicator than southern Democratic strength of the conservative reaction that was affecting the nation. On the eve of the election Roosevelt maintained that the Democratic party would probably lose one seat in the Senate and sixteen in the House. If he believed this he was undoubtedly a disheartened man on the night of November 8 and the morning of November 9, because the Republicans gained eighty-two seats in the House and eight in the Senate. Thus, the President not only met defeat in his purge, but the opposition party made resounding gains.

Correlated to the reemergence of the Republican party was the future success of the conservative southern Democratic-Republican coalition against liberalism. After the 1938 elections this coalition was numerically capable of halting legislation. Because of this, Roosevelt was forced to change the basis of his program.

The change in the emphasis of the New Deal after the 1938 elections was from domestic to foreign affairs. Eliminating the events that were taking place in Europe at this time, the discovery is made that a primary factor in the alteration of party policy was related to the disastrous

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23 Farley, p. 148.

fate of New Dealism in 1939. That year proved to be a greater failure than either 1937 or 1938. Indeed, it was destined to be such a poor year that the administration did not introduce any new domestic bills in the Congress. The only major piece of New Deal legislation enacted in 1939 was the executive reorganization bill that had been called for two years earlier, and when it was finally passed it was quite different from what Roosevelt had requested.25

The ironic aspect of the change in emphasis from domestic to foreign affairs was that a new alignment was created. Both the North and the West, the two sections that had strongly supported reform bills, opposed the President in his desire for collective security. On the other hand the South, which had violently (with a few exceptions) fought domestic reform, supported Roosevelt’s collective security policy.26 The South’s stand on security can probably be traced to the "Americanism" of the section and its almost innate militant spirit.

Finally, the last important effect of the 1938 elections was that after them Roosevelt became decidedly more interested in the presidential race of 1940. In doing this the President may have had hidden intentions of running again, but overtly he was reviewing potential candidates who would carry on the liberal traditions that he had endeavored to carry forward.

CHAPTER V

THE NOMINATION STRUGGLE OF 1940

One of the longest political traditions in the United States has been that a man should only serve two terms in the White House. In 1940 this tradition, which would later be protected by a constitutional amendment, was violated by Franklin Roosevelt, and his action of that year brings forth numerous interesting questions. Among these are why did Roosevelt decide to run for a third term, and why did the Democratic party break tradition and nominate him? In considering these and other questions that are largely byproducts of them, the roles of Roosevelt and Garner are paramount.

Speculation on the possibility of a third term, based largely on the popularity of the President, first emerged shortly after the Democratic landslide of 1936, but most individuals in that year considered another Roosevelt term quite remote.¹ Later in March, 1937, at the Democratic victory dinner, the Chief Executive stated that his greatest ambition was to turn the nation over to his successor in 1941,² and many such as Garner accepted this as the last word on the

¹Farley, p. 152; Odegard, p. 63.
²Public Papers, FDR, VI, 113-114.
possibility of a third term. The Vice President may have interpreted Roosevelt's statement in that manner, but many New Dealers did not. One such individual was Governor George H. Earle, of Pennsylvania who, prior to the 1938 elections, publicly stated the need for the President to remain in the White House. Resulting from Earle's remark were various press conference questions directed at the Chief Executive. Roosevelt answered them in an evasive manner, with the result that he created more speculation, and beginning in 1938, events can be traced that led the President to run for a third term. It is also possible to understand the means by which potential Democratic opponents were eliminated prior to and during the convention of July, 1940.

In 1938, the President, after having suffered defeat over his judicial reorganization plan, attempted to purge various conservatives; these included all men with considerable influence on Capitol Hill. The attempted purge not only angered them, but it also alienated many of their friends. One of their allies was the future leader of the conservative southern Democrat-Republican coalition, which was partially responsible for stopping domestic New Dealism, John Nance Garner. The Vice President had opposed the purge and on the eve of it had informed the President that he could not defeat

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4 Farley, p. 152.
conservative southerners. Garner believed that Roosevelt would only help elect Republicans in the North, but Roosevelt did not heed the warning of Garner then, nor did he listen to him later.

