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SOUTHERN CONGRESSMEN AND AGRICULTURAL  
REFORM: 1913-1917

A thesis submitted as a requirement for  
the degree of Doctor of Philosophy in  
the Faculty of Arts of the University  
of Glasgow.

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## SOUTHERN CONGRESSMEN AND AGRICULTURAL REFORM: 1913-1917

### A SUMMARY

Between 1913 and 1917 the Democratic party enacted an agricultural reform programme that provided federal funds for agricultural education and highway improvement, established a fiscal structure for agricultural credit, licensed warehouses, and regulated speculative dealings on cotton exchanges. These formed a major landmark in American agricultural policy, influencing later legislation. As the first major implementation of matching funds legislation between the federal and state governments they determined the nature of future central government intervention in the economy. Southern initiative and support secured the passage of these measures.

Southern congressmen came from the class that traditionally dominated Southern politics, being lawyers from agricultural areas. Despite industrial growth, agriculture continued to provide the bulk of Southern wealth and to dominate Southern politics. As a consequence of the Populists' defeat and the passage of the disfranchisement laws Black Belt landowners found their authority unchallenged. While generally profitable, Southern agriculture ran below its full potential and serious structural problems existed such as the spread of tenancy. Only federal legislation provided a realistic solution, the state legislatures being too inactive or impoverished to face the challenge.

The Democratic victory of 1912 provided Southern congressmen with the opportunity to aid Southern agriculture. The/

The South dominated the government as no region has since: the President and most of his cabinet had Southern connections; Southern congressmen controlled the major congressional committees and formed the Democratic leadership. While influenced by the activities of lobbyists, these congressmen retained a degree of independence, voting according to their convictions, and not solely on the command of an interest group. More experienced than most congressmen Southern leaders ensured that the many novel and controversial aspects of the reform legislation passed with the minimum of amendment. They managed debate in a sympathetic and professional manner, defeating the efforts of New England and Midwestern Republicans to pass damaging amendments. As Woodrow Wilson took little interest in agricultural reform this required considerable skills on the part of Southern leaders. In addition to shepherding the reforms through Congress they had to initiate and draft the legislation. The agricultural reforms demonstrate Congress's ability to initiate and enact reform despite the presence of a charismatic President.

While eager to extend the functions of federal government, most Southerners distrusted the extension of federal power, due to their perceived experience of the Civil War and Reconstruction. For federal legislation to be acceptable to Southerners, it had to incorporate checks upon the federal power. In the agricultural reforms this was achieved by involving state governments on a matching funds basis. Southern leaders ensured that the state governments retained financial and initiatory powers thus preserving local/

local autonomy. Although no funds were involved in the financial legislation the fiscal system operated in a decentralised fashion, achieving the desired aim. This accorded with the Southern interpretation of federal government, as taught by legal education, political experience, and historical circumstance. The states rights argument provided legal and constitutional solutions to economic and social problems that the Southern elite found acceptable. States rights could advance as well as defend the interests of the Southern elite, and this explains its attraction and survival after military defeat in 1865. This reform legislation operated throughout the 1920s and while guaranteeing that Southern agricultural life improved, it ensured that landowners were the only direct beneficiaries; tenants however received indirect benefits.

## INTRODUCTION

In 1913 the majority of Americans lived on farms or else in small towns dependent on agricultural production: they lived neither in highly industrialised areas nor in great cities. They formed the largest lobby group in American politics, yet until 1913 few legislative measures had been enacted designed specifically to aid them. While almost all legislation affected the rural community in some way and very few politicians could afford to sponsor legislation that harmed it, no legislation existed in the United States comparable to that in Europe where central government actively supported the farmer. By 1917 however the American farmer was favoured with a body of legislation without equal in either its breadth or depth. It was no coincidence that this legislation was drafted, sponsored, and shepherded through Congress by the congressmen of the most agrarian region of the union, the South.

The reforms are most conveniently grouped under three headings: educational, financial and marketing legislation. The Smith Lever Agricultural Extension Act of 1914 and the Smith Hughes Vocational Education Act of 1916 comprised the educational reforms. The Hollis Bulkeley Federal Farm Loans Act of 1916 formed the main financial legislation although some clauses of the Federal Reserve Act of 1913 directly influenced rural finance. The Smith Lever Federal Warehouse Acts of 1914 and 1916, the Shackleford Bankhead Federal Highways Act of 1916, and the Smith Lever Federal Cotton Futures Act of 1916 covered marketing.

Within/

Within the context of progressive reform, the agricultural legislation was unusual in its comprehensiveness. While many of the social measures passed at federal level such as child labour regulation, workmen's compensation and maximum work hour legislation inter-acted, very little was conceived as a whole. The agricultural reforms, by contrast, were so conceived, the areas of each measure being carefully defined. Hoke Smith, the Georgian senator who sponsored much of the legislation, remarked at the beginning of the debates on the Agricultural Extension bill how this would be the first act of a whole programme that would ultimately include vocational education, public road improvement, the regulation of commodity exchanges and rural credits legislation. To these would be added the warehouse act as a response to the 1914 cotton crisis. The Democratic platform of 1912 had promised that the party would enact a comprehensive series of legislation intended to help the farmer. Considerable political skills ensured that very few amendments were successfully adopted while the bills were in Congress.

The legislation was unusual not only in its scope, but also in its form, as it marked the first major application of the principle of federal matching funds. As such, its importance lies not only in agricultural history but also in constitutional development. Several of the most important components of the programme employed a novel concept of federal and state governments acting in cooperation with bureaucracy; this created an important precedent for subsequent reform legislation particularly during the 1930s.

Historians/

Historians have paid little attention to the legislation despite its importance both in its own right and as a portent of what was to come. Writers on the Wilson administration have tended to emphasise its impact on the office of President; its implications for American foreign policy; or else have focussed on the enigmatic personality of Wilson himself. Historians such as Arthur Link have correctly recognised the importance of Wilson's ideas and personality in adding to the power and prestige of the Presidency. By concentrating on such major measures as the Federal Reserve Act, the Underwood Simmons Tariff, the Clayton Anti Trust Act and a whole host of social reforms such as the La Follette Seaman's Act, the Adamson Eight Hour Act, and the Keating Owen Child Labor Act it has been demonstrated how one man with the aid of a disciplined and cohesive party could enact a corpus of legislation without precedent in United States history. New Left revisionists while portraying Wilson as more of a conservative than a nineteenth century liberal have continued to focus attention on what may be termed the most important reforms of the administration. They have not broadened the base of the argument: indeed, by playing down the importance of social reform and emphasising the banking and commercial reforms they have narrowed the ground upon which the administration is judged.

Despite the considerable scholarly effort already devoted to the period, large areas of the Wilson administration remain uncovered. While no one can underestimate the importance of the Reserve Act or the Underwood Tariff, it is worth remembering that they represent only the tip of the iceberg; /



iceberg; indeed they are highly untypical in providing a view of the duties and functions of the American politician, much of whose energies were expended not upon epoch making legislation but upon routine matters of administration and procedure. Infinitely less glamorous, such tasks are important if a complete picture is to be drawn of the American politician at work.

The agricultural reform programme cannot claim to be particularly sparkling legislation. Its claims to importance lie neither in an inspiring and reassuring humanity, nor in its sweeping and decisive effect on American economic life: but in its use of conservative constitutional doctrine, its manipulation of the politics of greed, and the application of power politics within Congress. Very few fanfares accompanied its passage, contemporary newspapers all but ignoring it, but it is crucial in considering the role of Congress during the progressive era. All the banking and commercial reforms and most of the social reforms were administration bills receiving the active support of the President, but the agricultural reforms were enacted largely on the initiative of congressmen. Wilson did not oppose the legislation, but his support was largely passive, the only exception to this being his active campaigning, albeit reluctantly, for the Federal Farm Loans Act. Agricultural reform did not interest Wilson: it passed Congress, he signed it after making vague remarks on the virtues of agrarian life, but that was really the extent of his participation. As such the agricultural reform programme is a valuable reminder of Congress's/

Congress's power to initiate and enact legislation; this has been overlooked due to an emphasis on presidential power during the progressive period.

While the standard works on the Wilson period mention the agricultural reform, few accord it much attention. Arthur Link in his monumental biography of Wilson mentions all the measures by name, and devotes space to the drafting of the Federal Farm Loans Act, but inevitably views them as sideshows to the main events. There is no attempt to look at the legislation in detail, nor as a complete whole. The standard survey of post 1913 Southern history by George B. Tindall is even briefer; Tindall contents himself with acknowledging the existence of the legislation and stressing the involvement of Southern politicians. The underlying thesis is that by acting in this manner the South played an active and positive role in the life of the union. As this was written by a Southerner in the mid 1960s such an attitude is understandable if hardly condonable. Southerners were in the forefront of the action, but few attempts have been made to analyse how Southern thought and politics influenced reform. And the question is worth asking: how did Southerners, universally considered to be strict constructionists in constitutional argument, come to advocate such a constitutionally advanced doctrine as federal and state cooperation? The question becomes more puzzling with the knowledge that the most consistent opposition to the agricultural reforms came from Midwestern and Northeastern Republicans who argued that Southerners violated states rights and usurped the reserved power of the states. 1

One work does attempt to relate the agricultural legislation to the South: Farmer Movement in the South 1865-1933 by Theodore Saloutos. Saloutos views the 1912 Democratic victory as the agrarian's greatest triumph; in particular he considers the Underwood Tariff to represent the culmination of decades of agrarian protest. While acknowledging that the Federal Farm Loans Act did little to aid the tenant, Saloutos nonetheless claims that by 1917 the agrarian dream had begun to assume reality. Although the New Freedom reforms did not accomplish all that the farmer wanted, it did allow him to survive in a complex, urban, industrial society. Saloutos further asserts that in the South the dream of the populist and the dream of the progressive were fundamentally the same. Placing both in a tradition of Southern radicalism stretching back to colonial times, he views the populists as sowing the seeds <sup>whose fruits</sup> the progressives gathered. While identifying a difference between the populist and the progressive, Saloutos dismisses this as merely tactical: populists preferred political action, whereas the progressives opted for "the economic formulas of old". The populists however left a legacy in the agricultural legislation of the Wilson administration. 2

This analysis is open to question in many areas. The complexity of Southern rural society is underestimated: it is simply not accurate enough to continually talk about "the Southern farmer". A simple but crucial division existed between those who owned land and the increasing number who did not. Important social, economic and political division/

division existed between and within landowners and tenantry, there being a world of difference between a renter and a cropper: a renter retained control over when and how he grew his crops, but a cropper did as he was told. On occasions their aims could be mutually exclusive; this is particularly true for credit reform. While "Southern farmer" provides a useful label for generalising, it is inadequate when analysing Southern society and politics.

The least convincing part of Saloutos's argument concerns the relationship between the populists and the progressives. Since Saloutos wrote his book, subsequent work on the populists has shown them in an entirely different light. Lawrence Goodwyn has portrayed them as agrarian radicals who attempted a complete structural reform of American society; they sought to destroy Northeastern financial capitalism, and to replace it with a "cooperative commonwealth". Whether one accepts Goodwyn's argument that the populists were a nascent rural proletariat or not it is clear that they were not the same as the progressives. Their goals differed, even though they occasionally trod the same paths. Both made rhetorical use of the virtues of cooperation it is true, but they meant different things by this. The populists used it in an economic and social sense: the sub treasury plan crowned their conception of cooperation. This was an economic plan designed to effect a working alliance of urban and rural labour against capital; theirs was a cooperative crusade. Progressives employed the term in a more prosaic and bureaucratic manner, for they interpreted cooperation in a political and constitutional sense: as the coming together of federal and state/

state authorities to aid the agricultural economy. Neither Southern nor Midwestern congressmen uttered any eulogies of the populists and their dreams during the debates on the reform legislation; it was almost as if the Alliance had never been. 3

Saloutos also wrongly plays down the importance of post populist political activity. While few populists returned to the Democratic Party in the 1890s, and those who did such as the Virginian Mann Page did so reluctantly, recent studies have emphasised the vigour of Southern radical politics during the progressive period. James Green has documented the survival of populist aims amongst socialists in Texas and Oklahoma. In both the 1912 and the 1916 presidential elections the Socialist Party candidates received higher percentage votes than their national averages in Arkansas, Florida, Louisiana and Texas. Eugene Debs received more votes in Florida than Theodore Roosevelt in 1912. These groups more truly represented the populist legacy than the progressives did. The tradition survived and had important success at local level, but their impact at federal level was negligible. 4

The agricultural reform legislation of 1913-1917 was largely Southern, but it was upper class Southern legislation. It came from a completely different tradition: that of the Democratic Party. Those who proposed it and stood to gain by it were not the tenants or upland farmers of the South, but the black belt planters who, as a result of the political battles of the 1890s and Reconstruction controlled Southern politics. Along with their allies of the fledgling Southern commercial and industrial world, with whom they/

they increasingly found common ground, they held all the important cards in the political stakes. Although Southern business stood to gain little from the agricultural reforms directly, the potential indirect benefits of a more effective, regulated, and prosperous agricultural sector were enormous. There would be little serious anti-agrarian rhetoric from the commercial community.

Many groups in the South had a vested interest in the passage of the legislation: planters desired cheaper, more easily available credit; educators wanted to expand the agricultural colleges; and brokers longed to regulate the cotton exchanges. These groups were entitled to influence the vote of their elected representatives, and all attempted to do so. In the final analysis however, the decision as to whether or not a bill became law was that of the politician. Congressmen were not mere pawns whose sole functions were to ensure that a bill was constitutionally accurate and guided through Congress with the minimum fuss. They were educated men, able to make informed decisions on many wide spread issues not all of which related to law or politics.

Neither constitutional nor congressional history has been amongst the more fashionable branches of American history for a long time. Although New Left historians have studied legislation, they have largely ignored proceedings in Congress. James Weinstein in The Corporate Ideal in the Liberal State 1900-1918 devotes only a couple of pages to congressional debate when considering the legislative history of the Federal Trade Commission Act. Gabriel Kolko used the correspondence/

correspondence of top level politicians and bankers, as well as the editorial opinions of leading bankers' journals, in writing his admirable account of the Federal Reserve Act. He makes no direct reference to either congressional debate or the activities of House and Senate committees. The earlier work of Arthur Link used both. Kolko's inference is clear: happenings in Congress were unimportant; all the crucial decisions had been taken and all the important details fixed before the bill reached the floor of the House; Congress merely rubber stamped the bill; and the democratic political process had been bypassed and betrayed. 5

While there is much truth in this argument, it would be a mistake to underestimate the workings of Congress during the Wilson presidency. Certainly it is true that few congressmen understood financial legislation; one representative writing to the President described his colleagues' understanding of banking and commerce as "abysmal". Yet congressmen were not the completely unwitting stooges of the anonymous expert. The various government agencies and bureaus contributed massive, well researched and learned reports that when studied could hardly fail to fill in the necessary gaps in a congressman's knowledge. Every congressman chose two or three areas to specialise in, usually related to committee appointments, but most had a good general knowledge, and their experience of state politics taught them how legislation worked in practice. Normal common sense, intuition, or party doctrine provided the necessary guidelines when specialised information was unavailable, but the evidence is that many congressmen went considerably/

considerably out of their way to acquire detailed information. During the tariff debates for example Midwestern Republicans studied the details of how each commodity would be affected by the new schedules long into the night and early morning. The grasp held by seemingly every Southern politician of the intricate details of cotton marketing and production is astounding. Only on the most emotive of issues such as race did congressional debate lapse into empty tirades; generally it was well informed and relevant. A reading of congressional debates can produce not only a source for legislative history, but also an objective view of American life in the 1910s, bristling with facts and statistics. 6

Despite their appetite for social and economic information the business and overriding responsibility of the congressman was the constitution. Congress's function and duty was to legislate, not report. Private and public bodies provided the necessary information, but this had to be fitted into a framework that was acceptable to the legislature and the judiciary, otherwise it was interesting but meaningless. The task of the Democrats in accomplishing this was eased by their control of all branches of the government, and their undivided allegiance to a <sup>strict</sup> constructionist view of the constitution.

It required considerable organisational skills to guide legislation safely through Congress. Party lines were tightly drawn during the Sixty Third and Sixty Fourth Congresses, but even so a bill's passage could be hazardous. While the Democratic House managers could guarantee the quick and efficient approval of a bill, the situation was different/



different in the Senate. There the Democratic majority was only six in 1913 causing considerable problems for the party whips. Although the party's majority rose to sixteen in 1915,<sup>a</sup> a constant vigil was still required to ensure that no damaging amendments were successful. Furthermore, by virtue of their longer terms, members of the upper chamber were permitted a greater independence from the party especially when there was little presidential pressure to toe the line. Consequently, Democratic senators spoke out and voted against important clauses, the equivalent of which was rarely seen or tolerated in the House. Additionally, Republicans particularly from the Midwest were able to mount the most cohesive and effective opposition to the legislation in the Senate. This study therefore will pay greater attention to proceedings in the Senate than in the House.

The legislative history of the agricultural amendments illustrates how easy it was for a bill to be lost through a procedural error or by a tactical amendment added by opponents. Southern congressmen were generally adept at handling legislation and marshalling their troops, but some bills were almost lost not because they were voted down, but due to procedural errors. The Agricultural Extension Act was almost referred to a House committee which would have successfully buried it; attempts to recall the bill from conference after it had passed both chambers were also made, which if successful would have killed the bill. An error by the House managers sent the Federal Highways bill to the wrong Senate committee, thus wasting valuable time. After/

After <sup>the act</sup> had been approved by both chambers, the Senate had to recall the Cotton Futures Act when it was noticed that it legalised cotton pools, and would be voided by the courts. While such errors owed as much to bad luck as inefficient management, they demonstrate that the passage of a bill was by no means assured once it left its committee. The writing of accurate legislative history therefore requires more than just detailing who drafted the legislation or analysing a series of roll call votes. 7

While taking note of what happened in committee, this study will concentrate more upon what happened on the floor of Congress: there are reasons for this. Traditionally the influence of the committee in the legislative process has been held to be considerable. The choice is made in committee between rival proposals and decisions are taken to pigeonhole unsuitable bills. A committee can so weigh down a measure with amendments that its chances of passing the legislature are slim; alternatively, a committee's endorsement can be so strong as to reduce proceedings in the House and Senate to a formality. Woodrow Wilson in Congressional Government stated that the leaders of the House and Senate were the chairmen of the permanent standing committees; and that Congress had as many leaders as it had subjects of legislation. 8

With the notable exception of the Federal Farm Loans Act however the main attempts to challenge the legislation were not in the committees, but in the Senate and to a lesser degree in the House. This presents a vivid contrast to other New Freedom legislation, notably the Federal Reserve/

Reserve Act. The committees involved in the agricultural reform tended to be headed by seasoned and strong Southern politicians who knew what they wanted and how to get it; this was particularly true for the Senate committees on post offices and post roads, education and labour, and agriculture and forestry. The Senate banking and currency committee proved to be an exception to this in that its Democratic members were wayward and motivated more by personal concern than party loyalty. Generally though the committees appear to have acted in a united fashion; they drafted the legislation, but offered few dissenting voices. Democratic control over these committees was such that opposition would be futile within the relative anonymity of a committee room. 9

It is claimed that the importance of a committee increases because while a bill is in committee it is most vulnerable to the influence of extra political bodies. Committee members were notorious for blindly accepting the opinions of expert witnesses on complex issues, but in the case of the agricultural reforms a considerable consensus existed among those who stood to gain; only really in the case of rural credits were congressional committees faced with a decision to make on which proposal should be endorsed. The supporters of agricultural reform took little interest in the constitutional details of the legislation. Thus, while the deans of the agricultural colleges lobbied for educational reforms, they offered no suggestions as to how the federal and state authorities should cooperate to accomplish this. Similarly, with the Cotton Futures Act, Southern/

Southern planters were eager to regulate the New York Cotton Exchange, but they left the politicians to decide how this should be done. The position with the Federal Highways bill was slightly more complex in that the two main vested interests, the automobile manufacturers and the agriculturalists, had differing aims but both recognised the cardinal importance of enacting some form of legislation.

The very nature of the agricultural reforms explains why they were challenged more in debate than in committee. It is not usually prudent for minorities in committee to voice their opposition once a bill has been reported out of committee; but when legislation was as novel and controversial as certain of the agricultural reforms were, then the politician stood to gain by attacking the bill in as public a forum as possible, especially when the majority of his constituents were farmers. A Midwestern congressman knew that his electorate expected him to oppose a bill that favoured cotton producers over wheat growers; and it was better tactics to be reported doing this in debate rather than in committee. There also existed the real chance that an amendment in the Senate would be successful, thus delaying the progress of a bill.

Most arguments centred around details. While a difference existed between both parties' general approach to agricultural reform, the Republicans favouring the workings of the free market within a high protective tariff and the Democrats preferring a low tariff with compensating, supportive legislation, neither could afford to be seen to act against the rural community. While differing vigorously over certain clauses, they had a common interest. Thus, although Albert/

Albert Cummins of Iowa almost came to blows with James Vardaman of Mississippi in the Senate over agricultural extension, he made it clear that he preferred the bill as it stood to no bill at all.

The one important area that could only be argued in public debate was the constitutional correctness of a bill. Although the ultimate congressional arbiters on such matters were the committees on the judiciary, the main arguments were thrashed out not in committee but on the floor of the House or Senate. Much of what passed for learned constitutional discourse was mere verbiage intended to cloud the issue or impress the ignorant, but most arguments were relevant, informed, and necessary if a bill was to have any life after it left the Capitol. Furthermore, most congressmen were lawyers and as such thought in legalistic terms; the constitution mattered, both to those claiming the heritage of Hamilton, and those who claimed the heritage of Jefferson.

Southern constitutional thought greatly influenced the agricultural reform programme. Yet there is no inherent contradiction between the Southern states rights doctrine and the endorsing of centralising legislation. A constructionist did not oppose the growth of the federal government per se; he only opposed it when it seemed to threaten the position of the state. When economic and political gains could be coupled with an acceptable extension of central government, the attractions were considerable. States rights arguments could be employed not only to protect the Southern elite, as they were on racial questions, but also in a positive manner to advance the position of the elite within the South. As such, states rights was not only a defensive doctrine/

doctrine, but also a doctrine of power. It averted dangerous and unwanted changes and promoted the aims and ends of upper class Southerners within their own constituencies; based firmly upon constitutional precedent it formed a remarkably durable and effective doctrine.

Southern historians have devoted considerable time and effort in defending their native region. Demonstrating that the South has a liberal tradition comparable to other regions, they have been aided by the realisation that the North is as racist as the South: no longer is a white supremacist doctrine seen as the sole indicator of an aberrant region. States rights however has proved a considerable embarrassment to liberal Southerners, for while they accept it as a vital component of Southern political thought, they also sense it to have racist and social overtones that worked against long term Southern development. Consequently, there appears to have been an almost subconscious effort to play down the doctrine, or else to dismiss it as a quaint Jeffersonian folk memory with little relevance to economic realities. This is particularly true of historians of the post bellum South. John S. Ezell, for example, claimed that Andrew Johnson could have accomplished much if only he had not been "fettered to a belief in states rights". Similarly, in comparison to the progressive and business orientated policies of the Southern Republicans in the 1870s, the Democrats' states rights policy was "archaic". 10

The best examples concern Southern opposition to the Keating Owen Federal Child Labor Act of 1916. This according to Tindall was based upon mere "constitutional scruples"; yet/

yet Tindall omits to mention that these "scruples" were proved correct in 1919 when the Supreme Court voided the act. Dewey Grantham also fails to mention this when attempting to explain away Hoke Smith's embarrassingly illiberal vote against child labour regulation when it would be thought that the biographer should be noting his subject's legal scholarship. Link grants that Southern politicians were sincere in their constitutional beliefs, but implies that these beliefs led them erroneously to vote against the most progressive measure of the era. Yet, as Arden Lea has noted, the Keating Owen Act was aimed at only a small part of one industry: the cotton manufacturers of the Southern Piedmont. Southern opposition therefore was not only constitutionally accurate and proper, but economically justified. 11

States rights doctrine cannot be dismissed lightly when considering the actions of Southern congressmen: its logic and language permeated the most unlikely of topics. While not the sole preserve of the South or the Democratic party, Southerners used it more constructively, interpreting its implications differently from those in the Midwest or New England. Southern law schools placed a stronger emphasis on the position of the state within the union than did legal teachers in the North. In the 1910s, Southern hagiology of the Civil War and Reconstruction reached its nostalgic and emotional peak as a new generation adopted the garb of the lost cause, thus adding an appeal to states rights that was non-existent elsewhere. The doctrine's main strength however lay not in its academic traditions, its emotional appeal, or its political usefulness, /

ness, but in its capacity as a problem solver.

While states rights did not solve all the problems facing the Southern elite, it nonetheless appeared to be better than any alternative. It did not address serious structural problems in the Southern economy or society, but these were hardly pressing problems to the Southern elite in the 1910s; the chance of a lower class white challenge had been eliminated in the 1890s; the blacks had been excluded from effective politics; economists could point to the spread of tenancy as a serious structural problem, but landowners made too great a profit from the system to see it as such; but above all, the 1910s were years of growth in the South and there seemed little reason to change what appeared to be a successful dogma. The states rights doctrine allowed the South to focus on a relatively narrow range of problems, that is those that could be expressed in constitutional terms, but this narrow focus permitted Southerners to become adept at solving them. These were the only problems that the Southern upper class perceived as mattering: how do we maintain white supremacy?; how can we improve our agricultural practices?; how can we encourage and protect our industries?; how can we play a full part in the national life?; and how can we improve conditions within the South while maintaining our own dominance? Southern elites perceived these problems as solvable by the legalistic postulate of states rights working through the established, federal, political system. States rights retained its vitality and relevance not because it was romantically linked with Pickett and his brave Virginians, although/



although that was important, but because the Southern elite perceived it as being applicable to concrete problems, for without this relevance states rights would have been rapidly discarded. 12

Southern elites had long perceived states rights as providing acceptable solutions to social and economic problems. Arthur Bestor has shown how pro slavery groups in the 1850s used states rights as a constitutional argument to both defend and advance slavery. The descendants of the ante bellum politician used the argument in a similar fashion. States rights could be employed to bar the federal supervision of elections thus keeping blacks in an inferior position; it could also permit economic progress by attacking the federal government's constitutional right to regulate commerce. But states rights did not create a stagnant South surrounded by impenetrable barriers of constitutional long windedness: for such a doctrine would soon become bankrupt and discredited. Rather states rights permitted advance and a certain degree of change; but as it placed the responsibility for this on the state government it ensured that any change would be closely monitored and modulated by the elite with little risk of outside interference. And it was this ability to allow, and even promote, change, even though this involved the federal government, that guaranteed states rights a vital and active life long after the South's military defence of the argument had failed.

The problem regarding agricultural reform was simple: Southern agriculture was technologically backward, subject to wildly varying fortunes, and although generally profitable/

able it continually ran below its full potential. Southern landowners, particularly in the Black Belt counties, wanted reforms that would regulate marketing procedures, aid agricultural education and research, and place Southern agriculture on a sound financial base. Unfortunately, such reforms were impossible either within their own communities or states. The Southern state legislatures were too poor, too inefficient, too inactive and in the case of rural credits, an increasingly inappropriate level for reform. Additionally, as state legislation would inevitably mean an increase in state property taxation, landowners were reluctant to press too hard for state reform. 13

Federal legislation represented the best solution. States rights was conceived in federal terms, and Southern elites were experienced in national as well as regional government; but the federal government represented a double edged sword. While its treasuries were full and tempting, the generation who controlled the South in the 1910s viewed the national authority with suspicion. It is ironical that the group most identified with state autonomy should have had, through Reconstruction, the greatest experience of a strong national authority, and Southerners in the 1910s perceived this as having been a greater calamity than defeat in the Civil War. The federal troops had left the South by 1877, but for the next thirty years Southern politics would be dominated by attempts to restore the political system of the slave South. This work was accomplished by the 1910s, but the South continued to fiercely resist any proposed extension of the national authority.

The/

The states rights argument does not completely explain the story of the agricultural reform programme, nor does it entirely explain the behaviour of all Southern congressmen, but it goes a long way to revealing why Southern congressmen drafted legislation the way they did, and how they defended it in debate. This was national reform: it affected Northern and Western farmers as well as Southerners. Although Southern politicians framed, defended, shepherded and enacted the legislation they had to remember the demands of other regions. New England was heavily involved in the drafting of the Federal Farm Loans Act, the only reform not sponsored by a Southerner, but it is notable that the constitutional defence of the bill was led by Southerners, and passed by Southern votes.

Nor would it be wise to discount entirely any humanitarian motivation on the part of Southern congressmen. The study of how elite groups think and act in politics invariably results in a cynical and ultimately pessimistic view of democratic politics and history. But not all elites are malevolent, and not all members of the elite have their motivation in the politics of power. The Smith Lever Agricultural Extension Act was a disgraceful measure in many aspects: Southerners ensured that its appropriation was deliberately balanced to favour the South at the expense of the North and West; one clause secured the exclusion of Southern blacks from any direct benefits; and the Senate debates produced some of the most virulent racist speeches by the South during the Wilson administration. Yet Hoke Smith hoped that one clause of the bill would improve the quality/

quality of life for farm women, a hitherto neglected group, by promoting the teaching of domestic science. This provision was advanced in terms of contemporary social thought, the very real plight of farm women being ignored by fashionable progressive reform.

States rights provided the South with the solution of achieving national reform while keeping the federal authorities at bay. Thus, reform was permissible. Southern congressmen accomplished this through matching funds legislation involving the cooperation of the state and federal governments. The states rights doctrine however demanded that power should remain with the state legislatures, the main seat of Southern elite power, and not the federal authorities. Despite the veto held by federal agencies over proposals made under matching funds legislation, Southern congressmen ensured that the vital initiatory powers and financial control remained with the states. Southerners therefore accomplished improvements while reconciling an increase in federal authority with states rights doctrine.

This study does not claim to be a contribution to the history of ideas. Rather it attempts to show how one group applied a doctrine to a particular problem. As such it suggests that a re-evaluation of the states rights argument in Southern tradition is necessary; Southerners were not "fettered" to states rights, neither was it "archaic". Rather than hindering or blocking change, it moulded, permitted and controlled reform. While subsequent generations may regret its limitations, the agricultural reform programme was radical within the context of both constitutional development and Southern politics and society.

Notes:

- 1 The relevant volumes in Link's five volume biography are:  
 Arthur S. Link, Wilson: The New Freedom, (Princeton  
 Princeton University Press: 1956);  
 Link, Wilson: Confusions and Crises, (Princeton Princeton  
 University Press: 1964);  
 Link, Wilson: Campaigns for Progressivism and Peace,  
 Princeton Princeton University Press: 1965);  
 George B. Tindall, The Emergence of the New South 1913-  
 1945, (Baton Rouge Louisiana State University Press: 1967).
- 2 Theodore S. Saloutos, Farmer Movements in the South 1865-  
 1933, (Berkeley University of California Press: 1960),  
 pp. 213-214, 234, 187, viii.
- 3 Lawrence Goodwyn, Democratic Promise: The Populist  
 Movement in America, (New York Oxford University Press:  
 1978).
- 4 James Greene, Grass Roots Socialism: Radical Movements in  
 the Southwest, (Baton Rouge Louisiana State University  
 Press: 1978);  
 Another major survey of Southern radical traditions is:  
 Carl Degler, The Other South: Southern Dissenters in the  
 Nineteenth Century, (Harper and Row New York: 1974);  
 The Socialist candidates, Debs and Benson, received 3.6  
 per cent and 1.9 per cent of the American presidential vote  
 in 1912 and 1916. In Arkansas they received 6.5 per cent  
 and 4.1 per cent of the vote; in Florida 9.5 per cent and  
 6.6 per cent; in Louisiana 6.6 per cent and 7.1 per cent;  
 and in Texas 8.3 per cent and 5.1 per cent of the vote.  
 In 1912, Debs won 4,806 votes in Florida, whereas Roosevelt  
 received only 4,500 votes.  
 Arthur M. Schlesinger Jnr. (ed.), History of American  
 Presidential Elections, (New York McGraw Hill Book Company:  
 1971), III, pp. 284, 285.
- 5 James Weinstein, The Corporate Ideal in the Liberal State  
 1900-1918, (Boston Beacon Press: 1968), pp. 62-91;  
 Gabriel Kolko, The Triumph of Conservatism: A Reinter-  
 pretation of American History 1900-1916, (New York The Free  
 Press of Glencoe: 1963), pp. 217-254.  
 In fairness it should be pointed out that Kolko admits that  
 historians should concede a much larger importance to  
 Congress/

Congress rather than focussing primarily on "dramatic Presidents". Nonetheless, in his account of the Federal Reserve Act he only quoted once from a congressional publication. That was from a speech by Carter Glass in the House, who Kolko described as speaking to "a Washington audience".

Ibid., pp. 280, 254;

Link, Wilson: The New Freedom, pp. 199-240.

- 6 William Kent to Woodrow Wilson, 12th May 1913, William Gibbs McAdoo Papers (Division of Manuscripts, Library of Congress, Washington D.C.).

Kent was a representative from California.

- 7 Congressional Record, 63rd Congress, 2nd session, (1914) 1835, 7421;

Ibid., 63rd Cong. 2nd sess. (1914), 5604.

- 8 Woodrow Wilson, Congressional Government, (Boston Houghton and Mifflin Company: 1885), p. 60.

- 9 For an account of the personality squabbles between the Democratic members of the Senate banking and currency committee and the President see:

Link, Wilson: The New Freedom, p. 228 fn.

- 10 John S. Ezell, The South Since 1865, (New York The MacMillan Company: 1963), pp. 102, 67.

- 11 Tindall, The Emergence of the New South, p. 16;

Dewey Grantham, Hoke Smith and the Politics of the New South, (Baton Rouge Louisiana State University Press: 1958), p. 300;

Link, Woodrow Wilson and the Progressive Era 1900-1917, (New York and London Harper and Row: 1954), p. 226;

Arden Lea "Cotton Textiles and the Federal Child Labor Act of 1916", Labor History, 16 (1975), 485-494.

- 12 My thinking on states rights and how it related to concrete problems owes much to the methodology set out in:

Thomas S. Kuhn, The Structure of Scientific Revolution, 2nd edition, (Chicago and London University of Chicago Press: 1970).

- 13 Arthur Bestor, "State Sovereignty and Slavery", Journal of the Illinois State History Society, 54 (1961), 117-180;  
Bestor, "The American Civil War as a Constitutional Crisis", American Historical Review, 69 (1963-1964), 327-352.

CHAPTER ISOUTHERN POLITICS AND CONSTITUTIONAL THOUGHT

The Democratic victory of 1912 returned to government a party that had held power for only eight of the forty seven years since the Civil War. It heralded the first effective return to power of the South since 1861. Administering the oath of office to the Virginian born Woodrow Wilson on 4th March 1913 was Chief Justice Edward Douglas White, an ex Confederate officer. The rebellious South was vindicated. Commentators considered the whole "flavor and color" of events in Washington to have been Southern on that March day, even though the election had also been a victory for William Jennings Bryan and the West. Some writers were disturbed by the new administration's identification with the South, but most were enthusiastic. One considered that the South's control of the government would at last break down sectionalism; and that this would be but one of the many benefits that would come from the new Democratic administration. 1

Yet, just as Wilson's victory had been an aberration allowed only by the split Republican vote, so the Southern return represented a deviation. The Southern political system differed from that of the North or the West, as did its economy. This created economic and social problems that no other region had to contend with; this had political implications for the union. The predominant trend in late nineteenth century American government had been towards increased authority particularly at national level. The/

The principles of Alexander Hamilton held sway in the court of Theodore Roosevelt. Now the union was to be governed by a party committed electorally and historically to Jeffersonian states rights. The Southern Democratic triumph clearly meant a change from the business oriented, Northeastern Republican rule of earlier years.

Southern politicians however were generally responsible men, well educated and well versed in politics as the art of what is possible. They would not take a demagogic revenge on either the North or business. How Southern politicians reacted with regard to agricultural reform will be related in later chapters: this chapter will attempt to describe the political and intellectual context in which these men made their decisions. This involves considering two distinct areas. The first will be a look at Southern politicians themselves, how they operated in Congress and in the South, and what groups attempted to influence and win their votes. The second concerns the theoretical and intellectual background of a politician's behaviour and how this affected his thinking.

The extent of Southern influence on the Wilson administration cannot be underestimated; it permeated every level of government. The President himself was strongly sympathetic to the South. Many of his formative years and all his professional career had been spent outside the South, but the memories of a Virginian and South Carolinian boyhood were important to Wilson. Viewing these with an increased nostalgia/



nostalgia, Wilson became fond of declaring that the South was the only part of the world where nothing had to be explained to him. His personal ties with the South were strengthened by his Georgian wife, Ellen Louise Axson. However, as Link has pointed out, Wilson was Southern in more than just sentiment: in his attitude towards women and his belief in racial inequality Wilson was Southern to the core. He had a deep love of community, family and a "personal identification with the living generation of the dead". Wilson saw himself as the force that could heal the wounds of the Civil War and bring the South back into national life. One of the happiest circumstances of his election, he said, was that he became the instrument, "the innocent instrument of bringing about the end of the old feeling that the Southerner was not of the same political breed and purpose as the rest of American citizens". 2

Deeply aware of Southern strength in Congress, Wilson had worried about the geographical balance of his cabinet, hoping not to offend any other region. Despite his concerns a strong Southern bias was the most obvious feature of his cabinet. Josephus Daniels, secretary of the navy, was a North Carolina newspaper editor; Albert Burleston, postmaster general, had been Wilson's Texan campaign manager; David Houston, secretary of agriculture, came from the border state of Missouri, but was born and educated in North Carolina. Additionally, two members brought in to represent the Northeast, J.C. Reynolds the attorney general and William Gibbs McAdoo the secretary of the treasury, had been born in Georgia and Tennessee respectively. The influence of the Texan Colonel Edward House over/

over Wilson was also important. House had already turned down a cabinet post, not because of any lack of ambition, but in order to have more direct access to presidential power. He was the most direct route to Wilson for many politicians and businessmen. Although not all that concerned with agricultural reform, House was an important source of advice and support for Wilson; furthermore the new secretary of agriculture owed his position to House's patronage. 3

Wilson's concern for the South was compounded by the political debt that he owed the region. His victory had not been decisive; he was the first minority President since Lincoln, and one of the very few in American history. In terms of the popular vote, the only state outside the South where he polled a majority vote over Taft and Roosevelt was Arizona. For a second term to become a reality, Wilson had to broaden his appeal throughout the union, and also protect his base in the South.

Southern machine politicians had been unenthusiastic about Wilson at the 1912 Baltimore Convention. Their choice was Champ Clark of Kentucky, the speaker of the House of Representatives and a well known conservative. Wilson's liberal record as the governor of New Jersey combined with his clipped academic tones alienated the stolid professional politicians of the South: even Virginia voted against his nomination. Wilson did have support among the Southern Democrats, but the many enthusiastic Wilson clubs were never influential within the state parties, and would be soundly defeated in the patronage scramble after the election. Nonetheless, once Wilson won the nomination, the South swung in behind/

behind the party banner. Some suspicions remained, but these soon disappeared when Wilson announced that he would introduce racial segregation in federal departments. 4

The Democratic control of Congress began in the 1910 election when the 47 member Republican majority in the House was turned into a 67 member Democratic lead. This truly stunning transformation was built upon in 1912 when the Democratic majority increased to 164. Of the 291 Democrats in the House, 120 were Southern, by far the largest regional bloc vote. As already alluded to though, the Democratic grip on the Senate was less certain, and party managers had to maintain tight discipline and rely upon the support of others. The South however had a relatively louder voice in the Senate than in the House: 26 of the 51 Democrats were from the South. 5

More important than this impressive strength on Congress's floors was the control held by the South over the House and Senate committees. According to one disgruntled Republican journalist, this was the most depressing feature of the new Congress: "the leading members of most committees will be from the most reactionary Democratic members". The seniority system allowed Southerners precedence over their Northern and Western colleagues in the allocation of committee chairmanships. In the important Senate committees where many of the battles of the New Freedom would be waged, twelve of the fourteen committees were headed by Southerners. The only important committees that Southerners did not chair were agriculture and interoceanic canals and interstate commerce. In the House, the South chaired eleven of the thirteen/

thirteen standing committees, although control of the House committees was less vital than control of the Senate committees. The relative security of re-election possessed by most Southerners gave them not only the length of service needed to chair a committee, but also the experience necessary to understand the workings of that committee. Congress was increasingly dealing with complicated legislation that required not only a constitutional framework, but also considerable technical understanding of the problem. Only with this could legislation be effectively framed or challenged; and this came only with experience. 6

The Sixty Third and Sixty Fourth Congresses were novel in American political development up to 1913 in that the role of party, and the function of party leaders, was heightened. Control over the traditionally loose American coalition parties was asserted by party managers in a manner similar to that of the whips in the House of Commons. This was due to Wilson's ideas on government. His considerable academic reputation rested on his ideas of how parties should behave while in government, and seeing little of value in American parties he took for his model the tightly disciplined British parliamentary parties. When headed by a strong Prime Ministerial figure, he considered that this produced the most effective and responsible type of government. By asserting his leadership in Congress Wilson contributed significantly to the development of the Presidency. The effect was to transform the disparate Democratic party in Congress into an effective instrument of government. One by-product of this was to increase the importance of the party's/

party's natural leaders in Congress: the long serving Southerners. 7

Aiding the House and Senate leaders was the fact that the Sixty Third Congress was largely one of "new men". Of the 120 Southern representatives, 25 were there for the first time; 24 of the rest had served only one term. The Sixty Fourth Congress had 23 new Southern members. The Senate turnover was higher: nine new senators were elected from the South between 1912 and 1914. This contrasts vividly with earlier Congresses: the Fifty Seventh Congress contained only four new Southern members, as did the Fifty Eighth; only one new Southern senator entered the Fifty Ninth Congress. This trend was true for the union, and not only the South. Only 15 senators in the Sixty Third Congress had served more than two terms; 23 of the 96 members were freshmen. 8

Contemporary commentators puzzled over this. Many of the new Democratic representatives had been elected only because of the split Republican vote, this being particularly true in the Midwest. One commentator explained the high turnover in the Senate as being caused by the introduction of direct elections, the Senate consequently becoming more like the House in its rotation of members: senators were now the choice of the voters rather than the state boss. Not all agreed with this. Charles Thomas the Democratic senator from Colorado considered that the promise of the Seventeenth Amendment had fallen far short of realisation in this regard. 9

Whatever/

Whatever the causes, the effect increased the power of those already there, particularly in the Senate where a freshman was very much a subordinate. He was expected to keep quiet, watch, learn from and obey his elders in all matters, and develop an understanding of the "folkways" of the Senate before attempting any meaningful contribution. Only by doing so could he command the respect necessary to be effective. Most first term representatives devoted their energies to securing their re-election; this left little time to consider the intricacies of legislation. Nor should the effect of a move to Washington in a pre-aircraft age be underestimated in considering the effectiveness of a new congressman. Election usually meant buying a house or acquiring rented accommodation, and the probability of leaving friends and family for long spells. Southerners usually spent all year in Washington, returning to their constituencies for only short spells. Adjusting to this new life could prove troublesome. 10

This is not to suggest that the new men were political innocents. To be a United States representative or senator was invariably to be a successful politician. The vast majority had worked their way up the political ladder and were experts in the arts of compromise and opportunism before they entered Congress. The average age of a Southern senator when elected to Congress was 50. He had spent an average of eight and a half years in other elected positions; this could be at state level or in the House of Representatives. Some men such as John Sharp Williams, Oscar Underwood and John Bankhead, both of Alabama, spent more than fifteen years in other/

other positions prior to entering the Senate. Nine Southern senators in 1913 had previously been state governors, a higher proportion than <sup>that of</sup> any other region. Of those with no prior experience before entering the Senate only Luke Lea of Tennessee, the youngest senator, made any impact; and he was part of a particularly well established political machine. 11

A remarkable cohesiveness and consensus existed amongst the Southern congressmen. Many scholars have attempted to bury the idea of the solid Democratic South, portraying Southern politics as being "pragmatic and parochial". Southern politics it is argued was as fiercely competitive as any in the union. At state level Southern politics was complex and not all politicians fit easily into the standard stereotypes. Vast differences existed between the tone and manners of the machine politics of aristocratic Virginia and, for example, the seamier politics of Louisiana. Indeed, given the differing needs of the sections of this huge region, it would have been remarkable if Southern politics had been completely homogeneous. 12

A different picture emerges when the workings of Southerners at federal level are studied. During the Sixty Third and Sixty Fourth Congresses they rarely voted on different sides; on most major issues the South voted as a bloc. Those who voted against the party caucus unless for valid local reasons were not easily forgiven by either party or constituents. Vladimir Key concluded that there were no political parties in the South: the Democrats existed only for external purposes, that is "as an arrangement for national affairs"./

affairs". The voting records of Southern Democrats from 1913-1917 however argues for those standards of permanence, cohesiveness, and responsibility that characterise political parties. Albert Hart, the Harvard historian, considered that Southern social and political leaders fitted together much more closely than their Northern counterparts. 13

A survey of roll call votes in Congress from 1911 to 1916 on selected reform issues by Howard Allen emphasises the solidity of the Southern bloc vote. A sample of 355 Senate votes were considered and rankings drawn up according to the consistency of support or opposition displayed by each senator. Sixteen Southern senators were placed among those consistently opposed to reform: only three provided support for reform. In an analysis of twelve "major reform votes" the South displayed a more uniform record than any other region. Twenty four Democrats voted for ten or more of the issues: only five Southerners did. Of the twenty four senators who voted for less than ten issues, fifteen were Southern. Twelve senators voted for less than eight issues, ten being Southerners. 14

Such studies can mislead. Few of the issues studied by Allen had much relevance to the South, being concerned with industrial or urban matters. Furthermore, the decision as to what constitutes a "major reform issue" is that of the historian not the politician. Allen also ignores the fact that not all senators were in the chamber when the votes were taken, and this inevitably throws the balance against those most involved in the administration. Despite such qualifications the study is a useful reminder of the consistency of the Southern vote, especially compared/



compared to other regions.

Answerable to Senate and House managers on how they voted, Southern politicians had also to respond to their electorates. The Southern politician was more secure than most once elected. Of the 142 representatives from the South between 1913 and 1917, 80 served more than 15 years. Over half, 81, lost their seats only by death or else by resignation usually on health grounds. Only nine representatives lost their office through an unsuccessful candidacy in the primaries, and a surprisingly large number, 27, lost office through an unsuccessful candidacy in the election proper. Of the remainder, most left the House for the Senate or else found a judicial post. 15

The position in the Senate was more complicated, but reveals deeper seated trends. Some senators were only temporary members appointed by governors on the death of an elected member until a new election could be held, or else the state legislature could appoint a new senator. Despite this, the trend in the Senate from 1900 was similar to that in the House. Of the 74 senators from the South between 1900 and 1916, 20 held their seats longer than 16 years: the average length of service was 11 years. Death accounted for 25 senators, and a further 20 either resigned or declined renomination. Six unsuccessfully contested elections and 15 lost their seats during the primary elections.

Why Southerners enjoyed such considerable security of tenure lies in the nature and organisation of Southern politics in the 1910s. By then the last threats to the supremacy of the Southern elite had been met and defeated. The/

The last disfranchisement clause was passed in 1909: the remaining active elements of populism had resigned themselves to either local politics or lobbying tactics. The court house cliques had regained control over who won and lost elections. Consequently the small Southern white electorate wielded undue influence not only over life in the South, but also over the federal government. Theodore Roosevelt considered that the Southern whites because of the smallness of the electorate had 50 electoral votes and 50 congressmen, "to which they are no more entitled than the people of Kamchatka". 16

Why this aberration came about is an unresolved question. The literature on the subject is vast and impressive but the central question of whether the disfranchisers acted against blacks alone or against blacks as part of the lower class remains unanswered. What is undeniable is that upper class whites, particularly of the black belt, fought hard to win control of the political system. In 1912 some blacks in the South, and a larger number of poor whites voted, but they were represented by upper class whites; many Southern congressmen had served their political apprenticeships during disfranchisement: and most of the Southern political machines of the 1910s had been formed during the 1880s and 1890s. The ferocity with which Southerners waged political war during Reconstruction and the 1890s indicates how political control was valued.

Walter Hines Page, the North Carolinian editor and educator, sympathised with the "Forgotten Man": the poor, landless, white Southerner. He perceived this figure as the product/

product of the ante bellum South. That society had produced "that unyielding stability of opinion which gives a feeling of despair, the very antithesis of social growth and social mobility". There were two ways out of this: the first was education; the second was industry as this alone could hand "essential power over to a class of men that bring mobility to social life and opportunity to them that can take it". 17

Yet Page's favoured class of men was not prominent among the region's politicians in the 1910s. Commercial men were noted more for their absence than presence among the Southern congressional ranks. Tables I and II illustrate the vocational backgrounds of the Southern senators and representatives. The overwhelming majority were lawyers, the implications of which will be considered in the next section. Most came from the black belt counties, not the "magic cities" of Henry Grady's New South; they had much in common with the style, manners, and outlook of the ante bellum politician. Of the senators who represented the South from 1913-1917 the following men owned either plantations or ranches: John Sharp Williams; Benjamin Tillman and Ellison D. Smith of South Carolina; Morris Sheppard and Charles Culbertson of Texas; John Bankhead and Frank White of Alabama; Hoke Smith of Georgia; Joseph Ransdell, John Thornton and Robert Broussard of Louisiana; and Joseph Clarke and Jefferson Davis of Arkansas. Others still retained the vestiges of plantation culture even though they lived in the cities: James Vardaman for example, the most outspoken critic of the XIVth and XVth Amendments came from a family that had owned fourteen slaves; the family of Furnifold Simmons of North Carolina/

Table I: The occupations of Southern senators 1901-1917  
(As declared in the Biographical Directory of the American Congress 1774-1961)

		%		
Lawyer	53	71	}	81%
Lawyer and editor	5	6		
Lawyer and planter	4	5		
Lawyer and banker	1	-		
Editor	3	3		
Planter	5	6		
Entrepreneur	2	3		
Journalist	1	-		
Teacher	1	-		
	<u>75</u>	<u>100</u>		

Source: Biographical Directory of the American Congress 1774-1961, (Washington United States Government Printing Office: 1961).

Table II: The occupations of Southern representatives 1913-1917  
(As declared in the Biographical Directory of the American Congress 1774-1961)

		%		
Lawyer	103	71	}	83%
Lawyer and editor	2	-		
Lawyer and planter	9	6		
Lawyer and banker	4	4		
Editor	4	3		
Planter	8	6		
Journalist	2	2		
Educator	3	3		
Other	7	6		
	<u>142</u>	<u>100</u>		

Source: Biographical Directory of the American Congress 1774-1961, (Washington United States Government Printing Office: 1961).

Carolina had owned 1,000 acres and over 100 slaves. As James Tice Moore has pointed out, even though a planter and his son could move to the city and begin a new career with relative ease, it proved harder to abandon "the ideological trappings of a lifetime". 18

Few challenged this ruling order in the 1910s: politics was stable. The blacks were largely disfranchised; the poor whites too disparate or uninterested to offer effective resistance; and business contented itself with lobbying. It is true that the early twentieth century saw a rise in the number of successful Southern demagogues. Appealing to the "wool hat boys" and rednecks it appeared as if their racist, anti business, anti elitist rhetoric was the true voice of the Southern proletariat. Men such as Vardaman, Ed Smith, Bilbo, and Tillman portrayed themselves as true democrats struggling to wrench political control away from the aristocratic Bourbons, and for the masses. Yet, as noted above, these demagogues came from wealthy backgrounds; in no sense of the word were they poor. An analysis by J.M. Kousser of those who voted for demagogic politicians concluded that few differences existed between the supporters of demagogues and more respectable politicians. What set the demagogues apart was not the content of their speeches, the issues they raised, or the character of their support, but their style. Jefferson Davis is one of the best examples of a man from a wealthy patrician background who adopted the manners of the redneck in order to win votes; yet once in office as governor of Arkansas he did little of consequence to aid the rural poor of his state. Vann Woodward chose to portray Davis/

as  
 Davis, a comic rural bumpkin: "Karl Marx for Hill Billies"; but Davis was anything but comic, he was a calculating and ruthless politician who respected nothing in his desire to gain more power. He opposed any moves to improve rural conditions of the less well off at the expense of his own kind: "I used to hate the Populists worse than any man in the state: I used to fight them". 19

Davis and his ilk had little to fear from the descendants of the Alliance. As an effective political party or movement it had long since been shattered. Some of its members rejoined the Democratic fold; others remained independent of the Southern mainstream, forming embryonic socialist parties in the Southwest; the majority drifted out of politics altogether. The most effective and active descendant of the populists was the Farmers' Educational and Cooperative Union. The Union though was determined not to make the same mistakes as its predecessor. Its President, Charles S. Barrett, told the members to cease complaining about what they had lost in the Alliance: "In the first place, but a few lost anything. In the second place, the few that did lose have no-one to blame but themselves". Individual members, Barrett warned, should keep an eye on fellows who raved about organising an independent party outwith the Union. Remembering one such man in his local Farmers' Alliance, Barrett related how the would be activist was wooed by the local Democrats, offered a menial patronage post and lost to the Alliance; such was the inevitable outcome of political involvement. Barrett was a shrewd man who became a very effective political lobbyist. His/

His resolve to keep the Union out of politics guaranteed its survival, and it accomplished much good in the Southwest by its self-help marketing projects. The Union's withdrawal from politics however removed the last radical and informed alternative to the ruling elite from the Southern political arena. 20

The Southern politician controlled his constituency through his lieutenants. The crux of Southern politics, Key demonstrated, lay at county level. Through control of the rural counties came control of the state legislature, and through this control of federal elections. The urban vote was weak and its influence highly localised. New Orleans, the largest city in the South, has never dominated Louisianan politics. Carl Harris in his study of Birmingham, Alabama, showed how Birmingham industrialists tolerated a Socialist mayor, realising that real power in Alabama lay in Montgomery. 21

Few records survive of the men who ran the court house cliques. The papers of every Southern politician contain letters from these men asking their patron for positions, offering their opinions on how he should vote, and informing him of the local political climate; but they rarely illustrate how an activist worked at local level. Such men performed most of the groundwork leading up to an election and were indispensable. Edwin Yates Webb, a representative from North Carolinian constituency with a traditional Republican vote wrote to his henchmen in October 1914 urging them to ensure that all their people were registered. The impression is given that local men were allowed a considerable amount of independence; /

independence; they were by no means the blind tools of the successful politician. In the same campaign Webb had to send out 200 letters and 3,000 postcards to his voters himself; this was not the job of the man in the county. By and large the politician in Washington allowed the local boss to rule his little kingdom, providing the votes were delivered on time. In return, the local boss was rewarded with a patronage position. The various levels of the Southern political pyramid appear to have operated with only the most slender of links. They were undoubtedly machines with recognised heads and surrogates, but they operated in a decentralised manner coming together only at elections. 22

This model is borne out by the testimony of "Roger Stephenson", a county "boss" from eastern North Carolina. "Stephenson" was a tobacco planter with only modest political ambitions of his own: he once wanted to become a state congressman but he made his wishes known to the state bosses after they had drawn up their list of preferred candidates for the primary election. "Stephenson's" political career began with his involvement in the campaign to deny blacks the vote in 1900. His reward for this was the position of electoral registrar, a position he filled in accordance with the wishes of the local machine: "Some wrote the Constitution, I reckon, as good as a lot of white men, but I'd find somethin' unsatisfactory, maybe an i not dotted, or a t not crossed, enough for me to disqualify 'em". 23

When William Kitchin was elected governor in 1909, "Stephenson" became justice of the peace. He held this position for many years; his power was entirely local. Offering the/



the candidate of his choice 340 of the township's 700 vote, "Stephenson" claimed that the town had never voted against the candidate of his choice. His methods were not that of the demagogue: he claimed to have made only one speech in his life. Rather he worked quietly, continually talking to his people ensuring that they kept to the party line. When elections came along he could keep out of the fight, knowing that the precincts were already lined up for his man.

In return for this hard work the politician offered him through being justice of the peace, complete control of his township. This Stephenson achieved, and according to his account, carried out with considerable skill and compassion. Few financial rewards came from this, but the deference due in small communities must have been immense. Men like Stephenson were the most important cogs in the political machine, and as long as they were allowed their own little sphere, they permitted the smooth running of the larger apparatus. They were more concerned with leaving things as they were, rather than introducing sweeping changes that could jeopardise their position within the community.

As such there was little that the county politician could do to influence the vote of a United States senator or representative. Business however could strongly influence the politician either by effective lobbying or judicious cash payments. Some politicians such as Carter Glass of Virginia and Duncan Fletcher of Florida did have commercial backgrounds, and most of the politicians with planter backgrounds had business interests, but businessmen usually recognised/

recognised that politics was the function of the politician. It was not the duty of business to run the state or the union. In the 1910s there was little need for Southern business to continually influence politics. The extent of state and national authority although growing was limited. State legislatures met infrequently for only brief periods, and in the South their statutes were enforced by poorly paid, understaffed bureaucracies that were used more for political patronage than efficient government. While state legislatures were more active than is commonly supposed, the issues that affected commerce such as child labour regulation or workmen's compensation could be handled more effectively by selective lobbying as opposed to a complete take over of the political system.

Opinion has changed on the influence wielded by business over Southern politics. To Southern historians writing in the late 1940s and early 1950s Southern progressive history was the story of the recapture of politics from commerce by the masses; the political and economic reforms of the period could be directly linked "to the wishes of the Southern masses". The progressives operated in a well established tradition that included the populists, Jackson and Jefferson, their slogans being pro-democracy and anti-business. Vann Woodward writing in the 1950s modified this view. He considered that Southern reform despite its rhetoric was essentially urban, middle class, and business dominated. Furthermore, Woodward forcibly and necessarily asserted that although Southern progressivism did have its triumphs, it did not fill "the political aspirations and deeper needs of the mass of people". 24

Subsequent/

Subsequently works on national progressivism have further stressed the importance of extra-political forces, mainly commercial, in the drafting and passage of legislation. The underlying assumption has been that the politician acted as the docile and willing servant of business especially when confronted with highly technical legislation such as banking reform. Certainly there are well documented examples of Southern congressmen voting against their party and conscience because commerce dictated to them how they should vote. The Louisiana congressmen voted against placing sugar on the free list during the tariff debates, thus endangering the bill, because this was what the Cane Growers Association wanted. Similarly many senators from the textile states voted against their own humanitarian feelings when voting against the Federal Child Labor bill in 1916. 25

The relationship between business and politics was complex: it was not a simple case of one wrestling to control the other. Not all congressmen bowed to commercial pressures and not all businessmen saw anything to be gained through politics. The Florida senators for example were under pressure similar to their Louisianan colleagues to vote against placing citrus fruit on the free list, but they did so gaining the gratitude of the White House. The anti business rhetoric of politicians such as Tillman and Vardaman was matched by anti politician rhetoric from business publications. Whereas Southern politicians reserved their attacks to non Southern industries, Southern business publications specifically attacked the region's politicians.

