

DISSERTATION ABSTRACT

JOHN S. BATTLE AND VIRGINIA POLITICS -- 1948-1953

Peter R. Henriques
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Senator Harry F. Byrd, Sr., a skilled politician of rare ability, was the towering figure in Virginia politics during the twentieth century. Dominating the Democratic organization and through it the political life of the state, Byrd was its undisputed leader from his inauguration as Governor in 1925 until his death in 1965. These four decades deserve to be designated the Byrd Era. Using the career of Governor John S. Battle (1950-1954) as its focal point, this study concentrates on the political developments of one phase of the Byrd Era and demonstrates both the effectiveness and shortcomings of the Byrd organization.

John Battle's election as Governor in 1949 climaxed one of the most spirited gubernatorial races in Virginia's political history. The usually invincible organization, weakened by its unsuccessful attempt to deny President Harry Truman a place on Virginia's ballot in the 1948 election, was severely split when a personable member of the organization, Horace Edwards, decided to challenge Battle in the primary. With the organization split and only a plurality necessary for election, it appeared as if the liberal factions, led by the crusading Francis Pickens Miller, would emerge triumphant. Challenged as never before, the Byrd organization responded with a series of brilliant political moves which managed to undercut the Edwards vote, portray Miller as a dangerous radical, and to invite the Republicans into the Democratic primary. These

moves, coupled with Battle's personal appeal, succeeded in snatching victory from the jaws of defeat.

The Battle years of the Byrd Era were essentially quiet years, a fact due in part to good fortune and in part to Battle's ability as Governor. The events which would have caused Battle real difficulty -- the outlawing of segregation, a severe recession, the resurgence of the liberals -- failed to develop. Indeed, the liberals were reduced to political impotency during the Battle years. Battle's twenty years of experience in the General Assembly, his political skill and real ability all combined to insure that the ship of state remained on an even keel. Yet, though the Battle years were stable, they were not, with the exception of public school construction, very productive. Battle, a born conciliator and harmonizer, had a strong desire to avoid controversy which occasionally led him to sacrifice progress in order to gain harmony.

The highlight of Battle's public career and the climax of Senator Byrd's struggle against "Trumanism" both occurred at the 1952 National Convention. Angered at the continuing shift to the left by the national party, Byrd was ready to take "Virginia Democrats" out of the national party. An ill-advised loyalty oath set the stage for the confrontation. By having Virginia's delegates refuse to sign, Byrd attempted to place the national party in the position of expelling Virginia from the convention. In the midst of the struggle, Governor Battle, whose attachment to the national party was much stronger than Byrd's, made a moving speech explaining Virginia's reasons for not signing the loyalty oath. Although the subsequent importance of

the speech has been exaggerated, it did, because of its conciliatory tone, trigger a series of events which led directly to the crucial vote to seat Virginia and clearly demonstrated that the forces favorable to Adlai Stevenson were in control of the convention.

JOHN A. BAKER AND VIRGINIA POLITICS, 1890-1905

Richard H. Brown

Department of History
University of Virginia

B.A. University of Virginia, 1959
S.M. University of Virginia, 1965

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Department of History

University of Virginia

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JOHN S. BATTLE AND VIRGINIA POLITICS: 1948-1953

Approved:
Edward J. Younger
Richard B. Lowe

Peter Ros Henriques
Charlottesville, Virginia

B.A. Trinity College, 1959
B.D. Princeton Seminary, 1963

A Dissertation Presented to the Graduate
Faculty of the University of Virginia
in Candidacy for the Degree of
Doctor of Philosophy

Corcoran Department of History

University of Virginia

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PREFACE

John Stewart Battle held public office in Virginia for twenty-five years from 1929-1954. Serving first as a member of the House of Delegates, then as a state Senator, Battle put the capstone on his political career by winning the 1949 gubernatorial primary in one of the most exciting and significant elections in recent Virginia history.

Throughout his political career, John Battle was a staunch supporter of the Byrd organization, the faction which dominated Virginia's Democratic party, and through it the political life of the state. At the apex of the Byrd organization was its undisputed leader, Senator Harry F. Byrd, Sr., a skilled politician of rare ability. The four decades of Byrd's ascendancy, 1925-1965, deserve to be designated the Byrd Era.

In this dissertation the author proposes to examine in depth one phase of the Byrd Era. Using the career of Governor John S. Battle as its focal point, this study concentrates on political developments in Virginia from 1948-1953 and demonstrates both the effectiveness and shortcomings of the Byrd organization. Certain relevant incidents, such as the demise of the liberals as a political force, will be examined even though Governor Battle played only a peripheral role in the events described.

The Byrd Era is a vital part of Virginia's history in the 20th century, but scholarly research into the period has been very limited until recently. It is the author's hope that this in-depth study of a brief period will aid in the eventual development of a synthesis of the entire Byrd Era.

The author wishes to express his gratitude to Professor Edward Younger for his encouragement, direction, and criticism of this dissertation from its inception, and for his interest and guidance as a graduate advisor; to Professor Richard Lowe for his reading and perceptive criticisms of the final draft; to the helpful staffs of Alderman Library at the University of Virginia with a special thank you to Mr. Willie Ray of the Manuscripts Division; to the Virginia State Library, Richmond; and to the Virginia Historical Society, Richmond. Certainly, a boon in writing about the recent past is having the opportunity to converse with the participants, and the author also wishes to thank the many people, listed individually in the bibliography, who gave hours of their valuable time to share with him their knowledge of Virginia politics and the Battle years. The one painful aspect of the task was the occasional necessity of having to make critical judgments of people still living.

I wish to offer a special word of thanks to Governor John S. Battle and his son, William C. Battle. By sharing their personal recollections of events and by making available to the author special materials available nowhere else, they have greatly aided in this study, although they are by no means responsible for its conclusions. In addition I wish to thank Francis Pickens Miller for allowing me to read the draft of his "Memoirs" prior to its publication, and to Mr. James Latimer for permitting me to peruse his unpublished manuscript, "Virginia Politics: 1950-1960." My sister, Judy Henriques, was most helpful in the inception of the project, in arranging interviews, and in proofreading the final draft.

Finally, I wish to dedicate this study to my wife, Marlene, who somehow managed to run the house, take care of me and our three sons, Mark, Thomas and Gregg, hold a part-time job, and still find time to type, edit, and proofread the dissertation. On top of it all, she managed to keep all our spirits high. She was truly a marvel and the task could not have been accomplished without her.

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CHAPTER I

A PROUD SOUTHERN HERITAGE

Young Gullen Andrew Battle listened attentively. It was, after all, April of 1850 and he was attending what promised to be one of the most important Democratic National Conventions in the history of the United States. His close friend and the man responsible for his being chosen a delegate was William L. Yancey,

SECTION I

JOHN BATTLE'S BACKGROUND AND EARLY CAREER

Field nothing of principle for mere party success. Permit us party... to put the first of its own allegiance and fealty upon you, which will forever after be used to prevent your rising when you think the proper time comes, to assert your reserved rights. Do not delude yourselves with the idea that you are ready to affiliate in a party in power.

Battle agreed. This was no time to compromise. When the Northern delegates failed to grant Yancey's demand that the federal government protect slavery in the territories, Battle promptly joined Yancey in walking out of the convention. Delegates from eight other states followed Battle's

¹Gullen Andrew Battle, privately printed pamphlet, n.d., n.p. John S. Battle Papers, University of Virginia, Box 2.

²James I. Smith, "Alabama and the Charleston Convention of 1850," *Transactions of the Alabama Historical Society*, V (1901), 1-10.

CHAPTER I

A PROUD SOUTHERN HERITAGE

Young Cullen Andrews Battle listened attentively. It was, after all, April of 1860 and he was attending what promised to be one of the most fateful Democratic National Conventions in the history of the United States. His close friend and the man responsible for his being chosen a delegate was speaking.¹ William L. Yancey, Alabama's most famous orator and leader of the Southern "fire eaters," warned his fellow Southerners:

Yield nothing of principle for mere party success... Permit no party...to put the fiat of its own allegiance and fealty upon you, which will forever after be used to prevent your rising when you think the proper time comes, to assert your reserved rights. Do not demoralize yourselves; do not demoralize your own people by admitting that you are ready to affiliate in a war of factions, merely for the sake of keeping a party in power.²

Battle agreed. This was no time to compromise. When the Northern delegates failed to grant Yancey's demand that the federal government protect slavery in the territories, Battle proudly joined Yancey in walking out of the Convention. Delegates from eight other states followed Alabama's

¹Cullen Andrews Battle, Privately printed pamphlet, n.d., n.n., n.p. John S. Battle Papers, University of Virginia, Box 2.

²James L. Murphy, "Alabama and the Charleston Convention of 1860," Transactions of the Alabama Historical Society, V (1904), 251.

lead. The Democratic Party was torn asunder and victory for the not yet named Republican candidate was all but assured. Civil war was less than a year away.

As young Battle walked out of the Convention, he could not know that nearly a hundred years hence his grandson, John Stewart Battle, would attend another Democratic National Convention. Again the Convention would wrestle with the problem of party loyalty and the threat of a bolt by certain Southern delegates. Only in this convention the result would be different, and Cullen Battle's grandson was destined to play an important role in the shaping of the final outcome.

The Battle Family

John S. Battle's good fortune, which was to be evident throughout most of his political life, began with his birth. He was born into an outstanding family which possessed its own distinct character and personality. At least five characteristics continually appear throughout the history of the Battle family in America. All of them, to a greater or lesser degree, were to be reflected in Battle's own personality and career.

First and foremost, the Battles were Southerners. Their roots were firmly imbedded in Southern soil, going back as far as 1654 when the first John Battle settled on the west fork of the Nansemond River, located in what is

now Nansemond County, Virginia.³ All of John's ancestors lived in the South. His great grandfather, Dr. Cullen Battle, did attend the University of Pennsylvania in order to earn his M.D. degree, but having received it, he moved with his family first to Georgia and then to Alabama.⁴ John's father and grandfather might travel north to make an occasional speech, but it is clear that their hearts and minds belonged to the South. Cullen Andrews Battle gave all but his life's blood to the cause of the Confederacy. John's father, Henry Wilson Battle, was too young to fight in the Civil War, but as the following speech makes clear, he made the Lost Cause his own:

Flag of the stars and bars-- dear flag, spectral flag, symbol of days forever gone, bathed in woman's consecrating tears and fragrant with the odor of deeds that filled the world with wonder and every generous bosom with applause-- my father's flag!-- may my right hand forget her cunning and my tongue cleave to the roof of my mouth, if ever, in any company or beneath any skies, I fail in love and homage to thee, holy flag!⁵

Secondly, until temporarily impoverished by the Civil War, the Battle family was wealthy. In the ante bellum South when wealth was measured in land and slaves, the Battles had plenty of both. The first John Battle set the

³Herbert B. Battle, The Battle Book: A Genealogy of the Battle Family in America (Montgomery, Alabama: The Paragon Press, 1930), 199.

⁴Ibid., 610.

⁵Henry Wilson Battle, "Memorial Address in honor of Southern Youth who made the Supreme Sacrifice in the World War," Atlanta, 1919. In collection of Virginia Pamphlets, Alderman Library.

precedent when he acquired several hundred acres of land from the controversial Royal Governor of Virginia, Sir William Berkeley.⁶ His descendants followed his example, acquiring "land and ever more land." Their search led them to push on from Virginia into North Carolina and then on to Georgia, Alabama and other Southern states. "Land-hunger seems to have been in the blood."⁷ As to their holding in slaves, no figures are available, but their number was considerable.⁸

Thirdly, as far back as can be traced, the Battle family was staunchly Democratic. An extant letter from Dr. Cullen Battle to his cousin written in 1840 discusses the possibility of Dr. Battle and his family moving north to Tennessee or Ohio, at least for the summer. Then he added, "Not that I wish to get nearer William H. Harrison, the Hard Cider Candidate, no, not I."⁹ Dr. Battle could not understand how sensible men could support him.

The Republicans were close to anathema to both John's father and his grandfather. They had destroyed what was most to be valued. To them, an "honest Republican" was close

⁶Battle, Battle Book...., 199.

⁷Ibid., 2.

⁸For example, Elisha Battle's final will (1799) deeds different groups of slaves to his various descendants. The number could easily be in excess of one hundred. Cullen Battle in a letter (1840) refers to the fact that in the space of a few months "I have lost three young fellows." The impression is strong that he had large numbers since he mentioned this loss in passing. Ibid., 40, 82.

⁹Ibid., 82.

to a contradiction in terms.¹⁰

Fourthly, John's ancestors were fervent Baptists. Elisha Battle, the "Abraham to the present race of Battles,"¹¹ was one of the first members of the Baptist Church at the Falls of Tar River, North Carolina, and was a deacon for twenty-eight years. Elisha's son Dempsey Battle was also known for his piety. Constantly at prayer and a rigid moralist, he set "an example for his children and slaves [by] showing them he carried on a trade with heaven as well as earth."¹² So it went. His son, Dr. Cullen Battle, was also a deacon in the Baptist church and very conscious that "Time is short, but eternity is long."¹³ It was John's father, Dr. Henry Wilson Battle, who went an extra step and became a Baptist minister. The decision came at a time when a friend expected him to accept a lucrative offer to practice law in New York City.¹⁴ The changes such a move would have entailed for the future of the Battle family are beyond calculation. The intervention of the "call" meant that Battle ended up at Southern Baptist Theological Seminary in Louisville, Kentucky, instead of New York City. When he went

¹⁰Interview with John S. Battle, October 9, 1969.

¹¹Battle, Battle Book..., 172.

¹²Ibid., 173.

¹³Ibid., 82.

¹⁴Clement A. Evans (ed.), Confederate Military History (Atlanta: Confederate Publishing Co., 1899), III, 717.

north at a later date, it was only briefly in order to hold evangelistic meetings and win souls for the Lord in such Yankee cities as Boston, Massachusetts.¹⁵

Finally, a fifth characteristic very clearly emerges from a study of the Battle family. They were leaders. Despite the large span of years, only seven generations separate the present John Battle from his first American forebear, and almost all of them were leaders. The patriarch of the family, Elisha Battle, moving from Virginia to North Carolina in 1747, was a patriot of some note in the American Revolution. A member of the Committee of Safety for Edgecomb County, North Carolina, Elisha helped draw a new state Constitution. He also served in the North Carolina General Assembly for twenty years, including a number of years as a state Senator.¹⁶ All of John's ancestors were prominent local leaders by virtue of their large holdings in land and slaves. As previously mentioned, his great grandfather, Cullen Battle, was a trained physician as well as a planter.

The Alabama legislature passed a special act to allow John's father to be admitted to the state bar before his twentieth birthday. His entry into the Christian ministry limited his chance for worldly fame, but Rev. Battle was an outstanding Baptist minister. Greatly in demand for his

¹⁵Battle, Battle Book..., 613.

¹⁶Ibid., 199.

oratorical ability, his more noteworthy speeches include memorial addresses given for two Presidents, McKinley and Harrison; his Reunion Oration at the meeting of the United Confederate Veterans; and his speech before the North Carolina Senate which broke the opposition and led to state-wide prohibition.¹⁷

Certainly, the most prominent of John's ancestors was his grandfather, Cullen Andrews Battle, who was born in Georgia in 1829 and grew to maturity in Alabama at a time when the two sections of the nation were growing further and further apart. Absolutely convinced of the righteousness of the South's cause, he became an "uncompromising secessionist"¹⁸ and used his considerable oratorical and forensic ability to promote the dissolution of the Union.

Not one to shy away from defending his convictions by force if necessary, he reacted to John Brown's raid on Harper's Ferry by organizing a military company and offering it to Governor Henry A. Wise of Virginia to use in defense of the state. Wise curtly replied, "Virginia can defend herself,"¹⁹ but the incident is revealing about Battle's

¹⁷Charlottesville Daily Progress, July 1, 1946.

¹⁸Thomas M. Spaulding, "Cullen Andrews Battle," Dictionary of American Biography (New York: Charles Scribner's Sons, 1929), II, 56.

¹⁹Evans (ed.), Confederate Military History, VII, 389.

personality and his view toward possible Civil War.

Following his friend Yancey out of the Charleston Convention, he joined him in an extended speaking tour in behalf of the candidacy of John C. Breckinridge, choice of the Southern Democrats. Together, Yancey and Battle spoke from the same platform in such key northern cities as New York, Boston, Philadelphia, Chicago, St. Louis, and Cincinnati.²⁰

With the coming of the war, Cullen Andrews Battle was among the first to answer the call to arms issued by his new country, the Confederate States of America. Few men served more valiantly or engaged in more extensive fighting. In the Peninsula Campaign, he became Colonel of the "Third Alabama" for his role in the Battle of Seven Pines.²¹ Battle's regiment followed Lee into Maryland, and there at the crucial Battle of Antietam, they won commendation for "highly meritorious conduct."²² Battle himself was wounded in both of these conflicts, although neither wound was serious. During the Fredericksburg Campaign which saw Burnside's Union soldiers die by the thousands, Battle was again injured, this time seriously enough to prevent him from being able to participate in

²⁰Cullen Andrews Battle, private pamphlet.

²¹Evans (ed.), Confederate Military History, VII, 390.

²²Letter from Cullen Andrews Battle, November 11, 1901. Southern Historical Society Papers (Richmond, Va., 1901), Vol. 29, 282.

Lee's great victory at Chancellorsville.²³

He was, however, able to accompany Lee on his fateful invasion of Pennsylvania in the summer of 1863. Even in a losing cause, Battle's conduct at Gettysburg earned him the coveted position of Brigadier General. His leadership ability was made clear in an incident that occurred early in 1864. At his personal appeal, the brigade, despite the terrific fighting they had experienced, re-enlisted en masse for the duration of the war. Since this was the first such general re-enlistment, it evoked the special thanks of the Confederate Congress, tendered through President Jefferson Davis.²⁴

The worst fighting was still to come. Battle's brigade was among the Confederate troops that engaged Grant's advancing army in the Wilderness Campaign. At the Battle of Spotsylvania they took part in the hand-to-hand struggle known to history as the "Bloody Angle" where perhaps the hottest fighting of the entire war took place.²⁵ At Spotsylvania Courthouse, Battle tried to rally his men by grabbing the flag in his own hand and urging his men to follow his lead. There were limits to what even General Battle's personal exhortation could do, and in this instance, his

²³Evans (ed.), Confederate Military History, VII, 390

²⁴Cullen Andrews Battle, private pamphlet. A framed copy of this resolution occupies a prominent place in Governor Battle's living room.

²⁵Ibid.

men were simply too exhausted to respond.²⁶

With the major armies stalemated around Richmond, Battle's brigade was shifted to Early's command in the Shenandoah Valley. Here, at the Battle of Cedar Creek, General Battle was shot through the knee. Almost losing his leg and being forced to be on crutches for nearly two years, he did not see any further action.²⁷ He had fought valiantly for what he believed in and made his mark in history. The noted scholar, Douglas Southall Freeman, characterized Battle as "a vigorous, hard-hitting man, a lawyer and a politician but able and self-taught in the school of war."²⁸

The war over, his constituents elected him to Congress from Alabama without opposition, but since he could not take the "iron clad" oath then required, he was denied his seat.²⁹

Disgusted with Radical Reconstruction, he turned to journalism as his major interest. Leaving Alabama he moved to New Bern, North Carolina, and he was mayor of the

²⁶Official Records of the Union and Confederate Armies (Washington, 1880-1901), Vol. 36, part 1, 1083-1084.

²⁷Evans (ed.), Confederate Military History, VII, 392.

²⁸Douglas Southall Freeman, Lee's Lieutenants: A Study in Command (New York: Charles Scribner's Sons, 1944), III, 199.

²⁹The evidence is contradictory as to whether Battle was elected to the 1866 session or to the 1868 session of Congress.

city when on July 11, 1890, his first grandson, John Stewart Battle, was born.

General Battle's influence on his grandson was considerable, for the aging General lived with John's family until his death in 1905. As Battle put it, "I have been brought up on the War Between the States."³⁰ His sister recalls that "John would listen wide-eyed for hours" as General Battle reminisced about the War.³¹

Being "brought up on the War Between the States" naturally affected Battle's philosophy, and it is not surprising that he became a conservative Southerner, distrustful of a strong central government and fearful of the ruinous effects of deficit spending. As the national Democratic party moved further to the left, Battle, along with many other Southerners, would find himself in a dilemma. In many ways the philosophy of the Republican party was more closely attuned to his own. Yet, the idea of becoming a Republican was literally unthinkable to a man like Battle. The Republican party was the party that had wrought havoc and destruction upon the South and unleashed the fearful spectre of Negro rule. Reared in a family of "dyed-in-the-wool Democrats," Battle would find it difficult to outgrow his genuine distrust of all Republicans.³²

³⁰J. S. Battle to J. H. Amos, August 12, 1957, Battle Papers, Box 1.

³¹Julia Gwin, "The Man Battle as Charlottesville Knows Him," Virginia and the Virginia Record, February 1954, 13.

³²Interview with John S. Battle, October 9, 1969.

Early Years

Fortunately for John's later political career, his family moved to Petersburg, Virginia, while he was still a toddler. Here, John lived until he was fourteen. If his home life was characterized by a reverence for the South and the Lost Cause, it was also characterized by a still stronger reverence for God. Nothing is more important to a Baptist preacher than serving the Lord and each day in the Battle house saw its fair share of prayers, Bible reading and sermons. Nevertheless, John's father never exhibited a "holier than thou" attitude and often took his son hunting and fishing, giving him a love of the outdoors he never lost. Despite his religious training, John never caught his father's enthusiasm to be a servant of the Lord. He "put up with it," even joined the Baptist Church, but the church and formal religion were not to play a vital part in his own life.³³ Even so, the ethical content of his religious training with its stress on personal integrity did have a strong effect on his character.

Battle never had any desire to plead the Lord's case, but he did desire to plead cases. From early childhood he wanted to be a lawyer, as his father had been before entering the ministry and as his grandfather had been before the Civil War. Both of these men had also been noted for their oratorical abilities and forensic skills. John hoped to follow in their footsteps. While at Mars Hill College in North Carolina he won the Orators Medal at commencement,

³³Interview with John S. Battle, June 13, 1969.

an award which gave him untold pleasure. As he reminisced to a group of Mars Hill students, "I assure you that oration was most eloquent--it was delivered in stentorian tones, every inflection of which had been practiced in the woods of Little Mountain, much to the discomfort, not to say panic, of the birds and other wild denizens of the forest."³⁴ Battle was especially proud because oratory did not come easily to him and he wanted to excel in this field. He had trouble memorizing, and his reputation as a public speaker was only mediocre.

Battle's desire to be a lawyer was almost overwhelmed by the desire to relax and have a good time. John Battle's own evaluation of himself as a teen-ager is brief and to the point: "I wasn't worth shooting."³⁵ College was the time for parties and a good time. When he went to Mars Hill College, his parents arranged for him to live with friends of theirs so that they could watch out for him. There were, however, constant parties going on at the house, much to John's pleasure. After a year at Mars Hill, he transferred to Wake Forest College where he stayed for a year and a half. The pattern was the same. Despite his intelligence, his work output was so low that his grades were mediocre at best.

An important event occurred in 1909 which was ultimately

³⁴John S. Battle, "Commencement Address to Mars Hill College Graduating Class," 1954, Battle Papers, Box 1.

³⁵Interview with John S. Battle, June 13, 1969.

to change John Battle's life. Five years earlier his father had returned to North Carolina to be minister of a church in Greensboro. While there an attractive call came from the High Street Baptist Church in Charlottesville, Virginia. Battle accepted and moved from North Carolina to Virginia.³⁶ Battle wanted very much to give his children an excellent education. Yet the family fortune had been totally wiped out by the Civil War, and his decision to be a minister of the Gospel meant that it would be at least another generation before it was recouped. Money was a major problem to the family.³⁷ By living in Charlottesville, his four sons could live at home and still attend a fine state-supported school.

Leaving Wake Forest at midterm, John entered the University of Virginia for a semester. Although he had not graduated from college, he was admitted to the law school in the fall of 1910 as part of the first class to go through an extended three-year course.

It was at law school, perhaps goaded by the realization that he would soon be on his own, that a marked change in Battle's approach to school occurred. For the first time he studied hard, and the result was excellent grades and

³⁶Charlottesville Daily Progress, July 1, 1946. Needless to say, the fact that Battle moved out of Virginia at the age of fourteen was not mentioned in his campaign for Gov. It was handicap enough not to have been a native Virginian.

³⁷Interview with John S. Battle, October 9, 1969. As Battle put it, "We were as poor as church mice."

a firm foundation in the knowledge of law. In his three years at the law school Battle's grades were all A's and B's and each year his record improved. By his final year, he had a record of 6 A's and 2 high B's as indicated below:

Criminal Procedures	-	95
Tax Laws	-	91
Roman Law	-	92
Evidence	-	93
Conflict of Laws	-	93
Damages	-	87
Legal Ethics	-	94
Wills	-	88

While Battle remembers several of his professors, the man who influenced him the most was Dr. William M. Lile. Lile, dean of the law department, was president of the Virginia State Bar Association during Battle's last year in law school and one of Virginia's outstanding lawyers.³⁸

With his law degree in hand, John was anxious to be away from home and really on his own. His adventure took him to Dallas, Texas. During his brief sojourn he contracted a disease which would be diagnosed today as rheumatic fever. Desperately ill, he nearly died first from the disease and then from the treatment. The theory was that the patient must sweat the disease out of his system, and to aid this process he was wrapped in hot towels. Although well over six feet tall, the disease and treatment so emaciated him that at one point he weighed only slightly over a hundred pounds.³⁹

³⁸Transcript of John S. Battle's academic career at the University of Virginia. Copy in possession of the author. Interview with John S. Battle, July 17, 1970. Corks and Curls - 1913, 36.

³⁹Interview with John S. Battle, September 25, 1969.

Suddenly, home looked more attractive, and Battle decided to return to Charlottesville and go into the practice of law on his own. The task was not easy. Renting a room from a fellow lawyer for five or six dollars a month, John scratched out a living as best he could. His determination to be a lawyer was not destroyed by hard times. When a wealthy banker asked him to come to work for him at People's National Bank to set up a new trust division, Battle declined despite the great salary increase which would have accompanied the move.⁴⁰ Slowly, matters improved, especially after he entered a successful partnership with a capable friend, Lemuel F. Smith in 1916.⁴¹

With the outbreak of World War I, Battle, very conscious of his grandfather's courage under fire, sought to enlist in the great crusade to make the world safe for democracy. The after-effects of his attack of rheumatic fever, however, were still with him, and the army would accept him only for "limited service." Primarily, this entailed assisting in promoting liberty loans and other such drives aimed at aiding the war effort.⁴²

Such a role lacked glamour, but it did enable him to engage in another campaign and bring it to a successful

⁴⁰Interview with John S. Battle, June 13, 1969.

⁴¹As Governor, Battle had the pleasure of appointing his old partner to the Virginia Supreme Court.

⁴²Robert C. Glass, Virginia Democracy (Virginia Democratic Historical Association, 1937), III, 11.

conclusion. An unexpected dividend from the move to Charlottesville was a pretty next door neighbor named Janie Lipscombe. In June of 1918, John Battle and Miss Lipscombe began their more than fifty years of marriage in a quiet wedding at the bride's home.⁴³

His successful marriage was shortly followed by an event that insured him a successful legal career. W. Allen Perkins, a well-established and successful attorney, impressed by Battle's talents and character, asked him to join him as a partner in 1919. From now on, things would be on the upswing for the young Charlottesville attorney.

⁴³Charlottesville Daily Progress, June 13, 1918.

CHAPTER II

TWENTY YEARS OF APPRENTICESHIP

John Battle's personal entry into the political arena was less than auspicious. The Commonwealth's Attorney for Charlottesville had died in 1915 and Lyttleton W. Wood was appointed to fill the remainder of his term which expired in 1917. A number of the younger lawyers felt that Wood was not as conscientious in performing his duties as he should be and when they urged Battle to challenge him in the August primary, he agreed. As the campaign drew to a close, the local newspaper reported that it became quite spirited, "The garages have been fattening their sales averages in gasoline, as the backers of both have resorted to the use of the tireless flivver in the stirring up of the voters, the heat to the contrary notwithstanding."¹

Despite concentrated effort, Battle could not overcome Wood's twin advantages of being the incumbent and having numerous cronies and relatives living in the Charlottesville area.² The result showed Battle on the losing side by nearly a two-to-one majority.³ It was to be John Battle's only defeat in seeking political office.

¹Charlottesville Daily Progress, August 7, 1917.

²Interview with John S. Battle, September 25, 1969.

³Charlottesville Daily Progress, August 8, 1917.

Most of the 1920's were devoted to building a successful law practice, but in 1929 Battle again decided to try for public office. At that time the counties of Albemarle and Greene and the city of Charlottesville sent two members to the House of Delegates of the Virginia General Assembly. Only one of the incumbents from the 1928 session, L. Louis Watts, decided to run again. Watts, a blind man, was popular and certain of re-election. Albert S. Bolling, whose personal difficulties had led to the loss of support among the court house crowd, chose not to do so.⁴ Battle decided to make the race for the Bolling opening because he believed some time spent in the General Assembly would be helpful to his law practice as well as an interesting experience. He did not at the time expect it to be the first step of a long political career.⁵ He was challenged for the office by another young attorney, Robert Thraves.

Whatever campaigning was done was primarily on a personal level with little or no newspaper coverage. The only mention of the campaign in the newspaper was Thraves' complaint that his name came last on the ballot even though the law provided that the names should be printed alphabetically.⁶ Such complaining availed little. Battle was clearly preferred by

⁴Interview with John S. Battle, October 9, 1969.

⁵Ibid.

⁶Charlottesville Daily Progress, August 2, 1929.

the courthouse ring, especially since his closest friend, Lemuel F. Smith, had been elected Commonwealth's Attorney in 1927. Battle finished a close second to Watts in the election with both men running far ahead of Thraves.⁷

In 1931, Battle ran for re-election. Later in his career it was claimed that Battle was unopposed throughout his years in the General Assembly; the fact is he did have opposition in 1931. Two independent Democrats, L. B. Railey and J. M. Rogers, challenged Watts and Battle in the Democratic primary but they were swamped by almost a four-to-one majority.⁸ In November, the winners were challenged by Republican-Independent, Ernest R. Duff, but as might be expected, Duff ran far behind in the balloting. In both these races, Battle's vote exceeded Watts' in the final tally.

The political world that Battle was entering was completely dominated by the powerful Democratic organization. By 1930 the Democratic organization was dominated by Harry Flood Byrd, Sr., but he did not originate it. The organization, or machine as its foes referred to it, had its roots in the 19th century and had been under the control of Senator Thomas S. Martin from 1894 until his death in 1919.¹⁰

⁷Charlottesville Daily Progress, August 7, 1929.

⁸Ibid., August 5, 1931.

⁹Ibid., November 4, 1931.

¹⁰For the early history of the Democratic organization see Allen W. Moger, Virginia: Bourbonism to Byrd (Charlottesville: University Press of Virginia, 1968).

The years following Martin's death were a period of transition but during the 1920's Harry Byrd emerged as the undisputed leader of the organization. In 1922 he succeeded his uncle, H. D. Flood, as chairman of the state Democratic Central Committee and as such was determined to "redeem" the Ninth district in southwestern Virginia from Republican control. Under Byrd's energetic and skillful direction, George C. Peery of Tazewell was elected to Congress from the Ninth district. It was the first time since 1900 that a Democrat had won the seat.¹¹

Byrd consolidated his hold on the organization by winning the governorship in 1925. In his four year administration, Byrd modernized and reorganized Virginia's government, making it both more efficient and easier for him to control. His administration was fruitful in many ways. Byrd sponsored strict legislation to prohibit lynching, implemented voting and tax reforms to attract new residents and industry to Virginia, and promoted rural electrification, conservation, and the tourist trade.¹²

Most significantly, Byrd converted a million dollar deficit to a large surplus. An economic conservative, Byrd's major legacy to Virginia was a state of mind that put fiscal

¹¹Herman L. Horn, "The Growth and Development of the Democratic Party in Virginia Since 1890" (unpublished Ph.D. dissertation, Duke University, 1949), 406.

¹²J. Harvie Wilkinson, Harry Byrd and the Changing Face of Virginia Politics, 1945-1966 (Charlottesville: University Press of Virginia, 1968), 6. For Byrd's term as governor see Robert T. Hawkes, Jr., "The Political Apprenticeship and Gubernatorial Term of Harry Flood Byrd" (unpublished Masters thesis, University of Virginia, 1967).

solvency above all else.¹³ Spending and state services were to be kept at a minimum. Deficit spending must be avoided at all cost, and Byrd's idea of pay-as-you-go became a shibboleth that no politician could ignore. Such policies kept the state solvent but also backward. They became the hallmark of the Byrd era.

The people expressed their approval of Byrd's "Program of Progress" in 1929 by electing the Byrd-supported candidate, John Garland Pollard, to be the next governor of Virginia. Pollard won easy victories both in the Democratic primary and in the general election. In the judgment of one student, the organization's triumph "virtually destroyed the Independent wing of the Democratic party and demoralized the Republicans."¹⁴ Thus, in the 1930's Virginia would not only be a one-party state but for all practical purposes a one-faction party.

John Battle arrived in Richmond in January of 1930 to begin his first term in the House of Delegates just as Harry Byrd was completing his term as governor. The two men met and soon became lifelong friends, a friendship that was to have a great effect on John Battle's political career.¹⁵

¹³Ronald L. Heinemann, "Depression and New Deal in Virginia" (unpublished Ph.D. dissertation, University of Virginia, 1968), 4.

¹⁴Horn, "Democratic Party in Virginia....," 422.

¹⁵Interview with John S. Battle, July 17, 1970.

Battle made other friends as well; fellow members of the House included three men--Colgate Darden, Jr., William Tuck, and Thomas Stanley--who were all destined to become Governors of the Old Dominion.

Battle served his two terms in the House of Delegates as a staunch supporter of the organization and took no noteworthy part in either session. When Governor Pollard called for a retrenchment policy in 1932 because of the depression, Battle supported him and voted to cut the budget and reduce his own salary by 10%.¹⁶

Believing that he had accomplished his primary goal of making valuable contacts, Battle decided not to stand for re-election in the 1933 primary.¹⁷ Apparently his career in Virginia politics was to be interrupted and perhaps permanently halted. Yet, President Franklin Delano Roosevelt changed that decision, albeit unknowingly on his part. Roosevelt appointed state Senator Nathaniel B. Early to be the United States Collector of Internal Revenue for Virginia. "Bull" Early had been something of a permanent fixture in the Virginia Senate, having twenty-six years of service in that body. Early's resignation came too late for there to be a primary to choose his successor. A convention was called for September; no candidates announced for the office, but Early made it clear that his personal choice was his good friend John S. Battle.

¹⁶Journal of the House of Delegates - 1932 (Richmond: Division of Purchase and Printing, 1932), 735.

¹⁷Interview with John S. Battle, April 10, 1969.

A delegation called on Battle in his office and informed him that the seat was his if he wanted it. Naturally, the prestige of being a member of the forty-man Senate was very appealing to a man in his early forties. Battle reconsidered his decision to leave the General Assembly and accepted the nomination with "deep appreciation."¹⁸

Nomination by the Democrats in the 27th district was tantamount to election. Thus in January 1934, the same month that Byrd's friend George C. Peery was inaugurated Governor, Battle began his career as a state Senator. Although he was re-elected four times (1935, 1939, 1943, 1947) he never once faced even token opposition in either the Democratic primary or general election.

John Battle's fifteen years in the Virginia Senate were notably successful. In some respects the Senate resembled an exclusive club. Its membership was overwhelmingly conservative, generally elderly, and very sensitive of its prerogatives. The real work was done in committees which were in turn dominated by the organization. The Senators generally viewed the General Assembly session not only as a time for work but also as a time for socializing, cocktail parties and long poker games.

Battle quickly managed to win acceptance in the Senate. His handsome features, dignified bearing, easy-going manner,

¹⁸Interview with John S. Battle, April 10, 1969.

sense of humor and conciliatory disposition all aided him in making friends. He was a great story teller, enjoyed his whiskey and became known as one of the best poker players in the Senate.¹⁹ In time he became good friends with the leaders of the Senate such as Aubrey G. Weaver of Front Royal, Harvey Apperson of Roanoke, and Robert O. Norris, Jr., of Lancaster.

Battle possessed much more than a likable personality; he was also a man of high intelligence and real ability who took his responsibilities seriously. While always remaining friendly with the more conservative elements of the Senate, John Battle nevertheless introduced and championed much progressive, forward-looking legislation.

One of Battle's most noteworthy struggles occurred in the 1936 session of the General Assembly when Battle became the patron of an Unemployment Compensation Act for Virginia. The national Social Security Act had been passed and signed into law by President Roosevelt in August of 1935. The federal law was deliberately framed in such a way as to encourage more states to pass satisfactory unemployment compensation acts.²⁰

¹⁹Interview with James Latimer, November 20, 1969.

²⁰At the time of the passage of the federal act, only seven states had any kind of jobless insurance program. Eveline M. Burns, "Unemployment Compensation in the United States," International Labour Review, XXXVII, No. 5 (May, 1938).

The federal act levied a 3% payroll tax to be paid by all employers having eight or more workers. The incentive factor was that an employer could be exempt for up to 90% of this amount, providing he paid it to finance an approved State program of jobless insurance.²¹ Thus, from a strictly cost factor, it made no difference to the employer that the State levied a payroll tax for unemployment compensation as long as the tax did not exceed 90% of the federal levy. He would simply pay the money to the state government instead of the national government.

Emphasizing the provisions of the federal act, Battle warned that Virginia would lose \$6 million a year if it failed to enact a satisfactory Unemployment Compensation Act. He pointed out that the federal tax would be applicable regardless of what the state did. If the state had no plan, then all the money would go into the federal treasury. With a satisfactory plan, even the 10% retained by the federal government would be spent in Virginia for administration of the act and thus really all of the money could be kept in Virginia rather than all of it going to federal coffers.²²

Despite the obvious logic of Battle's case, there was considerable opposition to the bill, spearheaded by the

²¹Virginia Advisory Legislative Council, Unemployment Compensation, A Report to the Governor (Richmond, 1933). Actually, the Federal tax was 1% in 1936, 2% in 1937, and 3% thereafter.

²²Richmond News Leader, January 24, 1936.

powerful Virginia Manufacturers Association. Essentially, they argued that the tax was unconstitutional and, consequently, many employers planned to fight the tax. Also, many Virginia legislators, ever sensitive to the powers of the federal government, reacted negatively to the idea that Washington was trying to force them to pass a bill by dangling the carrot of the 90% tax credit. It might be expedient to pass the law, but it was not truly wise.

The hearings on the bill were conducted in an atmosphere of considerable tension. Battle argued forcefully in behalf of his proposal. He maintained that the bill was constitutional and cited the opinion of Virginia's Attorney General to back up his position. "It is just as legal for the assembly to adopt legislation for the relief of the unemployed as it is to provide hospitalization for the insane and for victims of tuberculosis."

At any rate, he continued, the constitutionality of a federal act was not for Virginia legislators to determine. "Thank God, our people did not send us here to act as Constitutional lawyers." It seemed rather odd to Battle that the opposition waxed eloquently over the Constitution as a "holy document" and yet, in the same breath, lashed out at the government resting on that very document as "a tyrannous foreign government."

On the matter of expediency, Battle shot back, "if it is expedient to give aid to starving men, if it is expedient to do a good thing, I say we should go along and be expedient...The people to be directly benefited under this act are entitled to this relief." It was, he declared, a mighty weak answer to deny the people needed and justifiable relief solely because the VMA said it was unconstitutional to do so. This was one of Battle's best speeches, and there was a dead hush as he finished speaking.²³

The newspapers backed Battle's position and praised his "vigorous leadership" in behalf of the bill.²⁴ Nevertheless, the pressure to kill the bill was intense. Opponents claimed the bill was unfair to many employees since not all would be eligible. It was especially unfair to the farmers since they would ultimately pay the tax through the increased cost of manufactured goods. It would drive industry from Virginia, and perhaps worst of all, it would mean bending the knee to Washington.²⁵

To win support Battle agreed to amendments, including the provision that if the federal act was declared unconstitutional, then all the money collected would be returned

²³Richmond News Leader, January 31, 1936.

²⁴Ibid., February 7, 1936.

²⁵Ibid., February 26, 1936.

to the employers rather than retained by the state.²⁶ Even this amendment was not enough, and before passing the bill the Senate adopted the crippling amendment proposed by the powerful Chairman of the Finance Committee, Aubrey Weaver. Weaver's amendment provided that the Virginia act would not go into effect until the Supreme Court declared that the federal act was constitutional. The House tried desperately to pass the act with only Battle's amendments. Since the act included an appropriation, a constitutional majority of 51 votes was needed rather than a simple majority among those voting. Only 49 aye votes were recorded. A second attempt was tried, but the Virginia Manufacturers Association responded with intense pressure on wavering members. The final vote was 46 ayes to 44 noes and thus, the Unemployment Compensation Act was killed for the 1936 session.²⁷

Surprisingly, before the year was out, opinions changed markedly. President Roosevelt won a smashing triumph in the November election, burying Alf Landon in an avalanche of votes which made it clear that the majority of Virginians and other Americans favored his programs. Even more important, the Supreme Court, by a split vote of 4

²⁶Richmond News Leader, February 6, 1936.

²⁷Ibid., March 6, 1936.

to 4, confirmed the constitutionality of New York's Unemployment Compensation Act. Then Pennsylvania and Maryland decided to call special sessions to deal with the matter. Originally, it was widely believed that Congress would pass a special act so that those states not acting in 1936 would not lose any revenue.²⁸ Now many began openly to doubt this assumption. Indeed, spurred on by the fear of losing the revenue collected in 1936, eighteen states hurriedly passed Unemployment Compensation Acts in the month of December.²⁹

In the midst of these developments, the Virginia Manufacturers Association made it clear that they would no longer actively oppose the bill. With the prospects for passage now bright, Governor George Peery issued a call for a special session to meet in the middle of December. The special session took only a few days to pass a bill which was similar to Battle's original proposal. Since the bill contained an emergency clause making it effective immediately upon the governor's signature, the Virginia constitution required that 80% of the votes be affirmative. The final vote far exceeded even this requirement, as only one negative vote was cast in each branch of the General Assembly.³⁰ It might be noted that the special

²⁸Richmond News Leader, November 28, 1936.

²⁹Burns, "Unemployment Compensation...".