After the November, 1938, elections the two party elders had a private conference on December 18, and it resulted in the Vice President becoming convinced that the Chief Executive did not want to cooperate with moderate or conservative Democrats. This point was well taken because Roosevelt, during the mid-term campaign, had made numerous remarks to indicate his dislike for conservatives, and he was also destined to make similar remarks about the type individual he would not support in 1940.

Of more significance than Garner's opinion was the fact that this was the last private meeting between the two leaders of the major segments of the Democratic party. It ended in a somewhat strained relationship that had seen the men differ on such issues as the recognition of the Soviet Union, the sit-down strikes, the enlargement of the Supreme Court, the spending policies of the New Deal, and the attempted purge of conservative southerners in 1938. After their December meeting the two men subsequently differed over virtually all domestic issues. Included among these were Garner's beliefs that Roosevelt was embracing communists and fellow-travelers,

5Timmons, p. 234.

6Ibid., p. 240.
that he was becoming power-thirsty, that he was spending too much money, especially for political reasons, and that his nominations were poor. These and other differences between the Roosevelt-led liberals and the Garner-led conservatives caused a total clash between the two ideologies over domestic legislation during the Seventy-sixth Congress.

On January 9, 1939, six days after Congress convened, Roosevelt delivered a speech at a Jackson Day Dinner which called for unity in the Democratic party. However, it was a form of unity that could be achieved only if one segment of the party was willing to surrender its beliefs and support the majority. If this could not be accomplished, then the President recommended that those who thought like Republicans should join the opposition party. Democrats who adhered to the conservative ideology would not literally follow the President's advice, but they did form a coalition with the opposition.

The result of the coalition in 1939 was that all domestic legislation desired by Roosevelt was either defeated or significantly altered. Indeed, criticism of the New Deal reached such heights in 1939 that southern conservatives, combined with other opposition, refused to confirm certain appointments made by the President. One such case which was defeated by

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7Ibid., pp. 240-241.

8Franklin D. Roosevelt, War--and Neutrality, VIII, 60-68.
a close vote after Senators Byrd and Glass objected to the
man because of political reasons, involved the attempted
appointment of a judge in Virginia. Another ended with
Roosevelt withdrawing his nominee's name. This concerned the
attempted appointment to the Interstate Commerce Commission
of Representative Thomas R. Amlie, alleged by conservatives
to be a communist. The President, after withdrawing Amlie's
name, stated that he regretted that certain members of Congress
were depriving the ICC of an extremely qualified man.

Hostility from the lower house was revealed by its re-
frual to even consider a Senate-approved Roosevelt proposal
which was designed to encourage investment through self-
liquidating projects financed by the government. Also, the
House refused to act on an $800,000,000 National Housing Act,
and after adding $350,000,000 more than the Chief Executive
desired for agricultural purposes, the House called for re-
ductions of $57,000,000 on relief spending.

When the first session ended in August, the only measure
truly desired by the New Deal that had been enacted was the
1937 proposed Executive Reorganization bill, and as passed
it was significantly weaker than the bill called for by
Roosevelt. A special session of the Congress was called in

\[9\] Odegard, p. 36.
\[10\] Public Papers, FDR, VIII, 227-228.
\[11\] Odegard, p. 36.
September because of the outbreak of hostilities in Europe and, in the face of a foreign threat, harmony was again attained between the Garner and Roosevelt forces. However, interparty tranquility was destined to be disturbed again over the third term issue.

The actual decision of the President to run for a third term revolved around several factors, one of which was his demand that a liberal follow him in the White House. The question of whom the next Democratic nominee would be reached the point of true significance after the 1938 elections, and it remained at that level until the party's choice was made in July, 1940. In November, 1938, Roosevelt had not reached a permanent decision for his own future, but he had decided that a conservative Democrat would not occupy the White House in 1941. This was made clear in a letter to Josephus Daniels, the Ambassador to Mexico, in which the President stated that, "... the idea is slowly getting through the heads of people like Tydings, and George and Bennett Clark that ... they cannot elect their ticket without the support of this Administration--and I am sufficiently honest to decline to support any conservative Democrat."12 Thus, the Chief Executive had to find a liberal successor or run himself.