New South literature stressed the need for business, agriculture, and politics to work together but criticised the interventions of politicians in a commercial world that they knew little of: one newspaper warned farmers to ignore "the rantings of the politician against the railroad", and to help advance the cause of the railroads. Another journal complained that constant political agitation was injurious to the business and agricultural needs of the people; the greatest possible reform in America would be to ensure that Congress met once every four years and state legislatures once every ten. Richard Edmonds, the most prominent New South journalist, wrote that there was a better chance of politics spoiling a good farmer than of a good farmer bettering politics. 26

The less strident banking journals agreed with this. Regarding cotton, the journal of the Bankers' Association claimed that politicians had no understanding whatever of the cotton planters' needs and if they did then they would not know what to do about them: the world would be a better place if only there were fewer politicians. The same journal had earlier considered politicians and demagogues to be synonymous: both portrayed bankers as evil men of great wealth thus damaging the standing of the average banker. 27

Business however was careful in its criticism; politicians may have undesirable tendencies but they were savable. The politician could do much good, but only if he adopted a more professional and business-like attitude. One journal proposed that there should be a school for legislators providing the necessary training and weeding out/

out the dangerous and the radical. Edmonds hoped that one day the men in Washington would have business experience, rather than be lawyers. The ideal planter, according to a Southern Farm Magazine writer, would take an interest in politics but would never abandon his agricultural pursuits for political honours: "In this, he displays his wisdom". 28

Despite the rhetoric and the occasional ruffled feathers, neither side could afford to completely ignore or alienate the other. Business needed the politician's vote to enact or oppose legislation affecting its interests, and it was this vote that counted in the last analysis. The politician by voting for or against child labour regulation, workmen's compensation, minimum wage legislation, anti-immigration statutes, and measures related to working conditions directly influenced an industrialist's labour costs. By imposing strict railroad regulation rates, or alternatively by financing highway or canal improvements, the politician could affect transportation costs. The state legislatures by deciding the levels of corporation and privilege taxes could determine how much of its profits a company could retain. These were all popular issues during the progressive era that politicians could vote on, and in which business had a vested interest. As Kousser has noted, in most of the economic decisions made by state legislatures the interests of the locally established power prevailed. 29

Politicians needed business for financial support. Southern elections were expensive and well beyond the resources of an individual politician unless he had considerable private wealth. Telegram and telephone bills had to be/

be paid; offices had to be rented; advertising space had to be purchased or rented; stationery had to be bought; printers had to be paid; and the expenses of campaign workers had to be reimbursed. Considerable organization was required to fight a federal election, necessitating the employment of many people. The recorded expenses for Hoke Smith's 1920 senatorial primary against Tom Watson ran to \$10,365. The total cost would be higher as this excluded the payment of campaign workers and the rental of an Atlanta hotel suite, which Smith used as offices. 30

The payment of campaign debts could come from several sources. The Smith papers reveal the contributions of the various Hoke Smith Clubs toward the expenses, but the money involved was less than \$1,000. Smith ended up owing \$150,000 after his political career ended. Some politicians tried to meet their expenses out of their own pockets. Edwin Yates Webb incurred a debt of \$2,000 in the 1914 election; one of his county chairmen lost \$90. Clearly most elections were beyond the personal resources of a congressman whose annual salary was \$7,500 and whatever he could make through journalism, lecturing, and legal work. 31

Business usually filled the gap. This varied from state to state: in Virginia the railroad companies were prominent financiers of Senator Thomas Martin's machine; allegations of payments from lumber companies followed Furnifold Simmons of North Carolina during his career; the Texan politicians, notably Joseph Bailey the minority leader in the Senate until 1913, received money from the oil companies; and the Kentucky distillers financed their politicians. Such practices/

practices were not restricted to the South. David Graham Phillips, the journalist, in his influential series "The Treason of the Senate", picked upon Senator Aldrich of Rhode Island as the most corrupt member of the upper chamber. Phillips believed that the greatest single hold that business had over politicians was through their campaign contributions; in Aldrich's case capital came from the Rockefeller empire. The men who footed the bill, warned Phillips, made sure that they got their money back "with interest, compound upon compound". Phillips's view was jaundiced, but it was true on many important matters. However, as one Southern congressman declared during the 1981 debates on the Stockman budget, his vote was not for sale; it was merely for rent. This attitude would appear to have been true for Southerners in 1913. 32

A politician could offer patronage as well as his vote to financial backers. The traditional patronage posts such as postmasterships were usually reserved for political managers, but personal secretaryships, office positions in Washington or consulates, and cadetships at West Point and Annapolis were acceptable rewards for businessmen and their sons. Politicians could also recommend office holders for the various federal and state regulatory boards. John Sharp Williams had eighteen positions to fill on the Mississippi Farm Loans Board in 1915. Many of Williams's recommendations were endorsed by the office holders of banks, trust companies, mortgage security companies, and "the prominent people of the state"; thus, the board was staffed by the businessmen of Mississippi. While this was not/

not inappropriate as some professional expertise would be required, it illustrates how one politician provided businessmen with positions that could directly influence their enterprises. There are many such letters from businessmen in the Williams papers asking for and receiving such positions. 33

The weakness of other reform groups in the South, particularly the social gospel and the muckrakers, increased the influence of business and agriculturists on the politician. Neither group has been accorded much importance by recent historians, the muckrakers being dismissed by one writer as "journalists rather than thinkers...incapable of serious or radical critiques". Nonetheless, social gospellers and muckraking journalists did affect popular feeling, and business could ill afford to be seen acting against the popular will. Their influence upon national legislation may have been minimal, but it did exist and could be effective on local government. As their effectiveness in the South was less than in the North, so another possible outlet for alternative proposals was denied. 34

Few observers have credited Southern religion with a burning social concern at any time in its history. Woodward found few Southern proponents of the Northern theology of social awareness. Subsequent historians have found only the exceptions that prove the rule. The main reasons for this are sociological and theological. 35

Southern preachers had great influence over their congregations. For many rural Southerners the fortnightly or monthly visit of the preacher was their only contact with/



with the outside world. Men interested in changing the South realised the importance of the preacher. Walter Hines Page wrote that although the politician had been the great popular hero of the South, the preacher had "much the greater influence". Edgar Gardner Murphy, Episcopalian minister and child labour reformer from Alabama, believed that the church was needed in reform, "to touch the Soul of the South". Eugene Branson, professor of rural economics at Chapel Hill, wished he "could stir up our preacher folk" with the economic and social ills that menaced the countryside. 36

The major denominations were conscious of the conditions of the rural poor. Baptist journals lamented the poor farmer, but Baptists proposed solutions as individuals and not as a denomination. Most agreed that spiritual well-being had a direct relationship with economic prosperity and that the unequal distribution of wealth on earth was compatible with God's plan for men: "The rich and poor were obligated to each other and each benefited from the existence of the other". 37

All Southern protestant theology came from a common theology: the influx of zealous pro revival Calvinists to the South during the Great Awakening. Their emphasis on the importance of individual salvation remained the central concern of Southern protestants. The main content of Southern sermons was not, as in some Northern churches, on practical Christianity, but on the actual experience of salvation. Southern politicians and businessmen who attended church regularly, as most did, would be told that as long as/

as they maintained their vertical relationship with God, they could remain true to their faith even while ignoring their horizontal relationship with other men. 38

There were exceptions. Edgar Gardner Murphy and Alexander McKelway were churchmen and reformers, although both left their churches. The South Atlantic Quarterly and the Sewanee Review published by the Methodist Trinity College and the Episcopalian University of the South contained attacks on racism and the one party system. John Kilgo and Josiah Bailey rejected the doctrine that limited the church to spiritual matters and participated in North Carolina politics. William Louis Potent had been a strong advocate of Walter Rauschenbusch's Kingdom of God on Earth during the 1890s. They remained, however, exceptions. 39

The only time when politicians and churchmen came together was over temperance reform. Yet even this can be easily overestimated, for once the rhetoric is stripped away there are few examples of temperance advocates having a decisive impact on elections. Bishop Cannon of Virginia did have one moment of political power when his endorsement decided who won the 1909 gubernatorial nomination in Virginia. The circumstances however were exceptional, and the political machines soon regrouped denying Cannon any further influence. Morris Sheppard the Texas senator became known as the father of national prohibition, but his stance was dictated purely by his own beliefs and owed nothing to temperance pressure. 40

A similar situation existed with regard to Southern critical journalism. Historians have found few Southern muckrakers./

muckrakers. Murphy and McKelway wrote profusely on reform matters but their concerns were national with relevance to New Jersey and Chicago as well as the South. J.W. Eastman

proposed Claude L'Engle of Jacksonville, Florida, as a muckraker, and his main publication the Sun as a "properly labelled muckraking journal". The Sun was pro income tax, pro inheritance tax, pro labour, pro "good government", anti monopoly, anti corruption, and anti black. His only comments on agriculture appear to have been a desire to see black tenants replaced with white immigrants. Doubts however can be raised as to the depth and breadth of his criticism: he was elected to the House in 1912. Clearly he had not completely alienated the powers that were. Other newspapers criticised poor child labour regulations and working conditions, but none offered a consistent and comprehensive critique of Southern society. 41

Southern newspapers were political platforms: they intended to attack political rivals, not the fundamentals of Southern society. William Skaggs, an ex populist mayor from Alabama wrote that the main difference between the Northern and Southern press was that newspapers in the North were "fearless and incorruptible", whereas those in the South were essentially "partisan and political". Consequently, over three quarters of Southern society did not enjoy the same standards of acquiring knowledge that others did. Although there was plenty muck to rake in cities like New Orleans and Atlanta, there were few if any attempts to do so; the control of popular opinion rested with the politician/

politician and his backers. 42

The vocation of the Southern congressman may have been politics, but his profession was the law. He spent his formative years neither in the cotton fields nor in a business office, but in law school or a lawyer's office. A fledgling politician needed such experience. Although his aims on occasion may have been to benefit his constituents by any possible means, these had to be presented to Congress in proper legal terms: naked emotion was not an effective weapon in Congress. American government was a rule of law, not of men, and Americans took a justified pride in this; the politician who had a sound grasp of the principles of common law could impress his fellows and achieve much. How he perceived these principles affected not only his rhetoric but also his view of legislation.

Constitutional thinking was in a state of flux in the 1910s. Historians concerned with the growth of federal government have viewed the progressive era as a convenient half way mark between the nineteenth century's emphasis upon state legislation and the New Deal's stress upon national legislation. At the base of this argument lies the assumption that the late nineteenth century growth of the American economy meant that state legislatures were no longer adequate: the basic problem faced by the progressive reformers was how to control a national economy through a localised political system. National legislation seemed the most obvious /

obvious solution, but this had limited appeal to a generation raised in the small towns of rural America to have an instinctive distrust of government. A compromise was the result, the progressive era being characterised by an acceptance of the future and an attempt to control that future by tethering it to the virtues of the past. 43

This model has remained despite considerable development.

Morton Keller has shown that state legislatures were more active and effective than had been imagined previously. Rather than coming from a background alien to government activity the progressive would be used to interventionalist government, particularly if he came from the Midwest or Northeast. William Graebner has identified a move towards uniform state legislation as the progressives' main structural and procedural solution to social problems. Acknowledging that there were groups who believed that national legislation was the desired aim, Graebner nonetheless considers that a larger body of opinion considered uniform state legislation to be superior and more acceptable. The progressives therefore did not choose between state or nation as their focus of attention, as the traditional argument has it, but employed their own distinctive ideology of uniform state legislation. The ideology's stronghold was among the Taft Republicans but Graebner believes that it influenced Wilson and the Democrats. 44

While such revisions shed light upon the complex nature of American government and its response to economic growth they do not alter the fundamental model of a smooth and gradual shift of emphasis from the state to the federal government/

government as the most acceptable arbiter and regulator. While diversions may exist the most important part of the story is the increased willingness and necessity of the national authorities to undertake functions that the state governments had either neglected or were unable to act upon. The underlying assumption has been that an increase in federal power implies and necessitates a corresponding decrease in state power. Agricultural reform would seem to fit this model: any government intervention that did exist in the 1890s was limited to the state; the 1910s saw cooperation between state and federal governments as the national authority generously aided state legislatures; and the various measures of the New Deal involved major federal intervention without parallel state action.

This surface analysis conceals many important features. Certainly the role of the federal government with regard to agriculture increased in the 1910s; important precedents were created and the number of federal bureaucrats increased. However it is questionable if this resulted in any meaningful increase in federal power, especially relative to that of the state legislatures. The state authorities increased their functions as a result of the agricultural reforms, but as they held the initiative and controlled the finances they also increased their power. This was true both for the state's position in the federal equation and within its own locality.

This suggests that the structural problems of the 1910s were more complex than can be explained by the general model. The change in emphasis from state to national authority/

authority was neither as inevitable nor as evenly graded as a surface description would suggest. The progressive era was one of an increase in government: the agricultural reform programme of the Wilson administration demonstrates that this could mean an increase in state as well as federal government. To understand why this is so it is necessary to look at how Americans, particularly Southerners, viewed the constitution in the 1910s.

The demise of the state governments since the Civil War has been one of the most exaggerated deaths in American history. Only recently has attention been focussed upon the powers that the states retained rather than those that the national authority gained. Although there have been many attempts to change it, the basic federal nature of the union has remained unaltered since the Revolution. The state is still regarded as a relevant and viable level of government in late twentieth century America despite inter state highways, low price continental air travel, a completely national economy, and nationwide media coverage. The Republicans won the 1980 election on a platform containing a states rights plank that would not have been out of place in the 1912 Democratic platform.

H.N. Scheiber stresses the need to analyse federalism as an institutional variable from the angles of "formal authority" and "real power". Formal authority is a juridical concept of legitimacy concerning the allocation of policy responsibilities to either the national or state governments; /

governments; and the definition of the limitation of the exercise of government power. Supreme Court decisions can be taken as an accurate map of how politicians and judges perceive this, and this varies through time. For this study it is important to take account of how Southern political and legal opinion viewed the state and its position within the broader constitutional framework. An over-emphasis on formal authority however can mask the real power within the system: this is how institutions actually behaved. Every society tolerates illegal activity, and this must be remembered in order to gain a complete picture of how legal institutions operated. 45

Politicians and lawyers in America based their judgments upon precedents. The legal debates of the 1910s were greatly concerned with the question of increased national authority and whether that authority had the right to act in areas previously considered to be within the reserved powers of the state. Southern legal debate had become increasingly formalised and professionalised in academic journals: the Virginia Law Review was founded in 1912, the Southern Law Quarterly in 1915, and the Virginia Law Register was relaunched in 1916. Such publications allowed Southern accents to be heard in legal debates previously dominated by the older established national journals. Southern legal opinion became more organised, more easily available, and, it may be surmised, increasingly heeded. 46

Most attention centred around the increased application of the interstate commerce clause by Congress, the most important constitutional development of the late nineteenth/



nineteenth century from the point of future trends. Prior to 1890 the Supreme Court generally ruled in favour of the state. In Paul v The State of Virginia in 1869 the Court upheld state sovereignty by allowing discriminating taxation against out of state corporations, the reasoning being that a corporation was the creation of local laws. The immediate effect was to give control of the insurance industry to state governments. 47

Yet prior to the 1880s very few cases of major importance relating to the regulation of commerce came before the Court. The main exception was the series of decisions in 1877 known as the Granger Cases, the most important being Munn v The State of Illinois. By this the Court held that state police power was supreme in respect to the regulation of public corporations, and that state legislation passed by virtue of that power did not infringe any provision of the constitution. 48

By Stone v Farmers' Loan and Trust Company, 1886, the validity of a Mississippi statute providing for a railroad commission with full regulatory powers was sustained, but an indication of future developments was given when the Court intimated that the question of what constituted a reasonable rate might be a question for the Court to decide, not the legislature alone. More important however was a series of decisions that undermined the effectiveness of previous decisions, although not overturning them. 49

The Granger cases were qualified by the Wabash, St. Louis, and Pacific Railroad Company v The State of Illinois decision of 1886. In this the Court held that a state had no/

no power to regulate railroad rates for transportation within the state when that transportation was part of an interstate commerce transaction. The importance of this decision is easily exaggerated. In real terms it did not restrict state power as greatly as would be imagined; the Court was careful not to impair the power to fix maximum rates or require that rates be reasonable in intrastate commerce. In most commerce cases however the Waite's Court upheld the national authority, the only exception to this being those relating to the state's right to control bridges, wharves and ferries used in interstate commerce. The Court decided by Bowman and Chicago v Northwestern Railroad, 1888, and Leisy and Company v Hardin, 1890, that the states could not exercise their reserved powers against the importation and sale of goods in their original packages. This meant that prohibition states and counties could not prevent the importation and sale of liquors. 50

The Court favoured the states when it voided the income tax amendment, but it also continued to restrict over zealous state legislatures. Oregon was stopped from enforcing an act concerning the sale of land; North Carolina had a federal injunction placed upon its railroad law; and South Carolina ran foul of the Court on a dispensary statute. By Houston Electric and Water Company v United States, 1914, the Court came down so heavily on the state regulation of railroads that the attorney generals of 42 states attempted to intervene. James Jackson Kilpatrick, the conservative Southern writer, bemoaned this "melancholy tale" in which Congress and Court worked together "in beautiful harmony" to snatch from/

from the people almost the last vestiges of local control over local affairs. 51

Congress enacted a wide variety of measures once it became aware that the Court would uphold its right to regulate carriers engaged in interstate and foreign commerce. The first important piece of legislation to be upheld by the Court was the Interstate Commerce Act of 1887. The Sherman Anti Trust Act, 1890, soon followed, as did the Safety Appliance Act and the Harter Act, which related to sea carriers, both passed in 1893. The 1900s saw further development of Congress's right to regulate commerce: the Automobile Coupler Act (1903), the Hepburn Railroad Rate Act (1906), the Hours of Service Acts (1907 and 1916), the Boiler Inspection Acts (1911 and 1915), the Plant Quarantine Act (1912), and most radical of all, the Adamson Eight Hours Act (1916). Only the Employers' Liability Act (1905) fell foul of the Court; the rest were upheld. 52

The onward march of the national authority was not all conquering however; the Court and Congress together placed definite limitations upon the federal use of the commerce clause. The Webb Kenyon Act of 1913 prevented the interstate transportation of liquor through prohibition communities, and thus by implication reducing the federal power to regulate interstate commerce by increasing the police powers of the state. Kenyon saw his bill as simply permitting the states to exercise their reserved police powers without interference by the federal government. Southern support for the measure was almost unanimous, John Sharp Williams offering as a precedent a law signed by Thomas Jefferson forbidding/

forbidding the importation of free blacks into any state where they were not permitted to reside. Taft considered that the bill was unconstitutional, believing it to be a violation of the interstate commerce clause, and vetoed the bill. Congress however passed the bill over the veto; as such Congress went against the spirit if not the letter of Leisy and Company v Hardin. 53

Prohibition was socially and politically important, but it lay somewhat apart from the mainstream of constitutional development. The Court's decision to void the 1916 Keating Owen Child Labor Act was more important in limiting federal power. By Hammer v Dagenhart the Court ruled that Congress did not have the right to regulate the terms whereby commodities were manufactured, even if intended for interstate commerce. At the same time the Court reaffirmed the sole right of the state to regulate insurance. By German Alliance Insurance Company v Kansas, 1914, the Court broadened the foundation of state regulation by holding that the public interest was best served by such regulations as were determined by the state legislatures. 54

Strict limitations therefore were placed upon the federal powers to regulate commerce. Undoubtedly there was an extension of the federal authority, but not all bemoaned this, indeed many welcomed the general drift. One Mississippi lawyer saw this exercise of the federal power as a redressing of an imbalance. Congress's previous failure to enact such legislation, he wrote, had the indirect effect of leaving such responsibility within the power of the state. When Congress acted under the commerce clause and the/

the Court voided various state statutes and regulations, they merely overturned anomalies. Traditionally he argued it had been the state that was the aggressor; nearly all the Court's early decisions had turned not upon what the federal government might do but upon what the states should not do. Such an opinion hardly suggests total Southern gloom and despondency at the prospect of state functions being swallowed by a malevolent federal government. 55

While the federal authority increased with regard to commerce regulation, its police powers remained almost non-existent. Charles Warren the legal historian and assistant attorney general of the United States from 1914 to 1918, wrote that the Supreme Court's most remarkable feature had been its consistent support of the police power of the state: it constituted "a strong bulwark of the State police power". In the "twilight zone" between state and federal power Warren identified a strong desire to uphold state legislation passed in the exercise of state police power, as long as such legislation did not interfere with the authority of the national government. He predicted that this support would continue as the justices increasingly recognised their duty to keep in touch with the "progressive economic, social, and philosophical needs of the day". 56

The retention of state police power had been<sup>retrospectively</sup> a major Southern victory for the battle had been fought over the exercise of the XIVth and XVth Amendments. The most vital of the civil rights cases had been the 1873 Slaughterhouse case. By this the Court held that the XIVth Amendment was not designed to alter the general features of the government, neither/

neither was it intended to bring civil rights within the domain of the Court. Justice Miller declared that the broad police powers were reserved in the state and that to seize these powers would degrade and fetter the states. 57

These attitudes prevailed for many years. In United States v Reese, 1876, the Court judged that it was unconstitutional to penalise inspectors in state elections for refusing to receive and count votes and for obstructing any citizen from voting. In the same year, by United States v Cruickshanks the Court declared that the right to vote was not secured by the constitution: it came from the states. State power was similarly upheld in United States v Harris, 1883, which voided the first anti lynch act to pass Congress. The Court ruled that Congress could pass laws to inhibit abridgements of immunities by a state, but it could not legislate against ordinary crimes of violence. National authority was further reduced in the same year by the voiding of the 1875 Civil Rights Act on the grounds that it represented an invalid encroachment upon the private domain. Definite limits existed on the state police powers however; by Yick Wo v Hopkins, 1886, the Court struck down a state law in which racial discrimination was alleged and proved. Yet the main assertion of state police powers as given in Mugler v Kansas, 1871, remained; the Court would uphold state police power in every case unless a statute bore no resemblance to its declared objective or was an invasion of rights secured by fundamental law. 58

Few could argue for anything else: the internal police powers of the state had never been surrendered or delegated. Congress's/

Congress's willingness to act under the interstate commerce clause had created a potential imbalance however: despite being able to regulate interstate or foreign commerce, Congress's right to enforce its regulations remained in doubt. This was settled by Champion v Ames, 1903, whereby the Court upheld an act of 1895 that forbade the interstate transportation of lottery tickets. This decision effectively created a federal police power. Prior to this it had been left to the states to decide what articles of commerce should or should not be brought within a state or produced within that state for transportation elsewhere. The Court decided that Congress could decree to what extent and under what regulations such articles could be transported, but only in severely qualified conditions. 59

This was an important decision, but Congress took little advantage of it at first, the Mann Act of 1910 prohibiting the interstate commerce of white slaves being the only major application prior to the passage of the Keating Owen Act. Hammer v Dagenhart placed a severe limitation on the federal police power, even more restricting than the decision's impact upon the federal regulatory power. The Court ruled that the interstate transportation of the products of child labour did not constitute an evil in itself; the crime had been committed at the place of manufacture, and this lay within the domain of the state, not Congress. The reverse was the case regarding lottery tickets: it was not an offence to produce lottery tickets but it was to transport them. Warren considered that Hammer v Dagenhart made the federal police power a dead letter and that in future/

future the national government would have to invoke its taxation powers if it wished to regulate the production, sale, and transportation of goods within a state. Certainly there were few restrictions on this idea. State police powers received another guarantee when in 1917 the Court decided that the states were an adequate base for all types of workmen's compensation laws. 60

One other constitutional trend remains to be covered, and this concerns interstate relationships. A sadly neglected aspect of constitutional development, interstate relations nonetheless provide a useful insight into how states perceived themselves. The picture in the 1900s reveals that states while prepared to surrender some degree of sovereignty, fought to preserve their own identities; the elasticity of federal state relationships with one side gaining then losing is mirrored in how states conducted their affairs with each other.

The majority of interstate compacts and disputes concerned economic and judicial matters. A problem would arise necessitating extra state action but outwith federal authority; to overcome such problems, states entered into compacts many of which required the surrender of a state's exclusive control over its own territory. Requiring the consent of Congress, there had been eight such compacts between 1783 and 1880, but between 1880 and 1924 twenty four were approved. Most compacts involved boundary line disputes: if the boundaries of two states ran through a river then under a compact each state had the right to serve criminal or civil process on, and to arrest persons who might/



might actually be outside its own territory and on the waters or shore subject to the jurisdiction of the other. This represented an institutionalisation of the "hot pursuit" argument. Such compacts were drawn up in 1909 between Mississippi and Louisiana, Mississippi and Arkansas, and Arkansas and Texas. While the economic and political impact of such compacts was not striking, the introduction of this new area of regulation midway between federal and state power seemed to represent a great advance to contemporaries. 61

An increase in interstate suits accompanied the increase in interstate compacts. Eleven suits were brought before the Court between 1783 and 1880, but between 1880 and 1924 there were twenty eight actions. These involved more serious issues than compacts although they also revolved around river and watershed disputes. In 1906, Louisiana and Mississippi each established armed patrols excluding oyster fishermen from the other state. The real danger of armed conflict moved the relevant state commissions to establish a neutral zone pending a Supreme Court decision. Earlier in 1900 armed Texas guards sealed off the border with Louisiana on the pretext of enforcing quarantine laws. A single yellow fever victim in New Orleans provided the Texans with the excuse to lay an embargo on all goods between there and Texas. Louisiana sought an injunction against Texas on the grounds that this was really a move to direct Mexican and European commerce from New Orleans to Galveston, as it undoubtedly was as the Texans continued to import from yellow fever stricken Mexican ports. The Court found against Louisiana/

Louisiana, mainly because there was no proof that the action of the health officer was the act of the state. This avoided the important issue that had been raised: to what extent could a sovereign state manipulate its domestic laws for the purpose of inflicting a direct injury on another state? The question remained unanswered, and demonstrates how even in the area of interstate relationships there were many grey areas in the 1910s: it would have been an unusually perceptive man who could have accurately predicted how future trends would unfold. 62

These cases and trends provided a congressman with the relevant precedents and trends upon which to base his arguments. They presented the state as a stronger and just as active level of government as the union. Men who argued that the state should control reform were not acting in an anachronistic fashion. Yet these provided only the bare bones of a legalistic argument: constitutional doctrine provided the flesh. This was heavily influenced by legal training and, in the South, by historical circumstance.

By the 1910s lawyers were no longer the unchallenged aristocracy that they had been. The rise of new professions, particularly medicine, challenged their pre-eminence amongst the secular vocations. Woodrow Wilson had recognised this trend as early as the 1880s; when writing to his fiancée he predicted that the increased specialisation required by the lawyer would leave him no time to indulge in political activity. Wilson's judgment was somewhat premature; lawyers continued to dominate political life in the 1910s. Foreign visitors/

visitors marvelled at this: Lord Northcliffe wrote in 1917:

You do not make effective use of your aristocracy of birth. You do not make effective use of your aristocracy of business. You do not make effective use of your aristocracy of labour. You are governed to a degree, I never cease marvelling at it, by just one class - the lawyer politician. 63

If anything the Southern congressman was more likely to be a lawyer than the Northern: Skaggs found that in the Sixty Fifth Congress 92 of the 104 Southern representatives were lawyers, but taking twelve Northern states with 107 members, he found that only 76 were lawyers. The quality of legal training that these men received varied considerably: of the Southern representatives from 1913 and 1917, 64 were trained at law school and 39 passed their state bar examinations through apprenticeships and their own unsupervised reading. Tables III and IV show where and how Southern congressmen received their educations. 64

Of those trained at law schools the most notable feature is the dominance of University of Virginia graduates, as well as the fact that almost all were trained at Southern colleges. A university degree was not necessary to pass the state bar examination but an increasing number of men found that it was an aid. It provided a more concentrated, wider ranging and better taught course for those who could afford the fees. All the graduates of the University of Virginia Law School who represented the South in Congress from 1913 to 1917 were taught common and statutory law by the same man: John Barbee Minor, He had graduated as an A.B. in law from Virginia in 1834, and after practising law/

Table III: The legal training of Southern senators 1900-16

		%
University of Virginia Law School	13	20
University of Georgia Law School	3	4
Vanderbilt Law School	3	4
Columbia Law School	2	3
Cumberland Law School	2	3
Tulane Law School	2	3
Washington and Lee Law School	2	3
Other law schools in the South	5	15
Other law schools outside the South	1	-
"Studied law"	30	46
	<hr/> 63	

Source: Biographical Directory of the American Congress  
1774-1961, (Washington United States Government  
 Printing Office: 1961).

Table IV: The legal training of Southern representatives 1913-17

		%
University of Virginia Law School	17	16
University of Alabama Law School	6	6
University of Georgia Law School	6	6
University of Texas Law School	5	5
Cumberland Law School	5	5
Tulane Law School	3	3
University of Mississippi Law School	3	3
Vanderbilt Law School	3	3
Other law schools in the South	15	14
Other law schools outside the South	1	1
"Studied law"	39	38
	<hr/> 103	

Source: Biographical Directory of the American Congress  
1774-1961, (Washington United States Government  
 Printing Office: 1961).

law for several years in tidewater Virginia he was appointed professor of law at Charlottesville in 1845. He was the youngest man to occupy the position, and he retained it until his death in 1895. 65

Minor found a moribund department; few prominent Southerners chose to stay in the South for their legal education before the war. Under Minor however, the standards and prestige of the Virginia law school rose and it began to attract ambitious men. In his views on federal state relations Minor was a complete Jeffersonian. A fellow lawyer wrote of him: "His system of introduction was that of searching analysis based upon the methods of Hale and Blackstone ... His zealous and almost fanatical love for the common law led him to oppose every contemplated change, therein his only defect perhaps as a teacher and an author". Thus while Northern law schools were breaking away from the classical rigidities of Blackstone, Hale, and Kent, and adopting the case method of teaching law the University of Virginia retained the older text book and lecture method. At Harvard Law School the teaching of law had been revolutionised by the arrival of Dean Langdale who sought to introduce scientific methods to law and to make his students understand how and why legal concepts came about. Minor preferred the older methods of teaching, and the publication in 1875 of his Institutes of Common and Statute Law confirmed him as one of the old school. 66

Minor's students revered him as a teacher and took heed of his opinions. Writing soon after his arrival in Charlottesville Woodrow Wilson judged: "That the course in law/

law is certainly as fine as could be desired. Prof. Minor, who is at the head of the school is a perfect teacher. I can say with perfect sincerity that I cannot conceive of a better". Wilson's ardour for the law quickly cooled, but his admiration for Minor remained: " ... I cannot sufficiently admire Professor Minor's methods of instruction, and I try to appreciate my advantages in spite of other things that are less admirable". 67

Obviously not all Minor's students accepted his opinions, and not all those who did held on to them. Woodrow Wilson is an example of this. Care has to be exercised in not over estimating the influence of John Barbee Minor on his students' future lives. What is clear though is that it did exist, giving a degree of consensus among Southern politicians and lawyers, a continuity with the common law theories of the Old South, and, most importantly, a view of constitutional government that differed from Northern law schools. The effect upon the student of the textbook tuition of common law was to give sound knowledge and clarity of thought at the expense of jurisprudence. The continual backward search for precedents to strengthen arguments could lead to inflexibility and a certain disregard for present and future applications of the law. Furthermore, lawyers were confronted increasingly with social and economic problems unheard of by Kent and Blackstone. In such cases, problems with few precedents could not easily be resolved by those taught under the older methods. Yet Minor's methods did have their relevance and they provided Southern congressmen/

congressmen with arguments that they would present not only for emotional effect or economic gain but because they had been taught that this was how the constitution should be interpreted.

The University of Virginia represented the top level of Southern legal education: the quality of education at the smaller colleges was less rigorous. Of the 30 law schools in the South, 18 were content with the old two years course while only six non Southern schools persisted in this; all other schools had adopted the three years course. According to one law professor the South's reluctance to change was caused by the low standards asked for by the Southern bar examiners. No Southern state required that a candidate furnish certificates of academic or professional competence as conditions to taking the examination. Most Northern states demanded this. Yet, while low standards may have been undesirable, they did not necessarily produce bad lawyers. Hoke Smith passed the Georgia bar examination at the age of seventeen having a knowledge of only Blackstone with Kent's Commentaries and the Georgia state code; but his legal career was a success and he acquired an excellent understanding of railroad and workmen's compensation laws. 68

As almost half of the South's representatives and senators received their legal education while working as legal clerks or else on their own the effect of this upon their theoretical understanding of law is worth consideration. The necessity of working upon actual as opposed to model cases meant that the man who learned his profession "on/

"on the job" would have a narrower frame of constitutional reference than a university trained lawyer, library facilities would be poorer, and the new developments in legal thought took longer to percolate down to the small law offices of the South. The links between law office and law school did exist however: a legal system based upon precedent demanded that the practitioner had some understanding of the principles as well as the details of those precedents: "The result was to produce lawyers whose range of knowledge might be narrow but who grasped a few principles with great firmness". It may be safely surmised that one of the few principles firmly grasped in the South was the nature of the relationship between the state and the union. 69

While the South and the Democrats were firmly identified with state authority, not all approved or welcomed this. Writing to a supporter in 1912, Theodore Roosevelt saw no possible good coming from the Democrats as they were tied to outworn principles, "especially the ruinous principle of states' rights". The Democratic platform was unequivocal on where the party stood: clause four of the 1912 manifesto denounced as usurpation the Republican attempts to deprive the states of their reserved rights, thus indirectly magnifying the powers of the federal government. Many believed that Southerners used states rights arguments purely to mask their real aims, which were economic and short term. David Graham Phillips believed that Joseph Bailey, the Senate minority leader from Texas, deliberately befogged issues by dragging in constitutional irrelevancies. Phillips argued that Bailey did this solely to/



to benefit the interests. Roosevelt concurred with Phillips. He had been suspicious of Bailey's enthusiastic defence of the Hepburn Railroad Rate bill in 1906, and was convinced that Bailey attempted to widen the powers of the measure in the hope that it would be declared unconstitutional. 70

Southerners did not help their own case by dragging contrived arguments based upon the sanctity of the state into the most unlikely debates. In doing so they caricatured themselves in the eyes of the North. Senator Ellison Smith's debating technique is described thus:

At some point in every speech the Lord's will got mixed up with the boys in grey storming an impregnable height, the purity of Southern womanhood, Yankees, the glorious past and the still more glorious future including the white man's sacred right to lynch. It was all very vague and inspiring.

Despite the effectiveness of such rhetoric on the Southern stump and its usefulness in a filibuster, it hardly helped the claim of states righters to be offering a concise doctrine. 71

That Southern congressmen used states rights in an unreasoned, pig headed, and emotional manner cannot be denied. Neither can it be denied that Northerners used higher moral authority of the union arguments in a similar fashion. Southern politicians however could use their legal knowledge in a constructive manner, contributing intelligently and informatively to debate. Behind the layers of verbiage and platitudes there existed a Southern view of the state and its role in the federal union that was constitutionally accurate as well as politically and economically/

economically useful. The Southern states rights argument had its origins in the region's academic, legal and political traditions, as well as being a weapon of the demagogue. The marrying of this respectable tradition with the necessity to compete in the political cockpit is best illustrated in the biography of Thomas Jefferson written by John Sharp Williams, a University of Virginia law graduate. 72

Williams was a plantation owner from Yazoo County, Mississippi, but he was also one of the best and most widely educated men of his generation. He attended the Kentucky Military Institute, the University of the South, the University of Virginia, the University of Heidelberg, and the College of France at Dijon. William McAdoo judged him to be a brilliant scholar and probably the best read man in either chamber. His biography of Jefferson grew out of a series of addresses given by Williams in the prestigious Blumenthal lectures at Columbia University in 1912. These were conceived as a Southern reply to the earlier biographies of Alexander Hamilton and Daniel Webster written by Henry Cabot Lodge and of Gouverneur Morris by Theodore Roosevelt in the distinguished American Statesmen series. These had been written in a highly partisan and nationalistic fashion and Williams determined to redress the balance. He also intended it to be a contribution to contemporary political debate. 73

Williams described the political battles of the previous century in terms of good against evil, and virtue against commerce. Hamilton, he wrote, had constructed nothing except a scheme to tie the monied classes to the government, and the government to them; in doing so he attempted to/

to create a constitution that was alien "then and now" to all the habits and thoughts of America. Hamilton had distrusted the masses of the people and wanted a strong government to restrain them: Jefferson had unbounded faith in the common sense of the people and their "essential rectitude of purpose". Because of this Jefferson had a permanent effect upon American life and institutions; he had sought to democratise industrial as well as rural conditions; he was a moderate in his view of government, and no two men in all history had been further apart than he and John C. Calhoun. Jefferson had shown, Williams argued, that the A.B.C. of political reform consisted of the divorce of government from big business, and of big business from politics. 74

Williams further asserted that the real balance in government existed not between the executive, legislative, and judiciary, but between the states, counties, and townships on one scale, and the federal government on the other. The "lesser republics" were more important, for they had jurisdiction over ninety per cent of the questions affecting daily life. America must turn back to the states, Williams argued, for the whole fabric of the Republic would be threatened by an enlarged federal government. A reading of history had convinced Williams that most bad governments grew out of too much government. The correct and only answer was to return to principles of Thomas Jefferson:

It was essentially in keeping with all of his opinions and all of his future life that he should have begun the work of democratising American institutions, educationally, and socially, and industrially, /

industrially, in the State because the State was, as he later expressed, "the surest safeguard of republican institutions". 75

Popular orators carried the relevance of the state to America's future still further. Lloyd T. Everett, addressing the Sons of Confederate Veterans in 1914, viewed the 1912 election victory as a turning away from the principles of Lincoln and the North: it heralded the coming triumph of the principles of the Confederacy. Upon the application of the constitutional stance of the Confederacy depended "the true progress of our people". The Confederacy had had right on its side, and Everett argued, the ideals underlying its politics and institutions were vital to all ages and nations. Confederate principles he concluded formed a worthy goal to which the world should aim if it wanted "true liberty with progress". 76

Even half a century after the end of the war the South remembered the lesson with mixed pride and bitterness. If constitutional doctrine and legal cases provided the flesh and bones of the Southern states rights argument, then the perceived experience of the Civil War and Reconstruction provided the life blood. The Bloody Shirt argument may have disappeared from the floors of Congress by the 1910s, but the rhetoric, appeal, and memory remained in the South.

John Andrew Rice described how the Civil War still haunted the South Carolina of his boyhood in the 1900s. Wherever men and women gathered, he recalled, there was a veteran present to tell of how the South had been bilked, cheated and tricked out of victory, and all listened eagerly to/

to the old men who had returned from the bright past where every man was brave, and every woman was a Helen: "Boys listened too. 'If we'd just 'a had one more company, we'd 'a licked 'em', the old man said, and the boy became that company". Reconstruction evoked the greatest horrors. The son of a prominent Redeemer wrote that Reconstruction had been so rotten and corrupt that the retelling of it dulled his sensibilities, wearied his indignation, and turned him away in disgust. What the North did to the South after the war, he wrote, constituted not only a crime against social decency, it was a crime against the principles of free government and a betrayal of constitutional liberty. One informed Northern observer sagely noted the South's bitter resentment over Reconstruction, but considered that it overestimated the process's duration and intensity. 77

All this produced an instinctive distrust of federal government, and a balancing love for the state. Reconstruction was firmly identified with an interventionalist federal government and Southerners developed an instinctive distrust and fear of those in Congress who sought to increase federal power without any restraints. Southern whites in the 1910s genuinely believed Reconstruction to have been a disaster. It can hardly have been a coincidence, Southerners thought, that the civil rights cases which returned government to a sound and decent basis had favoured the state over the union. One Southern academic speculating what would happen if the circumstances of 1861 were repeated in the 1900s, concluded that the men of the South would undoubtedly go with the state if compelled to choose between/

between the state and the union. 78

Southern politicians shared this general feeling. Some had direct experience of the war, and all had had their careers shaped by Reconstruction. The number of Confederate veterans in Congress had fallen by 1913: whereas there had been thirteen such men in the Senate in 1900, by 1913 there were only five. Yet their colleagues had been alive during the war and could claim part of the tradition. Hoke Smith had watched Wheeler's cavalry retreat through Chapel Hill and had dropped his first name Michael in order to identify with Hoke, his uncle and Confederate major general; Benjamin Tillman would have joined the army but for illness; John Sharp Williams had buried his father, killed at Shiloh. Redemption also left scars: Furnifold Simmons's father was assassinated by a black during disfranchisement. Those with no battle wounds or memoirs publically bemoaned this, thus gaining identification with the tradition: Jeff Davis frequently claimed that it was a continual source of regret to him that he was too young to fight in the war. 79

Politicians played upon the popular fear that the North would dispatch federal troops to enforce the XIVth and XVth Amendments in the South, even though the defeat of the Lodge Force bill almost quarter of a century before had rendered these dead letters in the South. Vardaman is well known for his open advocacy of repealing the amendments; others such as John Sharp Williams were less open but no less committed to the idea; Thomas Hardwicke of Georgia, an ally of Hoke Smith, introduced a joint resolution to the House at two year intervals for twelve years to accomplish the/

the repeal. But states rights had applications to questions other than the race problem: business was equally wedded to the doctrine, although more concerned with its application to present economic reality.

Richard Edmonds argued that model state or uniform state legislation was ruinous, there being too great a tendency for states to rush through legislation on the sole grounds that similar legislation had been attempted elsewhere. Greater regard, he argued, should be paid to the individual nature of each state. Other publications agreed with this. One Virginian newspaper friendly to commercial development hoped that the lines between the states would not be obliterated entirely: the states had an important function to perform, and the conservation of certain government principles was as important as the duty to conserve material resources. 80

The centralising nature of much of the New Freedom legislation left Edmonds aghast. "How much further is the invasion of the States and the usurpation of their rights by the Federal government to extend?" asked one of his staff writers. Not only had the national government taken over many of the powers of the state, but in doing so it had acted unconstitutionally. If this tendency continued, the writer argued, the people of the state would no longer consent to state government. 81

Much of this was hot air, but it nonetheless demonstrates that certain of business's fundamental concerns were similar to those of the planter and the politician. It also hints at the undoubted economic benefits that came from advocating/

advocating state rather than federal authority. The South had never been averse to accepting federal aid for internal improvements. Federal monies had been awarded for levee building along the Mississippi; land grants were given for the Southern route to the Pacific; some federal aid had been given regarding highway construction and maintenance; Southern ports had been aided by the annual rivers and harbours appropriations; and federal funds and agents were used against the cotton boll weevil in the Southwest. Such aid was small scale, but so were the problems and this was as important a feature of the government as the slack enforcement of child labour regulations and maximum railroad rates. What was important for the South though was that these grants were for specific projects and the role of the federal authorities was limited. As such the central authority did not menace the sovereign powers of the state.

Arthur Bestor has demonstrated how the South used such arguments in pre Civil War politics to defend and promote slavery. Bestor emphasised how states rights was not a doctrine of rights, or even a philosophical concept, but was "a doctrine of command and power", based upon legal postulates. The crux of the argument lay in who controlled the police powers, for this could repel all external controls from state boundaries. Bestor acknowledges that the pre war concept of state sovereignty was quietly dropped during the war, due to military expediency, but notes that after the war the Confederate leaders successfully built up an apologia based upon the assertion that the South had fought for the constitutional principle of self government. The /



The same arguments were used by the same elites in the 1910s; local autonomy was constitutionally proper: central control was not. The aims of that argument were just the same in the 1910s: the safeguarding and advancement of the power of the regional elite, a power that was "absolute, unquestioned, and uncontrolled". 82

Southerners successfully reconciled their desire for a greater share of the federal cake to aid internal improvements with their strict state sovereignty doctrine. Such funding would be acceptable providing that the police power of the state was not threatened. This was accomplished under the pretext of cooperative legislation and the concept of the matching fund grant.

Although cooperative legislation had been passed before 1913, the idea had not been fully developed, and the acts that did exist were limited in their aims. The central element of the Carey Act, 1894, providing federal aid for irrigation, was that the state governments should submit plans to the national authorities for approval. The Newlands Act, 1902, carried this further by placing the revenues from land sales in the West in a fund that served as an independent source for financing state irrigation projects and other related public works. Cooperative regulation began with the Lacey Act, 1900, that banned the interstate shipment of wild game taken in violation of state law. The Pure Food and Drug Act, 1906, developed this further. None of these measures required any large scale commitment/

commitment on the part of the federal authorities; neither did they encroach upon areas that had been considered previously the reserve of the states. 83

The first application of the principles of federal matching funds came in the White Mountains and Southern Appalachian Mountains Act of 1911. This intended to permit the federal government buy land in the White Mountain and Southern Appalachian Mountain watersheds, thus establishing federal national parks in the East comparable to those in the West. This had been debated since 1900, and although bills passed the Senate repeatedly they failed in the House where Speaker Cannon referred them to the committee on agriculture: and there they stayed. A new bill was introduced in 1908, and eventually passed the Senate and House. Section 2 of this bill provided for an appropriation of \$100,000 to allow the secretary of agriculture to cooperate with the states in the protection of the forested watersheds of navigable streams from fire. The intention of this was to encourage states to establish their own forest fire protection, the grant being made available only to those states with adequate safeguards. Where this money was to be allocated within the state was the state's responsibility; the responsibility was theirs for the states had to raise half the necessary capital before a grant could be approved. 84

The measure was unimportant in itself: it did not involve any great expenditure, and conservation was very much a fashionable topic that touched little on the lives of ordinary Americans. The importance of the act lies in the/

the clause regarding matching funds for this would be crucial regarding future trends in federal state relations. While there is no indication in the act's legislative history as to whose idea this was, what is striking is the great enthusiasm with which Southerners adopted the principle, defending it vigorously in debate. Representative Asbury Lever of South Carolina, who with Hoke Smith would sponsor many of the agricultural reforms, believed that the White Mountains Act would be of greater importance than any other measure that had engaged the attention of the House since the Civil War. John Weeks of Massachusetts, who sponsored the bill in the House, considered that the bill finally passed the House committee on agriculture only because Hoke Smith, who was still the governor of Georgia, took command of the hearing. The precedent created by the act would be further developed by Smith and Lever, along with other Southerners, during the agricultural reform programme. 85

Notes:

- 1 Judson C. Welliver, "The Triumph of the South", Munsey's Magazine, 39 (7th March 1913), p. 740;  
Maurice Low, "The South in the Saddle", Harper's Weekly, 57 (8th February 1913), p. 20.
- 2 Arthur S. Link, Wilson: The New Freedom, (Princeton Princeton University Press: 1956), pp. 94-95;  
"Address to the Commerical Club of Chicago, 11th January 1913", Arthur S. Link (ed.), The Papers of Woodrow Wilson, (Princeton Princeton University Press: 1978), XXVII, p. 34.
- 3 George B. Tindall, The Emergence of the New South 1913-1945, (Baton Rouge Louisiana State University Press: 1967), pp. 2 - 3.
- 4 For the Southern attempts to make Wilson segregate all federal employees see: Link, Wilson: The New Freedom, pp. 246-252.
- 5 Congressional Quarterly Guide to United States Elections, (Washington Congressional Quarterly Incorporated: 1975), pp. 928-929.
- 6 George Kibbe Turner, "What Wilson is Up Against", McClure's Magazine, 40 (1912-1913), pp. 171, 174, 176;  
Tindall, The Emergence of the New South, p. 3.
- 7 Link, Wilson: The New Freedom, pp. 145-152.
- 8 Biographical Directory of the American Congress 1774-1961, (Washington United States Government Printing Office: 1961).
- 9 George H. Haynes, "The Changing Senate", North American Review, 200 (1914), 222-234, pp. 226, 231;  
Charles S. Thomas, "The Shackled Senate", North American Review, 202 (1915), 424-431, pp. 424, 425.
- 10 Donald R. Matthews, "The Folkways of the Senate", in Peter Woll (ed.), American Government: Readings and Cases, (Boston Little, Brown and Company: 1962), pp. 453, 456, 457.
- 11 Biographical Directory of the American Congress;  
Of those senators who had been governors nine were Southern, seven were Western, four were Midwestern, and three North-eastern.  
Haynes, "The Changing Senate", p. 228.

- 12 V.O. Key, Southern Politics in State and Nation, (New York Alfred A. Knopf: 1950), p. 156;  
Anne Firor Scott, "Progressive Wind from the South 1906-1913", Journal of Southern History, 29 (1963), 53-70.
- 13 e.g. "The folks here in Mississippi are very bitter against Vardamn (sic) for not supporting Mr. Wilson, they are down on him and we don't believe he will ever go back to Washington after his term is up".  
Vardaman's stance against Wilson over Preparedness caused this backlash.  
Addkisson and Bauer to J.S. Williams, 12th February 1916, John Sharp Williams Papers (Division of Manuscripts, library of Congress, Washington DC). (Hereafter cited as Williams Papers);  
Key, Southern Politics, pp. 15, 16;  
Albert Bushnell Hart, The Southern South, (New York and London D. Appleton and Company: 1910), pp. 63-64.
- 14 Howard W. Allen, "Geography and Politics: Voting on Reform Issues in the Senate 1911-1916", Journal of Southern History, 27 (1961), 216-237.  
The twelve "major reform issues" were: the Underwood Tariff Act, the Federal Farm Loans Act, the Federal Reserve Act, the Keating Owen Act, the income tax amendment, women's suffrage, the La Follette Seaman's Act, the Clayton Anti Trust Act, the Federal Trade Commission Act, the Adamson Act, the direct election of senators, and the appointment of Louis Brandeis as a Supreme Court justice. Allen selected these issues by observing how often major historians of the period mentioned them in these books.  
Southern opinion divided over the Keating Owen Act and voted en masse against the Federal Trade Commission Act with the exception of James Vardaman. Opposition on both occasions was justified on the grounds that the proposed legislation encroached upon the reserved powers of the state.
- 15 Biographical Directory of the American Congress.
- 16 Theodore Roosevelt to Henry Cabot Lodge, 4th December 1916, E.E. Morison (ed.), The Papers of Theodore Roosevelt, (Cambridge Mass. Harvard University Press: 1954), VIII, pp. 1131-1132.

- 17 Walter Hines Page, The Rebuilding of Old Commonwealths, (London and New York Doubleday Page and Company: 1902), pp. 131, 140-141.
- 18 J. Morgan Kousser, The Shaping of Southern Politics, (New Haven and London Yale University Press: 1974), p. 232;  
J. Fred Rippey, F.M. Simmons: Statesman of the New South. Memoirs and Addresses. (Durham Duke University Publications: 1936), p. 3;  
James Tice Moore, "Redeemers Reconsidered: Change and Continuity in the Democratic South", Journal of Southern History, 44 (1978), 357-378, p. 377.
- 19 Kousser, The Shaping of Southern Politics, pp. 233-235, 236;  
C. Vann Woodward, Origins of the New South 1877-1913, (Baton Rouge Louisiana State University Press: 1951), pp 376-377;  
Charles Jacobson, The Life Story of Jeff Davis: The Stormy Petrel of Arkansas Politics, (Little Rock Parke Harper Publishing Company: 1925), p. 15.
- 20 Charles S. Barrett, The Mission, History, and Times of the Farmers' Union, (Nashville Marshall and Bruce Company: 1909), pp. 417, 418-419.  
Tom Watson wrote the introduction to the volume; his bitterness and pessimism were apparent. The Grange and the Alliance Watson wrote were, "but dismal references to ancient history". The only way out for the poor farmer was to organise and stay out of politics.  
Ibid., pp. 15-16.
- 21 Key, Southern Politics, p. 17;  
Carl V. Harris, Political Power in Birmingham 1871-1921, (Knoxville University of Tennessee Press: 1977).
- 22 Edwin Yates Webb to Marvin Ritch, 17th October 1914, Edwin Yates Webb Papers, (The Southern Historical Collection, The Library, The University of North Carolina at Chapel Hill). (Hereafter cited as Webb Papers).  
E.Y. Webb to F.R. McNirch, 17th October 1914, Webb Papers;  
E.Y. Webb to "Squire" Long, 19th October 1914, Webb Papers;  
E.Y. Webb to R.L. Doughton, 6th November 1914, Webb Papers;  
Webb was an important politician. Despite considerable and active opposition he held his seat from 1903 until 1919.  
He/

He became chairman of the House judiciary committee in 1914.

His campaigning efforts in 1914 were successful; he won by 2,500 votes.

- 23 "Roger T. Stephenson, Justice of the Peace", Tom E. Terrill and Jerrold Hirsch (eds.), Such as us: Southern Voices of the Thirties, (New York W.W. Norton and Company: 1979), pp. 260-269.

This is an oral history collected by a Federal Writers' Project worker in 1939. "Stephenson", which is a pseudonym given by Terrill and Hirsch, was 70 years old then. He was pleased to announce to the F.W.P. worker that his term of office had just been extended for another six years. An indication of the great self righteousness of the disfranchisers can be gained by "Stephenson's" remarkable statement that: "Another thing the country needs is to put honest men in charge of the elections ... The election laws and the election machinery is all right. The way to have honest elections is to have honest men at the polls".

- 24 The best example of the first group of Southern historians mentioned is:

Arthur S. Link, "The Progressive Movement in the South", The North Carolina Historical Review, 23 (1946), 172-195; Woodward, Origins of the New South, p. 395.

- 25 The main revisionist banners have been flown by:

Gabriel Kolko, The Triumph of Conservatism: A Reinterpretation of American History, 1900-1916, (New York The Free Press of Glencoe: 1963);

Robert H. Wiebe, The Search for Order 1877-1920, (New York Hill and Wang: 1967);

James Weinstein, The Corporate Ideal in the Liberal State 1900-1918, (Boston Beacon Press: 1968);

The conduct of the two Louisiana senators, Joseph Ransdell and John Thornton, is detailed in:

George Q. Flynn, "A Louisiana Senator and the Underwood Tariff", Louisiana History, 10 (1969), 5-34.

- 26 Charlotte Chronicle, 14th May 1908;

"Overburdened by legislation", Southern Farm Magazine, 15 (July 1907), p. 4;

Manufacturers' Record, 47 (2nd April 1902), p. 5

- 27 Journal of the American Bankers' Association, 7 (March 1915), p. 649;  
 Ibid., 6 (August 1914), p. 93.
- 28 "A School for Legislation", Southern Cultivation, 74 (15th March 1916), p. 25;  
Manufacturers' Record, 59 (18th June 1914), p. 25;  
 "An Ideal Planter", Southern Farm Magazine, 10 (December 1903), p. 10.
- 29 Kousser, The Shaping of Southern Politics, p. 230.
- 30 The accounts of the 1920 primary that Smith lost heavily in a shock result are contained in: Hoke Smith Papers, (University of Georgia, Athens). (Hereafter cited as Smith Papers).
- 31 E.Y. Webb to C.F. Kirksey, 6th November 1914, Webb Papers. Kirksey, the county chairman, was lucky: Webb paid \$20 of his bill.
- 32 David Graham Phillips, "The Treason of the Senate: Aldrich the Head of it all", Cosmopolitan Magazine, (March 1906), cited in Arthur and Lila Weinberg, (eds.), The Muckrakers, (New York G.P. Putnam's Sons: 1964), 71-83;  
 The Southern congressman who rented his vote to President Reagan in return for "sympathetic considerations" of a sugar price subsidy was John Breaux of Louisiana.  
London Times, 5th July 1981.
- 33 F.M. Burlew to J.S. Williams, 15th November 1915, Williams Papers;  
 Other examples of businessmen writing to Williams with regard to patronage include:  
 J.D. Ellis (Bank of Yazoo City) to J.S. Williams, 2nd January 1914.  
 Gulf and Ship Island Railroad Company to J.S. Williams, 6th January 1914.  
 J.W. Griffiths (First National Bank of Vicksburg) to J.S. Williams, 2nd December 1916.  
 H.D. Hening (Pascagoula National Bank) to J.S. Williams, 16th June 1916.  
 F.W. Foote (First National Bank of Commerce) to J.S. Williams, 7th August 1916.  
 All in Williams Papers.  
 It/



It is noticeable that many of these letters come from Williams's own area of the state, the Delta.

- 34 Kolko, The Triumph of Conservatism, p. 161.
- 35 Woodward, Origins of the New South, p. 452.
- 36 Page, The Rebuilding of Old Commonwealths, p. 14;  
 Edgar Gardner Murphy, Problems of the Present South: A Discussion of Certain of the Educational, Industrial, and Political Issues in the Southern States, (New York The MacMillan Company: 1904), p. 286;  
 E.C. Branson to A.B. Taft, 2nd January 1915, Eugene Cunningham Branson Papers, (The Southern Historical Collection, The Library, University of North Carolina at Chapel Hill).
- 37 Rufus B. Spain, At Ease in Zion: A Social History of Southern Baptists 1865-1900, (Nashville Vanderbilt University Press: 1967), p. 128;  
 Fredericke Bode, Protestantism and the New South: North Carolina Baptists and Methodists in Political Crisis, (Charlottesville University of Virginia Press: 1975), p. 6.
- 38 Samuel S. Hill, Southern Churches in Crisis, (New York Holt, Rinehart and Wilson: 1966), pp. 75-83.
- 39 John Lee Eighny, "Religious Liberalism in the South during the Progressive Era", Church History, 38 (1969), 359-372, pp. 365-366, 370;  
 Bode, Protestantism and the New South, p. 6
- 40 Robert A. Hohner, "Prohibition and Virginia Politics: William Hodges Mann v Henry St. George Tucker, 1909", Virginia Magazine of History and Biography, 74 (1966), 88-107.
- 41 Joel W. Eastman, "Claude L'Engle: Florida Muckraker", Florida Historical Quarterly, 45 (1967), 243-252.
- 42 William H. Skaggs, The Southern Oligarchy, (New York Delvin Adair Company: 1924), p. 241.
- 43 An evaluation of the effect of rural values upon progressive thought is given in:  
 Wayne E. Fuller, "The Rural Roots of the Progressive Leaders", Agricultural History, 41 (1968), 1-13.

- 44 Morton E. Keller, Affairs of State: Public Life in Late Nineteenth Century America, (Cambridge Mass. The Belknap Press: 1977);
- William Graebner, "Federalism in the Progressive Era: A Structural Interpretation of Reform", Journal of American History, 64 (1977), 331-357.
- 45 Harry N. Scheiber, "Federation and Economic Growth", Law and Society Review, 10 (1975), 57-118.
- 46 Northern legal journals were published from an earlier date: the Harvard Law Review commenced in 1887, the Yale Law Journal in 1891, and the Columbia Law Register in 1900. This was a new type of journal that printed scholarly articles questioning and occasionally inventing new legal principles. Prior to this law journals offered little comment on the law but informed the profession of new and interesting cases.
- Laurence M. Friedman, A History of American Law, (New York Simon and Schuster: 1973), pp. 546-548.
- 47 Paul v The State of Virginia, 8 Wall. 168 (1869).
- 48 Munn v The State of Illinois, 94 U.S. 113 (1877).
- 49 Stone v Farmers' Loan and Trust Company, 116 U.S. 307 (1886).
- 50 Wabash, St. Louis, and Pacific Railroad Company v The State of Illinois, 118 U.S. 557 (1886).
- The Supreme Court later ruled that no provision existed in the Interstate Commerce Act, which was a direct result of the Wabash case, that empowered the Interstate Commerce Commission to fix railroad rates.
- Cincinnati, New Orleans, and Texas Pacific Railroad Company v Interstate Commerce Commission, 162 U.S. 184 (1895);
- Bowman and Chicago v Northwestern Railroad Company, 125 U.S. 465 (1888);
- Leisy and Company v Hardin, 135 U.S. 100 (1890).
- 51 Houston Electric and Water Company v United States, 234 U.S. 342 (1914);
- James Jackson Kilpatrick, The Sovereign States: Notes of a Citizen of Virginia, (Chicago Henry Regnery and Company: 1957), pp. 235, 239.
- 52 The Employers' Act was suitably amended and passed Congress and the Court in 1908.

- 53 Congressional Record, 62nd Congress, 3rd session, (1912) 707, 703, 4299.

Four Southern senators voted against the bill. The two Kentucky senators voted against, for local political reasons, as did Murphy Foster (Louisiana) and Leroy Percy (Mississippi). Foster did not speak but Percy believed that liquor was not a contraband of commerce. Only when it became so could Congress regulate its transportation from state to state.

- 54 Hammer v Dagenhart, 247 U.S. 251 (1918);  
German Alliance Insurance Company v The State of Kansas, 233 U.S. 389 (1914).
- 55 O.W. Catchings, "Recent Exercise of the Federal Police Power under the Commerce Clause of the Constitution", Virginia Law Review, 1 (1913), 44-62.
- 56 Charles Warren, The Supreme Court in United States History, (Boston Little, Brown and Company: 1923), III, pp. 464, 467, 471-472.
- 57 The Slaughterhouse cases were a result of the Reconstruction legislature of Louisiana awarding a 25 year monopoly on the operation of a New Orleans abbatoir to a single company. Independent butchers protested that their rights as United States citizens had been affected and that their property had been removed without the due process of law. Furthermore, their rights under the XIVth Amendment had been threatened. The Court disagreed with this.
- Harold Hyman has recently stressed the importance of this case with regard to its implications for state concern on public health. Certainly the case was important in this regard but in the 1910s commentators remembered it more for what it said on federal state relations. Warren wrote: "Had the case been decided otherwise the States would have largely lost their autonomy and become, as political entities, only of historical interest".
- Harold H. Hyman, A More Perfect Union: The Impact of the Civil War and Reconstruction on the Constitution, (Boston Houghton Mifflin Company: 1975), pp. XIV, 535-536; Warren, The Supreme Court in United States History, III, pp. 257, 269.

58 United States v Reese, 92 U.S. 214 (1876);

United States v Cruikshanks, 92 U.S. 542 (1876);

Yick Wo v Hopkins, 118 U.S. 356 (1886).

Justice Matthews: "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power";

Mugler v The State of Kansas, 123 U.S. 123 (1887).

59 Champion v Ames, 188 U.S. 321 (1903).

60 It is notable that the bill's proponents realised that its terms were unconstitutional. William Borah of Idaho admitted this but justified his position saying that prohibition of the interstate transportation of the products of child labour would hurt the evil because children could not be employed unless the goods were shipped in interstate commerce.

Cong. Rec. 64th Cong. 1st sess., (1916), 12089;

Warren, The Supreme Court in United States History, p. 460; Arthur A. Ekirch Jnr., Progressivism in America, (New York New Viewpoints: 1974), p. 88.

61 Charles Warren, The Supreme Court and the Sovereign States, (Princeton Princeton University Press: 1924), pp. 69, 122.

62 The Supreme Court was historically very wary of involving itself in interstate disputes. In 1834 it was doubted if the Court could decide a boundary dispute that involved only sovereignty and not the property rights of a state. In 1884 it hedged on the question if it could decide a state's liability on its state bonds.

Suits between non Southern states pale somewhat compared with the pseudo wars in the South. In 1902 Colorado brought a suit against Kansas over irrigation and in 1909 Washington complained to Oregon over salmon fishing.

*Ibid.*, 69, 43, 45-46, 56.

Not only Southerners were unaware of what direction constitutional development would take. Senator Elihu Root wrote/

wrote in 1913 with regard to economic and social development that:

"The changes in conditions have come very rapidly and a good deal of experiment will be necessary to find out just what government can do and ought to do to meet them".

Elihu Root, "Experiments in Government and the Essentials of the Constitution - 1", North American Review, 198 (July 1913), 1-17, p. 4.

- 63 Woodrow Wilson to Ellen Louise Axson, 30th October 1883, Link (ed.), The Papers of Woodrow Wilson, II, pp. 499-503; The comment by Lord Northcliffe is quoted in: Skaggs, The Southern Oligarchy, p. 12.

- 64 Ibid., p. 12

Unfortunately Skaggs does not mention what the Northern states were.

- 65 Dumas Malone (ed.), Directory of American Biography, (New York Charles Scribner's Sons: 1934), XIII, p. 26.

The entry on Minor was written by Theodore S. Cox a distinguished Southern lawyer who became dean of jurisprudence at William and Mary College.

- 66 Ibid., p. 26;

It should be noted that Langdale's methods did not win immediate acceptance in the North. Boston University Law School was founded in 1872 as a direct alternative to Harvard's new methods. Nonetheless, the move for change and for a more relevant and thoughtful approach to the law came in the North, not the South.

Friedman, A History of American Law, pp. 530-532; Northern legal thought had attempted to break away from Blackstone before the Civil War. Field's codification and the introduction of the simpler notions of both Field and Leggett began a split between Southern and Northern approaches.

Perry Miller, The Life of the Mind in America: Book II, (London Victor Gollancz: 1966), pp. 261-263.

- 67 Woodrow Wilson to Robert Bridges, 7th November 1879, Link (ed.), The Papers of Woodrow Wilson, I, pp. 581-583; Woodrow Wilson to Charles Andrew Talcott, 20th April 1880, Link (ed.), The Papers of Woodrow Wilson, I, p. 656.

