POLITICIAN, SOCIAL REFORMER, AND RELIGIOUS LEADER: THE PUBLIC CAREER OF BROOKS HAYS

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1976

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1978

Submitted to the Faculty of the Graduate College
of the Oklahoma State University
in partial fulfillment of the requirements
for the Degree of
DOCTOR OF PHILOSOPHY
December, 1981

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Thesis Approved:

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PREFACE

In the 1890s the South developed its twentieth century political system, a system which the leadership of the region expected to last forever. Having repudiated the Republican party in the aftermath of the Civil War and Reconstruction, Southern conservative leaders in the 1890s faced a new challenge to their hegemony, a challenge based in class. Poor Southerners, black and white alike, attempted to seize political control of state governments which were unresponsive to the problems of poverty. That struggle, the populist revolt, failed, especially after the conservatives raised the specter of black domination, a specter which had so effectively united whites during Reconstruction. Weakened already because their programs were too radical and because the conservatives used all necessary means to keep radicalism suppressed, the populists split racially and insured the final defeat of their cause. In the aftermath the conservatives modified the political system to preclude a renewed challenge. Claiming that they were working to create clean and efficient government, the conservatives disfranchised the rebels, black and white. By 1900 there existed in most of the South a system in which only one-fourth of the eligible voters decided in most elections only the question of which conservative Democrats were to govern. Rarely was a legitimate alternative provided to the voters. That was especially true in Arkansas.

By the turn of the century, Arkansas politics had developed the pattern it would retain for more than 50 years. Jeff Davis was still

fighting his sham battles against trusts and the evils of the Northeastern-dominated industrial system, but his crusade brought few tangible benefits to the poor people of Arkansas. When Davis' rhetoric won him the opportunity to become a senatorial buffoon, the last illusion of a politics of substance disappeared from Arkansas. From Jefferson David to Orval Faubus, Arkansas was governed primarily by a succession of conservatives who talked reform only in general terms and did nothing effective about Arkansas' poverty and backwardness. Arkansas endured a period characterized, in the words of Boyce Drummond, by "fluid factionalism and issueless politics."[1] Writers such as V.O. Key, Numan Bartley and Hugh D. Graham, and Harry Ashmore, concur to a great extent that Arkansas was a state in which there was no developed opposition to the status quo.

To gain success in Arkansas politics, the primary requirements were connections, an ability to shift as factions changed, and a rhetorical talent sufficient to convince the politically naive voters that one candidate was sufficiently different from the others to justify the nuisance and expense of voting. Other than "good" government and "good" roads, matters of virtually no controversy, the ambitious politician lacked issues. Thus, the tendency was to rely on wit, charm, and the other assets normally associated with a beauty queen. And it was no great liability if the candidate had friends in any of the political machines which dominated the state.

Within such a system, one in which personal relationships were as important as personal qualifications, the easiest route to success was to remain faithful as a worker for the group in power at any given time. Men such as Harvey Parnell, who served as governor from 1929 to 1933,

worked their way through the ranks, holding local voters in the appropriate column, then serving as "yes men" in the legislature, and finally winning the right to an office from which to campaign for a worthwhile position, in Parnell's case the lieutenant governorship. An alternative model, one more suited to the less patient politician, was that of Charles H. Brough, governor from 1917 to 1921.

Brough was representative of the "reform" element of Arkansas' politics, the Southern liberals. He achieved prominence initially in 1905 when Jeff Davis attempted to fire a politically unfriendly professor at the University of Arkansas. As one of those who resisted the intrusion of politics into the academic environment, Brough gained a reputation as a reformer, and as governor he did attempt to bring honest, efficient, progressive government to the state. Brough also had the rhetorical skills to create the illusion that he was doing more than the record indicated. His final asset was a significant leadership on all levels in the Southern Baptist Convention.[2]

Historically, religion was a vital element in American development. From the eary settlement of New England, faith provided a means of making survival easier. Although traditional religion declined in the North due to urbanization, commercialization, industrialization, and immigration, the South remained largely untouched by those developments and their consequence, decline. As a result, Southern society remained in the early twentieth century much as it had been in colonial times. It was predominantly agricultural, a region of small towns and small farms inhabited by minimally educated and economically struggling people who traced their ancestry in a direct line to the early colonists. Ideas such as Darwinism or religious liberalism, the social gospel,

failed to establish themselves with a significant percentage of the Southern people. The traditional ways remained strong, especially the fairly emotional, fundamental religion of an area but recently removed from the frontier.

Also, community pressure for orthodoxy promoted church membership. There was no urban anonymity to allow backsliding, apathy, or heretical tendencies. In a small town everyone knew everyone else, and the limits of acceptable behavior were sharply circumscribed. Much as in Puritan New England, in the rural South religious activity was a requirement.

As a result of its traditionalism, the South remained an area of high religious involvement. Thus, it was no surprise that politicians trying to attract support in largely issueless one-party campaigns used their religious preferences as a means of creating distinctions from their rivals and as a method of identifying with the voters. The largest denomination in the South was the Southern Baptist Convention. However, lest the method appear cynical, it is necessary to emphasize that men such as Brough and Hays were sincere in their beliefs.

With those alternatives to choose from, Hays elected the route that best fit his personality and his ambitions. An active Southern Baptist and a joiner of virtually every available organization, Hays chose the image of reformer when he engaged in his first campaign in 1928. By predilection and by training, he was a Southern progressive at that stage of his career, and the political reality in 1928 prohibited his working his way through the ranks. Had Hays had the patience to seek the attorney general's office in 1928, he might have developed the position from which to win the governor's chair in 1932. But he was in a hurry and chose to run for governor in 1928 even though the lieutenant

governor was in the race. So Hays became another candidate who stood for honest government and good roads. He lost. He repeated his performance in 1930 and almost had the opportunity to do so again in 1932. But he was fortunate enough that in that year he won a role in a faction consistent with his image and impulses. In a race against an unknown, he won a fairly minor post, Democratic National Committeeman from Arkansas. From 1932 on, Hays was a loyal and effective worker for the national Democratic party. As national committeeman, as employee of several New Deal agencies, as publicist and liaison with state government for those agencies, Hays acquired a reputation as a Southern liberal, a reputation which complicated his relationships with the conservative factions and forced Hays to develop skills in negotiation of truces and compromises, skills which proved invaluable in Hays' congressional career after he finally won a seat in 1942.

It was a difficult process, learning how to survive in the political swamp that was Arkansas, and Hays suffered many defeats before he acquired the necessary tools. But finally Hays mastered the talent for compromise and negotation which made him an asset to his party on the national if not the state level. At the same time he provided the people of Arkansas with sufficient rewards to placate them and keep his position secure. And because it was done by a realist, not a cynic, who had a reasonably developed conscience to restrain the tendency toward excess, by the time the whole structure collapsed in the aftemath of Little Rock, a minor electoral reverse was perceived as a major calamity. Moderation was dead.

Thus, Brooks Hays has today a reputation as a legitimate liberal. In reality he tended to be a Southern liberal, a states rights liberal.

Not until the national administration showed by the civil rights legislation of 1964 and 1965 that Southern liberalism was inadequate would Hays abandon his belief that radical alteration of the Southern social system, Jim Crow, had to occur, if at all, by means of state action and the education of the Southern people about the legitimacy and inevitability of change. Hays' liberalism allowed federal involvement only when state and local solutions were clearly inadequate. As a Jeffersonian liberal, Hays was willing to accept limited federal intrusion, but because of that acceptance, Hays came to be perceived by the truly conservative politicians of Arkansas, people such as Parnell, as a radical. True liberals and radicals, those who know the record, perceive Hays as a conservative, but they err in classifying him with men such as Parnell. Therefore, it is important to recreate the public career of Brooks Hays, a Southern moderate. Hopefully, such a task can provide a better understanding of an element of Southern politics and life which too often is overshadowed by the myth that modern American politics is dominated by a split between Southern conservatives and Northern liberals. Because Hays was active into the 1970s, he can serve as an example of Southern liberalism, national conservatism.

My heartfelt thanks go to those who have made this study possible. Foremost is Dr. James M. Smallwood who has consistently encouraged and guided my progress through the program. Also, Dr. W. David Baird merits my appreciation for directing me toward the man Hays. Dr. Joseph Stout first convinced me that I was a mediocre writer at best; then he showed me how to become however competent I am. Dr. George Jewsbury and Dr. J. Paul Bischoff have helped me to see the larger view and to understand how a local topic can have broader implications. My committee has

worked as a team, and I appreciate the united effort they have put forth.

Another team without which this project would be impossible is that group of archivists throughout the United States of whom I have asked so much. Wherever I went and whatever I requested, I received nothing but the best. The National Archives, the Library of Congress, The Southern Tenant Farmers Union Collection at the University of North Carolina, the facilities at the Johnson and Eisenhower presidential libraries--all are staffed by people who help in any possible way. Especially is that true of the three major repositories of the papers of Brooks Hays. Wake Forest was a joy, but the deepest gratitude must go to the personnel of the Historical Commission of the Southern Baptist Convention, Ron Tonks especially, and to everyone who helped me with the Hays collection at the University of Arkansas, Sam Sizer and the rest. Also, I appreciate all those who interviewed Hays and Hays himself for being so easy to interview.

Most important of all, I must express my gratitude to my wife, Barbara, for never losing faith. With the members of both sides of our family, she has provided the encouragement without which this undertaking would have buried me.

FOOTNOTES

[1] Boyce Drummond, "Arkansas Politics: A Study of a One-Party System" (unpub. Ph.D. thesis, University of Chicago, 1957), p. 233.

[2] Timothy P. Donovan and Willard B. Gatewood, Jr., eds., *The Governors of Arkansas; Essays in Political Biography* (Fayetteville: University of ARkansas Press, 1981), pp. 145-151, 169-177.

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CHAPTER I

THE ROOTS OF BROOKS HAYS

In 1898 the South, including Arkansas, was wallowing in defeat and frustration. Having failed to become Henry Grady's New South of industry and enlightenment, the region had begun to reemphasize its traditional concerns--racism and poverty as the foundation of an agricultural empire. But at the same time as people such as Tom Watson and Ben Tillman sought to turn back the clock there remained a group of Southern liberals who devoted their lives to eradicating the racist and repressive evils of the system.

One man whose career was typical of the limited but sincere effort to bring as much as possible of the new south to Arkansas was Lawrence Brooks Hays of Russellville. Born on August 9, 1898, Hays lived through the painful process of leading his region into the twentieth century. And he did more than watch the process develop; he fought many of the battles. He defied the Ku Klux Klan, albeit hesitantly; he worked to improve the lot of his state's poor. He struggled to make the New Deal a success. He served his state, then his nation, in varied capacities for more than 50 years. By the time of his semi-retirement in the 1970s, his region had achieved some degree of economic modernization, the backwardness of his state was less pronounced, and tolerance in matters of race was at least superficially the norm. But in 1898 there was no sign of the remarkable improvement which was to occur in the twentieth century.

In 1897 both the Ex-Slaves Association of Arkansas and the Confederate veterans of the state held their annual celebrations at West End Park in Little Rock, Arkansas. The next year the Democratic party of Arkansas capped a decade of Jim Crow legislation by establishing a white primary. Having been segregated in railway cars by the Separate Coach Act of 1891 and having seen the populist attempt to reduce race as an issue die slowly as populist votes fell from 20 percent in 1892 to less than 3 percent by 1900, blacks faced a choice of becoming Republicans, a 25 percent minority, or staying out of politics. Legislation requiring a poll tax certificate which identified the voter by race became law in 1892 and convinced many that home was the place to be on election day; by 1894 the number of voters in Arkansas fell by one-third. By 1898 blacks and many poor whites were effectively removed from the political process and fading from social and economic relevance.[1] Arkansas was a white state run by a Democratic party whose style followed the pattern set by Jeff Davis of Russellville.

The man whom Rupert Vance labeled "A Karl Marx for Hill Billies" received an education in law at Arkansas and Vanderbilt universities, but he quickly recognized the value of populist rhetoric and a homespun approach as means to political success. Dressed customarily in a Prince Albert suit of appropriate Confederate gray, Davis sparred with trusts and gentlemen with no practical result save the election of Jeff Davis first as attorney general, then as governor three times, and finally as senator until his death in 1913.[2]

Establishing a pattern for his successors, Davis ignored the problems of his constituents. His race-baiting and pseudo-populism distracted Arkansans from their problems. And the problems of Arkansas

were serious, so serious that they were not even to approach resolution for more than 50 years. As with most of the South in 1900, Arkansas was a backward place. Illiteracy handicapped 11.6 percent of the people, a number lower than the average for the six cotton states (Alabama, Arkansas, Georgia, Louisiana, Mississippi, and South Carolina) which was 20 percent, but a figure well above the national average of only 4.6 percent. Also, the state was economically backward. Of the 5.6 million new manufacturing jobs created between 1890 and 1910, only 381,000 appeared in the cotton South, and most of them were in the textile industry and, thus, appeared elsewhere than in Arkansas. Textile manufacturing bypassed the state, and not until the 1920s did Arkansas diversify into the production of rice and other cereals and oil. Typical of the problems of Arkansas was the development of the bauxite industry. By 1900 the state became America's number one producer of the mineral, but by 1909 bauxite throughout the South was a monopoly of Andrew Mellon, the Northern banker and industrialist. Another source of income departed the state for the Northeast. All Arkansas had was cotton, and that fiber was of little value. In 1900, 74.6 percent of the labor force of Arkansas worked in agriculture. Only Mississippi had a higher percentage of farm workers. Of the agricultural work force, 45.4 percent were tenants or sharecroppers, people who averaged perhaps $100.00 a year in earnings, earnings which had to be divided with the owner. And that was in good years. During the 1890s cotton was a bad crop. Between 1889 and 1893 prices fell from 11.5 cents a pound to 7.5 cents. In 1898, after marginal years in 1895 and 1896, the price reached a low of 4.9 cents a pound. To break even, a farmer had to make between seven and eight cents a pound. One-crop Arkansas was suffering

by 1900.[3]

Thus Arkansas at the turn of the century was unconcerned with national conditions. Recovery from the Panic of 1893 bypassed the state, and wars in Cuba and the Philippines seemed to be irrelevant to people who had enough "coloreds" of their own. Poverty and discrimination were twin themes which overshadowed all else despite the stagnant politics of the twentieth century. But by chance, just as Arkansas fixed its course for the century to come, there appeared a man who was to devote his life to altering that course. The man was Brooks Hays who worked as politician, social worker, and religious leader to eradicate the damages caused to his state and his people by the dual sins of poverty and racism. Hays' efforts were such that his religious brethren turned on him and his congressional constituents unseated him in 1958, but his pursuit of his dual objectives led even the president of the Baptist Convention of the State of Georgia, James P. Wesberry, to write Hays in 1958 that "you are the one layman more like Christ than any layman I know."[4]

On August 9, 1898, Hays was born into a lower middle-class family in Atkins, Arkansas, a tiny town just south of the mountains in the northwestern part of the state. Nothing in the background of that small town family had been especially noteworthy. Hays' grandfather taught school after his graduation from Allegheny College in Meadville, Pennsylvania, until his death in 1890. Grandfather Hays had established the first real school system in the area of Ellsworth, Arkansas, after having moved there for his health in 1879. The other side of the family, the Butlers, had little more prominence. Hays' maternal grandfather was a graduate of Vanderbilt Medical School who became a

country doctor in Ellsworth in the mid-1870s. His contributions to the family tradition came from his home in Henderson County, Tennessee, where he developed a devotion to antisecessionism, prohibition, the Republican party, and the Primitive Baptist Church. Butler was a lay preacher who ministered to bodies during the week and to souls on Sunday. The Panic of 1893 nearly destroyed him financially; his wife lived on penuriously after his death, and she provided a link with the past for Brooks Hays.

Neither grandfather met Brooks Hays. But they met one another in Ellsworth. It was there that Hays' parents became childhood sweethearts and later married. They moved to Atkins where Brooks was born.[5] Hays' parents were well-educated for northwestern Arkansas although they were less well-educated than their parents. Hays' mother spent some time at Ouachita College in Arkadelphia, Arkansas, and at Peabody College in Nashville, Tennessee, two strong Southern Baptist institutions. His father, Steele, was self-educated beyond the eighth grade, an achievement sufficient to make him principle of Atkins High Shcool in the 1890s. Education was important to the Hays family. One of Brooks Hays' earliest recollections is of staying with his maternal grandmother while his father attended one semester of law classes at Washington and Lee University and while his mother taught school to support the family. A progressive belief in education as the best means to effect change marked Hays' later career. As he said in 1959, "popular government cannot survive without popular education."[6]

When Hays was five years of age, his family moved from Atkins, a small town whose existence was possible only because of the railroad, to the county seat of Pope County, Russellville, where Steele Hays had

earlier formed a law partnership with Tom Brooks for whom Brooks Hays was named. Pope County was 75 to 80 percent rural during Hays' formative years, but Russellville was growing. By the time Hays graduated from high school, the population was 3,500, and in the 1920s the town attained a population of 5,000. Russellville grew due to its location on the railroad and the attraction of that utility for the county seat and for the county's farmers and lumbermen. Lacking a town square, Russellville used the railroad to divide itself into the right and wrong sides of the tracks. Russellville had no Jews or Catholics, but it had both Northern and Southern Methodist churches, the result of an influx of Northerners into Arkansas in the 1880s and 1890s. And of course there was the Russellville Baptist Church which Brooks attended on a regular basis.[7]

It was a peaceful life growing up in semi-rural Arkansas during the first decades of the twentieth century. From both his father and his mother, Hays developed the habit of attending church regularly although like many of this brethren he never underwent the conversion experience so important to southern Baptists. The small town environment and family interest kept Hays at church. He also read extensively in his father's library. For a time the elder Hays worked as a traveling salesman and, always a lover of books, spent his surplus money on good reading material. Available to Brooks Hays at home were Ridpaths' History, approximately twenty-five volumes of Mark Twain, Louisa Mae Alcott, Uncle Remus, assorted works of Southern literature, McGuffey's Readers, and Bible stories, including Safe Steps for Little Feet. In religion and education Hays fell strongly under the influence of his father. In fact Hays regarded himself as a submissive child who was

dominated by his father while his mother served most often as the mediator.[8] However, there were other influences on Hays as he grew. His parents, while by no means wealthy, were financially secure. While growing up, Hays visited his grandmother Butler often. Her husband having lost virtually everything in the Panic, the widowed Mrs. Butler was poor, and her poverty made a strong and lasting impression on young Hays. Also, Hays had approximately 46 cousins in the area of Russellville. Like most farmers in the region, the cousins struggled for subsistence. From the time he was strong enough, Hays had the duty of providing Christmas baskets for his poor relations and the other poverty-stricken residents of the community. Hays learned from firsthand observation the difficulties of impoverishment. That exposure created in him a drive to ameliorate such conditons. Hays developed what he described as "a passion for straightening out things and ministering to people while things were being straightened out."[9]

For Brooks Hays there was but one sure way to correct the problems he saw. He was going into politics. As early as 1904, when he was but six years old, Hays determined his future career. One campaign gimmick used in the presidential campaing of 1904 was painted Easter eggs. Hard boiled eggs bore pictures of the two major candidates, Alton B. Parker and Theodore Roosevelt. The six-year-old child was fascinated with the eggs he received and determined that he would one day have his picture on a similar egg, even if he had to become president to do it. A firmer influence on Hays was, once again, his father. Steele Hays was active in Democratic politics, and he early developed the habit of taking young Brooks to political meetings on both the local and state levels. Brooks thus wanted to be a politician, and his father insured that the

politician would be a Democrat, not an automatic choice in northwestern Arkansas, the traditional stronghold of Unionism and Republicanism, but the only possible route to success in the rest of the state.

As a town dweller Hays escaped the backbreaking drudgery of farm labor, but as he grew into manhood he learned the value of work of a more rewarding sort. From age 11 until he left for college, Hays delivered the local newspaper, the Russellville Courier-Democrat. For five days' work each week he earned $1.10. But that was not sufficient for such an ambitious and industrious young man. Between 1910 and 1913 Hays also sold the Saturday Evening Post. Either on the back of his father's horse, Dolly, or riding behind her in the family buggy, young Brooks delivered his magazines and newspapers throughout Russellville, at one point selling 100 magazines a week in the town of 3,500 people. For his work Hays gained two cents of the five cents charged per copy of the Post. Also, he won prizes for his success as a salesman, the most treasured of which was the one-dollar Ingersoll pocket watch which he carried for the few years that it lasted.[10]

But the young man who read the Bible daily, worked like a demon, and studied hard was not simply a "workaholic." His high school experiences were exceptionally fruitful but pleasant as well. Growing up, Hays enjoyed sandlot baseball, sacrificing his delicate body to the rigors of catching with primitive equipment. Weighing little more than 100 pounds by the time he was in college, Hays did not play football or the more violent sports in high school. Rather, he and a few friends established a tennis club, bought their nets, and competed informally with one another. Hays allowed his competitive spirit to expend itself in more intellectual activites.

In 1911, even before he was in high school, Hays experienced his first formal debate. One of the debaters at the school was expelled, so young Hays filled the vacancy on the high school team. Still in short pants, Hays journeyed with the team to Conway, Arkansas, where the Russellville debaters won. From that time on, Hays was active in debate and declamation. In 1912 he became a member of the Ashley Literary Society as well. Despite all of that activity, Hays still maintained high enough grades to gain admission into the school honor society. If anything was sacrificed during his high school career, it was romance. Hays had an active social life but developed no emotional attachments while at Russellville High School.[11]

One of the three members of his high school graduating class of 15 who went on to college, Hays continued at Arkansas the patterns he had established in youth. Despite aid from his father of $25.00 a month, Hays worked hard. His first summer he spent teaching school for $50.00 a month. During the school year he worked at the library. Still dominated by his father, Hays resisted the potential for corruption which life away from home provided. For instance, dancing was a popular pastime for the more liberal element at the University of Arkansas. Dances were well chaperoned, and Hays regarded them as good clean fun. However, papa Hays disapproved; Brooks did not dance. He continued to debate, making the university team in his sophomore year. Membership in the Periclean Literary Society came naturally to Hays in 1915. Quickly he became chaplain of the society. More important than anything else was the meeting of December 4, 1915, Gingerbread Day.

Gingerbread Day was an annual event for the Pericleans. It was a fairly innocuous social occasion at which the members played parlor

games and enjoyed sweets and non-intoxicating beverages. For Hays the highlight of the event was the spelling bee. The members paired off by drawing lots, and simply by chance Hays found himself partnered with Marion Prather, a rather demure but charming young lady.

Marion had not enjoyed an especially easy life. When she was between the ages of five and seven, her father deserted her mother and his two daughters. Her mother, a dedicated churchwoman, kept boarders and sold magazine subscriptions to keep the family intact. Both daughters financed their educations by teaching school and winning scholarships. Marion appeared to be just the type for Brooks. He immediately fell in love. As he recalled many years later, "She just captivated me--just absolutely captivated me."[12]

With romance flourishing, Brooks was happy at the university, and well he should have been. His life was going well. Among other honors he received, Hays became editor-in-chief of the Razorback, the university annual, and assistant of the university weekly. Even in the Reserve Officer Training Corps (ROTC) he did well despite the fact that he was extremely thin, being five feet ten inches tall and weighing no more than 110 pounds. Hays served as second lieutenant in the ROTC. He learned the customary mundane things such as marching and Morse Code. Also, he learned where to place his socks, shoes, and other items at inspections. Guard duty and gas or grenade drills occupied his time in 1916 as well. Occasionally the lectures bored him, but Hays entertained himself by doodling in his notebooks. Doodling was a lifetime habit for Hays. From high school yearbooks to congressional notepads, Hays used to advantage the skills he had learned from the lessons in the Landon School of Cartooning correspondence course. Of course, one of his most

doodled notebooks was the one for freshman American history.[13]

ROTC also gave Hays the opportunity to leave Arkansas for awhile. In the summer of 1918, he attended training camp at Fort Sheridan, Illinois. His principle accomplishment while there was to write an article for the Fort Sheridan Reveille which dealt with the role of University of Arkansas president J.C. Futrell in the formation of the ROTC. Hays was in the Army only briefly, however. On November 14, 1918, Lawrence Brooks Hays, Private, Infantry Replacement and Training Troops, Unassigned, was demobilized and honorably discharged from the Army of the United States.[14]

After attending the University of Arkansas, Hays entered law school in final preparation for his political career. His choice for an education in the law was George Washington University in Washington, D.C. There he was a member of Phi Alpha Delta law fraternity, and he continued his career as a varsity debater. His initial exposure to Washington, D.C. was surprising. Being a small town boy who was fascinated by politics, on arrival on July 19, 1919, Hays went quickly to the National Hotel, a well known resting place for prominent politicians. Hays stayed there only a short time after he discovered that he was paying three dollars a night for the thrill of walking such distinguished halls. Quickly, he moved into a boarding house which had a monthly rate of $30.00 including meals. After one month there, he moved into the apartment of a friend from the University of Arkansas, Bolan Turner. From the first, Hays enjoyed Washington, D.C. Even with the Red Scare and the race riot of 1919, the town was nevertheless sleepy in the glorious Southern manner. However, to stay there Hays needed employment. His means of getting a job was one he continued afterward. He

used the political ties formed in Arkansas to gain from his congressman a position with the United States Treasury. By spending his weeks counting newly printed bills, Hays earned enough that he was able to afford life in the national capital.[15]

Being ambitious, Hays sought to improve his condition while in Washington, D.C. In the late summer of 1920, he received an offer of a position as corresponding clerk in the examining division of the United States Civil Service Commission. He accepted with the provision that his salary be $1,600 a year. That restriction created a problem; in October he learned that the maximum authorizied salary was less than $1,400 a year. He turned the job down and, as a consequence, lost his best opportunity to become merely another obscure element of the great American bureaucracy. Despite his failure to win for himself a lifetime of security, Hays attempted at the same time to get a pension for a Russellville acquaintance, Samuel Price. Hays continued his habit of helping others while also helping himself.[16]

The next year Hays tried again to find a better job, calling that time on his experience as salesman. In September of 1921, he wrote to Charles E. Seiler of Findex Files pointing out that he had used the files for six months and had the connections to place orders in governmental offices. After a series of missed appointments, finally Hays got the job after Thanksgiving. For the first half of 1922, he hustled through the bureaucracies of Washington, D.C., sending glowing reports to Findex about the large number of hot leads he was pursuing. But in June he quit, apparently having failed to land even one order.[17] Fortunately for Hays, he continued to work at the Treasury Department while failing elsewhere. So he was sufficiently secure to marry even

before finishing school.

On February 3, 1922, Brooks Hays and Marion Prather were married in the First Methodist Episcopal Church, South, of Fort Smith, Arkansas. Marion had accepted Brooks' pin during his sophomore year at Arkansas, and from that time on she remained a devoted helpmate to him. She never joined his church, remaining a Methodist, and she never learned to enjoy the insincerity which was so much a part of politics, but she accompanied her husband wherever he went, always courteous, smiling, and tolerant of the thousands of insincere handshakes. After the wedding and a post-ceremony buffet, the newlyweds moved to Washington, D.C., where they lived on his $35.00 a week salary and her savings from her time teaching high school English in Fort Smith. After he graduated from law school in June, the couple returned to Russellville where Brooks joined his father, taking over what he called "the dregs of the law practice."[18]

Even before Hays returned to Russellville, his father announced for Congress. Apparently Hays was the decisive factor in the decision of his father. He later expressed regret that he pressed his father too much, because the campaign of 1922 failed. Arksansas was similar to the rest of the South and much of the nation in that the Ku Klux Klan (KKK) was a major force in 1922. At the Russellville Baptist Church all of the deacons except Brooks and Steele Hays were members of the anti-everything, violent organization. In the campaign there were a pro-Klan candidate, and anti-Klan candidate, and Steele Hays, who sought to address what he considered more important issues. His issues were irrelevant to the voters, so Hays lost and retired from politics. The Klan candidate won, indicating that Arkansas remained susceptible to the

influence of those who offered easy solutions to difficult problems. Brooks Hays learned from the experience.

Having determined as early as 1904 that he would have his picture on an Easter egg, Brooks Hays was clearly a political creature by the time he managed his father's campaign in 1922. Exposure to local political meetings at his father's side during his formative years made Hays aware of the need for flexibility in Arkansas politics. Having fallen victim to the Klan issue in the 1922 campaign, Hays took up the issue himself in 1923.[19]

Hays objected to the "latent racism and religious bigotry" of the Ku Klux Klan.[20] However, when Dr. J. Ellsworth "Daddy" Coombs chastized him for anti-Klan activity, Hays was less than firm in opposition. In August of 1923, Coombs wrote to Hays the following:

> . . . a young man of your rare ability and splendid christian (sic) character can go to the top in political life in Arkansas, but my honest opinion is, that witjout (sic) their [the Klan's] assistance, no man will go very far along the line for years to come.[21]

Coombs made clear to Hays that success in Arkansas politics required accommodation of the KKK. Hays reply was conciliatory. First he reminded Coombs that he had declined membership in the Klan a year before he came out in open opposition to "a vast organization based upon religious and racial prejudice." Hays then acknowledged that Klan members were sincere and patriotic, but he warned softly that "If prolonged a masked organisation (sic) interfering with the administration of justice [would] in time weaken our judicial system." Hays noted then that he had no desire to stand in the way of any good that the Klan was doing; however, he reminded Coombs that the churches and the Russellville Lions Club, of which Hays was president, were as

dedicated to Americanism as was the KKK. And they were less a threat.[22] So Hays took a "strong" stand of equivocal opposition to the KKK. Another pattern in the life of the moderate, Brooks Hays, was in place.

By August of 1923, just past his twenty-fifth birthday, Hays was ready to leave rural Pope County for Little Rock, Washington, and the world. On that 50 year journey the temperate and clean habits developed in the Baptist Church and at home helped to provide the energy which dedication to hard word required. Biblical lessons on tolerance, love and help for his fellow human beings reinforced the concern for the poor and exploited which had come to Hays through contact with his maternal grandmother, 46 cousins, and the generally unprosperous dirt farmers of Arkansas. Hays had the training, the talent, and the desire. Moreover, Hays had the rudiments of the skills needed for survival--perhaps success--in the murky world of Arkansas politics. He was an experienced public speaker who knew the effectiveness of wit as a means of convincing his audience. Also, he was experienced in the techniques of salesmanship, especially those needed to sell himself. As well, he had political connections and no compunction about using those connections to advantage. He even had political experience, although it was limited to only one campaign and consisted primarily of behind-the-scenes rather than public activity. Apparently Hays had the needed talent. Certainly he had the desire. And he had a program.

The moral lessons learned at the Russellville Baptist Church, the progressive politics learned from his father, the backwardness of Arkansas which was obvious from everyday observation of his surroundings--these elements combined with the ambition of Hays to make his political program one of reform.

So Hays was going out into the world to make a name for himself in politics, and he was determined to do so as another Brough rather than a Davis. That his ambition made him well known in his chosen field was a satisfaction to him. Because his political goals were achieved more often in accordance with his principles rather than in spite of them, he gained a reputation far beyond what mere political success could bring. A politician, he achieved his victories and his fame in making his state a better and more just place in which to live. Religion, social work, and the fight for human dignity were all areas in which the impact of Brooks Hays was felt in the years after 1923. Thus, an examination of the career of Brooks Hays will provide some indication of the changes which occurred during his 50 years of service.

FOOTNOTES

[1]Harry S. Ashmore, Arkansas: A Bicentennial History (New York: W. W. Norton & Co., 1978), pp. 132-136.

[2]Ibid., pp. 139-140; C. Vann Woodward, Origins of the New South, 1877-1913 vol. IX of A History of the South, Wendell Holmes Stephenson and E. Merton Coulter, eds. (Baton Rouge: Louisiana State University Press, 1971), pp. 376-377.

[3]Woodward, Origins of New South, pp. 207, 305, 400; Emory Q. Hawk, Economic History of the South (Westport, Connecticut: Greenwood Press, 1973. Reprint of the 1934 ed. published by Prentice-Hall, New York), pp. 450-451, 458, 469, 477, 484; Jay R. Mandle, The Roots of Black Poverty (Durham, North Carolina: Duke University Press, 1978), pp. 21, 59, 61.

[4]James P. Wesberry to Brooks Hays, March 3, 1956, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention, Nashville, Tennessee.

[5]Interview, Ronald Tonks with Brooks Hays, May 20, 1975, Nashville, Tennessee; Interview, Author with Brooks Hays, March 25, 1979, Little Rock, Arkansas.

[6]Interview, Tonks with B. Hays, May 20, 1975, Nashville, Tennessee; Release, Religious News Service, March 2, 1959, Dargan-Carver Library, Southern Baptist Convention.

[7]Interview, Tonks with B. Hays, May 20, 1975, Nashville, Tennessee; Interview, Ronald Tonks with Brooks Hays, July 17, 1975, Nashville, Tennessee.

[8]Interview, Tonks with B. Hays, May 20, 1975, Nashville, Tennessee.

[9]Interview, Author with B. Hays, March 25, 1979, Little Rock, Arkansas.

[10]Ibid.

[11]Climax, 1911 and 1912, copies in Brooks Hays Collection, Library, University of Arkansas, Fayetteville, Arkansas; Interview, Tonks with B. Hays, May 20, 1975, Nashville, Tennessee; Interview, Author with B. Hays, March 25, 1979, Little Rock, Arkansas.

[12]Interview, Tonks with B. Hays, May 20, 1975, Nashville, Tennessee; Scrapbook, "College Career", Brooks Hays Collection, Library, University of Arkansas.

[13]R.O.T.C. notebooks, 1916, Scrapbook, "College Career", Brooks Hays Collection, Library, University of Arkansas.

[14]J. C. Futrell to Brooks Hays, July 3, 6, 8, 1918, in author's possession; Army Discharge, Brooks Hays Collection, Library, University of Arkansas.

[15]Scrapbook, "College Career", Brooks Hays Collection, Library, University of Arkansas; Interview, Tonks with B. Hays, May 20, 1975, Nashville, Tennessee; Brooks Hays, A Southern Moderate Speaks (Chapel Hill; University of North Carolina Press, 1959), pp. 9-10.

[16]H. A. Hess to Brooks Hays, August 16, 1920, B. Hays to Hess, August 21, 1920, Hess to B. Hays, October 2, 1920, H. U. Jacoway to B. Hays, November 6, 1920, Brooks Hays Collection, Library, Wake Forest University, Winston-Salem, North Carolina.

[17]Brooks Hays to Charles E. Seiler, September 28, 1921, Seiler to B. Hays, November 2, 17, 1921, B. Hays to Seiler, November 21, 1921, Seiler to B. Hays, March 14, 1922, E. M. Garlichs to B. Hays, May 23, June 22, 1922, Brooks Hays Collection, Library, University of Arkansas.

[18]Fort Smith (AR) Southwest American, February 4, 1922, clipping in Brooks Hays Collection, Library, University of Arkansas; Interviews, Tonks with B. Hays, May 20, July 17, 1975, Nashville, Tennessee.

[19]Interview, Tonks with B. Hays, July 17, 1975, Nashville, Tennessee; Interview, Author with B. Hays, March 25, 1979, Little Rock, Arkansas.

[20]Interview, Tonks with B. Hays, July 17, 1975, Nashville, Tennessee.

[21]J. Ellsworth "Daddy" Coombs to Brooks Hays, August 3, 1923, Brooks Hays Collection, Library, University of Arkansas.

[22]B. Hays to Coombs, August 23, 1923, Brooks Hays Collection, Library, University of Arkansas.

CHAPTER II

GROWTH THROUGH DEFEAT, 1922-1932

Having proved unsuccessful in his first venture into the political arena, Hays settled down to life as a small town lawyer. He became junior member of the firm of Hays, Priddy, and Hays, where he earned his keep by handling cases which his partners regarded as unworthy of their superior experience. A typical example of the concerns of the younger Hays was a suit on behalf of the owner of a small dog which had been killed. Hays prepared an elaborate, emotional plea on behalf of his client, planning even to bring tears by reciting the "Eulogy on the Dog," but his efforts were wasted because the judge dismissed the case for technical reasons. That case was the highlight of two and one half years' service to the firm.

With such a practice, Hays had much time to spare. Also, personal preference and a desire for political visibility made him a joiner. Thus, he joined every organization available to him. He became a Mason; he joined the Lions. He spoke at meetings of the Womens Christian Temperence Union. He became secretary of the state Democratic convention. As expected of a man such as he, Hays became a deacon in his church. Also, he was an active participant in the American Legion. Having spare time yet, he studied the Ku Klux Klan (KKK), even attending one meeting.[1] Obviously he needed many outlets for his energy and ambition. Even the birth of his daughter in October of 1923 was not sufficient to

fill those needs in Hays. He had to involve himself in social concerns, religion, and politics on a broader scale and in a larger arena than Russellville allowed. The opportunity to broaden his sphere of activity came first in politics.

During the summer of 1924, Hays received a telephone call from Judge Arthur B. Priddy, his law partner. The judge asked Hays to assume the role of campaign manager for H. W. Applegate, candidate for attorney general of Arkansas. Hays agreed to help even though Applegate was a member of the KKK. Hays believed that the KKK was a fading force in Arkansas. For him the primary campaign issue was prohibition and the Eighteenth Amendment. On that matter Hays and Applegate agreed. As with most Arkansas politicians of the time, they supported the elimination of alcohol as a means of solving attendant problems. Consequently, Hays backed the Klansman, even at one point presuming on his relationship with Joseph Robinson to seek the senator's backing for Applegate. Nursing the wounds of an unsuccessful bid for the presidency, Robinson declined; Applegate won anyway. Hays gained as his reward for faithful service the position of assistant attorney general of Arkansas.

Hays moved his family to Little Rock; there his wife gave birth to their son, Steele, in 1925. Life appeared to be getting better for Hays. The attorney general's office was more stimulating for Hays than was the small town practice of his father and the judge. In the office of the attorney general, Hays specialized in taxes, truck regulations, and minimum wage legislation. Notably, he prepared Arkansas' case in the progressive fight for a state minimum wage for women. Although the United States Supreme Court invalidated the law in 1927, the concept won vindication during the New Deal of the 1930s. More successful was the

drafting by Hays of the first public library law in Arkansas. Also, he spoke extensively on behalf of prison reform.[2] In supporting those changes Hays was a typical progressive of the 1920s. But he was also an ambitious man who wanted more than a second-rate political position, even though he was effecting significant change from that office. He resigned from the government in late 1927, hoping to earn a greater income (a concern which continued to plague Hays throughout much of his pre-congressional career). For a short time Hays worked at the Pyramid Life Insurance company in Little Rock. But as always his first love was politics, and he hesitated not an instant when suddenly the gubernatorial chair became vacant.

In 1928 Governor John E. Martineau resigned his office to become a federal judge. The gubernatorial vacancy attracted candidates from every area of the state political swamp. As usual the competitors relied on position or name recognition, not true issues. Among the top contenders were a former governor, Tom J. Terral, and the Klan candidate of 1924, Lee Cazort. The most strategically placed contender was Lieutenant Governor Harvey Parnell who was acting governor at the time. Also in the race was the 29 year old former assistant attorney general, Brooks Hays.

Hays opened the campaign with a strong statement from a prepared text. He blasted his opponents, alleging that one was inclined to shirt with the prevailing breeze (probably Terral although Hays failed to specify), and describing the other, undoubtedly Parnell, as a tool of the special interests. He also established that he regarded the number one issue of the campaign to be the major special interest which backed Parnell, the road lobby. Hays addressed the matter in such a way that

he was able to indicate his commitment to good government without alienating the former governor, a dangerous political foe. While indicating that he supported the highway legislation of Martineau, Hays stated that he objected to his primary opponent's playing politics with the matter. It was too vital an issue.[3] Roads of adequate quality were in desperately short supply in Arkansas in 1928. The problem was one for which solutions had been sought for decades. Consistently, the solutions compounded the problem; naturally, therefore, Hays based his campaign on the issue. It had begun two decades earlier when the state had begun its first extensive campaign to build good roads, a phenomenon reflective of the national tendency to recognize the benefits of such action after the advent of the motor car. Unfortunately, the early efforts were less than successful; in many instances they were disastrous. The problems began as early as 1907 when the legislature authorized road improvement districts on the local level. Because those districts had little money and no skills, a law of 1909 authorized county road improvement districts to finance themselves by means of a property assessment. Two years later, in 1911, each county received the authority to hire a highway engineer. Four years after the process began, the state finally authorized the needed experts. Even better, to alleviate the problems of poor districts, the state authorized the levying of a vehicle licensing fee of $5.00 to help defray the costs of building roads. Not until 1913 did the Arkansas Highway Commission come into being.

In 1915 the Alexander Road Law authorized any county to create a new district whenever a majority of the people, acreage, or land value within the county so voted. With county and local districts still in

existence, the law seemed pointless; but in accordance with the legislation nearly 120 new districts sprang quickly into existence. At the same time special legislation for the creation of individual road districts became popular due to its profitability for both legislator and road commissioner of the district. In 1919 alone the legislature passed 133 individual acts, all creating special districts to build roads with property tax and license monies. Although the courts overturned the laws of 1919, between 1913 and 1920 the legislature of Arkansas created 504 other districts by special legislation. Most came into existence without the consent and some without the knowledge of those whose property paid for them.

Special legislation to avoid the Alexander law was fashionable primarily because road building was profitable. Uncontrolled by the state and safe from attack by their theoretical constituents, road commissioners in special districts revelled in unaccustomed prosperity. Recall procedures which excused stupidity and ignorance in mismanagement, lack of adequate requirements for record keeping, and the general slowness of investigative procedures were significant elements in the removal of commissioners from public accountability. Accidental fraud was no crime, and intent to defraud was nearly impossible to prove. So the state poured more and more money into the districts, more and more money went into roads which went from nothing to nowhere, and the roads of Arkansas became more and more a mess.

By 1921 Arkansas was in a state of virtual insurrection. For more than a decade, road improvement districts had proliferated until there was an average of approximately nine for each county. No state body coordinated those districts, and the instances in which they coordinated

themselves were rare. Arkansas' roads were "Balkanized," being built of differing materials, of differing quality, of varying degrees of sophistication and durability, and lacking even a common width. On occasion the property taxes of a district and the vehicle licensing fees of the state financed a private road for an influential citizen. Money for maintenance of existing roads tended to disappear into the vacuum of new construction. The people of Arkansas had an uncoordinated network of poorly built and over-priced trails and paths by 1921. Reform was essential.

That reform began first on the local level. In one district irate citizens utilized shotguns to convince their commissioners that the district should dissolve itself. State legislators got the message and terminated some of the worst and most unpopular districts. But nothing more happened, even after the United States secretary of agriculture threatened to end his department's subsidy to the state. In 1923 when the secretary fulfilled his threat, Governor Thomas C. McRae called a special session of the legislature to correct the scandalous abuses in the roads program.

The special session produced several laws. For the first time, after that session, Arkansas had a state highway system, at least on paper. Legislation increased the vehicle licensing fee, and the gasoline tax rose from one cent to four cents a gallon. Also, the Harrelson Act of 1923 forced districts to use more than 50 percent of their revenues for repayment of debts. A state highway fund paid $3 million a year to districts so that those districts might meet debts incurred during the earlier era, debts which matured at a rate of approximately $6 million a year. The state spent a further $1.5 million in 1926 and

again in 1927, but debts continued to come due, and property tax payers found themselves more and more burdened by the consequences of fifteen years of waste.

In 1925, responding to pleas by both taxpayers and citizens yet without roads, the legislature attempted to enact a law allowing state assumption of all debts. By a narrow margin, the bill failed to pass, but it became law easily in 1927 as the Martineau Road Law, the issue chosen by Hays in 1928. The law authorized the state to pay all district debts from the revenues it raised by the issuance of bonds. Districts had accrued debts of $70.5 million, and the state committed itself to $42 million bonded indebtedness to meet both past obligations and the debts coming due within the next four years. Having decided to plunge so deeply, the legislature borrowed an additional $14 million for Confederate pensions and promised to guarantee all necessary indebtedness for municipal streets and toll bridges. All told, Arkansans went into debt for $126 million within a span of six years, a debt of $69.00 a person at a time when the per capita income of Arkansans was only $279. Bills owed by the state were nearly nine times its average gross income for the years 1923 to 1927. In the euphoria of the 1920s, the poorest state in the union committed fiscal folly.[4]

But in 1928 there was a general feeling that prosperity was permanent and growing. No candidate in the race for governor had the least concern that the bill might come due before Arkansas was able to pay it. The issue to Hays was the potential for corruption and influence peddling in such a massive program of expenditures. Especially was it important because his main opponent, Harvey Parnell, was the man in

control of the money. Late in the campaign Hays made his strongest attacks on Parnell's handling of the program.

