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SAM RAYBURN: TRIALS OF A PARTY MAN

DISSERTATION

Presented to the Graduate Council of the
North Texas State University in Partial
Fulfillment of the Requirements

For the Degree of

DOCTOR OF PHILOSOPHY

By

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Denton, Texas

May, 1979

Daniel, Edward O., Sam Rayburn: Trials of a Party Man. Doctor of Philosophy (History), May, 1979, 330 pp., bibliography, 163 titles.

Sam Rayburn's remarkable legislative career is extensively documented, but no one has endeavored to write a political biography in which his philosophy, his personal convictions, and the forces which motivated him are analyzed.

The object of this dissertation is to fill that void by tracing the course of events which led Sam Rayburn to the Speakership of the United States House of Representatives. For twenty-seven long years of congressional service, Sam Rayburn patiently, but persistently, laid the groundwork for his elevation to the speakership. Most of his accomplishments, recorded in this paper, were a means to that end. His legislative achievements for the New Deal were monumental, particularly in the areas of securities regulation, progressive labor laws, and military preparedness. Rayburn rose to the speakership, however, not because he was a policy maker, but because he was a policy expeditor. He took his orders from those who had the power to enhance his own station in life.

Prior to the presidential election of 1932, the center of Sam Rayburn's universe was an old friend and accomplished political maneuverer, John Nance Garner. It was through

Garner that Rayburn first perceived the significance of the "you scratch my back, I'll scratch yours" style of politics. During the 1932 Democratic Convention, Rayburn began to gravitate toward another more substantial source of power than Garner. When it became obvious that Franklin Roosevelt would be the choice of the Democratic Party and, indeed, the nation, Rayburn unhesitatingly gave up the presidential fight for Garner in order to build credits with his new source of power, Roosevelt.

For the next eight tumultuous years, Sam Rayburn attempted to feed off both sources of power, catering whenever possible to the interests of both Roosevelt and Garner. When his two mentors took issue with each other, Rayburn always sided with the highest authority--the president. His behavior during these years is unusual because of its lack of ideology. Consistent support of Garner might have revealed a predominantly conservative bias in Rayburn's political thinking. Likewise, consistent support of Roosevelt might have revealed a liberal bent in his philosophy. Consistent support of both men at the same time, however, is testimony to the absence of any true political philosophy in Rayburn's behavior. The best explanation of his actions is that his desire for political power was so compelling that he had no ideology, liberal or conservative.

As majority leader and ultimately speaker of the House, Sam Rayburn never once took public issue with Franklin

Roosevelt, not even during the Court-packing scheme, the attempted purge of the Democratic Party, the president's failure to deal decisively with the sit-down strikes of 1937, or his regular attempts to humiliate and embarrass John Nance Garner, all of which privately angered the man from Texas. As the leader of the president's party in Congress, Sam Rayburn came to act as a lieutenant of the president, accepting virtually his entire legislative package and working for its adoption.

Sam Rayburn was not the only member of Congress taken in by a strong chief executive but because of the position he held and the thirty-odd years in which he dominated House proceedings, possibly no other man is as responsible as Sam Rayburn for the advent of presidential government and the emasculation of congressional autonomy. Through years of subservience to the president which he enforced among his own subordinates, Sam Rayburn may have circumvented and permanently damaged the constitutional restraints regarding the separation and balance of powers among the three branches of our government.

PREFACE

Several books have been written about Sam Rayburn, but thus far there has been no attempt to analyze Rayburn's rise to power. No one has delved sufficiently into his political philosophy, his motivations, and his personal convictions regarding the pivotal events of the turbulent 1930s.

This dissertation endeavors to fill that void by tracing the course of events which led Sam Rayburn to the speakership of the United States House of Representatives. It records his triumphs, his shortcomings, the concessions he made, and the people he served in order to achieve his life's ambition.

The scope of this study ranges from Rayburn's first expression of interest in the speakership to his elevation to that position in 1940. Brief coverage is given to his three terms in the Texas Legislature, beginning in 1906, and his election to Congress in 1912. A more extensive analysis is made of his early congressional association with John Nance Garner and its pivotal influence on his career. A brief analysis is offered of Rayburn's political and legislative activities prior to the election of 1932.

The primary emphasis of this study, however, revolves around Rayburn's activities during the years 1932-1940-- the first two terms of President Franklin D. Roosevelt, and the period in which Sam Rayburn completed his methodical

odyssey to the speakership. It was during this period that Rayburn registered his greatest legislative achievements and successfully carried the favor of both Franklin Roosevelt and John Nance Garner, men of radically different political views who assisted Rayburn in his quest for power. His relationship with these two political antagonists, the resulting conflict of wills, and the effect they had on Rayburn in the performance of his duties is the focal point of this paper.

The primary source of information for this study was the Sam Rayburn Memorial Library at Bonham, Texas. The library contains virtually all of the personal papers of Sam Rayburn, including the correspondence and memorandums of over fifty years of public service. The library staff has systematically endeavored to accumulate all pertinent materials written by or about Sam Rayburn. Bascom Timmons, a former journalist and biographer of Sam Rayburn, left to the library a valuable collection of newspaper articles pertaining to the Rayburn career, which was quite useful to this study. Another indispensable source of information was an extensive microfilm collection, compiled by the staff of the Franklin D. Roosevelt Memorial Library of Hyde Park, New York, containing all of President Roosevelt's correspondence with Rayburn, or about Rayburn. The Archives of the Texas State Historical Society in Dallas, Texas, was another valuable source of information. Housed within the Archives are the papers of Hatton W. Sumners, the former chairman of the

House Judiciary Committee, Sam Rayburn's closest friend and colleague and a pivotal figure in several of the great legislative and political battles of the 1930s. Interviews with the Honorable Elmore Whitehurst, Federal Bankruptcy Judge for the North Texas District and former executive assistant to Congressman Hatton W. Sumners, were also useful.

H. G. Dulaney, the director of the Sam Rayburn Memorial Library in Bonham, and a former executive assistant to Congressman Rayburn, offered valuable assistance in the completion of this study. His cooperation in seeking out pertinent information within the library and his willingness to submit to lengthy interviews concerning Sam Rayburn were most helpful and I gratefully acknowledge his candor and hospitality.

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CHAPTER I

A BEGINNING

Looking back over a long, productive congressional career as speaker of the House and confidant of presidents, Sam Rayburn once reminisced, "You can't really say how you lead. You feel your way, receptive to those rolling waves of sentiment. And if a man can't hear, and see, and feel, why then, of course, he's lost."¹ The story of Rayburn's legislative odyssey is an intriguing one, marked with monumental accomplishments, but also dominated by an overriding compulsion to achieve personal ends, even if it meant subverting his own political principles. As Sam was fond of saying, "To get along, go along."²

Early in his life, Sam Rayburn established some significant career objectives which, to a large extent, were to control most of the important decisions he made in

¹Sam Rayburn, speech delivered to the student body of Austin College, Sherman, Texas, upon receiving an Honorary Doctor of Humanities degree, May 23, 1950, Sam Rayburn Library, Bonham, Texas (hereafter references to documents in the Sam Rayburn Library, Bonham, Texas, will be cited Sam Rayburn Library).

²Bascom Timmons, "Rayburnisms," Bascom Timmons Collection, Sam Rayburn Library. The Timmons Collection contains not only a comprehensive scrapbook of newspaper and magazine articles about Rayburn, but also numerous speeches delivered by Rayburn, along with letters and tape recordings.

his rise to power. It all began in 1894, when, at the age of twelve, Sam Rayburn traveled from the family farm to the nearby county-seat at Bonham, Texas, to hear his congressman, Joseph Weldon Bailey, address a gathering at a local tabernacle. The magnificence of Bailey's oratory enthralled Rayburn. Upon his return home, he announced to his parents and ten brothers and sisters that he, too, would someday be a congressman and that he intended to preside over the House of Representatives.³ The fulfillment of that prophecy became the all-encompassing objective of Rayburn's existence. Indeed, it appears to have been the natural outgrowth of a bleak and lonely childhood, when the only relief from the monotony and drudgery of subsistence farming was daydreaming. The poverty of the Rayburn family was not at all uncommon for farming families around the turn of the century, but it was something Rayburn never forgot. He once confided to several of his colleagues:

Many a time when I was a child and lived way out in the country, I'd sit on the fence and wish to God that somebody would ride by on a horse or drive by in a buggy--just anything to relieve my loneliness. Loneliness consumes people, It kills 'em eventually. God help the lonely. . . .⁴

³U.S. Congress, Senate, Committee on Banking and Currency, To Provide for the Coinage of a Medal in Recognition of the Distinguished Services of Sam Rayburn, Speaker of the House of Representatives, 87th Cong., 2d sess., 1962, p. 27 (hereafter cited as Coinage of a Medal).

⁴C. Dwight Dorrough, Mr. Sam (New York: Random House, 1962), pp. 66-67.

At the age of eighteen, Sam Rayburn left the one-teacher, one-room school at nearby Flag Springs, took the family savings of twenty-five dollars, and worked his way through East Texas Normal College in Commerce. Thereafter, he taught school for two years in Lannius, Texas, before acquiring enough money to run for office. Realizing that a congressional campaign required both financial resources and a good legislative reputation, Rayburn endeavored to make his mark first in the state house. "I'm going to get myself elected to the State Legislature," he told a friend. "I'm going to spend about three terms there and then I want to be elected Speaker. After that I am going to run for Congress."⁵

That is exactly the way things happened. Rayburn was elected to the Legislature in 1906. He served three terms, the last as the youngest speaker of the House, up to that time, in Texas history. He was twenty-nine years old when he became presiding officer in the House.

Rayburn's first campaign in 1906 resembled in many ways the campaigns he would wage in the future. Whenever possible, he avoided controversial issues altogether. If forced to take a stand, he consistently drifted with the prevailing mood of his district. The 1906 campaign was typical in that Rayburn had no specific platform. As one

⁵Wilda Show, "Sam Taliaferro Rayburn," Bascom Timmons Collection, Sam Rayburn Library. (Mimeographed.)

close friend expressed it, he was affable and sincere, and he "talked cotton, hogs, and farm problems" with a conviction that would stop a farmer in his tracks.⁶ The hottest issue of the day was prohibition and Fannin County, like the rest of the state, was badly divided over the issue. Rayburn never believed that prohibition was a reasonable approach to the liquor issue, but he realized that a commitment to either side of the question would have meant alienation of a large block of voters, and possible political suicide. Opting for political expediency, Rayburn favored continuance of the local option law which allowed each Texas county or subdivision of a county to declare for or against prohibition. In this manner, Rayburn could declare with "democratic" fervor that the only recourse for any thinking politician was to give the people the opportunity to vote on the issue. Rayburn was elected.

During his six years in Austin, Rayburn found enough time to attend the University of Texas Law School, pass the bar examination, work hard in the legislature, and avoid political controversy. He earned the speakership in 1910 and he played the political game in a highly partisan manner. Regarding political loyalty, he said, "I saw that all my friends got the good appointments and that those who voted

⁶Dorough, Mr. Sam, p. 76.

against me for Speaker got none. The man in politics who is not faithful to his friends isn't worthy to be the scavenger of the smallest town in Texas."⁷ As far as Sam Rayburn was concerned, political principles took a back seat to back-scratching, foot-kissing loyalty when it came time for political advancement. Rayburn's entire career is testimony to that philosophy.

Having obtained the speakership, Rayburn immediately began planning a congressional campaign for 1912. Texas Senator Joseph Weldon Bailey had indicated two years before that he would not be a candidate for re-election. That left an opening for Choice B. Randell, the congressman from Rayburn's district, to run for the Senate. When Randell declared for the Senate, Rayburn was ready to fill the void he left.

Rayburn always claimed that the principles of the Democratic Party were his own. Indeed, he began his first campaign speech for Congress with the single statement, "I am a Democrat."⁸ It was the natural thing to do, having been raised in a state which, without exception, had elected massive Democratic majorities to the State House and to Congress since the days of Reconstruction. The campaign of 1912 elicited from him strong espousal of a federal income

⁷Houston Post, November 17, 1961.

⁸U.S. Congress, House, The Leadership of Speaker Sam Rayburn, House Document 247, 87th Cong., 1st sess., 1961, pp. 21-23, 48.

tax which, although provided for, had not yet been enacted into law. This was a popular view in North Texas, where his constituents believed that wealth, rather than consumption, should bear the brunt of taxation. Likewise, he advocated a federal inheritance tax, both to increase federal revenues and to whittle away at vast fortunes created by protective Republican tariffs. As for the tariff, he favored only those designed to collect revenue, not those that protected special interests. He argued for the direct election of United States Senators, as opposed to selection by state legislatures. He even supported abolition of the electoral college in favor of popular mandate. Like most progressives of his day, he also advocated the right of recall of every public official every two years. He considered it elemental that labor have the right to organize.⁹

One other point seems particularly important in analyzing Rayburn's first congressional campaign. He was unwavering in his opposition to federal intervention in state affairs. Indeed, he referred to himself as an ardent states rightist:

I am unalterably opposed to the further encroachment of the Federal Government upon the rights of the States. . . . I believe in the doctrine of local self-government as between the State and National Government which is a time-honored tenet of democracy and one for

⁹ Alfred Steinberg, Sam Rayburn: A Biography (New York: Hawthorn Books, Inc., 1975), pp. 25-26.

which our fathers fought with the ballot for all the life of this Government and one for which they went to war from 1861 to 1865.¹⁰

Statements like that flow easily from the lips of state officials. However, they are often disregarded once a politician moves to Congress. Such would be the case with Rayburn. In his final campaign speech, Rayburn said, "I will not deny that there are men in the District better than I to go to Congress, but, gentlemen, these men are not in the race."¹¹ He won the election, by a plurality of 490 votes, against seven other Democratic opponents. This was prior to the enactment of the run-off primary. Rayburn became the Democratic nominee, although he garnered only 4,983 votes out of a total 21,336 cast. In the solidly Democratic Fourth Congressional District, the Democratic nomination was an assurance of victory in the general election.¹²

Rayburn was a fortunate man, for John Nance Garner, a Texan who had been in Congress ten years, immediately took the young congressman under his wing. The colorful and popular Garner was quite capable of obtaining favors for Rayburn, particularly in the area of committee assignments. He advised Rayburn that the two most powerful committees in

¹⁰ Dorough, Mr. Sam, p. 118.

¹¹ Bonham (Texas) Daily Favorite, July 16, 1912.

¹² Congressional Election Statistics, 1912, Bascom Timmons Collection, Sam Rayburn Library.

the House were Ways and Means and the Committee on Interstate and Foreign Commerce. Since Representative Choice B. Randell, whom Rayburn succeeded in the House, had just vacated a seat on the Ways and Means Committee, Garner went after it for himself. Rayburn wound up on the Interstate and Foreign Commerce Committee. He never had another committee assignment.¹³

On May 16, 1913, Rayburn made his first speech to the House. He opposed the high Payne-Aldrich Tariff and registered his support for a much lower levy proposed by the Underwood Tariff Bill. An amendment to that bill provided for an income tax, in compliance with the recently adopted Sixteenth Amendment.¹⁴ Within two years, Rayburn and William C. Adamson, chairman of the Interstate and Foreign Commerce Committee, had become friends and Adamson appointed Rayburn chairman of the Subcommittee on Interstate and Foreign Relations. From that vantage point, Rayburn was able to campaign effectively for some important measures being pushed by President Woodrow Wilson. One ended toll exemptions to American shipping companies using the Panama Canal. Other bills involved antitrust legislation, including the Clayton Antitrust Bill and a measure which Rayburn himself formulated,

¹³U. S. Congress, Senate, Committee on Banking and Currency, Coinage of a Medal, p. 25.

¹⁴U. S. Congress, House, Congressional Record, 63d Cong., 1st sess., May 6, 1913, 50, pt. 2:1247.

the Stock and Bond Bill. In an effort to stop the notorious watering of stock by railroads, the Stock and Bond Bill would have required that interstate railroads secure approval of the Interstate Commerce Commission prior to the issuance of new stocks or bonds. The railroads would be required to specify the reasons why they were raising new capital and they would be required to publicize in more detail their financial transactions. No person was to hold a directorship in more than one railroad, thus eliminating interlocking directorates.¹⁵

Rayburn maneuvered the bill through the House with little difficulty but the measure was blocked in the Senate. Nonetheless, Rayburn had distinguished himself in the eyes of the president, who wrote:

My Dear Mr. Rayburn--We have all looked on with admiration and genuine appreciation as your Stock and Bond bill has been put through the House. It seems to me you deserve a great deal of praise for your part in the matter, and I want to make my humble contribution to the congratulations which I am sure you must be receiving.¹⁶

Six years later, the bill was incorporated, almost verbatim, into the Transportation Act of 1920.

¹⁵ U.S. Congress, House, Congressional Record, 63d Cong., 2d sess., June 2, 1914, 51, pt. 11:9688; and J. T. Salter, ed., Public Men in and out of Office (Chapel Hill: University of North Carolina Press, 1946), pp. 152-153.

¹⁶ Woodrow Wilson to Sam Rayburn, June 9, 1914, Rayburn Papers, Sam Rayburn Library.

As World War I approached, Rayburn authored the War Risk Insurance Act, a new venture in soldier legislation which provided not only \$10,000 life insurance for servicemen of the First and Second World Wars, but also hospitalization coverage and compensation for widows.¹⁷ He also championed federal control of the railroads under wartime emergency measures, so long as the owners of the roads were compensated and allowed complete control again after the war ended.¹⁸

This type of legislation, creating a strong executive and a highly centralized federal government, was typical of Rayburn's unwavering devotion to party line, or more appropriately, presidential line. It was also the most expedient way of achieving his own personal ends of tenure and a shot at the speakership. It is interesting to note that there was considerable divergence between what he said and what he actually did. In 1921, for example, he spoke to the House:

I am getting sick and tired of the Federal Government everlastingly sticking its hands into the affairs of my state and I am against any more building up of bureaus and of bureaucracy in Washington to reach out into the different states and tell the people of those

¹⁷ Paul H. Douglas, "War Risk Insurance Act," Journal of Political Economy (May 1918), p. 16.

¹⁸ U.S. Congress, House, Congressional Record, 65th Cong., 2d sess., February 22, 1918, 56, pt. 3:2540; and Salter, ed., Public Men, pp. 150-151.

states what they shall and what they shall not do. . . . One of the greatest issues in this country is coming within the next few years, and it is going to be as to whether or not the individual citizens of the several states of this land are capable in some way of managing at least a small portion of their own business . . . instead of having to run to Washington every time they want to know whether we can or whether we cannot do a thing.¹⁹

By the end of the Wilson administration, Rayburn had won his fifth straight congressional term, against only token opposition. He had won some major battles on a major House committee but, in 1919, the Republicans won control of the House and would continue to hold it until the depression. During those years, Rayburn moved far up the ladder of seniority and cemented his friendship with John Nance Garner who became House floor leader.

Sam Rayburn was never a spectacular member of the congressional establishment in Washington. He rarely caught the public eye; indeed, he seemed to prefer his relative anonymity. He was able, honest, serious, and quite ambitious but he preferred to pursue his political objectives away from the limelight, doing what he did best, forming close personal friendships with powerful politicians who could assist him in his patient quest for power. Rayburn made friends readily and some of the friendships he formed during the Wilson era considerably influenced his congressional

¹⁹ U.S. Congress, House, Congressional Record, 67th Cong., 1st sess., June 24, 1921, 61, pt. 3:3089.

career. Members of the House of Representatives during those years included two future vice presidents, Garner and Alben Barkley of Kentucky; a future Secretary of State, Cordell Hull, and four future speakers: Garner, Fredrick Huntington Gillette of Massachusetts, Henry T. Rainey of Illinois, and Joseph W. Byrns of Tennessee.²⁰

In 1920, the Sam Rayburn who predicted in Flag Springs, Texas, that he would go to Congress and become speaker of the House appeared only half a prophet. His chances of reaching the top rung of the ladder, at a time when the country was permeated by Republican sentiment, seemed remote. Preaching a "return to normalcy" after the war years, Republican Warren G. Harding swept to a landslide victory over his opponent, James Cox. The decade of the 1920s witnessed uninterrupted control of both the White House and the Congress by Republicans. So many Democrats went down to defeat in the Republican sweep in 1920 that Sam Rayburn jumped far up the seniority ladder. With only eight years of congressional tenure behind him, Rayburn became the ranking Democratic member on the Interstate and Foreign Commerce Committee.²¹

²⁰ Booth Mooney, Roosevelt and Rayburn: A Political Partnership (Philadelphia: J. B. Lippincott Co., 1971), pp. 13-18.

²¹ *Ibid.*, p. 15.

During the 1920s, Sam Rayburn waged a difficult series of skirmishes on behalf of his farmer constituents in Texas against the business oriented Republicans. He helped secure the exemption of farm organizations from the Sherman Anti-trust Act, the expansion of educational facilities for rural youth, federal assistance for road improvements, a law to curb speculation in cotton and to regulate the transactions of cotton exchanges, a law establishing a system of farm loan banks, and a law standardizing the record-keeping and accounting procedures of warehouse operators so that farmers could borrow money against their warehouse receipts. As a member of the Committee on Interstate and Foreign Commerce he helped create the Federal Trade Commission to investigate and regulate the unfair practices of big business so that small business would be given a fair chance.²²

Like most of his colleagues from the rural south, Rayburn was, at least publicly, a staunch prohibitionist and a consistent supporter of tough immigration laws to keep alien elements out of the country. He was not in particular agreement with either position (indeed, he was a regular social imbiber in the presence of Democratic back-room, poker-playing pals), but to have taken any other stance

²² Dorrough, Mr. Sam, pp. 170-196. Also see U.S. Congress, Senate, Committee on Banking and Currency, Coinage of a Medal, pp. 27-29.

would have infuriated his conservative constituents back home.²³

He was also a strong segregationist. During the campaign of 1928, he accused Republican presidential candidate Herbert Hoover of trying to abolish segregation and promote a "deal with Negroes" for convention votes. Speaking in a rural Baptist church, Rayburn intoned:

As long as I honor the memory of the Confederate dead, respect and revere the gallant devotion of my Confederate father to our Southland and wear his name, I will never vote for the electors of a Party which sent the carpetbagger and the scalawag to the prostrate South with saber and sword to crush the white civilization of the South to the earth.²⁴

During the decade of the 1920s, Rayburn's toughest legislative battles revolved around a series of tariff measures. As the ranking Democrat on the committee which handled tariffs, he regularly found himself the chief Democratic spokesman against the high Republican tariffs which dominated American trade policies. One of the first bills listed on the House calendar by the new Republican leadership in 1921 was a tariff bill designed to raise rates substantially above those levels provided by the Underwood Tariff. The measure was designed to protect American

²³ Bascom Timmons, Garner of Texas (New York: Random House, 1948), p. 173.

²⁴ Sam Rayburn, address at the First Baptist Church of Bonham, Texas, September 16, 1928, Political National Files, Sam Rayburn Library.

manufacturing concerns by eliminating foreign competitors. Inevitably, as competition from foreign sources diminished, the law of supply and demand would drive prices up and the American industrial complex would prosper. Unfortunately, the American consumer would wind up footing the bill for this artificial and poorly-distributed prosperity and herein lay the argument of Sam Rayburn and his Democratic colleagues.

It was during these debates on tariffs that Sam Rayburn first began to attract attention among his colleagues as a leader. He took to the floor of the House with considerable regularity to espouse the fundamental differences between Democratic and Republican tariffs. The Democrats, he contended, had levied tariffs in the past only to raise revenues to help pay the expenses of government. The benefit from this sort of tariff was equitable for it lessened the tax burden on all American wage earners. Republican tariffs, however, had historically endeavored to protect American manufacturers from foreign competitors. The revenue raised was only incidental and not the reason for the tax. Republican tariffs, he contended, stifled trade and commerce, and artificially raised the cost of living for the American consumer by restricting competition among producers.

Rayburn also suggested in these debates that an exchange of surplus commodities with the rest of the world

was essential to stimulate markets at home as well as abroad. The scores of nations which owed America money after the war could not even pay the interest on their loans if barriers were established to stifle free trade with them. Rayburn reasoned that America needed to stay in the forefront of commercial activity instead of retreating behind a protective barrier which would isolate her from those countries trying to make new alliances and new partners in trade. He warned that a protective Republican tariff could actually destroy any possibility of maintaining peace. Americans would make new enemies throughout the world by virtue of their own selfishness and sow seeds from which would ultimately spring belligerencies.²⁵

Rayburn's efforts were fruitless. In 1922, the Fordney-McCumber Act established a new phase of flexible protective tariffs which could be raised to more onerous levels by the president without congressional approval. The Fordney-McCumber Tariff eventually succumbed to two higher and more comprehensive tariff measures offered by the Hoover administration, the Grundy Tariff and the Hawley-Smoot Tariff. Both bills raised taxes on imported products which were essential to the operation of farming enterprises. Rayburn

²⁵Dorough, Mr. Sam, pp. 163-174. Also see André Maurois, From the New Freedom to the New Frontier: A History of the United States from 1912 to the Present (New York: David McKay Co., 1962), pp. 115-117.

bitterly attacked both measures, complaining that higher tariffs had been placed on items the farmer bought than on things he sold, thus compounding the beleaguered farmer's already difficult situation.²⁶ Rayburn lost again to superior numbers.

By the time Herbert Hoover became president in 1928, John Nance Garner had become Democratic floor leader. Because he was one of Garner's closest friends, Sam Rayburn found himself a member of a small group of Democrats who planned party strategy in the House. Garner simply bypassed elder members of the party in forming this group and Rayburn became its foremost member. Others included Fred Vinson of Kentucky, later to become chief justice; John McDuffie of Alabama, a long-time friend of Rayburn's; Lindsey Warren of North Carolina; John W. McCormack of Massachusetts, another future speaker; and John F. Carew of New York. As a significant indication of Rayburn's standing within the group, he was the one given the duty of maintaining close liaison with Congressman Fiorello LaGuardia, the determinedly irregular Republican from New York whose vote the Democrats often needed on measures they considered crucial.²⁷

²⁶ Dorough, Mr. Sam, pp. 194-196.

²⁷ Mooney, Roosevelt and Rayburn, pp. 14-17.

When the stock market crashed in 1929, so did the fortunes of the Republican Party. In 1930, the Republicans won the House, but their margin of victory was so narrow that before Congress convened the following year, the deaths of several Republican members gave the Democrats a majority of four. Slight as it was, this enabled them to organize the House. Garner became speaker and Rayburn, as the ranking Democrat on the Interstate and Foreign Commerce Committee, became its chairman.²⁸ For the next two years, the Democratic majority hammered away at the presidency of Herbert Hoover in an effort to bring about his downfall.

Neither the Republicans nor the Democrats knew what to make of the confusing malaise of economic upheavals which resulted on the crash of the stock market. Unfortunately for the Republicans, they happened to be the party in power when the catastrophe occurred. Neither party was capable of formulating a plan of action to deal with the nation's economic woes but the Democrats were quite capable of laying the blame for the disaster at the doorstep of the Republicans. For two long years, the Democrats railed against Republican mismanagement without offering any plausible solutions themselves. As columnist Walter Lipman put it, "On the Administration side, the unconscionable delay in

²⁸Washington Herald, January 8, 1933. Also see U.S. Congress, Senate, Committee on Banking and Currency, Coinage of a Medal, pp. 27-29.

facing the question has impaired its prestige. On the Democratic side the leadership has been just plain stupid. The Democrats under Mr. Garner have not known what they were doing and hardly know how."²⁹

Nonetheless, the Democrats found themselves in the enviable position of picking over the remains of a devastated Republican Party as the election of 1932 approached. John Nance Garner, now the nation's highest ranking Democrat, cast his eyes on the presidential nomination.

The man he chose to manage his campaign was Sam Rayburn. Rayburn accepted the position with mixed feelings. He knew that if he performed adequately, the most prominent Democrat in the House would be obligated to him and that his profile within that body would be much more visible. He also realized early in the campaign that Garner's only real chance for the nomination rested on the unlikely proposition that the two leading candidates might deadlock the convention and turn to Garner as a compromise candidate. A deadlock, however, was not likely, for Governor Franklin Roosevelt, who had successfully administered the nation's largest state during the depression, was the frontrunner by a significant margin.³⁰ Running a distant second was Al Smith, whose

²⁹ Walter Lipman and Allan Nevins, Interpretations, 1931-1932 (New York: Macmillan Co., 1932), p. 106.

³⁰ Sam Rayburn to T. W. Davidson, January 26, 1932, Rayburn Papers, Sam Rayburn Library. Rayburn confessed, "I have believed for some time that Franklin D. Roosevelt will in all probability be nominated by the

support was distinctly regional and sentimental in character. Besides, Smith was controversial. He was Catholic, he was an anti-prohibitionist, he carried the endorsement of Tammany Hall, and he had already lost a presidential election.

Garner, running a distant third, operated under two massive inhibitions. His appeal was largely regional and his only solution to the crushing circumstances of the nation's worst depression was to lambast the Hoover administration. He had no constructive policy of his own and neither did his campaign manager, Rayburn. If Rayburn had a strategy during the 1932 campaign, it was to attack the Republicans as fomenters of the depression and to avoid controversy among the Democratic candidates. According to Rayburn's biographer, Alfred Steinberg, Rayburn was "a 'cut the Federal budget and don't interfere with the private economy' man."³¹ He adhered to that philosophy so long as it did not interfere with his campaigning, but when he and

Democratic Convention in Chicago . . . there is a nationwide movement having for its purpose the stopping of Roosevelt. Our attitude should be that we will not fight any candidate, but if neither of those most prominently spoken of now is satisfactory to the Convention, then we offer a man everybody can and should get together on." See also Sam Rayburn to L. T. Carpenter, January 12, 1932, Rayburn Papers, Sam Rayburn Library.

³¹H. A. Cunningham, "Sam Rayburn and His Record," campaign circular for the reelection of Sam Rayburn, 1952, Rayburn Papers, Sam Rayburn Library.

Garner seized upon the opportunity to embarrass Herbert Hoover politically, personal philosophy was thrown to the wind.

One of the few innovative proposals offered by the Hoover administration, the Reconstruction Finance Corporation, was torn to pieces by such crafty Rayburn tactics as offering amendments to limit single borrowers to \$100 million and to eliminate the payment of fees to middlemen who were essential in setting up the loans. Loans to closed banks were completely eliminated. Loans to industry for plant improvement were eliminated. Loans to cities for public works projects were eliminated. Loans to farm products exporters were eliminated. The coup de grace, however, was another Rayburn amendment, which proposed that the names of all borrowers be published monthly. Rayburn and Garner both understood clearly that publicizing the names of troubled institutions which sought to remain solvent through application for federal loans was self-defeating. What creditor or depositor would fail to be alarmed if he saw the name of his bank listed as an applicant for federal emergency relief? When Hoover threatened to veto the bill and announced his reasons for doing so to the American people, Garner and Rayburn backed down. They offered, instead, a compromise amendment whereby a confidential report of RFC loans would be filed monthly with the clerks of both houses of Congress.

In exchange for this concession, however, Garner demanded the right to name two of the five RFC commissioners. Hoover agreed, and the Garner-Rayburn team pushed the amended bill through Congress. Shortly thereafter, Garner, with the full approval from Rayburn, double-crossed the beleaguered Hoover and released the RFC loan files to the press. The effects were devastating. According to Hoover biographer, Eugene Lyons, some 1,000 banks closed their doors "solely because of this publicity."³²

The effects, carefully orchestrated by Garner and Rayburn, were predictable. Hoover would now receive the blame for events over which he had no control. Rayburn could feel comfortable in knowing that his hatchet job would help assure a Democratic victory in November. For the remainder of the campaign, he had only to sharpen his political invective towards Hoover and avoid controversy among Democrats who might later impede his drive for the speakership.

The task of badgering the opposition was easy for Rayburn, who privately depicted Hoover as "the toadying master engineer who has proved to be the poorest excuse of a President that we have had in the history of the Republic."³³

³²Eugene Lyons, Herbert Hoover (New York: Harcourt Brace & Co., 1964), pp. 314-315.

³³Sam Rayburn to T. W. Davidson, January 26, 1932, Rayburn Papers, Sam Rayburn Library.

It was also easy to press for the passage of various pieces of pork barrel legislation offered by Garner: the construction of new post offices for every Democrat in Congress; grants of \$100 million to the states for unemployment relief; highway, river, and harbor projects across the nation; and the printing of an extra billion dollars in paper money.³⁴

The effects of these actions were predictable. Hoover would veto this deficit-creating legislation in the unlikely event that it passed through the Republican Senate. The Democrats could therefore purposefully intensify the depression and the resulting dissatisfaction with Republican leadership, while portraying themselves as thwarted saviors of the common man.

On the campaign front, Rayburn encountered new problems. William Randolph Hearst, a leader in the "Stop Roosevelt" movement, launched a pro-Garner campaign independent of Rayburn's direction. Hearst delivered a nation-wide radio speech in Garner's behalf, gave him extensive coverage in his newspaper chain, and even ordered one of his own reporters, George Rothwell Brown, to write a quick, cosmetic biography of Garner.³⁵ The problem was twofold. Rayburn did not want to lose control of the Garner campaign to Hearst, nor did he want to be identified with the "Stop

³⁴ Steinberg, Rayburn, p. 95.

³⁵ Allan Michie and Frank Rhylick, Dixie Demagogues (New York: Vanguard Press, 1939), p. 37.

Roosevelt" movement when Roosevelt looked like a shoo-in for the nomination.

As chairman of the Texas delegation to the Democratic National Convention, he had done an effective job of organizing an army of 368 delegates and alternates committed to Garner, but not antagonistic to Roosevelt. He wanted his channels of communication with the Roosevelt campaign organization open at all times for it appeared likely that the New Yorker would be the eventual winner of the nomination. Any identification with the Roosevelt-baiting Hearst organization was unacceptable to Rayburn, for it would limit his influence and bargaining power at the convention.

The Garner campaign limped into Chicago with the allegiance of only two big states, California and Texas, and the leaders of those two delegations were at odds with each other. Support from other delegations was small and listless. The Roosevelt bandwagon, managed by James A. Farley, had constructed a sizeable national following but it was not enough to assure the required two-thirds majority on the first ballot. These circumstances set the stage for a meeting between Farley and Rayburn. Farley knew that Garner held the balance of power at the convention, but when he sought a meeting with Garner, he was refused. In a last-ditch effort to secure the nomination for Roosevelt, prior to the first ballot, Farley invited Rayburn to his

hotel suite. There he offered Rayburn the opportunity to climb aboard the Roosevelt bandwagon, in return for the promise to make Garner the vice presidential nominee. "I promised to do everything in my power to secure the Vice Presidential nomination for Speaker Garner if Texas made the switch," Farley later recalled.³⁶

Whether Farley knew of Rayburn's long-term ambition to be speaker of the House is subject to debate, but his offer did present Rayburn with an unusual opportunity. Rayburn could take personal credit for salvaging the vice presidency for his candidate whose presidential aspirations had been clearly thwarted and, at the same time, he could ingratiate himself with the new president. He would build up substantial credits with the nation's two top elected officials and he would have an inside shot at the newly-vacated prize for which he had worked so long, the speakership.

Rayburn and Farley both knew no compromise could be made until one or two ballots had established Roosevelt's anticipated preponderance. In response to Farley's vice-presidential trial balloon, Rayburn indicated that though he was committed to Garner in the early balloting, he did not "intend to make it [the Convention] another Madison

³⁶ James A. Farley, Behind the Ballots: The Personal History of a Politician (New York: Harcourt, Brace & Co., 1938), p. 134.

Square Garden."³⁷ The two men parted, agreeing to meet again, after Rayburn had talked with Garner. Farley was ecstatic, for Rayburn, in their first meeting, had left the distinct impression that he was willing to compromise. "I was completely satisfied," he said.³⁸

On the first ballot, Roosevelt received 666 1/4 of the required 769 votes. Smith ran a distant second with 201 3/4; while Garner received only 90 1/4. The nominating speeches carried well into the evening and the first ballot ended only after midnight. Many delegates, including Smith's backers, Hearst, and even Farley, believed that if as many as four ballots were required, Roosevelt would begin to lose strength. The anti-Roosevelt groups, therefore, favored stalling tactics, such as recessing the convention after the first ballot. Farley pressed for a continuation of the balloting while besieging Roosevelt for confirmation of the Garner vice presidency.

Farley's machinations worked. Two more ballots were cast that same morning. By the time the convention recessed, the sun was rising. Although Roosevelt had only 17 1/2 more votes than he had received on the first ballot, he had not

³⁷ Ibid., p. 135. Rayburn was referring to the 1924 Convention fiasco which cast 103 ballots when front-runners refused to compromise. See also Dallas Morning News, June 24, 1932; Dallas Times Herald, June 19, 1932; and Dallas Journal, July 13, 1932.

³⁸ Farley, Behind the Ballots, p. 135.

lost strength.³⁹ Jim Farley worked feverishly through the night to effect the essential compromise with Garner. He again met with Roosevelt and secured, for the first time, his unqualified support of the plan. He then hurried to the Garner headquarters, demanded a private audience with Rayburn, and told him, "I know positively that we can bring about his [Garner's] nomination for second place on the ticket."⁴⁰ Rayburn indicated that his position as head of the ardent Garner backers was a difficult one and that it would be impossible to move the Texas delegation away from Garner during the early ballots. He then said something that reassured Farley. He asked the Roosevelt captain how long he could hold his delegates without their breaking rank. Farley replied "four ballots, and maybe five."⁴¹ The two men parted, agreeing to meet again.

Knowing that he had to move quickly to consummate the politician's agreement, Rayburn attempted to force an early decision by calling a caucus of the Texas delegation the afternoon of the second day, the day after the marathon,

³⁹ Lionel V. Patenaude, "The Garner Vote Switch to Roosevelt: 1932 Democratic Convention," Southwestern Historical Quarterly, 79 (October, 1975), 193-194; Steinberg, Rayburn, p. 98.

⁴⁰ Farley, Behind the Ballots, p. 138.

⁴¹ Ibid.; Deward Brown, "Sam Rayburn and the Art of Political Compromise," paper delivered to the East Texas Historical Association, Commerce, Texas, June 1972, Rayburn Papers, Sam Rayburn Library.

three-ballot session. He had no instructions from Garner, who remained in Washington. The Texas delegation was so dispersed after the ordeal of the previous night that only about one-half received word of the caucus. Most of the delegates who were notified were people Rayburn trusted. Of course, word was sent to Garner concerning the caucus.⁴²

Rayburn knew he could suggest nothing to the Texas delegation without Garner's consent. He also knew that Garner would call, inquiring as to the reasons for the caucus. When Garner did call, the caucus was convening. The two men exchanged greetings, talked of Roosevelt's growing strength, and then Garner told Rayburn what he had wanted to hear. "I think it's time to break this thing up," said Garner. "This man Roosevelt is the choice of the convention."⁴³ No mention was made of the vice presidency.

On his way back to the Texas caucus, Rayburn crossed paths with William Gibbs McAdoo, head of the California delegation, which was also caucusing. McAdoo reiterated the California delegation's support for Garner, only to learn that Garner had withdrawn his candidacy. Rayburn

⁴² Farley, Behind the Ballots, p. 147; and Frank Freidel, Franklin D. Roosevelt: The Triumph (Boston: Little, Brown & Co., 1956), pp. 308-311.

⁴³ Sam Rayburn to Judge Davidson, January 26, 1932, Rayburn Papers, Sam Rayburn Library; and Bascom Timmons, Garner of Texas (New York: Random House, 1948), pp. 165-169.

advised him to release the California delegates from all commitments to Garner, so that they could realign for the next ballot. He knew that because of the unit rule for the state delegations, Roosevelt would certainly win California. Rayburn returned to the Texas caucus and announced, "Well, I've just been talking to John Garner in Washington, and John wants you to know that he is out. . . . He released you with no strings attached."⁴⁴

The hall of partisan Garnerites erupted in emotion. Women cried hysterically. Fort Worth publisher Amon G. Carter began recruiting a rump group to continue the Garner fight. It was at this moment that Rayburn left the hall, preferring not to cast a vote that might offend Garner or Roosevelt, whoever the loser might be. By the narrowest of margins--54 to 51--the resolution to accept Garner's withdrawal passed.⁴⁵ Thus did Sam Rayburn swing the Texas delegation to Roosevelt.

The next convention ballot was a foregone conclusion, with both California and Texas leading the stampede to

⁴⁴William G. McAdoo to Sam Rayburn, September 20, 1938, Political National Correspondence, Rayburn Papers, Sam Rayburn Library; William G. McAdoo to Sam Rayburn, April 28, 1939, Political National Correspondence, Rayburn Papers, Sam Rayburn Library; Sam Rayburn to William G. McAdoo, March 3, 1939, Rayburn Papers, Sam Rayburn Library. When the two met in the hall, McAdoo said, "What are we going to do? We will vote for Jack until Hell freezes over if he or you say so." Rayburn advised him to release his delegation, for he was preparing to do the same.

⁴⁵Dallas Times Herald, July 2, 1932; Patenaude, "The Garner Vote," pp. 196-199; and Farley, Behind the Ballots, p. 149.

Roosevelt. Some credited the stampede to McAdoo, because California was the first state to change its vote. Others credited Hearst. Rayburn, however, was the key figure, according to James Farley.⁴⁶

Farley held true to his end of the bargain and secured the vice presidential nomination for Garner. Just before the balloting for Roosevelt's running mate began, Rayburn telephoned Garner and told him he was about to be nominated for the position. According to Farley, "This was the first time that the Vice Presidency had been mentioned to him in the many conversations between Chicago and Washington."⁴⁷

A question arises. Did Rayburn maneuver his candidate into the vice presidency, so that the way would be cleared for his own ascendancy to the speakership? The likelihood is quite strong. Early in his negotiations with Farley, Rayburn had quizzed Garner about the "possibility" of running for vice president, should he fail in his bid for the presidential nomination. "Right now," Garner had replied, "I don't think it's worthwhile to give up the speakership for the vice presidency."⁴⁸ Rayburn ignored Garner's directive and worked unwaveringly to secure that

⁴⁶Farley, Behind the Ballots, pp. 149-151.

⁴⁷Ibid., p. 153.

⁴⁸Steinberg, Rayburn, p. 99.

position for his candidate. He never once reported to Garner on any of the lengthy sessions with Farley which were required to seal the compromise. The next time Rayburn mentioned the vice presidency to Garner was when he informed his candidate by telephone that whether he liked it or not, he was about to be nominated for the position, with Roosevelt's blessings.

Although Garner appointed Rayburn campaign chairman for the vice presidency, an honorary distinction of little substance, considerable evidence exists that he was displeased with Rayburn's handling of his presidential campaign. Garner could have designated Rayburn his choice as speaker of the House. With twenty years of loyal service and considerable popularity in both Houses of Congress, Rayburn would have been a logical choice. Garner hedged, however, contending that since Texans occupied the vice presidency and held five committee chairmanships, it would be inappropriate to push Rayburn's candidacy for the speakership.⁴⁹ Texans were as shocked by Garner's neutrality as was Rayburn, for it was common knowledge that Tennessee had more appointees to federal offices, including Secretary of State Cordell Hull,

⁴⁹ Ibid., p. 106. The committee chairmen were Hatton W. Summers of the Judiciary Committee, Joseph Mansfield of Rivers and Harbors, Fritz Lanham of Public Buildings, Marvin Jones of Agriculture, and, of course, Rayburn of the Commerce Committee.

than Texas or any other state.⁵⁰ Garner's reluctance to back Rayburn in his bid for the speakership is testimony to his belief that Rayburn was less than enthusiastic when he headed the Garner presidential campaign. Rayburn had been too eager to bargain away Garner's candidacy. Garner found himself a figurehead with little responsibility or power and he resented Rayburn's immediate interest in his old job, the most powerful legislative position in America.

When the president also refused to endorse any of the seven candidates for the speakership, Rayburn's hopes died. Garner announced his tentative approval for John McDuffie of Alabama, a poor leader and a man whose tenure was six years shorter than Rayburn's. Rayburn dropped out of the campaign and also cast a half-hearted vote of confidence toward McDuffie.⁵¹

McDuffie lost the campaign to Henry T. Rainey of Illinois. Rainey had conspired with Joe Bryns, another candidate for speaker and chairman of the Democratic National Congressional Committee, to win the Democratic caucus vote. Rainey agreed to back Byrns for majority leader if Byrns' followers supported him for speaker. The ploy worked for

⁵⁰ Houston Chronicle, December 13, 1934, Timmons Collection, Sam Rayburn Library.

⁵¹ Amarillo News, November 13, 1934, Timmons Collection, Sam Rayburn Library; Sam Rayburn to William Bankhead, July 25, 1932, Rayburn Papers, Sam Rayburn Library; Houston Chronicle, December 3, 1934, Timmons Collection, Sam Rayburn Library.

both men and a disappointed Rayburn had to settle for the chairmanship of the Commerce Committee as Roosevelt began his "Hundred Days."⁵²

The loss of the speaker's race, however, may not have been such a bitter pill for Sam Rayburn. After all, he had had an extremely good year. He had become a king-maker and in the process elevated himself in the eyes of the king and his followers. There would be other days, other opportunities to win his coveted prize.

⁵²Steinberg, Rayburn, pp. 106-108.

CHAPTER II

THE PRESIDENT'S MAN

When Franklin Roosevelt assumed the presidency in 1933, he quickly concluded that Sam Rayburn was to be the engineer for the lion's share of the New Deal's domestic legislation in the House. The president's reasoning was justifiable. Rayburn was a veteran of twenty years in the House, knew the channels of authority in the House intimately, and in spite of his considerable tenure, was much younger, more robust, and more capable of handling the president's demanding legislative calendar than either Speaker Henry T. Rainey of Illinois or floor leader Joseph W. Byrns of Tennessee. More importantly, Rayburn had proved himself during the 1932 presidential campaign to be a capable strategist and compromiser. Rayburn, more than any other individual, had effected the compromise with Garner which had led to F.D.R.'s election as president. Roosevelt owed him a favor. Most significant, however, was the position Rayburn occupied as chairman of the Interstate and Foreign Commerce Committee.

In 1933, the Interstate and Foreign Commerce Committee may well have been the most powerful in the House, due ironically to a preceding Republican regime. When Speaker

Joseph Cannon was shorn of his dictatorial powers in 1910, one of his lieutenants, James R. Mann of Illinois, was chairman of this committee. In an effort to salvage his diminishing legislative clout, Cannon and his old friend Mann moved quickly to extend the committee's scope. Originally created in 1795, the committee was designed to consider legislation affecting the increasing foreign and domestic trade of the new Republic. Under Cannon, while the Republicans still held their majority, its jurisdiction was dramatically expanded to include such widely diverse legislative subjects as transportation in all of its forms, the Federal Trade Commission, securities and stock exchange regulation, the Federal Power Commission, regulation of public utilities, the Panama Canal, lighthouses, public health, and any other measures vital to the nation's economy. When Sam Rayburn became chairman of the committee in 1930, he inherited this incredibly powerful, far-ranging instrument which had been created by Republicans.¹ For these reasons, it was natural that F.D.R. gravitated toward Rayburn as his legislative chieftain in the House.

¹ U.S. Congress, House, House Document 247, The Leadership of Speaker Sam Rayburn: Collected Tributes of His Congressional Colleagues, 87th Cong., 1st sess., 1961, pp. 12-37. Also see U.S. Congress, Senate, Committee on Banking and Currency, Coinage of a Medal, pp. 24-23; Mooney, Roosevelt and Rayburn, pp. 40-52.

During the first two years of the New Deal, Sam Rayburn worked indefatigably in behalf of the president's legislative program. While many of Roosevelt's proposals bore no clearly definable philosophy, other than the restoration of the nation's economic health, it was enough for Rayburn that the president wanted it passed.

Franklin Roosevelt's first decisions as president were basically conservative. He closed the nation's banks and pushed the Emergency Banking Bill through Congress. Spurning the radical approach of Senator Huey Long and others who wanted to nationalize all banks, the bill provided that no bank could open its doors until it was certified sound by the Treasury Department. Rayburn gave whole-hearted support to the measure.² Roosevelt quickly followed that measure with the Economy Bill which trimmed hundreds of millions of dollars from veterans' benefits, government salaries, the military budget, and other federal programs. The bill stalled in the House when patronage-hungry Democrats defeated the measure. Rayburn sprang to the defense of the bill, suggesting that he had always supported emergency measures offered by presidents, Republican as well as Democratic. "My program, your program, is not here," he said. "But the program of the man to whom the people of the United States

²U.S. Congress, House, Congressional Record, 73d Cong., 1st sess., March 9, 1933, pt. 3:76.

are and must be looking today is before Congress. And what are we going to do with it?"³ The bill passed by a margin of two to one.

