

**A DAY IN JULY — HATTON W. SUMNERS AND THE COURT
REORGANIZATION PLAN OF 1937**

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Chapter I: The Best Lawyer in Congress

Who was this man, Hatton Sumners, whose speech (against President Roosevelt's plan to pack the Supreme Court in 1937) gained such widespread attention, who had the audacity to put forth his own plan for judicial reform? What manner of man was this quiet Texan who "led the rebellion" in the House of Representatives and "killed the court bill" proposed by the most popular President of this century? The search for answers to these questions would lead from Tennessee, to Texas, to Washington, D.C.

I

The second of three children of William A. Sumners and Anna Elizabeth Walker Sumners, Hatton William grew up on a farm in Boons Hill, Lincoln County Tennessee. Boons Hill was near both Fayetteville, the county seat of Lincoln County, and Pulaski, county seat of Giles County.

Hatton's father has served as a captain in the Confederate Army, Company 1, Thirty-second Tennessee, during the Civil War. His mother was the eldest daughter of Jackson L. Walker, a tanner and farmer who was burned out during the war. Hatton's parents married in Giles County in 1870, where his brother, Tully, was born in 1872. Three years later, May 30, 1875, Hatton was born.

During this period, the Sumners operated a Male and Female Academy in Boons Hill. Captain Sumners served as principal, Mrs. Sumners taught fine arts, and her sister, Sallie Walker, taught music. Students could obtain room and board at the academy while pursuing a variety of subjects ranging from grammar, mathematics, and Latin to science, philosophy, and foreign languages.

After disposing of the academy the Sumners turned to agriculture. Most of the stories of Hatton's boyhood refer to his growing up on a farm. In later years, when anecdotes circulated about his spartan upbringing and his early success as "swapping" to make money, Sumners cautioned friends about exaggerating the problems of his early life. He once told Raymond Moley, Columbia University professor and member of Roosevelt's New Deal Brain Trust:

"The Statement that I began at the age of eight to support the Sumners' family gets me a little more definitely into the Abraham Lincoln class than the facts justify. Of course, as a farm boy, I helped do the things on the farm and made a regular 'hand' in the cultivation of crops when they had to saw off the plow handles for me to reach them."

The Sumners', he told Moley, had the biggest farm in their section of Tennessee, more horses than anyone else, and were the only people in the area with a brick house. With his parents' help, young Hatton studied at home. It would appear that he assumed serious family responsibilities only after his father's health began to decline when Hatton was about fifteen years old.

Sumners credited his father with teaching him the basic principles on which he based most of his beliefs and decisions in later

life. He related that his father told him "there is no result without corresponding antecedent, adequate cause." As a boy on the farm, Hatton examined the world around him for proof of this axiom. He stated later that the discovery that his father was right "opened a great big door into a great big world," because it gave him evidence of design, system and execution in the world. He began to believe that there was a system of laws of nature governing the universe that extended into all realms of life.

During the 1880's Mrs. Sumners' parents, her brother and sisters and their families, moved from Tennessee to Dallas County, Texas. In 1893, her youngest sister, who had lived with the Sumners for a time, returned to Tennessee for a visit. Hatton accompanied his Aunt Ella when she went home to Garland, Texas. Soon after, Hatton's parents, his brother, Tully, and his sister, Kate, followed and settled in Garland. Until his family arrived, Hatton lived with his aunt and her husband, A. J. Beaver, who gave him his first job in his general merchandising business.

Sumners attended Garland High School — "College" as it was then called — for a few months. He told a story in later years of an occasion when he attended a debate meeting of the Garland Literary Society. Someone on the program was absent and Sumners was asked to substitute. He won the debate by defending George Washington as more worthy of following than Columbus. He laughingly said that from that time on he was "made" in the community. Sumners also made friends with John H. Cullom, editor and proprietor of the Garland News. The first time Sumners saw his name in the paper, he said, it looked like "boxcar letters."

