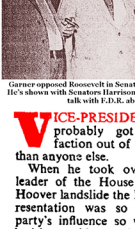
Collier's
February 28, 1948: 22

JOHN N. GARNER'S STORY

BY BASCOM N. TIMMONS

The hottest battle that Vice-President Garner ever had with Franklin Roosevelt was over the sit-down strikes of 1936-37, which were, Garner thought, much more important than the court reorganization bill. In this second article of a series, Garner tells how Roosevelt lost his Democratic Congress.



Garner opposed Roosevelt in Senate leadership fight in 1937. He's shown with Senators Harrison, Barkley and Pittman after talk with F.D.R. about the battle.

VICE-PRESIDENT GARNER probably got greater satisfaction out of the 1936 victory than anyone else.

When he took over as minority leader of the House after the 1928 Hoover landslide the Democratic representation was so small and the party's influence so weak that there had been widespread suggestions that the party abandon its historic name and reorganize as a new party.

Now it was on a summit never before reached by any political party in modern times. It had carried 46 of the 48 states and pulverized the Republican party. In the Senate there were 77 Democrats, fifteen Republicans and four representatives of minor parties. In the House of Representatives there were 330 Democrats, 90 Republicans and thirteen representatives of splinter parties. Democratic governors and legislatures sat in most of the State Capitols.

Garner never doubted the outcome of the election but thought the Republicans could have made it closer. He had said the previous summer:

"The Republicans used to do the politically smart thing most of the time. If they get back the knack this time they will give Herbert Hoover a Grover Cleveland try. (Cleveland was renominated by the Democrats in 1892 after having been defeated by Harrison in 1888.) No Republican can win, but Hoover can carry more states and will pull some Senators and Representatives through."

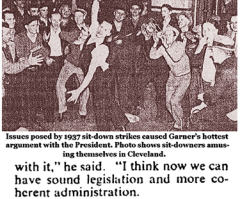
When Landon was nominated, he said: "The Republicans have set the stage for a party debacle."

But when the sweep came Garner feared the Democratic majority might be too one-sided for the party's good.

"It all depends upon the use we make of our victory. If we justify it we might remain in control for another quarter of a century.

"We have passed a lot of experimental legislation, and experimental legislation usually needs to be amended in the light of experience

GARNER



Issues posed by 1937 sit-down strikes caused Garner's hottest argument with the President. Photo shows sit-downers amusing themselves in Cleveland.

with it," he said. "I think now we can have sound legislation and more coherent administration.

"Any party that comes in with a working majority in Congress does its best work in the first term. If it can keep a fair working majority in the second term it can amend and correct.

"You cannot do everything in an eight-year term, but you can do all the country can get used to. The solid, lasting things come with gradualness. If you work too fast the people become fatigued and you get reaction."

On a cold, raw, rainy day Roosevelt and Garner were sworn in for their second terms on the portico in front of the Capitol. It was the first January 20th inauguration, changed from the time-honored March 4th date.

That day Garner got an important piece of information.

Roosevelt told him he never again would run for public office.

Garner also gave Roosevelt some information.

"Neither will I," he said. "I am going to take my good wife and go around the world or do anything else we may want to do."

But all dreams of a tranquil second term abruptly ended. These were the things that split the Democratic party: (1) Administration silence on the sit-down strikes, (2) the spending program and the unbalanced budget, (3) the Supreme Court enlargement bill, (4) Administration interference in the Barkley-Harrison leadership contest. (The attempted purge of Democratic legislators, which widened the split, was to come later.)

The year 1936 was ushered out by sit-down strikes, a newly imported labor weapon. Members of John L. Lewis' C.I.O. Automobile Workers union occupied two Fisher Body plants of the General Motors Corporation from December 30th to January 16th. The sit-down strikes spread to other plants.

Sit-Down Strike Much Debated

While the country hotly debated the President's duty in the sit-down crisis, the President and Vice-President just as hotly debated it in Washington. At a White House session the issue was discussed at length by the President, Vice-President and the Secretary of Labor, Miss Perkins.