No sooner had the Economy Bill been enacted, however, than Roosevelt abruptly changed course. Rayburn unflinchingly followed suit. A flood of New Deal legislation diametrically opposed to the conservative position Rayburn had espoused for twenty years inundated the Congress. Not once during the "Hundred Days" did Rayburn take issue with a single New Deal proposal, conservative or radical. He shifted course whenever the president did, and although he never authored a single piece of New Deal legislation, Rayburn became the champion of the president's program.

His first assignment, the Emergency Railroad Transportation Act of 1933, was a comfortable one, for he had sponsored similar legislation in 1914.⁴ In 1932 alone, railroads defaulted on fixed charges amounting to more than \$250 million. Some 50,000 miles of railroads were in the hands of receivers; the future of the nation's transportation system was at stake. The basic problem was that for years,

³U.S. Congress, House, Congressional Record, 73d Cong., 1st sess., March 10, 1933, 77, pt. 3:213-214.

⁴Rayburn's Railroad Stock and Bond Bill of 1914 was designed to stop the issuance of watered or worthless railroad securities, by empowering the Interstate Commerce Commission to monitor new security issues offered by railroads.

holding companies had been allowed to pyramid small amounts of capital into control of vast railroad empires. When the depression reduced passenger and freight traffic on the rails, these highly-leveraged holding companies were insufficiently capitalized to arrange new financing and they defaulted. The new law not only eliminated holding companies, it also raised capitalization requirements for the owners of the rail systems and established new rules for setting freight and passenger rates. Henceforth, if rates were deemed prohibitive by the Interstate Commerce Commission, they could be altered by the commission. The bill also assured some security for railroad workers by eliminating further lay-offs. Rayburn shepherded the bill through the House with remarkable ease, one week after his committee favorably recommended it to the whole House. He assisted his Senate colleagues in passing the House version of the bill and within a month, it lay on the president's desk. According to Senator James F. Byrnes, the Emergency Railroad Transportation Act "saved the railroads."⁵

⁵James F. Byrnes, All in a Lifetime (New York: Harper & Row, 1958), p. 81. To prevent unfair government regulation of railroads, Rayburn authored the Coordinator Bill of 1933, which directed a \$40,000 study, resulting in a 1,742-page report, on appropriate methods of control and regulation of railroads, without adversely affecting the private ownership or profitability of the roads. For a fuller explanation of Rayburn's influence on railroad regulation, see Dorrough, Mr. Sam, pp. 235-242; U.S. Congress, Senate Committee on Banking and Currency, Coinage of a Medal, pp. 22-41.

The problem of poorly-capitalized, highly-leveraged holding companies, whose pyramiding tactics had resulted in huge, but highly unstable, financial empires was not indigenous to the railroad industry alone. The holding company phenomenon permeated the American business community, due largely to inadequate regulation of the securities issued by these corporate giants. Once Rayburn made the initial inroad in the control of railroad securities, the New Deal attacked the root of the problem, Wall Street itself.

Before President Hoover left office, he commissioned a Senate investigation of Wall Street and the stock market. A select committee uncovered sordid stories of the sale of worthless securities to the public, the rigging of inordinately high stock prices by holding companies, and the selling of stocks and bonds below their market prices to influential people (otherwise known as influence peddling). Rayburn's own Commerce Committee found that about half of the \$50 billion in securities sold to the public during the 1920s was either watered (not sufficiently backed by tangible assets) or altogether worthless.⁶ Several Roosevelt Brain Trusters--Felix Frankfurter, James Landis, Benjamin Cohen, and Thomas Corcoran--combined with Rayburn to produce the Federal Securities Act of 1933.

⁶U.S. Congress, House, Interstate and Foreign Commerce Committee, Federal Securities Act Hearings, 73d Cong., 1st sess., March-April 1933, pp. 348-379.

The bill required full advance disclosure of corporate status, both assets and liabilities, and the reasons for issuing new securities. The Federal Trade Commission was also empowered to bar the issuance of such securities if financial statements were incorrect or unsubstantiated. In spite of heavy opposition from the business community and Republican attorney John Foster Dulles, Rayburn pushed the bill through the House and later convinced a conference committee to accept it intact. The bill was signed into law in May, 1933.⁷

Rayburn's service during the "Hundred Days" did not go unnoticed. In a letter to Roosevelt, Felix Frankfurter wrote,

He worked indefatigably for a law that should be fair to the legitimate interests of finance, while at the same time protecting the credulity and limited knowledge of investors. And the qualities of courage that he showed were no less striking. He was keenly aware of the subtle forces trying to defeat your program and was effectively on guard against them.⁸

By 1934, Roosevelt had come to rely on Rayburn as a loyal and efficient henchman, his specialist in the area of securities regulations. The Securities Exchange Act became Rayburn's major legislative project. Drafted by Ben Cohen and Tom Corcoran, the bill provided for federal regulation

⁷ Ibid.

⁸ Felix Frankfurter to Franklin D. Roosevelt, May 24, 1933, Political National Correspondence, 1933, Rayburn Papers, Sam Rayburn Library.

of the nation's stock exchanges. Lengthy hearings in the Senate Banking and Currency Committee disclosed that during the 1920s securities trading on the nation's stock exchanges had been punctuated by shocking instances of rigged market fluctuations, the use of inside information by company officials who then made killings in the stock market, and exorbitant rates of interest charged by brokerage houses in margin accounts.⁹ One of the major reasons for the disastrous market crash in 1929 had been the outrageously low margin requirements for the purchasing of securities. With a down payment of as little as 10 percent, an investor could own stocks and bonds. If the security gained in value, profits could rapidly be pyramided. If the security lost in value, however, the investor's 10 percent equity was quickly eaten away and if he could not meet maintenance margin requirements, he lost the securities and his down payment. As Rayburn said, "I have seen the lambs shorn for many, many years simply because they got on a narrow margin and were shaken out sometimes between the hour the stock exchange closed in the afternoon and the hour it opened the following morning. I do not want such a condition to obtain if I can help it."¹⁰

⁹ U.S. Congress, Senate, Banking and Currency Committee, Stock Exchange Practices Hearings, 73d Cong., 2d sess., 1934, pp. 6437-6466.

¹⁰ U.S. Congress, House, Congressional Record, 73d Cong., 2d sess., May 3, 1934, 78, pt. 8:8013.

During the Commerce Committee hearings and the subsequent floor debates in both houses, an indignant business community railed against the bill. Led by Richard Whitney, president of the New York Stock Exchange, James Rand of Remington Rand, Eugene Meyers, the former head of the RFC, Wendell Willkie, president of Commonwealth and Southern, and a number of congressmen, the opposition scoffed at the establishment of a federal Securities and Exchange Commission to regulate trading practices on the nation's stock exchanges. They opposed provisions in the bill which gave the Federal Reserve Board discretion to raise margin requirements on stock purchases to protect investors. They predicted that securities markets would dry up under the proposed registration and reporting procedures for all securities. The end result of this new legislation, according to its opponents, would be socialism and a withering away of free enterprise.¹¹ As one congressional supporter of the business community put it, "The people do not know that control over the stock exchange is merely the excuse and title for this bill, while the real reason for this bill is to gain complete governmental control and domination, not alone over

¹¹U.S. Congress, House, Interstate and Foreign Commerce Committee, Stock Exchange Regulation Hearings, 73d Cong., 2d sess., 1934; and Arthur M. Schlesinger, Jr., The Age of Roosevelt: The Politics of Upheaval (Boston: Houghton Mifflin, 1960), pp. 308-316.

speculation in the stock exchange, but over legitimate industry in this country."¹²

Powerful opposition came from Republican Congressman Everett Dirksen of Illinois who contended that the bill would only accentuate problems already created by the depression.

Commercial loans have declined, security loans have declined, and on the 25th of April, 1934, the Federal Reserve System reports that the ordinary loans are \$99,000,000 less than they were a year ago, and that security loans are \$122,000,000 less than they were a year ago. . . . Are we going to load additional impediments, additional obstacles, additional burdens upon the slim thread of recovery at the present time?¹³

As debate became vehement, the Capitol and congressional office buildings were inundated with lobbyists under the direction of Whitney. According to Rayburn, these men were "the most powerful lobby ever organized against any bill which ever came up in Congress."¹⁴ Every congressional office was deluged with indignant businessmen, letters, and telegrams registering discontent with the Securities Bill. Alla Clary, Rayburn's secretary, reported that "Sacks of mail objecting to the bill came from the Fourth Texas District."¹⁵ Rayburn instructed her to answer every letter,

¹²U.S. Congress, House, Congressional Record, 73d Cong., 2d sess., May 3, 1934, 78, pt. 8:8012.

¹³Ibid., p. 8024.

¹⁴Washington Post, March 16, 1934.

¹⁵Alla Clary, former secretary for Congressman Rayburn, tape recorded reminiscences of Sam Rayburn's legislative career, Tape Library, Sam Rayburn Library.

because he intended to explain his position fully. As the letter-answering campaign progressed, however, he noticed that most of the letters were being returned with post office stampings of "Deceased" or "Moved Away." It was obvious that old phone books and Chamber of Commerce business lists had been used in a trumped-up mailing campaign.¹⁶

Rayburn shrewdly attacked the opposition by working with moderate representatives of the brokerage houses who actually saw considerable merit in stabilizing and controlling activities on stock exchanges. Rayburn encouraged men like James V. Forrestal of Dillon, Reed and Robert A. Lovett of Brown Brothers, Harriman to testify in behalf of the stabilizing influences of the bill, influences which should ultimately attract new investors rather than discourage them. He encouraged Cohen and Corcoran to work with these men and to use their ideas in drafting the final bipartisan versions of the bill.

Powerful evidence was submitted in floor debates that even people who had never invested in securities were impoverished when banks closed out sound lines of credit for local businesses and then sent their money to stock exchanges to be invested in risky margin accounts, at exorbitant rates of interest. Local lines of credit dried

¹⁶ Ibid.

up as banks squandered billions of dollars in flagrant speculations.¹⁷

Rayburn attacked those in the opposition who would not "have the 'guts' to vote against [the bill] when the roll is called," but who publicly denounced the bill's authors, Cohen and Corcoran, as socialists or communists.¹⁸ His leadership was vindicated when the bill passed through both houses of Congress by large margins and was signed into law on June 6, 1934.

No sooner had the law been enacted, however, than Roosevelt appointed Joseph P. Kennedy as head of the new Securities and Exchange Commission. Kennedy had been one of the most flagrant manipulators of the stock market prior to the crash and had engaged in most of the practices the Commission had been established to prosecute. Rayburn's displeasure with the appointment was intense but he refused to register his feelings with the president. Instead, he swallowed his opposition and toed the presidential line, preferring not to antagonize the man who could help him achieve his own personal ends. As he had said on many occasions during proceedings on the bill, "The President of the United States thinks this bill should be passed, and I agree with him."¹⁹

¹⁷ U.S. Congress, House, Congressional Record, 73d Cong., 2d sess., May 3, 1934, 78, pt. 8:8010-8014.

¹⁸ Ibid., p. 8013.

¹⁹ Ibid.

Soon after passage of the Securities Exchange Act, Rayburn was given charge of a bill creating a Federal Communications Commission to regulate wire communications and broadcasting. Regulation of the communications industry had always been fragmented: radio was under the jurisdiction of the Commerce Department, commercial telegraphy under the Post Office, railroad telegraphy under the ICC, and cables under the State Department. Rayburn's bill differed substantially from a Senate bill introduced by Senator Clarence Dill, father of the Radio Act of 1927. Dill's version was far more technical, embodying some six hundred sections of complex rules on rate making. The Rayburn version was far less punitive and, in general, suggested that charges "be just and reasonable."²⁰ Opposition from the broadcasting industry was intense. Again, the gist of the argument was that government was overstepping its constitutional limitations by moving from government regulation to socialistic government management.

Rayburn steered the bill through the House with little difficulty, but he encountered major problems in the conference committee where the two bills had to be reconciled. Three major conflicts had to be resolved. (1) Dill's version had a censorship provision whereby, during national

²⁰ U.S. Congress, House, Interstate and Foreign Commerce Committee, Federal Communications Commission Hearings, 73d Cong., 2d sess., 1934.

emergencies, the president could censor news or completely close radio and wire news stations. Rayburn was fundamentally opposed to any form of censorship. (2) Dill had divided the proposed FCC into two agencies, one for radio, the other for cable and wire systems. Each agency's decisions would be final on all technical matters. Rayburn's bill created three divisions, one for telegraph and cable systems, one for radio and wireless systems, and one for telephone, all under the direction of the FCC. (3) The Rayburn bill provided for seven commissioners; the Dill version only five.²¹

Under pressure from the White House, Dill submitted to the Rayburn version on all three points and the bill was quickly enacted and signed into law on June 19, 1934. During these proceedings, Rayburn's committee assistant was Dr. Walter Splawn, former president of the University of Texas. At Rayburn's behest, Roosevelt appointed Splawn as one of the first FCC commissioners. One of Splawn's statisticians was Rayburn's nephew, Robert T. Bartley. Rayburn requested a position in the FCC for Bartley and Roosevelt obliged by appointing him director of the Telegraph Division.²²

²¹ Steinberg, Rayburn, pp. 118-120.

²² New York Times, September 8, 1934, p. 13.

On the heels of Rayburn's considerable legislative triumphs--the Emergency Railroad Transportation Act of 1933, the Federal Securities Act of 1933, the Securities and Exchange Act, and the creation of the Federal Communications Commission--Speaker Henry Rainey died in August, 1934. Rayburn had every reason to expect a public endorsement from the president, for no member of the House had carried the Roosevelt banner more effectively. Indeed, the president conceded privately that Rayburn was his choice for the position. Publicly, however, Roosevelt professed neutrality.²³ He did ask Rayburn to deliver a nationwide radio address extolling the virtues of the New Deal which clearly identified Rayburn as a member of the president's team. Roosevelt structured the speech so that it was essentially an attack on anti-New Dealers, Liberty League conservative businessmen, and a number of disgruntled Democrats who had united against a second term for the president.²⁴

The speech may have pleased Roosevelt and it certainly garnered some valuable national exposure for Rayburn, but it was not the right approach to winning the speakership of

²³ A. C. Shanks, "Sam Rayburn and the New Deal, 1933-1939" (Ph.D. dissertation, University of North Carolina, 1965), pp. 234-238; William Bankhead to Sam Rayburn, September 11, 1934, and Sam Rayburn to William Bankhead, September 13, 1934, Political National Correspondence, 1934, Rayburn Papers, Sam Rayburn Library.

²⁴ New York Times, September 13, 1934, p. 24.

the House which still valued its independence from executive control. Recognizing that he had compromised his bid for the speakership with this rancorous speech Rayburn soon afterwards abandoned his campaign for the position he coveted and accepted an invitation from Roosevelt aide, Raymond Moley, to vacation in Mexico while conservative tempers simmered in Congress. Vice President Garner made a few half-hearted gestures in Rayburn's behalf until Joe Byrns, the leading contender for the speakership warned Garner that any further intrusions would result in opposition by Byrns and his backers to Garner's renomination for vice president in 1936. Garner withdrew and by the time Rayburn returned in October, his chance for the speakership had been lost.²⁵

The physical rest and relaxation in Mexico was a blessing in disguise for Rayburn for it prepared him for one of the most taxing ordeals of his entire public career. Roosevelt and his Brain Trusters had already gone to considerable lengths to eliminate deception and fraud in the securities industry, particularly the machinations of holding companies. Yet one great bastion of holding company strength, the field of public utilities, remained unchallenged, and Roosevelt intended to storm it with his

²⁵ Cecil Dickson to Sam Rayburn, October 6, 1934, and Ettie Garner to Sam Rayburn, October 12, 1934, Rayburn Papers, Sam Rayburn Library.

Public Utility Holding Companies Bill of 1935. Sam Rayburn, veteran of many securities regulation battles, was the president's logical choice as field general for the PUHC bill.²⁶ Rayburn knew that this bill was fundamentally different from those he had previously engineered through the House. The earlier bills attacked excesses within the securities industry which were easily recognizable as fraudulent: exorbitant interest charges on margin accounts, the issuance of worthless securities, rigged market fluctuations, and use of inside information by company officials to benefit in stock market transactions. It was difficult for anyone to mount an effective grass-roots campaign to retain these practices. The regulation of public utilities, however, affected directly or indirectly millions of Americans. Every hamlet in the country had its public utility and millions of Americans either owned stock in their local utility or worked for it. Any attempt to tamper with, or restrict the profitability of these institutions would naturally meet with a broad and hostile reception from people who had a very personal financial interest in their welfare.

The PUHC bill was a reaction to the practices of a few giant holding companies in the public utility field. These

²⁶ Jonathan Daniels, ed., Complete Presidential Press Conferences of Franklin D. Roosevelt, 25 vols. (New York: DaCapo Press, 1972), 5:49-52.

companies, by virtue of their ownership of securities in operating public utilities, could control the management of those utilities. Manipulators at the holding company level could enrich themselves by draining away the profits of operating subsidiaries. By pyramiding their profits, they were able to use a token investment to acquire large and valuable properties. The end result of this pyramiding tactic was that, by 1935, 75 percent of all publicly-owned electric utilities were owned by only thirteen large holding companies. Three of these companies--the Samuel Insull empire, Electric Bond and Share, and United Corporation--controlled 40 percent of the entire industry. The Insull empire alone covered utilities in thirty-two states and exerted enormous political pressures through bribery of state legislatures, governors, and congressmen. At one time, Insull arrogantly inferred that he could buy the Democratic Party organization in Chicago for \$500 thousand.²⁷

The objectives of the bill were three-fold. First, it sought to protect investors and consumers of utility power by providing federal regulation of interstate holding companies which had previously evaded state regulation. Second, it proposed to eliminate monopolies by bringing

²⁷ Charles W. Van Devander, The Big Bosses (New York: Harper & Row, 1944), p. 261.

control of operating utilities into the local communities which used the power, and by providing opportunities to local concerns to build, design, and supply new utility plants. Third, it required all lobbyists who worked for these special interest groups to register publicly, and it forbade utilities to contribute to political campaigns.²⁸

In a speech before the House of Representatives on June 27, 1935, Rayburn launched what was to become the most controversial campaign of his entire career, saying that in past decades certain corporate giants had systematically devised ways to extend their control over the property rights and stock certificates of other smaller companies. Employing the ablest legal talent, these corporations had persuaded legislatures to write "cunning statutes" which, in essence, had given the American people a master in the form of a holding company. "This master," said Rayburn, "is soulless, impersonal, intangible, immoral, and wellnigh all-powerful."²⁹ The holding company, particularly in the public utility field, had so centralized its control that it could arbitrarily shut down plants, move factories, reduce employees to a state of serfdom, strip stockholders of local

²⁸Sam Rayburn, speech delivered over National Broadcasting Company radio, August 30, 1935, Political National Files, Sam Rayburn Library.

²⁹U.S. Congress, House, Congressional Record, 74th Cong., 1st sess., June 27, 1935, 79, pt. 9:10316.

companies of their equities, and siphon off the earnings of profitable companies to the stockholders of other companies. This creature, which in past years had been allowed to function uninhibited, was the object of Rayburn's hostility.

Under presidential direction, Rayburn's committee investigated the operations of some 3,000 public utilities and holding companies and found numerous excesses which were common throughout the industry. Paper transactions were used to defeat income tax assessments. Officers of holding companies paid themselves enormous salaries from the operating income of subsidiaries. Holding companies often paid inflated prices for operating companies and carried that excessive price into the consolidated balance sheet. With this inflated capitalization, the holding company might then issue new securities which, in actuality, had no capital backing. Another alternative was for the holding company to request a rate increase from consumers, claiming that current income was insufficient to maintain this excessive capital structure. Officials in these vast empires could easily manipulate the price of underlying securities by purchasing large blocks of subsidiary stocks in order to support the market. The result was fictitious market prices and deception to the public.³⁰

³⁰ Booth Mooney, Roosevelt and Rayburn: A Political Partnership (Philadelphia: J. B. Lippincott Co., 1971), pp. 56-61.

Rayburn found one holding company in which the pyramiding had gone so far as to stack ten companies, one upon the other, so that the local utility was nine companies removed from the holding company which controlled it. In such a hierarchy, one dollar invested at the top enabled management to control over \$30,000 of physical assets at the operating level. An investment of \$50,000 at the top, therefore, controlled over \$1 billion of book value. Holding companies generally milked their subsidiaries by determining "what they shall buy, from whom they shall buy, at what price, and with whom they shall engage services and contract for supplies."³¹

After Rayburn introduced this bill, Roosevelt added a new provision ordering the dissolution of all holding companies not part of a geographically or economically integrated system, by 1938. Rayburn's initial response to the provision was negative, but he unhesitatingly switched to the new amendment. The already aroused holding companies promptly referred to this new provision as their "death sentence."³²

During the five months of deliberation on the bill, Rayburn was to battle "the biggest and boldest, the richest

³¹ U. S. Congress, House, Congressional Record, 74th Cong., 1st sess., June 27, 1935, 79, pt. 9:10316.

³² New York Times, July 19, 1935, p. 18.

and the most ruthless lobby Congress has ever known. That lobby," he said, "was a professional, mercenary army, long trained in what it was paid to do."³³ Companies like Associated Gas and Electric purchased huge advertisements with the bold headlines "The Real Issue: Shall Utilities Companies Be Destroyed and the Entire Electric Industry Be Put Under Federal Control?"³⁴ Preceding the vote on the death clause, alone, agents of Western Union indicated that members of the House of Representatives received 97,265 messages; the Senate received about 30,000. The Cities Service Company of New York spent some \$200,000 in its efforts to kill the bill. The company's comptroller testified before the Senate Lobby Investigating Committee that the money had paid for legal fees, stamps, telegrams, and telephones. Each employee had been instructed to write one of twenty-three form letters to his congressman.³⁵

The most effective spokesman for the holding companies, however, was Wendell Willkie, president of the Commonwealth and Southern Co., which controlled utilities in Georgia, Alabama, Tennessee, Florida, Mississippi and South Carolina. Willkie argued that holding companies existed to provide

³³Sam Rayburn, NBC radio speech, August 30, 1935, Sam Rayburn Library.

³⁴New York Times, July 23, 1935, p. 20.

³⁵Ibid., July 19, 1935, p. 18; August 2, 1935, IV, p. 1.

capital and credit downward to the operating units, and to centralize accounting, purchasing, engineering, and insurance. He also charged that Rayburn's bill had already whittled away the value of securities some \$3.5 billion by destroying investor confidence.³⁶

Others took up Willkie's cry on the floor of the House of Representatives, suggesting that the so-called death clause would ultimately result in government dictatorship over private industry. A policy, they argued, which permitted federal authority to dissolve and liquidate the property of American citizens was very much un-American and anti-free enterprise. One congressman suggested that the bill was no less than "a plan of government ownership of all industry," devised by a number of "Communist sympathizers" within Roosevelt's administration.³⁷

During the committee hearings, Senator Hugh Black, a member of the committee established to investigate lobbyists, indicated that holding companies had deluged Congress with more than five million letters and 250,000 telegrams. The number of telephone calls was inestimable. Harry Truman, also a member of the committee, received 30,000 letters against the bill. Rayburn, himself, received more vehement

³⁶ Ibid., March 15, 1935, III, p. 1.

³⁷ U.S. Congress, House, Congressional Record, 74th Cong., 1st sess., August 24, 1935, 79, pt. 13:10332, 14622.

correspondence than anyone else. "So much has been said, such a whispering campaign has been carried on, unequalled in my opinion by anything in the last half century."³⁸ He talked about how the utilities in Texas had treated him:

The fat cats from Texas would cuss me out like I was a horse thief. . . . When John W. Carpenter, President of Texas Power and Light Company, was telling me just how good a friend of mine he was, I knew he had been to a banker in the district and asked him to estimate how much it would cost to beat Sam Rayburn. When the banker told him it couldn't be done, he said they had the money to do anything.³⁹

Utility holding companies, he said, had issued some \$2 billion in worthless securities to unsuspecting investors, and then raised their utility rates, saying the added revenues were required to maintain and service those non-existent assets.

Is the persuasion of teachers, of clerks, of professional people, of those with small means in thousands of American communities to buy so-called "preferred stock" of these companies at \$60 a share when the managements know that its real value is not more than \$5 a share a minor abuse?⁴⁰

By Rayburn's reckoning, the powerful utility lobbys intended to cover up their fraudulent deceptions by initiating a massive hate campaign against the administration and the PUHC bill.

³⁸U.S. Congress, House, Congressional Record, 74th Cong., 1st sess., August 1, 1935, 79, pt. 11:12266.

³⁹Paris (Tex.) News, December 8, 1935, in Political National Correspondence, 1935, Sam Rayburn Library.

⁴⁰U.S. Congress, House, Congressional Record, 74th Cong., 1st sess., June 27, 1935, 79, pt. 9:10318.

By July, evidence had begun to turn dramatically in favor of the administration. The Senate lobby investigation revealed that officials of Associated Gas and Electric Company had destroyed records of the company's campaign against the utility bill. Senator Daniel Oren Hastings of Delaware testified that he received 100 identical letters urging him to help kill the bill. All of the letters had been dated July 16th and had been typed on the same typewriter, although they had postmarks from New York, New Jersey, and Maryland. "It is difficult," said Senator Hastings, "for me to understand how the executives of any large corporation could be so stupid as not to see clearly how such letters originate."⁴¹ R. P. Herron, head of the company's mailing campaign, admitted that he had sent 1,000 telegrams, paid for by Associated Gas and Electric. When questioned about the different names penned to the telegrams, Herron admitted, "I gave Mr. Fisher, the Western Union manager, a list of names out of the city directory."⁴²

Senator Burton K. Wheeler, who shepherded the Senate version of the administration bill, produced the first real break by pushing his bill, with all essentials intact, through the Senate by a margin of one vote.⁴³ Rayburn's

⁴¹ New York Times, July 19, 1935, p. 18.

⁴² Ibid.

⁴³ Ibid., June 12, 1935, p. 14.

bill had not only bogged down, but ranking Democrat George Huddleston of Alabama had joined with Republicans to strike out the death sentence provision, in favor of SEC discretionary authority to destroy holding companies. When the neutered bill finally reached the floor of the House, the public utilities cranked their whisper campaigns into high gear. Rumors swept Washington that Roosevelt's brain was rapidly deteriorating because of syphilis and that he had been "shrieking in the middle of the night [with] people rushing to control him."⁴⁴

The bill passed the House, but without the essential death sentence provision. Rayburn had attempted to get a roll-call vote on that single provision, in the hope that most members would be compelled to toe the administration line as a matter of public record. Huddleston again secured the defeat of this ploy and, in an unrecorded vote on June 30, the death sentence was defeated by an almost two to one margin.

The conference committee now had two versions of the bill, only one of which included the death sentence. Weeks passed and no progress was made. Rayburn again requested that the House instruct its conference committee members to accept the death sentence. The second vote, also unrecorded, was almost identical to the first.

⁴⁴ Steinberg, Rayburn, p. 128.

During frequent talks with the president, Rayburn suggested that Roosevelt send him a letter indicating that inclusion of the death sentence was essential. The letter was sent and Rayburn, along with Speaker Byrns and Majority Leader Bankhead released it to the press and pressed stubborn conference committee members to compromise. The conflict was resolved when Felix Frankfurter drafted a compromise, which empowered the SEC to dissolve those holding companies with more than two tiers which did not perform a useful economic function, by 1938. The conference version passed both houses easily and a grateful Roosevelt signed the bill.

Soon thereafter, the president asked Rayburn to deliver a nationwide radio speech clarifying this controversial new law. The speech was largely Roosevelt's, but Rayburn delivered it with enthusiasm. In his closing remarks, Rayburn delivered a prophetic warning to those like the Supreme Court, who might attempt to alter the law:

The utilities' real objection to this law is not that it impairs state or local regulation, but that federal legislation will create conditions that will enable state and local regulation to become effective. And I venture to predict that as a result of the Power Commissions' rate survey and of this legislation, very substantial rate reductions will occur in the future. . . . And if the Supreme Court should deny the power of Congress to effectively regulate the holding company, the Congress would, I am convinced, tax the holding company out of existence. The tax on intercorporate dividends in the new tax bill ought to be an example and warning enough to those who

rashly think they can persuade the Supreme Court that the American people must be gouged, and bullied and lobbied forever.⁴⁵

Roosevelt signed the bill on August 27, in the presence of Rayburn, Cohen, Corcoran, Wheeler, and Senator Alban Barkley, all of whom had participated in engineering the compromise which saved the death sentence. He told the press it was the "biggest" bill he had ever signed.⁴⁶ It was also Rayburn's "biggest bill" for it cemented his relationship with the president.

The year 1936 witnessed another major accomplishment for Rayburn and the president, the creation of the Rural Electrification Administration. Three years before, Rayburn and his committee had conducted an investigation which revealed a shocking absence of electric power in rural areas. Only 12 percent of America's farms had electricity in 1933. Vast areas of America were still living in a pre-industrial state. Rayburn found that on the 30,490 farms in his district, only 621 had electricity; and in Fannin County, his own county seat, less than 2 percent of the farm households were electrified.⁴⁷ The investigation was an important one

⁴⁵ Sam Rayburn, NBC radio speech, August 30, 1935, Sam Rayburn Library.

⁴⁶ New York Times, August 27, 1935, p. 3.

⁴⁷ U.S. Congress, House, Interstate and Foreign Commerce Committee, Rural Electrification Hearings, 73d Cong., 1st sess., March-April, 1933.

for Rayburn, for he had vivid recollections of his mother's strained eyes as she read the Bible under the inadequate light of a coal-oil lamp. He remembered her exhaustion after hours at a corrugated washboard using water which had been pumped out of the ground by hand. He remembered the home-canned fruits and vegetables which had to be stored in storm cellars for whatever primitive refrigeration they offered.⁴⁸

As a result of these investigations, Roosevelt issued an executive order creating a temporary Rural Electrification Administration, to be funded through Works Progress Administration expenditures. The impetus of the order, however, was jobs, not electrification, and Rayburn intended to rectify matters. Privately owned electric companies had refused to serve the rural market and Rayburn and his farming constituents believed that electrification of agriculture was possible only with a federal program. When Rayburn and Senator George Norris of Nebraska, one of the founders of the Tennessee Valley Authority, co-sponsored a new REA bill in both houses of Congress, the same power lobby which had opposed the Public Utility Holding

⁴⁸U.S. Congress, House, Congressional Record, 74th Cong., 2d sess., April 1, 1936, 80, pt. 5:5284. Also see Booth Mooney, Mr. Speaker: Four Men Who Shaped the United States House of Representatives (Chicago: Follet Publishing Co., 1964), pp. 146-147.

Companies Act poured into Washington again, decrying the further extension of the concept of public power. As the battle escalated in the House, congressmen from the big cities joined the lobby in attacking the bill. They were opposed to Rayburn's blatant favoritism toward rural interests. One provision in the bill offered 2 percent, self-liquidating thirty-five year loans, preferably to farm cooperatives and other nonprofit organizations, to build and operate power systems. Congressmen from the cities demanded that this provision include a 15 percent cash down payment, prior to the lending of any money. Rayburn battled against the change, contending that the general poverty of the farming community warranted the exclusion of any down payment at all. With the help of the administration both bills passed their respective houses by comfortable margins.⁴⁹

Rayburn's victory, however, was short-lived for when the two versions of the bill reached conference committee, the philosophical differences of the bill's sponsors clashed. Senator Norris, the grand old Republican maverick, insisted that private utility companies be excluded from the REA program altogether. For years, Norris had been the leading spokesman for public power and he wanted to punish the electric industry for its refusal to serve the

⁴⁹ John McCormack, U.S. Congressman from Massachusetts, tape-recorded reminiscences of Sam Rayburn's legislative career, Tape Library, Sam Rayburn Library.

agricultural community. Rayburn knew that such a development would not only kill the REA, but it might also sever the tenuous threads which still connected the New Deal with conservatives in both houses. Rayburn knew, too, that it was economically unsound for private power systems to extend electrical service to remote farm houses and that they should not be punished for trying to remain profitable.

When Rayburn refused to exclude private power companies from REA loans, Norris announced that further meetings would be futile. He threatened not only to block the Rayburn bill, but to make his own idea of rural electrification as a totally public enterprise a national issue in the approaching campaign. As quickly as the situation had begun to deteriorate, it subsided when Rayburn approached Norris and said:

Now Senator, don't be discouraged, I think we are going to reach an agreement. After that little speech of yours, I believe we will come together because we have made up our minds you are not going to give up. Just let it rest a while. I think within a few days we will notify you we are ready to have another meeting.⁵⁰

Norris' reaction was favorable and the committee soon agreed on a compromise. Utility companies would be given federal loans to provide service to rural areas, but only when the REA could not work through public rural electric

⁵⁰Deward Brown, "Sam Rayburn and the Art of Political Compromise."

cooperatives. Congress accepted the compromise and in May, 1936, the REA was in business.

Rayburn's attentions had been diverted to other matters during the REA deliberations, for he could see the relationship between his two most important supporters, Garner and Roosevelt, steadily deteriorating. Their political philosophies had become more radically opposed to one another and Garner, never one to mince words, found much of the New Deal repulsive. He talked openly about his opposition to relief programs, unbalanced budgets, various pro-labor bills, and such government incursions into the private sector as TVA. He openly associated with Roosevelt haters like Texas oil man John Henry Kirby, an ardent financial supporter of racist Governor Eugene Talmadge of Georgia who had waged an unsuccessful primary campaign against Roosevelt for the presidential nomination.⁵¹ Rayburn knew that Roosevelt was not pleased with Garner's sarcastic remarks about the vice presidency, which he labeled as less valuable than "a pitcher of warm piss."⁵² He resented Garner's sarcastic references to him in cabinet meetings as "Cap'n" or "Boss." At one time or another, Garner had offended most of the members of the cabinet. He once complained to Treasury Secretary Henry Morgenthau, "Damn you, old Moneybags! Until

⁵¹Michie and Rhylick, Demagogues, p. 37.

⁵²Time Magazine, September 9, 1974, p. 46.

you came along, Mrs. Garner and I averaged 16 per cent on our money, and now we can't get better than 5."⁵³

Roosevelt was convinced, however, that the retention of Garner on the ticket was essential. He was immensely popular with members of Congress and the New Deal desperately needed Garner's conservative image to secure the Southern vote. Furthermore, Garner added the perfect complement of rough-edged humor and frugality to an otherwise serious, intellectual, controversial New Deal.

In the spring of 1936, Rayburn returned to Texas to pull together several antagonistic factions at the state Democratic convention in San Antonio. As temporary chairman, Rayburn delivered a rousing keynote speech in which he talked of a "proud, militant, and victorious Democracy."⁵⁴ Interrupted frequently by noisy applause, he reviewed the accomplishments of the New Deal. The convention, which might otherwise have been tumultuous, delivered a unanimous endorsement for the Roosevelt-Garner ticket.

On June 4, Speaker Joe Byrns died suddenly, and Majority Leader William Bankhead was immediately named speaker by acclamation. Bankhead, in turn, supported John J. O'Conner of New York for the majority leader's

⁵³ Steinberg, Rayburn, p. 132.

⁵⁴ Sam Rayburn, speech to the State Democratic Convention, San Antonio, Texas, May 26, 1936, Sam Rayburn Library.

position. O'Conner, the anti-New Deal chairman of the important Rules Committee and possessor of ten fewer years in seniority than Rayburn, was vulnerable to a Rayburn challenge. The Texan, however, chose not to enter the race. His two most important supporters, Roosevelt and Garner, were immersed in their own re-election campaigns. Rayburn himself was indisposed, for the president had selected him to head the Democratic Party's National Speaker's Bureau for the campaign. All was not lost, however, for O'Conner served as interim majority leader only two weeks before Congress adjourned for the year. He would have to campaign for the position again when the Democratic caucus convened early in 1937. By that time, Rayburn would be ready to battle him for the position.

Rayburn's objective as head of the Speaker's Bureau was to coordinate a nationwide campaign effort on the president's behalf. One thorn in Roosevelt's side, Senator Huey Long of Louisiana, had been removed from the presidential campaign by an assassin's bullet but his radical followers had simply moved into the camp of Reverend Gerald L. K. Smith, a demagogic, anti-Semitic lieutenant of Long's, who was running for president on the Union Party ticket. Al Smith had broken with the Democrats and was running for the presidency on the right-wing Liberty League ticket. The Republicans offered Kansas Governor, Alfred M. Landon, and a sizeable majority of the nation's newspapers backed him.

By the end of the summer, Rayburn had mustered an impressive array of cabinet members, congressmen, business, labor, and religious leaders to do the president's bidding. The star performers included Secretary of State Cordell Hull and Secretary of Commerce Roper; Senators Joseph T. Robinson, Harry S. Truman, Tom Connally, Bennett Clark, William McAdoo, F. Ryan Duffy, Alben W. Barkley, James F. Byrnes, and Kenneth McKeller; Governors James V. Allred of Texas, Paul V. McNutt of Indiana, and George H. Earle of Pennsylvania.⁵⁵ Harold Ickes, Interior Secretary, the president's abrasive bludgeon, was assigned the task of blasting Father Coughlin, who had started the whisper campaign about Roosevelt's syphilitic ravings.

Rayburn coordinated the movement of thirty Roosevelt caravans which moved through thirty-five key states. His instructions to the speakers were simple: "Lay off the five-cylinder [sic] words." If Republicans called the president a Communist, "Tell them that it's a hell-born lie."⁵⁶ Through the use of telegrams, Rayburn passed along

⁵⁵ Franklin D. Roosevelt to Sam Rayburn, September 17, 1936, Rayburn Papers, Sam Rayburn Library; New York Times, September 29, 1936, p. 8; New York Times, July 9, 1936, p. 9; Washington Post, December 6, 1936; and Elliot Roosevelt, FDR: His Personal Letters, 1928-1945, 4 vols (New York: Duel, Sloan and Pearce, 1954), 3:616.

⁵⁶ New York Times, September 29, 1936, p. 16; Sam Rayburn to Franklin D. Roosevelt, October 9, 1936, October 20, 1936, October 21, 1936, Rayburn Papers, Sam Rayburn Library.

a barrage of instructions to his speakers, including the president himself. As Roosevelt's caravan made its way around the country, Rayburn sent daily wires, reminding the president to stop at various county fairs and centennial celebrations along his route. He encouraged the president to personally and publicly congratulate those who were instrumental in his campaign. Daily lists of such persons were included in the telegrams.

Rayburn, himself, campaigned in areas within commuting distance of the national campaign headquarters in New York. His own approach was twofold: he wanted to present the administration as a champion of the average consumer and he wanted to associate himself with New Deal successes so as to enhance his own impending fight for majority leader of the House. He, therefore, talked about his greatest personal victory, the Public Utility Holding Companies Act.⁵⁷ In a speech to the Young Democrat Clubs of Pennsylvania, he said:

The Public Utilities Act and its clause pronouncing a five-year death sentence on holding companies is not radical legislation. It was chiefly aimed to bring about fair play for property interests, whether that interest is the interest of millions of investors throughout the country or millions of consumers of gas, light and power.

The people of this country have \$1,189,000,000 invested in the utility companies operating in the

⁵⁷ New York Times, August 23, 1936, p. 29; August 24, 1936, p. 32; August 1, 1936, p. 16.

state of Pennsylvania. It would be hard to estimate how many millions of dollars that bill has put into the pockets not only of the officials of the great corporations who sent their paid lobbyists down to Washington to fight the bill but--what is more important--to the hundreds of thousands of investors all over the country.⁵⁸

Roosevelt's victory in the November election was of landslide proportions. Rayburn had done his job well, both for the president and for himself. As one newspaper put it,

Mr. Rayburn's selection as chairman of the Democratic Speaker's Bureau for the coming campaign, and his recent overwhelming success in the renomination fight in his own district, have increased his strength as a candidate for leader. He led the fight for the 'death sentence' in President Roosevelt's utility holding company control bill and has rushed to the front in several other battles in which the administration seemed in peril.⁵⁹

With a long list of legislative victories under his belt, and an unblemished record of support for the New Deal, Rayburn launched his campaign for majority leader on November 6 by sending appeals for support to each of the 334 Democratic members of the House. Fred Vinson of Kentucky and Carl Vinson of Georgia, two of his closest friends and colleagues, became his campaign managers, buttonholing members of the House in his behalf. The president, for diplomatic reasons, could not make a public commitment to any candidate. Besides antagonizing too many

⁵⁸ Ibid., August 24, 1936, p. 32.

⁵⁹ Ibid., August 1, 1936, p. 16; Nashville Banner, January 10, 1937; and Dallas News, January 19, 1937.

congressmen, such action would offend O'Conner's brother, Basil, who had been Roosevelt's law partner in New York. It was obvious to all concerned, however, that of the four candidates for majority leader--O'Conner, Rayburn, Rankin (the most liberal of the group and co-sponsor of TVA), and James M. Mead (from Roosevelt's home state of New York)--the president preferred Rayburn. It was no secret that when the administration had sought Rules Committee support for a record vote on the controversial death sentence provision of the Utility Holding Company Bill, chairman O'Conner had refused.⁶⁰ It had been the most inoffensive way for O'Conner to oppose the bill but the administration remembered.

Rayburn scored another coup when John Nance Garner made his first public commitment to support Rayburn for the speakership.⁶¹ It is true that four years earlier Garner had been suspicious about Rayburn's motives for steering him toward the vice presidency. This time, however, Roosevelt wrote a pointed letter to the vice president, suggesting that he declare strong and unqualified support for his colleague from Texas. On December 2, Garner made things official by holding a press conference and declaring, "I am for Sam Rayburn 200 per cent for the House leadership,

⁶⁰ Newark (N.J.) Star Eagle, December 18, 1936; New York Times, November 6, 1936, p. 3; November 15, 1936, p. 28; November 26, 1936, p. 36.

⁶¹ San Antonio Express, December 1, 1936, Rayburn Papers, Sam Rayburn Library; Dorough, Mr. Sam, pp. 251-252.

because he is the best equipped man for the place. My guess is he will win and I will contribute all I can for the purpose."⁶²

That same day O'Conner declared that he resented the vice president's efforts to meddle in House affairs and one of his campaign managers, Representative John Dingell of Michigan, tried to turn Rayburn's relationship with the administration into a liability, by claiming he was nothing but a "rubber stamp" for the president.⁶³

Rayburn's biggest problem appeared to be the preponderance of Southerners already in key positions. There was considerable resentment that the one-party South controlled twenty-four of the forty-seven House chairmanships, and twenty of thirty-three Senate chairmanships. Six of the most important House committees were headed by Texans and now the vice president, also a Texan, was campaigning for one of his own. Southerners accounted for only 141 of the 334 Democratic seats in the House following the 1936 elections, less than half, and Northern and Western Democrats tended to gravitate toward other candidates.⁶⁴

⁶²Time Magazine, December 14, 1936, p. 15; and Daniels, ed., Presidential Press Conferences of Franklin D. Roosevelt, 8:178-180.

⁶³Time Magazine, December 14, 1936, p. 15.

⁶⁴Ibid., November 15, 1936, p. 28.

By early December, both O'Conner and Rayburn were claiming victory. O'Conner's supporters declared they had 200 commitments to their candidate, 40 of whom were from the South. Only 168 votes were needed. Rayburn claimed 181 solid votes.⁶⁵

The crucial day came for Rayburn on December 3, when the Pennsylvania House delegation caucused at the behest of Senator Joe Guffey, the man who had stopped Rayburn two years before. The sole purpose of the meeting was to resolve the Rayburn-O'Conner struggle within the Pennsylvania delegation.

Joe Guffey was well-known for toeing the presidential line. As Senator Tom Connally had once succinctly put it, "Guffey doesn't know what his position is on this bill because Roosevelt's line is busy."⁶⁶ On the other hand, Senator Guffey was a political crony of John L. Lewis, president of the United Mine Workers, an enemy of Sam Rayburn. In 1922, Lewis had led 600,000 miners on a strike, which resulted in the deaths of twenty-one strikebreakers in Herrin, Illinois. With a national coal shortage in the making, Lewis pushed for passage of a Fuel Bill, under which the federal government would take over and administer the nation's coal mines. Rayburn's opposition to Lewis' bill had created a lasting animosity between the two.

⁶⁵ Ibid., December 2, 1936, p. 11.

⁶⁶ Steinberg, Rayburn, p. 137.

Rayburn went to the meeting of the Pennsylvania delegation to make an impromptu plea for support before the official proceedings began. O'Conner's camp had been claiming that fourteen of the twenty-seven delegates were solidly committed to their man and that if the unit rule prevailed, Pennsylvania would move under the O'Conner banner. The actual vote was eighteen to six, in favor of Rayburn and the vote was later made unanimous.⁶⁷ At a pre-caucus luncheon, Senator Guffey addressed the House delegates, evidently contributing to the swing to Rayburn. This was one of the major developments which indicated to many that the president was working behind the scenes to secure the majority leadership for his loyal lieutenant.⁶⁸ The New York Times reported:

Several members of the Pennsylvania delegation who favored Mr. O'Conner said today that Senator Guffey had urged them to vote solidly for the Texan, and intimated by indirection that the President favored Mr. Rayburn. Mr. Guffey is quoted as saying openly: "We should settle this contest before the President and Mr. Farley return, to save them embarrassment."⁶⁹

⁶⁷ Philadelphia Record, December 3, 1936; Washington Daily News, December 4, 1936.

⁶⁸ Representative Michael J. Stack to Franklin D. Roosevelt, December 17, 1936. Stack told the President the Pennsylvania delegation voted for Rayburn because they had been led (presumably by Senator Guffey) to believe Roosevelt preferred him. See also New York Herald Tribune, December 4, 1936.

⁶⁹ New York Times, December 5, 1936, p. 20.

The president also instructed Jim Farley not to issue any statements backing his fellow Tammanyite, John J. O'Conner. This action alone eroded what O'Conner believed to be unanimous backing among his home state colleagues in New York.⁷⁰ As the situation ultimately developed, Representative Thomas Cullen of Brooklyn, dean of the New York delegation and member of the Ways and Means Committee, threw his whole-hearted support to Rayburn and several other New Yorkers followed his lead.⁷¹

O'Conner now began to make costly errors. He had been vitriolic in his condemnation of outsiders like Garner and Guffey who interfered in House affairs. Before long, however, disclosures came from Senators Bennett Clark of Missouri and Joseph Robinson of Arkansas that O'Conner had not only solicited their endorsements, but claimed them when they had not been given. Rayburn's lieutenant, Fred Vinson, declared that "apparently, Mr. O'Conner has again been found seeking Senatorial influence, against which he and his friends have been very critical."⁷²

On December 30, less than a week before the vote was to be recorded, O'Conner's supporters claimed 200 votes, including eight of the sixteen members of Rayburn's own

⁷⁰ Mooney, Roosevelt and Rayburn, p. 80.

⁷¹ New York Times, January 4, 1937, p. 1.

⁷² Baltimore Sun, December 5, 1936.

Interstate and Foreign Commerce Committee.⁷³ Few people were fooled, however, for major desertions had depleted the O'Conner ranks: Democratic boss Frank Hague of Jersey City, Mayor "Big Ed" Kelly of Chicago, Boss Ed Crump of Memphis, Postmaster General Jim Farley, and John McCormack had all defected.⁷⁴

When the Democratic caucus convened on January 4, 1937, Rayburn's best friend and colleague, Hatton W. Sumners of Texas, delivered the nominating speech. Sumners closed his remarks by saying:

He has kept himself free from all embarrassing connections. No suspicion of selfish interest has ever marred his public acts. He had the ability to work with men. He is approachable, and respectful of other people's opinions. He has consistently supported the policies of the President. He has guided to final consummation some of the most important acts of the Administration. He is a Democrat, a patriot, a statesman, a man able to be the leader, not of, but among, a free, self-respecting body of public servants such as will constitute the Democratic majority of the next House of Representatives.⁷⁵

Sumners' speech was followed by a seconding speech from Rayburn's close friend, John McCormack of Massachusetts. The McCormack speech was different in tone, conveying to

⁷³ Ibid., December 4, 1936.

⁷⁴ Dorough, Mr. Sam, pp. 251-252; and Washington Daily News, January 2, 1937.

⁷⁵ Congressman Hatton W. Sumners, speech before the Democratic Caucus of the U.S. House of Representatives, nominating Sam Rayburn for majority leader of the House in the 75th Congress, January 4, 1937, Rayburn Papers, Sam Rayburn Library.

the members of the House the message Rayburn wanted them to remember:

It appears to me to be essential, and in the best interest of Nation and Party, that a Floor Leader be elected who will, without question or uncertainty in the minds of the Democratic Members, follow the policies of President Roosevelt. . . . There is absolutely no question as to where "Sam" will stand. He will stand in the future as he has so ably stood in the past, supporting President Roosevelt. His election will convey to the country, and to the workers of the Party, throughout the country, a Floor Leader whose allegiance to the President is without question or doubt.⁷⁶

Evident in these Rayburn-edited endorsements was the belief that the future majority leader's loyalty to the president was every bit as important as his legislative successes. The Democratic caucus apparently agreed. When the vote was taken it was 184 for Rayburn, 127 for O'Conner.