³⁰Richmond News Leader, December 17, 1936.

session cost the state of Virginia approximately \$135,000 primarily in salaries to the legislators who, despite the brief session, voted themselves a full month's pay.³¹

Another important controversy that engaged Battle's efforts as a state Senator was the drive to abolish the fee system. Few practices were more clearly outdated than the fee system, especially as it applied to county sheriffs and city sergeants. It placed the sheriffs in the ridiculous position of having their income depend upon the amount of litigation and crime that occurred in the area under their jurisdiction. A sheriff was paid a fee for each arrest and often a mileage allowance in connection with the arrest. An additional fee might be obtained by appearing as a witness against the man that he had arrested. The sheriff was also entitled to a committal and release fee for each man committed to prison. Most important of all, the sheriff received a fixed amount of money to feed his prisoners. What he saved was his own money. Clearly, such a system would inevitably lead to serious abuse. It was in fact an incentive system for a sheriff to arrest people, imprison them and then feed them substandard food while in prison since all these actions meant money in his own pocket.³²

³¹Richmond News Leader, December 17, 1936.

³²"Report on the Evils of the Fee System." Unpublished broadside, 1941. In McGregor Room, University of Virginia Library.

It was from the money received ostensibly for feeding their prisoners that the sheriffs received the bulk of their incomes. A special Auditor's report submitted in 1938 showed that sheriffs received slightly more than \$350,000 from the state for board and clothing and only about \$75,000 in other state fees. The same report showed the profit to sheriffs from board of state prisoners to exceed \$220,000.³³

Battle vigorously opposed the fee system, although the claims made in his later gubernatorial campaign that he was responsible for its abolition must be charged to the understandable exaggeration found in all political campaigning. Actually, opposition to kill the fee system went back at least as far as 1910, and a commission set up in 1920 reported that the fee system should be abolished.³⁴ Throughout the thirties pressure mounted to abolish the fee system, and many state employees were switched to a fixed salary.³⁵ Report after report recommended the system be entirely abolished. Governor James Price (1938-1942) was especially vocal in his opposition to it, noting that an audit "revealed that more than \$141,000

³³Virginia Advisory Legislative Council, Jails, Prison Farms, Probation and Parole, A Report to the Governor (Richmond, 1939), 30.

³⁴Horn, "Democratic Party in Virginia....," 312-15.

³⁵Ibid., 318.

had been spent in 1937 by county sheriffs in excess of expenses allowed them by the Compensation Board."³⁶

Even though many organization leaders were also critical, all efforts in the 1930's were in vain. The pressure from the sheriffs and other county officials who formed the major support of the organization always forced the General Assembly to postpone final action.

In 1940 John Battle joined with two other Senators, independent Vivian Page of Norfolk and moderate Leonard G. Muse of Roanoke, to propose a number of bills reforming the jail system in Virginia. In addition to abolishing the fee system, it called for setting up a system of probation and parole and for modernizing control over the state penal system which was by its inhumane treatment of prisoners a disgrace to the state.³⁷

Disagreement over what the sheriffs' salaries should be in various areas of the state led to numerous amendments in the House, and when they could not be reconciled with the Senate version the bill died in committee. As the News Leader commented, "No one opposed these measures in the open. They were murdered behind the scenes."³⁸

³⁶Richmond News Leader, January 10, 1940.

³⁷Ibid., January 12, 1940.

³⁸Ibid., March 11, 1940.

In 1942, the time for these bills finally arrived and they were passed by the General Assembly with almost no opposition. Indeed, the bill to abolish the fee system for sheriffs, which had failed passage time after time, was passed in the House by a vote of 94 to 0.³⁹ When the spotlight was finally turned on brightly, and the delegates had to cast a recorded vote on the question, not a single opponent to abolishing the fee system could be found. It took 32 years of agitation, but one disgraceful part of Virginia's penal system was finally corrected.

Other legislation sponsored by Battle, although not as important as Unemployment Compensation and jail reform, show him to be a mildly progressive, practical state legislator. For instance, he suggested that the hours for the polls to be open on election day be changed from the vague wording, "sunrise to sunset," to the precise 6:00 a.m. to 6:00 p.m.⁴⁰ He proposed that the Division of Purchase and Printing send various state publications to the University of Virginia library⁴¹ and that the Virginia Advisory Legislative Council be increased from seven to nine men.⁴² Battle suggested that the purposes of

³⁹Richmond News Leader, March 12, 1942.

⁴⁰Ibid., January 28, 1942.

⁴¹Ibid., February 7, 1942.

⁴²Ibid., February 26, 1944.

school bond issues be expanded beyond simply the erection of new buildings to include the acquisition of sites, the creation of school additions and the purchase of school furnishings.⁴³ He asked that a bill be passed allowing the judge rather than jury to fix the sentence for a crime, except for the death penalty.⁴⁴

In 1946 he introduced and backed a controversial hike in gasoline taxes in order to improve Virginia's secondary roads,⁴⁵ and he proposed the enlargement and improvement of state parks.⁴⁶

Regularly, Battle introduced bills to strengthen the Unemployment Compensation Act, and he favored increasing the maximum benefits and reducing the waiting period before a worker was eligible to receive benefits. He asked that technical legislation be passed to allow servicemen in World War II to be able to vote without paying the poll tax.⁴⁷ With casualties mounting, he urged that a bill be passed providing free tuition in state colleges

⁴³Richmond News Leader, January 24, 1946.

⁴⁴Ibid., January 28, 1948.

⁴⁵Ibid., February 5, 1946.

⁴⁶Ibid., February 1, 1946.

⁴⁷Ibid., January 14, 1944.

for the children of men killed or disabled during World War II.⁴⁸

Yet, while compiling a fine legislative record, at no time did Battle desert the organization on an issue of crucial importance. He was in no sense a maverick and like many conservatives, his social conscience was not as sensitive as his personal conscience. Nevertheless, while always closely identified with the organization, Battle's voting record and conciliatory personality made him well liked by the liberal wing of the party.

This is clearly illustrated by his relationship with James Price, Virginia's Governor from 1938 to 1942. An oddity among recent Virginia governors, Price won the coveted position despite the fact that he was not the choice of the Byrd organization. A liberal and avowed supporter of F.D.R.'s New Deal program, Price ran into difficulty, some of it self-imposed, with the organization-controlled General Assembly.

Governor Price made the decision not to re-appoint E. R. Combs, Byrd's right-hand man, to the position as Chairman of the powerful State Compensation Board.⁴⁹ This board largely controlled the salaries of the various county

⁴⁸Richmond News Leader, February 22, 1944.

⁴⁹Combs found out about his removal by reading the newspapers. Interview with John S. Battle, July 17, 1970. In addition to Combs, Price removed the head of the Division of Motor Vehicles, Director of the Division of Purchase and Printing and the Commissioners of Public Welfare, Labor and State Fisheries. Heinemann, "Virginia and the New Deal....," 223.

officials, who in turn were the backbone of the organization. It became known that Price's choice for the position was the capable but strongly anti-Byrd Richmond attorney, Martin A. Hutchinson. Resenting the slap at Combs and fearing the effects of a hostile Chairman as head of the Compensation Board, the organization fought back. An amendment was proposed by J. Tinsley Coleman of Nelson County which would have automatically placed the Attorney General, Abram B. Staples, an organization stalwart, on the State Compensation Board as Chairman and would thus circumvent the Governor's power of appointment. Presented as an economy measure, the vast majority of the amendment's supporters were clearly more anxious to curtail Price's power than they were to save the state \$4,500. Although the bill passed the House by a 60-37 margin, Price rallied his supporters in the Senate, and the Coleman amendment was defeated after a heated and bitter debate by a 23-15 vote.⁵⁰

Price decided to retaliate. The Virginia Advisory Legislative Council, formally organized in 1935, was an advisory council of considerable influence and importance. Not only did it advise the governor, it often drafted legislation to deal with various state problems. Frequently, the draft suggested by VALC became law at the next session

⁵⁰This controversy is fully reported in the Richmond Times Dispatch, February 24 - March 11, 1938.

of the General Assembly. All seven members of VALC were members of the organization and they included such powerful figures as Speaker of the House. Ashton Dovell and Floor Leader G. Alvin Massenberg. All had voted against Price on the controversial Coleman amendment. In one swift move, Price purged six of the seven members. Not surprisingly, all of the new appointees, including the young liberal Democrat from Fairfax, Francis Pickens Miller, had voted against the Coleman amendment.⁵¹ The only member not removed was VALC's Chairman, John S. Battle. Battle and Price got along "fine," and although Battle voted against Price, he did it in such a way that it did not destroy their good relationship. Thus Price kept Battle on to give the Council continuity and direction.⁵² This ability to maintain good relationships with most of his associates was to be a hallmark of Battle's political career and a major reason for his success.

In the 1930's and 40's it became clear that John Battle had what was needed to have a successful political career in Virginia. He was a close friend of Senator Byrd and

⁵¹Richmond News Leader, July 1, 1938.

⁵²Interview with John S. Battle, September 25, 1969. Battle did resign from this position in September of 1940. The reason given was that his new position as president of the Virginia Bar Association would take up a great deal of his time. (Richmond News Leader, September 27, 1940). Martin Hutchinson believed Battle resigned as "an act of fealty to Byrd" who did not want organization men like Battle working too closely to help Price.

Joseph H. Harrison, Jr. to Author, December 27, 1969.
Copy in possession of author.

a dependable supporter of the organization. He had compiled a creditable record as a state legislator and was blessed with a winning personality that won him a considerable following.

Slowly but steadily Senator Battle rose to a position of considerable influence within the organization. Later when Battle announced his candidacy for Governor, one newspaper editorial noted: "He customarily carried the ball for the Senate for virtually all the administration's important legislation."⁵³ There is no evidence to indicate that Battle was one of the inner circle of organization leaders that determined policy, but he was one of the organization's most capable lieutenants for translating that policy into legislation.

Battle's role in the Senate Finance Committee is illustrative of his Senate career as a whole and of his steady rise to prominence. Of all the standing committees in the Senate, Finance was the most important. Appointment to this committee was highly desired by all Senate members. During his freshman session Battle was passed over but he was appointed to the committee in 1936, being ranked 13th. Slowly, he moved up in rank, 12th in 1938, 7th in 1940, 5th in 1942, and 3rd in 1944.⁵⁴ Only two men stood

⁵³Richmond News Leader, July 11, 1948.

⁵⁴This information is available from the Manuals of the Senate and House of Delegates, 1934-1944 (Richmond Division of Purchase and Printing, 1934-1944).

between him and the chairmanship.

The chairmanship of the Finance Committee was considered the most powerful position in the Virginia Senate. In the early 1940's Aubrey Weaver held this position and wished very much to use it as a springboard to the Governor's Mansion.⁵⁵ As the 1944 session drew to an end, Weaver was in good health, only 61 years old, and apparently in a position to slow or block John Battle's own rise to political prominence. Then fate intervened. On March 11, 1944, a fire blazed through the Hotel Jefferson, claiming Weaver as one of its victims. A major figure was removed from the Virginia political scene.

In the protocol of the times, Robert O. Norris, Jr., with more seniority, was entitled to Weaver's position. Norris, however, bowed out so that John Battle could be given the appointment. The reasons for Norris' action are not clear. He later became Chairman of the Committee in 1950; clearly he was not adverse to accepting the responsibilities of the position. A likely explanation is that Norris, a friend of Battle, believed this action would further Battle's chances to become Governor of Virginia. By this time, Battle was clearly considering such a move. To become the Governor of Virginia would certainly be the perfect capstone to a long career in the General Assembly.

⁵⁵Interview with John S. Battle, June 13, 1969.

CHAPTER III

OBSTACLES AND RIVALS TO OVERCOME

John Battle strongly desired to be Governor of Virginia. Not only would it be a chance to serve the state he loved but it would also be a great personal honor.

SECTION II

JOHN BATTLE BECOMES GOVERNOR OF VIRGINIA

In the 1947 campaign, Battle was Senator Harry Byrd's personal preference for the position. In 1949 the heavily machine candidate, William Marland Tuck, did not possess the complete confidence of Senator Byrd. Byrd, however, was worried about what kind of governor Tuck would be.

Tuck, a native of southern Virginia, had spent eighteen years in the Virginia General Assembly before becoming lieutenant governor in 1942. Controversial, colorful, reactionary, Tuck was a rough and ready politician who thrived on controversy. He made his headquarters

¹Interview with William C. Battle, son of Governor Battle and prominent Democratic leader, June 18, 1969. As John Battle put it, "the people of Virginia are very good to their governor." Interview with William C. Battle, April 10, 1969.

²Quoted by Virginia's Harry Byrd in a speech at a conference held by Governor Byrd, March 1, 1949; *Speeches*, Papers, University of Virginia, Charlottesville, Va.

CHAPTER III

OBSTACLES AND RIVALS TO OVERCOME

John Battle strongly desired to be Governor of Virginia. Not only would it be a chance to serve the state he loved but it would also be both a great personal honor and a great honor for the Battle family.¹ As early as the 1945 campaign, Battle was Senator Harry Byrd's personal preference for the position. In 1945 the likely machine candidate, William Munford Tuck, did not possess the complete confidence of Senator Byrd who, frankly, was worried about what kind of governor Tuck would make.²

Tuck, a native of southside Virginia, had spent eighteen years in the Virginia General Assembly before becoming lieutenant governor in 1942. Bombastic, colorful, reactionary, Tuck was a rough and tumble politician who thrived on controversy. He made his announcement.

¹Interview with William C. Battle, son of Governor Battle and prominent Democratic leader, December 16, 1969. As John Battle put it, "the people of Virginia are very good to their governor." Interview with John S. Battle, April 10, 1969.

²Memo by Virginius Dabney on off-the-record news conference held by Governor Tuck, March 17, 1948, Dabney Papers, University of Virginia, Series G, Box 7.

of candidacy early in 1945 not knowing what Byrd and Battle would do. Battle, possessing no overweening ambition that had to be immediately satiated and anxious to avoid a clash with Tuck, decided to wait for a more propitious time to put the capstone on his political career.³ Byrd then endorsed Tuck and in time the two men became warm friends and very close political allies.

The next election for governor of Virginia would occur in 1949. Precisely when Battle made his decision to enter the 1949 race is not known. All the indications are that it was very early in Tuck's administration. During the 1946 session of the General Assembly, Battle as Chairman of the powerful Senate Finance Committee was in the news far more often than he had been during any previous session. In the summer of 1947 his intention to run for governor was made known to "a few of the faithful" at a famous duck dinner held at Richmond's Commonwealth Club.⁴ His formal announcement of candidacy was made in Charlottesville on June 10, 1948. This was more than a year before the Democratic primary, scheduled for August 2, 1949. Battle hoped his early announce-

³Ironically, the head-to-head contest which Battle avoided in 1945 almost occurred in 1958 when both men announced their willingness to run for Harry Byrd's Senate seat if Byrd resigned.

⁴Radio speech by Martin H. Hutchinson, July 8, 1949, Hutchinson Papers, University of Virginia, Box 18. One observer flatly asserted that Battle was promised the "nod" for 1949 when he decided not to run in 1945. Personal interview. Name withheld by request.

ment would discourage other candidates seeking organization support from entering the contest. Such hopes were soon dashed.

On July 2, approximately three weeks after the Battle announcement, Horace Edwards of Richmond declared his intention to seek the governorship of Virginia. This was a real blow to Senator Battle because Edwards would generally appeal to the same block of voters as Battle, and he entered the race "with a most impressive set of organization credentials."⁵

Edwards, only forty-six, was born on a farm in Isle of Wight County near Newport News and received his education at the University of Richmond. A tall, handsome man in his mid-forties, Edwards was urbane, confident and an excellent speaker. His political career included three terms in the General Assembly and a recent term as Mayor of Richmond. Even more important, from 1940-1948 he held a very powerful position in the Byrd hierarchy as Chairman of the Democratic State Central Committee. Such a position was ideal for cultivating political support, and Edwards apparently made up his mind quite early that

⁵J. Harvie Wilkinson, III, Harry Byrd..., 92. Edwards is the focus of Wilkinson's treatment of the 1949 primary which is understandably cursory in nature.

he would seek the governorship.⁶

The support of a few wealthy men apparently insured him adequate funds to campaign properly,⁷ and he had considerable support among the members of the organization, especially at the county level. A political opponent in the 9th district, located in southwestern Virginia, grudgingly admitted that Edwards had done a good job in lining up support: "Edwards is smart, and he has been cultivating the courthouse rings in every county. He is affable and astute, and there is much more sympathy for him than I thought."⁸ In addition to such strong support in the 9th district, Edwards was also confident of solid backing in Richmond with other scattered support.

Even Senator Byrd's advice that he wait until another time failed to deter Edwards from making the race, for as he said, "the bee was in my bonnet."⁹ To emphasize

⁶Edwards had definitely made up his mind by early 1948 and probably quite a while before that. Jacob Billikopf to Virginius Dabney, March 9, 1948, Dabney Papers, University of Virginia, Series D, Box 4.

⁷Speech by Martin A. Hutchinson, July 30, 1949. Hutchinson Papers, University of Virginia, Box 18; Joseph Harrison to Elizabeth Williams, December 30, 1967. Copy in possession of author.

⁸Mayno Sutherland to Robert Whitehead, November 11, 1948, Whitehead Papers, University of Virginia, Box 9.

⁹Wilkinson, Harry Byrd..., 93.

the seriousness of his candidacy, Edwards stressed in his formal announcement that the decision to enter the race was "irrevocable" and that under no circumstances would he withdraw.¹⁰

While Edwards' entry into the race was a blow to Battle, it was certainly a boon to the anti-organization Democrats, henceforth referred to as liberals. It made the liberals more determined than ever that 1949 would be the year that they defeated the Byrd machine in a statewide election and ended Harry Byrd's rule in Virginia. Normally, such a goal would be chimerical, for the liberals were not a powerful faction in Virginia politics. As V. O. Key pertinently noted in 1948:

"The anti-organization group...is extraordinarily weak, has few leaders of ability, and is more a hope than a reality."¹¹ Yet, there was no run-off primary law in Virginia at this time and a simple plurality meant victory. Thus the severe split within the organization between the Battle forces and the Edwards forces gave the liberals a very real possibility of victory.

To direct their attack, the liberals could count on the leadership of three outstanding men. Martin Hutchinson, a native of Giles County in southwestern Virginia and a capable Richmond attorney, was in many

¹⁰Richmond News Leader, July 2, 1948.

¹¹V. O. Key, Jr., Southern Politics (New York: Alfred A. Knopf, 1949), 21.

ways the founder of the liberal movement in Virginia. He had been active on the Virginia political scene since the 1920's, had political contacts in Washington and throughout the state, and was certainly the shrewdest and most astute politician in the liberal camp.¹² In 1946 Hutchinson had challenged Senator Byrd in the Democratic primary. It was the first Democratic opposition Byrd had faced since he entered the Senate in 1933, and Hutchinson served as a rallying point for those disaffected with Byrd and his policies. Although not well known, Hutchinson managed to poll a respectable 81,000 votes, slightly more than one third of the total.¹³

The second and most beloved member of the liberal triumvirate was Robert Whitehead. Whitehead had his roots planted deeply in rural Virginia. A native of the little town of Lovington, he had represented rural Nelson County in central Virginia in the House of Delegates since his election in 1941. Prior to that he had been the county's Commonwealth Attorney, a position also held by his father and grandfather. Although always his own man, he was a

¹²Joseph H. Harrison, Jr., to Harrison Robertson, September 24, 1952, Hutchinson Papers, Box 21.

¹³The exact totals were: Harry F. Byrd - 141,923 and Martin A. Hutchinson - 81,605. State Board of Elections, Statement of the Vote for U.S. Senator, Democratic Primary, August 6, 1946 (Richmond: Division of Purchase and Printing, 1946).

recent addition to the liberal faction. As late as 1946, Whitehead openly favored the retention of the poll tax and supported Byrd against Hutchinson.¹⁴ The events of the 1948 General Assembly, climaxing in the Tuck proposal discussed below, converted Whitehead into an implacable foe of the Byrd machine.¹⁵

By all accounts he was a formidable foe, greatly respected by many within the organization. The last of the old-fashioned spellbinders,¹⁶ Whitehead had wide support among the farmers and could speak their language. But Whitehead was also a lucid and progressive thinker with a grasp of complicated financial matters unequalled in the state. With such attributes, he was a most welcomed addition to the liberals, and many of them wanted him to carry the liberal standard into the 1949 gubernatorial race.

That honor, however, was to go to the third of the liberal leaders, Francis Pickens Miller, who was older

¹⁴James Latimer, "Virginia Politics, 1950-1960," Unpublished notes on Virginia politics by the chief political reporter of the Richmond Times Dispatch, 33. As recorded by the Richmond News Leader, February 4, 1946, Whitehead declared, "I am a poll tax man and not ashamed of it. Let the radical groups in Virginia take that and chew over it all they please."

¹⁵Robert Whitehead speech at Alexandria, Virginia, July 21, 1949, Whitehead Papers, Box 14. See pp. 57-58.

¹⁶Interview with James Latimer, November 20, 1969. One avowedly conservative member of the organization declared that Whitehead was far and away the most intelligent member of the General Assembly. Personal interview. Name withheld by request.

than Whitehead and, due to a legacy left him by his uncle, in better financial shape to make the race.¹⁷ Miller was certainly a very strong candidate.¹⁸ His background was impeccable, with a very distinguished ancestry going back to the American Revolution. Proof of the proper background could be established beyond all doubt by relating that his mother had experienced the unforgettable thrill of being given a ride on Robert E. Lee's horse, Traveler, with the General himself at the reins.¹⁹ Ironically, Miller, like John Battle, was the son of a clergyman (Presbyterian) and was born outside of Virginia (Kentucky).

Miller's education was superb. After private tutoring, he entered Washington and Lee where he was elected to Phi Beta Kappa. Upon graduation, he won a chance to study at Oxford as a Rhodes Scholar and there received his M.A. degree. A devout Christian, churchman and leader in the ecumenical movement, Miller devoted many years of his life

¹⁷The legacy was apparently several hundred thousand dollars. Francis Pickens Miller to William Boyle, August 18, 1950, Hutchinson Papers, Box 19.

¹⁸John Battle referred to Miller as a "brilliant and attractive candidate." Interview with John S. Battle, April 10, 1969.

¹⁹Richmond Times Dispatch, May 29, 1949. See also William Manchester, "The Byrd Machine," Harper's Magazine (November, 1952). Manchester exaggerates the importance of this incident.

working for the YMCA and later as Secretary of the World Student Christian Federation which was based in Geneva, Switzerland. His military record was also outstanding. A volunteer in both World Wars, Miller served as a doughboy in France during World War I and as a colonel on General Eisenhower's staff during the second World War.

His political experience was not extensive, but he had served two terms in the House of Delegates while James Price was Governor. A staunch supporter of Price's liberal program, Miller was shocked by what he felt was the ruthless undermining of that program by the Byrd machine.²⁰ Miller's own political career was interrupted in 1941 when he lost his seat representing Fairfax County in the House of Delegates to his Republican opponent, Richard Farr. Miller fell victim to a vicious smear attack, in which it was rumored that Helen Miller, a government employee just discovered to be a Communist, was Francis Miller's wife. Miller himself was accused of being "subversive."²¹ On election day enough Byrd-Democrats voted for his Republican opponent to cause

²⁰Elizabeth Williams, "The Anti-Byrd Organization Movement in Virginia, 1948-1949" (unpublished Master's Thesis, University of Virginia, 1969), 37.

²¹Norfolk Virginian-Pilot, November, 1941. There is an interesting collection of editorials dealing with Miller's defeat in 1941. Whitehead Papers, Box 8.

Miller's defeat by 178 votes. He was the only incumbent Democrat in the entire state to lose his seat, and the experience caused him to vow "to destroy a system which could destroy men."²²

Following World War II, Miller returned to Virginia and moved to Albemarle County. He again became quickly involved in the political struggles of the state. On July 27, 1948, Miller announced his candidacy for governor, an announcement which was hailed around the state as insuring that Virginia would witness its first really heated gubernatorial contest in a generation. Slightly under six feet tall, balding, but still an impressive figure, Miller was a rare phenomenon in 20th century Virginia -- a scholar in politics. His well-delivered speeches often had a distinctly Wilsonian ring.²³ In many ways Miller was to Virginia's intellectuals what Adlai Stevenson would soon become to the nation's intellectuals, a politician capable of articulately voicing their philosophy and concerns. As such, he won their wholehearted support.

²²Quoted in Williams, "Anti-Byrd Organization....," 38. Miller later wrote of the incident, "The utter horror of what had happened invaded my mind and haunts me to this day...." It seemed to Miller that there was a touch of divine justice in the fact that Richard Farr dropped dead forty-five minutes before he was to take his seat. Francis P. Miller, "Memoirs of a Virginia Liberal," soon to be published by the University of North Carolina Press, ch. 13. A copy of this "Memoir" was graciously made available to the author through the courtesy of Mr. Miller and Murat Williams, former Ambassador to El Salvador and unsuccessful Democratic candidate for Congress from Virginia's Seventh district. Note: After this dissertation was completed, Miller's Memoirs were published under the title Man from the Valley, University of North Carolina Press, 1971. Subsequent footnotes have not been changed.

²³Manassas Messenger, February 18, 1949.

In November 1948 the three-man field was further crowded by the entry into the race of Petersburg businessman, Rennie Arnold,²⁴ a wealthy pen manufacturer and president of his own company. Known for many years as one of the worst "labor baiters" in Virginia,²⁵ Arnold had the support of several prominent Dixiecrats, and much of his correspondence carried the typed warning "The power to tax is the power to destroy."²⁶ He would draw his support from the disenchanted element on the far right.

Arnold left school at the age of twelve and like Horatio Alger's heroes rose from poverty to riches. Known as an "explosive extrovert" and inveterate joiner,²⁷ Arnold was only a political neophyte with no governmental experience beyond the Petersburg City Council. No competent observer gave Arnold any chance to win, but whatever votes he managed to collect would be votes that would normally go to the Byrd organization candidate. They were

²⁴For a time there was a fifth candidate, Nicholas Prillaman, Mayor of Martinsville. On May 1, 1949, Prillaman, never a serious contender, withdrew in favor of Miller and entered the race for lieutenant governor.

²⁵Martin Hutchinson to Mr. McNulty, July 12, 1949, Hutchinson Papers, Box 17.

²⁶Rennie Arnold to Robert Whitehead, February 7, 1950, and other dates, Whitehead Papers, Series 2, Box 11.

²⁷Cabell Phillips, "New Rumbblings in the Old Dominion," New York Times Magazine (June 19, 1949), 34.

votes the organization could ill afford to lose.

For a while, it looked as if Battle and the organization would lose even more votes. Thomas B. Stanley, United States Congressman from Virginia's 5th district, was a well-to-do furniture manufacturer who had married into the wealthy Bassett family. Spurred on by an ambitious wife, Stanley wanted very much to be governor of Virginia.²⁸ As an organization stalwart, ex-Speaker of the House of Delegates and major contributor to the organization's campaign war chest, Stanley believed his credentials were impeccable. He had been considered a likely candidate both in 1941 and 1945 and the idea of waiting yet another four years must have seemed very unattractive indeed. For six months he stood on the statement, "I think I'll run."²⁹ Yet, support was hard to develop with both Battle and Edwards already announced candidates. Undoubtedly, Senator Byrd was emphatic in his advice not to enter the race. Some reports say that Stanley was promised the governorship in 1953 if he stepped down in 1949. Whatever the case may be, Stanley did eventually withdraw his partial candidacy and come out for John Battle.

Stanley's withdrawal still left four men actively seeking the Democratic nomination for governor, a larger

²⁸Interview with James Latimer, November 20, 1969.

²⁹Washington Post, April 29, 1951.

number of candidates than had ever previously sought the office during the 20th century. Of the four, John Battle was the candidate intimately identified in the public mind with the Byrd machine and its conservative fiscal policies. Benjamin Muse, perceptive editor of the Manassas Messenger, managed to catch the essence of the Battle candidacy in his witty editorial, "Candidates Passing By."

But first comes John Battle, and let us draw near for a better view. Unlike his antagonists, Battle is transported by a machine, and you should note the big piggy bank at his side. Each time the speedometer turns, he murmurs, "Hail Byrd" and drops a penny in the piggy bank. This singular practice is symbolic both of the statesman's loyalty to One of Virginia's Greatest Sons and of his uncompromising devotion to the policy of pay-as-you-go.³⁰

Normally, it would be a distinct advantage to run as the candidate closely identified with the Byrd machine, but 1948 and 1949 were not normal times in Virginia politics. It was Battle's misfortune to run for governor at a time when the popularity of the organization was at a low ebb. As a prominent scholar reminds us, "Leaders grow old and careless."³¹ In 1948 the Byrd organization, greatly angered at President Harry S. Truman, became careless.

³⁰Manassas Messenger, April 12, 1949.

³¹Key, Southern Politics..., 34.

The hostility between the Byrd machine and President Truman had not always existed. In 1944 Virginia had been in the forefront of the revolt against liberal Henry A. Wallace who had been President Roosevelt's vice president since 1941. Virginia strongly supported the selection of Harry Truman for Vice President, and as late as 1946 Governor Tuck openly praised Truman.³² As time passed, however, leaders of the organization grew progressively disenchanted with Truman. It was Truman's far-reaching civil rights program, introduced on February 2, 1948, that ultimately led to a final break. In his message Truman called for federal anti-lynching legislation, an end to segregation in interstate transportation, the establishment of a Fair Employment Practices Commission to secure equality in job opportunities, anti-poll tax legislation and the establishment of a permanent Commission on Civil Rights.³³

These proposals, complained Senator Byrd, "taken in their entirety, constitute a mass invasion of states rights never before even suggested, much less recommended,

³²A copy of a Tuck resolution praising Truman can be found in the John S. Battle Executive Papers, Virginia State Library, Richmond, Virginia, Box 22.

³³Irwin Ross, The Loneliest Campaign: The Truman Victory of 1948 (New York: New American Library, 1968), 61.

by any previous President."³⁴ The leaders of the organization decided to retaliate against the President, and they went about it with a very heavy hand. In the closing days of the 1948 General Assembly, Governor Tuck proposed a bill which showed a blatant disregard for democratic procedures.

As originally drawn the bill would have given the Virginia state Democratic Convention or a state Democratic committee the power to say for whom Virginia Democratic electors were to cast their electoral votes. This decision could be made at any time, even after the election was over. In addition, the bill could have kept the national Democratic ticket from getting on the ballot and it would have also prevented new parties, like Henry Wallace's Progressive party, from being placed on the Virginia ballot.³⁵

Led by the state's newspapers, a public outcry of such proportions followed the announcement of Tuck's proposal that it was drastically amended before being enacted into law. Nevertheless, many Virginians were deeply embittered. A famous Virginia editor, Douglas Southall Freeman, wrote in the heat of conflict, "Make

³⁴Speech by Harry F. Byrd, July 2, 1948, James Jackson Kilpatrick Papers, University of Virginia, Series C, Box 10.

³⁵Latimer, "Virginia Politics....," 29.

a solemn vow this day that you never again will vote for any man, for any office, at any time, if he is party in the General Assembly or in the State Democratic machine to limiting in any manner or degree your complete freedom to vote as you PLEASE!"³⁶

Fortunately for his gubernatorial chances, Battle was not involved in drawing up the Tuck proposal and came out in favor of amending the proposal so that it would "afford more freedom of choice on the part of the voters in the November general election than has been the case in the past."³⁷ Battle had a talent for avoiding controversy. One editor mixed his metaphors but made a perceptive comment on Battle: "When the organization goes haywire, he has a way of lying low until it sobers up again."³⁸

Virginia voters were angered by other things done by the organization besides the infamous Tuck bill. The General Assembly raised personal and industrial taxes to new highs (see p. 139), but then turned right around and voted itself a whopping bonus of \$360. The size of the bonus becomes more apparent when it is remembered that the legislators were

³⁶Richmond News Leader, February 28, 1948.

³⁷Ibid., March 4, 1948.

³⁸Manassas Messenger, January 18, 1949.

paid only \$720 for the entire session. This was in effect a 50% pay raise even though the constitution clearly prohibited raising pay during the term of any legislator.³⁹

The same animosity for Harry Truman which had led the leaders of the Byrd organization to propose the notorious Tuck bill caused them to display the same disregard for democratic procedure at the Democratic State Convention. The Convention, meeting during the first week of July 1948, roundly denounced Truman and endorsed the candidacy of Dwight Eisenhower on the Democratic ticket. An omnibus resolution was presented which among other things provided for the possibility of a second state convention where, if desired, another "Democratic" presidential ticket could be put in the field against the nominees of the National Convention.

The resolution was steamrolled through by G. Alvin Massenburg, Speaker of the House of Delegates and newly elected Democratic State Chairman. Many delegates tried to ask for a roll call vote on the resolution, but Massenburg simply declared that it had passed. He even refused to allow any discussion despite the controversial nature of the resolution. The Times Dispatch commented on the "highhanded and dictatorial action of the Chairman" which "caused terrific resentment, even in the ranks of

³⁹Richmond Times Dispatch, March 14, 1948.

the faithful,"⁴⁰ and one of the many disgruntled delegates complained that Massenburg displayed an "intolerant and insolent refusal to accord the rudimentary rights of democracy to the Convention."⁴¹

Of course, Virginia's opposition to President Truman did not stop him from easily winning renomination at Philadelphia. When the Democrats adopted a strong civil rights platform, delegates from several Southern states walked out of the convention. Virginia, although most unhappy at the turn of events, did not formally bolt the national convention, and her leaders decided not to call the state convention back into session.

Understandably, the Presidential election dominated the political scene in Virginia as it did in the rest of the nation. The attitudes of the gubernatorial candidates toward the Truman candidacy were most revealing. Rennie Arnold, although not yet an official candidate, remained silent throughout the campaign. It was widely reported that he voted for the Dixiecrat candidate, Senator Strom Thurmond of South Carolina and Arnold never denied that charge. John S. Battle did nothing to campaign for Truman; he simply stated that he planned to vote the straight Democratic ticket. He attended and spoke at a major political rally in Harrisonburg shortly

⁴⁰Richmond Times Dispatch, July 4, 1948.

⁴¹Harrison Mann to G. Alvin Massenburg, July 1949. Quoted in Wilkinson, Harry Byrd...., 80.

before the election. Senator Byrd and other organization leaders were also present and addressed the large crowd. Yet, after the rally the Northern Virginia Daily noted: "Any uninformed person would not have learned on Friday night that there will be a national election, with a Democratic presidential candidate on November 2."⁴² In short, the Byrd Organization did absolutely nothing to help Truman during the 1948 presidential campaign.

In contrast to this position, Horace Edwards stated before the national convention met that he would support anyone nominated at Philadelphia and openly supported President Truman in his bid for re-election. Yet it was Francis Pickens Miller and the liberals who were far and away the most enthusiastic supporters of President Truman in Virginia. Although lacking in financial resources, the liberals set up a Straight Democratic Ticket Committee and campaigned enthusiastically for Truman's re-election.⁴³

Nevertheless, their shock on the morning of November 3 was great when they discovered that Truman had been victorious both in Virginia and across the nation.⁴⁴ To

⁴²Quoted in James R. Roebuck, "Virginia in the Election of 1948" (unpublished Master's Thesis, University of Virginia, 1969), 54.

⁴³The Committee spent the paltry sum of \$2,269.85. Emanuel Emrock to J. Howard McGrath, December 23, 1948, Robert Whitehead Papers, Box 9.

⁴⁴Truman carried Virginia with a plurality of the votes. The final tally was: Truman 200,786; Dewey 172,070; Thurmond 43,393. State Board of Elections. Statement of the Vote for President, General Election, November 2, 1948 (Richmond: Division of Purchase and Printing, 1948).

the liberals, a Harry Truman victory in November all but insured a Francis Pickens Miller triumph the next August. Early in the year the Byrd machine had attempted to bar Harry Truman from even being on the ballot. Now the year was ending with this same Harry Truman winning Virginia's eleven electoral votes. A new day was clearly dawning.

The liberals' natural optimism was given a tremendous boost. As one of their number wrote to Robert Whitehead, "We've got 'em Bob... if we play our cards right... we can take this state over."⁴⁵ The same point was made by Francis Miller who wrote just after the election: "We are going to take over the leadership of the Party in Virginia with all that implies."⁴⁶

As the year 1948 drew to a close, those words did not seem like an idle boast. The campaign for governor would not begin in earnest until early the next year, but the obstacles facing John Battle were many. It appeared that events and strong men had joined together to bring the Byrd machine to the brink of disaster. The machine's undemocratic antics had disillusioned many of

⁴⁵Mayno Sutherland to Robert Whitehead, November 11, 1948, Whitehead Papers, Box 9.

⁴⁶Francis Pickens Miller to Robert Whitehead, November 9, 1948, Whitehead Papers, Box 8.

the faithful. Francis Pickens Miller was rallying his liberal followers for an all out frontal assault. At the same time Horace Edwards was draining crucially needed support from the machine's left flank. Rennie Arnold was doing what he could to cause desertions from the right. Thrice threatened, it seemed as if only a political miracle could keep the Byrd machine from suffering its first great defeat.

Both friends and foes often used the word "lame" in describing Battle.¹ While that word might not be precisely accurate, Benjamin Davis was certainly correct

¹ Interview with Paul Bommar, Jr., one of Battle's campaign aides, November 29, 1959. Mr. Bommar was very helpful in giving me the kind of background information necessary to get the feel of the campaign.

² This aspect of Battle's character, with appropriate references, is treated in the last chapter of the dissertation.

CHAPTER IV

A STRENUOUS CAMPAIGN

Strenuous campaigning was something foreign to John Battle's experience in political life. Since 1931 he had been consistently re-elected without even token opposition. Now in 1949 he found himself the focal point of a hotly contested election. The early stages of his campaign for the governorship were close to disastrous. An unenthusiastic campaigner, Battle found that the glad hand, big grin and back-slapping technique of campaigning were hard to acquire. In addition, his early platform performances were less than inspiring. A plodding, poker-faced man with drooping eyes, Battle's lazy look was accentuated since he often let the lectern support much of his weight and delivered his speeches in a slow drawl.¹

Both friends and foes often used the word "lazy" in describing Battle.² While that word might not be precisely accurate, Benjamin Muse was certainly correct

¹Interview with Paul Saunier, Jr., one of Battle's campaign aides, November 29, 1969. Mr. Saunier was very helpful in giving me the kind of background information necessary to get the feel of the campaign.

²This aspect of Battle's character, with appropriate references, is examined in the last chapter of the dissertation.

when he noted that Battle "is no whirlwind of energy."³ In contrast, Francis Miller and Horace Edwards were both extremely energetic and active men who seemed to thrive on the rigors of campaigning. In addition, both of them were also effective, dramatic speakers. This hurt Battle's early campaign progress, especially since all three men often spoke from the same platform.

Francis Miller and the liberals were waging a particularly aggressive campaign to defeat Battle. To understand the fervor of the liberals' campaign, it should be emphasized that the motivating force behind the liberals was an almost consuming hatred of the Byrd machine; to them it represented Evil with a capital E. Their one goal was to destroy it. As one of their number put it, "I only pray to the good God to let me live long enough to witness the complete annihilation of Harry Byrd and his stooges."⁴ They were always confident of victory. "We will allow no one to tell us that 'the Machine cannot be broken'. It can. It is crumbling now. Nothing that is rotten at the core can last forever."⁵

³Manassas Messenger, January 18, 1949.

⁴Victor Wilson to Martin Hutchinson, June 21, 1950, Hutchinson Papers, Box 19. Wilson was Miller's campaign director for the Lower Peninsula and the man who defeated G. Alvin Massenburg, Speaker of the House of Delegates.

⁵Virginia Facts, Vol. 1, No. 2, March 1948, 1.

The liberals brought to their task all the fervor of men embarked on a great crusade, and it was not by accident that their campaign effort was called "A Crusade for Virginia" or that Miller's major campaign address delivered February 10, 1949, was entitled, "To Set Virginia Free." The crusade mentality permeated the liberal movement. Louis Spilman, editor of the Waynesboro News Virginian and Miller's campaign manager, declared: "This is a great Crusade. We must not stop or falter.... I see in this Crusade an opportunity to make Virginia the true democracy that it once was."⁶

Their crusade was more than political; it had strong religious overtones. In 1912 Theodore Roosevelt had exhorted his followers with the stirring charge, "We stand at Armageddon and we battle for the Lord." So did the Virginia liberals in 1949. They were doing the Lord's work. As Miller, an evangelical Christian,

⁶Louis Spilman to Robert Whitehead, May 27, 1949, Whitehead Papers, Box 8.

stated in a major speech near the end of the campaign:

God made us with the desire to be free men and to establish a free society on this earth.... We are fighting... because we believe that God has better things in store for us and by our struggles we demonstrate the reality of our faith in him.... We have seen young men and women caught up in a great crusade to restore Virginia to her rightful place in the party and in the nation. ...A movement has been started which no man can stop. Its eventual triumph is certain.⁷

Editor Benjamin Muse humorously caught the crusade element that characterized Miller's campaign.

And now comes the brave Knight, Don Francis Pickens Miller mounted on his famous horse, Free Society, with Sancho Panza Whitehead riding by his side. 40 beauteous damsels of the women's clubs of Virginia march before him, strewing flowers in his path, while all join in the roundeley --

Sing a song of sixpence
A pocketful of rye
Four and twenty Harry Byrds
Baked in a pie.⁸

Fred O. Seibel's cartoon (see next page) of Miller charging the Bastille of the Byrd organization with the cry of "Allons Enfants" on his lips makes the same point.⁹ The liberals did not object to being called crusaders, for that is really how they pictured themselves. Indeed,

⁷Radio speech by Francis Pickens Miller, July 28, 1949, Whitehead Papers, Box 8.

⁸Manassas Messenger, April 12, 1949.

⁹Richmond Times Dispatch, July 14, 1949.

Storming the Bastille



Richmond Times Dispatch, July 14, 1949.

a Miller ad in the Times Dispatch the day before the primary reproduced Seibel's cartoon and printed underneath it, "Le jour de gloire est arrivé!"¹⁰

Francis Miller's image of himself as a crusader grew out of how he visualized his relation to God. As a young man Miller underwent a heartfelt religious experience which profoundly affected his adult life. Miller vividly remembers it: "I felt that I was in a great cathedral. My Master was standing in front of the High Altar with a sword in his hand. I knelt before Him and as he touched me on both shoulders with the sword, he said: 'You are my man.' I am not a mystic and this was not a vision. It was a fact..."¹¹

The words "it was not a vision. It was a fact" hold the key to Miller's personality. Absolutely convinced God had specifically chosen him ("You are my man"), Miller was prone to self-righteousness. Confident of his own rectitude Miller took his politics very personally and was extremely sensitive to criticism.¹² Even his

¹⁰Richmond Times Dispatch, July 14, 1949.

¹¹Miller, "Memoirs...", chapter 17.