- 68 W.M. Lile, "Legal Education and Admission to the Bar in Southern States", Virginia Law Review, 2 (1914), 241-257, pp. 241-242;  
Dewey Grantham, Hoke Smith and the Politics of the New South, (Baton Rouge Louisiana State University Press: 1967), pp. 12-13.
- 69 William R. Brock, The United States 1789-1890, (London The Sources of History Limited: 1975), p. 307.  
It is noteworthy that the Midwest, which had a similar tradition of legal education to the South, also produced statesmen who commonly used the states rights argument.
- 70 Theodore Roosevelt to Charles E. Merriam, 23rd November 1912, E.E. Morison (ed.), The Letters of Theodore Roosevelt, VII, p. 657;  
Arthur J. Schlesinger Jr. (ed.), History of American Presidential Elections, (New York McGraw and Hill Book Company: 1971), 111, p. 2196.  
The 1912 Republican platform carefully laid equal stress on the state and the union. The Progressive platform completely ignored the issue;  
David Graham Phillips, "Bailey the Patriot", Cosmopolitan Magazine, (March 1906);  
Theodore Roosevelt to Knute Nelson, 11th May 1906, E.E. Morison (ed.), The Letters of Theodore Roosevelt VI, p. 209.  
Benjamin Tillman who had charge of the bill in the Senate suspected Bailey in much the same manner as the President.
- 71 John Andrew Rice, I Came Out of the Eighteenth Century, (New York Hillary House Incorporated: 1951), p. 15.
- 72 John Sharp Williams, Thomas Jefferson: His Permanent Influence on American Institutions, (New York Columbia University Press: 1913).  
The book was a success: there are many letters in the Williams papers asking where copies could be obtained and congratulating him. Not all the letters were from the Mississippi Delta.
- 73 William Gibbs McAdoo, Crowded Years: The Reminiscences of William G. McAdoo, (London Jonathan Cape: 1931), p. 266;  
The series editor of American Statesmen, John T. Morse, had already/

already contributed a volume on Jefferson to the series, but Williams considered this inadequate.

Roosevelt identified Williams with Jefferson, although not in a manner that Williams would have considered complimentary:

"Williams is the true old-style Jeffersonian of the barbaric blatherskite variety - much such a man as Jefferson's tool Giles was in the Second and Third Congress".

Theodore Roosevelt to Whitelaw Reid, 7th August 1908, E.E.

Morison (ed.), The Letters of Theodore Roosevelt, VI, p. 349.

74 Williams, Thomas Jefferson, p. 74, 69, 159.

75 Ibid., p. 99, 277.

76 Lloyd T. Everett, "Living Confederate Principles: A Heritage for all Time", Southern Historical Society Papers, 2 (New Series) (1915), 2-43, pp. 3-5.

77 Rice, I Came Out of the Eighteenth Century, p. 197;  
William Alexander Percy, Lanterns on the Levee: Recollections of a Planter's Son, (New York Alfred A. Knopf: 1953), pp. 273-274;

Hart, The Southern South, pp. 85-87.

78 John Leslie Hall, Half Hours in Southern History, (Atlanta B.F. Johnson: 1907), p. 301.

Hall was professor of English and General History at William and Mary College.

79 Grantham, Hoke Smith and the Politics of the New South, pp. 8-9;

F.B. Simpkins, Pitchfork Ben Tillman: South Carolinian, (Baton Rouge Louisiana State University Press: 1944);

George C. Osborn, "The Home Life of a Plantation Statesman: John Sharp Williams", Agricultural History, 15 (1941), 129-136, p. 129;

Rippy, F.M. Simmons, Statesman of the New South, p. 28-29;

Jacobson, The Life Story of Jeff Davis, p. 13

80 "A Question of States' Rights", Manufacturer's Record, 53 (23rd January 1908), p. 41;

Richmond Times Dispatch, 21st April 1908.

81 "Will State Governments be Abandoned for a Centralized National Government?", Manufacturer's Record, 58 (17th August 1916), p. 23.

- 82 Arthur Bestor, "State Sovereignty and Slavery", Journal of the Illinois State Historical Society, 54 (1961), 117-180.
- 83 Scheiber, "Federalism and the American Economic Order", p. 108.
- 84 For the legislative history of this measure see:  
Charles G. Washburn, The Life of John Weeks, (Boston Houghton and Mifflin Company: 1928), pp. 74-79;  
Cong. Rec. 60th Cong. 1st sess., (1908), 3514-3515.
- 85       Ibid., 3539.



CHAPTER II  
SOUTHERN AGRICULTURE

The period 1900-1917 is justifiably considered to be the Golden Age of American agriculture. These were the last years when agriculture would be more important than industry, and when those in the country outnumbered those in the towns. The perspective of these years is inevitably surrounded by a nostalgia created by subsequent generations of urban dwellers; but the image of the contented yeoman is based upon economic reality, for the achievement of American agriculture in the years preceding the first world war is impressive. The prices of farm produce tripled; the value of farm land and crops quadrupled; the period was one of unbounded optimism, even though it was clear that the area of exploitable land was limited. A new confidence exerted itself, especially when memories were cast back to the disastrous years of the 1890s. Despite the attractions of expanding industries, the American farmer chose to stay on his farm. 1

Not all benefited from this however, for great social and geographical differences existed within the general picture of growth and prosperity. Great advances were made in the Midwest and the West, but growth was low or even non-existent in the older established Eastern states. The New England states all registered a decrease in the number of acres of improved land in farm between 1900 and 1910 as rationalisation of land use began as a result of industrial competition. 2

The

The South shared in the general growth, indeed in many indices the South was ahead of the national average. The price of cotton for example rose at a higher rate than that of other staples. The same was true for the smaller but locally important citrus fruit crop. The paradox of national development however was also apparent in the South. Many areas saw no growth and certain groups did less well than others. The South improved at a higher rate than other regions, but it was still the most backward. The growth of tenantry, the continued influence of the crop lien system of credit and a general lack of technological innovation meant that Southern agriculture never realised its full potential. 3

Southern agriculture was diverse. The possible divisions are numerous, but the most important is that between the cotton dominated Lower South and the more diversified Upper South. Crucial differences can be drawn between the intensive farming practices of the Southeast and the more extensive cultivation of the Southwest. Howard Odum writing in the 1930s concluded that it was unrealistic to talk of the South any longer; rather it was more "authentic" to refer to a South East and South West. Another possible division between Southern agricultural practices is that between highland and lowland, the highlanders being the yeomanry living on small farms and the lowlanders being the cotton and tobacco plantation owners. Such states as Florida and Louisiana contribute to the confusion by refusing to fit into any possible category. 4

Despite/

Despite these important divisions the South had a unity in its agricultural practices that was remarkable. This was due to one crop: cotton. While historians have quite rightly attacked the myth of the Cotton South as being too simplistic the fact remains that cotton grew throughout the region and was the source of most of the region's wealth. It had not only regional importance for it still constituted America's most valuable export crop. The importance of cotton to both the region and the nation increased during the 1910s as the value of the crop rose. Cotton was subject to wilder fluctuations in price and demand than wheat or corn, but it did have the advantage for the producer of always having a market.

Cotton's importance with regard to the reform legislation was heightened owing to its value to the men who controlled Southern politics and society. The areas of the South that correspond least to the plantation South tended to be the areas that contributed least to the mainstream of Southern life in the 1910s. The influence of cotton was all pervading according to Clarence Poe, the editor of Progressive Farmer. Cotton, wrote Poe, was something that every Southern boy grew up with; everyone in the South knew and talked about cotton: "When cotton prices drop every Southern man feels the blow; when cotton prices advance, every industry throbs with new vigour". 5

Cotton was more than a profitable staple: it was a symbol. Writers like Poe invested it with a mysticism that went far beyond the unromantic business of chopping cotton. It/

It symbolised all things: the ante bellum South of magnolias, cavaliers and chivalry; the sturdy yeomanry of Jeffersonian democracy; and the coming triumph of Southern industry based upon cotton factories in the cotton fields. Politicians recognised the appeal of cotton, Ellison D. Smith the South Carolinian senator going as far as to habitually sport the unattractive cotton boll in the lapel of his suit. 6

The more prosaic facts of the matter reveal that the twelve Southern states produced 95 per cent of the total cotton crop in 1909. The value of the crop in that year was \$664,773,820, more than double the value of the 1899 crop. All Southern states with the exception of Louisiana, where the value of the crop fell by \$6,198,339, shared in this increase. Upper South states such as Virginia, North Carolina and Tennessee where it might be thought that cotton was in steady decline doubled the value of their crops. The crop in Kentucky tripled in value. These figures reveal that confidence in cotton in 1909 was such that production was moving onto land hitherto considered to be marginal for cotton cultivation. 7

Although such increases reveal that not all perceived cotton to be the "white plague", to use the epithet beloved of some agricultural reformers, the absolute value of the crop in the Upper South remained low. The Virginian crop was only a tenth of the value of the Mississippi crop, which was \$83,148,805, in 1909, and the Kentucky value only a third of the Virginian. It was in the Southwestern states/

states of Texas, Arkansas and Oklahoma that cotton made its greatest advances, Texas producing almost a quarter of the American crop in value by 1909. Other states benefited as well. Georgia and South Carolina in particular where the value of the crop increased from \$42,534,235 and \$29,599,152 in 1899, to \$126,695,612 and \$80,337,945 in 1909 respectively showed impressive improvements. In the process Georgia moved from third to second rank producer ousting Mississippi, and South Carolina moved from fifth to fourth rank producer displacing Alabama. 8

Cotton was becoming an increasingly popular crop with farmers for good economic reasons in the 1910s; while it was clear that the high prices of the 1840s would never return, a definite corner appeared to have been turned after the 1890s. Yields were higher in the 1910s due to the increased use of fertiliser. Southern farmers used more fertilisers than anyone else in the Union, and although this was detrimental to the soil in the long run, the short term gains encouraged increased usage. The increased value of the crop is also partly explainable by the marketing of the cotton stalk to produce oil and animal feedcake: while common in 1910 this was almost unknown in 1900. This added 10 per cent to the value of the plant. 9

This overview of cotton production in the 1910s although brief modifies two generalisations regarding cotton. There is a general impression that cotton became less and less profitable in the South from at least the end of the Civil War until the 1940s and the full scale introduction of mechanisation./

mechanisation. Clearly this is not the case. Cotton was not quite the agent of doom upon whose declining fortunes all the failings of the South could be blamed, although it did provide an easy scapegoat. There were times as in the 1910s when considerable optimism surrounded cotton. Men did not grow cotton for the sole reason that the credit merchant or the bank demanded that they do so, but because it offered the chance of a good return.

The second generalisation is a geographical one, and that is that the story of cotton is essentially the story of a westward movement. By the 1850s Mississippi, not South Carolina, was the most dynamic cotton growing state; in the 1910s it was Texas; by the 1970s it was California. Again although there is truth in this overview, important trends are hidden. In the 1910s cotton production expanded throughout the South, not only in the Southwest, and some seaboard states such as Georgia and South Carolina expanded at a greater rate than their western neighbours.

Cotton was not grown in isolation. The term monoculture is often used to describe plantation agriculture, but this is misleading. The people who grew the cotton, whether landowners or tenants, had to be fed, and while the transporting of grains from the Midwest to the South was one of the great movements in American trade, much of what was eaten was grown on the plantation. While this may have been convenient and cost effective, it only remained so as long as labour was cheap. It is one of the most impressive accomplishments of Southern agriculture in the 1910s that in general/

general food products it managed to keep pace with population growth, and increase the value of other crops, even though there was little ground on which to expand production. Most grew their own vegetables, and also corn which was used to maintain a few livestock, usually hogs and mules. In bad times corn could provide a reserve for human consumption, and in upland areas away from the eyes of revenue men it provided a thriving, illicit, distilling industry. 10

Tobacco was the South's second most important cash crop. By 1910 it was becoming increasingly concentrated on the Upper South, especially in Kentucky where 38 per cent of the United States crop was grown. About 30 per cent of the crop was grown there in 1899. The value of the Virginian and North Carolinian crops although significant were becoming relatively less important. Both states produced around 14 per cent of the United States crop in 1899, but the Virginian share had fallen to 10 per cent by 1909 while the North Carolinian dropped to 12 per cent. North Carolinian planters had begun to grow new finer strains, but these did not produce economic success until the 1920s. They could only be used in cigarettes which in the 1910s were regarded very much as being the poor man's smoke. Most tobacco, like cotton, was exported, usually to Britain and Germany. Like cotton it was not true monoculture but was usually grown on small farms along with vegetables and corn. Tobacco marketing was organised on much the same lines as cotton, although the risks of over production were less. There were fewer tobacco buyers than cotton buyers, and the market therefore found it easier to regulate itself. 11

Tobacco/

Tobacco grew in every Southern state, although the value of production dropped considerably in the Southwest. The value of the American crop in 1909 was \$104,303,856, an increase of 54 per cent over the 1899 value of \$56,987,902. The value of the Kentucky crop in the same period almost doubled from \$7,210,195 to \$12,169,086; the Tennessee crop more than doubled from \$2,748,495 to \$5,661,681. The most surprising and dramatic increase occurred in Florida where the introduction of new seeds resulted in a small share of \$254,211 mushrooming to \$1,025,476 by 1909. Florida became one of the most important sources of seed tobacco as a result of this. The older tobacco areas of Virginia and North Carolina despite registering more modest increases were still above the national average. The value of the Virginian crop rose from \$7,210,195 in 1899 to \$12,169,086 in 1909, an increase of 69 per cent; the value of the North Carolinian crop increased by 72 per cent, from \$8,038,691 in 1899 to \$13,847,559 in 1909. 12

The same picture emerges regarding sugar cane production. Heavily concentrated in Louisiana where 67 per cent of the national production originated, sugar cane recorded a lower growth rate than the other Southern cash crops, but the overall increase in value of 29 per cent in the first decade of the century remains considerable. The Louisiana crop was valued at \$17,752,537 in 1910, an increase of 21 per cent on the 1899 value of \$14,627,282. The most dramatic expansion occurred in Georgia, the second rank producer, where the value of the crop increased from \$1,480,704/



\$1,480,704 to \$2,268,110 in 1910, an increase of 53 per cent. Similar growth rates were recorded in Mississippi, Alabama and Texas. 13

Sugar cane differed from cotton and tobacco in that it did not provide the South with a large say in national or international markets. The United States grew only 4 per cent of the world's sugar cane crop, and had to import 80 per cent of her total needs. The Louisiana growers were also coming under increasing domestic competition from the sugar beet producers of Idaho and Montana. Sugar further differed from the other crops in being a highly capital intensive industry, relying heavily upon research and expensive machinery in order to remain competitive with Caribbean producers. Attempts at diversification did occur, the introduction of rice being the most successful. The rice could be grown in small paddy fields while the sugar cane grew on the surrounding levees, but in general the sugar plantations of Louisiana corresponded the closest to monoculture. 14

The heavy concentration of the industry upon one state, along with the considerable capital involved, combined to produce the most influential special interest group in Southern politics. The sugar trust dominated Louisiana politics from an early date, and although the trust allowed state politicians to vote as they wanted on most occasions, they cracked the whip with considerable effect when corporate interests were at stake. 15

Lumber is the often forgotten agricultural product of the/

the South, yet it had considerable importance in the Upper South, it was the second ranked cash crop in the Lower South, and through its relationship with the naval stores industry of the Carolinas it provided the United States with a strategic resource. The South did not monopolise American production as it contributed only 44 per cent of the total national production of \$195,306,283. Its position had improved relative to 1899 when the region supplied only 34 per cent of the total national value of \$109,864,774. North Carolina was the largest producer in the union, contributing \$11,364,134 in 1909; this was only 6 per cent of the national value however. Virginia was the third largest producer, with a crop valued at \$10,118,851. 16

Lumber was important throughout the South: it was important in every state and in only three, South Carolina, Florida and Louisiana, did its value in 1909 fall below five million dollars. Concentrated in the upland and tidal regions of the Lower South, lumber had considerable local importance. It was the only major Southern cash crop that did not rely upon the crop lien credit system, it being rather unrealistic to offer credit on a crop that could not be harvested for twenty years. The industry though was not free of labour problems: many of the most violent labour disputes of the South were associated with the timber industry. 17

These then were the main cash crops of the South, the crops that legislation could most help or hinder. Although differences existed between them in organisation and production methods, considerable similarities existed between them/

them especially with regard to marketing. Legislation conceived specifically to aid the cotton producer was relevant and appropriate to the needs of the tobacco producer. All could benefit from better roads from the plantation or farm to the market place, from increased warehouse facilities, from a more active and effective agricultural educational system and above all, from a more rational system of credit. Another similarity was that they all had their main markets outside the South, indeed outside the nation. Federal legislation therefore was the only suitable level of reform to solve their marketing problems.

The Southern recovery from the depression of the 1890s had been laudable; but no amount of figure juggling or rhetorical flourishes from either politicians or journalists could disguise the absolute poverty of the region. No other region was as backward. Southern planters made much of their image as the cultured, well bred cavaliers of old, but compared to their Northern equivalents they were poor indeed. In absolute terms few landowners could be called rich, although relative to their tenants they were kings. One Northern observer considered that measured by New York criteria, there were few wealthy people in the South. Oscar Ameringer, the German born socialist, was more contemptuous; the war between the planters and sharecroppers he wrote, was one between "bankrupts and paupers". 18

The value of Southern farms was less than elsewhere, and they were less advanced technologically. The average value of land and buildings per farm in the United States in 1910 was \$6,289; the equivalent Southern figure was \$3,060. Only/

Only Texas with an average value of \$6,203 came close to the national average, presumably because of the larger size of farms. Although the South did not require such substantial buildings as farmers in the Midwest or New England the general picture is clear: Southern agriculture was poor. States such as Alabama and Mississippi which had once been boom areas had average farm values of less than \$2,000 in 1910. Farm values in the United States had increased by 82 per cent between 1890 and 1910, but Southern values rose by only 49 per cent. Only in Texas and, surprisingly, South Carolina did values increase by more than the national average. 19

This had two important effects. As all farmers depended upon credit and the amount of credit depended upon how much collateral could be offered, a farmer's standard of living and ability to make improvements was directly related to the value of his farm. Southerners obviously lost out on this: banks were unwilling to lend large sums on the sole collateral of a lowly valued farm. The other effect was upon state taxation, and thus upon the ability of the state to provide needed services. Low land values resulted in low tax bases, and this combined with Southern landowners' dogged refusal to pay property taxes meant that Southern state legislatures were starved of funds.

A similar position appears when the average value of farm land per acre, and the average value of implement per acre are considered. In 1900 every Southern state had an average value of less than ten dollars an acre with the exceptions of Virginia and Kentucky where values were higher./

higher. The average values in the rest of the union were greater than twenty dollars an acre, the highest being in Illinois where the average value was forty dollars per acre. By 1910 although Southern acreage values had risen to an average of twenty dollars an acre, they were still the lowest in America. The Mountain states had been closest to the South in acreage values in 1900, but by 1910 they all exceeded twenty dollars an acre, and in Idaho and Nebraska the values were more than forty dollars. The South therefore although it was improving its absolute position, was losing ground relatively to other regions. 20

The main feature of pre war American agriculture was increased mechanisation, horses, mules and oxen being displaced by steam tractors and combine harvesters. In 1910 the national average value of implements per acre of farm land was \$1.44: the Southern average was 87 cents. Only in South Carolina, Louisiana and Tennessee did it rise above one dollar. Southern landowners could plead that they did not need mechanisation: they had a cheap and pliant labour source. It does say much however about the general levels of efficiency tolerated in Southern agriculture. 21

Other regions were aware of Southern rural problems, Southern congressmen making sure that they were continually heard in Washington. The result was a considerable wave of sympathy for the South which affected the legislation. It was the deans of the American agricultural colleges for example and not the Southern politicians who proposed that the allocation of the appropriation under the Smith Lever Agricultural Extension Act be weighted in favour of the South./

South. Goodwill towards the South was not confined to academics. Senator Henry Hollis of New Hampshire, one of the sponsors of the Federal Farm Loans Act, proposed that there be more land banks in the South at the expense of his native New England, as the greatest problem was in the South. Very few men condemned the South and its agricultural problems, and all viewed them sympathetically. 22

The greatest single problem in Southern agriculture was the continued increase in tenantry. This was a national problem, but it was most acute in the South, and although the rate of increase had slowed down by 1910 it remained considerable. In 1890, 886,957 farms in the United States were mortgaged; by 1900 this had risen to 1,127,749 farms; and by 1910 to 1,327,439. This represented a 27 per cent increase between 1890 and 1900; and an 18 per cent increase between 1900 and 1910. There were 205,586 mortgaged Southern farms in 1900, a massive 385 per cent increase on the 1890 figure of 42,799 mortgaged farms. By 1910 the South had swung closer to the national average, there being 301,794 mortgaged farms, an increase of 46.5 per cent. There was no Southern state below the national average in either 1900 or 1910. 23

Taking out a mortgage on a property is by no means a bad thing in itself: it can indicate an innovatory society using sophisticated means of credit in order to advance itself. It developed to an unhealthy extent in the South however: economists continually warned small farmowners not to mortgage their farms, knowing that the chances of a tenant regaining ownership were small. Many had no alternative/

alternative though: they did not mortgage their farms to raise investment capital, they did so to survive. This was especially true in the Southwest. Gradually the old three class rural society of the South, comprising the plantation owners, the yeomanry and the landless labourers, became polarised between those who owned land and those who did not.

This development was potentially beneficial as it increased managerial control over Southern agriculture thus allowing more efficient and regulated practices. It also reduced labour costs for those who owned land, but ultimately it was ruinous for it encouraged rural overpopulation. Too many people lived in the South: it was, in the words of the Frenchman Brantome, as "full as an egg". Tenantry encouraged this by giving landowners an incentive to retain large labour forces even though this would be wasteful and inefficient in the longterm. The problem would only be solved by the massive out migration caused by New Deal policies.

Such opinions however are <sup>delivered</sup> with the wisdom of hindsight. For the Southern planter in the 1910s tenantry represented the best answer to his labour problems. It is in the proportion of farms operated by tenants that the division between Upper and Lower South is most marked. This is mainly a reflection of differing agricultural patterns, cotton being the most suited to tenantry. In the Lower South, over half of all farms were operated by tenants in 1910, this rising to 65 per cent in Georgia and 66 per cent in Mississippi and South Carolina. By comparison 27 per cent/

cent of Virginian farms, 42 per cent of North Carolinian farms and 34 per cent of Kentuckian farms were operated by tenants. 24

Why this system emerged was due to many factors. In many ways it was the only means in the 1870s whereby the South could finance agriculture, and the implied blame placed upon the North by this theory provided an easy justification for continuing the practice. Ironically, the first landowner to introduce sharecropping did so in the tobacco plantations of Maryland's Eastern Shore, an area almost untouched by the Civil War. As many have observed, tenantry proved to be a very efficient instrument of social control, although many tenants retained complete control over their own lives, roaming at will throughout the South in search of better prospects. 25

The effect of tenantry was to re-establish the ante bellum plantation in a social and economic sense. The plantation had not been abolished by the Civil War or Reconstruction. The planter's mansion may have decayed, the slaves freed, and the family silver stolen or pawned; but the landholding remained intact. And it was the size and nature of the landholding rather than the nature of the labour force that characterised the plantation. Vital to any form of plantation agriculture was a high degree of managerial control. In order to run successfully, the type of crop to be grown, how it was grown and where it was grown on the plantation had to be closely monitored by either the landowner or his managers. Tenantry allowed this to happen. 26

Conditions of contract between the tenant and the landowner varied/



varied according to the means of the tenant and local economic conditions. Contracts were usually verbal, were renewed annually, and could be made or broken at will by either the landowner or the tenant. Under sharecropping the landlord provided the land, a house, implements, work animals, seed and half the required fertiliser. The cropper provided the labour, half of the fertiliser and half the cost of ginning if cotton was grown. The crop was divided equally between the owner and tenant although in the 1910s it was common for the tenant to surrender two thirds of the crop. Often the landowner managed the contract so that he received differing shares of each crop. Thus, in Georgia the landlord might receive a quarter of the cotton, a third of the grain and half of the small grain. In Texas it was common to base the contract on what was known as the "third and the fourth", whereby the landlord received a third of the grain and a quarter of the cotton. Share renting was similar to cropping except that the tenant provided his own implements and perhaps some work animals. In return he was entitled to two thirds of the crop. Money rarely entered into these transactions: if the tenant required anything he went to the landowner. Cash renting though did introduce cash in that the tenant agreed to pay a stipulated rent, either at a fixed price per acre or else in a lump sum, for the entire farm. Renters were entitled to keep the entire crop. 27

Sharecropping involved the greatest risks to the landowner. Close supervision had to be maintained in order to get the most out of his investment. Renting by comparison involved/

involved very little risk on the part of the landowner. The greatest returns were offered by sharecropping though. A study of Mississippi Delta farms in 1915 concluded that the landowner was assured an annual return of 6-7 per cent on land operated by cash renters no matter the yield of the crop or the income of the tenant. Returns for sharecropping could be as high as 20 per cent per annum when good yields were combined with careful management. On average the rates of return from sharecropping were 13.6 per cent per annum; from share renting they were 11.8 per cent; and from cash renting 6.6 per cent. The greatest returns were made when the landowner rented on a different system of shares. While much of the literature on tenantry has concentrated upon its indubitably demoralising effect upon the tenants very little has emphasised the economic attractions of the system for the landowner. These certainly existed, and go a long way to explaining why there was so little in the way of legislation to aid the tenant, despite the considerable clamour for such reforms from economists. 28

Sharecropping represented a safe option to the tenant; it carried little financial risk and assured the tenant of an average farm hand's wage. The share renter had a better income, but at the same time stood to lose more. Cash renters ran still greater risks of failure if the crop was poor, but he had the greatest opportunity of raising his income and buying his own land. A renter's income could be as high as \$1,000 a year. For most tenants the ultimate objective was to own land. A study conducted in north Texas in 1916 discovered that all the tenants who were interviewed/

interviewed expressed a wish to own their own homes, but sadly few expected to become home owners. They complained that their landlords discouraged thrift and profitable agriculture, holding out no encouragement to the tenant to improve himself. Illness and the payment of medical treatment, which a landowner might provide for a cropper but not a renter, was the most common blow to a tenant's budget. The general decrease in land availability in the 1910s with its resultant price rises further pushed the hope of land ownership away from the tenant. It is little wonder that many preferred to spend their money on automobiles, alcohol or whatever else pleased them. 29

Some landowners treated their tenants well, some did not. Many took the time to ensure that their investments had good accommodation and medical care. They treated their tenants as children, despairing when their efforts were rewarded with either ingratitude or the tenant moving away. One North Carolinian landowner complained that he had to repair broken buildings, damaged forests, keep a constant eye open for theft and ensure that seed and fertiliser was not going to waste. Another wrote that the tenant problem would be solved when the tenant realised that there was a responsibility upon him as well as the owner. In nine cases out of ten he continued, the landowner was prepared to help the tenant when he found the tenant willing to help himself. 30

There is a reasonableness in these opinions, but this was not shared by all. Lower South plantation owners, the men who had the most to gain or lose by legislation, revealed little in the way of humanitarian concern for their poorer neighbours./

neighbours. John Andrew Rice, the nephew of Ellison D. Smith, and an educated, literary man, referred to white tenant farmers as "the scum of the earth", who in their behaviour and intelligence were "really amoebae". The prejudices of the South that Rice found distasteful were those of the landless whites. They were mean, cowardly, cruel, and had ruined the whole state of South Carolina and its culture. Blacks, Rice added by way of comparison, were gentle, hardworking children "who love the sun". 31

William Alexander Percy, the son of the Mississippi planter and United States senator Leroy Percy, and another well educated man, concurred in this view. He considered the poor whites to be "probably the most unprepossessing breed on the broad face of the ill populated earth". While prepared to give them credit for their folklore, Percy nonetheless declared that he could never admire, trust or love them. The only way to deal with them was by sharecropping, a system which Percy thought was "the most moral system under which human beings can work together", indeed all the problems of the world would soon be solved if the principle was adopted by capital and industry. 32

These then were the type of opinions held by the men who dominated Southern society. Others with a different world view saw the position of the tenant in a more sympathetic light. Oscar Ameringer, brought up along Marxist lines that taught him to view farmers as petty capitalists, was shocked on discovering tenant conditions in the South west. "I had come upon another America" he wrote. A Federal Writers Project worker had the same experience in the/

the 1930s:

It is unreal, almost theatrical when Joe Fielding like a Coralina playmaker made up to play the role of a sharecropper, steps into the parlor in his sock feet after having received his curtain call. A tee shirt, both sleeves of which are torn from the elbow down ... and a pair of denim overalls cover the tall lank figure. A slight deafness which necessitates a frequent "Mo'm?", a cast in one eye that gives the effect of a twinkle, a chew of tobacco in one cheek, a slow hesitating drawl, and - enter the Southern sharecropper.

The irony and shock to the worker came from the discovery that Fielding was not a cropper, but a cash renter, the supposed elite of the Southern peasantry. 33

Tenant farmers rarely sought the ear of the politician, seemingly having accepted their situation with stoicism. Religion and alcohol provided consolation, and there was always the prospect of a better tenancy down the road. The introduction of textiles to the piedmont counties of the Carolinas, Georgia and Alabama provided another alternative. Mill villages were hardly model dwelling places, but they were an improvement on rural life. Tenants did form "self defence" organisations, but their importance was usually local, and they rarely became political. The best known was the Farmers' Union, founded in and strongest in north east Texas among small-farm owners, in an area where tenantry increased more rapidly than elsewhere. The Union accepted/

accepted the system as it stood, choosing to limit its activities to self help ventures. Its leaders strongly warned the members against politics and the temptation to re-attempt a third party. 34

Politicians were vague upon the structural problems in Southern agriculture. The question of sharecropping never arose in debate. Platitudes on the virtues of agrarian life abounded. Even the supposed defenders of the "poor folk" such as Benjamin Tillman, James Vardaman, Jeff Davis or Otis Wingo rarely even mentioned the terms of sharecropper or renter. The problem simply did not exist in their minds. If they thought at all of the tenant farmer, then it was with feelings of distrust, suspicion and hatred. Neither did politicians from outside the region raise the matter in an informed manner. During the debates on the Agricultural Extension bill for example, Albert Cummins coming from Iowa where tenantry was widespread, gave the impression that all sharecroppers were black. As a result of his error, which was quickly fastened upon by Hoke Smith, a potentially damaging argument against the racist overtones of the bill was lost. 35

Commerce and industry were further factors in the Southern agricultural equation. The South had experienced a moderate industrial growth since 1865, but in many ways Southern industrialisation was neither outstanding nor *laudable*. New South rhetoric claimed that from 1880 a revolution had occurred in the South without precedent or parallel: but this did not reflect economic reality. Commerce was important in the South, as it had always been, and/

and industry was becoming increasingly so, but neither had displaced agriculture as the leading activity of the South. 36

Despite the confident predictions of twenty years before, the vast majority of the Southern population was engaged in agriculture. Of those gainfully employed in the United States in 1910, 33 per cent were in agriculture. The Southern average was 60 per cent, ranging from 77 per cent in Mississippi to 43 per cent in Florida. On average, 14 per cent of the workforce were in manufacturing in the South compared to 28 per cent in the Union. The weakness of Southern industry relative to agriculture is further revealed when the leading industries of each state are looked at. In none of the twelve states was the leading industry by value of product a manufacturing industry independent of agriculture: in Alabama the leading industry was lumber; in Georgia it was cotton goods; in Texas it was slaughtering. Industry would play a vital role in the future story of the South, but its greatest impact would not be until the 1940s. 37

Industrialists however took a very active interest in agriculture. Railroad companies for example published journals designed to attract migrant farmers to the South. The Southern Railroad Company had a well known and efficient migrants bureau. Agricultural education, better highways and improved warehouse facilities were all encouraged by businessmen. Most of their work was rhetorical however - come to the "land of opportunity" where abundant opportunities exist for "a great variety of interests" urged the Southern Field, the house magazine of the Southern railroad system/

system. 38

Few businessmen or industrialists either perceived or offered any alternative to the tenant system, the strong anti commerce bias of the Farmers' Alliance having made them wary of tenant intentions. Industry was content to lend support to the landowners by improving the present system, preferably by impressing upon planters the need to adopt more business like methods of management. The Southern Field blamed tenants for the poor state of agriculture, maintaining that "the rundown, unkempt appearance of many sections which are naturally well endowed with fertile soil" was caused by the poor management of shiftless tenants. 39

By the 1900s a body of consensus composed of journalists, economists and sociologists was beginning to emerge in the South. They took a more scholarly and scientific look at Southern agriculture which was heeded, though not always obeyed by the politicians. These men invariably agreed on the broad issues although disagreeing on minor details. They corresponded with each other, and printed voluminous papers and articles on the problems of the rural South. While their solutions were essentially those of the uplifter they were suspicious of the intentions of businessmen, and had a profound distrust of the politician. Their dream was to apply urban, middle class, business orientated, values to Southern agriculture. Clarence Poe, one of the most ardent of agricultural journalists, wrote that although rural credits legislation, longer leases and better education had something to do with solving the problem, the most important thing was for a tenant to be a "good farmer", but more/



more importantly, he was to be "a saving farmer". Every young tenant, argued Poe, who started to save at 21 would by the age of 35 have enough to buy his own land. Tenantry was to be regarded as a transitional stage, and the tenant should always aim to be a landowner: "personal property gradually acquired is the way to home ownership". Tenants usually considered that agricultural papers were pro-owners, and anti-renters. 40

The rural press was only one part of the agricultural debate, and its impact upon legislators was minimal at the federal level, but it was important. It was dynamic in every sense. Numerous publications existed, and almost uniquely in the South, it was free from the stagnating effects of political partisanship. They were mildly Democratic in outlook, being in favour of a low tariff, but the journals rarely made political comments. Many of the publications were very local, covering a state at the most, but others were sold throughout the South and took a regional view. Some such as the Progressive Farmer, which was the most widely circulated journal, published different editions for the various sub regions of the South. Most of the articles provided sensible and practical advice on how to improve crops, and how these crops could be best marketed, although there was less emphasis upon this. The main crops upon which attention was focussed were soft fruits, legumes and alfalfa, for the journals wanted to woo the South away from its marriage to cotton. Readers' letters, which were optimistic and recounted success stories, were another feature, as were the articles and stories meant to alleviate the/

the feelings of isolation that were common on Southern farms. Certain of the journals such as the Southern Cultivator struck a more religious note with articles from the rural clergy, and the Progressive Farmer provided separate sections for children and women.

The advice offered by such journals was eminently practical and doubtless aided many farmers and widened horizons that would otherwise have remained narrow. Qualifications have to be made however in order to place these otherwise admirable journals into context. They were only of use to those men who were not only willing to change, but who also had the means to do so. Given that the average tenant was barely literate anyway, their direct benefit to him was limited, even if he had by means of contract or circumstances the necessary managerial control to do something for himself. Furthermore, the journals would seem to have been directed not at the black belt planter, but at the small propertyowner. In this sense it is interesting to note how these journals shied away from the very word "planter", using the more general term of "farmer". It is not as if the information provided by the agricultural press would have been of little use to the black belt planter, but the suspicion lingers that the men who mattered in Southern rural society subscribed to Manufacturers Record or South Atlantic Quarterly rather than Progressive Farmer. The editors presumably considered that those already uplifted would resent the uplifting spirit.

The Southern academics although less numerous than journalists had a greater influence upon legislators. The correspondence/

correspondence of Eugene Cunningham Branson, the professor of rural economics at the University of North Carolina, contains letters from North Carolinian congressmen soliciting his advice. Branson's opinions were too radical for many politicians so it is unlikely that they were heeded by the politicians, but the direct link existed and was maintained. Chapel Hill was the most noted centre of agricultural economics and sociology in the South, although the Texas state system of education was also prominent in publishing research monographs. Chapel Hill in the 1910s was by no means the influential think tank that it would become in the 1930s under Howard Odum, Rupert Vance, Thomas Woofter, and the Southern Regional Committee, but it did treat rural economics as a legitimate academic discipline and had considerable success in galvanising the North Carolina legislature into action. This started with Branson's arrival in 1912 from the Georgia State Normal School. 41

Few Southern academics took an interest in agriculture until the 1930s: classicism still dominated Southern higher education. Some young Northern academics such as Albert Hart of Harvard and Frank Tannenbaum of Columbia ran critical eyes over the region, but academic opinion outwith the South remained ignorant of conditions within the region. Branson proved to be a considerable propagandist throughout the South however. His voluminous and meticulously kept correspondence reveals a man prepared to travel considerable distances to lecture to small town businessmen and church groups on the tenancy problem, who wrote to all levels of politicians/

politicians on agricultural matters, and who published widely on all aspects of rural life. He had a wide and informed knowledge of Southern life and was not afraid to venture out of the academic cloisters and into the field in the course of his researches. This was an uncommon virtue among Southern academics.

Better informed and more sophisticated in his world view, Branson also had more time to gather, collate and present his facts than the average journalist. He was one of the few to realise the complexity of the problem, being less tempted than most to adopt a single easily remedied cause attitude, as most of the journals did. This single cause varied from journal to journal and issue to issue. The choice usually consisted of: longer term leases, more diversified crops, better highways, more economic activity and less political agitation, more livestock, more north European immigrants, and less alcohol. There were few attempts to integrate these causes however. Branson sought to develop a practical plan which would end tenantry. Seeing the rural problem as the gravest faced by the nation, the economist believed that the salvation of the South depended upon "a multiplied host of small farmers who live on and cultivate the farms they own". Peasant proprietorship was to be the answer, although the more communistic implications of this were carefully defused by Branson's continual repudiation of revolutionary change. The present political system, he reasoned, would be adequate. 42

The first practical step, Branson proposed, would be to abolish the one year contract system, the effect of which was/

was "to strip us bare and leave us more and more defenceless as modern civilization develops". From this would come a more stable farm population and more "progressive communities", and this would be the first step to better cultivation, improved educational facilities, and more effective highways. Abolishing the one year contract was something that a state legislature could accomplish, but Branson had very real doubts as to the value of politics. He wrote to a newspaper editor that he believed "with all my heart that an ounce of economics is at present worth a whole ton of politics". From his position he was probably correct, but to his credit he did not use this as an excuse but attempted to win the friendship and favour of politicians. 43

The problem of black tenancy was a considerable obstacle for Branson, as it was for all who thought about Southern agriculture. Many whites wished the blacks well, the seemingly wide acceptance of Booker T. Washington's Atlanta Compromise having dulled their fears and hatred; yet the establishment of the segregated South was taken as an excuse to completely forget about the black. Reading through Progressive Farmer one could be excused for thinking that there were no blacks at all in the South, the eight million Southern blacks being completely ignored. Poe planned to extend the mental segregation in his journal and introduce segregated land ownership, the effect of which would have been to deny the chance of landownership to blacks. Nothing came of his idea, although it did receive widespread discussion and the endorsement of the North Carolina Farmers' Union. Other journals were even more brutal than Poe. An editorial in/

in Southern Cultivator . claimed that in order for Southern agriculture to rise to its true level, the less intelligent blacks had to be "eliminated", as they were incapable of learning scientific farming. 44

Branson's opinion was more sophisticated, but ultimately similar. He wished to keep the blacks on the land, bemoaning their drifting towards the cities; this he believed would have a dissipating effect upon their souls. Their best hope, Branson argued, lay in their rejection of the ballot box in favour of the barn and the bank book, for only by this would the blacks be able to emerge from "darkness" and "jungleism". He emphasised the role of education ., although Branson was unable to concede that the blacks could ever rise to the level of whites in this. The economist however was prepared to allow the blacks the right to landownership, hoping that they would develop a certain sense of "personal worth and dignity"; indeed Branson was envious of the success that Washington appeared to have had in impressing the desirability of landownership upon black tenants. Branson's dilemma over black tenants was the same that all Southern liberals faced: how could the black progress, as they believed he should, if white values were best, but the black was irrevocably biologically inferior? Branson tacitly acknowledged his problem by transferring its solution to a higher level: "The negro problem will be settled upon no plane lower than the Ten Commandments and the Sermon on the Mount". 45

Agricultural legislation was more directly influenced by/

by the bureaucracy, in particular the United States and the various state departments of agriculture. These burgeoned during the 1900s, taking new tasks upon themselves and generally attempting to impose standards upon the haphazard and occasionally wayward advance of American agriculture. Their main functions were advisory and educational although they gradually acquired a political role. Both the federal and the state authorities would be major beneficiaries of the reform legislation as this considerably enlarged their spheres of action.

In 1862 Congress created the United States department of agriculture under the Morrill Land Grant Act. Many feared that this would be a serious drain on national resources, and a dangerous precedent, but unduly low budget provisions restrained the department's activities to seed distribution and data collection. As one historian has remarked, it was "muscleless". This was the situation throughout much of the late nineteenth century. Secretaries of agriculture remained largely anonymous, and although the department turned its attention towards more practical matters in the 1890s, its influence upon the national life was minimal. Change began under the secretaryship of James Wilson (1901-13), for he concentrated the department's activities upon encouraging production, and later developing social studies of rural life. In this he received the active cooperation of Theodore Roosevelt, whose championing of rural life led to the publication in 1911 of the influential report by the Country Life Commission. This opened the eyes of many to conditions in the American countryside, /

countryside, and provided a useful spur to apply to negligent legislators. 46

The main change in the department's nature came as a result of the 1906 Pure Food and Drug Act, for this vastly increased its regulatory duties. Previously the department administered the fund created by the Morrill Act to aid the state agricultural college, but this was routine work carried out well away from the public eye. Regulating the food industry however was fashionable, and increased the department's standing amongst the other bureaucracies. In 1908 it undertook the regulation of the dairy industry. By the Boll Weevil Protection Act the department appropriated monies to aid the fight of counties in the Southwest against the weevil. The sums involved were not large, but it was a major expansion of the department's activities: for the first time its agents were seen working away from desks in Washington. The Southwest received additional aid from the bureau of animal industry's work against ticks which carried fever among Texan cattle. The other main activities of the department related to the South were the continued provision of free seed to help diversify crops and encourage experimentation, and research publications with the aim of developing Southern livestock. 47

By 1913 the department was a fast growing component of the federal bureaucracy whose opinions were increasingly heard and heeded. In 1916 it needed to move into a new office building on a prime spot in the Mall costing one million dollars. In 1917 the department was larger still as a result of the reform legislation; and after its truly remarkable/



remarkable success in raising food production during the first world war it became one of the most influential departments in Washington. A journalist wrote with considerable foresight in 1914 that there would be "tremendous openings" in Washington for young men with vision in rural economics. 48

Most farmers were content with the work of the department, although they were prone to grumbling about the poor quality of seed distributed free by the bureau of plant industry. They were less pleased about Woodrow Wilson's new secretary of agriculture, David M. Houston. Many, according to the Southern Planter, had hoped that Wilson would have picked someone with a more intimate knowledge of agricultural affairs. The journal dealt Houston a further blow by considering that doubts regarding his appointment would be somewhat allayed by the appointment of Dr. Galloway as his assistant secretary. Criticism followed Houston throughout his career as secretary of agriculture. He aroused considerable resentment over his refusal to endorse the wilder demands of the South during the 1914 cotton crisis. When he refused quite correctly to re-establish the War Finance Committee, an agency which had greatly aided Southern cotton growers, one Georgian planter wrote of him as being dishonest and that the people of the South "almost as a unit" believed him to be the "most sinister figure" in the United States. J.J. Brown, the Georgia commissioner of agriculture agreed with this, believing that Houston had damaged American agriculture more than any single factor since 1917. Houston by standing in the way of the South's more outrageous demands/

demands never won the plaudits of its leaders. 49

Many of the criticisms were unfair, motivated more by frustrated greed rather than objective opinion. David Houston was Colonel House's protege and owed his seat in the Cabinet as much to this as his knowledge of farming problems; indeed his appointment was so managed by behind the scenes politics that the first he knew of his new position was upon reading the newspapers. Houston was born in Monroe, North Carolina, and after an education in economics at Harvard, engaged upon an academic career. He became president of the Agricultural and Mechanical College of Texas and the University of Texas during which time he involved himself in the U.S. department of agriculture's campaign against the boll weevil. He subsequently became chancellor of Washington University in St. Louis. 50

Link described Houston as an "unimaginative classical economist" who despite himself managed to make a sizable contribution to New Freedom legislation. He was however "a misfit in a progressive administration". While the substance of this criticism is accurate, it is somewhat unfair: Houston had many admirable qualities which require just as much stressing as do his deficiencies. Link is correct to say that Houston opposed direct federal involvement, but it should be noted that Houston opposed the details of this involvement rather than the principle. As will be seen with regard to the Federal Highways Act of 1916, Houston was against giving the states a say in where aid should be given, but he favoured the broad principle of federal aid, especially when its supervision was by his department.

Houston/

Houston had considerable experience in Texas of how state governments could squander federal aid, and his concern was more that this should be avoided rather than that the federal authorities should act a passive role in agriculture. 51

Neither is it entirely fair to label him "unimaginative": however limited his economic ideas may appear by Keynesian standards, they were as advanced and learned as most of his contemporaries'. Furthermore, he had little time for political platitudes, his attitude towards agriculture being blunt, honest and uncompromising: "Farming must pay" he wrote. He also realised the complexity of the agricultural problem, urging his department to publish on and publicise the social as well as the economic aspect of rural life. 52

Link however is correct in the poignant picture he paints of the man: Houston was "one of the loneliest members of the Wilson circle". He had no intimates in the Cabinet, partly due to his own cold, uncommunicative nature, and partly because of Wilson's rather aloof attitude to the only other academic on his Cabinet. The only social relation between the two men occurred near the end of the administration when they played a game of golf but, "we did not have a very easy time of it". Houston resented this social coolness, but it is to his credit that he concealed this concerning himself with the administering of his department as well as the wider activities of the administration. Wilson for his part trusted Houston, and rarely interfered with agricultural policy. This would have an important effect upon the agricultural legislation, for it rather left Houston/

Houston out on a limb when it came to dealing with politicians. The secretary of agriculture on his own did not carry enough weight to overturn all the demands of congressmen. Houston realised better than most the importance of where the ultimate control of the appropriations under the reforms lay, and although he provided the most effective opposition to the South's more obvious pork barrel politics, he could only achieve so much on his own. 53

The state departments of agriculture supplemented the federal agency. They were reticent during the reform debates, curiously so considering the effect that the proposed legislation would have on their duties. The state departments did not possess the initiatory ability of the federal authority, and they did not go out of their way to create such a role.

State departments though were open to political suasion in a way that the federal department was not. The papers of the Georgian commissioner of agriculture, J.D. Price, are almost entirely patronage letters, for even the most specialised and responsible positions. Price arranged through an Atlanta attorney that the position of physician at the state prison farm should go to "a mutual friend". The state inspector of fertilisers had been adjudged insane, thus losing his position, but his banker arranged with Price that the family could draw the salary until the vacant position was filled. When the new man was appointed, it was on the recommendation of the same banker. Such misuses of office may speak a lot for Price's humanity, not to mention political acumen, but little for his sense of professionalism./

professionalism. Much of the Georgian commissioner's time was taken up on such matters, others higher up the political ladder leaning on him to fill positions for them. Representative Dudley Hughes, whose son was the assistant commissioner of agriculture, often asked Price to find positions for men that he could not find postmasterships for. The nature of these positions may be wondered at, it being rather doubtful if Georgia required a guano inspector and two assistants. It is not surprising that a time and motion expert recorded in 1917 that there existed an "appalling" lack of efficiency in the department, and that it should be completely re-organised and several divisions eliminated. 54

Doubtless, not all the work of the state departments was politically motivated. Theoretically the main dichotomy between the state and federal authorities was over education: the states provided agricultural education while the federal authorities administered the monies. By 1913 however both had taken on new functions and considerable overlap existed, and in certain fields such as weevil prevention they actively cooperated with each other. The Texan state department in particular appears to have been well run, contributing to the development of the state's agriculture. The corrupt and inefficient Georgian department also played a positive role: it gave advice to a farmer on how to grow his tomatoes; it supplied another with bacteria to inoculate his legumes at a reduced cost; it supplied various cotton mills with estimates of the Georgian crop; and it dealt with the enquiries of prospective immigrant/

immigrant farmers. Such were the bread and butter tasks of the state departments. 55

Southern departments had to contend with a problem that most Northern and Midwestern departments did not: they received only parsimonious budgets. Meaningful reform was difficult to achieve. Whereas it was relatively inexpensive to reorganise credit legislation, highway improvements, better educational facilities and scientific marketing bureaus required the state legislatures to make regular appropriations; and this Southern state legislatures were loath to do. It is noticeable that the Georgia department could do little itself to aid enquirers, but rather referred them to local chambers of commerce or the railroad companies. Walter Hines Page, no stranger to the difficulties faced in trying to spur Southern legislators to action, lamented the fact that the South's quarrel with George III had been over taxation, "so great was the dread of taxation that was instilled into us". Southern legislatures were dominated by black belt planters who were reluctant to raise revenues which would ultimately come from their own pockets. When criticised for this, the Southern politician could easily blame the traditional scapegoat - the regional poverty created by the carpetbaggers, scalawags and Northern armies. 56

Heavy taxation was one of the most heinous crimes laid at the door of the reconstruction governments by the early twentieth century South. James Hemphill, a South Carolinian representative, had written that as soon as the Republicans had come to power in his state they became too accustomed to appropriating monies from the state treasuries for useless expenditures./

expenditures. They had spent \$95,000 in decorating the legislative hall: the Democrats spent only \$3,061. Such myths grew and found acceptance. Southern taxation remained the lowest in the union as it still does, with various states competing for the "honour" of having the cheapest government. Reformers, realising that the tax rates had to be raised to effect change, pressed for new legislation, or else tried to ensure that existing statutes were heeded. Opposition to such moves was fierce. 57

Politicians rarely raised the matter: long discourses on complicated tax problems were hardly likely to grip the imagination of a Southern gathering. If taxation was mentioned, it was usually in connection with the tariff. One professor of economics bemoaned this, claiming that there was insufficient attention paid to state, county, municipal, school or highway district taxes. The result was that his state, North Carolina, had an "astonishingly" ineffective and unjust system of taxation. 58

Various components made up the North Carolinian tax system. The general property tax was the most important, contributing 52 per cent of the state's revenue; 71 per cent of the municipalities' revenue; and 90 per cent of the counties' revenue for schools and highways: it was also the most open to abuse. The state constitution had placed a limit of  $66\frac{2}{3}$  cents on the \$100 for tax rates, but as the actual rate varied from county to county this limit was often flouted. In 1911 the rate was as low as 60 cents on \$100 in the black belt Martin County; but in Mitchell County in the extreme west of the state it was \$1.43 on the \$100./

\$100. Municipal taxes also varied considerably from eight cents on the \$100 in Hassell County to \$1.75 in Canton; the total general property tax in Canton County was \$2.85. The overall impression is one of chaos and general inefficiency. A constitutional limit on tax rates, while common in the South, was unknown in the North. 59

Corporation and privilege taxes on railroad, telegraph and utility companies, were less easy to evade: but they accounted for only 25 per cent of the state's revenue. Few wanted to increase these. Economists argued that as these industries had been attracted initially by low taxation, then industrial growth would be hindered if they were made to carry a heavier burden. The remainder of the state's revenue was comprised of various taxes, the most economically useless of which was the poll tax. 60

Prominent amongst taxation reformers was Charles Lee Raper, professor of economics at Chapel Hill. State taxation reform was a national concern, much of the drive and impetus coming from Winconsin where tax rationalisation was such that state taxation was virtually nil. Raper, while acknowledging that the Winconsin model was the best, realistically set his sights lower for North Carolina. He wanted to abolish the constitutional limit, introduce a uniform system of valuation, and establish a state tax commission with permanent county assessment officers. To this end an amendment to the state constitution was introduced in 1914, but it was soundly defeated. 61

Most reformers were content with the basic taxation system as it stood; what they objected to was how it operated./



operated. Those with landed wealth found it simple to wriggle through the system and pay very little. While the average landowner doubtless had some humanitarian concern for his tenants this did not extend to encouraging the state legislature to expand its welfare provisions. The cheapest government was the best government. Southern landowners were most opposed to those reforms that a legislature could only provide for by increasing taxation. While accepting that a state legislature had the right to tax personal, corporation and real property, landowners nonetheless went to considerable lengths to evade these tax payments. As with many statutes in the South, lax enforcement virtually nullified the tax codes.

There were many ways this could be achieved; all depended upon local autonomy. Most common were the incorrect returns of the value or acreage of taxable land. As land had always been the principal source of revenue in the South, its undervaluation caused considerable dents in a state's budget. This could reach ludicrous proportions. In 1896, the 83 Georgian counties returned 722,205 acres less than they did in 1895. As a result the state lost about \$2,500,000 in revenue. The land returned for tax purposes in Georgia in 1897 by the tax assessors was 1,177,158 acres less than the total acreage of the state as assessed by the United States census bureau. The same situation existed in Mississippi. There, in addition to such illegal returns of land, there was an almost total concealment of personalty. Consequently, land speculators paid virtually no tax and the tax burden fell heaviest upon those farmers with depreciating/

depreciating land values. This invariably meant those who farmed the upland counties, or those investors in heavy timber lands; it did not mean the black belt cotton planters as one observer pointed out. As in North Carolina, tax rates varied between the various counties making for inefficiency and creating incentives for dishonesty. The situation in municipalities was similar but less marked as in the cities the valuations were made by municipal assessors and were more accurate. Nonetheless, corrupt practices persisted: in 1897 the census bureau valuation of real property in Atlanta, Augusta and Macon was \$68,486,866, while the assessment on the three county digests, which were used for tax valuation, registered only \$51,780,853. 62

It was control of the political system that allowed such ineffective tax policies to continue. Tax assessors, receivers and collectors were either political appointments or else they were voted in. Mississippi taxes for example were collected by the local sheriff, who also had the right to assess land in certain circumstances. In Georgia the administrators of the tax system were not paid by salary, but rather by commission. The tax collectors received remuneration in proportion to the actual monies that they gathered, and the tax receivers were paid a commission equal to half the collector. It may be thought that this would encourage a vigorous and effective tax system, but this was not the case. A tax collectorship represented the bottom rung of the patronage ladder. Those who received it saw a collectorship as a stepping stone to another position and endeavoured to placate his electorate by/

by making their tax burden as light as possible, or else were the slowest witted members of a political machine and were destined to rise no further; they rarely had the ability to administer the system adequately. One commentator estimated that about 60 per cent of the tax in Georgia was collected. In Mississippi in 1897, out of a capita-  
tion of \$529,694 for the poll tax, only \$250,057 was collected. 63

The picture did not change in the 1910s or 1920s. This is shown by the example of South Carolina. The state prided itself on having the cheapest government in the United States, its average per capita cost of \$2.40 being less than half the national average of \$6.05. The average for the South Atlantic states was \$3.88. In the words of a University of South Carolina economist, this was because the state taxation amounted to "an absolute outlaw system". Inaugurated in and unchanged since 1895, the system required that all property, real estate, personal and possessory be listed and taxed at their actual value in money, but evasions and undervaluations were common. In 1910 the United States census assessed rural property at \$18,368,419 in Greenville County; it was returned for taxation at \$8,873,715, the worth of mortgages and securities not even entering the tax books: "You will find farm land returned for \$10 an acre that you could not buy for \$100 or \$300 an acre" reported one economist. Greenville County was an Appalachian county where it may be presumed that tax assessment and collection would prove hazardous under any system, but similar evasions were frequent in black belt counties. In Sumter County the assessed/

assessed value of an acre of land was \$7.97 while the United States census valued an acre of land at \$78.51. In the adjoining Kershaw County the average tax return was 25 per cent of the census valuation. 64

Such undervaluations, and the state legislatures' tacit condoning of them were common throughout the state. The effect was that the corporations who could not hide their wealth so easily and the small property owners who had little political say ended up carrying "the heavier end of the log". Neither was this the complete picture of the South Carolinian tax system, for there were fewer additional taxes in this state than elsewhere. Of the total revenue of the state, 90 per cent came from property taxes compared to the national average of 65 per cent. As with North Carolina, most economists in the state considered that the existing system would be adequate if it were revised, although a minority proposed that there should be a state income and inheritance tax. 65

Despite being committed to cheap government at all levels, including a tariff for revenue raising purposes only, Southern politicians were not averse to passing taxation laws against others. An income tax law had been passed by the Cleveland Democrats, although this was later voided by the Supreme Court. In 1913 however the Democrats with Southerners in the vanguard successfully passed the first income tax under the provision of the XVI Amendment. Southern mavericks such as James Vardaman ensured that the final taxation rate was higher for upper incomes than the administration intended originally. A federal income tax did not affect/

affect a plantation owner however. The tax rates were low, but as John Sharp Williams, the Yazoo County planter, disarmingly admitted during the Senate debates on the income tax clause, a planter's income varied so enormously from year to year that any income tax, no matter how high the rate, would be meaningless. The Southern planter, dependent as he was upon bank credit for nine months of the year was more concerned with the value of his real estate, which provided his collateral, rather than the size of his income. Consequently, a properly assessed and collected system of state property taxation represented a greater threat to a planter's profits than a federal income tax, which was directed more at the businessmen and industrialists of the North east. 66

There are several reasons for giving an extended account of Southern taxation systems. It demonstrates how useful it could be to control local politics, for not only did it permit some degree of social control, it also had very definite financial benefits for the groups who won the elections, thus controlling the various tax appointments. Furthermore it reveals the vast difference between passing a law in the South, and then attempting to enforce it. While this fact is well known with regard to child labour regulations and factory inspection these were in many ways extra-ordinary measures passed by a legislature in order to comply with certain economic and social conditions. Consequently not all accepted their validity or appropriateness, and in this sense their deliberate non implementation is understandable. They were also fashionable subjects, /

subjects, and this encouraged a polarity of opinion as to whether or not they were a suitable area for legislation. Taxation however was an accepted function of government; not even the meanest of Southerners expected a completely free system of government. That Southern taxpayers in all sections of the region found it so easy to avoid tax payment says little for the state legislature's ability or even desire to police its own statutes. Southerners in debate argued vigorously in favour of the state police power, but in many cases they were arguing for a non enforceable power. Although the state was the most desired level of reform for the majority in the South, local autonomy and control could negate even the most rudimentary of state functions.

Its implications for reform were more important, for it meant that a state's action in a particular field would be severely limited through financial restrictions. Those interested in improving rural conditions realised this, and while continuing to lobby the state authorities to take action, they increasingly focussed their efforts upon the federal agencies. It is noteworthy that while Eugene Branson advocated increased federal spending on agricultural education, he nonetheless preferred to reform rural credit through the states; such a reform did not involve the legislature committing itself to regular appropriations. Southern landowners also preferred this, as quite naturally they wanted improvements, but they did not want to pay for them themselves. If federal funding of highway improvements, agricultural/

agricultural education and warehouse building could be reconciled with state or local autonomy, then this would be the perfect solution. It is not coincidental that much of the strongest opposition to the agricultural reform programme came from states, particularly in New England, who had performed their duties diligently and in an efficient manner. They resented, with considerable justification, the federal government's subsidising of states that had neglected their responsibilities.

Notes:

- 1 Harold U. Faulkner, The Decline of Laissez Faire: 1897-1917, (New York and Toronto Rinehart and Company: 1951), pp. 315-317, 320-321.
- 2 United States Bureau of the Census, Thirteenth Census of the United States, 1910, V (Agriculture), p. 35.
- 3 Faulkner, The Decline of Laissez Faire, p. 323.
- 4 Howard Odum, Southern Regions of the United States, (Chapel Hill University of North Carolina Press: 1936), p. 5.  
Odum used objective data only in drawing his boundaries. This created anomalies. Louisiana and Florida for example did not satisfy enough criteria to be considered Southern but were included in the Southeast as Odum did not wish to create separate regions for them. The reverse occurred with Delaware. It did satisfy enough criteria to be considered Southern, but was included in the Northeast as it was separated from the Southeast by the "non Southern" Maryland.  
It should be noted that the majority of Odum's indices were the indices of poverty.
- 5 C.H. Poe and C.W. Burkett, Cotton: its Cultivation, Marketing, Manufacture and the Problems of the Cotton World, (London Archibald Constable and Company: 1906), pp. 53-55.
- 6 Sheldon K. Smith, "Ellison Durant Smith - A Southern Progressive 1909-1929" (Ph.D. dissertation, University of South Carolina, 1970), p. 11.
- 7 U.S. Bureau of the Census, Thirteenth Census, V, p. 681.  
The Louisiana economy in the 1900s presents a problem. Not only cotton declined in value for below average returns were recorded in the value of vegetables, corn and sugar cane production. Tobacco increased its value considerably, but its total output remained low. Soil deterioration, the arrival of the cotton boll weevil in the state and increased competition in the case of sugar probably all contributed to this decline.  
Despite this, Louisianan industry made impressive advances. In terms of absolute increase of value of production the state/



state was ranked third behind Texas and North Carolina in 1910.

Ibid., VIII, (Manufacturing), p. 61.

8 Ibid., V, p. 681.

9 The best account of the role of fertiliser in the expansion of cotton is:

Richard C. Sheriden, "Chemical Fertilisers in Southern Agriculture", Agricultural History, 55 (1979), 308-18.

10 Faulkner, The Decline of Laissez Faire, p. 323.

11 U.S. Bureau of the Census, Thirteenth Census, V, p. 678;  
Fred. A. Shannon, The Farmer's Last Frontier: Agriculture 1860-1897, (New York and London Farner and Rinehart Incorporated: 1945), pp. 118-119;

Tobacco was similar to sugar cane in that farmers in the new areas of cultivation took full advantage of research techniques often demanding that the agricultural colleges establish experimental stations specifically to aid them. Cotton planters who had lost their crop to the boll weevil often grew tobacco as an alternative.

A.P. Brantley to Georgia State A. and M. College, 26th November 1916, Hoke Smith Papers, (University of Georgia, Athens Georgia). (Hereafter cited as Smith Papers).