As he prepared to assume his new duties, Rayburn explained to 400 Texans attending a Washington dinner in his honor how he intended to conduct himself: "I expect to tell the President of my conscience and at times may argue with him, but when he and the leaders of Congress have agreed upon a definite program, I will be for it one hundred percent."⁷⁷

Rayburn was indeed the president's man.

⁷⁶ Congressman John W. McCormack, seconding speech before the Democratic Caucus of the U.S. House of Representatives, nominating Sam Rayburn for majority leader of the House in the 75th Congress, January 4, 1937, Rayburn Papers, Sam Rayburn Library.

⁷⁷ Mooney, Roosevelt and Rayburn, p. 82.

CHAPTER III

1937: RAYBURN'S TRIAL BY FIRE

Customarily the responsibilities of a majority leader are twofold: leadership and control of floor debate and the maintenance of party solidarity on essential issues. Rayburn's situation, however, differed considerably from the norm. A series of ailments, including circulatory problems, a recurring bout with influenza, and an exhausting Democratic national convention had combined to incapacitate Speaker William Bankhead for long periods of time. As the aging speaker's health steadily deteriorated, Rayburn frequently found himself defacto head of the House, presiding over the lower chamber and attending strategy sessions at the White House.

President Roosevelt believed that continuity of leadership was essential to the welfare of his programs in the House, and for practical reasons, he relegated Bankhead to the political woodpile. Frequently, he would send an important new message to the House via Rayburn, without even informing Bankhead. The speaker would inform newsmen before the session that no new messages were expected, only to be embarrassed fifteen minutes later by the arrival of a presidential message. The president's ruthless disregard of

Bankhead's situation did not go unnoticed. Rayburn once commented to James Roosevelt, then his father's secretary, "I tell you, Jimmy, if I'm ever Speaker, this kind of thing won't happen to me more than once."¹ Rayburn never registered his complaint with the president, however, and he never saw fit to inform Bankhead of important events when Roosevelt had failed to do so. Rayburn was grateful for the deference showed to him by the president and he often expressed admiration for Roosevelt to the press. He once told a reporter from the New York Times:

I think I know people pretty well when I sit down and look at them. I sat across the desk from Roosevelt from 1937 until he died, every Monday morning for an hour. When he heard of the underprivileged, or he heard of some people who were in bad shape, his eyes would just reach up, they would almost sparkle. Roosevelt was really for the underdog. . . . He had a program and he had every bit of courage that a man should have and then he was about the greatest politician.²

The Democratic victory in the 1936 election was overpowering. Only 89 of the 435 members of the House were Republican. Such a preponderance of Democrats, however, carried with it an inevitable absence of cohesion. Factionalized nitpicking became the order of the day. Southern Democrats, who had always been uncomfortable with Roosevelt's

¹ Joseph Alsop and Robert Kintner, "Never Leave Them Angry: Sam Rayburn Tackles His Biggest Job," Saturday Evening Post, January 18, 1941, p. 76.

² New York Times, June 4, 1961, VI, p. 32.

Yankee liberalism, frequently joined forces with Republicans and were jeeringly referred to as "Republocrats" by their northern counterparts. Angry supporters of Speaker Bankhead resented the efforts of Roosevelt and Rayburn to circumvent traditional channels of command. A vindictive John J. O'Conner, rankled by the apparent collusion between the president and Rayburn in the majority leader's race, intended to strike back as chairman of the powerful Rules Committee. Likewise, many Democrats expressed discontent with the administration's efforts to lead Congress around like a herd of sheep.

According to some members of the administration, Rayburn himself was a problem. Harold Ickes recorded in his diary a conversation with the president in which Roosevelt complained "that in all his experience in Washington he had never seen such a lack of leadership as has prevailed lately." Ickes concluded, "The majority leader, Sam Rayburn, is not a strong, effective leader, in addition to which he doesn't want to offend anyone because he hopes someday to be speaker."³

Perhaps the dissension among Democrats which exhibited the deepest ideological roots occurred over the question of an unbalanced budget and in particular the part federal

³ Harold Ickes, The Secret Diary of Harold L. Ickes, vol. II: The Inside Struggle: 1936-1939 (New York: Simon & Schuster, 1940), pp. 151, 174.

relief expenditures were playing in unbalancing it. In his budget message to Congress in 1937, the president sought a blank check deficiency appropriation of \$1.5 billion for the WPA. To soften the blow, he pledged a "layman's balanced budget" for fiscal 1938 and a resumption of the reduction of the debt in 1939.⁴

Congress erupted in protest. Conservatives, led by Representatives Clifton Woodrum of Virginia and Sam McReynolds of Tennessee, fought vigorously to stem the tide at \$1.2 billion. "No," shouted McReynolds, in defiance, "we will not go back home and say we voted with the Republicans. We will say the Republicans voted with us to save the Democratic party and the taxpayers of this nation."⁵ Liberals demanded larger appropriations: the Workers' Alliance lobby wanted a \$3 billion allotment; Congressman Maury Maverick of Texas sought \$2.5 billion; the Conference of Mayors, and liberals Gerald Boileau of Wisconsin and Jerry Voorhis of California proposed \$2.2 billion.⁶ The president's closest confidants, including Vice President Garner, Senate Majority Leader Joe Robinson, Speaker Bankhead, and

⁴U.S. Congress, House, Congressional Record, 75th Cong., 1st sess., April 20, 1937, 81, pt. 4:3612. Also see New York Times, January 9, 1937, p. 6.

⁵U.S. Congress, House, Congressional Record, 75th Cong., 1st sess., May 21, 1937, 81, pt. 5:4900.

⁶Ibid., May 20, 1937, 81, pt. 5:4887-4890.

Rayburn advised him to hold the appropriation to between \$1 and \$1.25 billion.⁷

The president capitulated to no one and introduced the \$1.5 billion package. Liberals and conservatives alike were furious over being asked to appropriate such a large sum of money without a breakdown of its uses. Many believed that too much discretion was being given to Harry L. Hopkins, who headed the WPA. The shrewd, sarcastic Hopkins made no bones about his contempt for congressional inefficiency and as playwright Robert Sherwood once noted, Hopkins "was generally regarded as a sinister figure, a backstage intriguer, an Iowan combination of Machiavelli, Svengali, and Rasputin."⁸

By the time the bill reached the floor of the House where Rayburn could bring the administration's influence to bear upon it, substantial changes had been wrought. Congressmen found that by earmarking one-third of the appropriation for specific projects within members' districts they could both curb Hopkins' power and fill their districts with valuable pork barrel WPA projects. In a further effort to limit Hopkins' power, a House amendment trimmed \$2,000 from his \$10,000 annual salary.

⁷ Bernard F. Donahoe, Private Plans and Public Dangers (South Bend: University of Notre Dame Press, 1965), pp. 42-43.

⁸ Robert Sherwood, Roosevelt and Hopkins: An Intimate History (New York: Harcourt, Brace and Co., 1948), p. 1.

The president counterattacked by taking his case directly to the American people. In one of his regular press conferences, Roosevelt responded to a question on the relief bill by saying:

Well, I guess you people know the situation just as well as I do. I think the only thing that can be said is that we do have to differentiate between a relief bill and a public works bill. . . . At the present time, with all the various limitations that have been put on, it means, in effect, that the five hundred and five million dollars that have been earmarked would take about a hundred thousand people off the relief roles directly, whereas the same amount of funds expended through WPA would provide for employment of six hundred and thirty thousand people. I think that is the most easily understood result of earmarking.⁹

Following the president's line, Rayburn battled against the earmarking of funds and called, typically, for trust in the chief executive: "I think we can afford to trust the man who has brought this country from the lowest point of despair it has ever known in history, to recovery, almost complete."¹⁰

But the House revolted and earmarked the full \$505 million, over the objections of Bankhead, Rayburn, and the administration. It also added an amendment designed to

⁹ Jonathan Daniels, ed., Complete Presidential Conferences of Franklin D. Roosevelt, 25 vols. (New York: Du Capo Press, 1972), 9:5, 6, 402-403.

¹⁰ U.S. Congress, House, Congressional Record, 75th Cong., 1st sess., May 21, 1937, 81, pt. 5:4933-4934.

force people off relief when private employment was available.¹¹ Anxiety swept the White House. Congressional revolt was something new and intolerable to the president: he phoned Rayburn for help. The two men agreed that Rayburn should call for separate roll-call votes on each amendment to identify and hopefully humiliate non-party-liners. When Rayburn proposed the roll-call votes, however, the House erupted in a sea of shouts and arguments.

The eloquent Congressman Glenn H. Griswold of Indiana voiced powerfully conservative sentiment when he recounted to his colleagues in the House that he had recently been visited by members of the Workers' Alliance. The group demanded \$3 billion more in relief, and when Griswold inquired as to where the money was to be found, the members replied, "tax the rich." Griswold wondered who the rich were, and the group said, "those who have money." The irate congressman from Indiana complained that the Roosevelt mentality of taxing everyone except those on relief had certainly caught the imagination of neer-do-wells like the Workers' Alliance who had made a profession out of staying on relief. In fact, said Griswold, Harry Hopkins' agency had done such a good job of distributing workers' money to such parasites that they could "travel from New York to

¹¹New York Times, May 26, 1937, p. 10.

Washington and maintain themselves here while they lobby Congressmen to tax the people who work."¹² Conservatives opposed Rayburn's bill not only because of the size of the appropriation, but because none of the money was earmarked for specific purposes like building and maintaining schoolhouses and other municipal improvements. The money was to be spent at the whim of Harry Hopkins and no self-respecting conservative could bear the thought.

Liberals, on the other hand, presented still another problem to Rayburn, for they believed the appropriation was too paltry. Congressman Usher Burdick introduced an amendment raising the relief appropriation to \$4 billion, suggesting that with eleven million people out of work, even the larger appropriation was insufficient. He decried talk of a balanced budget, saying, "When you are hungry did you ever try to eat a budget? When you went to sleep did you ever try to sleep on a budget? When you wanted clothing did you ever try to cover yourself with a budget? We do not care about budgets now."¹³

In the middle of this emotional tug-of-war stood Sam Rayburn, and as the mood of debate in the House rapidly deteriorated into ugly cat-calls and vehement exchanges, he

¹² U.S. Congress, House, Congressional Record, 75th Cong., 1st sess., May 21, 1937, 81, pt. 5:4908.

¹³ Ibid., pp. 4928-4929.

walked to the well of the House. He and the president had agreed that as a last resort, Rayburn should press for an early recess, prior to the coming Memorial Day weekend to allow tempers to cool and to set the stage for compromise. Rayburn knew that with congressional tempers frayed an abrupt motion for adjournment would be disastrous. He therefore raised his hand and the House fell silent:

I never quote the President of the United States, but within the hour I have been in conversation with him. I believe that on these . . . amendments that have been adopted--frankly, I am opposed to each and every one of them in their present form, and the form of each of them is unfortunate--I believe that within a few hours we can get together with the man who must administer this law and with the members of his own party in the Congress of the United States and adjust this whole thing so that we can all win a victory and not be defeated. . . .

I appeal to the cooler judgment of my colleagues, I appeal to what I know is their fairness, I appeal to their better judgment. . . . I pledge you, for and against the amendments that have been adopted allotting this money, that between now and the time this bill is taken up for consideration again everything that is humanly possible to be done to bring about an adjustment fair to every man, to every section and to every project in this country will be done by me.
[Applause.]¹⁴

The mood of the House had changed and by a vote of 167 to 85, the members voted to adjourn for five days, thus allowing Rayburn the precious time required to resolve differences.

Conferences began immediately with Harry Hopkins, with the leaders of the warring factions in the House--Joe Starnes of Alabama, Alfred Beiter of New York, and Wilburn Cartwright

¹⁴ Ibid., p. 5082.

of Oklahoma--and with the president. When the House reconvened, Rayburn took the floor and reported that he had received promises from the president and Harry Hopkins that the WPA would be sensitive to congressional requests for projects in home districts. Non-relief workers would not be employed by the WPA and Hopkins' salary would not be cut, but Rayburn had eliminated the controversial blank check provision by revealing that the money was specifically earmarked. When the bill passed, it was essentially the measure the administration wanted without the offending pork-barrel amendments.¹⁵

The victory had been difficult and the congressional turbulence unexpected, but that controversy paled to insignificance when compared to another venture in presidential prerogative, the attempt to pack the Supreme Court. Nothing the president would ever do offended sensibilities on Capitol Hill more than the Court packing scheme and no greater challenge to Sam Rayburn's independence of judgment would issue forth in his entire half-century of public life. When the great fight began, President Roosevelt was in the full enjoyment of a power unlike that of any American president in the past. Behind him stretched a long uninterrupted record of legislative triumphs, capped by the

¹⁵Dorough, Mr. Sam, pp. 257-258.

greatest victory at the polls in the nation's history. His majority in both houses of Congress was greater than any president had ever had. Outwardly his party was unified, his congressional lieutenants hardly knew the meaning of the word "disobedience." Roosevelt was in his ascendancy.

When the battle ended six months later, Roosevelt had suffered one of the most crushing legislative defeats any president had ever encountered and so had his "yes" men who attempted to shepherd the measure through Congress. Open rebellion permeated the ranks of the Democratic Party and a bitter president contemplated vengeance.

Pressures had been building between the president and the Supreme Court since 1935, when the Court unanimously invalidated a portion of the National Recovery Act pertaining to federal control over intrastate commerce. Soon thereafter, the Court ruled that the president had acted without constitutional authority in dismissing a Federal Trade Commissioner before his term had ended. Then, in rapid succession, the Court overturned the Agricultural Adjustment Act, the compulsory retirement provisions of the Railroad Retirement Act of 1934, the Guffey Coal Act of 1935, and a New York minimum wage hour law.¹⁶ The president was incensed and confided to Felix Frankfurter and

¹⁶ "The Supreme Court Controversy," The Congressional Digest 16 (January-December 1937): 75-76, 85.

General Hugh S. Johnson that if things went well in the election of 1936, he would "bring the court into line, if he had to 'pack it' or even 'deny it appellate jurisdiction.'"¹⁷ By the time the landslide election had ended, Attorney General Homer Cummings, who agreed with the president's assessment of the Court whole-heartedly, implemented a presidential request and ordered legal experts in the Justice Department to study various approaches to the Court problem. The final plan was devised by Attorney General Cummings.¹⁸

The primary purpose of the measure, while not directly stated, was obvious: enlarge the Supreme Court with Roosevelt appointees to eliminate its conservative bias. The bill empowered the president to appoint a co-adjutor for any judge of any federal court who had been on the bench for as long as ten years and who refused to retire within a six-month period following his seventieth birthday. The number of judges in any court could be permanently increased by the appointment of additional judges, supposedly to handle increasingly large court dockets. Additions to the

¹⁷ Joseph Alsop and Turner Catledge, "The 168 Days: The Story Behind the Story of the Supreme Court Fight," Saturday Evening Post, September 18, 1937, p. 8.

¹⁸ Ibid., p. 9.

Supreme Court would be restricted to six.¹⁹ The number six was probably arrived at because that was the number of justices who were already seventy years of age or older. They included Chief Justice Charles Evans Hughes and Justices Louis D. Brandeis, Willis Vandeventer, James C. McReynolds, George Sutherland, and Pierce Butler.²⁰ Of course, six additional justices would also give the president a comfortable Court majority.

The president enjoined Cummings to strict secrecy. No one was to be warned, not even his congressional leaders. The message, the bill, the letter from the attorney general would all be flung at Congress and the country without advance notice. The president was convinced his legislative blitzkrieg would work as had all the others.

On the morning of February 5, 1937, just two hours before the president delivered his Court packing message to Congress, he called together his unknowing congressional leaders and cabinet members. In attendance were Vice President Garner, Senate Majority Leader Joe Robinson, Speaker of the House William Bankhead, House Majority

¹⁹ Mooney, Roosevelt and Rayburn, p. 87. Also see "The Supreme Court Controversy," The Congressional Digest, 16 (January-December 1937): 74-75; and Daniels, ed., Complete Presidential Press Conferences of Franklin D. Roosevelt, 9:130-142.

²⁰ "The Supreme Court Controversy," The Congressional Digest, 16:69.

Leader Rayburn, the chairmen of the two Judiciary Committees Hatton W. Sumners and Henry Ashurst, and the members of the cabinet. The president entered hastily, saying he had very little time because he was due at a press conference in less than half an hour. He passed out copies of his speech to Congress, the attorney general's letter, and the Court Bill. He announced his intent to humble the Court and then read a few excerpts from his message to Congress, outlining briefly his approach to the problem. When Roosevelt had finished, no one spoke. The leadership of the Democratic Party sat surprised and stunned. It was all over in a few minutes. As the president left, he told them they would know all about the Court packing plan at noon, when he delivered the message to Congress.²¹

The congressional leaders set off for Capitol Hill in two automobiles. Hatton W. Sumners interrupted a prolonged silence, proclaiming to the men in his presence, "Boys, here's where I cash in my chips."²² This was the first announcement of opposition to Roosevelt's plan and because it came from the essential committee chairman in what Roosevelt believed was the most dependable of the two houses

²¹ Alsop and Catledge, "The 168 Days," p. 94.

²² Hatton W. Sumners to Thomas B. Love, October 23, 1937, Hatton W. Sumners Collection, Drawer 11, Dallas Historical Society Archives.

of Congress, it bulked very large, indeed, in the ultimate resolution of the controversy. Later that day, the vice president was seen in the crowded halls behind the House chamber, just after the official delivery of the president's Court plan, holding his nose and turning thumbs down.

Pulling Rayburn and a few other colleagues into his office, the usually congenial Garner exploded, slamming his fist on a table and declaring Roosevelt "the most destructive man in all American history."²³ Garner would register his discontent by "vacationing" in Texas for the better part of the court fight.

Rayburn was torn by conflicting loyalties. In his quarter-century of congressional service, his two closest, most congenial friends were Garner and Sumners. Garner had been his mentor and chief advocate. Sumners had been elected to Congress from one of the Dallas districts the same year Rayburn had. The two freshmen had requested offices next to each other and over the years, as their influence grew, so did their camaraderie. Like Garner and Sumners, Rayburn believed the president had made a serious error in judgment. Roosevelt had failed to prepare the people and the Congress by recounting the anti-New Deal pattern of rulings passed on

²³ Leonard Baker, Back to Back: The Duel Between FDR and the Supreme Court (New York: Macmillan Co., 1967), p. 14.

by the Court and their effects on the public welfare. Rayburn also believed that the president should have sought a less combative solution, such as a compulsory retirement bill for justices at age seventy, rather than a packing scheme. Rayburn would later say, "I thought the two things that Roosevelt made his great mistake on were advocating what he did about the Supreme Court and his effort to purge people. I regret this about the Roosevelt Administration more than anything else."²⁴

What Rayburn thought and what he actually did, however, were two entirely different things. He never once expressed his feelings to the president, nor, for that matter, to colleagues like Garner and Summers. He preferred foot-dragging methods, continually stalling for time and transferring ultimate responsibility for the Court fight to others. It was Rayburn, for example, who first contended that because of Hatton Sumners' strong stand against the measure, the House Judiciary Committee was unlikely to report the bill favorably to the floor. An unfavorable majority in the committee meant that the administration and its House leaders would either have to secure a petition of 218 members to discharge the bill from the committee, or they would have to seek a suspension of House rules by a two thirds

²⁴Karl E. Meyer, "Texas Puts Its Brand on Washington," Harpers, 71 (November 1960): 42-43.

majority. Neither Speaker Bankhead nor Rayburn wanted that. They told the president that they could engineer the bill through the House but that the cost in terms of disruption and controversy over rules changes would be too great. After all, the entire body had to face re-election the next year. This was not the case in the Senate and Bankhead and Rayburn recommended that the fight begin there.²⁵

Opposition from the House leadership came as a blow to the president, for he was used to making a grand public showing of support in that body before sending controversial measures to the more independent Senate. He capitulated, however, because the Judiciary Committee, in a not-so-secret poll taken by chairman Sumners, announced a 10 to 5 alignment against the bill.²⁶ The volume of mail related to the Court packing plan was enormous and with opponents outnumbering proponents by a margin of 9 to 1, an intimidated Congress took notice.²⁷ The Judiciary Committee, in particular, was the target of huge volumes of mail. Opposition to the measure came from the American Bar Association,

²⁵ Mary Catherine Monroe, "A Day in July: Hatton Sumners and the Court Reorganization Plan of 1937" (Masters thesis, University of Texas at Arlington, 1973), pp. 69-79. Also see Baker, Back to Back, pp. 65-66; Mooney, Roosevelt and Rayburn, p. 89.

²⁶ Monroe, "A Day in July," pp. 72-73.

²⁷ Alsop and Catledge, "The 168 Days," p. 96.

every State Bar Association in the nation, the American Legion, the Law School at Princeton University, Senator William E. Borah of Idaho, the U.S. Chamber of Commerce, and hundreds of petitions with thousands of names: the Emergency Committee of tiny Rhode Island sent a single petition with 15,633 names, opposing the bill.²⁸

A number of more fervent New Dealers than Sumners also abandoned the president. Even his close friend Felix Frankfurter, one of the original Brain Trusters and a man whose opinion the president valued, confronted Roosevelt and advised him of the essential impropriety of Court packing. He also objected to the cruel way in which the president had raised the age pretext to replace judges over age seventy. One of the six judges over the age of seventy, he pointed out, was one of the earliest and most effective New Dealers of them all, eighty-year-old Justice Brandeis.²⁹

The president reluctantly agreed to begin the battle in the Senate. Twenty-nine Senators were already publicly

²⁸Emergency Committee of Rhode Island to Hatton W. Sumners, March 20, 1937; State Bar Association of New York to Hatton W. Sumners, March 23, 1937; Texas Bar Association to Hatton W. Sumners, March 12, 1937; Senator W. E. Borah to Hatton W. Sumners, July 14, 1937; Hatton W. Sumners to Dr. Leon Green, Professor of Law, Princeton University, February 11, 1937, Drawers 11-13, Hatton W. Sumners Collection, Texas State Historical Archives. Also see "Association's Views on the Supreme Court Issue Presented to Senate Committee," American Bar Association Journal, 23 (May 1937): 315-318.

²⁹Daniels, ed., Complete Presidential Press Conferences, 9:137-138.

committed to opposing the plan, but floor leader Joe Robinson reported that the administration had fifty-four firm votes. The problem was that a group of powerful Democratic Senators, led by Burton K. Wheeler, Rayburn's co-sponsor in the Holding Companies battle, had publicly organized against the bill. Wheeler, doubtful about the Court plan from the beginning, became outraged when presidential assistant Tommy Corcoran offered him the opportunity to nominate two or three of the new justices, in exchange for his support. "I tell you it isn't going to pass," Wheeler said to Corcoran. "And what's more, I'm going to fight it with everything I've got."³⁰ Wheeler was true to his word, for he organized an impromptu committee of prominent Democrats in the Senate whose sole purpose was to secure commitments against the Court packing plan.³¹ The committee even established a regular liaison with Republicans, who universally opposed the bill.

Hearings began in the Senate Judiciary Committee on March 10, 1937, before an audience of 500 spectators, at least 100 reporters and an assortment of administration officials. Since the nation's interest was riveted to the hearings, the administration, realizing that it benefitted

³⁰ Alsop and Catledge, "The 168 Days," p. 96.

³¹ Ibid., p. 97. Also see Mooney, Roosevelt and Rayburn, p. 90.

less than the opposition from unlimited exposure, hoped to limit testimony to two weeks for each side. Attorney General Homer Cummings presented the president's case in the first two weeks and quit, hoping the opposition would do the same. The opposition, however, was of another mind and for the better part of the summer, it systematically dismantled Roosevelt's contention that the Court was too old and too small to operate effectively. Senator Wheeler opened for the opposition, reading a letter which he had encouraged Chief Justice Charles Evans Hughes to write. The letter not only cited statistics proving that the Court was fully abreast of its work but it also emphasized the constitutional separation and balance of powers among the three branches of government. It closed with a firm declaration that any increase in the size of the Court would not "promote the efficiency of the Court."³² The letter was co-signed by Justices Brandeis and Van Devanter.

The impact of this bi-partisan letter, signed by three justices, all of whom were older than the president's prescribed retirement age, was enormous and it seriously damaged the administration's case. One week later, the Court upheld the Railway Labor Act's provisions for collective bargaining and mediation. Then, in rapid succession,

³²New York Times, March 23, 1937.

the Court delivered several other liberal rulings: it approved the Frazier-Lenke Act, which refinanced farm mortgages; it completely reversed its stand on the New York Minimum Wage Law for women by upholding a similar Washington statute; it ruled in favor of the National Labor Relations Act and the unemployment compensation and old age insurance sections of the Social Security law.

These decisions collectively destroyed the only convincing argument for the Court plan, that the Court must be liberalized. The powerful labor lobby, upon whom the president depended for support, now jumped ship, having already secured its desired ends. Ironically, the Court reversals destroyed the president by giving him what he wanted. The news came as a severe shock to Roosevelt, who had expected the Court to commit some sort of judicial suicide. He could have announced that since the Court had liberalized itself, he would abandon the Court packing plan. Indeed, to have done so would have salvaged a considerable moral victory for the president and preserved his prestige and power in Congress. Instead, Roosevelt plowed on with hardly a moment's hesitation, supported only by the most slavish personal admirers and coat-tail riders.

While other men of principle took a stand against the president, laying their careers on the line, Sam Rayburn preferred to preserve his by toeing the presidential line.

Rayburn's true sentiments lay with the opposition yet when the time came for public pronouncements, Rayburn was the model party functionary, currying presidential favor at the expense of his own better, but unexercised judgment. On February 6, he referred to the Court packing plan as "a splendid basis for matters to relieve the courts and expedite legal business."³³ On March 5, he called the bill "an appeal to which millions who listened will doubtless respond."³⁴

In the Senate Judiciary Committee, however, other Democrats systematically dismantled the president's bill. Senator Ashurst, chairman of the Committee, referred to the bill as "the prelude to tyranny," and allowed the opposition to lash the bill and its protagonists for months on end.³⁵ Senator Wheeler contended that "if the Administration can increase the Supreme Court to make it subservient to its wishes, another Harding administration can do the same thing. . . ."³⁶

³³Ibid., February 5, 1937, p. 9.

³⁴Ibid., March 6, 1937, p. 2.

³⁵Joseph Alsop and Turner Catledge, "The 168 Days: The Ghost of Justice Robinson," The Saturday Evening Post, September 25, 1937, p. 44.

³⁶"Should Congress Vote the President Power to Enlarge the Supreme Court," The Congressional Digest, 16 (January-December 1937): 91-92.

More damaging testimony came from an unexpected source. Charles Warren, an author, educator, and authority on the Constitution, argued that if Congress were allowed to pack the Supreme Court, every state would be able to determine the extent of its own powers. Under such a system, in which Congress could interpret the limitations and restrictions of the Constitution, the American government might still be a republic, but it would be a republic with a highly-centralized, autocratic government, a government in which citizens would have no rights, save those the Congress chose to leave them.³⁷

A few days later, in one of his fireside chats, the president replied to these and similar charges, by saying:

You who know me have no fear that I would tolerate the destruction of any branch of the government or any part of our heritage of freedom. . . . You who know me will accept my solemn assurance that in a world in which democracy is under attack I seek to make American democracy work.³⁸

Roosevelt promptly refuted everything he had said by instructing Jim Farley to use patronage as a bludgeon in making the Supreme Court a vehicle of presidential prerogative:

First off, we must hold up judicial appointments in states where the delegation is not going along. We must promptly make them show where they are with

³⁷Ibid., p. 93.

³⁸Mooney, Roosevelt and Rayburn, p. 92.

us. Where there is a division we must give posts to those supporting us. Second, this must apply to other appointments as well as the judicial appointments.³⁹

In keeping with that philosophy, Roosevelt offered the first vacancy on the Supreme Court to Senate Majority Leader Joe Robinson, in exchange for his support of the bill. He dispatched Jim Farley, Harold Ickes, Tom Corcoran, and Joseph B. Keenan, an assistant attorney general, to make discreet threats to various senators.⁴⁰ An example is the punishment administered to Senator Wheeler. Before the Court fight, Wheeler had secured approval of the \$17 million Buffalo Rapids Dam for his state of Montana. Now, because Wheeler opposed the Court bill, the president recognized Senator James Murray, Wheeler's colleague, as the force behind the project and allowed the junior senator to announce the project from the steps of the White House.⁴¹

Rayburn watched all of this with considerable disgust but only once did he register his feelings and that was in a private session with the president. In a typically evasive manner, Rayburn was trying to convince Roosevelt that although he supported the Court bill personally, he could

³⁹ Ibid.

⁴⁰ Tom Connally and Alfred Steinberg, My Name Is Tom Connally (New York: Thomas Y. Crowell Co., 1954), pp. 184-185.

⁴¹ Alsop and Catledge, "Justice Robinson," p. 47.

not become publicly associated with it because his congressional district stood four-square against it. The president, having just returned from a trip to Texas, belittled Rayburn's assessment of the situation and assured him that local sentiment for the bill was very strong. Rayburn exploded: "Looky here, Mr. President! By God, I'm talking to you. You'd better listen."⁴²

Rayburn's frayed temper quickly cooled but Roosevelt knew that one of his most trusted lieutenants was lost for the Court battle. Never once had Rayburn uttered any personal reservations about the bill to the president, although, as has been shown, he later admitted it was Roosevelt's greatest single error in judgment. Rayburn skirted the issue, shrouding his convictions in order to salvage his own personal ambitions. Without presidential support, his intentions of becoming speaker of the House were substantially inhibited. Hence, the safest position in such a controversial legislative battle was no position at all. Convince the president that public support for this bill meant personal political suicide: this was the Rayburn method.

Other congressmen, desperate to stop the bill before it arrived on the floor of the Senate, took a more aggressive

⁴²Mooney, Roosevelt and Rayburn, p. 94.

approach. Hatton W. Sumners determined that the resignation of one conservative justice from the Supreme Court might well pacify Roosevelt and cause him to withdraw the bill. Sumners and Justice Van Devanter had enjoyed a long association, dating back to their mutual friendship with William Howard Taft. It was Sumners who first suggested to Van Devanter that his resignation would dramatically strengthen the hand of the Court bill's opponents.⁴³

Soon, two other friends of Van Devanter, Senators Wheeler of Montana and Borah of Idaho, were encouraging him to do the same thing.⁴⁴ They coordinated their efforts with those of the Senate Judiciary Committee whose members were preparing for a final vote on the issue. On May 18, while breakfasting in bed, the president received a letter of resignation from Justice Van Devanter. Two hours later, the Senate Judiciary Committee voted ten to eight to report the president's bill unfavorably, with a recommendation to the Senate that it should not be approved. "This bill," the report contended, "is an invasion of judicial power such as

⁴³A. A. Lewis to Hatton W. Sumners, August 10, 1937, Sumners Collection, Drawer 13, Dallas Historical Society Archives; interview with the Honorable Elmore Whitehurst, Federal Bankruptcy Judge for the North Texas District, and former clerk of the House Judiciary Committee, Dallas, Texas, July 2, 1974; Dallas Journal, February 16, 1937.

⁴⁴Alsop and Catledge, "Justice Robinson," p. 48; Monroe, "A Day in July," pp. 88-89.

has never before been attempted in this country." The administration had presented the Court bill "in a most intricate form and for reasons that obscured its real purpose." The report concluded by recommending "the rejection of this bill as a needless, futile, and utterly dangerous abandonment of constitutional principle."⁴⁵

Following Van Devanter's resignation, Senator Joseph Robinson waited expectantly for the Supreme Court nomination which had been promised him. It never came. Roosevelt and his advisors concluded that without additional vacancies on the Court for recognized liberal thinkers, Robinson could not be appointed, for he was considered too conservative. He was also the floor manager for the Court bill in the Senate; an interruption in leadership at that crucial moment was unacceptable to the president.

Roosevelt realized now that his only chance to salvage any part of the Court plan was to accept a compromise measure drafted by Senator Fred Vinson of Kentucky. In this version, the president would be allowed to appoint one additional justice a year for any justice who had reached the age of seventy-five and refused to retire.⁴⁶

⁴⁵ U.S. Congress, Senate, Committee on the Judiciary, Adverse Report on S. 1392, A Bill to Reorganize the Judiciary Branch of the Government, 75th Cong., 1st sess., 1937.

⁴⁶ Steinberg, Sam Rayburn, p. 145.

The president conferred with Robinson and again promised him a place on the Supreme Court if he succeeded in getting the compromise measure through the Senate. Robinson obediently introduced the compromise bill. It was given precedence over all other legislation in the Senate. No other measure could be considered, except by unanimous consent of the entire Senate. With his own appointment to the Supreme Court hanging in the balance, Robinson worked day and night to push the bill through. The opposition, however, solidified behind the capable leadership of Senators Wheeler, Borah, McCarran of Nevada, King of Utah, O'Mahoney of Wyoming, Clark of Missouri, Tydings of Maryland, Burke of Nebraska, and Bailey of North Carolina. At every turn they badgered the exhausted Robinson, who could not leave the floor during any of the lengthy proceedings, for fear of losing more of his thinning support.

Joe Robinson drove too hard. On the morning of July 14, just forty-one days after he had introduced Roosevelt's compromise measure in the Senate, he was found alone in his apartment, dead of a heart attack. The Court packing scheme died with him.⁴⁷ Disheartened and leaderless, the administration forces in the Senate disintegrated. Roosevelt refused even to attend Robinson's funeral.

⁴⁷ Joseph Alsop and Turner Catledge, "The 168 Days: Strange Finale," Saturday Evening Post, October 16, 1937, pp. 20-21, 106.

On July 22, by a vote of seventy to twenty, the Senate recommitted the compromise bill to the hostile Judiciary Committee and Roosevelt was administered the first serious defeat since he had taken office in 1933. Sam Rayburn had accomplished his desired ends: he had presented a plausible argument to the president that his hands were tied; he had assumed no official position, pro or con, which constituents back in his home district could criticize; and he had ingratiated himself to his colleagues in the House of Representatives by insisting that the Senate act first on the Court bill, thus sparing them the kind of divisive wrangling which beset the other body.

The year 1937 may well have been the most controversial of Rayburn's career. During the difficult months in which the Supreme Court battle raged, other skirmishes involved the majority leader and contributed to his discomfort. A prime example was the president's attempt to reorganize the Executive branch of government. The need to reorganize had been a long standing one and Roosevelt was not the first president to attempt to streamline the unwieldy conglomeration of independent agencies and officials whose main concerns were the preservation of private spheres of influence. As the bureaucracy had grown, overlapping authority and duplication of work became the order of the day. Empire-building agency heads, such as Interior

Secretary Harold Ickes and Agriculture Secretary Henry Wallace, brawled over the control of various sub-divisions within the two departments. The president lacked a sufficient staff of his own. More importantly, he did not have direct control over the federal budget, for the Budget Bureau was a part of the Treasury Department.

Soon after his re-election in 1936, Roosevelt commissioned a committee of political scientists to recommend ways to improve the efficiency of the Executive branch. The committee eventually submitted a five-point plan recommending that presidential authority be granted to: (1) strengthen the Budget Bureau and transfer it from the Treasury Department to the White House; (2) consolidate all independent agencies and boards into twelve large cabinet-level departments; (3) abolish the Comptroller General's position and replace it with the office of Auditor General; (4) extend the merit system to include all nonpolicy-making positions; and (5) add six administrative assistants to the presidential staff.⁴⁸

These proposals, submitted to Congress in January 1937, authorized Roosevelt to issue executive orders to effect the

⁴⁸The Public Papers and Addresses of Franklin D. Roosevelt, 1938 vol., The Continuing Struggle for Liberalism (New York: Macmillan Co., 1941), pp. 186-187; "The Proposed Reorganization of the Federal Departments," The Congressional Digest, 16 (January-December 1937): 225-240.

desired ends. The orders were to be effective immediately and were to remain in force unless overturned within sixty days by both houses of Congress. Then, if the president chose to veto the disapproval, Congress would be required to muster a two-thirds margin in each house.

Roosevelt had little reason to expect anything but token opposition. Presidents Harding, Coolidge, and Hoover had attempted variations of these same proposals.⁴⁹ In 1933, Congress had granted Roosevelt powers, good for two years, to cut expenditures by independent agencies as much as 25 percent and to shift agencies around to economize.⁵⁰ Few people questioned the need to overhaul the executive branch which now contained more than one hundred agencies. Still fewer believed that executive reorganization, if left to congressional initiative, would be effective.

However, when the president revealed his plan to Congress in January 1937, he was again surprised by the sudden and stubborn opposition which developed. Congress was astir over the Court packing plan and for the first time since 1933, the men on Capitol Hill were beginning to relish the small measure of independence from executive control they had achieved. The president's timing for this consolidation

⁴⁹ The Continuing Struggle for Liberalism, pp. 183-184.

⁵⁰ Time Magazine, June 19, 1933, p. 11.

of executive power, as reasonable as it was, could not have been more inappropriate.

Again, Sam Rayburn had his doubts about some of Roosevelt's proposals, especially the ones which consolidated all independent agencies under presidential control. "Does this apply to all regulatory agencies?" he asked. "Isn't the ICC, which is so popular and successful, an exception?"⁵¹

"There will be no exception, not one," replied Roosevelt.⁵² He explained by saying that any exceptions would destroy the bill's original intent to promote economy and efficiency. Again, Rayburn knuckled under to presidential whim. Sam Rayburn once said, "When two men agree on everything, one of them is doing all the thinking."⁵³ That is precisely the relationship Rayburn had with Roosevelt. Roosevelt was the thinker, Rayburn the obedient functionary.

Congressional opposition came from every quarter. Republicans feared that extension of the Civil Service would give permanent status to Roosevelt appointees. Clifford R. Hope of Kansas complained that no other president had taken such liberties in the dispensing of political

⁵¹ Louis Brownlow, A Passion for Anonymity (Chicago: Follett Publishing Co., 1958), p. 391.

⁵² Ibid.

⁵³ Rayburnisms (a collection of quotations from Sam Rayburn), Rayburn Library.

patronage as Roosevelt. Massive numbers of Democrats had been appointed to New Deal positions, he charged, and now the president proposed to blanket all these political appointees into the Civil Service, so they would have lifetime jobs, even if the New Dealers later fell from power.⁵⁴ Democrats opposed the Civil Service proposal for the opposite reason: they believed it would dry up congressional patronage.

The six proposed new presidential assistants aroused opposition from Senator Byrd of Virginia, who called them uneconomical. He also contended that they would create a larger, more bureaucratic executive superstructure which would be largely inaccessible to Congress.⁵⁵ Many opposed the Department of Welfare, contending that it would permanently institutionalize agencies like the WPA. Some wanted to protect the position of their friend, Comptroller General J. Raymond McCarl. Most congressmen from states with national forests resented the ill-concealed ambition of Harold Ickes to transfer the Forestry Service from the Agriculture Department to his Interior Department.

⁵⁴ James T. Patterson, Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933-1939 (Louisville: University of Kentucky Press, 1967), pp. 216-217.

⁵⁵ *Ibid.*, p. 217; "Proposed Reorganization," pp. 248-250.

A joint committee of both houses was established to handle the bill, with Senator Joe Robinson and Congressman James B. Buchanan of Texas, as co-chairmen. Extraneous events, however, plagued the committee from the very beginning. Congress was daily becoming more hostile to the Court packing scheme and its intransigence there spread to other administration proposals, including the reorganization bill. The bill seemed further cursed when Robinson and Buchanan both died suddenly. The House succeeded only in approving the six administrative assistants and a watered-down version of the general reorganization of the federal agencies. The Senate did nothing at all.⁵⁶ Rayburn would have his hands full when the session began in 1938.

Early in 1937, Sam Rayburn began to perceive a widening breach between the two men upon whom he was relying most heavily to achieve the speakership, Roosevelt and Vice President John Nance Garner. Everything the president did in 1937 rankled Garner. He opposed the relief bill, he opposed the reorganization bill, and he opposed the Court packing bill.

Others noticed the tension between the president and vice president. Harold Ickes wrote in his diary: "I think it would be a good thing for the country if this smoldering fire would burst into flame. We would then have an issue

⁵⁶"Proposed Reorganization," pp. 225-227, 241-243.

and know where we are standing. As matters now stand, the Vice President is sticking his knife into the President's back."⁵⁷

The explosion came early in 1937. A newly developed strike weapon, the sit-down strike, ushered in the new year. Members of John L. Lewis' CIO (Automobile Workers Union) employed the technique in two Fisher Body plants of the General Motors Corporation from December 30 to January 16, before they were removed. The sit-down strikes spread to Chevrolet, Cadillac-LaSalle, Pontiac, and various other plants. Some 6,000 strikers took possession of eight Chrysler plants for almost three weeks. When the courts in Michigan ordered the strikers ejected, Governor Frank Murphy refused to execute the order, hoping to avoid bloodshed.⁵⁸

Congress was in turmoil. Those who opposed the sit-down strikes like James F. Byrnes of South Carolina in the Senate and Martin Dies of Texas in the House, contended that the strikers were guilty of a restraint of trade and were therefore subject to anti-trust laws. They maintained that unless the sit-down strike was outlawed by federal law, it could easily be employed by a minority to stop

⁵⁷ Ickes, Inside Struggle, pp. 368, 386.

⁵⁸ Timmons, Garner of Texas, p. 215.

important industry and throw other unsympathetic workers out of work.⁵⁹

Garner was a member of this group. He believed the CIO was heavily infiltrated with communists and he endeavored to tell the president so. At a session at the White House, Garner met with Roosevelt and Secretary of Labor Frances Perkins. He quickly found that Miss Perkins was very much in sympathy with the strikers, believing that their actions were legal and proper. When he put the question to Roosevelt, however, the president disagreed, saying the strikes were neither legal nor proper.⁶⁰

Garner left the meeting satisfied, believing that Roosevelt would publicly denounce the strikes as illegal. The announcement never came. With all of his other legislative battles going badly, the president preferred to remain silent. Garner, however, believed he had been betrayed. The president never publicly disagreed with Secretary Perkins and he even engineered the defeat of an amendment offered by Senator Byrnes of South Carolina to the Guffey Coal Bill forbidding sit-down strikes in the coal industry. Roosevelt did allow a concurrent resolution condemning the sit-down strikes to pass since concurrent

⁵⁹ "Sit Down Strikes: Pro and Con," The Congressional Digest 16 (January-December 1937): 133-134.

⁶⁰ Timmons, Garner of Texas, p. 216.

resolutions do not require presidential approval or dis-approval.⁶¹

In a private session with the president, Garner exploded:

It was the hottest argument we ever had. . . . I asked the President what he intended to do if the state of Michigan could not or would not enforce the law. . . . When the President said, "I couldn't get those strikers out without bloodshed," I replied, "Then John L. Lewis is a bigger man than you are if you can't find some way to cope with this."⁶²

The sit-down strikes ended with no winners and no casualties, but the Roosevelt-Garner alliance was never again the same. In response to the injuries visited upon him by the strikes, the Court packing battle, the excessive relief bill, and the attempted reorganization of the Executive branch, Garner "vacationed" in Texas, while the president's programs floundered.

Sam Rayburn, like the president, chose discretion over valor and said nothing publicly about the strikes. But in a letter to his sister, Lou, he confided:

I am distressed at these sit-down strikes. They are the most terrible things I can think of. When people can come on another's property and stay, it approaches anarchy. If Governor Murphy would throw them off he would be the hero of the hour. I hope he does. I certainly would.⁶³

⁶¹"Sit Down Strikes," p. 134.

⁶²Timmons, Garner of Texas, p. 216.

⁶³Sam Rayburn to Lou Rayburn, March 22, 1937, Sam Rayburn Library.

Rayburn knew that his two oldest and most influential allies were on an ultimate collision course. He would walk the tight rope of neutrality as long as he could, but sooner or later he would have to take sides. He hoped to be speaker before the collision took place.

When liberals and conservatives alike began to press Roosevelt for a resolution to the conflict, the president summarily washed his hands of the whole affair, saying "A plague on both your houses."⁶⁴ From the conservative Old Guard of the Democratic party came an icy silence, engendered not only by the strikes, but by the impending legislation which had so incensed Garner. From the liberals, led by John L. Lewis came a howl of indignation which shook the Democratic party. Lewis, appearing before the LaFollette Committee more frequently than LaFollette, suggested in one impassioned diatribe that the committee spend more time grilling industrial executives about why they maintained an "anti-labor army" of strike-breakers. "May I humbly warn the Senate," he continued, "that labor wants . . . industry disarmed, lest labor men in their march to industrial democracy should have to take by storm the barbed wire barricades and machine gun emplacements of corporate

⁶⁴ James MacGregor Burns, Roosevelt: The Lion and the Fox (New York: Harcourt, Brace & Co., 1956), p. 307.

industry."⁶⁵ John L. Lewis had become another in a series of serious problems for the Democratic Party and Sam Rayburn.

While Lewis threatened violence on one hand, he lobbied for new wage-hour legislation on the other. The plight of labor in 1937 was of major concern to the president, for by mid year the nation had slipped into a major business recession. Unemployment was almost as widespread in 1937 as it had been in 1931. The president agreed with Lewis that measures had to be taken to remedy the labor problem. In a message to Congress in November 1937, he proposed two methods of protecting workers from low wages: first, the abolition of child labor in the production of goods and services involved in interstate commerce; and second, eliminating the "practice of some communities . . . which seek new industries by offering as the principal attraction, labor more plentiful and much cheaper than may be found in competing communities."⁶⁶

A storm soon developed over the resulting Fair Labor Standards Bill. Businessmen attacked it as an infringement on their right to pay employees whatever they chose. The American Federation of Labor opposed the bill because it

⁶⁵ "Sit Down Strikes," p. 157.

⁶⁶ The Public Papers and Addresses of Franklin D. Roosevelt, 1937 vol., The Constitution Prevails (New York: Macmillan Co., 1941), pp. 496-497.

arbitrarily set the minimum wage at forty cents an hour, a rate they claimed would be the ceiling in practice. They also believed that administration of wages by a National Labor Relations Board would destroy any leverage they might obtain through collective bargaining.⁶⁷

Rayburn was in charge of the bill in the House and again he found himself in the uncomfortable position of being at odds with the president's proposal. Rayburn knew that farmers, who constituted the bulk of his constituency, could ill afford to pay forty cents an hour to hired help when most of them were not making the minimum wage themselves. Wages, he believed, should be in line with the income of producers. He, therefore, sought to exclude both farmers and small businessmen from the provisions of the bill.

A watered-down version of the bill passed the Senate. It provided for a minimum wage not to exceed forty cents an hour and a work week of not less than forty hours. As a concession to the agricultural South, the National Labor Relations Board was empowered to vary both numbers according to the locale. The Senate eliminated a key provision barring the products of child labor from interstate commerce, another concession to the South.⁶⁸

⁶⁷ New York Times, November 23, 1937, p. 1.

⁶⁸ Ibid., December 3, 1937, p. 2.

Still, Southerners accounted for the greatest resistance to the bill. In the House, only three members of the Texas delegation favored the watered-down version: Rayburn, Lyndon Johnson, and Maury Maverick. John Nance Garner was adamantly opposed to the bill because, as one journalist put it, "he was paying Mexicans in his pecan groves only ten cents an hour."⁶⁹

Once the Senate bill cleared the House Labor Committee, it was sent to the Rules Committee for assignment to floor debate. The chairman of the committee was none other than John J. O'Conner, the man with whom Rayburn had jostled for the majority leadership the year before. Now, as chairman of the powerful Rules Committee, O'Conner would have his revenge. He refused to even schedule the bill for floor debate. The chairman lacked a firm committee majority in this unusual maneuver, until Vice President Garner persuaded five Democrats on the committee to join O'Conner in bottling up the bill.⁷⁰

The president's legislative program for 1937 was now a shambles and Sam Rayburn's effectiveness as a floor leader was very much in question. In an act of desperation, Rayburn endeavored to do what had been done only once before

⁶⁹ Steinberg, Sam Rayburn, p. 149.