Among the potential liberals with presidential ambitions were Harry Hopkins, Henry Wallace, Paul McNutt, Fiorello

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LaGuardia, Robert Jackson, Frank Murphy, and Jim Farley. Each of these individuals, with the exception of Farley, was eliminated prior to the Chicago convention. Hopkins was the victim of age and illness, while Wallace was too liberal to be acceptable to a majority of the party. Others, such as McNutt were promoted into the circles close to the President, and this hindered their effort unless they were Roosevelt endorsed.\textsuperscript{13} Also Hopkins, Wallace, Jackson, Murphy and a dark horse, Harold Ickes, were purged by various conservative groups, such as the House Committee on Un-American Activities, chaired by Martin Dies of Texas; the House Committee to investigate the NLRB, which was headed by Howard Smith of Virginia; and a sub-committee of the above headed by another Virginian which was investigating the WPA. Farley, although he remained a candidate until the nominations were over, was politically disqualified because of his religion, Catholicism, and his fallout with Roosevelt.\textsuperscript{14}

Potential conservative candidates were Bennett Clark and Garner. Clark was a poor candidate because he was an extreme isolationist and a conservative who did not have the support of the South because of his stand on the anti-lynch proposal.\textsuperscript{15} Thus, Garner was the only logical choice of the conservative segment of the Democratic party.

\textsuperscript{13}Farley, p. 170; Tugwell, p. 480; Jay Franklin, 1940 (New York, 1940), p. 82.
\textsuperscript{14}Franklin, pp. 86, 194; Odegard, p. 64.
\textsuperscript{15}Odegard, p. 69.
There was also a possible potential candidate in the Secretary of State, Cordell Hull. Had the President decided not to run in 1940 and also felt another liberal could not carry the convention, he probably would have supported Hull. This point became more of a reality when war erupted in Europe in 1939. With the western powers in Europe warring and extremely strong opposition to his domestic policies in Congress, Roosevelt had shifted the emphasis of his program to foreign affairs and collective security. Thus, if he did not accept the nomination himself, a logical choice was Hull, who, because of his position in the government, was well-informed on the world situation.\(^1^6\)

Another point of importance prior to the convention of 1940 was that virtually all moderate and liberal candidates had decided to capture the nomination only if the President decided not to accept it. Also, as men such as Hopkins and Ickes realized they could not possibly lead the party, they began to back Roosevelt movements; and the President did not seriously object to these.\(^1^7\) With the eventual elimination of the major liberal and moderate candidates, the race settled to one of whether the Chief Executive could be stopped because of the third term tradition.

Of those who opposed the third term possibility, the most formidable was the Vice President. The first stirrings in

\(^{1^6}\)Odegard, p. 70; Farley, p. 225. \(^{1^7}\)Tugwell, p. 481.
behalf of Garner's candidacy began in December, 1938, when Roosevelt's political future appeared to be in a precarious position. At this time a Texas state-wide gathering endorsed the Vice President for the presidency in the coming election. In the following month Garner was leading various polls of potential candidates if the incumbent did not seek the nomination. As the early months of 1939 began to pass, with Roosevelt being halted in the Congress, Garner's campaign gained momentum. His first big push during early 1939 again came from his home state when both houses of the Texas Legislature endorsed him. Also joining the Garner movement were industrialist Henry Ford and oilman Richard W. Norton. By March, 1939, the move toward Garner was significant enough to warrant a stop-Garner one. However, the counter action was not successful at first and after two months Garner's popularity had increased eight points on the Gallup poll to 50 per cent. However, as the Vice President knew, popularity polls do not win nominations.18

Roosevelt, who was determined that Garner would not receive the nomination, had a distinct advantage over his critic.19 As the President, he was the most influential member of the party, and also as the Chief Executive he had direct authority of the handling of federal patronage. Roosevelt, as he had done during the court fight, would not hesitate to

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18 Timmons, pp. 250-255.  
19 Odegard, p. 65.
take patronage away from those who opposed him or to use it as a means to prevent opposition. Furthermore, the President had the element of uncertainty on his side. By not stopping third-term statements the President was leaving the door open for himself, but at the same time his consistent remarks to newspapermen, party leaders, and the public, created uncertainty as to what he would do. It was this element that Roosevelt used to keep down open rebellion. In June, 1939, the President complimented Ickes on the latter's Look magazine article on a third term. According to the President, items like this prevented conservatives from getting too far out of line because of the fear that Roosevelt would return in 1940 and seek revenge. Finally, of advantage to Roosevelt was the fact that all conservatives knew they could not be elected or elect their candidate in 1940 without the support of the administration, and the President had indicated that he would not endorse a conservative Democrat.