12 U.S. Bureau of the Census, Thirteenth Census, V, p. 678.

13 Ibid., V, p. 685.

14 Rice was very much a minor crop in 1910. The Carolinian rice plantations which had been so profitable before the war had collapsed. One rice planter attributed this to expensive and unreliable labour as a result of emancipation. Certainly rice was more labour intensive than any other Southern crop.

Arney R. Childs (ed.), Rice Planter and Sportsman: The Recollections of J. Motte Alston 1821-1909, (Columbia University of South Carolina Press: 1955), p. 41

15 V.O. Key blamed the direct and indirect causes of the viciousness of Louisiana politics upon the sugar trust. Populism was put down with more brutality in Louisiana than elsewhere and in the 1930s "seamy" Louisiana had more professional politicians in jail, more extortion and bribery, and/

and more political thievery than any American state.

V.O. Key, Southern Politics in State and Nation, (New York Alfred A. Knopf: 1950), pp. 156-183.

16 U.S. Bureau of the Census, Thirteenth Census, V, p. 729.

17 Ibid., p. 729.

For an account of the brutal labour relations in the Southern lumber industry see:

Merl E. Reed, "The Industrial Workers of the World and Individual Freedom in West Louisiana, 1913", Louisiana History, 10 (1969), 61-69.

18 Albert B. Hart, The Southern South, (New York Appleton and Company: 1910), p. 62;

Oscar Ameringer, If you don't Weaken, (New York Henry Holt and Company: 1940), p. 456.

19 U.S. Bureau of the Census, Thirteenth Census, V, p. 46.

Louisiana is omitted from these figures, due to an anomaly in the census. In 1900 the value of the sugar industry's machinery was included in the table for the average value of implements and machinery per acre of farm land. The 1910 census included it under manufactures.

20 Ibid., p. 45.

21 Ibid., p. 47.

22 Congressional Record, 63rd Congress 2nd session, (1914), 2735;

Cong. Rec., 64th Cong., 1st sess., (1916), 6697.

23 U.S. Bureau of the Census, Thirteenth Census, V, p. 165.

24 U.S. Bureau of the Census, Thirteenth Census, V, p. 125-126, 127.

25 The best account of the origins of sharecropping is:

Ralph Shlomowitz, "The Origins of Southern Sharecropping", Agricultural History, 53 (1979), 557-575;

A rather more speculative account that analyses sharecropping in a cultural sense, attributing cropping to the Southerner's descent from the "lazy" Scots Irish is:

Forrest McDonald and Grady McWhiney, "The South from Self Sufficiency to Peonage: An Interpretation", American Historical Review, 85 (1980), 1095-1118;

For an account of the fortunes of the Maryland merchant, and how/

how his use of the tenant system made him a millionaire inside five years see:

W.F. Massey, "A Renting System that Makes Men Millionaires", Progressive Farmer, 30 (11th July 1915), p. 4.

- 26 A geographical account of the survival of the plantation as an economic and social institution from the Civil War until 1950 is given in:

Merle Prunty, "The Renaissance of the Southern Plantation", Geographical Review, 45 (1955), 459-491.

- 27 The most comprehensive contemporary account of the variations possible within the tenant system is provided by: William Bennett Bizzell, Farm Tenantry in the United States, (College Station Texas The State of Texas: 1921), pp. 97-102.

It may be assumed that under the "third and fourth" arrangement that the landowner varied the proportions according to how he thought prices would rise or fall in the year.

Tenantry was not confined to the South of course, but in other areas the tenant had more control over his farming. In Iowa and the Dakotas, for example, where wheat was grown then the crop was owned by both the tenant and the landowner, even when the landowner owned the house, the implements and the work animals. Better credit facilities also improved the lot of the Midwestern and Prairies tenant.

- 28 Ibid., pp. 99-102, 110.

The survey of Mississippi farms considered 878 plantations and was carried out by the Texas State department of agriculture. It must be qualified by noting that the area under consideration was one of the most lucrative in the South. Plantations in this area would have higher returns than those in mid Georgia or South Carolina owing to the more fertile Delta soils and lower transport costs. The greatest returns on cotton in the 1910s were possible in Texas because of cheaper costs of production. Texas however was also subject to the greatest price fluctuations. Rupert B. Vance, Human Factors in Cotton Cultivation, (Chapel Hill University of North Carolina Press: 1929), pp. 129-132.

- 29 Bizzell, Farm Tenantry in the United States, pp. 101-102, 110, 228.

Thomas J. Edwards, supervisor of coloured public schools in Tallapoosa County, Alabama, agreed with the opinion that more croppers did want to own their own land:

"Regardless of the success croppers may make with their crops, while working on shares, there is a burning desire among them for less supervision and more freedom in managing their own affairs". He concluded that a cropper should remain on the same plantation, in the same house, if he wanted to become a renter.

Thomas J. Edwards, "The Tenant System and Some Changes Since Emancipation", Annals of the American Academy of Political and Social Science, 49 (1913), 38-46, p. 43.

- 30 Tom E. Terrill and Jerrold Hirsch (eds.), Such as us: Southern Voices of the Thirties, (New York and London W.W. Norton and Sons: 1979), pp. 6471;

"Landlord's Side of the Renting Question", Progressive Farmer, (29 3rd January 1914), p. 8.

A sociological interpretation of the consequences of a tenant system for economic growth stresses the self righteousness of the elite. This comes not so much from selfishness, but from an ample capacity for escaping the consequences of being devoid of meritorious qualities by attaching enough importance to their own deeds to convince themselves that they have a natural right to their status. Consequently, most of the elite's reform "conceptualisations" remain at the paper and ink stage as their complete implementations require the elite to dislodge itself. Although this model was drawn from African and Asian examples, there are obvious parallels with the Southern elite.

John M. Brewster, "Traditional Social Structures as Barriers to Change", in Herman M. Southwarth and Bruce M. Johnson, Agricultural Development and Economic Growth, (Ithaca Cornell University Press: 1967), 66-106, p. 87.

- 31 John Andrew Rice, I Came Out of the Eighteenth Century, (New York Hillary House Incorporated: 1957), pp. 65, 132-33.

- 32 William Alexander Percy, Lanterns on the Levee: Recollections of a Planter's Son, (New York Alfred A. Knopf: 1953), pp. 19-20, 278, 282.

Percy's views require qualification. His father was the junior senator from Mississippi until his defeat in 1912 by James Vardaman, who was considered to stand for all that was "vulgar and dangerous". Percy viewed this as the beginning of the end of civilised life: "The herd is on the march, and when it stampedes, there's blood galore, and beauty is china under its hoofs".

Considerable bitterness pervades the book and its tone is hardly moderate. Nonetheless it is a remarkable example of the thinking of a Southern conservative at its least restrained.

Ibid., p. 153.

- 33 Ameringer, If you don't Weaken, pp. 229, 265;  
Federal Writers Project, These are our Lives, (Chapel Hill University of North Carolina Press: 1939), pp. 37-38.
- 34 Charles S. Barrett, The Mission, History and Times of the Farmers' Union, (Nashville Marshall, Bruce and Company: 1909), pp. 41, 49.
- 35 Cong. Rec., 63rd Cong. 2nd sess. (1914), 2519-20.
- 36 Henry Grady, The New South, (New York Robert Bonner's Sons: 1890), pp. 191-5.
- 37 U.S. Bureau of the Census, Thirteenth Census, IV, pp. 44-45;  
Ibid., VIII, pp. 63-65.
- 38 "The Land of Opportunity", Southern Field, 11 (1907), p. 3.  
The Southern Field was issued by the Southern railroad system free of charge, and was devoted to "the development of the South and all its productive activities". It was principally directed at prospective migrants from the Midwest and Northeast.
- 39 "Tenancy and Agriculture", Southern Field, 9 (1905), p. 10.
- 40 Poe corresponded regularly with Eugene Cunningham Branson, professor of rural economics at Chapel Hill. They had a high regard for each other's work. An example of this is: "Poe's vision and spirit are beautiful and his attitude towards you and the University is fond and affectionate".  
E.C. Branson/

E.C. Branson to E. Graham, 24th January, 1914, Eugene Cunningham Branson Papers, (Southern Historical Collection, The Library, University of North Carolina at Chapel Hill, North Carolina). (Hereafter cited as Branson Papers).

Edward Graham was the president of Chapel Hill and one of Branson's main supporters on campus;

"More Suggestions for Renters", Progressive Farmer, 30 (18th September 1915), p. 13;

"An Open Letter to the White Renters of the South", Progressive Farmer, 30 (11th September 1915), p. 13;

Poe's very optimistic and seemingly naive view of how easy it was for tenants to become landowners was influenced by the fact that he himself had made the transition while young. Certainly some tenants did become owners, and were well feted for this, but they were few and far between.

- 41 Tindall, The Emergence of the New South, p. 126.

Tindall considers that the activity in Texas was a direct response to tenant agitation.

- 42 E.C. Branson to J. Gray, 28th January 1911, Branson Papers.

- 43 "Farm Tenancy: the Problem of Problems in the Southern States", Address given 12th March, 1912, Branson Papers;  
E.C. Branson to J. Gray, 28th January 1911, Branson Papers.  
Gray was the editor of the Atlantic Semi Weekly Journal.

- 44 Tindall, The Emergence of the New South, p. 145;

Clarence Poe, "Rural Land Segregation Between Whites and Negroes", South Atlantic Quarterly, 13 (1914), 207-15;  
Southern Cultivator, 69 (15th April 1911), p. 9;

In fairness to Poe it should be noted that his views were not unique. He merely had the means to express them better. He also can receive some credit for having been one of the few to face the problem squarely.

- 45 Branson's views on black tenancy are contained in:

"Negro Farm Ownership: the Facts and their Significance", Address to the Presbyterian Assemblies, Atlanta (18th May 1913), Branson Papers;

The dilemma faced by Southern liberals on racial questions, and their meek capitulation to white supremacist dogma is detailed in:

Bruce/

Bruce Clayton, The Savage Ideal: Intolerance and Intellectual Leadership in the South 1890-1914, (Baltimore The Johns Hopkins University Press: 1972).

46 Harold Hyman, A More Perfect Union: The Impact of the Civil War and Reconstruction upon the Constitution, (New York Alfred A. Knopf: 1973), p. 388;

Faulkner, The Decline of Laissez Faire, pp. 342-352.

47 Ibid., pp. 347-52.

48 Honore Willsia, "Secretary Houston: Cotton and Corn", Harper's Weekly, 59 (14th February 1914), pp. 12-14.

49 "The New Secretary of Agriculture", Southern Planter, 75 (April 1913), p. 427;

"Dr. Galloway: Assistant Secretary", Southern Planter, 75 (April 1913), pp. 459-60;

T. Shackelforth to H. Smith, 29th December 1920, Smith Papers;

J.J. Brown to H. Smith, 14th December 1920, Smith Papers.

50 The Intimate Papers of Colonel House, Charles Seymour, (ed.), (Boston and New York Houghton Mifflin Company: 1926), I, pp. 181-182;

Arthur S. Link, Wilson: the New Freedom, (Princeton Princeton University Press: 1956), pp. 137-139.

William McAdoo, who was prominent in Democratic circles, had never heard of Houston until House suggested him for the position. McAdoo did not consider Houston to be a wise choice: he did not have any political sway to bring to the President, nor did he seem to be in contact with the farmers:

My first impression of Houston was disappointing. He was cold and uncommunicative, and his personality was not engaging. Despite his taciturnity I felt that he was a man of intellectual force and solid information. He seemed to me to be a conservative of a rather conventional pattern.

William G. McAdoo, Crowded Years: The Reminiscences of William G. McAdoo, (London Jonathan Cape: 1931), p. 181.

51 Ibid., p. 137.

52 David M. Houston, Eight Years with Wilson's Cabinet, (New/

- (New York Doubleday Page and Company: 1926), I, p. 200.
- 53 Link, Wilson: the New Freedom, p. 139;  
Houston, Eight Years with Wilson's Cabinet, II, p. 176.
- 54 A.E. Barnes to J.D. Price, 2nd November 1914, John Judson Brown Papers (Southern Historical Collection, The Library, University of North Carolina at Chapel Hill, North Carolina). (Hereafter cited as Brown Papers);  
C.M. Furlow to J.D. Price, 28th December 1914, Brown Papers;  
D.M. Hughes to J.D. Price, 11th February 1915, Brown Papers;  
L. Cheatham to J.J. Brown, 3rd March 1917, Brown Papers;  
The time and motion study was initiated by Brown when he took over the running of the department from Price in February 1917.
- 55 W. Grice to J.D. Price, 10th June 1914, Brown Papers;  
P. Gilseath to J.D. Price, 28th June 1915, Brown Papers;  
J.D. Price to J.C. Hutchins, 5th January 1915, Brown Papers;  
Fulton Bay Cotton Mills to J.D. Price, 15th November 1915, Brown Papers.
- 56 Walter Hines Page, "The Forgotten Man", in The Rebuilding of Old Commonwealths, (London Doubleday Page and Company: 1902), p. 12.
- 57 Hilary A. Herbert (ed.), Why the Solid South or Reconstruction and its Results, (Baltimore R.H. Woodward and Company: 1890), p. 89.
- 58 Charles Lee Raper, "Our Taxation Problem", South Atlantic Quarterly, 12 (1913), 314-326, p. 314.
- 59 Ibid., pp. 317, 318, 319, 323-326.
- 60 Ibid., p. 322-3.
- 61 Charles Lee Raper, "North Carolina's Taxation Problem and its Solutions", South Atlantic Quarterly, 14 (1915), 1-14;  
The Wisconsin plan involved the total separation of state and local taxation. In Wisconsin this resulted in the virtual disappearance of state taxation as the various municipalities raised their own revenue for improvements. This model was best suited for areas with a high percentage of urban dwellers, but its proponents accurately claimed that it produced a more efficient tax system under any circumstances.
- T.S. Adams/



T.S. Adams, "Separation of State and Local Revenues", The Annals of the American Academy of Political and Social Sciences, 15 (1915), 131-139.

- 62 Herbert Baxter Adams (ed.), The Johns Hopkins University Studies in Historical and Political Studies, (Baltimore The Johns Hopkins University Press: 1900) XVIII "Taxation in Southern States", pp. 230, 202, 231;  
The total acreage of Georgia is 37,584,000 acres.
- 63 Ibid., pp. 198-210, 234, 237, 213.
- 64 O. Johnson, F. Meeks, L.B. Cox, and A.M. Bowen, "Anderson County: Economic and Social", University of South Carolina Bulletin, 126 (July 1923), pp. 63, 64;  
G.A. Gullick, "Greenville County: Economic and Social", University of South Carolina Bulletin, 102 (July 1921), pp. 56, 57;  
R.H. Ramsay and A.H. Green, "Sumter County: Economic and Social", University of South Carolina Bulletin, 112 (August 1922), p. 46;  
G.H. Wittkowsky and J.L. Moseley, "Kershaw County: Economic and Social", University of South Carolina Bulletin, 120 (April 1923), p. 34;  
In 1915 an independent state tax commission realised the uselessness of their task and proceeded to assess South Carolinian property at 42 per cent of the United States census bureau valuation in order to preserve some credibility.
- 65 Johnson et al, "Anderson County: Economic and Social", p. 64;  
R.M. Hope, F. Kelley, C. Cree, and D. Jeter, "Union County: Economic and Social", University of South Carolina Bulletin, 128 (August 1923), p. 55.
- 66 Cong. Rec., 63rd Cong. 1st sess., (1913), p. 3802, 3849.

CHAPTER III  
EDUCATIONAL LEGISLATION

Walter Hines Page wrote in 1902 that the most sacred objects in the South were the children, whether they were the children of the middle classes or those of the dull faced mothers of the hovels: all were precious, for in them lay the future fortunes of a revitalised South. Educators, Page considered, had a far wider role to play, involving far more than the teaching of youth; they were to build a new social order, and through this they were to be the rebuilders of the old Southern commonwealths. 1

Page's words were braver and more convincing than the South's educational record. Southern education in the 1910s and for decades after was the worst in the union. No matter what index of educational ability is considered, at no matter what level of education, the South stands either top or bottom of the regional league table, depending on which is worse. Variations existed between and within the Southern states, the Upper South being less unimpressive than the Lower South, but in few indices were the most advanced states even close to the national average.

The most basic index of educational ability, that of literacy, reveals how backward Southern schools systems were relative to the rest of the nation. In 1910, 3,909,273 people over the age of ten corresponded to the United States census's definition of being illiterate in the South; this included all those unable to write, regardless/

regardless of their ability to read. The national illiteracy rate was 7.7 per cent; the Southern rate was 18 per cent. Although the South contained no sizeable non-English speaking immigrant population, its white illiteracy rate was still higher than elsewhere. An average of 3.7 per cent of whites in the union were illiterate; 8.8 per cent of Southern whites, 1,130,689 people in total, were illiterate, and this went as high as 15 per cent in Louisiana. Not surprisingly black illiteracy rates were higher. Southern black illiteracy rates varied from 24.6 per cent in Texas to 48.4 per cent in Louisiana, but the regional average was 33 per cent; this meant 1,988,846 people. The national average was 30 per cent. 2

Fewer went to school in the South than elsewhere. Only 55 per cent of the 8,598,144 between the ages of 6 and 20 in the South in 1910 attended school. This ranged from a high in North Carolina of 61 per cent, 785,583 children, to a low of 43 per cent, 575,860 children in Louisiana. This compares with the United States average of 62 per cent at school in 1910. Blacks again fared worse than whites, the by now completely segregated black school system being attended by only 46 per cent of blacks between the ages of 6 and 20 in 1910, while on average 57 per cent of white children attended their better funded and equipped system. 3

The schools attended by Southern children were invariably inadequate for either Page's grandiose purpose or providing a well rounded basic education. This is especially true when they are compared to the well developed public school/

school systems of states such as Massachusetts or Michigan. Southern schools in the main were "miserably supported, poorly attended" with "wretched teaching". The blame for this can be laid squarely at the door of the state legislatures. Virtually all the money collected by state taxes went on education, but the amounts involved were pitifully low. Southern education had suffered considerably from the drastic reductions in public expenditure carried out by the post reconstruction legislatures. The virtues of cheap government invariably resulted in inferior public school systems. In 1900 the Alabama legislature spent \$3.10 per annum on every child attending school; the North Carolinians spent \$4.56 on each child; and the South Carolinian legislators appropriated \$4.62 for each child at school. The regional average was \$4.92 for every white child at school, and \$2.21 for every black child. No Southern state spent even a half of the national average of \$21.14 per child. 4

Southern school systems had to cope with problems that were less pressing in other regions. As the South had a higher birth rate than elsewhere, meaning a higher child/adult ratio, there were more children to deal with relative to the available resources. Furthermore, the Southern populations were more rural, and thus the population distribution was more scattered making the provision of school houses and teachers more expensive. The total bill for Southern education was further increased due to each state's completely racially segregated educational systems which resulted in an inefficient duplication of resources and effort. Teachers in the South faced a shortage of teaching materials/

materials which was less pronounced in the North. Although the school laws of the Upper South had been considerably revised by 1910, it was still common for schools to operate without the aid of compulsory education acts in the Lower South. Vigorous campaigns had been fought by educational reformers throughout the 1900s, but the effect had been minimal. The length of the school term was still the shortest in the union, and in rural areas only a token effort was made to observe even these short terms. 5

Public education was a realm that the federal government could not enter in the 1910s. Firmly within the reserved rights of the state, no Southern politician would countenance the idea of Washington having any say at all in the administering or financing of a state educational system. The future for Southern education would have been bleak without aid from any other source, but Northern businessmen and philanthropists had become sufficiently interested in Southern schools by the 1900s to invest some of their fortunes in the region's children. The most prominent were John D. Rockefeller, William H. Baldwin and George Foster Peabody. Their funds were channelled through the General Education Board, which became an effective propaganda agency, spurring reluctant legislators to action. The total public expenditure in the South on education rose from \$21,372,543 in 1900 to \$71,420,338 by 1912 largely due to their urgings. This advance was most notable in North Carolina where expenditure more than quadrupled under the reform governorship of Charles B. Aycock. 6

The/

The effect of such philanthropy upon Southern education was considerable; it achieved as much, if not more, than could be reasonably expected of it. Yet it could do little but dent the problem; the deficiencies were too great. Not all welcomed outside interference. Benjamin Tillman for example perceived it as a threat to white supremacy. Soon, he wrote, the General Education Board would be controlled completely by blacks such as Booker T. Washington. Oscar Ameringer at the other end of the political scale commented ironically that it was better that Southerners remained uneducated, and that their native intelligence be protected "against the flood of lying propaganda with which their "betters" of press, pulpit, and rostrum deluged the country". 7

Important differences existed between agricultural and general education, but the general picture was the same: Southern agricultural colleges were poorly supported by their state legislatures, especially when compared with other agricultural regions such as the Midwest. As with the public school systems, the agricultural colleges were completely segregated. The black colleges tended to be even more dependent upon private philanthropy than the black schools were although they received some money from the Morrill land grant fund. White colleges received a greater degree of federal aid through this fund, but even they received little in the way of aid from the state legislatures; agricultural and mechanical colleges were very much the poor relations of the Southern higher education system. One/

One veterinary student at a Mississippi agricultural college had to enlist the aid of his senator in obtaining textbooks published by the United States department of agriculture as his college could not afford to buy them. The Georgia state college was unable to pay an architect's bill of \$308 for three years as the college had no more available funds, the appropriation from the state legislature having been spent on necessities before it was received. The president of the University of Arkansas complained bitterly to the Senate committee on agriculture and forestry that he had the greatest difficulty in securing funds from the Arkansas legislature to help agricultural research. 8

Agricultural colleges were not completely vocational; the men who attended them took courses in subjects besides agriculture, learning by the well-tried methods of the lecture and the classroom. While the colleges did have research stations, for which federal funding was available, there was little attempt at providing an education that was practical. Few presidents or deans in the Southern colleges had an academic knowledge of agricultural science or economics; most of the colleges had strong classical departments whose voices were loud and influential in college politics. Many of the men who attended the colleges paid little or no attention to agriculture, a credit in the subject rarely being necessary for graduation. The situation had improved since 1885 when only 13 of the 120 students at the Alabama Agricultural and Mechanical College studied agriculture, but agricultural science was still an unfashionable and unpopular subject. The agricultural colleges were/

were the only alternative to men who could not enter the more prestigious state universities of the South, for either financial or social reasons. To a large extent this isolated the colleges from Southern agriculture; those who did study agriculture and tried to apply their knowledge were often considered too academic and aloof by those they tried to help. A Northern academic considered that this was the reason why Southern colleges had less impact upon everyday life than their counterparts in the North and the Midwest. 9

The colleges were aware of their deficiencies. They engaged in research and gathered useful information, but this had only a limited application. The president of the North Dakota Agricultural College realised that farmers could make little or no use of the knowledge collected by his college for farmers were not conversant with the language of science. One of David Houston's first priorities in office was to hire Walter Hines Page to translate agricultural handouts into simple English in the hope that they would reach a wider audience. The college educated teachers were similarly unsuccessful in their attempts to disseminate their knowledge among the dirt farmers. Senator Bristow of Kansas related that tenant farmers in the Midwest regarded agricultural educators as mere nuisances who would do best by staying away. 10

Such attitudes are understandable. Tenant farmers often worked very marginal lands that did not allow failure, and their families had been farmers for as many generations as the family genealogist could trace. It was only natural that they should resist the advice of an outsider. The old and/



and tried methods meant hard toil and low returns, but they did represent security. Those who did make use of the college's new discoveries were those with either the cash or the credit raising ability to cushion the impact of failure. Tillman for example made full use of the improved root crops and fencing methods as suggested by Clemson College, a college he helped to found. Not all his experiments were successful, but the financial loss incurred did not threaten the viability of his plantation. Dudley Hughes, a representative from Georgia, commented that it was the large property owners in his state that benefited from the state agricultural colleges. He himself was a planter and a trustee of the Georgia State Agricultural College. Few planters attended the agricultural colleges, their cavalier minds tending to scorn the more plebeian agricultural colleges, but they were willing to apply the new techniques to their own practices providing it seemed to be a good investment. Tenant farmers, possessing little or no control over what they grew, had little interest in abandoning cotton growing for citrus or soft fruit or in keeping more livestock as the colleges exhorted them to do. That required considerable capital, something the tenant lacked. Improved methods of cultivation certainly could aid the tenant, and simple demonstrations on how to cultivate and protect the cotton plant had a very definite value. The major problem of how to get the message across remained. 11

To their credit the colleges by means of extension programmes, and with the aid of private and commercial money, did attempt to reach the ambitious tenant farmer. Realising that/

that few Southern farmers by nature of their work and the often very hazardous nature of intra state transport in the South could find the time or means to attend the colleges on even a part time basis, the agricultural colleges taking their idea from the Midwest went to the farmers. Such extension movements had been long established in Europe, and were much admired by American agriculturalists. Some Americans went so far as to give extension work the sole credit for having transformed Belgian agriculture from being "deplorable and discouraging" to ranking among the foremost of agricultural nations. 12

Railroad companies were particularly keen to aid this work. Ever eager to improve their relationship with Southern farmers, they also sought the advantages offered by a more productive and diversified agricultural system. They were especially anxious to encourage the growing of citrus and soft fruits as this would spread their business more evenly throughout the year, one of the many drawbacks of cotton cultivation being that it placed severe pressure on the railroads for three months of the year. Clemson College sponsored an exhibition train in 1907, the coaches for which were provided by the Southern Railroad Company, and drawn free of charge by the Southern Atlantic Coast and the Charleston and Western Carolina railroads. Inter company rivalries similarly vanished in Georgia where railroad companies in the same year combined to furnish a train and coaches for the Georgia State Agricultural College, instructing farmers on the best use of fertilisers. 13

Many/

Many people came to see and learn from such promotional trains. The Clemson College train visited thirty seven places, being visited by several thousand people. A Georgian train in 1911 toured the state for forty seven days and was met by 350,000 people. The college president wrote that at every stop the farmers were inspired and told how they might better their conditions and improve their yields. The arrival of such expeditions in small often quite isolated communities was a great social event, attracting farmers from far afield as much for the event as for the learning, but it is questionable how much of lasting value came from such efforts. While it was sensible to persuade farmers to diversify their crops and keep more livestock, it was hardly practical from the farmer's point of view in areas where communications were dubious. Much of the achievement of the promotional trains was wasted by the lack of any follow up work; the wondrous effects of growing alfalfa or legumes which were so impressive when detailed by an eager and articulate young demonstrator on a day out at the local railroad halt, lost their appeal when considered the next morning on the farm. 14

Again, while educators were aware of this there was little that could be done due to the scarcity of funds. Many of the men trained by the colleges had to leave the South. In 1908 this was true for 250 graduates of Clemson College. By 1913 progress had been made; over 1,000 demonstration agents were at work throughout the South, but this covered only 60 per cent of the Southern counties. Very little of the funding for this came from the states. The/

The first demonstration agents in the South had been provided to prevent the spread of the boll weevil by the federal government, but they were not available for education until the General Education Board decided in 1906 to supplement the federal funds and sponsor agents specialising in education. By 1908, 54 per cent of demonstration agents were paid for by the General Education Board. Their activities however continued to be criticised by those in the South for being too Washington controlled with little relevance to Southern conditions. 15

One demand that the General Education Board was unable to meet was the great need for black demonstration agents. In 1906 there were two such men, and this had risen to only thirteen by 1912. The demand for this was created largely by Tuskegee and Hampton, the other black agricultural colleges being too impoverished to even contemplate extension work. They also had to work against the white belief that a black learnt best from a white demonstrator, and resented being taught by a black teacher. White influence over the black colleges generally extended to the board of trustees. Tuskegee used a wagon to promote its findings, but this would seem to be the limit of black extension work. 16

That change occurred allowing the colleges to have more influence among the Southern farmers can be attributed largely to the work of Seaman Knapp. He was exactly the sort of man Henry Grady had in mind for the New South. Knapp was a successful capitalist. A self made millionaire from Iowa, his fortune having been made in business and agriculture, he moved to Louisiana in 1885 to oversee the colonisation/

colonisation of land, by Midwesterners, which was owned by an English land speculation company. Becoming interested in the highly speculative rice industry, he also established enough local contacts in order to be employed by the United States department of agriculture. He eventually managed its campaign in West Louisiana against the boll weevil. He also discovered that the most successful way to get local farmers to take his advice on the superiority of scientific farming methods was to demonstrate them in a practical fashion in the field. Louisiana's farmers took notice of this, but it was not until it was shown that Knapp's fields resisted the boll weevil better than their own that they threw away their distrust of college methods, and adopted Knapp's techniques. 17

From his first local success Knapp expanded his scheme. The two keys to his success were directness and simplicity. His instructions to farmers were concise and easy to follow, requiring little in the way of capital. Called the "Ten Commandments of Agriculture", they concentrated upon a few fundamentals: the preparation of a good seed bed, deep autumn ploughing, the careful selection of good seed, and a shallow but intensive cultivation. There was no attempt to blind with science. In practice a local committee would select a farmer and guarantee his losses if he planted certain seeds upon his land and followed Knapp's instructions faithfully. The farmer was allowed to keep the profits. Railroad companies, impressed by this, donated land beside their tracks to allow Knapp spread his gospel wider. The claims made for the success of his methods were grandiose. The average acre of land in Mississippi yielded 228 pounds of lint/

lint cotton, whereas the demonstration acre yielded 445 pounds. In Georgia, 100 bushels of corn were produced on an acre using Knapp's methods, compared with the state average of thirteen bushels. Hoke Smith in a rhetorical flourish reckoned that if Knapp's methods were put into effect then the agricultural production of the nation would be doubled, with lower production costs. Knapp is an easy man to criticise. His ideas did not confront the economic and social structural problems in Southern agriculture, indeed by encouraging production at the expense of marketing it is possible that he contributed to them. His concern for the Southern farmer was genuine though, and his efforts did ameliorate conditions for some. 18

Despite the proven success of demonstration work and the interest shown by private corporations, state aid was not forthcoming in any considerable or reliable form. Most of the funds continued to come from the General Education Board. Mississippi passed a law in 1909 which permitted a county to pay part of an agent's salary if it wanted to, and between then and 1915 every Southern state passed such a law. The first state appropriation for this work was not until 1911 in Alabama. The salaries paid to such men were not particularly generous, it being reported that they served more for the "love of the service" rather than monetary gain. 19

One major reason why the states were so reluctant to finance agricultural education was that federal funds were available in a way that they were not available for general education. Congress had passed the Morrill Land Grant Act in/

in 1862 without the presence of either Southern voices or votes. Introduced in 1857 by Justin Smith Morrill, a Vermont representative, it was offered partly as an educational measure, and partly as an unashamed effort by a Republican to further the Republican cause among farmers. Southern politicians opposed the bill charging that it was an unconstitutional robbing of the treasury to bribe the states, and that it was intended to strengthen the artisan and labouring classes of the North. The bill passed both chambers, but was vetoed by Buchanan. Resubmitted in 1862 it became law, but its obvious links with the Homestead Act meant that its educational qualities were overlooked in debate. 20

The Morrill Act provided each state with 30,000 acres of land from the public domain or the equivalent in scrip for each senator and representative it had in Congress. The proceeds from the sales of these grants were intended to finance agricultural education. In many respects the act was suspect and its terms were vague. The colleges that were thus endowed were meant to be "agricultural and mechanical", yet no guide lines were laid down as to which of these activities was to be emphasised. There were no indications as to whether new colleges were to be established, or whether existing ones were to be expanded; in practice the colleges created by the act were most successful when they were part of a comprehensive educational system as at Cornell or Wisconsin. Additionally the act said little on how responsible the colleges were to be to their communities: were they designed merely to collect or were they to disseminate knowledge?/

knowledge? This lack of a central governing policy explains why Southern colleges in particular failed to live up to the spirit of the act in the nineteenth century. 21

As has been noted by Harold Hyman, the main omission in the act was that it committed neither the union nor the states to any budget. The proponents of the act had hoped that it would lead to the growth of central government power over the states, but they were to be disappointed. Southern states were not forced to accept a fait accompli served to them by anti states rights Northerners when applying for re-admission to the union. No constitutional dilemma was involved for even the strictest Southern constructionalist as the Morrill Act did not encroach upon the reserved powers of the state in any meaningful way. 22

Despite its deficiencies the measure was a genuine entering wedge; the federal government had adopted a limited responsibility for education. Southern legislators were eager to take advantage of the new fund and soon established colleges that were eligible. Black colleges in Kentucky, Mississippi, South Carolina and Virginia received the benefits of the fund, but in total only \$291,285 of the \$3,408,885 allocated to the South went to black colleges. Federal money continued to trickle into agricultural education throughout the nineteenth century but the amounts were not as great as those expended by European governments. The United States government spent less on agricultural education in proportion to its agricultural population than any nation in Western Europe with the exception of Spain. Acts passed after the Morrill Act did not commit the federal government/



government to any large financial undertaking. The Hatch Act, passed in 1888, appropriated federal monies to establish experimental stations at the various colleges. The Adams Act of 1906 increased this commitment. While innovative, Table I illustrates that comparatively little was appropriated to aid agricultural research. Of the total budget of twenty million dollars administered by the United States department of agriculture in 1912, less than 10 per cent was spent on experimental stations, the most valuable component of the system. The states by comparison spent eleven million dollars in 1912 on experimental stations. As much of the states money was required for the upkeep of existing facilities, little expansion was possible. The Morrill Act was re-enacted in 1890 and 1907, but although this increased the percentage of money available to black colleges from 8 per cent to 28 per cent, it did little to increase federal responsibility for education. 23

Southern proponents of agricultural education realising how low their chances were of obtaining financial aid from their legislature turned to the federal government for aid. To a man the chancellors and deans of the Southern agricultural colleges were in favour of an increased commitment by the federal government to aid what they saw as essential work. The final act was to a large extent the product of their efforts. They were supported by all other regions of the union, even those where agricultural education was well provided for by the state. Bills had previously been introduced in Congress with this aim but they had lost because either there was too little time to allow proper/

Table I: Money expended by the federal government under the Hatch Act, 1888-1911, and the Adams Act, 1906-1911; and money expended by federal government on agricultural colleges, 1890-1912.

STATE EXPERIMENT STATIONS

Total expended under the Hatch Act 1888-1911	¥16,807,338.94
Total allotted under the Hatch Act for 1912	540,000.00
	<u>17,347,338.94</u>
Total expended under the Adams Act 1906-1911	2,828,665.21
Total allotted under the Adams Act for 1912	540,000.00
	<u>3,368,665.21</u>
Total for state experiment stations under both Acts	<u>¥20,716,004.15</u>

STATE AGRICULTURAL COLLEGES

Total amount expended from 1890-1912	¥28,802,000.00
Proceeds from the sale of land	13,348,041.00
Value of unsold land	<u>5,042,388.00</u>
Total for state agricultural colleges	<u>¥47,192,429.00</u>
Total for state experiment stations	20,716,004.15
Total for agricultural colleges	<u>47,192,429.00</u>
Grand total	<u>¥67,908,433.15</u>

Source: United States Congress, House, Establishment of Agricultural Extension Department, 62nd Congress 1st session, Report No. 546 (13th April 1912), 2.

proper consideration of the proposals or else they had been pigeon holed into a committee and conveniently forgotten. This had been the fate of a measure proposed by Asbury Lever, of South Carolina, in the House of Representatives in 1912. Although it passed the Democratic controlled House with ease, the Republican dominated Senate declined to accept the bill, and it died in the Senate committee on education. 24

The new Democratic administration was determined that this would not happen again. Identical bills intended to increase the federal commitment to agricultural education were introduced simultaneously in the House by Asbury Lever and in the Senate by Hoke Smith. This was an astute tactic on the part of Smith and Lever, designed to minimise the time taken to approve the statute. Once one bill had passed the chamber it was introduced to, it was a relatively easy matter for managers in the other chamber to adopt this as a substitute. Consequently, the substitute bill did not spend any time in committee, where it was most vulnerable. In this case, Lever's bill passed the House while Smith's was still in the early stages of debate. Smith adopted the House bill, thus forcing its Senate opponent to attack it in debate rather than in committee; it being presumed that this would be less damaging. Time was important for this bill. As it involved the active co-operation of the states, it required that they ratified the terms of the bill before they could utilise the appropriation. State legislatures met infrequently; in the South some met only biennially. For the measure to be fully effective it was important that it be/

be approved by the President as soon as was possible. This priority was uppermost in Smith's mind.

This legislation was important to Smith. Although elected to the Senate<sup>only</sup> in 1911, his previous political experience ensured him an influence in the upper chamber proportionately greater than his length of service. His position as chairman of the Senate committee on education and labour gave him a considerable say in the social legislation of the New Freedom. Born in Newton, North Carolina, in 1855 he had moved to Atlanta where having passed the Georgia bar examinations he established himself as a prosperous lawyer, specialising in railroad law. Acquiring the ownership of the Atlanta Journal, and the friendship of Henry Grady, he embarked upon a political career. He was elected chairman of the state Democratic convention in 1888 becoming one of the first in the South to support Grover Cleveland and sound money. His reward for this was his appointment in 1893 as Cleveland's secretary of the interior, a relatively minor position in the cabinet, but he was one of only five Southerners since the end of the Civil War to reach such a position. His rise had been meteoric. Falling out with his state Democratic party over the nomination of William Jennings Bryan in 1896 he spent several years in a political wilderness. His political ambitions were not satisfied however and, entering into an unlikely alliance with Thomas Watson, he won the gubernatorial election in 1907; although defeated in 1909 he regained the governorship in 1911 before being elected in the same year to the Senate. 25

Smith/

Smith therefore had considerable political experience at all levels of government; he was one of the few Southern politicians with a national reputation. He also had an interest in educational reforms this having been one of his main concerns while governor of Georgia. The state schools had received 30 per cent more money from the state in 1909 than in 1907. He had also recommended larger appropriations for the state agricultural colleges, although nothing came of this. Above all, Smith brought a sense of personal mission to the Senate. His early rise combined with his mixed fortunes in state politics had combined to produce a great sense of thwarted ambition: he perceived himself as a national politician and very much desired some recognition of this. This produced a great determination in him to ensure that the bills he had control of in the Senate, especially those bearing his name, passed unamended and as smoothly as possible, even when this entailed ungentlemanly conduct and breaches of trust. A measure of the man's vanity can be gauged by the Agricultural Extension Act being known as the Smith Lever Act. It is customary for an act to be named after the representative and then the senator who sponsored it in Congress. Smith insisted on changing the order, presumably to gain greater recognition of his achievement. 26

Asbury Lever was less flamboyant, less strident, and a more effective political manager than Hoke Smith. The efficiency with which he steered measures through the House contrasts vividly with the confusions and delays that occurred in the Senate. In part this was due to the different/

different rules in each chamber, but it also reflected the political skills acquired by Lever since being elected to the House in 1901. Lever had known little else but politics. Graduating from Newberry College South Carolina in 1895, he had taught in the public schools until 1897 when he became private secretary to Representative J. William Stokes of South Carolina, a Cleveland Democrat. Lever was elected to fill the vacancy caused by Stokes' death in 1901. He became chairman of the House agricultural committee in 1913. 27

The bill as it came out of committee was identical to that sponsored by Lever in the previous Congress, but lost in the Senate agricultural committee, except that it introduced the principle of matching funds. The earlier measure proposed that the appropriation be administered along the lines of the Morrill Land Grant Act. The administration welcomed this new development. David Houston wrote that he was especially impressed with the cooperative features of the bill, believing that this would secure a better understanding and coordination of effort between the federal and state agencies. Although the principle of matching funds legislation was not new, its application on the scale proposed by the Smith Lever bill was; the White Mountains and Southern Appalachian Mountain Act had appropriated only \$100,000, but the Smith Lever bill proposed to appropriate \$3,000,000 from the national treasury. 28

Lever's committee was aware that it was treading on new constitutional ground. Declaring in an unusually long preamble to its report that opposition was expected to the bill on the grounds that this was an area that the federal authorities/

authorities should leave to the states, the committee nonetheless believed that its action was justified. Lever wrote that the demand for federal money from the states on this matter was becoming increasingly vocal, and was likely to increase rather than diminish; and as it was the duty of the federal government to recognise and act where possible upon such public sentiments, it was proper that funds should be appropriated to satisfy such demands. Any action however that would lead to any centralisation of power in Washington should be avoided, warned Lever, for such a move would only lead to chaos, duplication and waste as the federal agencies attempted to undertake the work already in progress in the states. 29

The practical components of the bill, such as the size of the appropriation, how this was to be allocated, what colleges were to be eligible and how the implementation of the bill was to be timetabled, were agreed upon by the National Soil Fertility League, the Association of American Colleges and Experiment Stations, and the United States department of agriculture. These were the same bodies as approved the previous bill. The matching funds principle would appear to have been the suggestion of the politicians. Certainly it was not the idea of the deans of the agricultural colleges: they were content to receive more aid and cared little about how this was organised. The Senate committee reprinted the comments of forty five deans and chancellors of agricultural colleges, all endorsing the measure, but none commenting upon the cooperative aspects of it. Similarly, while a series of resolutions passed by the Association/

Association of American Agricultural Colleges and Experiment Stations approved heartily of the progress made with the Smith Lever bill, it did not mention the new principle of matching funds. Houston favoured cooperation and matching funds legislation, but not in the form proposed by the bill. He preferred that the federal government, through the department of agriculture, have a greater say in deciding how the money should be spent: the Smith Lever bill was too heavily weighted in favour of the state. Houston's opinions on how matching funds legislation should be administered are best documented regarding the Federal Highways Act, and as the secretary's experience with that act proves, his opinions could be ignored with impunity by a strong willed congressman. 30

The rhetoric of the bill was that it was a cooperative venture between three equal partners: the agricultural colleges, the state legislatures and the federal authorities. The bill proposed that \$10,000 be given to each state as a straight unconditional grant to promote agricultural extension work. An additional \$300,000 was to be appropriated annually for the next ten years, to be divided among the several states according to the percentage of rural population relative to the total population of the United States. No payment could be made from this fund until an equal amount was provided by the state legislature. This could come from state, county or municipal taxation or from private bodies; this latter provision was included to take account of the funds in the South from the General Education Board. Colleges were to be responsible for submitting/



submitting any proposed projects, but these were to be approved by the secretary of agriculture before any federal money was granted. The committee considered that the colleges and the secretary would speedily come to a mutual agreement over this in practice. 31

It seemed as if a healthy system of checks and balances had been built into the bill: the colleges held the initiative, the state legislatures the purse strings, and the federal government, through the department of agriculture, the veto power. Yet the bill was not cooperative in any real sense. That it was not is due to the Southern view of states rights, and how Southern politicians perceived the future workings of the measure. The South was willing to widen the role of the federal government, but unwilling to increase the power of the federal authorities over the states. As a result of this determination, the first clause of the bill declared that in a state where there were two or more colleges eligible to receive aid under the bill, the state legislature was to decide which college should benefit. This changed the whole tone of the bill. It became a measure that would benefit markedly the budgets of the Southern state legislatures while not insisting that they increase their own spending, the General Education Board being allowed to continue its interest in education. This would increase the power of the state legislatures within their own areas, as it added a regulatory power to its already existing legislative duties. It also provided more patronage positions, a thought never far from the Southern politician's mind. While it is true that the/

the secretary of agriculture continued to have a say in how the money was to be used, this was small in comparison to that held by the Southern state legislators. Southern agricultural educators were unlikely to worry too much about this clause. They were still allowed a certain degree of independence; they were content that something was being done; and they were probably as eager as the legislators to ensure that no money was given to the black colleges. 32

Unlike several of the other agricultural reforms, a rival Republican measure existed. Springing from the recommendations of the Country Life Commission and sponsored by Senator Carroll Page of Vermont it envisaged a greater role for the federal government. Theodore Roosevelt, the National Society for Industrial Education, the American Federation of Labor, the National Grange and Farmers' Union all endorsed Page's bill. Page introduced his bill in the Senate on 5th June 1912, but soon found that Southerners employed delaying tactics, similar to those the Republicans would later adopt. The bill proposed that Congress appropriate \$16,000,000 to establish a truly comprehensive system of agricultural education including the high schools as well as the colleges. Page said that he was more concerned with educating the farmer; and that the Democrats were only interested in aiding the teacher; their proposals were too timid, and were bound to fail. Hoke Smith, newly arrived in the Senate, leapt to the defence of the Democratic bill. The Republican bill, he declared would introduce national control over all secondary schools, and had nothing to do with the course of study taught in colleges, but was meant to benefit those/

those who did not attend college. Such a bill, he correctly predicted, would never pass the House. Page accepted political realities with good humour, even though this represented an unfair end for seven years work. He had hoped however that he and Smith would have sponsored a compromise bill, indeed the two men had conferred upon the matter, and Page believed that they had come to a mutual understanding to do this. Smith had no intention of carrying this out, nor of sharing any glory. He informed Page that a compromise had never been approved by him; and that he had merely made suggestions as to how Page could improve his bill. Many in the Senate including several Southerners regretted that this had occurred, but there was little that could be done. 33

The eventually successful Democratic bill was introduced to the House by Asbury Lever on 19th January 1914; it passed the same day without any amendments. This was due to efficient floor management by the Democrats. Ensuring that a rule was passed limiting each speaker to twenty minutes they guaranteed that no opponent could develop any criticism, and that no time consuming arguments on details evolved. Opposition to the bill was well mannered, the representatives speaking only "for the Record"; the considerable Democratic majority already guaranteeing the bill's passage. There was little to argue about on the bill's principles. It was a good, solid progressive reform that would outrage very few; it was sponsored and approved by responsible professional men, and was intended to aid those willing to improve themselves. By no stretch of the imagination could it be termed/

termed a socialistic handout. 34

Madden, a Republican from Illinois, while declaring himself in favour of the bill's aims, attacked the proposed distribution of the appropriation. It would, he said, unduly discriminate against urban states; Illinois he noted would put \$400,000 into the fund, but would get back only \$130,000. He thought it would be fairer if the distribution was on the basis of a state's total population; as the responsibility to aid the farmer was the state's, then this was only proper. Mann, an Illinois Democrat, countered Madden by saying that the national treasury could afford <sup>the expense</sup>, and that financial quibblings could only hinder the success of this important work. A more emotional criticism came from Haugen, an Iowan Republican. Attacking the "vicious Democratic caucus system", he claimed that the recently approved Underwood Simmons Tariff had ruined the American farmer by exposing him to unfair competition, while placing everything the farmer had to purchase upon a high tariff schedule. Besides this, Haugen argued, the Smith Lever bill was a mere palliation that would accomplish little. Haugen overran his twenty minutes limit, and was forced to print the rest of his argument in the House appendix but the point he raised would be further developed in the Senate by James McCumber of North Dakota. The only Democrat to express his opposition to the bill was John Fitzgerald of New York, a Tammanay Hall affiliate alienated from the administration over Wilson and McAdoo's insistence that federal patronage in New York should go to anti Tammanay men. Fitzgerald's argument was constitutional: he believed that education in any/

any sphere was of such vital importance to the states that it should not be encroached upon by the federal government; the measure as it stood was wholly obnoxious to the American system of government. It may be presumed that Fitzgerald was speaking more out of spite than personal conviction. The opposition to the bill had been well conducted, and had raised relevant objections; but it was futile. The bill passed the House without a yea or nay vote, and its sponsor had had to play only the smallest of roles in ushering it through. 35

The debates in the Senate provided a complete contrast to the well mannered and parliamentary proceedings in the House. Although the measure could be identified as more of a Democratic than a Republican bill, the partisan division over agricultural education was not marked. Neither was the subject particularly fashionable, certain to rivet the attention of constituents. Despite this, the debates on the Smith Lever bill were to be the most ill-mannered of the Sixty Third Congress, the language and behaviour of some participants owing little to the traditions of Senatorial parliamentary conduct. Why this was so is due to the circumstances in the Chamber in early 1914, and the rules of the Senate. 36

Smith had introduced his bill to the Senate on 17th January 1914, at the very beginning of the second session of the Sixty Third Congress, the reason for this priority in the legislative timetable being the necessity to pass the bill while many of the state legislatures were still in session. The activities of the previous session had been devoted/

devoted almost entirely to the divisive and highly partisan tariff debates. From mid July to 9th September 1913, senators were concerned with the intricate financial, legal, and political deals that were necessary to placate strong sectional interests while preserving the basic fabric of a highly controversial measure that overturned decades of previous policies. The result was a major Democratic triumph, in many ways the most impressive congressional achievement of the New Freedom. The struggle had honed and bonded the hitherto rather disparate Democrats in the Senate, giving them a tremendous sense of cohesion and purpose; this was of the utmost benefit for Democrats who attempted to pass subsequent legislation.

The effect upon the stunned Republicans was similar; few commentators had given the Democrats much chance of passing the Underwood Tariff in its entirety, but they had. Individual Republican senators felt personally hurt by the ease with which the Democrats had achieved their traditional goal. This was particularly true for Midwestern and Mountain Republicans. Led by Borah of Idaho and LaFollette of Wisconsin they had operated very much as a party within a party, studying the details of the schedules due to be debated the next day long into the night. It was a heroic attempt, but it gained them little. Their cohesive sense, born in defeat, wished to embarrass the administration seriously at the first possible opportunity, both to salve their understandably wounded pride, and to vent the feelings of outrage in the Midwest concerning the effects of the new tariff.

Midwestern/

Midwestern Republicans in the House felt similarly, but had fewer opportunities to express their outrage. Arguments in the lower chamber were severely limited by the time limit rules that managers normally insisted upon; consequently a proportionately greater time was spent in debating procedure, rather than the substance of a measure. Most speeches were carefully prepared and heard with minimal interruption; there was little spontaneity in debate. Senators however were allowed to develop their arguments, each member being allowed to speak as long as he wanted, or was physically able to, on any subject he wished. Party discipline, although increasing, was less strong. The idea that a man was elected to the Senate not as a Republican or a Democrat, but as an ambassador from his state, although decreasing rapidly, still persisted; the Louisiana senators for example used this argument to justify their stance against the party caucus during the tariff debates. A certain waywardness therefore was permitted by Senate managers, that would be frowned upon by their counterparts in the House. Maverick behaviour was common in the Senate, and there was very little that a party manager could do about it, apart from ensuring that those he could count on remained loyal and were in the chamber at the correct time. 37

The tariff debates themselves had been conducted in a gentlemanly manner, indeed the minority leader in the Senate, Jacob Gallinger of New Hampshire, went as far as to congratulate Furnifold Simmons on his management of the bill. Gallinger said that he could recall no instance in which a bill had been managed with greater consideration for/

for the minority. While Gallinger's unusually generous remarks masked a great deal of bitterness and partisan tension, there is no doubt that a sympathetic and tolerant management of debate by an experienced sponsor could go a long way to defusing potential controversies, thus easing a measure's passage. Hoke Smith, unfortunately, was too involved personally with his bill to take the detached stance necessary to conciliate opponents. 38

The debate on the bill lasted seven consecutive days, an unusually long time; emerging amended but not damagingly so. Under the circumstances the Democratic managers had performed their duties well. The Smith Lever bill was the first major test for the principles upon which much of the agricultural reform programme would be based. Points scored in this debate could be put to good use in the months to come. And, as the Democratic majority in the Senate was unreliable, and the legislative timetable crowded, managers were forced to accept amendments because they could not afford the time to debate and criticise them fully.

The first day of debate was taken up by Hoke Smith's exposition of the bill, how it would improve American agriculture and education. He also declared that he wanted to have the bill disposed of that day, and to this end he agreed to accept an amendment that included Hawaii within the provisions of the bill without debate. Less welcome however was an amendment proposed by Simmons that would have increased the appropriation under one clause from \$300,000 to \$3,000,000. Smith saw that to accept this would be a grievous tactical error; it would mean that the bill would have to go to a House committee losing vital time. The argument then reverted/



reverted to the tariff question, and an internecine squabble broke out between James Vardaman and James Bristow. This became fruitless, and the rest of the day was devoted to this, much to Smith's chagrin. By the time agricultural education appeared next on the Senate calender, 28th January 1914, the Lever bill had passed the House; Smith lost no time in having this accepted as a substitute for the Senate bill. 39

The Midwestern Republicans developed their attack on the bill, continuing to wage the battles on the tariff of the previous session. James McCumber of North Dakota, one of the most experienced senators, having occupied his seat since 1899, was particularly scathing in his remarks. He declared that he would vote for the bill - "this sop to the American farmer" as he called it - because in their misery the Midwestern farmers would think that they were getting some solace or benefit from it, and McCumber was willing to extend to them that little courtesy. If the Democrats brought back the Republicans' tariff, then they would restore the farmers market, and McCumber predicted they would put back \$3,000,000,000 into farmers' pockets. He claimed that since the Underwood Tariff had gone into operation, the prices in the North had gone down from 50-100 per cent; this was not the case in the South as Southerners faced no competition in cotton, and tobacco growers were protected by a very high internal revenue as well as import duty. 40

McCumber's language was highly charged, but he was experienced enough to realise that it could do little to alter the bill; it was meant to reassure constituents that McCumber did/

did represent their interests, as well as acting as a suitable preamble to his main attack. After his attack on the Underwood Tariff, McCumber switched his attention to the bill's first clause, that which gave a state legislature the right to decide which college should benefit from the legislation when there were two or more colleges in the state. McCumber reckoned that from his knowledge of states with segregated black and white colleges, this would go to the white colleges only. 41

Smith countered this with the stock Southern argument: that Georgians worked fully and thoroughly "without discrimination" to make the blacks better farmers. This bill he said was the best way to help the black farmer, for he was certain that blacks were allowed to watch demonstration work being attempted on whites' farms. Blacks, Smith continued, would not accept instruction as readily from those of their own race as they would from trained white men. Besides, he pointed out, when blacks sought advanced education they invariably sought classical colleges. 42

The following days of debate concentrated on the allocation of the appropriation, although the race question lurked close to the surface. John Sharp Williams for example, normally one of the most courteous and considered men in his language, spoke of how Georgian agriculture was backward not because of its nature but due to the "presence of a backward, uninitiative, unintelligent, incapable black race". These were unusually candid and strong words for Williams. During Albert Cummins's speech on the appropriation, James Vardaman sniped at him with largely meaningless and/

and flatulent comments. These so outraged the Iowan senator that he refused to yield the floor to Vardaman, a very rare event. 43

The race issue became the focus of the debate when Wesley Jones of Washington, a progressive Republican, had read into the record a request from the North Californian branch of the National Association for the Advancement of Colored People, asking for an amendment that would ensure no discrimination against blacks when the appropriation was made in a state with segregated colleges. Jones accordingly tabled such an amendment, and the argument rapidly assumed partisan lines with Western, Midwestern and Northern Republicans seizing the opportunity to taunt the South; Northern Democrats remained neutral, although O'Gorman of New York said that education was peculiarly a state function, and should remain so, even though the federal authorities had the right to aid agricultural education, especially in those states that had not fulfilled their duty adequately. A prior attempt to ensure that blacks would receive some of the appropriation had been made by Thomas Sterling of South Dakota, a political ally of Jones. He had introduced a substitute bill during the first day of debate designed to strike out "cooperative" from the original bill, the effect of this being to leave the United States department of agriculture in complete control of the system, while giving all the initiative to the agricultural colleges. This had been easily dismissed. The president pro tempore, Thomas Martin of Virginia, had ruled that amendments to the original bill should be heard before a substitute was offered, and in the confusion/

confusion the Sterling Bill foundered. The Jones amendment offered a far more serious challenge to the bill. If accepted, it was highly unlikely that Southern state legislatures would ratify the legislation, and it would represent a damaging blow to the Democrats and Smith. 44

For a supposedly deeply split party, the breadth of the Republican support for the Jones amendment is impressive. Jacob Gallinger, a conservative Republican, said that the Northern states wanted to pass this amendment, because they generally desired that blacks should be given an equal share of the fund. Moses Clapp of Minnesota, an insurgent Republican, believed that the final say of where the money should go was the federal government's, not the states; this was only proper as it was federal money that was to be spent. Jones attempted to keep the debate above the level of personal abuse that it was almost inevitably doomed to descend to when the Southern race record was mentioned. Paying tribute to the progress that blacks in the South had made under the guiding hands of such white men as James Vardaman, Jones nonetheless argued that when appropriating money from the federal treasury the government had the right and the duty to ensure that part of this appropriation went to those who needed it the most. Jones clearly had no illusions concerning the charity of Southern state legislatures. To support his case, he called upon the "higher moral duty of the Federal government", saying that he was confident that if more encouragement was given and more incentives given to the black students in the South, then there would be many more of them in the agricultural colleges/

colleges than there were. 45

Such use of "higher moral duty" rhetoric was common among Northern and Western senators. It may be said to be their equivalent of the Southerners' states rights dogma. Yet there is an important difference, despite their common borrowing of emotional language. The calling upon the higher moral authority of the federal authority to justify legislation was invariably used to hide constitutional problems, the perfect example of this being Senator Albert Beveridge's defence of the Federal Child Labor Bill of 1907. As he was well aware, this measure was unconstitutional, but highly popular throughout the union; his argument accordingly was based on the alleged right of Congress to act upon matters across state boundaries where the greater aims of American development were threatened. William Borah argued in a similar vein in favour of the 1916 Federal Child Labor Bill. Other Midwestern senators, notably Robert LaFollette were so incensed at what they perceived as the intransigence of the Supreme Court in delaying social reforms that were necessary, but unconstitutional, that they seriously suggested that Congress should become the ultimate arbiter in constitutional matters. While such frustrated rage was understandable, it accomplished little. Southern states rights dogma, by contrast, was solidly based upon legal precedent and the sayings of great men. Consequently it provided the South with a more concrete and relevant defence, that was far harder to defeat than evangelical moralising. 46

The one inevitable result of such an argument was to raise/

raise the <sup>temperature</sup> of debate, despite Jones's care to appease Southern race attitudes. Smith attempted to prove Jones's allegations regarding Southern legislatures wrong by quoting figures showing that Georgian blacks did receive state aid in education. Although they only paid \$173,497 in state taxes, Smith said, the blacks received \$650,000 to aid their education from the state. While admitting that there was a large differential between the funds given to white and black students, Smith said this was due to the white colleges teaching botany, chemistry and mechanical engineering while the black colleges only taught bricklaying and ploughing; this required less money. This was inevitable according to the Georgian for the majority of blacks were neither ready nor prepared for advanced higher education. Jones was correct in revealing that the black colleges in Georgia received only \$24,000 to teach 500 students while the 400 white students were supported by \$240,000, but there were sound reasons for this, which Smith hoped Jones would appreciate. 47

Smith retained his temper throughout, although in a burst of anger towards the end of the day he revealed his frustrations by shouting that Georgians did not want the fund if it went to any but the white colleges. In the main however his argument was precise, reasoned, informed and based upon practicalities. With the one exception mentioned above he had refrained from the worst forms of racist abuse. Yet Smith was wrong in many areas of his argument. Many more blacks did want to attend vocational colleges, it being the only level of higher education that was open to them; and many/

many made considerable sacrifices to ensure that they could attend. Similarly, black teachers were very successful in getting their message across to black tenant farmers, indeed Eugene C. Branson was jealous of the success of Booker T. Washington, wishing that he had a similar record among white tenants. Furthermore, Smith's contention that blacks learnt best from whites would have been hard to substantiate in Florida and Louisiana where whites were forbidden by state law from teaching blacks, or in South Carolina where whites were allowed to teach only the Bible to blacks. This point was made during the debate by John Works of California, one of the few remaining Union veterans in Congress. Nor was it true that blacks inevitably made poor farmers. Much to Smith's embarrassment Bristow pointed out during the debate that blacks in Kansas were among the most successful farmers, and that they were creditable citizens. Smith's arguments therefore, reasoned and parliamentary though they were, had not completely stilled criticism. 48

More effective, though less condonable, were the methods employed by Vardaman, who chose this debate to air his strong racist views for the first time in Congress. Vardaman had hitherto been very quiet in the chamber, limiting his remarks to short unemotional points of information, although his threatened revolt over the income tax provision of the tariff had raised the administration's proposed rate slightly. His conforming to Senate rules had surprised many; his reputation as the racist, demagogic governor of Mississippi having preceded him to Washington. It appeared as if the gentlemanly Senate had reformed him. His reasons for choosing this moment to make his mark remain cloudy, for there were previous/

previous occasions when he could have spoken on the race question. Many of his wilder actions are inexplicable, partly according to his biographer to the lack of available sources, and partly one suspects to the irrationality of Vardaman's character. 49

Vardaman based his attack upon personal grounds. Jones, he sneered, was happy enough to turn over the money to the blacks, but Vardaman wondered, would the Washington senator be willing to give the appropriation to the Japanese of the West Coast? Jones, flustered, attempted to evade the question by correctly saying that this carried the argument into realms that it should not go. Vardaman however continued to press home his point, wringing out of Jones the admission that he would not be prepared to give the Japanese money; he would if they were United States citizens, but he fervently hoped that this would never be the case. 50

The ferocity and tone of Vardaman's attack clearly took Jones by surprise. Although Jones's point that blacks should receive equal treatment because they were American citizens, whereas the Japanese were not, was consistent with Republican thought and legally valid, it was lost, due to his confusion. Once his moral hypocrisy over race had been revealed, there was little he could do. Vardaman further denied him the chance of justifying his position by widening the focus of his argument. Saying that he wished the black well, and that he was willing to make even greater personal sacrifices so that the black could enjoy life, liberty and the pursuit of happiness, the Mississippi senator held in contempt those gentlemen, "who live at a distance from him, who/



who love him as a race, but who despise him as an individual". He further believed that it would be a very unfortunate condition of affairs if the black was allowed to manage his public educational institutions. Jones's only response to this was to once again meekly declare his amazement at the progress made by the blacks in the South, and to repeat that the federal government had the duty to appropriate its monies to benefit those in the most need. 51

While nominally disapproving of Vardaman's tactics, which were intended more for personal rather than party aggrandisement, most Southern senators welcomed his intrusions. They silently endorsed his arguments; and it placed them in a more reasonable light. Vardaman made a very effective battering ram when the South wished to assault a persistent threat to their society. Thus, after Vardaman had trampled upon Jones, Furnifold Simmons was able to say it would be wise to place all the appropriation in the white colleges, for not only would good economy result, but the results would be better, and appear to be a conciliatory voice. In the event the Jones amendment was defeated by 32 votes to 23, a comfortable margin. Support for it came from Midwestern and Northeastern Republicans; Southern Democrats voted against as did their counterparts from the North. 52

The vote on the amendment came on 7th February 1914, the day after the Jones Vardaman exchange, but Republican attacks on the bill continued. Cummins declared that he would vote against the bill, thus changing his mind from 31st January, not because the race question had been raised but because the whole issue had been raised as to whether the/

the power should be withdrawn from the central government how the money contributed from all people should be spent; the whole matter should be left entirely to the state or to the secretary of agriculture. Further opposition to the bill as it stood came from a surprising source, Western Democrats. Thomas Shafroth of Colorado, an administration Democrat, offered an amendment stating that in a state with two or more colleges the appropriation should be administered by the governor of that state and the secretary of agriculture. This he saw as allowing greater efficiency: the secretary of agriculture would be able to assess the demand for the allocation over many years thus meeting the needs of the colleges in a more accurate manner; and a legislature could hardly negotiate with anyone, it being too cumbersome. Jones spoke in favour of this amendment, saying that it would greatly improve the bill, although it would not solve the racial problem. Another amendment was proposed by Gilbert Hitchcock, a Nebraskan Democrat, which proposed to include the phrase "without discrimination towards race". Playing cleverly upon the Southern argument, Hitchcock presumed that as those in charge of the bill intended that the work be carried out without discrimination, then they would not oppose the amendment. 53

Smith did not. Conscious that the permissible time on debate was running out, he accepted both amendments to the bill, hoping that they would be erased when the bill went into joint committee. Shafroth's amendment was probably a genuine attempt to improve efficiency of the bill. Hitchcock's was more malicious, designed to embarrass Smith and the/

the South. He was the leader of the anti Bryan faction in Nebraska, and at dudgeons with the administration over its handing over of the state's patronage to the Bryanites. Furthermore, he had resented Wilson's bullying tactics in forcing him as a member of the Senate banking and currency committee to accept the Federal Reserve Bill. As with O'Gorman's opposition it is likely that Hitchcock's amendment was born of spite. Both Westerners had voted against the Jones amendment. 54

The Jones amendment had been the main challenge to the bill; once this was defeated the debate ended and the amended bill passed the Senate without a ye or nay vote. To Southern leaders the Jones amendment represented a Northern attempt to reintroduce the federal authorities into Southern society. Its proponents certainly saw it as a possible entering wedge: by this the federal authorities could ensure that although Southern life was separate, there was some degree of equality. Jones's argument was not one for desegregation; it was meant to guarantee that the black colleges gained something from the measure. In one sense the argument was merely symbolic, for no matter how mean the Southern state legislatures were, the black colleges would continue to receive direct aid from the Morrill land grant fund, and it was likely that they would receive some indirect benefit from the Smith Lever fund. Jones merely attempted to institutionalise the inevitable. Furthermore, even if such a clause was inserted, enforcing the state legislatures to apportion the fund equally between the black and white colleges, its enforcement in the South would have been/

been very lax indeed. 55

Knowing all this, Southern congressmen nonetheless vigorously attacked the amendment; due to this, they won. The legislation had been passed in essentially the same form as it left the committee; Shafroth's amendment had replaced the state legislature's role with the governor, but this would be changed in the joint committee; but more importantly, the federal government in the form of the secretary of agriculture was to play the minimum function necessary to justify the appellation of "cooperative" legislation. This victory had been due in the first instance to superior numbers, but in the moral argument Southern aggression and precision had carried the day. This had been no overblown, defensive use of the states rights argument, lasting for hours with frequent references to the wisdom of Jefferson and Calhoun, but a confident, fighting use of the rhetoric which, when used by Vardaman, exposed Northern race hypocrisy, and when used by Smith so effectively mapped the constitutionality of the bill that Jones had to resort to vague ideals of the higher moral authority of the union. The result was a victory for the Southern interpretation of federal state relations.