⁷⁰ Michie and Rhylick, Dixie Demagogues, p. 63. Also see New York Times, November 24, 1937, p. 1.

in the twentieth century: force the bill out of the Rules Committee and onto the floor of the House through the discharge petition, which required 218 signatures. For all his wheedling and coaxing, only twenty-two Southerners signed the petition, but a sufficient number of others did, bringing the bill to the floor of the House.⁷¹

Again, Rayburn experienced the bite of a Congress which relished its newly-found independence from presidential prerogative. Said Minority Leader Bertrand Snell:

I have just witnessed a very amazing spectacle on the floor of the House of Representatives. For the first time in my twenty-five years as a member I have seen a majority leader, with a majority of four to one, rise to appeal to his members to sign a petition to discharge his own Rules Committee from consideration of his legislation. This is definite proof of the statement I have often made: that the Democrats cannot run the House of Representatives.⁷²

Other opponents of the Wage-Hour Bill resorted to attacks on Rayburn and the administration to get their point across. In one such attack, unusual for its invective, Representative John William Ditter, Republican from Pennsylvania, said what many congressmen had been thinking, when he concluded that Rayburn was "being led as a lamb to slaughter: by a desperate administration unwilling to accept an inevitable defeat." Offering mock sympathy, Ditter expressed his regret

⁷¹New York Times, December 3, 1937, p. 10.

⁷²Ibid., November 24, 1937, p. 1.

that the majority leader had offered himself in despair "as a face-saver for the Administration" by seeking a discharge petition, an admittedly desperate act. The Republican concluded that when the chairman of the powerful Rules Committee and the majority leader are unable to reach basic agreement on a major administration proposal, when their party held a four to one majority in the House, something was distressingly wrong. "What does it mean?" said Ditter.

Does it mean that the distinguished majority leader is no longer the leader in the House? Does it mean that the majority leader no longer trusts the men of his own committees . . .? Has the New Deal collapsed . . .? Yes. It appears that a degree of independence has developed which means much to the country.⁷³

Undoubtedly, these same questions had crossed Rayburn's own mind during this difficult year in which many plans had gone awry. Immediately he stood and sought recognition to reply. He had become sensitive to the oft-repeated charges that he was a presidential lackey and that he was losing control of the House majority. Rayburn contended that his support of the Wage-Hour Bill was genuine and not the result of presidential edict. Anticipating Republican contentions that his rural, farm-oriented North Texas district probably had no reason to support such a bill, Rayburn went to considerable lengths to justify his supposedly independent

⁷³U.S. Congress, House, Congressional Record, 75th Cong., 2d sess., November 15-December 7, 1937, 82, pt. 1:324.

stance. He talked of a special trip he had made to his home district to "feel out" his constituents on the Wage-Hour Bill. "I told them," he said,

that a great agricultural section of the country like mine that had some industry and is getting more would be helped, and the people would be helped more than any other class of people in the world, by having the workers in the towns and cities given a buying power so that they might be able to buy the necessities of life that we produce.

He even talked of an employer who favored the Wage-Hour Bill because Texas employers who had an effective child-labor law and paid decent wages had to compete with employers in other states which had no effective child-labor laws. The states which allowed such sweatshops produced goods and services more cheaply, and were able to undersell their more responsible competitors. He concluded by saying, "I want . . . the men, women, and children throughout the length and breadth of this great country of ours to work under decent conditions and to have a decent wage."⁷⁴

When all the rhetoric ended, the House voted 216 to 198 to recommit the bill to its original committee.⁷⁵ Rayburn and the administration had lost again.

⁷⁴ Ibid., pp. 324-325.

⁷⁵ New York Times, December 18, 1937, p. 1. Also see Dwayne Little, "The Congressional Career of Sam Rayburn, 1913-1961," Ph.D. dissertation, University of Cincinnati, 1963, pp. 118-120. For a discussion of the important role played by Southern Congressmen in the defeat of this bill, see Daniels, ed., Press Conferences of Franklin D. Roosevelt, 2:168-298, 339.

Discord between a second term president and his Congress is almost an inevitability, but when added to the special natures of the Court plan, the Wage-Hour Bill, and sections of the executive reorganization proposals, an added volatility was injected into the proceedings of 1937. Passive resistance became bitter opposition. It was not difficult for opponents of the administration to link the president's wish for an obedient Supreme Court with federal control over workers, and executive control over independent agencies as prima facie evidence of dictatorial aspirations. Republicans, after waiting for more than four years, saw their chance to profit by the Democratic split and sought to widen it in every way they dared. The South, disturbed by the economic and social dislocations inherent in the Wage-Hour Bill, also revolted.

In the middle of it all stood Sam Rayburn, accused on every side of having surrendered his independence to the chief executive, and having sustained a loss on every major New Deal proposal in his first year as majority leader. Rayburn had fallen victim to the cult of leadership and the press recorded it. Newsweek Magazine summarized the Rayburn experience: "In committee room battle, and in the continual give and take between one leader and another, he won his reputation as a . . . pilot of legislation, and as a 'party man' above all else. Since 1933 he has adopted

many a New Deal measure simply because 'the party' required it."⁷⁶ It is no wonder that Rayburn contemplated retirement. As he bade farewell to his colleagues at the end of the legislative session, his comments to the House membership betrayed a sense of misgiving, a tiredness, a wish for the peace and solitude of home:

My service in this body with its wonderful associations is one of the grand things that I shall remember as long as I live, either in public life or in retirement, which I hope for sometime pretty soon down on the farm in the great State of Texas, when this fitful fever is over and I can pillow my head upon grass, or feathers, or whatever it is, in Texas. For 24 1/2 years I have been here.⁷⁷

With that, Sam Rayburn went home to contemplate his future.

⁷⁶"Rayburn: Miss Lou's Mr. Sam, Good Neighbor and 'Party Man,'" Newsweek, December 26, 1936, p. 20.

⁷⁷U.S. Congress, House, Congressional Record, 75th Cong., 1st sess., August 7-21, 1937, 81, pt. 8:9678.

CHAPTER IV

1938: CONGRESS REALIGNS

When the 1938 congressional session began, Sam Rayburn was aware that a basic shift in congressional allegiance had taken place. It had been easy to be a presidential spokesman during Roosevelt's first term, when he was at the height of his power. Tremendous sums of money had been spent and a great deal of patronage handed out. The president's word was law with the massive majorities in the Senate and House.

Things changed, however, when Roosevelt was reelected. Four years of controversial legislative in-fighting, uncomfortable budget deficits, and a wholesale realignment of governmental organization and responsibilities, all in the name of ending the nation's worst depression, had achieved few positive results. The recession of 1937 left unemployment lines as long as they had ever been. The president, through no fault of his own, had achieved the debilitating lame-duck status which accrues to all second-term presidents. As Roosevelt sought extraordinary methods of dealing with the nation's immobility, congressmen sought non-controversial methods of being reelected in 1938. It was natural for them to disassociate themselves from a president

who supposedly was on his way out. The ineffectiveness of Roosevelt's economic programs made the congressional tendency toward independence that much stronger.

Caught in the middle of these crosscurrents was presidential advocate Sam Rayburn. Abandoned by massive Democratic defections in 1937, he faced a deteriorating situation in 1938. With the Supreme Court fiasco fresh in everyone's memory and the president's failure to achieve wage-hour legislation or executive reorganization, Rayburn had his hands full.

As the 1938 session began, however, Congress became preoccupied with the alarming situation in Europe. Nazis and Fascists were nurturing wars in Ethiopia and Spain. Adolph Hitler directed the forceful annexation of Austria by his German war machine. Japan invaded China and occupied most of her major northern cities. Rigid neutrality laws controlled the president's response to those outbreaks of violence. A supposedly impartial arms embargo prohibited the export of arms, munitions, and many non-military goods to belligerents when the president recognized a state of war. The effect of such neutrality legislation was anything but impartial. The aggressors had all the war materials they needed. It was the victims of aggression who required massive infusions of arms and ammunition, but American neutrality laws were inadvertently contributing to the success of the militarist nations.

A further threat to presidential authority in the conduct of American foreign policy occurred late in 1937, when Representative Louis Ludlow, a Democrat from Indiana, introduced a war referendum resolution. This proposed amendment to the Constitution stated that except in the event of an actual invasion of the United States or its territories, the question of war should be submitted to a national referendum.¹

The administration was appalled by the proposal, but took no action against it in 1937, believing that only token support existed for its passage. Indeed, the House Judiciary Committee had no intention of reporting the bill out for debate, but Representative Ludlow surprised everyone by obtaining the signatures of a majority of the House membership on a petition for discharge from the Judiciary Committee. Leading the referendum campaign were Ludlow, the National Council for the Prevention of War, Republican

¹A. G. Robinson and N. T. N. Robinson, "Ludlow War Resolution," Congressional Digest, 17 (January-December, 1938): 37-39. Also see U.S. Congress House, Ludlow War Resolution, H. J. Res. 199, 75th Cong., 3rd sess., 1938. The meat of the proposal appears in Section 1:

"Except in case of attack by armed forces, actual or immediately threatened upon the United States or its territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas. Congress, when it deems a national crisis to exist in conformance with this article, shall by concurrent resolution refer the question to the people."

Senator Arthur Capper of Kansas, and Representative H. P. Koppelman, Democrat from Connecticut.²

Roosevelt became the focal point of the war referendum debate. Representative Ludlow believed that public and congressional disenchantment with the president could be manipulated to secure the passage of his referendum. He contended:

Under the existing constitutional mechanism war is declared by Congress; that is to say, by a majority of each branch. There are 435 members of the House and 96 Senators, and war may be declared by 218 Representatives and 49 Senators, a total of 267 individuals. . . .

This most vital of all questions should be decided not by the agent but by the principal, and in this case the principal is the 127,000,000 people who compose the American Nation. In the way provided in my resolution the agent will advise the principal, but the principal will act. . . . With the millions upon millions of God-fearing citizens deciding this great question by the ballot the wiles of the Machiavellian schemers will be of no avail, and the shifts of the wicked will break and fall.³

Roosevelt marshalled his forces against the referendum. Not only would the measure destroy his war-time power and flexibility, it would render useless his peace-time efforts to avoid a war. The president would be powerless to prepare the country to defend itself until a national election on the issue had taken place.

²Daniels, ed., Complete Presidential Press Conferences of Franklin D. Roosevelt, 11:325-326; 13:173-174.

³U.S. Congress, House, Congressional Record, 75th Cong., 3d sess., 1938, 83, pt. 1:277-282.

Roosevelt knew that if the referendum passed, he would have to scrap his plans for expanding the navy and for drawing up reciprocal trade agreements which would assist the victims of aggressor nations. He, therefore, marshalled the formidable talents of Rayburn, Speaker Bankhead, Senator Millard Tydings of Maryland, the American Legion, the Veterans of Foreign Wars, and others to counter the Ludlow initiative.⁴

In a meeting with the press, Rayburn declared that adoption of the Ludlow Amendment would be "the most tremendous blunder" Congress had committed since the founding of the country. Deliberations on the referendum had already caused misunderstanding around the world "to the point of embarrassment to the President and Secretary of State." More than any other action, Rayburn believed that adoption of the amendment would tend to enhance the possibility of war.⁵

When the Ludlow Amendment was called up in the House on January 10, 1938, Speaker Bankhead took the floor and read a letter from the president which stated in part:

Our Government is conducted by the people through representatives of their own choosing. It was with singular unanimity that the founders of the Republic agreed upon such free and representative form of government as the only practical means of government by the people.

Such an amendment to the Constitution as that proposed would cripple any President in his conduct of our

⁴Robinson and Robinson, "Ludlow War Resolution," Congressional Digest, 17 (January-December, 1938): 54-55.

⁵New York Times, January 11, 1938, p. 1.

foreign relations; and it would encourage other nations to believe that they could violate American rights with impunity.

I fully realize that the sponsors of this proposal sincerely believe that it would be helpful in keeping the United States out of war. I am convinced it would have the opposite effect.⁶

The combination of irresponsible belligerence in Europe and effective arm-twisting by the administration signaled the death knell for the Ludlow Amendment. By a vote of 209 to 188, the war referendum measure failed: fifty-five representatives who had signed the discharge petition changed their votes.⁷

While sentiment was still very much in favor of presidential independence of action, Roosevelt and Secretary of State Cordell Hull initiated a series of reciprocal trade agreements with nations around the world. By mutual agreement, the United States and scores of other nations lowered their tariffs in an effort to increase trade and communication among nations. The hostilities in Europe created the desire among all nations to establish new channels of trade and communication, to firm up international friendships, and to secure new lines of supplies. Although sentiment for isolation and the protection of American industry from lower-priced foreign goods was great, the reciprocal

⁶U.S. Congress, House, Congressional Record, 75th Cong., 3d sess., January 10, 1938, 83, pt. 1:8-11.

⁷New York Times, January 11, 1938, p. 1.

trade agreements encountered little organized resistance in Congress. America, too, sought new alliances through trade.

Rayburn expressed the administration's view when, in a floor debate, he said:

For 75 years we went ahead and gave practically everybody all the tariff asked for. Within the last few years it has developed that by such action we practically put ourselves out of the world market. It now appears to me that all of our better thinkers are convinced, as a great member of the [Republican] party was convinced 40 years ago, William McKinley, who then said, "We cannot continue to sell where we do not buy"; and let me repeat, Mr. Speaker, that everyone knows money does not cross the ocean to balance the trade of one country against another, but it is surplus goods of one country for surplus goods of another, and we have now to go to reciprocal trade arrangements with foreign countries in order to open up the ports of the world that have been practically closed to us by these tariff laws. [Applause.]⁸

When no significant resistance arose over the reciprocal trade agreements, the administration moved quickly to secure passage of a naval expansion bill. The president could argue with some justification that expanding commercial fleets required a larger navy for protection, but the real reasons for the naval bill lay in the deteriorating order of things in Europe and an aggressive naval expansion program by the Japanese. The president wanted a 20 percent increase in the combat strength of the navy: nine cruisers, twenty-three destroyers, nine submarines, and twenty-six support

⁸U.S. Congress, House, Congressional Record, 75th Cong., 3d sess., February 28, 1938, 83, pt. 3:2537-2538.

vessels necessary for the maintenance and operation of the new ships. He also proposed to increase the airplane strength of the navy to not less than three thousand.⁹

Such a bill was introduced, authorizing expenditures of \$1.12 billion.¹⁰ Again, no serious opposition arose as Rayburn took command of the bill. In an emotional and prophetic address to his colleagues, Rayburn assured the passage of the president's bill. He contended that the United States was drawn into the Great War because it was not adequately prepared to stay out of it. Because the United States had a small, poorly equipped navy, both sides in the conflict violated its neutrality at will.

The best defense in time of war, Rayburn contended, was a good offense; the capability of delivering an intolerable amount of destruction upon any would-be aggressor. An adequate navy was an essential ingredient in the formula. Rayburn argued that the devastation recently visited upon Austria, Ethiopia, and China by aggressive dictatorships was as much the result of the victims' unpreparedness as the unbridled ambitions of men like Hitler and Mussolini. He

⁹Sam Rayburn, "Legislative Achievements During the Seventy-fifth Congress," a speech delivered to the House of Representatives on June 16, 1938, 1938 Drawer, Rayburn Library.

¹⁰U.S. Congress, House, Naval Expansion Bill, H.R. 9218, 75th Cong., 3d sess., 1938.

concluded his remarks by saying:

Mr. Chairman, if our Navy, both in the Atlantic and in the Pacific, is not strong enough to make our first line of defense at least 2,000 miles from the shores of the country, some aggressor nation will seize the opportunity and commit an act that will enrage America. Whether or not we like it we will be driven into war.¹¹

The long and noisy applause after Rayburn's address was testimony to its effectiveness. The House immediately passed the measure by a large majority and the Senate soon followed suit. Roosevelt signed his name to the measure on May 17, 1938, two weeks before the summer adjournment.¹²

Thus, in early 1938, Rayburn's efforts on behalf of his president's foreign policy met with considerable success. Such was not the case, however, with regard to Roosevelt's domestic policies. When the administration again sought passage of the executive reorganization proposals introduced in 1937, a wholesale rebellion ensued in the House of Representatives. The Senate, which had long been the more independent of the two houses, passed the reorganization bill in March by a vote of 49 to 42.¹³ The principal provisions

¹¹U.S. Congress, House, Congressional Record, 75th Cong., 3d sess., March 17, 1938, 83, pt. 4:3591-3593.

¹²Rayburn, "Legislative Achievements during the Seventy-fifth Congress," speech to House of Representatives, June 16, 1938, 1938 Drawer, Rayburn Library.

¹³The Public Papers and Addresses of Franklin D. Roosevelt, 1938 vol.: The Continuing Struggle for Liberalism (New York: Macmillan Co., 1941), pp. 191-192.

of the redrafted Senate version allowed the president to extend the merit system in all directions, to appoint one man to replace the three-man Civil Service Commission, to choose six additional administrative assistants, to create a new Department of Welfare, and to strengthen the Budget Bureau and transfer it from the Treasury Department to the White House.¹⁴

When the Senate bill reached the House, however, opponents of the measure were organized and waiting. The Republican press, led by publisher Frank Gannett, raised cries of "dictatorship" and "Congressional abdication." Gannett even organized a National Committee to Uphold Constitutional Government to lobby against the bill and hired a \$400-a-week propagandist, Dr. Edward Rumley, to direct it. Gannett saw that the Committee received all the exposure it needed through the editorial pages of his chain of upstate New York newspapers. Opposition from the left emanated from Father Charles E. Coughlin. For years, Coughlin had advocated such socialist causes as purposefully inflating the economy, nationalizing various industries, and leveling wages. All of these proposals necessarily implied a stronger, more centrist government. When Roosevelt proposed to do essentially that with the reorganization bill, Coughlin

¹⁴Time Magazine, April 18, 1938, p. 16.

sided with the Republicans and pointed to the president as a Hitler in disguise. His ridiculous suggestion that the bill would empower Roosevelt to take over parochial schools enraged his blue-collar followers. Gannett's literature and Coughlin's speeches produced a record-breaking tide of 333,000 telegrams to members of Congress. As the telegrams converged on the Capitol, so did 150 "Paul Reveres" from Chicago, New England, and New York, shouting protests against the reorganization bill from horseback.¹⁵

The ninety Republican members of the House were naturally lined up against the bill, but there was also a strong Democratic anti-Roosevelt bloc. Senator Harry F. Byrd of Virginia and other conservative members of the Senate continued their fight against the bill by carrying on an extensive lobbying campaign among their junior colleagues in the House. Byrd complained about the bill's extension of executive bureaucracy and economic waste. In four years, the Roosevelt administration had managed to create the most costly bureaucracy in American history, he charged. There were overlapping responsibilities which caused unnecessary cost and confusion, and, now, the president's reorganization plan proposed to regroup these costly emergency departments

¹⁵ Richard Polenberq, Reorganizing Roosevelt's Government: The Controversy over Executive Reorganization, 1936-1939 (Cambridge, Mass.: Harvard University Press, 1966), pp. 146-161. Also see Time Magazine, April 18, 1938, p. 16.

into permanent branches of the government.¹⁶ Conservative Democrats in the House, led by the omnipresent Tammanyite, John J. O'Conner, echoed the arguments of their colleagues in the Senate. O'Conner's anger over Rayburn's winning of the majority leader's post with the apparent support of Roosevelt served only to heighten tensions revolving around the reorganization bill. As chairman of the powerful Rules Committee, O'Conner had almost single-handedly stopped the president's Wage and Hour Bill in 1937. Now he relished the idea of doing the same thing to the reorganization bill.

Tensions mounted as Rayburn and O'Conner marshalled their forces for another in a long series of legislative battles. The pressures on Rayburn were tremendous. Neither he nor the president could tolerate another year of legislative disasters like 1937. What bewildered Rayburn was that Congress had passed strong reorganization bills in 1932 and 1933 with virtually no opposition. Now, suddenly, fringe elements from both the right and left had fanned the flames of opposition far out of proportion. As Rayburn put it, "a rumble started six weeks ago and the rumble has grown into a storm I do not yet understand."¹⁷

¹⁶ Robinson and Robinson, "Should Congress Empower Roosevelt to Reorganize Federal Agencies?" Congressional Digest, 16 (October 1937): 248-249.

¹⁷ Steinberg, Sam Rayburn, p. 147.

Visibly upset by unwarranted charges against the administration, Rayburn was in a fighting mood. The unfortunate recipient of his wrath was Republican Representative Jesse Paine Wolcott of Michigan, who had addressed the House membership to berate the president's reorganization bill and the New Deal in general. During the speech Wolcott read an excerpt from Carl Sandberg's biography of Lincoln, in which Lincoln talked of former President James K. Polk. The implications toward Roosevelt were unmistakable as Wolcott read of Polk's inability to seize upon a coherent policy, of his vacillation from one plan of action to another. "He knows not where he is," quoted Wolcott. "He is a bewildered, confused and miserably perplexed man. God grant he may be able to show there is not something about his conscience more painful than all his mental perplexity."¹⁸

Flushing a deep crimson, Rayburn sprang to his feet and shouted, "I'll answer that!" as he pushed his way to the Republican side of the House. The membership fell quiet, having never seen the majority leader so thoroughly aroused. Rayburn recalled that he had served under five presidents but had never heard a member of the House carry partisanship to such a point of personal criticism. He had been critical of presidents himself, but he would never admit

¹⁸New York Times, February 10, 1938, p. 1.

"that there has been a dishonest man or a fool in the White House."¹⁹

Immediately, the House erupted in a heated exchange of charges and counter-charges. As the speaker banged his gavel for order, Representative Clare Eugene Hoffman, another Michigan Republican, shouted at Rayburn, "No one has been so free to criticize the motives and activities of the average man as the President. You [administration people] can dish it out but you can't take it. When we give it to you from the record you hunt for cover."²⁰

Clearly, the administration was now on the defensive. A barrage of telegrams, seeking to discredit the president's motives with charges of "dictator," "centrist," "socialist," and numerous less palatable phrases descended upon members of Congress. Their intent was not so much to discredit the reorganization bill as to vilify the administration and block any further thought of social reform.²¹ The charges which at first seemed such a radical distortion of the truth as not to justify recognition soon were conjured into a real fear in the minds of many Americans.

Roosevelt lashed back at his detractors, suggesting they were nothing more than ludicrous publicity mongers, who sought personal gain by impugning the president's

¹⁹ Ibid.

²⁰ Ibid.

²¹ The Continuing Struggle for Liberalism, pp. 190-91.

motives. The culprits, he declared, were those like Father Coughlin and several "radio orators, demagogues, a large part of the press and many of the pernicious Congressional lobbys" who had organized the hate campaign against him.²² His concern over charges of "dictatorship" was so profound that he penned an extraordinary open letter to the American people and distributed it to the news media on March 31, 1938. It contained this disclaimer:

I have no inclination to be a dictator. I have none of the qualifications which would make me a successful dictator. I have too much historical background and too much knowledge of existing dictatorships to make me desire any form of dictatorship for a democracy like the United States of America.²³

The next day, the House began a riotous debate on the reorganization bill. The New York Times referred to the debates as "the wildest scene of this session, punctuated by boos, laughter, and sarcastic comment."²⁴ Bi-partisan opposition, led by Democratic opponents Samuel Pettengill of Indiana and the implacable O'Conner, forced a reading of the entire eighty-two page bill and created innumerable other parliamentary tangles. The Rules Committee refused to grant Rayburn any limitation on debate at the instigation of O'Conner.

²² Daniels, ed., Press Conferences of Franklin D. Roosevelt, pp. 323-325.

²³ New York Times, March 31, 1938, p. 1.

²⁴ Ibid.

Opposition to the reorganization bill centered upon the section which would have created a Department of Social Welfare. Charging that WPA director Harry Hopkins would become its new head, and "perhaps the next president," opponents contended that federal relief programs would then become "octopus-like" and permanent.²⁵

Hatton W. Sumners expressed this reservation to his friend, Sam Rayburn. Sumners approached Rayburn and asked him to be his intermediary to Roosevelt since the president had stopped speaking to him after the Court-packing fight. The message he wanted Rayburn to transmit was that Roosevelt could count on an extra twenty-five votes for the reorganization bill if he eliminated the provision for a Department of Social Welfare. Sumners' concern, like that of many other conservatives in the House, was that the president would appoint the hated Hopkins to head the Department. If the president wanted a Department of Social Welfare that badly, Sumners suggested that he introduce it as a separate bill and avoid jeopardizing the reorganization bill.²⁶

Rayburn shared Sumners' opinion of the proposed new department. More importantly, he clearly understood that if Sumners could deliver the extra twenty-five votes (an

²⁵ Ibid., April 1, 1938, p. 1.

²⁶ Ickes, The Inside Struggle: 1936-1939, p. 357.

actual swing of fifty votes) in favor of Roosevelt's reorganization bill, passage was assured. Indeed, the Sumners proposal represented the president's only opportunity to check the growing anti-Roosevelt coalition of conservative Democrats and Republicans. Had Rayburn frankly expressed his own convictions in addition to those of Sumners, the president might have had his reorganization bill and established the groundwork for further cooperation with an increasingly conservative Congress.²⁷ Instead, when Roosevelt refused to consider Sumners' proposal, Rayburn chose not to express his own reservations. Like a waitress, he simply took orders. Although handicapped by the president's refusal to compromise, Rayburn obediently agreed to do the president's bidding: he instructed all congressmen who favored the bill to be in town for the vote and he discouraged fence-sitters from attending. He then agreed to deliver a nationwide radio address prepared by the president and his speech writers in defense of the reorganization bill.

Reading a text not of his own making, Rayburn declared in Rooseveltian terms that the reorganization bill was merely a measure similar in thought and purpose, and in many instances in identical language, to reorganization

²⁷ Steinberg, Sam Rayburn, p. 148.

plans which had been offered by practically every president for the past forty years. No one complained, said Rayburn, when Congress passed an even stronger bill for President Hoover. Why had Roosevelt's bill created such a furor? Why all the propaganda over a simple measure aimed at making more workable the cumbersome machinery of government? Why had the president been compared to Hitler, Mussolini, and Stalin? Most assuredly, the hundreds of thousands of telegrams which cluttered congressional desks had been a contributing factor, said Rayburn. But he found it almost laughable that this letter-writing campaign was nurtured by those who had been as eager to give Hoover the authority he requested as they were now vehement in obstructing a grant of similar powers to President Roosevelt. Predicting passage of the bill, Rayburn concluded optimistically, "The people of this country have confidence in the President. A large majority of the Democratic members of the Congress intend to show by their vote confidence in our President, Franklin Delano Roosevelt."²⁸

As the crucial vote drew near, Rayburn labored vigorously to salvage the bill by compromising in areas which were not considered essential by Roosevelt. The Federal Office of Education and the Veterans Bureau were exempted from

²⁸Rayburn, "The Government Reorganization Bill," a speech to the nation, delivered over CBS radio on April 4, 1938, 1938 Drawer, Rayburn Library.

presidential control. Presidential control of the Comptroller General's office and the Civil Service was diluted. Congress was allowed to control the patronage list of first, second, and third class postmasters. Indeed, things seemed to be moving along with relative serenity with passage of the measure a probability, when Representative Ernest W. Ramspeck of Georgia interrupted the proceedings. Referring to the postmaster amendment, Ramspeck shouted, "You can't buy my vote with this bill." If the House "swallows this bait" as payment for passage of the reorganization bill, he argued, the postmaster amendment would be the first item stricken out by the conference committee.²⁹

Seizing upon the electrified mood generated by Ramspeck's outburst, Representative O'Conner again lashed out at the bill:

I am not afraid of a dictatorship in this country. I believe our great President was sincere when he stated . . . that he has no desire to be a dictator. . . . The fact is, nevertheless, that our people are inflamed almost to the point of revolution and I use my words guardedly, at the thought of the possibilities of this bill. Some letters mention "bloodshed," others "resort to arms". . . . Rightly or wrongly, this is no time to further incense our people, who have gone through eight years of a depression and who since last fall suffered a relapse.³⁰

The reorganization plan, O'Conner shrewdly proclaimed, was

²⁹ New York Times, April 9, 1938, p. 1.

³⁰ U.S. Congress, House, Congressional Record, 75th Cong., 3d sess., April 1, 1938, 83, pt. 4:4609-4612.

destroying business confidence and prolonging the recession.³¹ When O'Conner concluded, cheering erupted in the House chamber, hundreds in the galleries joined in the applause, and the proceedings were disrupted for several minutes. The mood in the House had suddenly and dramatically changed.

When offers of compromise and even political patronage failed, the president moved quickly to shore up his defenses by sending Postmaster General Jim Farley, Chairman of the Reconstruction Finance Corporation Jesse H. Jones, and Under Secretary of the Interior Charles O. West to Capitol Hill to assist Rayburn. Their impact on the president's behalf may well have been negative, for many members of the House who sought autonomy in the decision-making process were embarrassed by their reputation as a rubber-stamp for the president.

In one last attempt to stem the tide of congressional opinion against the bill, Rayburn attempted to make the final vote on the issue purely a party matter. The Republicans, he contended, were guilty of a conspiratorial opposition to the measure. Their objectives were to baffle the will of the majority in Congress and embarrass the president. A positive vote, on the other hand, would be interpreted by the American people as a vote of confidence

³¹Ibid., April 7, 1938, 83, pt. 5:4991-5025. Also see *ibid.*, April 8, 1938, 83, pt. 5:5082-5122.

in the president. He concluded by saying, "As long as that great humanitarian, who worked in and out of season to help the common man, is in the White House, I'm going to walk with him if I have to walk with him alone."³²

The final vote was 204 to 196 against the bill. Rayburn and the administration had lost another battle and what galled him most about the eight vote defeat was that 108 Democrats had voted against it.³³ When a swing of four votes could have spelled victory instead of defeat, Rayburn's refusal to persuade the president to accept Sumners' proposal looms as the deciding factor in the defeat. His loyalty to the president may have earned him Roosevelt's gratitude, but his failure to express his own doubts and to counsel compromise resulted in another embarrassing defeat at the hands of his own colleagues.

Roosevelt was now faced with a perplexing alternative: whether to write off this sharp congressional backlash as an unpleasant interlude or whether to take his fight to the country in the November elections. The only public indication of how the president felt was a brief letter penned to Rayburn and released to the national news media:

³² New York Times, April 2, 1938, p. 1. Also see U.S. Congress, House, Congressional Record, 75th Cong., 3d sess., April 1, 1938, 83, pt. 4:4615-4616.

³³ Patterson, Congressional Conservatism and the New Deal, pp. 226-227.

Dear Sam,

Thanks for the fine fight. Will you also thank the Speaker and the others.

The Reorganization bill is intended to simplify and improve the public service. With this single objective in view, I have given it my earnest approval.

The question presented is solely one of policy. Therefore, the legislative developments of yesterday offer no occasion for personal recrimination, and there should be none.³⁴

But there were recriminations. Not only did the president attempt to purge from the Democratic Party those who had opposed him in this and other battles, but members of his administration were busily explaining away their failures by placing the blame for the president's defeat on one another. Because of his prominence in the reorganization battle, Rayburn received more than his share of the criticism. Harold Ickes wrote that:

At the meeting Tuesday night in the Oval Room, Farley took occasion to say that the reorganization bill had been lost as a result of bad management in the House. He said that he had had as many as twenty-five Democratic Congressmen, all of whom were willing to support this bill by their votes if their votes were needed. At the end the leadership seemed to become panicky. At any rate, it didn't have an accurate count of noses. It didn't know who were for and who were against. No wonder we lost when no opportunity was given those Congressmen to change, whose votes the other way would have reversed the result.³⁵

³⁴ Franklin D. Roosevelt to Sam Rayburn, April 9, 1938, 1938 Drawer, Rayburn Library.

³⁵ Ickes, The Inside Struggle: 1936-1939, p. 368.

As is typical of all election year Congresses, members of the 1938 Congress sought anonymity when controversial issues arose and high public exposure on pork-barrel issues which might help them in their campaigns for reelection. The Wage-Hour Bill, which had been buffeted about for two years without permanent resolution, aroused mixed feelings among all the members of Congress. The controversy revolved around attempts to require uniform wage and hour standards which would injure beleaguered farmers who could not afford to pay a standard minimum wage to hired hands and Southern industries whose wage scales and costs of living were substantially lower than in the industrial Northeast. On other matters regarding wages and hours, however, everyone was in virtual agreement. The need for immediate congressional action to maintain wage income and the purchasing power of the nation against the severe recessive forces which prevailed in 1937 and 1938 was readily apparent to conservatives, as well as liberals. Everyone was aware that the exploitation of child labor had undercut the wages and stretched the working hours of the poorest workers in a period of business recession and that the buying power of the blue collar worker had been seriously eroded.³⁶

³⁶ Sam Rayburn, "The Last Congress: Constructive or Destructive--Which?" Vital Speeches of the Day, 4 (July 15, 1938): 592-595. Also see Robinson and Robinson, "The President and Congress Gird for Battle," Congressional Digest, 17 (January-December, 1938): 1-3.

Sensing that the time was ripe for a re-introduction of the Wage-Hour Bill, the president addressed Congress in a compromising mood, hoping to generate bi-partisan support for the measure. In piecing his non-offensive speech together, Roosevelt depended largely on Sam Rayburn who represented those agricultural, non-industrialized, provincial parts of the country which were so suspicious of uniform wage and hour laws. Together they produced an election year masterpiece of conciliation. The new law would endeavor to compensate for geographical and industrial differences in wages and hours. No immediate or uniform minimum wage or hour standards would be imposed, although that was the "ultimate" goal. The primary objectives of the law were the abolition of child labor, the protection of workers unable to protect themselves from excessively long hours and excessively low wages, and the elimination of attempts by local governments to lure new industries into their areas of jurisdiction by offering as the principal attraction cheaper and more plentiful labor than could be found in competing cities. A new government agency would be established to enforce the new law, with powers to inspect and investigate wherever possible violations existed.³⁷

³⁷ The Public Papers and Addresses of Franklin D. Roosevelt, 1937 vol.: The Constitution Prevails (New York: Macmillan Co., 1941), pp. 496-497.

Couched in those terms, the bill generated the predictable bi-partisan support in a vote-hungry Congress. The Senate version of the Wage-Hour Bill which had been passed in 1937 was referred to the House Labor Committee with the understanding that new modifications would be resolved by a conference committee.³⁸

Again, John J. O'Conner, chairman of the Rules Committee, chose to bury the bill under an avalanche of less significant bills. In a letter to the president, Congresswoman Mary T. Norton, chairwoman of the Labor Committee, requested that the administration secure a discharge petition and force the bill onto the floor for final resolution.³⁹ Having secured the discharge petition before, Rayburn received the assignment and immediately went to work acquiring the signatures of 218 members, a simple majority. While he worked, a legion of supporters, both from the public and private sectors, lined up in favor of the bill: John L. Lewis, president of the Congress of Industrial Organizations; William Green, president of the American Federation of Labor; and a number of Republicans like Representative Hamilton Fish

³⁸ Rayburn, "Legislative Achievements During the Seventy-fifth Congress," speech to House of Representatives on June 16, 1938, Rayburn Library.

³⁹ Mary T. Norton, Chairperson of House Committee on Labor, to Franklin D. Roosevelt, April 29, 1938, Roosevelt File, Rayburn Library.

of New York, who declared, "If a majority of the Republicans in the House vote against this bill, there won't be any Republican Party after the next election. It is not a political question but a human question. The big corporations are not opposed to the bill, which is aimed against the sweatshops."⁴⁰

Within one week after receiving his assignment, Rayburn had secured the discharge petition and brought the bill to floor debate.⁴¹ He also convinced the framers of the bill that its provisions should apply only to industries involved in interstate commerce, thus eliminating any specific references to farm labor. The major elements of the bill included the prohibition of interstate shipments of the products of child labor, a graduated minimum wage of twenty-five cents an hour increasing to forty cents after three years, and a maximum work week of forty-four hours decreasing to forty hours after two years.⁴²

As Rayburn labored in the House, Roosevelt talked at length about the intent of the bill in his frequent press conferences. Carefully citing examples from various parts of the country so as not to offend any particular section,

⁴⁰ New York Times, May 5, 1938, p. 1.

⁴¹ Ibid., May 1, 1938, p. 10. Also see ibid., May 7, 1938, p. 4.

⁴² Ibid., May 1, 1938, p. 4.

he built his case. He talked about a small factory in New England which paid young girls \$4.50 a week for long hours of hard labor. He talked about a group of investors in the South who went to New England and purchased a large number of fifty-year-old, inefficient spindles, transported them back to Georgia, and opened a cotton factory. The plant was highly inefficient but investors made money because they paid their workers sub-standard wages of \$4.00 a week. He talked about two factories in the West which required sixty hours each week from their workers. "I call that unfair competition," said Roosevelt. He went on to complain that when wage and hour bills had been offered in the past, businessmen affected by the new provisions had organized to pressure their local congressmen into opposing the measure. Many businesses, like the Southern Pine Association, had spent thousands of dollars advertising throughout the South that if the Wage-Hour Bill passed, farmers would have to pay their field hands a minimum of \$3.00 a day. "Of course," said the president, "there has never been any thought of including field labor in the Wages and Hours Bill."⁴³ The same principle applied to maids and other domestic help, contrary to the alarmist charges against the bill in women's magazines and papers.

⁴³ Daniels, ed., Presidential Press Conferences, 2:169-297, 339.

When all such clarifications had been made, the bill easily attracted large bi-partisan support. Congressmen of all persuasions could vote for the bill and talk about it before election day. The administration could brag of another legislative accomplishment, even if it was a watered down version of the original bill. The bill passed both houses easily.⁴⁴

Franklin Roosevelt had promised during his 1936 campaign to balance the nation's budget by the end of his second term. In keeping with that promise he began cutting back government expenditures in mid-1937. By mid-1938 some twelve million people were unemployed by the government's own estimates and the nation was in the throes of a devastating recession.⁴⁵ The administration realized that budget cut-backs were at least partially responsible for the problem and through trusted spokesmen like Sam Rayburn, it began setting the stage for a new round of stimulative government spending proposals. In an interview with the New York Times, Rayburn contended that the attitude of the government had changed under the New Deal and the unemployed

⁴⁴ New York Times, June 16, 1938, p. 1.

⁴⁵ Robinson and Robinson, "The New Deal Makes Another Effort at 'Pump Priming': Majority Report House Committee on Appropriations," Congressional Digest, 17 (June-July, 1938): 169.

and homeless were no longer told to repair to soup kitchens and flop houses. This, he said, was the reason for a new series of "pump-priming" proposals to be submitted by the president.⁴⁶

On April 14, President Roosevelt sent to Congress a special message in which he called attention to rapid declines in the national income and increases in unemployment. He proposed a series of appropriations for unemployment relief and for public works projects as methods of increasing the nation's purchasing power. Of necessity, the appropriations would dramatically increase the nation's indebtedness, but Roosevelt realized that the recession-weary, campaign-conscious Congress was anxious to display publicly its concern for millions of beleaguered constituents. The president's major spending proposals, involving billions of dollars, were couched in conservative language. Big public spending was a necessary step toward restoration of personal and corporate incomes. When private incomes had climbed back up to acceptable levels, government tax receipts would rise and deficit spending would no longer be necessary.⁴⁷

The president's message, accompanied by a fireside chat, was comprehensive. It involved the spending or

⁴⁶New York Times, May 1, 1938, p. 5.

⁴⁷Roosevelt, "The President's Recommendations to Congress," special message to Congress, April 14, 1938, 1938 Drawer, Rayburn Library.

lending of some \$6.5 billion. Of this amount, \$2 billion were to be circulated simply by relaxing reserve requirements for member banks of the Federal Reserve System. This simple liberalization of bank lending procedures required no enacting legislation. Another \$1.5 billion was to be spent in new RFC low interest loans. It was introduced as a separate bill, swept through Congress, and signed by the president. The remaining \$3 billion would require congressional debate and approval. It included a \$1.25 billion appropriation to the WPA, thus extending its life through February 1, 1939; \$275 million for the Farm Security Administration, National Youth Administration, and Civilian Conservation Corps; and \$1.5 billion to be distributed through grants and loans by the Public Works Administration.⁴⁸

This "pump-priming" measure represents a significant turning point in the career of Sam Rayburn. For the first time, the cautious majority leader from Texas sided vocally with the president on an issue which his friend and mentor John Nance Garner, and many of his conservative colleagues, opposed. Coming as it did on the heels of such volatile issues as the sit-down strikes, the Wage-Hour Bill, the

⁴⁸ Ibid. Also see The Continuing Struggle for Liberalism, pp. 221-235; Robinson and Robinson, "The New Deal Makes Another Effort at 'Pump Priming': The President's Recommendations to Congress," p. 167; and Robinson and Robinson, "Another Trial for 'Pump Priming,'" Congressional Digest, 17 (June-July, 1938): 165-166.

Court-packing plan, and the reorganization bill, it represented one of the final wedges driven into the widening breach between Garner and his conservative Democratic supporters on the one hand and Rayburn and Roosevelt on the other.

Garner now willingly marshalled his forces against Rayburn and the "pump-priming" measure he represented. The vice president encouraged Chairman O'Conner of the House Rules Committee to attack the bill, and O'Conner obliged, saying, "Priming the pump won't do any good if there's no water in the well."⁴⁹ Senator Byrd of Virginia, also working closely with Garner, called the proposal "useless and wasteful," and suggested that the repeal of the undistributed profits tax would be a much more positive method of restoring business prosperity.⁵⁰ Similar views were expressed by Republican Congressman John William Ditter of Pennsylvania, who said, "It is a typical Roosevelt message, recommending spending. There is not one word in the message which will relieve business of the fear of oppression and White House hostility from which it is now suffering an economic paralysis."⁵¹

Perhaps the most devastating critique of the proposal came in a New York Times editorial, dated May 17, 1938.

⁴⁹ New York Times, April 15, 1938, p. 1.

⁵⁰ Ibid.

⁵¹ Ibid.

The writer complained that in only five years the Roosevelt administration had managed to spend \$40 billion, "a larger sum of money than was spent by all the administrations that governed this country from the days of George Washington to the days of Woodrow Wilson." The "pump-priming" measure in the opinion of the Times writer was only the latest in a long series of reckless spending measures which had achieved no visible positive results. Excessive government spending had done nothing to encourage a general recovery in the nation's private sector. Corporate sales and earnings remained abnormally low: hence, employment in the corporate world had not improved. The editorial concluded that "pump-priming," always brought forward as a "temporary" expedient designed to meet an "immediate" emergency, in fact imposed a permanent burden on private enterprise, "for experience particularly under the present administration has plainly shown that Government expenditures, once begun, continue of their own momentum. . . ." ⁵²

Even Senator George Norris, who by then was an independent, concluded, "This cannot go on forever, and there will come a time when the federal government will have to cease." ⁵³ Rumors spread that Vice President Garner was again

⁵² Ibid., May 17, 1938, p. 5. Also see Robinson and Robinson, "Is 'Pump Priming' the Way to Economic Recovery in America?" Congressional Digest, 17 (June-July, 1938): 191.

⁵³ Patterson, Congressional Conservatism and the New Deal, p. 235.

at odds with the president over persistent deficit spending. When asked if he would openly oppose Roosevelt on the issue, Garner replied, "I'm getting into my automobile right now."⁵⁴

Despite the opposition, Rayburn sided vocally with the administration. Formerly a strong fiscal conservative, Rayburn now took his walking papers from the president and read a prepared statement to the press after the bill had been submitted to the House. "I think the message was a masterful portrayal of the conditions that confront the country at the present time," he said, "and in my opinion, if carried out by enactment of Congress, it will greatly facilitate recovery by creating work, enhancing opportunities for business and creating confidence."⁵⁵

Almost predictably, Rayburn went further than his other pro-New Deal colleagues and collaborated with the president to choke off dissent. At the behest of Roosevelt, Sam Rayburn obediently read an anonymous chain telegram supposedly circulated by a large, but unnamed, corporation in Detroit. The telegram warned of an impending flood of correspondence against the spending bill. Whether the telegram was real or not, it achieved the desired ends of the administration. Any flood of correspondence in opposition to the pump-priming

⁵⁴New York Times, April 19, 1938, p. 1.

⁵⁵Ibid., April 15, 1938, p. 1.

measure could be chalked up as the work of some big, anonymous, vested interest group or corporation and taken with a grain of salt.

These tactics did not go unnoticed by Arthur Krock, columnist for the New York Times, who contended that the telegram was just another in a long series of letters

. . . which the White House can produce to support any argument or position. The letter was sent down to Mr. Rayburn by the President as an example of how wicked propaganda against the PWA spending program was about to be launched. Mr. Rayburn read the document aloud and dutifully denounced the "plot" unfolded. He acted in his actual role as administration spokesman rather than in his titular one of Majority Leader. Under the Roosevelt regime most leaders represent the White House among their colleagues instead of, as fundamentally designed, their colleagues at the White House.⁵⁶

Krock believed the reasons behind the letter reading were twofold: it would stem a possible House uprising against the bill, and it might forestall any earmarking of funds, pork barrel style. Roosevelt, as usual, wanted a lump congressional grant of monies with no strings attached.

As vocal as the opposition was to "pump priming," its substance was paper-thin. The fact was that, according to the majority report of the House Committee on Appropriations, almost twelve million workers were unemployed, and one-third of that number had lost their jobs in private employment in the 1937-38 time frame. The committee estimated that with

⁵⁶Ibid., April 28, 1938, p. 4.

the proposed appropriations, the Works Progress Administration could employ 2.8 million workers until 1939; the National Youth Administration 275,000; the Federal Public Buildings program 60,000; and the Public Works Administration 1 million. The entire program under these newest appropriations, then, would furnish employment for more than 4 million persons.⁵⁷

Congressional response to this proposal, coming as it did in a period of depression, was quite predictable. Congressman Josiah Bailey of North Carolina, a conservative Democrat, issued forth with a viewpoint which was typical among conservatives. "I do not have faith," he wrote to a constituent, "in this pump-priming business. I will agree that it may do some good for a few months, but I must look forward to the ultimate consequences. I am not here to do good for a few days at a time." Bailey also lamented over the flood of complaints he had received about the WPA and other alphabetical agencies, but he concluded, ". . . large numbers of people are in love with them. By and by we will reach the stage where something can be done, but at present any criticism is interpreted as being opposed to the administration and as disloyalty to our great President."⁵⁸

⁵⁷ U.S. Congress, House, Congressional Record, 75th Cong., 3d sess., April 27, 1938, 83, pt. 5:5864-5865, 5880.

⁵⁸ Patterson, Congressional Conservatism and the New Deal, pp. 235-236.

Bailey voted for the measure, as did most other conservative Democrats. Representative Clifton A. Woodrum, a conservative Democrat from Virginia, adequately summarized the exasperated feelings of his colleagues when he said,

What is the alternative? Twelve million men are unemployed. Twelve million families are in distress. Men are no longer willing to starve peaceably in the midst of plenty. The Chairman of the Conference of Mayors, representing the mayors of every major city in the United States, told the Committee that but for the relief program, to be continued by this bill, hardly an American city could have survived. This bill meets the situation.⁵⁹

Rayburn encouraged the president to offer evidence to Congress that the alphabetical agencies receiving the new appropriations were performing their appointed tasks. The president agreed and quickly appointed Representative Patrick J. Boland of Pennsylvania, a friend of the administration, to praise the Public Works Administration. Boland did an admirable job in explaining that workers at the site of a PWA project were paid the local prevailing wage rate. The government assumed 45 percent of that expense while the local community which built the project furnished the other 55 percent. Boland explained that through the expenditure of sixty dollars by the Federal Government,

⁵⁹ U.S. Congress, House, Congressional Record, 75th Cong., 3d sess., April 27, 1938, 83, pt. 5:5864-5865, 5880. For further analysis of the dilemma of Congressional conservatives in the pump priming struggle, see the comments of political analysts Joseph Alsop and Robert Kintner in the Washington Star, April 27, 1938, p. A-11.

. . . a man who otherwise might be unemployed or on relief gets useful work for one month, business and industry receive orders, the wage earner pays rent, buys groceries and clothes, and perhaps a few modest luxuries. And when the work is done there is something useful and lasting to justify the expenditure. This is especially true of well-conceived, self-liquidating projects which pay their way out and become revenue producers.⁶⁰

Boland went on to explain that orders placed for materials on PWA projects totaled more than \$1.7 billion in the previous four-year period, and that they involved virtually every line of business and every state in the Union. The new appropriations would be earmarked for schools, hospitals, public buildings, streets, highways, electric power plants, sewer and water systems, flood control, water power, and reclamation. Boland concluded by saying, "In the dark days of 1933 and 1934, PWA was one of the great recovery agencies that came to the assistance of the American people. It did a magnificent job then; it can do it again."⁶¹

Harry Hopkins, administrator of the Works Progress Administration, received the assignment of eulogizing his own agency. In a radio address, Hopkins said:

I would like to take only the WPA, which is alleged to be one of the most wasteful of the emergency agencies, and do a little auditing for you. In its first two years of operation, well over a million of its workers went back to private jobs. It is

⁶⁰ Robinson and Robinson, "Is Pump Priming the Way to Economic Recovery?" pp. 175-176.