In a letter to a supporter, Hays stressed his continuing support for a roads program paid for by actual users, not by those whose property happened to be in the neighborhood. Hays emphasized as well that Parnell was playing politics by threatening to neglect or not build roads in areas which supported Hays and the other candidates. Publicly, Hays lambasted Parnell for non-cooperation in an investigation of fraud in the state's payment of gasoline tax revenues to the districts. Hays also accused highway department employees of trying to elect a governor. The charges attracted support to Hays, as exemplified in the letter D. L. Ford, a Hays man, wrote to his candidate after the primary. With a gift for prophecy, Ford told Hays the following:

> The Parnell forces in the Highway Department have promised the people everything and in two years the people of the state will find the program uncompleted, out of money, and practically no lateral highways built at all.[5]

Other charges hurled by Hays at Parnell involved toadyism and corruption. Hays alleged that Parnell, while in the state senate in 1925, had voted "yes" 290 times, was absent about the same number of times, and voted with the opposition only 17 times. To Hays, that record indicated that Parnell displayed no mind of his own. Also Hays charged that the Parnell campaign was assessing businessmen contributions for a Parnell slush fund.[6]

Despite its emphasis on the negative elements of the Parnell candidacy, the Hays campaign had positive aspects as well. A reform candidate had to have a program, so Hays at least mentioned agricultural reform within an industrializing society, elimination of the state property tax, federal assistance for flood control, reform of charitable

institutions, and improvement of public schools. Also, reflecting his awareness of the realities of Arkansas, Hays promised enforcement of prohibition laws and "no lawlessness in the Executive Department."[7] Issues in which there was interest but which Hays ignored included tick eradication and evolution. A query concerning Hays' position on evolution contained a pencil notation, "Letter of Thanks sent."[8]

Hays was unwilling to jeopardize his career by taking a clear public stand on such a controversial issue as evolution. He knew the dangers involved because he necessarily noticed events around him, especially within his church. Southern Baptist fundamentalists had attacked the theory throughout the decade. Their leader, J. Frank Norris of the First Baptist Church of Fort Worth, Texas, precipitated a crisis in 1921 when he attacked the teaching of "evolution and infidelity" at Baylor University, a Southern Baptist institution in Waco, Texas. The influence of Norris was apparent in Arkansas by 1924. In that year the Ministers' and Laymen's Conference called on the Arkansas Baptist Convention to take all necessary precautions to insure that evolutionary teaching not gain access to church supported schools. The Baptists of the state resolved that the Biblical account of creation was the truth and must be the orthodoxy at all of their schools. Deviation earned the violator dismissal from his position if he was a faculty member. Errant schools lost funds. Also, all teachers had to take an oath which, among other elements, repudiated Darwin. In 1926 the state convention resolved that the state legislature should bar the teaching of evolution in state supported schools.

Other denominations in Arkansas joined with the Southern Baptists in petitioning the legislature to ban what they perceived as heretical

teachings. In 1927 the house of representatives passed an anti-evolution bill by the narrow margin of 50 to 47 and only after a bitter fight. However, the senate tabled the bill and voted 17 to 14 not to reconsider. That action led Baptists, American and Southern alike, to join with other fundamentalists and gain sufficient signatures for the issue to appear on the ballot in 1928. Such strength--the issue passed by a vote of 108,991 to 63,406--had to be intimidating to all politicians, especially to Hays because privately he opposed the action. Hays believed that the petition not only violated the Baptist belief in separation of church and state but was also inconsistent with Baptist doctrine which called for individual interpretation of the scriptures. Rather than publicly opposing the anti-evolutionists and perhaps losing their votes, Hays took the safer course of running aginst "a very corrupt state political machine that had a death hold on the highway construction program," a machine which was abusing its power and a machine which no one else opposed actively.[9]

Hays used every possible tactic to defeat the machine. He took the occasion of congratulating Joseph Robinson for winning the vice-presidential nomination to seek Robinson's endorsement. Robinson declined, but Hays pressed on. His stationery featured his slogan, "More Progress, Less Politics," and his newspaper advertisements contained a picture of the candidate in his sincerest pose as well as an excerpt from the Rogers Daily Times which referred to "A Career Without a Blot." Another theme was "Men Versus Money." The slogans were little changed from the rhetoric of Jeff Davis thirty years earlier. And the appeal succeeded with at least one man. Charles X. Williams wrote, "If Arkansas ever needed a Governor who can live above the fog of private

interest and for the spiritual uplift of our people, we need it now--Brooks Hayes (sic) is that man."[10]

Hays also used effectively a man who had no difficulty in spelling the name of the candidate correctly. Steele Hays called on old friends to support the young candidate. He asked those who had known Brooks from childhood to do more than just vote. Old friendships helped to create a network of activists for the Hays candidacy. Apparently the elder Hays was also willing to substitute for his son as a speaker. When Clinton High School sought Brooks Hays as speaker for its graduating class of five boys, Hays indicated that he was too busy and asked if Steele might suffice as a substitute. The record fails to indicate whether Steele Hays addressed the class, but he did work hard for his son, even trying to get his friends to bring crowds to Hays' speeches.[11]

Hays must have spoken effectively whether his audience consisted of the honest citizens of Bee Branch and Quitman, the freshman class at the University of Arkansas, or the members of the Western Methodist Assembly atop Mount Sequoyah. As early as May 30, 1928, Steele Hays wrote optimistically that "it seems to be the general consensus of opinion that Brooks has the race won," should the trends of the first two months continue to the election.[12] But complications set in, first at Clinton.

Clinton was the hub of Van Buren County in the north central area of the state. In 1928 the county was under the domination of a machine which was non-supportive of the Hays candidacy. The hope of Hays' friends within the county was that the machine would ignore the gubernatorial race rather than support one of the opposition candidates. But in July someone opposed to Hays began spreading a rumor that the Hays forces were guaranteeing $500.00 to anyone willing to work for their

man. Hays tried to refute the charge by reaffirming that his campaign rested on his opposition to the buying of offices. Also, Hays noted that his forces lacked the financial resources to pay the rumored prices. The rumor persisted, forcing a reiteration by the campaign manager two weeks later that Hays was not trying to buy votes or anything else. By that time a worse rumor was current in the county. Workers for Hays had to waste valuable time fighting a rumor that their man was losing the contest.[13]

Hays faced other problems as well. On at least one occasion he received an offer of assistance which might have substantiated the rumors in Van Buren County. A certain J. L. Crownover offered to increase Hays' vote total by paying the poll taxes of as many voters as Hays was able to afford. All Crownover required was that Hays provide the money. As Crownover noted, 46 new voters had gone to the opposition in that manner. As manager of the campaign, Judge Priddy declined for Hays even though the practice was common in Arkansas and much of the South at that time and for decades afterword, a situation which Hays devoted years to rectifying.

Hays also received an offer from an old college friend. John Caughley, the self-proclaimed "Irish Evangelist," offered to sell his services to the Hays campaign. Despite Caughley's claims of previous success in the Martineau campaign, Hays decined to hire the minister, noting that he had no money to pay campaigners. He regarded himself as fortunate that enough people were willing to work without pay. Hays surely appreciated the efforts of George A. Cantrell who not only worked without remuneration but made the effort, as well, to campaign in Arkansas despite his residence in Tulsa, Oklahoma.[14]

The Hays forces remained optimistic, believing that their man was guaranteed victory if only he managed to erase concern by the voters about his youth. But the youth of Hays and the machine of Parnell proved too great in combination for the reformers to overcome. Hays lost, placing second in a field of seven men. Of the 227,626 votes cast in the primary, Hays received 59,426, but Parnell garnered 94,396 and the nomination. All Hays received was praise. The Oklahoma City Daily Oklahoman editorialized that "for a young man of his limited years [Hays waged] one of the most brilliant races that has ever been run in Arkansas." Hays' hometown Russellville Daily Courier-Democrat characterized his performance as "a great moral victory, more to be proud of than the actual victory of nomination under ordinary circumstances." The moral victory was so great, according to the newspaper, because Hays' second place finish came despite inexperience, youth, and lack of organization, and because the Hays forces had won Little Rock and Pulaski County against the odds, defeating the Parnell machine in its home territory. From southeast Arkansas, near the earliest settlement in the state, came the assessment of The Gould Advance that "There is no dishonor attached to his defeat. He made a clean race, fought a brave fight, led a gallant host . . ." and destroyed any argument that he was too young for the office.[15]

In the aftermath of his defeat, Hays received letters from frustrated supporters who sought to explain the loss. From Fort Smith came word that opposition by the local newspapers to Hays, in combination with large amounts of money and effort by the forces of Parnell, caused the loss of the city. In Clinton the story was equally simple. The predicted intrusion of the machine hurt Hays; his workers were "fighting

Parnell's money and old line politicians," according to Ernest D. Reeves, Hays' lieutenant in the area. The final word came in October from A. H. Henderson, who wrote to Hays that "I only wish that we had the run off like Texas. We would take them to a cleaning yet."[16] Hays thus had another Arkansas political issue, the lack of a runoff, and he had a reputation as a reformer, but his immediate concern was the finding of a job.

After the political loss, Hays returned to his law practice, partnering with a long-time friend, Bolon Turner. Nevertheless, despite the fact that he had two small children to support, he still was unable to resist the lure of politics. Political ambition dominated his life. Hays determined to renew his struggle against Parnell in the gubernatorial primary of 1930. In retrospect, Hays stated innumerable times that he had no choice but to run. Indicative of the duality inherent in Christian politics, one of Hays' more detailed explanations began with the words, "I had to run if I meant to live with my conscience, or, from a practical standpoint, if I intended to stay in politics," because Parnell was a weak governor and his highway commission contained corrupt members. Another term for Parnell, according to Hays, meant a continuation of excessive expenditures for highway bonds and a too-rapid construction of roads which necessarily meant poor quality. In effect, to Hays, "if Parnell could be defeated, I was the person to do it. [Hays thought] that no one else could do it and that I possibly could not do it."[17]

Hays was fully aware of the risks. The Atkins Chronicle of July 26, 1929, cited the Conway News to the effect that

> Not even John E. Martineau had so powerful an organization as the one that will back Parnell for a 3rd term. He is a

> game fighter himself [,] and he has the state machinery in his hands as no former candidate ever had.[18]

Even worse, Parnell had a decent record, despite what Hays chose to say. With the 1929 legislature subservient to him, Parnell was able to enact income tax reform, and he vetoed a bill which would have allowed horse racing. So through 1929 Hays avoided committing himself to the race. In July he wrote to George Walter that he had not yet decided. Two weeks later the Blytheville Courier reported that Hays and John Sheffield, president of the Arkansas County Judges Association, both working for the American Legion convention, were also both expected to file for the same office. Into October, Hays hesitated, but Tom Bullock made inquiries of several people as to the feasibility of a Hays candidacy. D. W. Gill reported that everyone he spoke to was for Hays. There was no way Hays could lose a one-on-one race. J. J. Doyne of Lonoke, however, indicated that his county was strongly for Parnell, but Doyne said also that an open commitment by Hays might induce his former backers to return. Finally, in January of 1930, in repsonse to a pledge of support, Hays wrote to Louis Tarlowski that "I am not ready to make a definite announcement, but today I feel sure I will run."[19]

The decision was not by any means the inevitable one that Hays has since described. An undated pencil draft at the University of Arkansas describes the problems which Hays faced. In 1930 many people asked Hays not to run against a seemingly unbeatable machine, especially as Arkansas traditionally awarded its governors two terms in their own right, and Parnell had done nothing to sacrifice his guaranteed second term. According to Hays, "Political expediency seemed to call for postponement of another race," especially as two other candidates announced against Parnell, thus creating the real danger of splitting the

opposition vote as had been the case in 1928. The most difficult element for Hays to overcome was his father's opposition to the race. Aside from being old and tired, Steele Hays feared that another loss would destroy Brooks for a long time to come. Steele Hays was inflexible once he had made a decision, so it was a great strain on Brooks Hays' mother when her son went against her husband for the first time on a matter of major importance. Steele Hays moped until the campaign started; then he became a convert to his son's decision when the campaign revealed Brooks Hays as the leader of the forces who opposed the governing style of Harvey Parnell.

Brooks Hays ran against Harvey Parnell again. There were no real issues in the campaign of 1930 except the men. Attempts to make income tax legislation an issue failed, revealing to Hays the insignificance of that matter. When Hays attempted to attack Parnell on the issues of the highway department or highway bonds, Parnell refused to defend himself. He preferred to speak of the non-issue of income taxes. So Hays concentrated his efforts on reluctant and impersonal attacks on the individuals who managed the roads program.[20]

Having failed on the issues in 1928, Hays engaged in an old-time Arkansas campaign of personal attacks in 1930. Once again Hays lost. Of 251,233 voters, 90,132 preferred Hays; unfortunately, 135,738 decided to give Parnell another chance. Not only did Parnell win a majority, making the runoff issue moot, but he received three votes for every two which went to Hays. Parnell's victory was sufficiently impressive that Hays' supporters began conceding defeat with only two-thirds of the vote counted. The race was largely futile, but the impact of the Hays candidacy lived on. Hays reaffirmed his image as a reformer. Also, in

1930 and 1931 approximately a dozen babies were names for the defeated candidate; most received only the name "Brooks," but the Vinson baby, with whom Hays corresponded into 1940, bore the full name "Brooks Hays Vinson." Hays pursuit of fame was not totally without result.[21]

As after the first, after his second defeat Hays returned to his law practice. It was during that time that he engaged in a case which was a landmark for Arkansas. The issue was fairly minor. A teenaged black had lost a leg in a railroad accident, and the family sued the railroad for negligence resulting in the loss of earning capacity. The victory netted a settlement of $2,000, of which Hays and Turner gained one-third to one-half, but the case was significant because it was the first tried in Arkansas before a woman juror. Thereby Hays and Turner earned a place in the footnotes of the history of the struggle by American women for equality. However, aside from the one case, clients tended to be scarce, and fees small. Need forced Hays to supplement his income in a variety of ways.

He taught night classes in public speaking for $5.00 a session. He organized Lions Clubs in six surrounding towns and earned $150.00. He taught night classes in law and public speaking in Hot Springs and Conway. And his father contributed $15.00 a week to the struggling family. With groceries costing less than $10.00 a week, the Hays family survived the depression virtually unscathed. Looking back from forty years later, Hays was able to say, "I think both Betty and Steele managed to get through that period without any awareness of deprivation."[22] For Brooks Hays the personal impact of the depression was less important than political office. Thus, Hays tested the water again in 1932.

By 1932 the Parnell regime was proving to be what Hays had indicated it was four and two years earlier. The extravagance of the Martineau program, when combined with the corruption of the Parnell forces, placed Arkansas in a critical financial situation as the depression deepened. However, fully in line with the tradition established by Jeff Davis, politics in Arkansas had nothing directly to do with such problems. The critical issue in 1932 was bossism in Yell County. That county belonged to the most powerful and corrupt machine in Arkansas, a situation which had aided Hays in his first race. In 1928 the machine backed Hays; by 1930 the Parnell forces had given a sufficient number of favors to the machine that it lent its support to him. Even Sam Rorex, former law partner of Steele Hays, moved into the Parnell-machine camp. When Parnell decided to leave office, he gave the recently converted Rorex the commission to stop Hays. Rorex convinced Judge Arthur B. Priddy, Hays' one-time law partner and campaign manager, to enter the race for governor. Priddy was reluctant to run against Hays; he even drafted a letter of support for Hays for publication in the Arkansas Gazette. But Priddy owed the machine a favor. So Priddy announced his candidacy, and although his decision forced him into an alliance with machine politicians, Hays withdrew in favor of his long-time friend.

The campaign went badly. Hays' supporters refused to follow him into the arms of the Yell County machine, and Hays' speeches lacked the fire of the past. All Hays achieved was the alienation of J. C. Futrell, the man who opposed Priddy and the machine in the primary. Hays was in a difficult position because he disliked the conservative backers of Futrell but regarded Priddy as too week to use the machine

without having it swallow him. Then Priddy, having entered the race with the blessing of the outgoing governor, began to attack Parnell. Because he recognized that factional disloyalty was a fatal sin in Arkansas politics, Hays became disgusted. Believing that Priddy had no chance, Hays asked the judge to withdraw in favor of Futrell. Despite advice from Hays that support for Futrell might salvage some political future for the judge, Priddy refused to quit. He lost, collecting only 37,134 of the 276,848 votes cast. Futrell won with 124,139.[23]

Although his own political career continued to flounder, Hays had better success as a loyal worker for his party. His service to national candidates of the Democratic party in 1928 and 1932 was fairly minor. However, his willingness to remain faithful to the Democracy when many of his friends deserted that party's nominees was a virtue which the national Democrats recognized when they finally achieved power. By supporting both Al Smith and Franklin Roosevelt, Brooks Hays gained entry into the preferred circle of the winners. Party loyalty won for him his first political triumph.

In 1928 after his defeat in the gubernatorial primary, Hays engaged in a speaking tour on behalf of the Democratic presidential nominee, Alfred E. Smith. Such behavior was politically unwise in the rural South because Smith was a product of New York City, an anti-prohibitionist, and a Catholic. The region which rejected liberalism in all its forms (as it indicated by its support of the KKK, the passage of anti-evolution legislation, and its advocacy of fundamental protestantism and prohibition), the South was clearly opposed to Al Smith, even if he was a Democrat. Hays was again on the unpopular side even though his advocacy of Smith endangered the political aspirations of the young

Arkansan. As Allen E. Freeze reminded Hays in the fall of 1928, Hays was in a solid position to win the office of governor in 1930, but his support for Smith was harmful at best to such aspirations. Hays' supporters were hostile to Smith and might transfer their enmity to Hays. But Hays spoke on behalf of Smith, and his assistance to the campaign, even though the effort was futile in the ensuing landslide for Herbert Hoover, was noted with gratitude by party regulars such as W. J. Hutchinson, who wrote to Hays that even in a losing effort Hays' support for the national ticket was a great service to all Democratic voters and should be long remembered.[24] Party regularity was of potential benefit to those of its practitioners who remained consistent. The lesson was not lost on Hays.

Obviously party loyalty proved important to Hays when he won the position of Democratic National Committeeman in 1932. With the farcical Priddy campaign destroying his political sanity, Hays leaped at the opportunity provided by friends who entered his name for committeeman from Arkansas. With the blessings of Priddy, Hays left the gubernatorial campaign to run its course and ran with much enthusiasm against "a rich Little Rock lawyer who wanted the honor of being National Committeeman . . . one of their boys," as he assessed the situation.[25] Probably because of name recognition from his past campaigns and his active political life, Hays defeated the machine at last and found himself in the position which was to lead to greater triumphs as soon as the Democrats won the presidency.

Being loyal to the party in 1932 was little easier than it was in 1928. During the intervening period, of course, the nation had fallen into the depths of its worst depression ever, and many Americans

repudiated the policies of Herbert Hoover and the traditional parties, Democrats and Republicans alike. As Hays explained the disenchantment with the party in power, "Government has a responsibility for human welfare aid. Republicans didn't take that position. They had a responsibility for the welfare of the economy . . . ."[26] Democrats had shown little more sympathy for needy Americans, but Hays remained faithful to his party. Because the Republican candidate was more attuned to the prohibitionist and nativist inclinations of his region, Hays had a major difficulty in justifying his support for the anti-prohibitionism of the national Democrats and their nominee, Franklin D. Roosevelt.

There was a clear problem with such a staunch prohibitionist as Hays supporting a candidate whose only clearly stated position on any matter was in opposition to prohibition. Hays justified his behavior by noting that repeal of prohibition was not the same as forcing drys to become wet. Repeal simply allowed those who chose to be wet to be so in accordance with majority rule. Besides, legislation without popular support inevitably failed. Therefore, to Hays the issue was one of education. Drys should inform the public about the benefits of abstinence. An informed populace would then make a rational decision which would eliminate the need to enforce an unpopular law. Hays suggested that prohibitionists concede victory to the repealers; having done so, drys should then demonstrate to the wets that prohibition was preferable even if it were not law. Finally, Hays argued, the question was moot. Hoover was not really a prohibitionist, so drys had no candidate who shared their views. They should yield on the one issue of legal liquor and remain loyal to the Democracy on more important matters, including voting.[27]

Between August and November of 1932, Hays toured Arkansas with Senator Joe Robinson. He met Roosevelt in New York City after Priddy fell to Futrell, and he and the national nominee had a brief visit in St. Louis, Missouri. The two men had been slight acquaintances since Roosevelt spoke in Memphis, Tennessee, on behalf of the Crippled Children's Campaign in 1927. During the campaign of 1932, most contact between Roosevelt and Hays was handled by Jim Farley, the national campaign manager. Despite the lack of closeness, Hays was a party loyalist. Even after Roosevelt defeated Hoover, Hays continued to campaign for the man chosen by his party. Between the election and the inauguration, Hays tried to appease the dissatisfied of the South, as was the case when he spoke in Baton Rouge, Louisiana, in December.

In his role as national committeeman, Hays went to Baton Rouge to attend a conference. While there he assessed the future under Roosevelt, saying, "With a change from re-actionary policies to the liberal policies which Governor Roosevelt has stood for, there is hope for the country and all its people." Hays continued that he expected the impact of FDR to have an influence "even in the communities where we have especially borne the brunt of graft, corruption, and . . . to a certain extent indifference." That was probably a reference to Yell County and the rest of the 21 controlled counties, but it was more another instance of Hays' emphasizing "the forgotten man, the forgotten, neglected children," an attitude which the committeeman and the president-elect shared.[28]

Away from active campaigning Hays maintained his visibility. As early as 1926 he used his relationship with Joe Robinson to seek a job as attorney for the Board of Tax Appeals for his friend, Bolon Turner.

Robinson merely promised to try, but Hays at least made the effort. Hays also crusaded for his causes; he loved to speak and rarely minced words if his cause seemed sufficiently vital. For instance, in 1926 Hays addressed the American Federation of Womens Clubs and told a conservative audience about the basic rights of children--health, recreation, and so on. Then he startled the conservative ladies when he argued that those services must be provided by the state.[29]

From the time he entered politics in 1928, Hays consistently had at least one crusade to occupy his time. In 1928 Hays was a member of a reform effort which included virtually every political power in Arkansas, Joseph Robinson among them. Having received a request from V. W. St. John, Hays promised to use his connections in Washington to get a favorable ruling in the matter of the Ouachita forest in the mountains northwest of Hot Springs. St. John and others wanted the park service to authorize the creation of a national park in the Ouachitas, and with such prominent political figures involved already, Hays had no hesitation about taking up his part in the battle. He wrote not only to Congressman William J. Driver of Arknasas, but to Stephen T. Mather as well. Aside from being a friend and a fellow Baptist, Mather was director of national parks.[30] With Arkansas congressmen utilizing their positions of power and their legislative skills to the fullest in an attempt to force legal recognition of the park, the efforts of Hays were comparatively minor. However, Hays did as much as he could, and eventually the park became a reality. On the other hand, Hays crusaded for several years for the World Court and in the end received nothing.

The Permanent Court of International Justice, the World Court, was a legacy of the era of Woodrow Wilson. Established in part due to the

efforts of American legalists, the court served as a permanent agency for resolving international disagreements. Presidents Warren Harding and Calvin Coolidge both advocated American membership in the body, and as early as 1924 both major parties and the House of Representatives resolved that the United States should join. But the Senate, led by William Borah and Hiram Johnson, resisted, and the United States remained an interested observer and consultant, not a member, until in 1936 foes of the court ended even that token American involvement. The effort to convince the intransigent senators was a major preoccupation of Hays from 1928 to 1933.

Like many Americans in 1928, Hays was not an expert on the World Court. He probably knew something about how the United States was increasingly observing court proceedings on pornography or other important but not vital issues. He probably even knew that prominent Americans such as Elihu Root had served on the court. But he denied any special expertise when he received his initial solicitation from Esther Everatt Lape, one of the increasing number of Americans who wanted the Senate to support the Gillette World Court resolution in the foreign relations committee in October. Hays agreed to inform himself and then to talk with his personal friend, Joe Robinson. Hays wrote to Robinson six weeks later, telling the senator that it was "nothing less than a tragedy" not to find a means of American participation on the court.[31]

Personal friend Robinson was unimpressed and refused to commit himself on the issue. So the matter rested there while Hays returned to the insurance business. But the issue reappeared in 1930. Lape asked Hays again to use his influence with Robinson, and Hays again said that he could only hope that Robinson might want to lead the fight. Again

nothing happened. In 1931 Lape and Hays designed a different approach to the matter. Hays won a resolution of support from the Arkansas Baptist Convention. It was not especially difficult. After all, the court had support from the Arkansas Legion, the bar association, and the Association of Womens Clubs. Hays had simply to indicate to the Baptists that an agency for the peaceful settlement of disputes was "in line with our general opposition to war."[32] Baptists had little direct input into the decision making process on Capitol Hill; so, the advancement of the cause was halting at best. In 1932 Hays gained a resolution from his Bible class in Little Rock and prepared to submit it to the Baptist general Convention of Arkansas. Finally, In November, the Arkansas Baptist Convention resolved without opposition that the senators from Arkansas should work for passage of a world court resolution in the current session. By then, Hays had had enough. When Lape asked him in January of 1933 to use his influence to win a resolution from the Arkansas legislature, Hays suggested that she contact Representative Ben Carter and Senator Sam Levine as sponsors.[33] Hays had other things to do.

Another facet of Hays' career, equally important with politics and reform movements, was an active participation in religion. For many politicians, especially in the South where religion was traditionally a stronger influence than in the rest of the United States, the rhetoric if not the reality of their profession incorporated the trappings of old-fashioned religion. A political career necessarily incorporated a religious element. Even Jeff Davis, the old-time populist from Arkansas, used the Bible vigorously as he waged his various campaigns against the sinful corporations and other dragons. But there was another type of Southern politician, less common although by no means

scarce, and it was within that tradition of sincere profession of religion within a political context that Brooks Hays belonged.

Hays' career, that of a Christian politician, strongly resembled that of the Southern Baptist governor of Arkansas, Charles H. Brough. Brough was born in Mississippi in 1876. After an education at Mississippi College and Johns Hopkins, he taught at Mississippi for two years. Then he earned a law degree at Mississippi, taught a year at Hillman College, and accepted a chair in economics and sociology at the University of Arkansas. There he remained until his election to the governor's office in 1916. Both in Fayetteville and in Little Rock he served as a deacon, and he taught a Sunday School class in Fayetteville. In 1918 his service to the Southern Baptist Convention won him election to its vice-presidency. It was during Brough's governorship that the Baptists won the fight for a state prohibition law, a fight which they had waged for two decades.[34] An educated Baptist who was successful both in politics and in the Southern Baptist Convention, Brough was a model for the young Hays, a balance to the other Baptist politician, Jeff Davis.

Hays had a more direct tie to the political Baptist in his father. Steele Hays of course was a Bible scholar. He also taught a class at the Russellville Baptist Church. His dominance of his son was such that the younger Hays early acquired the habit of attendance. Thus Brooks Hays was familiar with the subject of religion even though he failed to experience the fervent conversion so desired by many of his co-religionists. And Hays also had experience teaching Sunday School while at Fayetteville. It was no great miracle that Brooks Hays became a religious teacher once again when he moved to Little Rock in 1925.

While the Hays family was contemplating the decision as to which Little Rock church they should join, Hays received invitations from two churches to speak. One offered an assistant lectureship in its Bible class, while the Second Baptist Church offered only a guest speakership, a less permanent commitment. Hays agreed to address the class and chose as his subject matter temperence, prohibition, and the potential for a double standard by those who had both a spiritual and a secular life. Attendance was nearly perfect, and the message of the method proved appealing. The class members asked Hays to become their full-time teacher. During the twelve years that Hays taught, the class membership grew, and, as early as 1930, the class became officially the Brooks Hays Bible Class, a phenomenon which led Hays on numerous occasions thereafter to present his audiences with the humorous news that he was the only member of congress to be named for a Bible class.[35]

Like Hays, the class transcended the tendency toward narrowness common to socially conservative groups such as the SBC. During his tenure and later, the lessons attracted blacks, Jews, Catholics, and others not normally encountered in a Southern Baptist church. Class membership also stretched across class lines, and it incorporated reformed alcoholics with the socially prominent men of Little Rock. And, of course, the class was generous in its contributions to the SBC fund drives and to charities such as the Pulaski County Chapter of the Arkansas Tuberculosis Association, halfway houses, orphanages, and many other benevolent causes over the years.[36] As Hays himself put it in 1954, "our class teachers activated Christianity. It is not just a storm cellar from sin."[37] The association of Hays and the Hays class continued, although opportunity became less and less frequent as Hays moved on to

Washington, D.C., and national activity. But the experience of creating more than just a storm cellar was more important than the conjuction of the two forces.

Although his political career was less than spectacular in the years prior to 1933, Hays was not a loser. While failing with the electorate, he developed his image as a progressive party loyalist. He won a position of influence in his party, and he developed a reputation as a good friend, effective speaker, and useful man in any crusade. He even made a successful venture into leadership within his church, although leading a Bible class was not comparable to leading the millions of Southern Baptists. Small triumphs provided some compensation for the two unsuccessful races for governor. But there was a continuing need in Hays for money and success, and politics remained his chosen profession. As a means of employment and as a way to remain politically active, Hays leaped unhesitatingly into the New Deal when the opportunity arose. In the first New Deal Hays achieved the first true political successes of his career.

FOOTNOTES

[1]Helen Hill Miller, "Profile of a Man," in This World: A Christian's Workshop by Brooks Hays (Nashville, Tennessee: Broadman Press, 1958), pp. 1-3.

[2]Interview, Ronald Tonks with Brooks Hays, May 20, 1975, Nashville, Tennessee; Brooks Hays to Joseph T. Robinson, July 15, 1924, Joseph T. Robinson Collection, Library, University of Arkansas, Fayetteville, Arkansas; assorted newspaper clippings on the Ku Klux Klan in the United States, all dated 1923, Brooks Hays Collection, Library, University of Arkansas, Fayetteville, Arkansas; Miller, "Profile," pp. 3-4.

[3]Little Rock (AR) Arkansas Gazette, n.d., clipping in Brooks Hays Collection, Library, University of Arkansas; "Editor of Arkansas Gazette," typescript, n.d., Brooks Hays Collection, Library, University of Arkansas.

[4]Lee Reaves, "Highway Bond Refunding in Arkansas," Arkansas Historical Quarterly, II, No. 4 (December, 1943), pp. 316-318; B. U. Ratchford, American State Debts (Durham, North Carolina: Duke University Press, 1941), pp. 383-388.

[5]Brooks Hays to D. C. Long, August 9, 1928, D. L. Ford to B. Hays, August 17, 1928, Arkansas Gazette, August 7, 1928, clipping, Brooks Hays Collection, Library, University of Arkansas.

[6]Arkansas Gazette, August 7, 1928, clipping, Brooks Hays Collection, Library, University of Arkansas.

[7]Brooks Hays to J. A. Buskirk, July 13, 1928, B. Hays to J. A. Dickey, May 11, 1928, B. Hays to W. S. Biles, June 18, 1928, Arkansas Gazette, August 7, 1928, clipping, Brooks Hays Collection, Library, University of Arkansas.

[8]telegram, Luther Ellison to Brooks Hays, July 18, 1928, A. Hawkins to B. Hays, July 28, 1928, Brooks Hays Collection, Library, University of Arkansas.

[9]E. Glenn Hinson, A History of Baptists in Arkansas, 1818-1978 (Little Rock: Arkansas Baptist State Convention, 1979), pp. 233-236, 281-282; Interview, Tonks with B. Hays, May 20, 1975, Nashville, Tennessee; Interview, John Luter with Brooks Hays, June 27, 1970, Washington, D.C., copy in Archives, Dwight David Eisenhower Library, Abilene, Kansas.

[10]Brooks Hays to Robinson, July 16, 1928, Robinson to B. Hays, July 20, 1928, Joseph T. Robinson Collection, Library, University of Arkansas; campaign letterhead stationery, unknown newspaper clipping, n.d., "Men Versus Money," typescript, n.d., Charles X. Williams to O. H. McCullom, April 17, 1928, Brooks Hays Collection, Library, University of Arkansas.

[11]Steele Hays to James Hatchett, March 24, 1928, S. Hays to C. B. Oldham, March 24, 1928, Sid B. Walker to B. Hays, April 12, 1926 (sic), B. Hays to Walker, April 20, 1928, Brooks Hays Collection, Library, University of Arkansas.

[12]Steele Hays to Ernest Reeves, May 20, 1928, S. Hays to Amos Pledger, May 3, 1928, B. Hays to Sam N. Yancey, April 19, 1928, Yancey to B. Hays, April 12, 1928, B. Hays to G. E. Ripley, March 27, 1928, Brooks Hays Collection, Library, University of Arkansas.

[13]J. F. Koone to Brooks Hays, June 28, 1928, B. Hays to Ernest Reeves, July 2, 1928, Arthur Priddy to Reeves, July 19, 1928, Brooks Hays Collection, Library, University of Arkansas.

[14]J. L. Crownover to Brooks Hays, August 2, 1928, Priddy to Crownover, August 10, 1928, John Caughley to B. Hays, n.d., B. Hays to Caughley, July 3, 1928, George A. Cantrell to B. Hays, June 26, 1928, Brooks Hays Collection, Library, University of Arkansas.

[15]V. James Ptak to Brooks Hays, April 19, 1928, Gould (Arkansas) Advance, n.d., Oklahoma City (OK) Daily Oklahoman, August 17, 1928; Russellville, (AR) Daily Courier-Democrat, August 18, 1928, clippings, Brooks Hays Collection, Library, University of Arkansas.

[16]G. C. Hardin to Brooks Hays, August 17, 1928, Ernest D. Reeves to B. Hays, August 15, 1928, A. H. Henderson to B. Hays, October 4, 1928, Brooks Hays Collection, Library, University of Arkansas.

[17]Interview, Ronald Tonks with Brooks Hays, September 8, 1975, Nashville, Tennessee, Interview, Luter with B. Hays, June 27, 1970, Washington, D.C.; C. Armitage Harper, ed., Historical Report of the Secretary of State (Little Rock: Kelly Bryant, Secretary of State, 1968), p. 29.

[18]Atkins (AR) Chronicle, July 26, 1929, clipping, Brooks Hays Collection, Library, University of Arkansas.

[19]Interview, Tonks with B. Hays, September 8, 1975, Nashville, Tennessee; Blytheville (AR) Courier, July 29, 1929, Brooks Hays to George Walter, July 15, 1929, Tom D. Bullock to Ralph Phillips, et al., October 21, 1929, D. W. Gill to Bullock, October 29, 1929, J. J. Doyne to Bullock, October 24, 1929, Louis Taslowski to B. Hays, January 3, 1930, B. Hays to Taslowski, January 7, 1930, Brooks Hays Collection, Library, University of Arkansas.

[20]Pencil draft, n.d., Brooks Hays Collection, Library, University of Arkansas; Interview, Tonks with B. Hays, September 8, 1975, Nashville, Tennessee.

[21]Russellville Daily Courier-Democrat, August 13, 1930; clipping assorted correspondence, folder 8-90-103, Brooks Hays Collection, Library, University of Arkansas; Harper, Historical Report, p. 29.

[22]Interviews, Tonks with B. Hays, May 20, September 8, 1975, Nashville, Tennessee.

[23]Ibid; Harper, Historical Report, p. 29.

[24]Allen E. Freeze to Brooks Hays, October 10, 1928, W. J. Hutchinson to B. Hays, October 31, 1928, Brooks Hays Collection, Library, University of Arkansas.

[25]Interview, Tonks with B. Hays, September 8, 1975, Nashville, Tennessee.

[26]Ibid.

[27]Untitled manuscript, n.d., Brooks Hays Collection, Library, University of Arkansas.

[28]Interview, Tonks with B. Hays, September 8, 1975, Nashville, Tennessee; Baton Rouge (LA) State Times, December 3, 1932, clipping, Brooks Hays Collection, Library, University of Arkansas.

[29]Brooks Hays to Joseph T. Robinson, April 8, 1926, Robinson to B. Hays, April 14, 1926, Joseph T. Robinson Collection, Library, University of Arkansas; unknown clipping, "address to A.F.W.C., 1926," Scrapbook, Brooks Hays Collection, Library, University of Arkansas.

[30]V. W. St. John to Pyramid Life Insurance Company, January 20, 1928, Brooks Hays to St. John, January 31, 1928, B. Hays to Stephen T. Mather, January 31, 1928, B. Hays to William J. Driver, January 31, 1928, Brooks Hays Collection, Library, University of Arkansas; John Ise, Our National Park Policy; A Critical History (Baltimore: The Johns Hopkins University Press, 1961), p. 298.

[31]Brooks Hays to Joseph T. Robinson, November 26, 1928, Esther Everett Lape to B. Hays, October 4, 1928, B. Hays to Lape, October 9, 1928, Brooks Hays Collection, Library, University of Arkansas; Thomas A. Bailey, A Diplomatic History of the American People, Ninth edition. (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1974), pp. 629-632.

[32]Brooks Hays to A. M. Harrington, November 7, 1931, B. Hays to Esther Everett Lape, October 23, 1930, Lape to B. Hays, October 24, 1931, Brooks Hays Collection, Library, University of Arkansas; Joseph T. Robinson to B. Hays, November 29, 1928, Joseph T. Robinson Collection, Library, University of Arkansas.

[33]Esther Everett Lape to Brooks Hays, August 23, 1932, B. Hays to Lape, November 29, 1932, Lape to B. Hays, January 17, 1933, B. Hays to Lape, January 28, 1933, Brooks Hays Collection, Library, University of Arkansas.

[34]Hinson, Arkansas Baptists, pp. 216-217.

[35]Sam G. Harris, Brooks Hays Bible Class, 1910-1978, privately printed, 1978, pp. 4-5.

[36]Ibid., pp. 8-9, 11.

[37]Ibid., p. 14.

CHAPTER III

NEW DEAL, NEW OPPORTUNITY, 1933-1937

When the bottom fell out of the American economy in late 1929, among the worst hit areas were those which had been at the bottom for so many years before, areas such as agriculturally-dependent Arkansas. Already excessively burdened by debts acquired in the euphoria of the 1920s, Arkansans suffered as their principal source of income, cotton, fell from nearly 17 cents a pound to less than 6, a price below the costs of production. Even in 1929 Arkansans' per capita income was only 43 percent of the national average, and the drought of 1930 further hurt the economy. A year earlier the state had suffered record-shattering floods along the Mississippi River system; then in 1930 the summer rainfall in the state totaled only 35 percent of normal. Crops failed, money disappeared, and the crisis intensified. In January of 1931, the Red Cross reported that of 44 households examined in one area of Arkansas, 60 percent had food for no more than 48 hours, and five had no food at all. But the state was unable to deal with the problem, or with any other for that matter, Arkansas was poor, and in 1932 Arkansas became the only state to default on its obligations during the depression.[1]

The depression was an extremely painful experience for many Arkansans, suffering as they were from decades of neglect if not deterioration. But not all residents of the state suffered equally. For people such as Hays who had skills, connections, or luck, the depression

proved to be little different from the prosperous years of the 1920s. Lawyers and politicians tended to prosper as agents of the New Deal bureaucracies. Hays was no exception.

When Franklin Roosevelt became President in early 1933, he brought to the nation his commitment to finding solutions to its problems. Once again reform was on the national agenda. Given the magnitude of the crisis, the New Deal necessarily began with the recruitment of personnel to manage its programs. With an image as a reform politician and his service as Democratic National Committeeman, Hays was a natural choice for one of the new positions with the New Deal in Arkansas. Initially Hays hoped for more than just a bureaucratic position, but when his aspirations for political office proved futile once again, he accepted with eagerness the opportunity to serve the New Deal. During the four years of the first New Deal, Brooks Hays maintained his visibility as a reformer, created strong ties with the national and state reform Democrats, and made himself sufficiently important to both groups that he could venture into radical causes with impunity. Between 1933 and 1937, Brooks Hays established himself as a major figure in liberal Arkansas politics.

Appropriately, Hays' first action of the New Deal era was another unsuccessful political campaign. In 1933 there occurred a vacancy in the Fifth Congressional District of Arkansas. Congressman Heartsell Ragon resigned to become a Federal Judge, and with the virtually unbeatable incumbent removed from consideration, "many ambitious Arkansas politicians, who never would have considered running against Ragon, now weighed their chances".[2] Even before the campaign got underway, another vacancy altered the shape it was to take. State Supreme Court Justice

Jesse C. Hart died, and Governor J. C. Futrell appointed Chancery Court Judge C. E. Johnson to fill the vacancy temporarily. When several other judges indicated their intentions to run for the position, Futrell determined to insure Johnson's seat. The Arkansas governor called the state's Democrats together in May and asked them to forego a primary. Despite Futrell's argument that appointment of Johnson would save time and money which a primary would waste, the liberals, including Brooks Hays and Carl Bailey, fought for a primary. Although the convention voted for Futrell and Johnson's position, it provided by a margin of 326 to 241 that the primary was to determine the person to fill the seat of Ragon.

The controversy had an impact because it reaffirmed the primary system. But of more significance was that it complicated the race for congressman, both immediately and in the long run. Shortly after the convention, Sam Rorex entered the race, claiming that Futrell had endorsed him in return for his aid in winning votes for Johnson. Futrell denied that he had made such a commitment; so, David Terry joined Hays and Rorex in a three-man race with no man having the edge of the governor's endorsement and influence.

By the time of the primary in September, Futrell had decided to back Rorex. From Washington, D.C., Joe Robinson only observed, but he allowed his subordinate, the collector of internal revenue for Arkansas, Homer Adkins, to support Rorex openly. Terry held a strong base in Little Rock, and Hays had a loose alliance with Carl Bailey, prosecuting attorney for Pulaski County. In the primary voting Hays sprang to an early lead, Terry ran second, and Rorex lagged behind a distant third. Twenty years later the _Arkansas Recorder_ described what happened next.

In the recollection of a machine veteran, the election was decided as follows:

> Two of us decided to take the returns over a special phone at a club east of North Little Rock. It was not long until we saw what was happening. Hays was running neck and neck with Rorex outside of Pulaski County where Hays and Terry were both leaving him far behind. I looked at my friend and he looked at me--he sais (sic), "Are you thinking what I'm thinking? I replied that if he was thinking Sam could not make it in the run-off, I was right behind him. 'Let's go and see Homer (Adkins), he said. We did. Finally it was agreed that we should make a deal that would put Terry in the run-off with Hays. That involved dispatching several runners to other counties and one of them always gets a laugh by quoting a veteran politician as complaining about dawn: 'I've been stealing votes from Brooks all night and giving them to Sam, and now I've got to take them from Sam and give them to Dave.'[3]

With all of the votes in, neither Hays nor Terry had a majority of the total vote. Thus they faced a run-off in accordance with the double primary law which had replaced the old system under which Hays lost to Parnell in 1928. With the situation reversed, Hays protested that he had won outright, but the two weeks between the primary and the run-off were insufficient time to present the matter before a court. Therefore, Hays faced Terry in the final confrontation to determine who was to be the automatic winner in the regular congressional election.

Having lost Rorex, the federal and Futrell factions united in opposition to Hays by backing Terry. With support from such sources, Terry won by 9,776 votes to 9,151. His margin of victory came from the voters of Yell County. In one extreme instance a township in the county with fifteen paid poll taxes recorded 122 votes, all for Terry. Obviously, something was unsavory in Yell County. Hays got the Pulaski County Circuit Court to impound the ballots and election records from Yell County. The court also accepted a petition from Hays which asked that the Democrats refrain from certifying Terry as the winner. That

action led Terry to appeal. After Hays filed a supplemental motion challenging 3,000 votes for Terry, Terry retaliated by challenging 5,000 votes for Hays, arguing that those votes were not cast by legitimate Democrats.