¹²This judgment is based on personal interviews, newspaper accounts, an examination of Miller's correspondence with Hutchinson and Whitehead, and Miller's Memoirs.

own campaign manager declared that Miller had a "Christ-complex" and viewed himself as the "Saviour" of Virginia.¹³ As a consequence, Miller came to hold almost a manichean view of Virginia politics with Miller the Good fighting Byrd the Evil. Such a distorted view of reality blinded him to his own failings and Byrd's strengths and caused him to make serious blunders.

A supporter wrote that if Miller was to win, "the rabble would have to be stirred." Miller would have to barnstorm the state "and throw off any semblance of the old Blue stocking blood, with which John Battle stinks."¹⁴ Unfortunately for his gubernatorial chances, Francis Miller was "always the Oxford scholar" whose personality was such that he was often unable to stir the masses.¹⁵ He needed a bit more of the Populist in his make-up. Indeed, his extraordinary background was used by his political opponents to portray Miller as far-removed from "the

¹³Interview with Louis Spilman, January 30, 1970.

¹⁴Curry P. Hutchinson to Martin A. Hutchinson, January 30, 1949, Hutchinson Papers, Box 16.

¹⁵Interview with Louis Spilman, January 30, 1970. One example of when he did stir the masses occurred when he addressed a large meeting of coal miners in southwestern Virginia. Miller later referred to it as the campaign incident which "my memory relishes most." Miller, "Memoirs....," chapter 14.

heart throbs, aspirations and hopes" of the common people.¹⁶ Miller was a magnetic leader to a segment of Virginia's population, but it was very much a minority segment.

Challenged by Miller's vigorous campaign, John Battle began to fight back. Battle made every effort to improve his uninspiring delivery, especially after his supporters secretly taped one of his speeches and played it back to him.¹⁷ At first Battle refused to believe it was he speaking. Fortified by this dramatic lesson, angered by some of the extreme statements of his opponents, and realizing defeat was a very real possibility, John Battle did bestir himself. His speaking improved, his dignity and sincerity impressed the voters, and by springtime, John Battle's campaign had begun to move forward.

Battle's major advantage over his opponents derived from the large number of skilled professional politicians who aided him in the primary. Directing Battle's campaign was Sidney Kellam, Treasurer of Princess Anne County, a man with a fantastic memory and a great abi-

¹⁶A devastating (and very unfair) critique of Miller was written by ex-Congressman John W. Flannagan. Among other things Miller is ridiculed for claiming to be the champion of the schools and labor while "he never attended public school a day in his life...and manual toil is unknown to his parlor pink hands." "Comments by John W. Flannagan on the 1949 Primary," copy in Kilpatrick Papers, Series C, Box 11.

¹⁷Interview with William C. Battle, December 16, 1969.

lity for finding the political jugular vein in his opponents.¹⁸ Another of Battle's chief lieutenants was E. R. Combs, Chairman of the State Compensation Board, Clerk of the Senate and right arm of Senator Harry F. Byrd. "Ebbie" Combs, probably the most astute politician in the Old Dominion, had an uncanny ability for accurately assessing a situation and suggesting the proper course of action.¹⁹ His talents were a great asset to the Battle campaign. A third key aide was Randolph "Pete" Perry of Charlottesville. Due to the intervention of Senator Byrd and Congressman Howard W. Smith, Perry was given a leave of absence from his position in the postal department to work on Battle's campaign. A very close friend of Battle's, Perry accompanied him both as an advisor and confidant as Battle traveled around the state campaigning.²⁰

A fourth leader in the Battle camp was John J. Wicker, Jr., who was Chairman of the Battle for Governor Speakers Committee. Wicker, astute but impetuous, had been a state Senator and was a highly paid Richmond lawyer and lobbyist. Very influential in the American Legion, Wicker's crusading zeal against Miller equalled

¹⁸Frank R. Blackford, "Sidney Severn Kellam," Virginia Record, LXXXVII (March 1965), 51.

¹⁹Interview with George M. Cochran, former member of the House of Delegates, January 31, 1970.

²⁰Interview with Randolph H. Perry, February 26, 1970

if not surpassed that of the liberals against Byrd.²¹ Paul Saunier, Jr., a young public relations expert, was brought in to develop the advertising for the Battle campaign. Saunier's advertisements stressed Battle as the man with the four characteristics necessary for the job as Governor of Virginia -- Ability, Integrity, Experience, Sound Judgment. He also helped Battle write some of his radio speeches.²²

The Battle headquarters was located in Richmond, but each of Virginia's one hundred counties was also thoroughly organized. This was made possible by the wide support Battle enjoyed among the political leaders throughout the state. Ultimately, 75 of the 92 Democrats in the House and 34 of the 37 Democrats in the Senate endorsed John Battle for Governor, which was exceptional since there were three other candidates also seeking their endorsement.²³ Battle's organization and support among the political professionals simply could not be equalled by his opponents.

By the end of April, three months before the August primary, most of the major issues had been introduced and

²¹Interview with Paul Saunier, Jr., November 29, 1969. Joseph Harrison, Jr. to Harrison Robertson, September 24, 1952, Hutchinson Papers, Box 21.

²²Interview with Paul Saunier, Jr., November 29, 1969.

²³This information is recorded in an undated memo in the Robert Whitehead Papers, Box 8.

debated.²⁴ By then, each major candidate was easily identifiable in the public mind with a specific issue. Francis Miller was the champion of the Free Society and absolute foe of the Byrd organization. Horace Edwards was the man who proposed a sales tax as the way to solve Virginia's pressing need for more services. John S. Battle was the Byrd candidate and proponent of massive state aid to solve the public school crisis. These aspects of the campaign deserve further examination.

Since Miller and the liberals were largely motivated by their hatred of the Byrd machine, it was only natural that they would make the machine the overriding issue of the campaign. Miller set the liberal case out clearly and forcefully in his major address, "To Set Virginia Free." "The main issue is: are we or are we not going to have a free society in Virginia?" Miller warned that a free society was impossible as long as the Byrd machine maintained control, for the leaders of the machine were a "clique...of backward looking men" who simply wanted to stay in power. Heading the machine, exercising absolute authority, Senator Harry F. Byrd had by means of his personal "overseers...continued to govern the State for nineteen years after ceasing to occupy the Governor's chair."²⁵

²⁴The only exception was Miller's relation to organized labor, an issue which was to dominate the final two months of the campaign.

²⁵Radio speech by Francis Pickens Miller, "To Set Virginia Free," February 10, 1949. Copy in Whitehead Papers, Box 8.

Virginians, Miller continued, had become isolated from their government. The state had fallen far behind in such crucial areas as schools, public health, pollution control, conservation and mental health. The state Democratic party had become the enemy of the national party, and Virginia faced a grave crisis. Miller concluded by asserting that the solution lay in his election as the next governor of Virginia, for he vowed to appoint no one to any major post if that person was a "servant" of the "ruthless and powerful" Byrd machine. Miller's election would mean that Virginia would again be truly free.²⁶

While critical of the Byrd machine in general, Miller and the liberals also concentrated on specific issues, such as the State Compensation Board and the Campbell Amendments. Harry Byrd had instituted the State Compensation Board while he was governor in the late 1920's. The Board, consisting of three members with the Chairman appointed by the governor, had the power to set the salary of various local officials who had previously been compensated under the fee system. The General Assembly set the minimum and maximum salary limits, but these limits still gave the Board wide discretionary power. In addition, the Board was empowered to determine each official's expense allowance without any minimum or

²⁶Radio speech by Francis Pickens Miller, "To Set Virginia Free," February 10, 1949. Copy in Whitehead Papers, Box 8.

maximum limit set by the General Assembly.²⁷ The liberals constantly complained that the Compensation Board was an instrument of political control or at the very least an instrument of political influence. Such charges gained substance by the fact that "Ebbie" Combs was both Byrd's chief lieutenant and Chairman of the State Compensation Board. As one critic noted, "For one and the same person to be the Pay-Off Man for the machine and the Pay-Off Man for the State of Virginia is an effrontery that smells to High Heaven."²⁸

The liberals were also in the forefront of the opposition to the Campbell Amendments, a group of proposed amendments to the Virginia constitution dealing with the poll tax. Instituted in 1902, the poll tax was supported by the organization in general and by Senator Byrd in particular.²⁹ Yet, there had been so much agitation against it that the organization finally responded in 1946, spurred on by the fear that the federal government might pass legislation making such a levy illegal in national elections.

²⁷Wilkinson, Harry Byrd..., 31-32. Unfortunately, no one has yet done a detailed study of the State Compensation Board, though an investigation of the Board was conducted by the Richmond News Leader in August, 1955.

²⁸Manassas Messenger, March 22, 1949.

²⁹The poll tax is examined in Chapter 7.

The result was the Campbell Amendments which were due to be voted on by the people in November 1949. Although they abolished the poll tax as a prerequisite for voting, a great many new restrictions took its place. Among the most far reaching was the provision that each voter must pass a literacy test and "such further requirements as the General Assembly may provide." In addition, the prospective voter would have to register annually "in such manner as may be provided by law." The liberals pointed out with alarm that the Campbell amendments actually took away a Virginian's constitutional right to vote and gave the General Assembly the power to determine who could vote. Placing the right of suffrage within "the reach of shifting political tides" was fraught with grave dangers and unforeseeable consequences.³⁰

John Battle said that he supported the amendments and planned to vote for their adoption in November. The other three candidates expressed misgivings, with Miller most vehement in his opposition. Robert Whitehead rightly sensed that the amendments were unpopular with many Virginians and consequently he hoped to identify Battle with the Campbell amendments. "If we can get across to the people that Battle and the amendments are to be considered together we will have gone a long way in winning the primary election."³¹ The newspapers, however, many

³⁰Robert Whitehead gave the most lucid speeches criticizing the amendments. See, for example, his speech at Alexandria, October 17, 1949. Whitehead Papers, Box 2.

³¹Robert Whitehead to Lloyd Robinette, July 2, 1949, Whitehead Papers, Box 14.

of which favored Battle and opposed the Campbell amendments, argued that the Campbell amendments should be an issue only in the general election, not in the primary. Thus the issue never became important in the primary.³² But if it had, it would clearly have hurt Battle because in the general election the voters rejected the Campbell amendments by the overwhelming margin of 206,542 to 56,687.³³

Horace Edwards took basically a different tack from that of Miller and the liberals. He deliberately geared his campaign to what he called the "middle of the road" and was anxious to draw support both from within and from outside the ranks of the organization. Edwards ran his campaign on the idea that he was the candidate best qualified to bring about responsible change. As the campaign developed, Edwards became indelibly identified in the public mind with advocacy of the sales tax. As he did with Francis Miller, Benjamin Muse used his percep-

³²Lack of newspaper support definitely hurt the liberals in their effort to develop the issues that would have aided Miller's candidacy. Only two dailies in the state, the Bristol Herald-Courier and the Waynesboro News Virginian, supported Miller. Joseph H. Harrison, Jr. to Elizabeth Williams, December 30, 1967. Copy in possession of the author.

³³State Board of Elections. Statement of the Vote on Certain Amendments to the Constitution, November 8, 1949. (Richmond: Division of Purchase and Printing, 1949).

tive wit to catch the essence of the campaign waged by Edwards:

Finally, we discern the noble figure of Horace Edwards, erstwhile prefect of Richmond. He is mounted on a horse called the Sales Tax, and many county supervisors and Democratic chairmen accompany him. He pauses occasionally and gazes fondly toward the West, where the Ninth District lies. Then he jogs merrily on as he sings this song:

Miller takes the high road,
Battle takes the low road,
But I'll be in Richmond before them,
For I and my Sales Tax
We take the middle road
And I'll be in Richmond before them.³⁴

The Edwards campaign broke a cardinal rule of political strategy by making increased taxes the central aspect of his program. Edwards argued that there were so many pressing needs facing Virginia (and none of the other candidates challenged him on this point) that only a temporary retail sales tax of 2% could raise enough money to meet them. Such a tax would bring into the state treasury an additional thirty or forty million dollars a year. Yet the tax would be spread out over so many people that it would not be a burden to anyone. Edwards estimated that the tax would average out to only about three cents per person per day.³⁵

Surely, Edwards pleaded, Virginians would be willing to make that much of a sacrifice since the money was so

³⁴Manassas Messenger, April 12, 1949.

³⁵Richmond Times Dispatch, March 15, 1949.

desperately needed for schools and other public services. Edwards especially geared his campaign to those interested in better schools and hoped to get what commentators called the "school vote." Typical of his appeal was a full page advertisement appearing in the Richmond Times Dispatch at the end of the campaign. It portrayed an attractive school age girl looking up with plaintive eyes and asking, "Won't you invest your vote in my future?" The advertisement ended with the plea, "Let's keep faith with Our Children. Vote for Horace H. Edwards."³⁶

The "school vote" was considerable, for many Virginians were genuinely distraught about the grave crisis facing Virginia's public schools. School construction had almost been halted by World War II, many buildings were in serious need of repair, almost all were overcrowded, and the school population was due to increase markedly.

The Battle forces, naturally anxious to win the "school vote" from Edwards, decided the time was ripe to move beyond vague generalities and present a specific plan to meet the problem. Consequently, on April 10, 1949, John Battle introduced his plan to solve the school crisis. Under the Battle plan 74 million dollars, an immense sum for those days, would be made available to the localities for school construction during 1950. Of

³⁶Richmond Times Dispatch, August 1, 1949.

the \$74 million \$30 million would be given as gifts to the localities from the surplus in the state treasury. In addition Battle proposed to make \$44 million available to the localities in low-interest loans. This money would come from three sources: the bulk of it, \$30 million, would come from the teachers and employees retirement fund. This money, previously invested elsewhere, would be lent to the localities for school construction. Battle also noted that 12 million dollars could be transferred from the state bond sinking fund to the Literary fund, and the final \$2 million would come from normal increases to the Literary fund during 1950.³⁷ Under Virginia law, money in the Literary fund could only be used for school construction.

Once introduced, the plan became an absolutely essential part of the Battle campaign program and was explained over and over again in the final months of the primary. Certainly the Battle school plan had much to recommend it. It was specific and provided enough funds to meet the crisis in school construction (though it was silent about teachers' salaries). Best of all, it promised to solve Virginia's single most pressing problem without increasing taxes. As such the plan did a great

³⁷"John S. Battle's School Program for Virginia," Pamphlet in John S. Battle personal scrapbook. Copy in possession of author.

deal to undercut Edwards' central contention that only a sales tax could raise the needed funds. As Battle put it to the voters: "I ask you that one simple question that appears to me to be the key to the entire school financing problem. Is it not more reasonable to use the money we now have than it is to levy additional taxes of any kind?"³⁸

Battle constantly asked, why accept new burdensome taxes when we already have the money? According to Battle, Edwards' sales tax would raise Virginia taxes anywhere from 33% to 44% above their present level.³⁹ Advertisements were placed in every county paper to show how much more money each locality would receive under the Battle plan with no increase in taxes than it would receive from the Edwards' plan despite the increase in taxes.⁴⁰ Although this was an effective campaign technique, Battle later privately admitted that no actual figures had been worked out for the various localities.⁴¹

³⁸Richmond Times Dispatch, July 8, 1949.

³⁹Ibid., August 1, 1949.

⁴⁰For example, Manassas Messenger, July 29, 1949.

⁴¹John S. Battle to James J. Kilpatrick, September 5, 1949, Kilpatrick Papers, Series B, Box 7.

Of course the Edwards and Miller forces attempted to fight back. Edwards pertinently observed that committing the actual and expected surplus to school construction "would mean that operating expenses must be frozen at the 1949-50 level. No provisions can be made for other necessities. ...What is to happen to these vital needs? Are we to build schools and neglect health and welfare?"⁴² Unfortunately for Edwards his plea fell on generally deaf ears, for the majority of Virginians were concerned with the school crisis but not with the problems of public health and welfare.

Battle was justly criticized by many for apparently simply "finding" the necessary funds. Benjamin Muse in his editorial, "The Marvelous Tale of John Battle and the Hidden Treasure," told how Battle "descended into the dark and stalagmatic caverns of Richmond and came up with \$74 million."⁴³ Robert Whitehead said it best for the liberals when he complained:

Why did they wait until 1949 to do something for the schools? Why didn't they do it in 1948 when the Assembly was in session? What was the trouble? Did Senator Battle then know about the financial condition of the treasury? If he did, why didn't he use his position of influence to relieve the situation? If he didn't know, how did it happen that he got fooled so badly in a field in which he was supposed to be an expert?⁴⁴

⁴²Richmond Times Dispatch, April 29, 1949.

⁴³Manassas Messenger, May 10, 1949.

⁴⁴Robert Whitehead speech at South Boston, July 8, 1949, Whitehead Papers, Box 14.

Undoubtedly, public pressure and liberal criticism were instrumental in the "discovery" of the necessary money. Still Battle got most of the credit for it, and Miller suffered for not coming up with a specific plan of his own.

While the Battle school plan was aimed primarily at undercutting the appeal of the Edwards campaign, considerable effort was made to blunt Miller's extremely critical attack on the machine. At times, Battle seemed to deny that the Byrd machine existed at all.

As for this so-called iniquitous machine, it is nothing more nor less than a loosely knit group of Virginians...who usually think alike, who are interested in the welfare of the Commonwealth, who are supremely interested in giving Virginia good government and good public servants, and they usually act together.⁴⁵

Most often the Battle forces argued that every political group must have an organization or machine to be successful, and if Miller won he would have his own machine.⁴⁶ The Battle forces insisted it was better to stay with a tried and proven machine than to experiment with a new, inexperienced and potentially dangerous one.

⁴⁵Richmond Times Dispatch, May 24, 1949. This quotation has become something of a classic and is often used in articles describing the Byrd machine.

⁴⁶Radio speeches in behalf of John S. Battle. Copies of numerous radio speeches are included in the personal scrapbook of John S. Battle which was graciously loaned to the author for preparation of this dissertation.

Indeed, by clever political strategy, the Battle forces managed to turn Miller's attack on the Byrd machine to their own advantage. Miller's hatred of the machine caused him to make exaggerated charges against it. For example, Miller claimed the Byrd machine had subverted freedom in Virginia, socially ostracized its political opponents and was second only to the Kremlin as the most powerful and ruthless machine in the entire world.⁴⁷ Such reckless accusations played into the organization's hands, for it enabled them to portray Miller as a radical. Although by any objective standard, Miller could not be considered a radical, this was the image that was effectively presented to the Virginia voters. A letter was sent out to businessmen around the state asking them to support Battle and guard against "the election of Miller who has pledged himself to tear down all that Virginia has built up in the past 25 years. ...He will exert every ounce of strength to destroy the philosophy of government which has kept Virginia sound and solvent."⁴⁸ Miller was a radical, a wrecker who would bring revolution

⁴⁷Richmond News Leader, July 14, 1949.

⁴⁸J. V. Arthur to Businessmen of Virginia, No date, Hutchinson Papers, Box 17.

to Virginia. There was even a widespread whispering campaign in Northern Virginia that he was a Communist.⁴⁹

In contrast to the dangerous, unreliable Miller, John Battle was portrayed as the man Virginians could trust. Speech after speech on the radio made this point. Battle was "conservative," "safe," "sound," "reliable," and "sensible." Virginia would move forward under Battle, but only in desirable directions at a reasonable pace. As one supporter summarized the case, "With Senator Battle as Governor, the Commonwealth of Virginia can face the next four years with absolute confidence in continued progress and security."⁵⁰

To heighten the contrast between the 'radical' Francis Miller and the reliable John Battle, a decision was reached to portray Miller as a tool of outside labor forces who were bent on taking over control of Virginia. Senator Byrd had effectively employed the same political strategy in his 1946 Senatorial race against Martin Hutchinson, who Byrd claimed was being supported by the Political Action Committee of the Congress for Industrial Organization. Then Byrd had warned his fellow Virginians, "I cannot but have the feeling that unless

⁴⁹Robert Whitehead Speech, April 7, 1949, Whitehead Papers, Box 8. See also the Manassas Messenger, July 8, 1949. Interview with Louis Spilman, January 30, 1970.

⁵⁰These quotations are taken from radio speeches in behalf of John S. Battle. Copies in the personal scrapbook of John S. Battle.

the great mass of our citizens realize and are aroused to what the PAC is doing, and how they accomplish their objective, we may wake up some morning and find that the dictatorship of labor leaders has been so firmly established that the people will be a long time recovering control of their own government."⁵¹ Such scare tactics were effective even though the Times Dispatch told its readers that the horrendous CIO-PAC could not deliver more than 10,000 votes throughout the entire state.⁵² Organized labor was actually weak in Virginia but many believed it to be both potent and dangerous.

The years immediately following World War II were years of great turmoil concerning the rights and powers of the labor unions. The country was racked by strike after strike, and countless Americans were convinced that the labor unions had become entirely too powerful for the nation's safety. In this atmosphere, the Taft-Hartley bill was passed in 1946 over President Truman's veto. Virginia's response to organized labor dominated the administration of Governor Tuck.⁵³ Under Tuck's

⁵¹Quoted in Roebuck, "Virginia in the Election of 1948," 7.

⁵²Richmond Times Dispatch, July 17, 1946.

⁵³See William B. Crawley, Jr., "Governor William Munford Tuck and Organized Labor" (privately published Master's Thesis, University of Virginia, 1968).

prodding, three laws, all strongly opposed by organized labor, were passed by the General Assembly.

One act in 1946 made it unlawful to use violence on the picket line, to threaten anyone crossing the picket line, and required that all members of a picket line be authentic employees of the strike-bound company.⁵⁴ Taking advantage of the Taft-Hartley Act, Virginia passed the "Right to Work" law during a special legislative session early in 1947. This forbade the abridging of one's right to work because of membership or non-membership in a labor union and declared closed shop agreements illegal.⁵⁵ At the same session, the legislators overwhelmingly passed the Public Utilities Labor Relations Act. Before a work stoppage could occur in utility companies, certain conditions had to be followed, including notification to the Governor at least five weeks before the proposed strike or lockout. If the Governor was convinced that a strike would endanger the health, safety, or welfare of Virginia citizens, he could announce his intention to take over operation of the plant when the strike began.⁵⁶ This law was passed to avoid a repetition of

⁵⁴Crawley, "Tuck and Organized Labor," 21.

⁵⁵Anne Maxwell Richard, "The Virginia Gubernatorial Campaign -- 1949" (unpublished Master's Thesis, University of Alabama, 1950), 57.

⁵⁶Crawley, "Tuck and Organized Labor," 54.

a crisis the previous year when a threatened strike at the Virginia Electric Power Company was ended only when Governor Tuck threatened to draft the strikers into the National Guard.

As a member of the state Senate at the time, John Battle had voted for all three bills. Nevertheless, his record in the state Senate had been generally sympathetic to labor and Battle's early campaign strategy seems to have been to try to win reasonable support from organized labor. In February he wrote to a CIO leader that if elected he would have the Tuck labor laws "re-examined in the light of experience since their passage" and that he would "promptly recommend to the General Assembly the correction of any inequalities therein."⁵⁷

As the campaign progressed Battle decided it was politically wiser to become the champion of the Tuck labor laws than it was to court the labor vote which was lining up behind Miller anyway. Accordingly, he altered his strategy in a major campaign speech delivered in Roanoke at the end of May. In that speech

⁵⁷ John S. Battle to J. S. Gunn, February 8, 1949, Whitehead Papers, Box 8.

Battle called labor the number one issue of the campaign and demanded that Miller and Edwards make their views on the Tuck labor laws crystal clear. While the controversy over organized labor and the Tuck labor laws had played only a minor role in the campaign until Battle's speech, they quickly became the central issue and remained so throughout the rest of the campaign.

It had been a very hectic six months for John Battle. He had campaigned hard and long and yet the pace never seemed to slacken. Occasionally, he wondered whether it was worthwhile. Would he be the first Byrd organization candidate to be defeated for state-wide office? At times he feared he might, at other times he was confident of victory.⁵⁸ Only the final hectic month of the campaign would determine whether it was his hopes or his fears that were well founded.

⁵⁸Interview with John S. Battle, June 13, 1969.

CHAPTER V

THE FINAL PUSH TO VICTORY

July was the final and, as it turned out, the decisive month of the campaign. During the three previous months, John Battle's candidacy had made definite progress. His improved campaigning techniques, his detailed school program and his firm, favorable stand on the Tuck labor laws had all gained him additional support. Nevertheless, most experts still considered Francis Miller the front runner as the campaign entered its final month.

To overcome Miller's lead the Battle forces launched a coordinated four-pronged attack designed to produce victory on August 2. A concentrated effort was made to win Edwards' supporters back into the fold. Harry Byrd placed his enormous prestige squarely and openly behind John Battle. Miller was intimately identified with outside labor agitators in the minds of many voters. Finally, Virginia's Republicans were urged to enter the Democratic primary and vote for John S. Battle. All four merit further examination since their cumulative effect was decisive.

Horace Edwards had always posed a two-way threat to Battle. In the first place, he might simply defeat Battle at the polls.¹ Secondly, failing to do this Edwards might still cause Battle's defeat by taking away enough votes that normally would go to Battle to insure the election of Francis Miller. There is no doubt that except in the 9th district, Edwards' supporters strongly favored Battle over Miller.²

A clever strategy was devised by the Battle forces to minimize both threats posed by the Edwards candidacy. They cried over and over that Edwards had absolutely no chance to win. The real contest was between the responsible Battle and the radical Miller. Thus by supporting Edwards his voters were really aiding Miller. The slogan, "A Vote for Edwards is a Vote for Miller" was heard from one end of the state to the other. This tactic started a vicious cycle as far as Edwards was concerned. As the campaign tactic succeeded in pulling away some of his supporters, that in turn convinced still others that Edwards really couldn't win, and consequently they too

¹Though it must necessarily remain in the realm of conjecture, Edwards may well have triumphed over Battle in a head-to-head encounter. The campaign would not have focused on the Byrd machine, but most of Miller's supporters would have voted for Edwards as less under the control of the Byrd machine and as the more progressive of the two candidates.

²The results of the 1952 Senatorial primary make this clear. See chapter 9, "The Demise of the Liberals."

were tempted to go over to Battle.

To accelerate this process Byrd-organization supporters of Edwards were subjected to great pressure to change to Battle. "Ebbie" Combs was the leader of this phase of the Battle campaign and his position as Chairman of the State Compensation Board added extra power to his pleas in behalf of Battle. The kind of pressure that Combs was exerting can be seen in a letter written by the Commissioner of Revenue of Franklin County to his assistant. In part, the letter reads:

Mr. Combs, Chairman of the Compensation Board, who sets your salary and mine, ...is interested in seeing John S. Battle elected our Governor. Since Mr. Combs is a good friend of ours, I think it would be to our interest to get every vote we can for Mr. Battle.³

Edwards, disheartened at his waning support, became infuriated at Combs and lashed out at him for "perverting" the Board into "a political agency pure and simple." Edwards promised that if he were elected governor, Combs would be removed from his post,⁴ but this statement probably caused him to lose even more organization support.

³Cam B. Perdue to Ben R. Dillon, July 19, 1949. Copy in Whitehead Papers, Box 13. Unfortunately for Miller's election chances, a copy of this interesting letter did not become public until some time after the 1949 primary was history. (If it had become public knowledge during the campaign, it would have given Miller's candidacy a large boost because it offered concrete evidence of the pressure the machine was putting on its adherents to support Battle.)

⁴Richmond Times Dispatch, July 13, 1949.

Of course, there was no doubt that John Battle was Harry Byrd's personal preference for governor. Nevertheless, Byrd had always followed the policy of not openly interfering in any Democratic primary. On July 9, however, against the advice of some of his lieutenants who feared it might backfire,⁵ Byrd broke his own longstanding rule. Speaking at a political rally at Harrisonburg, Byrd warmly endorsed Battle and warned conservatives that by splitting their vote they might give the election to "a CIO-supported candidate" (Miller was not mentioned by name).⁶ Naturally, the speech was headline news around the state. The speech, almost identical to those he made against Hutchinson in 1946, infuriated the liberals who insisted the charge had no foundation in fact. Hutchinson demanded: "It is about time the Senator either 'put up' or 'shut up.'"⁷

A few days later John Battle charged he had proof that outside labor agitators were interfering in Virginia on Miller's behalf. Taking the bait, Francis Miller called Senator Battle on the phone and demanded that Battle give proof to support his charges of out-

⁵Interview with William C. Battle, December 16, 1969.

⁶Richmond Times Dispatch, July 10, 1949.

⁷Ibid., July 12, 1949.

side labor interference.⁸ Such a request was just what the Battle forces wanted, for they had gotten hold of a devastating letter written by James C. Petrillo, President of the American Federation of Musicians, and were waiting for the proper time to make the letter public.⁹ On the afternoon of July 17 they made public the proof asked for by Miller forces.

The letter caused a sensation. James Petrillo, with the possible exception of John L. Lewis, was the most hated labor leader in America. "Czar" Petrillo typified to thousands of rural Virginians just what was wrong with the American labor movement. Now this man, a native of Illinois, dared to write to his union members in Virginia stating that "it is most important that you lend your support to Francis Pickens Miller, a liberal and progressive anti-machine candidate."¹⁰ The Battle forces had been warning Virginians of the threat posed by outside labor for some time. This letter irrevocably identified Miller with them and nothing he could do in the

⁸Norfolk Virginian-Pilot, July 17, 1949.

⁹Interview with James Latimer, November 20, 1969. Mr. Latimer stated the Petrillo Letter was in the hands of the Battle forces "for quite awhile" before it was made public.

¹⁰A copy of the Petrillo Letter is in the personal scrapbook on John S. Battle. See also Richmond Times Dispatch, July 19, 1949.

remaining two weeks would change this fact. Never mind that there were hardly enough Petrillo union members in the entire state "to elect a justice of the peace."¹¹ Never mind that Miller publicly and completely disavowed the letter.¹² Never mind that outside labor control was a bogus issue, as freely admitted later by Governor Battle himself.¹³ Bogus issues are sometimes the most effective issues in a campaign, and it is certain the Petrillo letter dealt Miller's candidacy an extremely severe if not fatal blow.

In the midst of the hassle over outside labor interference, another bombshell was dropped on Virginia's political battlefield. Strangely enough, it dealt with the Republican party. Although stronger in Virginia than in most other Southern states,¹⁴ the Republican party was still extremely weak in Virginia in 1949. Only ten members of Virginia's 140-member General Assem-

¹¹Norfolk Virginia-Pilot, July 19, 1949. At most there were only several hundred members of the American Federation of Musicians in Virginia. Robert Meade speech, July 30, 1949, Whitehead Papers, Box 8.

¹²Richmond News Leader, July 18, 1949. In fact, the liberals returned money donated by national labor unions. Interview with Louis Spilman, January 30, 1970.

¹³Interview with John S. Battle, September 25, 1969. Naturally the liberals ridiculed the idea, but most major newspapers took the charge seriously. Only the Norfolk Virginia-Pilot referred to the "fake issue of alienism," July 19, 1949.

¹⁴Wilkinson, Harry Byrd..., 203.

bly were Republicans. None of Virginia's representatives in Congress was Republican and the Republicans had no chance of winning a statewide office. Their candidates for governor had polled less than 25% of the vote in the gubernatorial elections of 1933, 1937, and 1941. Their best showing had been made by Floyd Landreth from Carroll County who ran against William Tuck in 1945 and polled 52,000 votes, nearly a third of the total.¹⁵ Their one area of strength was concentrated in about a dozen counties in the western part of the state; most Republican officeholders came from this area.

Prior to 1949, the Republicans had always nominated their candidates for governor, lieutenant governor and attorney general in a state convention. In an effort to stimulate interest and increase membership in the party, the Republicans decided to nominate their candidates in a statewide primary which would be held on the same day as the Democratic primary. The high hopes of the innovators were soon dashed.¹⁶ To have an exciting primary the positions must be contested, and unfortunately, only Walter Johnson, Commonwealth's Attorney for Northum-

¹⁵State Board of Elections. Statement of the Vote for Governor, General Election, 1933, 1937, 1941, 1945 (Richmond: Division of Purchase and Printing, 1933, 1937, 1941, 1945).

¹⁶The experiment of a statewide primary turned out so poorly that the Republicans immediately went back to choosing their candidates in state convention, a system they have followed to the present.

berland County, entered the primary for governor. No one at all announced for the position of Attorney General. Finally two men, E. Thomas McQuire and Berkely Williams, announced for lieutenant governor, insuring at least one contest to be decided by the Republican voters.

In the past many Republicans had voted in the Democratic primary, but most commentators had assumed that since a Republican primary was being held the same day, Republican voters would naturally vote in the Republican primary. This assumption was challenged by Henry A. Wise, a prominent Republican and one-time opponent of Senator Byrd. Wise, shortly after a confidential meeting with Senator Byrd,¹⁷ openly urged his fellow Republicans to boycott their own primary and enter the Democratic primary in order to vote for John Battle. He explained why such a drastic step was necessary.

Resenting outside interference and the threat of dictatorship, I feel that it is the duty of every citizen of this Commonwealth, regardless of past party affiliations, to join in the effort to repel this unholy invasion by aliens into our domestic affairs, and that by an overwhelming vote for John S. Battle we serve notice upon all such meddlers that we will forever rest our foot upon the tyrant's neck.¹⁸

¹⁷ Interview with Louis Spilman, January 30, 1970. In his "Memoirs," Miller states unequivocally that Byrd and Wise made a deal. In return for 50,000 Republican votes in the primary, Byrd was to use his influence to persuade the Virginia delegates to the Republican National Convention to support Robert Taft for the presidency. Chapter 14.

¹⁸ Richmond News Leader, July 14, 1949.

There was an irony in Wise's plea for Battle of which even the participants were unaware. Ninety years before, their grandparents had a comparable contact. Henry Wise's grandfather had been the Governor of Virginia at the time of John Brown's raid. In the tense atmosphere that followed the raid John Battle's grandfather, Cullen Battle, had offered to come to the aid of Wise and Virginia by sending in troops from Alabama. In that situation Wise had replied sharply to Battle's offer, "Virginia can defend herself."¹⁹

Now the grandsons had reversed roles. A Wise was offering aid to a Battle. The response was also different, for Battle did not refuse the offer of aid. Overcoming his personal distaste for Republicans, Battle called Wise's statement "highly patriotic," and made it clear he would welcome Republican support.²⁰

Naturally, the liberals were extremely upset at this development, for they knew that large-scale voting by the Republicans in the Democratic primary could spell defeat for their candidate. Robert Whitehead said best what all the liberals were thinking. "I must say that I was shocked when Senator Battle, who has held office for years as a Democrat, welcomed Republicans into

¹⁹See Chapter One.

²⁰Richmond News Leader, July 14, 1949.

our primary, and invited a violation of the law. He must be desperate. ...He evidently feels that his only hope of winning is to give the Democrats a heavy and copious transfusion of unmatched Republican blood."²¹

All four major events in the final month -- the Edwards decline, the Byrd endorsement, the Petrillo letter, the Wise proposal -- had aided Battle, but only election day would reveal if they had brought him victory. In July the Miller forces began to show signs of anxiety. The astute Hutchinson now tempered his earlier predictions of victory with the qualifying words, "provided the Republicans stay out of the primary."²² In desperation, Louis Spilman, Miller's campaign manager, went to see both Horace Edwards and Rennie Arnold and urged them to withdraw in favor of Miller.²³ Both refused. The four candidates would stay in the race until the bitter end, and the experts were quick to admit they could not confidently forecast.²⁴

²¹Robert Whitehead speech at Alexandria, July 21, 1949. Whitehead Papers, Box 8.

²²Hutchinson makes this point numerous times. Hutchinson Papers, Box 16.

²³Interview with Louis Spilman, January 30, 1970.

²⁴To show the complete bafflement among the experts, Virginius Dabney wrote on the day of the election: "Edwards has come up so rapidly that some people are saying he will be second. Others are even predicting he will win." Virginius Dabney to Caskie Norvel, II, August 2, 1949, Dabney Papers, Series K, Box 9.

At last, on August 2, 1949, the people had a chance to have their say. Approximately 316,000 Virginians went to the polls, easily a new record for a primary election and more than double the 1945 total. The previous primary record of 223,000 had occurred in 1946 when Byrd defeated Hutchinson for the United States Senate.

The results proved again the tremendous staying power of the Byrd machine. John Battle, while only receiving a plurality of the vote, won by a comfortable margin over his nearest competitor. The official tally produced these results.²⁵

	<u>Votes Received</u>	<u>Percentage</u>
John S. Battle	135,426	43
Francis Pickens Miller	111,697	35
Horace Edwards	47,435	15
Remmie Arnold	22,054	7

In view of the many obstacles that had to be surmounted the Battle victory was decisive and impressive. John Battle carried the large majority of Virginia's one hundred counties (see map, p. 99).²⁶ Surprisingly, he won a clear majority in forty-four of the counties, most of them in the northern half of the state (see

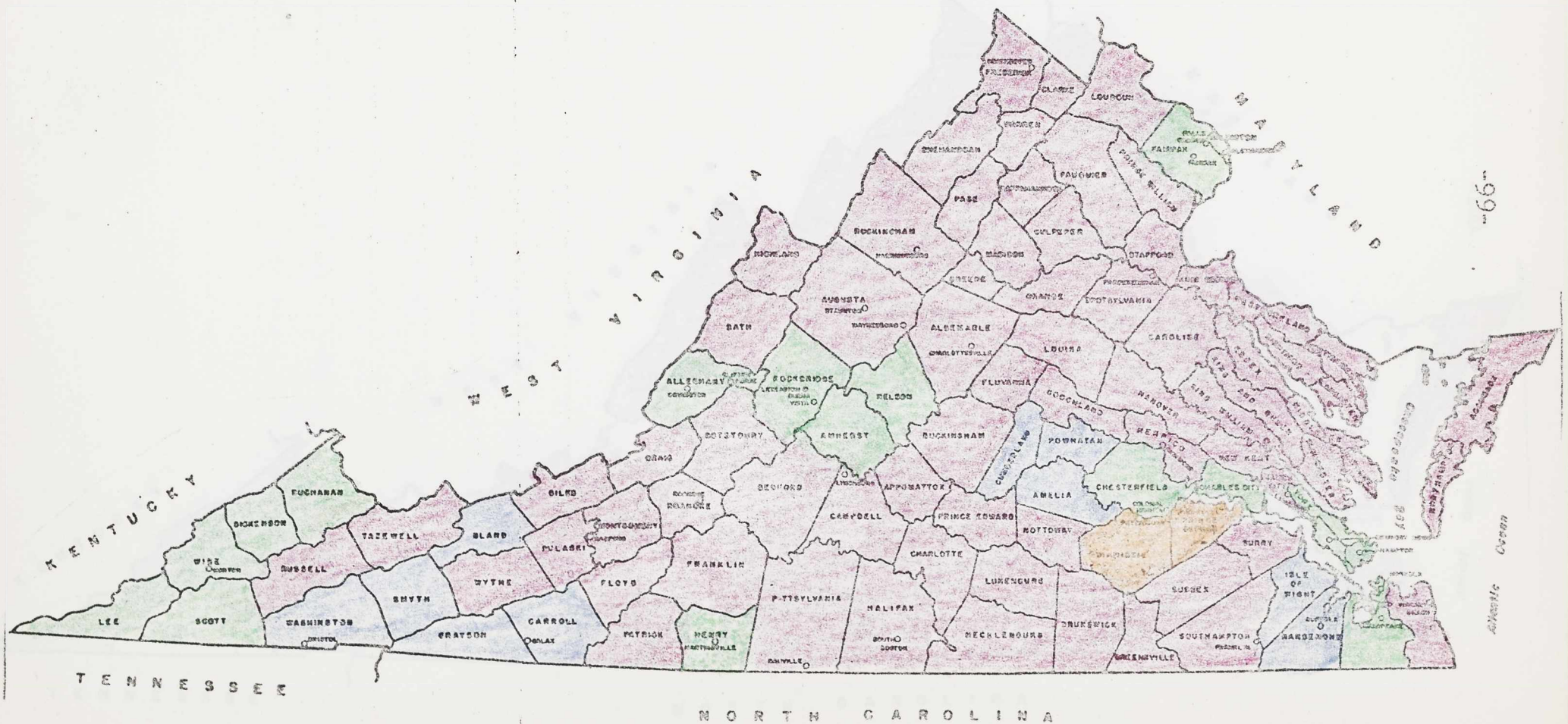
²⁵State Board of Elections, Statement of the vote for Governor, Democratic Primary, August 2, 1949 (Richmond: Division of Printing and Purchase, 1949).

²⁶The figures given here and in the following pages all come from the official results of the August primaries and November general election. State Board of Elections, Statement of the Vote for Governor, Democratic and Republican Primaries August 2, 1949; General Election, November 8, 1949 (Richmond: Division of Purchase and Printing, 1949).