The above factors kept many conservatives in line, but it still remained for New Dealers to stop the leading southern conservative, Vice President Garner. One of the most effective means to stop Garner would be to create a successful movement emphasizing the idea that Roosevelt was indispensable. Among the early New Dealers to support a third term were

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20 Timmons, p. 247.
21 Ickes, II, 555-556; Odegard, p. 67.
Hopkins, Wallace, who by 1939 had vice-presidential ambitions, and Ickes. Ickes officially announced his stand through his Look article in June, 1939, and on the sixteenth of that month Hopkins issued a statement in support of another Roosevelt term. Other influential Democrats who publicly made pro-Roosevelt statements in 1940 were Governor Earle of Pennsylvania, Mayor Kelly of Chicago, and Governor Olson of California. Essentially, it is difficult to determine the effectiveness of the draft Roosevelt movement in 1939 because of the lack of valid indicators. However, by early April, 1940, Hopkins and Corcoran, who had been working to swing state delegations into the Roosevelt column, had obtained a majority of the delegates to the convention, but more than a simple majority was needed to convince the people that Roosevelt was their only hope.

Beside the normal New Deal groups, various left-wing organizations such as the Workers Alliance, which supposedly was 90 per cent communist, adopted stop-Garner resolutions. The Nation, the New Republic, and other magazines which were liberal in nature opposed Garner, but they were also frequently in opposition to another Roosevelt term. The Nation on March 2, 1940, published one of a series of articles on possible presidential candidates. In regard to Garner, the author maintained that it was inconceivable to think that a man of

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22 Tugwell, p. 481.
23 Timmons, p. 256.
24 Tugwell, pp. 530-532.
Garner's qualities should be considered for the highest office in the nation. Many of the attacks in the article concerned the means by which Garner had been elected in the South Texas counties controlled by Archie Parr, and of his extreme conservatism which had allegedly been used to personal advantage.25

The *New Republic* which held a negative attitude toward both Garner and a third term published an article on John L. Lewis' condemnation of Roosevelt and the probable liberal reaction to it. According to John Flynn, the author,

The "Liberals" will now rise and sing their hymn of hate of John L. Lewis for his attack upon the great liberal god and, particularly, for his statement that god cannot be elected a third term. By liberal I mean those persons—burning radicals, former Wall Street law juniors, . . . , who define liberalism as anything that Franklin D. Roosevelt favors, even though it be militarism, patrolling the Yangtze for the Standard Oil, . . . , or running for a third term.26

While the battle vacillated, southern conservative opponents of a third term continued their fight against the President. In 1939 and early 1940 considerable speculation existed as to the possibility of the Senate passing a resolution against a third term. This device had been utilized against President Coolidge in 1927. If southern opponents of the President could obtain such a resolution, they would


not only hurt Roosevelt, but they would also enhance the chances of a conservative in 1940. However, the resolution would have to be passed in such a manner that it would not appear that the Garner forces were "clubbing" Roosevelt, because the Vice President's public image would be better if it appeared that the Chief Executive was the aggressor. Also, it would be ideal if the resolution were introduced by a non-southerner rather than a George, Bailey, or Tydings.\textsuperscript{27}

In the Senate cloakroom, talk of the resolution was prominent during the early months of 1940, and by March of that year the \textit{New Republic} reported that at least thirty-three senators were willing to sign the resolution. It was also believed at this time that if all of the doubtfuls signed it, their number would increase to forty-seven;\textsuperscript{28} not a majority, but significant enough to hurt the New Deal and Roosevelt. The resolution movement did not mature, but many senators made public statements either supporting Garner or opposing the President. Among these were southerners Glass, Byrd, Smith of South Carolina, George, Sheppard and Connally of Texas, Clark, Tydings, Andrews, Logan, and Overton. Thus, it is evident that many influential southern conservatives were openly hostile to the President's third term movement.\textsuperscript{29}


\textsuperscript{29}Timmons, p. 257.
However, among the names of those missing in the anti-Roosevelt faction from the South were Byrnes and Harrison. Both of these men had swung back to the New Deal camp, and Byrnes, who vacillated quite frequently, was destined to be an administration leader at the convention. With the failure of the anti-third term resolution, the loss of men like Harrison and Byrnes, the war situation in Europe which created cries of the need for Roosevelt in the crisis, Garner’s last hope remained in the primaries.