Terry gained his inspiration from the special election for supreme court justice, the Johnson case. In that contest Johnson faced opposition despite being handpicked by the Democrats. Johnson bested his opponent by a margin of two to one, but the issue went beyond the race. For both sides claimed to be Democrats, even the backers of the losing and non-sanctioned candidate. Many local Democratic committees decided that voters who opposed the Democratic nominee, Johnson, were either independents, Republicans, or worse. They were no longer in the Democratic fold. Not being Democrats, they were ineligible to participate in the Democratic primary to select the new fifth district congressman. However, many opponents of Johnson voted in the congressional race; it was those voters whom Terry challenged. Unfortunately for Hays, a tactical error on his part made the question moot in 1933.

In presenting his second petition, Hays made the mistake of withdrawing his first. That action allowed the court to rule not on the merits of the second petition but on procedure. The court determined not to rule on the first petition because it was withdrawn and not to rule on the second because it was not filed within twenty days of the election. The issues of who was truly a Democrat and to what extent ballot box stuffing was a problem fell by the wayside. Believing the victory rightfully his, Hays lost again. As always, his defeat had results beyond simply keeping Hays from office. The double primary law was repealed in 1934; in the future the person with the most votes

became the nominee. Also, the election of 1933 established two factions in Arkansas for the next ten years. Hays and Bailey were to oppose Adkins and Futrell again and again.[14]

Thus, in 1935 Brooks Hays had achieved a remarkable record. Three times he had sought elective office, and three times he had failed. The only break in his pattern of defeat came in his race for the comparatively minor position as national committeeman, a position which brought little prestige and no money to the thrice-failed politician. But Hays used that base to overcome his image as a loser and a no longer relevant politician. From the committee, he reached out and grabbed the New Deal, and service to that phenomenon made him again politically viable by the time it yielded to World War II.

Under the National Industrial Recovery Act (NIRA), industries were to establish codes of conduct for their members and their employees. In each state the faithful observance of those codes was the responsibility of the labor compliance officer. Hays gained the position of labor compliance officer for Arkansas in early 1934. Even that position went to Hays only after opposition.

Elmer Grant, President of the Executive Board of the Arkansas Federation of Labor, sent a telegram to Joe Robinson on February 12, 1934, in which Grant indicated that the federation opposed Hays, preferring that the position go to a true labor man, specifically Horace M. Thackrey, secretary-treasurer of the Arkansas Federation of Labor. Robinson told Grant that the complaint was too late. Hays won the appointment before the protest of labor arrived at its destination. Beyond that item, Robinson told Grant that Hays was sympathetic to labor. As evidence, Robinson cited the fact that Hays had earned the

endorsement of several labor organizations for a position as assistant secretary of labor. A newspaper report of the controversy noted that Hays won recommendations from Frances Perkins, Roosevelt's secretary of labor, and from the National Labor Board, the agency which supervised compliance officers. And Hays reacted to the protest from labor by indicating that he looked forward to an interesting job and hoped to protect the interests of labor in accordance with the National Recovery Administration (NRA) codes. Also, he gained the job in part because neither of Arkansas' senators, Joe Robinson and Hattie Caraway, chose to intervene against him in the matter. Thus, Hays had a federal job and an income of $4,500 a year.[5]

Hays' first task as labor compliance officer was to explain to office seekers why he had no jobs for them. In the spring of 1934, jobs were scarce in Arkansas as well as the rest of the country. Everyone who had the slightest claim tried to get one of the new positions rumored to be available from the labor compliance officer. Guy Williams asked a job for his wife's brother; Hays had nothing. George B. Welch needed a job because his work in the Civilian Works Administration (CWA) was ending; he asked Hays for employment first with the National Emergency Council, then as a field adjustor for the NRA, but Hays had nothing, only a dim hope for a later opening. E. F. Simmons, pastor of the Second Baptist Church in Conway, had nine children and a monthly salary of $40.00 which his flock had not paid to him in two months. He still had his car, but he needed a job; Hays had nothing. Even Joe G. Walker who had not worked in a couple of years was unable to get a job from Hays. Hundreds more of the depression-damaged citizens of Arkansas--from virtual illiterates to super-salesmen--wrote in their desperation

to Hays, hoping that the rumors of new jobs might be true. The rumors were without substance.[6]

But Hays' job itself was rewarding, even though the NRA codes failed to protect all workers sufficiently or equally. In some cases Hays used his old political connections to advantage, as in the case of a complaint from William E. Terry. According to the complaint, a certain Mayme Louise had taken a test for mimeo operators in November of 1933. Late in January of 1934, she had received no word of her score, and Terry asked asked Hays to find out why. To expedite the matter, Hays asked Caraway to check into it. Apparently Terry was satisfied, but the record fails to indicate whether Mayme Lousie passed the test or got a job. In instances such as that of the Maid-Well Garment Company of Forrest City, Hays used his own power to its limits. Receiving complaints against Maid-Well, Hays ordered the company to pay the minimum wage ordered by code number 118, the Cotton Garment Industry Code of the NRA. He forced the company to pay back wages when he expressed a willingness to sue if compliance were delayed; however, he was unable to get back the jobs of fired black workers because his powers did not extend that far.[7]

The NRA died at the hands of an unfriendly United States Supreme Court, and Hays was once again unemployed in 1935. But a new agency was coming into existence, an agency which Hays was to serve with distinction and an agency which was to prove of much more significance to agricultural Arkansas than was the NRA. The agency was the Resettlement Administration (RA), and its mission was to improve conditions for America's tenant farmers. As early as 1880, as the census of that year indicated, a nation of small farmers was disappearing. But most

Americans failed to recognize the situation in which an increasing number of their compatriots were being dispossessed of their birthright. While most benefitted from the urbanization and industrialization of the nation, more and more people in the agricultural sector found themselves becoming servants rather than masters of the land. Tenancy, sharecropping, and other forms of peonage became the fate of an increasing number of farmers. For example, in 1880 tenancy was the lot of 36.2 percent of the farmers in the South. By 1930 the percentage had grown to 55.5 for the entire South and an estimate of more than 60 percent in the Cotton Belt.[8]

By themselves percentages are meaningless, but 60 percent translated to more than one million white and almost 700,000 black tenant farmers. Based on average family sizes, five and one half million white and three million black men, women, and children suffered the ill effects of tenancy. Among those ill effects were "large families of tenants or croppers or hired farm laborers...living in houses of two or three rooms," houses which were commonly poorly built, "weather-beaten," with leaky roofs and unscreened windows, and often with not even an outdoor privy, much less indoor facilities.[9] Within those hovels resided persons who were "chronically undernourished" and barely clothed.[10] Then came the Great Depression.

Already suffering greatly, Southern tenants had little to maintain themselves when cotton prices became meaningless. They had nothing to soften the blow when the acreage reduction measures of the Agricultural Adjustment Administration (AAA) forced the plowing under of their cotton. They had no recourse when they were forced to become part-time wage workers or forced to become transients after the landlords ended

their tenancy. After the onset of the depression, most tenants had nothing.

According to Rupert Vance of the University of North Carolina, one of the most knowledgeable men of the period about the problems of tenancy, "One obvious reason for the wholesale neglect of the tenant [lay] in the fact that the Agricultural Adjustment Administration organized its program under the direction of the planters themselves."[11] But the New Deal was intended to help all who were in need. Thus, the administration established programs to deal with the plight of tenants. While the AAA and other programs attempted to deal with the problem of chronically low agricultural prices, more radical programs came into existance to deal with the poverty, disease, and backwardness of tenancy. Experimental, the New Deal at first attempted to resolve the problems on an ad hoc basis. In 1933 a provision of the NIRA authorized money for subsistence homesteads. The Federal Emergency Relief Administration (FERA) created new communities for relocated farmers and gave emergency payments to distressed agricultural workers to keep them off of relief. But those and other programs lacked central direction. On April 30, 1934, by executive order, Franklin D. Roosevelt created the Resettlement Administration with responsibility for "rural rehabilitation, land use planning and the retirement of submarginal lands, and rural and suburban resettlement communities."[12]

The new agency required personnel. Hays thus became one of the young humanitarian politicians who served the tenant programs and helped to publicize them both in Little Rock, Arkansas, and in Washington, D.C. Although his father prospered as a lawyer in the small farming community of Russellville, Hays learned early that not all were so fortunate. As

mentioned earlier, summer visits to his penuriously living grandmother exposed Hays to a more difficult style of life. Reinforcement came to him when he visited the many relatives who had not been so fortunate as his father. Most of Hays' cousins were simple farmers eking out an existence without frills. Hays' exposure to poverty was one source for his concern for the poor. Other considerations, which translated that concern into activity, were a humanitarian father and an active involvement in the local Baptist church. Poverty, parents, and religion formed in Hays that compassion for the less fortunate which dominated his life. To Hays, it was not charity; it was necessity.[13] Indicative of his continuing interest in the poor was his service for two terms in the early 1930s as president of the Arkansas Conference of Social Workers.[14]

In 1934 Hays was in Washington, D.C., to seek a speaker for the annual convention of the Arkansan Conference of Social Workers. His position as Democratic national committeeman provided his introduction to Rexford G. Tugwell of the RA. Initially the connection meant nothing, but it paid dividends in 1935 when Hays became "disillusioned, disenchanted" with his role in the NRA because of what he perceived as probably unconstitutional extensions of governmental functions by that agency.[15] When Henry Wallace of the Department of Agriculture asked him to report on conditions in Arkansas, Hays was happy to oblige.

The trip through eastern Arkansas gave Hays a good understanding of the problems of cotton tenancy. Hays first picked up two hitchhikers, one a renter and the other a tenant. The renter had 106 acres which he worked with one tenant and a tractor rather than the two tenants of the previous year. He was satisfied, but the tenant saw the other side of

the picture; he said, "there was plenty of work and what I don't understand is why it ain't that way now, 'cause the land is still here."[16] After that, Hays talked with a merchant whose sales were down. Again the report was of men seeking work. Down the road, Hays heard tales of absentee ownership, tenant unrest, racial discrimination, and poverty. He talked to 19 people in all and reported on their problems. He suggested solutions including, among others, some method of resolving disputes between tenants and owners and access to the courts for tenants with legal disputes, resettlement of displaced farmers near cities at a cost capable of being borne by the relocatees, federal coordination of programs with the states, black education, and ownership of the land by those tenants who were capable. Finally, he said,

> The whole subject of making the tenant farmers an independent and productive class, (sic) should be administratively recognized and the facilities of every appropriate federal agency should be invoked in the development of a plan for elevating the lives of this vast group of American citizens.[17]

Two months later, in June of 1935, Hays received an invitation to join the RA.[18]

Hays joined the agency and became one of its publicists. In one of his standard speeches, he restated the history of tenancy--the increase since 1880, the 42 percent of American farmers in that category, the concentration of two-thirds of the tenants in the South. Then Hays listed the causes of tenancy--the historical speculation on the frontier, the destruction of soil fertility by natural causes, and the economic problems caused by absentee ownership, poor credit, and low incomes. Hays then reminded his audience of the report of the president's commission on tenancy that "While two out of three tenants in the South are white, four out of five negro farmers are tenants."[19]

After discussing the magnitude of the problem, Hays began to sell the RA. He mentioned the 12,000 farmers in Alabama whose individual net worth grew from $3.00 to $362.00 in two years because of help from the RA. Speaking of their rehabilitation, Hays noted that in that area "some folks think the word is 'rehave' and I submit that this literal interpretation of the good Latin word is quite significant. Let's keep up the work of helping people to rehave. . . ."[20]

Or, as he told a Hot Springs, Arkansas, audience, "when [farmers] reach the end of their rope, they appeal to the Resettlement Administration, which undertakes to help them to help themselves."[21] RA spokesmen stressed that helping farmers to help themselves produced results such as those reported by Mrs. Nettie Clay of Bearden, Arkansas. As Mrs. Clay wrote:

> It is 11:30 a.m.--the last clothes are in to boil. . .Now for a quick lunch, then finish the wash. The fire is built in the stove, and as I turn away to get things together for a meal, a car stops at my gate and unexpected guests arrive. Do I have to give the usual short washday dinner? No, indeed. From my storage pantry, which was built under the guidance of the home supervisor [from the RA] and in which are stored some 1,500 jars and cans of food, I quickly select materials for a balanced meal worthy of the most exacting appetites.[22]

Although critics claimed that the programs tended to help only easily salvageable middle class farmers rather than rehabilitating the hard core poor such as tenants, supporters of the agency, Hays included, stressed that the virtue of the RA was that it helped people to become once again self-respecting. It was not charity; it was necessity.

Hays appealed to the general populace, but he also appealed to special interest groups. For example, in 1935 he spoke to the Christian Rural Fellowship on the evils of absentee ownership. He said, "Absentee ownership means the continuation of poverty. It is the curse of

Southern agriculture." Furthermore, "Religion is needed in the delicate task of bending the rigid rules of law pertaining to the land, making the rules responsible (sic) to human needs." Hays reminded his listeners that "Man is the center of our interest. His welfare is above everything else."[23] The basic message was that "The earth is the Lord's," and "as a Christian [the user of the land] must seek to place the personal relations of the contract above technical rights."[24] A Christian had the obligation to support the RA.

In his home state, Hays became a bridge between the New Deal and Governor Carl Bailey. Hays suggested that tenant legislation was desirable on the state level. The Washington New Dealers drafted the legislation and sent it to Hays. He gave it to Bailey who used his influence in the state legislature to enact it. Again, when Hays asked Bailey to investigate the problem of exploitation of tax forfeited lands which were sold at scandalously low prices, the governor appointed a commission in 1936 which included Hays as spokesman for the Washington viewpoint. The recommendations of that commission, the Arkansas Farm Tenancy Commission, became the basis for the State Land Policy Act of 1939.[25]

Among the commission's recommendations were solutions to the full range of problems associated with tenancy. Federal and state assistance in the construction of adequate housing was of vital concern. Also, the committee called for a state donation of seed, equipment for food preservation, and instruction about the need for a better balanced diet, how to can, and why gardens should be planted on otherwise idle land. Education was also a key, with the committee advocating practical how-to courses as well as lessons in the value of cooperation and responsible

citizenship. Specifically, the report stated that education was equally important for black and white persons. Health instruction and free clinics financed by matching funds from state and federal governments were the recommended solutions to the traditional problems of malaria, pellagra, tuberculosis, and hookworm. And the report spent a considerable amount of space on the problems of relations between tenants and landlords, recommending longer leases, better accounting procedures, and other means of making the relationship more equitible. Solutions to the crisis of overpopulation on farms included a slower pace of mechanization and an increase of industrial development so that displaced farmers might be absorbed into the cities gradually as jobs became available.[26] The report dealt with all aspects of the problem. The state legislature accepted its ideas, but effective implementation of such a far-reaching program required money and time. In the crisis of the depression years, many became impatient and demanded a faster, more radical, potentially revolutionary solution to the problems. One solution which Hays tested was Christian socialism.

In the fall of 1934, Hays involved himself with the National Religion and Labor Foundation (NRLF). Between November 9 and 11, the NRLF met at Paris, Arkansas, to discuss the woes of their world. Delegates to the conference stayed in the homes of miners, tenants, and poor blacks while they worked together to solve the problems of their hosts. The conference consisted initially of testimonials and witnessing about the rocky road along which the downtrodden and exploited masses traveled. One member of the employing class had the honor of discussing his plight; however, reports of his speech were hostile. The next day the foundation members toured the mines and fields. The climax

of the meeting came with an evening of speeches. First a speaker from Commonwealth College, the workingman's socialist academy at Mena which was closed in 1940 because of radical and somewhat communist sympathies, attacked the capitalist system. Then Hays spoke about the importance of religion. Success, to Hays, was a matter of knowing goals and making the sacrifices necessary to attain them.[27]

Clearly the NRLF was something more than might be expected to attract a conservative Arkansan. But Hays was more. The Christian socialism of the NRLF and its attempts to educate the people of eastern Arkansas, even in the face of opposition from employers who had successfully driven union organizers from the region, were well received by the needy of the area and by the New Deal lawyer, Brooks Hays. He translated his enthusiasm into action, forming a chapter in Little Rock within two months of his exposure to the organization at Paris. That service earned him an offer from Willard Uphaus to take the chairmanship of the chapter. Hays was enthusiastic about the organization but unsure about so overtly tying himself to such a shaky organization. He preferred more freedom of movement for himself in his crusades.[28] However, his connection with the NRLF led him easily into an involvement with Claude Williams, a link with the Southern Tenant Farmers Union which led back to the New Deal.

Claude Williams was a graduate of Vanderbilt, an ordained Presbyterian minister, and director of Commonwealth College. According to H. L. Mitchell of the Southern Tenant Farmers Union, Williams was also a card-carrying Communist, and he was eventually expelled from the STFU on that charge. In the early 1930s Williams' religion and his politics led him to work actively with the struggling United Mine

Workers District Twenty-one and with the unemployed of western Arkansas. Early in 1935 Williams spoke before a group of men who were protesting the lack of fairness in their treatment by relief agencies. For his actions, he was jailed on charges of barratry, habitual provocation of arguments. His incarceration led to strong protests from the American left. Uphaus wrote to Hays on January 30, enclosing a letter of protest addressed to Harry Hopkins. Reminding Hays that Williams was highly respected and trusted by the working people of Arkansas, Uphaus asked Hays to write Hopkins, too. He also mentioned that his organization had petitions representing the protest of 80,000 workers. On February 19, Uphaus again contacted Hays seeking information about the condition of Williams in the Fort Smith jail. The same day Hays received a telegram from New Haven, Connecticut, informing him that concern in that area had caused the writers to seek aid from both the governor of Arkansas and Hays. Nothing helped. Hays sought information from the Fort Smith Red Cross and prepared a defense team for Williams. But he was unable to do anything when bond was set at $1,200. Even Rose Terlin of th YMCA asked what students might do to help. The answer was nothing because Williams was in jail and due for a trial.[29]

On February 21, Hays learned that Williams was in deep trouble. Not only was he in jail, but he faced hostility from both police and the people of Fort Smith. The police claimed that Williams had anarchistic literature in his home and that he had impersonated a government officer. Fort Smith had recently been the site of the conviction of another man on a similar literature charge; so Williams was in a difficult situation. The next day he went to trial--a sham lasting but five minutes--and received a sentence of 90 days and a $100 fine for

barratry. More than a dozen men had endured arrest with Williams, but after convicting one man of anarchy and Williams for barratry, the prosecutor and judge dropped the charges against all others.

Probably one element in the persecution of Williams was his overt association with blacks. He even invited them into his home, a violation of the mores of white Arkansans. However, Economic Justice, the radical Arkansas newspaper, ignored that factor when it reported the case. Under the headline "Claude Williams Framed and Imprisoned," the newspaper claimed that Williams was arrested on a "trumped up charge of barratry," but all that he was doing in Fort Smith was organizing striking relief workers against a pay reduction from thirty cents to twenty cents an hour. Also, he was attempting to establish a "New Era" school, that is an agency to educate workers in the Christian socialist orthodoxy concerning political and economic issues.[30]

Of course, Williams appealed his conviction. Norman Thomas, perennial candidate for president on the Socialist party ticket, encouraged Hays to use his influence to have the case dropped. Finally in May Hays informed Thomas that the prosecutor had agreed, and Williams was to go free. Hays also told the socialist that the NRLF was as firm as ever in its commitment to the fight against the abuses associated with cotton culture. When Thomas wrote to Hays that "the cotton country, at least in the eastern part of the state, is more cruel and barbarous than any place I've ever seen," Hays was unable to disagree. His sympathies lay with the tenants and with Claude Williams in his "courageous fight for the workers in his section of Arkansas.[31] When Hays went to Washington, D.C., the Southern Tenant Farmers Union leadership followed him into the Resettlement Administration with clear evidence of the cruelty of the cotton region.

In January of 1936, under pressure from his neighbors, H. C. Dibble of Parkin, Arkansas, evicted nearly 100 of his tenants because of their membership in the STFU. In reaction to the evictions, the STFU established a tent colony near a road to publicize the plight of tenants homeless in winter. Owners reacted by evicting tenants by the thousands, leading Dr. William Amberson of the STFU to circulate a memo to H. L. Mitchell and Howard Kester of the organization, a memo which stated in part that "the utter brutality and callousness with which the planters are throwing off families is beyond belief."[32] While the evictions continued, the STFU held a meeting in the Methodist church near Earle. Two deputies entered the church, and the sharecroppers panicked. One grabbed a gun. He received a beating and a trip to jail for attempting to murder a deputy. The deputies returned to the church, shot and wounded two tenants, and arrested three more. The STFU members expected the trials to be just because there was a witness, Willie Hurst, who was willing to testify against the deputies, but Hurst died by a bullet from an unknown assailant, after which no inquest met. Without his testimony, the STFU member first arrested, James Ball, received a sentence of seven years, a term later reduced to one. On the day after the events at Earle, Kester and others met in the colony near Parkin. Again deputies attacked the meeting, and again they beat several tenants, accompanying their blows with threats that resistance might lead to another Elaine massacre. The STFU disappeared from eastern Arkansas, but violence and evictions continued.[33]

Mitchell and Kester went to Washington seeking help for the dispossessed tenants of Arkansas. On January 25, they and Jackson met with Rex Tugwell, Will Alexander, and Brooks Hays of the RA. The STFU

leaders described the crisis in Arkansas and requested a RA project for the dispossessed tenants. Hays indicated that there might be legal complications because the RA had rigid procedures and normally selected its clients on an individual, not a collective basis. Also, the waiting list for positions on the collective farms was normally long. However, Hays, Alexander, and Tugwell concurred that immediate relief was easily arranged through the WPA. The three also called on regional RA director, T. Roy Reid of Little Rock, to expedite the creation of a producers cooperative, the long term solution to the problem. But the provision of relief by the WPA encountered problems. Floyd Sharp, head of the WPA in Little Rock, delayed taking any action because he feared to alienate Joe Robinson--the senator was hostile to both the New Deal and the STFU--and employees in the Little Rock office distorted their reports to Aubrey Williams in the national headquarters of the WPA. Not until Williams conducted his own investigation into the treatment of STFU members by the WPA was relief begun for the dispossessed tenants. But the New Dealers in Arkansas declined even then to help the STFU with any great enthusiasm. As a practical matter, virtually no benefits went to the STFU from either the RA or the WPA, but finally the Farm Security Administration provided crop loans and relocation assistance to the evictees.[34] Meanwhile the terror in Arkansas led to national reactions.

On capitol hill liberals such as Vito Marcantonio of New York and Maury Maverick of Texas considered introducing an anti-terrorism resolution. The American Civil Liberties Union (ACLU) and the Federated Council of Churches of Christ in America called for an investigation of conditions in Arkansas. A report of the National Labor Relations Board (NLRB) indicated that the Wagner Act, despite its clearly defined

protections of such groups as the STFU, was pointless without congressional willingness to expose violators; implicitly the NLRB report challenged the congress to examine the plight of the tenants even over the objections of the Arkansas delegation. In a symbolic gesture of support, liberals of all persuasions hosted a dinner in honor of the STFU at the Cosmos Club in Washington, D.C. To that dinner, Kester brought a battered and bandaged sharecropper. To some of those present, the action seemed nothing more than a cheap propaganda trick, but Hays stood among those who regarded the gesture as honest and proper.[35]

Hays backed the STFU, an organiztaion whose members contended that the solution to the problems of tenancy lay in collective ownership of the cooperative farm's lands. Such a stance by Hays was not surprising because he already belonged to other organizations which advocated that view. One of those organizations was the Southern Policy Conference. Between April 25 and 28 of 1935, in Atlanta, Georgia, Southern liberals met to "prepare the way for intelligent political action" including the Bankhead-Jones farm tenancy bill, cooperative farms, governmental ownership of transportation, utilities, insurance, and credit, and socialized medicine and hospitals. Some members of the Conference, including its vice-chairman, Brooks Hays, advocated close ties to the World Court and the League of Nations.[36]

Not to be confused with the Southern Policy Conference, although it shared many of the same goals, was the Southern Policy Committee of Washington, D.C. The Atlanta conference lobbied for rural rehabilitation and indicated displeasure with those legislators such as Josiah Bailey and Cotton Ed Smith who opposed such vital remedies. The committee did much the same. Comprised of such Southern reformers as

Maury Maverick of Texas, John McClellan of Arkansas, Joe Starnes of Alabama, Albert B. Chandler of Kentucky, Lister Hill of Alabama, and Brooks Hays, the group met informally to reinforce its advocacy of rural electrification, tenancy laws, and resettlement. Its members used their influence in congress to promote the goals of the Atlanta conference, excepting the socialist ones. The unit met regularly until June of 1937 when other duties kept the members from meeting. Its claimed successes included a successful lobbying effort which resulted in passage of the Bankhead-Jones Farm Tenancy Act of that year.[37]

The Bankhead-Jones act was a landmark piece of legislation for tenant farmers. It attempted to combine all the previous New Deal programs into one manageable package directed by one agency, much as the RA had done. Also, the act formulated new, more radical programs as the pressures from the left forced Roosevelt into a more liberal stance. The second New Deal was a period of increasing concern for human needs, unlike the first which had tended to concentrate on economic revival for all sectors of America. During the second stage of the depression, the New Deal came to be more consistent with the concerns of Brooks Hays.

But the first phase was not a time of failure or frustration for Hays. Despite another failure to win political office, he was able successfully to serve his constituents. Both the NRA and the RA accomplished something. Each acknowledged the needs of its clients, and each attempted in a limited way to improve the conditions of life for those who were hard hit by the depression. Hays was able to see clear signs of progress, even if that progress was too slow. And prominence in the two agencies allowed Hays to pursue more extreme causes. His ties to the NRLF and STFU helped to reduce the radical image of those

organizations, and he proved a useful go-between on the occasions when the New Deal and the radicals dealt with one another. The most solid accomplishment of the period was the inclusion of the tenancy commission's recommendations in the body of Arkansas law. Beyond Arkansas, Hays was able to use those recommendations effectively when he lobbied for national laws of comparable scope. Between 1933 and 1937 Hays established the positions, the contacts, and the interests which were to come to fruition during the years of the second New Deal.

FOOTNOTES

[1]Harry S. Ashmore, Arkansas: A Bicentennial History (New York: W. W. Norton & Co., 1978), pp. 165, 182; George Brown Tindall, The Emergence of the New South, 1913-1945 vol. X of A History of the South, Wendell Holmes Stephenson and E. Merton Coulter, eds. (Baton Rouge: Louisiana State University Press, 1967), pp. 355, 368, 474.

[2]David Ellery Rison, "Arkansas During the Great Depression" (unpub. PH.D. thesis, University of California, Los Angeles, 1974), pp. 87-88.

[3]Little Rock (AR) Arkansas Recorder, June 27, 1952, cited in Rison, "Depression Arkansas," p. 88.

[4]Ibid., pp. 88-93.

[5]newspaper clipping, January 8, 1935, Scrapbook, telegram, Elmer Grant to Joseph T. Robinson, February 12, 1934, Robinson to Grant, February 15, 1934, newspaper clipping, n.d., Brooks Hays to A. J. Altmeyer, April 10, 1934, Brooks Hays Collection, Library, University of Arkansas, Fayetteville, Arkansas.

[6]Guy E. Williams to Brooks Hays, February 7, 1934, B. Hays to Williams, February 9, 1934, George B. Welch to B. Hays, February 4, 1934, B. Hays to Welch, February 9, 1934, Welch to B. Hays, March 19, 1934, B. Hays to Welch, March 23, 1934, E. F. Simmons to B. Hays, February 4, 1934, B. Hays to Simmons, February 10, 1934, Joe G. Walker to B. Hays, February 6, 1934, Brooks Hays Collection, Library, University of Arkansas. These letters are by no means the total of the pleas for help. The Hays collection includes at least one hundred more in folders 2-3-38-9 to 2-3-38-13.

[7]William E. Terry to Brooks Hays, January 20, 1934, B. Hays to Terry, January 30, 1934, B. Hays to George Edward Haynes, September 14, 1934, Brooks Hays Collection, Library, University of Arkansas.

[8]Charles S. Johnson, Edwin R. Embree, and W. W. Alexander, The Collapse of Cotton Tenancy: Summary of Field Studies & Statistical Surveys, 1933-35 (Chapel Hill: University of North Carolina Press, 1935), pp. 4-5.

[9]Ibid.

[10]U.S., Congress, House, Report of the President's Committee on Farm Tenancy, H. Doc. 149, 75th Cong., 1st sess., 1937, pp. 7-8.

[11]Ibid., p. 8.

[12]Johnson, Embree, and Alexander, Collapse of Cotton Tenancy, p. 51.

[13]Tindall, Emergence of New South, p. 423.

[14]Interview, Author with Brooks Hays, March 25, 1979, Little Rock, Arkansas.

[15]Brooks Hays, A Southern Moderate Speaks (Chapel Hill: University of North Carolina Press, 1959), p. 9; "Conference Gives Legislative Aims," newspaper clipping, n.d., Brooks Hays Collection, Library, University of Arkansas.

[16]Interview, Author with B. Hays, May 12, 1979, Fayetteville, Arkansas.

[17]Brooks Hays, "Memorandum for Mr. Porter," April 15, 1935, Records of the Agricultural Stabilization and Conservation Service, Record Group 145, National Archives, Washington, D.C.

[18]Ibid.

[19]Interview, Author with B. Hays, May 12, 1979.

[20]Brooks Hays, "Farm Tenancy in the United States--Its Extent and Remedies," typescript with handwritten notation "revised for Okla. City," n.d., Brooks Hays Collection, Library, University of Arkansas.

[21]Ibid.

[22]Brooks Hays, "Talk by Brooks Hays over KTHS, Hot Springs," April 4, 1936, Brooks Hays Collection, Library, University of Arkansas.

[23]Ibid.

[24]Brooks Hays, This World: A Christian's Workshop (Nashville, Tennessee: Broadman Press, 1958), pp. 27-28, 35, 40; Brooks Hays, "Farm Tenancy and the Christian Conscience," Christian Rural Fellowship Bulletin, no. 9 (February, 1936), pp. 1-4.

[25]Hays, This World, pp. 35, 40.

[26]Arkansas State Policy Committee, Agricultural Labor Problems in Arkansas, Published Paper Number 1, October 31, 1936, copy in Records of the Office of the Secretary of Agriculture, Record Group 16, National Archives, Washington D.C., pp. 26-34.

[27]Economic Justice, vol. 3, no. 2, (December, 1934), copy in Brooks Hays Collection, Library, University of Arkansas.

[28]Willard E. Uphaus to Brooks Hays, January 30, 1935, B. Hays to Uphaus, February 4, 1935, Brooks Hays Collection, Library, University of Arkansas.

[29]Willard E. Uphaus to Brooks Hays, January 30, 1935, telegram, Uphaus to B. Hays, February 19, 1935, Robert Calhoun, et. al. to Brooks Hays, February 19, 1935, B. Hays Jean Montague, February 19, 1935, Uphaus to B. Hays, February 20, 1935, telegram, B. Hays to Uphaus, n.d., Rose Terlin to B. Hays, February 20, 1935, Brooks Hays Collection, Library, University of Arkansas; David Eugene Conrad, The Forgotten Farmers, The Story of Sharecroppers in the New Deal (Urbana: University of Illinios Press, 1965), p. 92.

[30]Cleveland Holland to Brooks Hays, February 21, 1935, Economic Justice, vol. 3, no. 4, (February, 1935); copy in Brooks Hays Collection, Library, University of Arkansas.

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[32]Memorandum, William Amberson to H. L. Mitchell and Howard Kester, n.d., Southern Tenant Farmers Union Collection, Southern Historical Collection, Library, University of North Carolina, Chapel Hill, North Carolina; Donald H. Grubbs, Cry from the Cotton, the Southern Tenant Farmers' Union and the New Deal (Chapel Hill: The University of North Carolina Press, 1971), pp. 88-89.

[33]Grubbs, Cry from Cotton, pp. 90-92.

[34]Hays manuscript diary, January 25, 1936, Brooks Hays Collection, Library, University of Arkansas; Donald Holley, Uncle Sam's Farmers, The New Deal Communities in the Lower Mississippi Valley (Urbana: University of Illinois Press, 1975), p. 191; Grubbs, Cry from Cotton, pp. 94-95.

[35]Grubbs, Cry from Cotton, pp. 96-97.

[36]Southern Policy Conference, Report of the Southern Policy Conference in Atlanta, April 25-28, 1935, pp. 3-4, copy in Brooks Hays Collection, Library, University of Arkansas.

[37]Hays manuscript diary, March 19, 1936, Lister Hill to John J. Sparkman, June 22, 1937, Brooks Hays Collection, Library, University of Arkansas; Paul E. Mertz, New Deal Policy and Southern Rural Poverty (Baton Rouge: Louisiana State University Press, 1978), pp. 144-145.

CHAPTER IV

NEW DEAL, NEW OPPORTUNITY, 1937-1941

After the initial flurry of activity without direction and with the sole purpose of immediate amelioration of longstanding problems, the New Deal began to develop a discernible pattern by the midway point of Franklin Roosevelt's first term. For the most part the pattern consisted of an assortment of trial-and-error projects which resembled one another only in their common goal of easing, then resolving, the problems of the depression. The first measures emphasized the rehabilitation and the provision of means for desperately poor Americans to survive while that economic revival occurred. Compared with what had gone before, the New Deal approach was almost revolutionary, but in a time of crisis there was little organized opposition. Helping to still opposition was the reality that Roosevelt's approach helped to ameliorate conditions. Americans were getting back onto their feet by the latter stages of the first New Deal.

However, recovery led to problems for even such a moderate position as that held by those who believed that readjustment of the system was needed. From the left came challenges much more serious than that presented by scattered groups such as the Southern Tenant Farmers Union and the National Religion and Labor Foundation. Their advocacy of agrarian socialism was within the American tradition, harking back in some respects to the populism of the 1890's. The new challenge to

Roosevelt, the challenge from men such as Huey Long, Frances Townsend, and Father Caughlin, was premised on welfare socialism, cradle-to-grave security made possible by the destruction of America's "free enterprise" system. As well as being more radical, the new leftists were popular, winning converts from the millions who found radical panaceas and immediate improvement more desirable than the slow and limited solutions of the Roosevelt administration.

The left was not the only source of worry for the New Deal by 1936. Opposition from the right was intensifying as well. Businessmen and farmers who had accepted government aid out of desperation, being remarkably consistent with one of the dominant themes of United States History, rejected the concept of federal intervention once they had begun to recover thanks to that assistance. Under pressure from both sides, the New Deal had to move toward one or the other. Because the left was more powerful at the time, Roosevelt and his New Dealers tried to accommodate, or at least appease, that group.

Thus the second New Deal was more radical than what had gone before. With a new emphasis on satisfying the left came a new commitment to people rather than economic sectors. In agriculture the shift was indicated by the replacement of the Resettlement Administration by the Farm Security Administration. As the government had first concentrated its attentions on the large landowners in the AAA, then assisted lower middle class yeoman farmers by the RA, so now the government committed itself to aid for tenants. The transition created problems for some New Dealers, but not for Hays.

Hays was a social worker, so the new emphasis on people created no problems. Also, he believed in reform, so the concept of change was no

deterrent. And finally, he believed in party loyalty, so when the commander in chief of the Democracy said "column left," Hays made the turn. Thus, when the second New Deal began, Hays continued much as before. There was an increased degree of activity in state and national politics and a greater expression of advocacy of federal involvement, but there was no radical departure from the patterns Hays had developed earlier.

However, Hays' activities in the second New Deal era had consequences different from those of earlier years. By remaining loyal to the national administration while less committed partisans fell by the wayside, he defined himself more clearly than ever as a Southern liberal. His ties with the conservative elements became more difficult to maintain and, as a result, he became more adept at compromising and arranging truces. And he gained, by the end of the era, a following of his own--a group of people who approved of his service, his approach, and his image. In 1942 that following rewarded him with a seat in congress.

So the second New Deal was for Hays basically a continuation of what had gone before. He continued to publicize his agencies, and he maintained his role as emissary from the national to the local New Deal. He did it all without hesitation, and his consistent loyalty made him an invaluable man in Southern liberal political circles. Whether committed or not, by 1942 Hays had an unshakeable reputation as a member of the reform clique.

But Hays had little inkling of what was involved as he began the second phase of his New Deal service. His concerns remained the same. Still he sought favors for his friends as he had done for so many years.

In 1937 he attempted to gain for Maurice T. Soule the position as inspector for District 14 of the Bituminous Coal Commission, and in 1938 he imposed on his friendship with Carl Bailey to suggest June Wooten for a judgeship of the district court. Hays even had the nerve to write to Hattie Caraway in November of 1938 to recommend an applicant for the position of elevator operator in her building in Washington, D.C. Hays told Caraway that "Hancock is a reliable colored boy . . ." who worked in Hays' office building in Little Rock for many years.[1] Hays was a man who took a paternal interest in his friends and associates, black and white. He also had no appreciable qualms about soliciting favors from strangers, assuming as he did that today's stranger is tomorrow's benefactor or beneficiary.

In 1936, for instance, Hays read a column by Mark Sullivan--a nostalgic piece about family farms. Hays decided that a similar effort about tenancy was a valuable tool in the fight for tenancy legislation. So he talked with Sullivan, but Sullivan declined to make a commitment. Despite that setback, Hays was not deterred. He always had a forum, and, when committed to a cause, he used any available platform to sell his programs. Before the South Carolina Education Association in 1940, Hays told his audience of the consequences of Southern poverty, especially in the light of the hard reality that millions of southerners had fled North in the previous quarter of a century. The result of that flight was, as Hays said, that:

> The biological effects of malnutrition which so many millions have endured find ultimate expression in a social problem of the urban North for our people are there and they have carried the influence with them.

Clearly poverty in the South was a national problem rooted in regional backwardness. It was a problem whose only real solution was economic

reform. Hays continued, "It is essential, of course, that we preserve the economic base for a democratic society" by eliminating the freight rate differential and other methods of economic discrimination against the South. But education about democracy was also essential if the South were to overcome the decades of miseducation about the mythical land of cavaliers, magnolias, and juleps as well as the other non-democratic Southern myths--black inferiority and the trashiness of poor whites above all.[2] Deep in Dixie, Hays told his people that they must abandon a lie if they were to survive. Apparently Hays agreed with Howard Odum's assessment that "superiority is cultural, not racial," and he sought to prosyletize those who failed to recognize that truth.[3]

He even tackled the ministers in 1939, telling the ministerial alliance in Russellville that they must remember that the church had two functions. It had an obligation to spread the gospel, of course, but it had also to deal with the problems of everyday living or it would find itself without influence in society, a concern which Hays confided to his diary late in 1939. In that instance Hays wrote that the American church must become realistic or it might become as the Russian church, and America might follow Adolf Hitler's route to paganism. As he told the ministers, the church had a clear choice, "either master or be mastered by materialism."[4] At the same time as he cautioned to beware of materialism, Hays actively engaged in providing material betterment for the desperately poor of his state. The Resettlement Administration had been moderately successful in providing relief and rehabilitation, and even as Hays was lauding the RA to audiences in the South and Southwest the agency was giving way to the more elaborate and radical Farm Security Administration (FSA). The RA emphasized relief,

but relief programs were bandaids, not cures. Almost immediately after the formation of the RA, previously nebulous sentiment crystallized, and a demand developed for what was traditionally the one true solution to tenancy--ownership in accordance with the Jeffersonian agrarian tradition. In 1935 Senator John H. Bankhead of Alabama introduced legislation to fund tenant loans at one billion dollars. After failures and compromises, the bill passes the congress as the Bankhead-Jones Farm Tenant Act of 1937 which incorporated the functions of the RA and the program of purchase loans. With new functions came a name change to the FSA which was headed by Will Alexander.[5]

Even while working with the RA, Hays involved himself with the creation of the FSA. To him it was a "typical lobbying job."[6] He sat in on discussions about the general principles of the legislation, but he left most of the details to others. More important, he used his position on the Democratic National Committee to gain access to representatives and senators whom he wished to convert. Once Hays tried to meet with Senator Ellison D. "Cotton Ed" Smith of South Carolina. His card, which listed him as national committeeman, insured that he received an audience. Once in Smith's office Hays heard a reminder of the hostility which Smith held toward the concept of federal aid to the poor. The senator said to Hays, "Rex Tugwell sent one of his damfools out here last week." As Hays recalled, "I didn't tell him I was another of the damfools."[7] By using his committee credentials Hays gained access to a previously closed mind. Continuing his lobbying, Hays helped to sell the program. When the final vote came, only 82 congressmen opposed the bill in the house.[8]

Hays joined the FSA as regional attorney for the Department of

Agriculture handling FSA legal matters from the Little Rock office. Hays' job consisted primarily of land acquisition and sales. He handled the paperwork involved in the agency's purchase of submarginal lands, and he prepared deeds and mortgages for those who bought land with FSA loans.[9] Between 1937 and 1942, Hays continued to work in public relations for the Roosevelt administration and the FSA. At Ridgecrest, North Carolina, in August of 1938, Hays reiterated the problems of Southern poverty--disease, ignorance, inability to develop as Christians and as human beings. He also noted the improvements which the relief and rehabilitation agencies effected. And he closed with a challenge, saying,

> Undreamed of possibilities for achievement are at our very doors. If the hearts of our people are stirred with a sense of the needs of this vast throng of people, we will see the dawning of a new and better day for our beloved Southland.[10]

At Muskogee, Oklahoma, in October of 1938, Hays emphasized the possibilities of the region which included western Arkansas and eastern Oklahoma. Noting the diversity and abundance of resources in the region, Hays called on his audience to avoid the regional jealousy which had allowed exploitation of their section by the Northeast--a region which used governmental power to its advantage. He asked for revived pride and cooperation as means of creating regional equity. Government by the people (implicitly the New Deal) was the road to salvation. In February of 1940, an audience in Austin, Texas, heard the most direct statement of all; Hays told that group that "Much can be accomplished by federal legislation," and again "national legislation is essential."[11]

Like many of the New Deal agencies, the FSA eventually became obsolete, but, even as the FSA was disappearing, Hays continued his advocacy of federal involvement in the tenancy problem. But he was

among the minority. The FSA came under attack from conservative groups and competing agencies within and without the government. Its functions eventually became the realm of the Farmers' Home Administration, a more conservative agency with a greater inclination to heed the wishes of middle-class farmers' lobbies. However, by that time its job was largely done. World War II removed many tenants from the farm to the factory and brought some measure of prosperity to those who remained--a prosperity based on high demand, higher prices, and allotment checks, Social Security, and other transfer payments. Additionally, sons and daughters who left the farm often sent money to those who remained behind. Of course, the RA and the FSA were not totally effective; 13 percent of the South's farmers were still tenants in the 1970s. But tenancy was not sharecropping, and the Southern tenant was better educated, healthier, less isolated from his community, better informed, and generally improved. Admittedly, only a fragment of the improvement came from the tenancy programs. Most came from the pattern of concern and governmental involvement which originated with the second New Deal, a tendency unreversed for three decades. But the tenancy programs were the core around which rural electrification, subsidies, and a better way of life developed. For Hays the programs were worth the costs; however, because of his conviction that they were legitimate, for Hays the programs led to political complications.

Despite his success in the farm agencies, Hays still suffered the enmity of his rivals for political position in Arkansas. Among those enemies was J. C. Futrell whose dislike for Hays dated back to the Priddy fiasco of 1932. In 1935, hearing rumors that Hays was to receive the position as head of the Works Progress Administration (WPA) in

Arkansas, Futrell wrote to Harry Hopkins that "Brooks Hays would be a failure, his appointment would be a real tragedy, but would please the reds . . . ."[12] Hays had an image as a radical by Arkansas standards. Also, he habitually rejected the conservative factions, including that of Futrell. But Futrell left Hays alone until 1936. In that year Futrell ran Percy Hinton against Hays in the race for national committeeman. Hinton waged a vigorous campaign; Hays ignored Hinton and won reelection by a three-to-one margin.[13] Having shown that he had little need for conservative Arkansas politicians, Hays moved on to more important matters such as serving the national party.