"I said to Miss Perkins," Garner said, "'Do you think the sit-down strike is right?'

"'Yes,' she replied.

"'Do you think it is legal?'

"'Yes,' she answered.

"I asked the President:

"'Do you think it is right?'

"'No,' he replied.

" 'Do you think it is legal?'
" 'No,' he replied."

Garner left the meeting under the impression that Roosevelt would issue a statement excoriating the sit-down strike. But the statement did not materialize.

There the matter stood one January afternoon after 5 o'clock when Garner and Senate Majority Leader Joe Robinson appeared at the White House to discuss the legislative program which would be taken up immediately after Roosevelt's second inauguration. It was almost 8 o'clock when they came out.

The first acrimonious exchange between Roosevelt and Garner had taken up most of the three hours.

"It was the hottest argument we ever had," Garner said. "I told him that I regarded the sit-down strikes as seizure of other people's property in brazen defiance of the law; that the strikers were in illegal possession of the plants; that it was not a strike for better wages and working conditions, but a step in the fight of John L. Lewis for personal and political power; that Lewis was arrogantly expecting the backing of the Democratic party in his sit-down undertaking as a pay-off for his support and campaign contributions.

"I asked the President what he intended to do if the state of Michigan could not or would not enforce the law. What if the state did not or could not maintain a republican form of government as guaranteed by the Constitution? I told him that the people of the country were entitled to know what his attitude was toward this new and formidable weapon. We went at it hot and heavy.

"When the President said, 'I can'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.'

"Finally Joe Robinson broke in. 'You fellows are not getting anywhere,' he said, 'and I think you ought to stop the argument:

" 'All right,' I said to the President. 'I have made my argument. I will never mention Lewis to you again.' I had told him not only what I thought of the sit-down strike, but of John L. Lewis. Long after this, Roosevelt told me many times, 'Jack, you were right about Lewis.' "

As he was preparing to leave Washington at the end of his 38 years of service there, Garner reviewed those sit-down scenes in a talk with me.

"I think that is the only angry discussion we ever had," he related. "I disagreed with the President many times and stated my views as forcefully as possible, but there were no brawls."

Administration inaction in the sit-down strikes, which had spread from Michigan to other states, was met in a Senate resolution by Senator James F. Byrnes of South Carolina, asserting "that it is the sense of Congress that the so-called sit-down strike is illegal and contrary to sound public policy."

Byrnes went to Majority Leader Robinson and told him about the reso-

lution before introducing it.

"I am for it, Jim, but as leader I will have to oppose it," Robinson said in effect. It was plain that the Administration was opposed to the resolution, which was finally defeated 48 to 36. Among those who voted for the resolution was Senator Harry S. Truman of Missouri. It was common knowledge that Garner favored the Byrnes resolution.

But before the Byrnes resolution came to a vote, two other storms broke: the new spending program and the court reorganization bill.

Farewell to Economizing

Garner had told me earlier that he hoped the President would address himself to reducing expenses and balancing the budget during his second term. Roosevelt had campaigned on an economy platform in 1932. In 1933 he made his first, and last, economy drive and Congress passed the short-lived Economy Act of 1933.

"I do not take our 1932 economy pledge as a deceptive promise to win an election," Garner had said. "Perhaps we could not carry out all our campaign promises. The country's economy was unbalanced from 1933 until now, and our program had to be flexible. But there is no reason why we can't balance the budget now. You can repeal unwise or unworkable laws, but you can't repeal the public debt."

During the three-hour January meeting with the President over the Congressional program Garner and Robinson had finally reached this agreement with Roosevelt:

That session of Congress would pass the regular appropriation bills, do a little tinkering on legislation already on the statute books and adjourn; the whole thing could be done in six months, which meant a June adjournment.