⁶¹ Ibid.

difficult to appraise the value of a thing like the human spirit, but I am convinced that these people kept fit and kept their heads up because of their WPA work.⁶²

When the issue came to a vote, it was overwhelmingly approved by both houses of Congress. The only inhibitions to total executive discretion over the billions of dollars appropriated were provisions that relief money was to be allocated on a month-by-month basis, and workers who turned down higher paying private jobs would not be eligible for WPA work.⁶³

Another victory was chalked up for the administration, but Sam Rayburn had acquired the unsavory reputation of being the unquestioning mouth-piece of the president. As columnist Arthur Krock put it, "The titular House leaders, Speaker Bankhead and Representative Rayburn, are as submissive to the White House as is Majority Leader (Senator) Barkley, which means they are as submissive as Mr. Roosevelt's own secretariat."⁶⁴

Sam Rayburn's preoccupation with national affairs left him little time to cope with issues of local concern back

⁶²Harry Hopkins, Administrator of the Works Progress Administration, radio address to the nation, May 8, 1938, 1938 Drawer, Rayburn Library.

⁶³Patterson, Congressional Conservatism and the New Deal, pp. 235-243.

⁶⁴New York Times, June 10, 1938, p. 4.

in his home district, but in 1937, he tried to make amends for twenty-five years of inactivity on the home front by introducing a bill to fund the construction of a huge dam on the Red River. For years, Rayburn had heard reports that the soil from fertile farm lands was being eroded away into the Red River. He was also aware that the costs of electricity in North Texas had "doubled each five years for the last twenty years prior to 1930," in spite of the depression.⁶⁵ On April 25, 1937, Rayburn left Congress while it was still in session, a most unusual departure from tradition for him, in order to speak to the Red River Valley Improvement Association in Shreveport, Louisiana. His mission was to discuss at considerable length his plans for a Red River dam with those influential officials from Texas, Oklahoma, Arkansas, and Louisiana who would be of greatest assistance to him in generating support for his project.

Rayburn proposed the construction of a federally funded earthen dam across the Red River five miles northwest of Denison, Texas. The dam would create a lake covering 25,000 acres of land and storing 12.7 million acre feet of water. Numerous essential services, including the development of inexpensive hydro-electric power, the elimination of soil erosion, the extension of navigation, provision for

⁶⁵Shreveport (Louisiana) Times, April 25, 1937.

extensive irrigation and flood control, and the conservation of water would accrue to some 2.25 million people within 125 miles of the dam. Most of Rayburn's home district would be directly involved.⁶⁶

Rayburn returned to Washington after conferring with members of the Red River Valley Improvement Association and introduced a bill to fund the Denison Dam project. The bill anticipated a \$35-\$50 million federal appropriation and the employment of some 4,000 men. Rayburn went to considerable lengths to justify the large appropriation by saying that 500,000 acres of land between Alexandria, Louisiana, and Denison, Texas, would be protected from floods. He estimated that "as much as \$10 million in [immediate] flood protection benefits . . . and another \$10 million to \$15 million in benefits" would accrue as the valley became more highly improved.⁶⁷ Rayburn estimated that within fifty years the dam would pay for itself.

When hearings began in the House Appropriations Committee early in 1938, Rayburn feigned surprise and dismay when Oklahoma Governor Leon Phillips, the Oklahoma congressional delegation, and leaders in the state legislature

⁶⁶ Dorrough, Mr. Sam, pp. 264-265. Also see Shreveport Times, April 25, 1937, for excerpts from Rayburn's speech.

⁶⁷ Shreveport Times, March 15, 1937; Dorrough, Mr. Sam, pp. 264-265. Also see Shreveport Times, April 25, 1937; Denison (Texas) Herald, August 20, 1939.

came to Washington to fight the bill. Rayburn had arranged with the Army Corps of Engineers to position the dam in such a way that almost all of the 25,000 acres of land to be flooded were on the Oklahoma side of the Red River. The areas adjacent to the Red River, which Rayburn proposed to submerge, just happened to be some of the richest farm land in all of Oklahoma.⁶⁸

Governor Phillips and his contingency from Oklahoma attempted to salvage their threatened farmlands by proposing an alternative: instead of one large dam, the Oklahomans pressed for a series of smaller dams without the hydroelectric feature. Rayburn contended that the generation of new electric power was the primary reason behind his original proposal. The Oklahomans countered with strong hints that the Denison Dam project represented another raid on the federal treasury by someone who had been a long time practitioner of pork-barreling.

Rayburn was incensed. He knew he had wronged the Oklahomans in strategically locating the dam in such a way that only Oklahoma lands were flooded, but like the president he so admired, he would not allow public criticism of his motives to go unanswered. "I've been a member of

⁶⁸ Steinberg, Sam Rayburn, p. 202. H. G. Dulaney, former legislative assistant to Sam Rayburn, and Curator of the Rayburn Library and Museum, interview on June 11, 1974, Rayburn Library, Bonham, Texas.

Congress for twenty-four years," he said with cold indignation, "and I've never introduced a bill to spend a dollar of money in the District I represent."⁶⁹ He then suggested to the Oklahoma delegation that if they opposed this flood control project, he would see to it that all other flood control projects in their state were terminated. In an unmitigated display of steam-roller politics, Rayburn penned a letter to the president seeking his support and alleging that Governor Phillips had a close relationship with the Oklahoma Gas and Electric Company, which naturally opposed the extension of all federally-funded power projects within its service area.⁷⁰

At Rayburn's request, the Denison Dam bill was assigned to the Public Works Subcommittee of the House Appropriations Committee. The chairman of the subcommittee, Clarence Cannon, was a close friend of Rayburn's and together they conspired to include the project in an omnibus flood control appropriations bill so that it could not be singled out for attack or amendment by the Oklahomans.⁷¹ When the Army Corps of Engineers reported favorably to Congress on

⁶⁹H. G. Dulaney, interview on June 11, 1974.

⁷⁰Houston Press, January 27, 1939; H. G. Dulaney, interview on June 11, 1974.

⁷¹Shreveport Times, March 15, 1938.

the \$54 million project, Congress approved its funding, along with the rest of the omnibus bill.⁷²

Construction of the dam began on August 22, 1939. On that day, some 10,000 people gathered to hear the president of the Red River Valley Improvement Association call emotionally for the nomination of Sam Rayburn as president in 1940. Rayburn demurred, preferring, as usual, to curry the favor of the president. Addressing the throngs at the Denison dam, Rayburn predictably gave all the credit to his president: "If it had not been for our great leader, President Roosevelt, and his program to conserve the God-given waters and lands, we all still might be dreaming." He concluded that "there are those who appear to dislike everything this administration has done. Regardless of this, you can put it down in your book, that when the history of this era is written by impartial historians, President Roosevelt will be listed with that group of immortals which include Washington, Jefferson, and Jackson."⁷³

The Oklahoma delegation, pressured as it was to accept Rayburn's fiat on the Denison Dam, took its case to court.

⁷² Denison Herald, August 20, 1939. Also see Steinberg, Sam Rayburn, p. 202; Wichita Falls (Texas) Times, August 22, 1939.

⁷³ Dallas News, August 23, 1939. Also see Paris (Texas) News, August 23, 1939; Taylor (Texas) Press, August 23, 1939.

The legal brouhaha extended all the way to the Supreme Court which refused to review Governor Phillips' protest in 1940.⁷⁴

In time the Denison Dam, which created Lake Texoma, proved its value. On completion, it produced 270 million kilowatts of power a year. As many as 7 million people came annually for recreational purposes to Lake Texoma, whose shoreline stretched 580 miles. Irrigation and flood control programs were extensive and two natural wildlife refuges totalling 28,000 acres were established.⁷⁵

The Denison Dam project reveals a number of interesting characteristics in the political make-up of Sam Rayburn. Unquestionably, the creation of such a massive reservoir of water and electrical energy was a major coup for Rayburn's constituents back in North Texas. Yet it represented Rayburn's first attempt, in a congressional career which had already spanned a quarter century, to secure through the expenditure of federal money something exclusively for his district. The reasons for Rayburn's inactivity on the home front now appear readily observable. His all-consuming objective in being elected to Congress was not so much to serve the folks back home, except when such service contributed to his being elected speaker of the House.

⁷⁴ Denison Herald, April 21, 1940.

⁷⁵ Steinberg, Sam Rayburn, pp. 202-203. Also see Dallas News, August 22, 1939; Wichita Falls Times, August 22, 1939; Denison Herald, August 20, 1939.

Election to the speakership required long years of tenure, the cultivation of friendships among the highest elected officials in the land, and the avoidance of controversial issues like the Denison Dam project which elicited such rancorous opposition from the people of Oklahoma. Rayburn could afford to bide his time, build tenure in Congress, and ignore his constituents back in Texas, for Texas was a one-party state. Republican opposition to Democratic officeholders had been token, at best, since the days of the Civil War. So, as long as Rayburn sided with a Democratic president like Franklin Roosevelt, he did not have to worry about special legislation for those solid Democratic folks back home in Texas.

Only when Rayburn had secured the friendship of Franklin Roosevelt, through years of unquestioning loyalty, and only when he had locked up sufficient tenure to make a serious bid for the speakership did he press forward with the Denison Dam project. Thus did Sam Rayburn continue his education in the art of power politics.

In June of 1938, President Roosevelt embarked upon a plan of direct action to break the existing stalemate between his liberal New Deal administration and the increasingly conservative Congress: he would purge his party of its conservative elements. Never again would he

condescend to the humiliating defeats he suffered during the Court packing scheme and the reorganization plan.

Rumors of a purge had been circulating through Congress since the defeat of the Court-packing scheme in 1937. Hatton W. Sumners, chairman of the important House Judiciary Committee which handled the bill and one of the prime movers in its defeat, had warned his Democratic colleagues that there would be reprisals by the administration. Democrats who persisted in supporting the Court bill, he said, would not have "hide enough left to bother about."⁷⁶ Other influential Democrats agreed. Senator Guffey of Pennsylvania, a well-known presidential advocate, delivered a series of stinging rebuffs against his defecting colleagues, whom he called "ingrates."⁷⁷ The New York Times speculated that Guffey's comments represented the opening salvo in a plan to rid the Democratic Party of anti-New Dealers.⁷⁸ Vice President Garner agreed with the Times' assessment of the situation. Never one to mince words, Cactus Jack confronted

⁷⁶ George Wolfskill and John A. Hudson, All But the People: Franklin D. Roosevelt and His Critics: 1933-1939 (London: Macmillan Co., 1969), p. 287. Also see Monroe, "A Day in July: Hatton W. Sumners and the Court Reorganization Plan of 1937," pp. 96-99, 105-106.

⁷⁷ Burns, The Lion and the Fox, p. 294. Also see New York Times, July 14, 1937, pp. 1, 20; New York Times, August 24, 1937, p. 19.

⁷⁸ New York Times, July 14, 1937, pp. 1, 20; New York Times, August 24, 1937, p. 19.

the president soon after the defeat of the Court bill, saying:

I don't think you ought to try to punish these men [Senators] Cap'n. On many details of party principles men disagree. Some branch off in one direction and some in another. Men who oppose you on one thing are for you on another and there is always a legislative program for which you have to find votes.

I have a devotional affection for the Democratic party. I have marched and fought for causes with some of these men. They are Senators of the United States. The places they hold represent their life achievements, their struggles, their ambitions, the service to party and country. You may have reason to be provoked at them, but you can't defeat the Southern Senators and if you defeat the Democrats in the North you will get Republicans instead.⁷⁹

This was one of the last occasions in which Garner and Roosevelt spoke to each other. Garner's own opposition to the Court bill had made him persona non grata to the president. If Roosevelt could have purged the vice president, he would have done so.

Rayburn, still in pursuit of the elusive speakership, found himself once again in an untenable position. A public stance on the issue was certain to antagonize either the president or vice president, both of whom he depended upon in his plodding struggle for the nation's third highest elected office. Consequently, he assumed the position to which he had become accustomed in such situations and said nothing.

Roosevelt began his purge campaign subtly by hinting to various congressmen who came to the White House that some

⁷⁹ Timmons, Garner of Texas, pp. 233-234.

who had opposed the Court bill might be in for trouble. Typically, his demeanor during such encounters was cheerful, even humorous. He was playing a game of cat and mouse and enjoying it thoroughly. As he lunched with Jim Farley one day, Roosevelt chortled,

I've got them on the run, Jim. They go out of here talking to themselves, memorizing the lines to repeat on Capitol Hill. I'd like to see the faces sag over my mumbo-jumbo. They have no idea what's going to happen and are beginning to worry. . . . They'll be sorry yet.⁸⁰

Rayburn, like Farley, believed the president was making a serious error in judgment, but like Farley, he remained loyally silent while Harry Hopkins, Harold Ickes, and Tom Corcoran urged the president on.⁸¹ Roosevelt's enthusiasm grew when Lister Hill, an ardent New Dealer, won an impressive victory over Tom Heflin in the hotly contested Alabama Senate primary. With this New Deal victory in the conservative South, Roosevelt reasoned that congressional conservatives did not reflect the sentiment of the people. He quickly intervened in the Florida Senate primary on behalf of Claude Pepper. Pepper won easily amid rumors that Roosevelt had pressured citrus growers with the threat of withholding federal funds to eradicate the devastating Mediterranean fruit fly if they refused to support Pepper. These two

⁸⁰Mooney, Roosevelt and Rayburn, pp. 104-105.

⁸¹Ibid., p. 106.

victories by Pepper and Hill seemed sufficient evidence to Roosevelt that a purge was possible if he wished to undertake it.⁸²

Roosevelt had taken a 180-degree turn on the question of interference in party primaries. In 1934, when his friend Key Pittman was involved in a tooth and nail primary struggle, he wrote the Senator, saying, "I wish to goodness I could speak out in meeting and tell Nevada that I am one thousand per cent for you! An imposed silence in things like primaries is one of the many penalties of my job."⁸³ When personal gain was involved, however, Roosevelt ignored his political principles.

The single most important catalyst in bringing about the purge occurred when Phillip La Follette, the liberal governor of Wisconsin, announced the formation of the National Progressive Party of America in April, 1938. In his speech to the new party regulars, La Follette declared that Roosevelt had been an admirable leader, but the ills of the country remained because dissension within the Democratic Party had hamstrung the administration. Most shocking to Roosevelt, however, was La Follett's charge that "Progressive leaders within the Democratic Party are only an outer

⁸²U.S. Congress, House, Congressional Record, 75th Cong., 3d sess., May 11, 1938, 83, pt. 6:6704.

⁸³Mooney, Roosevelt and Rayburn, p. 106.

fringe that act as window-dressing. The real power within the Democratic Party is increasingly wielded by a group of politicians who see no more and who feel no more than the Old Guard of the Republican Party."⁸⁴

Roosevelt genuinely believed that La Follette's party was a threat and that he might lose those liberal and left-of-center groups on whom he had relied since the 1934 election. He believed now that he had to move quickly to remove any doubts that the Democratic Party was the party of liberalism. The attempted purge, however, was a sign of weakness on Roosevelt's part. Carelessly prepared and arbitrarily kept secret prior to its launching, the purge revealed a flaw in Roosevelt's character. He was convinced that he alone epitomized the progressive will, that the people unquestioningly accepted his mastery, and that he would not impair a fundamental constitutional principle by exterminating politically all who had committed the treason of disagreement.⁸⁵

⁸⁴ U.S. Congress, House, Congressional Record, 75th Cong., 3d sess., February 16, 1938, 83, pt. 2:2005.

⁸⁵ Raymond Moley, After Seven Years (New York: Harper & Brothers, 1939), pp. 362-63. Moley, a former presidential advisor who had become disenchanted with Roosevelt's charlatanism, wrote that by mid-1938, the President had established a loyalty test for Democratic Senators. "Stated rhetorically," said Moley, "the test was 'one hundred per cent for Roosevelt.'" Specifically, it meant failure to support Roosevelt's Court packing plan marked a sitting senator for political annihilation."

The president unveiled the purge in his fireside chat of June 24. He suggested that as head of the Democratic Party, he had the responsibility of carrying out the liberal declarations of the 1936 Democratic platform. In "those few instances" where there was clearly a liberal-conservative split between candidates in a Democratic primary, the president expressed his "right" to speak out against those "reactionaries . . . who say 'yes' to a progressive objective, but who always find some reason to oppose any specific proposal to gain that objective."⁸⁶

The purge was to take several forms. The president would fare forth on a national tour to confront the infidels and smite them down verbally. If some Democratic candidates were not acceptable to Roosevelt, he suggested to a skeptical Farley that he might take a more subtle approach and "suddenly discover urgent national business to take care of in the Philippines." He would support no one but proven liberals. "I will not support," he said, "either a

⁸⁶The Continuing Struggle for Liberalism, p. 399. Roosevelt expressed his hope during the fireside chat that liberal candidates would confine themselves to logical argument and not to verbal blows. "In nine cases out of ten the speaker or writer who, seeking to influence public opinion, descends from calm argument to unfair blows hurts himself more than his opponent." That statement proved prophetic. Roosevelt resorted to "blows" in his attempted purge and was a dismal failure.

conservative or a straddlebug. I will not support a tweedle-dummer. I am too old for that sort of thing. . . ."87

As the campaign heated up, Roosevelt began to mention the names of intended victims such as Senators "Happy" Chandler of Kentucky, "Cotton Ed" Smith of South Carolina, Millard Tydings of Maryland, and Walter George of Georgia. Representatives of the news media regularly sought clarification of the president's motives during his press conferences. In one such conference, Roosevelt was remarkably candid, saying:

In American politics anyone can attach himself to a political party whether he believes in its program or not. . . .

There are many prominent Democrats today who are heart and soul against everything the Democratic Party has stood for since 1932. And those men are still in the party.

What's worse, not one of them was candid enough to oppose the renomination of Franklin D. Roosevelt in 1936, although after four years there was no doubt whatever as to the program Franklin D. Roosevelt was pursuing.

The same hidden opposition, after giving the New Deal lip-service in 1936, turned around and knifed it in Congress in 1937 and 1938.

Now that election time has come around again, the hidden opposition hides the ax behind its back and prepares to give the President lip-service once more.

In those circumstances there is nothing for the President to do--as the responsible head of the New Deal--but to publicly repudiate those who have betrayed the New Deal in the past and will again.⁸⁸

⁸⁷ Bernard Asbell, ed., The F. D. R. Memoirs (Garden City, N.Y.: Doubleday & Co., 1973), p. 380.

⁸⁸ Daniels, ed., Press Conferences of Franklin D. Roosevelt, 12:24-26.

Most of the Democrats who found themselves on the president's blacklist had been ardent supporters of the New Deal. None of them, however, carried the 100 percent loyalty tag the president wanted; and those who headed the list had all opposed Roosevelt's Court-packing scheme. The senators marked for extinction included, in addition to those mentioned previously, Guy M. Gillette of Iowa, Tom Connally of Texas, Fredrick Van Nuys of Indiana, Bennette C. Clark of Missouri, Pat McCarran of Nevada, Alva B. Adams of Colorado, and Augustine Lonergan of Connecticut. The congressmen Roosevelt sought to purge included Hatton W. Sumners of Texas who had blocked the Court-packing scheme as chairman of the House Judiciary Committee, and three members of the troublesome Rules Committee--Chairman John J. O'Conner of New York, a major thorn in the president's side on most issues, and his colleagues Gene Cox of Georgia and Howard Smith of Virginia.⁸⁹

In order to achieve these desired ends, the president took his "purge" to the people in a whirlwind tour through the United States. His techniques varied from state to state. In Kentucky, he campaigned vigorously for dependable New Dealer Alben Barkley. In Oklahoma, he referred to hard-line New Deal Senator Elmer Thomas as "my old

⁸⁹New York Herald Tribune, September 18, 1938. Also see Wolfskill and Hudson, All But the People, pp. 288-290; and Robinson and Robinson, "The Score of the New Deal 'Purge,'" Congressional Digest, 17 (January-December, 1938): 231.

friend." In Texas, he announced that he had offered Governor James V. Allred a federal judgeship. He made it clear that Senator Tom Connally who had fought against the Court bill had not been privy to the offer.⁹⁰ John Nance Garner was in Texas when the president's train arrived, but he refused to be seen with Roosevelt. Everyone knew where the vice president stood on the "purge" issue:

It is not the business of the President of the United States to choose Senators and Representatives in Congress. He won't succeed. The people of the states will regard it as Presidential arrogance. These men stand well in their party. Their standing is an accumulation of many years of work for their party and their constituents--recognition for the things they have done. The leader of the party ought not to treat them as outcasts. . . .⁹¹

Only rarely in American history had a president and vice president come to such open philosophical disagreement. Undaunted, however, Roosevelt continued his "purge" in Garner's home state. Hatton W. Sumners received the cold-shoulder treatment when he and a number of other local dignitaries met the presidential train in Dallas. Roosevelt never acknowledged his existence. Long before the western tour began, Roosevelt attempted to deal with Sumners by appointing him to the Temporary National Economic Commission, a committee the president had established

⁹⁰Mooney, Roosevelt and Rayburn, p. 106.

⁹¹Timmons, Garner of Texas, pp. 235-236.

ostensibly to investigate monopolies. In reality, the ploy was used to get Sumners out of Texas before the primary election in hopes that his absence would result in his defeat. Sumners defeated two formidable opponents without a run-off.⁹²

In Colorado, Roosevelt simply made no mention of Senator Alva Adams. In Nevada, he intended to do the same thing to Senator Pat McCarran, but the crafty Nevadan managed to turn a reception for the president into a rally for himself. In California, Roosevelt spoke most favorably of 100 percenter William G. McAdoo.

The primary targets of Roosevelt's purge were the conservative senators from the deep South, who had stood four-square against many New Deal programs. For them, the president had reserved special treatment. Roosevelt's opinions carried little weight in the South, however, because of a speech he had made in early March in Georgia in which he infuriated Southern conservatives by criticizing them as "selfish minorities." He talked of the "feudal" society of the South and added, "When you come right down to it, there is little difference between the feudal system and the fascist system. If you believe in one, you lean to the other."⁹³

⁹² Monroe, "A Day in July: Hatton W. Sumners and the Court Reorganization Plan of 1937," pp. 104-106. Also see Dallas Morning News, July 25, 1938; Newsweek, July 25, 1938, p. 5.

⁹³ The Continuing Struggle for Liberalism, pp. 164-168.

When the president subsequently returned to Georgia to "purge" Senator Walter George, an incumbent since 1922, Southerners remembered his politically suicidal remarks of the preceding March. Roosevelt's attacks on George became an exercise in futility, but attack he did. With the senator seated beside him, he told a crowd of Georgians that he looked on their state as his second home and that if he could vote there, he would vote against Walter George, who had opposed much of his program.⁹⁴ In South Carolina, the president brazenly attacked "Cotton Ed" Smith, a senator since 1909.⁹⁵ In Maryland, he spoke harshly of native-son Senator Millard Tydings and suggested that the senator was nothing more than a "member of the Republican opposition to the New Deal."⁹⁶ In New York, Roosevelt referred to John J. O'Conner, chairman of the powerful House Rules Committee, as "one of the most effective obstructionists in the lower House."⁹⁷

With the exception of O'Conner, all of these men were long-time friends and political allies of Sam Rayburn. Typically, Rayburn preferred to remain silent and thereby

⁹⁴ Burns, The Lion and the Fox, p. 363.

⁹⁵ Mooney, Roosevelt and Rayburn, pp. 107-108.

⁹⁶ Daniels, ed., Press Conferences of Franklin D. Roosevelt, 12:25-26.

⁹⁷ Ibid.

avoid the controversy altogether. During the heat of this verbal battle between conflicting Democratic philosophies, Sam Rayburn said nothing to the intended victims of the purge, or Roosevelt, or the press about his own personal convictions. He would save his comments for posterity, after he had achieved the speakership.

Reaction from other corners, however, was vehement. The New York Times remonstrated sarcastically on "how great an intellectual servitude the President now requires from his followers."⁹⁸ David Lawrence of the U.S. News said, "Every now and then Hitler orders a purge in Germany. So does Mussolini in Italy. So does Stalin in Russia. Comes now the first Roosevelt purge."⁹⁹

Late in August, at the Republican "cornfield conference" in Indiana, billed as the largest between-convention meeting in the history of the party, numerous congressional representatives decried "the Russian technique" and Roosevelt's "brazen tactics to browbeat and terrorize men in public life."¹⁰⁰

Herbert Hoover, who understood the purge more clearly than most, recognized Roosevelt's underlying intent to

⁹⁸ Cited in U.S. Congress, House, Congressional Record, 75th Cong., 3d sess., February 22, 1938, 83, pt. 2:2292.

⁹⁹ Cited in *ibid.*

¹⁰⁰ New York Times, August 28, 1938, VI:3.

reorient the Democratic Party and establish it firmly as the party of liberalism. In a speech to Missouri Republicans, Hoover concluded that Roosevelt's new party would wear the garb of "false liberalism," liberalism which was "hoary with reaction," liberalism which was dangerous. If the purge was any sample of the new liberalism, Hoover continued, then "George III, Hitler, Stalin and Boss Tweed were all liberals."¹⁰¹

The Atlanta Constitution, usually generous to Roosevelt, said the purge would turn the Senate into a gathering of "ninety-six Charlie McCarthy's with himself [Roosevelt] as Edgar Bergen."¹⁰² In a syndicated article, General Hugh S. Johnson laced his criticism of the president with humor:

Now, that whole method was unnecessary. There is nobody in public life more persuasive than the President. When he turns on his real cuddle-music, few resist. Huey Long used to call him a "scrooch" owl-- an owl that "scrooches" up all warm and loving in the cold night to a hen on a limb and "pooty soon, dey ain't no hen."¹⁰³

¹⁰¹ Ibid., September 29, 1938, p. 21.

¹⁰² U.S. Congress, House, Congressional Record, 75th Cong., 3d sess., February 22, 1938, 83, pt. 2:2292.

¹⁰³ Washington News, September 19, 1938. For the views of other influential syndicated columnists, see the Washington Star, September 7, 1938. Fredrick William Wile predicted that the purge would be overwhelmingly defeated. It would mark, he said, "the Waterloo of the 'elimination committee.'" It is that group of verdant politicians, headed by Tommy Corcoran and Harry Hopkins, which received principal credit for inspiring the senatorial purge." Also see comments of columnist Douglas Johnson in the New York Herald Tribune, September 18, 1938. Comments by Mark Sullivan appear in the Washington Post, September 25, 1938. Influential Arthur Krock is quoted in the New York Times, September 18, 1938, p. 1.

Through all of the great controversy, when Sam Rayburn's closest personal friends, John Nance Garner and Hatton W. Summers, were laying their careers on the line by publicly expressing their opposition to the tyrannies of a vindictive president, Rayburn never once expressed the slightest reservation to Roosevelt, either publicly or privately. Years later, in a candid recapitulation of the Roosevelt years, Rayburn belatedly expressed his opinion of Roosevelt's purge:

I thought it was a mistake, for instance, to get up in the presence of Walter George on a platform in Georgia and tell the people, those crackers, not to elect him. For George merely said, "Mr. President, I accept the challenge" and that was enough to put him over with those people. Walter George was an outstanding man and a great Chairman of the Committee on Foreign Affairs. This purging was one of Roosevelt's mistakes, and I regret it very much.¹⁰⁴

Rayburn knew that taking sides on the issue was certain to antagonize one of the two men whose support he had to have to win the speakership, Roosevelt and Garner. Knowing that he could not be condemned for what he did not say, Rayburn simply skirted the issue. His anonymity during the purge was also the product of the pending Denison Dam project which did not receive presidential sanction until March 8, 1938.¹⁰⁵ Discretion, in other words, was the

¹⁰⁴ Sam Rayburn, interviewed by Martin Agronsky, February, 1961, tape file, Rayburn Library. Also see Dorough, Mr. Sam, p. 273; Steinberg, Sam Rayburn, p. 154.

¹⁰⁵ Roosevelt approved the Denison Dam project in a letter to Secretary of War Harry W. Woodring, who represented

better part of valor, as Rayburn traded political integrity for the Denison Dam.

During the actual purge, Rayburn's only expression of concern occurred in a private letter to Speaker Bankhead. Referring to Roosevelt's attempt to purge John J. O'Conner of New York, the obstinate head of the House Rules Committee, Rayburn expressed fear that if O'Conner lost the Democratic primary, he might then be nominated by the Republicans and return to Washington with a vengeance.¹⁰⁶ The letter is interesting because it indicates that during the heat of battle, Rayburn's concern over the purge was not the result of moral outrage, as he contended years later; rather it was a much more basic fear of retaliation if the purge failed.

In the end, the purge was a dismal failure. Every senator marked for extinction was re-elected: Senators George of Georgia, Tydings of Maryland, Lonergan of Connecticut, Adams of Colorado, McCarran of Nevada, Smith of South Carolina, Clark of Missouri, Van Nuys of Indiana, and Gillette of Iowa. Several New Dealers lost their Senate

the Army Corps of Engineers, on March 8, 1938 (Roosevelt File, Rayburn Library). Subsequent congressional approval, based on the president's recommendation, was achieved without significant opposition.

¹⁰⁶ Sam Rayburn to William B. Bankhead, July 25, 1938, 1938 Drawer, Rayburn Library.

seats, including James P. Pope of Idaho, William G. McAdoo of California, William H. Dietrich of Illinois, Herbert E. Hitchcock of South Dakota, and George L. Berry of Tennessee. A number of anti-New Dealers beat the purge in the House, including Hatton W. Sumners and Fritz G. Lanham of Texas, and Howard W. Smith of Virginia. Several ardent New Dealers in the House were defeated: Maury Maverick, W. D. McFarlane, and Morgan G. Sanders, all of Texas; and Norman R. Hamilton of Virginia. New Deal Governors Frank Murphy of Michigan, Elmer Benson of Minnesota, and Phillip La Follette of Wisconsin also were defeated.¹⁰⁷

Representative John J. O'Conner was the sole victim of the Roosevelt purge. After his loss in the Democratic party, O'Conner quickly moved to the Republican side, as Rayburn had predicted, and won the primary in New York. As the November election approached, O'Conner issued a campaign broadside claiming that Sam Rayburn was supporting him. Rayburn swiftly issued a denial and the president's enemy went down in defeat.¹⁰⁸

¹⁰⁷ New York Herald Tribune, September 18, 1938. Also see New York Times, September 18, 1938, p. 1; and Washington Post, September 25, 1938.

¹⁰⁸ New York Times, November 5, 1938, p. 6. Also see William E. Leuchtenberg, Franklin D. Roosevelt and the New Deal, 1932-1940 (New York: Harper & Row, 1963), p. 271. In all the G.O.P. picked up eighty-one seats in the House, eight in the Senate, and captured thirteen governorships, as a result of the purge.

The consequences of the aborted purge were disastrous for the New Dealers. Without enough leverage to carry the president's program through Congress before November, they now faced the prospect of a greatly strengthened Republican-conservative Democratic coalition. The Republican party had been resuscitated as a national power. Roosevelt's political career seemed all but ended. In an editorial in the New York Times, Arthur Krock congratulated the president for having ". . . demonstrated in the most public way that the American system and tradition are still stronger than he is." He went on to say, in an uncannily prophetic conclusion, "The unanimous triumph of every Senator marked for elimination . . . is sure to produce a reassertion of independence in Congress. Unless an emergency like an international war arises."¹⁰⁹

The purge also resulted in the final break between Garner and Roosevelt. Upon his return to Washington, Garner

¹⁰⁹ New York Times, September 18, 1938, p. 1. For an indepth analysis of the consequences of the purge, see Raymond Clapper, "Return of the Two-Party System," Current History, XLIX (December, 1938): 14. Also see Elmo Roper, You and Your Leaders: Their Actions and Your Reactions, 1936-1956 (New York: William Morrow & Co., 1957), pp. 32-35. Also see Eleanor Roosevelt, This I Remember (New York: Harper & Row, 1949), p. 167. In her reflections on the purge, Eleanor Roosevelt leveled an accusing finger at Sam Rayburn and other of the president's advisors, when she said, "If there were political mistakes in the campaign, some of them, I think, might have been avoided if Louis Howe [Roosevelt's friend and advisor, who had died in 1936] had been alive. After Louis' death, Franklin never had a political advisor who would argue with him and still give him unquestioned loyalty."

spent half a day with Roosevelt trying to convince him that the results of the purge were not a collection of local overthrows but represented a national vote of no confidence in an administration which had been unable to cope with a ten-year depression. The president was not persuaded and the split between the two men now became irreconcilable. The Court-packing scheme, the president's unwillingness to cope with sit-down strikes, bigger than ever government spending programs, Roosevelt's unquenchable ambition for greater personal power, and now the purge, all combined to create a chasm between the two men which could no longer be bridged, not even by Rayburn.¹¹⁰

For all of his efforts to avoid controversy in the executive reorganization campaign, in the Court-packing fiasco, in the attempted purge of men who had been very close to him, and in the Wage-Hour Bill, Sam Rayburn was now on the brink of an untenable position. The Garner-Roosevelt split, sooner or later, would require a statement of position from Rayburn, a statement which inevitably would diminish his chances of obtaining the coveted speakership. The thought of losing the support of either the president or vice president must have distressed Rayburn greatly. After all, he had been willing to keep his mouth shut, in spite of his personal convictions against the purge, and even to

¹¹⁰ Timmons, Garner of Texas, pp. 240-241.

sacrifice a close personal friend like Hatton W. Summers to the unreasoning Roosevelt house-cleaning in order to secure the greatest number of prestigious endorsements when he ran for the speakership. In attempting to be all things to all men, Rayburn had effectively neutralized himself in the important battles of 1938.

CHAPTER V

TURMOIL

By 1939 Sam Rayburn had established the modus operandi from which he never waivered. The majority leader had determined that in order to secure the speakership, his first responsibility was not to speak his own personal convictions, but to abide by the pronouncements of the two men who could see him through to his final destination, Roosevelt and Garner. The problem for Rayburn was that his two mentors found themselves increasingly at odds with each other and when these two powerful wills clashed, as they did in the Court packing plan, the attempted purge of the Democratic Party, and the sit-down strikes, Rayburn was forced to walk a very tenuous tight rope. As has already been discussed, Rayburn preferred to remain silent at such times, although he maintained strong personal convictions about these controversial issues. If forced to take a stand in such instances, Rayburn always hedged his position, filling his comments with ambiguities and qualifications, but he always deferred to the highest authority--the president. Such was the case in numerous instances in 1939, as his two superiors drifted further and further apart.

As the 1939 session began, considerable speculation circulated on Capitol Hill regarding the future of Sam Rayburn. The majority leader paid regular visits to the president without Speaker Bankhead, whose health had been in a state of decline since he won the top position in the House of Representatives in 1936.¹ As a result, Rayburn gradually became a surrogate speaker entrusted with the responsibility of implementing presidential will in the House. The man from Bonham, already in his late fifties, was finally closing on his life's ambition. His methodology never wavered. He would continue as he had for decades to bide his time, build seniority, and cater to presidential whim.

Therein lay a dilemma for Rayburn, for the president and his followers had been buffeted about by a Congress in which the two-term presidential tradition was deeply engrained. It appeared certain that the Democrats would choose a new team for the 1940 campaign. As a result, midway through Franklin Roosevelt's second term, congressmen, cabinet officers, governors, and the press began to look upon him as a lame-duck chief executive. The Court-packing scheme, the attempted purge of conservatives from the Democratic Party, the failure of key legislative programs, and a growing resistance to Mrs. Roosevelt's political activities served only to accentuate the widening breach between the president

¹ New York Times, February 14, 1939, p. 8.

and the Congress. Rayburn could no longer expect his undiminished fealty to the president to be swallowed by a resisting Congress. He would have to steer a much more independent course of action to maintain his own congressional following.

To make matters more uncomfortable for Rayburn, the leading pretender to the presidential mantel was none other than his old friend, Vice President Garner. By early 1939, Garner had begun to sound like a bonafide contender for the presidency. Rayburn knew that to support either the president or the vice president was to antagonize the one who lost his endorsement. Compounding the situation were a number of people who touted Rayburn himself as a candidate for the nation's highest office. Wright Patman of Texas, one of Rayburn's friends and colleagues in the House, judged him to be the man best fitted to succeed Roosevelt. The St. Louis Post-Dispatch promoted him as the leading dark horse candidate for president at the next Democratic Convention, and Look Magazine regarded him as "the most useful member of Congress."²

At the beginning of the session there were a number of conferences among anti-New Deal Democratic senators. Many had been marked for political extinction by the president but had beaten the purge and returned to Washington intent

²Steinberg, Sam Rayburn, pp. 155-156.

upon making things uncomfortable for Roosevelt. Others who had not been involved in the attempted purge believed that the time had come for a showdown with the New Dealers. As these private conferences evolved, however, one great concern emerged. If the anti-New Dealers administered a severe licking to the president and his followers, they might inadvertently spurn a third party ticket with Roosevelt at its head. The Democratic Party would be hopelessly split in 1940, and Democrats might see the country elect a Republican president. Theodore Roosevelt had split the Republican Party in just such a manner in 1912. The conservative Democratic senators agreed that top priority was to keep the Democratic Party intact. To do this they had to be careful not to give Roosevelt an excuse to break away.

Congressional resistance was a foregone conclusion when the first real contest between the president and Congress arose over a request to make up a large deficit in relief funds. The president announced in a special message to Congress on January 5 that the relief funds appropriated by Congress the year before would be exhausted almost a month ahead of schedule. Brazenly, he sought a large new appropriation of \$875 million, not only to make up the deficit, but to extend the program through the balance of 1939.³

³Speech by President Franklin D. Roosevelt, message to Congress, January 5, 1939, explaining the relief fund deficit

The problem with these appropriations was that they were to be administered by the WPA, an agency which in recent months had become extremely unpopular. The Special Senate Committee on Senatorial Campaigns, chaired by Senator Morris Sheppard of Texas, filed a report with the Senate on January 3, in which it stated without equivocation that in a number of cases WPA funds and personnel had been misused for political purposes during the senatorial primaries and elections of 1938. Senators and representatives returning to Washington for the new session offered considerable evidence to support the findings of the Sheppard Committee. Specific evidence was submitted on WPA expenditures in behalf of Senator Alben W. Barkley in Kentucky and against Senator Millard F. Tydings in Maryland.⁴

Anticipating the WPA furor, Roosevelt had removed the controversial head of the agency, Harry Hopkins, by appointing him Secretary of Commerce. Unfortunately, when the Hopkins' nomination reached the Senate, it was referred to the Commerce Committee by a hostile John Nance Garner. It was no accident that Senator Sheppard was a prominent member of the committee and its chairman, Senator Bailey of

and asking for additional appropriations, 1939 Drawer, Rayburn Library.

⁴Robinson and Robinson, "Congress Moves to Control Relief," The Congressional Digest, 18 (February 1939): 35-42.

North Carolina, had been one of the intended victims of the 1938 purge. The anti-New Dealers raked Hopkins over the coals, belittled his motives, treated him roughly at every turn, and then in keeping with their agreement before the session began, gave Hopkins begrudging approval as Secretary of Commerce as so to quell any third party movements by New Dealers.⁵ It was against this background that the debate on the deficit relief bill took place.

As usual, Rayburn was the administration's spokesman in the House. Realizing that Garner stood four-square against the measure, the majority leader once again preferred to carry a low profile, saying nothing about the political roughing-up Hopkins had received at the hands of Garner's cronies. Rayburn did secure a favorable report on the bill from the House Appropriations Committee, but he assigned most of the face-to-face confrontations and floor debates to trusted lieutenants. Through these mouthpieces, Rayburn contended that the full \$875 million appropriation was required to provide 2.3 million WPA jobs for the balance of the year. His aides in the House also declared, with very limited justification, that recovery since July of 1938 had been both rapid and extensive, and that the administration anticipated a further increase of approximately 1.5 million jobs in the private sector during 1939. In

⁵Ibid.

an effort to maneuver Garner and his friends into a more agreeable posture on the measure, Rayburn suggested that WPA rolls be purged of maligners who managed to remain on the rolls continuously.⁶ Alternately threatening his colleagues with the loss of almost 2.5 million WPA jobs if they refused the appropriation and holding out the promise of substantial employment gains in the private sector over the short term if the bill were approved, Rayburn secured passage of the bill by the whole House on January 26.

In the Senate, however, reports spread that Vice President Garner was opposed to the bill. The president was especially disturbed about a "parable" recited by Garner: "Down in our country," the vice president said, "when cattle are grazing and taking on fat we don't bother them too much and we don't scare them. We ought to have as much consideration for human beings as we do for cattle."⁷ Garner's point was that so many recovery methods had been started and stopped or switched that the nation never had the opportunity to recuperate and return to health. He continued by saying that if people were left alone for a chance they would reenter the private sector more quickly and end the depression.

⁶U.S. Congress, House, Congressional Record, report of House Committee on Appropriations on H.J. Res. 83, 76th Cong., 1st sess., January 12, 1939, pt. 1:241-248.

⁷Timmons, Garner of Texas, p. 243.

Many members of the Senate resented a proposal in the appropriations bill which would place administrative employees of the WPA under civil service jurisdiction, thereby making them a permanent fixture in the government. That proposal was stricken from the bill. Others resented the implications of statistical analyst, Roger C. Dunn, who suggested that for every single WPA worker, the New Deal could count on four votes.⁸ Most senators expressed concern over the absence of congressional control over WPA purse strings and the resulting political scandals associated with the 1938 campaigns. With John Nance Garner ruminating about the spender's paradise which had been created within the WPA and its immunity from congressional, Budget and Treasury scrutiny, the Senate balked.⁹ An emaciated WPA appropriation was approved but it contained almost \$200 million less in appropriations than the president had requested. The bill provided for a reduction in the number on relief rolls from

⁸Washington News, January 19, 1939.

⁹New York Times, June 1, 1939, p. 2. Garner blatantly predicted passage of a bill to prohibit the political use of relief funds and prevent "pernicious political activities" on the part of federal office holders. This thinly-veiled reference to the use of WPA funds and officials during Roosevelt's attempted purges in 1938 is still another indication that the nation's two top elected officials had become political rivals and antagonists. The Relief Bill of 1939 ultimately contained a provision penalizing politicking with relief funds by raising punishment from misdemeanor to felony status (see New York Times, June 17, 1939, p. 6).

8 million in 1939 to 2 million in 1940. In essence, it signalled the beginning of the end for the WPA and a new reprimand for the president as the 1939 session began.¹⁰

Rayburn, holding true to form, accepted the emaciated bill, refusing to cast recriminations at Garner and his conservative Democratic friends who had been instrumental in the final outcome.

As the New Deal's domestic programs floundered, however, a deteriorating international situation, compounded by the menacing gestures of Adolph Hitler, diverted presidential and congressional attention to foreign affairs. Ironically, from the time of his inauguration until he became a lame-duck president, Roosevelt had had little personal effect on the basic direction of American foreign policy. From 1935 to 1937, for example, he stood by helplessly as a wary Congress established isolationism as the cornerstone of the country's international relations. A series of neutrality measures barred American arms and other military aid to all warring countries, including those under attack or invasion. Likewise, the lending of money to belligerent

¹⁰"The Works of Congress," a radio address by Sam Rayburn to the House of Representatives, August 5, 1939, 1939 Drawer, Rayburn Library. Also see U.S. Congress, House, Congressional Record, 76th Cong., 1st sess., April 8, 1939, 74, pt. 4:4024-4026; Ickes, The Inside Struggle, 2:162; and Timmons, Garner of Texas, pp. 243-245.

nations was prohibited, as was the transportation of contraband goods to belligerents in American vessels, the arming of American vessels engaged in commerce of any kind with warring nations, and travel by American citizens on belligerent vessels.¹¹

When Roosevelt suggested in October of 1937 that America might consider levying a moral quarantine on aggressor nations, the resulting outrage expressed by press and politicians alike was enormous. His subsequent budget request for the Army was a paltry \$250 million.¹²

With American foreign policy firmly non-interventionist, the forces of Hitler and Mussolini blasted Spain and Ethiopia and seized Austria. The warlords of Japan responded by stepping up their reign of terror in China. When no response from the West was forthcoming, the Nazis intimidated Czechoslovakia and then rolled into her capital in overpowering numbers in March, 1939, occupying the country without firing a shot. Soon thereafter, when the Nazis began a war of nerves with Poland, Roosevelt took his first bold stand against the Berlin-Rome-Tokyo axis. Fortuitously, the events in Europe and Asia rescued the president from his

¹¹Robinson and Robinson, "The Neutrality Act of 1937 and Proposed Amendments," The Congressional Digest, 18 (March 1939): 77-78, 230.

¹²Steinberg, Sam Rayburn, p. 156.

own floundering domestic programs and elevated his lame duck administration to a new height as a defender of American sovereignty.¹³

The metamorphosis did not occur overnight. Roosevelt eased the nation into a more aggressive posture, allowing world events to work in his behalf. On March 7, 1939, during one of his many press conferences, a question was posed as to whether or not America's neutrality legislation had contributed anything to world peace. Roosevelt replied, "If one can answer a question like that with a 'yes' or 'no' answer, I would say, 'No, it has not.'"¹⁴ He had intimated for some time that complete American neutrality, during a period when a well armed, well supplied, and well financed aggressor imposed its will on an unsuspecting nation, was a decidedly unneutral act, benefitting the aggressor.

The prime requisite in regaining some flexibility and autonomy for himself in the conduct of foreign policy was to secure the repeal of the arms embargo. Roosevelt and his advisors, Secretary of State Cordell Hull, Rayburn, and Sol Bloom, chairman of the House Foreign Affairs Committee, were all in agreement on the objective. As these four men set out to draft the repeal legislation, the nation launched

¹³ New York Times, January 3, 1939, p. 13.

¹⁴ Daniels, ed., Complete Presidential Press Conferences of Franklin D. Roosevelt, 13:173-174.

into a furious debate on the issue, torn between active and passive defense of the nation's sovereignty. Enunciating the administration's view, Rayburn and Hull took to the platform almost daily, explaining to the American people that the inflexible provisions of the existing embargo might actually drag the United States into the war instead of keeping us out. After all, if aggressor nations in Europe and Asia continued their unprovoked attacks on inadequately armed neighbors, secure in the knowledge that American foreign policy was unabashedly isolationist, then America might ultimately have no allies to depend on if she were attacked.¹⁵ In answer to those who wanted a complete embargo on exports, Rayburn contended that such a policy would have a ruinous effect on American economic life even if it avoided any direct involvement in an international conflict.¹⁶

One of the leading isolationists of the day, Senator Bennett Champ Clark, a Democrat from Missouri, took Rayburn and the administration to task:

We cannot be neutral unless we are neutral in fact. It is impossible to be neutral unless we refrain from

¹⁵ Secretary of State Cordell Hull to Representative Sol Bloom, chairman of the House Committee on Foreign Affairs, May 3, 1939, 1939 Drawer, Rayburn Library.

¹⁶ Ibid. In this letter, Secretary Hull touched upon the views of Rayburn, Sol Bloom, chairman of the House Foreign Affairs Committee, and the president, suggesting that each was in agreement with him that a complete embargo on exports was out of the question.

discrimination between the parties. We cannot be neutral if we are setting ourselves up as a munitions reservoir and a replacement station for instruments of death, if we are planning for a spurious prosperity from the revival of the munitions trade. The tear-rusted, blood-stained gold which we got from that ill-omened trade in the last war has never been anything except a curse to us. Our present depression, the thirteen and half billions of war debts, the maimed and dead, the bill for bonuses and veterans' disabilities, the injury to our institutions all bear witness to that fact.

As Senator Borah has said, "Sooner or later our boys will follow our guns into the trenches." If we again set out upon the path of being merchants of death we are setting our feet upon the path which sooner or later will lead us into war with all of its horrid consequences.¹⁷

Other powerful and popular figures who entered the fray on the side of Clark and the isolationists included Nevada Senator Key Pittman, chairman of the Senate Foreign Relations Committee, Charles A. Lindbergh, and such special interest groups as the National Council for the Prevention of War. Pittman favored amending the old cash-and-carry provision which prohibited commerce in war materials in American ships to read that it would be unlawful "for any American vessel to carry any passengers or any articles or materials to any state" which had been declared a belligerent.¹⁸ Lindbergh, in a radio address from Washington, urged that Americans

¹⁷Robinson and Robinson, "Should the Congress Amend the Present Neutrality Law?" Congressional Digest 18 (October 1939): 248-250.