Roosevelt, who never stated that he was a candidate, allowed his name to remain on primary ballots in Illinois, Wisconsin, and California, and Garner entered these and other primaries as an announced candidate. When the primaries were over, Garner had been significantly defeated in all of them. With these defeats, which revealed Garner’s political weakness outside of his native South, hope of winning the nomination died.

As the convention approached, Roosevelt carefully planned his nomination. The basis of the plan was to make it appear that the President desired to return to Hyde Park, but out of popular demand that he remain in Washington, he would reluctantly accept the nomination. For this plan the stage had been carefully set. Part of it, such as the fact that there were no eligible liberals, may have been the work of neglect.

\(^{30}\text{Ibid.}, \text{ pp. 270-271.}\)
but Roosevelt's failure to stop third term talk is a valid indicator that he desired to remain in the White House. The first phase of the plan had been successfully carried out prior to the convention. This consisted of the President's remaining silent and, through this, preventing complete rebellion from the South and the conservative press.\footnote{31}

During the convention the other phases of the campaign were to be carried out. Of primary importance at this stage was the complete absence from Chicago of Roosevelt, because this would augment the idea that he had been drafted. Many believed that prior to or during the convention, Roosevelt would make a statement of refusal. The statement was made by Barkley on the Tuesday before the Thursday nominations, and it was part of the administration's over-all scheme, which was directed in Chicago by Byrnes, Hopkins, and Frank Walker, with assistance from Kelly of Chicago and Hague of Jersey City.\footnote{32}

At the convention the purpose of these party leaders was not to openly seek Roosevelt's nomination, because he had enough strength to accomplish this. Instead, it was their task to create the image that the President was, against his will, being drafted. In doing this, three things were paramount. First, there were to be no premature Roosevelt

\footnote{31}{Odegard, p. 67; Byrnes, p. 117; Tugwell, pp. 417-418.}

demonstrations or early raising of his banners. Secondly, his name was never to be placed in nomination, because this would make him a candidate. Instead he was to be drafted by acclamation, which called for the third phase of the plan, the switching of all the states to his side. The latter point could be achieved by the bandwagon effect.33

As originally planned the scheme was to culminate on Tuesday night during Barkley's speech, when upon a given signal a Roosevelt demonstration was to develop. The plan became known to members of the anti-administration forces, and this resulted in a change in Roosevelt tactics. Instead of attempting to push the acclamation move on Tuesday, it was decided to hold the nominations on Wednesday. However, Barkley was still to deliver his speech on schedule.

On Tuesday night Mayor Kelly, who was in charge of the radio aspect of the program, had the stadium filled with men from the wards of Chicago, and it was these men who were to demonstrate for Roosevelt. As Barkley began his speech Kelly waited for the cue for his men to march, and when it came they missed it. However, the demonstration erupted when a voice, later identified as belonging to Chicago's commissioner of sewers, boomed out, "Mayor Kelly wants Roosevelt, humanity wants Roosevelt."34 With this the demonstration, which was obviously fraudulent, took place, but its nature placed

34Ibid.
Roosevelt backers in a difficult position. Roosevelt received the nomination by a handy margin, but the conventioners were bitter.

After the President was renominated, the next problem confronting the convention was the choice of a vice-presidential candidate. The normal procedure would be to accept the presidential candidate’s choice, but after the Tuesday episode things were not normal. Furthermore, the President complicated matters by telling Farley over the telephone that he wanted Wallace. To this Farley replied that he did not believe that Wallace would help the ticket, and he recommended either Bankhead, McNutt, Jesse Jones, or Barkley. Roosevelt would not listen to Farley, and Wallace became the administration’s candidate.

When the nominations began and it became obvious that opposition to Wallace would be significant, Secretary Perkins called the President and told him to come to Chicago if he wanted Wallace. Roosevelt declined, but his wife went, and she made a major speech that aided the Secretary of Agriculture. Besides Mrs. Roosevelt’s speech, Wallace received the support of organized labor and the farmers. Also of paramount significance was the fact that Byrnes, under orders from Roosevelt, informed the delegates that if Wallace was not on the ticket neither was the President. With this

35Eleanor Roosevelt, This I Remember (New York, 1949), p. 216; Farley, p. 300.