Sumners had no money to continue his education. But he wanted to pursue an interest in law which arose out of a desire to help farmers. He believed he could help farmers by helping to frame laws for their benefit. Sumners approached the Dallas City Attorney, Alfred P. Wozencraft, and with his help studied law on his own. He also slept in the law offices of McLaurin and Wozencraft, located above the Dallas police and fire departments. He worked for McLaurin and Wozencraft and, on the side, collected bills for a jewelry merchant in order to make ends meet. It was a sparse existence, and Sumners was convinced that his poor health in later years could be attributed to those early years of self-denial.

In 1897, Sumners braved the bar examinations and passed. Later on, when he was an established Congressman, he began to repay his debt to Wozencraft by helping other young people to finish their educations. The only repayment for his loans to students was that they keep in touch with him while they were in school, and that they repay their loans, generally without interest, so that he could help someone else. According to a former secretary, Sumners was "generous, almost to a fault" and he gave willingly to his family as well as to many organizations. Some organization that benefited from his generosity were various religious groups including his own church, Munger Place Methodist of Dallas, the YMCA, the Juliette Fowler Home for Orphans and Aged in Dallas, the Red Cross, and the Dallas Community chest.

Despite these acts of generosity, many funny stories circulated about Sumners' "stinginess." It was no secret that he was very tight with himself and with the taxpayers' money. One amusing anecdote which Sumners told on himself concerned a Negro porter at the Capitol who approached him one morning and asked for a quarter. Sumners fumbled in his pocket and said, "Sam, I did have one here, but I can't seem to find it now." The porter answered, "Well, please look again, Mr. Hatton, because if you had it once, you still got it."

Another funny tale centered around a trip which Sumners and Fiorello LaGuardia, a New York Congressman and later Mayor of New York City, took to California to gather information for an impeachment trial. The first morning Sumners found LaGuardia having breakfast in his room. From then on, he roused LaGuardia out of bed early to eat in a cafeteria down the street. Characteristically, Sumners spent less than \$2,000 of the \$5,000 appropriated for the investigative trip. Besides fighting against excessive expenditures for reports and investigations, people were amused by Sumners' indignation over expensive state funerals for congressmen. He did not like to spend money on himself any more than he liked to spend public money. A photograph of Sumners with a large hole in the sole of his shoe made the Associated Press wire service in 1938. Sumners explained that he wore rubber overshoes in the winter and so the hole did not bother him.

By wise investments, mainly in real estate in the Dallas area, and frugal living ("If he made a dollar, he saved two," according to a former legislative aide, Harmon Watkins), Sumners, in his later life, was considered a moderately wealthy man. Most of his estate after his death in April, 1962, went to relatives. A farm he owned near the present Great Southwest Airport formed the basis for the Hatton W. Sumners Foundation which makes substantial scholarship loans to law students at Southern Methodist University.

II

But in the 1890's, Sumners was still a poor, struggling attorney. While associated with McLaurin and Wozencraft, he met Colonel Frank P. Holland, Mayor of Dallas. His association with Colonel Holland and City Attorney Wozencraft whetted Sumners' interest in the political affairs of Dallas.

In the 1890's, Dallas was a frontier town of about 42,000. Despite its size, the city still exhibited much of the "wild and woolly" flavor of the West. Gambling houses, saloons, and attendant vices flourished. Cooperation was known to exist between the gambling interests and some of the local officials. When Sumners won election as county attorney in 1900, he refused to continue that cooperation and set out to close the gambling establishments and clean up the city.

Failing in their attempts to thwart Sumners, the gamblers conspired to defeat him in the Democratic primary in 1902, when he stood for re-election. Sumners lost the nomination to Walter S. Lemmon. Sumners first appealed to the Dallas County Democratic Committee to order a recount. The Committee refused. Sumners then filed a lawsuit against the Committee and Lemmon, claiming that Lemmon's name should be barred from the general election ballot because the gambling interests has sponsored a campaign of illegal voting.