¹⁸Radio Address by Senator Key Pittman, Democrat from Nevada and chairman of the Senate Foreign Relations Committee, October 19, 1939, 1939 Drawer, Rayburn Library.

guard against allowing their sympathies to sway their judgment: "This is simply one more of those age-old quarrels within our own family of nations--a quarrel arising from the errors of the last war--from the failure of the victors of that war to follow a consistent policy either of fairness or of force."¹⁹ The National Council for the Prevention of War contended that America's policy during the Great War of trading with one group of belligerents had produced at least two factors that encouraged U.S. participation in the war: (1) America had to assure its side's victory in order to collect payments on its loans to allies; and (2) the axis powers naturally tried to prevent materials America shipped from reaching their opponents, thus inciting a pro-war sentiment in the United States.²⁰

The wording of the embargo's repeal legislation was of utmost importance and Rayburn's instructions from the president involved keeping an eye on the progress of bill drafting. Sol Bloom, the chairman of the House Foreign Affairs Committee, the man appointed by Roosevelt to formulate the original draft with Cordell Hull, was a popular and friendly man, but his background in songwriting and music publishing had left him relatively unversed in foreign affairs and bill

¹⁹ New York Times, September 16, 1939, pp. 1, 9, 6, 7.

²⁰ Robinson and Robinson, "Should the Congress Amend the Present Neutrality Law?" p. 251.

writing. The legislation he and Hull formulated was so ineptly worded that some of the committee's attorneys argued that the language actually retained the embargo. No man in Congress possessed greater capabilities in bill drafting than Sam Rayburn, but during the early stages of work on the bill, Rayburn was plagued by a persistent sore throat and back pains. In a letter to his sister Lucinda, he described his physical problems: "I had my tonsils out in April and it was some months before my back and knees were normal again."²¹ For months thereafter, Rayburn hobbled about with a cane, and so did the proposed embargo repeal.

To compound the difficulties, Representative J. M. Vorys, a freshman Republican from Ohio, introduced an amendment to the bill which actually reiterated the nation's isolationist policy by declaring that whenever the president proclaimed the existence of a state of war between foreign powers, he could impose an embargo on "arms and ammunition" but not on "implements of war."²² The confusing Vorys amendment was approved by a vote of 159 to 157, as Rayburn hobbled about desperately trying to round up votes against

²¹ Sam Rayburn to Lucinda Rayburn, July 14, 1939, 1939 Correspondence, Rayburn Library.

²² U.S. Congress, House, Congressional Record, 76th Cong., 1st sess., June 28, 1939, 84, pt. 8:8151, 8173. Also see Francis Wilcox, "The Neutrality Fight in Congress: 1939," American Political Science Review, XXXIII (1939): 818-823.

it. Rayburn attributed his failure to the absence of a number of Eastern Democratic congressmen who stayed in Washington only on a Tuesday-through-Thursday basis. When the Vorys Amendment came up on a Friday, at least a dozen Easterners were absent.²³

The confusion which surrounded the bill and the Vorys Amendment is testimony to the struggle which occurred in the hearts and minds of most Americans in 1939. As Representative Vorys said when he introduced his amendment, "The President has no more intention of taking us into war than he had six years ago of taking us into debt; but we have learned that despite good intentions, if you spend enough you get into debt, and if you threaten enough you get into war."²⁴ Others remembered that an embargo repeal preceded America's entry into the Great War.

On the other hand, Hitler was making menacing gestures toward Danzig and the Polish Corridor during the debates on repeal of the embargo. With Spain and Ethiopia in flames and Austria and Czechoslovakia already under the Fuhrer's belt, some sort of response on the part of the United States was an absolute necessity. Unable to wait any longer for passage of the embargo repeal which still languished in the

²³Cordell Hull, The Memoirs of Cordell Hull, 2 vols. (New York: Macmillan Co., 1948), 2:648.

²⁴U.S. Congress, House, Congressional Record, 76th Cong., 1st sess., June 28, 1939, 84, pt. 8:8151, 8173.

House Committee on Foreign Affairs, Roosevelt responded to Hitler's aggression in April, 1939, by sending a diplomatic courier to Berlin. Through the messenger, the president asked Hitler and Mussolini if they would promise not to attack thirty-one nations he listed by name. Hitler responded with a mocking harangue. As he called the roll of states: "Finland, Latvia, Lithuania . . . Palestine . . ." the Reichstag burst into derisive laughter.²⁵ Herman Goring, who was visiting Rome when he heard of Roosevelt's letter, suggested that the president had a brain malady. Mussolini concluded it was a case of creeping paralysis.²⁶

At the same time, the Japanese, who were already conducting a murderous war of attrition in China, seized the Chinese island of Hainan and occupied the Spratley islands, only 400 miles from the Philippines. Tokyo then bluntly announced its intention to create a Greater East Asia Co-Prosperity Sphere which would unite Japan, China, and Manchuria under Japanese administration.²⁷

²⁵The Public Papers and Addresses of Franklin D. Roosevelt, 1939 vol., War and Neutrality (New York: Macmillan Co., 1941), pp. 209-216. New York Times, April 29, 1939, p. 1. Also see Norman Baynes, The Speeches of Adolph Hitler, 2 vols. (London: Oxford, Clarendon Press, 1942), 2:1605-1656.

²⁶William E. Leuchtenberg, Franklin D. Roosevelt and the New Deal, 1932-1940 (New York: Harper & Row, 1963), pp. 289-294. Also see James M. Burns, Roosevelt: The Lion and the Fox (New York: Harcourt, Brace, 1956), pp. 391-392; "Mr. Roosevelt Intervenes," Christian Century, LVI (1939), 536.

²⁷William Langer and S. Everett Gleason, The Challenge to Isolation, 1937-1940 (New York: Harper & Row, 1952), pp. 42-45.

Because of these crosscurrents, fear of abandoning isolation on the one hand and fear of appeasement which would thereby encourage further aggression by Berlin and Tokyo on the other, Congress responded to the proposed embargo repeal in one of the wildest, most tumultuous sessions in years.²⁸ As debate intensified, Rayburn entered the fray, on behalf of the repeal, by estimating that the world was on the verge of a general war. He contended, as had Roosevelt and Cordell Hull, that the embargo was a powerful, if advertent, encouragement to aggressors since it automatically cut off victims from American aid. "Is it immoral," he asked, "to ship arms to China so that a Chinaman can protect his fireside, his women from violation? Is it immoral, when ambitious men have the desire to control the earth, to ship arms to some little weak country that it may let the dictator know it can get arms somewhere to protect its liberty?"²⁹

After weeks of wild, emotional debate, a packed gallery watched as the House voted 200 to 188 to repeal the embargo.

²⁸U.S. Congress, Senate, Congressional Record, 76th Cong., 1st sess., July 6, 1939, 84, pt. 8:8674-8678. Also see William Kaufman, "Two American Ambassadors: Bullitt and Kennedy," in The Diplomats, 1919-1939, edited by Gordon Craig and Felix Gilbert (Princeton: Princeton Press, 1953), pp. 651-657; "Mr. Roosevelt Intervenes," p. 536; "R.S.V.P." Commonweal, XXX (1939): 3; Burns, Roosevelt: The Lion and the Fox, pp. 391-392; New York Times, June 26, 1939, pp. 1, 14.

²⁹New York Times, July 1, 1939, p. 1.

The inclusion of the Vorys Amendment, however, served only to confuse the issue. As a result, Roosevelt determined to have the Senate clearly repeal the arms embargo and then have Rayburn get the House to accept the Senate version. The plan backfired when Key Pittman, chairman of the Senate Foreign Relations Committee, arbitrarily tabled any action on the bill until the 1940 congressional session. Roosevelt seemed more of a lame duck president than ever.³⁰

On the domestic front, Roosevelt's programs continued to flounder. Henry Voorhis, a Democrat from California whom Rayburn had placed on various committees because his liberal leanings coincided with those of the administration, contended that fully one-third of the House Democrats were conservative. When they united with the Republicans on particular issues, the coalition actually constituted a majority.³¹ Rayburn's own score sheet indicated the same thing, although by actual count Democrats outnumbered Republicans in the House by a margin of 268 to 162.³² The New York Times suggested that a

³⁰Robinson and Robinson, "Congress Moves to Amend the Present Neutrality Act," Congressional Digest, 18 (March 1939): 236. Also see New York Times, July 1, 1939, p. 1; U.S. Congress, House, Congressional Record, 76th Cong., 1st sess., June 18, 1939, 84, pt. 8:8151, 8173.

³¹Joseph Alsop and Robert Kintner, "Never Leave Them Angry: Sam Rayburn Tackles His Biggest Job," Saturday Evening Post, 213 (January 18, 1941): 22-23, 76-78. Also see Steinberg, Sam Rayburn, p. 192.

³²Steinberg, Sam Rayburn, pp. 191-194.

three-way split had occurred within the Democratic Party. Roosevelt led the center group, flanked on one side by a sizeable Southern right and on the other by a small and rather nebulous left. Most of the leading conservative Democrats had a common point of reference which bound them together. They had been the intended victims of Roosevelt's ill conceived and unsuccessful purge of the Democratic Party in 1938. They held the balance of power in Congress and were not adverse to joining the Republicans when necessary to block domestic programs which were offensive to them. These were the men who, by 1939, had begun laying the groundwork for a large conservative voice in the 1940 convention.³³

Once this conservative coalition had successfully limited the life of the WPA, it moved eagerly to eradicate other spending programs which it considered extravagant. When John Nance Garner deployed his conservative lieutenants against the administration's \$800 million Housing Authority Expansion Bill, Rayburn responded timidly in the House. In one of his few public statements on the matter, Rayburn suggested that the expenditure was a single appropriation and not a continuing program; indeed, the housing bill was designed to be self-liquidating. His statements in behalf of the bill sounded almost apologetic. Representative Albert

³³ New York Times, July 9, 1939, IV:3, 9. Also see Alsop and Kintner, "Never Leave Them Angry," pp. 22-23, 76-78.

Gore of Tennessee, leading a large group of conservative Democratic insurgents, offered proof that previous government-sponsored housing contracts had not been self-liquidating. On the contrary, the administration's previous efforts in public housing had resulted in uncompleted housing projects, cost over-runs, and permanent displacement of slum-dwellers whose homes had been razed to make way for "improved" housing. On August 3, the housing bill was defeated by a margin of 191 to 170, when fifty-four conservative Democrats joined with Republicans and voted against it.³⁴ Recognizing the strength of this new conservative coalition, Rayburn accepted the defeat quietly and never brought the issue up again.

These were exasperating times for Rayburn. In legislative ability and popularity, few if any men on Capitol Hill were his equals. He had, however, become known as Roosevelt's surrogate, his alter-ego in the House and, having recognized Rayburn's position, conservative Democrats made life miserable for him. If conservatives could not lash out directly at the president, they could do so indirectly by manhandling his spokesman in the House, Sam Rayburn. Down crashed the housing bill and the WPA, in a heap at Rayburn's feet. Rayburn could not even preserve the constitutional integrity of the office of Secretary of Labor,

³⁴New York Times, August 4, 1939, p. 1.

occupied by another highly-visible Rooseveltian, Frances Perkins. By a vote of 137 to 93, the House ignored the pleas of Rayburn and transferred the supervision of funds in the Wage-Hour Division of the Department of Labor away from the Secretary of Labor, giving it to Elmer F. Andrews, the Wage-Hour Administration, because of his more conservative leanings. Before the vote was cast, Rayburn argued that an affirmative vote would "be construed as a vote of no confidence in Miss Perkins."³⁵ Republicans and conservatives Democrats applauded and cheered after the vote.

To make matters worse, many publications, in examining the breach in the Democratic Party, played on Rayburn's association with the president. An article in the Saturday Evening Post concluded:

Rayburn is deeply orthodox in his organization loyalty, attached to the President both personally and as head of his party, and sometimes slightly overawed to find himself, plain Sam Rayburn from a Texas dirt farm, in the presence of the Squire of Hyde Park and the master of the White House. Sometimes, in truth, Rayburn seems to yield to the President with remarkable ease.³⁶

By mid-1939, considerable attention was being focused on the 1940 presidential race. If Roosevelt bowed to the two-term tradition, the fractionalized Democratic Party would

³⁵ Ibid., March 2, 1939, p. 1.

³⁶ Alsop and Kintner, "Never Leave Them Angry," pp. 76-78.

have to find a compromise candidate. John Nance Garner, as vice president, would have been a contender, but he fell victim to two serious shortcomings. One was his age: Garner was in his mid-seventies. More importantly, he was an old-line conservative in a Democratic Party which was cut in the Roosevelt mold. Garner was aware of his own shortcomings, but he was determined to cut short any movement toward a third term by Roosevelt. He confided to Rayburn and a small circle of friends that he believed Roosevelt would campaign for reelection. If Roosevelt chose to break the two-term tradition, Garner said:

I will oppose his nomination in every way I can. I would be against a third term on principle even if I approved every act of Roosevelt's two terms. If my own brother were President and wanted to run for a third term I would oppose him. The rule against the third term for a President of the United States has the sanction of history and has been supported by an overwhelming majority of the people.³⁷

Soon after the vice president led the fight against further WPA appropriations in 1939, some of Roosevelt's inner circle began to show concern over Garner's growing strength. Several Washington columnists sympathetic to Roosevelt, headed by Drew Pearson and Robert Allen, organized a verbal

³⁷Rayburn Medal. Hearing before Committee of Banking and Currency of U.S. Senate, 87th Cong., 2d sess., S.J. Res. 133, "To Provide for the Coinage of a Medal in Recognition of the Distinguished Services of Sam Rayburn, Speaker of the House of Representatives," August 24, 1962, p. 32, Rayburn Library.

assault on the vice president.³⁸ In a tone which suggested an indictment would soon be forthcoming, Pearson and Allen reported that Garner aide and confidant Roy Miller was under investigation by the Temporary National Economic Committee.³⁹ Nothing ever came of the alleged investigation, but the two clever columnists had accomplished their desired ends-- damage by innuendo. Later the same two columnists gave considerable attention to Garner's absence at a Marian Anderson concert at the Lincoln Memorial. When the Negro singer had been refused the use of a concert hall operated by the Daughters of the American Revolution, Secretary of the Interior Harold Ickes made arrangements for her to use the Lincoln Memorial. Ickes then charged, through Pearson and Allen's syndicated column, that Garner had refused an invitation to attend the concert, implying that the vice president was racially prejudiced. Garner denied that he had received an invitation whereupon Ickes produced a Western Union receipt showing that the vice president had received an invitation six days before the concert.⁴⁰ Of course, numerous other officials failed to attend the concert too, but Garner had been marked for political extermination.

³⁸Robinson and Robinson, "Congress Begins Looking at Presidential Prospects," Congressional Digest, 18 (May 1939): 129.

³⁹Drew Pearson and Robert Allen, "Washington Merry-Go-Round," Washington Times Herald, February 17, 1939.

⁴⁰Ibid.

In the June, 1939, issue of Look Magazine, Ickes leveled another withering attack on Garner, saying:

This is no time for a candidate whose "qualifications" are the fact that he has been chirruping weak opposition to everything the world's greatest democratic leader has done, or a candidate whose claim to office consists of the traitorous knifing in the back of the commander in chief to whom he has sworn fealty, or whose "strength" is that of knowing nothing, doing nothing.⁴¹

Other New Dealers sniped away from Garner's home state of Texas. Maury Maverick who had been defeated for reelection to Congress in 1938 was now mayor of San Antonio. He called for Roosevelt's reelection, and then, in response to a question concerning Garner, he said, "Sure, I'm for Garner for President. I'm for Garner for President of the Pecan Growers' Association. . . . Garner is a myth. He has never said anything or done anything except keep quiet and get elected to office. He's been a deaf and dumb politician all his life."⁴²

As damaging as these allegations may have sounded, they carried little weight. Ickes made his charges from outside the structure of the Democratic Party, since he was an appointed official. Maverick was considered a crank, even by most Democrats. Clearly, if any real damage was to be done to the Garner bandwagon, a gun of much heavier caliber

⁴¹Look Magazine, June, 1939, p. 26; Washington Post, June 6, 1939.

⁴²New York Times, July 26, 1939, p. 6.

would have to be used. To the delight and relief of the New Dealers, the big gun made its appearance at an otherwise rather dull session of the House Labor Committee. John L. Lewis, president of the C.I.O., announced to a stunned audience:

Now turning [from the House of Representatives] to the other end of the Capitol, we find the United States Senate headed by a poker-playing, whiskey-drinking, evil old man who would destroy labor.

Some gentlemen may rise in horror and say, "Why Mr. Lewis has made a personal attack on Mr. Garner." Yes, I make a personal attack on Mr. Garner for what he is doing, because Garner's knife is searching for the quivering, pulsating, heart of labor. And I am against him. I am against him officially, individually, personally, concretely, and in the abstract, when his knife searches for the heart of my people.

I am against him in 1939 and I will be against him in 1940 when he seeks the Presidency of the United States. And I say to Mr. Garner and I say to the people of the United States that he will never achieve the Presidency of this Republic by baiting labor and seeking to debase Americans.⁴³

Congress went into an uproar over the attack. Speaking in behalf of Garner, Senator William King espoused the conservative line by saying, "Mr. Lewis' statement . . . will probably add to Mr. Garner's strength, probably will give him the nomination."⁴⁴ After reflection on the episode, however, most knowledgeable politicians agreed with the Garner-baiting liberal press that they could not envisage a torch-light parade with marchers carrying banners reading,

⁴³Ibid., July 28, 1939, p. 1 (p. 3 for Lewis text).

⁴⁴Donahoe, Private Plans and Public Dangers, p. 100.

"Vote for the labor-baiting, poker-playing, whiskey-drinking evil old man."⁴⁵

Roosevelt was certainly under no illusions as to the damage which had been caused to the Garner campaign. Confiding with a small group of trusted friends, including Harold Ickes and Pittsburg oilman Walter A. Jones, Roosevelt chuckled that no matter how low the blow, John L. Lewis had indeed destroyed John Nance Garner as a presidential candidate.⁴⁶

Rayburn, of course, was not oblivious to the campaign Roosevelt's cronies were waging against his life-long friend Garner. He quickly moved to salvage what he could of Garner's reputation by calling a meeting of the entire Texas delegation in Congress. Several resolutions were drafted in advance and every member of the delegation was asked by Rayburn to sign on the dotted line. Basically, the resolutions declared that Garner was not a whiskey-drinking, labor-baiting, evil old man. The only voice raised against the resolutions was that of Congressman Lyndon B. Johnson. A young, bombastic protégé of Roosevelt, Johnson refused to sign his name to the documents, declaring that the delegation would appear

⁴⁵ Kenneth Crawford, "The Real John Garner," The Nation, CIL (August 5, 1939): 140.

⁴⁶ Ickes, The Inside Struggle, 2:693-694. Also see Barnard Asbell, The F.D.R. Memoirs (Garden City, N.J.: Doubleday & Co., 1973), p. 380.

foolish if such statements were issued. After all, he said, everyone knew Garner was a heavy drinker and that he was bitterly opposed to organized labor.⁴⁷

Rayburn was taken aback. He had made a special effort to befriend Johnson whose father had been among the legislators who selected Rayburn as speaker of the Texas House of Representatives. For two hours the delegation argued with Johnson, without success. Rayburn then took Johnson into his office and talked with him alone. The pressure, according to Johnson, was intense. He claimed that Rayburn lost his temper. At one point, Rayburn said to Johnson, "Lyndon, I am looking you right in the eye," and Johnson replied, "And I am looking you right back in the eye."⁴⁸ Johnson later bragged to Roosevelt that he kept his own temper and that after it was all over, Rayburn apologized to him.⁴⁹ Considering that Rayburn had taken Johnson under his wing when he came to Washington in 1931 and that in 1935, after Johnson's pleadings, Rayburn went to Senator Tom Connally and secured for the twenty-six-year-old neophyte a position as head of the Texas National Youth Administration, Johnson treated his mentor shabbily indeed. Johnson, however, was

⁴⁷ Ickes, The Inside Struggle, 2:699.

⁴⁸ Ibid., p. 699. Also see Mooney, Roosevelt and Rayburn, pp. 113-114.

⁴⁹ Ickes, The Inside Struggle, 2:699.

a man on the make and personal loyalties counted for little when compared to his own political ambitions.

When Johnson held his ground, everyone in the Texas delegation agreed that unless the pro-Garner resolutions were unanimous, their effect would be meaningless. Consequently, the task was given to Johnson to prepare resolutions he would be willing to sign. When the amended and softened resolutions were read to the House of Representatives, a large number of members rose for an ovation which lasted for a full two minutes.⁵⁰

Rayburn knew, after the John L. Lewis outburst and the Marian Anderson episode, that Garner's chances for the presidency had been severely damaged. Clearly, three segments of the Roosevelt coalition--labor, Negroes, and the unemployed--would cut themselves adrift if Garner were nominated. Nonetheless Rayburn saw several reasons now for publicly announcing his support for Garner. First, most serious presidential contenders had long since declared their intentions of running for office, and with the election only a year away, Rayburn believed he was safe in committing for Garner. After all, Rayburn had been one of Roosevelt's closest advisors and the president had never intimated to any of them, even at this late date, that he

⁵⁰Mooney, Roosevelt and Rayburn, pp. 113-114.

intended to run again. Secondly, Rayburn had to consider his own political fortunes back home in Texas. If Roosevelt were to announce for reelection, there was little doubt in Rayburn's mind that the folks back home still stood four-square behind native son Cactus Jack. Rayburn's endorsement of a Yankee, a liberal, a man running for an unprecedented third term, over another Texan, might well prove to be his own political undoing. His support of Garner was almost an act of self defense.

The announcement came on August 13, two weeks after the explosive John L. Lewis episode. "I am," said Rayburn, "for that outstanding Texan and liberal Democrat, John Nance Garner, for the Presidential nomination in 1940, believing that if elected he will make the country a great President."⁵¹ He was joined by both Texas Senators Connally and Sheppard, and by eleven of the twenty-one House members. His was the first public statement by any of the so-called "big four"--Rayburn, Bankhead, Barkley, and Garner--the leaders of the majority in the House and Senate.

The endorsement came just one week after Roosevelt had said he could not support anyone but a liberal candidate on a liberal platform. Rayburn's statement that Garner was a "liberal Democrat" was an obvious reference to the Roosevelt

⁵¹New York Times, August 13, 1939, VII:14.

address.⁵² Newspapers across the country considered Rayburn's endorsement a blow to Roosevelt's third term prospects.⁵³ Others, however, saw the event as much less sinister in its implications and on the whole, quite understandable. The Galveston News said Rayburn had abandoned no one, but simply bowed to political necessity, because his constituents were for Garner. After John L. Lewis' bitter attack on their native son, Texans expected Rayburn to take a stand.⁵⁴ The Washington Post agreed, saying that the catalyst for Rayburn's endorsement had been Lewis, not any falling out with the president. Rayburn's endorsement of Garner could not be considered disloyalty to the president, for he did not expect Roosevelt to run again. The president's silence on the issue had left Rayburn with no choice. The Post concluded by saying, "Rayburn cannot be classed with that party wing [the Garnerites]. Too much important and controversial New Deal legislation bears his name or the imprint of his leadership to permit that interpretation."⁵⁵

Predictably, however, Rayburn was raked over the coals. Several New Dealers charged that since the Garner-Roosevelt

⁵²Washington Star, August 14, 1939. Also see Baltimore Sun, August 13, 1939, Rayburn Library.

⁵³St. Louis Globe Democrat, August 14, 1939, Rayburn Library; Washington Star, August 14, 1939; New York Times, August 13, 1939, VII:14; Washington Post, August 18, 1939.

⁵⁴Galveston News, August 18, 1939, Rayburn Library.

⁵⁵Washington Post, August 18, 1939, Rayburn Library.

split, Rayburn had been

less firm and less resourceful than he could have been--especially in dealing with the wage and hour amendments, the investigation of the National Labor Relations Board, and some of the spending bills. These, labor policy and spending, are the specific phases of the New Deal over which the Roosevelt-Garner conflict has been sharpest.⁵⁶

Rumors flew that a rift had developed between Roosevelt and Rayburn. In a letter to Rayburn, W. C. Hushing, the National Legislative Representative of the American Federation of Labor, warned, "There is a great deal of talk in newspapers and otherwise regarding your statement supporting Vice President Garner for the Presidency and lots of talk about [John] McCormack superseding you as floor leader."⁵⁷ In his reply, Rayburn indicated that he had heard the same rumors, but had received a letter from McCormack, "saying that if anyone tried to start such a movement for him or anyone else, he [McCormack] will be in the thick of the fight supporting me."⁵⁸

The rumors became so alarming that Representative John J. Cochran of Missouri, a close friend of Rayburn's, was compelled to address the House of Representatives on the issue

⁵⁶ Ibid.

⁵⁷ W. C. Hushing, National Legislative Representative of the American Federation of Labor, to Sam Rayburn, August 17, 1939, 1939 Correspondence, Rayburn Library.

⁵⁸ Sam Rayburn to W. C. Hushing, August 24, 1939, 1939 Correspondence, Rayburn Library.

in an effort to nip a potentially dangerous rumor in the bud, before it matured and created a large rift in the Democratic Party. He was especially critical of those in the news media who, immediately following Rayburn's endorsement of Garner, predicted a House revolt against the majority leader. Cochran concluded that the press had drifted off into "dreamland" when it offered John McCormack of Massachusetts, Carl Vinson of Georgia, Pat Boland of Pennsylvania, or Clarence Lea of California as possible replacements:

It so happens that every man mentioned is a most sincere friend of Rayburn and would fight to the bitter end any movement to replace him. . . . Who was it that suggested McCormack head the Democratic Caucus? Ask McCormack. He will tell you, it was his friend Sam Rayburn. If any attempt was made to displace Rayburn, I can see John McCormack leaving the chair in the caucus, and making one of the speeches for which he is famous, in support of his friend Sam Rayburn. The same applies to Pat Boland who Sam appointed as whip, and to his friends of over twenty-five years standing, Vinson of Georgia and Lea of California, all outstanding men.⁵⁹

When Roosevelt read that Rayburn had endorsed Garner, he was hurt until he saw that Rayburn quickly followed his endorsement with the statement: "History will place President Roosevelt and his accomplishments on the same plane with Washington, Jefferson, and Jackson."⁶⁰ Roosevelt knew full well the pressures back in Texas which forced Rayburn's

⁵⁹ Speech to House of Representatives by Representative John J. Cochran, Democrat from Missouri, August 16, 1939, 1939 Drawer, Rayburn Library.

⁶⁰ Steinberg, Sam Rayburn, p. 158.

announcement. Nonetheless, he could not suppress his inherent desire to punish those closest to him when they deviated from his chosen path. On August 15, 1939, Steven Early, the president's appointments secretary, penned a note to his chief reminding him that in previous years he had always sent congratulatory messages to Rayburn on the occasion of the celebration of Sam Rayburn Day in Denison, Texas. Early gave the president one week's notice before Rayburn Day arrived on August 22. "Ordinarily," wrote Early, "I would take care of this without troubling you, but in light of Rayburn's recent declarations, I think it best to leave the decision to you."⁶¹ In a silence as loud as a thunderclap, Roosevelt sent no congratulatory message.

Having come to the support of John Nance Garner in his hour of need, and incurring the wrath of the president for his troubles, Rayburn moved quickly to mend his political fences. Once again, he picked up Roosevelt's cherished Executive Reorganization Plan which had been defeated in 1938 and pressed mightily for its passage. Most members of Congress now believed that Roosevelt would retire in 1940 and as a result, they looked more favorably at his proposals to streamline the executive branch. Rayburn powered the bill through the House without difficulty and assisted his

⁶¹ Steven Early, Presidential Appointments Secretary, to Franklin D. Roosevelt, August 15, 1939, Roosevelt Correspondence, Rayburn Library.

Senate colleagues in approving the House version of the bill. The act empowered the president to place his own branch of government in order, through the use of executive orders, provided that Congress did not disapprove.⁶² Authority was given the president to group agencies in order to eliminate duplication of effort, reduce expenditures, and increase the efficiency of his department.⁶³

Rayburn also engineered passage of the president's Emergency Relief Appropriation Act of 1939, but only after he had been roughed up again by the coalition of conservative Democrats and Republicans. The House loaded the bill with amendments which were objectionable, both to Rayburn and the president, but Roosevelt signed the bill, saying, "Obviously I cannot withhold my signature and thereby stop work relief for the needy unemployed."⁶⁴ The president objected to provisions which required that security wages in different localities not be varied any more than was justified

⁶²"Review of the 76th Congress: A \$13,400,000,000 Runaway," Newsweek, August 14, 1939, pp. 11-13.

⁶³For a detailed view of what the president ultimately did in reorganizing the executive branch, see The Public Papers and Addresses of Franklin D. Roosevelt, 1939 vol.: War and Neutrality (New York: Macmillan Co., 1941), pp. 271-274, 332. Also see "Accomplishments of the First Session of the Seventy-sixth Congress," speech by Sam Rayburn to House of Representatives, August 5, 1939, 1939 Drawer, Rayburn Library. Also see War and Neutrality, pp. 491-506; "Review of the 76th Congress," pp. 11-13; Polenberg, Reorganizing Roosevelt's Government, pp. 181-191.

⁶⁴War and Neutrality, pp. 375-377.

by differences in the cost of living. Since the average wage was left the same nationwide, the net result of this provision was a reduction in the wages of northern and western workers, and a corresponding rise in the wages of southern workers. Another provision to which the president objected was a requirement that workers who had been continuously employed for more than eighteen months should be laid off for thirty days. Senate amendments which had allowed for the exercise of some discretion in the case of families in dire need were stricken out by the House. Finally, Roosevelt objected to the abolition by the House of the Federal Theater Project, which would have provided relief and specialized work for artists, musicians, and writers. The president signed the bill, but only after the House had done another hatchet job on the president's proposals, and on his representative, Sam Rayburn.⁶⁵

When Congress adjourned in August, war still had not come to Europe, and the neutrality legislation of the late 1930s still restricted the president's power. Roosevelt, discussing the seriousness of the problem with some of the members of the Senate neutrality bloc shortly before adjournment, warned that war would probably come before the regular

⁶⁵ Ibid. Also see "Review of the 76th Congress," pp. 11-13.

session began in January, 1940. The president's intelligence sources indicated that Hitler was poised to attack Poland. Former President Eduard Benes of Czechoslovakia, driven from his country by invading Nazis, concurred with Roosevelt's intelligence sources, indicating that Germany's next move would be against Poland.⁶⁶

The members of the Senate neutrality bloc, however, were not impressed. Senator Bennett Champ Clark, a Missouri Democrat who had led the successful effort to postpone any action on the neutrality bill, concurred with Senator William E. Borah of Idaho, who told the president that his own sources of information in Europe were better than those of the White House and State Department. Borah's sources indicated that Germany's aggressive intentions had been satisfied in Czechoslovakia, and that the worst was over.⁶⁷

Hitler had always claimed that his sole intention was to create a greater Germany by incorporating all German nationals into the Reich. When, in the spring of 1939, he invaded the non-German parts of Czechoslovakia, Hitler destroyed in one stroke the last remaining illusion that

⁶⁶Ickes, The Inside Struggle, 2:675-676.

⁶⁷War and Neutrality, p. 391. Also see Robinson and Robinson, "Congress Tackles Neutrality," Congressional Digest, 18 (1939): 225. Also see "News Articles on the Life and Works of Honorable William E. Borah," U.S. Senate, 76th Cong., 3d sess., Senate Document 150 (Washington, 1940), p. 39, Rayburn Library.

his ambitions were confined to German unity. Within a month, Nazi troops invaded Memel, Franco captured Madrid, Japan captured the Spratly Islands, and Mussolini grabbed Albania. Then, late in August, Germany and Russia entered into a ten year agreement not to go to war against each other. Germany applied enormous pressure on Poland for the return of Danzig and the Corridor, threatening partition and a protectorate if these efforts were resisted. The administration now believed that a partition of Poland between Germany and Russia was inevitable.

On September 1, the German army crossed the Polish frontier in massive numbers and indiscriminately bombed civilian population centers in every significant city in Poland, including special destruction of Warsaw.⁶⁸ On September 13, President Roosevelt called Congress into special session to repeal the arms embargo. Speaking to a hushed and apprehensive Congress, he recalled that during the decade of the 1930s, disputes between nations had been resolved, not at the peace table, but at the point of a gun. Now, despite the best efforts of the Executive branch to avert a full scale military holocaust, aggressor nations in Europe and Asia were armed to the teeth and poised at the throats of their inadequately prepared neighbors. Roosevelt reiterated his

⁶⁸New York Times, March 16, 1939, p. 2. Also see Ickes, The Inside Struggle, 2:699-709; Asbell, The F.D.R. Memoirs, p. 373.

position that the current embargo operated unfairly and was actually an aid to well-equipped aggressor nations, because it denied arms and munitions to their intended victims.⁶⁹ He also claimed that the embargo was a sham, for although it denied finished implements of war to belligerents, it allowed for the sale of many types of uncompleted implements of war, as well as all kinds of general materials and supplies. Furthermore, the law allowed these materials to be transported to belligerents in American flag ships, thus endangering American neutrality and peace.⁷⁰

The president then offered seven recommendations:

(1) repeal the embargo; (2) require all purchases made by belligerents to be in cash, and cargoes to be carried in the purchaser's own ships, at the purchaser's own risk; (3) allow the president to define danger zones, and restrict the passage of American merchant vessels through them; (4) prevent American citizens from traveling on belligerent vessels; (5) require foreign buyers to take transfer of title in this country to commodities they purchased; (6) retain that portion of the existing law regulating the collection

⁶⁹U. S. Congress, House, Congressional Record, 76th Cong., 2d sess., September 21, 1939, 85, pt. 1:6-7. Also see War and Neutrality, pp.510-525.

⁷⁰War and Neutrality, pp. 510-525. Also see U. S. Congress, House, Congressional Record, 76th Cong., 2d sess., September 21, 1939, 85, pt. 1:6-7.

in this country of funds for belligerents; and (7) retain that portion of existing law which required licensing of arms traffic.⁷¹

Public reaction to the address was immediate and intense. In London and Paris, Englishmen and Frenchmen heard the thunderous applause at the end of Roosevelt's message and privately congratulated themselves on what they regarded "as the first step toward bringing America in." In Stockholm, government leaders interpreted the president's message as a first step toward involving the United States in Europe's war and expressed the view that if Roosevelt had his way, "the question would not be 'if' but 'when' America would become a belligerent."⁷² In the United States Senate, however, the "Neutrality Bloc" expressed an entirely different point of view. Suggesting that the tragic events in Europe were just "another of those recurrent struggles between power groups which has been [Europe's] curse since the dawn of history, peace bloc leader Senator Bennett Champ Clark of Missouri encouraged the American people to resist the efforts of "propagandists, internationalists, hysterical alturists, and those more sinister forces backed by the international bankers and munition mongers who are already moving heaven and earth to bring about a sentiment for our

⁷¹"'War or Peace for America?' Is Issue in Congress Battle", Newsweek, October 2, 1939, pp. 25-27. Also see War and Neutrality, pp. 510-525.

⁷²"'War or Peace for America?'", p. 26.

participation on the side of one set of belligerents." The road to war, he said, might well lead to speculative riches by such greedy profiteers, but the rest of the country would face the dread aftermath of enormous taxes, black depression, and the impairment of government processes and civil liberties such as followed in the train of the Great War.⁷³

The strategy of Senator Clark and his peace bloc was to whip the country up to a fever pitch such as that aroused against the League of Nations two decades before. To this end, Clark asked Governor Phillip La Follette of Wisconsin to organize an "educational campaign" which another prominent member of the peace bloc, Henry Ford, would finance. Others taking part in the campaign were Colonel and Mrs. Charles A. Lindberg, Professor Charles A. Beard, Eddie Rickenbacker, Pierre duPont, and Senator Hiram Johnson of California.⁷⁴

The pro-embargo campaign heated up when hundreds of thousands of letters implored members of Congress to "Keep America Out of the Blood Business."⁷⁵ Henry Ford announced,

⁷³Speech by Senator Bennett Champ Clark, Democrat from Missouri, at Brookfield, Missouri, September 3, 1939, 1939 Drawer, Rayburn Library.

⁷⁴"War or Peace for America?", pp. 25-27. Also see Robinson and Robinson, "Con: Should The Congress Amend the Present Neutrality Law?", Congressional Digest, 18(October 1939):248-256.

⁷⁵Leuchtenberg, Franklin D. Roosevelt and the New Deal, 1932-1940, p. 294.

"The sole purpose of amending the Neutrality Act is to enable munitions makers to profit financially through what is nothing less than mass murder."⁷⁶

As Sam Rayburn prepared to do battle for his president in the House debates, the volume of mail which came to his offices on the subject of neutrality was enormous. Not one letter expressed a desire to rescind the arms embargo. On the contrary, most of the letters were belligerent and hateful, both of Rayburn and the president. A photographer in Denison, Texas, wrote, "Please let the Monroe Doctrine work both ways. Let the Neutrality Law stay as it now is. We are not interested as much in stopping Herr Hitler as we are in stopping Mr. Roosevelt's international meddling."⁷⁷

Professor Clyde Pharr of Vanderbilt University, a close friend of Rayburn's wrote that the "practical destruction" of the Democratic Party in 1920 was primarily due to the deep resentment engendered in the American people when Woodrow Wilson did not live up to his pledge to keeping America out of the Great War. He concluded by saying, "I am even more convinced that if Mr. Roosevelt succeeds in getting us into war, either with Japan or in Europe,

⁷⁶New York Times, September 21, 1939, pp. 6,7,17.

⁷⁷Merrell Ellis, Photographer in Denison, Texas, to Sam Rayburn, April 20, 1939, Correspondence, Rayburn Library.

the Democratic Party will pay a fearful price for such a betrayal of our country and of our democracy."⁷⁸

Rayburn replied to all of the thousands of telegrams and letters which had been sent to him. Each of his replies resembled this letter to his friend, Professor Pharr, of Vanderbilt University:

I do not see anything wrong in Mr. Roosevelt's indicating that he preferred democracies to dictatorships. Certainly the totalitarian states are not backward in saying that they are going to stand by each other, it matters not what the trouble may be. It would appear to me that it is perfectly proper for a democracy like the United States of America to be interested in the continuation of ten or a dozen democracies in Europe.

Much is being said about the defense program that we are inaugurating in this country. I look upon it as insurance against trouble. If Italy and Germany in Europe and Japan can with ruthless disregard for not only property but also human rights take other people's territory and bring other peoples under their domination and destroy what democracies exist there, then it would appear to me that we would be in trouble with them. . . . If it is known throughout the world that the democracies are prepared to defend themselves, my considered opinion is that it will be the greatest insurance of peace.⁷⁹

As debate began, Rayburn found his most vocal opponent to be Representative William Lemke of North Dakota, a prominent member of the peace bloc. Lemke summarized the opinions of his organization most persuasively. He chastised Rayburn for his continual references to God,

⁷⁸Clyde Pharr to Sam Rayburn, February 2, 1939, 1939 Correspondence, Rayburn Library.

⁷⁹Sam Rayburn to Clyde Pharr, February 7, 1939, 1939 Correspondence, Rayburn Library.

calling upon Him "to help destroy other people when the Fifth Commandment expressly says that 'Thou shall not kill.'"⁸⁰ Lemke concluded that Rayburn "had better call upon the other fellow--Satan--as the one who does the killing and who will enter into a league with them in that unholy business."⁸¹ Lemke could see no neutrality or morality in "mass murder," regardless of which side in the conflict the United States chose to assist. "The way to disarm is to disarm" he said. "These were the words of President Roosevelt in his message to Congress a few years ago. May Congress now send him a message that 'The way to be neutral is to be neutral in reality and not in make-believe.'"⁸²

Knowing the seriousness of the debates in Washington, the German war machine hesitated, hoping that by allowing for a cooling off period in its series of conquests, the American Congress might be lulled into retaining neutrality. The impression Hitler conveyed to the American people was that the war had settled down to a state of immobile seige, with the Germans unable to penetrate the Maginot Line and the Allies unable to penetrate the German defenses. Indeed, Time Magazine referred to the conflict as the "Bore" war.⁸³ Things in Europe were amazingly quiet and American diplomats

⁸⁰U. S. Congress, House, Congressional Record, 76th Cong., 2d sess., November 2, 1939, 85, pt. 2:1306.

⁸¹Ibid.

⁸²Ibid.

⁸³"National Affairs", Time, 35 (January 1, 1940):8.

traveling by train through Europe reported they could see German and French trenches a short distance apart, with not a gun being fired.⁸⁴

It was under these most trying of circumstances that Sam Rayburn rose to challenge his colleagues in the House:

Mr. Speaker, this game has been going on in Europe for six years with some nations. I think everyone admits that one nation in Europe has been arming for something during the past six years. For what? We did not know a few months ago. But with a law upon the statute books like we have today, if every other country in the world had peace and were trying to be neutral and had a law like we have, a rich nation that owned its own munitions factories or had the money to buy munitions of war could without war being declared pile up as much ammunition as they could use in a three-year or even a five-year war, with unsuspecting small nations lying at their door, without factories for the manufacture of munitions, without the money to buy them unless they were placed in dire need by invasion of their territory. Is that a game that is quite fair? I do not think it is.

Is it immoral to sell munitions of war to somebody who was not the aggressor, who did not want war, who did not prepare for war? Is it unfair to sell them even a musket to defend that sacred place known as their fireside and their home and their inalienable right to liberty? It seems to me that would be a little bit cruel. . . . Is it immoral, and against the nations that are armed to the teeth, when an unarmed nation is attacked, to sell that unarmed nation, any place on the earth, something with which to defend itself, not for the purpose of being an aggressor, but only to defend that which is sacred and near and dear to them? I cannot see any immorality in that. . . .

I am one of those who want to see this thing done in the best way, and the way that we will be best understood, so nobody can say we have taken them

⁸⁴ Sumner Welles, The Time for Decision (New York: Harper & Row, 1944), pp. 73-147.

by surprise or that we have changed the rules in the middle of the game; a game, in my opinion, in which we have no part; a game in which I pray God we may never have any part. [Applause.]⁸⁵

The New York Times recounted the next day the response to Rayburn's speech: "Mr. Rayburn received an ovation as the House seldom hears. Shouts and 'rebel yells' from the Democratic side mingled with more than perfunctory handclapping from the Republicans."⁸⁶

Rayburn closed the debates with that speech and when the vote was taken shortly thereafter, the administration had won a thumping and somewhat unexpected victory, by a margin of 243 to 181. Rayburn was given primary responsibility for engineering the bill through the House, with strong supporting roles being attributed to Speaker Bankhead, and Representative Patrick Boland, the Democratic party whip.⁸⁷ A conference committee of House and Senate members ultimately resolved what few differences existed between the two houses. The measure was finally approved by both houses on November, and signed by the president on November 4. In all essentials, the president's recommendations were unchanged.⁸⁸

⁸⁵U. S. Congress, House, Congressional Record, 76th Cong., 2d sess., November 2, 1939, 85, pt. 2:1305-1306.

⁸⁶New York Times, November 3, 1939, p. 1.

⁸⁷Ibid. Also see War and Neutrality, pp. 512-525.

⁸⁸War and Neutrality, pp. 512-525. Also see Dena Frank Fleming, "Arms Embargo Debate", Events, 6(1939):342;

It was during these debates that Speaker Bankhead requested and was granted a leave of absence, because of his deteriorating health. In the natural course of events, Sam Rayburn, as majority leader, was elevated to speaker pro tempore by House resolution. No other names were submitted to the membership and Rayburn's appointment was unanimous. It is significant that fate, in the form of Bankhead's health, played as important a role in Rayburn's ultimate elevation to the speakership as anything he himself had accomplished. The man from Texas now stood only a heart-beat away from his life-long objective.⁸⁹

Congress may have moved cautiously in its actions regarding neutrality, but its concern over the growing cataclysm in Europe now led it to spend record amounts of money to defend the American people. Rayburn experienced no trouble in securing the passage of a \$1.2 billion omnibus defense bill, the largest peace-time defense appropriation in American history. Coming as it did on the heels of a \$1 billion appropriation in 1938, the bill provided for an impressive expansion of American

Philip Jessup, "The Neutrality Act of 1939", American Journal of International Law, 24(1940):95-99; L. E. Gleeck, "96 Congressmen Make Up Their Minds", Public Opinion Quarterly, 4(1940):3-24.

⁸⁹New York Times, September 26, 1939, pp. 15,22; U. S. Congress, House, Congressional Record, 76th Cong., 1st sess., July 1, 1939, 84, pt. 8:8521.

military muscle. The Navy, already in the midst of a \$270 million expansion program, received another \$773 million for new ship construction and 3,000 new planes.⁹⁰

The other \$1.25 billion was earmarked for numerous special projects, including an increase in the size of the Air Corps from 2,000 to 6,000 planes; the construction of twelve new naval air bases in the United States, the Caribbean, and the Pacific; the purchase of critical weapons; the construction of additional locks at Panama; expansion of the Coast Guard and Merchant Marines; pilot training, aviation research; seacoast defenses; aircraft and naval factories; and an expanded enlisted and officer corps.⁹¹ Rayburn had done his part in securing America's military preparedness, and in so doing, had ingratiated himself to the president.

Perhaps no politician in modern times ever negotiated a stranger odyssey to power than Sam Rayburn. Like a sailor in stormy seas, he avoided running aground in his attempts to comply with the conservative leanings of

⁹⁰"U. S. Army Grows in Power", Business Week, August 19, 1939, pp. 17-18.

⁹¹Ibid. Also see "Accomplishments of the First Session of the Seventy-sixth Congress", speech by Sam Rayburn to House of Representatives, August 5, 1939, 1939 Drawer, Rayburn Library; "Review of 76th Congress: A \$13,400,000,000 Runaway", pp. 11-13.

John Nance Garner and the liberal pronouncements of Franklin Roosevelt. Somehow in spite of the numerous issues which set the president and vice president at odds with one another--the Court packing plan, the purge, the sit-down strikes, the WPA controversy, the housing bill, and the John L. Lewis episode--Rayburn's ship stayed afloat, and in reasonably good condition. Then, in the summer of 1939, came Martin Dies to test Rayburn's allegiance to his two friends as it had not been tested before.

Sam Rayburn was not a pretentious person, and he preferred to shun the many publicity seekers and power mongers who were elected to congressional seats. He once said, "Damn the man who is always looking for credit! I've always noticed that if a man does his job, and does it well, he will get more credit than he is entitled to."⁹² The comment is significant because it was made with reference to one of Rayburn's Texas colleagues--huge, loose-jointed, blond, rude-mannered Martin Dies. When first elected to Congress in 1930, Martin Dies was still in his twenties. He was the oversized baby of the 1931-1933 session. His father had been a congressman during the Wilson administration and had become a highly visible opponent to American participation in the Great War. Headline hunting was a Dies family tradition.

⁹²"Rayburnisms", a collection of the quotations and commentaries of Sam Rayburn, Rayburn Library.

With the advent of the New Deal, the conservative Dies curried the favor of Vice President Garner, who had served with his father. His efforts were rewarded when Garner intervened in House affairs and secured a position for him on the powerful Rules Committee, a scant four years into his congressional tenure.⁹³ Before long, Dies had become the ringleader of a rather sizeable group of young congressmen who met regularly in impromptu sessions in the cloak rooms of the House. He made boisterous jokes and delivered a continuous stream of rough, comical observations, directed primarily at members of the administration. He was particularly hard on Harold Ickes and Harry Hopkins. Not only did these men carry "alien" and "collectivist" philosophies, but Dies resented the fact that they were appointed officials, immune from control by the public will.⁹⁴

Martin Dies soon became, in the words of one observer, something of a "gang leader, very close to a small town bully."⁹⁵ He controlled some seventy-five dissident

⁹³ Fredrick R. Barkley, "Martin Dies of Texas", Current History, LI(December 1939):29-30. Also see Martin Dies, Martin Dies' Story (New York: Bookmailer, 1963), pp. 138-41; Allan A. Michie and Frank Rhylick, Dixie Demagogues (New York: DeCapo Press, 1939), pp. 55-57.

⁹⁴ Ibid. Also see William Gellerman, Martin Dies (New York: DaCapo Press, 1944), pp. 17-29.

⁹⁵ "Case History of a Red Hunt", The New Republic, 101(December 6, 1939):185.

Democrats in the House who repeatedly broke with Rayburn and the House leaders to vote against the administration. The catalysts for this convulsive movement were Roosevelt's attempted purge of the Democratic Party, the Supreme Court reorganization fight, and especially the General Motors sit-down strike. The first man in Congress to attack the sit-down strikers was Dies, who believed that aliens dominated the CIO. John Nance Garner shared his views and encouraged Dies to offer a resolution calling for a full scale investigation of the strikes. Dies obliged with a ringing speech on March 23, 1937, which received "repeated outbursts of applause" from his House colleagues.⁹⁶ Although the resolution was defeated on the floor of the House, it became a source of embarrassment to the administration and to Sam Rayburn, both of whom were trying to conciliate labor and management in the General Motors strike.⁹⁷

By 1938, as news of Nazi aggression and brutal communist purges in Russia spread through America, a new and uncomfortable awareness of aliens spread across the land. Martin Dies took advantage of it. Presenting superficial evidence that President Roosevelt was the object of a Bolshevik assassination plot and offering testimony that Fritz Kuhn, head of the American Nazi Party, was organizing

⁹⁶ New York Times, March 24, 1937, p. 11.