1949 DEMOCRATIC PRIMARY

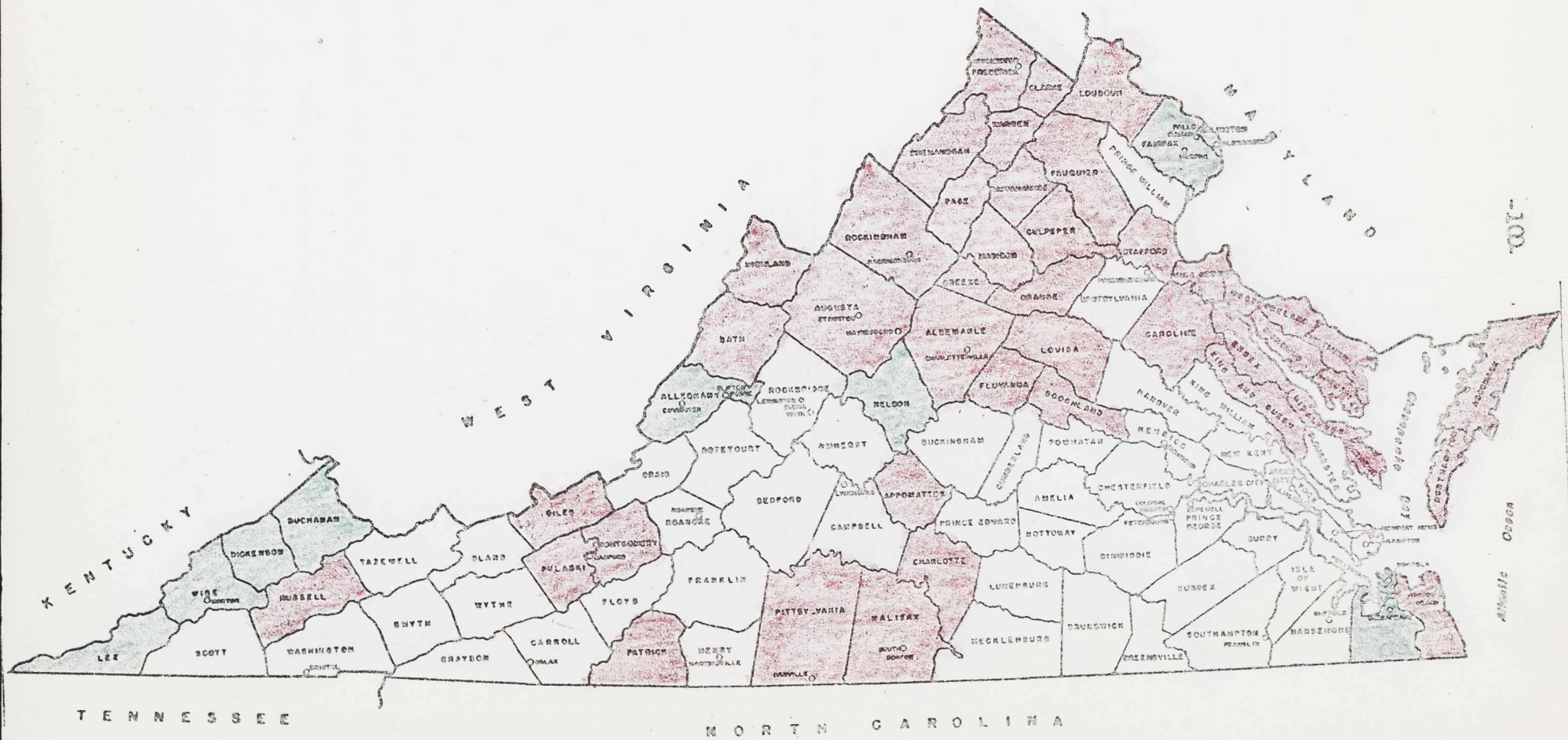
Counties Carried by Candidates

- John Battle
- Francis Miller
- Horace Edwards
- Rennie Arnold



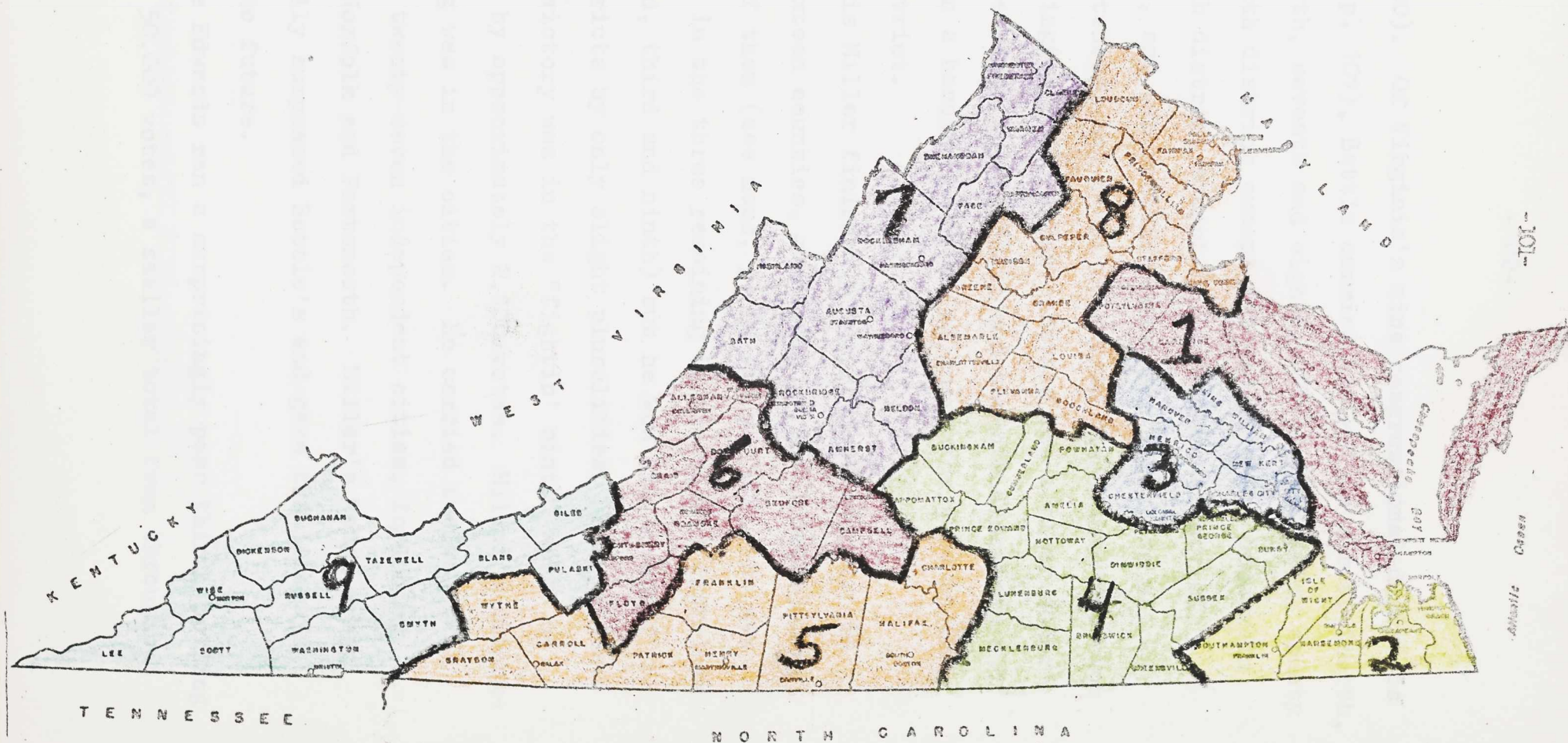
Counties where Battle or Miller received an Absolute Majority

- John Battle
- Francis Miller



VIRGINIA'S NINE CONGRESSIONAL DISTRICTS

1949



map, p. 100). Of Virginia's nine congressional districts (see map, p. 101), Battle carried six -- the first, fourth, fifth, sixth, seventh and eighth. He carried every county in the sixth district except Alleghany, every county in the seventh district except Miller's home county of Rockbridge, and two counties under the influence of Robert Whitehead, and every county in the eighth district except Arlington and Fairfax. Battle won a clear majority of the votes in the fifth and seventh districts and came within a handful of votes of doing the same in the eighth district.

Francis Miller finished a respectable second. He carried sixteen counties, receiving an absolute majority in eight of them (see maps, p. 99 and p. 100). He was the victor in the three remaining Congressional districts (the second, third and ninth) but he won all three of these districts by only slight pluralities. His largest margin of victory was in the "fightin' ninth" where he led Battle by approximately 2,100 votes. Miller's strongest showing was in the cities. He carried twelve of Virginia's twenty-seven independent cities, including Richmond, Norfolk and Portsmouth. Miller's total urban vote actually surpassed Battle's and gave the liberals hope for the future.

Horace Edwards ran a surprisingly poor third, polling fewer than 50,000 votes, a smaller total from throughout

the entire state than Francis Miller received in the cities alone. Edwards carried ten counties, five in the western part of the state, three near Richmond, and his native Isle of Wight and neighboring Nansemond county where he had the active support of a rising, young politician, Mills E. Godwin.²⁷ Despite his emphasis on urban problems, Edwards did even comparatively worse in Virginia's cities than he did in the counties. He carried only the city of Bristol and received less than 13% of the urban vote as compared to slightly more than 16% of the county vote. His disastrous showing in his home city of Richmond, where he had just finished his term as Mayor, was symbolic of the catastrophe that struck Edwards around the state. Edwards did not carry a single precinct in the city and his meager total reached only 4,264. Even lowly Rennie Arnold received over 3,200 votes while the combined votes of Miller and Battle exceeded 25,000.

Rennie Arnold did about as everyone but Rennie Arnold expected. He received less than a hundred votes in each of seventy-two counties! He carried two counties, his home county of Dinwiddie (by five votes) and neighboring Prince George (by twelve votes). Doing compar-

²⁷Wilkinson, Harry Byrd..., 95.

atively better in the cities, Arnold managed to carry his home city of Petersburg and also nearby Colonial Heights.

Why did John Battle win the 1949 primary against the determined challenge mounted by Miller and Edwards? There were several reasons, but the most important was that large numbers of Republicans entered the Democratic primary and voted for John S. Battle. The liberals were the first to make this charge, but they were not the only ones. Ted Dalton, dynamic Republican leader, made the same point:

Strange as it may seem, the Republican party in Virginia, although dead on its feet, last year was the deciding factor in the election of John S. Battle (Democrat) as Governor. ...Republicans everywhere in the State, and particularly in the western part where we have considerable strength, deserted our own first gubernatorial primary and flocked to the Democratic primary to support Battle. ...The Byrd organization may deny that it owes its political life in the state government to the Republicans... but the county and precinct political workers know better.²⁸

In fact, two of Virginia's most prominent newspapermen and general supporters of the organization also agreed with this judgment, although they did not say so publicly at the time. Long after the event James Jackson Kilpatrick observed: "The organization limped from the polls in August, battered but victorious, with the help

²⁸Washington Post, September 3, 1950.

of Republicans who swarmed to the polls."²⁹ Virginius Dabney was even more specific in private correspondence. Writing about Francis Pickens Miller to the editor of Look magazine, he described Miller as "the anti-machine candidate who almost defeated the Byrd candidate in the gubernatorial contest of 1949, and would have done so, had not some thousands of Republicans voted for Miller's successful opponent in the Democratic primary."³⁰

Although it is impossible to know how many Republicans voted in the Democratic primary, the official statistics support the assertion that their number was decisive. While 316,000 Virginians were casting their ballots in the Democratic primary fewer than 9,000 of their fellow citizens voted in the Republican primary. This is a ratio of 34 Democratic votes for every Republican vote, and though Virginia was a one-party state in 1949, it was not that much of a one-party state!

An examination of ten Republican counties (see map, p. 106) is most revealing. All ten went for Thomas Dewey in 1948 and Dwight D. Eisenhower in 1952. Furthermore,

²⁹James K. Kilpatrick Speech at Longwood College, 1962, Kilpatrick Papers, Series B, Box 11.

³⁰Virginius Dabney to Stephen White, April 30, 1952, Dabney Papers, Series H, Box 9.

they all gave at least 40% (usually more) of their vote to the Republican candidate in each of three gubernatorial elections -- 1945, 1949 and 1953.³¹ Yet, as the following chart shows, 87% of the voters in these Republican counties chose to cast their ballot in the Democratic primary.

COUNTY	TOTAL VOTE IN REPUBLICAN PRIMARY	TOTAL VOTE IN DEMOCRATIC PRIMARY
	<u>August 2, 1949</u>	<u>August 2, 1949</u>
Carroll	260	1,038
Floyd	129	324
Grayson	470	1,937
Lee	292	2,570
Montgomery	187	1,897
Scott	465	2,029
Smyth	98	1,424
Tazewell	190	2,165
Washington	182	1,806
Wythe	116	1,644
	<u>2,389</u>	<u>16,834</u>

It is also worth noting that in these ten counties, all located in the western part of the state where the Byrd organization is weak, John Battle polled more votes than either Francis Miller or Horace Edwards. The figures in Montgomery and Wythe counties are particularly interesting. Only 300 voters entered the Republican primary while over 3,500 votes were cast in the Democratic primary. Furthermore, John Battle received approximately 2,000 of the Democratic votes while neither of his major opponents won even 750 votes.

³¹ See official Statement of the Vote for each of the elections mentioned.

The situation was much the same elsewhere around Virginia. In more than half the counties in the state, fewer than forty votes were cast in the Republican primary. In the general election, however, the Republican candidate received more than forty votes in every county in the state. In fact, the Republican vote increased from 9,000 in the primary to 72,000 in the general election. At the same time the Democratic vote decreased markedly from 316,000 to 185,000. Of course, many Republicans did not vote in August and did vote in November. Many Democrats who voted in August did not bother to vote in November since the result was certain and other disgruntled Democrats probably voted for Johnson. Still it is clear that many Republicans followed the thinking of Henry Wise who supported Battle in August and Walter Johnson in November.³²

Certainly, for Republicans to vote in the Democratic primary was technically illegal, although the Attorney General consistently ruled it was permissible for a Democrat to vote Republican in presidential elections and still remain a Democrat as long as he voted for Democrats

³²The estimates of the number of Republicans voting for Battle in the August primary ran as high as 65,000. Lloyd Robinette to Martin Hutchinson, April 20, 1950, Hutchinson Papers, Box 18.

at the state and local level.³³ Nevertheless, even Virginia Republicans voted in the Democratic primary with a clear conscience, for, in fact, the closed primary had long ago become a fiction.³⁴ Republicans had regularly entered the Democratic primary in the past. Nineteen-forty-nine saw the Democrats engaged in the most exciting political contest in Virginia in memory. In contrast, the Republican primary aroused no interest at all. Most Republicans wanted to participate in the exciting and important primary. Since they were generally sympathetic with Battle's philosophy, it was natural that they would vote for him.

The deed was not quite as reprehensible as the liberals made it out to be. People viewed the Democratic primary then about as they view it today. Technically, voters in the Democratic primary pledge themselves to vote for the Democratic nominee in the general election, but in 1969 thousands of Henry Howell's supporters in the Democratic primary voted for Republican Linwood

³³The logic behind such a ruling was that presidential "electors" were not technically "nominees" of the party and did not come under the rule of the party that stated to be a Democrat you must vote for the nominees of the party. The liberals constantly inveighed against such self-serving interpretations of the party rules, but all to no avail.

³⁴An editorial in the Charlottesville Daily Progress, April 2, 1953, deals with this subject. See also April 25, 1953.

Holton, providing his margin of victory over William Battle, the Democratic nominee who also happened to be Governor John Battle's son.

While Republican votes were a major reason for the Battle victory, another very important reason was the poor showing made by Horace Edwards. Why did Edwards do so poorly? Certainly, his close identification with a sales tax hurt him. This was especially true after Battle convincingly demonstrated that the school crisis could be solved with the available funds. Yet, this is not the whole story. More important, Edwards' crushing defeat was caused by a wholesale desertion by his supporters in the last few weeks. Byrd's confidential poll a few weeks before the election showed Edwards receiving slightly more than 75,000 votes.³⁵ In other words, approximately 40% of his support was taken away from him in a matter of weeks.

Certainly this hemorrhage of votes is testimony to the political skill of the Byrd organization. If those 30,000 votes had stayed firm for Edwards, then Miller would have won the nomination in spite of Republican votes for Battle. To win, Battle needed help from both the Republicans and the Edwards supporters. Why these

³⁵Interview with Paul Saunier, Jr., November 29, 1969.

two groups threw their support to Battle holds the key to analyzing the outcome of the 1949 governor's race.

Essentially, they did so because both groups feared a Miller victory. They did not vote for Battle as much as they voted against Miller in order to prevent what they believed would be a disaster for Virginia. They felt this way because they accepted the Byrd machine description of Miller as a dangerous radical. The Petrillo letter was so devastating to Miller precisely because it gave concrete "proof" that he was a radical and intricately linked him with outside labor agitators. It was a major political blunder for Miller not to make every effort to assuage these fears, however groundless they were in fact. So sure of his own rectitude, Miller found it impossible to believe that many Virginians would accept the opposition's portrayal of him.

There were other important reasons for Battle's victory. The skill and resources of the Byrd machine have been alluded to earlier. Specific attention must also be given to its leader, for Senator Harry F. Byrd did considerably more during the course of the campaign than make a pro-Battle speech at Harrisonburg on July 9th. He was active in the campaign from the beginning to the end, but the full extent of his activity, since it was primarily behind the scenes, will probably never be known.

Before John Battle announced his candidacy, he discussed the situation with Senator Byrd, something that had become almost a ritual in Virginia. So influential was Byrd that if Battle had not received Byrd's unqualified endorsement, he would not have entered the race.³⁶ To help Battle, Byrd had tried to convince Horace Edwards to wait until another time. When Byrd heard that Rennie Arnold was planning to make the race, he called Arnold to his Berryville home and attempted to dissuade him.³⁷ Byrd was almost definitely the decisive factor in Stanley's decision to wait until 1953. He also aided Battle financially. Although the exact sum is not known Battle was once reminded how Senator Byrd had "made a very, very, substantial contribution" to aid the campaign.³⁸

Most revealing is the story of Senator Byrd and Congressman Watkins Abbitt which may well be typical of the behind-the-scenes activities of the Senator. Surprising

³⁶Interview with John S. Battle, April 10, 1969.

³⁷Richmond Times Dispatch, July 18, 1949.

³⁸G. Fred Switzer to John S. Battle, April 1, 1966, Battle Papers, Box 6. (Emphasis in original).

in view of his later conservatism, Watt Abbitt ran for Congress in 1948 as a liberal with a remarkably progressive platform. His campaign flyers urged the electorate to "Vote for the candidate supported by Labor, Negro, and Independent voters throughout the 4th Congressional District."³⁹ Maintaining close ties with Martin Hutchinson, and supported by other liberals, Abbitt seemed to be on the point of endorsing Francis Miller for governor after Miller's February 10th address, "To Set Virginia Free." At any rate, on February 11 he was on the verge of coming out for either Miller or Edwards⁴⁰ when Senator Byrd went into action. The story is best told in the words of the major participant, a leading Virginia business executive who later wrote Governor Battle:

It was my honor and pleasure in 1949 to be called, of all the people in our district, by our beloved Senator Byrd to Washington to use what limited influence I had on Watt Abbitt in your behalf, when Senator Byrd had occasion to believe that Watt was on the verge of supporting another candidate. I received the message at about 5 p.m. and was with the Senator in his Shoreham Hotel apartment from about 10:00 p.m. until almost 1:00 a.m. Being convinced that no time could be lost, I felt it necessary to awaken Watt immediately after that at the Raleigh Hotel, which I did.

³⁹Copies in the Hutchinson Papers, Box 16.

⁴⁰James Latimer, Paul Saunier, Jr. and Randolph Perry all doubt very much that Abbitt would have come out for Miller, a judgment Miller himself concurs with. Nevertheless, the available evidence appears to indicate that this is what Abbitt was considering.

It was 4:30 a.m. before I could leave him with the satisfaction that he would be on our side. It was an amazing coincidence that the very following day his brother became your campaign manager for Appomattox County.⁴¹

If Senator Byrd was active behind the scenes in this manner in February, he must certainly have been active at the climax of the campaign. There is evidence that Henry Wise acted with at least Byrd's blessing and quite likely at Byrd's request.⁴² Though in Washington much of the time, Byrd had his lieutenants in each of Virginia's hundred counties constantly feeding back information to him. He was always on top of the situation.⁴³

A final reason for a Battle victory was John Battle himself. Certainly Battle was the strongest candidate whom the organization could have fielded. Quite likely,

⁴¹Wilfred G. Epes, Jr., to John S. Battle, August 30, 1952, John S. Battle Executive Papers, Virginia State Library, Richmond, Virginia, Box 21. Since Mr. Epes sent copies of this letter to both Senator Byrd and ex-Governor Tuck, there can be little doubt of the accuracy of the account as he relates it.

⁴²Interview with Louis Spilman, January 30, 1970. See footnote 17, p. 95.

⁴³Interview with John S. Battle, September 25, 1969.

he was the only candidate who could have carried the machine standard to victory, and for this reason the organization owed as much to Battle as he owed to the organization.⁴⁴ His integrity, ability and experience were such that they could not be gainsaid by his opponents. John Battle was a man who wore well with the voters. His tall, dignified appearance made him look like a governor. As the campaign developed, he began to sound like a governor. And, on August 2, 1949, the people of Virginia determined that he would be a governor.

⁴⁴Article by James Latimer, Richmond Times Dispatch, August 6, 1949; Interview with Paul Saunier, Jr., November 29, 1969; Charlottesville Daily Progress, April 13, 1949.

GOVERNOR BATTLE'S INaugural Address, PART 1

In his Inaugural Address on January 18, 1950, John Battle reiterated a promise he had made countless times in the final months of his campaign. "I make a

SECTION III

JOHN BATTLE AND THE STATE SCENE

solemn promise that, if elected Governor, by whatever means and by whatever endeavor will be to see that every child in Virginia, irrespective of where he lives, shall have the opportunity for a sound public school education. Emphasizing the promise was not "mere campaign rhetoric," Battle's first priority was the improvement of Virginia's public school system. His Inaugural Address made that purpose clear. Approximately two-thirds of the substantive part of Battle's address was devoted to the crisis in the public schools and to outlining some of the programs designed to alleviate the crisis. None of the other state problems was given more than perfunctory mention.

¹This promise was repeated on his widely used campaign pamphlet, "John Battle's School Program for Virginia." Copy in Special Series, Box 4. This box also contains a copy of Governor Battle's Inaugural Address.

CHAPTER VI

AN UNEVEN RECORD:

GOVERNOR BATTLE'S LEGISLATIVE PROGRAM, PART 1

(In his inaugural address on January 18, 1950, John Battle reiterated a pledge he had taken countless times in the final months of the 1949 campaign. "I make a solemn promise to the people of Virginia that, if elected Governor, my paramount concern and earnest endeavor will be to see that every child in Virginia, irrespective of where he lives, shall have the opportunity for a sound public school education."¹) Insisting the promise was not "mere campaign oratory," Battle's first priority was the improvement of Virginia's public school system. His inaugural address made that perfectly clear. Approximately two-thirds of the substantive part of Battle's address was devoted to the crisis in the public schools and to outlining some of his programs designed to alleviate the crisis. None of the other state problems was given more than perfunctory comment. *

¹This promise was printed on his widely used campaign pamphlet, "John S. Battle's School Program for Virginia." Copy in Whitehead Papers, Box 4. This box also contains a copy of Governor Battle's inaugural address.

The problems in Virginia's public schools were of truly monumental proportions.² By almost any measurement, the public school system was in dire trouble. This was notably true in the area of school construction where Virginia was hopelessly behind in her building program.³ Much necessary school construction had been postponed during the depression decade of the 1930's and then during the early 1940's as the country girded itself for total war in Europe and Asia. Conditions following the war were also not conducive to large-scale school construction. Materials were still relatively scarce and a backlog of other building needs competed with the schools for available material. Construction costs rose markedly. A third cause of concern was the post-war "baby boom." Virginia's soaring birth rate threatened to inundate an elementary school system which already suffered from gross overcrowding and poor facilities.

²I will be discussing the problems of Virginia's public schools as a whole. Of course, there were tremendous differences between various Virginia localities and some schools, notably in Northern Virginia, were quite good. As an example of the wide difference, Falls Church spent \$231.56 per pupil in the school year 1948-49. Yet, 28 counties, mainly located in southwest Virginia, spent less than half of the national average which was \$204.50. Richmond Times Dispatch, April 8, 1951.

³This is discussed in the Manassas Messenger, April 15, 1949.

G. Tyler Miller, Superintendent of Public Instruction, emphasized the need for new buildings. "The need for replacement of outmoded buildings is evidenced by the fact that elementary children are attending 1,706 schools which are twenty years old or over, and 513 that are over forty years old. Over one-third of the enrollment is housed in one-two-and three room buildings with relatively few modern conveniences."⁴ Many of the schools had improper sanitation facilities, outdoor water supplies, and old-fashioned wood stoves as their sole source of heat.⁵ During the winter some teachers had to march the children around the classroom in an effort to keep them warm!⁶

The utilization of such dilapidated buildings still did not provide enough room for the children. Auditoriums, hallways, abandoned stores and church basements were all employed in the effort to find adequate space. Nevertheless, a number of school districts were forced to resort to double shifts which meant children could only

⁴Annual Report of the Superintendent of Public Instruction, 1948-49 (Richmond: Division of Purchase and Printing, 1949), 24.

⁵Richmond News Leader, December 31, 1952.

⁶Mrs. Mae Hunter to John S. Battle, March 18, 1952, Battle Executive Papers, Box 20.

attend school for half a day. During 1951, the first year for which specific figures are available, 35,000 elementary school children attended double shifts. Another 15,000 were in classes with an enrollment in excess of fifty students per class. Only one child in three was fortunate enough to be enrolled in classes with thirty or fewer students.⁷ The problems of overcrowding persisted throughout the forties even though the public school enrollment remained essentially constant.⁸

Unfortunately, the teacher crisis was as severe as the building crisis. An alarming number of teachers possessed inadequate academic training. For the 1947-48 school year, nearly half of all white teachers did not have a college degree!⁹ In white elementary schools, it was actually a rarity for a teacher to hold a collegiate certificate.¹⁰ Over 3,100 teachers in 1948-49, approximately 15% of the total, were not certified at all.¹¹

⁷Annual Report, Superintendent of Public Instruction 1951-52, 29-30.

⁸The enrollment in 1940-41 was 574,439 pupils and in 1948-49 it was 583,728. Annual Report, Superintendent of Public Instruction 1967-68, 279.

⁹Annual Report, Superintendent of Public Instruction 1948-49, 182.

¹⁰For example, in 1951 only 6% of Virginia's elementary teachers possessed a collegiate certificate. Virginia Journal of Education, February 1954, 15. One needed a college degree to qualify for a collegiate certificate.

¹¹Annual Report, Superintendent of Public Instruction 1948-49, 180.

The scarcity of teachers forced some localities to hire literally almost anybody they could find. It was not unusual in rural counties for the elementary teacher to have had no formal education other than that offered by the town's local high school.

Crowded into outmoded buildings and taught by unqualified teachers, Virginia's children paid a heavy price. As Superintendent Miller reported, "Maladjustment of many elementary children is continually noted in irregular attendance, non-enrollment, drop-outs, aggressive anti-social behavior, and unsatisfactory achievement in school." As evidence of the "unsatisfactory achievement in school" Miller noted that "in 1947-48 there were 12,923 children fifteen years of age and over enrolled in elementary school. There were 118,574 children who were two years or more overage for their groups." Of the children who had enrolled in the first grade in 1941-42, only 55% progressed satisfactorily and entered the seventh grade in 1947-48.¹² To make even an appreciable dent in the face of such overwhelming problems would be a monumental task.

As he indicated during the campaign, Governor Battle decided that the first major attack should be directed

¹²Annual Report, Superintendent of Public Instruction 1948-49, 180.

against the crisis in school construction. The crux of the Battle program was contained in House Bill 96, a bill which would make available to the localities grants totaling 45 million dollars to aid them in school construction. Thirty million dollars were to be available for 1950-51 with the remaining \$15 million allocated for 1951-52.¹³ Anxious to make the money available as soon as possible, Battle had the program set up as a special appropriations bill which he asked the General Assembly to pass with an emergency clause. An act with an emergency clause became effective immediately, rather than on July 1, 1950, but it required a four-fifths majority in both Houses in order to pass.

For a while it appeared doubtful that Governor Battle would be able to muster such a majority behind his proposal, for considerable opposition developed against one of the major aspects of Battle's program. Battle, as he had indicated he would do during the campaign, proposed that the \$45 million be given to the localities as outright gifts from the state. There would be no matching requirements from the localities. The absence of required matching funds rankled many Virginians. Both of Richmond's leading newspapers were extremely critical of

¹³Virginia, Acts of the General Assembly, 1950 (Richmond: Division of Purchase and Printing, 1950), 12.

Battle's proposal and warned of all sorts of dire consequences ranging from the sapping of all local initiative to the eventual take over of the school system by Richmond. (See cartoon next page)!¹⁴

As one critic wrote, "I believe it is a bad precedent to establish, and that it will open a flood gate of demands on the state government by the local communities which in time will bankrupt our State Treasury and make the communities in a great measure lose local prestige and self-respect."¹⁵

In the state Senate the attack was led by Edward O. McCue, Jr., of Charlottesville. McCue's attack surprised many, including Governor Battle,¹⁶ for McCue had just entered the Senate, being chosen to serve out the remainder of John Battle's term. Sixteen years previously he had taken John Battle's seat in the House of Delegates when the latter was elected to the Senate. During the campaign McCue had been a staunch Battle supporter although his support might have been motivated in part by the realization that Battle's election would make it possible for McCue to advance to the Senate.^{16a} Now he severely attacked Battle for proposing the same program as Governor which

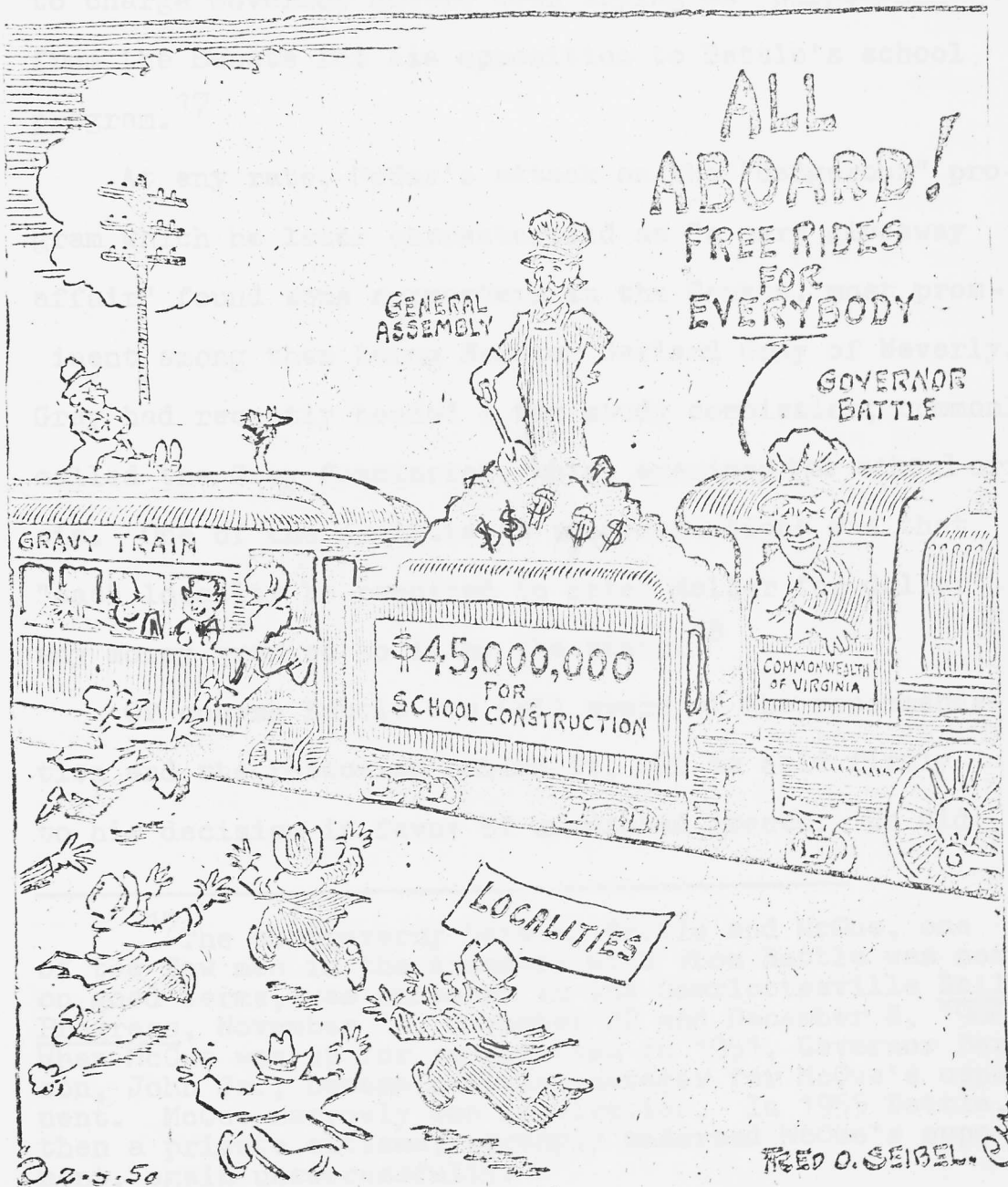
¹⁴Richmond Times Dispatch, February 5, 1950.

¹⁵E. D. Turner to Ed. O. McCue, Jr., January 27, 1950. Copy in the Battle Executive Papers, Box 33.

¹⁶Interview with John S. Battle, April 10, 1969. Battle said the first he knew of it was when someone came running into his office shouting that McCue was attacking his school plan on the Senate floor. See also Richmond News Leader, January 24, 1950.

^{16a}According to one close observer McCue's actions were in large part motivated by personal jealousy of Battle. Personal interview. Name withheld by request.

'A Hell of a Way to Run a Railroad'



Richmond Times Dispatch, February 5, 1950

Battle said he would propose while campaigning. McCue's maiden Senate speech led to permanently strained relations between himself and Battle, and later led McCue to charge Governor Battle with trying to "purge" him from the Senate for his opposition to Battle's school program.¹⁷

At any rate, McCue's attack on the "dangerous" program which he later characterized as "a mere giveaway affair" found some supporters in the Senate, most prominent among them being Senator Garland Gray of Waverly. Gray had recently headed a tax study commission, commonly called the Gray Commission, which examined the school crisis. One of the committee's recommendations was that "each locality be required to match dollar for dollar" any money granted to it by the state.¹⁸

Of course Battle was well aware of the recommendation and the reasoning behind it, but he held firmly to his decision in favor of unmatched grants. He did

¹⁷The controversy between Battle and McCue, one of the few men in the Assembly with whom Battle was not on good terms, was rehashed in the Charlottesville Daily Progress, November 15, November 22 and December 8, 1966. When McCue was up for re-election in 1951, Governor Battle's son, John Jr., became campaign manager for McCue's opponent. McCue narrowly won re-election. In 1955 Battle, then a private citizen, strongly endorsed McCue's opponent, again unsuccessfully.

¹⁸A good summary of the recommendations of the Gray Commission can be found in J. L. Blair Buck, The Development of Public Schools in Virginia, 1607-1952 (Richmond: Division of Purchase and Printing, 1952), 499.

so because some localities, often those most in need of new construction, would simply not be able to match the state funds, and consequently such a requirement would only aggravate their problem.¹⁹ [The desire to preserve segregated public schools also influenced Battle's decision. Several localities had been issued federal court decrees ordering them to equalize their facilities for black students. Such an effort would cost large sums of money, money the state would have to provide in order to insure the continuance of segregation in the public schools.²⁰]

Battle also insisted that in most instances state funds alone would be inadequate to do the job and that they would act primarily as a spur to the various localities. Going out on a limb, Battle predicted that the localities as a whole would raise more money under his system than under any system of matching funds that the General Assembly would have been willing to write into law. Finally, Battle insisted that rather than being

¹⁹The best extant statement of Battle's defense of his position is his speech at Old Point Comfort, March 21, 1950. Copy in Battle Executive Papers, Box 22. Extensive extracts from the speech were printed in the Virginia Journal of Education, April 1950, 14ff.

²⁰Thus, Senator Robert Norris defended Battle's plan by declaring it was "legislation born of a grave emergency" since Virginia had been "humiliated by certain proceedings" in the United States courts "which imposed on certain districts the obligation to improve school facilities." Richmond News Leader, January 24, 1950.

"dangerous" or "paternalistic" or "a great handout," his program was designed to meet a specific emergency and to insure that the state would fulfill its constitutional obligation to "maintain an efficient system of public free schools throughout the state."²¹

Believing strongly in the wisdom of his plan, Battle exerted his leadership in private meetings to insure that the measure received the necessary four-fifths vote in both Houses. The results were impressive. After defeating all attempts at major revision of the bill (some minor amendments were accepted), the Senate passed Battle's school bill by a 39-1 majority with only McCue voting no.²² In the House of Delegates the story was essentially the same. Perhaps a dozen delegates came out for matching requirements, but their amendment was defeated by a voice vote and Battle's plan was accepted by the decisive vote of 95-3.²³ It was the single piece of legislation of which Governor Battle was most proud.

While funds for school construction took the spotlight in the 1950 General Assembly, money was also appropriated to improve teachers' salaries, at least to increase their minimum salary. Since 1946 the Virginia

²¹Battle, Speech at Old Pt. Comfort, March 21, 1950. Battle Executive Papers, Box 22; Constitution of Virginia, Section 129.

²²Richmond News Leader, February 1, 1950.

²³Ibid.

Education Association had favored a minimum statewide salary scale of \$2,000 - \$3,200, but when Governor Battle was inaugurated no minimum standards existed. Teachers' salaries began in one county at \$1,425, and in 85 of Virginia's 100 counties the minimum salary was below \$2,000 per year.²⁴ Enough money was appropriated by the 1950 General Assembly to bring the beginning salary of all teachers in the state up to about \$2,000, but no money was made available to bring the level above \$2,000 for experienced teachers.²⁵

Having concentrated on money for school construction in the 1950 session, [Battle was determined that teacher salaries must now be increased. Consequently, the program for the public schools introduced by Governor Battle to the 1952 General Assembly was so generous (by past standards) that the critics claimed it was excessive.²⁶] [The Times Dispatch claimed, "The schools were gorged with far more money than they can possibly spend in the next biennium, while other equally vital

²⁴Figures taken from December 1950 pamphlet compiled by Research Service of the Virginia Educational Association for the school year 1948-49. Copy in Whitehead Papers, Box 4.

²⁵Richmond Times Dispatch, March 10, 1952.

²⁶Battle predicted this would be the case in a letter to Felix E. Edmunds, November 26, 1951, Battle Executive Papers, Box 33.

causes were neglected."²⁷ The critics were especially upset that another \$30 million was granted to the localities for school construction when much of the original \$45 million remained unspent. (See cartoon, next page).²⁸ why?

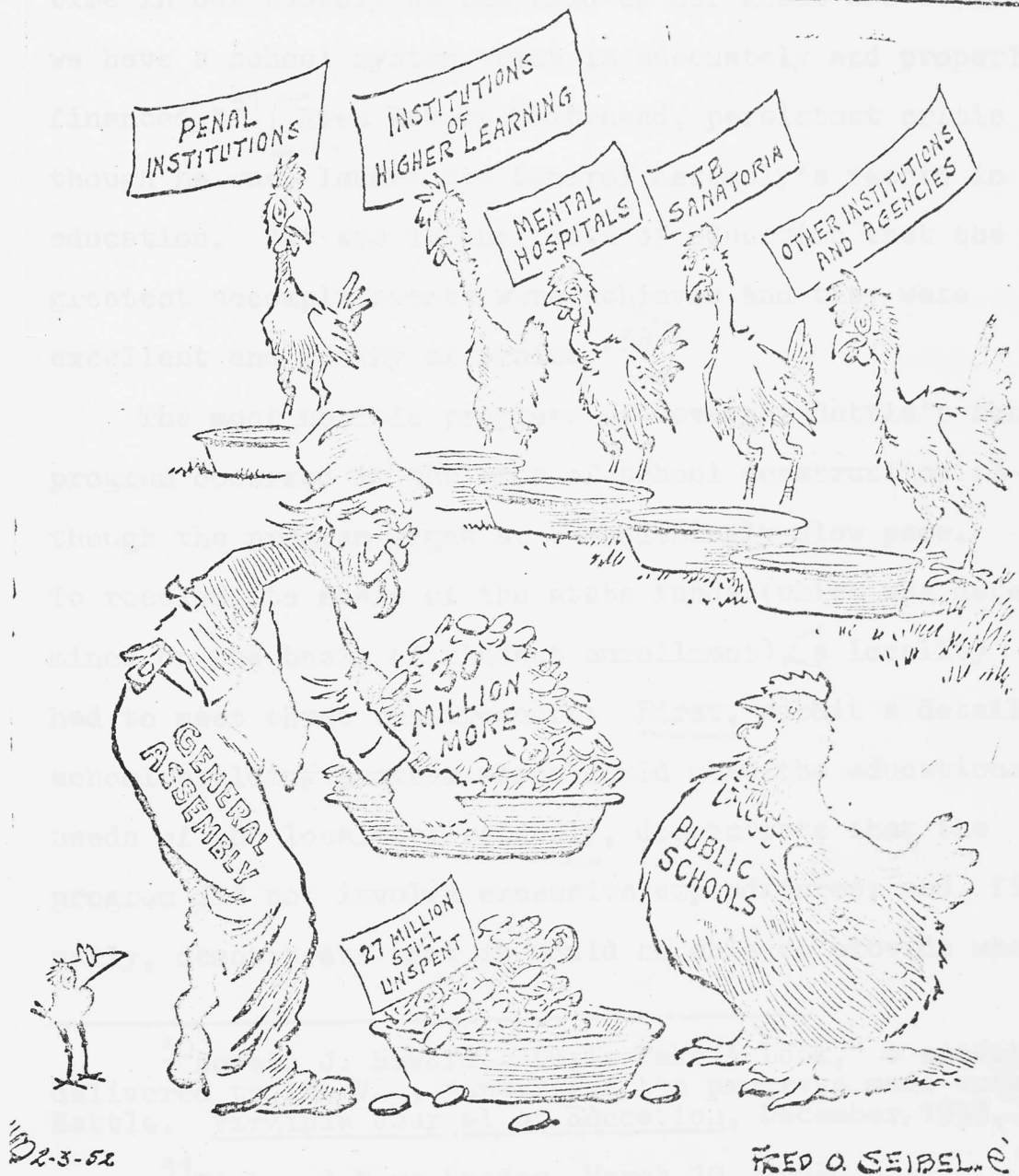
The major innovative development of the 1952 session was a salary equalization fund of \$10 million. This would enable the state to establish a statewide minimum salary scale of \$2,000 - \$3,200, or at least make giant strides in that direction.²⁹ In all, nineteen million dollars were added to the 1952 budget for teachers' salaries. Other progressive steps were taken; teacher retirement benefits were almost doubled, and new funds were added for scholarships for prospective public school

²⁷Richmond Times Dispatch, March 10, 1952.

²⁸Ibid., February 3, 1952.

²⁹Though it was proclaimed that Virginia now had a minimum salary scale of from \$2,000 - \$3,200, this was not completely accurate. The bill stipulated that a teacher could not receive a raise of more than \$500. Thus, a teacher of twenty years experience earning \$2,700 would be raised to \$3,200, but a teacher with comparable experience earning \$2,000 (the bulk of county teachers) would only be raised to \$2,500. Thus most counties had not reached a maximum of \$3,200 when Battle left office.

Why Not Feed Your Hungry Chickens Too, Colonel?



Richmond Times Dispatch, February 3, 1952.

teachers.³⁰

In surveying the progressive legislation passed by the 1952 Assembly to aid the public schools, Governor Battle was elated. He proudly declared, "For the first time in our history we can hold up our heads and say we have a school system which is adequately and properly financed."³¹ Even Robert Whitehead, persistent critic though he was, lauded the General Assembly's record in education. "It was in the field of education that the greatest accomplishments were achieved and they were excellent and worthy of praise."³²

The most notable progress of Governor Battle's school program occurred in the area of school construction although the program began at a maddeningly slow pace. To receive its share of the state funds (which was determined on the basis of student enrollment), a locality had to meet three requirements: First, submit a detailed school building program which would meet the educational needs of the locality; secondly, demonstrate that the program did not involve excessive expenditures; and, finally, demonstrate that it would be able to provide what-

³⁰Dowell J. Howard, "Let's Take A Look," a speech delivered to the VEA, summarized the progress made under Battle. Virginia Journal of Education, December, 1953, 16.

³¹Richmond News Leader, March 10, 1952.