But on February 5th, less than three weeks later, President Roosevelt handed Congress his court reorganization bill. No one in Congress had even a hint it was coming.

"The first time I ever heard of the bill, or that Joe Robinson or any of the others heard of it, was when the President and Home Cummings (then Attorney General) read it to us in the President's office," Garner said that night. "It was all drawn to the last detail and ready for Congress. I loaded my automobile with senators and representatives and took them back to the Capitol. We were all so stunned we hardly spoke."

The proposal was received coldly at the Capitol, with a few exceptions. One, Senator Carter Glass, received it hotly, declaring that the proposal was "frightful," "shocking," "brutal," "infamous," and "outrageous." Even Senator George W. Norris called the proposal unwise.

It was not until three days later that Senator Henry F. Ashurst of Arizona, chairman of the Senate Judiciary Committee, introduced the bill. Representative Hatton W. Sumners, chairman of the House Judiciary Committee, refused to touch the bill,

GARNER

and its introduction in the House was from left-wing sources.

While Democrats at the Capitol stewed over the court reorganization proposal, Garner continued to worry about the unsettled sit-down strike issue and about signs that President Roosevelt intended to continue heavy deficit spending. The court bill was amended to prevent the appointment of six new justices all at once, as the President had wanted, and in other ways watered down. It was after this that I heard Garner discuss the situation.

"Borrowing and spending and the sit-down strikes are a greater threat to the country's welfare than even six additional Justices of the Supreme Court would have been," he said. "The court would have adjusted itself. Those black robes and life tenure have their effect on men. No President can control that court. But let the sit-down strike become established as an American custom and recognized in law and it will change our entire theory of property ownership and government."

When the court bill finally was readied for Senate consideration in July, Garner was in Texas on a vacation which he had planned in January on Roosevelt's assurance that the legislative program would not keep Congress longer than June.

Senator Joseph T. Robinson of Arkansas opened the debate with great vigor, although realizing that barring a miracle he was leading a hopeless Administration cause, and day by day, outlook for legislation grew dimmer. In a few days Robinson was dead of a heart attack, leaving the court fight without a leader and the majority leadership vacant.

President Roosevelt attended the state funeral for Robinson in the Senate Chamber, and designated Garner to represent him at the Little Rock, Arkansas, interment services. The Vice-President returned to Washington on the funeral train. Two things were under discussion on the ride, the court fight and the battle between Senator Alben Barkley and Senator Pat Harrison for the majority leadership.

Both Harrison and Senator James F. Byrnes, in charge of his campaign, were certain Harrison would win. By most calculations Harrison had 38 sure votes, majority of one.

Garner, photographed sitting between Harrison and Barkley, declared his neutrality. Then he told newspapermen:

"I shall not by the nod of the head, the wink of the eye or the use of a single vocal chord indicate any preference."

Both the court and the leadership fights were to be settled within 48 hours.

The Texas Brand of Candor

When Garner met Roosevelt the morning of July 20th after the train arrived in Washington, Roosevelt asked him:

"How did you find the court situation, Jack?"

"Do you want it with the bark on or off, Cap'n?" Garner replied.

"With the bark on," Roosevelt said.

"All right!" Garner replied. "You are beat. You haven't got the votes."

The President agreed to shelve the Supreme Court enlargement plan and commissioned Garner to make the best

GARNER

settlement possible in the interest of party harmony.

But there was an immediate complication in his role of liquidator and peacemaker. In the Democratic caucus, Barkley defeated Harrison 38 to 37 for Senate leader.

Roosevelt, Garner and Farley all had agreed to keep hands off, treating it as a matter strictly to be settled by the Democratic members themselves without outside intrusion. But President Roosevelt jumped into the contest on Barkley's side bringing pressure on Senator Dietrich of Illinois, who had pledged himself to vote for Harrison, and on Senator Bilbo of Mississippi. Dietrich switched to Barkley.