Smith's personal triumph was completed by his successful defence of the appropriation plan; this was a secondary argument compared to the Jones amendment, but it was important to politicians. When he spoke upon appropriation allocation, a politician was speaking directly for his constituents; while impressive flights of rhetoric won respect in the Senate or House, constituents tended to judge/

judge a politician's success by how large a slice of the federal cake he could grab. Few men admitted publicly to this pork barrel style of politics, but it was uppermost in their minds, especially as 1914 was the first electoral test for the New Freedom.

The House committee proposed that the fund be allocated among the states according to the proportion of the rural population of each state to the total population of the union; this used the census definition of rural: those living in communities of less than 2,500 people. According to Smith, this was neither his nor Asbury Lever's idea, but that of the presidents of the agricultural colleges and the officers of the department of agriculture. Their motives, he continued, were neither partisan nor sectional, but purely those of national service. Midwesterners however did not accept this explanation, choosing rather to see a Southern plot to seize more than the South's fair share. Certainly the proposed system meant that the money went to those areas with the most labour intensive methods, and this favoured the least efficient and innovative regions, particularly the South. Southerners defended this windfall although it was not their idea. 56

The main criticism came from Albert Cummins. Pointing out that the twelve Southern states would receive 40 per cent of the appropriation while producing \$3,236,398,813 in agricultural produce each year, he claimed that twelve representative Northern states, of his own choosing, produced \$6,184,292,673, yet they were to receive only 36 per cent of the appropriation. That, Cummins said, hardly did justice to all the people of the country. Narrowing the focus/

focus of his argument, Cummins showed that Iowa and Georgia were similar in size, population and area, yet Georgia was to receive 4.19 per cent of the appropriation, and Iowa only 3.13 per cent. To rectify this anomaly, Cummins tabled an amendment allocating the fund on the basis of a state's value of agricultural production and the proportion of its population involved in agriculture. The effect of this was to aid the Western states at the expense of the South and the East; this was sectional politics at its most blatant. Cummins duly admitted this; when challenged by Smith for acting upon narrow grounds, he replied that he was guilty of the charge of having a very deep interest in his own state; but he justified this by saying that the effect of the Underwood tariff had been to aid the East at the expense of the West. He was merely readjusting the balance; table II shows how he intended to do this. 57

This amendment was heavily defeated by 41 votes to 16, with only the Midwesterners voting for it. The Southern defence of the allocation had been based upon the drafting of the plan by professionals and not politicians; both Smith and Williams asserted that in no way did they wish this work to be dominated by politics. This argument however was carried further. It was proper that federal aid should go to the most deserving or needy areas Smith argued. Simmons concurred in this, adding that while the South did receive the lion's share, this was only proper as less had been spent on the South prior to 1913. 58

This was a relatively new concept in federal legislation; it was one of the first examples of true regional aid. Congress, by accepting that the need was greatest in the South/

Table II: Allocation of the appropriation under the Smith  
Lever bill: and as proposed by the Cummins amendment.

The Twelve Southern States

	per cent under the bill	per cent under the amendment
Alabama	3.58	2.03
Arkansas	2.78	1.69
Florida	1.08	0.38
Georgia	4.19	2.57
Kentucky	3.51	3.00
Louisiana	3.22	1.10
Mississippi	3.22	1.88
North Carolina	3.83	1.84
South Carolina	2.62	1.27
Tennessee	3.53	2.28
Texas	5.99	5.72
Virginia	3.21	2.06
Total	40.76	25.82

The Twelve Northern States

	per cent under the bill	per cent under the amendment
Illinois	4.38	5.86
Indiana	3.16	3.54
Iowa	3.13	6.16
Kansas	2.43	6.25
Michigan	3.01	2.68
Minnesota	2.48	4.11
Missouri	3.84	5.14
Nebraska	1.79	5.10
New York	3.91	3.10
North Dakota	1.03	4.28
Ohio	4.26	4.20
Wisconsin	2.69	2.49
Total	36.11	52.91

Source: Congressional Record, 63rd Congress, 2nd session,  
(1914), 2656.

South, and by proposing to act upon this, had decided to aid one region at the expense of another. The federal government had appropriated money to aid deprived or threatened regions, but this had rarely been enacted as nationwide legislation, and was invariably related to a natural phenomenon. Thus, appropriations had been made to help combat the boll weevil in the South west, or to conserve forestry in the North west; but this did not involve one region benefiting at the specific expense of another; and the legislation was intended to be temporary, or until the specific problem was eradicated. Similarly, regular appropriation bills which were passed by every Congress, and were very open to behind the stage manipulations, had to have some natural justification; Florida did not receive a greater share of the rivers and harbours appropriation than South Carolina on the grounds that her economic or social needs were greater: she received this because her coastline was longer. Furthermore, many states did not benefit from this by definition of the legislation.

The Smith Lever bill however was designed to be permanent, and it affected every state in the union. Only Rhode Island could claim to be predominantly industrial in 1914, and even it had a sizeable agricultural population. Precedents existed for nationwide federal regulation that was deliberately weighted to aid one region at the expense of another, the abolition of slavery being the best example. Rarer however was the deliberate skewing of federal expenditure to benefit a backward or deprived region. Southerners correctly saw a difference between this and federal regulation; for although Southern elites were unwilling to approve federal/



federal regulation that would benefit children, women, labour or blacks, they were in this instance in the forefront of advocating regional aid. It can be argued that this was mere Southern spoilsmanship; such legislation in almost every conceivable area would benefit the South. While there is truth in this, it is also correct to note that such thinking was advanced in the 1910s, although it would be increasingly perceived as a proper function of central government, throughout the Western world. In terms of the United States Congress and constitution during the 1910s, it required considerable sophistication of thought to justify such legislation. 59

It was largely this regional imbalance that induced Midwestern senators to continue their opposition to the bill after it had passed both chambers. As several amendments had been made to the bill in the Senate, it had been referred to a joint committee. This was usually a formality, but in this case the conferees were in committee for six weeks, and Smith reported to the Senate that they were unsure if they could come to agreement. It was the end of April 1914 by now. If the bill was to become law it had to go into operation by July 1st, this being a condition of the measure. This left only sixty days for the states to ratify the act, and utilise the fund. The major stumbling block was the Shafroth amendment; the Hitchcock amendment had been purely symbolic and the Senate conferees had agreed to drop it without argument. 60

Smith wanted to keep the bill in conference; there was no hope of it passing the House in its present condition he said. On 29th April however, Smoot of Utah tabled a motion to/

to recall the bill from the House, and this was carried by 32 votes to 30; all the Southerners present voted against it but they were defeated by Midwestern and Northeastern Republicans. As Smoot's move had been a complete surprise, Smith had not ensured that his votes were present. 61

Smith reacted ruthlessly the next day. He secured by 32 votes to 25 a motion to lay the Smoot motion on the table, thus bypassing it. Prior to this he had persuaded the Senate conferees to recede from the Shafroth amendment, and the Senate accepted the conference report. Better management on Smith's part ensured that enough Democrats were present in the chamber to guarantee the bill's acceptance. Thus the bill became law in exactly the same form as it was introduced to the Senate from the House. Controversy continued to surround it however. Smith had voted for the bill without noticing that his regular pair, Henry Cabot Lodge, was out of the chamber, a serious breach of senatorial etiquette, for which Smith apologised. Given his excitement and haste it is possible that his error was accidental. Less pardonable were the accusations made the next day by Townsend of Michigan that Smith by acting so suddenly had cut out senators who had declared their intention to speak on the matter. This according to Townsend went totally against the Senate's customs, and he doubted if the Senate would have approved the action that it took, if everyone had known exactly what the situation was. 62

Hoke Smith was unhappy with these allegations, and he apologised; but his excuses were unconvincing. Doubtless he considered that he had fought fire with fire, and that if he had/

had allowed Midwestern congressmen to speak, then the bill would have been lost. It is unfortunate however that such an important statute should have been associated with personal unpleasantness.

The second educational statute, the Smith Hughes Vocational Education Act, was not passed until 1917. Closely following the Smith Lever Act in its use of federal funds, it differed in its aim and the basis of its appropriation allocation. As with the Smith Lever Act, its eventual passage was rarely in doubt, although it was debated in a friendly and parliamentary fashion. There were no attacks on the South or Hoke Smith comparable to that of Senator Jones. The topic provided a welcome break from the more divisive issues of Preparedness which were before both chambers at that time.

The Smith Lever Act had limited its aid to agricultural colleges, and to the work carried out by the colleges off their campuses. The Smith Hughes bill intended to fund vocational education at institutions below the grade of college, and within the precincts of these institutions. Smith considered that three broad divisions of schools should be aided: schools in which practically half the time was devoted to vocational education; part-time schools for workers over the age of fourteen, with a view to extending the student's "vocational intelligence"; and evening schools teaching vocational subjects to those over the age of sixteen. The terms of definition however were unduly vague; and/

and many institutions deserving assistance fell outside the bill's rubric. 63

Demands for such aid had been discussed in Congress for many years but nothing had come of them. The Page bill, which the House had rejected in 1912, had contained provisions for funding vocational education at the high school level. Hoke Smith had attacked these plans, saying that they were unworkable and would give the federal authorities control over the entire national education system. Nonetheless, the Georgian senator meant to sponsor such legislation himself, and in July 1913 he proposed a joint resolution empowering the President to appoint a commission to consider the federal funding of vocational education, and to report a bill to Congress. 64

Wilson favoured vocational education, despite being completely lukewarm to agricultural extension work. On one occasion he remarked that an imperative need existed for vocational education, and that there were not "half enough vocational schools". Accordingly, the President speedily approved the commission, and it began work in early 1914. Smith had intended that the South should be strongly represented on the commission, but in this he was thwarted: there were no Southern representatives on the commission, apart from politicians. The commission had a sectional and occupational balance, and this was to be mirrored in its proposals. Smith, as chairman of the Senate committee on education, chaired the commission. Three other congressmen were appointed: Senator Page, Representative Dudley Hughes of Georgia, and Representative Simeon Fess of Ohio. The various/

various groups interested in the subject were represented by: John Lapp, director of the Indiana Board of Legislative Information; Florence Marshall, director of the Manhattan Trade School; Agnes Nestor, a member of the American Federation of Labor's committee on industrial education; and Charles Prosser, the secretary of the National Society for the Promotion of Industrial Education. Representing the bureaucracy was Charles Winslow, a special agent of the bureau of labor statistics. There was no official representative from the department of agriculture. A more complex bill than the Smith Lever bill was the result of the commission's deliberations. 65

The proposal proceeded along three lines. It intended to appropriate money in cooperation with the states to pay vocational teachers of agriculture; a similar appropriation was to be made to pay vocational teachers in the mechanical arts; finally, funds were to be appropriated for the training of vocational teachers. The bill required an equal contribution from each state before the grant was made; no guidelines were laid down as to how this could be raised, a concession to the South. Each state, through its legislature, had to formally accept the conditions of the legislation, and establish state boards of vocational education before they could make use of the fund. As with the Smith Lever Act, the state board was to devise a proposal for using the fund, receive half the necessary capital from the state legislature, and then submit the plan for approval to a federal vocational education board. The power of initiative lay with the state authorities. Hoke Smith remarked: "It in no sense is contemplated that the final responsibility for/

for the work shall be removed from State authorities". 66

The bill called for an annual appropriation which would amount to \$7,200,000 by 1924, when the system would be fully implemented. For the training of teachers, the appropriation for the first year would be \$500,000, increasing by \$200,000 annually until it reached \$1,000,000; thereafter it would be \$1,000,000 annually. The appropriation for paying the salaries of teachers, supervisors and directors of agriculture was to be \$500,000 initially increasing by \$200,000 each year until the total reached \$2,000,000; thereafter the annual increase would be \$500,000 until \$3,000,000 was reached; this was to be the final annual appropriation. Similar provisions, both in method and the amount of money involved, were made to pay the salaries of those in mechanical arts. The gradual introduction of the act aimed at decreasing the chances of misuse of funds during the early years of operation. A further \$200,000 was appropriated for the administering of the federal vocational education board. 67

The commission proposed different indices for each of the three appropriations. The appropriation to pay the salaries of the teachers, directors and supervisors of agriculture was to be divided among the states according to the proportion of rural dwellers in each state to the total population of the union. For mechanical arts, the appropriation was to be prorated by each state's urban population. The total population of the state was to be the basis of division for the teachers' training fund.

While complicated, the bases of division were appropriate. They were less of an exercise in regional aid than the/

the Smith Lever Act had been, but the principle of allocating resources to the areas in the most need remained; albeit related to population rather than economic or social need. Table III reveals how the twelve Southern states fared by comparison with the twelve Northern states used by Cummins in the earlier debate. While the Southern states continued to receive the lion's share of the agricultural education appropriation, the region benefited less in the field of mechanical arts. The twelve Northern states did better under this, cornering almost half the total appropriation; although this is slightly misleading for once Illinois and New York are discounted, the Northern states received only 25 per cent of the appropriation. The difference between the average Midwestern and Southern state was measured in thousands rather than tens of thousands of dollars. Nonetheless, the division appeared reasonable on paper. Most congressmen accepted it, there being no arguments over the appropriation. 68

Despite being reported out of the commission in 1914, the measure had to wait until July 1916 before the Senate considered it. Congress chose not to act upon it in 1914, and the short third session of the Sixty Third Congress blocked action during 1915. Smith ensured however that it was favourably reported out of the education and labor committee in March 1916, and placed on the Senate calendar. The committee had made only minor amendments: the date on the bill had to be changed for example, a year having elapsed since the bill was drawn up. Smith wanted to provide a \$7,500 salary for a general director of vocational education, /

Table III: Division of the appropriations as proposed by the Smith Hughes bill.

The Twelve Southern States

	per cent of the agricultural fund	per cent of the mechanical arts fund	per cent of the training fund
Alabama	3.58 per cent	0.87 per cent	2.32 per cent
Arkansas	2.78	0.48	1.71
Florida	1.08	0.51	0.82
Georgia	4.20	1.26	2.84
Kentucky	3.51	1.30	2.49
Louisiana	2.35	1.16	1.80
Mississippi	3.22	0.49	1.95
North Carolina	3.83	0.75	2.40
South Carolina	2.62	0.53	1.65
Tennessee	3.53	1.03	2.37
Texas	5.99	2.20	4.24
Virginia	3.21	1.12	2.24
	39.90 per cent	11.70 per cent	26.83 per cent

The Twelve Northern States

Illinois	4.38 per cent	8.16 per cent	6.13 per cent
Indiana	3.16	2.68	2.94
Iowa	3.13	1.60	2.42
Kansas	2.43	1.16	1.84
Michigan	3.01	3.11	3.05
Minnesota	2.48	1.99	2.26
Missouri	3.84	3.28	3.58
Nebraska	1.79	0.73	1.30
New York	3.91	16.86	9.91
North Dakota	1.04	0.15	0.63
Ohio	4.25	6.25	5.18
Wisconsin	2.69	2.36	2.54
	36.11 per cent	48.33 per cent	41.78 per cent

Source: Congressional Record, 64th Congress, 1st session,  
(1916), 11874 - 11875



education, but he chose to accomplish this on the Senate floor, presumably to save time. The commission's thoroughness and professionalism defied any meaningful alterations. 69

Introduced to the Senate on 20th April 1916, the consideration of other matters meant that debate did not commence until 31st July. Foreign policy deliberations created most of the delay, but a minor cause was Smith's insistence that Carroll Page be present in the chamber when the bill was debated, allowing a joint presentation. (As chairman of the relevant committee Smith had the right to present the measure on his own). Going out of his way to pay tribute to the "splendid work" carried out by Page on behalf of vocational education, Smith revealed a more generous side to his character. It certainly represented a change from the vain glory seeker who squabbled to have his name placed first in the Smith Lever Act. 70.

The Senate debate was largely uneventful. At its beginning, Jacob Gallinger asked Smith if he knew of any senator opposed to the bill. Smith replied, truthfully, that he did not; and proceeded to read through the bill proposing a few minor amendments. The only controversy arose when Thomas, Democratic senator from Colorado, tabled an unexpected amendment. This intended to include the teaching "of foreign born persons for intelligent citizenship and industrial efficiency" within the terms of the bill. Saying that he was acting on behalf of a woman in Denver, active in the teaching of civic duties and obligations to aliens, Thomas also disclosed that the woman had met Smith, and had been informally informed that the amendment would be accepted. 71

Smith, /

Smith, clearly embarrassed, openly admitted that he did not know what to do. Saying that the subject appealed to him, he nonetheless could not see how it could agree with the bill's general scheme; the amendment would relate the bill to one specific class. Furthermore, he said, as the immigrant population varied so enormously, it would be better to solve the problem at local level. Page attempted to rescue Smith by emphasising the role of the state in providing cultural education; only when the immigrant had a broad, general education could he take advantage of vocational education. 72

Smith had remembered his meeting with the woman by now. He thought that she must have misunderstood him; he recollected telling her that the bill would accomplish her aims without further amendment. He was certain that he had not promised any special designation in the bill for such a proposal. Thomas accepted Smith's word, and as the matter was of little importance to him, he did not attempt to force the issue. Smith however, after consulting with Page, agreed to accept the amendment, partly to save face, and partly to reduce the chances of any argument. The bill passed the Senate without a yea or nay vote on the same day it was introduced. 73

The bill was referred to the House committee on education, whose chairman, Dudley M. Hughes, recommended that the Thomas amendment be struck out. Hughes had a personal interest in the measure. A cotton planter by profession, he had been president of the Georgia State Agricultural Society, 1904-1906, and was a trustee of the University of Georgia/

Georgia and the Georgia State Agricultural College. He was also the president of the Georgia Fruit Growers Association, a highly influential body within Georgian agriculture. The House did not have enough time to consider the measure in 1916 but the bill passed the lower chamber with little difficulty in 1917. Slight difference existed between the House and the Senate bills: the House had struck out the Thomas amendment; and it recommended that the federal board be composed of representatives from vocational education, whereas the Senate bill recommended cabinet members. The conference soon straightened out the difficulties, the Senate receding on the Thomas amendment, and a compromise board was decided upon. 74

Despite appropriating more federal money and covering a wider educational area, the Smith Hughes Act was less controversial than the Smith Lever Act. Many of the controversial matters had already been settled both by the Smith Lever Act and the Federal Highways Act; the debate had grown stale. Neither was Congress's attention fixed upon domestic policy any longer. Threats to the United States from Mexico and Europe commanded attention; vocational education was small beer compared to these. The mellowing of Hoke Smith also contributed to the passivity of the bill's passage. He no longer antagonised the opposition unnecessarily, removing an element of vindictiveness from the Senate floor. The uncontroversial passage of the Smith Hughes Act should not deceive however. It was a vital cornerstone in the federal government's increasing commitment to education, and a well constructed/

constructed and thoroughly professional measure. Indeed in its scope it implied a more radical and complete role for the federal government than the Smith Lever Act.

Notes:

- 1 Walter Hines Page, The Rebuilding of Old Commonwealths, (London Doubleday, Page and Company: 1902), pp. 34, 150.  
Page was not prepared to include black children in his vision of the new social order. His concern for the Forgotten Man was one for whites. He wanted to see public education expanded and supported by state and local taxation to the extent that it would be eventually free.  
Ibid., pp. 31, 34.
- 2 United States Bureau of the Census, Thirteenth Census of the United States, (1910), I (Population), pp. 1219-1222.
- 3 Ibid., pp. 1108, 1109.
- 4 C. Vann Woodward, Origins of the New South 1877-1913, (Baton Rouge Louisiana State University Press: 1951), pp. 398, 399.
- 5 Ibid., pp. 399, 404-406.
- 6 Ibid., pp. 404-406;  
The story of the growth of North Carolinian education and the part played by Aycock is related in:  
R.D.W. Connor and C. Poe, The Life and Speeches of Charles Brantley Aycock, (New York Doubleday, Page and Company: 1912);  
Oliver H. Orr, Charles Brantley Aycock, (Chapel Hill University of North Carolina Press: 1961).
- 7 Benjamin R. Tillman, My Childhood Days, p. 109, Unpublished manuscript in Benjamin R. Tillman Papers, (Clemson University, South Carolina);  
Oscar Ameringer, If you don't Weaken, (New York Henry Holt: 1940), p. 350.
- 8 E.D. Croza to John Sharp Williams, 28th January 1914, John Sharp Williams Papers, (Division of Manuscripts, The Library of Congress, Washington D.C.);  
R. Ransom to J.A. Brannen, 1st April 1908, Hoke Smith Papers, (University of Georgia, Athens, Georgia). (Hereafter cited as Smith Papers).  
The matter was not resolved until 1911;  
S.D. Brooks to Hoke Smith, 26th September 1913, United States Senate Committee on Agriculture and Fisheries Papers, 63rd/

- 63rd Congress, (National Archives of the United States Washington D.C.). (Hereafter cited as USSCAF);  
J.C. Hutrall to Hoke Smith, 20th August 1913, USSCAF.
- 9 United States Department of Agriculture, A History of Agricultural Education 1785-1925, Miscellaneous Publication No. 36, (1929), pp. 159, 163;  
Albert B. Hart, The Southern South, (New York and London Appleton and Company: 1910), pp. 257-258.
- 10 J.W. Worst, "Why Agricultural Education should be Taught in Public Schools", Rural Education, 1 (February 1913), 21;  
David M. Houston, Eight Years with Wilson's Cabinet, (New York Doubleday, Page and Company: 1926), 1, p. 202;  
Congressional Record, 63rd Congress, 1st session (1914), 1824-1825.
- 11 Francis Butler Simkins, Pitchfork Ben Tillman: South Carolinian, (Baton Rouge Louisiana State University Press: 1944), p. 245;  
Cong. Rec., 63rd Cong., 2nd sess. (1914), 1934.
- 12 United States Congress, House, Establishment of Agricultural Extension Departments, 62nd Cong., 2nd sess., Report No. 546 (13th April 1912), 2-3.
- 13 J.N. Harper, "Clemson College Extension Work", Southern Farm Magazine, 15 (1907), 7;  
H. Smith to Georgia Railroad Commission, 31st December 1907, Smith Papers.
- 14 A.M. Soule, "The Agricultural Potentialities of the South", Manufacturers' Record, Special Issue (22nd February 1912), II, 63-64.
- 15 "Clemson College Influence", Manufacturers' Record, 53 (18th June 1908), 45;  
United States Department of Agriculture, A History of Agricultural Extension Work, Miscellaneous Publication No. 15, (1928), pp. 62-64.
- 16 Ibid., pp. 64, 51;  
United States Dept. of Agric., A History of Agricultural Education, p. 284.
- 17 Woodward, Origins of the New South, pp. 406-412.
- 18 Bradford Knapp, "Education Through Farm Demonstration", Annals of the American Academy of Political and Social Sciences, 67 (1916), 224-40, p. 229;  
Woodward/

- Woodward, Origins of the New South, p. 412;  
Cong. Rec. 63rd Cong., 2nd sess. (1914), 1823.
- 19 Bradford Knapp, "Education Through Farm Demonstration",  
 p. 228, 229.
- 20 Frederick Rudolf, The American College and University,  
 (New York Alfred A. Knopf: 1962), pp. 247-250.
- 21 William Clyde De Vane, Higher Education in Twentieth  
 Century America, (Cambridge Mass. Harvard University  
 Press: 1965), pp. 123, 162;  
 Grant McConnell, The Decline of Agrarian Democracy,  
 (Berkeley University of California Press: 1953), pp. 20-23.
- 22 Harold M. Hyman, A More Perfect Union: The Impact of the  
 Civil War and Reconstruction on the Constitution, (Boston  
 Houghton Mifflin Company: 1975), p. 388.
- 23 United States Congress, House, Establishment of Agricul-  
 tural Extension Departments, p. 1;  
 United States Congress, Senate, Establishment of Agricul-  
 tural Extension Departments, 62nd Cong. 3rd sess., Report  
 No. 1072, (14th December 1912), 2-3.
- 24 Ibid., 8-14.
- 25 For a fuller account of Hoke Smith's early career see:  
 Dewey Grantham, Hoke Smith and the Politics of the New  
 South, (Baton Rouge Louisiana State University Press:  
 1958).
- 26 Ibid., pp. 175-176.  
 Smith was involved in educational philanthropy as well,  
 being a trustee of the Peabody Fund.
- 27 Biographical Directory of the American Congress (1774-1961),  
 (Washington United States Government Printing Office: 1961),  
 pp. 1213-1214.
- 28 United States Congress, House, Cooperative Agricultural  
 Extension Work, 63rd Cong. 2nd sess., Report No. 110,  
 (8th December, 1913), 8, 19.
- 29 Ibid., pp. 8-9, 6.
- 30 United States Department of Agriculture, A History of  
 Agricultural Extension Work, pp. 103-108;  
 For the attitudes of the deans and presidents of the  
 colleges, and the resolutions passed by the Association of  
 American/

American Agricultural Colleges and Experiment Stations see: United States Congress, Senate, Establishment of Agricultural Extension Departments, pp. 6-7, 8-13.

Josephus Daniels reports that Houston thought that it was "a vicious policy" to appropriate federal money to aid the state legislatures. He considered that the states should look after their own institutions and that money from the federal treasury should be expended not through the state legislatures, but through the national department of agriculture.

David Cronon (ed.), The Cabinet Diaries of Josephus Daniels 1913-1921, (Lincoln University of Nebraska Press: 1963), p. 32

31 United States Congress, House, Cooperative Agricultural Extension Work, pp. 10-11.

32 Ibid., pp. 10-11.

33 United States Department of Agriculture, A History of Agricultural Extension Work, pp. 103-108;

Cong. Rec., 62nd Cong. 2nd sess., (1912), 7663-7664;

Ibid., 62nd Cong. 3rd sess., (1913), 1955-1956, 1962, 1963.

The details of the Page bill were never fully discussed, the debate being concerned with procedural matters. This was unfortunate for its proposals were far more radical than the Smith Lever bill, especially regarding race. Proposing that there should be one school for whites in each congressional district outside the cities, the bill further recommended that 75 additional schools be established in the South for blacks. Southern congressmen did not comment on this, presumably because they realised that the bill had no chance of becoming law anyway, and they had no wish to raise emotions in a meaningless argument. Nonetheless, this Republican attempt to introduce a truly separate but equal college system is interesting in the light of the debates in the subsequent Congress on Smith Lever.

34 Ibid., 63rd Cong. 2nd sess., (1914), 1932.

35 Ibid., 1937, 1938, 1939, 1944;

Arthur S. Link, Wilson: The New Freedom, (Princeton Princeton University Press: 1956), p. 170.



- 36 The only commitment made on the subject of agricultural education in the 1912 Democratic platform was a vague statement pledging the party to the development "of a modern system of agriculture". The Republican and Progressive platforms said nothing on the matter.

Arthur J. Schlesinger, Jnr. (ed.), History of American Presidential Elections, (New York McGraw Hill Book Company: 1971), III, p. 2174.

- 37 For the growth in authority of the party caucus in the Senate during the late nineteenth century see:  
David J. Rothman, Politics and Power: The United States Senate 1869-1901, (Cambridge Mass. Harvard University Press: 1966);

The rhetoric of the Louisiana senators was used to camouflage a powerful vested interest. Nonetheless, it had precedents, and was a powerful argument to oppose.

Joseph Ransdell's words were:

"Because as an ambassador here from the State of Louisiana I am charged with the duty of defending her vital interests against injurious assault, and recognising that I owe a higher degree of duty to my State than I owe to the Democratic Party ... I cannot vote (for this bill)".

Cong. Rec., 63rd Cong. 1st sess., (1913), 4603.

- 38 Ibid., 4617.  
39 Ibid., 63rd Cong. 2nd sess., (1914), 1822, 1833, 1834-1835, 2426.  
40 Ibid., 2512, 2513, 2514.

It should be noted that McCumber reached his total loss to the American farmer by a process of post hoc, ergo propter hoc. One of his main examples was that in November 1913, (a bare month after Wilson had signed the act!) 123,118 head of cattle were imported. They were worth \$3,306,723, and this represented money lost to the American farmer, and given to those in foreign lands.

- 41 Ibid., 2519.  
42 Ibid., 2520.  
43 Ibid., 2651.  
44 Ibid., 2929-30, 2737, 2521.

Sterling's tactical error can be blamed on inexperience. He had/

had been elected to the Senate only in 1912, and had no prior experience of Congress.

45 Ibid., 2946, 3036, 2929-31.

46 Ibid., 59th Cong. 2nd sess., (1907), 1872, 1883;  
Ibid., 64th Cong. 1st sess., (1916), 12089;

For La Follette's attempts to change the function of the Supreme Court see:

James B. McDonough, "The Alleged Usurpation of Power by the Federal Courts", American Law Review, 46 (1912), 45-59.

47 Cong. Rec., 63rd Cong. 2nd sess., (1914), 2944, 2947, 2932-2933.

48 Ibid., 2944;

For an account of how one black sharecropper's son from Northampton County North Carolina worked long exhausting hours in order to attend the agricultural college at Greensboro see:

Tom E. Terrill and Jerrold Hirsch (eds.), Such as Us: Southern Voices of the Thirties, (New York and London W.W.

Norton and Company: 1979), pp. 270-279;

Cong. Rec., 63rd Cong. 2nd sess., (1914), 2938-2939, 3117-3118.

49 William F. Holmes, The White Chief: James Kimble Vardaman, (Baton Rouge Louisiana State University Press: 1970).

50 Cong. Rec., 63rd Cong. 2nd sess., (1914) 2931-32, 2934.

51 Ibid., 2935-2936, 2938-2939.

52 Ibid., 3042, 3124.

53 Ibid., 3122-3123, 3124-3125.

54 Ibid., 3123, 3129;

For an explanation of Gilbert Hitchcock's behaviour see: A.S. Link, Wilson: The New Freedom, p. 228-231.

55 The bulk of funds for black agricultural education came from federal funds. They received some aid from state legislatures but not much. The Georgian record in 1912 reveals thus:

Total income of white colleges in 1912	\$249,656
Income from state funds	182,900
Income from federal funds	50,287
Total income of black colleges in 1912	\$ 24,667
Income from state funds	8,000
Income from federal funds	16,667

This/

This can be explained to a certain extent by blacks being taught less expensive subjects, i.e. bricklaying rather than higher chemistry, and a higher proportion of part time students at the black colleges; nonetheless there were 100 more blacks at agricultural college than there were whites.

Cong. Rec., 63rd Cong. 2nd sess., (1914), 2930, 2931-33.

56 Ibid., p. 2735.

57 Ibid., p. 2649, 2581-2583, 2739, 2740.

The relative figures for Iowa and Georgia were:

	Iowa	Georgia
Area	35,575,000 acres	37,584,000
Population	2,200,000	2,600,000
Land in farm	33,930,000 acres	26,953,000
Value of production	\$789,642,784	\$344,006,114
Improved land	29,491,000 acres	12,298,000

Ibid., p. 2581.

58 Ibid., p. 2744, 2739.

59 The House committee claimed that one feature of the bill was that it provided authority for the itinerant teaching of home economics and home management. This was the first time that the federal government had shown any purpose or desire to help farm women: "Our efforts heretofore have been given in aid of the farm man, his horses, cattle and hogs, but his wife and children have been neglected almost to the point of criminality".

This was a secondary aim of the bill however, and was not mentioned once during the House or Senate debates.

United States Congress, House, Cooperative Agricultural Extension Work, p. 6.

60 The House conferees were Lever, Gordon Lee of Maryland, and G.N. Haugen of Iowa. The Senate conferees were Smith, Joseph Robinson of Arkansas and James Brady of Idaho. The House conferees successfully insisted on striking out the amendment extending the provisions of the bill to the Hawaii Islands. Their main reason appears to have been the additional expense this involved.

United States Congress, House, Cooperative Agricultural Extension Work, 63rd Cong. 2nd sess., Report No. 587, (28th April, 1914), 3-4;

Cong./

Cong. Rec., 63rd Cong. 2nd sess., (1914), 7417, 7532.

61 Ibid., 7421-7423, 7418.

62 Ibid., 7493-7495, 7532.

63 Ibid., 64th Cong. 2nd sess., (1916), 6479-6480;

Descriptions of the work carried out by states in vocational education before the Smith Hughes Act are given in: United States Congress, House, Vocational Training in the United States, 63rd Cong. 2nd sess., Document No. 937, (27th September 1914).

64 Cong. Rec., 62nd Cong. 2nd sess., (1912), 7764-7765.

65 Arthur S. Link, (ed.), The Papers of Woodrow Wilson, (Princeton Princeton University Press: 1978), XXX, p. 105. Characteristically Wilson added his wish that universities and liberal arts colleges should not be made to suffer from increased vocational education;

How Smith was defeated in his attempt to place Southerners on the commission is unclear. Grantham records that Prosser was aware of Smith's intentions and notified William Redfield, the secretary of commerce. The administration presumably blocked Smith's hopes.

Grantham, Hoke Smith and the Politics of the New South, p. 264;

Simeon Fess, the minority spokesman on education, was a teacher himself. He held the Chair of American History at Ohio Northern University from 1889-1896. Graduating from the university's law department in 1894, he became dean of the college of law from 1896-1900, and vice president of the university from 1900-1902. Lecturing at the University of Chicago from 1902-1907, he became President of Antioch College, Yellow Springs Ohio in 1907. He was elected to the House as a Republican in 1912.

Biographical Directory of the American Congress (1774-1961), p. 884;

Cong. Rec., 64th Cong. 1st sess., (1916), 11873.

66 United States Congress, Senate, Vocational Education, 64th Cong. 1st sess., Report No. 97, (16th March, 1916), 2-3;

Cong. Rec., 64th Cong. 1st sess., (1916), 11873.

67 United States Congress, Senate, Vocational Education, 4; Cong./

Cong. Rec., 64th Cong. 1st sess., (1916), 11873.

68 Ibid., 11874-11875.

69 Grantham, Hoke Smith and the Politics of the New South,  
p. 265-266;

Cong. Rec., 64th Cong. 1st sess., (1916), 11874.

70 Ibid., 6480.

71 Ibid., 11874-11876.

72 Ibid., 11876.

73 Ibid., 11877-11878.

74 Ibid., 64th Cong. 2nd sess., (1917), 3260-3265, 3479,  
3481-83.

CHAPTER IV  
FINANCIAL LEGISLATION

Economic and social reformers used rural credits as a vague but emotive rallying call. According to its most enthusiastic proponents, rural credits reform would transform Southern agriculture in a manner that improved highways, a regulated cotton exchange, increased warehouse provisions and an expanded educational system could only hint at. Once shorn of millennial rhetoric, the nature of rural credits was more prosaic. Essentially, rural credits reform meant the rationalisation of the haphazard, though not completely inefficient, banking system which had supported the American farmer. Commercial bankers, who never really interested themselves in agricultural finance, contemptuously dismissed the already existing system as "dealings in squash and pumpkin" currency. 1

Such comments were hardly fair. Rural credits were important; any legislation on the subject would have far reaching effects, for both the farmer and American banking. Furthermore, it would establish a more permanent structure than any other component of the agricultural reform programme. The problem was simple: how could the farmer obtain dependable, guaranteed credit at a reasonable interest rate? The proposed solutions fell into three broad categories. The commercial banks and their political allies preferred to keep rural credits in the private sector, or limit government intervention to the state level. Initially Woodrow Wilson concurred in this opinion. Occupying the middle ground were those/

those who desired a rural equivalent of the federal reserve system, with a limited federal responsibility and an emphasis on local autonomy. This formed the majority opinion, particularly amongst politicians. Direct federal grants to the farmer was the most radical solution; this idea was without constitutional precedent, banks resisting it bitterly. The strongest support for this came from farmers' organisations in the Mid west. Despite the apparently deep divisions however, all agreed upon the necessity of some form of legislation.

Southerners in Congress agreed wholeheartedly with the need for reform. Some politicians such as Duncan Fletcher of Florida and Morris Sheppard of Texas preferred to limit rural credits to private business, but the majority worked to bring about some degree of federal intervention; no Southern politician supported the idea of direct, unqualified federal grants. The eventually successful bill was sponsored by Henry Hollis of New Hampshire in the Senate, and by Robert Bulkeley of Ohio in the House, but Southern support was essential to the bill's passage in both debate and voting. In certain respects, most notably the boundaries of the land bank districts, the bill had been intended specifically to help the South.

The rural credits problem was more pressing in the South than elsewhere. The problem was not a lack of rural credit facilities, but rather their unregulated nature. A large body of opinion contended that the Southern agricultural problem stemmed from an excess of credit. Clarence Poe believed that encouraging rural thrift would result in better conditions/

conditions than even the best regulated credit system. John Sharp Williams, no stranger to the workings of agricultural finance, agreed considering that in the past too much credit, too easily available, had been the ruin of the Mississippi farmer. Advising extreme caution on all matters of rural credits, Williams believed that the closest attention should be paid to the workings of the federal reserve system before any proposals for rural finance be drawn up. The nature of Southern rural finance posed the problem: not the ease of obtaining it. One of the many paradoxes of cotton production concerned its financing, for while highly sophisticated on one level, involving complex international transactions, at the local level it was almost primitive. Verbal or poorly drawn up contracts between planter and merchants were common; in many cases the barter means was merchandise rather than specie or paper; and the interest rates were both high and variable. The system had its advantages; it was well adapted to local conditions, and flexible enough to deal with minor fluctuations. It was however open to abuse, the whole system being considered by many to be corrupt and inefficient. Expressions of confidence in the Southern banking system were few and far between. 2

The nature of cotton cultivation placed additional strains upon an already inefficient system. Requiring nine months growth and careful attention, generally between January and September, cotton growing meant that producers, both landowners and tenants, wished some form of credit to tide them over until the next crop. The debt was paid if the/



the crop succeeded. Banks disliked this. As only one crop grew during the year, this placed considerable strain upon the banks' resources at harvest time, when planters requested one month's credit "to move the crop". It was uneconomic as well as inconvenient, the optimum lending period being more than three months and less than six. Industry was a better alternative for a long term investment, the returns being less speculative, but more reliable. Yet the banks had to underwrite the cotton crop; often it provided a country bank's only business. 3

While credit could be easily obtained, formal banking provisions in the South were poor compared with other regions. The position had improved considerably since the 1880s when there were less than 200 national banks in the region, but in 1910 despite having a quarter of the banks in the union, 1400 banks, the South possessed less than a fifth of the banking capital. The average Southern national bank had capital resources of \$119,854, the union's average being \$139,407. Financial control continued to lie with Wall Street, the traditional villains of Democratic rhetoric. 4

Southern banking had changed in one important respect, in that bankers were now more accepted members of society. According to Richard Edmonds the "deeply seated prejudices" of the region against banks had been overcome. An analysis of opinions expressed in agricultural journals conducted by Louis Galambos bears this out. While all the opinions expressed on big business and banking in the South were unfavourable in the 1890s, by 1910 almost half the opinions were favourable, and the remainder neutral. This sample is unrepresentative/

unrepresentative of Southern farmers as a whole, being accurate for the readers of only one journal, the Southern Cultivator, but it may be taken as being representative of those who had some say in the political debate. It reveals that anti banking sentiment amongst the better off farmers had almost entirely died away. A sense of common purpose existed between lender and borrower in the 1910s that was not there in the 1890s. Both wanted reform, but neither desired it at the expense of the other. 5

Southern banks had to protect themselves against loss, large fluctuations being especially common and unpredictable at the local level. To accomplish this they charged high interest rates, partly to discourage less well off borrowers and partly to create reserves. Compared with the rest of the industrialised world very few American banks failed, but the unreliable nature of the cotton crop meant that many Southern banks ran very close to their margins. Small country banks often found themselves having to flaunt the state banking laws in order to ensure survival, rather <sup>than</sup> from a particularly corrupt intention. Most offences related to charging illegally high interest rates. Although less rigidly enforced in the South than the North, 546 Southern banks fell foul of the various usury laws in 1915 compared with only 57 Northern banks. This represented almost half of all Southern banks. A North Carolinian economist reported that his state's general usury law had only a shadow of a real existence. Despite the many convictions it did not act as a deterrent as banks accepted conviction as a necessary business risk. Furthermore, he believed that the total/

total number of convictions did not accurately represent the true number of offences as violations could be brought to trial only by the slow and uncertain process of indictment by grand jury. 6

Planters complained bitterly about high interest rates, but as they could pass these on to their tenants they were cushioned against the full impact. Figures collated by the United States department of agriculture reveal that although Southern interest rates on mortgages were among the highest, they were not noticeably so. This is shown in Table I. The average rate in New Hampshire was 5.3 per cent, and although rates in the South could rise as high as 9 per cent, the regional average was 8.4 per cent; the average rate for the United States was 6.9 per cent. Southern planters clearly were not as hard done by as they often claimed to be, especially when it is considered that interest rates in Montana and Wyoming were 10 per cent. While this places Southern interest rates in a national context, it should be remembered that local variation was considerable. At least 343 Southern banks charged more than 12 per cent in 1914, whereas only 30 did in the North. Five Alabaman banks charged 26 per cent, one charged 34 per cent and another 60 per cent; in Georgia an average of 30 per cent was levied by eleven banks; and in Arkansas one bank asked for, and presumably received, 120 per cent. Such enormous variations doubtless reflected very differing local conditions. Nonetheless they illustrate the great defect in American agricultural credit: the complete lack of central control. Banks were too sensitive to local conditions, and not responsive enough/

Table I: Farm mortgage loans - average rates for interest and commission.

	Average Interest Rate	Average Annual Commission	Interest Plus Commission
Alabama	8.7 per cent	0.7 per cent	9.4 per cent
Arkansas	9.0	0.6	9.6
Florida	9.0	0.6	9.6
Georgia	7.6	1.1	8.7
Kentucky	6.7	0.4	7.1
Louisiana	8.2	0.4	8.6
Mississippi	8.0	0.5	8.5
North Carolina	6.3	1.4	7.7
South Carolina	7.8	0.6	8.4
Tennessee	7.3	0.6	7.9
Texas	8.4	0.6	9.0
Virginia	6.1	0.7	6.8
New Hampshire	5.3	-	5.3
Indiana	5.8	0.4	6.2
Iowa	5.6	0.3	5.9
Montana	8.4	1.6	10.0
Wyoming	9.2	0.8	10.0
Washington	7.9	0.8	8.7
Southern average	7.7	0.7	8.4
United States average	6.9	0.5	7.4

Source: United States Congress, Senate, Rural Credits, 64th Congress, 1st session, Report No. 144, (15th February, 1916), p. 8.

enough to national trends; while they could deal with local emergencies, in times of national panic they went under. 7

Banks, especially country banks, were Southern landowners' main source of credit: only 4 per cent of Texan landowners borrowed from elsewhere. Insurance companies provided the cheapest credit, and the best regulated; they generally charged their legal maximum rate of 6 per cent, with an added 3-4 per cent for the agent's and lawyer's commissions, but such sources were available only to policy holders. Being small, many country banks were unable to provide the large, long term loans necessary for permanent improvement to farm buildings and equipment. Texas farmers borrowed only \$500 per annum, and this dropped to \$300 when a few unusually large loans for land buying were discounted. Over 45 per cent of the loans were for less than \$100. While perfectly adequate for the year to year running of a farm or plantation, it hardly allowed for long term change or improvement. Banks reported that few borrowers asked for long term loans, 75-90 per cent of their borrowers asking for accommodation from year to year. The high interest rates meant that long term loans were perceived as uneconomical, even when they offered the chance of long term improvement. 8

Such short sightedness to future development cannot be blamed entirely on the banks. They were small, engaged in a profitable but hazardous business, and had few ways of raising capital in an emergency from outside sources. Planters could offer little in the way of collateral: all they had was their land and buildings. While this could be quite/

quite substantial, the national banks before the passage of the Federal Reserve Act in 1914 were not permitted by federal law to give loans on the security of real estate. Several did in practice, in Texas for example such loans comprised 10 per cent of all national bank loans. Borrowers would put up their real estate notes in the national banks, and while they were not pledged as security, it was understood that they were in the bank for that purpose. Additionally, national banks made loans on real estate when the landowners had no other collateral, but the land did not have to be depended upon for the liquidation of the debt. Highly illegal, and damaging to the bank if discovered, such practices nonetheless went on with the tacit sanction of bank examiners. More usually banks demanded either chattel, buildings, implements, or, less often, the next year's crop as collateral. Personal security could be offered, particularly when the landowner was a major depositor, borrower, or shareholder in a country bank, but this was rare. Banks demanded high amounts of security, two to three times the size of the loan being expected. This effectively excluded tenant farmers from access to bank credit. Small landowners tended to be low users of bank credit as well. One economist believed that this was so because of a lack of business knowledge, and a disposition to keep aloof from banks, or even neighbours, in times of financial crisis. Few knew the real difference between credit and cash prices at a store, often obtaining store credit at 12-20 per cent when a bank would lend willingly at 6-8 per cent. 9

Before the passage of the Federal Farm Loans Act, banks acted/

acted as commercial as well as agricultural agencies, larger banks in particular preferring to invest in industry rather than agriculture. Few banks welcomed the farmer when they could invest elsewhere. Southern agriculture was correctly perceived as being too prone to human error and natural disaster to represent a sound commercial proposition. Landowners had some say in local banking affairs, but studies in North Carolina reveal that they rarely possessed absolute control. Landowners in the larger towns owned very little in the way of bank stocks, but in smaller centres they could control up to 50 per cent of a bank's shareholding. In such areas their importance as borrowers and depositors could increase their influence on banking policy, as doubtless did the friendships and alliances created within small town society, but landowners did not have a recognised, guaranteed say in the running of agricultural credit. 10

The formal credit structure was the most important from the landowner's immediate financial position, but it formed only half the picture. Furthermore, its most obvious defects of variable interest rates, low capitalisation resulting in undue caution, and an inflexible response to the seasonal needs of agriculture could be corrected by legislation. Below the relatively ordered levels of banks, trust companies, and insurance agencies existed the completely unregulated world of the credit merchant and the furnishing store, whose many faults could only be corrected by economic and social change.

Few commentators would contend that store credit helped to advance Southern agriculture. It is interesting to note however that the greater the time distance from the credit merchant's/

merchant's world, the greater has been the condemnation of it by historians. Frank Tannenbaum, writing in 1924, saw little wrong with the credit system. The accusations of the credit merchant being rapacious were undeserved, he wrote; the merchant had to protect himself in a businesslike manner from a hazardous undertaking. Vann Woodward conceded that the credit merchant was an evil, but a necessary and understandable evil. Tenants and merchants were both trapped in that they had to pay outrageous interest rates to their immediate superiors on the financial ladder; the credit merchant being "a bucket on an endless chain by which the agricultural well of a tributary region was drained of its flow". Lawrence Goodwyn considered the system to be an absolute evil, run by grasping merchants who deliberately forced many into either permanent debt or migration in their efforts to squeeze the last drop out of their creditors. 11

Whatever the nature and intent of the credit merchants, and it would be reasonable to suppose that honourable as well as dishonourable members of the fraternity existed, the effect upon the tenant was undesirable and undeniable. Complete political, economic, and social control in the small isolated rural communities of the South lay with the credit merchant. Even Tannenbaum acknowledged this. The merchants, he wrote, owned the fertiliser plants, the oil mills, the banks, and the warehouses, dictating what should be grown and by whom: "They are the politicians and control the political destinies of the community". Consequently, those in Southern society who could benefit most from an effective standardisation of credit were, in reality, outwith the law. Attempts had/



had been made in the 1870s and 1880s to repeal crop lien laws, but they had come to nought. No proposed solution to the rural credits problem in the 1910s could reasonably have been expected to deal with the credit merchant, a fact that affected the workings of the Federal Farm Loans Act. A Georgian farmer recognised the inevitability of this; writing to his representative he judged that any rural credits system would work only for the benefit of those who farmed the farmers: tenant farmers and those of small means could not hope to benefit. 12

Outside the academic community few concerned themselves with the tenant's problems; the agricultural journals while deploring the existence of the crop lien system proposed little in the way of alternatives. Southern academic economists preferred to work at state level. Eugene Branson, writing in 1915, despaired of ever seeing federal legislation, and recommended to a farmers' leader that they work "hammer and tongs" to persuade the North Carolina legislature to authorise cooperative land associations, credit unions, and land-mortgage associations. Similarly, Lewis Haney of the University of Texas proposed that state and county facilities be expanded, there being no mention in his study of the desirability of federal aid or regulation. 13

By the 1910s state legislatures had become active in the field of rural credits legislation. By 1915, seven states had enacted laws governing the formation of credit unions. Massachusetts, Utah, and Wisconsin allowed for competitive farm land banks under state supervision. New York had chartered a land bank controlled entirely by local savings/

savings and loan associations, the state legislature having almost no say in the running of the system. The most radical solution had been adopted in Missouri, Montana and Oklahoma, as private initiative was entirely abandoned and direct state loans introduced. In North Carolina and Kansas the existing laws on building and loan associations were amended in 1915, enabling them to make loans on agricultural land. 14

Yet, as bankers' journals repeatedly pointed out, even the best of the state plans were little more than a step towards the desired end: "As a rule, the states seem to have acted on the belief that something additional in the way of financial machinery should be created". The feeling grew that the federal government should step into the breach. Many expected this. Several farmers were reported to have acquired new land at a high mortgage rate in the belief that direct government aid would bring down their interest rates, thus enabling them to realise a speculative profit. Carter Glass, the conservative representative from Virginia, sadly recognised the inevitability of federal legislation. He agreed with a correspondent that this was not a suitable area of interest for the government, "but I have long since found that I cannot altogether have my own way in matters of legislation". 15

National rural credits legislation was not new. The banking systems of the early republic had been concerned primarily with the needs of a rural community. By the 1863 National Banking Act however the balance had been heavily weighted in favour of the commercial and industrial sectors, presenting/

presenting Southern politicians with plenty<sup>of</sup> opportunities to make political hay out of grumblings against Wall Street. An expanding agricultural economy throughout the 1870s and early 1880s, combined with the continued availability of cheap land, had pressed comparatively little stress upon the banking structure. Cracks had begun to appear in the late 1880s, with nationwide agricultural depression. Alternative proposals appeared; the most relevant to Southern conditions being the sub-treasury plan of Charles W. Macune.

This called for a credit system that would aid "a whole class"; it was pragmatic, well adapted to local conditions, and it represented the most radical and innovative alternative to Gilded Age economic thought. Macune's plan envisaged the nationwide establishment of federal warehouses. In these "sub-treasuries", farmers could store their crops until higher prices materialised; they were to be allowed to borrow up to 80 per cent of the local market price upon storage, and could sell their receipts at any time. An interest charge of 2 per cent was to be levied on depositors. The plan had many strengths: it could respond to varying local conditions; it could call upon national resources in times of crisis; it provided tenant farmers for the first time with access to regulated credit; and it bypassed the credit merchant. Great claims were made for it. Subsequent commentators have seized upon it as the one viable alternative to the growing national corporations. Goodwyn claims that the Alliance's sub-treasury plan would have replaced the private national banking system, and established the United States treasury department as the pre-eminent capital institution in the country/

country, thus making large scale agricultural cooperation politically and socially possible by providing a sound economic base. As an idea, the sub-treasury plan had one great virtue: it was never put into practice. Important flaws are apparent however: it would have sparked off great inflation; without a supporting bureaucracy, which did not exist in the 1890s, it would be open to abuse and inefficient administration; it could easily be opposed in the courts as "class legislation", and therefore unconstitutional; and it is hard to envisage its aims of helping the tenant farmer being realised against the immense entrenched powers of the credit merchants. Nonetheless, its strength and vision were admirable. It is hard to disagree with William P. Yohe's contention that Populist economists properly belong to Lord Keynes's "brave army of heretics ... who, following their instructions, have preferred to see the truth obscurely and imperfectly rather than to maintain error, reached indeed with clearness and consistency and by easy logic, but on hypothesis, inappropriate to the facts". 16

Macune's cooperative ideals were far removed from the cooperative ideas of the framers of the Federal Farm Loans Act; nonetheless, similarities existed. Both plans were conceived within the geographical framework of the union, and on the level of federal politics. By the late 1890s, the Populist challenge had been successfully resisted and defeated, but the questions they posed remained vital and unanswered. Roosevelt's Country Life Commission observed that the lack of an adequate system of agricultural credit contributed to the deficiency of country life. Whereas Populist ideas had/

had tended to get lost in the mire of Southern politics, the commission's findings aroused public and official interest. It convinced President Taft of the necessity and feasibility of rural credits legislation, and largely on his own initiative, although partly in response to pressure from the Southern Commercial Congress and some of the American Bankers Association, he instructed American diplomats in Europe to report on how their host countries dealt with the problem. 17

Wilson encouraged this initiative by appointing a commission headed by Senator Duncan Fletcher of Florida to visit Europe and report on the existing cooperative banks and credit unions. European and Australasian state loan practices were not to be studied: Wilson preferred there to be no federal involvement in rural credits. Fletcher had been a successful corporation lawyer in Jacksonville, Florida, with particularly close connections with railroad companies. Unusually for a Southern politician, he had built up his political strength from an urban base, the highly fractured nature of Florida politics allowing him to defeat Napoleon Bonapart Broward, the corrupt reform governor, in the 1907 senate election. His senate voting record was basically conservative, although he did resist pressure from the citrus growers to vote against the Underwood tariff. Strongly opposed to central authority, he contented himself with ensuring that Florida received her fair share of the annual rivers and harbours appropriation. His interest in rural credits provided him with his only national platform. The findings of the commission were reported to Congress, and legislation duly drafted. Known as the Moss Fletcher bill, this formed the/

the first legislative attempt to enact a federal rural credits system, but before Congress came around to considering it, important changes occurred in the national banking system that would affect agricultural credits. 18

Woodrow Wilson had made several supporting statements on rural credits. In a prepared statement issued on 3rd August 1913, he claimed that no subject was more important to the United States than rural credits legislation, and that "there is no reform in which I would myself feel it a greater honor or privilege to take part". This was largely window dressing however; Wilson's main concern was commercial banking. At one stage it was suggested that the same legislation should accommodate commercial and agricultural credit, but as the commercial banks would have none of this, the idea was dropped. The Federal Reserve Act was a major commercial and legislative achievement, and its drafting and passage has been well documented by historians. 19

The South welcomed the measure. The Reserve Act had been largely drafted by New York and Chicago bankers, but Carter Glass and the Washington and Lee economist Parker Willis had influenced the final bill. Southern congressmen approved the decentralised nature of the proposed banking system, and their unqualified support greatly aided the passage of the bill. The President had to apply considerable pressure on certain Democrats, particularly in the Senate banking and currency committee, to bring them to order, but not on Southerners. All sections of the South agreed with their politicians' approval of the act. Daniel Tompkins, the by now elderly luminary of the New South, believed that the/

the new asset currency system would provide all that was needed for secure loans and equalised interest rates. A Georgian cotton merchant wrote that the Reserve Act would meet all his present and future needs. The Progressive Farmer welcomed the clause in the act that allowed the South to draw upon the financial resources of other regions; permitting easier loans to help move the cotton crop. The authors of the act had been aware of this need. Paul Warburg, the New York banker, had stressed the necessity of other regions aiding the South: local banks in areas where money was not in strong demand during the autumn, which essentially meant urban areas, he wrote, should be ready to buy Southern bills. 20

Southern agriculture benefited not only from an improved cash flow in the autumn, but the act also permitted national bank associations outwith the central reserve cities to lend on the security of improved land. Such loans could be made for five years, although they were not to exceed 50 per cent of the actual value of the property. Furthermore, for the first time the paper arising from agricultural transactions was eligible for discount by national banks. Allowed a six months maturing period for discount compared with a ninety day period for commercial paper, to make allowance for the agricultural year, it is little wonder that many bankers saw no need for subsequent agricultural credit legislation. Bankers considered that the rural credit problem would be solved if existing banking facilities were made more accessible to the farmer. 21

Yet/

Yet the act had not provided for long term credit; while this caused little worry in New England or the Midwest, where farmers opposed long term mortgages on principle, the omission was serious for the South. One of Carter Glass's constituents disagreed with Glass's belief that the Reserve Act left no stone unturned: while the act was well suited to commercial purposes, he wrote, it could never fully adapt to rural conditions and place the American farmer on an equal footing with his competitors. 22

Southern bankers were delighted with the new act. Their delight increased when William G. McAdoo directed that \$50,000,000 be placed in Southern and Western banks to help with the harvest; this went ahead much to the annoyance of New York banks. Their optimism soon turned to bewilderment however; this was particularly true for the country banks. Feeling that the act had been passed for their benefit, this being consistent with Democratic banking rhetoric, the country banks now found themselves in direct competition with the new reserve banks: and they could not hold their ground. The assets of a country bank generally comprised real estate mortgages and crop lien loans, and such banks could not act as members of the reserve system. Furthermore, investment by predominantly rural banks in federal reserve bank stock brought only a five per cent return, whereas money loaned to farmers could legally recoup ten per cent. 23

The Reserve Act further damaged the country banks as the smaller banks had lost the important commissions for handling cheques they had previously received. All cheques after 1914 had to be sent through the reserve banks without compensation, /



compensation, whether they came from banks in the reserve system or not. Cheque handling had been a lucrative sideline for country banks, and this bite into their profits grieved them. The loss of independence further rankled them; their complaints were numerous and vociferous. Eventually Claude Kitchin, a North Carolinian representative, introduced a measure restoring conditions to what they were before 1914. 24

Despite such hiccups, the Reserve Act successfully helped farmers to obtain short term credit, but the provision of long term credit took longer. The crucial difference was the attitude of Woodrow Wilson. Although knowing little about finance, the President had thrown himself wholeheartedly behind the Reserve Act, recognising the necessity of a speedy reform of commercial banking; his commitment to rural credits was less. One suspects that the subject bored him: writing to Mrs. Galt in June 1915, he expressed his relief when McAdoo and Glass came to discuss rural credits with him and left before their allotted half hour was up. He had commissioned the Fletcher report, but if anything his opposition to government intervention in rural credits was more extreme than the Floridian's; writing to the similarly minded Glass, he confided: "I have a deep conviction that it is unwise and unjustifiable to extend the credit of the Government to a single class of the community". His constitutional doubts were sincere; he had expressed similar feelings on the wisdom of federal workmen's compensation legislation. The farmers however constituted a more powerful voting lobby than labour, and the 1912 platform had committed Wilson/

Wilson to a rural credits system of some sort. One Southern letter writer considered that the Democratic orations of 1912 rang "emptily", despite the political achievements of the low tariff and banking reform, because rural credits had not been enacted. 25

The banking community shared Wilson's opposition; opinions on the wisdom of rural credits varied from negative disinterest to the hostile, particularly regarding the question of federal aid. One banking journalist believed the states to be perfectly capable of handling the situation. Another wondered why farmers needed any help at all; the American farmer was the most prosperous in the world. Many bankers completely ignored the subject. The editor of one banking journal warned his readers that they should find means of perfecting existing legislation, otherwise they would be confronted by a law drawn up by borrowers. Another journalist claimed that banking suspicion of rural credits sprang from a belief that such a system would be linked to the federal reserve system, thus complicating and weakening it. 26

Banking opposition continued even when it looked certain that some credit system would be enacted. It is true that certain of the journals pronounced such legislation to be desirable, and that an ex president of the American Bankers' Association, Myron T. Herrick was amongst its strongest proponents, but compared to its involvement in the formation of the Reserve Act, the banking community's role in the Federal Farm Loans Act was minimal. Indeed, the Farm Mortgage Bankers' Association, representing the banks and bankers involved/

involved in the farm mortgage business, severely hindered the workings of the Farm Loans Act in 1919 by instigating a suit to test the constitutionality of the act. Much of the initiative and technical knowledge involved in the Reserve Act had come from the bankers, it being presented to Congress as a fait accompli. This was not so with the Farm Loans Act. Much had been learned from the Reserve Act, but the main initiatives came from the politicians, not the bankers.