⁹⁷ Ibid.

Nazi summer camps in New Jersey and on Long Island, Dies called for an investigation of all un-American groups.⁹⁸ In the ninth year of the depression, Congress wanted to believe Dies' allegations that the crisis of the thirties had been caused by conspiratorial elements with a European origin.

Dies was allowed to chair a new House Un-American Activities Committee but because of his own unpopularity and vulgarity, the House appropriated only a one-year \$25,000 stipend, due largely to the influence of Rayburn. The costs of such congressional investigations are largely standardized, each committee having a chief counsel, investigators, stenographers, clerks, and a batallion of typists. A month of hearings with such a staff would have eaten up the entire appropriation. Rayburn believed Dies would have just enough money to expose the Nazi summer camps before his funds expired.

Dies, however, simply dispensed with a committee staff. He was his own counsel. No testimony was analyzed and no hearings were prepared, unless Dies himself did it evenings. He called upon the Department of Justice to provide the committee with investigators and a lawyer, but none could be spared. When two investigators were offered to the Dies

⁹⁸"Case History of a Red Hunt", pp. 185-187. Also see August Raymond Ogden, The Dies Committee (Washington: Catholic University of America Press, 1945), pp. 38-46; Gellerman, Martin Dies, pp. 54-64.

committee by the La Follette Civil Liberties Committee, the offer was declined. Philosophically the two organizations were miles apart, and Dies believed the Civil Liberties Committee was intent on sabotaging his investigation.⁹⁹

When the committee hearings began in the summer of 1938, Naziism was ignored, although much of the pressure for creation of the Dies committee had come from anti-fascist congressmen. With Dies at its head, and two volunteer cronies, E. F. Sullivan and J. B. Matthews, as investigators, the direction of the hearings, from the very beginning, was to employ hearsay evidence to smear the New Deal and to harrass real and supposed communists.¹⁰⁰ Dies allowed witnesses to make unsubstantiated charges of the most fantastic character and rarely accorded the accused any opportunity to reply. In the first few sessions, witnesses branded as communist no fewer than 640 organizations, 483 newspapers, and 280 labor unions. One witness implicated in subversive activities a number of Roman Catholic organizations, the Boy Scouts, and the Camp Fire Girls.¹⁰¹

⁹⁹Robinson and Robinson, "Congress and Un-American Activities", Congressional Digest, 18(November 1939):259-61.

¹⁰⁰D. A. Sanders, "The Dies Committee: First Phase", Public Opinion Quarterly, 3(April 1939):223-238; "Case History of a Red Hunt", pp. 185-187; Leuchtenberg, Franklin D. Roosevelt and the New Deal, pp. 280-281.

¹⁰¹Ickes, The Inside Struggle, 2:499-505. U. S. Congress, House, Congressional Record, 76th Cong., 1st sess., January 3, 1939, 84, pt. 1:118-26; Robinson and Robinson, "The Dies

Singled out for special enmity was the CIO, whose responsibility for the General Motors sit-down strikes was attributed to communist-oriented union leaders like John L. Lewis. According to Dies, "Communists seized strategic positions in certain unions affiliated with the C.I.O. . . . The sit-down technique was largely imported from abroad and was put into effect in this country for the purpose of paralyzing industry and producing a revolution."¹⁰²

Other organizations summarily branded as communist included the Civil Liberties Union, the National Negro Congress, the American Student Union, and the League of Women Voters. Even Hollywood was suspect. Dies' red-baiting investigator, J. B. Matthews, charged that Clark Gable, Robert Taylor, James Cagney, and even Shirley Temple had actively aided the cause of communism because they allowed an alleged French communist newspaper to interview them.¹⁰³

When Harold Ickes, another target of the Dies committee, heard of the charges, he sniggered, "They've [the Dies committee] gone into Hollywood and there discovered a great

Committee Lists the Subversive Agencies Operating in America," Congressional Digest, 18 (November 1939): 264-266.

¹⁰²"Case History of a Red Hunt," p. 186. Also see U.S. Congress, House, Congressional Record, 76th Cong., 1st sess., January 3, 1939, 84, pt. 1:1118-1126.

¹⁰³U.S. Congress, House, Congressional Record, 76th Cong., 1st sess., January 3, 1939, 84, pt. 1:1118-1126.

red plot. They have found dangerous radicals there, led by little Shirley Temple. Imagine the great committee raiding her nursery and seizing her dolls as evidence."¹⁰⁴

As the 1938 elections approached, the tactics of the Dies committee changed. Now that hundreds of organizations had been labeled communist, Dies set out to destroy those members of the New Deal who had been derelict in allowing them to exist. First to feel the brunt of Dies' invective was Governor Frank Murphy of Michigan. Dies labeled him a communist because he did not deal forcefully enough with the sit-down strikes in his state. Murphy was defeated for re-election.¹⁰⁵ Secretary of Labor Frances Perkins was singled out for similar treatment, both because she refused to take repressive measures against the CIO during the sit-down strikes, and because she suspended action on thousands of warrants issued for the deportation of aliens alleged to be ". . . some of the most notorious revolutionists the world has ever known."¹⁰⁶

A number of New Deal agencies were attacked as communist oriented. In a Dies committee position paper, this statement

¹⁰⁴Ickes, The Inside Struggle, 2:455.

¹⁰⁵Representative Noah Mason, member of the Dies Committee, "It is Happening Here", Proceedings of the National Education Association, LXXVII (1939):64; Ogden, Dies Committee, p. 77; War and Neutrality, VII:559.

¹⁰⁶Mason, "It Is Happening Here", p. 77.

appears: "This committee believes that the National Labor Relations Board should be subjected to a thorough investigation for the purpose of determining to what extent the members of the Board and its employees approve of the Communist views expressed by Mr. David J. Saposs, chief economist."¹⁰⁷ The WPA and PWA were both accused of harboring communist sympathizers. The WPA theatrical and writers' project, the only relief agency of its kind for the fine arts, was killed because the Dies committee said it was ". . . filled to the brim with alien propagandists, proud of their teachings that democracy must be overthrown, that dictatorship of the masses must prevail, and that God is a heretic."¹⁰⁸ Secretary of the Interior, Harold Ickes, believed he knew why Dies wanted to destroy the two federal relief agencies:

. . . Congressman Dies let out a blurb yesterday to the effect that he was going to ask Congress for money to investigate both PWA and WPA, but Dies is an ass. What is bothering him is that we will not give money for a very expensive project in his Congressional district in Texas.¹⁰⁹

Dies retaliated in his usual vindictive manner by listing the people of the world who incited race antagonisms

¹⁰⁷ U. S. Congress, House, Congressional Record, 76th Cong., 1st sess., January 3, 1939, 84, pt. 1:1118-1126.

¹⁰⁸ Ibid. Also see speech by Minnesota Republican Oscar Youngdahl in U. S. Congress, House, Congressional Record, 76th Cong., 1st sess., January 3, 1939, 84, pt. 1:1113.

¹⁰⁹ Ickes, The Inside Struggle, 2:501.

and inspired hatred. Stalin, Hitler, John L. Lewis, Frances Perkins, Harry Hopkins, and Harold Ickes headed the list.¹¹⁰

By the time Congress reconvened in January, 1939, Franklin Roosevelt was convinced that the primary objective of the Dies committee was to destroy the New Deal. He dispatched Speaker Bankhead and Sam Rayburn to reason with Dies, to convince him that his constant accusations were not only detrimental to the New Deal but to thousands of Americans who stood unjustly accused of being communists or communist sympathizers. Rayburn was surprised to find the normally temperamental, swaggering Dies in a contrite mood. Dies promised to reform.

He did not, however, and when he sought a new appropriation of \$150,000 for the year 1939, Sam Rayburn severed all relations with his Texas colleague, and worked mightily, at the administration's behest, to kill the appropriation altogether. Events, however, worked against Rayburn. Naziism and communism carried new and menacing profiles; Roosevelt had aroused congressional hostility with his Court-packing scheme and attempted purges of the Democratic party, which sounded ominously like Stalin's purges in Russia.

Congressional debate was intense. Rayburn marshalled an impressive group of adversaries to Dies and his witch-

¹¹⁰Ibid., 2:504-505.

hunting philosophy. Representative J. B. Shannon, a Democrat from Missouri, decried the Dies committee's anti-liberal bias, calling them a "kangaroo court." He recalled he had seen men " . . . denounced as subversive Socialists because they were agitating for factory inspection, the eight-hour day, a living wage, and other enlightened legislation."¹¹¹

After scrutinizing the testimony and records of the Un-American Activities Committee, Representative K. E. Keller, a Democrat from Illinois noticed that practically all of the evidence was hearsay. "It came," he said, "not from the people who are participating in un-American activities or those who knew the facts directly, but from people telling about other people and what they thought or had heard it whispered that these other people did, said, or believed."¹¹² Not a single government official accused of un-American activities had been brought before the Dies committee and confronted with documentary evidence of guilt.

Undaunted, Dies marched on, pleading for continued financial support while hurling clusters of outrageous statistics at the American people. In a radio address on

¹¹¹Ibid. Also see J. B. Shannon, Democrat from Missouri in U. S. Congress, House, Congressional Record, 76th Cong., 1st sess., February 3, 1939, 85, pt. 2:Appendix, p. 485.

¹¹²Robinson and Robinson, "Should the Dies Committee Inquiries into Un-American Activities be Continued?", Congressional Digest, 18(November 1939):278.

September 17, 1939, Dies charged that "there are 50,000 Communists who belong to trade unions, . . . half of the forty directors of the C.I.O. are Communists, . . . and important positions in the government are filled by Communists and their fellow travelers." He concluded by saying, "The ravages of cancer are not as visible as is the menace of Communism."¹¹³

When the vote on the Dies committee appropriation came, Republicans voted in mass for the appropriation not so much because of their sympathy with Dies, but because he was an embarrassment to the administration. Conservative Democrats joined in, and Dies won another appropriation, although Rayburn did manage to pare the final sum down to \$100,000. Rayburn exposed himself to sniping, both from the left and the right, but he risked the political repercussions because the president wanted him to.¹¹⁴ The futility of his fight, due largely to the president's own indiscretions the year before, was lost of such members of the administration as Harold Ickes, who complained that the new appropriation represented, once again, "a complete falling down of the so called Democratic leadership of the House." According to Ickes, "Both the Speaker and Sam Rayburn, Majority 'Leader,' feebly told him [the

¹¹³New York Times, September 18, 1938, p. 14.

¹¹⁴Barkley, "Martin Dies", p. 29.

president] they 'would do what they could' and then they abjectly surrendered to the blatant and demagogic Dies."¹¹⁵

The principal reason for the overwhelming vote of confidence given to Dies, however, was the fear of many members that dissent would cost them their congressional seats. A Gallup poll had recently shown enormous public sentiment for continuation of the committee and a vote against the resolution was certain to be called a vote for communism. It would be a custom-made slogan for opposition candidates in the fall campaign.¹¹⁶

Above all things, Sam Rayburn was a political realist. He knew Martin Dies was an unstable member of America's fanatical conservative fringe, as interested in his own personal political aggrandizement as in any supposed communist threat to America. Rayburn watched as Dies' insinuations and half-truths destroyed the careers and lives of decent people in and out of government, yet he remained almost completely silent on the threat which Dies represented. Following presidential orders, he attempted to stifle the Dies witch hunts, but most of his campaign was carried out through faithful Democratic floor lieutenants. Rayburn rarely spoke out against Dies on the floor of the House and his only pronouncements to the press on the issue were inoffensive comments about how popular Dies had become.

¹¹⁵Ickes, The Inside Struggle, 2:574.

¹¹⁶Kenneth G. Crawford, "Dies, 345; Decency 21", The Nation, February 3, 1940, p. 119.

The reasons for Rayburn's unwillingness to speak his mind were essentially two-fold. First, Rayburn realized that Dies, like many demagogues, commanded a sizeable popular following, particularly in his home state, and that in the interest of his own political future, discretion was the better part of valor. Secondly, he knew that his old friend and mentor, John Nance Garner, was a compelling force behind Dies' escapades. Holding true to his ambition to be speaker, Rayburn was not about to antagonize Garner. So, as he had done so many times before, he suppressed his own personal convictions and kept his mouth shut. Nonetheless, Rayburn must have recognized a basic flaw in the political machinations of Garner, whose continual offerings of advice and encouragement to Dies appeared eccentric and very un-statesman-like to Rayburn. By the fall of 1939, the relationship between Rayburn and Garner had been decisively altered. Martin Dies had injected a coolness into the relationship between the two Texans which would solidify Rayburn's relationship with F. D. R. and work to the detriment of Garner's presidential ambitions in 1940.

By the end of 1939, Sam Rayburn found that staying hitched to the president had its pitfalls. Roosevelt's maneuverings in 1938 had produced significant cracks in the Democratic Party's facade during 1939. As an extension

of the president, the majority leader from Texas weathered a severe buffeting from a conservative Democratic-Republican coalition which knew well the role he played. Years of deficit spending had produced no tangible evidence that the Democrats could cope with a decade-long depression. Rayburn fought mightily for every administration measure, as he always had, never asking questions nor voicing disapproval even when the president tampered with the Supreme Court, read other Democrats out of the party, or used WPA funds and personnel for political purposes. Other Democrats did object, however, and down went the administration's ambitious lending program, down went a massive housing proposal, down went future appropriations for the WPA, down went much of the power of the Secretary of Labor; and the New Deal collapsed in a heap with them.

The Garner-Roosevelt split served only to accentuate Rayburn's discomfort as he endeavored unsuccessfully to steer a tenuous middle ground. Roosevelt, who could not reveal his ambitions for a third term prematurely, became agitated and vindictive when Rayburn endorsed his Texas colleague. Although the president knew his faithful servant had no other choice, he chose to humiliate the majority leader by publicly favoring the political star of brash young abrasive upstart, Lyndon Johnson, during the Garner split.

Not even when his own pride and political reputation had been damaged by the president did Rayburn deviate from his fealty to Roosevelt. The president's lasting accomplishments in 1939--the repeal of the arms embargo, an ambitious defense program, and extensive reorganization of the Executive branch of the government--were as much the accomplishments of faithful captain Rayburn, as any other man, save the president himself. Interestingly enough, all three of these landmark events occurred after the Garner-Roosevelt split and the humiliation of Rayburn. Rayburn's fevor stemmed at least in part from a noticeable cooling in his relationship with Garner: a cooling brought about by Garner's association with the fanatical Martin Dies.

CHAPTER VI

"MR. DEMOCRAT"

On January 6, 1940, just three days after the opening of the third session of the Seventy-sixth Congress, Sam Rayburn delivered the keynote address at the annual Jackson Day Dinner, on the 125th anniversary of Old Hickory's victory at New Orleans. The continuing poor health of Speaker Bankhead had gradually forced Sam Rayburn to the front on party functions. As his appearances became more frequent, people began to anticipate his unequivocating stands on behalf of his president. For the first time, Rayburn was introduced as "Mr. Democrat": the appellation would remain his nickname for the rest of his life. His colleagues had come to anticipate the Rayburn message--the eulogizing of the achievements of the administration and the enumeration of Republican shortcomings.

A century before Rayburn's day, Ralph Waldo Emerson had written an essay entitled "Self Reliance." A portion of that essay pertains to the politics of Sam Rayburn: "If I know your sect I anticipate your argument? . . . Do I not know that he is pledged to himself not to look but at one side, the permitted side, not as a man, but as a parish minister? He is a retained attorney. . . ." ¹

¹The Collected Works of Ralph Waldo Emerson, vol. 1: Nature, Addresses, and Lectures (Cambridge, Mass.: Belknap Press of Harvard University, 1971), pp. 177, 199, 204.

In his address, "Mr. Democrat" enumerated a long list of New Deal accomplishments on the domestic front. He cited the effects of the social security and old age pension program, the Civilian Conservation Corps, the Public Works and Work Relief Agencies, the Federal Deposit Insurance Corporation, the Securities and Exchange Act, the Federal Housing Administration, the Home Owners' Loan Corporation, and the Reconstruction Finance Corporation. He answered the criticism of "reckless spending" by suggesting that an expanding economy would eventually absorb the additional expense. Turning to foreign affairs, Rayburn recalled that "less than five months ago the average American thought that if war broke out in Europe the United States would get into it. Today not one of ten thinks that America is going to become involved in the European war." The administration's neutrality legislation, he said, "has changed the public attitude from one of fatalism to one of hopefulness."²

His concluding remarks, like those of any good attorney for the defense, were both protective of his "client," the president, and laudatory.

Naturally the Democratic administration has made mistakes. We all admit that. Everything that we tried did not work as well as we had hoped; but this administration substituted action for inaction and when one

²Address by Sam Rayburn to the Jackson Day Dinner of the Concord Club, Lord Baltimore Hotel, Baltimore, Maryland, Saturday, January 6, 1940, 1940 Drawer, Rayburn Library.

thing has not worked it has abandoned it and tried something else. By trying we have solved a great many problems. . . .

Our program has been based on that sound old Democratic principle of doing the greatest good to the greatest number and all in all the program of the last seven years has been unmatched in the history of our republic for the amount of good that had been done for all the people.³

The "defense" rested its case.

As Rayburn spoke, Russia launched a massive and brutal invasion of tiny Finland. Since war was not formally declared by either side during the rape of Finland, the question arose in one of the president's press conferences as to whether Finland would be considered a neutral, eligible for receiving American arms. Roosevelt, still sensitive to the charges of isolationists that America's rapid arms build-up was a prelude to war, backed away from the issue, saying, "I doubt if we would sell guns directly to Finland, because there is an armed conflict going on. I doubt it very much."⁴

Many members of Congress, however, were outraged by Russia's international villany, and bi-partisan support soon developed for a dual course of action--a severing of diplomatic relations with the Soviet Union, and a massive arms shipment to the beleaguered Finns. The leader of the movement, Republican Hamilton Fish of New York, struck a

³Ibid.

⁴The Public Papers and Addresses of Franklin D. Roosevelt, 1940 vol.: War--And Aid to Democracies (New York: Macmillan Co., 1941), p. 82.

responsive chord among his colleagues when he recalled that Finland was the only nation to have fully repaid her debts to America from the first world war.⁵ Democrat Ed Izac of California agreed with Fish that diplomatic relations with the Soviets ought to be severed. He then expanded upon the idea of assisting the Finns:

. . . I would rather see something affirmative done to stop the activities of Russia at the place they can best be stopped. Our frontier is the Karelian Isthmus [Finland] today. . . . Three hundred and fifty thousand Finns can hold the line if they have the guns and the plans that they need to do the job. . . .⁶

Another Democrat, Emanuel Celler of New York agreed, saying Finland was fighting America's fight against communism. "She asks for planes, we offer her cookies," he complained. "She asks for guns, we offer her cake. To vary the simile, shall we sit in the bleachers and watch her being slaughtered in the arena of bloody Stalinism?"⁷ Celler wondered why Americans talked so much about the sanctity of treaties and international laws, when the Russians blatantly disregarded the Kellogg Non-Aggression Treaty and pulverized Finland.

⁵U.S. Congress, House, Congressional Record, 76th Cong., 3d sess., January 25, 1940, 86, pt. 1:689. For a more detailed view of the debate on Finland, see pp. 403-407, 686-694.

⁶Ibid., February 7, 1940, p. 1176. Also see Dorough, Mr. Sam, pp. 288-289.

⁷U.S. Congress, House, Congressional Record, 76th Cong., 3d sess., February 7, 1940, 86, pt. 1:1177.

Could the United States afford to unilaterally adhere to treaties which were being disregarded in enemy camps? Celler thought not. "Russia," he said, ". . . has ditched international law. Shall we encourage her butchery by refusing aid to her victim? Shall we remain stupidly silent in the face of rapine and plunder?"⁸

When scores of Democrats endorsed the Republican proposal, Roosevelt responded by recommending that a \$30 million aid package be extended to the Finns via the Export-Import Bank. The loans, however, specifically excluded "arms, ammunition, or implements of war"--the very items Finland required in order to survive.⁹

Isolationists were appalled. Democrat Matthew Dunn of Pennsylvania spoke for many colleagues when he opposed both the aid bill for Finland and the severance of diplomatic relations with Russia. He expressed his "extreme sorrow" for the people of Finland, Russia, Germany, England, France, Poland, and all other warring countries. His contention was that if these people had been allowed to vote on a war referendum there would have been no war. "It is the unprincipled demagogues in every country," he said, "who are responsible for the wars that are going on today."¹⁰

⁸Ibid., p. 1178.

⁹War--And Aid to Democracies, p. 51.

¹⁰Ibid.

Representative Butler Hare, a Democrat from South Carolina, agreed, saying the American people ". . . want this country to stay out of any and all foreign wars, and they do not want this Congress to go around with a chip on its shoulder giving dares to people simply because we do not like the way they do things."¹¹ Henry Devorshak of Idaho, a Republican, suggested that belligerent American congressmen who wanted to ship arms to Finland might also want to send fighting men. He believed that the first step would lead inevitably to the second, and that both courses of action were decidedly unneutral and ". . . would ultimately lead to our involvement in the war."¹²

The president's response to these crosscurrents of congressional opinion, and consequently the response of Sam Rayburn, was to steer a precarious middle course, advocating on the one hand non-military aid to Finland and on the other a continuation of diplomatic relations with Russia. A stern warning to the Soviets, however, was now a necessity and the president selected as his forum the national convention of the radical American Youth Congress. In an address on February 10 to this organization, many of whom were advocates of communism, Roosevelt decried the decisive stand the Youth

¹¹U.S. Congress, House, Congressional Record, 76th Cong., 3d sess., February 7, 1940, 86, pt. 1:1190.

¹²Ibid.

Congress had taken against the granting of any American aid to Finland. He mocked their high-handed resolutions and suggested that there was "definite room for improvement in the art of not passing resolutions concerning things one does not know everything about." He also indicated that American sympathies lay "ninety-eight per cent with the Finns."¹³ The president's concluding remarks were harsh and abrasive, very much unlike the jaunty Roosevelt the nation had come to know:

The Soviet Union, as everybody who has the courage to face the facts knows, is run by a dictatorship as absolute as any other dictatorship in the world. It has allied itself with another dictatorship, and it has invaded a neighbor so infinitesimally small that it could do no conceivable possible harm to the Soviet Union. . . .

It has been said that some of you are Communists. That is a very unpopular term these days. As Americans you have a legal and constitutional right to call yourselves Communists, those of you who do. You have a right peacefully and openly to advocate certain ideals of theoretical Communism; but as Americans you have not only a right but a sacred duty to confine your advocacy of changes in law to the methods prescribed by the Constitution of the United States--and you have no American right, by act or deed of any kind to subvert the Government and the Constitution of this nation.¹⁴

After a strategy session with the president, Sam Rayburn and the other party leaders in the House and Senate girded for verbal battle against both isolationists and those interested in lending arms to the Finns. The gist of the

¹³War--And Aid to Democracies, p. 92.

¹⁴Ibid., pp. 92-93.

administration's argument was that America did not have to violate her neutrality in order to materially aid the Finns. Rayburn contended, in floor debate, that \$10 of the original \$30 million allocated to Finland had already been placed to that country's credit and that the Finns were using it for the purchase of non-military goods, primarily foodstuffs. If they decided that "other products" were more essential, the Finns could easily trade the agricultural supplies for them. Rayburn's meaning was clear when he said, ". . . it is no business of ours, and she [Finland] can take the money she gets from the sale of those agricultural products and divert it for any other purpose."¹⁵

As for diplomatic relations with the Soviet Union, Rayburn again acted as the voice of the president, as well as the voice of reason when he said:

I think as little of the Russian Government and the people who are in control of it as anybody in the world. I doubt if the Russian Government, as it is presently constituted, is enjoying having an American ambassador in Moscow. I rather think we would play into their hands if we severed diplomatic relations. We have a listening post in Russia at least, and I am in favor of keeping it there. I cannot understand why it would help the United States one particle to sever diplomatic relations with Russia. We would have no way on earth of knowing about anything that went on in Russia. Let me repeat, being as much opposed to Communism as one could be, regretting the kind of government under which the Russian people must live, I do not think it is the part of diplomacy

¹⁵U. S. Congress, House, Congressional Record, 76th Cong., 3d sess., January 16, 1940, 86, pt. 1:405. Also see New York Times, February 8, 1940, p. 1.

on the part of the United States to say, "We will not send an ambassador to a country, if we do not endorse the form of government they have."¹⁶

Rayburn's approach to building momentum for the administration's argument was to pressure some of the more able orators in the House to speak out for reason and prudence. One such congressman was Emanuel Celler, the Democrat from New York who had spoken so forcefully for American military aid for the Finns. Celler bought Rayburn's argument and so did Rayburn's life-long friend Hatton W. Sumners of Texas. Together, these two powerful conservative Democrats carried the administration's argument to isolationists in Congress who would not have listened to Cordell Hull, or Rayburn, or even the president. "I loathe Russia," shouted Celler to his colleagues, "I despise Stalin, I spew at Molotov, I spit upon this man Litvinov; nevertheless, I shall vote against the amendment [removal of the American ambassador from Moscow]; I want things done in an orderly and straightforward manner." He concluded by asking his colleagues, "Does the President know about this amendment? Emphatically, no. Does Secretary Hull know about it? Again, no. How ridiculous then to carry on diplomatic relations in such

¹⁶U.S. Congress, House, Congressional Record, 76th Cong., 3d sess., January 25, 1940, 86, pt. 1:690. Also see Dwayne Little, "The Congressional Career of Sam Rayburn, 1913-1961" (Masters Thesis, University of Cincinnati, 1963), pp. 131-132.

an emotionally forensic manner, without even the knowledge of the President or Secretary Hull."¹⁷

Rayburn closed the debate by asking a fundamental question of his colleagues:

Are we, the Congress of the United States, going to sever diplomatic relations by an amendment like this with every country on the face of the earth with whose form of government we do not agree? Do you endorse the government of Japan? Do you endorse in toto the government of Italy, or in Germany, or in a dozen other countries throughout the length and breadth of the world?¹⁸

The aid bill for Finland passed by a wide margin in the House on February 7, but by the time the Senate had passed the measure, Finland was a wasteland.¹⁹ The proposal to sever diplomatic relations with Russia destroyed, at least temporarily, all party lines. The actual proposal to terminate American relations with the Soviets had been made by Rayburn's close friend, understudy, and Democratic colleague, John McCormack of Massachusetts. With Rayburn working round the clock to secure the defeat of the proposal and McCormack working with a bi-partisan group for its passage, the outcome was too close to call. The final vote

¹⁷U.S. Congress, House, Congressional Record, 76th Cong., 3d sess., February 7, 1940, 86, pt. 1:1177.

¹⁸Ibid., p. 1192.

¹⁹New York Times, February 8, 1940, p. 1. Also see New York Times, February 17, 1940, p. 6.

on February 7 vindicated the position of Sam Rayburn and the president by the slim margin of 108 to 105.²⁰

That same day, John McCormack rose and introduced a resolution nominating Sam Rayburn as acting speaker of the House, in the absence of a failing William Bankhead. Influenza had caused the aging Bankhead to take an extended leave of absence. McCormack's resolution was adopted unanimously by the House. Barring some unforeseen catastrophe, Rayburn now knew he was a certainty to succeed Bankhead as the most powerful legislative official in the land. Another immediate benefit accrued to Sam Rayburn. The position as acting speaker of the House required that Rayburn's activities be confined to the Capitol, far from the maddening schedules and brutal verbal exchanges of the campaign trail. John Nance Garner would now have to look elsewhere for someone to coordinate his presidential campaign. For months, Sam Rayburn had dreaded taking sides in a national election which involved two of his closest associates, for he was now convinced that Roosevelt would be a candidate for a third term. Events in Europe had enhanced the president's chances of breaking the two-term tradition.

Sensing Rayburn's relief at being removed from Garner's campaign camp, through his elevation to acting speaker

²⁰Ibid., February 8, 1940, p. 1.

status, Roosevelt made certain that the congressman from Texas had enough projects to keep him busy. Rayburn was to take charge of two essential administration programs--a new defense spending program and a controversial universal conscription measure, the first peace-time draft proposal in American history. Neither of these issues would surface in Congress for months, but they were sufficient reason for Rayburn to bow out of Garner's campaign gracefully, without ruffling any feathers.

As Franklin Roosevelt looked over the list of possible Democratic successors to the presidency, he saw none who could do as good a job for the cause of liberalism as he had. Secretary of State Cordell Hull was looked upon by many Democrats with considerable favor, but Roosevelt had serious doubts about Hull as a New Dealer. John Nance Garner had been ruled out as an acceptable candidate long ago, for the same reasons. Postmaster General Jim Farley, the president's able campaign manager in the two previous elections, was itching to run for the president's job himself. Again Roosevelt was unimpressed, for while Farley was a first-rate party leader, his grasp of public affairs matched his lack of interest in them. Roosevelt had once suggested to Farley that the Democratic National Committee ought to conduct an educational campaign on the administration's economic positions: Farley's response was, "Why, boss, you know I

don't know anything about economics."²¹ Senator Burton K. Wheeler of Montana was also too conservative: Roosevelt once told Farley that if Wheeler should be nominated for president, "I'd sooner vote for a Republican."²² Henry Wallace was an acceptable liberal alternative, but his base of support was restricted to farmers. William O. Douglas, another liberal, was not well known. Undoubtedly, the president sought weaknesses in the pretenders to his throne, so as to keep his own candidacy alive. An open avowal of his intentions was an invitation to disaster, so he contented himself with weeding out possible successors with semi-private statements which regularly found their way into public print, and waiting for the war in Europe to work its magic in his behalf. Sam Rayburn had been doubtful as to whether the president would run again, but when the war exploded across Europe, and particularly when France fell in the spring of 1940, Rayburn confided to Jim Farley his conviction that Roosevelt would be a candidate for reelection.²³

The opening gun of the presidential campaign was the New Hampshire primary on March 11. Those who supported a

²¹Asbell, The F.D.R. Memoirs, p. 379. Also see Washington Post, March 4, 1940; War--And Aid to Democracies, pp. 108-109.

²²Asbell, The F.D.R. Memoirs, p. 381.

²³Mooney, Roosevelt and Rayburn, p. 121.

third term for Roosevelt presented a full slate of candidates for election to the national convention. The president's two primary opponents in the primary, John Nance Garner and Jim Farley, were concentrating on the bigger, more crucial primaries and had only token organizations in New Hampshire. The president's slate won, but there were several disturbing developments in New Hampshire which worried Roosevelt. Only 13,500 Democrats voted in the primary, as opposed to 40,000 Republicans, suggesting that maybe a third term effort was destined to ignominious defeat. Further, the Garner and Farley delegates polled 3,000 and 4,000 votes each, despite the fact that neither candidate had made any effort to win votes in New Hampshire. Garner backers were jubilant.²⁴ With the exception of Massachusetts, whose delegates were at least nominally pledged to Farley, the rest of the New England states predictably elected pro-third term delegations to the national convention.²⁵

The Garner forces, without the able leadership of Sam Rayburn, selected Wisconsin as a crucial state. The Democratic Party there was split three ways, two of the groups supporting Roosevelt and one Garner. The Garner group was composed primarily of old-line Al Smith backers.

²⁴New York Times, March 13, 1940, p. 13. Also see Donahoe, Private Plans and Public Dangers, p. 143.

²⁵New York Times, May 24, 1940, pp. 10, 16; May 25, 1940, p. 8; June 5, 1940, pp. 19, 24.

One group of Roosevelt supporters consisted primarily of federal office holders and government employees, conservatives who had jumped on the Roosevelt bandwagon to preserve their own jobs in scores of New Deal agencies. The other, more liberal group consisted of avid New Dealers. The Garner men expected to profit not only from the split between Roosevelt's backers, but also from the fact that large numbers of liberals in Wisconsin had deserted to the Progressives during the 1930s. The margin of victory for Roosevelt was an impressive three to one, as the two Roosevelt camps captured a total of twenty-one of the twenty-four delegates, leaving Garner with only three.²⁶

The same day the Wisconsin primary was held, the Garner forces battled a pro-third term Tammany Hall in the New York City primary. Although Garner delegates attracted almost one-third of the votes cast, not a single Garner delegate was elected.²⁷

²⁶ Washington Star, March 27, 1940. Also see New York Times, April 2, 1940, pp. 1, 6, 7. Also see Leo T. Crowley to Franklin D. Roosevelt, April 3, 1940, Roosevelt Letters, Rayburn Library. For a more detailed look at the Wisconsin primary, see Baltimore Sun, April 5, 1940, Rayburn Library. Also see New York Times, April 5, 1940, pp. 13-14.

²⁷ New York Times, March 28, 1940, pp. 15-16; April 4, 1940, pp. 1, 14, 15, 22. Tammany Hall, up to its old tricks again, had the leading Garner candidates, John McNaboe, a state senator, and Al Smith, Jr., ruled off the ballot. McNaboe, they claimed, had neglected to register as a Democrat the previous fall, and Smith did not live in the district in which he ran for office. Less than a week before the elections, the state appellate court overruled the

If the Garner campaign was to survive, it had to make impressive showings in Illinois, California, and Texas. The Garnerites took Illinois for granted, thinking the entire delegation would fall into their laps as a result of a state law which required candidates to sign statements that they were candidates; thus ruling out the undeclared Roosevelt. The law, however, was ignored and Mayor Ed Kelly of Chicago joined forces with Governor Henry Horner's downstate machine on a harmony ticket for Roosevelt which administered a smashing six to one defeat of the Garner forces.²⁸ Lackadaisical leadership on the part of a rudderless Garner campaign was killing the vice president's chances for nomination.

Rayburn confined his campaign activities to an occasional timid letter or two. Typical of his reluctant campaign posture was this letter, written to a banker in upstate New York:

I have not heard what your personal attitude is in the presidential nomination matter but simply am going to say that before many days, you will be approached by some of the leaders in the Garner movement with the hope that you may feel like being of some service in the matter. If you can help, I will

Board of Elections and restored the two names to the ballot (see New York Herald Tribune, March 12, 1940; and New York Times, March 28, 1940, pp. 15-16).

²⁸Tom Connally as told to Alfred Steinberg, My Name Is Tom Connally (New York: Crowell Co., 1954), p. 234. Also see Washington Star, February 9, 1940; New York Times, April 11, 1940, pp. 12, 17, 24.

be mighty glad. If you can't, our relations will remain exactly the same.²⁹

Again, Garner had great expectations in California. He had won that primary in 1932. As in Wisconsin, the California Democratic Party was splintered into two groups for Roosevelt and one for Garner. The two major factions, one headed by Governor Culbert Olson, the other by former Senator William Gibbs McAdoo put pro-Roosevelt slates into the primary: each of the leaders hated the other and the possibility of cooperation seemed slight indeed. The Garner forces were headed by reactionary, anti-progressive Zack Lamar Cobb. What concerned Roosevelt and elated Garner was a California law which specified that when two or more delegations favored the same candidate, the candidate had to repudiate all but one. In desperation, Roosevelt dispatched the fiery Harold Ickes to patch things up between the dissident Roosevelt groups. To everyone's surprise, including Ickes himself, he succeeded in hammering out a compromise list of delegates that included the Olson, McAdoo, and even an extreme left-wing group headed by Lieutenant Governor Ellis Patterson. The results were spectacular, with the Roosevelt coalition polling 716,591 votes to Garner's 111,453.³⁰

²⁹Sam Rayburn to Parker Corning of Albany, New York, February 23, 1940, Rayburn Library.

³⁰Ickes, The Lowering Clouds, 3:140, 150. Also see New York Times, April 23, 1940, p. 12; May 10, 1940.

Garner's campaign came to a devastating and sudden dead end. As Harold Ickes chortled in a letter to McAdoo, "Poor Garner already had one foot in the grave and the other on a banana peel, and from this time on it is our duty to speak respectfully of him."³¹

The final humiliation came in Garner's own home state. In 1939, primarily because of the lobbying efforts of liberal Texas Congressman Maury Maverick and Sam Rayburn, the president had appointed Alvin Wirtz, a Texas New Dealer and private utility operator, as Undersecretary of the Interior. Wirtz was another adopted "Daddy" of Lyndon Johnson, along with Rayburn and Roosevelt. He had managed Johnson's congressional campaign in 1937. In May, 1940, the president appointed Wirtz to swing the massive Texas Democratic convention from Garner's camp to his own. Events in Europe played into Roosevelt's hands when Norway and Denmark fell to the Nazi invaders in April and Holland, Belgium, and France were on the brink of falling. The whole of Europe was now in Hitler's grasp.

In Texas, the 5,500 precinct conventions and subsequent 254 county conventions selected delegates to the sprawling state Democratic convention. For the first time since he had been elected to office, Sam Rayburn missed the state Democratic enclave. He had keynoted the affair since 1932.

³¹ Donahoe, Private Plans and Public Dangers, p. 148.

True, his duties in Washington were pressing, but Rayburn also knew a lost cause when he saw one, and the Garner cause was lost. In absentia, Rayburn accepted the chairmanship of the Texas delegation to the national convention and attempted to effect a pre-convention compromise by suggesting that one-third of the forty-six delegates be for Roosevelt, one-third for Garner, and the rest pledged for Garner only on the first ballot.³² At the same time, Wirtz was asking the delegates to approve a Harmony Resolution which endorsed the policies and accomplishments of the Roosevelt administration and pledged delegates not to take part in any "stop Roosevelt movement."³³ Wirtz never consulted Rayburn prior to approaching the Texas delegates. He took his walking papers from the president.

A few days later, Wirtz announced in a speech in Austin that Garner's backers were "trying to defeat President Roosevelt's chances for a third term even at the cost of a do-nothing Republican administration."³⁴ Following closely on the heels of that announcement, which came as a direct, abrasive challenge to Rayburn, a group of third-termers sent

³²Dorough, Mr. Sam, pp. 289-291.

³³Donahoe, Private Plans and Public Dangers, pp. 147-149.

³⁴Harold Ickes, "My Twelve Years with Roosevelt," Saturday Evening Post, July 10, 1948, p. 112. Also see Harold Ickes to Franklin D. Roosevelt, October 5, 1940, Roosevelt correspondence, Rayburn Library; Edward J. Flynn, You're the Boss (New York: Viking Press, 1947), pp. 161-167.

a very critical letter to Rayburn, saying, "the . . . organization for Garner has been engaged in a very unwise, cruel and ruthless effort to politically assassinate Roosevelt."³⁵ Rayburn deleted the word "politically" and released the letter to the press, making it appear to be intemperate gutter language, which it was anyway. The letter, penned by Mayor Tom Miller of Austin and Edward T. Clark, a former Secretary of State in Texas, leveled eleven highly provocative questions at Rayburn, among which were:

3. Are you against the third term? If so quote constitutional prohibitions against it, if any, in Article Two, Constitution, United States. If your answer is against a third term, please state if you are against tenth and twelfth terms for Congressmen and provisions against this, if any, Article One, Constitution, United States. . . .

6. If you think so much of the "native son" movement, why not employ the best genealogist to find the living heirs of Montezuma, Cabeza de Vaca, Coronado, or come down to Anglo Saxon, Philip Nolan, who was the first horse trader that came to Texas.
 . . .

11. Mr. Garner is already obviously left at the post. What is the color of the horse you will advocate in Mr. Roosevelt's place at Chicago? Do you know of some other Sea Biscuit in the Democratic Party?³⁶

Mayor Miller and Edward Clark were cronies of Lyndon Johnson and Maury Maverick. Together these four men conspired with the president to rankle and humiliate Sam

³⁵Dallas Morning News, April 16, 1940.

³⁶Honorable Tom Miller, Mayor of Austin, Texas, and Honorable Edward Clark, Attorney, Austin, Texas, to Sam Rayburn, April 12, 1940, 1940 Correspondence, Rayburn Library.

Rayburn, forcing him to make a public statement in behalf of Roosevelt and acknowledge Garner's defeat before the Texas convention disbanded.³⁷ Rayburn, however, remained silent, undoubtedly wondering why the president chose to make this degrading frontal assault on his integrity when he had been Roosevelt's most consistent and unquestioning supporter.

The vice president suddenly had become persona non grata at the White House and was now being regularly excluded from the president's frequent legislative parleys with congressional leaders.³⁸ Again, Rayburn noticed, but said nothing.

When the Texas convention began, Wirtz's Harmony Resolution was poorly received without the endorsement from Sam Rayburn. Wirtz and Lyndon Johnson approached the president and suggested that pressure be brought to bear on Texas Democratic chairman Myron Blaylock to endorse the Resolution. The fast-talking, aggressive Johnson suggested that he and Rayburn sign a public telegram to that effect and send it to Blaylock. The idea appealed to Roosevelt because, once again, it placed Rayburn in an uncomfortable position. In Roosevelt's eye, Rayburn was either for him or against him. It mattered not that Garner was Rayburn's life-long friend and mentor. It mattered not that the Texas convention was the least appropriate place to seek Rayburn's endorsement

³⁷New York Times, April 16, 1940, p. 19.

³⁸Ibid., April 11, 1940, pp. 12, 17, 27.

over a native son of Texas. It mattered not that Rayburn objected to lowering himself to the scheming Johnson's level in co-signing a letter which would make Rayburn directly responsible for killing the last best hope of candidate Garner. The only things that mattered to Roosevelt were the winning of the race and the manipulation of subordinates like puppets on a string. Harold Ickes reveled in the pressure Roosevelt was applying to Rayburn, writing in his diary that Rayburn "did not want it to appear that in a Texas political matter, a kid Congressman like Johnson was on apparently the same footing as himself, the Majority Leader."³⁹

When Rayburn objected to signing the letter, Roosevelt lost what little patience he had exercised in the matter and called Rayburn and Johnson into the Oval Office. Rayburn never divulged what the president said, but when the two Texans left the office, the telegram Roosevelt wanted had been written and signed by Rayburn and Johnson. The telegram was then addressed, with one copy officially going to the man who had written it, the president, and the other to the leaders of the Garner and Roosevelt camps in Texas. Copies were then distributed to the news media. The telegrams contained the essence of the Harmony Resolution-- unequivocal endorsement of Roosevelt and the New Deal, treatment of Garner only as a token "favorite son" candidate,

³⁹Ickes, The Lowering Clouds, 3:168.

and an avowal not to take part in any "stop Roosevelt" movement. As a favorite son, Garner was entitled only to a first ballot commitment from the Texas delegation.⁴⁰ Even this concession to Garner was hedged, however, for Rayburn had privately agreed that the Texas delegation could still vote for Roosevelt on the first ballot if it had been demonstrated by states higher up in the roll call that a majority of the delegates were going for Roosevelt. Hence, Roosevelt could still be nominated by acclamation on the first ballot.⁴¹

Recalling the incident in the Oval Office, Harold Ickes later wrote, "When Johnson and Rayburn appeared in the President's office that afternoon, he told them benignly that they had been good little boys and that they had 'papa's blessing.' He treated them as political equals with the malicious intent of disturbing Sam Rayburn's state of mind."⁴²

The upshot was that after a three-hour free-for-all at the Texas state convention, the telegram's suggestion was adopted. Rayburn was named chairman of the Texas delegation, Lyndon Johnson, the vice chairman, and Wirtz a member of the

⁴⁰New York Times, April 30, 1940, p. 12; Houston Post, April 16, 1940.

⁴¹New York Times, May 2, 1940, p. 22; May 1, 1940, p. 20.

⁴²Ickes, The Lowering Clouds, 3:168.

platform committee.⁴³ The incident provided an excellent case study, both of the president and of Rayburn. Roosevelt was almost daily issuing disclaimers to his desire to be reelected. Fearing that his true intentions might raise a storm of pre-convention protest, the president preferred to scheme behind the scenes, carefully arranging what, to all outward appearances, would appear to be a spontaneous draft by the national convention. If he had to humiliate and manipulate trusted subordinates like Sam Rayburn to accomplish those ends, so be it. Rayburn, on the other hand, was his typical grovelling self. His closest friend in politics had been politically assassinated and he had been forced against his will to participate in the bloodletting. Yet he succumbed again, as he always had in the past, to presidential strong-arm tactics, refusing to stand up for his own personal convictions.

With the Garner opposition now clearly stymied, the only serious threat to Roosevelt's renomination was Jim Farley, the president's old campaign manager. Farley, like Rayburn, frequently had been abused by a president who was anxious to keep his intentions a secret. Farley would not have been a candidate for the Democratic nomination had he known Roosevelt would run again. The president, however,

⁴³ Steinberg, Sam Rayburn, p. 161. Also see Harold Gosnell, Champion Campaigner: Franklin D. Roosevelt (New York: Macmillan Co., 1952), p. 181.

wanted Farley in the race as token opposition: otherwise the steam-rolling, "spontaneous" draft he desired from the convention would be unobtainable. Farley frequently quizzed the president on his intentions, trying to determine whether or not he should continue his expensive and physically draining campaign. On one such occasion, Roosevelt skirted the issue by saying, "I am not a candidate for anything. In certain circumstances I would support a third party ticket. For instance, if both the old parties should nominate reactionaires, the American Labor Party in New York will run a third ticket. In such circumstances, I would vote for their candidate." He continued by saying, "I not only won't support a reactionary on the Democratic ticket, I will not support anyone who apologizes for the New Deal." He concluded his remarks to Farley by suggesting that in the event of war, ". . . all bets will be off. I don't know what I would do and you don't know what you would do."⁴⁴ In May of 1940, France fell to Hitler, and Roosevelt's course of action for the campaign was unalterably fixed.

The National Democratic Convention convened in Chicago on July 15. Roosevelt continued his official silence about a third term; but his "unofficial" campaign organization had the nomination neatly packaged for him, and everyone knew it. On the day the Convention began, the headlines in the New

⁴⁴Asbell, The F.D.R. Memoirs, pp. 380-381.

York Times read, "Renomination of Roosevelt Sure, His Backers Declare. . . ." ⁴⁵ Sam Rayburn was so convinced that Roosevelt would win the nomination that he and Texas Senator Tom Connally were at least giving lip-service to the renomination of John Nance Garner as vice president. Since Garner had already indicated that he was uninterested in retaining that position, the New York Times assumed that Rayburn was smoothing the way for an uncontested first-ballot nomination for Roosevelt, by publicly admitting that Garner was now out of the presidential race. ⁴⁶ Rayburn's statement supporting Garner for the vice presidency must be construed only as a lame attempt to appease an old friend after Rayburn's pre-convention capitulation to Roosevelt. Garner must have been rankled by the way his campaign manager, Rayburn, eased into the Roosevelt camp before the convention had even begun, for when the convention began, Garner and the other two leading pretenders to Roosevelt's mantle, Jim Farley and Cordell Hull, were in telephone touch with each other daily on their candidacies. Garner even suggested to Farley, "Jim, the two of us can pull together to stop Roosevelt." ⁴⁷ Hull

⁴⁵ New York Times, July 15, 1940, p. 1.

⁴⁶ Ibid.

⁴⁷ Steinberg, Sam Rayburn, pp. 160-164. Also see Jim Farley, Jim Farley's Story: The Roosevelt Years (New York: McGraw Hill, 1948), pp. 226-238.

was insisting to his backers that Roosevelt had referred to him as the "next President."⁴⁸ Farley declared that Roosevelt had promised him he would not run for a third term; and when questioned at the beginning of the convention as to whether or not his candidacy was still afloat, he said, "My name will never be withdrawn."⁴⁹

Sam Rayburn continued to go through the motions of working for Garner, even though he knew his cause was hopeless. He even complained to Jim Farley that Garner was not being treated fairly by convention officials. Recalling the incident later, Farley said, "I did not take Sam's tears too seriously, as he was a red-hot candidate for Vice President."⁵⁰ During the spring and early summer of 1940, when Rayburn's support for the third-term movement was so vital, the Roosevelt camp intimated that Rayburn might be the perfect running mate for the president. Undoubtedly, these tantalizing feelers emanating from Washington weighed heavily on Rayburn

⁴⁸Farley, Jim Farley's Story, p. 230.

⁴⁹New York Times, July 15, 1940, p. 1. For more detailed information regarding the machinations of Roosevelt, Garner, Farley, and other pretenders to the presidential mantle during the convention in Chicago, see Chicago Times, July 14, 1940, Rayburn Library. Also see Marquis Childs, I Write from Washington (New York: Harper and Brothers, 1942), p. 197; Timmons, Garner of Texas, p. 275; Farley, Jim Farley's Story, p. 297; Burton K. Wheeler with Paul F. Healy, Yankee from the West (Garden City, N.J.: Doubleday, 1962), p. 366.