As national committeeman, Hays had to deal in 1936 and 1937 with the vigorous fight taking place in the Puerto Rican delegation. Seemingly one group of Puerto Rican Democrats wanted their committeeman replaced by a memeber of their faction. The committeeman had resided outside Puerto Rico for a time, and he was a member of the Liberal party of Puerto Rico as well. Thus, according to those who wished to remove him, he was ineligible for his post on the committee. The committeeman was disinclined to step aside without a struggle; so, the Democratic leadership of Puerto Rico appeared headed for a showdown which might lessen its efficiency for some time to come. The impasse fell to Hays and other committeemen to resolve. Finally, in August of 1937, they determined that Puerto Rico was to enjoy dual representation until the matter was permanently resolved by means of new elections.[14] While serving the poor, Hays remained a party loyalist.

As a regular Democrat, Hays not only wanted party harmony in 1936. He also wanted to help insure the re-election of Franklin D. Roosevelt. In March Farley asked Hays to provide a list of speakers on behalf of

the New Deal gospel; Hays complied. In July Farley told Hays that the Roosevelt First Voters League sprang into existence as the "answer to the spontaneous demand of American youth to insure the President's re-election," and Hays received the task of publicizing the league in order to attract independents, Republicans, and Young Democrats to the Roosevelt campaign.[15] Then Farley asked Hays to organize the National Council of Roosevelt Electors in Arkansas to raise campaign funds for the national candidate. At the same time the Democratic National Committee Colored Division asked Hays for assistance. He sent to that organization the names of two black volunteers. Then he wrote to Farley that the Democrats needed to create an independent organization for a non-partisan black group to channel interest in the 1936 election in the proper direction. Finally Farley requested that Hays forecast the results of the election. Hays gave a "conservative" estimate of 175,000 to 35,000 or a five-to-one advantage for Roosevelt.[16] The role of national committeeman during an election year thus involved a great deal of organizational ability, but at the same time Hays had other duties.

In the waning days of the campaign, Hays received a request from Sam Rayburn that the Arkansan give a few speeches in Illinois, Ohio, or Indiana. Hays agreed to give two in either Illinois or Indiana. Afterward, there was nothing left for Hays but to await the outcome of the election. Of course, he contributed to the campaign; he gave $175.00. After the votes were totalled, Roosevelt was re-elected, and Hays was in attendance at the inaugural ceremonies.[17]

The Democrats were in debt after the campaign, and Hays became a member of the fund-raising subcommittee. That group designed a process for the collection of money from the solid South--South Carolina,

Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas--the area in which there was in reality no opposition party. Each state's national committee members were to establish a state organization which, under the guidance of a regional committee, was to collect annual or monthly contributions and pledges from Democrats within the state. Collection was to continue for three years, and each state's quota rested on the 1936 presidential vote within its borders and its per capita income for each particular year.[18] That plan was to be Hays' last contribution as a member of the committee. With his other services to the New Deal, it almost gained him a federal judgeship from Roosevelt, a reward which failed to materialize because Caraway refused to approve. She disliked Carl Bailey, a friend of Hays and governor of Arkansas after 1936.[19]

Friendship for Bailey not only prevented Hays from winning a judgeship; it also cost him his effectiveness as a link between the New Deal in Washington, D.C., and the sometimes recalcitrant New Dealers in Little Rock. The case of Carl Bailey was complicated, involving national and state politics as well as personal feuds in the classical tradition of Arkansas. For Hays it meant the end of his usefulness to both the New Deal and the Democratic party, and it was all unnecessary except that Hays was loyal to his friends.

In 1937 Joe Robinson died, leaving vacant his position as senator from Arkansas. Hays was tempted to run once again, but he wanted to be elected, not appointed. Also, he wanted to please his father. In 1937 as in 1930 Steele Hays counselled his son not to enter the fray. Hays was hesitatingly eager, and rumors flew that Bailey intended to appoint Hays to the vacancy. Finally, Hays ended the speculation concerning

his future by telling Bailey that work for the Farm Security Administration was preferable to a temporary appointment with no guarantee of election. Hays was unwilling to serve, but Bailey had the urge.[20] When Bailey decided to appoint himself to the seat, complications arose.

Historically in Arkansas custom had allowed the Democratic Executive Committee of Arkansas, in effect the governor, to appoint the Democratic nominee for special elections. Thus, at an earlier time Bailey might have appointed himself without difficulty. Unfortunately for the governor, rules changes in the wake of Hays' defeat in 1933 had given the power to Democrats in convention. Nevertheless, Bailey nominated himself by means of his executive committee. As should have been anticipated by any knowledgeable veteran of Arkansas politics, that action provoked an uproar across the state. It also caused 700 delegates, representing 47 of the 75 counties in the state, to hold a convention and nominate Congressman John E. Miller for the seat. Initial sentiment, however, seemed to indicate that Bailey might get by with his coup. The Monroe County Citizen of Brinkly, Arkansas, presented the virtues of Bailey's decision in its edition of August 12, 1937. Noting that "It is no light thing to appear to deny to the people their right to choose their representatives," the newspaper report acknowledged that the governor might well lose not only the senatorial but the gubernatorial chair due to voter resentment. But what Bailey did, according to the paper, was actually consistent with his earlier reforming efforts. Having defeated the bosses, he used the tool of the bosses--the right to choose candidates for vacancies in the committee--to insure that the bosses were unable to regain power in the state. At least in The Monroe County Citizen the perception was that,

hoist with their own petard, the bosses cried hollowly about democracy denied.[21]

Arkansas State Democratic Committee Chairman June P. Wooten tried to explain the situation to the national Democrats. As he told Farley in August, Bailey won the nomination by a vote of 32 to 3 in a procedure which was fully in accordance with the rules of the Democratic party and the laws of the state of Arkansas. Despite that combination of circumstances, Wooten explained, enemies of Bailey held a mass meeting--not a convention--and nominated Miller as an independent--not a Democrat. According to Wooten, Miller even opposed the New Deal and Roosevelt, as his congressional record showed. Wooten encouraged Hays as well, writing on August 17, 1937:

> If Miller goes through with his race, we will have a scrap on our hands, but we do not anticipate that he will get very far. The opposition consists mainly in the disgruntled boys who went off the Futrell payroll and, as there were a good many of them, naturally they can make a showing.[22]

The head of the state Democrats told his national committeeman and Roosevelt's campaign organizer that the candidacy of Miller was unauthorized and an attempt by the anti-New Deal machine to retake the state from the legally chosen New Dealer, Carl Bailey. With such information and with his close friendship for the governor, Hays took leave of absence from his job to help in the Bailey campaign. He anticipated an attack by Bailey on Miller as an opponent of the New Deal, so he compiled a congress by congress list of Miller's votes. Also, he listed the few pieces of legislation that Miller had managed to get passed by congress. But the record was not the issue of the campaign. The problem was the perceived denial of democracy to the Democracy.

On October 4 Hays received a letter from Charles T. Coleman which

expressed shock and disbelief because Hays had told "a prominent federal employee" that Farley wanted all governmental employees to support and work for Bailey. The charge was without basis although Farley did congratulate Bailey on the nomination. Frances Perkins, Henry Wallace, and Harry Hopkins also indicated a preference for Bailey while Miller won endorsements from Fifth District Congressman David Terry (the man who appropriated Hays' seat in 1933), Senator Caraway, and the widow of Robinson. And of course Hays endorsed Bailey. As he explained it, Bailey had come to recognize the error of his ways; furthermore, he was a good governor for disadvantaged groups and civil service employees. Hays disliked the means by which Bailey won the nomination and intended to continue in opposition to them, but because of the governor's past performance, Hays backed Bailey, "not because of his nomination, but in spite of it."[23]

Miller slaughtered Bailey in the election. Remarkably, an independent defeated the regular Democrat in a statewide race in Arkansas. Causes of the defeat, according to the <u>Arkansas Democrat</u>, a source unfriendly to Hays and Bailey, included the letters of congratulations from prominent New Dealers. As the <u>Democrat</u> explained the situation, Arkansans were hostile to what they perceived as an undue intrusion of outside forces in an internal matter, but Hays failed to indicate that hostility to those who endorsed Bailey. Possible motivation for Hays lay in his ambitions for a race against Caraway in the near future, ambitions which needed a victory by Bailey for their realization. Thus, Hays was blind to the reality of the situation in Arkansas and, as a result, misinformed Farley and the others about the mood of hostility toward outside interference and the non-democratic nominating process.

Hays clearly misled Farley early in the race. Farley wrote to Hays on August 25 that Arkansans were indicating disapproval of the procedure used by Bailey. An unnamed citizen of Batesville apparently sent Farley copies of editorials against Bailey. Farley was concerned, but Hays interpreted the situation in such a way as to minimize the problems. He told Farley that the newspapers in question were politically insignificant, as was the unnamed citizen. Furthermore, Hays described the proceeding which nominated Miller as a rump convention attended by official delegates of only a handful of county organizations. Finally, the nomination of Bailey occurred in the same fashion as ten previous selections to fill vacancies, including that of Caraway in 1931. As Hays told Farley, it was "admitted by all that under the rules of the party the governor [was] the regular Democratic nominee."[24]

According to the Chattanooga Times, Miller benefitted from the backlash against a hand-picked candidate. But endorsements were no handicap. After all, Miller had endorsements, too. Surprisingly for Arkansas the significant difference in the two candidates was their political positions. Bailey was clearly a New Dealer, and Miller ran openly in opposition to the federal programs. Arkansans who voted preferred the conservative. Even Hays came to realize the significance of Roosevelt's policies in the campaign. As he told Will Alexander after the defeat, "the real issue was progressive principles versus Tory control," and Hays expressed pleasure that his controversial support of Bailey further identified him with the progressive wing of the Democracy.[25] But that element of the Democratic party in Arkansas was less than overwhelmingly popular by 1938 because the economic crisis which allowed the New Deal appeared to be history. Both senators were

unenthusiastic about the New Deal, and the liberal governor and his friends were in trouble.

The anti-Bailey or conservative forces sought again to remove Hays from his position as Democratic National Committeeman, but with national support Hays resisted and maintained a respectable level of activity for his party. After the special election Hays returned to speechmaking on behalf of the Democrats and their New Deal. In late October he attended the State Policy Committee meeting at Birmingham, Alabama, and spoke at Auburn, Tuscaloosa, and Montevallo. He visited Tuskegee, Alabama, then went on to Mississippi, North Carolina, and Georgia, by way of the Memphis Rotary Club. He continued to report his displeasure with Caraway and Miller--two Democrats who voted with the New Dealers but sympathized with Harry Byrd and other hostile congressmen. Hays' urge to run for the senate gave way, because of its impracticality in the aftermath of Bailey's defeat, to a hesitant interest in the seat vacated by Miller. In reference to the animus of the Miller forces and their attempt to remove him from the national committee, Hays told a correspondent that "I learned long ago that there are a good many penalties attached to staying with your convictions, particularly if those convictions happen to be of a liberal stamp."[26] Hays had ideological as well as practiced reasons for his mistaken support for Bailey. The need to fight the conservatives was leading Hays into a race which he had no chance of winning.

In March of 1938, Hays heard from his father once again about the need for caution in politics. In the first place, the elder Hays counselled his son, after so many previous defeats, victory was essential. Such a victory was impossible in 1938 because the leadership

in Arkansas--Miller, Caraway, and others--opposed a Hays candidacy. In fact, Steele Hays reminded his son, "They will fight you." The only counterforce to the senators was the governor, and support from Bailey was more a hindrance than a help because of the recent controversy. Seven of the eight counties in the Fifth Congressional District opposed Bailey and, by extension, Hays. Finally, to attempt a race so shortly after having appeared to sacrifice his principles for Bailey was to create the appearance to many of Hays' supporters that there had been a Bailey-Hays deal. If Hays were to create such an impression, he risked the destruction of his reputation for honesty and integrity. The advice convinced Hays. In response to an inquiry from Will Alexander, Hays decided to end the rumors that he was using an appointive office as a platform from which to campaign. On March 18 Hays wrote to Alexander that, "The prospect of two more years in this job uninterrupted by political controversy is very pleasant."[27] There was no Hays candidacy in 1938.

In fact, after 1938 Hays was a waning element in an increasingly conservative Arkansas. He resolved his problems with Caraway after he determined that her anger was due to the appointment of one of her political enemies to a position she wanted for a friend. Hays arranged that she have the patronage she sought, and Caraway appeared to be appeased. At the same time Hays avoided a more dangerous issue, black Democrats. In 1938 the Arkansas Negro Democratic Association (ANDA) petitioned for inclusion in the activities of the Arkansas State Democratic Convention. J.M. Robinson of the ANDA wrote to Bailey, but Bailey merely referred the matter to committee for study. Robinson was confused about the structure of the Democratic party, so he sought

assistance from Hays, apparently believing that the National Committeeman was a member of the state committee on procedure. Hays explained that he was not a member of the committee; however, he investigated the matter. He found that no action had occurred on the part of the state Democrats (hardly a surprise), so he referred Robinson to the proper authority, June Wooten, who let the matter die. Liberal Democrats in the south were not liberal enough to reopen the issue of race which Jim Crow had settled decades earlier. Only during the time of Orval Faubus a decade later was the Democratic party of Arkansas to open its ranks to a select few black members.[28] By then Hays was safely removed from the matter, but in the pre-war years he avoided the issue.

Having accomplished all that he could in Arkansas, Hays spent his final year as committeeman quietly preparing for the national convention of 1940. In February he heard from Marion Rushton about the plight of the South at that meeting. The national Democrats had rescinded the two-thirds rules in 1936 after the rule had almost split the party in 1932. That decision had reduced Southern power in the party because the South was merely a minority whose votes became unimportant due to the new simple-majority nominating procedure. In 1939 there was another threat to the South. A movement began which sought to base national representation on votes for the party in the preceding national election, not on the votes in the preceding presidential primary. In the one-party South the turnout was normally significantly lighter in the election than in the primary, the actual determiner of the elections. Thus, Southern delegate strength faced even more reduction if such a rule were to pass. Rushton wanted Hays to help in the fight against the measure. Hays agreed that the change was potentially harmful, but he stressed

that the poll tax was more so because it reduced voter turnout, and he rejected the contention that the abandonment of the two-thirds rule hurt the South. However, he agreed to fight "any effort to impose on the South" at the convention of 1940.[29]

More important to Hays, as to many people in 1939 and 1940, was the question of a third term for Roosevelt. In the summer of 1939, there were signs that it might be a major issue in 1940. Hays disapproved because he feared that if the third term became an issue it would cause the neglect of the really vital question, poverty. Hays indicated privately that he was not enthusiastic about the third term. But Hays was out of the arena before the decision came, resigning from the national committee in 1939 after the Hatch Act made it illegal for governmental employees to have an active political life.

So the 1930s ended with Hays once again out of politics. But the decade, especially the final few years, despite its setbacks and controversies, was a rewarding one for Hays. His service to the New Deal gained visible benefits for the needy of Arkansas even while he was making political errors. So there were rewards to compensate for defeats. Especially was that true because the New Deal agencies were only one aspect of Hays' service to the South during the depression. As was his custom through his career, Hays was a joiner; he was active in most of the reform movements of the 1930s.

Among the most significant of the human rights organizations which flourished in the 1930s were the Commission on Interracial Cooperation (CIC) and the Southern Conference on Human Welfare (SCHW). The CIC was what Gunnar Myrdal referred to as "the organization of Southern liberalism in its activity on the Negro issue."[30] Organized in the

aftermath of the post-World War I wave of lynching, the commission sought to provide a channel of communication between the segregated peoples of the South. Its founder and director was Will Alexander, a man whose background was in the ministry and in social work. Under his leadership, the CIC became the first Southern organization to attempt to help blacks to help themselves. It superseded the individual paternalism of the Southern past with its collective paternalism. It even had occasional integrated meetings, something unheard of in the South of Jim Crow. But it was a loose coalition of Southern liberals who held varying degrees of acceptance of black equality, so its effectiveness fell victim to the need to balance a wide variety of views. For fifteen years the CIC led the way for Southern liberals, but in 1935 Alexander left for the New Deal, and by 1936 the CIC was fading as Southern liberals moved beyond it. By the time Hays joined in 1936, the CIC was largely moribund.[31] However, membership in the CIC led Hays almost automatically into the more radical organization which appeared in its place, the SCHW.

In 1938 the tenancy commission of Roosevelt issued the report which identified the South as America's number one problem. Some Southerners denied the report while others preferred to stress that it ignored too many of the really severe Southern problems. Joe Gelders, labor organizer and Communist, met with H.C. Nixon of the Southern Policy Committee, and the two arranged a meeting for Birmingham, Alabama to "foster the progressive movement in the South with no reactionaries needing to apply."[32] Hardly a reactionary, Brooks Hays was interested when he received his invitation to attend. On September 1, 1938, he wrote to Louise O. Charlton of the SCHW that he wanted to do special

assignments for the group in the areas of tenancy and race relations. Charlton countered that she wanted Hays as a member of the panel on the poll tax with Virginius Dabney. Hays preferred to free-lance, and besides he was involved more than he wanted in the poll tax fight in Arkansas.[33]

In the elections of 1938, the Arkansas Conference for Social and Economic Progress (ACSEP) spearheaded a campaign to repeal the poll tax by means of a constitutional amendment. Lacking money even to pay for stamps, the ACSEP relied on the enthusiasm of its members as it sought to keep poll tax repeal separate in the minds of potential voters from the nearly one dozen other amendments on the ballot. Hays indicated concern that his opponents might combine opposition to one or more of the other amendments with opposition to the poll tax and defeat the whole ballot. Hays attempted to wage a quiet campaign--a quiet campaign that might go unnoticed by the opposition until it ws too late. For Hays, replacement of the poll tax by registration, as the amendment prescribed, was "not a perfect system but it certainly would prevent the sort of thing that was put over in the congressional race in 1933," the race in which Hays lost his opportunity to represent the Fifth Congressional District.[34] Hays gained support for his fight from Franklin Roosevelt. The president wrote to Hays that the poll tax had reduced voter participation in Virginia to one-third of the white population. As to black disfranchisement, that was a separate matter which poll tax repeal would not affect. Roosevelt was so supportive of repeal that he sent Joe Gelders into the South to organize repeal efforts in eight states. Gelders failed, as did Hays. In Arkansas there was still concern that twelve amendments were too many for any one

election. It led Hays to wonder if perhaps there should be some limit to the number of issues on the ballot in any given election. Once again poll tax reform fell to defeat on November 8, 1938.

Hays was bewildered because he thought poll tax repeal was only one element in the effort to make people more aware of their democratic obligations. It was misunderstood as a means of getting the poor to vote and, if properly understood, was doomed to disappear within ten years, Hays predicted. He wrote, nevertheless, that "it is startling to find so many people who distrust democracy."[35] Within a few days he was able to report with his characteristic optimism that "We lost the poll tax fight but prepared the state for the change that is sure to come."[36] In the meantime Hays had no desire to tie himself to the poll tax question in Birmingham.

When H.C. Nixon offered several panels to Hays, the Arkansan again indicated his wish to be free. At Birmingham his only official duty was as vice-chairman of the participation committee. That was hardly a burdensome task, so Hays prepared to enjoy an exciting conference. The agenda was crowded because the conference committed itself to work for constitutional rights, lobby for and perhaps work itself for the elimination of the poll tax, and seek solutions to problems including poverty, lack of credit and manufacturing, soil erosion, low incomes, disease, tenancy, and poor housing--the whole range of Southern problems. The conference included panels on "credit, farm tenancy, constitutional rights, education, labor relations, women wage-earners, freight-rate differentials, youth, health, and child labor."[37]

On November 20, 1938, the Birmingham meeting convened. Its general purpose was to allow Southern liberals to get acquainted with one

another, but it welcomed Northern observers. Participants included Senator Lister Hill of Alabama, liberal historian Howard K. Beale, Governor and Mrs. Bibb Graves of Alabama, and many others representing the best and the brightest of Southern liberalism. Eleanor Roosevelt spoke; John Bankhead served as a panelist on farm tenancy; and Hugo Black was an honored guest. Also present were Communists, fellow travelers, and labor leaders. On panels and in the audience, black and white people mingled throughout the first session.

The second day of the conference was somewhat different. Hearing that the first meeting had been integrated, City Commissioner Theophilus Eugene Connor, "Bull" to his friends, ordered that there be enforcement of the city's segregation ordinance. It was so done with only Eleanor Roosevelt indicating defiance by sitting in the aisle rather than in the white section so that she symbolically tied white to black. Despite compliance, the SCHW gained a reputation for defiance when it passed a resolution condemning segregation in its meetings and calling for future meetings to occur where no segregation ordinances applied. The Associated Press reported the SCHW's "condemnation of the South's Jim Crow laws for the separation of whites and Negroes," which caused reaction such as the editorial in the Montgomery, Alabama, Advertiser, which read in part, "Surely there was enough work to do to soften the rigors of life in the Deep South without challenging the folkways of our people and raising extraneous issues."[38]

Intermingled with the minor stir about the presence of Communists, the Jim Crow issue caused problems for Hays. Early in December he wrote to Francis Pickens Miller, an old friend, a solid liberal, and one of those alienated from the SCHW after Birmingham. Hays said of the SCHW,

"it looks like a perfectly hopeless undertaking because of the publicity over the Jim Crowe (sic) and other resolutions which the extremists insisted on passing." The public response in Arkansas was "explosive," and Hays managed to appease his friends only by explaining that he was in New Orelans when the Jim Crow resolution passed unanimously.[39]

Miller left the SCHW. Politicians such as Lister Hill and John Bankhead deserted the organization, but others such as Claude Pepper and Hays remained involved, Pepper openly and Hays unofficially and without publicity. In December of 1939, Hays was still tied closely enough to the SCHW to be one of those who approved the appointment of Howard Lee as executive secretary despite allegations against Lee of Communism, allegations which gained credence when Lee began collecting money for the party after World War II.[40] But at the same time Hays was moving away from the SCHW despite its increasing involvement with repeal of the poll tax. Barry Bingham, publisher of the Louisville Times and Courier-Journal, wrote to Hays on December 26, 1939, that the SCHW, although still seeking what Hays sought, was not an appropriate organization for Hays to associate with. John F. Wells, journalist, told Hays the same thing. The second SCHW conference, in Chattanooga, could be no better than the first, and an ambitious politician needed to avoid identification with the group. Hays agreed. Nineteen-forty was an election year, and Hays had the urge to run once again. So he decided to disassociate himself from the meeting at Chattanooga. He severed his ties with the SCHW, and the last of the liberal Southern organizations continued on its suicidal way until, after the election of 1948, it "died in obscurity, poor and neglected, forgotten both by its friends and its enemies."[41]

Even then Hays was not fully removed from the liberal causes of the 1930s. In 1937 Raymond Leslie Buell had asked Hays to help organize a committee to investigate the relationship between the American economy and world trade. The question arose because Cordell Hull, secretary of state, was having difficulty in gaining acceptance of the reciprocal trade agreements with foreign nations. Always glad to join, Hays agreed on December 28. He became a founding member of the Economic Policy Committee (EPC), a group intended to promote discussion of Hull's belief that the American and world economies were interdependent and that the economic situation was tied directly to peace. The EPC was designed to involve liberals and conservatives, agriculturalists, laborers, industrialists, religious persons, and all others. It advocated increased production, more employment, and a decreased cost of living to be achieved by world trade. It accomplished little, but Hays remained a member until 1940. In March of that year, he indicated that he was still impressed with the organization, but the Hatch Act forced him to resign from political organizations. Again Hays indicated that he was looking for a new job.[42] His usefulness to Arkansas was fading with the waning of the New Deal. Clearly it was time to return to elective politics. His last local crusade had failed.

As Democratic National Committeeman and as a friend of Governor Carl Bailey, in 1939 Hays found himself involved in a situation more difficult than any which had gone before. He had helped the poor in an impersonal and paternal way through the New Deal agencies and the liberal organizations. He had involved himself in the case of Claude Williams. But in 1939 he received a request that he stop a "murder," a legal execution ordered by his friend, Carl Bailey. In April of 1935,

two black men were charged with rape in Blytheville. For four years the two appealed their conviction, and for four years the case was a center of attention for liberals in Arkansas. Finally the appeals ran out, and Bailey determined to execute the two on June 30, 1939. Two weeks before the deadline, liberal and radical forces intensified the campaign to save the Blytheville boys from execution. The Joint Action Committee of Commonwealth College telegraphed Hays that the trial transcripts indicated that the proceeding had occurred under the influence of a mob spirit. With no legal recourse remaining, the committee asked Hays to intercede with Bailey for clemency. The committee also sent telegrams to John P Davis of the National Negro Conference, Walter White of the NAACP, Louise Charlton of the SCHW, and Angelo Herndon and A. Philip Randolph, prominent leaders of the fight for black equality. Davis wrote to Hays, explaining political reality. Davis told Hays that the Democrats would lose three million black votes if they allowed another Scottsboro, what blacks perceived as another legalized lynching.[43] Hays did nothing for one week.

On June 24, 1939, with the executions six days away, Hays finally replied to Davis. He refused to act. Hays said that clemency was none of his concern because he worked in agricultural matters. Also, he said that he felt personal relationships should not influence such matters. He told Davis to talk with the governor when Bailey returned to Little Rock. Similar appeals from others received the identical form letter from Hays with the same one-week delay in replying. Time ran short. On June 27 Lee Hays, an earlier recipient of the form letter, wrote a second time. He indicated to Brooks Hays that he understood the concern about political embarrassment, although he disagreed that it would

happen if Hays interceded to save the two doomed men. Further, he indicated that he continued to support Hays for governor, then posed the questions, "Do governors live in vacuums?" Finally, he expressed regret that Hays had failed to join the one million American voices for clemency. Then Brooks Hays had a change of heart. He called Bailey; then he wrote to Lee Hays explaining that his outright rejection after deliberating for a week was due to his acting in haste.

On July 6 Brooks Hays wrote to Davis in much the same form as he had to Lee Hays. He explained that he had called Bailey after having talked with the defense attorneys. He asked Bailey if the governor had examined the case. Bailey affirmed that he had had sufficient time to examine the matter. That ended the conversation; Hays failed to request clemency. He told Davis finally, "I am sorry that I did not have an opportunity to write to you before the execution."[44] Hays' humanitarianism faded when race was involved. However, there was no penalty for such a flaw in Arkansas.

On Sunday, February 25, 1940, Brooks Hays' Bible class in Little Rock honored him for fifteen years' service. Attendance that day set a record.[45] It was proper that such an occasion brought out unusually large crowds. For Brooks Hays was ending one of the most productive periods of his life, and much of his productivity had gone for the betterment of his fellow Arkansans. Not always did he win, but to a remarkable extent he managed to be on the right side morally or politically. Eventually his people came to realize the rightness of his stands, but in the meantime they merely sent him to congress. There he enjoyed 16 years of comparative peace untroubled by excessive controversy.

FOOTNOTES

[1]Brooks Hays to Hattie Caraway, November 15, 1938, telegram, B. Hays to C. G. Smith, September 13, 1937, B. Hays to Wallace Hurley, September 16, 1937, B. Hays to Carl Bailey, April 6, 1938, Brooks Hays Collection, Library, University of Arkansas, Fayetteville, Arkansas.

[2]Hays manuscript diary, June 1936, "The South Moves Toward Democracy An Address Before the South Carolina Education Association, Greenville, South Carolina, March 15, 1940, By Brooks Hays," Brooks Hays Collection, Library, University of Arkansas.

[3]Hays manuscript diary, "At George Peabody Conference, July 29, 1938," Brooks Hays Collection, Library, University of Arkansas.

[4]"Excerpts from Brooks Hays' Talk to Ministerial Alliance on Religion, Democracy's Ally, April 24, 1939, at Russellville," Hays manuscript diary, October 21, 1939, Brooks Hays Collection, Library, University of Arkansas.

[5]George Brown Tindall, The Emergence of the New South, 1913-1945 vol. X of A History of the South, Wendell Holmes Stephenson and E. Merton Coulter, eds. (Baton Rouge: Louisiana State University Press, 1967), p. 424. For a more thorough treatment of the FSA, see Sidney Baldwin's Poverty and Politics: The Rise and Decline of the Farm Security Administration.

[6]Interview, Author with Brooks Hays, May 12, 1979, Fayetteville, Arkansas.

[7]Ibid.

[8]Ibid.

[9]Telephone interview, Author with Brooks Hays, August 13, 1979, Washington, D. C.

[10]"Disadvantaged People, Our Mission Responsibility, Ridgecrest, Aug 2, 1938,"speech by B. Hays, Brooks Hays Collection, Library, University of Arkansas.

[11]Untitled manuscript copy of speech before Texas Agricultural Workers Association, February 15, 1940, "Corrected Copy, Remarks at the Muskogee Free State Fair, Muskogee, Oklahoma, October 4, 1938," Brooks Hays Collection, Library, University of Arkansas.

[12]J. C. Futrell to Harry Hopkins, May 19, 1935, Records of the Federal Emergency Relief Administration, Works Progress Administration, Record Group 69, National Archives, Washington, D.C., cited in David Ellery Rison, "Arkansas During the Great Depression" (unpub. Ph.D. thesis, University of California, Los Angeles, 1974), p. 94.

[13]Newspaper clipping, n.d., Brooks Hays Collection, Library, University of Arkansas.

[14]Folders 2-3-38-19 to 2-3-38-23, summary in Brooks Hays to James Farley, Supplemental Report on Puerto Rico, February 1, 1937, B. Hays to Farley, August 16, 1937, Brooks Hays Collection, Library, University of Arkansas.

[15]James Farley to Brooks Hays, July 29, 1936, Farley to B. Hays, March 9, 1936, B. Hays to Farley, April 14, 1936, Brooks Hays Collection, Library, University of Arkansas.

[16]James Farley to Brooks Hays, September 3, 1936, C. B. Powell to B. Hays, September 3, 1936, B. Hays to Powell, September 15, 1936, B. Hays to Farley, September 10, 1936, Farley to B., Hays, October 19, 1936, B. Hays to Farley, October 26, 1936, Brooks Hays Collection, Library, University of Arkansas.

[17]Telegram, Sam Rayburn to B. Hays, October 26, 1936, with pencil notation citing preference for Illinois of Indiana on Thursday and Friday, B. Hays to Oliver A. Quayle, Jr., December 2, 1936, B. Hays to Cary T. Grayson, January 8, 1937, Brooks Hays collection, Library, University of Arkansas; B. Hays to Joseph T. Robinson, n.d., Joseph T. Robinson collection, Library, University of Arkansas, Fayetteville, Arkansas.

[18]James Farley to B. Hays, February 5, 1937, B. Hays to Farley, April 6, 1937, brooks Hays Collection, Library, University of Arkansas.

[19]Interview, Ronald Tonks with Brooks Hays, August 23-26, 1976, Nashville, Tennessee.

[20]Ibid.; Brooks Hays to Marion Hays, n.d., B. Hays to Carl Bailey, July 28, 1937, Brooks Hays Collection, Library, University of Arkansas.

[21]Interview, Tonks with B. Hays, August 23-26, 1976, Nashville, Tennessee; _Dierks_ (AR) _Banner_, August 12, 1937; Brinkley (AR) _Monroe County Citizen_, August 12, 1937, clippings, Brooks Hays Collection, Library, University of Arkansas.

[22]June Wooten to Brooks Hays, August 17, 1937, Wooten to James Farley, August 17, 1937, Brooks Hays Collection, Library, University of Arkansas.

[23]Brooks Hays to Andrew A. McAllen, October 28, 1937, B. Hays to Aubrey Williams, September 10, 1937, Charles T. Coleman to B. Hays, October 4, 1937, telegram, Frances Perkins to Carl Bailey, July 24, 1937, telegram James Farley to Bailey, August 5, 1937, telegram, Henry Wallace to Bailey, August 24, 1937, newspaper clipping, n.d., Chattanooga (TN) Times, October 20, 1937, Brooks Hays Collection, Library, University of Arkansas

[24]Little Rock (AR) Arkansas Democrat, October 19, 1937; clipping, Brooks Hays to James Farley, August 27, 1937, Brooks Hays Collection, Library, University of Arkansas.

[25]Brooks Hays to Will Alexander, October 19, 1937, Chattanooga Times, October 20, 1937, clipping: Brooks Hays Collection, Library, University of Arkansas;

[26]Brooks Hays to James G. Maddox, December 23, 1937, B. Hays to Will Alexander, November 2, 1937, Brooks Hays Collection, Library, University of Arkansas.

[27]Arthur Steele Hays to Brooks Hays, March 14, 1938, Hays manuscript diary, March 9, 18, 1938, Brooks Hays Collection, Library, University of Arkansas.

[28]Brooks Hays to Will Alexander, December 10, 1938, Carl Bailey to Arkansas Negro Democratic Association, August 23, 1938, J. M. Robinson to B. Hays, September 12, 1938, B. Hays to J. M. Robinson, September 19, 1938, Brooks Hays Collection, Library, University of Arkansas; Harry Ashmore, Arkansas: A Bicentennial History (New York: W. W. Norton & Co., 1978), pp. 148-149.

[29]Brooks Hays to Marion Rushton, March 3, 1939, Rushton to B. Hays, February 27, 1939, Hays manuscript diary, July 27, October 23, 1939, Brooks Hays Collection, Library, University of Arkansas.

[30]Gunnar Myrdal, An American Dilemma (New York: Pantheon Books, 1972. Reprint of the 20th anniversary ed. published by Harper and Row, New York, originally published 1944), vol. 2, p. 844; Morton Sosna, In Search of the Silent South: Southern Liberals and the Race Issue (New York: Columbia University Press, 1977), pp. 21-22.

[31]Will Alexander to Brooks Hays, April 27, 1936, B. Hays to Alexander, May 1, 1936, Brooks Hays Collection, Library, University of Arkansas; Sosna, Silent South, pp. 20-39.

[32]H. C. Nixon to B. Hays, July 27, 1938, National Policy Committee Papers, Manuscript Division, Library of Congress, Washington, D. C., cited in Mertz, Policy and Poverty, pp. 234-242.

[33]Brooks Hays to Louise O. Charlton, September 1, 1938, Charlton to B. Hays, November, 1938, B. Hays to Charlton, November 10, 1938, Brooks Hays Collection, Library, University of Arkansas.

[34]Brooks Hays to Hays Gibson, October 11, 1938, B. Hays to Gardner Jackson, August 20, 1938, Brooks Hays Collection, Library, University of Arkansas.

[35]Hays manuscript diary, November 9, 1938, Brooks Hays to Kenneth Warner, Ocotber 31, 1938, Brooks Hays collection, Library, University of Arkansas; New York Times, September 10, 1938, Thomas A. Krueger, And Promises to Keep, The Southern Conference for Human Welfare, 1938-1948 Nashville, Tennessee: Vanderbilt University Press, 1967), p. 44.

[36]Brooks Hays to Stanley Andrews, November 12, 1938, Brooks Hays Collection, Library, University of Arkansas.

[37]Krueger, And Promises to Keep, pp. 18, 28; H. C. Nixon to Brooks Hays, November 7, 1938, B. Hays to Nixon, November 10, 1938, Brooks Hays Collection, Library, University of Arkansas.

[38]Krueger, And Promises to Keep, pp. 33, 21-22, 26, 29-30; Sosna, Silent South, p. 95.

[39]Brooks Hays to Francis P. Miller, December 3, 1938, Brooks Hays Collection, Library, University of Arkansas.

[40]Mertz, Policy and Poverty, pp. 244-245; Krueger, And Promises to Keep, p. 38.

[41]Krueger, And Promises to Keep, p. 192; John F. Wells to Brooks Hays, December 20, 1939, B. Hays to Barry Bingham, December 22, 1939, Bingham to B. Hays, December 26, 1939, Brooks Hays Collection, Library, University of Arkansas.

[42]Raymond Leslie Buell to Brooks Hays, December 22, 1937, with notation that letter of acceptance sent December 12, "Economic Policy Committee Statement of Purposes," typescript, December 22, 1937, B. Hays to W. W. Waymack, March 13, 1940, Waymack to B. Hays, March 16, 1940, Brooks Hays Collection, Library, University of Arkansas.

[43]"Legal Murder in Arkansas, " flyer ca. June 17, 1939, telegram, Joint Action Committee, Commonwealth College to Brooks Hays, June 17, 1939, Brooks Hays Collection, Library, University of Arkansas.

[44]John P. Davis to Brooks Hays, June 17, 1939, B. Hays to Davis, June 24, 1939, Lee Hays to B. Hays, June 17, 1939, B. Hays to L. Hays, June 24, 1939, David Beardsley to B. Hays, June 17, 1939, B. Hays Beardsley, June 24, 1939, L. Hays to B. Hays, June 27, 1939, B. Hays to L. Hays, July 6, 1939, B. Hays to Davis, July 6, 1939, Brooks Hays Collection, Library, University of Arkansas.

[45]Little Rock (AR) Arkansas Baptist, March 14, 1940, copy in Brooks Hays Collection, Library, University of Arkansas.

CHAPTER V

SUCCESS, 1942-1957

On January 4, 1941, John B. Thompson, chairman of the Southern Conference for Human Welfare, wrote to Hays that organized labor was in crisis because congress was considering legislation on behalf of compulsory arbitration and "forced contracts," legislation which appeared to outlaw the right to strike. All Thompson asked was that Hays sign an enclosed letter and forward it to Hatton Sumners of the House Judiciary Committee. Earlier, Hays had willingly if not eagerly supported much more controversial issues. But in 1941 Hays declined. On the letter from Thompson, in red letters large enough to preclude any misunderstanding, was the notation, "No Reply."[1] Hays was finished with the SCHW; he was eliminating all potential controversy as he prepared to run for congress.

Hays almost changed his mind late in 1941. Driving home from Annapolis on a December Sunday, Brooks and Marion heard a news report of the Japanese attack on Pearl Harbor. Like many Washingtonians, the Hayses went to the Japanese embassy to gawk. More importantly, Hays had to reconsider his options. Even though he was in his early forties, he felt the patriotic impulse. As he recalled,

> I sort of played with the idea, very superficially, of enlisting. Men my age did enlist. But, of course, I had the children to educate [,] and I had my own niche in public service which I thought could be just as important as carrying a gun or manning a vessel.[2]

Having rejected the option of military service, Hays prepared for his congressional race by pacifying his enemies. Homer Atkins was the key. Atkins led the fight to get Hays removed after the Bailey debacle, and his animosity toward Hays continued when he became governor in 1940. His inclination to hamstring Hays showed clearly in an episode of 1941. In cooperation with the United States Department of Agriculture, Hays sought in that year to modify Arkansas' Soil Conservation Act. Hays needed Atkins' influence with the legislature, so he asked C. Q. Kelly, Atkins' liaison with the New Deal in Little Rock, to secure the support of the governor. Supposedly both Atkins and Kelly agreed that the changes were positive even though they normally opposed the type of ideas that Hays supported. But Atkins had higher priorities than merely the quality of the legislation. Despite supporting the concepts embodied in the proposed law, he killed the bill to keep Hays from gaining the glory. But in 1942 Atkins had a change of heart. Seeking re-election himself, he asked Hays for a truce. Hays agreed to stay out of the governor's race if Atkins stayed neutral in the congressional fight. Atkins and Hays kept the agreement, but associates of the governor helped the lieutenant governor, Bob Bailey, who opposed Hays.[3] In the morass of Arkansas politics loyalty had no place. Lacking an issue--Hays having no recent elective office in which to create a record--Bailey chose to attack Hays as a left-leaning lover of the minority race. Bailey accused Hays of being a "nigger-lover."[4]

An advertisement of the Bailey forces in the desperate waning days of the campaign proclaimed "Brooks Hays Friend of Leftists;" furthermore, "This Radical Will Upset the Social Patterns of the South."[5] To conservative Arkansans Hays had the credentials to qualify on both

counts. Not only had he been a member of the Southern Policy Committee since 1932 and the Southern Conference for Human Welfare from 1938, but he was founder of the Little Rock branch of the Urban League, and his work for the Little Rock Tuberculosis Association had taken him into black homes, camps, and sanitariums.[6] Hays ignored the attacks, preferring to occupy the higher ground.

Hays began his campaign for the congressional seat on July 11, 1942. Rather than hometown Russellville, he selected Conway, a city more centrally located in the district, as the site for his first campaign speech. Of primary concern to potential voters and, thus, to the prospective congressman, was agriculture. As he had throughout his career with the Resettlement and Farm Security administrations, Hays expressed his commitment to conservation of resources. Then he addressed the farm problem, offering to work for parity and gradual tariff reform--two items which Southern farmers had perceived as necessary as early as the populist era. Then Hays had words of praise for the productivity of the American farmer, but he also stressed the need for further diversification in Southern agriculture. To achieve even higher productivity and greater diversity, Hays advocated the traditional Southern solutions--federal aid with local control and better education. Finally, Hays donned the cloak of patriotism and discussed the war effort, cautioning his audience that victory over the enemy was fruitless if no precautions were taken to prevent inflation from dissipating wartime prosperity.[7]

Racial matters were less important in Arkansas in 1942 than they became later. So the people of the district rejected Bailey's attacks, and Hays had the victory he had failed to win so many times before. In

the primary a minority of the eligible Democrats voted. Hays defeated Bailey by a margin of 16,000 to 12,500, and, after the formality of the general election, began what was expected, according to Arkansas and Southern tradition, to be a lifetime of congressional service unbothered by concerns such as serious challenges to his re-election.[8]

On being sworn in as congressman from the fifth district of Arkansas in early 1943, Hays achieved job security. The seat seemed to be his for life if he chose to keep it. As long as he provided an occasional benefit to the district--a dam, a piece of legislation in the interest of farmers, or the like--he was free to wage his crusades without political peril. Especially was that so because his most important legislative fights were for traditional Southern liberal causes such as anti-lynch legislation, a permanent Fair Employment Practices Commission, and abolition of the poll tax. For the span of Hays' career in congress, each attempt to pass such laws failed. Southern strength made passage impossible, and Hays' constituents knew it. So they let him fight his hopeless fight for 16 years. Not until the crusade appeared to gain some success did the people of the fifth district rise against their crusader, but that would not come until the late 1950s. Meanwhile, Hays pursued a liberal path, even though liberalism was evolving too rapidly for him to keep pace.

World War II changed America as much as any event in the nation's history. Not only did the war reduce American poverty, establish American economic dominance of the world, and alter interrelationships within and without the American community, but the war also provided the background for the diminution of conservatism--a philosophy whose tendencies toward isolation, limited government, and toleration of

discrimination proved to be insufficient for the changed postwar world. In the new America arose a significant alternative, a liberal democracy. Prewar liberals tended to be preoccupied with the economy; those who sought a broader program were normally ignored if not persecuted. However, the reduction of economic hardship combined with America's new world position to allow liberals to broaden their objectives and thus gain new supporters.

Having endured first the Great Depression then a war of unequalled destruction, both physically and psychologically, postwar liberals determined to strive for a new and better world. As did conservatives, liberals wanted peace, but liberals believed peace was possible only if the United States cooperated with the Soviet Union, and only if the United States worked with and within the United Nations. An activist American government was to preserve that peace. Unlike conservatives, liberals wanted that same government to maintain the prosperity which the war had brought to America. Full employment; governmental regulation of the economy; a fair share of America's wealth for its producers--farmers and workers; and governmental guarantees of employment, decent housing, and medical protection; plus an extension of traditional New Deal programs such as the Tennessee Valley Authority--all these were the liberal consensus.[9] Even Southern liberals were willing to support most of the program, objecting to the extent but not necessarily the concept of federal activism. But there was one area of change for which white Southerners of all philosophies had little tolerance.

Northern liberals, faced with the wartime contradiction of fighting for justice and democracy while denying both to a sizeable number of

American citizens, determined that one of their major postwar goals was to be racial equality. Elimination of the poll tax, reduction of Jim Crowism, and enactment of federal anti-lynching legislation were all elements of the liberal program. But the primary goal of liberals who sought to bring black Americans into equality with whites was the establishment of equal economic opportunity for all. The means of gaining that goal was the Fair Employment Practices Commission (FEPC).