36Byrnes, p. 124; Farley, p. 302.
support Wallace captured 627 of the 1100 votes, but the narrow margin indicated the fact that many at the convention were against dictation from Roosevelt. Also their boos at the mention of Wallace's name, and the administration's fear of the probable reaction to Wallace's acceptance speech indicated opposition to the President's tactics.  

When the convention ended and the delegates returned to their respective states, another phase of the southern conservative-liberal Democratic struggle came to a conclusion. Unlike the court fight of 1937, the purge of 1938, or the domestic legislation conflicts from 1937-1940, Roosevelt was victorious in Chicago. He had won the nomination for a third term, and he had also obtained an extreme liberal as a vice presidential nominee. Also of great importance to the administration was the fact that Garner's defeat removed him from the Washington scene. Another factor of significance was that some southern conservatives such as Harrison and Byrnes returned to the White House team. These were important losses to the conservative forces. Finally, the defeat of southern Garner in the northern and western primaries revealed the weakness of an extreme southern conservative candidate. However, all did not end with the nominations.

In November of 1940, Roosevelt and Wallace defeated the Republican candidates, and the South voted with the party

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37 Farley, pp. 302-303.
again. Also when the new Congress convened the major issues were, as had been the case in late 1939 and 1940, concerned with foreign affairs and rearmament. On these subjects all but a few isolationist Democrats voted with the administration against the isolationist Republicans. Thus, tranquility had been achieved in the party, but the threat of open southern reaction to the progressive New Deal remained; its ugly head to emerge whenever domestic legislation threatened the conservatism of the South.
CHAPTER VI

SUMMARY AND CONCLUSIONS

Franklin Roosevelt's New Deal was interpreted by the various segments of the American public as having different meanings. To those who were in need the new liberalism was most frequently considered to be a salvation, but to others it was a burden and a threat. Frequently a given area's overt interpretation of the program was synonymous with that of its represented voice in Washington, and this was the case with the South.

The vested social and economic interests in the South interpreted the New Deal as an impending threat to the section's social and economic structure, and it is difficult to separate these factors because they were usually interlocking. Economically the South was basically divided into have and have-not groups, and it was the have faction that generally controlled the delegation into the several state houses and to the Capitol. This class, since the days of the Redeemers, had been able to maintain a firm control over the section through its political leaders, and by doing so had obtained and protected various practices that were advantageous to them.

With the advent of the new liberalism in 1933, the threat to the South's vested economic interests emerged. However,
until 1935, when Roosevelt proclaimed the Second New Deal, the possible introduction of a complete new order remained in the background, because the essence of New Dealism prior to 1935 was the encouragement of industrial recovery, with social reform playing a minor role. It was true that many New Deal projects such as the CCC and the WPA aided the underprivileged masses, but they did not call for higher wages, shorter hours, civil rights, and other needed reforms that would alter the existing order in the South. However, the Second New Deal called for changes in these areas.

As the Roosevelt regime began to enact legislation that was a threat to the minority South, the section, through the seniority system and the fact that it was a one-party area, was capable of protecting its vested interests. However, until 1937 it was not necessary for conservative southerners to revolt against their party, because the Supreme Court invalidated virtually all legislation that was dangerous to conservatism. Then in 1937, after much of his reform program had been damaged, the President proposed enlarging the Court, and it was at this point that the impending threat became an imminent one.

Roosevelt's reorganization plan provided for the possible enlargement of the Court to fifteen, and this meant that if it became law he would be able to produce a liberal majority on the Bench. This of course would mean that the social and economic legislation of the New Deal would not be invalidated.
With this threat to the existing order of the South, conservatives of the Glass, Bailey, George, Tydings, Smith, and Garner variety rose to the defense of their system, and in doing so they formed a coalition with others who opposed the President. Conservatives from the South were able to defeat the bill through this coalition, but in the meantime the Court had liberalized itself.