The Fletcher commission reported voluminously and favourably upon European credit systems, particularly the state chartered but privately controlled German landschaft plan. The commission nonetheless concluded that an American solution should be found for the American problem. Its findings were expressed in the Moss Fletcher bill, introduced to Congress in 1914 but not considered due to lack of time. Providing for highly decentralised land banks operating under a federal charter solely within state boundaries, but privately controlled, it was regarded with great suspicion by Western farmers who charged it with placing too much control in private hands. The bill was unrealistic: it took little account of public opinion, its conception had been hasty, and the Reserve Act's choice of districts comprising several states had rendered its stress upon action within state boundaries anachronistic. Divisions over the necessary degree of federal control between Fletcher and Moss became apparent during the extensive committee hearings, and its credibility thus impaired, the bill failed. 27

Public and congressional interest continued to mount.  
Elsworth/

Elsworth Bathrick, an Ohio representative, introduced a bill in January 1914 providing for direct government loans at low interest rates. Bathrick represented a highly marginal constituency, which although normally Republican, had been captured in the 1910 Democratic swing. Retaining his seat in the 1912 election, Bathrick nonetheless felt his position slipping away, and this doubtless influenced his initiative. Midwestern and Western farmers' organisations supported his bill, but no endorsements came from Southern organisations. When Wilson let it be publically known that he would veto any such bill, the bill was dropped. 28

The necessity for congressional action had become obvious; the problem existed, farmers demanded a remedy, and the important mid term elections were approaching. A compromise bill was introduced in May 1914 by Henry Hollis and Robert Bulkeley, the respective chairmen of the Senate and House subcommittees on rural credits, this being essentially the bill that eventually succeeded. While reducing the influence of the private banks, as proposed by the Fletcher Moss bill, the Hollis Bulkeley bill proposed less federal intervention than the Bathrick bill. It envisaged a federal role similar to that of the federal reserve system, that is as an overseeing regulator. Both sponsors had considerable knowledge and experience of banking. Robert Bulkeley was a product of the Harvard Law School; he specialised in banking law, and had built up a successful practice in Cleveland. Elected as a Democrat from Ohio in 1911, he was elected to the Senate in 1915, although he remained in the House until after the 1916 election. Another product of Harvard Law School, /

School, Henry Hollis had also specialised in banking law. Elected as a senator from New Hampshire in 1912, without any prior political appointment, he was described by William McAdoo as being: "able, energetic, and enthusiastic, and a true friend of the farmer. He was considered a radical by the reactionaries of the Senate, but that means nothing. Hollis was an advanced liberal, and not a visionary". 29

Despite its compromise nature, and its wide support from the public and Congress, this bill also failed. The legislative session was too crowded to allow a proper consideration, but Wilson's opposition remained the main obstacle. Carter Glass considered that the main reason why the rural credits bill had only low priority, was due to its containing provisions for government support that Wilson regarded as "obnoxious to sound Democratic doctrine", and which Hollis declined to eliminate. This vexed many congressmen. In a final effort, Bulkeley managed to have the bill accepted as an amendment to the agricultural appropriations bill, thus overcoming the timetable problem and forcing debate of rural credits. In the meantime, Albert Cummins had successfully tacked a direct loans amendment on to the Senate agricultural amendment bill, creating deadlock on an important measure. This was only broken when both sides agreed to drop their amendments in return for the establishment of a joint committee which had to recommend a bill by January 1916. 30

Wilson still opposed any suggestion of extending the credit or the support of the United States to aid a single class. All through the early months of 1915 while the Hollis/

Hollis Bulkeley bill occupied Congress, Wilson maintained that he would only support a bill without federal aid. Other priorities held his attention: he wanted Congress to pass a shipping bill, thus encouraging the growth of the American merchant marine; the seaman's bill and the immigration bill, neither of which Wilson supported, were in Congress; the Germans had increased their use of submarine warfare; the British threatened to extend their naval blockade; beside these, the rural credits bill seemed an irritant. Furthermore, Wilson believed that all that should be done to aid the farmer had been done by the Reserve Act. Houston strengthened his doubts by impressing upon him the dangers of federal intervention. 31

In the meantime, the joint committee had carried out its duties, and recommended a bill committing the federal government to underwrite the system with \$6,000,000. Link relates how Hollis and Asbury Lever went to the White House to report the committee findings to Wilson, prepared to compromise, but determined to retain a considerable federal responsibility. After forcibly putting their case, Lever suggested to the President that if \$6,000,000 seemed too high, then \$3,000,000 could be agreed upon as a suitable compromise. Wilson proceeded to stun both men by saying that Lever's proposition was too modest, and that the original figure should be retained. From that moment the bill was an administration measure, and its enactment in some form never in doubt. 32

Wilson's turnabout was dramatic. He could intellectualise away his change of heart by pointing out that as the government subscription to the capital land stock of the land/

land bank would be repaid eventually, then there was no real federal commitment, but hard political reality explains his position better. His re-election was uncertain; while representatives like Bathrick were expendable, Wilson needed Ohio's electoral college votes badly if he was to survive the regenerated Republican challenge. Much has been made of Wilson's idealistic dream to place the Presidency truly above politics; it is as well to remember that Wilson could also be a cool, calculating politician of the first order. When convictions stood in the way of ambitions, they went. In his understandable wish to be re-elected Wilson endorsed many measures he had previously opposed on constitutional and moral grounds: a federal child labour regulation law, workmen's compensation, the seamen's bill and women's suffrage. His adoption of a rural credits bill including federal involvement became part of this radical swing.

Hollis's bill was long and complex, as could be expected of a statute that intended to establish a completely new banking system. Although modelled on the Federal Reserve Act, the principle behind the Farm Loan Act was that of cooperation, the same as the other agricultural reforms; the cooperation involved was not only to be between the government and the farmer, but between the prosperous and less prosperous regions of the union. As Hollis admitted, it<sup>was</sup> intended to aid the South at the expense of New England. The bill envisaged three administrative levels: a federal farm loans board whose members were appointed by the President, and comprised of four members not more than two of whom could be members of the same political party; twelve or more land banks were to appraise/

appraise and provide the loans, and although these could correspond to the already existing reserve districts, Hollis hoped that there would be more in the South than the North East, as it was there that the need was greatest; and farmers were to deal with the land bank through farm loan associations, the membership of which was necessary before a loan could be obtained. 33

The whole system interlocked. Each land bank had to have an initial capital of not less than \$500,000; hopefully this could be raised by the sale of bonds to the public or trust funds, but the federal government undertook to subscribe for as much as would be necessary to make up the required amount. Once the land banks were fully operable, the government subscriptions were to be returned. It was this federal underwriting of the land banks that Wilson had found so objectionable, although it was essential if the public were to have any confidence in the value of the land banks, and subscribe to the bonds. The committee recommended that these bonds be exempted from all federal, state, local, and municipal taxation, and that the interest rate be 4 per cent, in the hope that they would be a more attractive long term investment than savings bonds. Each bond was secured by the capital, reserves, and earnings of the issuing land bank, and by the resources of all the other land banks.

Farm mortgages were similarly secured. Each mortgage was to be secured by the personal undertaking of the borrower, the security of the mortgaged land, by the capital of the endorsing local farm loan association, and by the other members of the loan association. As with the bonds, the loans/



loans were to be long term arrangements. The bill proposed that they should extend for no less than five and no more than 36 years; the rationale for this being that if the farmer repaid 5 per cent of his loan semi annually, and with each interest payment paid 1 per cent on the principal of his loan, the debt would be redeemed in 36 years. Money had to be borrowed for productive purposes such as the purchase of a farm, or to liquidate existing indebtedness; no loan was to exceed either \$10,000 or 50 per cent of the appraised value of the mortgaged land; and the borrower had to engage in the cultivation of the mortgaged farm. The proposed interest rate was 3 per cent.

As with the previous reforms, it seemed as if all had an equal say in the workings of the system: farmers could present their cases through the loan associations; professional bankers offered their opinions through the land banks; and the farm loan board represented the public, and had the ultimate say. The similarities with the reserve system were obvious and intentional, but the inclusion of the farm loan associations in the bill had no equivalent in the earlier system. Membership of an association was open to anyone who owned or was about to become the owner of farm land; a minimum of ten members was necessary. The duty of each association was to report requested loans to the land bank who then appointed appraisers to consider the economic viability of the loan. Further membership was open to those who the members considered to be of suitable and good character; all who passed this test had to take out stock in the association to the amount of 5 per cent of the requested loan. 34

Sound/

Sound practical reasons existed for the existence of the associations: they provided a needed institution between the farmers and the land banks; they could react speedily to local needs and conditions in a way that the land banks could not; they were an essential recognition of the highly diverse nature of American agriculture; and they encouraged farmers to take an active interest in the new credit system. Their effect was to ensure that their members had absolute control over future developments within their own area: possessing the right to examine all improvements, they also wielded the vital initiatory power within the banking system. This emphasis upon extreme local autonomy made the farm loan banks consistent with Democratic dogma: the states rights argument once shorn of its emotional ties to the state and the Confederacy, was basically an assertion of local autonomy against central authority. While certain Southerners such as Fletcher preferred that a national rural credits system be organised through the states, the vast majority realistically accepted that this was impractical: Mississippi, for example, could be trusted with federal funds to finance her internal educational and highway improvements, but a rural credits plan operating solely within Mississippi financed by Mississippi capital would neither inspire confidence nor result in lasting benefits. The problem was too large; larger and more efficient agencies than the Southern state legislatures were required to solve it. Southern Democrats could not accept direct federal grants, as shown by the completely negative attitude displayed towards the Bathrick bill, but they could support a plan that retained local control, the role planned for/

for the loan associations being analogous to that envisaged for the state legislatures in the Federal Highways Act and the Agricultural Extension Act. A measure of the Southern acceptance of the Hollis bill's validity can be gauged by the South's constitutional defence of it during the Senate debates, while Hollis offered a technical and financial defence.

The bill was not of the South's making, although its aims and constitutional doctrine appealed to the region. The main credit for the complex and theoretically sound clauses of the bill must go to Hollis, although McAdoo and Glass offered their advice and experience gained from the Reserve Act. Curiously, neither McAdoo nor Glass dwell in their memoirs upon their roles in the farm loan system. McAdoo in particular seems to have regarded his involvement as being an unpleasant chore. The secretary of the treasury's attitude reflected the banking community's disinterest, although Link mentions the involvement of Leonard G. Robinson, the director of the Jewish Agricultural Industrial Aid Society, in formulating the details of the bill. Southern non-involvement was not due to disinterest; it merely reflected the lack of Southerners on either the Senate or House banking and currency committees. Asbury Lever's presence during the White House meeting with Wilson probably indicated his standing as a party manager in the House, rather than any detailed knowledge of financial legislation. Nonetheless, the South vigorously aided the defence of the bill against North eastern Republicans, and contributed to its successful passage. 35

The/

The bill passed through the House and Senate committees with little trouble, only a few amendments being allowed: the secretary of the treasury was made chairman of the farm loans board, instead of just an ex-officio member; the House committee wanted the board to make annual reports to the House; the mortgagee was provided with additional protection in the event of the mortgagor's death; and the clause authorising land banks to establish savings departments to receive time deposits was struck out. This last amendment, according to Hollis, was on the insistence of Knute Nelson of Minnesota. Hollis very much favoured the idea, but Nelson did not see it providing any useful function in the Midwest or New England, where there were already many such banks. (Nelson did not believe that the bill would serve any purpose in these regions, but indicated that he would vote for it to help the South). None of these changes affected the basic structure or aims of the bill, being designed to improve the system's efficiency. 36

Despite the considerable pressure upon Congress's time, debate on the bill occupied two weeks in the Senate; introduced on 4th March 1916 it did not pass the Senate until 4th May, and the House until 15th May 1916. This aroused considerable criticism from Republicans. Lenroot of Wisconsin considered this to be typically poor Democratic management as the House had been in session since 7th December 1915, but not a single regular appropriation bill, outside of three urgent deficiency bills, had been signed and passed by Wilson. Only one regular appropriation bill had been agreed to by both chambers, and that was the legislative, executive and judicial/

judicial appropriation bill. Four bills remained in the House: the District of Columbia bill, the sundry civil bill, the navy bill, and the army bill. Two bills still had to be considered: the diplomatic and consular bill, and the fortifications bill. The post office department and the Indian department were running upon the appropriations made the previous year. The Democratic managers deserved such criticism; in their haste to enact the more glamorous measures they had neglected the more routine but nonetheless important duties of Congress. Exonerating circumstances existed: an unprecedented amount of congressional time had been taken up by foreign affairs; many of the more important acts were novel and involved careful consideration, and to have acted too suddenly would have been irresponsible; considering this to be their only opportunity to enact major reforms, many Democrats devoted understandable attention to them; and the influence of the President and the caucus diverted attention away from normal congressional duties. Nonetheless, such omissions cast shadows over the otherwise impeccable performance of the Democrats' managers. 37

The quality of debate was low; nonetheless several damaging criticisms were made. While Hollis's technical command of rural credits was undisputed, the main feature of the debate being his impeccable explanations of how the bill proposed to operate, his knowledge of agricultural realities seemed hazy. Many Midwesterners wanted to know how the bill would help tenants become owners, this being one of the main aims of the measure. When questioned by Borah as to how this could be accomplished, Hollis admitted that even if the local/

local association approved a second mortgage for the tenant, he would have to find initial capital; this Hollis suggested would be approximately \$500. He underestimated considerably: William Bizzell, a Texas economist, calculated that a tenant required an initial capital of \$1,000, and a working capital of between \$2,000 to \$3,000 depending upon local conditions; only then could a tenant look to buying a house. Clearly the bill could help only a few Southern tenants, although the outlook for Western tenants was brighter owing to the better developed formal banking system in the West. 38

Considering the complex nature of the bill, remarkably few details were attacked, Hollis dealing with technical questions in a thoroughly competent fashion. One criticism that must have gained some senatorial sympathy was that by Borah complaining that the proposed salaries of the officials was too high. The bill proposed that they be paid \$10,000 per annum plus all necessary expenses: the salary of a congressman was \$7,500 per annum, with limited expenses, although Borah did not feel he had to mention this. 39

The main opposition came from New England Republicans, and concerned the bill's constitutionality. They saw no need for the measure; savings banks were numerous and responsible in New England and farmers regarded mortgages as evil, and no charity existed towards regions like the South. The bill was a dangerous waste of valuable time and nothing more. Henry Cabot Lodge had read into the Record a statement from the Chamber of Commerce of the United States that summarised business's position. The statement began by criticising the bill's/

bill's technicalities: it was too complicated for farmers to understand; the bureaucracy would be both inexperienced and expensive; and the powers of the farm loan board were too extensive, and could not be questioned by the courts. The Chamber of Commerce questioned the very constitutionality of the bill. The land banks, according to its argument, were federal government institutions because they looked to the United States for the security and return of their money; yet the establishment of such institutions for private purposes on the credit of the United States by Congress was unconstitutional. Conceding that the Hollis bill somewhat avoided this by authorising the banks to operate as government agents and by declaring the bonds to be instrumentalities of the government, the Chamber nonetheless argued that this was not enough in law. Furthermore, the constitution had vested the power to borrow on the credit of the United States solely in Congress, and such powers could not be delegated, but the bill proposed to give this power to presidential appointees and the secretary of the treasury. The Chamber of Commerce further argued that not only was the bill's organisation unconstitutional, but it would operate in an unconstitutional manner. The effect of the bill would be to provide unlimited and unqualified national aid to the members of a single class because of the tax exemptions, the access to government funds at only 3 per cent interest, and the permitting of farm loan associations to use reduced postal charges. As the power to do this, or indeed to create joint stock banks, had never been vested in Congress, it must be reserved to the states or the people. 40

This/

This was a powerful argument against the bill, making pertinent points, but it received little support or development. North eastern Republicans contented themselves with stating it; and their Western colleagues desired the bill's passage. Their position was summarised by Cummins who agreed with Hollis that the system should not be left to the mercy of the states. His main concern was that the already existing banks should not be threatened. In Iowa, 90 per cent of bank deposits outside of large cities were from farmers; many farms in Iowa were mortgaged, not due to poverty, but because that was how Iowans secured their capital and preferred to do business. Cummins hoped that the bill would pass, but not that it would threaten already existing and successful institutions. 41

Hollis demonstrated an unwillingness to defend the constitutional implications of his bill, although such a defence was both necessary and important. Little danger existed of Congress defeating the bill, but if an interested body chose to instigate a suit against the measure, then the Supreme Court could take note of Congress's constitutional argument for the bill. The bill did propose to take over a state function: state banks could and did make loans on land. Not all had done so, but this did not alter their right to do so in the future, nor did it hand Congress an unqualified right to intervene. Furthermore, it could be argued that the tax exemption clause actively discriminated against the states: bonds were to be excluded from taxation to ensure that the states could not drive the land banks out of business by imposing an excessive tax. Hollis ignored such questions, /



questions, and it was left to John Sharp Williams to offer the bill's constitutional defence. 42

According to Williams the whole constitutional question had been decided by Marshall: he had declared that a bank from its very nature was a convenient fiscal agency for the federal government, and that as the federal government needed fiscal agencies to render it more efficient in carrying out its granted powers, it had a right to charter a bank. Williams said that no difference existed between the federal reserve banks and the land banks; if Congress had the right to establish a bank for the commercial classes then it surely had one to establish a bank for the agricultural classes. Williams admitted that new ground was being broken regarding the federal government's right to pass a credit law, but, somewhat contradicting his previous argument, he did not see how the land banks could act as fiscal agencies of the government if their mortgages and bonds were exempted from taxation. 43

Congress, Williams further argued, had the right and the duty to protect and ensure the efficiency of its legislation. John Marshall had decided that if the end of an act be constitutional, as the Farm Loan bill must be by the precedent of the Reserve Act, then every means for its accomplishment which is appropriate or convenient, if not necessary, must also be constitutional. Thus, if Congress had the right to pass a law, then it also had the right to pass any provision safeguarding that law, and making it more efficient. Williams omitted to mention however that Marshall had included a qualification to this in his McCulloch v Maryland decision: /

decision: whereas Congress did have the duty to pass such provisions, they had to "consist with the letter and the spirit of the Constitution", which it could be argued strongly that the tax exemption clause against the states did not. Nonetheless, Williams won the debate; all constitutional objections were silenced. 44

The Chamber of Commerce did not oppose rural credits completely; they preferred a privately controlled system similar to that proposed by the Moss Fletcher bill. Another advocate of a privately controlled system was the freshman senator from Texas, Morris Sheppard. Sheppard belonged to that breed of Southern politicians who carefully cultivated their image as unlettered frontiersmen, and who entered politics ostensibly to improve the lot of the masses. In reality, Sheppard was a wealthy and well educated man. The owner of a large farm in Texas, he had graduated from the University of Texas at Austin and Yale Law School. While never endangering the passage of the bill, Sheppard nonetheless used the issue to promote his own position. He had delivered a long speech on 27th March 1916 in favour of a substitute bill that he had drafted: it was an almost exact copy of the German Landschaft system. While not completely opposed to the Hollis bill, which he voted for, Sheppard nonetheless argued that the creation of an enormous bank superstructure was unnecessary; the farmer could manage perfectly well with a simple land insurance scheme, provided it was based on a very local level. 45

Hollis replied that such a system would require Congress to impose certain conditions upon state lands as to liability for/

for assessment that it had no constitutional right to do. His argument bankrupted, Sheppard continued to press his case, proposing that the constitutional obstacle be overcome by passing a model law for the District of Columbia; the states could then decide if they wanted the system or not. The suggestion of passing rural credits legislation for the District of Columbia provided considerable amusement, and Sheppard allowed the proposal to be dropped. Having failed with this, Sheppard switched his attention to the increase of tenancy. He proposed that Congress pass a Federal Home Loan Act allowing the federal government to purchase land anywhere in the union, and hold, subdivide, and sell this land to provide for farm ownership; this could be accomplished by the federal authorities directly or in cooperation with the states. The Preparedness campaign could only benefit from the utilisation of credit to anchor the people to the land, he further argued. To accomplish this Sheppard tabled a constitutional amendment, the object of which was to "preserve the institution of private landownership", and to "preserve it for the masses". Again, the Senate treated the Texan's suggestion humorously before it was referred to the judiciary committee, and duly forgotten. 46

Sheppard's behaviour illustrates well the difference between rhetoric and practice. A preliminary reading of his amendment can easily give the impression of an attempt by a Southerner to force the pace of reform, extending the federal authority, and acting in a radical manner. Yet, Sheppard's proposals were ridiculous; they were impractical in a political, economic and social sense. He must have known that/

that his substitute and amendment were doomed to failure, even if the ridicule was unexpected. Morris Sheppard was an astute and experienced politician; he had served eleven years in the House of Representatives before being elected to the Senate in 1913. His legal education had been as good as any man in the United States and better than most. He therefore knew what was politically possible and constitutionally proper. Although not wanting to damage the bill or seriously hinder its progress, he nonetheless used the opportunity to impress <sup>upon</sup> his constituents of his concern, and possibly to remind the administration and party of his presence. Such opportunities came rarely to first term senators, especially on such important issues as banking, and Sheppard used his chance well. It would be a mistake however to interpret his actions as a Southern politician acting radically and ahead of his time.

An amendment proposed by James Vardaman was more realistic, although audacious in its spoilmanship. This proposed to allow landowners to claim credit for themselves using the land farmed by their tenants as collateral. The bill's wording on this was ambiguous, Hollis being uncertain if a planter could apply for any credit if his plantation was worked by renters. The amendment aroused considerable resentment amongst Midwesterners, Norris of Minnesota claiming that this would lead to the planter receiving several loans, and farming his own land with a loan obtained on another's. Hollis attacked the amendment stressing that a man should be precluded from credit on land he himself did not cultivate; otherwise absentee landlords would be encouraged. The amendment/

amendment was defeated. 47

The only other Southerner to voice an opinion was Hoke Smith. Less certain than Williams of the bill's constitutionality, he nonetheless felt that the Supreme Court would uphold it if the measure was questioned. Smith hoped that this would be so, for he believed that no greater contribution could be made to national prosperity than legislation to aid the farmer. Such legislation benefited all. Additionally, he argued that the loans should be free of taxation: farmers already paid tax on their land, as well as improvements on their land, so it was hardly fair to expect them to pay taxes on their loans. Farmers should no longer pay for their banking facilities, for this should be the responsibility of the "banks of the big cities". Smith seemed to speak out of a sense of duty however, offering little in the way of original argument, and using only the traditional anti-banker rhetoric of the South. 48

Very little concerted opposition existed to the bill; most senators realised that their constituents desired some form of rural credits legislation, and that very few groups completely opposed the Hollis Bulkeley proposals. Only a few New England Republicans dissented, and they were too few in number to achieve much. Midwestern Republicans, the only sizeable group likely to form an opposition did so, but their alternatives were proposed half heartedly. McCumber introduced a substitute bill that would have allowed existing banks outside the reserve system, to make loans upon land. This would have met Midwestern requirements perfectly, although areas like the South which had an inadequate formal banking/

banking structure would have benefited only a little. McCumber's bill was lost on a procedural matter however, and its proposals were not brought up again. The bill finally passed the Senate on 4th May 1916 by 58 votes to 5. The nay votes came from Lodge, Page of Vermont, Oliver of Pennsylvania, Brandegee of Connecticut, and Wadsworth of New York. Weeks, also of Massachusetts, did not vote, but indicated his opposition to the bill. 49

Carter Glass introduced the House bill on 6th May 1916 as chairman of the banking and currency committee. Curiously he took the opportunity of disassociate himself from the measure by stating that he had little to do with the framing of the bill. While true, it nonetheless was an unusual display of modesty for any politician. The House bill differed from that which had just passed the Senate in two important respects: it capitalised the land banks at \$750,000 instead of \$500,000, and it allowed loans against the improvement and purchase of equipment, as well as land. Both were accepted by the House without a vote. 50

The most notable feature of the House debates was the extraordinarily efficient manner in which they were controlled by the Democratic floor managers. The debate on the rules was to be limited to 40 minutes: 20 minutes to be controlled by the Democrat Garrett of Tennessee, and 20 minutes by the Republican Campbell of Kansas. General debate could last no longer than six hours, half of which was to be controlled by Glass, and half by Hayes of California. No speech could last longer than 20 minutes. Such arrangements were common in the House, it being the only way to reconcile managers who/

who wanted the minimum fuss, with members who wanted to expound; but they were rarely planned in such detail. These rules were successfully maintained, thirty seven representatives being forced to express their views in the appendix of the Record. 51

Most speeches were short and relevant, but did not seek to amend the bill; they were purely "for the Record" and employed no new arguments for or against the bill. Again, opposition came from the Northeastern Republicans who saw no need for legislation, and who opposed the creation of a highly salaried bureaucracy. Hill, of Connecticut, could not understand why Congress could not amend the Reserve Act to enable national banks to provide long term loans on real estate; the national banks had already accumulated \$1,000,000,000 of savings funds, and part of this should be loaned to farmers at 5 per cent interest. As in the Senate however, little support came from Midwestern Republicans, although Campbell complained about the proposed salaries for the bank officials. The bill passed the House on 15th May 1916 by 295 votes to 10. Of those who voted against the bill, or who did not vote because of a pairing arrangement but indicated that they opposed the bill, seven came from Pennsylvannia, four from New Jersey, three each from New York and Massachusetts, two each from Vermont and Illinois, and one each from Rhode Island and Connecticut. All were Republicans. 52

Although the Senate registered a formal disagreement with the House bill, the joint conference soon reached an agreement with the Senate conferees accepting the House bill's provisions for an increased capitalisation and permitting the banks/

banks to make loans against improvements. The election campaign was well under way by this stage, and Wilson made no move to oppose the increased federal commitment to rural credits legislation. He signed the bill on 17th July 1916 at a highly publicised White House ceremony, and the members of the federal farm loan board were appointed on 27th July 1916. Clearly it was intended that the farm credits system should be seen to be operating well before the Presidential election. 53

Despite Wilson's hopes the public did not adopt the new system enthusiastically. Farmers did not really begin to use the new banks until after the war, and investors shied away from the farm loan bonds. Hollis had misjudged his market, and the lack of public investment seriously threatened the system's future. To solve this an amendatory act was passed in 1918 authorising the secretary of the treasury to purchase bonds issued by the federal land banks, providing that this temporary arrangement was approved by the land banks as long as any farm loan bond was held by the federal government; local autonomy was preserved. This was to continue until the subscription to stock in each bank by the farm loan associations equalled the amount of stock held by the treasury department. Federal involvement in financial legislation was by now completely accepted, and indeed expected, by farmers and politicians.

McCumber's fears of how the land banks would adversely affect the Midwestern banks were realised; just as the Southern country banks had suffered from the competition of the reserve banks, so the Midwestern banks suffered from the competition/



competition of the land banks. Consequently they instigated a suit questioning the act's constitutionality. The Farm Mortgage Bankers Association initially pressed their case within Kansas, but when the act was upheld by the United States District Court of Kansas, they took the case to the Supreme Court. This was the only agricultural reform measure to be so questioned. It also provided William McAdoo with his first court case after he returned to the bar in 1919, representing the joint land stock banks as a special assistant attorney general. Charles E. Hughes, the defeated Presidential candidate of 1916, also represented the land stock banks. 54

The appellants argued the same points as had been made by the United States Chamber of Commerce during the Senate debates: the bill went beyond the constitutional powers of Congress, and that the securities it offered were therefore invalid; the power to create land and joint stock banks was reserved to the states or the people; the act could not be sustained as an exercise of the power to appropriate public money for public purposes; and that the power to borrow on the credit of the United States did not authorize the issuance and sale of farm loan bonds nor their exemption from state taxation. Hughes argued for the appellees that: Congress had the power directly to use the public money for the purposes of agricultural development; that having this power, Congress could exercise the power by the adoption of appropriate means to that end, and the creation of instrumentalities for that purpose; Congress had the power to judge for itself the fiscal agencies needed by the government, and this/

this was not open to judicial review; and that Congress could protect the securities created under its legislation from impairment by making them exempt from taxation. Hughes's argument for the supremacy of the legislature went beyond the technical question of the act. 55

The Court upheld the act by six votes to two; Justices Holmes and McReynolds dissented, while Brandeis did not deliver an opinion. In his decision Justice Day held that the creation of these banks and the grant of authority for them to act for the government as depositories of public money brought them within the creative powers of Congress. Furthermore, he pointed out, the national bank cases had declared the power of the states to tax the property and franchises of national banks only to the extent authorised by Congress. Holmes's dissent was based upon the premise that as the suit was brought by the citizen of a state against a corporation of that state, the cause of action arose wholly from the law of the state and should not be tried under the law of the United States. 56

Although the case had been resolved in the act's favour, the workings of the land banks had been hindered severely as all operations had been suspended while the court reviewed its validity. Once the case was decided, the new banks found plenty <sup>of</sup> customers. In many ways the Federal Farm Loan Act was more radical than the Federal Reserve Act; whereas the earlier act sought to regulate an already existing banking structure, the Farm Loan Act not only regulated but created a banking system. It implied a far greater role for the federal authorities than the commercial banking legislation, and/

and thus represents a genuine extension of the federal power. Balancing this however were the wide ranging controls and powers of the local land associations, and upon them would depend the success or failure of the whole system. Yet, the farm loan system was the most genuinely cooperative measure of the agricultural reform programme in the bureaucratic sense; local autonomy was preserved, but not at the expense of the federal treasury. Given this, it is perhaps more than coincidental that this was the least Southern of the agricultural reforms, being drafted and sponsored by a New England Democrat; but this act had produced some strange bedfellows, as exemplified by William McAdoo and Charles Hughes in alliance against a private bankers' association.

Southern landowners could feel pleased with themselves: they now had access to large amounts of capital at low interest rates, and to a certain extent they could control this themselves through the land associations. While their politicians had had little to do with the initial stages of the legislation, their support in debate and in voting had been essential. Southern economists also welcomed the new legislation. Although the other reforms were important, and involved harder battles in Congress, the provision of cheap, reliable capital for long term improvement lay at the heart of future Southern development. And, as Hoke Smith correctly pointed out, legislation that benefited the farmer benefited all, especially in the South. Yet the most yearned for wish of the economic reformers was that the new credit legislation would help to eradicate the problems of tenancy; the promise offered for this by the new legislation never materialised, and the hopes were to be disappointed.

Notes:

- 1 "Rural Credits Legislation and the Report of the Secretary of Agriculture", Journal of the American Bankers' Association, 7 (1915), 453-456 p. 453;

"Progress of Rural Credits Plans Toward Legal Enactment and Application", Journal of the American Bankers' Association, 7 (1915), 750-753, p. 750.

- 2 "We Need Rural Thrift as Well as Rural Credit", Progressive Farmer, 30 (28th August 1915), 3;

John Sharp Williams to J.S. Hudson, 19th May 1914, John Sharp Williams Papers, (Division of Manuscripts, The Library of Congress, Washington, D.C.). (Hereafter cited as Williams Papers);

Western migrants in particular complained about Southern mortgage practices. One Southern journal attempted to reassure potential migrants by explaining that while in the West the farm mortgage was the precursor of development, in the South the farmers' demands had been multiplied by the success of industry. Consequently, the burden of initial exploitation in the South was borne by the manufacturer and the railroad, but in the West it fell upon the shoulders of the farmer. This, according to the journal, explained why Western farmers found different practices in the South; they were assured however that bank security in the South was safer than other sections of the country.

"Southern Farm Mortgages", Southern Farm Magazine, 9 (Old Series) (September 1904), 8.

- 3 Lewis Haney, "Farm Credit Conditions in a Cotton State", American Economic Review, 4 (1914), 47-67, p. 56.
- 4 "Great Expansion in Southern Banking Facilities", Manufacturers' Record, Special Issue (22nd February 1912), 21-23.

The article is an excellent example of how New South rhetoric could bend statistics. Southern progress was gauged by comparing the region in the present with the union in the past. Thus, "compared with population, the South is today better equipped as to National banking than the whole country was in 1880". The comparison was hardly relevant.

It should also be noted that the growth in the number of Southern/

Southern banks resulted from an increase west of the Mississippi, an area almost devoid of banks in the 1880s. Almost 300 new banks were established in Texas alone. Furthermore, the Southern increase was a reflection of national trends: the number of banks in the United States increased at a similar rate.

5 Ibid., p. 23;

Louis Galambos, The Public Image of Big Business in America: 1880-1940. (A Quantitative Study in Social Change), (Baltimore The Johns Hopkins University Press: 1975), pp. 134-135.

6 A.J. Frame, "State and Federal Control of Banks", Annals of the American Academy of Political and Social Sciences, 34 (1910), 176-190.

Traditionally American banks have been seen as prone to failure, particularly when compared to British banks. However, Frame wrote that: "Supervision of Banks, state or national, is very limited in the other progressive nations of the world. However, the world's bank failures and losses to depositors show conclusively that the national banking system of the United States has proven to be the safest for depositors.";

William H. Skaggs, The Southern Oligarchy, (New York Delvin-Adair: 1924), p. 234;

Charles Lee Raper, "The Use of Credit by North Carolina Farmers", South Atlantic Quarterly, 13 (1914), 118-128, p. 125;

Many para-legal ways existed for evading the usury laws. A bank commonly asked one per cent interest per month on a 10 per cent loan for a year. The legal maximum rate was 10 per cent.

Haney, "Farm Credit Conditions in a Cotton State", pp. 55-56.

7 United States Congress, Senate, Rural Credits, 64th Congress 1st session Report No. 144, (15th February 1916), p. 8;

Skaggs, The Southern Oligarchy, pp. 234-235.

8 Haney, "Farm Credit Conditions in a Cotton State", pp. 47-48.

9 Ibid., pp. 49-50;

Raper, "The Use of Credit by North Carolina Farmers", pp. 120-121.

- 10 Ibid., pp. 126-127.
- 11 Frank Tannenbaum, Darker Phases of the South, (London Putnam's: 1924), pp. 123-126;  
C. Vann Woodward, Origins of the New South, (Baton Rouge Louisiana State University Press: 1951), p. 184;  
Lawrence Goodwyn, Democratic Promise: The Populist Movement in America, (New York and London Oxford University Press: 1976), pp. 26-31.
- 12 Tannenbaum, Darker Phases of the South, p. 126;  
Woodward, Origins of the New South, p. 183.  
Woodward portrays the attempted passage of these laws as a manifestation of the battle between merchants and planters for control over land. If the legislation had passed then the planters would have retained their earlier control;  
G.W. Madden to T.M. Bell, 2nd February 1916, Carter Glass Papers (University of Virginia). (Hereafter cited as Glass Papers).  
Bell was the United States representative for the 9th District in Georgia. He describes Madden as being "a prominent farmer".
- 13 E.C. Branson to H.Q. Alexander, 20th January 1915, Eugene Cunningham Branson Papers, (Southern Historical Collection, The Library, University of North Carolina at Chapel Hill). (Hereafter cited as Branson Papers).  
Alexander was the president of the North Carolina Farmers' Educational and Cooperative Union;  
Haney, "Farm Credit Conditions in a Cotton State, p. 58;  
Raper agreed with the theory of state action, but considered that an official description and registration of each piece of land by the state legislature would be necessary. Given Southern attitudes to land registration for tax purposes the efficiency of such a proposal may be doubted.  
Raper, "The Use of Credit by North Carolina Farmers", p. 126.
- 14 "Progress of Rural Credits Plans ..." pp. 750, 753;  
George E. Putnam, "Agricultural Credit Legislation and the Tenancy Problem", American Economic Review, 5 (1915), 805-815, pp. 805-806, 812.
- 15 Ibid., p. 812;  
Carter Glass to C.E. Meek, 12th February 1916, Glass Papers.

- 16 Goodwyn, Democratic Promise, pp. 166-169;  
Goodwyn's later thoughts on the strengths of the sub-treasury plan, and how it would have replaced the national banking system are contained in:  
Lawrence Goodwyn, "The Cooperative Commonwealth and Other Abstractions: In Search of a Democratic Premise", Marxist Perspectives, 3 (1980), 8-42, pp. 22-23;  
William P. Yohe, "An Economic Appraisal of the Sub Treasury Plan", in Goodwyn, Democratic Promise, pp. 571-581.
- 17 United States Congress, Senate, Report of the Country Life Commission, 60th Congress, 1st session, Document No. 705 (1908), p. 15;  
George E. Putnam, "The Federal Farm Loan Act", American Economic Review, 6 (1916), 770-789, pp. 771-772.  
A writer in Harper's Weekly considered that the most important outcome of the work of the Southern Commercial Congress was the study of rural credits. Consequently, the writer considered, there should be no reason, except prejudice against the unfamiliar, why the government of the United States should not issue currency against bonds endorsed by land mortgage banks and secured by land.  
"On Rural Credits", Harper's Weekly, 58 (20th December 1913), 2.
- 18 Wayne Flynt, Duncan Upshaw Fletcher: Dixie's Reluctant Progressive, (Tallahassee Florida State University Press: 1971);  
Ralph Moss was a representative from Indiana. A farmer by occupation, he served in the House from 1909-1917.  
Biographical Directory of the American Congress, 1774-1961, (Washington United States Government Printing Office: 1961), p. 1367.
- 19 Statement on Rural Credits, 3rd August 1913, in Arthur S. Link (ed.), The Papers of Woodrow Wilson, (Princeton Princeton University Press: 1978), XXVIII, p. 147.  
The history of the drafting and passage of the Federal Reserve Act is detailed in:  
Arthur S. Link, Wilson: The New Freedom, (Princeton Princeton University Press: 1956), pp. 199-240; and  
Gabriel/

Gabriel Kolko, The Triumph of Conservatism, (New York The Free Press of Glencoe: 1963), pp. 217-254.

- 20 Daniel A. Tompkins to Carter Glass, 10th July 1913, Daniel A. Tompkins Papers, (Division of Manuscripts, Library of Congress, Washington D.C.);

M. Stephenson to Carter Glass, 28th October 1913, Glass Papers;

"The New Federal Reserve Act", Progressive Farmer, 28 (18th September 1913), p. 13;

Paul Warburg, "The Owen Glass Bill as Submitted to the Democratic Caucus", North American Review, 198 (1913), 527-555, p. 535.

- 21 "Rural Credits Legislation and the Report of the Secretary of Agriculture", pp. 454-455.

- 22 "Progress of Rural Credit Plan ...", p. 753;

W.B. Doak to Carter Glass, 21st September 1914, Glass Papers.

- 23 Letters to McAdoo from Southern bankers thanking him for his action include:

W.W. Pigford to W.G. McAdoo, 5th August 1913, William Gibbs McAdoo Papers, (Division of Manuscripts, Library of Congress, Washington D.C.). (Hereafter cited as McAdoo Papers);

J.H. Alexander to W.G. McAdoo, 6th August 1913, McAdoo Papers; The Reserve Act delighted all bankers: "The Federal Reserve Act seems to have acted as a tonic and stimulant upon every phase of banking".

"The Federal Reserve Act", Journal of the American Bankers' Association, 7 (1914), 7;

Not only Southern banks suffered from the new competition.

A New York State banker complained that he had been under the impression that the act was to help the country not the city bank; this had not happened.

F.E. Lyford to Carter Glass, 1st January 1916, Glass Papers;

W.S. Fant to W.G. McAdoo, 2nd August 1915, McAdoo Papers.

Fant was president of the First National Bank of Weatherford Texas, a predominantly cotton area.

William Ligh, the federal reserve agent in Richmond, believed that the Reserve Act would have to be amended unless a way was found to relieve country banks of their loans. These were really fixed investments: often real estate/



estate mortgages and crop lien loans formed 75 per cent of a rural bank's assets. Such banks acted not as institutions that could join the reserve system but as general money lenders.

W. Ligh to Carter Glass, 6th January 1915, Glass Papers.

- 24 e.g. J.P. Carter to John Sharp Williams, 7th August 1916, Williams Papers;

S.W. Griffiths to John Sharp Williams, 2nd December 1916, Williams Papers.

A Pennsylvania banker listed his complaints in:

D. Jameson, "The Non-Borrowing Country Banks", Journal of the American Bankers' Association, 7 (1914), pp. 358-359.

- 25 Woodrow Wilson to Edith Bolling Galt, 22nd June 1915.

Quoted in Link (ed.), The Papers of Woodrow Wilson, XXXIII, p. 442;

Woodrow Wilson to Carter Glass, 12th May 1914, Glass Papers; The Baltimore convention had committed the Democrats to studying European systems with the view to evolving a suitable system for the United States.

Arthur J. Schlesinger Jnr. (ed.), History of American Presidential Elections, (New York McGraw Hill Book Company: 1971), III, p. 2172;

Southern Cultivator, 74 (1st April 1916), p. 14.

- 26 "Rural Credits", Journal of the American Bankers' Association, 7 (1915), p. 840;

"Rural Credits Legislation and the Report of the Secretary of Agriculture", p. 454;

A.D. Welton to Carter Glass, 21st December 1915, Glass Papers.

Welton was editor of the J.A.B.A., and one of the few propagandists for rural credits legislation among the banking community.

- 27 "The Federal Farm Loan Act", p. 772;

Letters from Midwestern farmers against the Moss Fletcher bill include:

Cresswell Grange No. 1166 (Sanilac County, Michigan) to C. Townsend, 24th February 1914, United States Senate Committee on Banking and Currency Papers, 63rd Congress, (National/

(National Archives of the United States, Washington D.C.).  
(Hereafter cited as U.S.S.C.B.C.);

Chapel Local No. 3, Farmers' Educational and Cooperative  
Union of America (South Dakota) to Thomas Sterling, 27th  
March 1914, U.S.S.C.B.C;

There are similar petitions from farmers in Indiana, Kansas,  
Connecticut, and more from Michigan;

According to Fletcher's biographer, conservatives attacked his  
bill as going too far; the implication is that Fletcher's  
proposal was progressive reform. Certainly Fletcher had  
changed his ideas, having preferred initially that the states  
charter the land banks. However when the alternatives are  
considered, it is hard not to regard the Fletcher Moss bill  
as the most conservative option.

Flynt, Duncan Upshaw Fletcher, p. 84.

28 Typical Midwestern support includes:

Borner Grange No. 7 to United States Senate Committee on  
Banking and Currency, 16th February 1915, U.S.S.C.B.C.;  
Bathrick lost his seat in the 1914 election.

29 Biographical Directory of the American Congress, pp. 623, 1069.

Hollis declined re-election in 1919, and went on to a dis-  
tinguished career in international banking. He became the  
United States Treasury representative in Europe with the  
Interallied War Finance Council, a member of the United  
States Liquidation Commission for France and England, and was  
appointed in 1925 to the International Bank of Bulgaria;  
William Gibbs McAdoo, Crowded Years: The Reminiscences of  
William G. McAdoo, (London Jonathon Cape: 1931), p. 437.

30 Carter Glass to D.C. Pryor, 9th July 1914, Glass Papers.

31 New York, Times, 20th January 1915,

The newspapers had reported that the Democratic caucus had  
approved the bill on January 18th; when asked if this meant  
that Congress would pass the Hollis bill, Wilson replied  
that this depended on when the shipping bill passed;

New York, Times, 3rd March 1915;

Edwin Webb doubted if a rural credits law without federal  
support would accomplish anything. Writing to J.H. Eagle,  
a Texas representative, he stated that in his opinion the  
House/

House would pass a rural banking law, but that any rural banking system without government aid would be a farce promising much, but performing nothing of value to the farmer.

E.Y. Webb to J.H. Eagle, 16th March 1915, Edwin Yates Webb Papers (Southern Historical Collection, The Library, University of North Carolina at Chapel Hill).

- 32 Arthur S. Link, Wilson: Confusions and Crises, (Princeton Princeton University Press: 1964), p. 348.

- 33 The text of the bill is given in:

United States Congress, Senate, Rural Credits, 64th Congress, 1st session, Report No. 144, (15th February 1916) pp. 14-35; Congressional Record, 64th Congress, 1st session, (1916), 6697.

Hollis had already displayed a willingness to aid the South. During the tariff debates he said that he would support the Democratic platform as he had no sympathy with the "provincial doctrine" that New England should be coddled or protected at the expense of the South or the West.

Ibid., 63rd Cong. 1st sess., (1913), 3237;

One of the members of Fletcher's commission, John Sprunt Hill of North Carolina, considered that long and short term loans upon land or personal security in the South would have to be furnished with money from outside the South if the system was to survive. Branson agreed with this, adding that he preferred such a system to work through the states. E.C. Branson to J.S. Hill, 23rd December 1914, Branson Papers.

- 34 The recommendation of a loan by the association had to be unanimous and in writing. Hollis hoped that this would do away with any temptation to increase valuations in an area in order to obtain a larger loan. It would be thought that the exact opposite would be the result, given that land values were assessed locally rather than nationally, and in relative rather than absolute terms.

Ibid., p. 6696.

- 35 McAdoo, Crowded Years, p. 436;  
Glass barely mentions it at all in:  
Carter/

Carter Glass, An Adventure in Constructive Finance, (Garden City, New York Doubleday, Page and Company: 1927).

36 United States Congress, Senate, Rural Credits, pp. 14, 22, 25; Cong. Rec., 64th Cong. 1st sess., (1916), 7031.

37 Ibid., 7532-7533.

38 Ibid., 6699;

William B. Bizzell, Farm Tenantry in the United States, (College Station, Texas, State of Texas: 1921), pp. 358-359.

39 Cong. Rec., 64th Cong. 1st sess., (1916), 6788.

40 This was Cabot Lodge's sole contribution to the debate, indeed almost his sole contribution to the agricultural reforms.

Ibid., 6795-6796.

41 Ibid., 6796, 6794.

42 Ibid., 6793.

43 Ibid., 7393-7394.

44 Ibid., 7394.

45 Biographical Directory of the American Congress, p. 1597; Cong. Rec., 64th Cong. 1st sess., (1916), 6701.

46 Ibid., 6701, 6947-6948.

47 Ibid., 7028.

48 Ibid., 7390-7391.

49 Ibid., 7391;

The only other notable feature of the debate was an unnecessary, but sometimes vicious, fracas between Senators Reed and Smoot over the civil service and postmasterships. It had nothing to do with the matter in hand, but occupied considerable time, illustrating how difficult life could be for a floor manager in the Senate. It ended only when both men had had enough.

Ibid., 7233-7237.

50 United States Congress, House, Rural Credits, 64th Congress 1st session, Report No. 643, (6th March 1916), 2-3.

51 Cong. Rec. 64th Cong. 1st sess., (1916), 7531.

52 Ibid., 7532, 7533, 8016.

53 For details on the Senate's acceptance of the House bill see: United States Congress, Senate, Federal Farm Loans Bill, 64th Congress 1st session, Document No. 472, (23rd June 1916); Link, Wilson: Confusions and Crises, p. 349-350.

54 McAdoo, Crowded Years, p. 440.

55 Smith v Kansas City Title and Trust Company, 255 US 180,  
(1920).

56 Ibid.

CHAPTER VMARKETING LEGISLATION

While the educational and financial reforms were vital to the long term development of Southern agriculture, their benefits could not be immediate. Southern planters wanted their immediate problems to be tackled, as well as a guaranteed future. Reforms designed to improve Southern agricultural marketing could have an immediate effect, leaving the landowner with more money in his pockets, as well as further improving the future agricultural prospects. The main cash crops of the South, cotton and tobacco, had it in common that they were produced neither for immediate personal consumption nor for use within the region. Textile factories had become increasingly important in the South, and tobacco factories would become so in the 1920s, but most of the crop was produced for export, and for cash. Cotton and tobacco had to be seen in the context of a world market. C.W. Burkett, a professor at the North Carolina College of Agricultural and Mechanical Arts, realised the international role played by cotton. Cotton, he considered, contributed to the higher wants of man more than any other plant, and an improvement in the fortunes of Southern cotton would not only benefit the South and the union, but more importantly, it would "civilise and uplift other nations" throughout the world. Cotton was "the hand-maiden of civilisation". 1

Before cotton could achieve this millennium however, it had to improve its marketing organisation. Rationalisation was essential. The marketing of cotton, although regulated through/

through and highly centralised around the New York cotton exchange, was haphazard and, consequently, subject to wildly fluctuating fortunes. Price stabilisation was the main aim of marketing improvement, both to guarantee a predictable price for the producer and to eliminate speculators. After the Civil War prices had fallen rapidly dipping below the symbolic level of 10 cents per pound in 1878. Between 1878 and 1897 the production of cotton doubled, but prices continued to fall, until in 1898 they reached an all time low of 5.6 cents per pound. Prices gradually and, more importantly, regularly rose to around 10-14 cents per pound, until the combination of a record crop and the market disorganisation caused by the outbreak of the First World War in 1914 drove the price down to 6.8 cents. An increased demand during the war pushed prices up to 35 cents per pound by 1919, but prices returned to the accepted norm of 10 cents per pound by 1925. 2

Tobacco prices closely followed the pattern set by cotton. The value of the Virginian crop in 1894 was less than half the value of any crop since 1880. The 1895 tobacco crop in Kentucky was worth less than any crop since the 1870s. Prices rose after this, and the establishment of the all powerful American Tobacco Company, which had no equivalent in the cotton world, ensured that prices did not suffer from damaging fluctuations. Even the nominal dismembering of the trust in 1911 did not measurably alter the situation, although tobacco prices did register a severe decline during the post war depression. 3

The large fluctuations in cotton prices however clearly did/

did no-one any good, although the popular imagination believed, not without reason, that New York speculators benefited. The consequences for the producer were that the basic necessity of planning the next year's crop became a gamble rather than a reasoned judgment. Banks as a result became naturally wary of advancing credit at low interest rates on such a hazardous venture. For the agricultural problem to be completely solved, it became obvious that a consideration of marketing reforms was essential.

Many variables existed that adversely affected the cotton crop, which could not be adequately solved by legislation; the boll weevil, the weather, and human error all lowered the farmer's income. Other areas existed however where federal legislation was not only desirable, but necessary. National legislation provided the only effective means of organising and regulating the marketing arrangements of the diverse and competitive Cotton Belt. Certain economists had recommended that Southern planters adopt cooperative marketing. Clarence Poe suggested to his readers that they should join with their neighbours in marketing their products; this would result in better information, increased profits through better grading, and lower freight rates. While basically sound, such moves towards cooperative marketing had only local significance in the 1910s, and they were fiercely resisted in certain quarters. One businessman wrote that the arguments in favour of cooperative credit and marketing were entirely fallacious: they were only excuses for the ne'er do well and the lazy. Congress chose to tackle the marketing problem through a series of specialised acts rather/



rather than a cumbersome, all encompassing bill: the Federal Highways Act, the Federal Warehouse Acts of 1914 and 1916, and the Federal Cotton Futures Act. A Federal Grain Futures Trading Act was also envisaged, but this did not pass until 1921. 4

The Federal Highways Act was the most important both in its implications for marketing and for the future involvement of the federal government in the economy. Often living in comparative isolation, the planter depended upon good communications to market his products. Transportation costs for such bulky crops as cotton and tobacco were considerable. Railroads offered the most economical form of transport, but long distances had to be travelled between the plantation and the nearest railhead by road, organised transport by canal or river having almost entirely ceased by the 1880s in the South. The cost of this stage of the journey varied, but studies concluded that the cost of hauling cotton or tobacco to markets over unimproved roads ran to 30 cents per ton mile. This assumes that the road was passable, a doubtful prospect given the heavy rain showers common in the South during the months of the cotton harvest. 5

The improvement of these roads, either by simply covering them with gravel or by macadamisation, had three beneficial effects. First: it reduced transport costs. Larger, heavier and more efficient wagons could be used. Furthermore, mechanical transport could be introduced although this was as yet uncommon in the South. Haulage costs could be reduced/

reduced to 15 cents per ton mile, and while not a great saving it was welcome during years of low prices. Second: it increased the land values of surrounding properties. Two state governments recognising this made the owners of property adjoining improved roads pay a share of the maintenance costs. Third: it permitted a more rational movement of the cotton crop. Too often cotton marketing meant a pell mell race to beat the rains that washed away the roads, to beat competitors to the nearest market, and to beat the Egyptian and Indian crops to the European exchanges, thus securing the highest possible price. A glut on the market resulted, which quickly drove down prices; only cotton dealers benefited. Burkett argued that this rush during the ninety days of the picking and ginning season was the fundamental flaw in cotton marketing. An improved highway network connecting the planter with his markets while not solving the whole problem would remove one of the reasons for the annual sprint. Railroads approved of this. One of their main complaints against the cotton planter was the enormous strain placed upon their facilities for two months of the year, which remained dormant for the other ten months. 6

Apart from the benefits regarding the cotton crop, economists argued that improved highways would lead the South away from its overdependence upon cotton. Perceiving this as a means to promote a more stable and prosperous rural economy, academics and some businessmen had long advocated a greater diversification of crops. A good and dependable road system was a necessary prerequisite for this. Soft fruits, citrus fruits and green vegetables all perished quickly/

quickly in the humid Southern climate unless moved quickly to market, and proponents of the idea hoped to find markets in the cities of the Northeast. Writing to Eugene Branson, the Georgia Chamber of Commerce said that they wished to recommend that farmers should grow other crops than cotton, but they could not as local markets were inadequate, and transport unreliable. A Texan farmer complained that he had heeded the call to grow soft fruits, but that peaches and tomatoes rotted in his fields because of the impossibility of reaching markets. Even when transport was readily available, farmers did not invariably realise a profit. One Southern railroad company managed to persuade farmers to grow soft fruits and green vegetables, but found that as the handling was managed by middlemen, the farmers did not see any possible gain and reverted to cotton growing. 7

The proponents of better highways also stressed the moral improvements that would result. Reformers agreed that good roads bonded communities together: they allowed children to attend churches, schools, and places of amusement regularly, as well as permitting them a wider circle of acquaintances. Hopefully rural life would become more attractive, and the drift of rural populations to the cities would cease. This had been a major concern of the Country Life Commission. 8

Automobile manufacturers had a vested interest in the passage of such legislation. The automobiles of 1913 became unusable on unimproved roads during the rain due to mud. David Houston recalled that in 1913 it was impossible to travel safely between Richmond and Washington by automobile in/

in wet weather. While sympathetic to the wishes of the American Automobile Association, an extremely active lobby, Southern politicians regarded the funding of roads to markets as more important than creating new markets for Northern industrialists. John Sharp Williams considered that "the very largest measure possible" of good roads funding should be spent with the view of getting the farmer's products to shipping points, and that if he found any opportunity to influence the application of such funds, he would use it in that direction. 9

Although not diametrically opposed, the aims of the agriculturalists and the automobile manufacturers differed. While the former wanted to improve market roads, the latter wanted to commence a federal funded programme that would eventually create a national highway system. Southerners had little time for this; they perceived highway improvement as essentially a local problem. The automobile's problems did not really exist in the South, simply because there were very few automobiles in the South. The industry continued to grow during the 1910s, but car ownership in the South remained low. By 1915 there was an average of one car per 41 persons in the United States, the greatest concentration being in the Northeast and the highest average of automobiles per capita in the West. Iowa for example had one car per 15 persons, and California had one car per 17 persons. Tennessee by comparison had one car per 298 persons; Arkansas had one car per 198 persons; and Florida, the best off Southern state, had one car per 80 inhabitants, almost half the national average. That car ownership remained so low in a rural/

rural area where the provision of public transport was non-existent indicates the general poverty and backwardness of the region. 10

The federal government had maintained an ambivalent attitude towards funding road building and maintenance during the early republic. Jackson's Maysville Veto in 1830 did not lead to a complete halt of federal aid, but the state and county increasingly undertook the responsibility. The resulting localisation of authority proved satisfactory for a while, but it rapidly became inadequate for an industrialising nation. Logan Wallis Page, the director of the office of public roads in 1912, considered that leaving road building responsibility with the county or township was detrimental to progress. It led to an unnecessary duplication of petty officials subject to the whims of the electorate, and without a central guiding hand, the result was a patchy and poorly administered highway system. 11

The state authorities had neglected their duties throughout much of the nineteenth century. As in Britain, matters of internal communications focussed first on the canal, and then on the railroad. Neither required the state governments to provide any funding being privately financed. By the 1890s though, necessity, and federal government promptings, as exemplified by the establishment of the bureau of road inquiry in 1893, began to arouse the state assemblies to action. By 1914, there were only seven states without a highway department, and thirty four states had road sections constructed at least partly by state funds; the majority of state highway departments employed a commissioner and engineer, neither of whom/

whom were elected. Fifteen states provided the complete cost of state aid roads; twenty two states divided the cost between the state and county authorities; the division was between the state and township in two cases; and, as already mentioned, two states apportioned the bill between the state and those property owners who stood to benefit from increased land values. However, only twenty one states appropriated funds to maintain their improved highways. 12

Southern state legislatures were not in the forefront of this movement. Six of the seven states without a state highway department were Southern: Arkansas, Florida, Mississippi, South Carolina, Tennessee and Texas, the other being Illinois. None of these states set aside funds for road building, neither did Georgia, which relied entirely upon convict labour for its road improvements. The only other state in the union to use convict labour to any meaningful extent was Virginia. 13

Virginia nonetheless provides the honourable exception among Southern states in that her spending record compared favourably with other states. Virginia spent \$1,663,317 on the improvement of her roads between 1900 and 1914, more than Wisconsin, which is usually regarded as <sup>possessing</sup> the most active and radical state legislature. Virginia remained an exception however; no other Southern state spent more than \$400,000 on their roads between 1900 and 1914, and North Carolina and Kentucky spent less than \$25,000 on improvements. The North Carolinian record is particularly poor given that the state highway law had been passed as early as 1901, and that in 1915 alone the state legislature received \$120,000 in revenue from/

from vehicle registrations. No Southern state legislature, including Virginia, appropriated funds for road maintenance. 14

Mitigating circumstances existed. Southern geographical and geological conditions partly explain this low level of financing. Lower expenditures could be justified by cheap labour and easily available road building material. In Louisiana for example the cost of macadam construction was \$1,800 per mile, whereas in Massachusetts it rose to \$8,000 per mile, and in New York the average was \$9,000 per mile. Gravel roads in Alabama cost \$790 per mile to construct, but the average cost in eight other non Southern states was \$1,725 per mile. Northeastern states paid between \$200-\$300 annually to maintain a mile of macadamised road, but one commentator considered that this could be halved in the South, even allowing for increased automobile ownership. 15

Despite these qualifications, the response of the Southern state legislatures was pitiful. On average, 10 per cent of American roads were improved in 1914, a woeful proportion in comparison with Western Europe, but the Southern average was less than 5 per cent. Only Kentucky with an average of 19 per cent of improved roads came close to having an adequate highway network. Certain other states had records as poor as the South; Montana for example spent only \$2,484 on roads and consequently only 0.3 per cent of the state's roads were improved. Such states were usually in the West however where low population densities were common, and little need existed for a comprehensive road network. The federal government owned large areas of land in these states, and this further complicated matters, the states being unwilling to pay for what/

what they regarded as a federal responsibility. This argument surfaced during the Highways bill debates. 16

The federal government, by passing an act establishing a bureau of road inquiry in the department of agriculture in March 1893 had reasserted its right to aid internal highway improvements. The bureau's brief was to inquire into, and make recommendations upon, the subjects of road management, methods of road making, and to prepare publications to disseminate its findings. These duties gradually extended to include the conducting of field experiments. By the object lesson road the bureau acquired an educational role. This consisted of constructing and maintaining a section of road along approved and standardised lines, in the hope that otherwise sluggish state and county authorities would realise the value of such improvements. During 1913 the bureau completed 42 object lesson roads, 29 of which were in the South. Road and bridge improvements were completed in 18 states, including all the Southern states. 17

The bureau proved to be a success, and was recognised as such when the 1912 Post Office Appropriation Act provided \$500,000 to allow the bureau to construct rural delivery roads and publish reports on the economic value of such roads to local communities. The relevant amendment was proposed by Furnifold Simmons. This formed the precursor of the Federal Highways Act: the initiative for such improvements lay with the state or the local communities; the bureau provided one dollar for every two dollars raised by the local communities for highway improvement. Nine Southern states took advantage of this in its first year of operation, receiving/



receiving \$265,000 from the federal fund. 18

Such proddings from an ambitious bureaucracy were all very well, but they could only accomplish a little. They could only provide part of the foundations of an improved national highway system. Congressional legislation would achieve a great deal more, but important constitutional problems had to be solved before the federal government could even partly pay for any highway improvements wholly within one state. From the politician's perspective, federal aid for road construction was a very desirable end. Improved roads brought meaningful and immediate economic and social benefits for his constituents; it provided employment, and created additional patronage positions; federal aid removed the burden of payment from the local community; and to be associated with an improved road increased the standing of a politician among his constituents in a tangible manner that rural credits could never match.