Southern opposition to the national liberals' FEPC, at least the opposition of men such as Hays, was not antipathy to justice for blacks. The Southern liberal opposition rested on differing traditions and an alternative set of assumptions about man and society. The long-enduring faith of Southerners in the superiority of local or state action to federal interference was so ingrained that it required no conscious rationalization. It was as habitual as the belief in the salvageability of most people and the corollary that the more fortunate had an obligation to use their success as a means of helping their less fortunate neighbors, white and black. Paternalism and skepticism about the efficacy of solutions from the distant and impersonal government in Washington, D.C., were the bases for Southern opposition to the FEPC. That position endured severe testing from the new liberalism in the battle which began to develop even before Hays went to Washington, D.C., in 1943.[10]

In 1941 there appeared in Alabama the League to Maintain White Supremacy. Stimulus for its appearance was the increasing radicalization of black Americans. A. Phillip Randolph led the fight against white discrimination, and his threatened march on Washington forced Franklin D. Roosevelt to issue Executive Order 8802.

Establishing the Fair Employment Practices Commission, that order appeared to many blacks the "most significant document...since the Emancipation Proclamation," and the successes of the temporary body were such that liberal white and black activists began a campaign for a permanent FEPC.[11]

In September of 1943, Randolph founded the National Council for a Permanent FEPC, an organization which gained the sympathetic support of such groups as the American Civil Liberties Union, the American Jewish Community, the National Association for the Advancement of Colored People (NAACP), and the Urban League. But the effort fell short. According to Walter White of the NAACP, "the Congress thought it more important to recess in order to participate in political campaigns...than to take action for the protection of human lives and destinies."[12] In other words, politics came first.

Then it was convention time. In 1944 the Democratic platform included support for the United Nations, Israel, and the World Court, as well as guaranteed prices and crop insurance for farmers. It even advocated an Equal Rights Amendment. The civil rights plank read as follows:

> We believe that racial and religious minorities have the right to live, develop and vote equally with all citizens and share the rights that are guaranteed by our constitution. Congress should exert its full constitutional powers to protect those rights.[13]

But congress declined to take up even such a weak challenge, preferring to move in the opposite direction.

At first the temporary FEPC was financed from the President's Emergency Fund. In 1945 the Independent Offices Appropriations Act eliminated that procedure by requiring that congress appropriate funds

for all such agencies. In that year the House Appropriations Committee denied funding to the FEPC. Only after compromise with the Senate was the FEPC funded and then only at one-half of its request. The final legislation specified that the FEPC was to have no money after June 30, 1946. Thus the congress effectively abolished the FEPC.[14]

On September 6, 1945, Harry S. Truman presented to the congress his Twenty-one Points, a list of legislative demands. Having given only faint support to the attempt to keep the temporary FEPC alive, Truman repeated an earlier request that "legislation be enacted placing the FEPC on a permanent basis."[15] The New Left historian, Baron Bernstein, has noted that Truman's "efforts specifically on behalf of the Negro were occasional and usually ambiguous."[16] An earlier critic of the president wrote in the Pittsburgh Courier of September 22, 1945, that "there is as yet no evidence that he has tried to use any of his great power to bring pressure on the recalcitrant Southern Senators and Representatives," who were so successfully hamstringing every attempt to revive the FEPC.[17] Having avoided a strong stand when the FEPC bill died in the House Rules Committee in June of 1945, Truman merely complained that the congress was strangling the FEPC when the Senate killed another bill by filibuster in January and February of 1946. Truman's complaints rang hollow when placed alongside his refusal even to meet with FEPC supporters such as White and Randolph.[18]

Having failed in congress, Truman established the President's Committee on Civil Rights on December 5, 1946. Executive Order 9898 authorized that body to offer suggestions to Truman concerning "the adoption or establishment, by legislation or otherwise, of more adequate and effective means and procedures for the protection of the civil

rights" of Americans.[19] The committee issued its report in 1947, a document entitled To Secure These Rights. The report called for anti-poll tax measures, a federal voting law, and other liberal measures, including a permanent FEPC. Southern reaction was more negative than not. Some warned that the report would promote anarchy and rape. Others reminded the public that Southern whites knew best what was good for "their" blacks. There seemed to be strong agreement that any action on the report would be political suicide for Truman. The president decided to sit the fence again. Even Hays noted that the time was not auspicious for action. Although he regarded the Southern reaction as overly emotional, Hays suggested a halt in activity. For him, no progress was possible in such a heated environment.[20] No progress occurred. With liberals and Southern Democrats increasingly hostile to one another, Truman's middle course simply led nowhere in 1947. In 1948 the president found himself in the uncomfortable position of straddling a fence which was being torn down from both sides.

In their convention of 1948, the Democrats sought to avoid a split on civil rights. They tried to keep the plank of 1944 which had been merely a collection of generalities. But the platform committee included a young liberal from Minnesota, Hubert Humphrey, who demanded as a minimum that the Democrats support the findings of the presidential commission. He demanded the abolition of the poll tax in federal elections, a federal anti-lynch law, desegregation of the armed forces, and a permanent FEPC. Moderates recognized that any such platform would further alienate already unhappy Southerners. The platform committee repudiated Humphrey and sent a compromise plank to the convention floor. Southern conservatives were unwilling by then to accept even a warmed

over version of the plank of 1944. Southern delegates called for an affirmation of states' rights. Provoked, the liberals reacted by accepting Humphrey's plank by a voice vote. The Dixiecrats bolted. In 1948 the Democratic platform included a "call upon the Congress to support our President" in the areas of "full and equal political participation," non-discrimination in the armed forces, "security of person," and equal employment opportunity.[21]

With many liberals having joined Henry Wallace's progressives, most analysts held that the Democrats faced almost certain defeat after the Dixiecrats left. The solid South faced a clear threat from the split. People like Governor Ben Laney of Arkansas, who "remonstrated against the usurpation of federal power" involved in Truman's civil rights plan, were a danger to the party regulars, Sid McMath, William Fulbright, and Brooks Hays.[22] Typical of Southern Democrats, "Representative Brooks Hays, liberal Arkansas leader, had no enthusiasm for the civil rights program (,) but he saw nothing to be gained by bolting the party."[23] The third and fourth party threats failed to materialize; then, despite Thomas Dewey's optimism, the Democratic candidate won the general election.

To some, the election was a mandate for Truman's civil rights program. Truman believed so. Having moved to the left during the campaign, Truman was under the influence of white liberals and blacks who believed that their maximum proposals were their minimum demand. The left refused to compromise, but political reality required compromise if any program were to become law. After the elections of 1948, the executive was in liberal hands, but the legislature was dominated by a coalition of Southern Democrats and Republicans. The conservatives managed to

kill even Richard Russell's civil rights compromise, a bill which called for a constitutional amendment to kill the poll tax, state anti-lynch measures, and a voluntary FEPC.[24] Even weak legislation was too strong.

Sixteen FEPC bills died in the House Education and Labor Committee during the session of 1948. The Senate was inhospitable, especially after internal rulings made cloture more difficult in 1948.[25] But Truman and the left determined to continue the struggle. In April of 1949, the board of directors of the NAACP declared "the priority of FEPC over all other legislation on civil rights."[26] On April 28 Senator J. Howard McGrath introduced the administration's civil rights package while Adam Clayton Powell sponsored FEPC legislation in the House. Testimony before the Powell committee illustrated the problem of enacting legislation in a hostile environment.

The Powell bill included a provision that the FEPC have power to issue cease and desist orders to violators.[27] That was too much for many witnesses. Congressman Charles E. Bennett of Florida objected to "a lot of pretty wild people, with pretty long hair" who were trying to destroy Southern democracy, and Republican Clare Hoffman of Michigan said that some backers of the bill wanted to promote intermingling and some were seeking intermarriage. The bill had many supporters as well. Mike Masaoka of the Japanese-American Citizens League noted that discrimination continued in California which had no FEPC while in New York which had a FEPC there was little overt discrimination. A spokesman for the NAACP testified about the benefits for both North and South, and a representative of the State Department noted that the legislation would be beneficial to American foreign affairs.[28] Committee member Thomas H. Burke of Ohio was willing to support milder sanctions, a "switch in the

closet or a club in the corner."[29] Even the threat of punishment was too much for Hays who said:

> . . . if there is a penalty provision in the FEPC law, we have created a fear in the hearts of millions of people and it would be a tragic reversal of this trend toward justice, leading us to racial frictions rather than allaying them.[30]

Hays had an alternative, the Arkansas Plan.

As early as 1945 Hays foreshadowed the Arkansas Plan when he debated Charles Lafollette of Indiana on the issue of the FEPC. LaFollette took the liberal position in saying that "we are not attempting with this legislation to eliminate prejudice. Prejudice is something which sits in the inside of people." But to LaFollette it was possible to eliminate the overt display of prejudice, discrimination. He argued that "people will come closer together when they know there is behind a Federal agency a power eventually to enforce action, to prohibit discrimination," as was the case when management accepted organized labor after the federal government forced the two sides to meet together.[31]

Hays disagreed. In the first place, "The situation which our opponents approach in terms of fair employment and with a legalistic instrument we approach in terms of full employment and with the consent of the community as its vehicle." Arguing the impossibility of legislating morality, Hays compared the FEPC with prohibition and anti-evolution laws, saying, "it will crash . . . upon the rock of popular resistance." Finally, Hays said that the very concept on which the FEPC rested was erroneous. According to Hays, "What the Negro really needs in the realm of civic and economic life as distinguished from social pursuits is a lessening of his race connection" and any process whereby a man was to be reinstated by the FEPC due to race would intensify the

"race connection" and, thus, the problem.[32] As Hays argued in a later confrontation with Vito Marcantonio of New York, liberals were "forcing the Negro to judge all legislation by its contribution to breaking down the barriers of segregation rather than by its contributions to his general welfare as a citizen of the United States", and Hays preferred to keep economic improvement as separate as possible from racial matters.[33]

After the elections of 1948, with the chasm between liberals and Southern Democrats widening, the moderate Hays sought to bring the two sides together. In February of 1949, Hays revealed his compromise, the Arkansas Plan. Noting that a year had passed in futility since Truman sent his proposals to Congress, Hays stated that such a lack of success might indicate flaws in the program. One flaw obvious to Hays was that some of the president's so-called civil rights were actually "social aspirations," matters of state and local prerogative. Approaching the matter as Stephen Douglas had Henry Clay's Omnibus Bill, Hays said, "If an answer to the difficult problem involved in the proposals is found we must study the problem in sections." He expressed regret that "the recommendations have been submitted as one proposal--impinging as they do upon an infinite variety of human relations and involving widely different legal questions."[34]

The first element of the president's plan was the desegregation of the armed forces. The Arkansas Plan defined that matter as already resolved. Changes in the policies of the various services and the Supreme Court's rulings invalidating segregation of common carriers made that aspect irrelevant, especially as, according to Hays, "under the Constitution the question of segregation was largely a state matter."[35]

The president also sought to eliminate the poll tax by federal law.

As a Jeffersonian liberal, Hays believed that the Federal Government lacked the power to make such a law. For him the only means of transferring state powers to the national government was by amending the Constitution. Hays said, "While I do not like the tax, I think it is a reasonable exercise of States' rights and I do not think that there is any substantial impairment of citizen rights to vote." However, should change be necessary, modification of Section 2, Article 1 of the Constitution was the correct procedure, not a "Congressional statute [which] might become a precedent for further federal intervention in election machinery."[36]

Anti-lynching legislation was another element of the president's plan. Hays sought a highly restrictive law which would allow federal intervention only as a last resort. In effect, after a lynching, the federal government had to wait until local delay and apathy made a successful federal prosecution virtually impossible. Hays noted that membership in a lynch mob was a violation of state law, and the need for federal intervention in such matters arose only if the state was clearly not acting in good faith in prosecuting violators. The need for active federal intervention was also minimal because lynching was largely a historical phenomenon by 1949. Hays said, "I have lived in communities where lynchings have occured (sic), first as a boy 40 years ago and as a young man in another community about 25 years ago." Those experiences convinced Hays that such acts were the perpetrations of lawless people for whom federal law was no deterrent. For Hays the only useful law was one which stipulated that "violence to become a Federal offense must be committed for the purpose of taking the person's life."[37]

Finally, Hays addressed the matter of the FEPC. Truman wanted a

Federal agency with investigative and enforcement powers. Hays sought, as he said, to

> . . . model an educational and voluntary program after the program for handicapped workers in an attempt to induce those who framed industrial policies . . . to adopt policies that would advance us toward the ideal of equality. [Anything more was sure to] cause deep cleavages between the races in Southern states . . . .[38]

Citing the words of Abraham Lincoln of October 16, 1854, Hays said, "A universal feeling, whether well or ill-founded, cannot be safely disregarded." Thus, to Brooks Hays the FEPC should be "a counseling service to work for non-discrimination in industry."[39] Such was the Arkansas Plan, an illusion of reform which in reality changed nothing.

The plan won the endorsement of Richard Russell. Even Lester Granger of the Urban League liked the anti-lynching and poll tax features because he preferred something, however weak, to nothing. But the plan had no chance. Truman's response on hearing of the Arkansas Plan was to ignore it. By that time he was personally and politically committed to his own plan and sympathetic to civil rights advocates such as Thomas L. Stokes who held the view that "basic rights guaranteed in the Constitution [had been] compromised since the Civil War.[40] Among other weaknesses, one flaw in the Arkansas Plan was that compromise was no longer possible.

The Arkansas Plan died in committee. No civil rights bill passed in 1949. The administration decided to delay any further action to 1950. In January of 1950, the National Emergency Civil Rights Mobilization held a rally attended by 4,000 participants from the Congress of Industrial Organizations, B'nai B'rith, the Americans for Democratic Action, Greek-letter fraternities, and the National Baptist

Convention, among others. Participants determined to stress FEPC legislation in 1950. At the same time Truman made his firmest commitment to the FEPC. He met with Hays and reaffirmed the non-negotiability of his civil rights program. He asked black leaders to the White House and promised them a vote on the FEPC "if it takes all summer." Finally, he stated at a news conference of January 27 that "My compromise is in my civil-rights message."[41]

The FEPC bill ran into initial opposition from Sam Rayburn, but its supporters maneuvered the bill past him. The bill passed the house 240 to 177 after Samuel K. McConnell, Pennslyvania Republican, amended it to eliminate enforcement provisions. However, the bill died in the Senate when cloture failed. No new attempt to pass FEPC legislation occurred for nearly a decade. Some of the reasons for the failure of the campaign for the FEPC were declining interest in civil rights, increasing concern with the Marshall Plan and McCarthyism, and reduction of liberal Democratic strength in the congressional elections of 1950. Even Hays voted against the McConnell Bill.[42] His political safety required it.

Civil rights agitation was unfashionable in Arkansas in 1950. In the race for governor that year both candidates, including Sid McMath who was more liberal than Hays in 1948, opposed "FEPC, socialized medicine, and the centralization of political power in Washington." Like Hays, both were states' rights oriented but not especially racist; prior to the Brown decisions, "blacks were typically both neglected and very largely forgotten in campaigns for governor."[43]

By 1952 the Democrats were clearly on the defensive. The Republican platform charged them with selling out China, illegal war in Korea, and "tragic blunders" at Yalta and Potsdam. The Democratic civil

rights plank was a mere restatement of that of 1948. The Republicans allowed the federal government to protect civil rights within its borders but reaffirmed the primacy of the states within their confines. The Republicans won, of course, and the crusade for the FEPC was ended. By 1956, a year in which Hays played a major role in drafting the platform, the Democrats were saying that "the Party of Jefferson and Jackson pledges itself to continued support of those sound principles of local government which will best serve the welfare of our people and the safety of our democratic rights."[44] The major parties abandoned the FEPC, but some minor progress occurred.

On December 3, 1951, Truman's Executive Order 10308 established the Committee on Government Contract Compliance, a committee which served as the model for similar agencies in the administrations of Dwight Eisenhower and John Kennedy. The efficacy of those bodies became apparent in a report of the United States Commission on Civil Rights in 1961. The report stated that both government and non-government contractors continued to hire in keeping with local usage. When in the midst of discrimination, forget equal opportunity. In 1969 the Department of Defense reportedly gave contracts to firms which continued to discriminate.[45]

Hays continued in congress until his defeat after the Little Rock crisis of 1958. He stood by his section in signing the Southern Manifesto and in defeating the civil rights legislation sought by Eisenhower in 1956, and he fell in defeat with his section when the administration won passage of the weak Civil Rights Act of 1957.[46] Throughout his congressional career Hays was consistent in his opposition to federal civil rights legislation despite an active

commitment to equal opportunity for blacks. Had he done otherwise, he might have been a former congressman much earlier.

Aside from civil rights, another key interest of Hays as a typical Southern congressman was foreign affairs. As early as 1944, he and Walter Judd of Minnesota made a junket to England to discuss with the American ambassador and parliamentary leaders the need for cooperation in the postwar years. It was a fairly innocuous venture into foreign affairs, as was Hays' introduction of a resolution on March 14, 1945. Acting on the suggestion of a friend in Little Rock, Hays attempted to have the name of Iwo Jima changed to Marines Island as a commemoration of the noble effort put forth there. Hays also introduced legislation to create a memorial for Ernie Pyle, the war correspondent who died in action. Both bills died in committee, as did his amendment to the G.I. Bill of Rights. The intent of that amendment was to empower the administrator of the veterans' educational program to restrict access to colleges to only those within the serviceman's home state. Only when certain institutions became overcrowded due to their popularity with returned G.I.s was the administrator to invoke the rule. Other bills which disappeared into the gulf of the congressional committee system included one which called for a memorial to the dead of the Marine Corps to be built in Washington, D.C., and one which attempted to provide federal funds for tombstones for deceased veterans. Even Hays' bill to aid returning veterans to adjust to civilian life died in committee, as did his concurrent resolution calling for the creation of a joint congressional committee to develop a policy for the occupation of the defeated nations. Hays' primary contribution was his support for laws to continue the financing of the war, as was the case when he voted with

the majority in the 79th congress to extend the defense act of 1941. Hardly embroiled in controversy, Hays was one of the 354 congressmen who voted "aye," while only 28 opposed. Equally non-controversial was the resolution which Hays introduced and the house passed unanimously to have Douglas McArthur address a joint session of congress if he should be in Washington, D.C.[47] Hays' contribution in the area of foreign affairs or war-related matters during his first few congresses was not of major historical importance, but it was sufficient to maintain his popularity with the patriotic constituents of his district.

More significant was his advocacy of an effective program for the postwar recovery of the war-damaged regions. On September 20, 1947, he wrote to Truman that the congress had need to act quickly to stabilize the European economy. Hays asked the president to call a special session because the problem was severe. He wrote,

> One does not have to believe that a collapse of Western Europe during the coming winter is inevitable--though many do so believe--to hold that the United States must do all within our [sic] power to prevent widespread suffering and distress among the European Nations.[48]

Such aid required congressional authorization, and congress needed the extra time which a special session would allow so that it could deliberate without undue haste or distraction. Hays gave a similar report to a constituent in October. Hays explained to president J. R. Grant of Ouachita College that Europe needed to produce to recover, and the people needed some incentive to work harder. Also, to make foreign aid palatable to an Arkansan whose patriotism tended to wane when his money rather than his blood was at stake, Hays pointed out that congress and the United States had the right as well as the obligation to specify conditions and monitor the recovery plans. Hays then appealed

to the conscience of the president of the Arkansas Baptist college. He explained that the situation was one which went beyond the question of the legitimacy of American aid. The issue was emergency relief, a humanitarian concern. Admittedly hunger was not yet epidemic, but it was highly probable that it could be so by the next winter. Wheat supplies were disappearing, and, in combination with cold, the inevitable hunger when they were gone would cause sufficient desperation that Europeans might turn to the Communists. Hays mentioned specifically that Russia would probably use its wheat as a bargaining counter in its negotiations for communist governments.[49] Hays understood how to appeal to the folks back home; he skillfully used morality and the specter of Communism and tossed in a bit of government control and fiscal responsibility, and he managed to sell the package.

Truman agreed with his position too. On November 17, 1947, a special session of congress approved emergency aid to China, Italy, France, and Austria. Despite initial concern that the isolationists might stop the bill, passage came by an overwhelming margin. That vote was regarded by Hays as an auspicious sign for the impending decision on the Marshall Plan. He was right. George Marshall's design for European recovery by means of collective planning and American financing encountered problems because it proposed massive expenditures--$17 billion over a period of approximately four years--and because of concern that it might provoke Russian opposition. However, the plan won speedy passage after a successful communist seizure of power in Czechoslovakia in early 1948 and Russia's coercion of Finland into an alliance at the same time. Those who feared to provoke Russia had no more credibility, and the apparent spread of "monolithic Communism"

convinced those who had preferred to save their money. The plan passed the house by 329 to 74 and the senate by 69 to 19. The European economy stabilized due to the more than $10 billion which the Marshall Plan provided it, and the iron curtain descended to separate the monolith from its potential victims.[50]

Although Europe seemed to be safe, the rest of the world was still vulnerable as the cold war intensified. Alliances and financial assistance failed to save China; even the government of the United States was not exempt, as several spectacular revelations of Communists in high places seemed to indicate in the late 1940s and early 1950s. The stalemate in Korea illustrated to some that force was not the total solution. Communism appeared only containable, not beatable, and the crisis which resulted from the seeming indomitability of the hostile force allowed the rise of men such as Joseph McCarthy, the Wisconsin witchhunter. Hays addressed the issue of McCarthyism at least once, that coming in 1954. Speaking before the Young Democrats of Florida, he claimed that the Democrats were victims of unfair calumniation by the opposition. Some members of the opposing party were charging that the postwar situation was due to the preference of the American people for Democrats. Hays preferred to blame the Russian government for creating the tensions which were leading some Americans into a return to isolationism, the old method of avoiding world problems. Hays then verbally retreated, noting that the attackers were not true Republicans. Also, he indicated that he regarded them as a problem which the Republicans, not the Democrats, had to correct if there were to be Democratic participation in foreign policy, an area which Hays believed should be a bi-partisan concern.[51]

Eventually the Republicans disposed of McCarthy, and Hays was again able to support the foreign policy of Dwight Eisenhoewr. In late 1954 a crisis which appeared possibly to be another Korea was developing in Formosa, the island refuge of nationalist Chinese which the Communist Chinese seemed ready to invade. To indicate that the president was committed to the protection of Formosa and that he had the support of his people, the congress passed 410 to 3 in the House and 85 to 3 in the Senate the Formosa Resolution. That resolution was a blank check given by congress to the president which empowered him to protect the island by any means, including armed force, that he might deem necessary. To Hays the decision of the Democrats to support Eisenhower was a positive sign, and the decision of the president to request such a resolution was wise. Faced with such a hawkish and united posture on the part of the United States, Communist China took no military action.[52]

The bi-partisan Hays won over the president. In 1955 he became a member of the American delegation at the United Nations. In April of that year, he debated Chester Gross on CBS. Describing the U.N. as the "best hope of a stabilized world and a permanent peace," Hays cited Iran and Israel as two instances in which the U.N. had kept the peace; then he encountered Gross' contention that the U.N. should be eliminated because it erred or failed on occasion. As he told Gross, "you wouldn't say that because American policy has been subject to criticism that the United States should be dissoved and . . . attacked . . . ."[53] Hays also helped in the passage of the legislation which continued the Mutual Security Administration in 1955, and he supported the futile efforts of Eisenhower to gain a disarmament agreement with the Soviet Union. At the same time he continued his concern with the dangers of Soviet

expansionism to the underdeveloped areas of the world.[54]

Speaking to a group of U.N. supporters in 1956, he reflected on the improved state of relations with the Soviet Union after the collapse of McCarthyism. Noting his pleasure that the Soviets had shifted to an emphasis on economic and educational competition, Hays nevertheless remained firm as a cold warrior. He said that the United States must continue to help the underdeveloped areas and that it must increase its use of the U.N. as a channel for that aid. Otherwise the third world might fall into the trap of thinking that aid from the Soviets was possible without any accompanying Soviet influence. The United States had to compete in its areas of strength so that the potential victims of the Soviets would remain aware that there was an alternative.[55]

His final effort on behalf of foreign affairs came in April on 1957. Hays led the fight to pass a bill which allowed Great Britain to defer seven yearly payments on its war loan. Backed by both Eisenhower and Sam Rayburn, the bill passed the house by a vote of 218 to 167. Rayburn said of Hays, "the explanation of this bill by the gentleman from Arkansas was the clearest, best and most convincing by any member of Congress in this session."[56]

Equally satisfying, although unspectacular and often unsuccessful, was Hays' service on behalf of domestic legislation. In 1943 he supported the amendment to the antiracketeering law of 1934, an amendment which strengthened the earlier legislation but failed to solve the problem. As a good Southerner, he opposed the bill to increase the debt ceiling, but proponents prevailed 268 to 129. He was also in the minority when the agriculture department appropriations bill for 1944 was amended to exclude incentive payments, and he failed to get flood

relief or shipments of feed to disaster areas, but his attempts showed his concern for the special needs of this district so he faced no political danger from being on the losing side.[57] In the next congress, after automatic re-election, he continued to fail as creator of legislation. His bill to allow the continuation of rural rehabilitation projects died in committee in 1945, his attempt to create fact-finding boards for the investigation of labor disputes fell to defeat the same year, and the resolution "requesting the President of the United States to issue a proclamation on Mother's Day expressing our love and reverence for motherhood" died in committee in 1946. [58]

On the brighter side, Hays supported the Employment Act of 1946, the law which established the President's Council of Economic Advisors and the Joint Congressional Economic Committee. By a vote of 322 to 84, the House passed the bill which established federal responsibility for employment, production, and buying power. Also in 1946 he won backing from Henry Wallace for his proposed legislation to authorize that the Commerce Department collect and transmit commerical and industrial data to businesses. At the same time he lobbied with his colleagues for passage of housing legislation essential to the postwar readjustment of the United States because it authorized increased federal assistance in the construction of badly needed homes for a newly prosperous nation. He backed labor by opposing Taft-Hartley in 1947, and he tried to take care of his constituents by attempting, albeit unsuccessfully, to get federal funding for the construction of buildings to house agricultural agents in areas where agriculture was a major source of employment, Arkansas for instance.[59] In 1950 and 1951 he attempted to establish federal responsibility for employment assistance to minorities, and in

1951 he sought to extend coverage of Social Security to employees already covered by state and local retirement systems. In 1951, as well, he reintroduced his bill to allow federal financing of county agricultural buildings.

In 1953 Hays failed to exempt intrastate shipments of goods which crossed state lines in transit from the Fair Labor Standards Act of 1938, a clear reversal of his pro-labor stance in the Taft-Hartley vote because his proposal would have allowed exemption from the minimum wage law for those who handled the affected intrastate shipments. Also, Hays' drought relief bill of that year failed to attract support. And in 1955 Hays tried unsuccessfully to create legislation for federal aid to school construction. But the most important piece of domestic legislation for his district came from others. In 1948 congress authorized the modification of the Arkansas River to make it navigable up to Tulsa. In 1955 the project had developed to the point that money was authorized for construction of the Dardanelle Dam, the barrier which made Russellville into a resort town. But when Hays described the benefits of the project to the Little Rock Chamber of Commerce in the election year, 1956, he said, "navigation will give us a share in the Nation's industrial growth . . . population losses can thereby be arrested," and the area could enjoy the benefits of cheap transportation--a means of exploitation of Arkansas' bauxite, lumber, coal, minerals, and agriculture.[60] A good congressman gave direct benefits to the voters.

The final key to successful service as a congressman was party loyalty. Way back in 1948 when the Dixiecrats ran amok, Hays and Arkansas' other liberals kept the voters in the Democratic column. Hays

even advocated compromise to heal the breach. He called on Truman to be moderate, Hays believing the Dixiecrats were sure to cooperate. He even had nice words for the bolters, indicating that they had some worthy objectives, even if their methods were wrong. He helped Arkansas to remain loyal in 1952 when no state outside the South gave its electoral votes to Adlai Stevenson. And he campaigned for his party's loser in 1956. His big speech came at Birmingham, Alabama, on November 1, 1956.

At Birmingham, Hays abandoned his bi-partisan approach, saying, "We cannot afford to permit the Republican Party to continue to lead us in a policy of drift in foreign affairs and stagnation in domestic affairs." Fortunately, there was an alternative; Hays described Stevenson as the best qualified candidate since Woodrow Wilson. Especially attractive was the fact that Stevenson was a man of principle. Hays used as his example of Republican duplicity the old struggle for the FEPC. He said:

> While the Republican members of Congress were making a mockery of the Civil rights issue, the President indicated his opposition to the Powell Amendment because it damaged the cause of Federal aid to education. Now we find the proponents of the Powell Amendment embracing the President, who no longer sees any such dangers in extraneous amendments.[61]

Obviously the solution to the problem of unprincipled politics was to elect Stevenson. Unfortunately, Hays went ignored in the North. Stevenson carried only seven states, all in the South. Alabama and Arkansas remained among the faithful.

Faithful--that was the perfect word to describe Hays. As a congressman he remained full of faith, and as might be expected, used his position to spread the word about the value of religion. He had done so throughout his career. When the problems of poverty came to be superseded by the rise of threats to world peace, Hays remained a

spokesman for the Christian way. In September of 1940, Hays was attending a meeting sponsored by the National Conference of Christians and Jews, one of his long-time affiliations; simultaneously Rumania eliminated all of her Baptist Churches. That a state was able simply by decree to eliminate the outward sign of one entire denomination was a clear indicator of the fragile condition of religion in a hostile world. It was a message to Hays that he and his co-religionists had best abandon their narrow doctrinal prejudices. They must, if only for self-preservation, enter the fight for another oppressed religious group, the Jews, no matter where they might be. Too many Baptists and other Christians failed to grasp the danger, and in 1944 Congressman Hays had to report to his people in Arkansas that "Somewhere, somehow, Christian forces failed in Europe."[62] At the same time Hays expressed concern about the rehabilitation of European churches in the postwar world. His concern remained despite his meeting with a Baptist in Paris who reported that 2,000 French Baptists had managed to remain organized, even with the difficulties of the war. And his concern remained despite the meeting he had with J. H. Rushbrooke, president of the Baptist World Alliance, and M. E. Aubrey, secretary of the Baptist Union, a meeting at which Aubrey reported that "the free churches are maintaining a united defense of our concept of religious freedom," and trying to keep religion free from political control.[63]

On his trip to Europe in 1944, Hays found a Bible and a devotional written in German. Several years later he found the opportunity to return the books, but the German churchman to whom they belonged asked Hays to keep them as a reminder that Christianity was a force unrestricted by political borders.[64] That even a representative of

those who had failed in the years of war was able to remember the Christian message had to encourage Hays about the revival of Christianity after the holocaust. Equally exciting as a symbol of the strength of religion was one of the last controversial but most typical of Hays' legislative actions.

In 1949 Mike Monroney of Oklahoma asked Hays to sponsor a resolution for the creation of a prayer room in the capitol. Approval was unanimous, and in 1955 congress finally gained a suitable place to gain the spiritual support Hays always advocated for its members.[65] The congressmen had a private place in which not

> . . . to determine through prayer a course of expediency and success but rather to find in resort to spiritual resources the answer to the question that stirs the heart of more public men perhaps than the people know, namely, 'What is right?'[66]

In 1957 and 1958 Hays had his greatest opportunity to answer that question.

After 15 years' service as a competent if not brilliant congressman, Hays was secure. He had maintained his reputation as a reformer, the Arkansas Plan did that. At the same time, he had stayed loyal to the region, taking a safe internationalist stance in foreign affairs, continuing to work for economic improvement in his state, and not alienating too many constituents. Politically he had little to fear. At the same time he continued as a party regular, supporting the proper bills and working with the leadership. Indicative of his security was the presence of token or no opposition in virtually every re-election campaign. But that all ended in 1958.

While Hays was enjoying the congressional life, a crisis arose in his district. Integration became a more important question than any other in 1957 and 1958. True to form, Hays attempted to serve as the

conciliator, the negotiator between the opposing sides. Lacking a commitment to either position, he seemed a natural choice. But the man in the middle often finds himself in a crossfire and has to make a choice. Little Rock was the pivotal test of the legitimacy of Hays' image as a moderate.

FOOTNOTES

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[3]Ibid.

[4]Ibid.

[5]Ibid.

[6]Ibid.; Interview, Tonks with B. Hays, August 23-26, 1976, Nashville, Tennessee.

[7]Press release, "Address of Brooks Hays at Conway, Arkansas, Delivered Saturday, July 11, 1942," Brooks Hays Collection, Library, University of Arkansas.

[8]Interview, Tonks with B. Hays, September 8, 1975, Nashville, Tennessee.

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[23]Key, Southern Politics, p. 339.

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[27]Hays, Southern Moderate, p. 53.

[28]U.S., Congress, House, Committee on Education and Labor, Hearings Before a Special Subcommittee of the Committee on Education and Labor on H.R. 4453 and Companion Bills to Prohibit Discrimination in Employment Because of Race, Color, Religion, or National Origin. 81st Cong., 1st sess., 1949, pp. 18, 49; McCoy and Ruetten, Quest and Response, pp. 179-180.

[29]Hearings on H.R. 4453, p. 508; Hays, Southern Moderate, p. 55.

[30]Hearings on H.R. 4453, p. 509; Hays, Southern Moderate, p. 55.

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[37]Congressional Record, 81st, p. 769; Hays, Southern Moderate, p. 47.

[38]Hays, Southern Moderate, p. 49.

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[41]Hays, Southern Moderate, pp. 49-50; McCoy and Ruetten, Quest and Response, pp. 186-187; Bernstein, "Ambiguous Legacy," p. 295.

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CHAPTER VI

LITTLE ROCK, CRISIS, AND DEFEAT

On September 24, 1957, acting under orders from President Dwight David Eisenhower, 1,000 federal troops arrived in Little Rock, Arkansas, to preserve the peace. For the first time since Reconstruction, the federal government used its military power to protect the rights of black citizens. The crisis which precipitated such an extraordinary exercise of federal might by a president not known for his commitment to civil rights had its origins in the Brown decisions of 1954 and 1955, but the precipitating events were more immediate. What might have been an easily controlled situation blossomed into one of the most disgraceful episodes in the history of Arkansas, and the primary reason for that escalation was the failure of all elements of leadership. Caught in the middle of the controversy because he believed in his responsibility to his constituents, Hays found himself not only unable to effect a compromise but also--to his absolute surprise--unable to preserve his congressional seat, a position which only a short time before had seemed a virtual sinecure. In the chaos which accompanied the desegregation of the public schools of Little Rock, Hays found that moderation on racial matters was no longer a tenable position when the civil rights revolution occurred.

In the aftermath of the Brown decision of 1954 and the implementation decision of the next year, many school districts prepared to comply

with the law. Even in Arkansas there were strong indications that desegregation was to proceed peacefully. The school board of Hoxie, Arkansas, for example, chose to obey the decision, even fighting the segregationists in court when those opponents attempted to hinder or prevent implementation of the desegregation plan. With help in its lawsuit from the federal justice department, the school board of Hoxie won the right to desegregate. Other small districts in Arkansas desegregated with even less difficulty. Timing was vital to peaceful desegregation, for opposition was hardening.[1]

The segregationist crusade in Hoxie, although it failed, had implications for Little Rock. Organizations such as White America, Inc., and the White Citizens Council of Arkansas, dominated by its branch in Little Rock, appeared in reaction to the battle at Hoxie. After failing there, the groups consolidated their forces for the next conflict. That unification had implications beyond simply coordinating a collection of boisterous but basically inept reactionaries, for one of the prime targets of the segregationists was Orval Faubus. The governor resisted pressure from segregationists to interfere in the Hoxie case. However, as his opponents coalesced into a major political force, he yielded to the fears imposed by the possibility of his electoral defeat at the hands of unified racism.[2]

Coincident with the weakening of the governor--a man whose previous record had included leadership in the desegregation of party and state offices--there occurred a more potentially dangerous development. That, of course, was the issuance of the "Southern Manifesto." When, in March of 1956, all but a handful of Southern representatives and senators declared their intent to resist by all means the "unconstitutional"

decree of the Supreme Court,[3] those congressmen, including Hays and every other member of the delgation from Arkansas, gave legitimacy to those of their constituents whose opposition had previously rested for the most part on simple racism. Furthermore, by declaring their intention to pursue the same course as the Citizens Councils and similar groups, the elected representatives of the people of Arkansas gave no valid alternative model for the people they theoretically represented. Racists had a new license to pursue the struggle, and the pressures on Faubus intensified.

Despite their increasing strength, the segregationists appeared to be only a remote threat to peaceful compliance in Little Rock. The school board and its superintendent, Virgil Blossom, had agreed within a matter of days after the decision of 1954 that there was to be no disobedience. Despite the dislike of many citizens for the ruling, there was general acceptance that obedience was necessary to maintain the image of their city as progressive, harmonious, and law-abiding. Also, the expectation was that only minimal desegregation was necessary for compliance. And the court's implementation decision that the process was to occur with "all deliberate speed" seemed to confirm that desegregation had to take place only one minute step at a time. For a year the board surveyed public opinion, and its members addressed community groups. On May 24, 1955, with the support of even Dale Alford, the most ardent segregationist in the group, the board voted unanimously in favor of the "Blossom Plan." The plan anticipated desegregation first in the high schools. When that process proved a success, then junior high schools and finally elementary schools were to desegregate. The anticipated starting date was the school year 1957-1958, and completion had no

fixed date although a delay of several years appeared inevitable, and elementary desegregation was at least six years away from its beginning. Encouraging signs that the plan was acceptable included the dismissal by federal judge John E. Miller of a suit in which the NAACP sought to force the registration of more than two dozen black children in all-white schools in January of 1956. Miller ruled that the district was moving in the direction of desegregation and, thus, was in compliance with the law. Even in early 1957 moderate integrationists defeated self-proclaimed segregationists for two positions on the school board.[4]

While the deliberate process of desegregation appeared to be working well, a series of less promising developments cast a pall on the overly optimistic desegregationists. Backed by Attorney General Bruce Bennett, who had aspirations to replace Faubus in the gubernatorial mansion, the state legislature passed laws which clearly supported the rising tide of massive resistance. One of the so-called "segregation bills" created a State Sovereignty Commission as guarantor of the rights of the state. Another required the registration of organizations such as the Capitol City Citizens Council and the NAACP as well as their members. (The intent was to identify integrationists, but segregationists had to be included or the bill was unconstitutional discrimination.) The two more important bills for those who advocated direct resistance provided that school attendance was no longer mandatory in desegregated schools and that local school boards had the power to use their funds to fight integration. Needing votes for his tax program and fearing the competition from Bennett, a man whose views more closely approximated those of the men who had helped Faubus into the governor's chair, the governor capitulated and signed all four bills. He was not yet

sufficiently converted to become their leader but he recognized the obvious. The segregationists were on the ascendancy, and their campaign intensified as the scheduled date of desegregation approached. In August the mother of a Central High School student sought a temporary injunction in Pulaski County Chancery Court against desegregation. Chancellor Murray Reade granted the injunction, primarily because Faubus testified at the hearing that desegregation would provoke violence, perhaps bloodshed. The League of Central High School Mothers had its victory, and it had the governor. But a day later the federal district court of Ronald N. Davies overturned the injunction, enjoined any person from interfering with the Blossom Plan, and ordered desegregation on schedule. With the date only four days away, the crisis was nearly at hand.[5]

The day before school was scheduled to open, September 2, Faubus declared a state of emergency and ordered the Arkansas National Guard to bar the nine black children from Central High. Judge Davies ordered desegregation to proceed. The school board sought a delay, citing tensions which made education impossible, tensions which they had failed to anticipate and, as a result, were unable to prevent. Davies ordered integration to proceed. Faubus reiterated his order that the guard was to keep blacks out of Central High. Also, he asserted his duty to protect his state from unlawful usurpation of power by the federal government, that is, Judge Davies. Davies sought an investigation by the justice department into Faubus' claim that the guard was necessary to prevent violence. On receipt of the report, Davies asked Atttorney General Herbert Brownell to request an injunction against the use of troops by the governor. Brownell complied, and Faubus received a

summons to justify himself before Davies on September 20.[6] In the interim Faubus met with Eisenhower at Newport, Rhode Island, on September 14.

At Newport, Brooks Hays became a major participant in the unfolding melodrama. In Washington, D.C., Hays read of the decision by Faubus to place troops at the school. To him the governor was preserving order but violating the law. A confrontation between state and federal authority seemed imminent to Hays. As representative of the fifth district, Hays regarded it as his responsibility to save the people of Little Rock from that confrontation. He returned home and talked to moderate friends. Then he determined to call Sherman Admas, adviser to Eisenhower and a friend of Hays from the time that they served in congress together a decade earlier. Adams responded favorably to Hays' effort to arrange a meeting between Faubus and Eisenhower, especially after Hays indicated that the governor was not a rabid racist but rather was a rational man who faced a difficult situation. Adams agreed to study the proposal, and the telephone lines remained active for several days. After Hays amassed a telephone bill of $250.00, finally agreement came that Faubus was to send a telegram to Eisenhower. In the communication Faubus asked to see the president to discuss how the governor was to proceed in complying with the various court orders. The negotiations went slowly because Eisenhower wanted the message to contain the exact wording that he chose. Furthermore, after the message met the presidential specifications, an aide to Faubus raised objections which threatened to destroy the negotiations. Hays, however, operated on the assumption that Faubus was not really as committed as were some of his followers. Presumably the governor was more concerned with his

political future and might accept the role of leader of those Southerners who established racial harmony, something consistent with his career until 1956. So Hays kept the lid on, and Faubus sent the telegram. When Eisenhower replied with an invitation to Faubus, the governor indicated his appreciation of the negotiator by inviting Hays to attend the meeting at Newport.[7]

The trip to Newport was slow, and Faubus was silent through much of the flight, brightening only when Hays described the potential historic redefinition of federal-state relationships which was the potential result of the meeting. Unfortunately, at Newport those hopes failed to materialize. Faubus and Eisenhower spoke privately for about ten to twenty minutes. When the conversation ended and the two joined Hays and Adams, Faubus appeared to be unhappy. However, as Faubus recalled the meeting nearly twenty years later, the governor had the better of the exchange. According to him, when he first met Eisenhower he received a lecture from the general, as if he were merely a lieutenant. Having listened to the list of restrictions and prohibitions, Faubus countered with a recitation of facts about Arkansas. For instance, the University of Arkansas had integrated several years before, and while Faubus was governor blacks had enrolled in all of the other state institutions of higher education. According to Faubus, more schools were integrated in Arkansas than in eleven other Southern states combined, and both the Republicans and the Democrats had integated their state organizations, something done by no other Southern state up to that time. Faubus explained that many Arkansans felt that they deserved special consideration for their progress rather than the singling out for opprobrium which they received when once they sought to delay. And Faubus told

Eisenhower that recognizably delay was not a solution, but it was a vital element in the efforts to avert the impending crisis. As he described the situation, the integrationists had forced Little Rock to become an example for the South. By doing so they had forced the segregationists to counter with intensified efforts as resistance. Each side escalated its commitment until both had too much at stake to back down, and the only way to avoid the clash was to delay further movement toward integration. The lull was to provide time for each side to retreat gracefully to a more flexible position. According to Faubus, the president appreciated the situation, especially when Faubus couched it in terms of a military campaign, and Eisenhower appeared willing to consider delay as a viable option. The possibility became greater when the two joined Hays who confirmed the report of progress in Arkansas.[8] At that point the possibility for a successful compromise at Newport appeared bright. Then Brownell entered the conversation.