Despite the fact that the Court would no longer consistently declare liberal legislation unconstitutional, the South after the court fight was able to halt New Dealism. This was accomplished through several means. Of paramount significance in stopping the President's program was the advantage held by the South through the seniority system. In 1937 this system resulted in seventeen Senate and twenty-five House committees being chaired by southerners, and many of these men adhered to the conservative philosophy. Southern conservatives in the Senate could also utilize or threaten to utilize the filibuster to prevent passage of legislation. Finally, and of great importance was the formation of a conservative Democrat-Republican coalition. All of these and several lesser ones were used in halting the danger of the new liberalism to conservatism.

As the President saw legislation such as the anti-lynch law, the judicial reorganization bill, and others defeated by a coalition consisting of many southerners, he decided upon a plan to alleviate the situation. The scheme devised by the
Chief Executive called for a political purge of certain conservatives who were confronted with the problem of being re-elected in 1938. Among those Roosevelt attempted to purge were Senators Smith, George, and Tydings. Despite warnings of impending defeat by Garner and others, the President entered the South and appealed to the electorate to defeat conservatives and to elect men sympathetic to liberalism. Roosevelt was defeated in this attempt, and his loss was far more significant than the mere return of George, Tydings, and Smith to Capitol Hill.

First, the southern conservative triumph over the President in the 1938 elections gave them a psychological uplift, and it gave the opposite to the administration. Of more importance was the fact that the interference of the Chief Executive in local races increased the already simmering political temperature in the nation, and this was advantageous to the South because it helped create and maintain opposition to the administration. Also of great significance in 1938 was the fact that the Republican party made impressive gains in Congress; and this tended to indicate that many outside, as well as in, the South were suspicious of the New Deal. Furthermore, Republican victories helped strengthen the southern conservative-Republican coalition.

After the defeats of 1937 and 1938, the President changed the focal point of his program from domestic legislation to collective security. Reasons for this were the almost complete
stoppage of his New Deal by conservative congressmen, many of whom were southerners, and the increasing aggressive activity of European dictators of the Hitler-Mussolini variety. This transition was so great that in 1939 the President did not introduce any important new domestic legislation, and the only old bill to be enacted was the Executive Reorganization bill, which, as finally passed, was much weaker than the one desired by Roosevelt. Also relating to this transition was the fact that southern conservatives supported the President's emphasis on non-domestic legislation. However, there was still significant opposition from conservative southerners which would have an effect on the future.

Although the Democratic party had seen the Northeast and the South develop harmony over the policies necessary to combat the increasing danger to the nation's security, investigating committees headed by conservative southerners attacked many individuals and organizations close to Roosevelt. Three such committees were the House Committee on un-American Activities, headed by Martin Dies of Texas, the Howard Smith Committee which was investigating the WPA, and a subcommittee of Smith's group which was investigating the NLRB. One result of the activities of these and other conservative groups was that many New Dealers, who had earlier been considered as possible candidates in 1940, were no longer thought of as successors to Roosevelt.
The possibility of a third term was another issue that bothered many conservative southerners; one of whom was the Vice President. Originally, Garner believed that Roosevelt would retire in 1940 rather than break the long-standing American tradition of only two terms in the White House. However, Roosevelt because of a combination of personal desires, the lack of an eligible liberal candidate (the President had vowed that he would never support a conservative candidate), and the world situation did not discourage his re-nomination in 1940.

Garner, a firm believer in the no-third-term tradition, as the leader of the conservative bloc actively campaigned for the nomination. His campaign was unsuccessful, and in losing he revealed the weakness of a southern conservative candidate outside the South. Roosevelt received the nomination, and after resistance from southern and other delegations, the President also received the running mate of his choice, Henry Wallace.

After the November elections the Democratic party again appeared to be one of common interest, with southern as well as other factions of the party supporting the administration. However, it was support for the foreign policy and rearmament; not for domestic policies. Indeed, with the coming of war against the United States, President Roosevelt retained his policy of post 1938, and did not pursue domestic issues. This was a wise decision, because the bloc of southern
conservatives on Capitol Hill would probably have revolted again.

The ogre of rebellion was still present, and it served as a warning to future presidents of the danger of pursuing a policy that would alter the existing order in the South. Indeed, the resistance to the civil rights policies of Presidents Truman, Eisenhower, and Kennedy is and was a resurrection of the latent southern conservatism that had manifested itself in the 1930's.
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