It required a considerable jump in theory however to justify such federal spending under the general welfare clause of the constitution. Another rationalisation had to be found. Unfortunately, constitutional thinkers had remained silent on the issue; the Senate committee on post offices and post roads could find no authority later than Daniel Webster to support its case that this was a suitable area for federal concern. Even Webster's logic had been more pragmatic than constitutionally accurate: he held that as the states had no abundant and easy source of income, but the United States had, then the federal government had the power to accomplish internal improvements. A somewhat contrived justification was found in/

in the federal government's unquestioned right to establish post offices and post roads. 19

Rural districts had long complained of poor postal deliveries. Whereas city dwellers had their mail delivered to their door, farmers had to collect their mail at the nearest post office. Consequently, knowledge of the outside world filtered down only slowly to the Southern farmer. As well as being irksome and time consuming, the journey along unfrequented and isolated country roads could be dangerous. One Mississippi banker wrote to his senator, asking the politician to use his influence to change the route of a mail carrier. This would ease the minds of three families in his area who lived a mile from their mail boxes. They had to send their daughters to collect the mail, and they worried for the safety of the girls. 20

Although the Southern imagination exaggerated such fears, the problem existed. A further undesirable effect of the inadequate postal service was that it presented privately owned express companies with a monopoly of parcel deliveries. <sup>As companies were</sup> Usually owned by credit merchants, Southern farmers considered these companies to be both arrogant and extortionate. A North Carolinian farmer wrote to his congressman that there was no man, woman or child in the nation who had not felt their "iron heel". Farmers' organisations pressed for an extension of the federal parcels post, arguing that as they paid the same federal taxes as those in the city, then they should receive the same service. Mail had been delivered in rural areas along what were known as star routes for a long time, but these did not cover mail delivered to homes/

homes in rural areas. 21

Accordingly, legislation was enacted creating rural free delivery routes; subsequently the parcel post system was added allowing favourable rates on parcels mailed to rural addresses. By 1916, the rural mail delivery service had an annual appropriation of \$53,000,000. Farmers were delighted with the new service, and it provided a real improvement in rural conditions. The credit merchant could be bypassed by the farmer with cash by means of the mail order catalogue; some even suggested that the parcel post could be used for direct marketing, but this had more relevance for truck farmers in New England than Southern cotton producers. Southern merchants opposed the measure, correctly seeing it as a threat, although politicians attempted to reassure them that the bill would not bankrupt them. 22

By the Federal Parcels Post Act many more miles of road came under the control of the post office. It could be argued that a post road was just as truly a postal facility as a post office, and as such eligible for federal funding. Star routes had covered only 147,365 miles of road, but rural free delivery routes added another 1,056,897 to the network used by the post office. However, only 61,495 miles of this were surfaced with crushed gravel or some equivalent, thus adding to the expense and time of the federal mail carriers. There were 48,521 miles of star routes and 292,650 miles of rural free delivery routes in the South, this being proportionately compatible with the area of the South in the United States. 23

Individual congressmen had long been concerned with the federal/

federal funding of road improvement. It provided a good election slogan. John Bankhead, the sponsor of the successful bill had been elected in 1907 with this as his main plank. Bankhead was a wealthy Alabama planter who had the dubious distinction of being the last Confederate veteran in the Senate. He had already represented Alabama for 20 years in the House of Representatives when elected to the Senate. He retained his seat in the upper chamber until his death in 1920. 24

Many previous attempts had been made to enact legislation, but all had failed. One measure proposed by Dorsey Shackelford of Missouri succeeded in passing the House in 1912 but the Republican dominated Senate had refused to pass the bill. Several of the proposed bills had been quite radical in their intentions. One introduced in 1914 intended to lend the states \$1,000,000,000 which would be paid out over five years. The money was to be raised by selling bonds at 3 per cent interest. This amounted to a barefaced robbery of the national treasury. As McAdoo pointed out, it would have doubled the national debt at a single stroke, as the federal government would be required to underwrite the system. 25

The Democratic platform of 1912 had promised that the party would give national aid to state and local authorities for the construction and maintenance of post roads. Accordingly, a bill to provide federal aid for the construction, improvement, and maintenance of rural roads used in the transportation of interstate commerce, military supplies or postal matters, was introduced in the House by Shackelford on 8th January 1916. The bill covered any public road over which/

which rural mail was, or might be, carried outside of incorporated cities or towns having a population greater than 2,000. No more than \$25,000,000 was to be appropriated in any fiscal year, to be divided in the following manner: each state was given \$65,000 unconditionally; half of the remainder was allocated to each state according to the ratio of its population to that of the union; and the remainder according to the ratio that the mileage of star and rural free delivery routes in each state bore to the total mileage of such roads. The initiative lay with the state highway departments. They could apply to the secretary of agriculture for aid to construct or maintain any rural post road, supplying the necessary surveys and cost estimates. If the secretary approved the proposal, he could subsidise it to no less than 30 per cent and no more than 50 per cent of what he considered to be a reasonable cost. The state highway departments supervised all construction and maintenance. In the case of those states without a state highway department, the governor was to negotiate with the secretary of agriculture. 26

The bill's key concept of cooperation between the state and federal authorities echoed the previous legislation. Yet a dissenting voice was heard before the bill was introduced to the House; Joseph Walsh of Massachusetts, a member of the House committee on roads, disagreed with the report. Unusually, especially for a representative in his first term, Walsh expressed his opinions in a minority view, summing up the opposition that most New England Republicans felt towards the federal funding of highway improvement. Road building according to Walsh was not a suitable area of interest for the/

the federal government, especially as the treasury seemed to be in no fit condition to appropriate \$25,000,000 for a novel and untried scheme; the legislation should be deferred until the treasury was in better health. He also complained, quite legitimately, that the appropriation allocation would act unfairly against states such as Massachusetts, New York, and New Jersey that had taken it upon themselves to construct good roads. These states would pay the largest share of the appropriation, but receive the least. A greater danger however was that the federal government would be committed on "a shallow pretext" to a policy that would lead to enormous expenditure in the future. This Walsh could never condone. 27

Many shortcomings existed in the bill. Houston considered some to be so serious that he attempted to influence Bankhead before the bill left the Senate committee on post offices and post roads, which Bankhead chaired. Even before the bill had passed the House, Houston wrote to Bankhead advising him to show more caution in deciding the amount of the appropriation. The secretary felt that the House bill appropriated too much, too quickly, and that a smaller amount that would gradually increase would be better. This would allow for a suitable system to evolve before the complete expenditure became available, thus cutting down on the misuse of federal funds. In a later letter Houston recommended that the population of incorporated towns and cities be included in the bill otherwise half the country would be excluded from the fund, and this could cause bitter arguments in Congress. Furthermore, Houston argued, the construction work should be subject to the rules and regulations of the department of agriculture, /

agriculture, for if it was carried out by the rules of the various state highway departments then one of the main purposes of the bill would be lost and localisation of authority would remain. 28

Writing a fortnight later, Houston continued to fight for his department. He agreed with the general principles of the bill, but forcibly objected to the lack of authority given to the secretary of agriculture in deciding what road sections should be improved. The bill proposed that the secretary be presented with detailed estimates by the state highway departments, all doubtless impeccable, but Houston judged it essential that the secretary and state legislatures together should agree upon the roads to be improved, not only the manner by which this should be accomplished, thus safeguarding against the wrongful expenditure of federal funds. Houston also considered that no allocation should be made to any state that did not guarantee to maintain its improved roads. 29

Houston's criticisms were relevant and well founded; they were the objections of a good administrator eager to see the most efficient implementation of what he believed to be important work. They also reveal considerable shrewdness. Only too aware of the limitations and backslidings of state legislatures, Houston realised that many looked upon such legislation as a further opportunity to raid the national treasury. This he meant to curb by extending the role of his department's professionals. Bankhead heeded Houston's recommendations, but not all were included in the bill reported out of the Senate committee.

The/

The Senate committee agreed with Houston's basic criticisms. In a rare breach of congressional protocol the committee labelled the House bill as being "seriously defective" in its failings to safeguard the use of federal appropriations. Debate in the House had been efficiently managed, but completely unworthy of note; the Senate committee's opinion of Shackelford's competence could not have been strengthened when he referred the bill to the Senate committee on agriculture rather than the committee on post offices. This caused unnecessary delay, and rather than proposing amendments to the House bill, the Senate committee chose to reduce the time spent on debate by drawing up a substitute bill. 30

Bankhead's bill steered a middle course between the House bill and Houston's proposals. The secretary of agriculture was to be given more authority in deciding what roads were to be improved; the secretary and the state highway departments together were to agree upon what roads should be improved, and on the method and character of construction. The legislation excluded only roads in a community having a population greater than 2,500, the census definition of urban communities, except such roads where the houses were more than 200 feet apart. This amendment was sensible. The bill no longer discriminated against incorporated towns as such, and the spacing provision ensured that roads leading into small towns with extended corporate boundaries would be eligible for funds. 31

Regarding the appropriation plan, Houston's principle was accepted but according to Bankhead the details were those of/



of the National Association of Highway Engineers. The measure appropriated \$5,000,000 for the fiscal year 1917, increasing by \$5,000,000 each year thereafter until 1921 when the full sum of \$25,000,000 would be expended. This the committee considered would allow a more efficient introduction of the statute, and afford greater protection for the treasury funds. The method of allocation was also changed. No longer was a lump sum to be paid to each state, but the fund was to be divided according to three indices. In addition to division among the states according to the ratio of their population and length of post roads to those of the union, as proposed by the House bill, consideration was to be given to the area of each state. 32

This benefited Western and Southwestern states at the expense of the Northeast. On the whole Southern states improved their position after the change although the grant to Tennessee dropped by \$102,800, almost 15 per cent. Conversely, Texas gained \$434,864, an increase of almost 30 per cent. The substitute also placed a limit of \$10,000 per mile on each constructed road, a blow to Northern states whose roads were more expensive to build. No longer was there to be a stipulation that the federal authorities pay a minimum of 30 per cent of improvement costs, although the upper limit of 50 per cent remained. As a concession to poorer areas, the states were permitted to provide labour and materials as a part of their contribution, thus enabling the states to use all the means available to them to accomplish "this important work". Hard pressed state comptrollers were doubtless relieved to learn of this. 33

Bankhead/

Bankhead ignored Houston's pleas for the extension of federal rules and regulations however; the bill was clear upon the point that the construction work in each state should be accomplished under state law and under the direct supervision of the state highway departments. The secretary of agriculture could only inspect and approve. Bankhead asserted that it was essential that federal authorities dealt only with the state governments in the working out of policy. The balance of powers and duties between federal and state governments could be maintained only by leaving the initiative to determine if they wanted to avail themselves of aid with the states, and by allowing each state to directly supervise every step of construction and improvement: "thus is reserved to the States all that could possibly be expected by the most earnest advocate of State rights". 34

This had obvious consequences; as a contemporary journalist noted, it would concentrate the most expensive and useful improvements in the areas with the greatest number of taxpayers. While not entirely unreasonable, this did go against the spirit of the bill's declared aims of promoting educational and social improvements in the more deprived areas within a state. Houston had lost this important battle, but he successfully ensured that the secretary of agriculture could withhold the apportionment of funds to any state that, having constructed roads under the provision of the act, did not properly maintain them. Although Bankhead's changes had headed off many of the objections that could be expected in the Senate, the debates still proved to be prolonged and occasionally ill-tempered. Introduced on 16th March/

March 1916, the bill <sup>was debated from</sup> 19th April, but it was not voted through until 8th May despite Bankhead's wish, expressed on the first day, that the bill be dealt with speedily. Opponents and proponents fell into familiar battle lines: Northeastern and Midwestern Republicans opposed the details, though not always the principle, of the legislation, and Southern Democrats defended the bill. 35

The first serious amendment to the bill was proposed by Thomas Shafroth, a Democrat from Colorado, and would have made the federal authorities liable for only a quarter of the total bill. Shafroth wanted to involve individuals and private enterprise in road construction, this already being common in the West, and his amendment made it a condition that 25 per cent of the bill be subscribed by individuals and 50 per cent by the state before any federal subsidy be granted. The total federal appropriation was to remain \$25,000,000. His suggestion won little support however; while many favoured its principle, few believed that it would work in practice. Gallinger said that experience taught him that the amount paid by individuals would be negligible. Marcus Smith of Arizona believed that few individuals would willingly pay for roads through the desert; consequently, the Southwest would not benefit from the fund. Reed Smoot of Utah believed that such an amendment could only increase bureaucratic red-tape, thus dissuading the states from applying for aid. 36

Bankhead hoped that the amendment would be defeated, for while believing that it was well meant and without malice, he stated that the amendment was based on an entirely different theory/

theory to that of the bill. Claude Swanson of Virginia, a member of the committee on post offices, developed Bankhead's argument. He stressed that the amendment went against the basic principle of the bill: cooperation between the federal and state authorities. No individual, nor the department of agriculture, Swanson argued, should be allowed any say in the origination of any policy or proposition; this must be brought by the state authorities. The Senate heeded Bankhead's wish: when put to the vote the amendment failed by 36 votes to 11 votes. Support came from Mountain state senators, but the South voted against it as a bloc. 37

The issue of cooperation between federal and state government did not disappear. John Works of California continued to hammer away at what he described as one of "the worst pieces of legislation of its kind". Opposed to the whole idea of a partnership between the various authorities, Works contended that if the federal government had any jurisdiction over a road then the obligation lay entirely with the federal authority, this was no business for the states. Under the bill, Works continued, the states would only make improvements for which they could receive aid; all other improvements would be neglected, no matter how important. Henry Cabot Lodge concurred in this judgment, adding that the primary purpose of this bill was not to improve roads but to gain easy votes. Some deserving communities would benefit, he had no doubt, but the overall results would be negligible. 38

Southerners could expect only limited aid from their Northern Democratic allies on highway improvements. Most Northern/

Northern Democrats came from states that had diligently provided and maintained improved highways, and their charitable feelings towards the South could only go so far. William Hughes of New Jersey, a member of Wilson's old New Jersey machine, even spoke out against the bill claiming that it would accomplish nothing. The main responsibility of replying to Works fell on Oscar Underwood, Bankhead's colleague from Alabama. He maintained that Congress did have the power to enact such legislation; it had rarely been used in the past he admitted, but that was because too much attention had been paid to railroad problems. As transportation was so vital to commerce Underwood continued, and as there existed no interest so crucial to the American people, outside of liberty, as a successful commerce, then Congress was justified in acting. Although certain states did have adequate means to fund their own improvements, others did not and thus should receive aid. Such an opinion was truly radical in its vision of the future role of the federal government. 39

The Ohio senators, while saying that they favoured the bill, felt that it did not go far enough in ensuring that the roads be maintained. Warren Harding in particular doubted the diligence of state authorities on such matters. The president of the American Automobile Association shared Harding's concern, having already written to Bankhead on the subject; he considered that a real danger existed of the bill's purpose being destroyed by the "rapid depreciation of roads". To guard against this, Atlee Pomerene, a Democrat, tabled an amendment that tried to ensure that funds could be appropriated/

appropriated for a "permanent road" only. 40

What Pomerene meant by a "permanent road" was unclear, and Bankhead believed this vagueness to be deliberate. The term could be interpreted in many ways, but Southerners were fairly certain that it would act against them. Bankhead said that if the amendment passed then it would preclude the expenditure of money on post roads, there being no such thing as a permanent road. While the point was strained, Swanson had a clearer vision of the amendment's implications: expenditure under the Pomerene amendment would be limited to the few areas around large cities where macadam roads already existed. It was not an amendment designed to help those states without roads, but rather to help those states with improved roads to pay for their maintenance. Hoke Smith took the matter even further: it was an amendment aimed against the South. If it passed then the only roads that would be built would be those of brick or granite; post roads in the South, Smith argued, were used only lightly, and they could be constructed of clay and phosphate gravel. As conditions varied widely over the union, the bill should take account of this he continued. Smith's moral standpoint on this can be questioned however, for while the Georgia senator welcomed and expected financial help from other regions, he was not prepared to aid these areas when a measure went against them. Pomerene's amendment, like Smith's bills, was meant to help his own region, for he estimated that it cost \$15,000 per mile to build a road in Ohio, and the bill placed an upper limit of \$10,000 per mile. While Smith may have been correct in discovering an element of vindictiveness against/

against the South in Pomerene's amendment, the Ohio senator had a valid argument. 41

Pomerene's amendment failed without a yea or nay vote, but other senators tabled further amendments, ostensibly to safeguard its provisions. George Norris of Nebraska, a progressive Republican, proposed to strike out the provision that forced the secretary of agriculture to give notice that he did not consider that roads had been properly maintained before he could withhold funds. This Norris said would prevent roads being built and then wasted because of poor management. Bankhead opposed this sensible amendment, arguing that he did not consider it proper that the secretary of agriculture should be allowed to pounce on a state government without the permission of the state. Vardaman supported Bankhead on this, saying that he did not share the apprehension of other senators that the states were going to be careless and negligent in the maintenance of public highways. Norris's amendment also failed without a yea or nay vote. 42

A further amendment concerning where in Washington the department buildings should be located was also rejected. Yet another, tabled by Gordon Lee of Maryland, meant to appropriate an additional \$96,000 to allow the secretary of war to prepare maps and construct military roads, was similarly rejected. The need to have good roads as part of the national Preparedness programme had entered the debate previously, but only on the fringes and for rhetorical effect; Vardaman for example felt public highway construction should be supported because of the enormous outlay that Congress/

Congress proposed to appropriate for the "unnecessary implements of war." Yet, it is surprising how little mention was made of the military usefulness of improved highways as a justification for federal funding. Presumably, debates on Preparedness could be so divisive and time consuming that senators gladly avoided them whenever the opportunity arose. Bankhead strongly disapproved of the amendment, claiming that it had nothing to do with the bill, but was an attempt, as were all the other amendments, to so load the bill down that it would not pass the House. Certainly the discussion of the amendments wasted valuable time, but Bankhead was unfair in labelling them all political stratagems; many were relevant and designed to legitimately protect the interests of a particular region or improve the workings of the act. 43

One such amendment proposed by Thomas Walsh of Montana concerned the position of those Western states that had large reserves of national forests. Borah, arguing for this amendment, contended that as these forests took up such a large area of his state, Idaho, and were not subject to state taxation, this placed a grossly unfair burden upon such states having to pay for highway improvement. Roads were necessary both for access and as fire breaks through these forests, which, Borah pointed out, had been landed on the West by the East. Although warned by Bankhead that the House would not agree to it, Walsh proposed that the federal government should advance 10 per cent of the expected proceeds of the national forests to help highway improvement in the West. 44

Swanson angrily attacked this amendment. It would, he said, /



said, allow highways to be built earlier in the Western states than elsewhere. Furthermore, it would extend the credit of the United States to aid the West at the expense of other more deserving regions, especially those with higher population densities. Bankhead also expressed strong disapproval of the amendment, but he was unable to command the support of Northern Democrats on this matter, the proposal being accepted by 33 votes to 18 votes. Luke Lea of Tennessee and Vardaman also broke with the Southern bloc on this, and although their defection did not prove decisive, it was embarrassing. Vardaman said that he could find no reason for voting against the amendment, despite repeated warnings from Bankhead that the thus amended bill would not pass the House. Vardaman's justifications were hazy however; it would be a stand against the city and those states with money, he argued, and a vote for the countryside. This defeat mortified Bankhead, and he did not react with the most gracious of manners, but this Western victory helped to realise a long desired regional goal. 45

The bill passed the Senate without a yea or nay vote on 8th May 1916. Despite Bankhead's dire warnings to the contrary, the House threat to the bill with the attached Walsh amendment never materialised. The managers in both chambers speedily arranged a conference to resolve the differences between the two bills, and that was achieved without difficulty. Wilson signed the bill on 11th July 1916 making it law. 46

While improved highways helped to regulate the transportation of cotton and tobacco within the region, it was not always in the planter's best interests to move his entire crop at once. It was desirable to market most of the crop by December, but prices invariably rose after January, and it was advisable to retain some cotton or tobacco to take advantage of this. This required suitable storage facilities. The story of how the federal government became involved in the unlikely business of cotton warehouse licensing illustrates the limits and extents of Southern power in Congress. Although beginning in defeat, it ends with a Southern triumph and the passage in 1914 of the Federal Warehouse Act.

Southern storage facilities were abysmal. According to Burkett in 1906, the only policy more foolish than that of selling the entire cotton crop within ninety days, was the way the South handled the little cotton it retained. Some planters stored their cotton under trees, but most left their gleanings in the open exposed to the wind and rain of a Southern winter. While the quality of cotton fibre deteriorated less than other field crops under such conditions, discolouration was common and this drove prices down. Burkett estimated that the loss in value caused by this assumed enormous proportions when measured for the entire crop. 47

Warehouses did exist, established by both farmers' organisations and business interests, but they were few in number, patchy in distribution, and expensive to use. The Farmers' Union had been particularly active in this, picking up/

up the legacy of the sub-treasury plan. They had built 60 warehouses in Arkansas, with a storage capacity of 120,000 bales, and enough in Texas to store 500,000 bales. While the Union's plan to store enough cotton in their warehouses to become the balance of power in disposing of the entire Southern crop came to nought, their impact at local level was considerable. The Southern Cotton Association, representing the larger landowners, also adopted the idea. Acting with the full support and cooperation of the country banks, who saw the warehouse plan as "the only practical one that the cotton producers have ever advanced", they guaranteed high minimum prices to their depositors. During the panic year of 1907, when average prices wavered around the 7 cents per pound mark, the Farmers' Union guaranteed 10 cents per pound to warehouse depositors, and the Southern Cotton Association paid 11 cents per pound. Eligibility for the Union warehouses however was restricted to those who could take out stock to the value of \$25 in the enterprise. 48

The appeal of this to bankers was obvious: not only did it increase their customers' prosperity, but it reduced the annual rush for short term credit during the harvest season. Banks began to organise their own warehouse companies, the Warrent Warehouse Company for example being founded by the First National Bank of Alabama. The Warrent Company had lower guarantees than the Farmers' Union however issuing cotton scrip at only 7 cents per pound in 1907. Private warehouses also charged higher prices; Burkett reports that this could be as high as \$2.50 a bale including insurance, and only rarely did it drop below \$1.50 a bale. A further drawback/

drawback to the planter was that warehouse companies sold their stocks through an agent, and while this saved the planter's time and effort it also cost them \$1 a bale. 49

Demands grew for the state governments to construct and regulate warehouses. Writing to Senator Fletcher, the chairman of the Southern Commercial Congress recommended that each cotton state inaugurate a system of bonded warehouses under state supervision. This would allow cotton to be sampled, graded, and guaranteed by surety bonds. Such a system would enable textile manufacturers to make orders for several months ahead with a fair idea of what their profits would be. South Carolina had actively promoted warehouse development in the 1910s, but this remained an exception. It is not hard to see why this was the case; if Southern state legislatures did not appropriate sufficient funds for education, highway improvements, or even administration, it would be unrealistic to spend money on warehouse construction. It was not important enough. Furthermore, as legislators could argue, cotton was an export crop, a commodity of interstate and foreign commerce: did that not leave the responsibility with the federal government? 50

The question did not become important until the autumn of 1914, and the outbreak of war in Europe. The 1913 cotton crop had been outstandingly successful and, on the strength of this, the South had increased cotton acreage in 1914; it was to be the largest crop in history. Initially all went well and a great optimism existed. A friend wrote enthusiastically to John Sharp Williams letting him know that the cotton prospects in Yazoo County, where Williams had his plantation, /

plantation, were "very bright". All hopes of success however were dashed by the declaration of hostilities. The German and Austrian markets disappeared; the British government threatened to declare cotton a contraband of war, thus closing the North Atlantic; the New York cotton exchange closed down completely for three months, leaving planters at the mercy of spot buyers; prices dropped from 13 to 5 cents per pound. Rather than sell at this price, many planters held onto their bales in the hope that either state or federal authorities would intervene. 51

Southern anger and frustration focussed upon Congress, with every Southern politician being inundated with letters describing difficulties and demanding action. Despite understandable exaggerations, conditions in the South were truly frightening and chaotic especially as additional sums of credit had been optimistically advanced in view of the bumper crop; many upland farmers had hoped to "get on their feet". However, as one Mississippian reported, conditions "were not promising", and the people felt "pretty blue"; all the farmers he knew had heeded advice not to sell their crop, but they considered that Congress was not playing its part. Edwin Yates Webb, ever sensitive to the popular mood of his constituency, wrote to his political lieutenants urging them to start campaigning. Webb worried that opposition to Congress's seeming inaction would cost him votes in marginal counties. 52

Various states and individuals tackled the problem. Both Texas and South Carolina passed emergency legislation to provide temporary storage facilities guaranteed by the credit of the/

the state, although a similar measure failed in Alabama. Asa Candler, the Atlanta millionaire, set up enormous warehouses to store 250,000 bales, and New York department stores even sold raw cotton bales, though more as an advertising gimmick than as a serious attempt to alleviate Southern conditions. Some planters aided themselves, displaying considerable ingenuity in the process. One Mississippi planter found a broker in Milan to sell his cotton, although this stopped when the planter's insurance agent put a new clause into his policy concerning war risk insurance, and the banks no longer accepted his drafts. Compared with this, the state governments' response seemed weak and ineffective. Williams wrote that it was "a matter of humiliation" to him that while he was asking the federal government for aid, the Southern states did not take a single step to help their citizens. 53

Yet Southerners in Congress could do little either; without the help or sympathy of the President, the administration, Northern Democrats or Midwestern Republicans, the South could achieve little, and the Southern response to the crisis succeeded only in alienating almost every area of possible support. Southern fury on the matter was understandable, but their demands of central government became increasingly unrealistic; for, despite their considerable knowledge of the cotton trade and how Congress operated, an air of fantasy permeates the response of Southern politicians. The crisis had hit the South suddenly, and proposed solutions had to be hurriedly conceived, but in their haste the disciplined, pragmatic side of the Southern politician vanished, /

vanished, and the darker, more emotional rhetorician emerged.

At first considerable sympathy existed towards the South. A Chicago businessman called upon the federal authorities to establish warehouses to store cotton under federal supervision and to arrange with the banks to loan given amounts using warehouse receipts as security at a fixed rate of interest. The administration had reacted swiftly, calling a meeting of Southern businessmen, politicians and leading cabinet members. Held in Washington on the 13th and 14th August 1914, it heard the administration's proposals from McAdoo: the Southern national banks were to issue emergency currency thus enabling the planters to carry their surplus until the market revived. This did not go far enough for Southern leaders and, as they pointed out, the proposed loans had to be redeemed within four months, too short a time to move the cotton crop. Furthermore, the country banks that served the planters could not benefit from this as they were chartered by the states and therefore outside the reserve system. Frank Haynes, of Louisiana, proposed federal subsidies to raise the price of cotton to 8 cents per pound; Thomas Sissons, a Mississippi representative, demanded that the state banks be allowed to issue currency based upon warehouse receipts. While receiving considerable support in the South, these ideas flew in the face of conventional natural economic law. McAdoo denounced the suggestions as being "wild and ridiculous": they would bring about the financial ruin of the country, and the notion that state banks be allowed to issue bank notes was too irresponsible to contemplate. David Houston supported his cabinet colleague, telling/

telling Southerners that it would be folly for the federal government to determine the price of any commodity. 54

An increase in British buying, combined with the obvious resolve of the administration to do something, returned some confidence to the market, but unsold cotton continued to accumulate as the harvest moved to its climax. The treasury's reaction increasingly proved to be inadequate, and resistance from the banking community, who resented the government's directives, only exacerbated the situation. A cotton bloc began to form in Congress, composed in the main of Southerners whose ties with the administration were loose, and who did not normally play leading roles in Congress; this group also received support from congressmen representing tobacco districts. Robert Henry of Texas introduced a bill to the House that instructed the secretary of the treasury to deposit \$250,000,000 in the Southern national and state banks, and for the banks to advance this at 4 per cent interest to cotton producers. The funds for this were to be raised either by an increased issue of treasury notes or else on the sale of Panama Canal bonds.

The Henry bill represented Southern demagoguery at its most institutionalised. It united all sections of the South in supporting it. Previously opinion had been split between those favouring action from within the South and those who demanded that cotton be bought direct by the federal government. As a legislative proposal it was ill conceived and politically impossible; as an economic measure it was far fetched and irresponsible. One prominent bankers' journal, showing characteristic restraint, remarked that the bill displayed/



displayed more enthusiasm on the part of congressmen than any knowledge of economics or finance. 55

The bill failed, but the three weeks spent debating it in the House focussed national attention on the Southern problem. Wilson declared his total opposition to any such legislation; his cabinet agreed with him. No sympathetic support came from other agricultural regions, the South's audacity having alienated many. Webb begged an associate to realise how difficult the situation was: "The cotton states have only ninety members out of four hundred and thirty five, and it is very bad to make our Northern and Western friends understand the unfortunate situation in which the South finds itself on account of this cruel war". The House rejected the bill by 123 votes to 91 votes. Hoke Smith had introduced a similar measure in the Senate as an amendment to the administration's emergency war revenue bill, but this also failed despite considerable Southern efforts and a threat to block the revenue bill. There is little doubting the completeness of the Southern defeat; they had to accept the administration's proposals, inadequate though these were. The situation was resolved only when Britain bought up the surplus cotton and decided not to declare it an article of contraband in order to ensure Southern allies in Congress should the need arise in the future. 56

Although not forming part of the agricultural reform programme, the Southern responses to the 1914 cotton crisis deserve an extended discussion. In general the South got what it wanted on agricultural issues, but on this occasion, which was the gravest imperilment faced by Southern agriculture/

culture during the Wilson presidency, the regional politicians achieved little. Why this was so is not hard to discover: the South needed support in Congress to achieve her aim. Where this came from could vary: sympathetic Northern Democrats were keen to maintain party loyalties; Midwestern Republicans would argue vigorously over details, but agreed with the South on most matters of principle; most importantly, support could come from the President who by his goadings and publicising could force rebels to toe the party line. But, when support was not forthcoming from any of these sources, the South lost. Equally important in assessing why the Southern responses failed is that they were emotional and ill conceived. Mitigating circumstances did exist: the subject was emotional; it was unprecedented; and it required a quick solution. The Southern politician's great strength however was that he understood how Congress worked, had the experience to make it work for him, and had the legal training to allow him to draft acceptable legislation. The Southerner was at his best on the legislation that required hard work in committee, and an understanding of legal and technical details in debate; these strengths had greatly aided the passage of complicated tariff, anti-trust and banking legislation. Yet when it came to reconciling passion with reason no Southerner could compare with La Follette or Beveridge: passion always won out at the expense of reason. The consequence was the Southern politician as irresponsible demagogue, prepared to wreck the fortunes of the union for the sake of his own state or county.

The Southern politicians did have one success; early  
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in the crisis they managed to garner enough support to enact the Smith Lever Federal Warehouse Act. Although intended to be temporary, subsequent legislation in 1916 made it a permanent part of the reform programme. The bill authorised the secretary of agriculture to issue licences to those cotton warehouses engaged in interstate or foreign commerce that applied for one. Inspectors were appointed to supervise these warehouses. Smith hoped that federal supervision would ensure that the warehouse receipts issued for the stored cotton would have a recognised standing when offered for sale. By this, the United States would have plenty of cotton available when world demand rose; buyers would have cotton of a certified quality; and the producer would have a negotiable receipt. The justification for introducing the federal government was that uniform standards would be needed if the legislation was to be successful. Hoke Smith in introducing the bill to the Senate carefully pointed out that the measure neither enforced warehouses to submit to the supervision of the secretary of agriculture, nor to apply for a licence; control and initiative was to remain at the local level. Smith also hoped that the receipts would be used locally and not regionally, but he was less emphatic upon this point. 57

Smith introduced the bill to the Senate on 21st August 1914. Despite being well constructed, sensibly limited in its aims, and skillfully worded as to not exclude other regions, Smith had to endure considerable ridicule and a distinct lack of sympathy during the debates. Few objected to the notion that the federal government should undertake the grading of agricultural products. Although Henry Lippitt of/

of Rhode Island made a token protest, McCumber pointed out to him that Congress had already enacted a law permitting the federal inspection and grading of cotton. The main argument against the bill concerned cost, a perennial concern. The bill proposed to appropriate \$100,000 to pay the salaries of officials but, once the various amendments to the bill were accepted, it was estimated that the final cost would be over \$1,000,000. Lippitt worried that under the terms of the bill, the federal government was empowered to establish its own warehouses, but under local control. This he felt to be a potentially expensive precedent. Smith believed that his plans could be accomplished relatively cheaply, but acknowledged that Lippitt had a valid point; nonetheless he preferred that this be dealt with by subsequent legislation. 58

The position of wheat under the bill proved to be a stumbling block; it also relied heavily on export markets in Europe and was represented by a cohesive bloc vote in Congress. McCumber proposed an amendment during the early stages of the debate that allowed the licensing of wheat, oats and barley. Smith accepted this proposal. While this did not ensure the support of all Midwesterners, Knute Nelson for example continued to regard the bill as unnecessary and designed to help only the South, it did win over the majority. The acceptance of McCumber's proposal led to a flood of amendments: Harold Lane of Oregon wanted to extend the bill to include salmon as this also depended on a foreign market. Smith, considering this to be mere sarcasm, told Lane to draw up his own bill, but when put to the vote the/

the amendment was carried by 25 votes to 24 votes. Of the Southerners present, only Furnifold Simmons voted for it. 59

All attempts at party discipline had broken down; Lane was a Democrat, and the proceedings became increasingly ridiculous as various members forced amendments on an increasingly irritated Smith. Gallinger of New Hampshire proposed that timber and shoes be included; Borah of Idaho wanted to include wool; William Chilton of West Virginia presented the case for oil and apples; Miles Poindexter of Washington pressed for the inclusion of codfish and beans; and James Martine of New Jersey applied for the protection of applejack. Of these, Chilton and Martine were Democrats. Much to Smith's dismay Southern senators joined in this, although their proposals were on the whole less fanciful. Duncan Fletcher wanted to include naval stores and tobacco, both Southern products with local importance. Swanson agreed that it would be wise to extend the bill to include tobacco, although the North Carolinian senators remained strangely silent on the matter despite being present. 60

Smith disappointed Fletcher and Swanson however by condemning their action. Tobacco he told them was stored in an entirely different way from cotton and should not be included in this bill; he dismissed naval stores as trivial, and best to be ignored. The nature of the debate had wounded Smith's pride. He said that he had been pained in more than the normal way by the superficial manner in which the Senate treated his bill. His colleague from Alabama, Frank White, joined him in this, warning the West and New England that they would suffer if the South went bankrupt. The senators involved/

involved duly apologised to Smith for their frivolous behaviour and withdrew their amendments. Chilton's amendment concerning oil remained on the table, and was voted into the bill by 25 votes to 23 with the South led by Hoke Smith voting for the amendment. The bill passed the Senate without a yea or nay vote on 24th August 1914. 61

The Senate debates illustrate how deep feelings were against the South, even within the Democratic party, when the South attempted to use Congress for its own ends. Although many of the proposed amendments were frivolous, certain of them were justified by the economic situation, and Smith did himself little credit by reacting against them as spitefully as he did in his blanket condemnation. The British embargo on the oil export trade had hit the United States producers in unprecedented fashion; similarly, leather and textile factories in New England had been forced to lay off workers. Furthermore, despite being designed to embarrass Smith, few of the amendments would have damaged the working of the act. 62

Southern House managers, however, had sensed that the Smith Lever bill did not command widespread congressional support outside the South, and that it also offered an opportunity to enact a far more permanent measure, aiding the American farmer long after the cotton crisis had passed away. Accordingly, Asbury Lever chose to draw up a substitute bill rather than continue with the bill that had already passed the Senate. Introduced to the House on 21st December 1914, and too late therefore to benefit the Southern planter, Lever's substitute was a combination of the original Smith Lever/

Lever bill for warehousing cotton, and the Moss bill for warehousing wheat, which had already passed the House but not the Senate. The bill as rewritten by Lever's committee applied to cotton, grain, and all other staple and non perishable farm crops and, unlike the previous bills, the owner of any warehouse could apply for a licence to operate under its provisions, not just those warehouses engaged in interstate commerce. Any citizen could apply for a licence to grade cotton or grain under the government's standards, but such licence holders had to be employed by the state authorities before they could issue warehouse receipts. As Moss, the co-sponsor of the bill, said: "It does not in any instance commit the Federal Government to Federal inspection of agricultural products or in any manner nullify any State law on the subject". 63

As with the previous bills, the owners of the produce were to be given a receipt, which was uniform with every other receipt in the United States. This receipt declared the actual grade of the product, and by consulting any reliable market quotation the producer could discover its value; the receipt could be cashed on any date at a bank. The bank could then discount the receipt with the federal treasury through the regional banks of the reserve system. Moss hoped that the warehouse bill would stabilise average prices by increasing prices for the producer, while not advancing them for the consumers.

No-one in the House disagreed with the bill's aims or practicalities: argument centred on the bill's proposal to include even those warehouses engaged in solely intra state commerce./

commerce. Some Southerners doubted the wisdom of this. Edwin Yates Webb was anxious to discover if the bill's enactment would mean that a state could no longer have its own warehouse system, and had to be assured by Moss that the bill would not threaten already existing state warehouses. Charles Bartlett of Georgia also criticised the bill. He could find no power in the fundamental law of the land to justify the bill's turning over to federal authorities the right to visit and inspect warehouses and demand that they comply with rules laid down by the secretary of agriculture. Towner of Iowa agreed with Bartlett, considering that there was absolutely nothing in the bill on which Congress's right to legislate could be based. None of these criticisms could be developed however, Lever having ensured that each speaker was limited to only four minutes. 64

Despite these criticisms' lack of depth, they still had to be faced by the bill's supporters. Oscar Underwood claimed that the bill was entirely constitutional, for no warehouse had to come under its scope unless the owner of the warehouse desired it. Lenroot found this answer fatuous: the fact that the bill was not compulsory did not on its own give the federal government jurisdiction. The Wisconsin representative criticised Lever for having extended the bill to cover all warehouses, for its constitutionality would have been impeccable if it had been restricted solely to those warehouses engaged in interstate commerce. The only possible justification for the bill, Lenroot argued, was that under the general welfare clause, and he found it amazing that such a contention be proposed by a Southerner. 65

Such/



Such arguments did not worry Lever, knowing as he did that the bill's passage was assured. This allowed him the luxury of avoiding the constitutional problems of the bill, modestly pleading that he was not a lawyer, and was hardly competent enough to justify the legality of the bill. Besides, he argued, the truth was that when there was a great general good to be accomplished by legislation, he was not so squeamish about the constitution. His defence of the measure stressed its practical benefits. His complacent defence was justified: the bill passed the House by 219 votes to 98, the bulk of the opposition coming from Northeastern and a few Midwestern Republicans. The differences with the Senate bill were speedily resolved in conference and the bill became law. Although the original reason for its enactment, the 1914 cotton crisis, had long since passed, the act proved to be both successful and popular with staple producers, and a subsequent confirmatory Warehouse Act in 1916 ensured a permanent place for the Smith Lever Federal Warehouse Act in the agricultural reform programme. 66

The Smith Lever Cotton Futures Act was the third measure that dealt with cotton marketing. This act culminated a Southern enmity towards the New York Cotton Exchange that had been a feature of Southern politics since the 1870s. Demands for better highways and improved warehouse facilities were recent by comparison, and attempts to regulate the Exchange became almost inevitable once the South gained some degree of political control.

The/

The most common complaint against the Exchange concerned its allegedly illegal and speculative nature. Southerners believed that this robbed the planter of his hard earned gains, and this opinion was common amongst the most responsible of men, as well as the most demagogic. One prominent businessman writing to his senator described it as "a mere gambling joint"; John Sharp Williams frequently referred to "the Three Card Monte game of the New York Cotton Exchange". The farmers of Tredell County, North Carolina, an upland county, implored their senator to do all in his power to prohibit gambling in cotton as represented by the New York Exchange. The Exchange provided politicians with an easy target. It rarely received any informed or constructive criticism and its operations remained sinister and shrouded in mystery to the Southern cotton producer. 67

Ironically, both the New York and the New Orleans Cotton Exchanges had been organised to end speculative gambling in cotton dealings. When cotton was first exported in large quantities, a few merchants conducted and regulated the transactions, largely in a speculative manner but solidly based upon informed personal judgment. This functioned adequately while the buyer or manufacturer was assured of high prices when he sold his product, and as long as all the cotton sold was purchased for actual consumption. It is true that professional speculators had always featured in the cotton market, but as long as the prices remained high no-one suffered. The sudden and dramatic price fall in the 1860s however had led to widespread and damaging speculation, and in order to regulate this the New York Cotton Exchange had/

had been organised in 1870 under the laws of New York state. The New Orleans exchange followed in 1871, and similar institutions were established in Liverpool and Bremen. 68

The chief service offered by the Exchange was "hedging", a form of insurance against losses caused by short term price fluctuations. Few banks would lend money on cotton that was not hedged, and virtually the whole cotton crop was regulated by the Exchange. There was generally a six months gap between the time when a cotton merchant made his contract with a buyer and when the cotton was deliverable. The merchant judged his price, usually in July, by assessing how much cotton would cost in the coming season and making an allowance for his expenses and profit. To protect himself against any unforeseen price fluctuations the merchant bought a future contract on the exchange. If the actual price of cotton rose during the harvest this would cover his losses on the contract price with the producer. If the actual price of cotton declined, the price of the future contract was expected to decline in sympathy. Although this meant that the merchant sold his future contract at a loss, he paid less on the actual market than he anticipated and hopefully the profit made on the actual transaction counterbalanced the loss on the future transaction. While the theory was based upon sound commercial practice, it left room for manipulation. Furthermore, as in all commodity markets, while the producer was excluded from the transaction, its workings had a direct influence on the prices that a producer could expect to receive. 69

The system began to work against its own efficiency however/

however by turning the future contract into a commodity in its own right, and this became increasingly divorced from cotton growing in the field. Future contracts were legal sales, but while the contracts called for the delivery of cotton, real cotton was seldom delivered. Overtrading in futures as a speculative venture became commonplace, and such speculations had an effect on the real price of cotton causing it to advance or depress without any sound agricultural reason. Decreases in price obviously vexed the planter, and these could be considerable. In a Senate speech, Hoke Smith revealed that the New York Cotton Exchange sold March cotton at 12.54 cents a pound, and July cotton at 11.77 cents a pound in 1913; both were middling grade cotton. As there was no new cotton in July, this was cotton that had been picked by March. The market had driven the price down even though it should have been higher by July because of interest in value, and warehouse and insurance costs. Southerners believed that speculators went out of their way to drive prices down and create a bear market, and they felt frustrated and helpless against the Exchange. 70

In fairness it should be noted that the New York Exchange did not mean to help the producer; it was largely unconcerned with the production of cotton. But it did have two beneficial effects for the producer in that it kept the market open for twelve months and created a wider demand for cotton than just the textile manufacturers. Furthermore, by the 1910s the Exchange was an essential feature of cotton marketing, the disastrous effects of its closure in 1914 showing that its abolition created far more problems than it solved./

solved. One commentator considered that the most important result of the 1914 emergency would be that Southern planters would no longer clamour for the abolition of the exchanges. Nonetheless, faults existed in the workings of the Exchange, and these could be exploited with ease by any congressman seeking to gain the approval of his electorate. 71

The abolition of the New York Cotton Exchange had been one of the populists' most popular proposals, but their criticism of the Exchange had been both vague and uninformed. Criticism in Congress continued along the same hazy lines. One commentator judged that the apparent ignorance of legislators on the Exchange's functions and the workings of futures was "astounding", and suggested the need of education. Certainly the protection offered to the Exchange by its charter under state law led to far fetched congressional attempts to regulate its workings. One bill proposed that cotton speculators should be treated as people running a gambling house and dealt with accordingly: the bill failed. The problem of justifying congressional action was a major one, and promised controversy. 72

The most rational comment on the Exchange's dealings came in a 1907 report by Herbert Knox Smith, the commissioner of corporations. Smith recommended that the exchange adopt government standards and use a commercial difference system to establish the relative values of different grades of cotton. Under New York state law the Exchange could accept lower grades of cotton than elsewhere leading to large quantities of low grade cotton being attracted to New York and consequently undercutting the price of low grade cotton on the/

the spot markets. A general lack of uniformity existed on the New York Exchange and many believed that this encouraged dishonesty. Disunity characterised the whole international cotton trade however: the New Yorkers held to standards that had been fixed in 1874 in Atlanta; arbitrators decided the New Orleans classifications on an annual basis; Atlanta used a different set of grades, as did Augusta; and Savannah used Liverpool standards, the English port having stood wisely aside from the Americans and fixed its own grades. The producer saw only confusion and he had little idea of the value of his cotton. New York usually maintained 27 different grades, although there were 30 at one time, based solely upon colour and the amount of dirt in the crop, a classification that seemed open to considerable abuse, particularly by the spot buyers. 73

Over-classification was common to all the exchanges, but the New York Exchange was the most guilty of arbitrarily fixing the differences of the relative values of grades. Middling formed the basis of trading, there being ten to fifteen grades below and above this median grade and the various grades being decided by the "differences" above or below middling. These differences were fixed two or three times a year by a committee of the Exchange known as the revision committee, which was not bound by any procedure or definite method. Producers claimed that this was unrealistic and bore little relation to the actual relative market value of cotton; they contended that the price of cotton should be related to demand, and that middling did not represent an accurate basis as different mills required different qualities/

qualities of cotton. The producers also argued that the weather heavily influenced the supply of different grades and that during certain seasons there existed a greater supply of high grades than low grades. The New Orleans Exchange provided standards for its fixed differences but planters felt that the New Yorkers preferred their way because it allowed greater profits. 74

Cotton growers accepted that prices should be partly fixed outside the South, but they demanded that a code of conduct should be instituted. The Mississippi Cotton Association listed its demands in a document that it circulated to all Southern congressmen. They favoured the government supervision of cotton exchanges in the hope that this would lessen speculative manipulation. They protested against the way that the New York Exchange dealt with spot buyers: the New York Exchange should certificate cotton in such a way that the grade of a bale should be known by the buyer and that any portion of a contract could be re-tendered on the original classification without any further certification. The Association also added a wish that legislation should be enacted to protect the seller and buyer alike against purely speculative interests, although the proposal was vague on the form this legislation should take. The smaller Memphis Exchange agreed with all these suggestions, adding that this was a matter for the federal government that should no longer be left to the state authorities. 75

While Southern congressmen agreed with this, the problem of how this should be accomplished and enforced remained. As John Sharp Williams noted in his reply to the Mississippi/

Mississippi Cotton Association, the federal authorities could not act against an exchange, or a gambling house, that being a police regulation coming under the jurisdiction of the state. The Democratic caucus in the Senate had attempted to regulate the Exchange through Congress's taxation powers by way of the Clarke amendment, a "rider" attached to the Underwood Tariff. This proposed that a tax of one tenth of one cent per pound be levied on all cotton traded in for future delivery, which would be returned to the taxpayer when the cotton was delivered. Not all Southern senators considered that this was adequate. Ellison Smith criticised the amendment for being too lenient: it would tax all contracts, not just the dishonest ones. Clarke, the junior senator from Arkansas, accepted this but hoped that the tax would raise revenue that could later be returned to the cotton producers. If Smith's plan to tax only the dishonest was adopted, Clarke argued, no revenue would be available if the system operated successfully. The amendment passed the Senate, but the House conferees refused to accept it, arguing that it would not halt speculation but would merely shift transactions from New York to Liverpool or Bremen. The House conferees proposed their own similar amendment, which had a lower tax rate, but this did not command widespread support. Williams described it as having no teeth, and he preferred to have nothing to what the House proposed. 76

The New York Exchange had hitherto presented a united face against their critics, but recognising the inevitable they set to putting their own house in order. In November 1913, the board of the exchange decided to revise their fixed differences/



differences monthly and adopt a standard procedure. The board also indicated its willingness to adopt government grades if the cotton producers and textile manufacturers so desired it. By making these concessions the board had cleverly stolen their critics' thunder; they had done everything that could be reasonably expected of them, without seriously damaging the workings of the Exchange. 77

Despite the Exchange's turn-about, a uniform system of government grades had to be enacted, and Southern wishes for vengeance upon the middleman still had to be satisfied. Accordingly, a bill was introduced to the Senate on 19th March 1916 by Ellison Smith with the intention of regularising exchange procedures, and punishing those who did not comply. As a similar bill to regulate dealings in wheat futures introduced by McCumber was before the Senate at the same time, Southern leaders called for cooperation between the two agrarian regions. 78

Smith's bill received wide support: both the National Association of Cotton Manufacturers and the American Cotton Manufacturers Association endorsed its aims. Smith stood for the cotton producers. Born on a large plantation near Lynchburg, South Carolina, Smith represented that part of South Carolina that still perceived itself as aristocratic. Renowned for dragging cotton into all his speeches and elected to the Senate in 1908 after 14 years in the South Carolina House of Representatives, Smith remained in the upper chamber for 36 years, becoming one of the strongest opponents of the New Deal. 79

The bill followed the recommendations of the commissioner/

tioner of corporations very closely. It proposed that the secretary of agriculture should establish nine grades of cotton: four above, and four below middling. All the American exchanges were to adopt these, and although the proposed grades did not conform to those used by Liverpool or Bremen, it was felt that they best suited American conditions. To make the Exchange more responsive to the real price of cotton, the fixed difference system was to be abolished, and exchanges were required to take almost daily account of spot market quotations. Manufacturers had lobbied to ensure that the Exchange took account of spinning values, but Smith believed this to be impractical. Finally, the bill sought to exclude inferior cotton from the government grades, this being a direct blow on the New York practice of storing large quantities of low grade cotton. 80

None of these proposals were controversial; they were all accepted by the Senate. The only amendment to the bill was proposed by Hoke Smith, and that separated the standardisation of upland and gulf cotton, a minor change that the Senate accepted without dissent. The bill's attempt to standardise and regulate an agricultural product was not novel. As early as 1897 the federal government had regulated commodity dealings by passing the Tea Act; the Pure Food and Drug Act, 1906, was of a similar nature. Even as the Cotton Futures bill was debated attempts were being made to regulate the grain exchanges and the dry food trade. Furthermore, European governments were increasingly acting as arbiters in commercial disputes, it was not just an American phenomenon. What made the Cotton Futures bill different/

different was its proposed method of coercion, for in addition to a heavy tax, the bill intended to deny the use of the mails, telegraph and telephone to those who failed to comply with its regulations. 81

In addition to a prohibitive tax of two cents per pound of undelivered cotton, the bill proposed that anyone sending or receiving any letters, paper, publication, or package through the mail contrary to the provisions of the act would be guilty of a misdemeanour and liable to be punished by a \$5,000 fine or a year in jail. The tax invoked a fairly recent but established constitutional doctrine. By McCray v United States, the oleomargarine case, the Court had upheld the constitutionality of an act where the federal government's right to levy taxes was invoked not for the purposes of revenue, but to ensure the efficient performance of legislation. States could do little to challenge Congress's right to tax, even if it was directed against production sale or transportation of articles wholly within a state. 82

The denial of the use of the mail, no matter how indirectly, was far more controversial, although nobody denied Congress's ultimate right to use this sanction. The New York Commercial spoke for many in the financial community when it praised the intentions of the Cotton Futures bill, but objected to its use of the post office as the department of justice. The use of this sanction had been rare in the nineteenth century, although the South in 1836 had unsuccessfully attempted to deny abolitionist literature the use of the mail. Congress had begun to invoke this power in the 1900s and many of the bills prepared by Samuel/

Samuel Untermyer, the legal counsel to the "Money Trust" committee of the House, had exploited Congress's power to establish post offices and post roads. The only bill that Congress passed and the Court upheld however was the newspaper publicity law, which required that all newspapers and periodicals should print their circulations and the names of their owners and publishers. The Court upheld this act by Lewis Publishing Company v Morgan, although it qualified its decision by declaring that it was heavily influenced by the privilege of lower mail rates enjoyed by newspapers. 83

Despite the vagueness of this precedent, Smith was adamant that his bill was proper. Ignoring the ruling in the newspaper case he based his argument upon Champion v Ames, which forbade the use of the mail to carry out a lottery scheme. This certainly was a better developed precedent, the mail having been denied to explosives and obscene literature as well as lottery tickets by 1914, but these arguments did not quite correlate with the circumstances of cotton future trading. Smith's argument with regard to cotton futures was that the offence was committed either at the moment the future contract was drawn up, or else when the cotton was not delivered. The logic behind the lottery case was that while it was not an offence to publish a lottery ticket, it was an offence to sell it; as the crime was committed while the lottery ticket was in the mail Congress could act. There is little doubting Congress's right to deny the use of the mail to an illegal organisation, or to ensure the efficient working of a law, but it is strange that Smith used this rather roundabout argument to justify/

justify the legislation. 84

This same lack of precision characterised Smith's drafting and handling of the bill. Republicans however did not exploit this. There was a considerable consensus in favour of the measure in Congress and the mail clause was never fully debated. This is to be regretted for although its efficiency as a sanction can be questioned, certainly in comparison to the proposed tax, it raised important issues regarding the extent of congressional power. The Midwesterners sat silent throughout the debate, doubtless in the hope that the South would support the regulation of grain exchanges, and the New York senators also remained taciturn, curiously so given the insults rained down upon one of their state's institutions. 85

Gallinger however was concerned about the wording of the mail clause: if people who sent or received mail relating to undelivered cotton were to be prosecuted, how would congressmen who received letters on the subject be exempt? The example given was frivolous but it did raise an important point: how could laws be drafted against anyone receiving mail? Smith attempted to reassure Gallinger that this would not happen in practice but Gallinger rightly remained unconvinced. Smith said that the bill was not intended to act against individuals, but against members of a corporation and that it was quite proper for Congress to act against the members of a criminal combination or one that it saw fit to make a criminal combination. 76

This answer did not please Sutherland of Utah who pointed out that the bill would deny the use of the mail for any/

any publications, even the reception of newspapers, to people found guilty. Smith conceded this, but replied that Sutherland was taking too legalistic a view. Yet the anomaly existed and Smith attempted to remedy it by introducing a hastily drawn up substitute that restricted the measure to members of joint stock companies, societies, associations, or corporations. Unfortunately his command of Senate procedure did not match his knowledge of cotton growing, for he introduced the substitute before the amendments already on the table had been heard, and the substitute was not accepted by the president pro tempore. Fortunately for Smith, one of these amendments solved his problem; this had been tabled by McCumber who obviously wished the cotton futures bill to be as strong as possible thus aiding the wheat futures bill. McCumber's amendment cleared up the bill's vagueness on where the line should be drawn regarding denial of the mail but certain senators, notably Thomas Reed of Missouri, were concerned that the bill's important aims would be hindered because of this provision. 87

Despite such qualms the bill passed the Senate on 27th March 1914 without a roll call vote and after Smith had successfully moved an amendment that struck out the words "or receive" from the mail clause. The hurried discussion of the bill had worked against its speedy passage however, for after it passed the Senate, Kenyon of Ohio realised that a minor clause concerning definition of the exchanges could be considered to legalise cotton pools and thus the bill would be voided by the Supreme Court. This foolish error meant that the bill had to be recalled from the House/

House committee on agriculture and amended before it finally reached the House floor. Debate in the House, efficiently conducted by Asbury Lever, occupied but a half day. Lever accepted a few minor amendments to the bill, which the Senate conferees agreed to and accepted in conference. 88

This did not complete the legislative history of the bill, for producers soon discovered that one section of the act hindered rather than helped them. Section eleven forbade Americans from trading in foreign cotton exchanges that had not adopted the United States standards of classification. This rather arrogant provision had been intended to foil American speculators transferring their activities from the New York Exchange to the European exchanges, but the effect was to give European brokers a monopoly of European business, and because the American merchants were unable to sell their cotton in Liverpool, they hedged in the United States causing home prices to drop by obstructing exports. Cotton producers believed that spot buyers could pay higher prices if they could hedge their purchases on the European markets. 89

In many ways such demands went against the spirit of the act. The intention of the act's framers had been to regulate and standardise the American system and bring the New York Cotton Exchange to heel, they had not intended that the American producers should have a better idea of United States prices, and then choose the European exchanges. Nonetheless, Asbury Lever reintroduced the act in 1916 with the offending clause struck out and it passed both chambers with ease. Apart from section eleven, the cotton producers strongly/

strongly approved of the workings of the act.

Together, the Federal Highways Act, the Federal Warehouse Acts, and the Federal Cotton Futures Act, ensured the involvement of the federal government in every stage of cotton marketing, from when the cotton left the plantation, to when it reached the exchanges and the consumer. Although the means to this end differed in how they were conceived and enacted, collectively they represented a considerable achievement on the part of the Southern congressmen. For, despite their failure during the 1914 cotton crisis and the sometimes haphazard and casual way in which they had handled debate, they had aided the Southern cotton producer in a tangible way, and had helped to improve the future prospects of American agriculture.

Furthermore, although there were notable lapses, the political achievement was impressive. Often acting in the face of concerted and determined opposition, the Southern congressional leaders had ensured that the measures were passed with the minimum necessary amendment. They had maintained their discipline, and in so doing had greatly eased the task of the bills' sponsors, and the Democratic floor managers. The constitutional implications of each bill were also important, for each bill developed the federal government's right to intervene in new areas of economic life, and often involved original methods. In this sense, all of the marketing reforms were radical, and as each was conceived within the framework of constructionalist constitutional thought/



thought this suggests that states rights could be both flexible and relevant to social and economic reality. Certainly the reserved powers of the state were in no way directly threatened by this increased federal activity.

The eventual passage of the marketing legislation completed the agricultural reforms: only the Smith Hughes Vocational Education bill remained to be passed, and, as already recounted, the delay in its passage was due not to controversy, but because Hoke Smith wished to be courteous. The complete reform programme, as promised by the Democrats in their 1912 platform had been passed, and the federal licensing of warehouses had been added to the original proposals. Yet despite the impressive flights of constitutional rhetoric, and manipulation of congressional strings, the legislation still had to prove itself. All the Southern congressmen's efforts would count as nought unless the reforms proved to be of benefit to Southern agriculture, and satisfied their constituents.

Notes:

- 1 C.W. Burkett and C.H. Poe, Cotton: its Cultivation, Marketing, Manufacture and the Problems of the Cotton World, (London Archibald Constable: 1906), pp. 8, 67.

- 2 Rupert B. Vance, Human Factors in Cotton Culture, (Chapel Hill University of North Carolina Press: 1929), pp. 116-117.

The rise and fall of cotton prices interacted:

"A generalised type description of their interaction would run as follows: Good prices the first year stimulate large plantings the next year. The second year, the increased ~~average~~ average drives the prices down. These low prices discourage overproduction the third year. Comparatively low acreages plus increasing demands and new uses for cotton cause good prices and the cycle is complete".

Reactions varied between social groups. Croppers tended to grow the same year in year out, while those with a cash income were most likely to restrict acreages when prices were low, and to increase when prices were high.

Ibid., pp. 118-120.

- 3 C. Vann Woodward, Origins of the New South 1877-1913, (Baton Rouge Louisiana State University Press: 1951), pp. 269, 308-309.
- 4 "Join Your Neighbor for Cooperative Marketing". Progressive Farmer, 30 (24th July 1915), 3;  
George Braden, "Some Fallacies of Cooperative Marketing", Manufacturers' Record, 66 (16th July 1914), 51-52.  
Braden was the president of a fertiliser company in Louisville, Kentucky.
- 5 J.E. Pennybacker and A.P. Anderson, "The Work of the Office of Public Roads: with Special Reference to the South", Manufacturers' Record, 66 (22nd October 1914), 66-68, p. 66.

- 6 Ibid., p. 66;

Burkett and Poe, Cotton: its Cultivation, Marketing Manufacture, p. 61;

Farmers with debts to pay found that early marketing was a necessity. One such Georgian farmer had to sell his cotton at 7 6/16 cents per pound when he could easily have sold for/

for over 8 cents per pound if he had waited.

C. Kirkpatrick to J.D. Price, 27th January 1951, John Judson Brown Papers, (Southern Historical Collection, The Library, University of North Carolina at Chapel Hill).

(Hereafter cited as Brown Papers);

"... slower marketing would also be of great advantage to the railroads".

Wall Street Journal, quoted in Manufacturers' Record, 53 (16th April 1908), 50;

Property owners were not the only ones to benefit; those who invested in the state bonds designed to finance highway improvement also gained. The Manufacturers' Record reported that no case existed where the bonds were difficult to market, and that the increased attention paid to such bonds by commercial banks could only encourage their attraction as an investment.

"Financing Road Building", Manufacturers' Record, 61 (7th March 1912), 57.

- 7 Georgia Chamber of Commerce to E.C. Branson, 30th June 1915, Eugene Cunningham Branson Papers (Southern Historical Collection, The Library, University of North Carolina at Chapel Hill). (Hereafter cited as Branson Papers);

Dan Smith to Members of Congress from Texas, 23rd December 1915, copy in United States Senate Committee on Agriculture and Forestry Papers, 64th Congress, (National Archives of the United States, Washington D.C.). (Hereafter cited as U.S.S.C.A.F. (64th Congress));

W.A. Blue to E.C. Branson, 10th February 1915, Branson Papers.

- 8 Manufacturers' Record, 68 (27th July 1916), 39.

- 9 David F. Houston, Eight Years with Wilson's Cabinet, (New York Doubleday and Page: 1926), I, p. 208;

J.S. Williams to E.L. Fondren, 6th November 1916, John Sharp Williams Papers, (The Division of Manuscripts, Library of Congress, Washington D.C.). (Hereafter cited as Williams Papers).

The plans of the automobile manufacturers tended to be more ambitious than those of the farmers. The American Automobile/

Automobile Association proposed that Congress appropriate \$50,000,000 per annum to construct and maintain proper highways throughout the United States.