³²Robert Whitehead speech at Fairfax, Virginia, March 28, 1952. Copy in Whitehead Papers, Box 1.

ever funds were necessary to complete the project if the state funds alone were not adequate.³³

Many localities were slow to draw up plans. Others defeated bond issues aimed at raising the necessary funds to supplement the state grants.³⁴ To add to the difficulties, the outbreak of the Korean War in the summer of 1950 once again made steel very difficult to obtain.³⁵ In addition, inflation increased construction costs by 8% between September 1950 and September 1951.³⁶

Despite these impediments, the final results showed impressive progress during Battle's term as Governor.

[As of March 25, 1954, the State Board of Education had approved school construction expenditures for 86 counties and 27 cities totaling approximately \$132 million.³⁷

³³Acts of 1950 Assembly, 12.

³⁴Richmond Times Dispatch, November 29, 1951. Two and a half years after the program began, Battle admitted that the funds were not used "as rapidly as we had hoped." Richmond News Leader, September 2, 1952.

³⁵Colgate Darden to Editor, Richmond News Leader, June 7, 1951.

³⁶National Education Association Journal of Education, November 1951, 531. Copy in Whitehead Papers, Box 1.

³⁷Regular progress reports on the amount of school construction were issued and are available in Battle Executive Papers, Box 24, and scattered throughout the Whitehead Papers. These figures are from a speech by Robert Whitehead at Halifax, Virginia, April 9, 1954, which he received from official reports. Copy in Whitehead Papers, Box 18. The money aided 433 different schools housing 133,000 children, 27% of the funds went to black schools. According to the 1950 census, 23% of Virginia's population was black.

Of this amount approximately \$60 million, or 45% of the total, came from state funds. Battle's faith in the willingness of the localities to spend their own money was vindicated and his prediction proved accurate. Furthermore the localities spent approximately 120 million dollars of additional money on school construction projects which employed no state funds. This brought the total spent on school construction, Battle's fondest objective, to over \$250 million, a fact of which Governor Battle was understandably proud.

Yet, even this achievement did not solve Virginia's problems of overcrowding, primarily because the total enrollment rose from 607,000 pupils in 1949-50 to 695,000 in 1953-54, an increase of 88,000 pupils.³⁸ Thus, while 35,674 children attended double shifts in 1951-52, the total rose to 36,393 students in 1953-54.³⁹ Only very slight progress was made in reducing the size of most classes, although the number of classes with an excess of 50 students dropped markedly from 287 in 1951/52 to 151 in 1953/54.⁴⁰

Ironically, a month before Battle left office the National Education Association released the results of

³⁸Annual Report, Superintendent of Public Instruction 1949-50, 279; Annual Report, 1953-54, 256.

³⁹Annual Report, Superintendent of Public Instruction, 1953-54, 32.

⁴⁰See Chart in Virginia Journal of Education, February 1954, 15.

a survey which indicated that an additional \$75 million (the exact amount already made available under Battle) for immediate school construction was needed to alleviate the overcrowding in Virginia's public schools.⁴¹ Such facts indicate just how difficult it was to solve the problem of adequate school facilities.

[The problem of hiring and retaining qualified teachers was even more difficult.] Certainly, as Chart 1 demonstrates, some genuine progress was made in the qualifications of Virginia's public school teachers during Battle's term.⁴²

[The number of teachers holding the college degree increased by 5,000.] The percentage of properly certified teachers rose from 61.3 to 70.8%. Of course the number of completely uncertified teachers remained high with most of them still teaching in the white elementary schools where in 1953-54 only 10% of the teachers possessed a collegiate certificate.

⁴¹Richmond News Leader, December 10, 1953.

⁴²This Chart was compiled by the author on the basis of the relevant statistics from the Annual Report, Superintendent of Public Instruction for the years cited.

CHART 1

THE CERTIFICATION STATUS OF VIRGINIA'S PUBLIC SCHOOL TEACHERS

<u>Year</u>	<u>Total No. of Teachers</u>	<u>Teachers with College Degrees</u>	<u>Uncertified Teachers</u>	<u>Teachers with Substandard Certificates</u>	<u>Properly Cert. Teachers</u>	<u>% Properly Certified</u>
1949/50	21,481	13,154	2,880	5,442	13,159	61.3
1950/51	22,741	14,585	2,490	5,410	14,841	65.3
1951/52	23,469	15,803	2,551	5,115	15,803	67.3
1952/53	24,365	16,937	2,545	4,915	16,905	69.4
1953/54	25,566	18,151	2,683	4,785	18,098	70.8

Another area of progress concerned teachers' salaries which increased 32% during Battle's administration. (See Chart 2).

CHART 2

Year	Avg. Salary for Virginia	Avg. Salary for U.S.	Difference	Virginia's Rank	Virginia's Percent of Nat'l Avg.
1949/50	\$2,304	\$2,980	\$676	37	77.3
1950/51	2,461	3,097	636	35	79.5
1951/52	2,596	3,365	769	36	77.1
1952/53	2,901	3,554	653	37	81.6
1953/54	3,045	3,741	696	35	81.4

In the four years of Governor Battle's administration the average salary for teachers rose from \$2,304 to \$3,045, an increase of approximately 32%. Thus real progress was made in increasing teachers' salaries. Unfortunately, it was not enough to solve the teacher crisis.

The average salary figures in Chart 2 can be misleading in several respects. For instance, included in the averages are the salaries paid to principals and supervisory per-

⁴³This chart was compiled by the author on the basis of the relevant statistics from the Annual Report, Superintendent of Public Instruction for the years cited. The ranking of the states was available from The Book of the States (Chicago, Council of State Governments, relevant years).

sonnel but excluded are all salaries for teachers that are not properly certified. Naturally those teachers who were uncertified or had substandard certificates, approximately one third of the total, made less money and would have lowered the averages. Neither do the averages give a true picture for the state as a whole because of the wide differentiation in salaries in various areas around the state. Thus, average salaries for elementary teachers in 95 counties and high school teachers in 85 counties were below the statewide average for 1952-53.⁴⁴ When it is also remembered that considerable inflation occurred (approximately 13% in four years)⁴⁵ and that teachers' salaries compared unfavorably with other similar positions, [it can be seen that the salaries were too low in many areas to retain qualified teachers.]

The Virginia Educational Association insisted that only major increases in teachers' salaries could meet the crisis, and in 1953 they advocated the adoption of a statewide minimum salary scale of \$2800-\$4400.⁴⁶ Even the conservative State Board of Education proposed the adoption of

⁴⁴Virginia Journal of Education, February 1954, 17.

⁴⁵"Facts Concerning School Finance in Virginia," Virginia Education Association, December 1954. Copy in Whitehead Papers, Box 2.

⁴⁶Virginia Journal of Education, December 1953, 28.

a new minimum scale which would go from \$2,400 to \$3,600.

As Governor Battle prepared his budget for the 1954 General Assembly, Robert F. Williams, Executive Secretary of the VEA, urged him to make enough money available to implement immediately the \$2,400-\$3,600 salary scale.

"Such action would do more to improve teacher morale, prevent teacher turnover, reduce teacher mobility and insure more competent teachers in the poorer areas of the State than anything that could be done."⁴⁷

There is evidence, however, that the constant calls for more and more money for the teachers annoyed Governor Battle. After all, he had appropriated vastly more money for education than any other administration in Virginia's history. The total amount spent by the State for public school education, for example, had doubled during his administration.⁴⁸

The first public indication of Battle's dissatisfaction came in April of 1953. Speaking to the state superintendents, Battle defended his record and declared flatly, although erroneously, that Virginia had made more progress in education during the past few years than any other state in the Union. He indicated that money was not the sole

⁴⁷Robert F. Williams to John S. Battle, November 11, 1953, Battle Executive Papers, Box 24.

⁴⁸Annual Report, Superintendent of Public Instruction 1949-50, 24; Annual Report 1953-54, 27.

solution to the problem of teacher recruitment and stated that the attitude of many teachers was "all wrong." Battle urged them to emphasize the positive aspects of their profession such as fairly attractive hours, steadily increasing salaries and a genuinely rewarding life as this would encourage young people to enter the profession.⁴⁹

Many teachers were upset by the speech, but when a friend wrote praising it, Battle responded, "Many people in Virginia agree with us and are pretty well fed up over hearing about nothing but money from the school people and I hope my expressions will do some good."⁵⁰

Undoubtedly, it was this feeling that led Battle to view requests for vast new sums of money for teachers' salaries with misgivings. Consequently, in his budget for 1954-56, he drastically reduced the funds requested by the State Board of Education for such increases.⁵¹ The action led to a sharp rejoinder from Williams who had been fulsome in his praise of Battle's school program in

⁴⁹Roanoke Times, April 14, 1953.

⁵⁰John S. Battle to J. A. Hagan, April 16, 1953, Battle Executive Papers, Box 27.

⁵¹Richmond Times Dispatch, January 19, 1954.

1950 and 1952. Williams asserted, "It is nothing short of incredible that the conservative budgetary proposals of the State Board of Education should be so drastically cut."⁵² The fight for increased teachers' salaries was to play a major role in the 1954 General Assembly, but by then they were the concern of Governor Battle's successor.

[Battle's education program was a limited success. Genuine progress was made but the school crisis remained a real one at the end as well as at the beginning of his term. Of course, the crisis had been years in the making and it would be unrealistic to imagine that it could have been solved by a single administration. By appropriating large sums of money, by initiating the program of unrestricted state grants to the localities, by greatly increasing the amount of money distributed on an equalized basis, John Battle at least pointed Virginia in the proper direction.

⁵²Richmond Times Dispatch, January 20, 1954.

CHAPTER VII

AN UNEVEN RECORD: GOVERNOR BATTLE'S LEGISLATIVE PROGRAM, PART 2

The public school crisis was not the only legislative problem to confront John Battle during his term as governor. He had to make a number of difficult decisions on other legislative issues as well.¹ First, he had to decide whether or not to acquiesce in a plan to reduce personal and corporate income taxes which would in turn affect the amount of money available for expanding state services. A second decision involved whether or not he should support the growing movement aimed at abolishing payment of poll taxes as a prerequisite to voting and thus greatly increase the size of Virginia's small electorate. Finally, Governor Battle had to decide where he stood on calling a special session of the General Assembly in order to redistrict the state legislature. Many delegates had evinced little willingness to redistrict the state in 1952 as required by Virginia's Constitution. Should he blink at the constitutional violation or force the issue and call the reluctant legislators

¹Battle's decisions concerning racial matters are dealt with in Chapter 8.

This feeling was reflected in the General Assembly where fifteen different proposals for reducing taxes were introduced during the first month of the session!³ None, however, had the support of the Battle administration and consequently their chances of becoming law were very slight.

Then, on February 24, a new tax reduction bill was introduced and suddenly the prospects for tax reduction became much brighter. The new bill was introduced by none other than Harry F. Byrd, Jr., and any bill introduced by the young Byrd had to be taken seriously. Boyish looking, Byrd at thirty-five was by far the youngest member of the state Senate,⁴ but as Senator Byrd's son he was in a unique position in Virginia politics. To increase the bill's chances of passage, young Byrd had three experienced Senators co-sponsor the bill with him. They were Robert O. Norris, Jr., Battle's successor as Chairman of the powerful Finance Committee, organization stalwart T. H. Blanton of Bowling Green, and Edward Breeden, Jr., an independent-minded Senator from

³Richmond News Leader, February 25, 1950.

⁴Because of his boyish appearance, young Byrd was often referred to by his adversaries as "Sonny Boy." Other favorite nicknames were the "Crown Prince" and "Little Harry." Interestingly, fully 60% of the members of the 1950 Senate had been born in the 19th century, a figure arrived at by examining biographical data of the members available in E. Griffith Dodson, The General Assembly of the Commonwealth of Virginia 1940-1960 (Richmond: State Publications, 1961), passim.

Norfolk who helped Byrd out by explaining some of the more complicated aspects of the bill.⁵

Byrd's bill was unusual in several respects. It did not reduce taxes by a set amount or even guarantee that there would be any tax refund at all. Rather it made any tax reduction dependent on a surplus in the general fund at the end of a given fiscal year.⁶ The larger the surplus, the larger the tax reduction. The Director of the Budget, J. H. Bradford, estimated that the revenue for the general fund for the fiscal year 1950-51 would be \$95 million with about \$50 million

⁵Richmond Times Dispatch, March 7, 1950.

⁶See W. H. White, "Some Aspects of Virginia's Tax Structure," University of Virginia News Letter, April 15, 1951. The general fund played a vital role in Virginia's financial set-up. Funds from the general fund were spent financing the executive, legislative, and judicial branches of the state government and also for financing other governmental activities such as public schools, public welfare and public health. Revenue for the general fund came from several different tax sources. Approximately half of its funds came from personal and corporate income taxes with the remainder coming from licenses, intangible personal property taxes, beverage excise taxes, insurance company taxes, and inheritance and gift taxes.

coming from personal and corporate income taxes. The original Byrd bill provided that if actual revenues remained below \$99 million, there would be no tax reduction. If revenues exceeded \$99 million but were less than \$102 million, personal and corporate income taxes would be reduced 10%. A 15% reduction would be granted if the total surpassed \$102 million but was less than \$104 million. If revenues for the general fund exceeded \$104 million, the tax reduction would be a whopping 20%.⁷

Even though a surplus was necessary before a tax refund could be declared, Senator Byrd's proposal was considerably more than a friendly but meaningless gesture toward tax reduction. Although deficit spending was becoming an accepted practice among most states, Virginia followed a conservative fiscal policy and consistently ended up with a sizeable surplus in her general fund. In every year since 1939 the surplus was more than 10% of the original budget estimate. Consequently, if the Byrd law had been operative in the 1940's, the full 20% refund would have been in effect each year. The surpluses, increased by Virginia's economic growth as a result of World War II, reached record highs during Governor Tuck's administration. As the following chart demonstrates, Virginia woefully underestimated the amount of revenue which would flow into the general fund.⁸

⁷Richmond News Leader, February 24, 1950.

⁸Ibid., February 27, 1950.

<u>Fiscal Year</u> <u>Ending June 30th</u>	<u>Original</u> <u>Budget Estimate</u>	<u>Actual</u> <u>Receipts</u>	<u>Surplus</u>	<u>% Error</u>
1946	35,307,000	53,291,000	17,984,000	50.93
1947	45,669,000	59,623,000	13,954,000	30.55
1948	43,166,000	67,713,000	24,547,000	56.86
1949	60,922,000	86,788,000	25,866,000	42.45
Totals	185,064,000	267,415,000	82,351,000	45.58

The introduction of the Byrd bill put Governor Battle in an extremely delicate predicament. His stand on taxes was clear. He had come out against the Edwards sales tax proposal on the basis that Virginia could raise sufficient revenues under her current tax structure. At no point, however, did he give any encouragement to the move to reduce taxes. Indeed, he explicitly came out against such a course both as governor-elect and as governor.⁹ In his inaugural address, he frankly asserted, "I regret that I cannot recommend any decrease in taxes at this time."¹⁰

Only six days before Byrd introduced his controversial bill, Delegate John Boatwright of Buckingham introduced a tax reduction bill in the House of Representatives which was curiously similar to Byrd's proposal. The Boatwright plan called for a straight reduction of 20% in personal and corporate taxes if the surplus in the general fund exceeded \$5 million. Governor Battle's comment on the bill is most revealing. Admitting that the bill offered "a rather inter-

⁹For example, see Roanoke Times, December 18, 1949.

¹⁰Inaugural address, copy in Whitehead Papers, Box 4.

esting and novel approach," he declared, "But I don't think the taxpayers can hope for much relief... . We need every penny of revenue we can get."¹¹

Consequently, Battle personally believed that the Byrd measure was a "bad bill."¹² Yet, he hesitated to voice his misgivings publicly. His dilemma stemmed from his own sense of obligation to the Byrd family. He was Governor of Virginia in part because of the endorsement and encouragement of Senator Harry F. Byrd, Sr. Now the Senator's son had proposed his first major piece of legislation. The tax reduction bill meant a great deal to young Byrd and therefore to his father. It was the younger Byrd's effort to establish his reputation in financial matters as his father had done more than twenty years earlier by successfully fighting a proposed bond issue as a means of financing the development of Virginia's highway system. For the Governor to refuse to support young Harry's tax reduction proposal would have been a grievous blow, one that might permanently damage the younger Byrd's future political career, a career for which his father had fond aspirations.

¹¹Lynchburg News, February 18, 1950. Emphasis added.

¹²Interview with Armistead Boothe, December 30, 1969.

Under such circumstances, John Battle ultimately decided that in good conscience he could not oppose the bill. It was his way of at least partly repaying the debt he felt he owed to the Byrd family.¹³ With Battle "sympathetic" to the measure, it passed the ultra-conservative Senate easily by a vote of 32-5 and then went to the House of Delegates with about a week remaining in the 1950 session.¹⁴

In the House of Delegates serious opposition developed led by such able men as Armistead Boothe of Alexandria, Stuart B. Carter of Fincastle and Robert Whitehead. Of course, the Byrd name was almost as influential in the House as in the Senate; thus the major effort was directed toward amending the bill rather than toward killing it. The key amendment was proposed by Armistead Boothe, ex-Rhodes scholar and brilliant attorney from Alexandria, who was to emerge as the leader of the Young Turk movement which took shape during Governor Battle's administration,

¹³Discussing this problem with George M. Cochran and Stuart B. Carter helped the author to form his conclusions.

¹⁴Richmond News Leader, March 2, 1950.

although it did not fully emerge until 1954.¹⁵ Boothe, in many ways very liberal for Virginia in the 1950's, nevertheless shunned the liberal movement and tried hard to remain in and work with the Byrd organization, an effort which led one observer to refer to him as "Virginia's leading political schizophrenic."¹⁶

Boothe's amendment would simply limit the duration of the Byrd bill to two years unless passed again by the 1952 General Assembly. Since the bill did not become operative until 1951, Boothe's amendment meant that Virginia taxpayers would be eligible for a possible refund for only one year. A second amendment proposed by J. W. Roberts of Norfolk raised the ceiling in the general fund from 99 to 100 million dollars before a tax refund could be declared. After heated debate, the amendments were adopted by a 52-46 vote; the amended bill was then passed by a vote of 72-24.¹⁷

¹⁵During Battle's term, the Young Turk movement consisted of about ten members, referred to by Boothe as "The Terrible Ten." The Young Turks were a group of independent-minded Delegates, generally representing urban areas, who wanted to work within the Byrd organization but move it in a more progressive direction. "The Terrible Ten" consisted of Boothe, Walter Page of Norfolk, George Cochran of Staunton, Lewis McMurren of Newport News, Stuart B. Carter of Fincastle, Julian Rutherford and E. Griffith Dodson, Jr., of Roanoke, George Aldhizer of Rockingham, and John Randolph Tucker, Jr., and Fred Pollard of Richmond. E. Griffith Dodson, Jr., to author, April 18, 1970. Copy in possession of author.

¹⁶Joseph Harrison, Jr. to Harrison Robertson, September 24, 1952, Hutchinson Papers, Box 21.

¹⁷Richmond News Leader, March 10, 1950.

Trouble occurred when the Senate refused to accept the House changes. A conference committee chosen from both Houses, consisting of Boothe and five conservatives, met to iron out the differences. Their report proposed retaining Roberts' amendment while striking Boothe's amendment from the final version of the bill.

Boothe strongly urged the House to reject the conference committee's report. What was the harm in putting a time limit on the measure? "If this bill is as good as its sponsors say it is, we are going to be very quick to pass it again when we get back here in 1952." Yet, he warned, "If we accept the conference report now, and then wish to repeal it in 1952, we will be in the unenviable position of raising taxes."¹⁸

The vote on the conference committee's recommendations would obviously be very close. Boothe, in checking his support, believed he had the necessary votes. Henry B. Gordon and James F. Dulaney, the two Delegates representing Charlottesville, Albemarle and Greene, had both voted for the Boothe amendment and indicated their intention to vote against the conference committee's report.

At this point, Governor Battle, in what must have been a painful duty, called in Gordon and Dulaney and told them

¹⁸Washington Post, March 12, 1950.

it would be embarrassing to have the two delegates from his home area voting against the Byrd bill which he had now publicly stated he would sign into law. Responding to this plea, both Gordon and Dulaney reluctantly voted for the committee report which consequently passed by the narrow margin of 50-47.¹⁹ The Byrd automatic tax reduction bill was now permanently on the statute books until repealed by the General Assembly.

Governor Battle personally doubted there would be any large surplus during his administration. The economic indicators during the early months of 1950 pointed to a definite slowing of the economy. Unforeseen events, most notably the outbreak of the Korean War in June of 1950, altered the situation and caused Battle's prediction to be very wide of the mark. The sluggish economy heated up, inflation became a serious problem, and tax monies flowed into Virginia's coffers at an unprecedented rate. As a result there was a surplus large enough to insure a tax reduction in each of Battle's years as governor. In all, approximately \$20 million were returned to Virginia taxpayers during Battle's administration!²⁰

¹⁹Interview with Armistead Boothe, December 30, 1969. The key votes are recorded in the Journal of the House of Delegates, 1950, 1075 and 1178. See also the Richmond Times Dispatch, March 12, 1950.

²⁰The figures vary according to the source. The approximate amounts are as follows: 1951 - \$11 million, 1952 - \$5 million, 1953 - \$4 million. See Richmond News Leader, November 11, 1953.

Such an amazing feat in a day of generally soaring prices and taxes, and demands for social services drew national attention. Look magazine ran a brief article with Battle's picture, applauding Virginia for its "miracle" of tax reduction.²¹ The Wall Street Journal devoted a very complimentary front page article to the phenomenon.²² The Chicago Tribune joined in the praise and printed a cartoon, "Yes, Santa Claus, There is a Virginia" (see next page) which extolled Virginia as an example for the national government to follow.²³ Harry Byrd, Jr., responded to a request from the New York Herald Tribune for an article explaining the bill.²⁴ Newspaper editorials, taxpayer associations, and conservative groups around the country praised Virginia for doing the impossible. As state Senator Byrd put it, "Virginia has received a million dollars of favorable publicity as a result of the bill."²⁵

²¹"Look Applauds," Look Magazine, July 15, 1952.

²²Wall Street Journal, April 14, 1952. Copy in the Battle Executive Papers, Box 19.

²³Richmond Times Dispatch, August 15, 1953.

²⁴New York Herald Tribune, August 9, 1953.

²⁵Richmond News Leader, December 4, 1952. Not all of the press response was favorable. For example, an editorial in the St. Louis Post-Dispatch, August 6, 1953, noted: "Virginia's third annual reduction in income tax is impressive, considered solely as a saving to taxpayers. Considered in the context of what Virginians get from their state government, it is less impressive. The state's educational system is poorly housed and inadequately equipped, and stands close to the bottom among the 48 states. Virginia's public health services also rank among the lowest, and the state is deficient in hospitals."

Yes, Santa Claus, There Is a Virginia



Reprinted from the Chicago Tribune in the
Richmond Times Dispatch, August 15, 1953.

With the widespread publicity given the Byrd Act, a number of other states fully investigated it, but significantly, not a single other state adopted a comparable law. An examination of the law convinced them that despite the fulsome praise of its supporters, the Byrd bill was a harmful and regressive piece of legislation.

The act was subject to criticism on many counts. It was an administrative nightmare to execute, and tax commissioner C. H. Morrisett strongly opposed its passage.²⁶ In actual operation the bill was so complicated that even a financial expert like Robert Whitehead had trouble following the figures.²⁷ There was justice in Whitehead's charge that it was a "rich man's hand-me-back tax law."²⁸ For a few large corporations and extremely wealthy taxpayers, the refunds were sizeable, but the vast majority of refunds were pitifully small. Even in 1951, when a 20% refund was declared, 80% of the refunds averaged under \$5. In 1952 and 1953 when smaller tax reductions were declared, the average for most taxpayers was less than \$3. Of course

²⁶Interview with Armistead Boothe, December 30, 1969.

²⁷Robert Whitehead to Omer Hirst, January 25, 1953, Whitehead Papers, Box 20.

²⁸Statement by Robert Whitehead, June 5, 1953. Copy in Whitehead Papers, Box 11.

many refunds were even smaller.²⁹

Worst of all, the law drained off \$20 million of tax revenue which was desperately needed to help alleviate some of Virginia's many pressing problems. Defenders of the Byrd bill were guilty of either conscious or unconscious hypocrisy, for they continually insisted that the Byrd bill in no way curtailed the government's ability to meet the needs of the state. They reasoned this way: it was up to the General Assembly to determine what the needs of the state were and to furnish the wherewithal to meet them, even if that meant higher taxes.³⁰ Having determined the needs and the money necessary to meet them, the taxpayers should be guaranteed that any additional revenues collected would be returned to them. The Byrd tax law did nothing more than provide the manner by which such surplus funds should be returned to the taxpayers.³¹

²⁹Richmond Times Dispatch, March 25, 1951. Whitehead statement, June 5, 1953, Whitehead Papers, Box 11. Because of the small refunds, Whitehead compared the Byrd tax law to a stick of chewing gum. "It leaves a sweet taste in the mouth but disappoints the stomach." Speech at Appomattox, Va., October 5, 1953, Whitehead Papers, Box 1.

³⁰The best presentation of this position was given by James Jackson Kilpatrick. Kilpatrick to Robert Whitehead, June 8, 1953, Whitehead Papers, Box 20.

³¹Proponents of the Byrd tax law were fond of quoting Section 188 of Virginia's Constitution: "No other or greater amount of tax or revenue shall, at any time, be levied than may be required for the necessary expenses of government." Although absurd, they interpreted it in such a way as to make a surplus unconstitutional.

Such reasoning was faulty because it made no differentiation between admitted needs and those needs for which the General Assembly appropriated funds, and the Assembly was forced to estimate its revenues conservatively since it was required by the constitution to hold spending within revenues.³² Just because the General Assembly did not appropriate funds for a certain project did not mean there was no need for that project.³³

In consequence of the faulty reasoning used to justify the Byrd tax law, Virginians found a strange scene played over and over again during Battle's term as governor. Worthy project after worthy project was rejected on the grounds, "We just don't have the money." Yet at the same time this was being said the state was refunding \$20 million which could have financed many of the projects.

Proponents of the Byrd bill claimed that common morality demanded that the surplus be returned to the taxpayer. Robert Whitehead spoke most scathingly about the morality of the Byrd tax law:

³²Charlottesville Daily Progress, September 26, 1953.

³³On this point, Robert Whitehead wrote, "You say that the only recognized 'needs' are those for which the Assembly makes unconditional appropriations. I say that this is nonsense. It is like saying that a man who needs both a pair of shoes and a coat but with money enough to buy only one, and who buys a coat and goes barefoot in the winter, does not 'need' shoes. He recognizes the 'need' but cannot presently meet the need for lack of funds." Letter to Editor, Richmond News Leader, October 7, 1953.

In reply to your statement about the moral issue involved, I have only this to say: When, as now, afflicted children in our mental institutions are forced to sleep on the floors; when, as now, the mentally disturbed patients in our mental hospitals incarcerated behind locked doors are expected to be restored to health and society on \$2.02 a day; when, as now, persons suffering from tuberculosis are being put on the waiting list and denied admittance to our sanatoria because we do not have the beds to care for them; when, as now, public schools are swamped with children who are denied teachers meeting the minimum state requirements -- all because we do not have the money -- I say it is morally wrong to wilfully and deliberately deplete the state treasury by granting tax credits.

The cry of the afflicted and the children is for bread, and instead of bread we give them stones, and on each stone is this inscription: "Sacred to the memory of Byrdism."³⁴

The Byrd bill was naturally under constant fire. It was amended during 1952 to make it more flexible but efforts to repeal it failed.³⁵ As time passed, however, opposition continued to mount despite young Byrd's all-out efforts, backed by both Richmond papers, to defend his creation. Of eighty-four members of the House of Delegates responding to a News Leader poll in October 1953, 38 favored retaining the bill, 29 wished to repeal it and 17 to modify it.³⁶ Two months after Battle's term expired in January 1954, the storm over the Byrd tax law finally broke.

³⁴Robert Whitehead to Editor, Richmond Times Dispatch, September 6, 1953.

³⁵The bill was amended so that the refund would depend on a certain percentage of surplus in the general funds (a minimum of 5%). The original act tied refunds to a set figure in the general fund (100 million dollars) but rising costs and expenses made it imperative that this figure be increased. See Richmond News Leader, January 21, 1952.

³⁶Richmond News Leader, October 23, 1953.

Governor Battle's budget for the 1954 biennium earmarked approximately \$7 million for refunds under the Byrd tax law. Led by an aroused group of Young Turks, the House of Delegates insisted that this money be allocated for such items as teachers' salaries, hospitals and higher education. They succeeded in enacting these demands into the appropriations bill. The Senate, however, refused to agree to the House changes and with time in the 1954 session running out, an impasse was reached. Five separate conference committee reports were rejected by one house or the other. Finally, the House of Delegates, their patience worn thin by being in continuous session for thirty-six hours, threatened to adjourn unless the Senate agreed to their compromise proposal which appropriated \$2.1 million to such items as teachers' salaries. At first the Senate rejected the offer but following secret consultation with Harry Byrd, Jr., Landon Wyatt of Danville moved that the Senate reconsider the proposal.³⁷ Young Byrd voted against the Wyatt proposal but apparently he wanted it to pass so the impasse could be broken. The Senate did accept Wyatt's proposal and the immediate crisis was passed.³⁸ Nevertheless,

³⁷Harry F. Byrd, Jr., to James Jackson Kilpatrick, January 14, 1957, Kilpatrick Papers, Series B, Box 7.

³⁸Richmond News Leader, March 15, 1954. Robert Whitehead's account of what happened is included in an address of April 7, 1954. Copy in Whitehead Papers, Box 1. Whitehead says the deadlock was broken following a phone call to "Ebbie" Combs in Florida. The Byrd letter to Kilpatrick denies this and seems more authoritative.

the Byrd bill had suffered a major setback and it was completely repealed in 1956.

The passage of the Byrd tax bill was most unfortunate for it had the effect of handcuffing Battle's administration. Since the surplus was dried up, capital outlay for almost all state services except public schools was severely curtailed. Under Governor Battle, progress was made in such areas as mental health, public health and general welfare, but it was grossly inadequate to meet the needs of the state.

Governor Battle and the Poll Tax

As the 1950 General Assembly convened, sentiment among the delegates to repeal the poll tax as a prerequisite for voting was strong and widespread. Many observers had expected the poll tax, which had been instituted in 1902, to be repealed during the 1940's. A commission, authorized by Governor James Price in 1940, forcefully urged repeal and declared that good government was no substitute for free government.³⁹ More important, it appeared by the mid-40's that Congress was on the verge of passing legislation prohibiting poll taxes as a requirement for voting in national elections.⁴⁰

³⁹Key, Southern Politics..., 659-60.

⁴⁰Richmond Times Dispatch, September 3, 1944. Copy in Whitehead Papers, Box 10.

Faced by the threat of Congressional action in Washington and rising popular opposition in Virginia, the Byrd organization responded by passing the Campbell Amendments (see Chapter 4). The amendments were deliberately vague. While abolishing the poll tax they gave wide but unspecified powers to the General Assembly to place other restrictions on who would be able to vote.

Worried by the implications of such proposals, many people who wished to abolish the poll tax voiced their determination to oppose the Campbell Amendments. The liberals led the attack with Robert Whitehead eloquently denouncing the amendments from one end of the state to the other. When the electorate overwhelmingly rejected the Campbell Amendments by a vote of 4 to 1, there was of course loud rejoicing in the liberal camp who hailed the vote as the dawn of a new day in Virginia politics.

The suspicion is strong, however, that there was also rejoicing, albeit less vociferous, within the Byrd organization. It is quite possible, indeed likely, that the Byrd organization wished to see the Campbell Amendments defeated and were pleased to sit back and let the liberals work hard to bring about that result.

Considerable evidence bolsters this hypothesis. First, Senator Byrd in particular and the organization in general favored the poll tax.⁴¹ Certainly, it would be an over-

⁴¹Interview with John S. Battle, September 25, 1969.

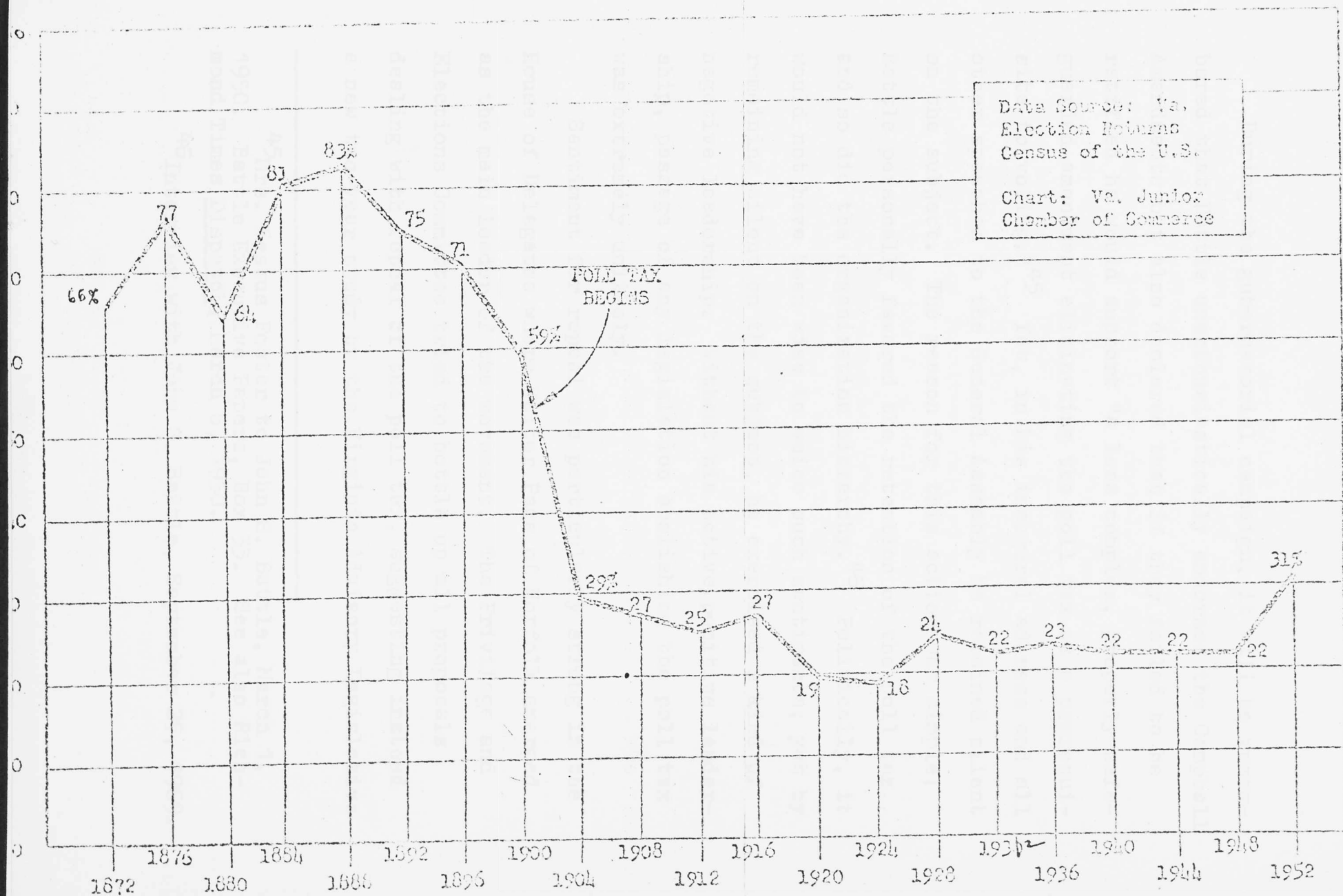
simplification to blame Virginia's small electorate on the poll tax, but (as the chart on the next page demonstrates) it did greatly reduce it, especially Virginia's black electorate, and a small electorate was much easier to manage than a large one.⁴² Secondly, one provision in the Campbell Amendments levied a capitation tax of \$3 per person to replace the \$1.50 poll tax. There was no need to include this provision in the amendments. The General Assembly had the power to raise the levy any time it chose to do so by normal legislative action. It seems clear, therefore, that this provision was included primarily to make the amendments less palatable to Virginia's tax-conscious electorate.⁴³ Finally, there is the size of the vote itself. The Campbell Amendments were defeated by a vote of 206,542 to 56,687.⁴⁴ As powerful as the Byrd organization was, they simply would not have lost a measure they deemed important or worthwhile by such a sizeable margin. It seems more reasonable to suppose that the organization because of threatened action by Washington and the pressure of public opinion, decided to make a gesture toward poll tax reform, but they made it in such a way as to make it likely that the basic situation would be altered as slightly as possible, if at all.

⁴²Copy of this chart can be found in the Whitehead Papers, Box 10.

⁴³Horn, "Democratic Party in Virginia....," 239.

⁴⁴State Board of Elections. Statement of the Vote on Certain Amendments to the Constitution, November 8, 1949 (Richmond: Division of Purchase and Printing, 1949).

COMMONWEALTH OF VIRGINIA
PERCENTAGE OF ADULTS VOTING
IN PRESIDENTIAL ELECTIONS
(Males only prior to 1920)



During the gubernatorial campaign, it will be remembered that Battle unenthusiastically endorsed the Campbell Amendments but also declared that if they failed to be ratified he would support "a less complex, properly safeguarded amendment eliminating the poll tax as a prerequisite to voting."⁴⁵ Yet, in his inaugural address and all other speeches to the General Assembly he remained silent on the subject. The reason for this action was simple; Battle personally favored the retention of the poll tax, and so did the organization hierarchy.⁴⁶ Politically, it would not have been wise to voice such sentiments; yet by remaining silent on the subject, he exercised a kind of negative leadership. Without his active, positive leadership, passage of any legislation abolishing the poll tax was extremely unlikely.

Sentiment for repeal was particularly strong in the House of Delegates where Walter Page of Norfolk emerged as the main leader of the movement. The Privilege and Elections Committee tried to bottle up all proposals dealing with repeal of the poll tax, suggesting instead a new two-year study by the Virginia Advisory Legislative

⁴⁵Mrs. Festus Foster to John S. Battle, March 1, 1950. Battle Executive Papers, Box 33. See also Richmond Times Dispatch, March 6, 1950.

⁴⁶Interview with John S. Battle, September 25, 1969.

Council. So angry was the House response to this maneuver that the Committee relented and sent to the floor of the House a bill considerably more complicated than Page's straightforward proposal for repeal, but at least less complex than the Campbell Amendments. The House promptly passed it by a convincing 73-20 vote with many conservatives voting aye.⁴⁷ Yet, the bill died in the Senate when their Privilege and Elections Committee refused by a 5-4 vote to release the bill to the full Senate. State Senator Byrd cast one of the decisive negative votes.⁴⁸

With Governor Battle maintaining his silence, the story in 1952 was much the same, although there was less publicity given to the movement than in the 1950 session. The Page proposal passed the House by a vote of 60-38,⁴⁹ but like its predecessor it was killed in the Senate Privilege and Elections Committee, this time by a vote of 10-2. Its ultra-conservative Chairman, Robert Vaden of Pittsylvania, declared he sensed "no demand" for poll tax repeal and argued that Virginia's voters by rejecting the Campbell Amendments demonstrated that they preferred to maintain the poll tax.⁵⁰ An effort was made to force the committee to

⁴⁷Richmond News Leader, March 9, 1950.

⁴⁸Ibid.

⁴⁹Ibid., February 21, 1952.

⁵⁰Richmond Times Dispatch, March 6, 1952. Vaden's argument that the defeat of the Campbell Amendments meant there was "no demand" to repeal the poll tax was absurd. It was like giving a man an oyster still in the shell and when the man rejected it concluding that the man did not like oysters. Interview with Stuart B. Carter, April 21, 1970.

discharge the bill, but it failed by the surprisingly close vote of 20-16.⁵¹ Thus the matter of repealing the poll tax was exactly the same when John Battle left office as it was when he took office.

Governor Battle and Redistricting

A third hard legislative decision for Governor Battle arose from the controversy over redistricting the state for representation in the General Assembly. The issue was complex, and because of his desire to avoid making a hard and painful decision, Governor Battle came extremely close to violating the letter of the Virginia Constitution he had sworn to uphold.

The crisis developed when the General Assembly for narrowly partisan and selfish reasons, hesitated to comply with Section 43 of the Constitution which called for a reapportionment of the state's legislative districts "in the year 1932 and every ten years thereafter."

The 1950 census clearly demonstrated three facts: First, that during the 1940's Virginia had experienced considerable growth in her population (an increase of 24%); secondly, this growth was concentrated in urban areas where

⁵¹Richmond News Leader, March 4, 1952.

the increase was 41% compared with 14% for rural areas. This growth was very heavy in the area around Norfolk and Newport News and particularly heavy around Arlington and Alexandria. Consequently, urban areas were extremely under-represented. As the charts on the next two pages demonstrate, an urban senator might represent nearly five times as many people as a rural one. An urban delegate might represent nearly seven times as many people as a rural one.⁵²

Obviously, such gross inequalities could not be rectified without a major reshuffling of the General Assembly which in turn would affect the political careers of many of its members. Yet, as one editorial expressed it, "If Virginians believe in the Republican form of government they will insist that the new district lines be drawn so that they will assure all residents of a proper voice in their state government during the critical ten years ahead."⁵³ Unfortunately, it became increasingly clear that many influential members in the General Assembly were not going to comply with the law.

⁵²These charts were made up from information in the Richmond News Leader, August 30-31, 1951, which was based on the official 1950 Census returns.

⁵³Ibid., August 31, 1951.

VIRGINIA STATE SENATE

<u>Four Senate Districts with Fewest People</u>	<u>Population Per Delegate</u>	<u>Percent of Ideal⁵⁴ Representation</u>
10th (Halifax)	41,442	49.94
30th (King George, Lancaster, Northumberland, Richmond, Westmoreland)	41,679	50.25
11th (Appomattox, Buckingham, Charlotte, Cumberland)	42,361	51.05
32nd (Essex, Gloucester, York, King & Queen, Matthews, Middlesex)	48,785	58.80

<u>Four Senate Districts with the Most People</u>	<u>Population Per Delegate</u>	<u>Percent of Ideal Representation</u>
22nd (Arlington)	135,449	163.20
33rd (Elizabeth City, Warwick, Hampton, Newport News)	143,227	172.63
3rd (Norfolk County, Portsmouth, South Norfolk)	190,410	229.50
29th (Fairfax, Prince William, Alexandria, Falls Church)	190,491	229.59

⁵⁴The census figures for 1950 placed Virginia's population at 3,318,680 people. Since there were 40 senators, the ideal representation would be one senator for each 82,967 persons.