A temporary restraining order was issued against the Committee, but a controversy over whether the courts had jurisdiction in the case complicated proceedings. Finally, the judge ruled against Sumners and Lemmon's election was allowed to

stand. Sumners pursued his attack on the gambling interests whom he charged with importing illegal voters from Fort Worth. A number of indictments later resulted from a grand jury investigation of Sumners' charges.

Sumners also spent the next two years compiling information about illegal voting in Dallas County which he presented to the Texas Legislature. In 1903, the Legislature enacted a new election law sponsored by Representative Alexander W. Terrell, former candidate for the U.S. Senate, which incorporated a number of Sumners' recommendations. The Terrell Election Law provided for uniform party nomination primaries and conventions, official ballots, and safeguards against various types of election frauds. The Terrell Act, amended in 1905, still provides the basic framework for elections in Texas from the precinct to the state level. In 1904, Sumners gained vindication when he was re-elected county attorney, the Dallas Morning News noting that election returns were hard to obtain and slow in coming in due to the new restrictions imposed by the Terrell Law.

During his tenure as county attorney, Sumners drafted a bill making the running of a public gambling house a felony in Texas. He secured the support of the State Association of District and County Attorneys (of which he was the President) for its passage. Following his second term in the office of county attorney, Sumners decided to lobby for his gambling bill instead of running for re-election. A group of citizens led by former Mayor Holland of Dallas persuaded him to draft a companion bill, an effective anti-"bucket shop" bill which would prohibit betting.

Sumners' success at lobbying for both bills solidified his position with an influential segment of the Dallas community. In 1907, when the Citizen's Association of Dallas formed to elect city officials who would have "the best interests of the city at heart," Sumners was chosen president of the Young Men's Club of the Association.

Sumners continued to occupy his time with a variety of activities in addition to his local law practice. His main interest centered around agricultural problems. Former Mayor Holland, who owned and edited Farm and Ranch, a popular agricultural magazine, sent him to Washington to lobby for a bill pending before Congress which would reform the futures market. When Texas cotton farmers, needing representation before the Railroad Commission, sought a reduction in freight rates, Sumners offered his services and secured for them a savings of half a million dollars a year. By 1909 he had also traveled to southern Europe under the auspices of Colonel Holland and Farm and Ranch to investigate the effect of immigration on the agricultural, economic and social life of Texas.

All of this activity proved valuable in 1912 when Sumners agreed to become a candidate for one of the recently created congressman-at-large positions in Texas. In supporting Sumners' candidacy, Holland wrote, "Many of us who know him and know the need for a change in conditions which surround the business of farming, have asked him to offer his services to the people of Texas to do for them some practical things."

Sumners received the backing of most of the business and legal community in Dallas, including A. Sanger of Sanger Brothers Department Store, R.L. Thornton of the United Land and Building Company, and prominent attorneys, Will and John Harris. Will Harris eventually became Sumners' unofficial campaign manager, a duty that he shared with attorney J. Cleo Thompson during the years that Sumners served in Washington. Another close friend and campaign associate was John H. Cullom, former publisher of the Garland News, who had moved to Dallas and had served as

the first paymaster for the city of Dallas. Cullom's daughter, Mrs. R. S. Kimbrough, headed Sumners' official staff in Dallas for some two decades, and the Cullom home on East Side Drive in Dallas became sort of a "home away from home" for him.

III

There were twenty-one candidates in the race for the two at-large seats in 1912. Sumners, traveling by horse and buggy, waged a vigorous campaign. Future Senator Tom Connally supported him and arranged for his speaking engagement at a picnic at Reagan near Connally's home in Marlin. The Forney Messenger also backed him, reminding people of Sumners' reputation as county attorney and as a patriotic statesman. Other newspapers, ranging from Houston to Granbury and Austin to Rockwall, extolled Sumners' success with the gambling bills, his interest in farming, and his widespread backing from prominent business and professional men and farmers.