⁵⁰Farley, Jim Farley's Story, p. 265.

as he scrapped the Garner presidential movement at the Texas Democratic Convention. What Rayburn did not know was that some sixteen other men, considered essential to the third-term movement, had been receiving the same insincere "feelers" from Washington, including Federal Loan Administrator Jesse Jones, also from Texas, Senator James F. Byrnes of South Carolina, Speaker William Bankhead of Alabama, Governor Lloyd C. Stark of Missouri, Associate Supreme Court Justice William O. Douglas, and Paul V. McNutt, former governor of Indiana.⁵¹

Rumors circulated about Rayburn as a potential vice presidential candidate, and the third-termers achieved their desired ends. Rayburn helped kill the Garner campaign, and allowed Alvin Wirtz to assemble a Texas delegation to the national convention which was two-thirds Roosevelt supporters. By the time the convention had begun, third-termers believed that Rayburn could be encouraged to do almost anything to secure the Roosevelt nomination and further his own chances for the vice presidential nomination. In Texas, newspapers picked up on the rumors and began touting their native son for the second spot on the Democratic ticket. The Fort Worth Press suggested that since the Republican candidate for president, Wendell Willkie, was "a public utilities man from Wall Street, . . . what could be more natural than for

⁵¹New York Times, July 17, 1940, p. 1.

the Democrats to nominate for vice-president the man who was the author of the bills for regulation of Wall Street and the public utility holding companies."⁵² In an interview with the Dallas Times Herald, John Nance Garner suggested that if he could not secure the presidential nomination, he would retire and support Sam Rayburn as his successor to the vice presidency.⁵³

The keynote address for the Democratic Convention was delivered by Senator Alben Barkley of Kentucky. While Roosevelt's convention directors dashed about collecting the votes needed for his nomination, the president wrote the following statement and asked Barkley to attach it to the end of his speech. Barkley must have read the statement in disbelief, because it was an attempt to perpetuate the farce that Roosevelt was still not a candidate:

I and other close friends of the President have long known that he has no wish to be a candidate again. We know, too, that in no way whatsoever has he exerted any influence in the selection of delegates or upon the opinions of delegates.

Tonight, at the specific request and authorization of the President, I am making this simple fact clear to the Convention.

The President has never had, and has not today, any desire or purpose to continue in the office of President, to be a candidate for that office, or to be nominated by the Convention for that office.

⁵²Fort Worth Press, July 4, 1940.

⁵³Dallas Times Herald, May 23, 1940; Dallas News, July 10, 1940; Fort Worth Press, July 16, 1940; El Paso Herald-Post, July 16, 1940; Austin Texan, July 18, 1940, Rayburn Library.

He wishes in all earnestness and sincerity to make it clear that all the delegates of this Convention are free to vote for any candidate.

That is the message I bear to you from the President of the United States.⁵⁴

As the crowd sat in silence contemplating the statement, Mayor Kelly's third-term troops went to work, and executed a psychological coup, which had been in the planning stages for weeks. Kelly's loyal Superintendent of Sewers, Thomas D. Garry, was stationed in the basement of the convention hall with a microphone, through which he roared, "We want Roosevelt." Kellyites, who packed the galleries took up the chant. Then Mayor Frank Hague of Jersey City, New Jersey, a long-time third-term advocate, arose and led a "spontaneous" floor demonstration which lasted more than an hour. In all, it had to be one of the most carefully-contrived "spontaneous" demonstrations in the annals of American politics.⁵⁵

The convention was a frenzy when the roll call of states began. In all, five names were placed before the delegates-- Jim Farley, John Nance Garner, Millard Tydings, Cordell Hull, and Roosevelt. The most effective non-Roosevelt demonstration occurred when Farley was nominated at the beginning of the roll call. His pathetic little demonstration,

⁵⁴Asbell, The F.D.R. Memoirs, pp. 383-384. Also see War--And Aid to the Democracies, p. 292.

⁵⁵Herbert S. Parmet and Marie B. Hecht, Never Again: A President Runs for a Third Term (New York: Macmillan Co., 1968), p. 188. Also see Timmons, Garner of Texas, p. 275; Wheeler, Yankee from the West, p. 366.

hampered by the absence of a band and by the silence of thousands of Kelly's third-termers, lasted five minutes.⁵⁶

It was all over on the first ballot. Roosevelt collected 926 1/4 of the 1,100 votes, Farley received 72 1/4, Garner 61, and Hull 6. Officially, however, Roosevelt was nominated by acclamation, thanks once again to ever obedient Sam Rayburn. As it became evident, during the course of the roll call, that Roosevelt would sweep the convention, Rayburn, in keeping with the Texas Harmony Resolution, saw fit to hurry to the platform when the Texas vote was called and offer a motion to make the nomination unanimous. Rayburn claimed to be "expressing the wish of Vice President Garner and the desire of the Texas delegation," when he offered his motion. Few people noticed that several scuffles erupted within the Texas delegation when the motion was offered.⁵⁷ Rayburn's announcement touched off the longest demonstration of the entire convention, and under those trying circumstances, Jim Farley stepped to the platform to second Rayburn's motion. Farley's reception, as he approached the podium, was tumultuous, for Mayor Kelly's third-termers in the galleries knew his purpose. "It is a great pleasure

⁵⁶ Parmet and Hecht, Never Again, pp. 188-189; Donahoe, Private Plans and Public Dangers, pp. 172-173; Timmons, Garner of Texas, pp. 274-276.

⁵⁷ New York Times, July 18, 1940, p. 1. Also see Steinberg, Sam Rayburn, p. 192; Dorrough, Mr. Sam, p. 291.

for me, Mr. Chairman," lied Farley, "to move to suspend the rules and to declare President Franklin Delano Roosevelt nominated President by acclamation."⁵⁸

In terms of harmony, the nomination of Roosevelt was the high point of the convention. That the convention disintegrated into a near free-for-all was largely the result of Roosevelt's refusal to take anyone into his confidence regarding his preference for a vice president. It was known that Cordell Hull was his first choice for the job; Robert Jackson, Roosevelt's Solicitor General, and one of the leaders in the third-term movement, flatly told reporters the day before the convention opened that Hull would be the vice presidential candidate.⁵⁹ Hull, however, refused to be "kicked upstairs." He later recalled that when the president's representatives approached him on the subject, "I said, 'No, by God!' and 'By God, No!'"⁶⁰

When the convention opened, Roosevelt gave newsmen a list of persons whom he considered acceptable as running mates. At the head of the list was Sam Rayburn, followed by Senator James F. Byrnes of South Carolina, Governor

⁵⁸New York Times, July 18, 1940, p. 1; Donahoe, Private Plans and Public Dangers, p. 173.

⁵⁹Chicago Times, July 14, 1940.

⁶⁰Farley, Jim Farley's Story, p. 331. Also see Ickes, The Lowering Clouds, 3:286; Cordell Hull, The Memoirs of Cordell Hull, 2 vols. (New York: Macmillan Co., 1948), pp. 860-861.

Lloyd C. Stark of Missouri, and Associate Supreme Court Justice William O. Douglas.⁶¹ Probably there would have been relatively few serious objections had Roosevelt made it clear at once that Secretary of Agriculture Henry Wallace of Iowa was his choice. To be sure, Wallace was a drab personality and a boring speaker. He was also a former Republican and his involvement in mysticism and the occult was well known and feared, particularly by those who had seen the letter in which Wallace told Roosevelt he could be "the flaming one." Wallace had little strength at the convention and could not even win the support of his own Iowa delegation who preferred another native son, Clyde Herring.⁶² Nonetheless, few would have criticized Roosevelt had he told the convention what he told party chairman Jim Farley--that he believed Wallace to be honest, a hard worker, a good administrator, an ardent New Dealer, and "right on the war question."⁶³ The president, however, chose not to reveal his intentions until after he, himself, had been safely re-nominated. He even encouraged his zealous lieutenants

⁶¹New York Times, July 16, 1940, p. 1.

⁶²Dean Albertson, Roosevelt's Farmer: Claude R. Wickard in the New Deal (New York: Hill and Wang, 1961), pp. 142-144. Also see Parmet and Hecht, Never Again, pp. 16, 19, 189-195; Alben Barkley, That Reminds Me (Garden City, N.J.: Macmillan Co., 1954), p. 186.

⁶³Parmet and Hecht, Never Again, pp. 189-193.

to pass the word along that the field for the vice presidency was wide open and enthusiastic campaigning began immediately.

Within a matter of hours a dozen candidates were busy lining up votes, ignorant that Roosevelt had already made his decision. Speaker William Bankhead, who had been personally assured by Harry Hopkins that the field was open, went to work as quickly as a dying man could to secure the position.⁶⁴ Senator Burton K. Wheeler of Montana received at least two administration feelers for the vice presidency during the convention, one from Harry Hopkins and the other from Attorney General Frank Murphy; he, too, sprang into the fray.⁶⁵ Other active campaigners included Governor Lloyd Stark of Missouri, Senator Scott Lucas of Illinois, Governor Culbert Olson of California, Assistant Secretary of War Louis Johnson, Governor Paul V. McNutt of Indiana, Texan Jesse Jones, Administrator of the Reconstruction Finance Corporation, and Sam Rayburn.⁶⁶

When Roosevelt failed to make his choice for vice president known following his own nomination on July 17th, Sam Rayburn called a 2:00 A.M. meeting of the Texas

⁶⁴Farley, Jim Farley's Story, p. 254.

⁶⁵Washington Times Herald, July 16, 1940; Wheeler, Yankee from the West, pp. 366-368.

⁶⁶Farley, Jim Farley's Story, p. 294; Ickes, The Lowering Clouds, 3:287; New York Times, July 16, 1940, p. 1; July 17, 1940, p. 1; Roosevelt, This I Remember, p. 217.

delegation to secure their endorsement. He hoped that early news of a united Texas stand behind him would snowball into other state delegations. Unfortunately for Rayburn, as Lyndon Johnson and Alvin Wirtz circulated among the exhausted Texans to gain a swift endorsement for Rayburn, a sizeable group of die-hard Gerner supporters, who blamed Rayburn for their candidate's failure, started a similar movement on behalf of Jesse Jones. For the rest of the night and well into the next morning the two groups collided in bitter verbal combat. A motion to split the Texas vote fifty-fifty between Rayburn and Jones antagonized both sides and provoked heated debate. One delegate urged the Texans to think of the party rather than personalities. "Beating the Republicans in November is not going to be any cinch," he said. "Willkie has great strength in business and financial circles and we need a man to meet him on equal terms. I love Sam Rayburn, but we must select an outstanding candidate for this job, Jesse Jones has the confidence of the business world and would make an outstanding candidate. . . ." ⁶⁷

Several delegates responded with impassioned pleas of support for Rayburn. As the debate heated up, Jesse Jones entered the room, accompanied by the cheers of many Garnerites, anti-New Dealers and others who resented Rayburn's easy capitulation to the third termers. Jones thanked

⁶⁷ Dorrough, Mr. Sam, p. 293.

the delegates for their confidence in him but declared, "I would consider the nomination only if it came as a suggestion of President Roosevelt." In an effort to smooth the ruffled feathers of many delegates he suggested, "I also will be glad to join in any tribute to Sam Rayburn."⁶⁸

The caucus erupted again and during the confusion, Lyndon Johnson, who was temporary chairman of the meeting, ruled that the motion to back Rayburn was before the caucus. As Claude Birkhead of San Antonio jumped and shouted in an effort to place Jones' name before the caucus as an official candidate, Johnson ignored him and called for a vote on the unopposed Rayburn. Predictably, the vote was eighty-eight to seven, in favor of Rayburn.⁶⁹

At that moment, Jesse Jones entered the room, shouted for order, and announced that he had just received word from Jim Farley that the president preferred Secretary of Agriculture Henry Wallace for the vice presidency. The reaction was instantaneous and negative. Rayburn asked the delegates to calm down and spoke firmly: "If that information is correct and I will check it immediately, I ask the delegation not to submit my name but to support the choice of the

⁶⁸Ibid., pp. 292-93.

⁶⁹Ibid., p. 293. Also see Steinberg, Sam Rayburn, p. 163.

President."⁷⁰ Rayburn chose not to believe Jones' story, and as he hurried from the caucus room hoping to get the truth, he was summoned to a nearby telephone. On the other end of the line was the president, himself. "Sam," he shouted in his normal telephone voice, "I want you to do me a great favor." Rayburn was convinced he was about to receive an invitation to be Roosevelt's running mate. Why else would the president call his majority leader at such an unusual hour of the night? Roosevelt continued, "I want you to make a seconding speech for Henry Wallace."⁷¹ Choking back his feelings, Rayburn paused, then agreed, like a good soldier.

Rayburn returned to the caucus and announced the president's intentions to the delegates. Withdrawing his own name from nomination, the crushed majority leader confided to the Texans who still remained that ". . . if I consulted by loyalty, my love, I would probably second the nomination of another. But under the circumstances, I cannot do otherwise

⁷⁰Dorough, Mr. Sam, p. 293; Bascom N. Timmons, Jesse N. Jones, The Man and the Statesman (New York: Henry Holt and Co., 1956), pp. 277-278.

⁷¹Steinberg, Sam Rayburn, p. 163; interview with H. G. Dulaney, former Executive Assistant to Congressman Sam Rayburn, Speaker of the House of Representatives, U.S. Congress, interviewed on May 30, 1974. Some seventeen other Democrats received the same news in the same way. They had been carried by third-termers, too (Parmet and Hecht, Never Again, p. 190).

than follow the wishes of my leader."⁷² The bitterness in Rayburn's statement was obvious, and the Texas delegation responded by supporting Speaker William B. Bankhead for the vice presidency. Rayburn did not object.⁷³

That Henry Wallace was a relatively new Democrat, shy and often out of contact with the party hierarchy, was perfectly well known to Roosevelt; but the president was used to getting his way. When Harry Hopkins called Roosevelt and informed him that the convention might not go for Wallace, Roosevelt raged, "Well, damn it to hell, they will go for Wallace or I won't run and you can jolly well tell them so."⁷⁴

When Wallace's name was placed before the convention, the atmosphere in Chicago Stadium grew ugly. Roosevelt's name was booed and, inevitably, a revolt sprang up against Wallace--the mystic, the nonpolitician, the ex-Republican,

⁷²H. G. Dulaney interview, June 11, 1974. Harold Ickes later confided in his diary that Roosevelt should have told the principal candidates for vice president not to spend time and money and build up their hopes because he would want to be consulted before anyone was chosen. "They would have understood and proceeded accordingly. But it was pretty tough to be allowed or even encouraged to think that there would be a free and open convention as to the vice presidential nomination and then be thrown for a loss in the presence of their friends and under the eyes of the whole country."

"I cannot understand how the president, who generally is so adroit as a politician, could have mishandled this convention as he did" (Ickes, The Lowering Clouds, 3:262).

⁷³H. G. Dulaney interview, June 11, 1974.

⁷⁴Parment and Hecht, Never Again, p. 190; Grace Tully, F.D.R.: My Boss (New York: Macmillan Co., 1949), p. 238.

the man whose father had been Harding and Coolidge's secretary of agriculture. Cries of "Republican" and threats of open revolt shook the convention in one of the noisiest and most unruly sessions of any Democratic convention. Fights erupted in several state delegations. The nomination of a dozen other candidates for the vice presidency, after the president had specified Wallace, further tainted the proceedings.⁷⁵

In this charged atmosphere, Sam Rayburn rose again to do his duty, as the president perceived it. In his seconding speech for Wallace, Rayburn said:

Earlier this day my beloved associates in the Texas delegation endorsed me for Vice President of the United States. That is a compliment that as long as I live I shall never cease to be grateful for. It is a compliment that anyone should be proud of.

The developments of this day bring me to this platform to request that no member of my delegation present my name to this convention this evening as a candidate for this nomination. I come to second the nomination of another. . . .

I come . . . to second the nomination of a man of distinguished record, a distinguished statesman, a friend of the people, the friend of the farmer. It gives me great pride to second the nomination of Henry A. Wallace, Secretary of Agriculture for Vice President.⁷⁶

Wallace's name was lustily booed every time it was mentioned during the proceedings which led to the final vote. Roosevelt refused to attend the riotous proceedings

⁷⁵Dallas News, July 19, 1940; New York Times, July 19, 1940, pp. 1, 2, 3.

⁷⁶Dallas News, July 19, 1940.

in Chicago, but fearing an all-out revolt, he dispatched his wife to speak to the convention and salve frayed edges. In the midst of the charged atmosphere, Eleanor Roosevelt rose to speak. Applause and cheers greeted her in perhaps the most genuine expression of good will of the entire week. The crowd calmed. The talk was brief, simple, high-minded, and sincere. She told the convention that because of the seriousness of events in Europe, the president could not wage a campaign in the usual sense of the word. He had to be on the job. The party, therefore, had to rise above narrow and partisan considerations and carry on. The sobered convention applauded.⁷⁷

In the relative calm which followed, the delegates cast their votes for the president's running mate. Wallace received only 627 of the 1,100 votes; Bankhead polled 329; Governor McNutt of Indiana 68; Jesse Jones 59; and the others less than a dozen each. It was no great victory, but it impelled Wallace to suggest to Senator Byrnes of South Carolina that perhaps a thank-you address to the delegates was in order. Byrnes bluntly advised against anything of the kind. The delegates were not in the mood.⁷⁸

For Rayburn, the convention had been an ordeal. As the official spokesman for the Garner campaign, he had

⁷⁷Parment and Hecht, Never Again, p. 193.

⁷⁸Mooney, Roosevelt and Rayburn, p. 137; Time Magazine, September 23, 1940, p. 13; Farley, Jim Farley's Story, p. 302.

unhesitatingly led the Texas delegation into the Roosevelt column, thus maintaining his unblemished record of servitude to the chief executive. He and sixteen other unfortunate Democrats had deluded themselves into thinking that the vice presidential rumors, cleverly distributed by the administration to facilitate Roosevelt's renomination, were sincere. When Rayburn ultimately learned the truth, he swallowed his pride and again bowed to presidential whim by nominating for the vice presidency a man he did not like.

To many observers the most important single development of the convention was the seizure of control of the party machinery by the New Dealers. Conservatives were left without a place on the ticket or a place in the platform, and it appeared that the days of Democrats like Garner, Farley, Millard Tydings, and dozens of other conservatives were as much a part of the past as Al Smith, John W. Davis, and James Reed. The party now belonged to people like Sherman Minton, Claude Pepper, Harry Hopkins, Frances Perkins, and Harold Ickes. In effect, Roosevelt's drive to liberalize and modernize the Democratic party which had apparently foundered for good in the purges of 1938 had at last borne fruit. The purge of 1940 had been successful, thanks to "yes" men like Sam Rayburn.⁷⁹

⁷⁹"Who Willed the Third Term," New Republic, 53 (July 29, 1940): 135. Also see Edgar E. Robinson, The Roosevelt Leadership, 1933-45 (Philadelphia: J. B. Lippincott Co., 1955), p. 253.

Through the use of the blitzkrieg and indiscriminate bombing, Adolph Hitler's Nazi Germany had steamrolled Europe by the summer of 1940. Czechoslovakia, Austria, Poland, Luxemburg, Belgium, Holland, Denmark, Sweden, Norway, and France lay devastated in Hitler's wake. German bombs now rained on English cities. The mood in America was apprehensive, fearful; and Congress required no significant encouragement to expand America's already massive defense program by another \$5 billion. Again, Sam Rayburn engineered the bill through the House, and there was virtually no opposition.⁸⁰ Three weeks later, Rayburn successfully steered another related administration proposal through the House--a steeply-graded excess profits tax of 20 to 60 percent of net income derived from defense-related government contracts. The basic purpose of the bill in Roosevelt's words was to assure ". . . that no new group of war millionaires come into being in this nation as a result of the struggle abroad."⁸¹

In a thinly veiled circumvention of American neutrality laws, the president "exchanged" fifty American destroyers for the right to lease naval and air bases on a number of British islands in the Atlantic. England received the vessels immediately, and America extended her buffer zones

⁸⁰New York Times, June 12, 1940, p. 23.

⁸¹Ibid., July 2, 1940, pp. 1, 13.

closer to Europe. Soon American military bases appeared on "leased" British properties in Newfoundland, Bermuda, the Bahamas, Jamaica, British Guiana, St. Lucia, Trinidad, and Antigua.⁸²

Then came the precedent-setting proposal by the administration for the first peace-time draft in American history. The bill called for the registration of all American males, citizens and aliens alike, between the ages of twenty-one and forty-five. The draft proposal contained a one-year limit; any extension of military conscription and training would require new enacting legislation. The objective was to raise military enlistments in 1940 by 800,000 to 1,000,000 men. Volunteers would be accepted first, with the draft being employed only if necessary. Another section of the bill empowered the federal government to acquire the services of any plant or factory for an adequate compensation, through the principle of eminent domain, if the owner refused to make its services available to American defense requirements voluntarily.⁸³

The bill aroused some of the most heated debate in years, as isolationists banded together to present a united front against the measure. Hamilton Fish, Republican from

⁸²War--And Aid to Democracies, pp. 376-377.

⁸³Ibid., pp. 414-415, 428-434. Also see New York Times, September 15, 1940, IV:3, 10.

New York, again led the attack, suggesting that peacetime conscription was a dangerous and disastrous departure from American democratic ideals. He feared that such a huge military machine would become a Frankenstein, devouring free institutions and substituting in their place militarism and autocracy. "Peacetime conscription in America," he said, "is the direct road to Hitlerism, dictatorship, and national socialism. If we adopt peacetime conscription, we are merely copying Nazi methods and ideology." He then voiced an apprehension of all conservatives when he said, "We begin by conscripting the lives of our youth, and we end by conscripting property, industry, the almighty dollar, and, even more important, the civil rights and liberties of the American people." His concluding remarks contained the single greatest reservation Americans held toward peacetime conscription: "We must give the American volunteer system a chance before resorting to any form of military conscription. . . . I believe, sincerely and honestly, that you can get all the volunteers you want in America at the present time. [Applause.]"⁸⁴

Republican Frank B. Keefe of Wisconsin quoted those portions of the Declaration of Independence which dealt with the subject of standing armies. "The signers of that

⁸⁴U.S. Congress, House, Congressional Record, 76th Cong., 3d sess., September 3, 1940, 86, pt. 10:11361.

historic document," said Keefe, "addressed their complaints not only to a despotic sovereign but to the world, and in clarion terms said: 'He has kept among us in times of peace standing armies without the consent of our legislatures. He has affected to render the military independent of and superior to the civil power.'"⁸⁵

Jacob Thorkelson, Republican from Montana questioned the bill's constitutionality. "In no place in the Constitution," he said, "are powers delegated to Congress to conscript men in peacetime or wartime, and Congress has no right to conscript private industries at any time, whether we be at peace or war."⁸⁶

Republican Usher Burdick of North Dakota, speaking for a large bi-partisan element in the House, including most Republicans and such prominent Democrats as Jerry Voorhis of California and Dewey Short of Missouri, said:

Nothing similar to this legislation was ever presented to the Congress of the United States. We are at peace and have so arranged our laws that we can remain at peace--if we will. While at peace and the ink on our neutrality laws has scarcely dried, we are called upon to draft every man in the United States between the ages of 21 and 45 to force him to take military training and become a member of the armed forces of the United States to be sent, if necessary, anywhere to engage in war.

We do not know whom we are to fight, when we are to fight, or where we are to fight. We are in the

⁸⁵Ibid., p. 11371.

⁸⁶Ibid., September 14, 1940, p. 18542.

dark--if anyone in this Government knows the answer to these questions, he should come forward and answer now.⁸⁷

Wendell Willkie, the Republican presidential candidate, attacked the bill, calling it the "socialization and sovietization" of American industry.⁸⁸

Acting as both floor leader for the bill and as speaker during William Bankhead's absence, Sam Rayburn had his hands full. He believed the draft measure was absolutely essential for the preservation of America's defenses, but he refused to place any limitations on debate. A lengthy airing of the issue, in his opinion, would achieve two desirable ends: it would allow totalitarian aggression, both in Europe and in China, to make its fullest impact on behalf of the administration's draft proposal; and it would vindicate the president's stance on peacetime conscription, if Rayburn were successful in marshalling the debates, themselves. The man from Texas was right on both counts. France fell in June, 1940, and Paris was occupied by the Germans. Japan stepped up its brutal invasion of China, made threatening gestures toward all of Southeast Asia, and "inadvertently" sank an American gunboat, the USS Panay.⁸⁹ Meanwhile Rayburn lined up his best speakers for

⁸⁷Ibid., September 3, 1940, p. 11379.

⁸⁸New York Times, August 31, 1940, p. 1.

⁸⁹Asbell, The F.D.R. Memoirs, p. 375.

the debates, and encouraged the president to address the issue publicly at every opportunity. Roosevelt complied with Rayburn's request. In an address to the Teamsters' Union Convention in Washington, D.C., the president railed against those who labeled the draft as a prelude to American entry into the war. "The American people," he said, "will reject that kind of propaganda of fear, as they have rejected similar types which are 'occasionally' spread forth near election time." He ended his comments on the draft with these words:

Weakness in these days is a cordial invitation to attack. That's no longer a theory; it's a proven fact, proved within the past year.

I hate war, now more than ever. I have one supreme determination--to do all that I can to keep war away from these shores for all time. I stand, with my party, and outside of my party as President of all the people, on the platform, the wording that was adopted in Chicago less than two months ago. It said:

"We will not participate in foreign wars, and we will not send our Army, naval or air forces to fight in foreign lands outside of the Americans, except in the case of attack."⁹⁰

When opponents to the draft complained that it was a violation of the recently-signed neutrality law, Rayburn's appointed spokesman, Adolph J. Sabath, Democrat from Illinois, replied convincingly that the same treaty had already been violated by Hitler, and that unilateral adherence to such a pact was tantamount to committing national suicide.

⁹⁰War--And Aid to Democracies, p. 415.

"Consider," he said, "what happened to Austria, Czechoslovakia, Belgium, Poland, and all the other countries, including France and Great Britain. They all believed it was not necessary to arm."⁹¹

Representative Malcolm Tarver, Democrat from Georgia, took another approach in defending the bill. He complained that news about the war, as disseminated by the press and radio, was unreliable, filled with propaganda and editorial opinion, and passed on to the public as fact. He suggested that if the American people could not trust the president, and the secretary of state who possessed the most reliable sources of information; if the American people could not trust the "men who have given their lives to the work of our War, Navy, and State Departments . . . then, indeed, God save America."⁹²

Clifton Woodrum, Democrat from Virginia, asked, "Why is Great Britain tonight with her back against the wall? Why do we have to send destroyers to help her? Because . . . for years Great Britain has listened to the siren voice that told her, 'Put it off, put it off, put it off, delay it, delay it just a little longer. There is still more time.'" Woodrum contended that for a month every responsible leader

⁹¹U.S. Congress, House, Congressional Record, 76th Cong., 3d sess., September 3, 1940, 86, pt. 10:11365.

⁹²Ibid., pp. 11385-11386.

in the government had been calling for the necessity of immediate preparedness. "I beg you," he said, "not to send the message out to the United States and to the world that America is hesitating or equivocating. [Applause.]"⁹³

Passage of the draft measure in the House was essential to the president, for he believed the more recalcitrant Senate would require a firm positive vote for the bill in the lower chamber before passing the issue themselves. Sam Rayburn closed the debates, himself, knowing that his comments could be the deciding factor in what was shaping up as a vote too close to call.

I am not excited now even though I witness about me and throughout the world conditions more chaotic than I have ever known to exist.

The great Napoleon, probably the greatest military genius if not the greatest trained soldier who ever lived, had one great asset--he got upon the battlefield and chose his ground before his opponent got there. He believed in men, in munitions, and in money, but Napoleon Bonaparte said, "Time is everything." Time there was for England, time there was for France and Belgium; but they did not use that time. So today Poland lies under the heel of the dictator, so does peace-loving Holland, great little Belgium, and half the area of the Republic of France. Sixty days would have meant a great deal for France, for Belgium, for Holland, and for their ally, England.

If we have the courage, if it is our intention to prepare and have an army by what I take to be the democratic method of selection, then let us have the courage to meet it now instead of postponing it. . . . If we are to select an army to be ready, to let the countries of the earth know that the hemisphere shall be defended, let them know today. . . .

We have appropriated billions of dollars to buy equipment for soldiers and for sailors. Are we going

⁹³Ibid., p. 11586.

to man those instruments of war with soldiers and begin now, or shall we wait? Oh, my friends, I fear the wait means more war. [Applause.]⁹⁴

The bill passed by uneasy majority of 185 to 155. Almost one hundred members absented themselves from the vote--a sorry display of courage in a moment of national peril.⁹⁵ Once taken off the hook by the House, the Senate approved the bill by a wide margin. Sam Rayburn had been instrumental in the passage of the bill.

The same day, September 15, 1940, Speaker William Bankhead died. On September 16, Rayburn's long-time friend, confidant, and understudy, John McCormack of Massachusetts, introduced House Resolution 602, "Resolved, That Hon. Sam Rayburn, a Representative from the State of Texas, be, and he is hereby, elected Speaker of the House of Representatives."⁹⁶ He was elected unanimously.⁹⁷ Rayburn's lifelong dream had come true, after twenty-seven long years of congressional service.

In tribute to the new speaker, Luther Johnson, head of the Texas congressional delegation, inserted this statement

⁹⁴ Ibid., p. 11603.

⁹⁵ Asbell, The F.D.R. Memoirs, p. 377. Also see Dallas News, May 17, 1940; New York Times, September 15, 1940, p. 1.

⁹⁶ U.S. Congress, House, Congressional Record, 76th Cong., 3d sess., September 16, 1940, 86, pt. 10:18538.

⁹⁷ Ibid. Also see "Speaker Rayburn," Newsweek, September 23, 1940, p. 20; "Washington Bulletin," Business Week, September 21, 1940, p. 7.

into the Congressional Record:

Sam Rayburn's election as majority leader by his party and his subsequent election to the Speakership of the House by the present session of Congress, without opposition, was neither accidental nor automatic but came to him as the highest tribute that could be paid any man--to be chosen out of a membership of 435 by his colleagues, who know him and who are discerning, critical, and exacting in choosing their leaders.⁹⁸

Up to that time, only William Bankhead had ever been elected unanimously to the speakership. As his predecessor lay in state at the base of the podium, Sam Rayburn's first official act as speaker was to appoint a large committee to attend Bankhead's funeral. Later that same day, he signed the Selective Service Military Training Act he had been so instrumental in passing.⁹⁹

More than a quarter century after beginning his congressional odyssey, Sam Rayburn had achieved his life's ambition. The promotion came in the midst of one of the most difficult years in Rayburn's long career. His war of words with isolationists over Finland, lend-lease, and the first peacetime draft in the nation's history had been difficult and controversial, but those issues were insignificant compared to the humiliations he suffered at the

⁹⁸U.S. Congress, House, Congressional Record, 76th Cong., 3d sess., December 16, 1940, 86, pt. 18:6883 (Appendix).

⁹⁹New York Times, September 17, 1940, p. 1. Also see "Washington Bulletin," Business Week, September 21, 1940, p. 7; Dallas News, September 17, 1940; Washington Evening Star, September 17, 1940, Rayburn Library.

hands of the president during the Texas Harmony Resolution controversy and the vice presidential squabble at the National Democratic Convention. With his accession to the speakership, Sam Rayburn became the most powerful legislative chieftain in the country; yet, amazingly, his fealty to Roosevelt remained undiminished.

CHAPTER VII

A RETROSPECT

For twenty-seven long years of congressional service, Sam Rayburn had patiently, but persistently, laid the groundwork for his elevation to the speakership. Most of his accomplishments, recorded in these pages, were a means to that end. His legislative achievements for the New Deal were monumental--the Truth-in-Securities Act, the Public Utility Holding Companies Act, the Commission and Rural Electrification, the defeat of the Ludlow War Referendum, the reorganization of the executive branch of the government, the nation's first effective wage-hour bill, the dozens of defense bills which provided billions of dollars for the arming of a nation, the rescinding of the arms embargo, the Cash-Carry provisions for American allies, and the nation's first peacetime draft.

Not one of these legislative landmarks bears the name of Sam Rayburn as an author or co-author. Rayburn rose to the speakership not because he was a policy-maker, but because he was a policy-expeditor. He took his orders from those who had the power to enhance his own station in life. Early in his congressional career, the center of Rayburn's universe was, naturally enough, the leader of the Texas congressional

delegation, and accomplished political maneuverer, John Nance Garner. It was through Garner that Sam Rayburn perceived for the first time the significance of the "you scratch my back, I'll scratch yours" style of politics. Early on in Rayburn's career, Garner had perceived him to be a man of considerable political talents. The quickest way to create an ally and trusted lieutenant of this raw young congressman from Texas was to lift him from obscurity and place him on the Committee on Interstate and Foreign Commerce, one of the two most powerful committees in the House of Representatives. Predictably, a grateful Rayburn soon headed a young, tactical congressional organization of political in-fighters which was instrumental in securing the speakership for Garner.

Garner then reciprocated by appointing Rayburn chairman of the House Committee on Interstate and Foreign Commerce. Rayburn returned that favor by heading Garner's presidential campaign in 1932. It was during the 1932 Democratic Convention that Rayburn began to gravitate toward another more substantial power center than Garner. When it became obvious that Franklin Roosevelt would be the choice of the Democratic Party and, indeed, the nation in 1932, Rayburn unhesitatingly gave up the presidential fight for Garner, in order to build credits with his new power center, Roosevelt. Not only did he give up the presidential race without Garner's consent, he secured the vice presidential nomination for Garner, again

without his consent. To a man like Rayburn, however, whose entire congressional career had been the product of political trades, the maneuverings made perfectly good sense. He had ingratiated himself with Roosevelt. He had secured the second highest office in the land for Garner, and in so doing, had opened the door to the speakership which Garner vacated. Now Rayburn could feed off of two power centers, giving preference in all matters, of course, to the stronger of the two--the president. Through eight long, tumultuous years of association with Roosevelt and Garner, Sam Rayburn never once waivered from this set of priorities. Whenever possible, he catered to the interests of both the president and vice president. But, when they took issue with each other, Rayburn always sided with the president.

Rayburn's behavior during these years is phenomenal because of its lack of ideology. Consistent support of Garner might have revealed a predominantly conservative bias in Rayburn's political thinking. Likewise, consistent support of Roosevelt might have revealed a liberal bent in his philosophy. Consistent support of both men at the same time, however, is testimony to the absence of any true political philosophy in Rayburn's behavior. The only explanation for his actions is that this desire for political power was so compelling that he had no ideology, liberal or conservative.

Rayburn's dependence on Roosevelt as a source of power was so complete that he never introduced a single piece of legislation conceived in his own mind, for fear that it might not fit in with presidential policy; yet he was the masterful engineer for most of the New Deal's lasting accomplishments. As Rayburn expected, his loyalty eventually was rewarded. Roosevelt selected him to head his 1936 presidential campaign. When Rayburn again excelled, the president backed him for the majority leader's position in the House in 1937.

By the time Rayburn had become majority leader, friends and enemies alike recognized him for what he was. His closest friend, Congressman Hatton W. Sumners of Texas, remarked during his nominating speech for Rayburn, "He has consistently supported the policies of the President."¹ In a seconding speech, John McCormack of Massachusetts agreed, saying, ". . . there is absolutely no question as to where 'Sam' will stand. He will stand in the future as he has so ably stood in the past, supporting President Roosevelt."²

¹Address by Congressman Hatton W. Sumners before the Democratic Caucus of the U.S. House of Representatives, nominating Sam Rayburn for majority leader of the House, 75th Congress, January 4, 1937, Rayburn Papers.

²Address by Congressman John W. McCormack before the Democratic Caucus of the U.S. House of Representatives, seconding the nomination of Sam Rayburn for majority leader of the House, 75th Congress, January 4, 1937, Rayburn Papers.

McCormack was right. There was no question about where Rayburn stood, even when the president committed critical errors in judgment. Rayburn battled to establish a Securities and Exchange Commission which would ride herd on those corruptors and manipulators on Wall Street who bilked unsuspecting investors out of millions of dollars with watered stock and pyramided holding companies. He was horrified when the president subsequently appointed Joseph P. Kennedy, one of the most flagrant of Wall Street's manipulators, to head the S.E.C., and yet he registered not one complaint, either with the president, or his colleagues in Congress, or the press. He stood by when Roosevelt attempted to pack the Supreme Court. Although he personally loathed the measure, he even took to the stump to defend it, because the president told him to do so. The press dutifully quoted him when he referred to the Court-packing plan as "a splendid basis for matters to relieve the courts and expedite legal business."³ He said nothing when the president later attempted to purge the Democratic Party of those who had refused to toe the line, as Roosevelt saw it, on the Supreme Court fight and other New Deal measures. He even refused to speak out when Roosevelt attempted to purge his best friend and colleague from Texas, Hatton W. Sumners. Yet, years later, in reminiscing about the Roosevelt years, Rayburn

³New York Times, March 23, 1940, p. 2.

said, "I thought the two things that Roosevelt made his great mistake on were advocating what he did about the Supreme Court and his effort to purge people. I regret this about the Roosevelt Administration more than anything else."⁴

Sam Rayburn fought for the president's reorganization plan for the executive branch, although he privately opposed those provisions which would have incorporated independent agencies under presidential control. He was opposed to the sit-down strikes which paralyzed the automobile industry in 1937, yet he took no public stand on the issue, for to do so would have antagonized either Roosevelt, who preferred a neutral stand, or Garner, who spoke out daily of his hatred for the strikes. The safest stance for Rayburn was no stance at all. It is no wonder that Harold Ickes concluded, "The Majority Leader, Sam Rayburn, is not a strong, effective leader, in addition to which he doesn't want to offend anyone because he hopes someday to be Speaker."⁵

Sam Rayburn was disturbed by disclosures that the WPA had employed his human and financial resources to assist the president in his 1938 campaign to purge conservatives from the Democratic Party. Yet, at the behest of Roosevelt, he sought and secured new and larger appropriations for that agency. In 1940, when Roosevelt continued his silence

⁴Meyer, "Texas Puts Its Brand on Washington," pp. 42-43.

⁵Ickes, The Inside Struggle, 2:151, 174.

regarding a third term, Rayburn ultimately repaid many favors to his friend and mentor John Nance Garner, when he agreed to be Garner's presidential campaign manager. Again Rayburn was disturbed by the harsh treatment he received at the hands of Roosevelt. Through intermediaries, the president embarrassed Rayburn by forcing him to sign the Harmony Resolution at the Texas Democratic Convention--a resolution which killed, once and for all, what limited chances Garner had of securing the presidential nomination. Then, in an attempt to cement the allegiance of Rayburn and the Texas delegation to the National Democratic Convention, Roosevelt circulated statements to the press regarding Rayburn's viability as a vice presidential candidate. Heaping one injury upon the other, Roosevelt then called Rayburn and asked him to second the nomination of Henry Wallace, a man he did not like. Of course, Rayburn agreed.

One experienced observer on Capitol Hill suggested,

Rayburn is deeply orthodox in his organization loyalty, attached to the President both personally and as head of his party, and sometimes slightly over-awed to find himself, plain Sam Rayburn from a Texas dirt farm, in the presence of the Squire of Hyde Park and the master of the White House. Sometimes, in truth, Rayburn seems to yield to the President with remarkable ease.⁶

Newsweek magazine summarized the Rayburn experience in a

⁶Alsop and Kintner, "Never Leave Them Angry," pp. 22-23, 76-78.

similar fashion. "In committee-room battle, and in the continual give and take between one leader and another, he won his reputation as a skillful pilot of legislation, and as a 'party man' above all else. Since 1933 he has adopted many a New Deal measure simply because 'the party' required it."⁷ Arthur Krock, columnist and long-time political observer for the New York Times, agreed, saying, "The titular House leaders, Speaker Bankhead and Representative Rayburn, are as submissive to the White House as is Majority Leader [Senator] Barkley, which means they are as submissive as Mr. Roosevelt's own secretariat."⁸

The reasons for Sam Rayburn's submissiveness to executive authority are understandable, maybe even predictable. Franklin Roosevelt came to power in the midst of the nation's worst depression. Calling Congress into special session, and presenting a sweeping and even revolutionary program to meet the crisis, the new president gained quick ratification of a vast amount of federal legislation from an overawed House and Senate, which had scarcely taken time to read the bills. At the time, Congress had no alternatives. In times of emergency, domestic or foreign, the president is the only vehicle through which immediate,

⁷"Rayburn: Miss Lou's Mr. Sam, Good Neighbor and 'Party Man,'" Newsweek, December 26, 1936, p. 20.

⁸New York Times, June 10, 1938, p. 4.

decisive and comprehensive action can be taken. Roosevelt simply took advantage of a desperate situation, tailor-made for strong executive action.

The inauguration of Franklin Roosevelt in 1933 fostered a change in the functional relationships of the three great political arms of the government. Borrowing from the techniques of Jefferson, Jackson, and Wilson in dealing with Congress, Roosevelt did not hesitate to appeal from congressional decisions against him to the people themselves. Going over the heads of Congress to the voters in his famous fireside chats over the radio, and through literally hundreds of press conferences, Roosevelt developed a new personal format of presidential leadership. He worked closely with congressional leaders; indeed, he was instrumental in the Senate's selection of Alben Barkley as its floor leader and in the House's selection of Sam Rayburn to the same position. Roosevelt did not stop there, however; he altered fundamentally the roles of the congressional leaders. No longer would the leaders in Congress present congressional positions to the president. As one political scientist has put it,

Since the beginning of Franklin Roosevelt's administration, the . . . leaders of the President's party have, in effect, acted as lieutenants of the President, accepting virtually his whole legislative package and working for its adoption. . . . It is now assumed that if the President proposes a bill, they will support it.⁹

⁹ Randall B. Ripley, Party Leaders in the House of Representatives (Washington, D.C.: Brookings Institution, 1967), p. 3.

Sam Rayburn was instrumental in effecting this change for he never once took public issue with Franklin Roosevelt, not even during the Court-packing scheme, the purge of the Democratic Party, and the flagrant abuse of presidential prerogative, all of which privately angered the majority leader. Rayburn was always the willing subordinate. It was he who suggested, in 1938, that congressional leaders of the president's party formally begin meeting with the president at the White House every week Congress was in session, there to obtain the president's views on the legislative requirements of the hour. It was Rayburn who felt no need to use a Democratic caucus or any kind of steering or policy committee to advise him. His steering committee was the president. These precedents established by Sam Rayburn, and continued under both Democratic and Republican administrations, in institutional terms meant that the president had become the party's acknowledged chief legislator. In terms of relative power, they meant an enormous enhancement of presidential influence over the House and Senate. With but few exceptions during the past forty years, presidential government has become an institution--a fact of life.¹⁰

What a change had been wrought in congressional leadership! In the 1890s, Republican Speaker Thomas B. Reed

¹⁰ Ibid., pp. 3, 67. Also see Neil McNeil, Forge of Democracy: The House of Representatives (New York: David McKay Co., 1963), pp. 33-38.

refused even to enter the White House to discuss legislative matters with the president.¹¹ Now, because of the influence of Sam Rayburn, congressional sessions are publicly graded according to the percentage of the president's program they have adopted.¹²

Of course, Rayburn was not the only congressman overpowered by the aura of the presidency. World events contributed dramatically to the stature of the chief executive. In the nineteenth century, it had not been uncommon for congressional leaders to view the president with contempt. The era between the Civil War and the turn of the century contained a long succession of weak, ineffectual chief executives. America was still largely provincial in nature, preoccupied with her own internal development, and only peripherally involved in the affairs of the rest of the world. An absence of monumental, cataclysmic events in the post-Civil War era contributed to the diminished profile of the American presidency.

Twentieth Century America, however, has been thrust inexorably into the mainstream of world events. A succession of world wars and depressions, the advent of the atomic

¹¹Thomas A. Bailey, The American Pageant: A History of the Republic, 5th ed. (Lexington, Mass.: D. C. Heath and Co., 1975).

¹²McNeil, Forge of Democracy, pp. 33-38. Also see George B. Galloway, History of the House of Representatives (New York: Thomas Y. Crowell Co., 1961), p. 106.

age, the jet age, and the age of television and mass communication have created a more volatile and chaotic world. "By the middle of the century," as one commentator has suggested, "the office of President had been so altered, the nation's safety had become so dependent on the President's judgment, that even great House leaders like Sam Rayburn treated the holder of that office with a deference amounting to awe."¹³

Sam Rayburn was not the only man taken in by America's requirements for a strong chief executive, but because of the position he held and the thirty-odd years in which he dominated House proceedings, possibly no other man is as responsible as Sam Rayburn for the advent of presidential government and the emasculation of traditional congressional autonomy. Rayburn was a close friend, trusted advisor, and recognized subordinate to Presidents Roosevelt, Truman, and Kennedy.¹⁴ His unquestioning loyalty to presidents and presidential programs led to innumerable confrontations with the House Rules Committee which controlled the flow of legislation. It led ultimately to his successful attempt in 1961 to enlarge the committee to allow its control by Democrats loyal to him and to President Kennedy's administration.¹⁵

¹³ McNeil, Forge of Democracy, pp. 239-240.

¹⁴ Galloway, History of the House of Representatives, pp. 1, 106. Also see Ripley, Party Leaders, p. 92.

¹⁵ Ripley, Party Leaders, p. 92.

As majority leader and speaker of the House for almost a quarter century, Sam Rayburn exercised his vast appointive powers to solidify allegiance, both to him and to the president, down through the ranks. This toe-the-line adhesion to the speaker's authority became so widely known and acknowledged that in congressional circles a little poem was often recited, particularly to the newer members:

I love Speaker Rayburn,
His heart is so warm,
And if I love him, he'll do me no harm,
So, I shan't sass the Speaker, one least little bitty,
And then I'll wind up on a Major Committee.¹⁶

Sam Rayburn had never been able to keep his Democratic majority unified behind the New Deal; indeed, he now appears to have encouraged the breach which exists to this day between the liberal vanguard of the Democratic Party and conservative Southerners. The attempt to pack the Supreme Court, the subsequent effort to purge the Democratic Party of those who objected to the Court plan (primarily Southerners), the years of deficit spending, and a supposed anti-business posture advocated by the administration and articulated by Sam Rayburn drove a wedge into the structure of the national Democratic Party which is evident even today.¹⁷ Southern

¹⁶"It's Up to Mr. Sam," The New Republic, February 8, 1960, pp. 3-4.

¹⁷Vladimer O. Key, Southern Politics in State and Nation (New York: Knopf, 1950), pp. 369-382. Also see Little, "The Congressional Career of Sam Rayburn, 1913-1962," pp. 133-135.

senators like A. B. "Happy" Chandler of Kentucky, "Cotton" Ed Smith of South Carolina, Millard Tydings of Maryland, Walter George of Georgia, and Champ Clark of Missouri and congressmen such as Hatton W. Sumners of Texas, Gene Cox of Georgia, Howard W. Smith of Virginia, Fritz G. Lanham of Texas--all intended victims of Roosevelt's purge--would dominate key congressional committees for two decades, dealing misery to liberal presidents and their programs.

William F. Buckley summarized the Rayburn experience by saying:

. . . he was apparently a good man, a decent and kind man not withstanding his known curmudgeonism. But his influence was lamentable. Congress went a long way in the direction of becoming the Chief Executive's House of Lords. Sam made Congress an acquiescent ratifier of Presidential promulgations, except for Republican Presidents. He was a Democrat, pure and simple, with no discernible political principles of his own. . . . He sat there, year after year, going along, with a Roosevelt trying to pack the Supreme Court, a Kennedy trying to remove Congressional authority over foreign aid. Some will say he contributed to the emasculation of Congress, and that ensuing mutations in the delicate balance of constitutional power cannot be fully appreciated, but will most probably be horrible to perceive.¹⁸

It is true that Sam Rayburn was one of the great legislative chieftains in all of American history. He, more than any other law maker, was responsible for the greatest achievements of the New Deal. On the other hand, his undiminished fealty to the president, even when he acknowledged that the

¹⁸Wilda Show, "Samuel Taliaferro Rayburn: 'Mr. Speaker; Mr. Congress; The Storekeeper,'" a compendium of quotations and commentaries on the career of Sam Rayburn, Rayburn Library.

chief executive was wrong, is indicative of (1) his over-riding personal ambitions, which were tied to presidential recognition and support, and (2) the absence of any deep political or philosophical convictions. The statement by William Buckley may not be as intemperate as it appears, for through years of subservience to the president, which he enforced among his own subordinates, Sam Rayburn may have circumvented and permanently damaged the constitutional restraints regarding the separation and balance of powers among the three branches of our government.

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