VIRGINIA HOUSE OF DELEGATES

<u>Four House Districts with Fewest People</u>	<u>Population Per Delegate</u>	<u>Percent of Ideal⁵⁵ Representation</u>
Lancaster and Richmond	14,829	44.68
Patrick	15,642	47.13
Dinwiddie	18,839	56.76
Botetourt and Craig	19,218	59.70

<u>Four House Districts with Most People</u>	<u>Population Per Delegate</u>	<u>Percent of Ideal Representation</u>
Elizabeth City and Hampton	60,944	183.79
Alexandria	61,787	184.37
Arlington (2 delegates)	67,724	204.07
Fairfax, Falls Church	106,092	319.68

⁵⁵The census figures for 1950 placed Virginia's population at 3,318,680 people. Since there were 100 delegates, the ideal representation would be one delegate for each 33,187 people.

The first indication of serious trouble developed when Congressional redistricting was attempted. The 1950 census return had showed that Virginia was entitled to a tenth Congressman which naturally meant that the state's nine present districts had to be redrawn to allow for the tenth district. On this point, the Virginia constitution was specific: "Districts must contain, as nearly as possible, an equal number of inhabitants."⁵⁶ Such a task was easy if political considerations were ignored, but to arrange the districts so that all of Virginia's congressmen were likely to remain Democratic would be difficult. The final bill passed by the General Assembly contained one district (the second) with 403,923 people and another district (the eighth) with 276,568.⁵⁷ Constitutional objections were brushed aside.

While the plan for Congressional redistricting was inadequate, the plan almost adopted for redistricting the state legislative districts was outrageous. After a heated and often vitriolic debate most uncommon in the upper house, the Senate, by a 22-16 vote, passed a redistricting bill which took the tiny county of Powhatan and shifted it from the 9th to the 11th Senatorial district.⁵⁸ That was the entire extent of the change in the Senate and an equally trivial change was made for the House of Delegates.

⁵⁶Constitution of Virginia, Section 55.

⁵⁷Richmond News Leader, February 21, 1952.

⁵⁸Richmond Times Dispatch, March 4, 1952.

Charles T. Moses, ultra-conservative Senator from Appomattox and representative of the thinly populated 11th district (see chart p. 164) developed the plan and bluntly explained why it should be adopted. The continued well-being of the state required that the balance of power remain "with the men who feed the hogs and milk the cows!"⁵⁹

For petty and selfish reasons, other senators supported the Moses plan. Robert O. Norris, Jr., of the 30th district (see chart p. 164) feared any other plan would abolish his district which was as old as any in Virginia and had once been represented by Richard Henry Lee. Marvin Minter from Matthews County (see chart p. 164) paraphrased a famous Churchillian dictum: "I wasn't elected to represent the 32nd district in order to liquidate it."⁶⁰ An unnamed senator added he didn't see how any member could view redistricting "on any basis other than its effect on his district."⁶¹

In the House of Delegates, the conservative Privilege and Elections committee decided to avoid the issue. It rejected the Moses plan and then passed a resolution urging that the problem be dealt with by the 1954 General Assembly.⁶² Of course this would directly contravene the

⁵⁹Richmond News Leader, March 3, 1952.

⁶⁰Ibid., March 3, 1952.

⁶¹Richmond Times Dispatch, March 5, 1952.

⁶²Richmond News Leader, March 7, 1952.

constitutional mandate to redistrict the state in 1952 and a howl of protest went up, especially from the urban delegates.⁶³ Armistead Boothe again emerged as the leader of those elements insisting that redistricting be accomplished during 1952. When it became clear that a plan could not be passed during the regular session, Boothe led the move to urge Governor Battle to call a special session to deal with the problem. A majority of the House and approximately a quarter of the Senators signed a petition requesting a special session.⁶⁴ Virginia law makes the calling of a special session mandatory if two-thirds of both Houses request it. Otherwise, it could be called solely at the discretion of the Governor.

Boothe stressed his concern in private correspondence to Governor Battle: "The Constitutional mandate to redistrict is definite, certain and unequivocal. ...I cannot over-emphasize the seriousness in my own mind of disregarding a constitutional requirement of this kind."⁶⁵

⁶³The controversy over redistricting was primarily a rural-urban conflict rather than a conservative-progressive conflict. Generally the delegates from urban areas were more progressive than their rural counterparts.

⁶⁴Richmond News Leader, March 28, 1952. The original petition with 72 signatures is in the Battle Executive Papers, Box 34.

⁶⁵Armistead Boothe to John S. Battle, March 14, 1952, Battle Executive Papers, Box 20.

Governor Battle on the one hand personally wished that the General Assembly had followed the constitutional mandate. On the other he was hesitant to try to force them to do so. Well aware of the sentiments in the Senate, he had grave doubts about whether they would pass a fair redistricting bill if called into special session. As he confided to Boothe, "Should I call a special session and some makeshift plan, such as that adopted by the Senate at the recent session, be adopted, it would be distressing and humiliating to all of us."⁶⁶

Consequently, Battle preferred to let the whole issue blow over. Noting that the next Senate elections were not until 1955, he publicly declared that 1954 would be time enough to redistrict. "It is not of sufficient importance to warrant incurring the additional expense of the extra session." Privately, he wrote, "I certainly have no present intention of calling a special session for consideration of the reapportionment measure."⁶⁷

Battle's hesitancy to convene a special session makes sense only on the grounds that he wished to avoid a difficult and potentially embarrassing situation. Postponing

⁶⁶John S. Battle to Armistead Boothe, March 25, 1952, Battle Executive Papers, Box 20.

⁶⁷Richmond News Leader, March 14, 1952; John S. Battle to Dr. J. H. Baptist, April 1, 1952, Battle Executive Papers, Box 20.

action until 1954 was really no solution at all because the General Assembly might just as likely pass an unfair bill in 1954 as in a special session in 1952. Of course, Battle would no longer be governor in 1954; the problem would be his successor's.

The generally apathetic Virginia populace did not strongly protest the failure to redistrict in 1952, but Armistead Boothe and his supporters refused to take no for an answer and kept the issue alive. At his own expense, Boothe published a brief but impressive handbook stating the case for a special session.⁶⁸

The liberals joined the Young Turks in the fight. In the spring of 1952, Francis Miller was challenging Harry Byrd for the Democratic nomination for the United States Senate (see chapter 9) and he often referred to the failure to redistrict as one more example of the sorry state of representative government in Virginia.

Virginia's leaders were strict constructionists when it came to interpreting the Federal Constitution and justified their opposition to such federal programs as the establishment of a Fair Employment Practices Commission, and passage of various civil rights legislation on the grounds that such measures were unconstitutional. Yet,

⁶⁸It cost Boothe \$300 of his own money to publish the handbook. R. W. Bain to Robert Whitehead, September 11, 1952, Whitehead Papers, Box 9. A copy of the handbook is also in this box.

many of the same people who decried federal laws as unconstitutional, were perfectly willing to disregard the crystal clear requirements of Virginia's constitution when it suited their purpose to do so.⁶⁹ Such hypocrisy and self-serving decisions were unfortunately frequent occurrences with many Virginia legislators.

Nevertheless, in time the persistence of the opposition began to pay off. In late May Governor Battle indicated his willingness to call a special session if he had enough assurances from the members that they would pass a fair redistricting bill.⁷⁰ Then on June 4, Harry Byrd, Jr., who had voted against the Moses bill but kept silent about a special session, came out in favor of a special session.⁷¹ What motivated Byrd to make this decision might be debated,⁷² but there can be no doubt that he was an important convert to the cause.

⁶⁹This observation was made by Benjamin Muse, Washington Post, June 1, 1952.

⁷⁰Richmond News Leader, May 26, 1952.

⁷¹Ibid., June 4, 1952.

⁷²Robert Whitehead claimed it was due to the pressure that Francis Miller was exerting in his Senatorial campaign against Byrd's father. Richmond News Leader, June 5, 1952. The Byrd-Miller Senate race is examined in chapter 9.

In August Battle wrote to Virginia's 140 legislators asking them whether they favored a special session and would they "support and vote for a fair, reasonable and adequate reapportionment?" Fully forty per cent of the Senate expressed opposition or serious doubts about a special session while a quarter of the House of Delegates were also opposed.⁷³ Nevertheless, enough did answer affirmatively to persuade Battle to call a special session to meet on December 2, 1952.

In addressing the legislators, Governor Battle confessed he had no magic wand to make their task an easy one. He continued,

I am asking you to undertake a task, which of necessity, will seriously affect certain members of the Assembly. It has been my privilege to be associated with you for many years and I keenly regret the necessity of any act which may in any manner curtail the opportunities for service to Virginia of any member of this Assembly.

Knowing as I do the fine spirit and mutual affection and good will which exists among you, I am sure you share these sentiments, but our first duty, our over-riding obligation is to the people of the Commonwealth under our supreme law, the Constitution of Virginia. I have every confidence that the members of the General Assembly of Virginia are fully aware of this constitutional obligation and will faithfully and firmly discharge their plain duty.⁷⁴

⁷³All of the replies from the members of the General Assembly are preserved in the Battle Executive Papers, Box 34.

⁷⁴Richmond News Leader, December 2, 1952.

Following Battle's charge the Assembly quickly passed a redistricting bill and adjourned less than a week after it convened. The bill finally adopted was a vast improvement over the Moses plan, but by objective standards it left much to be desired. In the words of the Lynchburg News it was a "rather feeble gesture" in the direction of equalization of representation.⁷⁵

Five rural seats in the House and two in the Senate were transferred to urban areas. Equality of representation was still far from a reality.⁷⁶ One Senator for example, represented twice as many constituents as another, and one delegate represented over three times as many people as another. Of course, the previous ratios had been 5 to 1 and 7 to 1 respectively; at least progress was made.⁷⁷

Northern Virginia received particularly unfair treatment and was the brunt of cruel jibes as well. Upset by such actions, Fairfax Delegate Edwin Lynch, a staunch Miller supporter, gave an emotional speech protesting the situation, and then with tears streaming down his face he

⁷⁵Lynchburg News, December 10, 1952. Copy in the Whitehead Papers, Box 9.

⁷⁶The heavy rural representation in the General Assembly would play a crucial role in Virginia's ultimate decision to follow the path of "massive resistance" in the segregation controversy.

⁷⁷In all fairness, it must be noted that the variation in representation was much worse in many other states. See Wilkinson, Harry Byrd..., 248.

abruptly resigned and left the House of Delegates never to return again.⁷⁸

The session may have brought tears to Delegate Lynch, but Governor Battle was pleased that things had gone as smoothly as they had. As he wrote, "In view of the human element involved" it was "extremely difficult" to get a fair bill passed.⁷⁹ Fearing the worst, Governor Battle rejoiced that at least a gesture was made in the direction of equal representation.

John Battle's solutions to these three legislative problems -- tax reduction, poll tax reform and redistricting -- were influenced by a combination of factors which included his philosophy, his personality, and his relationship to the Byrd organization. Battle's philosophy was essentially conservative; his personality was easygoing and conciliatory; and he was always a staunch organization man.

Philosophically favoring a poll tax, Battle worked in full harmony with the organization hierarchy to frustrate all attempts at bringing about its repeal. Battle did personally oppose tax reduction but it is difficult

⁷⁸Richmond News Leader, December 5, 1952. Lynch, very emotional, was upset by such jokes as "not all nuts are in trees, a lot of them live in Northern Virginia." Interview with Stuart B. Carter, April 21, 1970.

⁷⁹John S. Battle to Mrs. Jean Durham, January 2, 1953. Battle Executive Papers, Box 20.

to see how he could have acted other than he did on young Byrd's bill to reduce taxes. Battle had scarcely been Governor for a month. Tax reduction was very popular with the majority of Virginians. Furthermore, Battle felt a deep, personal obligation to the Byrd family. Finally, the bill's unusual provisions which tied any tax reduction to an unanticipated surplus gave Battle a way to rationalize his support even though he had earlier come out against reducing taxes. Byrd's bill would not reduce anticipated revenues and indeed might never even go into operation.

Battle's actions in the redistricting controversy are harder to explain satisfactorily. Undoubtedly the pressures from personal friends in the organization were intense. The problem was a complex one. Yet the Constitutional provision was crystal clear. The state had to be redistricted in 1952. It was Governor Battle's "plain duty" to see that this was done or at least to do everything in his power to see that it was done.

The evidence is overwhelming that in this particular instance Governor Battle was willing to put political and personal expediency ahead of his obligation to the Constitution. True, he did finally call the special session but only after intense external pressure caused him to change his original decision.

The Byrd organization generally favored the status quo. Governor Battle's personality was such that he had neither the desire nor the inclination to force the General Assembly in directions it did not wish to go. The result was that in all too many areas of the state government things were allowed to coast along with only moderate progress achieved.⁸⁰ Governor Battle showed vision and energy in dealing with the school crisis, but in too many areas he followed the politics of drift instead of the politics of mastery. Certainly, Governor Battle preferred the policy of drift in the area of race relations, but for a while it appeared that events would not allow him to follow such a course.

⁸⁰This idea is discussed in some length in a letter from James Jackson Kilpatrick to Harry Flood Byrd, October 29, 1953, Kilpatrick Papers, Series B, Box 8.

CHAPTER VIII

HINTS OF THE COMING STORM:

GOVERNOR BATTLE AND THE BLACK COMMUNITY

In the early evening of January 8, 1949, a group of seven black youths from Martinsville waylaid and brutally raped a thirty-two year old white woman. The incident occurred over a year before John Battle became Governor, but the aftermath of the event was to produce Battle's first crisis as Governor.

Police, acting on information supplied by black residents of the area, quickly arrested the alleged assailants, referred to collectively as the Martinsville Seven. In separate trials, each lasting less than a day, all seven defendants were found guilty and sentenced to death in the electric chair. Governor Tuck granted a stay of execution so that the case might be appealed to the Virginia Supreme Court; this was the situation when Battle was inaugurated.¹

Attorneys for the men argued that the newspapers had tried and convicted them before the trial began and that the highly charged atmosphere in Martinsville made it impossible for them to receive a fair trial.

¹A good summary of events can be found in the Martinsville Bulletin, January 2, 1951.

The appeal was denied in March 1950, and new execution dates were set for late spring. Governor Battle issued a new stay of execution so that the case could be appealed to the United States Supreme Court, but the high court refused to intervene and new execution dates were set for the summer. When Battle refused clemency, it seemed as if the end was near for the Martinsville Seven, but Judge Roy M. Doubles issued a temporary reprieve when defense counsel asked for a writ of habeus corpus charging the seven were being illegally held.

[The new and interesting development in the case was the defense's charge that the death penalty for rape in Virginia was reserved exclusively for blacks who consequently were denied equal protection of the law.] An exhaustive search by NAACP attorneys found that forty-five blacks had been executed for rape in Virginia since 1902, but no white man had ever paid the supreme penalty for the same crime. The Virginia Supreme Court did not dispute the figures but nevertheless ruled against the appeal. The court's reasoning was not easy to follow. It declared that the law clearly sanctioned the death penalty for rape and this law applied to both races. If Negroes could no longer be given the death penalty since a white man had not yet been executed, then the white defendant would be discriminated against.

Martinsville Bulletin, June 26, 1950.

The protest flyer, as drafted, was to be sent to the U.S. Senate Executive Papers, Department of Justice.

He could be given the death penalty for rape while a black man could not.²

Again the men were sentenced to die, this time in November 1950, and again Governor Battle intervened to allow this new appeal to go to the highest court in the land. The results followed a similar pattern and on January 2, 1951, the high court refused to intervene. New dates for execution were set for early February and it appeared that nothing could now save the men unless Governor Battle changed his mind about clemency and commuted the men's sentences to life in prison.

While the case was thus in and out of the courts, it attracted increasing attention. The case was made to order for the radicals and Communists, and before long the Martinsville Seven became a cause celebre. Radicals insisted on the complete innocence of the Martinsville Seven, claiming they were "victims of a jimcrow frameup."³ Protest rallies were sponsored in several big cities in the United States. (See example of the contents of a protest flyer on the next page).⁴ In time the notoriety of the Martinsville Seven spread overseas. As the case neared its tragic denouement, Governor Battle was deluged

²"The Martinsville Seven," The Nation, January 27, 1951, 71.

³Martinsville Bulletin, June 26, 1950.

⁴The protest flyer, no date, may be found in the John S. Battle Executive Papers, Box 36.

SEVEN MARTINSVILLE NEGROES

RAILROADED!

By a Jimcrow Virginia Court that
Never Brought a Single KKK Killer to Justice.

* They were framed and sentenced to die on a trumped up charge of rape.

* While our Colored Troops are dying in Korea, the United States Supreme Court refuses to act to save the lives of these 7 Negro Men.

The Jimcrow courts have rendered a verdict of hate, but they reckon without the people who love justice and peace.

JOIN THE FIGHT

1) Write Governor John S. Battle, Richmond, Virginia, and Demand a Full Pardon.

2) Join the Civil Rights Congress "Freedom Crusade" to Virginia on January 28th.

3) Give to the "Martinsville Seven Defense Fund."

with pleas to save the Martinsville Seven. Over ten thousand letters and telegrams were received, but the most famous one was from a group of Russian intellectuals, including the famous composers Dmitri Shostakovich and Sergei Prokofiev, which arrived two days before the scheduled execution. Its tone was typical of what the radical protesters were saying:

The terrible news have /sic/just reached us that the 7 Negroes of Martinsville Virginia convicted on a frameup charge are to be executed on Feb. 2nd -- workers in science, literature and arts in the Soviet Union true to the principles of humanity and justice express deepest indignation at this act of infamy and brutality inspired by race hatred -- In the name of justice and the sacred rights of men we raise our wrathful voice in protest against this crime -- We appeal to all honest men and women to speak up in defense of the innocent youths and save them from the electric chair -- The legal murder of the 7 Martinsville victims must be prevented -- They must not die.⁵

Not all of the protesters were content to register their disapproval by phone, letter or telegram. Approximately five hundred of the demonstrators journeyed to Richmond in the final days before the scheduled executions. Around-the-clock prayer vigils were held in front of the Capitol. A meeting was sought with Governor Battle who, to his credit, agreed to meet with seven of the delegation's leaders. Battle listened to their case, becoming angry only when one protest leader implied that the victim might have been a woman of loose morals. Then he presented his

⁵The original telegram, dated January 30, 1951, is in the John S. Battle Executive Papers, Box 36.

case, related the facts of the crime and pointed out how "false propaganda" and "dastardly lies" had distorted the case, a case so brutal that to talk about a pardon was "just a waste of breath."⁶ As Battle talked, a black protest leader from Philadelphia stood up, declared that he had been "misinformed," and asked to be excused from the meeting.⁷

The activities of the radicals were well covered by the news media but little coverage was given to the large number of non-radical protesters, a group which included many prominent religious and civic leaders. Unlike the radicals, they did not protest against the conviction and punishment of the Martinsville Seven. They would have agreed with Governor Battle when he asserted to the protest leaders, "These people were not convicted because they are Negroes. Neither should they be released because they are Negroes."⁸ Yet the question of their guilt was not really at issue. The real question was the severity of the sentence. One letter stated the case with particular clarity.

We cannot but question the extreme severity of the punishment meted out to these 7 young Negroes. It is a proud tradition of our state and of our American democracy that all our citizens, regardless of their race and rank, deserve equality of treatment before the law.... To inflict upon any of our Negro citizens, because they

⁶Norfolk Virginia-Pilot, February 1, 1951, and Richmond News Leader, February 1, 1951.

⁷Interview with Paul Saunier, Jr., November 29, 1969.

⁸Martinsville Bulletin, January 31, 1951.

are Negroes, a more severe punishment than that which would be imposed upon white men for a similar crime is to make the state itself guilty of partiality and injustice. Yet we cannot resist the conclusion that this may be exactly what has been done in the case of these seven Negroes.

There is a sound reason to believe that these young men were given a penalty for this crime which they would not have received if they had been white. Va.'s judicial record in the field of rape lends unmistakable support to this belief. When 2 white policemen in Richmond raped a Negro woman a few years ago, their conviction was generally applauded but their extremely light sentence evoked no great surprise or protest in the public as a whole.... No white man in Va. has ever been condemned to death for rape alone, even when the victim was white. On the other hand, when Negroes are convicted of raping a white woman the record all too often is just the opposite: Negroes guilty of rape are judged not solely on the basis of their crime but on the ground of their race as well.

We cannot believe, your Excellency, that this is either good Christianity or good democracy....⁹

[Despite the cogency of this argument, not a single white newspaper in the state urged clemency for the Martinsville Seven.] One reason for this reaction was the brutality of the crime. The victim had been waylaid by four of the men on her way home from the black section of town where she had gone to collect \$6.00 for clothes she had sold. She was accosted, thrown to the ground, beaten, bitten, scratched and repeatedly raped. She escaped for a moment but was captured again and taken to a more remote area where three other assailants joined in the attack.¹⁰

⁹Frank D. Daniel to John S. Battle, June 22, 1950, Battle Executive Papers, Box 36. Dr. Daniel, a Charlottesville physician, did not personally write the letter but sent it to Battle explaining that it expressed his views.

¹⁰The most complete description of the crime can be found in the letter of Harold C. Woodruff to Charles Chew, June 7, 1949, Battle Executive Papers, Box 36.

As a result of the experience, the victim suffered lacerations and bruises over most of her body, contracted a severe internal infection and ultimately went insane and had to be placed in a mental institution.¹¹

Yet, even granting the brutal nature of the crime, the press was often excessive in its editorial comment. The Lynchburg News called it "the most brutal crime in the history of Virginia."¹² The Roanoke Times referred to the "excess of bestial lust" in the men,¹³ while the Roanoke World-News declared the men "behaved no better than a pack of mad dogs."¹⁴ Ross Valentine of the Richmond News Leader commented that they were lucky to get off with just death and recounted what would have happened to them "in a less squeamish century."¹⁵ The Newport News Daily Press declared that the rape was "very likely the most superlatively brutal

¹¹ Martinsville Bulletin, February 18, 1949. It is hard to pinpoint the exact relationship between the rape and the victim's later insanity. She did not go insane immediately and during the trial generally testified "calmly and clearly." She was extremely religious and believed her faith in God would keep her from all harm. The realization that this was not so might have played a part in her illness, an illness from which, to the best of the author's knowledge, she never recovered.

¹² Lynchburg News, February 7, 1951.

¹³ Roanoke Times, July 26, 1950.

¹⁴ Roanoke World News, February 1, 1951.

¹⁵ Richmond News Leader, February 5, 1951.

offense against human life in all Virginia annals."¹⁶

Behind all the editorials was the "unspeakable" fact that seven black men had ravaged a helpless white woman. Never before in Virginia's history had seven men been sentenced to die for a single crime, but there appeared to be little effort to determine if there were relative degrees of guilt among the defendants. Joe Henry Hampton, a tough, twenty-year old ex-convict was clearly the ring-leader. It was he who first accosted, beat and raped the victim. On the other hand, illiterate, twenty-year old James Luther Hairston had never before been arrested. He took no part in the original assault and was later told that his friends "had a white girl" in the woods. Hairston went to the scene, but his own inadequacy, due either to wine or fear, prevented him from actually having sexual relations with the victim. Yet both Hampton and Hairston were treated as if they were equally guilty.¹⁷

John Battle was well aware of the differing degrees of guilt among the defendants. Mindful of the heavy responsibility that was his, he had studied the case with metic-

¹⁶Newport News Daily Press, February 5, 1951.

¹⁷"Petition to Governor Battle for the Commutation of the Sentence of the Martinsville Seven" contains information about the convicted men. Six were young and unmarried. Three were illiterate. Three had never been arrested before and none had a serious criminal record. The author is not certain whether it was James Luther Hairston or his half-brother Howard Hairston who did not actually have sexual relations with the victim. Battle Executive Papers, Box 36.

ulous care. As a result, he concluded that, if possible, a couple of the men should have their sentences commuted to life in prison.¹⁸ No satisfactory way was found to accomplish this goal due in large part to the vociferous campaign waged by the radicals. Governor Battle was naturally hesitant to be placed in a position in which it would appear that he was swayed by the mob. Secondly, the radicals stressed the seven men as a unit; they were not individuals but part of a group.

In granting two lengthy stays of execution, Battle made it possible for the Martinsville Seven to exhaust every legal recourse in their struggle for life. When the United States Supreme Court denied their appeal, Battle saw no alternative but to carry out the sentence. Thus, with Battle turning a deaf ear to the last fervent pleas for clemency, the final acts of the grim tragedy were played out on February 2 and 5, 1951. In the largest mass execution ever staged in Virginia's history, the Martinsville Seven finally lost their two-year struggle for life.¹⁹

The Martinsville Seven case contained elements of deep tragedy. The tragedy was not that the men were "victims of a jimcrow frameup"; the guilt of the men was beyond

¹⁸Interview with John S. Battle, June 13, 1969.

¹⁹Richmond Times Dispatch, February 3 and 6, 1951.

rational doubt. The defendants had been given all the surface protections that our legal system affords. They had fair jury trials, fine legal counsel, and a chance to appeal the case all the way to the U. S. Supreme Court on two different occasions. The tragedy was that they were executed because their skin was black and would not have been executed if their skin were white. A black newspaper caught the essence of the matter when it commented, "The shocking truth is -- A Negro's life is not as sacred in the Virginia courts as is the life of a white man."²⁰

Governor Battle had conscientiously and sincerely examined the case in an effort to see that justice was done. Unfortunately, however, his own racial philosophy prejudiced him against the Martinsville Seven. His racial philosophy had one of two effects: either it blinded him to the fact that the men were being executed solely because they were black; or worse, he knew they were being executed because they were black, but it blinded him from seeing anything particularly wrong about such an occurrence.

²⁰Charlottesville-Albemarle Tribune, February 10, 1951. The memories of this incident were slow to die in the black community. Governor Battle's decision not to save the Martinsville Seven was used by both the Howell and Holton forces against his son, William C. Battle, when he sought the governorship of Virginia in 1969. Interview with William C. Battle, December 16, 1969.

Like all men, John Battle was to a large degree a prisoner of his past. Reared by a family of convinced segregationists, growing to maturity in a society geared to emphasize the deep differences between a black man and a white man, John Battle in time and as a matter of course accepted the segregationist creed and its view of the black man as his own.

Battle held no ill will toward Negroes but, like most white men, he had almost no idea of how they thought and felt. Engaging in almost no meaningful communications with blacks, Battle viewed them in stereotype images and believed these stereotypes accurately portrayed what the Negro was really like.

Governor Battle had a favorite story about blacks which he told "all over Virginia." Mayo, one of the Negro servants who had worked at the Governor's Mansion for as long as anyone could remember, had a propensity for getting drunk and embarrassing governors. Once when Sir Winston Churchill was visiting Governor Tuck, Mayo was so drunk he dropped the Prime Minister's coat and hat in the hall. Tuck, declaring he could no longer put up with such behavior, fired him. A few days later Mayo returned and asked to see the Governor. Entering his office, Mayo fell to his knees and prayed with great emotion, "Good Lord, Mayo has been a bad nigger. He has sinned, Lord. He has sinned

against You and he has sinned against the Governor. You have forgiven him, Lord. Open up the heart of the Governor and make him forgive Mayo."

After the laughter died down, Governor Battle added the final revealing comment, "I think that is one of the finest examples of the true Southern Negro."²¹ Battle could live with, laugh at, and even be genuinely fond of a Negro like Mayo who reinforced his stereotype image of the Negro.

Sincerely believing this image reflected reality, Battle was naturally insensitive to the indignities that the blacks endured in a segregated society. For example, near the end of his term the Southern Educational Regional Board was meeting at Hot Springs, one of Virginia's most famous resort areas. The white members were accommodated in the hotel, while a Pullman car was to house the black members of the board! President Martin D. Jenkins of Morgan State wrote Battle in indignation, "While the Governors and other Board members are comfortably located in a hotel, their Negro colleagues -- all of whom are nationally known and respected educators -- are to be shunted off to a railroad siding."²² Battle made no defense or made any effort

²¹ Proceedings of the 64th Annual Meeting of the Virginia Bar Association (Richmond: Richmond Press, Inc., 1954), 231. In the printed version of the story, the word "Negro" is used, but it seems very likely from the context that the word "nigger" was used in telling the original story.

²² Martin D. Jenkins to John S. Battle, October 12, 1953, Battle Executive Papers, Box 22.

to rectify the situation and responded simply, "I regret that you feel the negro [sic] members of the Board will not be properly cared for."²³ Battle's views of the blacks and his attitude toward them were shared by the large majority of white Virginians in the early 1950's.

In the years following World War II, however, such views found themselves under attack both in Virginia and across the nation. The United States was entering a new period of race relations, a period which one famous historian referred to as the "Second Reconstruction."²⁴

The reasons for the development of the Second Reconstruction were many and varied. Black migration to northern urban areas in the 1940's and the subsequent political muscle they wielded played a role. Black soldiers, having fought for democracy and seen another way of life in Europe, were less willing to accept their status of second-class citizenship at home. Racist ideas received a serious setback as a result of the war. Nazi Germany was the foremost exponent of racism in the modern world and the Nazi's attitude toward the Jews was inevitably compared with the creed of white supremacy in the United States.

The Cold War and international politics also played an important role in the coming of the Second Reconstruction. The United States found itself engaged in a life

²³John S. Battle to Martin D. Jenkins, October 13, 1953, Battle Executive Papers, Box 22.

²⁴C. Vann Woodward, Strange Career of Jim Crow (New York: Oxford Press, 1966), 8.

and death struggle with totalitarian Communism and to win the struggle, it needed to win the support of the non-white world. Racist policies at home made the job that much more difficult. As the Attorney General, James P. McGranery, noted in 1952, "Racial discrimination furnishes grist for the Communist propaganda mills, and it raises doubts even among friendly nations as to the intensity of our devotion to the democratic faith."²⁵

Thus spurred on by both internal and external pressures, the United States government, primarily through its executive and judicial branches, began an assault on the old order in race relations. Until the years following 1954, the progress was comparatively modest but the direction was clear. The old order was on the way out.

Virginia was inevitably affected by the Second Reconstruction. [Black voters registered in record numbers, the total growing from 38,020 in 1945 to 65,286 in 1949.²⁶] With more Negro voters, blacks began to run for public office. Their success generally was nil, but the capable black attorney, Oliver Hill, scored a major breakthrough when he was elected to the Richmond City Council in 1948.²⁷

²⁵C. Vann Woodward, *Strange Career...*, 132. The sources of the Second Reconstruction are discussed, 122-47.

²⁶Andrew Buni, *The Negro in Virginia Politics, 1902-1965* (Charlottesville: University Press of Virginia, 1967), 148.

²⁷*Ibid.*, 149.

The first stirring of a new militancy was beginning to be apparent among Virginia's black leaders. During Governor Tuck's administration, several suits were filed in federal courts claiming that facilities in black schools were not equal to those in white schools. Almost without exception the court ruled that the whites must move to equalize the schools. Black Virginians challenged the right of railroads to segregate passengers engaged in interstate travel and eventually won their case. During Tuck's administration, the attack was sporadic and limited, but again the signs were clear. Virginia's black leaders were joining in the war against the old order of race relations and Virginia's status quo in race relations was to face a serious challenge.

John Battle and the Byrd organization could see no need for a Second Reconstruction. Virginia's official response, constantly repeated and apparently sincerely believed, declared that race relations in Virginia were "good." John Battle went so far as to publicly refer to them as "excellent" in 1951.²⁸ Under segregation, a system desired by the vast majority of both races, whites and blacks lived together in harmony and good will. Under segregation the black man had made tremendous progress, a progress that would surely continue. Slowly, as public opinion became

²⁸Richmond News Leader, May 4, 1951.

ready for them, changes in the existing patterns in race relations would take place. There was one central assumption behind this approach to the race problem. White Virginians would determine the rate of change and the overall direction of race relations. It was expected that the blacks would be "patient" until "the time was ripe" for changes.²⁹

During Governor Battle's administration a small but determined group of black leaders decided they would no longer move at the pace determined by the whites, but to move at their own pace, seek great victories instead of small gains, and to use the federal courts to win their major battles.³⁰

The question of race relations in the Battle years may be conveniently broken down into three phases. In the first phase, the 1950 General Assembly was the scene of the last determined effort by moderate whites to liberalize a section of Virginia's segregation code. The second phase, 1950-1951, saw the adoption of a new and militant strategy by the blacks which was aimed not at eliminating

²⁹This view of how official Virginia viewed race relations is culled from a general survey of newspapers, official statements and personal correspondence.

³⁰Black attorney Martin A. Martin declared, "We always go to the federal courts, because state judges are appointed by the General Assembly for eight years, and you can't buck the Byrd machine in Virginia." Marvin Caplan, "Virginia Schools," The Crisis, 58 (January 1951), 11.

the abuses of segregation, but at eliminating segregation itself. The third phase witnessed a white backlash against black assertiveness. This was reflected in the actions of the 1952 General Assembly and a general insistence by whites to defend and maintain segregation against attack from any quarter.

There appeared to be an excellent chance that significant civil rights legislation would be introduced and passed by the House of Delegates during the 1950 General Assembly. In the first half of the twentieth century, Virginia had passed only one piece of legislation dealing with civil rights. That occurred in 1928 during the governorship of Harry Byrd when, under his leadership, the General Assembly passed a strong anti-lynching law, the key part of which made it possible to try all members of a lynch mob for murder.

The leader of the drive for new civil rights legislation was the Young Turk, Armistead Boothe, who insisted that the time had come for new action by the state. "We must think. We must act. We cannot continually exclaim against the federal government usurping the powers of the state without exercising those powers ourselves as our responsibility requires."³¹ He asserted that some changes in Virginia's segregation laws should be made, especially laws concerning transportation.

³¹Armistead Boothe, "Civil Rights in Virginia," Virginia Law Review, XXXV (November 1949), 969.

[To this end, Delegate Boothe introduced House Bill 281 which became one of the most widely discussed pieces of proposed legislation of the 1950 session. In essence the bill would have repealed all state laws dealing with segregation on all forms of transportation. Co-sponsors of the bill included fellow Young Turks E. Griffith Dodson, Jr., and Julian Rutherford from Roanoke and George M. Cochran from Staunton. Surprisingly, another patron was Delegate Jack Daniel, a native of Charlotte Court House and the representative for the two Southside Virginia counties of Charlotte and Prince Edward, two counties where segregationist sentiments were intense. Daniel's backing increased the bill's prospects in the House.³²

It should be remembered that the scope of the Boothe bill was quite narrow. Although the issue had not been finally resolved, recent Supreme Court rulings clearly indicated that racial segregation of passengers engaged in interstate travel was unconstitutional. Secondly, in many areas of the state, and especially on certain railroads, the laws were not strictly enforced. Finally, the Boothe bill in no way affected local laws and ordinances governing segregation on common carriers. They would remain in effect as long as the communities wished to keep them.

³² Journal of the House of Delegates - 1950 (Richmond: Division of Purchase and Printing, 1950), 205.

The public comment on the proposal was almost entirely favorable. Petitions favoring the Boothe bill were circulated around the state and gathered thousands of white signatures. A typical petition asserted, "It is our firm belief that these laws are undemocratic, un-Christian, unfair, and outmoded."³³ When public hearings were held on February 20, the turnout exceeded all expectations as the hearing room was literally swamped with interested spectators and those anxious to testify about the bill.³⁴

An impressive list of civic and religious leaders spoke in favor of the bill. Several railroad companies also backed the proposal. [Boothe spoke eloquently on the bill and urged that its passage would be a "pledge of good faith" to the black community and would encourage them to look to Richmond rather than to Washington for redress of their legitimate grievances.] The bill's advocates constantly emphasized its limited nature and declared it should in no way be viewed as a step toward ending segregation in general. The atmosphere was so congenial that when the floor asked for a show of hands among those who wished to speak against the bill, not a single person responded.³⁵

³³A copy of the petition can be found in the Whitehead Papers, Series 2, Box 11.

³⁴Richmond Times Dispatch, February 21, 1950.

³⁵Norfolk Journal and Guide, February 25, 1950. Two days later, former Governor Colgate Darden spoke to the committee and urged passage of the bill.

Buoyed by such events, the bill's backers were optimistic that the measure would pass the House if it could be brought to a vote.³⁶ Publicly, the administration took no stance, but privately Governor Battle told Boothe that he thought it was a good bill and would be pleased to see it passed.³⁷

Nevertheless, the opposition in the Assembly even to this relatively minor change was very real if not very visible, with many feeling that the time was "not yet ripe" for such changes. The bill's immediate fate lay in the hands of the sixteen-member Committee on Courts and Justice to which the measure had been assigned.

In view of what was believed to be the sensitive nature of the measure, many delegates did not wish to express their true feelings in public. Consequently, the committee met in closed session to deliberate on the bill, a perfectly proper step. Closed deliberations were in order, but House Rule Number 24 clearly states that all final committee votes must be open to the public. Despite this regulation, the committee chose to circumvent it and cast the vote in secret. This was done by locking reporters out while deliberations were going on and then quietly unlocking the door to signify that the meeting was now

³⁶Interview with E. Griffith Dodson, Jr., February 14, 1970.

³⁷Interview with Armistead Boothe, December 30, 1969.

open. Since absolutely no other sign was given to reporters, they continued to wait outside assuming deliberations were still going on.³⁸ Those favoring the bill agreed to go along with such questionable tactics in the hope that some Delegates representing more conservative areas would be more likely to vote for the bill in private than in public.³⁹

When the vote was taken, the Boothe bill was narrowly defeated by a vote of 9-7. Negative votes were cast by John Boatright of Buckingham, Harold Singleton of Amherst, Paul Crockett of Yorktown, Frank Beazley of Bowling Green, Stilson Hall of Loudoun, Willey Broadus, Jr., of Martinsville, J. Brodie Allman of Franklin, duVal Radford of Bedford and James Camblos of Big Stone Gap.

The seven delegates voting aye were William Gibson of Fredericksburg, Delamater Davis of Norfolk, Frank Moncure of Stafford, E. Griffith Dodson, Jr., of Roanoke, George M. Cochran of Staunton, Fred Pollard of Richmond and Walter Page of Norfolk.⁴⁰ Generally speaking, those

³⁸Manual of the Senate and House of Delegates - 1950 (Richmond: Division of Purchase and Printing, 1950), 138. See also Richmond Times Dispatch, February 25, 1950.

³⁹E. Griffith Dodson, Jr., to author, April 18, 1970. Copy in possession of author.

⁴⁰The record of the vote was made available to me by E. Griffith Dodson, Jr. Interview with E. Griffith Dodson, Jr., February 14, 1970. See also Richmond Times Dispatch, February 25, 1950.

favoring the measure represented urban constituencies while those opposing it came from more rural areas.

The sudden death of the bill and especially the manner of its demise caused considerable adverse comments among many Virginians. One black minister eloquently declared:

In Virginia, the Mother of Presidents, the birthplace of the Bill of Rights, behind closed doors of a committee room, in secrecy and in darkness because of the shame in hearts that have at least enough decency to be ashamed enough to do it in the darkness -- a bill was killed that would have given some measure of encouragement to a group of our citizens who are striving to become first-class citizens.⁴¹

Delegate Boothe also introduced a second civil rights bill in the 1950 General Assembly. It would have established a Virginia Civil Rights Commission to study economic, educational and other phases of race relations in Virginia and to recommend measures for the correction of any abuses found. The original bill (HB-280) called for the state to pay the expenses of members of the commission. As such it was sent to the committee on appropriations which quickly killed it. Not to be deterred, Boothe offered a new bill, (HB475), this time specifying the state would not pay anything to the commission.⁴² It was sent to the Committee on Courts and Justice, but it too died in committee. Its death symbolized the unwillingness of Governor

⁴¹Norfolk Journal and Guide, March 4, 1950.

⁴²Journal of the House of Delegates -- 1950 (Richmond: Division of Purchase and Printing, 1950), 205 and 352.

Battle, who opposed the committee, and the organization to come to grips with Virginia's racial problems. Boothe was naturally disappointed by the defeat of both his bills, but he declared his intention to reintroduce them in the 1952 General Assembly.

[Several events, however, occurred prior to the 1952 session which perceptibly altered the attitudes of a number of legislators and made them less amenable to any form of civil rights legislation.] The black men in Virginia, or at least a small number of their leaders, showed a new militancy that both surprised and angered Virginia's officials, Governor Battle included, and threatened to undermine Virginia's whole system of segregation.

The first of the events occurred during the summer of Governor Battle's first year in office. [Blacks had sued in the federal courts charging that the seaside resort town of Colonial Beach provided no swimming facilities for them.] The town responded to the charge with the declaration that Negroes were not denied use of the beach; they simply did not use it. Black leaders decided to see if the beach was really open to them. Consequently, on August 5, 1950, about fifteen blacks, led by attorney Martin A. Martin and NAACP State Executive Secretary W. Lester Banks, went swimming at Colonial Beach. At first, it appeared that the swimming party would proceed without

incident. Suddenly, a white photographer was roughed up by a group of whites while trying to take pictures of the group leaving the water. A general melee involving perhaps fifty to a hundred people occurred. Fists flew, a white youth was stabbed, and blacks were beaten and stoned as they retreated to their cars.⁴³ The blacks vowed to return, asserting, "We will swim at Colonial Beach."⁴⁴ The town was just as adamant that they would not. Mayor Norman Brewington warned that there would be "bloodshed" if the blacks returned. "The people around here are all roused up... . They have just made up their minds that Negroes are not going to use the beach."⁴⁵

Fears of a full-scale riot were strong. Governor Battle declared that the state would "afford protection for all citizens of the Commonwealth regardless of race."⁴⁶ Nevertheless, the blacks faced almost definite physical abuse if they sought to return. Realizing this, they wisely directed their efforts to the courts and the crisis temporarily passed.

The Richmond News Leader deplored the incident but warned the Negro to "go slow" or "he would undo years of pa-

⁴³Washington Post, August 6, 1950.

⁴⁴Roanoke World News, August 8, 1950.

⁴⁵Richmond News Leader, August 7, 1950.

⁴⁶John S. Battle to Howard H. Davis, August 15, 1950. Battle Executive Papers, Box 19.

tient effort toward better understanding in Virginia... public sentiment in this state is not ready to accept mixed public bathing of the races."⁴⁷ To the black leaders, the News Leader's advice to "go slow" meant "accept things as they are" and this they were no longer willing to do. On the contrary, in October 1950, the Virginia branch of the NAACP made a far-reaching decision. The executive secretary, W. Lester Banks, declared, "Today we do not seek better Jim Crow schools, but we seek improved educational opportunities for all children on a completely non-segregated basis."⁴⁸

Six months later they backed up this resolve with concrete action. In May 1951, black leaders filed in federal district court a suit against Prince Edward County directly attacking the concept of segregated schools. The plea did not seek to force the county to equalize the school system for blacks, though in 1951 the black high school was woefully inferior to its white counterpart;⁴⁹ rather it sought the total elimination of segregation in the public schools on the grounds that children in a segregated school could not truly receive an equal education.