The election of 1912 was not only a personal triumph for Sumners but also a "sweeping victory" for the Democratic Party. For the first time in fifty years the South regained its domination of the key positions in Congress. Southerners headed twenty-two of the twenty-seven major Congressional committees. Hatton Sumners had plenty of company. The Texas delegation comprised the largest state group from the South. When the Sixty-third Congress convened on April 7, 1913, one-third of the new Southern representatives were Texans.

Sumners traveled to Washington for Woodrow Wilson's inauguration and the opening of the Congressional session with another freshman Texas congressman, Sam Rayburn of Bonham. They found Washington a slow-moving, languid southern town instead of a bustling city. Wooden buildings with a few brick structures here and there spread over the marshy landscape. The humid weather, as always, chilled to the bone in winter and suffocated in summer. Streetcars and a few automobiles rumbled over the streets, but the horse-drawn carriage was still the most common form of transportation.

Sumners and Rayburn drew offices next to one another on the fifth floor of the House office building. Later, Marvin Jones, a Texas who headed the Agriculture Committee, moved in just down the hall. Since both Sumners and Rayburn were bachelors they were popular among social circles. In December, 1913, Representative and Mrs. John Nance Garner from Uvalde, Texas, honored the two representatives at a dinner. Earlier that year, Sumners and Rayburn had been guests at a box party given by Kentucky Senator and Mrs. Ollie M. James.

Sumners and Rayburn remained friends throughout their years in Washington, although they did not always agree. One of Rayburn's biographers notes a "decline" in their friendship after 1937, primarily because Rayburn supported Roosevelt's court plan despite his misgivings about the techniques the President used. Other friends of Sumners believed their personal friendship survived the political differences they had.

Obviously, Sumners wanted on the Agriculture Committee and let this be known to Jack Beall, representative of the Texas Fifth District. Instead, however, Sumners was first assigned two smaller committees, the Public Buildings and Grounds and the Mileage Committees. Sumners also told Beall that he would prefer office space on the south or west side of the building, but understood that he would have to "take what I can get."

Uncomplaining, Sumners was determined to cooperate with established procedures and make the best of it. The first bill that

he introduced concerned making Dallas a port of entry for customs. He discovered upon introducing the bill that it required the approval of the Treasury Department — which would take ten days. Sumners took a copy of the bill to the Treasury Department himself and brought it back approved in two hours. He then approached House Speaker Champ Clark of Missouri. Clark promised to recognize him the next day. It proved to be such a hectic one that when Sumners spoke to Clark, he was told "not today." Sumners went along without protest, was recognized the following day, and his bill passed — making him the first of the one hundred and thirty-two freshman congressmen to get a bill through.

Throughout his congressional career, Sumners willingly worked within the system, feeling that its success depended upon cooperation. During his first term — despite his committee assignments — he worked in the area of agriculture, sponsoring an agricultural marketing bill. He also drafted an amendment to the Federal Reserve Bank bill which extended the maximum maturity date limit for agricultural notes eligible for rediscount. Because he was unsure of how to proceed with his amendment, he turned it over to Democratic Majority Leader Claude Kitchin of North Carolina. It was characteristic of the man that he usually managed to get things accomplished regardless of who got the credit.

Sumners also learned a lot about human nature his first term in Washington. He said later that he went to Washington expecting to find "great, masterful mentalities." But he learned that there was no justification for hero worship and that he was as smart as the rest of the congressmen. In doing so, he later confided, he "lost practically all my respect for human intelligence."

IV

As early as October 1913, rumors began circulating that Jack Beall would not seek re-election as representative of the Texas Fifth District and that Sumners would be his likely successor. Former Dallas Mayor Frank Holland was the acknowledged "King-maker" of the Fifth District, and an article in the Fort Worth Record described Sumners as the "chief superintendent of Colonel Frank P. Holland's political garden patch."

Sumners was not so sure that his first attempt at re-election would be easy. He expressed his concern to Herbert Ardrey, vice president of the Dallas Trust and Savings Bank, confiding that he feared defeat because everyone assumed that he was a "cinch" to win. Beginning a pattern that he was to follow most of his years in Washington, Sumners did not rush home to campaign. Instead, he relied on friends to carry the campaign until he could manage to leave Washington. He wrote to one friend in Hubbard, Texas, "It is my duty to the people who sent me here not to leave Washington at this time."