Bilbo had said that if Harrison would ask him to vote for him he would do so. Harrison sent word back that he would not ask Bilbo a favor for any office in the world. Bilbo voted for Barkley.

Garner was flabbergasted when he heard that Barkley had won 38 to 37.

"I could have decided that contest," he exclaimed to me. "Morris Sheppard (Senator from Texas) came in here this morning and said, 'John, both Barkley and Harrison are my friends. Tell me which one to vote for. I will vote any way you say.'"

I told him, "'Morris, I ought not even talk to you about this. It is a matter for Senators. Roosevelt and Farley and I have agreed to keep hands off.'"

Sheppard left the Vice-President's room, went to the caucus, and voted for Barkley.

Of Roosevelt's interference Garner said, "It is an encroachment on the prerogatives of members of the legislative branch not President of the United States ought to engage in."

Garner appeared before the Senate Judiciary Committee in an effort to bring about a compromise on the court bill. He told the committee:

"My loyalties are in this order: first to my country, second to my party and third to my President."

He offered a plan which he said would serve all three interests. But the hostile committee knowing it had the Roosevelt court plan beat refused to compromise. The Senate by a vote of 70 to 20 sent the bill back to the Judiciary Committee, which reported it back with the Supreme Court section out and only procedural reforms in the district and circuit courts included. In this form the bill was passed by both the Senate and the House and signed by President Roosevelt.

committee knowing it had the Roosevelt court plan beat refused to compromise. The Senate by a vote of 70 to 20 sent the bill back to the Judiciary Committee, which reported it back with the Supreme Court section out and only procedural reforms in the district and circuit courts included. In this form the bill was passed by both the Senate and the House and signed by President Roosevelt.

There were reports, apparently well-authenticated, that the President did not believe the Vice-President made the best settlement possible. Of this Garner said to me:

"He never indicated to me that he was dissatisfied with the way I handled the matter. In my opinion the fate of the bill was settled by the senators on the train coming back from Little Rock . . . Roosevelt made most of his trouble in Congress by changing his course after he had reached an agreement. That was what happened with the court enlargement matter. It was not a matter of party policy, for it was not in the party platform nor was it taken after consultation with

GARNER

Congressional leaders who would have to put it through. Party policy is not made by one man without consultation with elected officials from another branch of government."

To save a party smashup all strategy called for an immediate adjournment of Congress, a cooling-off period and the consolidation of the Democratic party into the semblance, at least, of an orderly majority once more. But President Roosevelt insisted on action on still another proposal—the wages and hours bill.

Garner thought Roosevelt's insistence on a vote on the controversial wages and hours bill on the heels of the party strife on the court bill was particularly inopportune. There had not been adequate study of the proposal, and its effect on thousands of businesses was unexplored, he said.

The strategy was agreed on to pass the bill through the Senate and send it to the House where the opposition to such legislation was much stronger than in the Senate. This was done and after the final enactment of the diluted court bill Congress adjourned on August 21st to meet again on November 15th.

Favors Three-Way Eight-Hour Day

Of Garner's own position, he said:

"In my first campaign for Congress in 1902, I advocated an eight-hour day for industrial workers and for all other city workers where it is possible. That was before the day of nominating primaries and I wrote it into the platform of the convention which first nominated me for Congress. I have never changed my position. I have always believed in eight hours' work, eight hours' recreation and eight hours' sleep.

"I have always believed in collective bargaining and the right of every working man and woman to the best possible wages. The wages part of the proposal does not bother me so much as the hours. I am not convinced that as a general proposition the men and women of the country can do the nation's work in a 40-hour week. There is a vast difference between 48 and 40 hours.

"This is a mass-production country. We lead the world because we manufacture things in the mass and sell them cheaply. Most of the work of the country is done by machines, but even with all our machine power I am not sure the wage earners can do the nation's work in a 40-hour week. If just one generation has nonproductivity preached to it or given to it by precept the economy of the country will be damaged beyond repair."

Collier's for February 28, 1948