According to both Hays and Faubus, when Eisenhower described the private conversation to Brownell, the attorney general destroyed any hope of delay. When Eisenhower asked if Brownell could get Davies to postpone the hearing for a few days, Brownell replied that such an action was illegal. Before that flat rejection, Eisenhower was so willing to compromise that he told Faubus that there was no question that the governor had the right to call up the guard. Their disagreement lay in the orders which Faubus gave to bar entry to blacks. Eisenhower found that action to be improper, but the disagreement was yet a possible topic for further discussion during the period of delay. However, Brownell precluded without deliberation and unilaterally the postponement of confrontation. After that the meeting continued for nearly two hours more,

but without the possibility of agreement the discussion was casual, and most of the time was filled by the storytelling of Hays. Suddenly the president called the meeting to an end, and the Newport conference concluded. Both Faubus and Hays expected an invitation to return in the afternoon for further exploration of the situation. What they received was instructions to prepare a statement for the press.[9] Back in their hotel room the two men did nothing at first. Faubus appeared to be once again withdrawn, and he accepted readily the proposal by Hays that the congressman draft the statement. Working hastily to get a copy prepared for review by the president, Hays first mentioned that the trip was worth the effort because Faubus had clarified his position to the president and had assured Eisenhower of a cooperative attitude. In addition, Faubus had clearly indicated his need to reconcile his obligations under the federal and state constitutions. Most important of all, Faubus indicated in the statement that, regardless of personal opinion, the Brown decision was law, and as such it must be obeyed. Faubus even agreed to abide by the decision of the federal court in Little Rock. Nowhere did he indicate that he was returning to Little Rock to withdraw the guard, but Eisenhower claimed in retrospect that such an understanding was arrived at during the meeting. Eisenhower's perception of duplicity on the part of Faubus was one element in the later decision to solve the problem by force. But at Newport Faubus merely changed a few words of the statement which Hays wrote, as did the president. Then the governor read the statement at a press conference. Eisenhower issued a similar statement, and the actors retired from the stage for a few moments, each with his own perceptions of what had happened.[10]

Hays went to Fort Worth, Texas, for a speaking engagement, but the

crisis forced him back to Little Rock. Between his speech in Fort Worth and one scheduled for Oklahoma City, Oklahoma, Hays called Faubus to see how the situation stood. In what may have been a last impulse to regain his standing with the Southern liberals, Faubus asked Hays to hasten to Little Rock. Hard line segregationists among the governor's advisors were intensifying their pressure for resistance. Between September 15 and September 20, Hays counselled Faubus to obey the court order and not have the guard obstruct the entry of blacks into Central High. But he was too late. At one point in their conversations, when Hays asked Faubus to submit, the governor replied, as Hays recalled more than a dozen years later, "Well, Brooks, if I did this it would be committing political suicide [,] and I'm not going to do it."[11] For his own political survival, Orval Faubus abandoned all pretention to a liberal position. With segregationists in control of the state and Brownell's hard-line advice guiding the federal decision-making process, the confrontation was simply a matter of time.

Despite the seeming inevitability of crisis, Hays continued to work to avoid the collapse. With time running out, Hays asked Faubus to write to the parents of black students requesting that the children remain at home voluntarily for a few weeks. Faubus was to offer tutors and guarantee his office as an agency of peace. Faubus was ready to accept the proposal on the condition that the courts agreed not to require integration before the end of the month. Davies refused. On the Thursday before the schools were due to open, Hays asked Adams if there might be some way to transfer the national guard to federal control. He hoped that such an action might, by removing the options, give Faubus a means of saving face. But Adams rejected the plan. Nothing was left

but the hearing, and that process took its expected course. Faubus tried to have Davies disqualified on the basis of prejudice, but the effort failed. Then at the hearing Faubus denied the jurisdiction of Davies over the governor of a state, claiming that only the Supreme Court of the United States had that power. He boycotted the hearing, his counsel refused to cooperate, and Davies enjoined both Faubus and the guard. The crisis had arrived. Hays worked on, meeting with Harry Ashmore of the Arkansas Gazette and Mayor Woodrow Mann on the Sunday before the opening to decide how to protect the children. Their decision was that the police provided the only true option.[12]

On Monday, September 23, 1957, the nine black students sneaked into Central High School by a side door. The crowd of 1,000 whites who had gathered in front of the high school became unruly when the news reached them. They had missed the entry because they were watching members of the mob maul several white reporters, but some of them seized a second opportunity and pounced on a black newsman who ventured too near, and others began taunting the whites within the school with racist comments. Alarmed white parents began withdrawing their children from the beseiged school, and finally the school administration ordered the nine black children home. The local police held firm, but the possibility of their collapse was apparent even to Eisenhower by then. Earlier Blossom had requested federal marshalls, but Brownell refused. Again on the day of crisis, Hays requested marshalls, and again the request received rejection. With no recourse, Mann asked for troops. On hearing of the near riot, Eisenhower signed the necessary papers after calling the incident an outrage. The next day, Tuesday, September 24, 1957, the 101st

Airborne and nationalized Arkansas National Guardsmen secured the peace.[13]

After that, the situation stabilized, and Hays returned to Washington, D.C. With troops in place, the battle returned to the courts. By May of 1958, Eisenhower felt comfortable enough to withdraw the airborne and finally the national guard. In May, two black students graduated from Central High School without disturbance and with only a token force of guardsmen. The 1958-1959 school year was peaceful because the schools were closed while state and federal authorities fought in the courts to determine the legality of the private school system created by segregationists to replace public schools. Only in the spring of 1959 was the final determination reached. Under court order the private school corporation dissolved, and Little Rock's schools opened with token integration in the fall of 1959. But the crisis had an important result for Hays. He was a highly visible actor in the tragedy at Little Rock. Because his involvement was not clearly supportive of Faubus and segregation, he came to be perceived as an advocate of the opposing theory, integration. That misperception of the position of one of the few neutrals in the struggle was the stimulus for a successful campaign by Dale Alford to unseat Hays.

But Hays was not anticipating anything of the sort in the summer of 1958. Once again he was seeking re-election, and once again he faced opposition in the primary. That was no great concern, for he had successfully survived primary challenges from Amis Guthridge in 1952 and from another racial conservative in 1956. In the primary of July of 1958, Hays emerged victorious once again. Running against a segregationist opponent, he won 59 percent of the 71,000 votes cast. It was a

safe margin if not as great as the 70 percent that Faubus polled in the gubernatorial race, and Hays seemed assured of another term in congress. Insuring his victory was the party rule which bound all defeated candidates not to run as independents, a rule which precluded the problems which cost Hays his first congressional race in 1933. Hays was confident in July that he had survived the difficulty engendered by his lack of support for the segregationists.[14]

Until late October the illusion remained intact. But with only nine days before the ritual of re-election, Hays received a shock. Dale Alford announced as a write-in opponent in the general election. On or about October 28, the segregationists forces resolved to stop Hays. Claude Carpenter, a trusted lieutenant of Faubus and a man who preferred to work behind the scenes, had for some unknown reason long harbored animosity toward the congressman, and he evidently regarded 1958 as the prime opportunity to eliminate Hays. Carpenter resigned from the Faubus staff and, according to Faubus, assumed the task of managing the campaign against Hays. But his candidate was weak. Alford met with Faubus in October, and when the meeting ended he seemed prepared to end his campaign. As Faubus recalled the episode, he explained the difficulties to Alford. For one thing, he was not on the ballot; for another, the regular nominees of the party had no option but to oppose an interloper, if only to maintain the viability of the concept of party loyalty. Alford had no prospect of victory, said Faubus. When Alford left, Faubus was satisfied that the matter was settled and Alford was no longer a candidate. The wavering Alford, however, changed his mind and arranged another meeting with Faubus. Once again Faubus convinced Alford not to run. With the matter resolved, the governor went about

his normal gubernatorial duties. To his surprise, he heard on the radio that Alford had announced. Faubus' recollection of surprise must seem strange to Hays who believed that Faubus was the mastermind of the Alford campaign after Carpenter persuaded the governor of its possibilities. As Hays recalled in an interview with Joe Frantz, only the machine of the governor had the control to utilize the hostile but disorganized mood of the district against the incumbent.[15]

Hays probably erred. Even he recalled the episode of October 28. On that evening, Sheriff Marvin Hawkins of Conway County, an old friend of Hays and a consistent party supporter, met with Faubus and asked the governor to withdraw his forces, to call off the dogs. Supposedly Faubus agreed to preserve the validity of the primary. He promised to return to Little Rock and end the insurgency. Unfortunately, Faubus was no longer in control. Carpenter told Hawkins at a later date that the organization ignored its chief because the process had developed beyond the point of stopping it. So Alford was in the race despite the best efforts of Faubus.[16]

Alford was a natural front man. He had a good voice and a pleasant personality, and best of all he was somewhat of an opportunist. He had accepted the Blossom Plan, and he also created an image of himself as a dedicated segregationist, but to Hays he appeared to be no more committed to either position than was Faubus. And he was well known. So he had a chance, especially when he defined the crucial issue of his campaign. He and his workers repeatedly stressed the theme of defense of the state against the intrusions of federal tyranny. One time the Alford comment was that "Mr. Hays is a national Democrat and I am an Arkansas Democrat. Mr. Hays is a Harry Truman Democrat and I am an

Orval Faubus Democrat."[17] Or, "Not one time have we ever heard Congressman Hays say a single word of praise of our great and wonderful Governor Faubus;" rather Hays was one of those heinous national Democrats who followed Paul Butler, chairman of the Democratic National Committee, in selling out the states to national interests.[18]

States rights was a key issue in Little Rock in 1958, but it was not the only problem for Hays. Having been in congress for so many years, he had necessarily created dissatisfaction on the part of certain groups of constituents. Among the groups which Hays had alienated were postmen, veterans, and landlords. On at least one occasion he had failed to support a discharge petition to move a bill out of committee, a bill which called for pay increases for mailmen. Any postal workers who recalled that episode were hostile to Hays; Alford reminded the mail service employees in 1958. Also, Alford emphasized that Hays had voted against the interests of veterans. Truman had vetoed a veterans bill which he regarded as providing excessive payments for non-service connected disabilities, and Hays had supported the veto. When reminded, veterans were unhappy. The most important group of people who objected to Hays' performance were some landlords in Little Rock. Those real estate tycoons had seized the opportunity provided by the large numbers of airmen at Little Rock Air Force Base during and after World War II to make neat profits. Hays, of course, was a leading supporter of rent controls not only during the war but after as well. His legislative position was an economic disability to a powerful segment of property owners in the key city of his district.[19]

Despite the several issues in the election of 1958, probably they played a fairly minor role in the outcome. Hays had, after all, gained

the votes of 59 percent of those who cast ballots in the primary. Even the people who regarded segregation as a key were possibly exaggerating. During one strategy meeting of the Hays forces, one friend told Hays that his only hope of victory was to declare in favor of segregation. Hays refused, and the advisor continued to pressure the candidate. Finally, son Steele ended the matter by reminding the counsellor that Hays was not able to compromise his principles by professing such a belief. Besides, Hays wanted to remain out of the controversy, and even a declaration in favor of segregation might not be sufficient even though he had not created an image as a stalwart integrationist either. Although his campaign workers at least attempted to smear Alford as an integrationist by publicizing the vote on the Blossom Plan, Hays recognized that a significant number of his constituents shared the views of one old timer who was interviewed on national television during the campaign. As Hays recalled the interview, it went something like the following:

> 'Looks like everybody in Little Rock is a segregationist.'
> 'Yes sir, everybody is a segregationist.'
> 'Well, your congressman's not, is he?'
> 'Naw, Brooks is funny. He's a funny feller.'
> 'Well, I guess you'll vote against him?'
> 'Naw, I'm going to vote for him. Brooks is an institution.'[20]

Hays may well have been an institution, but the institution was in danger. Issues abounded, but the decisive factor which determined the election proved to be a simple gimmick. On the day before the election, Attorney General Bennett ruled that voters had the right to use prepasted stickers with the name "Alford" on them rather than having actually to write in the name on the ballot. Furthermore, those stickers were to be accessible. The Alford forces printed stickers which bore the candidate's name with an "X" beside it. All the voter had to do was

attach the sticker to the ballot, and in at least one precinct that process was made easy. Not only were the stickers placed on the tables of election inspectors, but they were handed to the prospective voter at the same time as the ballot was proffered. One election judge, Mrs. Boyce Drummond of North Little Rock, swore later that she believed that the manner of handling the stickers, the election judges handing them out with the ballots, created confusion in the minds of some voters. According to her, some of them thought that the sticker had to be affixed to the ballot to make it legal. Thus, Alford gained votes from areas in which Hays normally ran well. When the ballots were counted, Alford was the winner with 51 percent of the vote in Little Rock and a greater percentage from the outlying areas. Middle and lower income precincts gave Alford 60 percent while upper income areas gave him only 40 percent. Even black precincts cast 27 percent of their votes for the supposed arch-segregationist, perhaps due to the confusion which Mrs. Drummond reported. Alford won by a margin of 24,026 to 18,504 in the district but by only 1,200 in the city. According to Hays, the margin of victory indicated that the segregation question was not the key. As he noted,

> I received twelve thousand more votes against my segregationist opponent in July of 1958 than Dale Alford received in his twelve hundred majority defeat of me in November. 71,000 votes were cast in the July primary, and only 60,000 in the November election when Alford was their write-in candidate . . .,

so apparently a significant number of segregationists voted for Hays in July than stayed away from the polls in the fall. And if everyone in the city was a segregationist, even in the fall many must have rejected Alford; otherwise Hays would not have come so close to victory.[21]

Hays alleged that the margin of victory came not from dissatisfied

voters but from illegalities of the traditional Arkansas sort, not just from the doubtfully legal stickers. However, he declined to contest the outcome. For one thing, he had the painful experience of 1933 which caused him to expect little success in 1958. Also, he knew that it was highly unusual for a challenge to succeed in Arkansas. In addition, he decided that he would create a better public image if he displayed the moral courage to rise above such a dirty situation rather than challenging and appearing to be no more than another hack grubbing desperately for a political plum. Another consideration was that Hays was somewhat tired of trying to represent a polarized community. But the most realistic reason was that an appeal to congress was largely futile. John Wells, former secretary to Carl Bailey and in 1962 author of _Time Bomb: The Faubus Revolt_, asked congress to investigate the election, and the House went through the motions. A committee visited Little Rock, but it took no testimony and failed to call election judges before its members. The committee and the full House accepted Alford as fairly elected because, according to Hays, Southern Democrats preferred the segregationist and conservative stance of the write-in candidate, and the Republicans were willing to accept that Democratic preference in order to keep intact the coalition between the two groups. At any rate the new congressman from the fifth district was Dale Alford, at least until redistricting after the census of 1960 caused his district to merge with that of Wilbur Mills and encouraged him to retire from congress. He reappeared only in 1966 when he and Hays squared off once again in the race for governor. Both lost. Hays ran third, but Alford was 11,000 votes behind him in fourth. So Hays proved something at last.[22]

When the 1958 congressional race was over, Edward P. Morgan of ABC

News indicated to some extent the reaction from moderates and liberals throughout the United States. Morgan told his audience:

> Faubus cut Hays down at the polls last Tuesday by a dubious trick . . . . A man accomplished in breaking pledges even to presidents, Faubus did not scruple to keep a solemn promise to support all the Democratic candidates, Hays included. Instead the governor released his executive assistant, Claude Carpenter, to help hatch a covert plan sprung in the last eight days of the campaign . . . . But there was no vindictiveness in Hays himself . . .,

then Morgan described Hays' final press conference, the one at which one of the reporters summarized, "if there was ever a Congressman who ought to go to Heaven, it's Hays." As usual, Hays made the conference complete by telling an anecdote. For the occasion he told the story of the man whose jackass kicked him so severely that he had to call the doctor. When the medical man told him that he was sure to die, the man was perturbed. He told the doctor, "I sure do hate to have it written on my tombstone that I was killed by a jackass . . . . Couldn't you make me live long enough to die of pneumonia."[23] Hays was to survive the kick.

Immediately the condolences began pouring in. Sloan Rainwater of Walnut Ridge wrote to Hays that he was "surprized (sic), grief-stricken and shocked [but] in defeat you were magnificent." Willard Uphaus reminded Hays that his labors must continue in the SBC and later in politics again. Hundreds of letters and telegrams flooded Hays' office and home. Even Richard Nixon said, "When statesmanship of the type you represent in such an exemplary way becomes a victim of demagoguery and prejudice," then responsible leaders of both parties must educate the people about civil rights "if America is to continue to be a nation of responsible laws rather than irresponsible men."[24]

Those irresponsible men celebrated their triumph. In its issue for November of 1958, _The Citizens' Council_ featured a cartoon which

pictured a dead "Moderation" crushed by a ballot box. The editorial proclaimed, "We suspect that the advocates of appeasement, of surrender-in-advance which has been mis-named moderation, will remember this election for many a year . . . [Southern moderates] have gone the way of the Whigs, while emitting the bellows of a Bull Moose in the process."[25] But Hays failed to accept the death awarded to him. His attitude remained that "The views of my opponent are more in harmony with those of the people at this time . . . [However,] I think my moderate point of view will one day be vindicated."[26] Hays was, of course, to prove a more accurate seer than the editor of The Citizens' Council. But it was not apparent in the next few years. In the late 1950s and early 1960s the segregationist forces mobilized and armed to resist the destruction of their way of life promised by the activists in the civil rights revolution. Compromise, the middle way was impossible. Eventually the segregationist position fell before the combined might of civil rights groups, the federal government, and aroused public opinion. By the time that happened Hays was among those on the anti-segregationist side of the gulf; no longer was he straddling. But that evolution of Hays from moderate neutralist to open and dedicated advocate of equality, even equality imposed from outside, was unanticipated by anyone in 1958. As the final year of the decade began, a sixty year old man found himself unemployed and seeking a new career. After Little Rock, Hays' life in public service seemed finished. But the defeat proved to be what he needed. Freed at last from the constraints of pleasing the voters, Hays became his own man. That man was a high quality example of the moral liberalism which had suffered so many defeats during the twentieth century, a moral liberalism which was too potent for most Southerners,

especially the foot-dragging sort overrepresented in the Southern Baptist Convention.

FOOTNOTES

[1]Keesing's Publications Limited, Race Relations in the USA, 1954-1968, Research Report 4 (New York: Charles Scribner's Sons, 1970), pp. 32-33.

[2]Neil R. McMillen, "White Citizens' Council and Resistance to School Desegregation in Arkansas," Arkansas Historical Quarterly, XXX, No. 2 (Summer, 1971), pp. 97, 99, 108.

[3]Keesing, Race Relations USA, p. 32.

[4]Virgil T. Blossom, It Has Happened Here (New York: Harper & Brothers, 1959), pp. 10-15, 21-23; Robert R. Brown, Bigger than Little Rock (Greenwich, Connecticut: The Seabury Press, 1958), pp. 9-11; Keesing, Race Relations USA, p. 39.

[5]Brown, Bigger than Little Rock, pp. 10-11; Blossom, It Has Happened Here, pp. 31-32; Keesing, Race Relations USA, p. 40.

[6]Keesing, Race Relations USA, pp. 40-41.

[7]Interview, John Luter with Brooks Hays, June 27, 1970, Washington, D.C., Columbia Oral History Project, copy in Dwight David Eisenhower Library, Abilene, Kansas.

[8]Ibid.; Interview, John Ward with Orval Faubus and Brooks Hays, June 4, 1976, University of Arkansas, Fayetteville, Arkansas.

[9]Interview, Ward with B. Hays and Faubus, June 4, 1976, Fayetteville, Arkansas; Interview, Luter with Hays, June 27, 1970, Washington, D.C.

[10]Interview, Luter with B. Hays, June 27, 1970, Washington, D.C.; statement of Orval Faubus after Newport, draft copy in author's possession; Herbert S. Parmet, Eisenhower and the American Crusades (New York: The Macmillan Company, 1972), pp. 510-511.

[11]Interview, Luter with Hays, June 27, 1970, Washington, D.C., Blossom, It Has Happened Here, p. 96.

[12]Corinne Silverman, The Little Rock Story, Inter-University Case Program No. 41 (University, Alabama: University of Alabama Press, 1959), pp. 13-14.

[13]Silverman, Little Rock Story, pp. 14-16.

[14]Ibid., p. 29; Interview, Joe B. Frantz with Brooks Hays, October 5, 1971, Washington, D.C., Lyndon Baines Johnson Library, University of Texas, Austin, Texas.

[15]Interview, Ward with B. Hays and Faubus, June 4, 1976, Fayetteville, Arkansas; Interview, Luter with Hays, June 27, 1970, Interview, Frantz with Hays, October 5, 1971, Washington, D.C.

[16]Interview, Frantz with B. Hays, October 5, 1971; Interview, Luter with Hays, June 27, 1970, Washington, D.C.; Interview, Ward with Hays and Faubus, June 4, 1976, Fayetteville, Arkansas.

[17]Interview, Frantz with B. Hays, October 5, 1971, Interview, Luter with Hays, June 27, 1970, Washington, D.C.

[18]Interview, Luter with B. Hays, June 27, 1970, Washington, D.C.

[19]Ibid.

[20]Interview, Ward with B. Hays and Faubus, June 4, 1976, Fayetteville, Arkansas; Interview, Luter with Hays, June 27, 1970, Washington, D.C.

[21]Interview, Frantz with B. Hays, October 5, 1971, Interview, Luter with Hays, June 27, 1970, Washington, D.C.; Interview, Ward with Hays and Faubus, June 4, 1976, Fayetteville, Arkansas; Silverman, Little Rock Story, pp. 29, 38.

[22]Interview, Luter with B. Hays, June 27, 1970, Washington, D.C.

[23]"From: Edward P. Morgan and the News, American Broadcasting Network, Friday, November 7, 1958," typescript in author's possession.

[24]Sloan Rainwater to Brooks Hays, November 7, 1958, Willard Uphaus to Brooks Hays, November 8, 1958, Dallas (TX) Morning News, November 24, 1958, clipping, Brooks Hays Collection, Library, University of Arkansas, Fayetteville, Arkansas. A sampling of hundreds of letters is contained in the Hays collection.

[25]Hodding Carter III, The South Strikes Back (Garden City, New Jersey: Doubleday & Company, Inc., 1959), p. 192.

[26]Little Rock (AR) Arkansas Gazette, November 8, 1958, clipping, Brooks Hays Collection, Library, University of Arkansas.

CHAPTER VII

THE SOUTHERN BAPTIST CONVENTION, 1950-1958

A vital element to Brooks Hays throughout his long and productive career was his faith. For decades he worked by whatever means to translate the elements of his faith into a better world in which for all to live. Eventually, that effort had to become more than a one-man crusade. Thus, when the opportunity arose, Hays displayed no reluctance whatever to the idea of entering into the heartland of those who regarded religion and life as eternally separate. Having challenged his Baptists for so many years to put into practice their principles, Hays invaded the sanctuary of unconcern, seized his Baptists by their complacent preoccupation with the afterlife, and brought them, despite their reluctance, into a world in which their moral armor was a potentially powerful weapon against an infinite variety of evils.

In 1950 an old Russellville friend, Bruce Price, helped Hays to gain the vice presidency of the Southern Baptist Convention (SBC). In 1953 Acker C. Miller, chairman of the Christian Life Commission (CLC), appointed Hays to the Committee on Progress in Race Relations. The CLC was the conscience of the SBC, and its functions were primarily to inform the membership about pornography, alcohol, and other dangers while at the same time suggesting the proper method of dealing with those problems. The race relations committee was a fairly new and

controversial element of the CLC which failed to convince many Baptists that racial discrimination was inconsistent with Christianity. However, it served as a springboard for Hays' rise within the CLC and the SBC. In July of 1955, he won election without dissent as chairman of the CLC.[1] By that time Hays was well established in the center of his non-adventurous and conventional denomination.

As early as 1952 Hays wrote to Hugh A. Brimm in regard to race relations. Expressing pleasure that the SBC had integrated its seminaries, Hays reminded Brimm that "We simply must be constructive, even bold, in plans for improving conditions" of Baptist treatment of blacks.[2] But events moved faster than Hays was prepared to handle, and Baptist assistance to blacks came, within a few short years, to be insufficient. The issue quickly came to be equality; with the repudiation of his paternal approach, Hays panicked.

When, after the Brown decisions, the Southern congressional leadership abdicated its responsibility to its people, Hays had to rationalize to the liberals within his church his signing of the document of abdication, the Southern Manifesto. In a letter to Miller of the CLC, Hays wrote that he intended his signing of the declaration to "allay fears and relieve tensions, not to create them."[3] Hays had failed to remember his father's lesson regarding "the relationship between the church and our assumption of moral responsibility" when that relationship appeared to threaten his political position.[4] The moral lapse was not harmful to Hays as he advanced in the SBC; however, it did allow the Louisville Courier-Journal to describe Hays, after his presidency of the SBC, as a former segregationist who converted, an exaggeration but not a lie.[5]

Hays gained the highest office in his denomination, and he used

that office to lead his people beyond themselves. On March 30, 1957, Bruce Price wrote to Hays that it was once again time for a layman to become president of the SBC. Price erred in stating that the last lay president had served in 1910; in fact only a dozen years had passed, but Hays indicated his willingness to serve anyway. Price began campaigning for Hays, writing to people such as Dr. J. D. Grey, a potential voter at the convention, that Hays had exceptional qualifications. According to Price, Hays had been Sunday School superintendent at age twenty-two, deacon at twenty-five, president of the Arkansas Sunday School Convention before he was thirty, and active as a speaker for the SBC. Price also reminded potential voters that Hays was the Washington, D.C., Man of the Year in Religion in the mid 1950s. Finally, Hays had been in the pulpit as often as Dr. Walter Judd, the most openly religious of the congressmen in the 1940s and 1950s. In a six-man race, Hays won in a standing vote.[6]

The two years that Hays served as head of his denomination were a time for the continuation of longstanding political concerns of the SBC membership. One of the first Hays faced was an issue of religious freedom. In September of 1957, Hays received a letter from a missionary family in Colombia, a letter which went also to Senator Strom Thurmond of South Carolina. The missionaries, Orland and Margaret W. Corwin, complained that Colombian law authorized only Catholic missionaries and required that those of other faiths preach only to their own. Hays received similar messages from other SBC missionaries, but his only solution was to use his contacts within the state department.[7] The case illustrated the difficulties of SBC missionary work, but it was more important as an example of the aggressiveness with which the Southern

Baptists tried to convert others to their faith.

Hays recognized the potential problems of such an aggressiveness. As he wrote to Mrs. Burton J. Ray in June of 1958, Southern Baptists tended to be too aggressive and to think that only they knew the truth. Especially were they hostile to American Baptists, the group from which they had split a century before. Hays told Mrs. Ray that he and Clarence Cranford, his counterpart with the American Baptists, were attempting to work together to reduce the competitiveness of their denominations. The problem was neither simple nor of a short standing. Hays had in his possession letters of protest from dozens of American Baptists. Dating from 1953, typical examples came from Gerald S. Moyer of San Lorenzo, California, and from William E. Appleberry of Oakland, California, and from Louis W. Bean of Centralia, Illinois. All complained that Southern Baptists moved into American Baptist territory without coordinating with already established congregations and, on occasion, without identifying themselves as members of the southern group. The results were friction, competition, and chaos.[8]

The solution was to get both denominations involved in cooperative ventures. Early in 1958 Hays and Cranford announced jointly their intention to have their people establish a joint "Crusade for Peace."[9] The idea received an overwhelming absence of response and immediately fell by the wayside in the heat of the controversy raised by the decision of Cranford and Hays to visit Russia.

On March 19, 1958, William Loeb wrote to Hays warning that the Baptist president, by going to Russia, would only give respectability to a gang of killers. As Loeb put it, "You are doing a great disservice, not only to the Baptist faith but to the United States of America." In

response Hays told Loeb that the trip was non-political and nothing more than a return of the visit which Russian Baptist leaders had made to the United States in 1953. Hays pointed out to Loeb that no one else had objected to the trip. Loeb wrote to Daniel A. Poling of the Christian Herald Magazine, and Poling wrote to Hays that "these visits are ill-timed and unfortunate."[10] Hays went to Russia, nevertheless.

On April 20, 1958, Hays and Cranford attended services at a Baptist church in Moscow. With the Reverend Jacob Zhidkov, president of the Soviet All-union Council of Evangelical Churches, and Mrs. Cranford, Hays heard Cranford deliver the sermon to a crowd of approximately 2,000 Russian believers. Hays gave to the church two Bibles and six testaments in Russian. In his first statement about the experience of speaking before such a crowd in such a place, Hays said, "They have suffered, yet they have faith in the Gospel . . . . I sensed that the crowd gasped at the mention of our 8 1/2 million Southern Baptists."[11] Returned home, Hays reported that the Baptists of Russia, despite the prevalence of old men and women in the denomination, had apparently enjoyed a minor revival under communism. In both the Baptist Standard and the Memphis Press-Scimitar, Hays stressed that the clergy in Russia had indicated to him that they had more freedom under the commissars than they had enjoyed under the czars. However, according to the Press-Scimitar report, freedom did not extend to the right to speak out on public issues as was the case in America. Hays also had to explain to Mrs. Alfred Macmillan, in a letter of May 12, that the Baptists were unable to establish Sunday schools in Russia because schools were state-controlled.[12]

To the doubters Hays was able to report that their pre-trip alarm

was unfounded. On April 28 Hays wrote to Poling that in fifteen years as a congressman he had never made such a non-political trip. More difficult to answer was the letter of a dedicated Baptist who objected to mission money helping to finance the trip to Russia. The tone of the objection found its clearest expression in the writer's words, "Oh! Satan, modernism, socialism, Communism is getting in all our churches."[13] Despite the general support for the trip, some within that loose organization known as the Southern Baptist Convention objected to any contact with persons of different religions.

Less troublesome to Hays, although it was to become a major issue shortly after his term ended, was the anti-Catholicism of many Southern Baptists and other fundamentalists. The attitude appeared vividly in a letter Hays received from Grace Carson in 1959. Carson told Hays that she was a Baptist and was teaching her children to be the same. She expressed as common knowledge the view that the schools taught only Catholic history, a situation presumably impossible to change. She wrote Hays, "You . . . are personally aware of the impossibility of cooperating with the Roman Pontiff in matters of faith;" cooperation with Satan was easier to attain. Hays' reply was a gentle reminder of the basis of Christianity. Beginning by explaining that he understood her fears, Hays indicated further that there was no plan to unite the churches. Nevertheless, Christians must heed the teaching of Christ that they live as one with him and with each other.[14] Unfortunately it was at about the same time that many Baptists indicated that they were unwilling to live with each other if the other was a Roman Catholic. At Hays' final convention as president, the SBC brought in a former priest to feed the worst fears of the members. Not all approved, and one

anonymous correspondent wrote to Hays that "the way the recent Baptist convention denounced the Catholics was a crying shame," but the hostility, which abated only after the election of John F. Kennedy to the Presidency, was open and unstoppable.[15]

Easier to deal with because the convention united on them were the issues of morality. Traditionally, Baptists had fought against gambling, drinking, and other vices presumably desecrating the work of God. As president of the SBC, Hays had to address similar problems. For instance, in 1958 he wrote to John F. Nolte that "immorality in Hollywood" was a major influence on juvenile delinquency; both church and state must fight the danger. Hays reminded Nolte that the Christian Life Commission had "been waging a continual war against such immoral influences."[16] The concern with the influence of Hollywood on immpressionable young people was one which dated back to the 1920s and which most fundamentalists shared equally.[17] Of concern to the SBC, as well, was the increasing spread of pornography.

When E. A. Worley sent Hays copies of advertisements for pornographic materials, Hays responded that "the publication and distribution of obscene literature is one of our major problems," and he promised to transmit the advertisements to the solicitor general for appropriate action.[18] There was little else possible for the president of an organization committed to keeping itself separate from the state.

Hays' most important functions as president of the SBC--given the loose structure of the organization and the weakness of presidential authority--were to serve as a model for his people and as a prod for their improvement. An occasional symbolic gesture helped to create the example, and Hays' speeches to his constituents normally provided the

goad. The potential for leadership by example was indicated when Hays released his book, This World: A Christian's Workshop. In an attempt to illustrate the character of the author, the press release emphasized what was, aside from its symbolic value, a trifle. In trying to summarize the man in a single image, the release described a concoction it called Brooks Hays Punch. A combination of orange juice and ginger ale, non-alcoholic but stimulating, the mixture symbolized the Baptist disapproval of liquor and belief that pleasure came from wholesome things.[19]

More important was Hays' service as conscience of the SBC, especially as the racial issue came increasingly to dominate the convention. Speaking at Berea Baptist Church in Falmouth, Virginia, Hays told his audience on August 24, 1958, that Christians had to care for one another. The context had nothing to do with race relations, but the message was easily transferable into that context. Hays began with one of his traditional concerns, rural poverty. Noting that 10 percent of America's farmers made half of the farming profit, leaving the other half for the remaining 90 percent, Hays said, "The Southern Baptist Convention has interested itself in this physical aspect of rural life even though we give our major attention to values that lie outside material conditions." The rural way of life was under threat from economic problems, but the church had the ability to help. As Hays stressed, "the church is still at every crossroads to carry its message to every community and keep alive the feeling of responsibility for each other's welfare that all good Christians must have."[20] While the membership had little difficulty in accepting its responsibility for the rural poor, when the CLC and the president began demanding that the SBC acknowledge

the justice of the black cry for equality, many in the SBC attempted to deny that responsibility extended that far.

On January 30, 1958, Charity and Children reported that Louis W. Hollis of Jackson, Mississippi, was attempting a smear campaign against the president of the Southern Baptist Convention. Hollis attacked Hays as an old-time far left politician whose elevation to the presidency of the convention was "one of the most tragic happenings in the history of the Southern Baptist Convention."[21] The report disapproved of Hollis' actions, including his threat to take his people out of the convention, but the editorial was more significant in that it illustrated the split in the SBC, a rupture which rested on the issue of race and a rupture which came to a head in 1958 at the annual convention of the SBC in Houston, Texas. Despite the efforts of those who sought to maintain a segregated society and despite the efforts of those who sought simply to avoid controversy, the issue of racial justice as a facet of Christian life was one which was no longer to be ignored after the Houston convention.

Prior to World War II, like most denominations, the SBC did no more than evangelize and educate black Americans. The convention did establish the CLC, the conscience of the SBC, the agency which guided Baptists toward the Christian way of dealing with what Hays referred to as "social evils and current conflicts."[22] Baptists accepted the CLC as they did the mission boards and other agencies of the SBC. But by 1954 the CLC was moving toward more controversial social matters.

In 1954 the Supreme Court of the United States ruled that schools should desegregate with all deliberate speed. The Christian Life Commission in that year reported to the SBC that the decision was morally

correct just as pornography and other traditional concerns were morally wrong. CLC recommendations were that the SBC should recognize that the decision was agreeable both to the Constitution and to Christian principles of love and equal justice for all. Also, the CLC recommended that Baptists should be patient and seek divine aid. The CLC praised the court and America's public school system, but it encouraged church and state leaders to work toward avoidance of strife and the betterment of democracy.[23] The report spoke in generalities, but it was a beginning.

The report passed, possibly due to its general nature, perhaps because the convention site was St. Louis, Missouri, away from the heated atmosphere of the deep South. In 1954 the court decision was too new for opposition to form effectively. The president of the SBC and heads of both the Home and Foreign mission boards endorsed the decision. Foy Valentine of the Texas CLC helped in the battle to desegregate schools in Dallas, and leaders of Southern Baptist Theological Seminary in Louisville, Kentucky, helped to gain integration without violence in that city's schools. But resistance was hardening. Editors of Baptist papers in Virginia and Louisiana condemned the CLC while other opponents attacked the director of the commission, Acker C. Miller, and some threatened to deny funds to the CLC. A leader of the opposition was W. A. Criswell, pastor of the First Baptist Church of Dallas, the largest congregation in the SBC with approximately 12,000 members in 1958. Criswell represented the extreme segregationist position especially well when he spoke to the South Carolina legislature in 1957, saying that integration was "a thing of idiocy and foolishness" and that segregation was the proper way not only in matters of race but in religious bodies as well.[24]

The division was clear, but up to 1957 the nonintegrationists at the Baptist convention had the upper hand. In that year the CLC again endorsed integration, but the convention refused to accept the report. Integration was too controversial, especially with members such as Mrs. Elmo Mancuso of Washington, D.C., who wrote that she was shocked and sickened to see the president of the SBC in church together with a black man after she saw a newspaper picture of the presidents of the three largest Baptist denominations at joint service. To many Baptists, integration was a political matter which the CLC should avoid lest it split the church. Other extremists believed integration would lead to a foreign takeover of the country.[25]

Despite the exaggerated concern of many misinformed Baptists and the hostility of others, in 1957 the balance within the conventions shifted, and the accommodationists won power. Hays chaired the 1957 session wherein the CLC reported that racial conflict was a moral and religious, not a political or economic problem. Hays presided when the CLC attacked segregation, discrimination, and violence, and Hays became president of the SBC at the same meeting.[26]

In 1958 the SBC met in Houston. Registration totalled 11,966 messengers, and visitors swelled the crowd to nearly 15,000. In Hays' first year as president, those people had seen race become of paramount importance to the SBC. Churches of the deep South had tried to eliminate the CLC while Hays had embroiled himself in the controversy in Little Rock. On the night before the convention opened, Reverend W. O. Vaught, Jr., of Little Rock's Immanuel Baptist Church, had challenged the Pastors' Conference to uplift the black race by reevaluating the true meaning of democracy, reemphasizing educational opportunity for

all, providing equality in employment opportunity, and demolishing the "walls of hatred" between races and nations.[27] The pastors heard Hays affirm that a pastor "must be free to speak his conscience, even though his parishoners may think him wrong at times."[28] In other words the firing of pastors for speaking about desegregation must cease.

With that background the SBC meeting opened in a mixture of "jubilation and tensions."[29] The messengers were prepared by Criswell's keynote address in which he stated that "we'll divide over anything and nothing, anytime."[30] Criswell set the tone; then Hays spoke.

Hays talked first of the first convention in Houston in 1915 and the growth of the church by the second Houston convention in 1926. Then Hays talked of his Arkansas background and his first national convention in 1920. Having praised those who eased his term as president, Hays mentioned that the SBC had worked for blacks at least since 1915. Hays denied any intention of dwelling on racial matters, but he did reaffirm his belief that the SBC needed a conscience and that the CLC was that conscience. Aside from encouraging Baptists to be unafraid of controversy, Hays kept his presidential address innocuous.[31] Perhaps the messengers could sit back and relax; maybe the anticipated confrontation was not to occur.

The apparent calm at the convention proved deceptive when the convention elected its president on the second day. Customarily, SBC presidents served a virtually automatic second term. The Houston Post cited convention sources as expecting no difficulty in re-electing Hays. As in 1957, J. D. Grey of Louisiana placed Hays' name in nomination. Then the problems began. R. E. Milam of Oregon was placed in nomination by a man who opposed Hays' tendencies toward cooperation with other

denominations. A woman rose to object to the election of a politician as president of the convention. The chairman ruled that she had no authority to debate the merits of a candidate. She must either nominate or sit. She placed the name of Robert E. Naylor, president of Southwestern Baptist Theological Seminary, before the convention. The challenges forced the messengers to abandon their customary voice vote for paper ballots. Hays won easily, and the liberal wing had its first victory. Then the election of first vice president resulted in another floor fight in which the "moderate" Chester L. Quarles prevailed. Quarles recognized that segregation hampered Baptist missionary work, but he regarded segregation as Christian.[32]

The SBC had officers representing all but the most ardent segregationists. Those persons tended to be absent or to be enjoying the unofficial campaign waged by unofficial agencies. During the convention the messengers found themselves deluged with White Citizens Council literature from Texas and Mississippi. The tracts used the Old Testament to justify segregation and attacked SBC literature for its increasingly pro-integration position.[33]

The Citizens Council types in the SBC had their day when the CLC issued its report on May 22, the third day of the convention. Section five of the report was entitled "A Call for Racial Reconciliation". The section began by noting the improved awareness on the part of Americans that race relations were a problem for both North and South. Also, it noted the benefits of better race relations for both national and international conditions. Then the report called on Baptists to "reclaim for all citizens . . . the full heritage of American freedoms" and spelled out in specific terms what those freedoms were. Furthermore, the report cautioned that missionaries had problems in making conversions because

"a gospel that does not lead its advocates to reconcile racial differences in their own land will not be heard by the people of various races in other lands".[34] Especially unpopular was the call of the CLC for fellowship among all races.

The report was unacceptable. Even the attempt to receive it as information rather than to adopt it faced strong opposition. Reverend Montague Cook of Moultrie, Georgia, used a dictionary to make his point that fellowship was identical with integration. He also emphasized that the public was likely to construe the SBC action as representing the feelings of members despite the fact that the SBC, in the structure of the church, was no more than an advisory body. Reverend A.J. Moncrief of St. Joseph, Missouri, rebutted that the SBC was trying to follow the Bible, not the dictionary or newspapers. He also reminded his fellow Baptists that they were a militant group, not a collection of cloistered souls. They must continue to live the dangerous life. Having failed to reject the CLC report outright, Cook next tried to delete section five and to amend the CLC financial report.[35]

The financing of the CLC was a controversial matter. In 1955 the Fund for the Republic had awarded the CLC $15,000 which director Miller had requested for race relations work. The Fund for the Republic had a reputation for liberal tendencies; so Miller and Hays deliberated for months before what was obviously a gift which might provoke opposition from conservatives within the SBC. That money was the item to which Cook objected in the financial report of 1958.[36] On June 5, 1957, the membership of the First Baptist Church of Grenada, Mississippi, resolved that the SBC should return the money, should end the CLC, and should either cease using money from Mississippi for integrationist literature

and a campaign for civil rights, or Mississippi Baptists would provide no more assistance to the SBC. Compounding the situation, the House Un-American Activities Committee found the Fund to be too liberal. Led by Cook, conservatives within the SBC wanted the money returned. However, by a voice vote, which the Houston Post recorded as ten to one, the Baptists decided to retain the Fund money. In addition to that triumph, the Hays wing won another victory when the convention received the CLC report as information without modification.[37]

The rest of the convention passed in comparative harmony. Then the messengers went home to work in state conventions. In Texas in November, the convention accepted without opposition a CLC report which was stronger than that over which the national body struggled. Texas Baptists repudiated "force and violence . . . exploitation of race hatred for gain . . . (and) bombings of public schools." The report recognized the "explosive nature" of the race question but noted that "there are perils of cowardice in silence."[38] Arkansas Baptists, less progressive and lacking a CLC, enjoyed a peaceful convention at which Hays spoke concerning "Christian Democracy" at the closing session. Nevertheless, the convention passed no resolutions about race and had no report from its race relations or Negro work agencies. To Alabama Baptists "caution and conservatism should characterize any deviation from established patterns of living and learning together," and evangelism and education should continue to be the major emphasis of their work for blacks.[39] Oklahoma Baptists spent their days worrying about prohibition and whether their governor should be their president. They resolved to fight the repeal of prohibition and to keep church and state separate. They ignored civil rights.[20]

The range of responses to the events in Houston was typical of the SBC. The structure of the church made any other behavior impossible. Power for Southern Baptists rests in the local congregation. That condition is exemplified by the selection of the term "messenger" rather than "delegate". The congregation makes its decision and sends a message to the state or national gathering. At those meetings the messengers agree democratically to policies and programs which they feel Southern Baptists should accept. But the convention has no right to force those who reject its views to conform. As a result, change in the SBC must come through education.

In the educative process a leading role should be taken by the pastor. But many pastors failed to make the effort in the decade after Houston. For one thing, the pastor's voice carried no more weight than did one of his congregation. Members who disagreed with the pastor ignored him. If the disagreement reached sufficient intensity, the congregation had the right to cast the pastor out. Re-employment was not easy for a leader who had indicated inability to lead, and there was no unemployment insurance for a pastor without a flock. The temptation was to keep quiet, and many did. But the work begun by Valentine, Hays and the people in Louisville, continued, expanded, and finally achieved success in the limited Baptist way when the SBC at last joined the civil rights movement in 1968 by issuing a statement which recognized that Baptist shared responsibility for the problems which caused rioting. Also, the SBC executive committee convinced 8,000 messengers to allow it to work for equal justice and opportunity for all people by all means.[41]

Despite the criticism of the Baptists for their hesitancy, some progress occurred even during the period of the late 1950s when

integrationists were educating their slower brethren. Despite firings of pastors and the refusal of many churches to desegregate, even in the deep South some churches opened their doors to blacks, and some churches supported pastors who dared to speak out. And Baptist leaders spoke out despite the risks. Most Baptists continued to admire Hays for his courage if not for his convictions. The CLC continued to prod the SBC, and the SBC gradually educated itself to its Christian obligation to provide justice for all. The process began as early as 1949 and continues in the 1980s, but the pivotal factor in bringing Southern Baptists to a realization of their moral and religious duty belongs to those who fought against the forces of reaction in Houston, Texas, in 1958. Having failed to defeat the integrationists, the segregationists began the slide to oblivion which open debate on their position made inevitable. That slide was not rapid, however, and Baptists continued to resist even as the integrationist position gained increasing support.