⁴⁷Richmond News Leader, August 9, 1950.

⁴⁸Ibid., October 20, 1950.

⁴⁹A copy of the court opinion demonstrating the inequality between the two schools can be found in the Battle Executive Papers, Box 21.

Governor Battle reacted defensively to the filing of the suit, and claimed, "I feel we are making real progress in the education of both white and colored children in Virginia."⁵⁰ Then he warned that the Negro attorneys were "playing with fire" and predicted a court ruling against segregation "would do irreparable harm to the public school system if not completely wreck it."⁵¹

In the summer of 1951, black leaders continued "playing with fire" and widened their war against segregation by launching an attack on Virginia's segregated park system. The trouble originated the year before in July of 1950 when a group of black nurses working with the City Health Department of Norfolk were denied admission to a Health Department outing at Seashore Park in Princess Anne County.

Two weeks later, a group of black children from a nearby camp wandered onto the park grounds. There they were accosted by a park guard who, allegedly brandishing his pistol, cursed first the children and then their counsellors and threatened to shoot them unless they left the park. This inexcusable incident led to a strong protest to Governor Battle by black leaders, including P. B.

⁵⁰Richmond Times Dispatch, May 4, 1951.

⁵¹Richmond News Leader, May 4, 1951. Virginia's response to this challenge will be dealt with in more length later in the chapter.

Young, editor of the Norfolk Journal and Guide. A subsequent investigation substantiated the charges against the guard, but his punishment was only a ten-day suspension.⁵²

At this time black leaders tried to work out some arrangement for their people to use Virginia's parks. By 1950 there were nine state-owned parks located in strategic areas around the state. (See map next page). All of these parks except one, however, were reserved exclusively for whites. It was not a case of the blacks being segregated within the parks; they were completely barred from using them. One park, located near Burkeville in Prince Edward County, was opened early in 1950 and set aside for use by Negroes. Blacks complained, however, that the park was far removed from most population centers (see map) and even more significant, it was located far away from both "the scenic beauties of the seashore and the grandeur of the mountains."⁵³

Governor Battle countered by asserting, "Facilities have been provided which are probably more adequate and certainly more expensive than those of any other park in

⁵²Norfolk Journal and Guide, June 30, 1951.

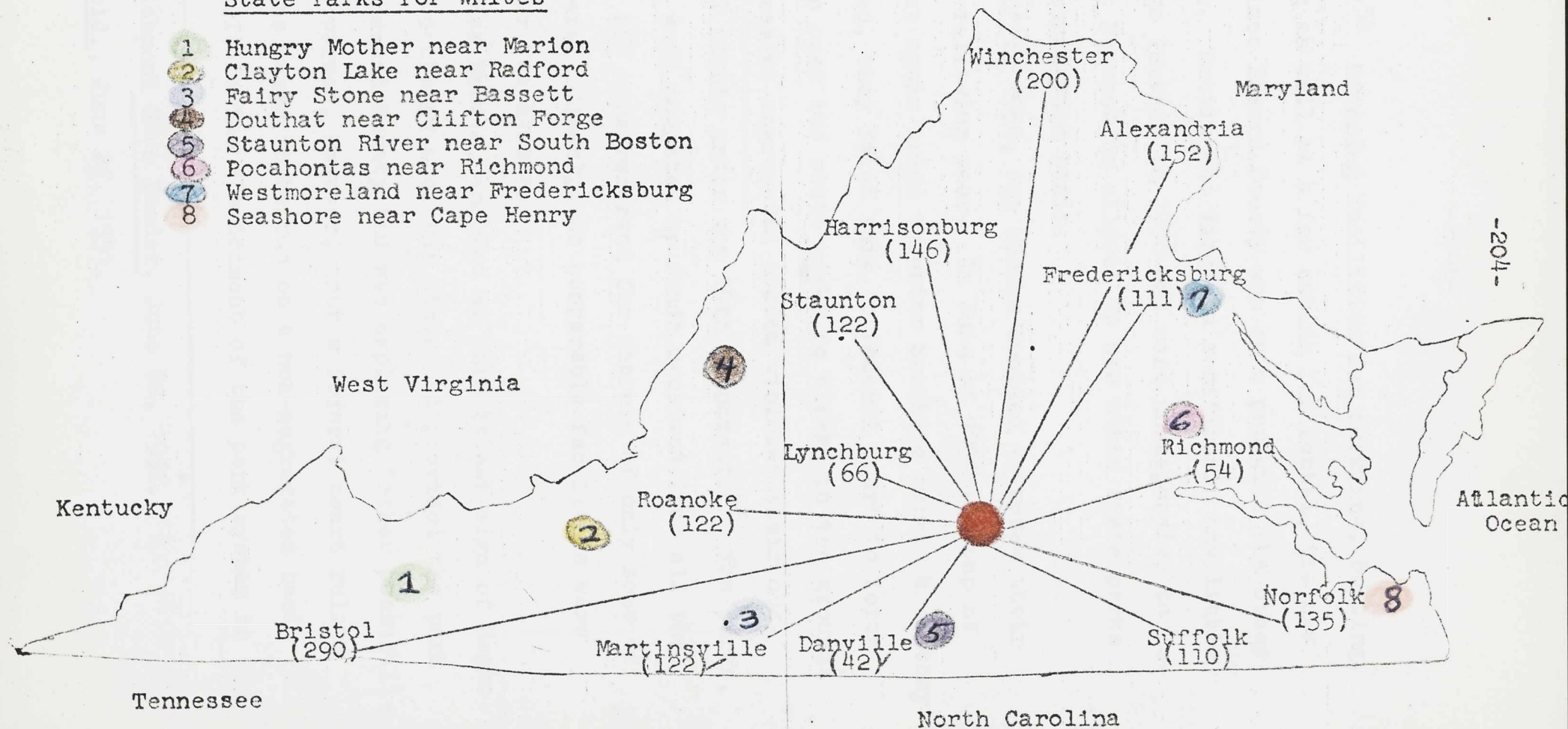
⁵³Norfolk Journal and Guide, August 19, 1950. See also July 7, 1951 and August 25, 1951.

VIRGINIA STATE PARKS -- 1950

● The Only State Park for Blacks

State Parks for Whites

- 1 Hungry Mother near Marion
- 2 Clayton Lake near Radford
- 3 Fairy Stone near Bassett
- 4 Douthat near Clifton Forge
- 5 Staunton River near South Boston
- 6 Pocahontas near Richmond
- 7 Westmoreland near Fredericksburg
- 8 Seashore near Cape Henry



Note: Map Copied from Norfolk Journal and Guide, August 25, 1951.

the state."⁵⁴ Offering facilities for swimming, boating, and fishing as well as a few cabins for rental, the new park in Prince Edward County was on a par with the other state parks. Battle and Virginia's officials saw little reason to go further in 1950 and were unresponsive to requests that Negroes be allowed to use other state parks even on a segregated basis.

Put off in 1950, the blacks decided to renew their attack the following year. In June of 1951 a group of four Negroes again tried to enter Seashore Park. When they were refused, they filed suit in federal court to force Virginia to open its state parks to blacks on the grounds that the present segregated system violated their constitutional rights under the 14th amendment.⁵⁵ The parks, after all, were operated by funds received from all the taxpayers, but were reserved for the use of only some of the taxpayers. Clearly, no comparable facilities were provided for the blacks.

Governor Battle, angered at this latest sign of Negro militancy, declared that the state had provided the park at Prince Edward County and was exploring "other possibilities." He warned, however, that a federal court ruling ordering the parks to be run on a non-segregated basis "might result in the abandonment of the park system in

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⁵⁴Richmond News Leader, June 28, 1951.

⁵⁵Ibid., June 27, 1951.

Virginia."⁵⁶

Under threat of court action, the state tried to work out a compromise. Governor Battle had two of his key aides, Sidney Kellam, his campaign manager who had been rewarded for faithful service by being made the state's Director of Conservation and Development, and Attorney General Lindsay Almond meet with the black leaders. They proposed requesting funds from the next General Assembly for Negro facilities in the area of Seashore Park, but the blacks were skeptical and insisted on pressing their suit to open all of Virginia's parks to all of Virginia's citizens.⁵⁷

When asked by the Norfolk NAACP to elaborate and justify his position on segregation in the parks, Governor Battle followed a hard line,

I have publicly stated that in the event the federal courts should sustain the prayer of petition and require that the state parks, the housing, restaurants, and bathing facilities be opened to the joint use of both races, Virginia would, in my judgment, abandon her park system.

I don't see how I can explain my position any more clearly other than to say that I, for one, shall make every effort to maintain our park system on a segregated basis, and failing in this, to discontinue the operation of the parks by the state.⁵⁸

⁵⁶Richmond News Leader, June 28, 1951.

⁵⁷Richmond Times Dispatch, August 15, 1951.

⁵⁸John S. Battle to M. E. Diggs, August 30, 1951.
Battle Executive Papers, Box 21.

Contrary to his normal disposition, Battle made no effort to be conciliatory and concluded, "So far as 'justification' is concerned, I have no hope, or, may I say, desire, to justify my position before the NAACP."⁵⁹ Battle's hard line masked his own concern for, as a lawyer, he knew the legal suits attacking segregation in the schools and parks had momentous implications. He said as much to a judicial conference, "Upon the decisions rendered thereon may well hinge the future of many of the basic principles of our society as well as the sovereignty of the states."⁶⁰

Virginia could not know, let alone control, the court's decision on segregation. She could, however, decide what action to take at the state level concerning such issues as segregation in the schools, parks and transportation. The 1952 General Assembly examined all these questions but with little sympathy for the blacks. In the eyes of many moderate whites the blacks had broken the cardinal rule of race relations in Virginia by becoming aggressive and assertive. Walter Page, a Young Turk who had supported the Boothe bill in 1950, spoke for many moderate whites when he declared late in 1951, "Resort to the courts by Negroes of Virginia...has been harmful to their welfare and helped to render the people of this state unready to

⁵⁹ John S. Battle to M. E. Diggs, August 30, 1951. Battle Executive Papers, Box 21.

⁶⁰ Norfolk Journal and Guide, July 7, 1951.

abolish segregation in public transportation."⁶¹

Events proved the correctness of Page's prediction. Boothe, well aware of the increased hostility to any kind of civil rights legislation, revised his 1950 proposal which would have outlawed segregation on all forms of interstate transportation to affect only railroads.⁶² This emasculated bill was still subject to more vocal criticism than his stronger 1950 proposal had encountered.

Apparently confident the bill would be defeated, the organization-controlled Committee of Courts and Justice reversed their 1950 strategy and voted by a large margin to release the bill to the floor of the House.⁶³ There the opposition decided to kill the bill by having a crippling amendment added to the original proposal. Introduced by Delegate Sam Pope of Southhampton, the amendment stated that no change in the law could take place unless the people of Virginia approved it in a statewide referendum. Boothe insisted such a proposal would kill the whole purpose of the bill.⁶⁴

⁶¹Norfolk Journal and Guide, October 13, 1951. See also February 23, 1952.

⁶²Journal of the House of Delegates -- 1952 (Richmond: Division of Purchase and Printing, 1952), 455. There was only one co-sponsor, Lewis McMurrin of Newport News, to Boothe's new bill; in 1950 there had been six.

⁶³Ibid.

⁶⁴Richmond Times Dispatch, February 24, 1952.

Delegate Paul Crockett of Yorktown led the opposition. Allegedly "a whiskey-drinking, tobacco-chewing, woman-chasing" delegate, Crockett was an example of the organization at its worst.⁶⁵ Reactionary, boisterous and controversial, he viewed himself as an organization Robert Whitehead and probably addressed the House more often than any other delegate.⁶⁶

Crockett attacked the Boothe bill in the most sweeping terms, declaring in effect that passage of this mild bill would mean a complete end to segregation. The speech, which fits exactly the stereotype of the Southern conservative on race matters, deserves to be quoted in some detail:

I want everyone to know that I have nothing but friendship and admiration for the Negro race as a whole and I number many Negroes among my most valued friends.... Certainly no one can say that I may be accused of Negro baiting, self-seeking or personal prejudice....

The great majority of both races are happier, more prosperous, and more peaceful and contented when associated with their own race rather than when they are commingled.... Now we are asked to repeal a part of these laws.... If we do so, we might just as well repeal all of these statutes because the repeal of one, or of part of one, would be nothing but the opening wedge, the initial break in the dyke, in truth the "camel's nose under the tent." Let us not deceive ourselves into thinking that any partial repeal will ever satisfy the insatiable appetite for complete and absolute social equality, including intermarriage of the races, which is the real aim and purpose of the very small minority of Negroes, many of whom are professionally engaged with lucrative returns...who are responsible for the agitation and foment about segregation.⁶⁷

⁶⁵Personal interview. Name withheld by request.

⁶⁶Interview with George M. Cochran, January 31, 1970.

⁶⁷Speech by Paul Crockett in the House of Delegates, February 23, 1952. Copy in Robert Whitehead Papers, Box 8.

After Crockett's philippic, the House passed the Pope amendment by a solid 60-27 vote.⁶⁸ Boothe then withdrew his bill and Virginia's last positive attempt toward dealing with its race problem was over for a number of years.

The Assembly did, however, engage in some negative steps. Faced with the threat that the federal court might order an end to segregation in Virginia's state parks, the legislature acted to prepare for such an eventuality. In a little discussed but highly significant bill (SB-288), the General Assembly overwhelmingly passed a law which would allow the Director of Conservation in concert with the Governor to "convey, lease or demise" the public lands of the park to private enterprise. The bill also gave power to the Governor to discontinue "the operation of any or all state parks when in his judgment the public interest so requires."⁶⁹ So strong was the sentiment to close the parks as public facilities rather than integrate them that Robert Whitehead cast the only dissenting vote in either House.⁷⁰

Public interest centered on the school situation and what Virginia should do if the United States Supreme Court declared segregation unconstitutional, a decision expected

⁶⁸ Norfolk Journal and Guide, March 2, 1952.

⁶⁹ Acts of the General Assembly -- 1952 (Richmond: Division of Purchase and Printing, 1952), 700.

⁷⁰ Journal of the Senate -- 1952, 484; Journal of the House of Delegates -- 1952, 920.

at almost any time. [Charles Moses, State Senator from rural Appomattox, proposed two bills to deal with such an eventuality. Introduced in mid-January, the bills would have allocated funds directly to school boards to enter into contracts with private organizations to operate what Moses called "free" schools.] Furthermore, [the state in effect would give every child in Virginia individual scholarships by allotting a certain amount of money directly to the parents or guardians.] They, in turn, would decide whether they wanted their children to go to public schools or free schools. Of course, the private operators of the free schools would have power to regulate admission of students, and hence to deny admission to all black students.⁷¹

The NAACP called the bills shocking.⁷² [Most public comment, however, was favorable, although many questioned the timing of the bills.] They were called premature since the Supreme Court had not yet ruled against segregated schools and not detailed enough to meet the crisis if the court did so rule. Governor Battle declared that he was "in no sense critical of Senator Moses' suggestions" but he was "not prepared to pass upon the merits, or legality, of his bills."⁷³ For these reasons the com-

⁷¹Richmond News Leader, January 31, 1952.

⁷²Ibid., January 16, 1952.

⁷³Statement by Governor John S. Battle on the Moses Bills, January 16, 1950. Copy in the Battle Executive Papers, Box 22.

mittee decided to by-pass the bills for the present.

In by-passing the Moses Bills the General Assembly demonstrated that it would not take precipitate action before the court even ruled against segregation. This did not mean they would accept such a ruling, for Virginia public opinion was overwhelming in favor of maintaining segregation. The tone of most pronouncements on the subject during Battle's years, as indicated below, was that Virginia was not going to end segregation in the public schools and an effort to force them to do so would be disastrous. The Richmond News Leader warned that the Negro's present "progress will end abruptly if ill-advised Negro leadership persists in its effort to ram down the South's throat a policy it will not swallow."⁷⁴ The Roanoke World-News asserted:

The South is not now and is not likely to be anytime soon ready for an end to segregation. Attempts to force open white schools to attendance of colored pupils is a cruel illusion for the Negro that can only bring trouble and bitterness and disappointment. History and custom cannot be reversed by court order. It is pure foolishness for anyone to think that they can be thus altered.⁷⁵

Individuals of all political persuasion made essentially the same point. Robert Whitehead spoke about integrating Prince Edward County, "It simply can't be done, and that fact should be recognized by all sides. A failure to do so may well be tragic."⁷⁶ Referring to the problem generally,

⁷⁴Richmond News Leader, May 7, 1951.

⁷⁵Roanoke World News. Quoted in Richmond News Leader, May 10, 1951.

⁷⁶Robert Whitehead Speech at Clifton Forge, Virginia, May 24, 1951. Copy in Whitehead Papers, Box 1.

Robert Whitehead declared, "If within the foreseeable future, mixture of the races in public free schools of the South is decreed, the Negro race will have won the battle for the elimination of segregation by law, but lost the war for the education of its youth. It will be a Pyrrhic victory."⁷⁷ Paul Crockett asserted, "Every thinking person knows that if segregation -- by any means whatever -- be abolished or prohibited in our public schools...it would mean simply that Virginia would abandon its free public school system and adopt a policy of privately financed education."⁷⁸ Armistead Boothe saw the decision coming as early as 1949 but declared such a decision will be "the keynote to tragedy" which will usher into Virginia "an era of chicanery, hatred and violence."⁷⁹

Marvin Caplan writing in the black monthly, The Crisis, commented that most whites feel that "unsegregated education is unthinkable."⁸⁰ Lindsay Almond, Battle's Attorney Gen-

⁷⁷Speech by Robert Whitehead at Amherst, Virginia, December 14, 1950. Copy in Whitehead Papers, Box 1. Whitehead, though liberal on many points, was a strong supporter of segregation and apparently believed in the innate inferiority of Negroes. See Robbin L. Gates, Making of Massive Resistance, 150.

⁷⁸Speech by Paul Crockett in the House of Delegates, February 23, 1952. Copy in Whitehead Papers, Box 8.

⁷⁹Armistead Boothe, "Civil Rights in Virginia," 969.

⁸⁰Marvin Caplan, "Virginia Schools," The Crisis, LVIII (January 1951), 63.

eral, warned in 1952 that the public school system "would wither and die" if segregation was abolished. Ominously, he indicated that "the State would not cooperate with an order to integrate the school system."⁸¹

The News Leader stated it would not advocate closing schools, "until every conceivable alternative had been explored and rejected by the courts," but it was clear as early as 1951 that people seriously considered closing the schools rather than integrating them.⁸² Liberal leader Martin Hutchinson wrote to Whitehead, "I have some ideas as to what will have to be done should the day come when we have to abandon our present public school system " due to integration, but he did not spell them out."⁸³

Governor Battle was put in a difficult position by the uproar over the segregation crisis. [White public opinion was nearly unanimously in favor of maintaining segregation in the public schools and this is certainly what Governor Battle personally desired.⁸⁴ Nevertheless, there was a strong

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⁸¹ Richmond News Leader, November 22, 1952.

⁸² Ibid., May 30, 1951.

⁸³ Martin A. Hutchinson to Robert Whitehead, May 11, 1951. Whitehead Papers, Box 27.

⁸⁴ There can be no doubt of Battle's attachment to segregated schools which was personal as well as political. For example, when asked to state what he wished most for the state of Virginia during 1959, Battle replied, "My first wish in 1959 for Virginia is a program of racially segregated public school education which will not be held invalid by the federal courts." Copy of this telegram to the Associated Press, December 30, 1958, may be found in the Battle Papers, Box 1.

possibility that the United States Supreme Court would rule against it. Should Battle prepare the state for such an eventuality? Should contingency plans be drawn up?

Ultimately, Battle decided against such a course of action. He explained, "It seemed to me to be the best policy to take the position that our laws are perfectly valid and we expect the Supreme Court to sustain them. Any other public statement would indicate doubt of our position, and I'm afraid weaken our case before the courts."⁸⁵

There were other reasons for Battle's inactivity. His personal tendency was not to move until he had to move; the crisis had not yet occurred and Battle kept hoping that the court would affirm the doctrine of separate but equal. Then too, the organization seemed dead set against school integration and it was therefore logical not to have a state body study ways of doing something the state had no intention of doing.⁸⁶

Following a do-nothing-and-hope-for-the-best course, Battle opposed a civil rights commission as "inopportune," and refused to have even a committee of leading white citizens meet to discuss the problem.⁸⁷

⁸⁵John S. Battle to S. S. Mundy, June 7, 1951, Battle Executive Papers, Box 21.

⁸⁶Robbin L. Gates, The Making of Massive Resistance: Virginia Politics of Public School Desegregation, 1954-56 (Chapel Hill: University of North Carolina Press, 1962), 29.

⁸⁷John S. Battle to H. T. Richard, August 13, 1953, Battle Executive Papers, Box 21.

Not all Virginians thought he was following a wise course. Armistead Boothe complained to Battle, "There has been an appalling absence of thought and consideration of the problems flowing from the decision to integrate the public schools⁷ and if we get caught off guard we may be some time in recovering from the consequences."⁸⁸ The Roanoke World-News bluntly declared, "Virginia has taken an ostrich-like approach to the problem of school segregation."⁸⁹

To Battle's credit, he made no effort to inflame racial tensions; he avoided race baiting. Though strongly favoring segregated schools, he did try to make them equal. In his request for money for black schools he asserted Virginia should act not because the courts ordered it, but "because it is right."⁹⁰

Even though Governor Battle followed a hard line in race matters, the black press was remarkably kind to him. The Norfolk Journal and Guide declared, "In training, background and personality Virginia's retiring governor represents the best in Southern officialdom. He has quality,

⁸⁸Armistead Boothe to John S. Battle, May 5, 1953, Battle Executive Papers, Box 21.

⁸⁹Roanoke World News, November 21, 1953.

⁹⁰Virginius Dabney, "Southern Crisis: The Segregation Crisis," Saturday Evening Post, November 8, 1952.

integrity, social outlook and ability."⁹¹ The Journal and Guide applauded President Eisenhower's decision to appoint Battle to the Civil Rights Commission in 1957 and the Charlottesville Tribune stated that Dixie was "dignified" by Battle's appointment, whom they referred to as a "true Southern gentleman."⁹² To keep the proper perspective, it is worth noting that in the election of 1960 Norfolk blacks were urged to write in the name of John Battle in protest against the racial policies of Senator A. Willis Robertson!⁹³

John Battle was a staunch segregationist, insensitive and unresponsive to black demands, and yet he was a moderate in his own time. The inescapable conclusion from this observation is that talk about the good relations between the races before the high court ruled against segregation is a myth. [Such talk reflected what the whites wanted to believe, but probably doubted was true;] it did not reflect

⁹¹Norfolk Journal and Guide, January 20, 1954.

⁹²Charlottesville-Albemarle Tribune, November 15, 1957; see also Norfolk Journal and Guide, November 16, 1957.

⁹³A copy of the advertisement urging Norfolk blacks to vote for Battle can be found in the Battle Papers, Box 6. There is no date but it is from the Norfolk Journal and Guide.

reality.⁹⁴

It would be going beyond the evidence to declare that race relations in Virginia in the early 1950's made it inevitable that the state would follow Senator Harry Byrd when he urged "massive resistance" to the supreme law of the land after the Supreme Court ruled public schools must be integrated. But there is enough evidence for us not to be surprised that they did follow such a road. Like the Sirens' song in the Odyssey, the call of massive resistance was irresistibly sweet and compelling to a people bent on preserving their segregated schools. But, as in the myth, heeding the siren call meant disaster.

⁹⁴Even looking back at his administration Battle could sincerely declare, "I think there was no serious problems as far as the races were concerned before 1954." Benjamin Muse, Virginia's Massive Resistance (Bloomington, Indiana: Indiana University Press, 1961), 5. Oliver Hill was more accurate when he declared blacks opposed segregation but agreed with the Southern whites on the "good relations" of the past only because they knew that is what the whites wanted them to do. Gates, Making of Massive Resistance...., 142.

CHAPTER IX

DEMISE OF THE LIBERALS

The tremendous optimism exhibited by the liberals in the 1949 campaign was not noticeably dimmed by the results of the primary. Even in defeat they saw hopeful portents for the future. Francis Miller had run a respectable second in the state as a whole while actually winning a plurality of the urban vote. Fifty-seven per cent of the voters cast their ballots against the organization candidate, John Battle. In addition, the primary results for one of the seats in the House of Delegates were particularly pleasing to the liberals. G. Alvin Massenburg, hated Byrd lieutenant and long-time Speaker of the House, was defeated by Vic Wilson, a Hampton attorney and Miller's campaign manager for the Hampton-Norfolk area.¹

In conceding the victory to Battle, Francis Miller made it clear that the fight was by no means over. "Our movement will continue to organize the forces of the Democratic party until we have taken over control of the party. ...This

¹Norfolk Virginia-Pilot, August 3, 1949.

is but the first round. We will continue to fight until we have a complete victory." Miller added that he would devote his "full time" to bring about this result.² The liberals' first full time effort was directed against the Campbell Amendments, the machine-sponsored amendments abolishing the poll tax but replacing it with other restrictive requirements. The result of the November general election was encouraging beyond the liberals' fondest expectations with the defeat of the amendments by an almost four-to-one ratio.³

If the liberals found cause for encouragement in the events of 1949 (and one had to be optimistic to do so), the years of John Battle's administration were years of frustration, defeat and, ultimately all but complete destruction for the liberal movement in Virginia. Battle's moderate, low-keyed administration provided little grist for the liberal mill. The Byrd machine, always "ruthless in combatting its opponents,"⁴ turned its tremendous power and skill toward defeating the liberals. During the Battle years, each of the three acknowledged liberal leaders -- Robert Whitehead, Martin Hutchinson and Francis Miller --

²Charlottesville Daily Progress, August 3-4, 1949.

³For evidence that the Byrd organization was perfectly willing for the Campbell Amendments to be defeated see pp. 157-58.

⁴Virginius Dabney to Stephen White, April 30, 1952, Dabney Papers, Series H, Box 9.

did combat but were bested by Senator Byrd or his organization.

Robert Whitehead was the liberal leader most respected and most feared by the Byrd machine.⁵ Governor Battle personally admired Whitehead whom he regarded as a man "with a whole lot of ability" but one "who couldn't go along with the crowd" and who seemed compelled to oppose whatever the organization favored.⁶ It was common knowledge that Whitehead would more than likely be the liberal candidate in the 1953 gubernatorial campaign, and the organization was determined to prevent him from enhancing his chances of victory if it was within their power to do so. At the end of the 1950 General Assembly a clash occurred between Whitehead and the organization which clearly demonstrated the lengths to which the machine was willing to go in order to keep Whitehead from achieving any kind of victory.

Whitehead, nursing an ulcer and eschewing liquor, poker and socializing, was one delegate who worked throughout the entire session of the General Assembly.⁷ As a result Whitehead was the most knowledgeable man

⁵Because they feared him, some of them hated him. One Young Turk claims that some of the old guard were angry with newer members if they so much as laughed at Whitehead's jokes. Interview with E. Griffith Dodson, Jr., February 14, 1970.

⁶Interview with John S. Battle, June 13, 1969.

⁷Interview with Justice George M. Cochran, January 31, 1970.

in the General Assembly with a grasp of the budget that "inspired awesome respect, even among his opponents."⁸ While scrutinizing the budget for the coming biennium, Whitehead discovered that the House Appropriations Committee had made a mistake in drawing up the budget. They had failed to include in the revenue of the state \$2 million in the form of reversions of unexpended appropriations. Thus, Virginia had \$2 million more to spend than originally estimated, a fact the State Comptroller, H. G. Gilmer, confirmed in writing.⁹

Fortified by this new knowledge, Whitehead managed to win a temporary victory by convincing the House of Delegates to add an extra million dollars to the budget in the form of increased aid for teachers' salaries. Passed by a convincing 62-33 vote, the additional money would have raised the salaries of Virginia's ten thousand qualified, experienced teachers about \$50 per year.¹⁰ Opponents argued that the schools had been generously provided for by Governor Battle's program and furthermore

⁸Washington Post, February 15, 1953.

⁹Information is contained in scattered material in the Robert Whitehead Papers, Box 19.

¹⁰Richmond Times Dispatch, March 3, 1950. Money in Battle's budget insured an increase in the minimum salary to \$2,000, but no provisions were made for raising the salaries of experienced teachers. See pp. 126-27.

that the additional appropriation would throw the budget out of balance. How spending one million dollars of a newly discovered two million dollars would put the state in the red was not adequately explained.

When Whitehead's proposal reached the state Senate, always the bastion of the organization, it did not fare so well. The Senate's approach was ingenious. Realizing the difficulty of denying the discovery of the additional \$2 million, the Senate added new appropriations to the House budget totalling, not surprisingly, approximately \$2 million. The new appropriations included money for such worthwhile projects as new tuberculosis facilities for blacks, but the Whitehead money for teachers was stricken on the grounds that keeping it would have unbalanced the budget.¹¹

A conference committee met to iron out the differences in the two versions of the budget. Despite the heavy vote in the House in favor of the Whitehead amendment Speaker E. Blackburn Moore chose all the House conferees from the ranks of those opposing the proposal.¹² Given this fact, it is not surprising that the conference committee quickly reached agreement. Despite a petition signed by at least thirty-seven House members urging the retention of the

¹¹Richmond Times Dispatch, March 10, 1950.

¹²Memo in Whitehead Papers, Box 19.

Whitehead amendment, the conference committee did not include it in the final budget.¹³

By now, time was running out for the sixty-day session and the House was given the committee's recommendations on March 11, 1950, the final day of the session. Many in the House were angry and urged outright rejection of the committee report. Whitehead commented ruefully, "I shook the tree, but somebody else picked up the apples."¹⁴ He insisted that even with the new appropriations, there would still be enough money for the teachers because revenues were underestimated. His opponents strongly disagreed, arguing that the Whitehead proposal would unbalance the budget. J. Bradie Allman of Franklin was one of those who argued in favor of the committee report. Only the day before Allman had signed the petition urging no compromise, but a letter from Governor Battle caused him to reverse his position.¹⁵ In his letter Battle expressed his strong feeling that the budget must be balanced. "To do otherwise would embark us upon a program of deficit spending, which to me is unthinkable."¹⁶

¹³The signed petition is in the Whitehead Papers, Box 19.

¹⁴Guy Friddell, Jr., What Is It About Virginia? (Richmond: Dietz Press, 1966), 70.

¹⁵Richmond Times Dispatch, March 13, 1950. Memo in Whitehead Papers, Box 19.

¹⁶John S. Battle to J. Bradie Allman, March 11, 1950, John S. Battle Executive Papers, Box 33.

Insisting that the Governor knows best, Allman urged acceptance of the committee report.

The debate continued and tension rose. The clock approached midnight, technically the end of the session, and so the clock was stopped a few minutes before twelve. James Latimer described the climax of the scene: "All eyes turned to the voting boards as the roll call bell sounded. It was obviously very close. Then Speaker Moore announced rejection by a 47 to 48 vote. The House session practically fell to pieces. The administration had lost a crucial budget vote for the first time in many years."¹⁷

Temporarily chaos reigned, but Governor Battle, not willing to accept defeat, quickly regrouped his forces. Strong pressure was applied in an effort to induce certain delegates to change their vote. Some state Senators entered the House seeking converts. Emotions were high and the language was strong. E. Griffith Dodson, Jr., a member of the Young Turks and delegate from Roanoke, was subjected to particularly intense pressure. One well-known Senator went so far as to warn him that his father would lose his job as Clerk of the House unless Dodson switched his vote. Such pressure simply made Dodson firmer in his

¹⁷Richmond Times Dispatch, March 13, 1950.

opposition to the Governor's budget.¹⁸

In the meantime Governor Battle called several wayward members to his office one at a time for a brief but intense session of gentle persuasion.¹⁹ Exactly what was said is not known but undoubtedly there was talk about the sacredness of balanced budgets, the responsibility to be loyal to the organization, and the dangerous political ambitions of Robert Whitehead. Such pressure was effective. D. Woodrow Bird of Bland, one of the organization men who had voted no, was called in to see Governor Battle. Immediately upon leaving the Governor's office, Bird grabbed his coat and left the House of Delegates.²⁰ Three other delegates were also made to see the error of their ways.

With the actual time now well past 3:00 a.m. Sunday, the administration called for a new vote. This time they were successful as the administration's budget was approved by a margin of 48-44. Of course it had been more of a political struggle than a budgetary struggle. The organization simply felt they could not let Robert Whitehead achieve such a victory, and consequently the full pressure of the organization was brought to bear in the struggle. The vic-

¹⁸Armistead Boothe to John S. Battle, March 16, 1950, Battle Executive Papers, Box 33; Interview with E. Griffith Dodson, Jr., February 14, 1970.

¹⁹Latimer, "Virginia Politics....," 38.

²⁰Personal Interview. Name withheld by request.

tory achieved, Governor Battle came out of his office to wave farewell to the weary delegates, and the 1950 session of the General Assembly ended.²¹

It was also during March of 1950 that another liberal leader came into the public spotlight. President Harry Truman nominated Martin Hutchinson to the Federal Trade Commission. The Virginia press quickly speculated on the significance of the nomination, concluding that the nomination's main purpose was to strike a blow at Senator Harry Byrd by appointing his old foe to the \$15,000 a year post.²² (See, for example, the cartoon on the following page.) Francis Miller indirectly confirmed the accuracy of such a view by commenting that the Hutchinson nomination "symbolizes the unity that has been established between the national forces of Democracy and the new Democratic movement which is arising in Virginia and the South."²³

The press also speculated on what course Senator Byrd would follow. Surprisingly much of the comment predicted Byrd would probably do nothing since the appointment was to a national post rather than to a federal job in Virginia.

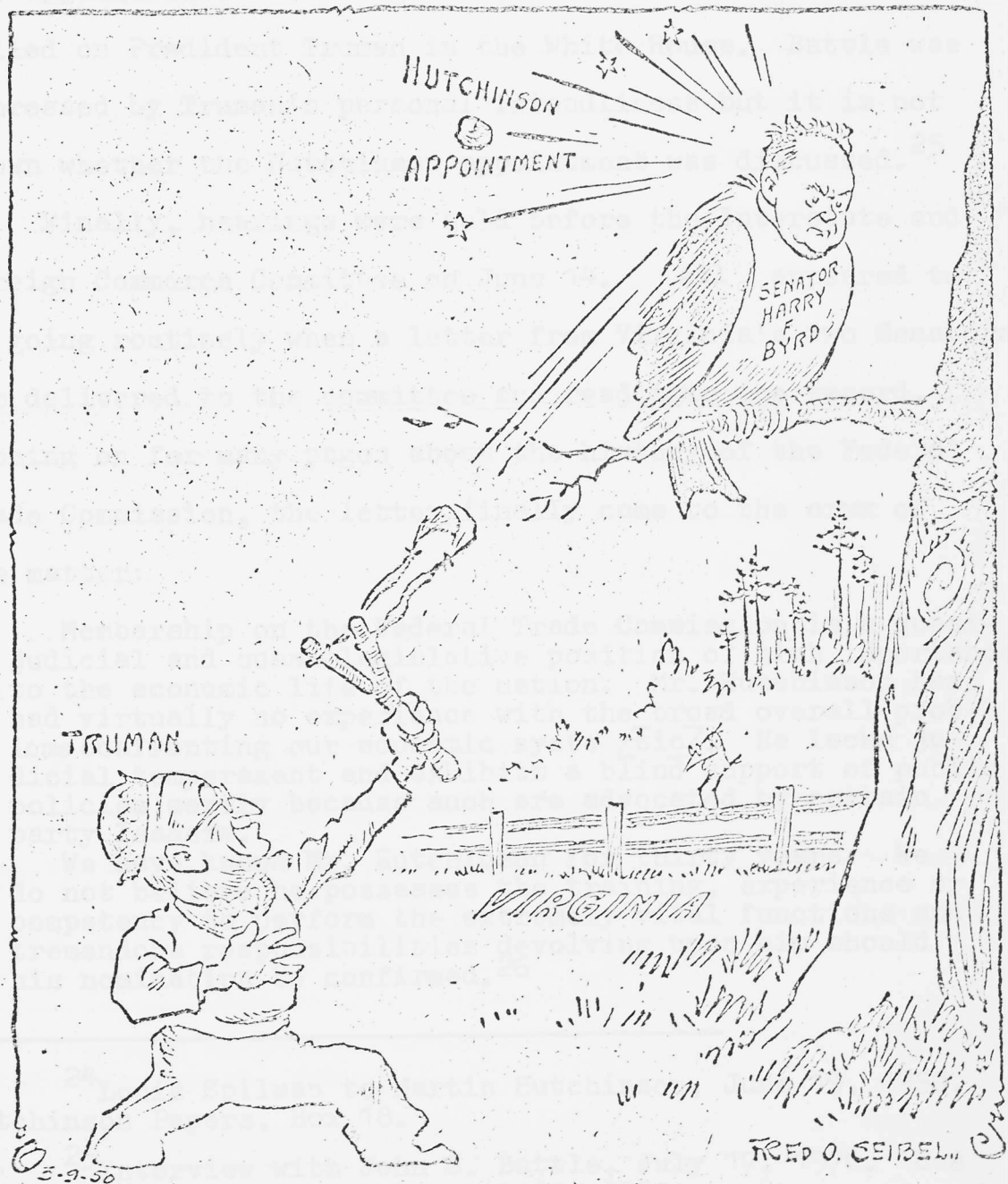
²¹Richmond Times Dispatch, March 13, 1950.

²²A wide sample of the editorial comment can be found in the James Jackson Kilpatrick Papers, Series C, Box 10.

²³Richmond News Leader, March 9, 1950; Hutchinson Papers, Box 18.

Times Dispatch
Thursday March 9, 1950

Taking a Shot at Harry



Voice of the People:

Neither Senator Byrd nor Virginia's junior Senator, Willis A. Robertson, made any public statement, although Robertson indicated privately that he would probably not oppose confirmation.²⁴ Governor Battle also kept publicly silent on the appointment. Not long after its announcement Battle called on President Truman in the White House. Battle was impressed by Truman's personal friendliness but it is not known whether the Hutchinson appointment was discussed.²⁵

Finally, hearings were held before the Interstate and Foreign Commerce Committee on June 14. All appeared to be going routinely when a letter from Virginia's two Senators was delivered to the committee and read into the record. Droning on for many pages about the history of the Federal Trade Commission, the letter finally came to the crux of the matter:

Membership on the Federal Trade Commission is a quasi-judicial and quasi-legislative position of high importance to the economic life of the nation. Mr. Hutchinson has had virtually no experience with the broad overall problems confronting our economic system /sic/. He lacks judicial temperament and exhibits a blind support of public policies merely because such are advocated by certain party leaders.

We have known Mr. Hutchinson for thirty years. We do not believe he possesses the training, experience or competency to perform the extremely vital functions and tremendous responsibilities devolving upon him should his nomination be confirmed.²⁶

²⁴Louis Spilman to Martin Hutchinson, June 19, 1950, Hutchinson Papers, Box 18.

²⁵Interview with John S. Battle, July 17, 1970. See also Richmond News Leader, April 26, 1950.

²⁶Copy of the letter can be found in the Kilpatrick Papers, Series C, Box 10.

Such criticism, though unsubstantiated by any corroborative evidence, proved decisive and the committee sent the nomination to the Senate floor with an unfavorable recommendation. Hutchinson was then called to Washington where he met President Truman for the first time.²⁷ A decision was reached to carry the fight to the floor of the Senate. Even if they lost, the liberals were convinced that since Byrd's actions were petty and spiteful, the publicity would win converts to their cause.²⁸

The nomination came before the Senate on August 11, with Byrd following the same argument he took at the committee hearing. He did not invoke Senatorial courtesy and urge rejection on the ground that Hutchinson was "personally and politically obnoxious" to him, arguing instead that Hutchinson was not competent for the position. Senator Warren Magnuson of Washington ably defended Hutchinson and his manifold qualifications, but the case was to be decided on the basis of superior political power and not on rational examination of the record. Byrd's personal political power was clearly demonstrated when the Senate decisively rejected the Hutchinson nomination by a vote of 59-14 even though he did not specifically invoke senatorial courtesy.²⁹

²⁷Martin Hutchinson to Curry Hutchinson, July 3, 1950, Hutchinson Papers, Box 19.

²⁸Correspondence between the liberals and Washington make this clear, Hutchinson Papers, Box 19.

²⁹Richmond Times Dispatch, August 12, 1950.

Most likely Governor Battle agreed with Byrd's decision to block Hutchinson's appointment. Battle had little sympathy with Hutchinson since he believed Hutchinson's opposition to Byrd was partly motivated by personal pique after Byrd's reorganization program cost him his job during the 1920's.³⁰

With hindsight, it seems natural that Byrd would have followed the course of action that he took. His career had been marked by bitter and ruthless opposition to his political opponents. Since Truman challenged Byrd by the nomination, Byrd made it clear that political patronage would not start flowing to the liberals. Byrd well knew that "political organizations...cannot subsist indefinitely without loaves and fishes,"³¹ and consequently he hoped to starve the liberal faction to political death. In appointing men to state positions, Governor Battle understandably passed over the liberals.

Indeed, problems arising over patronage caused the liberals untold frustration. As the following letter from Francis Miller to the National Democratic Chairman makes clear, the liberals could not understand why they received such little aid from the national party.

³⁰Interview with John S. Battle, June 13, 1969.

³¹Joseph H. Harrison, Jr., to the author, December 27, 1969. Copy in possession of the author.

The record shows that it has been the consistent policy of this Administration [the Truman administration]⁷ to recognize and publicly honor those who are the national Party's most ruthless and unrelenting adversaries. ...The current mood of many of our friends is: we have been ignored; we have been kicked about; we have been spat upon; and we have had enough! Upstanding Americans are not accustomed to taking such treatment as a reward for faithful service. Apparently, the only way to get a Federal appointment in Virginia from the National Democratic Administration is to hate that Administration with a perfect hatred. Then it is comparatively easy.³²

Of course, the reason for their limited patronage was simple. The national administration, recognizing political reality, knew that real power in Virginia was the Byrd organization.³³ The liberals were simply too weak and disorganized to merit more than passing notice. To win more patronage, they would have to develop more political power, but the very lack of patronage made the winning of the additional power very difficult.

Hopeful of increasing their pitifully small representation in the General Assembly, the liberals decided to chal-

³²Francis P. Miller, "Political Trends in Virginia," Memo sent to Frank E. McKinney, Chairman, Democratic National Committee, December 11, 1951, Hutchinson Papers, Box 22.