Despite his fears, Sumners made a successful bid for the Fifth District congressional seat, which comprised Dallas, Ellis, Rockwall, Hill and Bosque counties. He continued to represent the district until his retirement in 1946. By 1919, positions on both the Agriculture and Judiciary Committees opened up and Sumners found himself in a position to take either post. Although Sumners had not lost his primary interest in agriculture, he decided he could be of more use on the Judiciary Committee.

In joining the Committee on the Judiciary, Sumners united with perhaps the most illustrious committee of the House. The committee is one of the most powerful, dealing with constitutional amendments, anti-trust legislation, bankruptcy, crime, impeachments, federal court procedure, the relationship of labor and busi-

ness to the courts, and a host of other legal subjects. Its past membership included many distinguished personalities such as Daniel Webster and Stephen A. Douglas.

Sumners contributed to the legendary history of the committee, appearing before the Supreme Court four separate times on behalf of the legislative branch. He presented an amicus curiae brief on behalf of the Judiciary Committee in the Pocket Veto Case of 1928. In the McCracken Contempt Case of 1934 he argued for the right of Congress to punish for contempt. In 1936, Sumners supported the constitutionality of the Municipal Bankruptcy Act. And, another time, he appeared in a case concerning the right of the President to sign a bill within ten days after the adjournment of Congress.

As a member of the Judiciary Committee, Sumners served three times as a manager of impeachment proceedings before the Senate. The three men, all federal judges, against whom impeachment proceedings were instigated were George W. English of the eastern district of Illinois in 1926, Harold Louderback of the northern district of California in 1933, and Halsted L. Ritter of the southern district of Florida in 1936. Sumners' statistics were impressive; his record showed one resignation, one acquittal, and one removal.

Perhaps the most often repeated story of Sumners and the Judiciary Committee prior to 1937 concerned his relationship with Chief Justice William Howard Taft, who had expressed the view that Sumners was the "best lawyer in Congress." Taft defied precedent by lobbying for his ideas with members of the Congress. In late 1924 and early 1925, he was most interested in the passage of a bill amending the judicial code and further defining the jurisdiction of the circuit courts and the Supreme Court. Because of the justice's activity relating to the bill it became known as the "Judges Bill." Sumners agreed with some of his colleagues that the members of the Supreme Court should not lobby for or against legislation pending before Congress. In addition, he disagreed with the Chief Justice over a technical provision of the bill. Taft heard of Sumners' opposing view and telephoned him for an explanation. As the story goes, once Sumners had explained himself Taft laughingly agreed that he had a point and said, "Well, I guess that makes you the only man to overrule the Supreme Court."

This conversation which was retold many times prompted Sumners to write confidentially to his friend Will Harris, "If I had your knowledge of the law and your legal mind generally, with my ability for telling everything I know in such a way as to create the impression that I have really just gotten started . . . I think they would be wanting to put me on the Supreme Court bench." In spite of the Taft-Sumners telephone conversation — or perhaps because of it — Taft requested that Sumners have a primary role in shepherding the Judicial Reform Bill (the "Judges Bill") through the House even though Sumners was a member of the minority party.

The bill passed the House on February 2, 1925, and later passed the Senate. In a handwritten note, Chief Justice Taft expressed his appreciation for Sumners' efforts to familiarize himself with the bill and his time and influence in urging its passage. He continued by saying, "I shall always be glad that my interest in the bill has given me the opportunity of knowing you and of beginning a valued friendship."

These were not mere words; it was indeed the beginning of an unusual friendship in Washington circles. Justices of the Supreme Court were not in the habit of dropping in on senators and congressmen in their offices on Capitol Hill. However, Taft

shocked everyone by paying frequent visits to Sumners. Elmore Whitehurst, Sumners' longtime aide and associate, remembers one such visit shortly after his arrival in Washington in 1927 to begin work as a secretary in Sumners' office. Justice Van Devanter accompanied Taft on this occasion, and they sent the office crew scurrying to find Sumners who was in a committee meeting.