Even before the Houston meeting in response to the crisis at Little Rock, the editor of the Arkansas Baptist on October 3, 1957, reminded his readers that they had to remain within the law because "lawlessness is not the Christian approach", but too many of them failed to accept the message.[42] Despite disappointments there were encouraging signs in the occasional letters of support for Hays' advocacy of the Christian approach. After the Brotherhood Commission meeting of 1957, Hays received a letter from Bruce G. Carter which complimented Hays for his work in Little Rock and for his efforts at the meeting. Again in 1958 Hays addressed the Brotherhood Commission, and his topic was race. As George Schroeder reported, the "message was most challenging".[43] Some Baptists were accepting the challenge, but many were not.

On March 2, 1959, the Religious News Service issued a statement

which illustrated that some Baptists were accepting their responsibility but which more clearly indicated the problems remaining. The SBC had prepared a survey which it distributed to 25,200 churches. Only 6,500 replies returned to the SBC. Approximately one in four replies indicated that a white church had some kind of contact with black Baptists. Of the 6,500 churches surveyed, 1,356 had donated money at some time, and 882 pastors reported that they had spoken with at least one black preacher on at least one occasion within the preceding two years.[44] Limited as it was, it was a beginning and a step toward eventual resolution of the explosive problem.

In dealing with such a delicate issue, Hays recognized the need for occasional discretion. For instance, in 1958 Hays received word from Alma Hunt of the Woman's Missionary Union of Birmingham, Alabama, that he might be too controversial to speak before her organization. He chided her in a letter of April 29, saying "we must avoid giving any encouragement to the idea tha Baptists must not address controversial matters". Nevertheless, Hays agreed to speak to the Missionary Union, not about race, but about his trip to Moscow.[45]

But racial matters haunted Hays even as he left office in 1959. As a gesture toward Hays, some of his friends suggested that the SBC invite Dwight Eisenhower to its convention. After all, the outgoing president of the SBC and the President of the United States were friends of long standing. But the situation was politically impossible. After sending troops to Little Rock, the President of the United States was too controversial a figure to address the non-political Southern Baptist Convention. The SBC invited Walter Judd to honor Hays as the Baptist president stepped down.[46]

Hays left the highest office of his denomination, leaving behind the controversy about racial justice which eventually, by its resolution, helped the SBC to become a more consistent organization. But that was in the future, and when the Louisville Courier-Journal summarized Hays' two years as president it gave a mixed report. During the presidency of Hays, the SBC voted that segregation was un-Christian. That resolution led to resolutions from the Baptists of Mississippi and Alabama calling for the resignation of Hays. In reaction other state conventions passed resolutions of support for Hays. So Hays ended his career as president without alienating too many Baptists and probably without converting too many either. There was still ambiguity about the similarities of his views to those of the other 9 million Baptists.[47]

What, then, was the significance of Hays' two years as president of the SBC? On most issues he was little more effective than his predecessors had been. He failed to impose the SBC's concepts of morality on the United States; movies and possibly pornographic advertisements continued to proliferate, and the SBC continued to protest to little avail. Gambling, alcohol abuse, and juvenile delinquency remained problems without solutions. Nevertheless, there was progress in some areas.

For one thing, relations with other Baptists improved. Despite the general Southern Baptist feeling of hostility, an attitude which exploded in the blatant anti-Catholic crusade prior to the election of 1960, the SBC moved slowly toward an accommodation with other Baptists at least. The trip to Moscow symbolized the reaching out of the SBC toward others. More concrete evidence came from the closer ties of Hays and Cranford as representatives of the Southern and American Baptists. Finally, from Hays' presidency came the significant beginnings of

relationships with the black denominations as equals rather than in the paternalistic style which had dominated from the turn of the century.

Beyond doubt the most important accomplishment of the SBC under Hays was the major progress made in race relations. The struggle had begun more than a decade earlier and was to continue more than a decade later, but the decision of the SBC in Houston was not to be overturned. Led by Hays and others, the SBC committed itself to work for and with blacks in the fight for equality. By example and by advice the leadership of the SBC coaxed and goaded the membership into the recognition of the impossibility of reconciling Christian teachings with segregation and prejudice. By that effort Brooks Hays, signer of the Southern Manifesto and author of the Arkansas Plan began to redeem himself as a Southern liberal.

FOOTNOTES

[1]Brooks Hays to Bruce Price, May 16, 1950, A. C. Miller to B. Hays, November 11, 1953, Miller to B. Hays, July 18, 1955, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention, Nashville, Tennessee.

[2]Brooks Hays to Hugh Brimm, January 12, 1952, Brooks Hays Collection Dargan-Carver Library, Southern Baptist Convention, Nashville, Tennessee.

[3]Brooks Hays to A. C. Miller, March 19, 1956, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[4]Brooks Hays to Louis D. Newton, November 6, 1956, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[5]Louisville (KY) Courier-Journal, May 20, 1959, clipping, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[6]Bruce Price to Brooks Hays, March 30, 1957, B. Hays to Price, April 4, 1957, Price to J. D. Grey, April 9, 1957, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention; Washington Post, May 31, 1957; Dallas Times Herald, May 31, 1957, clippings, Brooks Hays Collection, Library, University of Arkansas, Fayetteville, Arkansas.

[7]Orland and Margaret W. Corwin to Brooks Hays, September 13, 1957, Corwin to Strom Thurmond, September 11, 1957, B. Hays to S. A. Whitlow, February 18, 1958, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[8]Brooks Hays to Mrs. Burton J. Ray, June 24, 1958, Gerald S. Mayer to Whom it May Concern, n.d., William E. Appleberry to Whom it May Concern, July 8, 1953, Louise W. Bean to Russell S. Orr, June 22, 1953, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[9]Little Rock (AR) Arkansas Democrat, February 23, 1958; Washington (DC) Capital Baptist, February 27, 1958, clippings, Brooks Hays Collection, Library, University of Arkansas.

[10]William Loeb to Brooks Hays, March 19, 1958, B. Hays to Loeb, March 21, 1958, Daniel A. Poling to B. Hays, April 2, 1958, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[11]"Statement by Congressman Brooks Hays, President of the Southern Baptist Convention, on his visit to Moscow Baptist Church on Sunday, April 20, 1958", Typescript, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention; Little Rock (AR) Arkansas Gazette, April 27, 1958; Capital Baptist, May 8, 1958, clippings, Brooks Hays Collection, Library, University of Arkansas.

[12]Memphis (TN) Press-Scimitar, April 23, 1958, Dallas (TX) Baptist Standard, May 10, 1958, "Statement by Congressman Brooks Hays, President of the Southern Baptist Convention, on his visit to Moscow Baptist Church on Sunday, April 20, 1958", Brooks Hays to Mrs. Alfred Macmillan, May 12, 1958, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[13]Lois Hardy to Brooks Hays, May 9, 1958, B. Hays to Daniel Poling, April 28, 1958, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[14]Grace Carson to Brooks Hays, January 29, 1959, B. Hays to Carson, February 25, 1959, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[15]__________ to Brooks Hays, n.d., Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[16]Brooks Hays to John F. Nolte, June 4, 1958, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[17]Kenneth K. Bailey, Southern White Protestantism in the Twentieth Century (New York: Harper & Row, 1964), pp. 45-46.

[18]Brooks Hays to E. A. Worley, June 10, 1958, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[19]Press release, "Brooks Hays, President of Southern Baptist Convention, Writes Book 'This World: A Christian's Workshop'", September 15, 1958, file AR-97, Dargan-Carver Library. Southern Baptist Convention.

[20]"Excerpts from Talk by Congressman Brooks Hays, President, Southern Baptist Convention, at Berea Baptist Church, Falmouth, Virginia, Sunday, August 24, 1958," Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[21]Thomasville (NC) Charity and Children, January 30, 1958, copy in Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[22]Christian Life Commission letterhead, "Function", n.d., Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention; "President's Address", Annual, Southern Baptist Convention, 1958, p.79 ; Robert A. Baker, The Southern Baptist Convention and Its People, 1607 - 1972 (Nashville, Tennessee: Broadman Press, 1974), p. 414.

[23]Baker, Convention and People, p. 415; T. B. Maston, Segregation and Desegregation: A Christian Approach (New York: The Macmillan Company, 1959), p. 22; Brooks Hays, A Southern Moderate Speaks (Chapel Hill: University of North Carolina Press, 1959), p. 202.

[24]John Lee Eighmy, Churches in Cultural Captivity (Knoxville: University of Tennessee Press, 1972), pp. 190-192; Houston (TX) Post, May 21, 1958.

[25]Brooks Hays to R. R. Pyle, June 1, 1957, Mrs. Elmo Mancuso to B. Hays, July 15, 1957, P. H. Cave to B. Hays, June 14, 1957, Corbet L. Partridge to B. Hays, June 11, 1957, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[26]New York Times, May 31, 1957; Eighmy, Captivity, p. 192.

[27]Annual, SBC, 1958, p. 76; Houston Post, May 21, 1958; Arkansas Gazette, May 21, 1958, clippings, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[28]Arkansas Gazette, May 20, 1958.

[29]Ibid., May 21, 1958.

[30]Houston (TX) Chronicle, May 21, 1958.

[31]"President's Address", Annual, SBC, 1958, pp. 77-80; New York Times, May 21, 1958.

[32]Houston Post, May 21, 22, 1958; Houston Chronicle, May 22, 1958; Arkansas Gazette , May 22, 1958; Annual, SBC, 1958, pp. 50-51.

[33]Houston Chronicle, May 22, 1958.

[34]"Christian Life Commission Report", Annual, SBC, 1958, p. 391.

[35]Annual, SBC, 1958, p. 53; Arkansas Gazette, May 23, 1958; Houston Post, May 23, 1958.

[36]David F. Freeman to A. C. Miller, September 22, 1955, Miller to Brooks Hays, December 1, 1955, January 13, 1956, Hays to Miller, February 6, 29, 1956, B. Hays to C. L. Hollingsworth, June 10, 1958, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[37]"Resolution", June 5, 1957, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention; Annual, SBC, 1958, pp. 53, 393-394; Houston Chronicle, May 23, 1958; Houston Post, May 23, 1958; Arkansas Gazette, May 23, 1958.

[38]Annual, Baptist General Convention of Texas, 1958, pp. 19, 81-82.

[39]Annual, Arkansas Baptist State Convention, 1958, p. 36; Annual, Alabama Baptist State Convention, 1958, pp. 82-82, 135-136.

[40]Oklahoma City (OK) Daily Oklahoman, November 11-14, 1958.

[41]Eighmy, Captivity, p. 196; For a concise assessment of the difficulties which Southern Baptist leaders face in their attempts to educate their co-religionists in unpopular causes, see Ernest White, "Baptist Churches and Race Problems", The Baptist Program, October, 1964, p.4.

[42]Little Rock (AR) Arkansas Baptist, October 3, 1957.

[43]Bruce G. Carter to Brooks Hays, October 21, 1957, B. Hays to George Schroeder, July 21, 1958, Schroeder to B. Hays, October 14, 1958, B. Hays to Schroeder, March 3, 1959, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[44]press release, Religious News Service, March 2, 1959, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[45]Brooks Hays to Alma Hunt, April 29, 1958, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[46]Perry F. Webb to Franklin Owen, February 25, 1959; Brooks Hays to Webb, April 30, 1959, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

[47]Louisville Courier-Journal, May 20, 1959, clipping, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention.

CHAPTER VIII

FROM MODERATE TO LIBERAL--POLITICS, 1959-1973

In the maelstrom of the integration controversy, no one was safe. Even securely entrenched Brooks Hays, veteran of sixteen years of reliable service, by one miscalculation found himself cast from the postiion which had taken so long to attain. At sixty years of age, Hays lost his job. Many in his position would have given up and faded into obscurity; not Hays. Loss of his congressional seat merely encouraged him to seek alternative outlets for his energies. Between 1959 and 1973 Hays' public activities included teaching at several universities and service in various capacities under three presidents, but Hays reatained the political urge. The highlight of the period was his return to the political arena, first in Arkansas, then in North Carolina. The public life of Brooks Hays came full circle by 1972.

But there was little indication in 1958 of what lay ahead. Having failed against Alford, Hays faced greater tragedy at the end of the year. His father was the dominant force in his life, and his father was slowly dying. Between December of 1958 and June of 1959, Hays made eight trips to Russellville to see his father. on the final trip the family laid Steele Hays to rest.[1]

The combination of family tragedy and Hays' preference for elective office made the search for new activity more difficult. He declined positions with a refugee organization and with the United States

Information Agency. The possibility of a judgeship piqued his interest, but nothing materialized. Finally Eisenhower offered him a position on the board of directors of the Tennessee Valley Authority. Although unsure if Marion would enjoy Knoxville, the city in which the TVA was headquartered, Hays consulted with friends, including those in the SBC. Then he accepted the offer.[2]

The TVA was an agency in which Hays had long believed. He had fought to gain a similar program for the Arkansas River. The agency reduced transportation costs for agricultural products. At the same time it stimulated industry, creating jobs for displaced farm people in the valley. By its presence it promoted private investment and development. And its benefits in flood control, scientific forestry, and fertilizer research were the sort of things that Hays had supported from his days in the New Deal. But simply being a member of the board was not sufficient to satisfy Hays. For two years he served, then he left with warm memories of his new friends and a new anecdote for his repertoire. According to Hays, when he first arrived in Knoxville, a newspaper editor in Mississippi commented, "We don't know how much Mr. Hays knows about navigation or flood control or hydro-electric power production, but one thing for sure, the Baptists now have access to the largest baptismal pool in all the world."[3]

After two years of the TVA, Hays was ready when the knights of Camelot beckoned. In the Kennedy administration he served variously as assistant secretary of state for congressional relations and as special assistant to the president. For the most part his activities centered on speech making and traveling to promote good will and spread the gospel of the new frontier. One of his more exciting assignments was a

visit to Africa in 1963. In April of that year, Hays spent the first six days of the month with his wife in Liberia. They met the secretaries of state and education and the president. They met other political figures and the bishops of the Protestant Episcopal and Methodist churches. After touring the University of Liberia, the party went to the agricultural experiment station at Cuttington College in the wilderness. Then they departed for Nigeria. During three days in that state, Mr. and Mrs. Hays repeated the Liberian episode. They met with officials of the government and toured universities and Peace Corps and Agency for International Development facilities. Then they returned home, having provided nothing more than another story for the newspapers.[4]

Such service surely was not sufficient to cause Kennedy to refer to Hays as "an outstanding public servant and moral leader."[5] But that comment to the president of Southern Baptist College at Walnut Ridge, Arkansas, gained credibility as Hays toured the country, speaking of his and Kennedy's moderately liberal approach to racial problems. In a standard speech which he modified for presentation at Peabody College in Nashville, Tennessee, on July 10, 1963, Hays reiterated his longstanding belief that laws were not applicable unless the people had the proper attitude. As he expressed it, "the antidote for evil is our idealism."[6] Again, on Youth Wants to Know, Hays expressed a moderate view in saying that "the negroes' [sic] hope for full equality and acceptance of status is in the spiritual and moral leadership that the people of the South and other sections of the country provide."[7]

Because it was little different than his, for the most part the Kennedy approach satisfied Hays. But he became increasingly dissatisfied

because he thought the White House staff was usurping the functions of the state department at an ever accelerating rate. In retrospect he recorded that the staff "was doing on a small scale and in an offensive way, [sic] what later the Nixon staff did so dramatically."[8] All of that changed dramatically in November of 1963.

On the twenty-second Hays was in Lakeland, Florida, addressing the luncheon meeting of the Kiwanis Club on the theme of unity. After completing the speech he returned to his motel room to prepare for a scheduled evening speech at Florida Southern College. As he walked into the room, he heard the voice of Walter Cronkite saying that Kennedy had just been shot seriously, perhaps fatally. Hays returned hastily to the White House where he noted that routine work served to keep the collective grief controlled. As a member of the staff, Hays served as honorary pall bearer for Kennedy, having to borrow the formal cutaway coat and striped trousers from a member of his church. After the funeral Hays and the rest of the White House aides tendered their resignations as a matter of form, but the new president, Lyndon B. Johnson, kept Kennedy's people while the transition took place, merely adding his own people to the group.[9]

But inevitably the atmosphere in the White House changed with the introduction of such a dominant force as Johnson. Although Hays was on amicable terms with the new president, when the opportunity for him to go to Rutgers arose, the White House lost a staff member. The Eagleton Institute of Politics at Rutgers had offered Hays its Arthur Vanderbilt professorship as early as 1959. At that time Hays had declined, but, when the university renewed its offer in 1964, he leaped at the opportunity. Having cleared his decision with the president, Hays agreed to

serve as a weekend White House aide while at Rutgers. For the most part he wrote messages for Johnson. Also, he answered the correspondence which came to the White House on religious matters or from religious figures. That was a significant reduction from the speaking schedule and political liaison functions which he had enjoyed under Kennedy and during his early months in the Johnson administration. However, Hays continued to make an occasional address for Johnson during the two years he served as professor in New Jersey.[10]

The Vanderbilt Professorship was a great opportunity for Hays. In presenting lectures and speaking to students, Hays found his faith in young people revitalized. He also spent his time in preparing a work on the application of the Judao-Christian ethic to politics, and he wrote the first manuscript for his memoirs, what was to be Politics is My Parish. Still he managed to deliver 150 speeches during his first year. And he commuted to the White House on weekends. Ever quotable, Hays explained:

> Before I came to Rutgers, I sat down with President Johnson and we agreed that I'd keep a desk in the White House as an unpaid consultant and would spend 80 percent of my time at Rutgers and 20 percent as his advisor . . . . But when I go down to Washington each Friday and see what he's left on the desk, I sometimes think that Mr. Johnson got the percentages reversed.[11]

Hays took his assignments for Johnson gracefully and with wit. Moreover, when the president asked for help in the area of civil rights, the professor performed with serious pleasure.

One of Johnson's most important acts as president was to force passage of the civil rights legislation which had stalled in congress despite the best efforts of Kennedy. On June 19, 1963, Kennedy appealed to congress to put aside sectional loyalties and to work for passage of legislation to guarantee equal rights to blacks. One year later, on

June 19, 1964, Johnson's pressure caused the Senate to capitulate. The House having previously agreed, the bill became law when Johnson signed it on July 2. The law required equality in the administration of literacy tests and required an end to discrimination in determining voter eligibility. Also, it banned discrimination in public accommodations, facilities, and education. It required equal opportunity in federally funded programs and in employment. Finally, it strengthened or created agencies such as the Civil Rights Commission and the Community Relations Service in order to encourage or force compliance as necessary. Passed with support from only one Southern senator, Ralph Yarborough of Texas, the law faced great obstacles, especially after the governors of Mississippi, Arkansas, and several other Southern states declared their refusal to enforce it unless the Supreme Court ruled it valid, an act which occurred only in December.[12]

Expecting strong opposition, Johnson created a committee of prominent individuals who were to augment the work of the Community Relations Service by giving "their influence, their skills, and their time to the crucial task of fostering voluntary observance of the provisions of the bill," as Johnson defined it to Hays.[13] One of those chosen to serve was Hays. At that point Hays' moderation became open advocacy. His message came through clearly in a speech he presented to an audience in little Rock on December 7. After preliminary remarks about his devotion to his home state and about his increased effectiveness after he became a non-politician, he hit hard by telling the audience that the debate over federal involvement in areas of state prerogative had ended. The Civil Rights Act of 1964 was law, and the law-abiding citizens of Arkansas had no alternative but to obey. Furthermore, it was

economically advantageous to allow full entry of blacks into their society. Reviving the chivalrous heritage of the South, Hays next told his listeners that, having lost their war to preserve segregation, honor required them to accept the terms of the victors. Those terms were clear: first abandon paternalism for equality and, second, as the decision making power was clearly at the national level, participate as vigorously as possible to insure that future decisions reflect Southern as well as Northern preferences. In sum, the South must not only comply; it must lead the way to true justice and equality.[14]

Not everyone in the South was prepared to accept the decision of congress, the president, and the courts. Many who tried to follow the law found the opposition to be vigorous. In the summer of 1964, the Student Non-violent Coordinating Committee (SNCC) led a voter registration drive in Mississippi. Three workers died violently. In Georgia two Klansmen won acquittal of the murder of Lemuel Penn, a black teacher. Not until 1970 were the murderers of the four found guilty and forced to begin sentences of three to ten years. In the interim, in March of 1965, police attacked civil rights demonstrators in Selma, Alabama, and another worker died. Johnson demanded and received the Voting Rights Act of 1965 which prohibited any discrimination in voting and authorized federal officials to protect voters from fraud. Finally, the fifteenth amendment was in force.[15]

Throughout the turbulent period, Hays continued to labor to win his section's peaceful acceptance of civil rights as a reality. In January of 1965, he found himself forced to cancel a scheduled speech in Bogalusa, Louisiana, after the Klan there threatened him, and the governor asked him to stay away.[16] Given the problems of the South at the

time, Hays undoubtedly made the right decision. The setback failed to deter him from speaking on behalf of Johnson's policies, however. Shortly after passage of the Voting Rights Act of 1965, Hays addressed the National Conference on Citizenship and noted that the American system was one in which moral men had the right to change immoral laws. If Southerners continued to object to the civil rights legislation, they had the right to change the law by using the system, but "criticism and defiance must be distinguished."[17]

Gradually defiance died away as more Southerners came to accept the futility of overt resistance. Encouraging signals came to Hays first from Mississippi. First, in September of 1965, Hays reported to Cliff Carter of the Democratic National Committee that Democrats in Mississippi were slowly coming to recognize that the defiance which had caused them to lose their credentials to a black delegation at the convention of 1964 was futile. They were starting to cooperate not only with blacks but with organized labor as well. In December Hays was able to report that his attendance at the Mississippi State Council on Human Relations coincided with a momentous occasion. For the first time ever, an integrated public meeting occurred in Jackson, Mississippi, and it took place without any disturbance. If relations between the races were mending so well in Mississippi, possibly they were progressing in the rest of the South as well, stated Hays.[18]

In December of 1965, Hays received a more definite assignment from the president. Johnson asked Hays to become associate director of the Community Relations Service. Having been one of the creators of the office during the Kennedy administration, Hays had no reluctance about accepting once the office became a reality. Although Johnson had doubts

about the willingness of Hays to serve under Roger Wilkins, a black Northerner many years younger and without the extensive experience of the former congressman, Hays dismissed those apprehensions and happily assumed the position. At the swearing in ceremony for Wilkins, Johnson acknowledged Hays' behavior by telling the new director that he had one of the best available assistants.[19] As it turned out the assignment lasted only a short time for Hays. Early in 1966 he was getting the urge to return to the campaign trail. Appointment by Johnson to the board of Foreign Scholarships and requests for his advice on implementation of the voting rights project were not sufficient to dissuade Hays from seeking the governorship of Arkansas. Brooks Hays resigned from the Johnson administration, and as a final gesture of friendship Johnson posed in his private White House quarters with the new candidate, a man in his late sixties.[20]

Stimulus for Hays' decision came from Bill Penix of Jonesboro, a man whose record included service as attorney for the school board of Hoxie, Arkansas, when that board won a landmark decision in 1956 which committed the federal government to assist school districts which encountered opposition as they attempted to comply with the desegregation rulings. Penix wrote to Hays on March 5, 1966, that the Democrats of Arkansas were increasingly discontented with Orval Faubus. However, Penix cautioned, Faubus had a good chance of winning the Democratic nomination because none of the prominent Democrats in the state were willing to oppose the former governor if he chose to regain his position. Statewide polls indicated that even former supporters of Faubus were desirous of a new candidate to contest Winthrop Rockefeller. Only a few Democrats had the reputation to challenge Faubus, and the most

widely known of them was Brooks Hays. According to Penix, Hays had a good chance of defeating Rockefeller if the presidential advisor chose to run. Hays was leaving Rutgers and his presidential duties were becoming more occasional, so he consulted his son, Steele, and other advisors. Encouraging signs came in a report by the Washington Post that Winthrop Rockefeller had won 45 percent of the black vote in 1964 despite the increasing liberalization of Faubus on the race issue since 1957, a liberalization which included the hiring of blacks for positions within his administration. Blacks and whites alike were tired of Faubus, and their unnatural alliance with the Republican party seemed ready to disappear if Hays proved a viable candidate. The signs were promising, but speculation about the role of Faubus continued to disturb the candidate until early April. Then Hays and Faubus met and agreed that neither was to interfere with the other. Faubus announced that he was not in the running unless the party failed to find a legitimate opponent for Rockefeller. Hays ran a poll which confirmed his popularity; then he announced his intention of being a governor who cooperated with the federal government while keeping that government from assuming a dominant role in the relationship.[21]

The campaign began well, but Arkansas politics were noted for unpredictability. The day after Hays made his decision public, he received a letter from a student at Georgetown University. Probably the first campaign volunteer in Hays' race of 1966 was Bill Clinton whose only request was that Hays allow a delay for school to end. Optimism grew in the Hays camp as contributions came from as far away as Florida and Georgia. In April the polls remained favorable and the filing deadline passed, so no surprises were expected. In May hope remained strong

that Hays would finish well enough in the eight-man race to participate in the inevitable runoff. Advertising stressed the experience of Hays as advisor to four presidents, co-author of the G.I. Bill and the Bi-Partisan foreign policy resolution, and educator. Hays did nothing to hurt his chances when he returned to Russellville for a "Kick-Off Rally" in June. He promised the nearly 2,000 people there that he would increase welfare benefits, stop illegal gambling in Hot Springs, and reorganize the state government. But the optimism of Hays and his supporters proved false. Jim Johnson, the man who had achieved his first prominence during the Little Rock struggle when he developed all the techniques of Orval Faubus and surpassed the master almost immediately, waged an effective campaign in 1966. He lambasted the federal government and the man so closely tied to it, Brooks Hays. He attacked Faubus as a man who had sold out and identified himself closely with George Wallace whose racist campaign in Alabama had gone so favorably earlier in the year. Johnson also utilized his attractive wife as an effective campaigner. Compounding the problems of the Hays candidacy, a new young liberal appeared on the scene. Sam Boyce, the thirty-four year old prosecuting attorney at Newport, attracted black and white liberal votes which earlier had gone to Hays. When it was all over, Hays ran third, far behind Johnson and the moderate J. Frank Holt. Hays threw his support to Holt as the candidate of party unity, but in the runoff Johnson defeated Holt. Roy Reed of the New York Times assessed the victory as a protest against Lyndon Johnson, civil rights demonstrations, and the liberal programs of the national Democrats. After the primary Hays moved to better things, and Johnson fell victim to a lopsided Rockefeller victory in the general election.[22]

Defeated again and without even an appointive government position in prospect, Hays found new outlets for his political urges. As he had 30 years earlier, when he had no position he created one. As the political climate of the South worsened in the white backlash, Hays and other concerned Southerners established the Southern Committee on Political Ethics (SCOPE). Late in 1967 George Wallace, visible symbol of segregationist resistance in Alabama, came to be regarded seriously as a potential presidential candidate. That candidacy appeared a threat to the image which moderates had worked so vigorously to create of a truly New South. To counter the impression that the region was a hotbed of Wallacism, Hays and other liberal and moderate Southerners, men like Hodding Carter and Vernon Jordan, created SCOPE as an agency to win full and equal participation for blacks. As Hays noted, SCOPE was designed to correct the wrong turning which the South had taken when it disfranchised blacks rather than training both blacks and whites to solve their mutual problems. Beyond full participation for minorities, SCOPE planned a program of voter education, an effort to return dignity to politics, and, a fight for free discussion of all issues. Targets for its efforts included racism, apathy, voting irregularities, and excessive campaign spending.[23]

Coming into existence in reaction to the rise of Wallace, SCOPE, as well as its leaders, endured speculation that the organization was nothing more than a stop Wallace movement. When asked by a reporter, Jordan responded, according to the Atlanta Constitution for November 11, 1967, that "just like racism, the South has no monopoly on backward political leadership," implying but not specifying that the organization had national aspirations. As acting chairman during the initial stages,

Hays was more specific and refrained from criticizing the supporters of Wallace. Hays specifically denied that there was any intent to deny access to the ballot to any third party candidate. Such an idea was unethical. In January of 1968, Hays expanded his arguments. According to him, SCOPE came into existence to promote ethics and improve the reputation of public service by educating people. It remained committed to the position that everyone had the right to vote, even if they voted for the candidates of third or fourth parties. On the other hand, no one had the right to remove a major party candidate from the ballot as had happened to Lyndon Johnson in 1964. The problems which SCOPE sought to correct--voter apathy, denial of minority voting, a one-party system, and the lack of voter education--had results such as the 16.9 percent turnout in the Arkansas congressional election of 1964 or the turnout in 1966 of only 25.8 percent despite simultaneous congressional and gubernatorial contests. Even the national average turnout was only 46 percent.[24] With such grandiose aspirations, SCOPE had potential; however, the organization failed to gain support and faded after the initial flurry of publicity. After 1968 the organization was inactive, but it was significant as an indicator of the continuing concern of Hays for improvement in the political process.

Less ambitious, less controversial, and more lasting was the next project which Hays initiated, the Former Members of Congress (FMOC). In 1970 Hays decided to create an organization to utilize a wasted resource of great potential value, retired congressmen. By October the organization had more than 300 charter members. Even before that, in June, the FMOC was planning a history of congress, something left undone previously. As late as 1974, however, the organization still searched

for grants to finance the oral histories and collection of documents. Other projects proposed by the FMOC included a study of means to make congress stronger, a national visitors center, and a congressional cemetery. The most successful venture of the FMOC was its effort to have a member address the congress on an annual basis. Also of value was the honor bestowed on one of its members when Hays received the distinction of making an address at Congressional Hall as the highlight of the bicentennial celebration of the first continental congress. By 1974 membership grew to approximately 400, including former president Gerald Ford. By 1980 the organization was stable, and the younger members handled its activities. Hays and his associate in so much of his activity in Washington, Walter Judd, had become honorary members of the board of the congressional alumni association which the former created and the latter helped to prosper.[25]

Hays remained in demand as a speaker as he enjoyed his seventh decade of life. In the fall of 1970, he taught a government course at North Carolina State University. When that assignment ended, he returned to Washington, D.C., and to speaking out on public affairs. In 1971 at Little Rock, he stated that peace was hopeless without the United Nations because law was necessary to the world. He advocated changing the organization by eliminating the veto, weighted voting, and the U.N. military force. Five days later, on April 21, he was in Indianapolis, Indiana, to address the National Conference of Christians and Jews, still one of his affiliations. At a news conference prior to his speech, Hays advocated bussing if it were for the good of the children. Of course, he cautioned that it must be done with the proper attitude, something which the controversial Supreme Court decision was

not to create. As earlier, this interim period was not fully satisfying, and Hays surely had time to contemplate his rejection of the attempt to draft him as a candidate for congress from North Carolina in 1970.[26]

In 1972 Hays decided that he had a chance to defeat Wilmer "Vinegar Bend" Mizell, Republican incumbent in the fifth congressional district of North Carolina. In making his announcement at Winston-Salem, home of Wake Forest University and the Ecumenical Institute which he created, Hays noted the similarities between his old district in Arkansas and the one he sought in North Carolina. Little Rock and Winston-Salem were approximately the same size, and both dominated areas of similar geography, piedmont and mountains. Finally, both districts were primarily agricultural. For Hays it was like being back home in 1933. But times had changed, as had Hays. In a time of inflation and unemployment, Hays claimed his congressional experience as an asset. He had seen it all before. As for his age, nearly 74, the voters were to determine if that mattered.[27]

Having announced, Hays attempted to help the national party. At a kick-off dinner for 72 congressional Democrats, Hays reminded his audience that they had a tradition of being experimenting and bold. He called on them to create a mature and responsible populism. Then he returned to his fight with Mizell. In July he announced his intention to walk across his entire district before the day of the election.[28]

Two days into the walk, on July 17, a Hays man on the scene sent a report to Warren Cikins, Hays' aide in every venture for at least 20 years. Already the candidate had given 23 speeches in the district, and the crowds responded warmly. The walk was going well, even if it

was the butt of many jokes, and it benefitted by the presence of Sam Ervin, senior senator from North Carolina. The campaign might have been better if Hays had been bullish enough to attack Mizell's record, but it was going well enough, especially in the north around Winston-Salem where party organization and Southern Baptists were strong. Calculations were that Hays needed a 3,000 to 6,000 vote edge there to balance Mizell's strength in his home county. The correspondent, who signed only as "Lloyd," described Mizell's county as "Full of true Faulkner rednecks. They love[d] baseball, chewin' tobacco, and simpletons like Wilmer."[29] Lloyd's report to Hays on the next day was more cautionary.

Lloyd told Hays that the walking tour made good press and that the North Carolina organization was attempting to gain mileage from a vacation Hays had taken in London. Mizell was searching for an issue because his attempts to stress his role in getting flood relief for the district failed to draw interest when no aid materialized. That aspect was good, reported Lloyd, but problems with the national ticket were potentially troublesome for Hays. The local press was hostile to George McGovern, Democratic presidential candidate in 1972, and South-side Democrats were talking about repudiating both the national and the local tickets. Hays received a warning to keep quiet about the national convention.[30] For a while he did.

As the walk continued, the organization sought ammunition for use against Mizell. In August, Group Research, Inc., reported its findings about the Republican. Certainly Mizell was conservative, but there was no evidence that he belonged to any organized right wing group, reported Group Research. Lacking evidence of that sort, the campaign continued

to emphasize the walk until Hays began, in September, to attack Mizell's record. When a liberal piece of legislation, the Hill-Burton hospital bill, failed to survive a presidential veto, Hays blasted Mizell for failing to vote for overriding. At the same time Hays attacked Mizell for his recent publicizing of a grant to a hospital within the district. As Hays pointed out and Mizell did not, the grant came despite Mizell. Shortly thereafter, Hays endorsed McGovern, especially the commitment of the national candidate to peace in Vietnam. In late 1972 Hays was unable to find any further moral justification for the war.[31] By the time of his endorsement of McGovern, an unpopular position with the voters of the fifth district, Hays had little to lose.

On October 5 the High Point Enterprise described Hays' problems. Even though Hays had walked 100 miles, his campaign was run on a shoe string and shoe leather. Mizell was popular in the district, and he campaigned little, thus reducing his chances of making a mistake. There was one possible issue in the construction of the New River Dam, an action opposed by conservationists, farmers, and Hays; however, the big excitement in the district centered on the naming of a new court house, and the political mileage in that issue was minimal for Hays. The only advantage for Hays was that Democrats outnumbered Republicans by two to one. Unfortunately, Democrats had voted for Mizell in both 1968 and 1970, and they had no reason to change in 1972. Richard Nixon was popular, and his coattails were long. The only encouraging sign to Hays was a letter from old friend Harry Ahsmore of the Arkansas Gazette, a letter which read in part, "I haven't been represented in Congress since they stole your last seat."[32]

As the campaign wound its last miles, Hays took time out to raise

money, and Mizell finally attacked his opponent. Neither did especially well. The Hays forces held a fundraising auction using items collected from prominent friends of the candidate. Carl Albert provided his gavel, and Mike Mansfield gave a pen. Books came from Ed Muskie, Birch Bayh, Edward Kennedy, and Vance Hartke. Sam Ervin gave an ashtray and Hays himself donated his walking shoes with the provision that they not be taken until the final eighteen miles were added to the 113 already on them. The auction raised $1,080, including $2.00 for the pen which did not work.[33] That show of support was followed immediately by Mizell's attack.

Mizell accused Hays of opposing the tobacco interests which were so important to North Carolina. Hays had served on the national fund-raising committee which gave money to Frank Moss of Utah in 1970, and Moss was a leader of the anti-tobacco forces in congress. However, Hays pointed out that his work in 1970 had been to raise money for Democrats of all types. Sam Ervin, quoted in the Winston-Salem newspapers, dismissed the charge, saying "if that's the only charge they can bring against a man like Brooks Hays, then he is assured of salvation"--salvation perhaps, but not victory.[34]

After his defeat at the hands of Mizell, Hays returned to Washington, D.C., and regained his role as elder statesman. Richard Nixon had defeated George McGovern in a landslide, and the Republican president began immediately, at least in the view of some Democrats, to abuse his mandate. After Nixon refused to spend all the money allocated by congress, the senate subcommitte on separation of powers began a hearing on executive impoundment of appropriated funds. Hays received an invitation from Ervin to testify in late January or early February. The

hearings resolved nothing, and Watergate soon overshadowed the issue of impoundment. Hays' role in the Watergate investigation consisted merely of offering his recommendations that the size and authority of the White House staff undergo reduction. He also advocated general nomination and campaign reforms and education of the public, but he offered no specific solutions. Another area of concern which Hays addressed in 1973 was related to Vietnam. At Virginia Tech in April, Hays stated that desertion was ignoble, but time had proved many draft evaders to be right.[35] Elder statesmen were permitted to make suggestions and express controversial opinions while younger people ran the country.

Hays gained a few more entries in his list of memberships and honors during 1973. He became a member of the policy board of the Institute for American Democracy (IAD) in February; the IAD was another organization intended to preserve democracy through education. More exciting to Hays was his election once again as president of the FMOC. As he put it, referring back to his loss to Mizell, "I was just so thrilled to be elected to something."[36] Seventy-five years of age and 45 years a politician, Hays showed no signs of letting his dreams fade.

The 15 years after the disaster at Little Rock were years of great changes in the United States. The civil rights revolution ebbed and surged until it was swallowed by white backlash and the Wallace movement. Camelot and the New Frontier came and went quickly, and the Great Society fared little better, disappearing in the whirlwind created by Vietnam. Finally, Richard Nixon promised law and order but fell in disgrace when he forgot that his promises included himself. Through all the times of crisis and disappointment, the United States moved unsteadily close to its ideals. By 1973 civil rights were real if not

universal. The commitments to the poor and the helpless which began to a great extent under Kennedy and Johnson remained valid if weakened. The war was ending, and already the search for a better approach had begun. And the lawlessness which elected and destroyed Nixon was reverting to traditional forms.

Throughout the period, in one way or another, Brooks Hays had a significant role to play as advisor, educator, or scold. In all aspects Hays did well, growing more committed to black equality, peace, and justice as the years passed. Between 1958 and 1973 Brooks Hays, the Southern moderate with tendencies to compromise as expedient, grew into a sincere and committed liberal whose preferences were for what was right, even if right was unpopular. As he discovered in the elections of 1966 and 1972, there was less change in his South than there was in him. Hays knew the rules of political survival, but sometimes he forgot to play by them.

FOOTNOTES

[1]Interview, Warren Cikens with Brooks Hays, Washington, D.C., n.d., tape 13, side 1, p. 92 of transcript, Brooks Hays Collection, Library, University of Arkansas, Fayetteville, Arkansas.

[2]Ibid., p. 93.

[3]"Strengthened Faith for Changing Times, an address by the Honorable Brooks Hays, Assistant Secretary of State for Congressional Relations, at the Sunday night All-University convocation at Iowa State University, September 24, 1961," "Release, Tennessee Valley Authority, January 25, 1961," Interview, Cikens with B. Hays, tape 13, side 1, p. 93, Brooks Hays Collection, Library, University of Arkansas.

[4]"Itinerary For the Visit of Mr. Brooks Hays, Special Assistant to John F. Kennedy and Mrs. Hays to the Republic of Liberia, 1st to 6th April, 1963," "Program for the Visit of Mr. Brooks Hays and Mrs. Hays Special Assistant to the President to Western Nigeria 10th-12th April, 1963," Press-Scimitar, April 25, 1963, Memphis (TN) Brooks Hays Collection Library, University of Arkansas.

[5]John F. Kennedy to H.E. Williams, May 21, 1963, Brooks Hays Collection, Library, University of Arkansas.

[6]"Excerpts from Speech by Brooks Hays--Rough Draft," typescript with notation "Peabody 7-10-63," Brooks Hays Collection, Library, University of Arkansas.

[7]Youth Wants to Know, transcript, n.d., Brooks Hays Collection, Library, Wake Forest University, Winston-Salem, North Carolina.

[8]Interview, Cikens with B. Hays, tape 14, side B., pp. 82-83, Brooks Hays Collection, Library, University of Arkansas.

[9]Interview, Joe B. Frantz with B. Hays, October 6, 1971, Washington, D.C., Lyndon B. Johnson Library, University of Texas, Austin, Texas.

[10]Interview, Cikens with B. Hays, tape 16, side 1, p. 9; Interview, Frantz with B. hays, october 6, 1971, Washington, D.C.

[11]Release, Rutgers News Service, "For Release Thursday PMS, Friday AMS, April 15, 16," April 8, 1965, Brooks Hays Collection, Library, Wake Forest University.

[12]Keesing's Publications, Limited, Race Relations in the USA, 1954-1968 Research Report 4 (New York: Charles Scribner's Sons, 1970), pp. 135, 137-139, 143-144.

[13]Telegram, Lyndon B. Johnson to Brooks Hays, July 2, 1964, Brooks Hays Collection, Library, Wake Forest University.

[14]"Excerpts of Remarks of Hon. Brooks Hays at the Statewide Civil Rights Informational Meeting--Hotel Marion, Little Rock, Arkansas, December 7, 1964, 10:30 A.M.," Brooks Hays Collection, Library, Wake Forest University.

[15]Mary Frances Berry, Black Resistance/White Law (New York: Meredith Corporation, Educational Division, Appleton-Century-Crofts, 1971), pp. 200-205; Keesing, Race Relations, USA, pp. 190-191.

[16]Release, Rutgers News Service, April 8, 1965, Brooks Hays Collection, Library, Wake Forest University; Little Rock (AR) Arkansas Gazette, January 5, 1965, Brooks Hays Collection, Library, University of Arkansas.

[17]Washington Post, September 17, 1965, clipping, Brooks Hays Collection, Library, University of Arkansas.

[18]Brooks Hays to Cliff Carter, September 30, December 7, 1965, Brooks Hays Collection, Library, Wake Forest University.

[19]Washington Post, December 18, 1965, clipping, Brooks Hays Collection, Library, University of Arkansas; with B. Hays, October 6, 1971, Washington, D.C.

[20]Press Release, White House, January 27, 1966, "Memorandum," Seymour Samet to Brooks Hays, et. al., March 9, 1966, Brooks Hays Collection, Library, University of Arkansas; Interview, Fantz with B. Hays, October 6, 1971.

[21]Bill Penix to Brooks Hays, March 5, 1966, Marcus A. Hollabaugh to Charles F. Paradise, April 1, 1966, Interview, Cikens with B. Hays, tape 16, side 1, pp. 12-15, Washington Post, March 27, 1966; Arkansas Gazette, April 15, 1966, clippings, Brooks Hays Collection, Library, University of Arkansas.

[22]Bill J. Clinton to Brooks Hays, April 16, 1966, Marcus A. Hollabaugh to Paul Keen, April 29, 1966, Hollabaugh to Herman W. Goldner, May 23, 1966, Brooks Hays campaign advertisement, newspaper clipping, n.d., flyer, "Brooks Hays Kickoff Rally, " Brooks Hays to ____, August 30, 1966, Russellville (AR) Weekly Courier-Democrat, June 23, 1966; Arkansas Gazette, July 30, 1966; New York Times, July 28, August 11, 1966, clippings, Brooks Hays Collection, Library, University of Arkansas.

[23]Typescript about the formation of SCOPE, n.d., Philadelphia (PA) Enquirer, November 17, 1967; Atlanta (GA) Journal, November 17, 1967, clippings, Brooks Hays Collection, Library, University of Arkansas.

[24]Atlanta (GA) Constitution, November 11, 1967, Birmingham (AL) Post Herald, November 10, 1967, Little Rock (AR) Arkansas Democrat, November 10, 1967, clippings, "Address by the Hon. Brooks Hays, National Planning Committee Meeting, International Association of Machinists and Aerospace Workers, January 19, 1968, 'The Southern Committee on Political Ethics,'" Brooks Hays Collection, Library, University of Arkansas; Brooks Hays to J. Herschel Barnhill, April 1, 1979, Author's possession.

[25]History of FMC Origins, n.d., n.p., Brooks Hays to John Red, June 8, 1970, Samuel N. Friedel to B. Hays, June 26, 1970, B. Hays to Gerald Ford, October 12, 1973, B. Hays to Carl Albert, January 28, 1974, B. Hays to "dear member," March 18, 1974, George Meader to B. Hays, November 11, 1974, B. Hays to Jed Johnson, January 25, 1975, Brooks Hays Collection, Library, University of Arkansas; FMOC letterhead, ca. 1979, Author's possession.