Directors of the Nashville Automobile Club to Luke Lea, 3rd December 1915, U.S.S.C.A.F. (64th Congress).

- 10 The differing aims of the agricultural interests and the automobile manufacturers are detailed in:  
Wayne Fuller, "Good Roads and Rural Free Delivery of Mail", Mississippi Valley Historical Review, 42 (1955), 67-83, pp. 80-81;  
"Automobile Registrations and Revenue in 1915", Manufacturers' Record, 68 (27th July 1916), 39.  
It should be noted that only vehicles registered with the state authorities featured in such statistics. The actual number of vehicles was probably higher.
- 11 Logan Wallis Page, "Road Improvements in the South: Past and Present", Manufacturers' Record Special Issue (22nd February 1912), II, 57-58, p. 57.
- 12 Pennybacker and Anderson, "The Work of the Office of Public Roads ...", p. 67;  
A.N. Johnson, "State Control of Road Construction". Manufacturers' Record, 66 (12th November 1914), 51-52.
- 13 "Materials Used in Road Construction", Manufacturers' Record, 66 (22nd October 1914), 76-78, p. 77.  
Georgia built 400 miles in 1913 using convict labour; Virginia built 192 miles. Other states using convict labour were: Arizona, Colorado, Delaware, Illinois and Montana. Illinois also used convict labour for quarrying and crushing rocks for road building. None of these states used convict labour to the same extent as Georgia.
- 14 Ibid., p. 77;  
"Automobile Registrations and Revenue in 1915", p. 39.
- 15 Page, "Road Improvements in the South ...", p. 58.
- 16 "Materials Used in Road Construction", p. 77.
- 17 Pennybacker and Anderson, "The Work of the Office of Public Roads", p. 67.
- 18 Ibid., pp. 67-68;  
J. Fred. Rippey (ed.), Furnifold M. Simmons: Statesman of the New South, Memoirs and Addresses, (Durham Duke University/

University Publications: 1936), p. 44;

The success of the bureau of road inquiry was such that the Manufacturers' Record considered that as the organisation for improvements was so effective, it should be possible to effect such cooperation amongst state authorities that further federal spending would be unnecessary.

"Federal Aid for Roads", Manufacturers' Record, 61 (11th January 1912), 51.

- 19 United States Congress, Senate, Federal Aid in the Construction of Rural Post Roads, 64th Congress, 1st session, Report No. 250, (10th March 1916), p. 10;  
Although the committee report did not mention it, Calhoun had also advocated the application of the bonus and dividends of the newly chartered national banks to the building of public roads by the federal authorities. Branson considered that Calhoun's scheme of national highways and his thought on their importance had never been bettered.  
"Address on Country Life Defenses: Good Roads", March 1912, Branson Papers.
- 20 D.A. Newton to J.S. Williams, 9th March 1914, Williams Papers.
- 21 P. Johnston to E.Y. Webb, 28th December 1911, Edwin Yates Webb Papers, (Southern Historical Collection, The Library, University of North Carolina at Chapel Hill). (Hereafter cited as Webb Papers);  
J. Schaub to E.Y. Webb, 5th January 1912. Webb Papers.  
This reports how the ninth annual state farmers convention of North Carolina had resolved in favour of a full parcels post bill;  
For an oral history of the duties and experience of a rural mail carrier in Georgia see:  
"Yes Lord, I've Done Tried to Serve You Faithful", in Tom E. Terrill and Jerrold Hirsch (eds.), Such As Us: Southern Voices of the Thirties, (Chapel Hill University of North Carolina Press: 1978), pp. 243-253.
- 22 For suggestions how the parcel post could be used to aid marketing see:  
B.H. Hibbard and A. Hobson, "Marketing Farm Produce by Parcel Post and Express", American Economic Review, 6 (1916),/

(1916), 589-608;

Letters attempting to placate credit merchants include:

E.Y. Webb to W. Nicholson, 26th April 1912, Webb Papers;

E.Y. Webb to T. Dixon, 4th March 1912, Webb Papers.

- 23 United States Congress, House, Rural Post Roads, 64th Congress 1st session, Report No. 26, (8th January 1916), 6-7.
- 24 George B. Tindall, Emergence of the New South 1913-1945, (Baton Rouge Louisiana State University Press: 1967), p.15; Biographical Directory of the American Congress 1774-1961, (Washington United States Government Printing Office: 1961), p. 525.
- 25 Shackleford was a self educated lawyer. Elected to the House in 1899, he held his seat until defeated in the 1919 primary.  
Ibid., p. 1585;  
W.G. McAdoo to J.H. Bankhead, 15th July 1914, United States Senate Committee on Post Offices and Post Roads, 64th Congress, (National Archives of the United States, Washington D.C.). (Hereafter cited as U.S.S.C.P.O.P.R.).
- 26 United States Congress, House, Rural Post Roads, pp. 1-4.  
Why a population greater than 2,000 was chosen for exclusion is a mystery. It corresponded to no official measure as to what constituted an urban community.
- 27 Ibid., II, 1-2.  
Walsh had practical experience of how federal authorities cooperated with state governments on agricultural issues. From 1900 until 1905 he had worked as a fish culturist with the United States bureau of fisheries in Boston. Elected to the House in 1915 he served there until 1922 when he became a justice of the superior court of Massachusetts. Biographical Directory of the American Congress, p. 1770.
- 28 D. Houston to J.H. Bankhead, 28th January 1916,  
U.S.S.C.P.O.P.R.;  
D. Houston to J.H. Bankhead, 14th February 1916,  
U.S.S.C.P.O.P.R.
- 29 D. Houston to J.H. Bankhead, 28th February 1916,  
U.S.S.C.P.O.P.R.;  
The/

The American Automobile Association agreed with Houston's opinion that the House bill did not adequately safeguard highway maintenance. In a letter to Bankhead, the association's vice president wrote that the purpose of federal aid would be defeated if no such provisions existed.

H.M. Rowe to J.H. Bankhead, 19th February 1916,

U.S.S.C.P.O.P.R.

- 30 United States Congress, Senate, Federal Aid in the Construction of Rural Post Roads, 22;  
Congressional Record, 64th Congress 1st session, (1916), 1551.

- 31 United States Congress, Senate, Federal Aid in the Construction of Rural Post Roads, 3-6, 19.

- 32 Ibid., 4, 21.

- 33 Ibid., 21;

Not all welcomed the limit of \$10,000 per mile cost on any road. The president of the Southern Paving Brick Manufacturing Association wrote that this limit could prove embarrassing in the future, and that many well built roads cost \$20,000 per mile: the demands of war would justify this. Bankhead replied that as the bill did not contemplate that very expensive roads be built, and did not suppose that brick paved roads be attempted, then the \$10,000 limit was proper and adequate. However, he also wrote that he would not strenuously oppose such an amendment.

J.W. Sibley to J.H. Bankhead, 1st April 1916,

U.S.S.C.P.O.P.R.;

J.H. Bankhead to J.W. Sibley, 3rd April 1916,

U.S.S.C.P.O.P.R.

- 34 United States Congress, Senate, Federal Aid in the Construction of Rural Post Roads, 3-6, 19.

- 35 Manufacturers' Record, 68, (13th July 1916), p. 59;  
United States Congress, Senate, Federal Aid in the Construction of Rural Post Roads, 6.

- 36 Cong. Rec., 64th Cong. 1st sess., (1916), 6494, 6496, 6497.

- 37 Ibid., 6501-6502, 6504.

- 38 Ibid., 6533, 6537, 6897-6898.

- 39 Ibid., 6898.

Underwood's/

Underwood's rather oblique comment on the involvement of the federal government in railroads was the only mention of federal land grants to railroads as a precedent during the debates, although the Senate committee report mentioned the land grants to railroads, as well as the Panama Canal appropriation, as being relevant precedents. Presumably most politicians continued to view road and rail as distinct and non competitive forms of transport. United States Congress, Senate, Federal Aid in the Construction of Rural Post Roads, 10-11.

- 40 Cong. Rec., 64th Cong. 1st sess. (1916), 6580, 7119;  
H.M. Rowe to J.H. Bankhead, 19th February 1916,  
U.S.S.C.P.O.P.R.
- 41 Cong. Rec., 64th Cong. 1st sess. (1916), 7119, 7122, 7124,  
6570.
- 42 Ibid., 6782-6783.
- 43 Ibid., 7499, 7512, 7513.
- 44 Ibid., 7458-7459.
- 45 Ibid., 7458, 7461.

It should be noted that Vardaman's relations with his fellow Democrats were somewhat strained at this time. His opposition to national Preparedness won him few friends in the South, but he was moving closer to other isolationists such as Borah and Norris.

- 46 Ibid., 8749, 8783, 10836;  
Arthur S. Link, Wilson: Confusions and Crises, (Princeton Princeton University Press: 1964), p. 350.
- 47 Burkett and Poe, Cotton: its Cultivation, Marketing, Manufacture, p. 62, 229.
- 48 "Farmers' Warehouses", Southern Farm Magazine, 15 (12th March 1907), 13;  
Charles S. Barrett, The Mission, History and Times of the Farmers' Union, (Nashville Marshall and Bruce Company: 1909), p. 51.
- 49 W.P.G. Harding, "Experience with Bonded Cotton Warehouses", Manufacturers' Record, 66 (2nd April 1914), 55;  
Burkett and Poe, Cotton: its Cultivation, Marketing, Manufacture, p. 229-230.



50 Clarence U. Owens to Duncan Fletcher, 29th January 1914, United States Senate Committee on Agriculture and Forestry Papers, 63rd Congress, (National Archives of the United States, Washington D.C.). (Hereafter cited as U.S.S.C.A.F. (63rd Congress));

The South Carolina state warehouse system allowed farmers to discount their state warehouse receipts at 80 per cent of the value of their cotton.

"The Cotton Outlook at Home and Abroad", Progressive Farmer, 30 (4th September 1915), 9.

51 C.J. Ewing to J.S. Williams, 11th August 1914, Williams Papers;

My account of the 1914 cotton crisis and the Henry bill relies heavily on:

Arthur S. Link, Wilson: The Struggle for Neutrality, (Princeton Princeton University Press: 1960), pp. 91-104; and

Tindall, Emergence of the New South, pp. 33-38.

52 J.W. Henderson to J.S. Williams, 9th September 1914, Williams Papers,

There are many letters in the collection on this issue;

E.Y. Webb to T.N. James, 14th October 1914, Webb Papers.

While Webb's constituency was hardly marginal, he held it from 1903 until 1919 when he resigned, it was located in an area of North Carolina of traditional Republican activity. The loss of counties could be embarrassing.

53 Tindall, Emergence of the New South, pp. 34-35;

Gardner and Luckett to J.S. Williams, 22nd October 1914, Williams Papers;

J.S. Williams to Hubbard Supply Company, 19th October 1914, Williams Papers.

54 A.S. Terrill, "Suggested Government Aid in Handling Cotton", Manufacturers' Record, 66 (1st October 1914), p. 51.

55 "Measures for the Relief of the Cotton Crisis", Journal of the American Bankers' Association, 7 (1914), 273.

The A.B.A. firmly believed in the virtue of natural economic law:

"Enforced reduction of acreage would be not only interference/

ence with individual preference, but it expresses complete lack of belief in the power of economic law to operate".

- 56 E.Y. Webb to J.F. Harris, 19th October 1914, Webb Papers; John Sharp Williams claimed that when he voted for the Smith amendment he voted against a principle he believed in: that the federal government should not use its credit or money to help a special interest. However, it seemed to him that the situation was so desperate that it was his duty to vote for the amendment.

J.S. Williams to Hubbard Supply Company, 19th October 1914, Williams Papers;

On the British decision to buy Southern cotton on the personal wish of Sir Edward Gray and against the judgment of the Admiralty and public opinion see:

Link, The Struggle for Neutrality, p. 131.

- 57 Cong. Rec., 63rd Cong. 2nd sess., (1914), 13902-13904; Woodrow Wilson backed the cotton warehouse bill. In a letter to Robert Henry, he wrote that the passage of the bill seemed to him to be an essential measure for the relief, or the partial relief, of the South: "It is one of the concrete things that we can do and should do". Woodrow Wilson to Robert L. Henry, 22nd October 1914, Webb Papers.

- 58 Ibid., 14167, 13904, 13906; Not all in the South favoured the bill. One consequence of the bill would be to cut out the middleman as the producer would now deal directly with the manufacturer. A Mississippi merchant wrote to Williams complaining about this but no Southern politician would uphold this argument. G. Dean to J.S. Williams, 22nd August 1914, Williams Papers.

- 59 Cong. Rec., 63rd Cong. 2nd sess., (1914) 13905, 14128, 14132-14134, 14156.

- 60 Ibid., 14167-14168, 14135.

- 61 Ibid., 14130, 14169, 14178.

- 62 Ibid., 14168.

- 63 The text of Lever's substitute is contained in:

United States Congress, House, Cotton Warehouse Licences, 63rd Congress, 2nd session, Report No. 1135 (3rd September 1914);

Cong./

Cong. Rec., 63rd Cong. 2nd sess. (1914), 461.

64 Ibid., 461, 462.

65 Ibid., 462, 463.

66 Ibid., 475-477.

67 H.G. Wellborn to Benjamin Tillman, 29th January 1914,  
U.S.S.C.A.F. (63rd Congress),  
Wellborn was the president of the Hampton Cotton Mills  
Company, South Carolina;

J.S. Williams to W.H. Kline, 7th April 1914, Williams  
Papers;

Farmers of Tredell County to F.M. Simmons, 23rd February  
1913, Furnifold M. Simmons Papers, (Duke University Library,  
Durham, North Carolina);

The cotton producers were not entirely innocent. One jour-  
nal considered that the cotton producers by "bearing" their  
cotton in the autumn of 1912 did more to drive cotton  
prices down than the New York speculators.

"Southern Cotton Regulators as 'Bears'", Manufacturers'  
Record, 61 (15th February 1912), 49.

68 Burkett and Poe, Cotton: its Cultivation, Marketing, Manu-  
facture and the Problems of the Cotton World, pp. 234-235,  
238.

69 I. Newton Hoffman, "The Cotton Futures Act", Journal of  
Political Economy, 23 (1915), 465-489, pp. 467-468.

70 Burkett and Poe, Cotton: its Cultivation, Marketing, Manu-  
facture and the Problems of the Cotton World, pp. 239-240;  
Cong. Rec., 63rd Cong. 2nd sess. (1914), 5079;

Irresponsible practices in the cotton exchange also affected  
other Southern products. One journalist reported on the men  
who were busily denouncing those who advanced the price of  
wheat and flour, yet were themselves trying to maintain or  
increase the price of cotton. The result was not to protect  
cotton, but to kill the protection of sugar: "How much  
better it would be if all our public men realised the im-  
portance of the mutuality of all interests, and that you  
cannot hurt one without sooner or later hurting all".

"Bulling Cotton and Bearing Sugar and Flour", Manufacturers'  
Record, 66 (20th August 1914), 44-45.

71 "Cotton Growers vs. Cotton Bears", Southern Farm Magazine,  
13/

13 (March 1905), 6-7;

C.T. Revere, "Effect of the War on Cotton", North American Review, 200 (1914), 549-558, pp. 557-558.

72 Vance, Human Factors in Cotton Cultivation, p. 142;

Hoffman, "The Cotton Futures Act", p. 475.

73 Ibid., pp. 470, 472, 476;

Not all in the South wanted the federal government to impose standard cotton grades. One North Carolina company considered that if such standards were enforced throughout the union then no growers would put money into cotton unless they wanted to do business in only one standard. Nonetheless the company were reconciled to such a system, even though they did not believe that the federal government should have anything to do with the matter.

Sanders, Orr, and Company to Edwin Yates Webb, 28th February 1912, Webb Papers.

74 Ibid., pp. 471, 473-474.

75 Mississippi Cotton Association to members of the Senate and House of Representatives, 23rd February 1914, copy in Williams Papers;

Memphis Cotton Exchange to members of the Senate Committee on Agriculture and Forestry, 24th February 1914, U.S.S.C.A.F. (63rd Congress).

76 J.S. Williams to Mississippi Cotton Association, 9th March 1914, Williams Papers:

Cong. Rec., 63rd Cong. 1st sess. (1913), 4007-4019.

77 Hoffman, "The Cotton Futures Act", pp. 479-481.

78 Cong. Rec., 63rd Cong. 2nd sess. (1914), 5079-5080.

79 Ibid., 5188;

Sheldon K. Smith, "Ellison Durant Smith: A Southern Progressive", Ph.D. Dissertation, University of South Carolina, 1970, pp. 1, 11-13;

The Southern Commercial Congress also supported the bill. They further resolved that the federal government should make monthly estimates of the world's cotton consumption, yearly estimates of the world's spinning capacity, and periodical reports on the condition of the world cotton crop.

Clarence U. Owens to Duncan Fletcher, 29th January 1914, U./

U.S.S.C.A.F. (63rd Congress).

80 United States Congress, Senate, Dealings in Cotton Futures, 63rd Congress, 2nd session, Report No. 248, (17th March 1914).

81 Cong Rec., 63rd Cong. 2nd sess. (1914), 5339;

The commercial dangers of passing futures legislation are illustrated by the history of the law prohibiting trade in gold futures. Congress passed this on 17th June 1864 intending to close the Gold Exchange in New York, but the result was a big rise in the premium for gold. Quotations for \$1.00 in gold reached \$2.00 to \$2.90 in greenbacks forcing Congress to repeal the act on 6th July 1864.

Hoffman, "The Cotton Futures Act", pp. 478, 489.

82 McCray v United States, 195 U.S. 27, (1903).

Justice White: Since ... the taxing power conferred by the Constitution knows no limits except those expressly stated in that instrument it must follow if a tax be within the lawful power, the exertion of that power may not be judicially restrained because of the result to arise from its exercise.

83 Lewis Publishing Company v Morgan, 229 U.S. 288 (1912).

This upheld a clause in the 1912 Post Office Appropriation Act that forced newspaper owners and editors to file their names and addresses with the post office, state the average number of copies sold, and clearly mark any reading matter for which money was received or promised as "advertisement". Two New York publishers claimed that this denied them their right under the 1st and Vth Amendments.

Chief Justice White: We believe that, since the general public bears a large portion of the expense of distribution of second class matter, and since these publications wield a large influence because of their special concession in the mails, it is not only equitable but highly desirable that the public should know the individuals who own or control them.

Journal of Commerce and Commercial Bulletin v Burleston, 229 U.S. 288, (1913) is a similar judgment;

Cong./

Cong. Rec., 63rd Cong. 2nd sess. (1914), 5759, 5760.

84 Ibid., 5526.

Smith was clear in his mind that the offence was committed when the future contract was drawn up: "They did not own the spot cotton at the time of the sale of those contracts".

85 The silence of the New York senators is even more surprising given the reaction of the Louisiana senators when it was implied that the New Orleans Exchange was guilty of dishonest practices. Joseph Ransdell was most insistent that the exchanges' speculation was a legitimate business tactic, and was not gambling.

Ibid., 5535.

86 Ibid., 5523.

87 Ibid., 5527-5529.

88 Ibid., 5592, 5604.

89 Letters complaining about section eleven include:

Memphis Cotton Exchange to J.T. Robinson, 10th January 1916, U.S.S.C.A.F. 64th Congress;

Little Rock Board of Commerce to J.T. Robinson, 10th January 1916, U.S.S.C.A.F. 64th Congress;

Laser Goldman Cotton Company to J.T. Robinson, 15th January 1916, U.S.S.C.A.F. 64th Congress;

Farmers' Educational and Cooperative Union, Fort Worth, to all Texas Congressmen, 15th February 1916, U.S.S.C.A.F. 64th Congress;

Farmers' Educational and Cooperative Union, Louisiana, to A.J. Gronna, 11th March 1916, U.S.S.C.A.F. 64th Congress.

CONCLUSION

Thomas Jefferson's detractors severely criticised the Virginian for having led his party as an absolute monarch while claiming to represent the true wishes of the people. Seeking to defend his biographical study from this charge, John Sharp Williams declared that America had never suffered from too much political leadership, rather the reverse was the case. It was true, Williams wrote, that there had been a surfeit of unofficial, unelected, and irresponsible leadership in America, but too few had led by convincing others that they were correct by appeals to the popular heart and mind: such men had no followers except volunteers. Williams realised the importance of leadership in government. By their roles in the passage of the agricultural reforms, Williams and his Southern congressional colleagues demonstrated the necessary standards of political leadership to enact popular reform, add to the functions and duties of government, and improve the quality of rural life, while remaining true to their electorate and electoral promises. 1

Their efforts ensured that Congress passed with minimal amendment the most comprehensive plan yet conceived to aid the American farmer. The achievement was impressive: federal funds were available for agricultural extension work, vocational education and highway improvement; the fiscal structure existed for easily obtainable long and short term credit; federal authorities helped to standardise cotton grades through warehouse regulation; and the New York Cotton Exchange, the bane of the Southern planter, had been humbled. The/

The success of the reforms pleased the bureaucrats as well as the politicians. While David Houston regretted that no provision existed for improving rural health and sanitation, his disappointment was slight. His department was a major beneficiary. Its budget and duties had increased, the secretary of agriculture's voice carried more weight in the Cabinet, and it seemed as if the dream of an efficient and profitable American agricultural system could be realised. 2

Although Congress's interest in agriculture did not cease with the signing of the last reform act, congressmen continuing to introduce legislation and modify existing statutes, the reform programme determined the course of American agriculture until the New Deal. The American declaration of war in 1917 threw great pressure upon agriculture, creating great hardship initially, but temporary financial legislation ensured that American farmers profited from their war time dealings. Cotton prices, for example, rose to 41 cents per pound in 1919, although Southern congressmen had to resist a government attempt to control cotton prices by placing cotton on an embargo list, claiming that the staple was a war commodity and used in munitions manufacture. The return of Republican agricultural policies in 1921 meant that the new administration trusted in a high protective tariff, doing little to promote specific agricultural reforms. The Republicans, however, made no attempt to dismantle the Democratic legislation, and the Southern principle of extending the duties of central government while insisting upon local autonomy remained intact, and would influence agricultural/



tural policies in the 1930s. 3

Historians have differed in their opinions of the agricultural reforms' effectiveness and merits. James Shideler considered that the legislation met most of the farmers' demands, helping them to overcome their disadvantages in industrial America. While conceding that the New Freedom legislators did not cure any basic problem, Shideler nonetheless maintained that the programme's strengths were shaken by the economic dislocations of the war. Francis van Gigh's view is more caustic, holding that as the reforms were conceived in an archaic but lingering faith in the free market's ability to effect improvement, they were doomed to failure. The economic changes were cosmetic, bolstered by egalitarian rhetoric. Van Gigh further asserted that by contributing to over-production, the legislation was dangerous: it was a direct cause of the agricultural catastrophe of the 1930s. 4

This difference of opinion highlights an important dichotomy between the long and short term effects of the legislation, for the most important truism of the reforms is that they were unable to avert or alleviate the Dust Bowl, the collapse of cotton in the marginal lands of the South, or the massive out migration of Southern whites and blacks. It would require a far greater degree of federal involvement to solve these problems than the Southern Democrats of 1913 could either contemplate or condone. Yet, it is unrealistic and unreasonable to condemn the efforts of these men solely because they were unable to determine the events of almost a quarter/

quarter of a century later. Few, if any, congressmen felt that they could adopt such a long term view. Immediate problems demanded solutions, and these had priority in the politician's mind. John Sharp Williams spoke for many when, during the tariff debates, he warned that it was unwise for Congress to project its legislation too far into the future. Even on that most partisan of issues, the tariff, Williams retained a pragmatic approach, saying that he was unable to legislate for the 1920s. The God's truth, he said, was that neither free trade nor protectionalism would increase wages or benefit society; the next truth was that either may; and the next truth was that either may not, all depending upon circumstance. Therefore, while it is important not to lose sight of the reforms' long term effects upon agricultural developments, it is more worthwhile to consider <sup>their</sup> short term workings, for that is how its congressional proponents conceived the reforms. 5

The varying effects of the reforms are illustrated by the history of the two education statutes. Hoke Smith took great pride in the workings of these reforms. Speaking in 1924, he claimed that although there had been no agricultural training twenty five years before, regular agricultural courses now existed in all Georgia's schools: boys were taught how to grow cotton and raise stock; girls learnt the principles of home making; and both went out into the world prepared to take their places as well informed men and women. Despite these successes, Smith's most ambitious educational reform had come to nought. Seeking to build upon his earlier achievements, Smith had introduced the Smith Towner bill in 1919, proposing that/

that a federal department of education be established, and that federal funds be appropriated, on a matching funds basis, for all schools whether vocational or not. Although Smith secured a favourable recommendation from his committee, the bill failed due to mounting opposition and a completely lukewarm response from the administration. The Smith Sears Act, which provided funds for the vocational education of disabled soldiers, did build upon earlier achievements, but this was an administration bill from conception to birth providing Smith with little personal glory. 6

The Smith Lever Act proved to be a genuine success, achieving most of its proponents' aims, and contributing to the improvement of rural life. Southerners benefited further by the 1914 Agricultural Appropriation Act, which appropriated \$570,000 to substitute the money provided by the General Education Board in the South. The act helped to regulate an already existing but chaotic system. Previously, extension work had been the responsibility of the United States department of agriculture, the state departments of agriculture, the agricultural colleges, and the county farm bureaus. The divisions between these agencies had been indistinct, and the new act clarified responsibility. Furthermore, the South's insistence that only one college in each state should receive funds had the beneficial side effect of ensuring administrative unity within each state. 7

Although some bureaucratic wrinkles had to be smoothed out, the system was fully operative by 1920. Almost 1300 agents were employed in the South, an eightfold increase of the number employed in 1910. Only 53 of these agents were black/

black however, the Southern state authorities having acted as Albert Cummins had predicted. The provisions of the act encouraged the colleges to extend their work for children through establishing farm clubs. By 1923, 62,842 boys and 45,581 girls were enrolled in these institutions. As well as introducing white Southern children to scientific agriculture at an early age, these clubs also met a social need in rural areas. But it was by extending the reach and functions of the agricultural colleges and by allowing more farmers to view new crops and methods of cultivation in action that the act performed its greatest service. It is true that such demonstrations encouraged farmers to over-produce, but they also encouraged farmers to produce a wider variety of better quality crops and this benefited Southern agriculture, as well as securing higher prices. Few direct benefits came to the tenant farmer who had little managerial control over his farming, but indirect benefits could accrue from the landowner's more efficient marketing or adoption of better seed. Such gains in cost effectiveness would eventually filter down from a wise landowner to his tenants. The greatest beneficiary was the landowner, but it is hard to conceive of a plan that could help the tenant in a more direct fashion. 8

The Smith Hughes Act proved less successful. More ambitious than Smith Lever in its scope, it suffered from a lack of clarity. Ambiguity existed in the act on those institutions that should receive aid. State education boards, when left to their own initiative, invariably allocated the funds to the land grant colleges and not to the high schools. Federal/

Federal inspectors reported a misuse of the funds allocated for teacher training, finding an enormous variation in the methods and standards of training. The main beneficiaries of the Smith Hughes Act were those already in teaching as the establishment of vocational departments in high schools widened employment opportunities for agricultural teachers and graduates. Many of these departments were created with the intention of obtaining funds for general education, and not for promoting vocational education. Despite receiving more aid for agricultural education relative to any other region, not one Southern state ranked among the five states with the highest percentage of high school pupils enrolled in agricultural training in 1928, although three were in the bottom five. Southern high schools continued to be noted for their adherence to classical education. 9

The Shackleford Bankhead Highways Act not only proved popular and successful but its provisions and aims were soon widened. A renewal act was necessary in 1921, and this not only guaranteed the previous statute, but extended it by inviting each state to prepare a list of not more than seven per cent of its roads that, when improved, would facilitate the construction of interstate highways. This was a victory for the aims of the automobile manufacturers and a departure from the principles of the original act, but Southern states accepted the invitation. Between 1920 and 1929, Southern state legislatures increased their expenditure on highway improvement by 157 per cent. The mileage of improved roads in the South increased from 67,979 miles in 1914, to 121,164 in 1921, and to 209,880 miles by 1929. 10

The/

The distribution of these improvements varied within each state, this being influenced by local need, geological conditions, and state politics. Generally the funds for highway improvement were raised at county level either by pay-as-you-go schemes, or by bond issue. As the federal resources that each state could tap were finite, wealthier counties could do better relative to poorer counties, and as the wealthiest counties tended to dominate state politics, state legislatures did little to ensure that help went to deserving areas.

This is borne out by the working of the system in South Carolina. Two upstate counties, Union and Greenville, had improved 180 and 350 miles of road respectively by 1923. While Union county had to raise revenue by toll roads, Greenville county had successfully floated a \$950,000 bond. Black Belt counties were more ambitious and active. Kershaw county had constructed 70 miles of hard surface roads by 1922, of which there were none in the upland counties, and improved a further 350 miles by 1923. Over 50 miles of hard surface roads had been constructed in Florence county, and Sumter county had voted a \$2,560,000 bond to cover its improvements. 11

Not all roads within a state were improved or built using federal funds, but the general trend in South Carolina at least is clear: Black Belt counties did better than upstate counties. The benefits could be considerable. The United States department of agriculture informed Kershaw county residents that a 40 per cent reduction in transport costs would result. Those in Sumter county were certain that their real estate value would increase not only along the roads/

roads but all over the county. Politicians also gained, the new state highway bureaus offering new sources of patronage to reward loyal lieutenants and local business. The well organised Crump machine in Tennessee, for example, dominated state politics through its manipulation of highway contracts and appointments. 12

Despite the political chicanery that accompanied the administration of the highways funds, improved roads benefited all in the South. Landowners not only saved on transport costs, but could market their crop in a more rational manner, and improved roads brought social benefits that affected all, as predicted by Branson. Improved roads allowed better communications between farmers, and the increased use of the automobile introduced a new dimension to the life of many. One landowner complained that his tenants all asked him for an automobile, and knowing that the tenant would leave if one was not provided, the landowner gave in, even though he knew that the tenant should have a cow or horse. Farm women in particular found an improvement in the quality of their lives. Previously male tenants had some contact with the outside world, through visits to the store, the post office, or the landowner, but in most cases once a woman married she remained on the farm. The automobile enlarged their social circle and horizons. One North Carolinian farm wife considered that life in the 1930s was an improvement from the 1910s solely because she had an automobile. "Roger Stephenson, the North Carolinian boss," was less certain of the automobile's advantages, considering a black tenant and an automobile to be the most dangerous of all/

all possible combinations. But, he reasoned, if the blacks spent their money on automobiles, then they were not spending it on land, and upon that rested white supremacy! 13

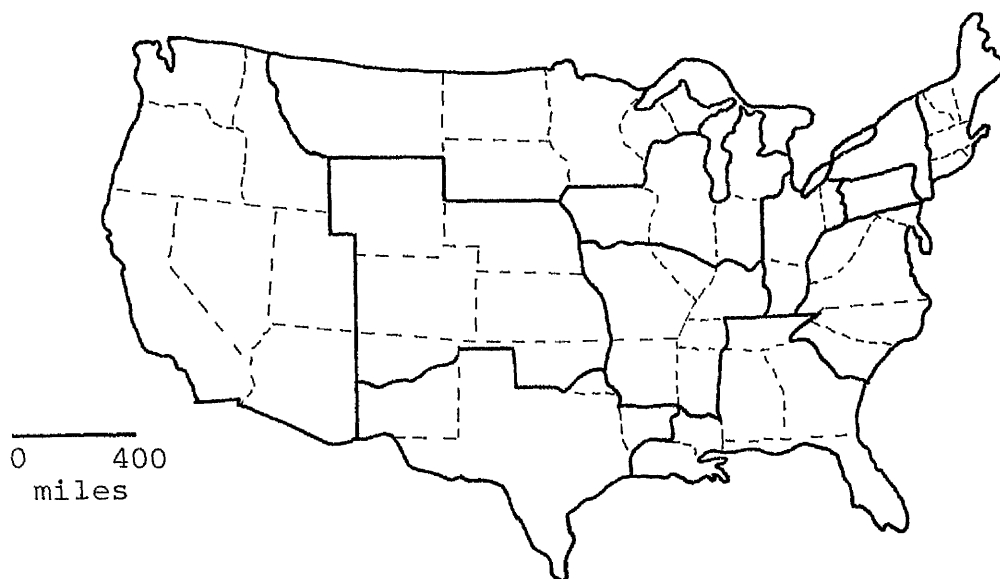
Despite these improvements, credit continued to provide the key to social and economic advance. The ability to raise credit remained a crucial element in the ordering of Southern rural society, for with this ability most things were possible, but without it there existed little hope of progress. Despite the welcome given to the Federal Reserve Act, cotton producers continued to snipe at commercial banks. Prior to the post war slump the national bank system ran like "a well regulated clock" according to John Skelton Williams, the comptroller of currency, but a sudden drop in cotton prices, from 41 cents per pound to 13 cents per pound by 1921, provoked widespread Southern outrage, one planter being convinced that the treasury department had used its powers to punish the country for its refusal to join the League of Nations. The federal authorities considered this criticism to be unjust. Cotton producers, John Skelton Williams wrote, had aggravated the situation by obtaining unprecedented prices for cotton after the war, using the cheap credit afforded by the new system, and then turned around to demand the system's abolition. The reserve system had attempted to accommodate farmers' wishes, one amendment proposed by Hoke Smith permitted cotton factors' paper secured by cotton to be discounted at full value instead of 70 per cent value as before, but the agricultural community reserved its enthusiasm for the Federal Farm Loans Act. 14

As with the Agricultural Extension Act, bureaucratic tardiness/

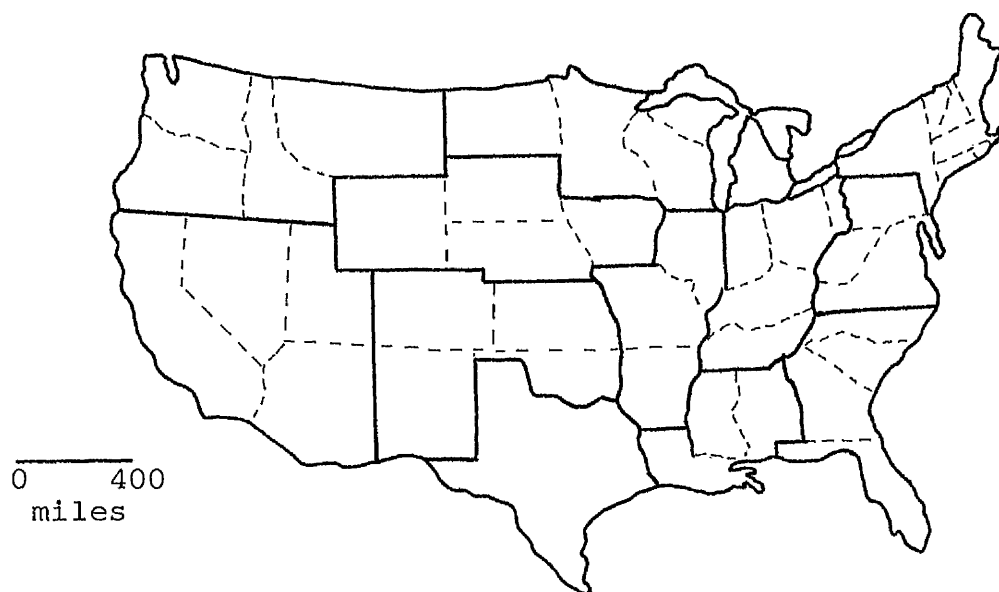


tardiness delayed the initial implementation of the farm loans banks. Although the members of the Federal Farm Loan Board had been appointed by August 1916, the first charter to a farm loan association was not granted until mid 1917. Another year was lost while the Supreme Court upheld the act's constitutionality. Further delay occurred while the boundaries of the farm loan districts were decided. Maps 1 and 2 show these boundaries, and how they differed from those of the reserve banks. Hollis's wish that the boundaries of each bank should favour the South at the expense of New England had been heeded. As the federal government underwrote each land bank, this effectively meant that the federal authorities undertook a greater commitment to aid long term agricultural development in the South relative to other regions. While appropriate, the problem in the South being greater than elsewhere, the land bank divisions reveal how successfully the South's politicians presented their case for regional aid, as well as further developing the principle that the federal authorities could aid weaker regions at the expense of others.

Progress was rapid after the Smith v Kansas City Title and Trust Company decision approving the land banks. By 1919, 3,890 farm loan associations existed in Texas, according to the state's department of agriculture. The Federal Land Bank of Houston had loaned \$33,647,906 by the end of that year, and over 11,000 farmers had borrowed money. Initially, few tenant farmers used the bank, but the wartime cotton price increase caused their aspirations and collateral to rise. Although only 10 per cent of the Houston bank's loans were to tenants/



MAP 1: DISTRICTS OF THE FEDERAL RESERVE BANKS



MAP 2: DISTRICTS OF THE FEDERAL FARM LOAN BANKS

Source: The National Atlas of the United States,  
(Washington United States Department of the  
Interior: 1970), p. 291.

tenants in August 1918, this rose to 18 per cent by the end of the year. The average loan to a tenant was the same as to a landowner, around \$3,000. 15

Most tenants who borrowed money came not from the more productive and socially stable Black Belt counties, but from the more marginal lands of North East Texas. The cheaper land in these counties attracted 75 per cent of all tenant borrowers. As such, the new credit system did not solve the tenant problem in Texas. It could be argued strongly that the new system acted against efficient land management by encouraging the cultivation of such marginal and unproductive land. Many would be displaced from these areas by natural disaster and government agencies in the 1930s. Nonetheless, by allowing families to repurchase farms that had been mortgaged in the 1890s and 1900s, the land banks did satisfy aspirations. 16

Texan conditions were not representative of the whole South but they show that tenants could and did use the new banks. The situation differed in the less dynamic Southeast. Federal inspectors in South Carolina reported that virtually all loans were made to landowners, or else to landowners' sons on their fathers' security allowing them to farm on their own. The land banks proved to be as unwilling to advance loans to tenants as the county banks, pre-supposing that the tenant had secured the local land association's endorsement. The credit merchant remained the main source of credit, a survey of 588 share croppers in North Carolina in 1928 revealing that none borrowed a single dollar from a bank or public lending agency. 17

Considerable/

Considerable benefits awaited those who could join the land associations, especially in the Southeast where higher land values provided greater collateral. The average loan in Kershaw county, South Carolina, was \$3,500, and in the nearby Dillon county loans averaged \$6,500. Agricultural economists in South Carolina praised the new credit regulations, although most admitted that it could only act as a brake on the further spread of tenancy. One economist argued that this was all that could be hoped for, the tenant's best hopes for the future resting upon the "selfless cooperation of fortunate landowners". 18

The new credit system influenced the ordering of Southern rural society, creating an almost impenetrable barrier policed by the land associations between those who owned land and those who did not. This represented an institutionalisation of the division between landowner and tenant that began with the increase of tenantry in the 1890s. While tenants could still leap the hurdle between have and have not, it became increasingly rare. One commentator noted that a tenant had to so saddle himself with debt to become an owner, and that he reverted to tenancy when times became hard. A survey of 1,830 South Carolina landowners in 1933 revealed that each man had been, on average, a landowner for 75 per cent of his employed life, a non-farmer for 10 per cent of his employed life, and a tenant for only 15 per cent of his employed life. Of those with a tenant background, the vast majority had been renters, very few having been a share cropper or farm manager. The same survey indicated that the credit system provided the landowner with considerable security: /

security: only four per cent of the renters, and less than one per cent of the wage hands, interviewed had ever owned land. 19

Despite the drudgery of tenantry, most Southerners stayed in rural areas, although more tenants did migrate to cities in the 1920s than did in the 1900s. The questioning of 4,838 tenant families in North and South Carolina in 1934 revealed that 83 per cent of the white families and 88 per cent of the black families had never worked in urban areas. Families grew up perpetuating the culture of plantation life. Southern tenants were still highly mobile, eager for the chance of a better life, but most moves occurred within the same county, and usually to another farm owned by the same landlord. 20

New palliatives such as the radio and automobile existed as well as the traditional outlets of alcohol and evangelical religion, but the burdens of an unattractive life were also eased by the degree of fluidity within tenantry. Renters were predominantly upward mobile. Of those questioned in the 1934 survey, 67 per cent had been wage hands, 43 per cent had been share croppers, and 19 per cent had been some other type of share tenant. As already noted, few renters had been or would become landowners, but this was partly due to increased age as well as limited credit resources. However, unlike landowners, it was possible for a renter to move down the social ladder. Of the share croppers interviewed, 63 per cent had been wage hands previously, but 43 per cent had moved down from some other tenantry. This downward <sup>move</sup> was usually gradual: only 7 per cent of wage hands had been renters, /

renters, although 41 per cent had been share croppers. 21

Many factors affected social mobility. Increased age meant greater farming expertise and an accumulation of personal property, thus easing and entrenching any ascent of the social ladder. Alternatively, the appearance of the boll weevil, or a damaging wind or storm could erradicate the patient strivings of many years. Few saw any point in saving. Upward movement accelerated in times of prosperity, but the trend changed rapidly in times of depression. Nonetheless, the general trend is clear: great fluidity existed between and within Southern tenant groups; while generally upward, it was rarely sufficient to raise the tenant to the level of landowner. Where tenants did become owners, as in East Texas, it was on cheap, marginal, and unproductive land, unwanted by others. The new credit regulations cemented the divisions between those who owned land and those who did not.

The agricultural reforms did not realise the hopes of their most idealistic advocates. They did not create Eugene Branson's "multiplied host of small farmers who live on and cultivate the farms they own". The main beneficiaries were those who owned land, although there were important, albeit indirect, benefits for the tenants. The reforms permitted greater managerial control of land, thus allowing more efficient planning and marketing. Cheaper and better regulated credit facilities allowed the landowner to offer better terms to his tenants, in addition to working against the wild fluctuations that had bedeviled Southern agriculture. The reforms allowed the possibility of change from above: they were paternalistic. They perpetuated the dominance of one of the/

the least admirable elites in American history, and they allowed that elite to control its domain economically as well as politically, but they also represented one small step forward for the majority of the South's rural population. The reforms met most of the expectations that they created: there would be no Populist revolt in the 1920s.

The states rights argument had served the South well: while remaining true to its tenets of local autonomy, Southern congressmen had drafted and supported legislation increasing the federal government's commitment to agriculture. It can be argued that Southern congressmen simply staged a spectacular robbery of the national treasury, but the evidence suggests otherwise. Acting in a sophisticated manner, and using a consistent argument, soundly based upon constitutional precedent and relevant to practical problems, Southern congressmen succeeded in aiding both their electorate and Southern agriculture. States rights had proved to be an effective problem solver.

Opponents used many arguments against the agricultural reforms, ranging from where money should be spent to the technical details of road construction, but the most important arguments concerned the constitution. Such arguments were relevant and necessary. As Arthur Bestor has noted, men do not evade substantive issues when debating the constitution, rather the constitutional argument is superadded to already existing controversy, and the presence of a constitutional argument is a measure of the intensity of a substantive conflict./

conflict. Regarding agricultural reform, most congressmen agreed upon the necessity of aiding the farmer and the main division of opinion arose over the fundamental constitutional problem of the limit and nature of federal authority. 22

By contemporary standards, the federal commitment to supporting agriculture by 1917 was considerable. In addition to the reform programme, already existing projects had to be maintained. In 1914, for example, Congress appropriated \$50,000,000 under the Newlands Irrigation Act; \$101,000,000 for the land reclamation service; \$10,000,000 for the valuation of railroads linking agricultural markets; \$500,000 to cure hog cholera; and \$295,000 for the distribution of free seed. Many perceived the appropriation of \$10,000,000 to construct railroads in Alaska as an indirect aid to agriculture. Additionally, the regular annual appropriation for the department of agriculture exceeded one million dollars. Aside from financing various regulatory commissions, the federal authorities undertook no comparable commitment to supporting American industry. It is a major paradox of American development that this major and innovative extension of federal responsibility should be accomplished by a party that supported local autonomy, and in favour of a class that Thomas Jefferson considered to be the most effective check upon an enlarged government. 23

This is part of the greater paradox whereby Jefferson's rhetoric and philosophy has come to embrace causes that the wealthy Virginian slaveowner would have abhorred. Industrialists, labour leaders, federal bureaucrats, and Marxist historians/



historians have all adopted the sayings of a man whose prime concern was for a patrician rural society and a minimum of government. Jefferson, however, was never blinkered to the possibility or necessity of constitutional change. His philosophy reasoned that as laws and institutions went hand in hand with the progress of the human mind, so, as new truths and discoveries emerged, institutions must also advance. Every generation, he believed, had the right to choose for itself "the form of government it believes most promotive of its own happiness". The Southern Democrats, Thomas Jefferson's most direct political descendants in 1913, fully realised that the principles of local autonomy had to be accommodated within a pragmatic solution to the problems of the rural economy. 24

Although deriving much of its force from an emotional interpretation of the Confederacy and Reconstruction, the Southern states rights argument was not hopelessly lost in a mid nineteenth century view of America. Its interpretation of federal government could respond to changing economic and social conditions, while remaining conservative at heart. Its cornerstone of local autonomy was relevant to early twentieth century Southern society, economics and geography, as well as tradition. As Robert Wiebe noted, America in the late nineteenth century was a society of island communities, with only weak communications between these islands. Not only did local autonomy appeal to an elite wanting to control its own community, it often was the only approach to ordering politics and society. Thus, while the matching funds/

funds legislation of the agricultural reforms implied a new federal state relationship, with consequences for subsequent reforms, it also had its roots in the social and economic reality of 1913. The Southern Democrats in 1913 found by matching funds legislation one solution to the problem that Jefferson had mused upon at Monticello, namely, how could the gentry rule in its own interest, improving the lot of all in society, while preserving local autonomy? 25

The historian can find many examples where the states rights argument worked against the South's best long term interests. No-one can argue with conviction that the short term economic benefits of a servile black labour force, token workmen's compensation laws, or poorly protected women and child employees adequately offset the long term social disadvantages of racial bitterness, vicious labour disputes, or stunted and poorly educated children. Rarely have the short term gains of Southern landowners or industrialists benefited all in Southern society. Yet Southern elites were not blind to change: planters saw their chance in industry, and businessmen realised the attractiveness of land as an investment and a passport to social success; neither was hidebound by pre-conceived notions. They adopted pragmatic solutions to their problems, and while states rights continued to provide acceptable solutions to legal and constitutional problems, it was retained. They did not perceive the structural problems that historians have identified as being protected by the states rights arguments as being serious problems, being content with a cheap and unprotected labour force/

force and considering a segregated and deprived black population to be consistent with the natural ordering of mankind.

It would be a mistake to label the states rights doctrine archaic and irrelevant to modern industrial society on the sole ground that it hindered reforms that liberal historians have traditionally held dear. It lay at the heart of Southern constitutional thought and, through this, it influenced the development of American government. It deserves more serious attention than it has been accorded by historians. The agricultural reform programme demonstrates how the doctrine could be applied in a sustained and sophisticated manner that was constitutionally proper and economically relevant. States rights could extend the interests of the Southern elites as well as protect them. Their use of the doctrine throughout the twentieth century suggests that they have continued to find it useful.

The development of mass interstate communications and a completely integrated national economy meant that the states rights argument became increasingly defensive. While Southern politicians welcomed the initial measures of the New Deal, they formed the main opposition to measures that sought to extend federal power. Southern legislators opposed the Works Progress Administration, the Wagner Act, the Fair Labor Standards Act, the Social Security Act and the Farm Tenants and Housing Acts, claiming that they were unconstitutional. Similar arguments were used to justify opposition to Truman's Fair Employment Practices Commission. Although the racial aspects of states rights were defeated by the Brown v Board of Education of Topeka in 1954, the economic relevance of/

of the doctrine continues. Many Southern states still have right to work laws, designed to prohibit minimum wage and closed shop legislation, that are defended by similar arguments to those used in 1913. Similarly, the non ratification of the Equal Rights Amendment by many Southern states was based upon the belief that it unduly encroached upon the reserved rights of the state. 26

The South's adherence to the doctrine of state sovereignty remained long after defeat in the Civil War. The view that central government is an evil against which the people should be protected, as propounded by Thomas Jefferson, has survived, despite existing amongst the almost constant state of movement that has been American society for the past two hundred years. Modifications and accommodations have occurred, but its basic tenet of local autonomy remains unaltered. Generally, this means the state, although lower levels of government are possible. Whatever level is preferred it must constitute an adequate bulwark against any possible incursions by federal authority, while permitting or even encouraging advance within the local community. This latter quality has been the most important for the long term survival of the doctrine, for without a pertinence to economic problems and a proven ability to provide acceptable solutions to these problems, the Southern elite would have discarded state sovereignty soon after Appomatox.

The agricultural reforms of the Wilson period demonstrate one way by which the states rights argument could be used aggressively by Southern congressmen to promote the economic and social interests of the Southern elite. The legislation/

legislation committed the federal government to supporting agriculture, as only the federal authorities had sufficient resources to tackle the problem, while ensuring that the local political establishment decided who benefited. It is ironical that this should lead to a vastly increased federal authority during the New Deal, but this was unintended and unforeseen by the men of 1913. Their constitutional and political solution to Southern agricultural difficulties related to conditions in 1913, and limited though the solution may appear to subsequent generations, it remains a landmark in the development of agricultural reform and constitutional thought.

The intellectual accomplishment of justifying federal action while retaining local autonomy was remarkable, but the political achievement of enacting such varied legislation over a prolonged period is even more impressive. Southern congressional leaders not only ensured that the bills passed, but that vital details remained unaltered. In doing so they revealed standards of leadership and political skill that command respect and admiration.

This was congressional legislation: despite defections the Democratic party showed that an American political party could enact a controversial programme without presidential initiative or pressure. Woodrow Wilson's name has not been prominent in this study for, with the exception of the Federal Farm Loans Act, his support, although desirable, was not crucial. This is not to underestimate Wilson's role in transforming/

transforming the Presidency into a vigorous and effective branch of government. By his active concern for the minutiae of legislation and Capitol Hill politics, Wilson contributed more of lasting value to the office of President than any man ~~between 1865 and 1913~~. While this should be borne in mind, it should not obscure the part played by Congress in formulating policy and initiating legislation. As the example of the Federal Farm Loans Act demonstrates, the influence of Congress could be such that it forced the President to act against his own wishes. This lack of a prompting and controlling executive owes more to the nineteenth century than the twentieth century model of government.

The Southern Democrats provided the base of this success. Not numerous enough on its own to enact legislation, the Southern bloc vote nonetheless offered party managers the most consistent and cohesive grouping in Congress: once Southern support was secured, it was relatively easy to attract sufficient Northern Democrats or Midwestern Republicans to form a majority. Only when Southern demands became outrageous, as they did during the 1914 cotton crisis, could non-Southerners find enough common ground to unite and defeat the South. This bloc vote required careful and sympathetic management: party managers had to ensure that all members were present when crucial or unexpected votes were called. This could be an arduous task, given absences due to illness, congressional business, or business commitments; the usual pairing arrangements eased this, but party managers had to make certain that these were observed. Generally, the Democratic managers performed their tasks skillfully, and relatively/

relatively few amendments were successful. This owed much to Wilson's ideas of how a governing party should conduct itself, but was also the product of the Southern Democrats' years of political and legislative experience.

The nature of the agricultural reforms greatly eased the Democrats' task; very few congressmen opposed federal aid to agriculture in the manner that they opposed the Underwood tariff or the Clayton Anti-Trust Act. As Senator Works remarked, it was unpopular and unpleasant to oppose any legislation that purported to be in the farmer's interests. Yet, opposition did exist, particularly on matters of detail, and chances to amend the legislation were seized eagerly. This could be attempted directly, as with the Jones amendment to the Smith Lever Agricultural Education bill, or indirectly, as with the tabling of so many amendments to the Federal Highways bill that debate was hindered and prolonged. Although it was important to control the vote on the chambers' floors, in the first instance, great care had to be exercised in drawing up legislation in an acceptable form, taking account of Congress's intricate procedural rules. The legislative history of a statute involves far more than a recitation of roll call votes. 27

The history of the agricultural reforms reveals that, on occasion, a measure was threatened most, not by concerted opposition to its economic or constitutional principles, but due to avoidable error on the part of its sponsors. One bill was referred to the wrong committee; another contained an unconstitutional clause. An element of chance always existed in enacting legislation, particularly in the Senate where the chamber's

chamber's rules allowed petty squabbles to develop that had little to do with the matter in hand. This highlights the hard work and close attention to detail required of a sponsor if a bill was to be enacted successfully.

Congress, and individuals within Congress, were crucial in the enacting of legislation. Congressional debate was conducted between men who knew each other socially as well as politically on a very personal level. There were 96 senators and 386 representatives in 1912, but they were rarely all present at the one time. Legislation that many had campaigned for over many years, and affecting the lives of all Americans, could be debated and decided by less than a dozen men before the minimum quorum. Fortunately, congressmen recognised their responsibilities and sought to understand their subjects, but face to face conflicts between two men over a vital clause in which personal character and not superior ideology or knowledge decided the matter were not uncommon. Often, the ability of the congressman to manage debate and ward off opponents decided whether or not a long awaited proposal became law. While recent legislative histories of the progressive era have concentrated almost exclusively upon either the influence of outside interests or an analysis of roll call votes, the history of the agricultural reform programme demonstrates that a bill's success was not guaranteed once it entered Congress, and that the history of bills passed without a roll call vote could be dramatic. The success of the agricultural legislation was not secured by the lobbying skills of the financier, industrialist, or any/



any other shadowy interest group, but by the traditional skills of the politician.

Southern politicians excelled in their use of these skills. Their debating techniques had already been developed on the Southern stump and during the years of opposition in Congress, as had their knowledge of how Congress operates, but their ability to draft and safeguard major legislation remained untested in 1913. That they could apply these skills to specific measures such as the tariff and the Federal Reserve Act has been demonstrated elsewhere. The agricultural reforms show that the South could also draft and enact a legislative programme over a prolonged period. During the first major debate of the Sixty Third Congress, that on the tariff, Hoke Smith said that several acts would be introduced to help the farmer: all were enacted by 1917. While this degree of planning and party discipline would be creditable in any legislature, the achievement is remarkable given the traditionally fluid nature of American politics.

The quality of the Southern leadership was also important. By their control of congressional committees and seniority within the Democratic party they not only ensured that the desired bills received a speedy recommendation, but that their bills had priority in the legislative timetable. This latter consideration was particularly important. In legislative terms the Sixty Third and Sixty Fourth Congresses were amongst the most active in American history. Congressional leaders appeared to take unnecessary care over who was to speak and for how long, but this was essential to conduct the government's business. This constant pressure of time places/

places the achievement of passing all the reforms in its true perspective, and indicates the skills of congressional management displayed by the Southern leadership. The tone of this leadership deserves comment. In the main it was responsible, efficient, and reasonable, although it could also display a necessary ruthlessness when considering the views of others. Few of the Southern congressmen and none of the Southern leaders corresponded to the traditional image of the racist, populist, and strident demagogue. And while it is true that Southerners cornered the lion's share of any appropriation for their own region, they never lost sight of the national interest realising that their actions would affect all Americans. Experience taught them that this was how Congress operated.

Few of the Southerners mentioned in this study remained in politics for long after Harding's victory. Those who did, such as Carter Glass and Ellison D. Smith, remained influential in the Democratic Party and national life, but most of the men who received their political apprenticeships during Reconstruction and Redemption retired from political life. Hoke Smith lost his Senate seat unexpectedly to Tom Watson in 1920. Returning to Atlanta he attempted to build up a legal practice, but this soon declined after a successful start, and Smith gave up all thoughts of a political return, although he bravely supported the candidature of Alfred E. Smith in 1928. He died in 1931 in Atlanta. Asbury Lever resigned from the House in 1919 to become a member of the Federal Farm Loan Board. Serving there until 1922, he was elected president of the First Carolinas Joint Stock Land Bank/

Bank in Columbia, only to return to Washington during the New Deal as a director of the Farm Credit Association. He died in 1940. John Sharp Williams happily resigned his seat in 1922 to return to his plantation. He had often confided his increasing dislike of politics and public life to his friends, and although he was mentioned as a possible candidate for the Federal Reserve Board, nothing came of this. He remained on his plantation, resisting all entreaties to return to politics, until his death in 1932. The end of his Mississippi colleague James Vardaman was less happy. Defeated in the 1918 primary on account of his anti war stance and poor organisation, he remained active in politics until his final defeat in the 1922 primary. After this he felt it necessary to leave Mississippi for Alabama, dying there in 1930, prematurely aged and senile. 28

The Democratic victory of 1912 had provided these men with their first and last opportunity of national leadership. It furnished their only chance to enact legislation affecting all Americans and influencing Southern economic development. Seizing their chance eagerly, they determined the future course of American agricultural reform by their forceful and effective presence in Congress. They also dictated the nature of future federal involvement in the economy. In accomplishing this they demonstrated that the traditional rhetorical and political skills of the congressman could relate to the solution of economic problems, and that Southern constitutional thought could promote as well as defend the interests of Southern elites.

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- 1 John Sharp Williams, Thomas Jefferson: His Permanent Influence on American Institutions, (New York Columbia University Press: 1913), p. 195.
- 2 David M. Houston, Eight Years with the Wilson Cabinet, (New York Doubleday Page and Company: 1926), I, p. 199.
- 3 George B. Tindall, The Emergence of the New South, 1913-1945, (Baton Rouge Louisiana State University Press: 1967), pp. 111-112, 136-141.  
 The Republicans did introduce several statutes, but they were minor and of little relevance to the South. The Packer and Stockyard Act preserved a measure of competition amongst meat producers, the Grain Futures Trading Act followed the Cotton Futures Act, and the Cooperative Marketing Act guaranteed agricultural cooperatives exemption from the anti trust laws;  
 The 1920 Democratic platform was almost as weak. It consisted of a eulogy of the reforms combined with an attack on Republican proposals to hinder the development of Muscle Shoals, a vast nitrogen plant constructed in 1916 and intended to provide cheap fertiliser. Measures were proposed to aid farm exports and to confirm primary producers' right to collective bargaining, but these were vague.  
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- 4 James H. Shideler, Farm Crisis 1919-1923, (Berkeley University of California Press: 1957), pp. 7-8;  
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- 6 Speech delivered at Manchester, Georgia, 16th August, 1924. Manuscript in Hoke Smith Papers, (University of Georgia, Athens, Georgia), (Hereinafter cited as Smith Papers).  
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The Smith Towner bill proposed to retain state control over funds in the same manner as the Smith Lever Act. Most opposition came from New England Catholics. The Church as a whole opposed the bill as a malicious attempt to deprive parents of their God given right to educate their own children, but the New Englanders introduced a sectional argument. The bishop of Burlington, Vermont, said that the bill would mean New England being taxed "in the futile attempt to educate the Southern Crackers".

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9 United States Department of Agriculture, A History of Agricultural Education, 1785-1925, (February 1929), pp. 291-293;

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12 G.A. Wittkowsky and J.L. Moseley, Kershaw County, p. 33;

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- 13 "The Landlord Has his Troubles", Tom E. Terrill and Jerrold Hirsch (eds.), Such as us: Southern Voices of the Thirties, (New York W.W. Norton and Company: 1979), p. 66;  
"Get Out and Hoe", Federal Writers' Project, These Are Our Lives, (Chapel Hill University of North Carolina Press: 1939), p. 36;  
"Roger T. Stephenson, Justice of the Peace", Terrill and Hirsch (eds.), Such as us, p. 264.
- 14 John Skelton Williams to George McLean, 13th October, 1919. Carter Glass Papers, (University of Virginia, Charlottesville, Virginia). (Hereafter cited as Glass Papers).  
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G.A. Gordon to Hoke Smith, 4th December, 1920. Smith Papers;  
John Skelton Williams to Carter Glass, 26th October, 1921. Glass Papers.  
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- 15 William B. Bizzell, Farm Tenantry in the United States, (College Station, Texas The State of Texas: 1921), p. 356.
- 16 Ibid., pp. 357-358.
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- 18 G.A. Wittkowsky and J.L. Moseley, Kershaw County, p. 57;  
Edgar T. Thompson and D. Stephen, Dillon County: Economic and Social, University of South Carolina Bulletin No. 110, (June 1922), p. 57;  
Isom Teal and A.L. Campbell, Chesterfield County: Economic and Social, University of South Carolina Bulletin No. 111, (August 1922), p. 53.
- 19 Thomas Woofter, Landlord and Tenant on the Cotton Plantation, pp. 113, 115, 118.
- 20 Ibid., pp. 121-122.  
The South Carolina study showed that white tenants spent only 13.3 per cent of their employed life in non-farming occupations, and black tenants only 6.2 per cent. The comparable/

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- 21 Ibid., pp. 118-119.
- 22 Arthur Bestor, "The American Civil War as a Constitutional Crisis", American Historical Review, 69 (1963-1964), 327-352, p. 328.
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- 26 George B. Tindall, The Emergence of the New South, p. 618; For the industrialists, the benefits of right to work laws are considerable. According to the 1970 census, North Carolina was the 13th most industrialised state in the union, yet it ranked 48th in wages per capita. In 1975, hourly wages in the state's textile mills averaged less than \$1.26 than the national average.  
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- L.C.        Division of Manuscripts, The Library of  
             Congress, Washington D.C.
- N.A.        National Archives of the United States,  
             Washington D.C.
- S.H.C.      Southern Historical Collection, The  
             Library, University of North Carolina at  
             Chapel Hill.

The following abbreviations are used for frequently cited serials and journals:

- A.A.A.P.S.S.    Annals of the American Academy of  
                 Political and Social Science.
- A.E.R.        American Economic Review.
- A.H.         Agricultural History.
- A.H.R.        American Historical Review.
- A.L.R.        American Law Review.
- J.A.B.A.      Journal of American Bankers' Association.
- J.A.H.        Journal of American History.
- J.P.E.        Journal of Political Economy.
- J.S.H.        Journal of Southern History.
- M.R.         Manufacturers' Record.
- N.A.R.        North American Review.
- S.A.Q.        South Atlantic Quarterly.
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