Sumners had the highest regard for Taft, believing him to be "among the most interesting and the most human sort of men I have met since I have been in Washington." In 1927, when Sumners was planning a trip abroad, Taft sent several letters of introduction on his behalf to various British officials and leaders in judicial circles. In his letter of thanks, Sumners joked, "Really, Mr. Chief Justice, you are a very generous friend. Many times you act like a Democrat."

V

Sumners' trip abroad was not his first as a Congressman. In 1919, along with Texas Senator Tom Connally, he had been a member of a Congressional party traveling to the European war zone. The purpose of the 1927 trip was to obtain firsthand information about U.S. troops overseas and to examine problems resulting from postwar conditions in Europe. Senator Connally was again included in this group.

Sumners reported some of his impressions gained from the trip in *Farm and Ranch*. Beginning in August 1927, he also wrote a series of articles for the magazine dealing generally with the dangers of concentrated governmental powers. Although the articles related specifically to the United States, Sumners' ideas were reinforced by what he had seen in Europe.

The perils of a growing federal bureaucracy and concentration of governmental powers on the national level had concerned Sumners for several years. As he continued to refine and define his position, most of his convictions regarding government revolved around this concern. He had fallen quite accidentally into publicity over the issue in late 1924 and early 1925. In December 1924, during the course of a House debate on a public utility bill, Sumners had discovered that assailing the federal bureaucracy was a popular item. Over the next few weeks, newspaper stories quoted parts of his speech on the subject, applauded his stand editorially, and representative William B. Bankhead of Alabama enclosed a copy of his speech to the *New York Times* and the *Saturday Evening Post* with a note stating, "Mr. Sumners is regarded by his colleagues as one of the most philosophical thinkers in the House . . ."

Inspired by the response, Sumners proposed a resolution forming a joint committee to investigate and report to Congress on the condition and size of the federal machinery and the possibility of reducing governmental responsibility in some areas. Central to Sumners' concern was the proliferation of bureaus which had increased responsibility in enacting and enforcing laws because of the sheer volume of work pouring into Washington. The bureaus, he argued, concentrated the powers of all the branches into one structure that was not even elected by the people. Sumners believed that the consolidation of governmental power in Washington produced bureaucratic problems and that decentralization and revitalization of state governments provided the only solution. Even the rightful functions of federal government became endangered when that government overextended itself.

At this early date, 1925, Sumners was stating what was to become the core of his decisions on a variety of issues, particular-

ly the Court Plan in 1937. Sumners strongly believed that the Constitution was a living entity; that the "founding fathers" understood that "the constitution of popular government inheres in the nature of things; that it can no more be placed in the pages of a book than can a living human being be written into the pages of a book." Wiser than most men, the Founding Fathers understood, said Sumners, that popular governments create written constitutions and give them meaning, not vice versa.

In a 1929 speech before the Dallas Bar Association, Sumners returned to his theme. He ridiculed as myth the idea that the Constitution came from the brains of supermen. He expounded again on his conviction that a constitution was a living organism reflecting the people and their capacities. The United States system of representative government, he said, depended on the capacity of the people; if that capacity of self-government was not used, it would cease to exist. Simply stated, the more the people used and developed their right of self-government, the stronger it would become. Conversely, Sumners reasoned, their capacity for self-government would atrophy if it went unused. A simplistic example Sumners employed to explain this philosophy was the fish of Mammoth Cave in Kentucky which had no eyes because there was nothing for them to see.