[26]William J. Black to Brooks Hays, May 29, 1970, Arkansas Gazette, April 16, 1971; Indianapolis (IN) Star, April 21, 1971; Winston-Salem (NC) Twin City Sentinel, January 18, 1972, clippings, Brooks Hays Collection, Library, University of Arkansas.

[27]"Brooks Hays Announcement for Congress--Hilton Hotel W. Salem, Feb. 18, '72," Brooks Hays Collection, Library, University of Arkansas.

[28]Russellville (AR) Courier-Democrat, April 24, 1972, newspaper clipping, Greensboro, North Carolina, ca. July 3, 1972, Brooks Hays Collection, Library, University of Arkansas.

[29]Lloyd _____ to Warren (Cikens), July 17, 1972, Brooks Hays Collection, Library, University of Arkansas.

[30]Lloyd _____ to Brooks Hays, July 18, 1972, Brooks Hays Collection, Library, University of Arkansas.

[31]Wesley McCune to James C. McLean, August 28, 1972, newspaper clipping, September 24, 1972 Winston-Salem (NC) Journal, September 11, 15, 1972, clipping, Brooks Hays Collection, Library, University of Arkansas.

[32]Harry Ashmore to Brooks Hays, October 12, 1972, Brooks Hays Collection, Library, University of Arkansas; High Point (NC) Enterprise, October 5, 1972, clipping, Brooks Hays Collection, Wake Forest University.

[33]Twin City Sentinel, October 26, 1972; Winston-Salem Journal, October 27, 1972, clipppings, Brooks Hays Collection, Library, University of Arkansas.

[34]Newspaper clipping, Winston-Salem, North Carolina, October 28, 1972, Brooks Hays Collection, Library, University of Arkansas.

[35]Sam Ervin to Brooks Hays, January 12, 1973, Winston-Salem (NC) Journal and Sentinel, October 28, 1973; Roanoke (VA) Times, April 12, 1973, clippings, Brooks Hays Collection, Library, University of Arkansas.

[36]Raleigh (NC) Biblical Recorder, November 19, 1973, Brooks Hays Collection, Library, University of Arkansas; Charles R. Baker to Brooks Hays, January 26, 1973, B. Hays to Baker, February 4, 1973, Brooks Hays Collection, Library, Wake Forest University.

CHAPTER IX

RELIGION, FROM BAPTIST TO ECUMENICAL, 1963-1974

Disinclined as he was to retire from public service, so was Hays equally determined to remain as active as possible in his service to religion. From his early years Hays had been less parochial than many of his co-religionists. The movement toward cooperation with other groups which Hays stimulated as president of the Southern Baptist Convention was only a small indicator of what Hays was to do once released from the constraints of Baptist opinion. In the 1960s and 1970s Hays increasingly pursued the goal of bringing all Christians into closer relationship with one another. The ecumenical idea came to be of primary importance to Hays although he retained his ties to the Baptists and continued to pursue more narrow concerns.

In 1964 Hays addressed the Baptist Jubilee Celebration in Atlantic City, New Jersey. In his remarks he said of Christian religion that "it cannot become the church triumphant until it becomes the church universal."[1] Hays' faith in ecumenicity, the belief that all Christian churches should cooperate if not combine, had intensified since the time when he told Grace Carson in 1959 that she need not worry about Baptists combining with Roman Catholics or Satanists, two groups not especially dissimilar according to Mrs. Carson.[2] In line with his ecumenism, in 1964, Hays was in the process of having an experience given to no other protestant layman. Having enjoyed the distinction of meeting one pope

in the Vatican, he was contemplating meeting another.

In 1963 an old friendship proved to be beneficial to Hays. In his work with poor farmers during the 1930s, Hays had occasion to meet a parish priest in Iowa, Luigi Ligutti. Through the 1940s and 1950s the relationship continued as the two men maintained a common interest in the problems of rural poverty and improved relations among Christians. By 1963 Monsignor Ligutti had become advisor to Pope John XXIII on rural life. Ligutti arranged for the former leader of the Baptists and his wife to meet in the Vatican with John XXIII on October 23, 1963.[3]

The meeting began auspiciously. John broke the ice by stating, "Mr. Hays, I know you are a Baptist, and Baptists and Catholics haven't always loved each other as good Christians should, but I am a Baptist too, I am John."[4] From then on the audience went smoothly. Much of what went on was reserved for Vatican release, but Hays did report that the conversation featured the Hays family. John indicated that Hays' daughter, Betty, whose birthday it happened to be, was to be included by name in his prayers, as would be the other members of the family. Significant to Hays because of the Catholic dogma that non-Catholic Christians were the "separated brethren," was the parting comment of the pope that "We are brothers in Christ."[5]

Shortly after the visit, John XXIII began failing and, despite the prayers of many--including Brooks Hays--yeilded his worldly tasks to another. The new pope assumed the name Paul VI. Paul shared his predecessor's interest in improving relations among Christian denominations. Also, Ligutti continued to serve in the Vatican.[6] Thus, when friends of Hays suggested a meeting, the arrangements went smoothly. In July of 1964, Claude Nelson wrote the Bishops of the Roman Catholic Church that

Hays "and his friends think that there would be ecumenical profit in his being received by Pope Paul, if possible."[7]

On September 28, 1964, without his wife Marion, Hays met with Paul VI. To Hays, Paul appeared "less spontaneous and more formal" than John, but gentle and charming.[8] The conversation was informal, and its highlight came when Hays' escort, Father Thomas Stransky of Milwaukee, mentioned that Hays was scheduled to speak before the Protestant Men of the Chapel, an organization of protestant military personnel in Europe. Paul promised that he would pray for the success of the meeting. As the audience drew to a close, the pope asked Hays to attend the Vatican Council meeting of the next day. That simple request caused Stransky to comment to Hays about the necessity for a period of scrambling to get the five signatures necessary to admit Hays to the meeting. Ever the wit, Hays told Stransky not to worry because the pope had said it was to be done, and the Baptist believed in papal infallibility. Once on that theme Hays had to relate another anecdote. At the Vatican Council of 1870 which established infallibility, one of the two votes in opposition to the doctrine came from the Bishop of Little Rock. According to Hays, when Pope Pius IX heard of the vote, he said, "So the Big Rock rolled over the Little Rock."[9]

Returned to the United States, Hays discussed his general impressions of the council meeting. He indicated that the Catholic Church seemed to be changing its attitude toward other religions in an attempt to ease tensions. Especially exciting to Hays was the elimination of the traditional blaming of Jews for the death of Christ. Of course, Hays had to end on a humorous note. As he told it, he had often bragged about his ten million Southern Baptists. But after speaking with the

pope, whose flock numbered 500 million, Hays for the first time felt like a member of a minority.[10]

Hays' concern for improving relations with other churches had a more permanent expression than merely speaking to leaders such as the popes. From its founding in 1968 until his "retirement" in 1972, Hays headed the Ecumenical Institute at Wake Forest University. Baptists were changing, as was indicated by the lack of negative response to Hays' meetings with the popes, and Baptists were beginning to examine not only their own past but the history of the Catholic Church as well.

Beginning the institute, Hays had to prepare an explanation of what it was intended to do. Entitled "The Ecumenical Institute, Wake Forest University," the four-page typewritten document began by denying that the institute was to be directly involved in politics. However, as Hays noted, the realities forced it to have a place in a political world. As he put it, only if governments permitted their citizens to enjoy greater religious freedom could the interchange of ideas between Catholics and Baptists occur. If, for instance, the government of Spain objected, the ecumenical principle was void for all Spaniards, and they, as a consequence, would be forced to remain ignorant of the outside world of the Baptists.

However, before trying to open communications, Baptists had to educate themselves. From a leading Baptist university, the people of the institute hoped to research the history of the universal church of the middle ages as well as the turbulent nineteenth century from which sprang the Southern Baptists. Hays intended the institute to explore not only the church but the individual in search of a personal God as well. As he wrote, on the one hand,

> We will be looking at the Church which crowned and deposed Emperors; on the other, at a people who looked for their reward in heaven out of a world which was chopping the state into a reign of terror, and which was willing to settle for a world divided into spirit and flesh, mind and matter.[11]

Noting that young people were increasingly leaving the church for secular service in such agencies as the Peace Corps, Hays stressed that it was yet possible to keep social service and religion as one. What he sought was "that church which can redeem the state by taking it up into its sacred arms."[12] Simply put, the Ecumenical Institute sought by exploration of the past to provide for Baptists a valid basis for their relationship with Catholics. By knowing what Catholicism had been, they could understand what it was. Placing themselves in the shoes of the "enemy," they would see that the supposed foe actually was seeking the same goals as they were. Hays closed by saying, "when we have walked in the other man's shoes for a while by walking down his historical pilgrimage--then and only then can we talk meaningfully together about the present and the future."[13]

The Ecumenical Institute was one method by which Hays sought to spread his belief in the unity of man, even with religious and political differences. Another way of bringing the denominations together was by the use of humor. Possibly the most extreme use of the technique came in a speech, before the National Conference on Problems of Rural Youth in a Changing Environment, which Hays presented at Stillwater, Oklahoma, on September 24, 1963. First he told about a Baptist preacher. Then he added one about the rural preacher who had his sermon notes destroyed by his daughter's dog. That Sunday the preacher explained to the congregation, as Hays said, "Brethern (sic) I have no sermon. I just have to talk as the Lord directs. But I promise to do better next Sunday."

Moving right along, Hays presented a joke about an Episcopalian and a nice story about how, after the Alford campaign, he felt unable to eat his Wheaties but Marion said, "You eat it. You are still a champ." That was his Methodist story. Not yet satisfied, Hays next told a joke about the Lutherans and finished with two old classics. The better of the two concerned the attempted consolidation of the Baptist and Christian churches at Russellville. As Hays put it, one opponent of the move ended his speech of opposition by saying, "I'm a Baptist and nobody is going to make a Christian out of me." The message was Hays' old one that "we can clasp hands across these differences of ecclesiastical and political ideologies and be friends and fellow Americans, and work together for the good of our country."[14]

Another aspect of the work of the Ecumenical Institute was its attempt to revive the enthusiasm of the young. In the 1960s Hays worked extensively with college audiences. Between September and December of 1963, he toured 115 Methodist and three Western Methodist universities and spoke before student audiences. The themes rarely varied, and Hays used a reliable format. An audience at Iowa State University in 1961 heard Hays say, "religion is not a frill, it is not one of the things that we can accept or leave alone," and there must be "an intensification of devotion to the things that are bound up in the Judaic-Christian concept of man's dignity, of God's fatherhood and of man's brotherhood and of all nations' sisterhood."[15] According to Hays, "We are looking for people in religious life who will make their religion a constructive and a practical force."[16] Whether through humor or through his ecumenical activites, that simple message remained constant as Hays left his mark on the human experience. But, of course, Hays always did more than

rest securely in his ivory tower, whence he could emerge occasionally to joust with the villains of this world. Even in his sixties the old warrior continued his efforts to translate the theory into a reality of better and more humane conditions of life for all.

In May of 1964, Hays addressed the Baptist Jubilee Celebration and challenged his people to leave their shells. As he reminded them. "It is in keeping with our Baptist traditions that the importance of political government be acknowledged and the necessity of penetrating our social environment be emphasized."[17] However, when the Baptists and other fundamentalists endeavored to enter the political arena for a purpose which he felt to be wrong, Hays remained independent of his denomination. The issue was prayer in the public schools, a problem created by the Supreme Court's decision that mandatory prayer was in violation of the concept of separation of church and state. One method of returning religion to the classroom was by means of a constitutional amendment. While fundamentalists throughout the country were signing petitions to that end, Hays wrote to Emanuel Cellar, chairman of the House Judiciary Committee. Rather than arguing from the customary constitutional position about church-state separation, Hays explained one basic reason for his opposition to the amendment to require prayer in schools. To Hays, a prayer required by law was essentially meaningless. His position agreed with that of the Baptist Joint Committee, a much more ecumenical agency than was the SBC.[18] The amendment failed to survive, not because Brooks Hays was such a force, but because his view was more in keeping with American tradition and opinion. It was possible to be right without being controversial.

Equally non-controversial but more immediately useful was the

service which Hays performed for Worldwide Bible Reading in 1964. With radio and television personalities Bud Collyer and Hugh Downs, Hays recorded excerpts from the Bible to be distributed wherever Christians or potential Christians might desire them.[19] Hays did whatever he could to spread the gospel.

At Bethany College of West Virginia, Hays introduced a variation on his theme of cooperation. While mentioning the need for urban dwellers to work together, Hays suggested an educational reform which died still-born. To Hays, the need was for theologians to receive a political education and politicians to learn theology.[20] Such an experience would allow politicians and theologians to understand one another just as the Ecumenical Institute was to bring Baptists and Catholics together.

Having developed the solution to the matter of communication between religious and political leaders, Hays made a political trip to Arkansas because of his religious leadership. At least as early as January of 1957, Hays had advocated observer status for the SBC at the United Nations. The denomination was the only one unrepresented in that body, even at that comparatively early date. When finally the SBC committed itself to the world government, the first Southern Baptist observer was none other than Brooks Hays. Thus it was fitting that the speaker at Arkansas United Nations Day was the state's former son. The speech was hardly a major departure. Hays said that the Communist Chinese were not going to gain admission to the U.N. unless guarantees for Nationalist China materialized at the same time. Also, China had to become peace-loving and back away from her borders. That combination was unanticipated by Hays in the immediate future. Hays seized the opportunity of the question period to reaffirm his belief in the

morality of college students and to deny any intention to run for the governorship of Arkansas, a decision which changed in the next year, 1966.[21]

While in Arkansas Hays involved himself in a controversy which indicated that the SBC had not abandoned its concern for orthodoxy in ritual and belief. His church in Russellville found itself expelled from the Arkansas Baptist Convention. During the early 1960s the church had begun extending its relations with Catholics and blacks. Generally the SBC was becoming more flexible on all but the traditional moral issues such as pornography and consumption of alcohol and the new moral issues such as abortion. The new openness extended in some congregations to a looser interpretation of the requirements for membership. After a re-examination of the scriptures, pastor Charles B. Thompson of the First Baptist Church of Russellville led his congregation to accept alien immersion, Baptism in a non-Baptist church, as a sufficient commitment to Christ to obviate the customary re-baptism required by more conservative SBC congregations. Also, the Russellville church began to practice open communion, allowing the Lord's Supper to all who believed themselves in a fit state to receive it rather than restricting communion to those who met the criteria of the person who administered the sacrament.

On October 15, 1965, the Dardanelle-Russellville Association voted to exclude the Russellville church from associational meetings. In November the state convention refused to seat the Russellville delegates, and it resolved that alien immersion and open communion were not valid practices in its member congregations.[22] Brooks Hays attempted to ease the situation by reminding the Baptists that one of their basic

precepts was the autonomy of the local congregation. But the Baptists continued to be dominated--on this issue at least--by the conservatives. In 1968 three more churches lost their rights for similar reasons, but at the same time the state convention sought to bring them back, defeating its own efforts by requiring as the price for re-admission a return to close immersion and close communion. Even as late as 1974, when Russellville First Baptist sought seats for its messengers, the expectation of a strong challenge led them to withdraw despite the return of the congregation to the conservative practices of close immersion and close communion. In 1975 the Russellville messengers attended the state convention. Indicative of the difficulty of achieving unity under the loose structure of the SBC was the fact that as early as 1966 the national convention refused to deny seats to the Russellville delegation. The national president rejected a motion not to seat them. He ruled that the national organization had no power to regulate the practices of individual congregations in matters of such a nature.[23]

Although Hays failed to influence the Baptists of his home state as they suffered through a period of vacillation between modernism and traditionalism, he did gain acknowledgement for his advanced positions in human relations. For instance, in March of 1965, he received the first Distinguished Service Award for Leadership in Christian Social Ethics. In his remarks he drew a parallel between Paul going to Rome when provincial justice proved inadequate and the need for action from Washington, D.C., on behalf of black Americans.[24] Hays was seemingly becoming more liberal as he grew older. The man who had attempted to delay civil rights by means of the Arkansas Plan, the Southern Manifesto, and his vote against even the weak Civil Rights Act of 1957, had

moved by 1965 to the point that he was advocating black pressure on the national government for faster enforcement of the law. In other areas Hays was establishing himself as a legitimate liberal of the 1960s and 1970s although his reasons were more religious than humanistic.

An issue which had not been of especially active concern to Hays in his youth was capital punishment. Normally, he was silent on the issue, and his unwillingness to intercede with more than minimal effort in the case of the Blytheville two despite the resulting execution of the two was indicative of his limited concern. By the late 1960s, however, Hays was strongly and openly opposed to legalized murder. As he wrote to Mrs. Marion Wright in 1969, capital punishment was "of dubious effectiveness in detering (sic) crime," and it was contrary to Christianity. Aside from being too permanent, state executions were usurpations of the prerogative of God. Also, during his service as assistant attorney general of Arkansas, Hays had witnessed the execution of a sixteen year old, and the memory remained with him, he said.[25]

With such attitudes it was not surprising that Hays encouraged those who attempted to end capital punishment wherever it existed. For example, when South Carolina did away with its death penalty, Hays sent a letter of thanks to Governor John West for his courageous efforts in the struggle for repeal. And Hays used all of his letter writing skills in a message to James S. Ramsey in 1971. Beginning with a statement that "I have long been convinced that no state should take human life," Hays went on to argue that "The Bible does not read 'Thou Shalt Not Kill unless thou art a state' or 'Vengeance is mine, saith the state, I will repay.'" As well as the religious argument, Hays utilized the liberal position that capital punishment tended to be exercised in a

discriminatory manner. Hays reminded Ramsey that "When a state finds that it cannot administer the penalty fairly and justly, favoring or condemning no one because of wealth, social station or race, it should abandon the penalty."[26]

While working to make society more humane, Hays continued to prod his Baptists into greater activity in the real world. In The Baptist Program for February of 1970, he wrote a short article in which he indicated that Baptists were too important to exclude themselves from the world movement for greater cooperation. If they would only learn that ecumenicity and union were not synonymous, then they could begin to work with others. They had to begin helping one another and working with other Christians, at least on an informal basis, because there was a need for reexamination of church-state relations so that the church might help the state to develop a more just and moral society. But when Hays attended the SBC convention at St. Louis in 1971, he found that the Baptist preferred to pursue their internal squabbles. Rather than pressing the urgent issues of civil right, the Vietnam conflict, or the other concerns of a world gone astray, the SBC rebuked its Sunday School Board for ignoring tradition and the scriptures in its informational literature. To Hays, the board's hesitant entry into discussion of the moral difficulties of American life was a sign of its excessive conservatism if anything.[27] A more liberal forum for Hays was the National Council of Churches. In that arena he was among the conservatives.

By 1971 the issue of Vietnam had evolved beyond the simple pro- or anti-war split of the mid to late 1960s. Increasingly support for the war shifted to advocacy of peace. Disagreement came more and more to involve moral issues such as what constituted an honorable peace or what

defined a moral war. When the NCC met, it faced a controversy because some members sought to limit debate simply to that issue of the morality of war. Others wished to deal with problems they believed the war had sidetracked. Led by Mrs. John Sparrowk, an American Baptist, the radical wing sought to make the conference a platform for a series of indictments of all wars as immoral. The moderate wing, led by vice-president Hays, sought to preserve the previously established consensus that the Vietnam war was a mistake and that American withdrawal should be accelerated. From that base the conference was to undertake discussions of issues of concern for America's future, not its past, and hopefully the NCC might "pull the country together in its moral judgements," said Hays.[28] The NCC chose to follow Hays, and it moved beyond Vietnam. Conciliation remained a key motivation for Hays.

At an age when most retire, Hays continued a level of activity hard to match even by a younger person. Even Cranford retired in 1971. After so many decades of service to Calvary Baptist Church and to his national organization, Clarence Cranford gave way to a younger man. One of those who paid tribute was Brooks Hays. After praising Cranford for distinguished service to the church and to ecumenism, Hays returned to work.[29] In fact, by 1973, his affiliation was with Cranford's church. The former SBC president was a member of the former enemy of so many of his people. In 1973 Hays went even farther. The Southern Baptist whose ties were to the American Baptist congregation at Calvary began working for the Methodists.

In the fall of 1973, the Capitol Hill Methodist Church held an announcement coffee for Brooks Hays who had agreed to become lay minister in residence for two years. At age 75, Hays agreed to assist the

Methodist church in its programs for the elderly, the young, and the black members of its sister congregation, Ebenezer United Methodist Church. There was hope that Hays would utilize his abilities in bringing diverse groups together as well as his nearly three decades of residence in the community. Hays served as a friend and a helper to the elderly around him. Serving meals on wheels and visiting the lonely comprised much of the ministry of the man.[30] But Hays was more than a patronizing purveyor of pity to the poor people around him.

Brooks Hays become a clown. By 1975 he was a true veteran of the grease paint. To brighten the days of the elderly people whose lives were restricted by limited mobility, Hays donned clown make-up and visited, hopefully entertained, with the assistance of the Capitol Hill Methodist Youth organization. Once he got his act into shape, Hays made an occasional public appearance in his new regalia. But it was only temporary, even though it lasted three rather than two years. Hays enjoyed his work with the Methodists, joking in reference to his wife's membership in that denomination that "She'll be able to interpret their strange ways to me."[31]

Hays' pastor at the Baptist church expressed faith that his parishioner on loan was too Baptist to stay too long with the Methodists. On September 27, 1973, the Arkansas Gazette reported the Reverend George W. Hill of Calvary Baptist Church as saying, "I suspect that Brooks' roots are deep enough in Baptist soil that the tree will not be unduly bent by the winds of Methodism."[32] And after more than three quarters of a century those Baptist roots were solidly planted. Despite his enjoyment of the ecumenical aspect of his relationship with the Methodists, Hays severed his connection in 1976 when he and Marion moved to the safer suburbs.

Even while on loan to the Methodists, Hays maintained his activity on behalf of the Baptists. In November of 1974, he became chairman of the Fund of Renewal. A cooperative venture of the predominantly white American Baptists and the predominantly black Progressive National Baptists, the fund sought to raise $7.5 million. Of that money, $4.5 million was earmarked for Baptist-related minority colleges, and the rest was intended to help the general needs of minorities.[33] The fund was the type of venture which Hays enjoyed, and service to his church and to minorities in that venture had to alleviate the feelings of frustration which resulted from an earlier attempt to help minorities, Hays' years as chairman of the North Carolina Human Relations Commission (NCHRC).

Never reluctant to participate in public affairs, especially when the opportunity presented itself to make of public service a more Christian occupation, while serving as director of the Ecumenical Council at Wake Forest in 1970, Hays accepted the chairmanship of the Good Neighbor Council, later the NCHRC. Especially promising was the possession of the governor's chair by the Democratic Robert Scott. However, the NCHRC proved less than successful in its efforts to improve race relations in the state. Hays early began his work by suggesting that Scott hire a qualified black for a high level staff position. He received no response. At about the same time, in January of 1971, Hays spoke at North Carolina Wesleyan College where he called for maximum utilization of human resources in order to make possible the maximum development of the other resources of the South. His message appeared to be well-received in some quarters; the <u>Nashville Graphic</u> of Nashville, North Carolina, reported that "No amount of effort at the

state and national levels can succeed unless there is also an effort to build 'bridges of understanding' at the local level." That was precisely the point that Hays stressed and that failed to materialize.[34]

Progress was slow in coming. The Good Neighbor Council report on minority hiring for 1971 said plainly that "non-discriminatory hiring has fallen short of its promise," but the report recommended only further studies and a state hiring practices code.[35] Despite the difficulties Hays attempted to make the commission a legitimate agency. In 1973 he recommended that the NCHRC include ministers on its council because of the shared concern for moral matters by them and the NCHRC. Six weeks after that suggestion, possibly because of lack of success in recruiting clergymen and undoubtedly because of his realism, Hays discussed the problem in the Executive Meeting of the NCHRC. The minutes read that "Mr. Hays expressed concern for the maturation of Churches in the area of human relations."[36] The problems, according to the student body president at the University of North Carolina, Joe Stallings, were that the commission had no firm program and that its staff morale was poor. Furthermore, Stallings charged that Fred Cooper, director of the NCHRC, was incompetent and had excessive political ambitions.[37] Hays was clearly failing in his attempt to create a moral basis for race relations in North Carolina.

When Scott gave way to James Holshouser, the new governor proved even less cooperative than the old. Hays soon found himself in an untenable position and resigned from the irrelevancy which the NCHRC had become. In the summer of 1974, Hays wrote to Secretary of Administration David Flaharty that the Holshouser administration seemed to display a complete lack of interest in the commission. Further, Hays charged,

the administration was completely unresponsive to NCHRC attempts to reestablish lines of communication. That lack of response came despite the loyalty of the members of the commission to the governor and to a bipartisan approach to its work. The commissioners sent an open letter to the governor in which they sought an audience with Holshouser, noting that Hays' attempts to communicate had gone unanswered and unacknowledged during the preceding several months. The letter also sought to excuse Holshouser by suggesting that perhaps members of his staff had been intercepting the mail from Hays. The letter was conciliatory but futile. In December of 1974, Hays submitted his resignation to Holshouser. The relevant part of the letter stated that "We have been unable to pierce the barriers that seemingly have been erected between you and our members."[38]

The controversy lingered for a few months. Holshouser claimed he lacked time to see all persons in his government. His administrative assistant denied that Hays had made a major effort to see the governor. Finally, the governor fired the executive director and eighteen of the twenty members of the commission, replacing them with politically correct personnel.[39] Human relations in North Carolina, once perceived as the most advanced in the South, achieved such a level that Communists and Klansmen waged a pitched battle in broad daylight only a few years later, and a compliant jury returned a verdict of self-defense for the Klansmen who slew Communists. Signs of a return to the "good old days' appeared.

Seemingly, even in the 1970s, a Southerner who sought to make of his religion a more civilized and Christian place in which to live had no choice but to leave home. Hays continued to chide his Southern

Baptists, but his most effective work occurred when he served with American Baptists, Methodists, or the interdenominational organizations. While he was working to alleviate conditions for suffering blacks and old people, his Arkansas Baptists were fighting doctrinal disputes, and his Southern Baptists were preoccupied with the documentation rather than the content of the message offered by the Sunday School Board. Hays was unable to make them accept his beliefs in cooperation for the betterment of this world; they preferred to quibble about the rituals necessary to insure the next. More than half a century of crusading by Hays resulted in virtually nothing for those Southerners for whom he cared so deeply.

Equally disappointing was his inablilty to create significant, lasting results in his efforts to form a more tolerant South in matters of race. From his conversion to the concept of racial equality after Little Rock until his disastrous experience with the NCHRC, Hays fought for moral justice, not just for gradual accommodation as he had during the long years prior to 1957. But his efforts were unavailing. However, the important matter was to fight, not necessarily to win, the battle for a just system. In the realm of religious and humane activity, Hays, if not the region he represented, finally and fully realized his potential during the 1960s and 1970s.

FOOTNOTES

[1]"Excerpts from Address By Brooks Hays to Baptist Jubilee Celebration Atlantic City, May 22, 1964," Brooks Hays Collection, Library, University of Arkansas, Fayetteville, Arkansas.

[2]Grace Carson to Brooks Hays, January 29, 1959, B. Hays to Carson, February, 25, 1959, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention, Nashville, Tennessee.

[3]Hays, Brooks, "My Visit With Popes John XXIII and Paul VI," part 1, Washington (DC) Capital Baptist, March 1, 1979.

[4]Ibid.

[5]Ibid.

[6]Ibid.

[7]Claude Nelson to Bishops Wright, Reed, Bergan, July 27, 1965, Brooks Hays Collection, Library, Wake Forest University, Winston-Salem, North Carolina.

[8]Hays, Brooks, "My Visit With Popes John XXIII and Paul VI," part 2, Capital Baptist, March 15, 1979.

[9]Ibid.

[10]Little Rock (AR) Arkansas Gazette, October 18, 1964, clipping, Brooks Hays Collection, Library, University of Arkansas.

[11]"The Ecumenical Institute, Wake Forest University," Typescript, N.D., Brooks Hays Collection, Library Wake Forest University.

[12]Ibid.

[13]Ibid.

[14]"Brooks Hays, Some White House Reflections on the Problems of Rural Youth," National Conference on Problems of Rural Youth in a Changing Environment, September 24, 1963, Brooks Hays Collection, Library, Wake Forest University.

[15]"Strengthened Faith for Changing Times: an address by the Honorable Brooks Hays, Assistant Secretary of State for Congressional Relations at the Sunday night All-University Convocation at Iowa State University, September 24, 1961," Youth Wants to Know: How Would You Answer? by Marion Hays, typescript, n.d., Brooks Hays Collection, Library, University of Arkansas.

[16]"Strengthened Faith for Changing Times," Brooks Hays Collection, Library, University of Arkansas.

[17]"Excerpts from Address By Brooks Hays to Baptist Jubilee Celebration Atlantic City, May 22, 1964," Brooks Hays Collection, Library, University of Arkansas.

[18]Brooks Hays to Emanuel Cellar, May 9, 1964, Brooks Hays Collection, Library, Wake Forest University.

[19]New York City (NY) American Bible Society Record, June, 1965, copy in Brooks Hays Collection, Library, University of Arkansas.

[20]Bethany College (WV) Bethany Tower, October 15, 1965, New Brunswick (NJ) Daily Home News, October 19, 1965, Wheeling (WV) News-Register, October 24, 1965, clippings, Brooks Hays Collection, Library, University of Arkansas.

[21]B. Hays to A.C. Miller, January 9, 1957, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention; Arkansas Gazette, October 5, 25, 1965; Little Rock (AR) Arkansas Democrat, October 25, 1965, clippings, Brooks Hays Collection, Library, University of Arkansas.

[22]Hinson, E. Glenn, A History of Baptists in Arkansas, 1818 - 1978 (Little Rock: Arkansas Baptist State Convention, 1979), pp. 358-360.

[23]Arkansas Gazette, January 2, 1966, clipping, Brooks Hays Collection, Library, University of Arkansas; Hinson, Baptists in Arkansas, pp. 359 -361, 363.

[24]Nashville (TN) Tennessean, March 2, 1965, clipping, Brooks Hays Collection, Library, University of Arkansas.

[25]Brooks Hays to Marion Wright, ca. March 17, 1969, Brooks Hays Collection, Library, University of Arkansas.

[26]Brooks Hays to James S. Ramsey, April 6, 1971, Brooks Hays Collection, Dargan-Carver Library, Southern Baptist Convention; Brooks Hays to John C. West, n.d., Brooks Hays Collection, Library, Wake Forest University.

[27]Nashville (TN) Baptist Program, February, 1970, Hays, Brooks, "What Will be the Shape of Christian Unity?" Richmond (VA) Religious Herald, June 17, 1971, copies in Brooks Hays Collection, Library, University of Arkansas.

[28]Press Release, Religious News Service, June 18, 1971, Brooks Hays Collection, Library, University of Arkansas.

[29]Washington (DC) Calvary Caller, June 25, 1971, copy in Brooks Hays Collection, Library, University of Arkansas.

[30]"Draft of a Letter of Invitation to Brooks Hays Press Conference," n.d., "Draft Press Release, Brooks Hays Appointment," n.d., "Methodist Congregation Gets Ex SBC President 'On Loan,'" Baptist Press Service, September 27, 1973, Author's possession.

[31]Washington (DC) The Circus Kingdom, ca. 1975, Washington Post, September 28, 1973, copies in Brooks Hays Collection, Library, University of Arkansas.

[32]Arkansas Gazette, September 27, 1973, clipping, Brooks Hays Collection, Library, University of Arkansas.

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[38]Brooks Hays to James Holshouser, December 18, 1974, B. Hays to David Flaharty, July 9, 1974, "Open Letter to Governor Holshouser," n.d., Brooks Hays Collection, Library Wake Forest University.

[39]Theodore R. Speigner to Brooks Hays, January 7, 1975, Asheville Citizen-Times, January 19, 1975, Clippings, Brooks Hays Collection, Library, Wake Forest University.

CHAPTER X

RETROSPECTIVE

In December of 1964, while traveling through the country selling Lyndon Johnson's civil rights program, Hays stopped at the University of Rhode Island. Having made a standard speech, Hays asked for questions, and one of the more interesting queries came from a lady who asked Hays to explain what he meant by the American dream. Somewhat surprised that such a question could arise, Hays listed a dozen elements which comprised his dream. Reconstructed and put into writing the next day, Hays' reply was the most straightforward expression of his hopes and ideals which he ever made for the record. As such it provides a set of standards by which to measure the man inside the politician. By comparing each element of the dream with the relevant aspects of Hays' career, some determination can be made as to whether Hays truly merited the reputation he had as distinguished statesman and moral leader or whether his life was illusion and his retrospective on the American ideal a sham.

Hays first described the dream as "the anticipation that sometime we will be able to say--Here is equality and freedomn; Here is brotherhood and justice."[1] In a career which spanned nearly half a century, there were occasional lapses, as when Hays declined to exert himself to save the two black men condemned to death in the 1930s or when he signed the Southern Manifesto, the gesture of defiance to the forces of equality and justice. Prior to the crisis at Little Rock, Hays was

consistently aligned with the conservative forces or a leader of those who sought to buy time by means of such efforts as his Arkansas Plan. Even while he served the Kennedy administration his efforts in the direction of brotherhood, especially for blacks, tended to be halting and paternalistic. However, as the civil rights revolution forced paternal moderates to choose one side or the other, as the middle ground disappeared, Hays increasingly moved with those fighting for change. By 1964 he was truly seeking equality, justice, and other elements of this first aspect of his American dream. His twenty years of advocacy helped to atone for his sixty years of neglect.

Next in the dream was "compassion expressing itself in society's concern for those who fall by the way in a competitive system."[2] In that respect there was no blemish on Hays' record. From his childhood experiences delivering Christmas baskets to the needy of Russellville, through his work in the Arkansas Tuberculosis Association and the Arkansas Conference of Social Workers, and through his work in the New Deal, Hays consistently fought to help those who were unable to win against the system. Even in Congress Hays was consistently a supporter of laws to help ameliorate the struggle, unless the loser in the struggle proved to be black. And his work with the Methodist Church was the capstone of his consistent efforts, paternal though they might be, to aid the truly needy.

On another topic Hays mentioned "imagination perfecting the mechanisms of government."[3] When Hays found himself to be in favor with the machine in Yell County, Arkansas, in 1928, he avoided attacking that machine. He campaigned against the less powerful, temporary machine of the man he sought to unseat. But his early defeats came in part because

of the ability of his opponents to abuse the electoral system. Thus, he began working for reform of the primary system, the poll tax, and other flaws intruding on fair elections. From the New Deal period on, Hays was a reformer, and his efforts continued even when he was enduring his intermittent periods of non-political behavior, as when he created the Southern Committee on Political Ethics in 1968.

Somewhat nebulous was Hays' next element, "sensitivity to the claim of righteousness in human affairs."[4] Evidently Hays intended by that an acceptance that moral principles should not remain merely theoretical but must find legitimate application in human affairs. Hays expressed that principle more clearly when he addressed the National Conference of Christians and Jews in 1962. In that speech Hays said, "The political community, to be well ordered, must have the harmony and righteousness that religion alone can supply."[5] The most visible, if not the most important, representation of that belief was the Congressional prayer room. Also, Hays was consistent as a national figure in advocating an involvement of religious people in the work of government. His numerous awards for Christian statesmanship were recognition of his ability to translate his belief into action, even if he was largely unable to convince his Southern Baptists that their contributions were essential to make life more consistent with Christian ethics.

Hays' American dream also incorporated the "hope that triumphs [in the United States] will strengthen values that are shared with other peoples around the world."[6] Hays was aware that America had historically assumed the role of model for less fortunate nations. He recognized as well that the United States had fallen short of its ideals on innumerable occasions. He had fallen short himself, especially when

the time came for Americans to fulfill the long unkept promise of equality for minorities. Nevertheless, especially during his later years when political considerations faded, Hays assumed for himself an active role as keeper of the American conscience. His speeches on behalf of civil rights and his defense of Vietnam-era draft evaders were spurs to the American people to return to the traditional path. The world was to be won if Americans proved that their system was consistent with its rhetoric. Hays was an active, missionary internationalist from the 1920s, and he believed in his America. Thus, it followed that everything which brought America closer to its ideals had of necessity to encourage similar aspirations in the rest of the world.

Clearly a key element in the public life of Hays was his next wish, a hope for "human kindness so penetrating the nation that every man, no matter how incapacitated, will feel that he is wanted."[7] Simply put, Brooks Hays was a nice man. For public consumption and personal ambition he worked for all of the right causes. However, merely doing the things for the Tuberculosis Association or any of his other causes was not in itself a valid indicator of human kindness. Practical considerations and selfish motives intruded on public philanthropy. But Hays claimed, and it is impossible to disprove the contention, that he was unwilling to make an unkind remark, even in jest. In an environment in which many of his colleagues developed a sharp wit and practiced it at the expense of their peers, Hays always had a gentle humor which was never racial, never personal except when at his own expense, and never vicious.[8]

Also, the American dream included a "vision of opened doors of opportunity."[9] Every element of Hays' career was consistent with that

vision. First on a personal level as when he aided his relatives in their struggle for survival or in his continual efforts to help worthy applicants to gain employment, then on an institutional level, Hays worked consistently to open doors. There was his charity work, his activity in the New Deal, and his role as advocate of civil rights and opportunity for blacks. Both in the church and in the government, Hays fought discrimination and its restriction on opportunity. Even when he was fighting a delaying action against civil rights, he was attempting to create opportunity for blacks within a paternalistic framework. Thus, Hays was consistent with his dream of opportunity for all.

Equally consistent was his action on behalf of "government _by_ as well as _of_ and _for_ the people."[10] Poll tax reform and modification of the often abused primary system of Arkansas were only the first instances in which he tried to give the people better access to and control of their representatives. Obviously, his work on behalf of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 was consistent with the ideal. Even in his seventies, through his educational efforts with SCOPE and his testimony before the Watergate committee, Hays continued to advocate education of the voters to promote in them an impulse to establish more responsive and responsible government. Democracy was a driving force in the multi-faceted career of Brooks Hays.

Dignity, at least the "hope of human dignity made secure,"[11] was an unattainable goal. Nevertheless, Hays came gradually to accept that the attempt was valid. Political considerations kept Hays from the fight for dignity for 10 percent of American humanity during most of his career. Typical of his caution was his severing of ties with the Southern Conference for Human Welfare, because it was too controversial,

when he decided to run for Congress. Equally disappointing was his presentation of a plan for further delay, the Arkansas Plan, at a time when World War II had created the climate for progress toward the ideal. However, Hays never denied the search of others for human dignity except when it became a political matter. Although paternal, he was not racist, and he managed to reduce political considerations after his constituents removed him from politics. In the 1960s and 1970s the basic belief of Hays in the worth of all people came to dominate his public preoccupations. Even draft evaders were legitimate creatures of God and worthy of admission into the human community. Once he outlived his political ambitions, Hays became a statesman who was able to afford to work for those for whom society had made little room and for whom humanity had little regard.

Hays also expressed a "longing for acknowledgement of the human family's oneness."[12] More than simply longing, Hays worked throughout his career to make the world accept its unity. When his part of the world rejected the rest of mankind, Hays struggled, with others, to place the United States on the World Court. He failed. In another realm Hays fought constantly to reduce friction between his Baptists and members of the other religions of the world. The ecumenical approach included the easing of tensions with American Baptists and attempts to work with the National Baptists on a basis of equality. As president of the Southern Baptists, Hays fought the anti-Catholicism which later dominated that group. To set an example, he visited two popes and established the ecumenical institute. Finally, late in his life he symbolically united the denominations when he joined the American Baptist church which had strong ties to the National Baptists and moved

from there into service with the Methodists and their black counterpart.

The final component of Hays' American dream was "the vision of a citizenry drawn together in mutual confidence, facing common evils and exalting a common faith in God."[13] That statement neatly summarized all that Hays had done in his long career. It was a paraphrase of a statement so often repeated as to be almost trite. In its older form it went "one nation, under God, indivisible and with liberty and justice for all." Hays accepted the bases on which the United States theoretically rested. How could he do otherwise given his origins in the South, a region noted historically for its aggressive patriotism and religion? There was no need for Hays to reconcile politics and the dream. Had he failed to comply with the standards, even if mythical, of his region, his commitment to particular elements would have meant nothing. "One nation under God," the basis for American civilization, was so well inculcated, so much an unthought heritage for all who grew up in the early twentieth century that Hays undoubtedly had no awareness that his summarization of the American dream rested on it. Just as an American of the twentieth century South needed no affirmation of the existence of God, so that American tended not to question the role of his nation under that God. Possibly by 1964 there was some beginning of doubt about the assumption, but not for a man of Hays' generation and region.

At the beginning of his ninth decade Brooks Hays remained the representative man. Growing up in a small town near the mountains of northwest Arkansas, he developed the faith in democracy and concern for uplifting his fellow man which characterized the progressive elements of his region. Reinforcing those tendencies was his family's emphasis on religion as a positive force in the world. By the time he left for

college, he was largely formed into the mold which determined his future. He was determined to use politics as the vehicle for his progressive and humane programs. But a major element was missing. Growing up in Russellville he had not had occasion to deal with the number one problem of the South, the role within it of its black citizens.

When he first became aware of the plight of black Arkansans, he was already a political man; so, his first solution to the problem was in accordance with the Southern model for political success. Through the 1940s he was consistently paternal in his behavior toward blacks, helping them to the limits allowed by a Southern liberalism which dared not suggest equality. Even when the limits which blacks and a few whites regarded as possible began to reach beyond the invisible barriers of custom, political considerations encouraged Hays to remain an advocate of delay. Not until his section forced him to choose in 1958 did he become more than a typical Southern moderate politician on the issue of race. He remained impaled by the American dilemma of advocating equality for all while denying so much to so many and the political problem of satisfying both his constituents and his conscience.

When Hays finally resolved the contradiction in the 1960s, he became at last a true representative of the liberal element of his nation. After committing himself to black equality, he never again supported the popular position on the issue unless he found that position to be consistent with American aspirations. He fought the forces of reaction when they attempted to revive the narrow and bigoted South. He created SCOPE as a counter to the ideas represented by George Wallace, and he intruded his ecumenism on the religious controversy between his liberals and the people who sought to return the church to the early

years of the century. When finally he found no more justification for the Vietnam conflict, he accepted also that the earlier opponents of that war, including draft evaders, had valid arguments and a moral legitimacy to their position. Consistently throughout the 1960s and 1970s Hays was among those who tried to make their nation more consistent with its ideals.

Hays was not unique as a Southerner who moved more quickly than his region. Others, and many of them, came to accept the inevitability of legal equality for all. His ecumenism attracted a sizeable following within the Southern Baptist Convention. But the South remains an area in which fundamentalism and only superficial acceptance of change are the norm, an area better typified by the career of Strom Thurmond. Hays was more than merely a representative Southerner. His importance lay in his role as a representative of the liberal edge of a basically conservative region.

FOOTNOTES

[1]Untitled manuscript, December 17, 1964, Brooks Hays Collection, Library, Wake Forest University, Winston-Salem, North Carolina.

[2]Ibid.

[3]Ibid.

[4]Ibid.

[5]"Excerpts of Remarks by Brooks Hays, Special Assistant to the President, at Mayflower Hotel to Annual Meeting, Board of Trustees, N.C.C.J., Tue., November 21, 1962," Brooks Hays Collection, Library, University of Arkansas, Fayetteville, Arkansas.

[6]Untitled manuscript, December 17, 1964, Brooks Hays Collection, Library, Wake Forest University.

[7]Ibid.

[8]Interview, Author with Brooks Hays, March 25, 1979, Little Rock, Arkansas; Interview, Author with Brooks and Steele Hays, March 25, 1979, Little Rock, Arkansas.

[9]Untitled manuscript, December 17, 1964, Brooks Hays Collection, Library, Wake Forest University.

[10]Ibid.

[11]Ibid.

[12]Ibid.

[13]Ibid.

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2

VITA

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