Sumners' opinions on crime and anti-lynching legislation were also helpful in understanding how he applied the basic tenets of his philosophy, and how these tenets formed the backbone of his opposition to the Roosevelt Court Plan. In 1930, Sumners publicly opposed federal intervention against racketeering in Chicago. Considering the conditions of the country, he felt that it was not the time to extend bureaucratic control. He also thought that the people in the cities must fight the rackets because only through fighting their own battles would new leadership develop. He even went so far as to say in a letter to a Dallas friend that he would have left Al Capone alone until the people were aroused. "They were a mustard plaster on a lethargic citizenship," he wrote. "If I had been running the thing I would have let the mustard plaster stay and burn until the people should become aroused."

This was not a new position on crime control for Sumners. As far back as 1905, in an address to the District and County Attorneys' Association, Sumners had stated that "the general public assume[s] too little responsibility for the enforcement of the laws and put[s] an unfair amount on the shoulders of the district and county attorneys of Texas." He went on to describe a fourth branch of government — the people — which had to assume the final responsibility. To Sumners, "the curse of the country" was the failure of so-called decent citizens to discharge their duties.

Thirty years later, in 1935, in a speech before the National Committee on Prisons and Prison Labor, Sumners was still assailing the notion that there is a "creature called 'Government' which lives and moves and has a detached, self-determining, self-sustaining nature that does our thinking and governing for us."

And yet, Hatton Sumners was always a practical man, one who realized that government could not function on theory alone. As Raymond Moley once put it, "Judged by the lofty standard of 'conformity to nature's laws,' the long record of Sumners' votes presents some anomalies. Pretty plainly Mother Nature most often appeared to Sumners wearing the ears and tail of the Democratic donkey." Sometimes, wrote Moley, Sumners "criticized Administration measures and subsequently voted for them." But practical expediency was not the only reason or even the practical reason for Sumners' going along, according to Moley. "He believes heart and soul in the wisdom of collective judgments," said Moley; "he tries to go along with his party because he thinks that's the

best way to make representative government work."

Sumners' position on anti-lynching legislation reflected many of these same ideas. But his barely reconstructed southern background also surfaced from time to time. He always maintained that he was not a Negro-hater and that he had great sympathy for the "colored" man's plight and much shame about slavery. He was probably sincere in these statements, but his southern heritage may have prevented him from seeing another point of view regarding anti-lynching laws. He was not alone among his Texas colleagues; only one, San Antonio congressman Maury Maverick, supported anti-lynching legislation in the 1930's.

As always, however, Sumners' strongest opposition to these laws grew out of a desire to strengthen local responsibility by leaving the decisions at that level. His reasoning, during hearings of the Judiciary Committee in 1937 on several anti-lynching bills, was that if there was indeed enough public support to warrant passage of a federal law then there should be enough public pressure to stop lynching without a law.

He cited statistics showing the decrease in the number of lynchings and cautioned the legislators not to disturb this development. He voiced concern that attempts to deal with the problem from the top down would retard what was developing from the bottom up. This desire to determine how much activity existed on the local levels of government in relation to a certain issue revealed itself many times in Sumners' career, and it became crucial in his opposition to the Roosevelt Court Plan.

VI

By the time the decade of the 1930's dawned on the United States, Hatton Sumners had come a long way from his family's farm in Tennessee. He had made a considerable reputation for himself in his adopted state of Texas, a reputation which had led to his election to Congress. He was about to become chairman of one of the House's most powerful committees, the Judiciary Committee.

And he had some definite ideas about how the country should be run. Two things were of foremost importance to Sumners. First, he believed in the natural order of things, God's great design, and he felt that the United States system of government was part of that design. Second, he saw enormous dangers in an unlimited federal bureaucracy which continued to appropriate the people's responsibilities. The belief that the people must fulfill their responsibilities in order to hold on to their rights lay at the heart of his decisions on a variety of issues.

Sumners also believed in the value of cooperation and compromise in a democratic political system. While he was always willing to work for constructive solutions, Sumners remained steadfastly loyal to his campaign for governmental decentralization. One of Sumners' former secretaries recalled an adversary of his once said, "Hatton never says anything new." Sumners' reply was, "Well, Paul didn't either. He preached Christ and Him crucified."

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