³³A comparable situation had existed between President Woodrow Wilson and Senator Thomas S. Martin, then leader of the Organization. In 1912 Martin had vigorously opposed Wilson's nomination and Wilson had blocked his appointment as Democratic floor leader of the Senate. Nevertheless, Wilson knew he needed Martin's support on key legislation and he did not attempt to cut off patronage from him. Martin, although he disliked Wilson, gave him considerably more support than Byrd gave President Truman. Moger, Virginia..., 280f.

lenge the organization in selected races around the state during the 1951 Democratic primary. The attack by necessity had to be very selective. The liberals simply did not have the financial and popular support to challenge the organization across the entire state. Only fourteen Senate and 37 House seats were contested in the Democratic primary and even the majority of these did not involve a direct clash between an avowed organization supporter and a liberal challenger.

In those contests where there was a clear split the liberals generally did not fare well. Louis Spilman, Miller's 1949 campaign manager, failed to win a seat in the House of Delegates representing Waynesboro and Augusta County. Nick Prillaman, candidate for lieutenant governor with Miller in 1949, was badly beaten in his race for a House seat by organization man, W. R. Broaddus, Jr., of Martinsville. Arnold Schlossberg, a Roanoke lawyer and Miller's campaign manager for Roanoke in 1949, lost his Senate race by a 2-1 margin to Byrd stalwart, Earl Fitzpatrick. R. M. Carneal, a Miller supporter, lost out to Paul Crockett of Yorktown, controversial organization spokesman in the House. Beecher Stallard, former member of the House and Miller's Richmond campaign director, was defeated in his bid for a Senate seat after being

³⁴Richmond Times Dispatch, August 9, 1951.

linked with a fictitious Negro civil rights group. Tom Gill, Miller's personal friend and supporter, was beaten by a 2-1 margin by Byrd supporter Landon R. Wyatt when Gill sought to represent Danville in the House of Delegates.³⁵ These results were extremely gratifying to Governor Battle who had stayed awake to the early hours of the morning to learn the results. It had been the people's first chance to express themselves since he became Governor and their vote of confidence insured that Battle would have a very friendly and conservative General Assembly in 1952.³⁶

On the other hand the liberals could look with pride to two notable victories in the state Senate. In the 33rd district Vic Wilson, a controversial, hard-drinking liberal from Hampton,³⁷ repeated his 1949 accomplishment by again edging out G. Alvin Massenburg. Liberal John A. K. Donovan overcame an early lead piled up by Byrd stalwart, incumbent Andrew Clarke, to eventually win the 29th State Senatorial district in Northern Virginia by a mere one hundred votes. These were major victories, and yet they both occurred by the narrowest of margins and in areas normally hostile to the Byrd machine.

³⁵Richmond Times Dispatch, August 9, 1951.

³⁶Richmond News Leader, August 8, 1951.

³⁷Interview with E. Griffin Dodson, Jr., February 14, 1970.

The Senatorial victories of Wilson and Donovan were offset by the death of State Senator Lloyd Robinette in November of 1951. Robinette, a native of Southwest Virginia and a Senator since 1932, had been Chairman of the Courts of Justice Committee and the only member of the Virginia Senate to support Miller in 1949. Even so, Robinette had great respect for Battle and never personally criticized him.³⁸ A stirring orator, Robinette had been voted the outstanding Senator of the 1950 General Assembly by the Virginia press. Like the liberals generally, he exaggerated the evil and underestimated the talent of Senator Byrd. Yet, unlike most of the liberals, he was a congenital pessimist.³⁹ His health failing and deeply depressed by personal problems, Robinette stunned his liberal followers by committing suicide on the eve of the 1951 general election.⁴⁰ The liberals would miss his oratory and his political skill, a skill which was able to deliver 66% of the votes of his native Lee county to Miller in the 1949 election, by far Miller's largest majority throughout the state.

In December 1951, only about a month after Robinette's untimely death, the liberals met in Richmond for what was

³⁸Lloyd Robinette to Robert Whitehead, July 1949, Whitehead Papers, Box 8.

³⁹Joseph H. Harrison, Jr., to the author, December 27, 1969. Copy in possession of the author.

⁴⁰Richmond Times Dispatch, November 3, 1951.

to be a fateful meeting. The liberals, never a large group, had been weakened by personal animosities. Louis Spilman and Martin Hutchinson simply did not get along and each man had a cadre of close friends who shared their leader's animosity. In the words of one participant, "the situation was rich in comedy" and it made close cooperation beyond 1949 almost impossible to achieve.⁴¹

The main order of business was to decide whether to challenge Senator Harry Byrd when he sought renomination in 1952. Looking ahead to the 1953 gubernatorial campaign to elect Governor Battle's successor, many felt it would be wise to husband their resources for an all out effort to elect Robert Whitehead as governor.⁴² A runoff primary law had not yet been passed, Governor Battle was prohibited by law from succeeding himself, and several organization candidates were seriously considering making the race. Consequently, the chances of electing the popular Whitehead were promising. On the other hand, it would be extremely difficult, perhaps impossible, to defeat Senator Byrd, a man Governor Battle and other Virginians hoped to see become

⁴¹Joseph H. Harrison, Jr., to Elizabeth Williams, December 30, 1967. Copy in possession of the author.

⁴²Correspondence between the liberals makes this clear, Hutchinson Papers, Box 20.

President of the United States. Harry Byrd was always a tower of strength and he was particularly strong at this time because of the very intense sentiment against President Harry Truman. As Miller noted, "Harry is stronger than ever this year because of Harry."⁴³ Byrd was emerging as the leader of the entire South in its drive to stop Harry Truman from winning renomination in 1952. The liberals had been closely identified with Truman, a fact which could easily hurt them. In December of 1951, Miller was very much aware of this danger. He asserted in a private memorandum: "Apart from the 9th district, I do not know of an area in Virginia where any candidate for public office would benefit, at this time, by being labeled a Truman man. On the contrary, if he were so labeled, he would be doomed to defeat."⁴⁴

Yet, while admitting the difficulty of the task, Miller did not agree with those who suggested that the fight should not be made; Martin Hutchinson supported Miller. It made no sense to pass up a chance to do battle with the arch-foe himself, Hutchinson argued, for Byrd most clearly represented that which they had vowed to destroy. If the liberals failed to run a candidate against him, the move might be interpreted as either a sign of the liberals' weakness or, even worse, of their cowardice.

⁴³Richmond Times Dispatch, July 16, 1952. The anti-Truman sentiment is examined in more depth in Chapter 10.

⁴⁴Francis Miller to Frank E. McKinney, December 11, 1951, Hutchinson Papers, Box 22.

So divided were the liberals that the meeting finally broke up with "everyone feeling blue" and no decision reached concerning the Senatorial race.⁴⁵ Hutchinson made it clear that if he were financially able he would "like nothing better than to make the race."⁴⁶ Yet he could not do it without aid, and Francis Miller, whose relationship with Hutchinson was increasingly strained, offered no help.⁴⁷ Miller himself pondered whether to make the race. He received almost no encouragement from his followers,⁴⁸ but nevertheless, sometime early in March of 1952 Miller crossed the Rubicon and determined to challenge Byrd directly, his almost perpetual optimism convincing him that he could really win.

Democratic governors traditionally refrained from any type of participation in a Democratic primary, but Governor Battle made his per-

⁴⁵John H. Johnson to Martin Hutchinson, February 2, 1952, Hutchinson Papers, Box 20.

⁴⁶Martin Hutchinson to Clarence E. Magee, February 18, 1952, Hutchinson Papers, Box 20.

⁴⁷Joseph H. Harrison, Jr., to Elizabeth Williams, December 30, 1967. Copy in possession of author.

⁴⁸Miller, "Memoirs....," Chapter 15. Only two supporters, attorney Bolling Lambeth and Trudye Fowler, wife of Secretary of Treasurer Henry Fowler, were insistent that Miller make the race.

sonal attitude clear by issuing a statement immediately after Byrd announced he would seek re-election to his Senate seat.⁴⁹ Battle asserted:

Senator Byrd's decision to offer for renomination is good news for Virginia and all Americans interested in sane constitutional government. He has rendered outstanding service and the presence in the Senate of a man of his ability and strong convictions is reassurance to the people of the United States that they will continue to have there a champion of sound principle and fiscal sanity.

I am sure the people of Virginia will show their approval of many years of outstanding services at the polls on election day.⁵⁰

Opening his Senatorial campaign in mid-April, Francis Miller's hopes for victory rested with the success of a two-pronged attack. Naturally, one phase was directed against the various evils of the Byrd machine. Miller charged Senator Byrd and his organization with failing to meet the needs of the state, with undermining democracy, and with being concerned almost solely with maintaining political power. This aspect of the campaign closely paralleled his 1949 campaign against Governor Battle. Miller did praise the Battle school program but insisted that the pressure he exerted in 1949 was the real reason why so many new school buildings were being constructed in 1952.

⁴⁹Francis Miller had not officially announced his candidacy at this time.

⁵⁰Charlottesville Daily Progress, April 10, 1952. Copy of the statement is in the Battle Executive Papers, Box 19.

The other aspect of Miller's attack was leveled against Senator Byrd's nineteen year record in the United States Senate and concentrated on three main points. In the first place Senator Byrd was an isolationist who believed in "the fortress America" approach to foreign affairs and consequently shunned cooperation with other countries. Miller, himself a Wilsonian Democrat who stressed America's mission to the world, called Byrd's approach a "Lone Ranger policy,"⁵¹ and bluntly declared:

If Senator Byrd's policy had been the policy of the American government during the past five years, the Communists would now be in control of Europe. We would be isolated and would be facing a world war that we could not win. In that event neither we nor our children's children would ever live in peace again, and the dollar with which the Senator is rightly concerned would in due course not be worth the paper on which it is engraved.⁵²

Byrd's voting record gave credence to Miller's charge. In addition to being generally opposed to any kind of foreign aid, Byrd specifically voted against the British Loan Bill (1946), the Greek-Turkish Aid Bill (1947), the Marshall Plan (1948), and the Economic Aid Bill for the Marshall Plan and other countries including Korea and China (1950).⁵³

⁵¹Lynchburg News, July 15, 1952.

⁵²Francis Pickens Miller speech delivered at Staunton, Virginia, May 22, 1952. Copy in Whitehead Papers, Box 13.

⁵³Ibid.

Secondly, Miller charged that Byrd's record proved that actually he was not the friend of the farmer. This aspect of the Miller campaign was directed by Robert Whitehead who had a close rapport with the farmers and who knew that Byrd's rural support must be eroded if the liberals were ever to be successful and if Whitehead was to be elected governor in 1953. Consequently, Whitehead campaigned almost as extensively as Miller did. A committee entitled Virginia Farmers for Miller was organized with B. L. Compton of Halifax as Chairman. The liberals pointed out that Byrd had fought against a large number of bills aimed at helping the farmer. Most significant, Byrd had opposed the Agricultural Adjustment Act in 1938. The AAA programs provided for soil conservation payments, parity payments, marketing controls and crop insurance and as such had been the lynch-pin to the progress of literally thousands of Virginia farmers. Miller promised to support all programs aimed at benefitting Virginia's farmers.⁵⁴

Thirdly, Miller charged that Byrd was really a Republican despite the fact that he called himself a Democrat. In session after session Byrd had voted with the Republicans on an average of two out of three times on issues involving party loyalty. In the most recent ses-

⁵⁴The major speech on this subject was delivered by Robert Whitehead in Goochland County on June 6, 1952. Copy in Whitehead Papers, Box 13.

sion of Congress he voted with the Republicans on party issues even more than Senator Robert Alonso Taft -- then called Mr. Republican! Miller declared: "The facts are plain. We do not have a Democrat representing us in the U.S. Senate. We have a Republican. Senator Byrd is not only a Republican, but he has identified himself with the worst wing of the Republican Party, the Taft wing. ...Harry Byrd has sold us down the Ohio River."⁵⁵

Senator Byrd, one of the most able politicians on the American scene, did not sit idly by in the face of Miller's attack. Indeed, he took Miller's candidacy very seriously and declared privately, "The gang that is behind him is very formidable" and warned, "It is going to be a real fight and we must get ready for it."⁵⁶ To meet the challenge his own very formidable gang was put into high gear. A knowledgeable state senator and future governor, Albertis S. Harrison, was tapped as Byrd's campaign manager. Other key aides included Watt Abbitt, erstwhile liberal and political opportunist now firmly in the Byrd camp, ex-Governor Bill Tuck, "Ebbie" Combs, Sidney Kellam and Judge Howard W. Smith, Virginia's most influential Congressman. One hundred sixty-five local campaign managers were chosen, more

⁵⁵Francis Pickens Miller, "Mr. Byrd -- The Republican," speech delivered May 12, 1952. Copy in Kilpatrick Papers, Series C, Box 11. Emphasis in original.

⁵⁶Harry Flood Byrd to James Jackson Kilpatrick, April 21, 1952, Kilpatrick Papers, Series B, Box 8.

than half of whom had held or were then holding public office in Virginia.⁵⁷ Each was made to feel as if the result was dependent on his personal effort; meanwhile Senator Byrd personally campaigned with extreme vigor, making over three hundred speeches, sometimes as many as eight in one day.⁵⁸

Governor Battle did what he could to promote Senator Byrd's candidacy. One incident which caused considerable comment occurred when Governor Battle allowed a Byrd sticker to remain on his official car though the liberals complained that the taxpayers bought the car and it should have no stickers or a Miller sticker as well. In referring to the incident, Miller declared, "Like the Governor's car, Virginia's public life has had the Byrd sticker on it long enough. Won't you join me in taking it off?"⁵⁹

Only five days before the primary Governor Battle announced that under the tax reduction plan sponsored by Harry Byrd, Jr., Virginians would be entitled to a 9% refund on the next year's tax bill.⁶⁰ Since all the figures were

⁵⁷James Jackson Kilpatrick, "Byrd: The Contemporary Leader in Politics," speech delivered at Longwood College, April 26, 1963, 17. Copy in Kilpatrick Papers, Series C, Box 11.

⁵⁸Virginius Dabney, "Virginia Prefers Byrd," The Freeman, I (October 6, 1952), 20.

⁵⁹Speech by Francis Pickens Miller, July 12, 1952. Copy in the Whitehead Papers, Box 13.

⁶⁰Richmond Times Dispatch, July 11, 1952. Copy of Battle statement is in the Battle Executive Papers, Box 19.

not yet complete, the liberals charged Battle with playing politics with tax reduction. Robert Whitehead claimed, "So anxious was Governor Battle to assist his political mentor, U. S. Senator Byrd, in his present difficulty that he jumped the gun and made his informal announcement even before the Comptroller had made the report of collections that the law requires."⁶¹

The strategy of the Byrd camp was essentially to avoid face-to-face debate, defend Byrd's record, stress his importance to the conservative cause throughout the country, and most important, label Francis Miller as a radical Trumanite who cared more for Washington than he did for Virginia. The campaign, although often resorting to innuendo and misrepresentation, was extremely effective.

Its effectiveness was made possible in part because of various major blunders made by Francis Miller, whose lack of political expertise, oversensitivity to alleged insult, and tendency toward self-righteousness all manifested themselves in the 1952 campaign to an even greater degree than they had in 1949. In a political faux pas of incalculable proportions, Miller helped insure his defeat even before his official announcement. Apparently forgetting his earlier warning that being labeled a Trumanite doomed one

⁶¹Robert Whitehead statement, July 12, 1952. Copy in Whitehead Papers, Box 13; see also Richmond Times Dispatch, July 13, 1952.

to defeat, Miller incredibly declared that, "On every one of the great issues which have confronted him, the President has made the right decision."⁶² James Jackson Kilpatrick later indicated the importance of Miller's statement. "This unqualified endorsement of Mr. Truman offered a golden opportunity for exploitation by the Byrd forces; it was a fat pitch, waist high, squarely over the plate, and the professionals of Byrd's headquarters in the Hotel Richmond reproduced it in large type, hung it on the wall, and regularly took batting practice on it."⁶³ Miller spent a good part of the rest of the campaign fruitlessly trying to shake off the Trumanite label which he had inadvertently helped his political foes pin on him. He never succeeded in doing so.

Another revealing incident occurred during the first week of the campaign. Miller, in announcing his candidacy, asserted that "representative government in Virginia is decaying from dry rot."⁶⁴ Deliberately misrepresenting Miller, Senator Byrd declared that he took issue with

⁶²Richmond Times Dispatch, April 2, 1952.

⁶³James Jackson Kilpatrick, "Byrd: Contemporary Leader in Politics," speech delivered at Longwood College, April 26, 1963, 17. Copy in Kilpatrick Papers, Series C, Box 11.

⁶⁴Richmond News Leader, April 17, 1952.

those who said Virginia was on her death bed. A newspaper cartoon (see below) also interpreted the statement as if Miller had simply said Virginia was decaying from dry rot, rather than its representative government.⁶⁵



This apparently mild cartoon made Miller absolutely furious and he seriously considered suing the newspaper for \$100,000 for false and slanderous statement!⁶⁶ Fortunately, the more realistic Robert Whitehead dissuaded him from following such a foolish course, but the incident demonstrates clearly just how personally Miller took his politics. The Byrd organization relentlessly continued

⁶⁵Richmond News Leader, April 17, 1952.

⁶⁶Francis Pickens Miller to Robert Whitehead, April 20, 1952, Whitehead Papers, Box 13.

their misrepresentation of this and other statements made by Miller.

Senator Byrd knew what he was doing by concentrating on this aspect of Miller's speech, for in his attacks on Byrd and the Byrd machine, Miller constantly emphasized the many things that were wrong with Virginia. This was perfectly understandable, but it was a tactical error. Virginians were a particularly proud, sensitive and defensive people.⁶⁷ Loving their state, they deeply resented any criticism of it. Senator Byrd recognized this quality which was so deeply imbedded in Virginians. Pride in Virginia was one of the major themes of his campaign.

Referring to Miller, Byrd asserted, "I feel sorry for anyone who is not proud of Virginia."⁶⁸ He sent a private memorandum to his campaign managers urging them to note, "Mr. Miller has never had a kind word to say about Virginia, but apparently approves of practically everything being done at Washington."⁶⁹ Miller was portrayed almost as an enemy of Virginia and his criticisms greatly angered many. In the words of one of Miller's former supporters, "He who insults Virginia insults me."⁷⁰ Miller undoubtedly loved

⁶⁷A good example of this is a book cited earlier, What is it About Virginia?, by Guy Friddell.

⁶⁸Lynchburg News, July 12, 1952.

⁶⁹Memorandum to Byrd Managers, May 27, 1952, Kilpatrick Papers, Series C, Box 11.

⁷⁰John W. Rust to Virginus Dabney, July 9, 1952, Dabney Papers, Series K, Box 10.

Virginia, but it was a political error not to bend over backwards to make the public aware that his criticisms were offered out of love and in the hope that Virginia could fulfill her destiny as a leader of the other states. Too many Virginians viewed his criticisms as strictly negative.

Byrd's attack on Miller for criticizing Virginia was not new. John Battle had effectively employed the same tactic in 1949. In most of his closing speeches of the campaign, Battle used the punchline, "You know it is an evil bird that fouls its own nest" in referring to Miller's criticism of Virginia.⁷¹

Miller became so wrapped up in the campaign that he failed to view things in proper perspective. When he arrived at Kilmarnock, Virginia, only to find the high school where he was speaking locked and no key available, he charged that it was part of a "conspiracy" by the Byrd organization to prevent him from speaking. In fact the janitor, a nineteen-year-old high school sophomore, went on a date and simply forgot to unlock the school.⁷²

⁷¹Miller, "Memoirs....," Chapter 14.

⁷²Richmond Times Dispatch, June 7-9, 1952.

When posters for Senator Byrd appeared near the end of the campaign carrying the slogan, "Vote American, Vote for Harry F. Byrd," Miller was understandably incensed because it impugned his patriotism. He gave a very strong speech about what a dastardly act it was.⁷³ Yet, Miller wrote to an aide, "Repetition of some such phrase as Vote for Freedom -- vote for Miller for the U. S. Senate -- at frequent intervals over a ten-day period would be very effective."⁷⁴ He wrote to the clergymen of Virginia declaring that he became a candidate to oppose Senator Byrd "because of my Christian faith and my concern for the application of Christian principle to government policy."⁷⁵ It was easier for Miller to see the unfair implications in Byrd's slogan than it was for him to see the unfair implications of his own statements which could be interpreted to mean a vote for Byrd was a vote for slavery and unchristian principles.

To have any chance of winning, Miller had to win the former supporters of Horace Edwards to his banner. Undoubtedly this was one reason he chose Bolling Lambeth, Commonwealth Attorney from Bedford County and a strong

⁷³Speech by Francis Pickens Miller, July 5, 1952. Copy in the Whitehead Papers, Box 13.

⁷⁴Francis Pickens Miller to Arnold Schlossberg, March 4, 1952, Hutchinson Papers, Box 22.

⁷⁵Richmond Times Dispatch, July 13, 1952.

Edwards supporter, to be his campaign manager.⁷⁶ Yet, it became clear that most of Edwards' supporters were for Byrd. Horace Edwards himself came out strongly for Byrd in a statewide radio broadcast.⁷⁷

Worse than that, several liberal leaders, apparently disillusioned with the liberal crusade, deserted Miller in behalf of Byrd. The two most prominent were Minetree Folkes, Jr., of Richmond and Mrs. Katherine Blow from Yorktown, both of whom had played major roles in the 1949 primary and had made unsuccessful bids for Congress in 1950. Even Louis Spilman, Miller's 1949 campaign manager, did not publicly endorse him.⁷⁸ With defections and dissatisfactions within the liberal ranks and with the Byrd machine making a concentrated effort to get out the vote for the Senator, the outlook was very bleak for Francis Miller, who somehow remained optimistic, confident that in the last analysis voters would see the light and give him a victory margin of ten thousand votes.⁷⁹

⁷⁶Bolling Lambeth was not the best choice, for his political judgment was no better than Miller's. In addition he had lost a state Senate seat to Walter H. Carter of Amherst by the narrowest of margins because Robert Whitehead threw his support to Carter. Danville Register, August 9, 1951. Miller chose him because he was just about the only man who insisted that he run against Byrd. Miller, "Memoirs....," Chapter 15.

⁷⁷Copy of speech by Horace Edwards on May 22, 1952, may be found in the Kilpatrick Papers, Series C, Box 11.

⁷⁸Interview with Louis Spilman, January 30, 1970.

⁷⁹Less than \$1,000 came into Miller's headquarters from his fellow Virginians. In 1949, his friends had raised \$50,000 for his campaign against Battle. Miller, "Memoirs....," Chapter 15.

The early returns on July 15 made it clear that he was wrong and that Senator Byrd would win renomination. As the evening progressed, it became clear that Byrd's victory would be of landslide proportions. The machine's campaign for a heavy vote paid off with a record 345,000 Virginians entering the primary, approximately 10% above the 1949 total.⁸⁰ Senator Byrd, in amassing 216,000 votes to Miller's 128,000, carried twenty-three of Virginia's twenty-eight cities, eighty-eight of her one hundred counties and every congressional district except the ninth.⁸¹

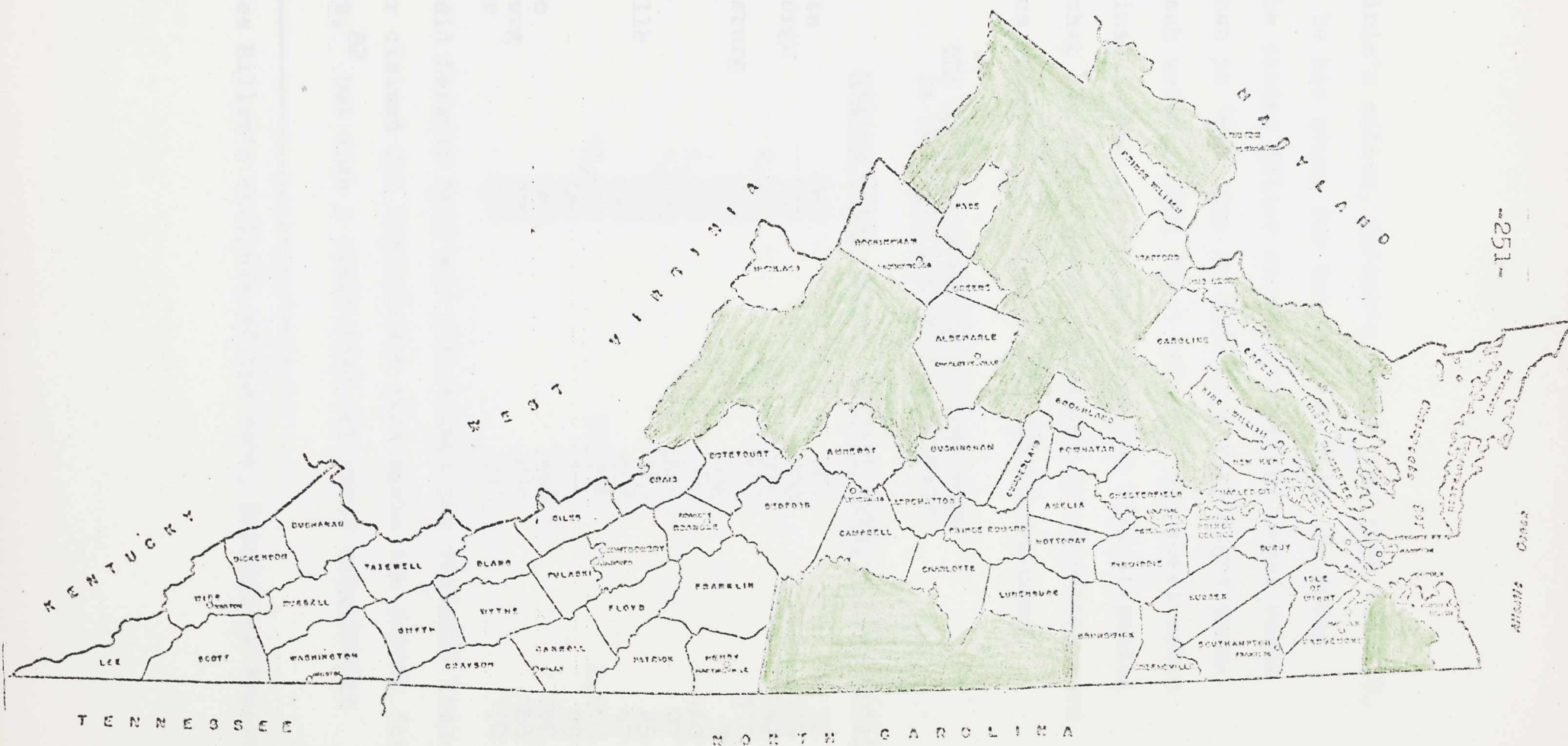
The totality of the disaster that engulfed Francis Miller becomes apparent when the results of the Senatorial primary are compared with his earlier race against John Battle. Of course, it is essential to remember that four candidates ran in 1949 while Byrd was his only opponent in 1952. In spite of this, Miller's percentage of the vote actually declined in thirty-two counties. (See map, next page). Put another way, Senator Byrd did better in one third of Virginia's counties than the combined efforts of John Battle, Horace Edwards and Rennie Arnold; he not only received the Edwards and Arnold vote, but a fraction of the Miller vote as well.

⁸⁰The experts forecast a total of 250-300,000 votes in the primary. Richmond Times Dispatch, July 15, 1952.

⁸¹State Board of Elections, Statement of the Vote. Democratic Primary for U. S. Senator, July 15, 1952 (Richmond: Division of Purchase and Printing, 1952). The following figures all come from this official report unless otherwise noted.

1952 SENATE RACE

Counties in which Percentage of
Vote for Francis Miller was less
in 1952 than in 1949.



Virginia's cities, Miller's reason for hope in 1949, proved to be his cause for despair in 1952. In fully half of the cities Miller actually received fewer votes in 1952 than in 1949, due in part to a very light turnout by black voters. (See chart below). His total urban vote declined, while conversely, Senator Byrd dispelled the myth that his only support was rural by receiving more urban votes than Battle, Edwards and Arnold combined.

THE DECLINE OF MILLER'S CITY VOTE
IN THE 1952 SENATORIAL PRIMARY

<u>City</u>	<u>Miller Vote - 1949</u>	<u>Miller Vote - 1952</u>	<u>Decline</u>
Buena Vista	263	209	52
Clifton Forge	759	600	159
Danville	2,475	1,733	742
Fredericksburg	830	513	317
Hampton	557	550	7
Hopewell	1,167	1,007	160
Lynchburg	1,908	1,881	27
Martinsville	808	783	25
Radford	652	605	47
Richmond	13,668	11,098	2,570
Staunton	600	511	89
Waynesboro	643	463	180
Williamsburg	376	213	163
Winchester	391	241	150

Why did Senator Byrd win such a decisive victory? Francis Miller claimed the Republicans were again the reason for his defeat,⁸² but such a claim does not stand examination

⁸²See Miller's analysis of the vote, Hutchinson Papers, Box 22.

unless perhaps one defines as Republican anyone who had ever voted against a Democratic candidate. The Virginia Republican party did not play a decisive factor in Senator Byrd's victory. While some Republicans undoubtedly voted for Byrd in the Democratic primary, the majority apparently heeded the appeal of their state chairman, Floyd Landreth, who urged them to stay out of the Democratic primary.⁸³

A comparison of the vote in the primary with the vote in the general election confirms this conclusion. In the general election of November 1952, 543,000 votes were cast for U. S. Senator, an increase of 57% over the total cast in the July primary.⁸⁴ Yet, as the following chart shows, in the ten counties with strong Republican strength, the increase was always more than 100%, even though the Republicans did not nominate a candidate to oppose Senator Byrd.

⁸³Richmond Times Dispatch, July 12, 1952.

⁸⁴State Board of Elections, Statement of the Vote. General Election for U. S. Senator, November 4, 1952. (Richmond: Division of Purchase and Printing, 1952).

INCREASE OF VOTES IN TEN REPUBLICAN COUNTIES

<u>County</u>	<u>Total Vote, 1952 Primary</u>	<u>Total Vote, 1952 General Election</u>	<u>Percentage of Increase</u>
Carroll	1,300	3,980	206%
Floyd	364	1,786	391%
Grayson	2,053	4,278	108%
Lee	2,708	6,472	139%
Montgomery	2,253	4,783	112%
Scott	2,002	6,130	206%
Smyth	2,008	4,755	137%
Tazewell	2,452	5,221	113%
Washington	2,044	5,661	177%
Wythe	1,950	4,562	134%
Grand Totals	19,134	47,628	148%

This would strongly indicate that large numbers of Republicans stayed out of the Democratic primary and voted only in the general election. A different approach to an analysis of the general election confirms this and leads to another important conclusion as well; with the Republicans not offering a candidate, Senator Byrd's opposition in the general election came from two political non-entities. One was Charles Robb, perennial candidate on the Socialist ticket. The other was H. M. Vise, Sr., a seventy-year-old retired railroad engineer who lived in complete obscurity, scarcely campaigned at all, and simply announced that he would run in November on Miller's platform in July.⁸⁵ The astonishing fact is that the total votes polled by Robb and Vise, 131,000, actually surpassed that received by Miller

⁸⁵James Jackson Kilpatrick, "Byrd: Contemporary Leader in Politics," speech delivered at Longwood College, April 26, 1953, 27. Copy in Kilpatrick Papers, Series C, Box 11.

in the July primary, and in addition, John Battle received over 8,000 write-in votes. Miller's primary vote was 37% of the total while the two anti-Byrd candidates in the general election polled 27% of the votes, meaning that the anti-Byrd vote in the state as a whole declined by about 10%. The decline, as the following chart demonstrates, was generally much greater in the Republican counties.

DECLINE IN ANTI-BYRD VOTE

<u>County</u>	<u>Percentage of Vote For Miller in the 1952 Primary</u>	<u>Percentage of Vote for the Anti-Byrd Candidate in the 1952 General Election</u>
Carroll	61	28
Floyd	52	20
Grayson	63	37
Lee	70	41
Montgomery	29	22
Scott	66	34
Smyth	43	28
Tazewell	44	34
Washington	57	33
Wythe	21	21

The most logical explanation for this sharp decline in the anti-Byrd vote in the general election is that many Republican voters who had stayed out of the Democratic primary cast their ballots for Senator Byrd in the general election.

Francis Miller did not lose the election because of Republican opposition. He lost because the vast majority

of Virginians preferred Harry Byrd.⁸⁶ This elemental fact was never really grasped by the liberals in general and Miller in particular. Miller found it hard to accept the apparent fact that Harry Byrd stood for what most Virginians thought and that conscientious men honestly preferred Byrd to him.⁸⁷ The Byrd organization was "the political manifestation of the conservative spirit of Virginia."⁸⁸ Being conservative, Virginia voters trusted Senator Byrd but feared Miller as a radical. Francis Miller marched forward with a pure heart and the best of intentions to save Virginians from the bondage of Senator Byrd and the Byrd machine. Yet, remarkably, most Virginians had no desire to be saved and hence would not follow the new Moses on his trek to the promised land.

With Miller's crushing defeat, the liberal cause suffered a mortal blow. Miller somehow managed to appear optimistic. In conceding the election to Byrd he vowed that the liberals would elect the next governor of Virginia, a clear reference to Robert Whitehead.⁸⁹ Indeed the one

⁸⁶See article already cited, Virginius Dabney, "Virginia Prefers Byrd."

⁸⁷Richmond News Leader, July 14, 1952. Idea received from article in Time magazine, December 3, 1956.

⁸⁸James Jackson Kilpatrick, "The Byrd Machine Will Survive," Human Events, XVI (September 23, 1959), 11.

⁸⁹Lynchburg News, July 16, 1952.

remaining hope for the liberals lay with Robert Whitehead, for Martin Hutchinson, because of ill health and strained relations with Miller, had been almost completely removed from the spotlight.

Yet, the prospects facing Robert Whitehead were anything but bright. He had campaigned his heart out for Miller in 1952, but his attack on Byrd's rural support had yielded meager returns indeed. In addition, the 1952 General Assembly had passed a runoff primary law which made it impossible to win the gubernatorial or senatorial nomination with a simple plurality. The law had much to recommend it and earlier Whitehead had supported such an idea. Now he denounced it as a "fraidy cat" bill, but it still breezed through the General Assembly with votes of 38-2 in the Senate and 95-2 in the House.

The chances of a liberal candidate receiving a majority of the votes were indeed remote, especially since Republicans could vote in the Democratic primary. It must be remembered that the liberals were a very weak faction. A confidential report by one of their own number emphasizes just how weak. "We have no representation in Congress, very little in the General Assembly, none on the State Committee, very little on local committees, and have been

⁹⁰Richmond Times Dispatch, February 1, 1952.

unable as yet to defeat the machine in a gubernatorial or senatorial race."⁹¹ Even their total percentage of the vote is misleading for, as the Vise-Robb vote in the 1952 election makes clear, much of the liberal vote was strictly an anti-Byrd vote. Anyone could get a quarter of the vote or more against Byrd or a Byrd candidate. After this a candidate was on his own. Miller added 10% to base; it is doubtful that Whitehead would be able to increase Miller's total appreciably.⁹²

In November of 1952 the liberals suffered still another severe blow when Dwight Eisenhower carried Virginia by a whopping 80,000 votes over Democrat Adlai E. Stevenson.⁹³ With so much going against him, Whitehead hesitated to follow Francis Miller on the road to political martyrdom although he did want to be Governor of Virginia.

Consequently, in February 1953 with two organization candidates already in the field, Whitehead made an unusual announcement. He declared he would be a candidate if he

⁹¹Joseph H. Harrison, Jr., to Harrison Robertson, September 24, 1952. Hutchinson Papers, Box 21.

⁹²James Kilpatrick made this type of observation after the 1949 primary. Richmond News Leader, August 18, 1949.

⁹³State Board of Elections. Statement of the Vote. General Election for President, November 4, 1952 (Richmond: Division of Purchase and Printing, 1952). The election is discussed in Chapter 10.

received enough money and pledges of support to "insure a reasonable chance of victory."⁹⁴ Although receiving about \$38,000 in pledges, Whitehead concluded that the amount was inadequate and thereupon withdrew from the race, maintaining as one of his reasons that "Virginia is experiencing a trend to the most extreme conservatism."⁹⁵

Whitehead's decision, keenly regretted by both Miller and Hutchinson, destroyed the liberals as an effective political group.⁹⁶ They were now leaderless and without direction. As Miller ruefully wrote, "Now that Robert has decided not to run, our group is so thoroughly divided that it would be unwise to meet again to discuss the governor's race."⁹⁷ Even Francis Miller began to realize that the victory he had sought might never come.

As it turned out, Whitehead's withdrawal did not mean the liberals played no role in the 1953 gubernatorial primary. They did, but the role was sad and ironic rather

⁹⁴Robert Whitehead statement, February 4, 1953. Copy in Hutchinson Papers, Box 22.

⁹⁵Robert Whitehead statement, February 26, 1953. Copy in Hutchinson Papers, Box 22.

⁹⁶Washington Post, March 1, 1953. Joseph H. Harrison, Jr., to Author, December 27, 1969. Copy in possession of author. Miller was bitter at Whitehead's decision, believing enough money had been pledged to insure a reasonable chance of success. Miller, "Memoirs....," Chapter 15.

⁹⁷Francis Pickens Miller to Martin Hutchinson, March 6, 1953. Hutchinson Papers, Box 22.

than triumphant. Congressman Tom Stanley, finally getting the nod, beat Arlington State Senator Charles Fenwick in one of the most listless primaries on record. Normally, that would be the end of the matter, but Tom Stanley was such an unattractive candidate (one supporter admitted he had "as much color as a 1933 calendar")⁹⁸ that it became apparent that the Republicans might actually have a chance to win. Their candidate, Ted Dalton of Roanoke, was personable and progressive, a sharp contrast to Stanley whose "no comment" campaign angered many even within the organization.⁹⁹

Realizing Stanley faced a difficult race, Governor Battle campaigned forcefully for his election and attempted to make the election a referendum on the organization in general and his administration in particular. Speaking in southwest Virginia, Battle declared,

⁹⁸Virginus Dabney to Editor of Reporter Magazine, November 7, 1953, Dabney Papers, Series H, Box 9.

⁹⁹In disgust, James Kilpatrick wrote the following to Senator Harry F. Byrd, October 29, 1953. "Tom never indicated the slightest ability to think for himself, to make tough decisions promptly, to speak knowledgeably about the State government. He has shown no imagination, no stature, no drive, nothing to recommend him to the voters. He has been wishy-washy, mealy-mouthed, half-hearted, equivocal; he has stumbled around over the simplest expression of opinion. He is not doing the organization one damn bit of good." Kilpatrick Papers, Series B, Box 8. Emphasis in the original.

If you believe that we who are now in office have made an honest and sincere effort to give clean, sound and efficient government, in keeping with the best tradition of Virginia, then you have the privilege -- and responsibility -- of so expressing yourselves at the polls.¹⁰⁰

Francis Miller's desire to defeat the Byrd machine led him to make an extraordinary appeal two weeks before the general election. Referring to Dalton as "a very able and intelligent public servant" running on "a platform which is a genuine Democratic document," Miller urged his supporters to vote for the Republican candidate.¹⁰¹ Party loyalty had always been one of the shibboleths of the liberals. They had lambasted Byrd for voting with the Republicans and had waxed indignant over Republicans voting for Democratic candidates! Thus, it was a complete turn around to have Miller come out for a Republican candidate, and it must have been hard for Miller to do so. Even so, Stanley won; the liberals had been ineffective again.

By the end of Battle's administration, the liberal movement which almost captured the governorship in 1949 had all but passed from the Virginia political scene. A combination of factors led to their demise. Some of the fault must be placed with the liberals themselves. Never a strong faction numerically, they severely weakened themselves by internal disputes and personal animosities. Francis

¹⁰⁰Richmond Times Dispatch, October 31, 1953. Governor Battle made a "generous" contribution to Stanley's campaign. Garland Gray to John S. Battle, October 14, 1953. Battle Executive Papers, Box 19.

¹⁰¹Francis Pickens Miller, "Comments on the Gubernatorial Campaign," October 21, 1953. Copy in Hutchinson Papers, Box 21.

Miller lacked the political skill and personal temperament to keep the movement together. By running for both governor and then United States Senator, Miller emerged as the focal point of the whole liberal movement. His crushing defeat by Senator Byrd left the liberals demoralized and almost leaderless.

John Battle and the Byrd organization also hastened their downfall. Battle was a successful and popular governor who made few enemies and no serious blunders which might have served to revitalize the liberal cause. The organization's single most effective action against the liberals was the passage of the run-off primary law which made it impossible to win a statewide office with a simple plurality of the vote. Without patronage and without a chance to win statewide office, there was little to keep the liberals together as a vital force.

Finally, national events played a role in the demise of the liberals. There was a perceptible shift to the right in the early 1950's: Harry Truman became extremely unpopular; Republicans won control of the national administration; and Senator McCarthy made headlines with his Communist witch hunts. Facing such handicaps, the liberals' abundant faith and courage proved inadequate tools to accomplish the task. Fearlessly, the liberals went out to destroy the hated Byrd machine only to find it was they who were destroyed.

Of course, the demise of the liberals in 1953 was more apparent than real. Although the liberal leaders would never gain statewide office, many of the issues championed by the liberals would not die and in time would win wide acceptance throughout the state. In reality the liberals were ahead of their time. During Governor Battle's administration valuable seeds were planted by the liberals but they were destined to be harvested by other hands.¹⁰²

¹⁰²In retrospect, Francis Miller came to view his own role as a seminal one. He wrote, "During the years of my struggle for democracy in Virginia I was often sustained in defeat by that sentence from John's Gospel: 'Except a grain of wheat fall into the ground and die it abideth itself alone, but if it die, it bringeth forth much fruit.' As I survey the Virginia scene now, the fruit of my campaigns seems plentiful, and some of it seems rather good." Miller, "Memoirs....," Chapter 15.

CHAPTER I

FOUR YEARS OF CHIEF: GOVERNOR BATTLE

AND THE 1952 DEMOCRATIC NATIONAL CONVENTION

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national Democratic administration noticeably deteriorated

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JOHN BATTLE AND THE NATIONAL SCENE

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¹Richmond News Leader, May 9, 1949. Byrd's bitter hostility against Truman in 1949 was shown by his complete support of the Buck-origins Anti-Truman bill. See Richmond Times Dispatch, February 21, 1949.

CHAPTER X

FOUR MINUTES OF GLORY: GOVERNOR BATTLE AND THE 1952 DEMOCRATIC NATIONAL CONVENTION

Relations between Virginia's Democratic party and the national Democratic administration noticeably deteriorated during Battle's early years as governor. Poor as they were during the 1940's, relations approached the breaking point in the early 1950's. The major focus of Virginia's hostility was President Harry Truman. In 1948 there was considerable hostility against the President, yet he maintained enough popular support to win Virginia's electoral votes. But by 1952 the hostility had deepened in intensity and had spread so as to be shared by a clear majority of Virginia's electorate. "Trumanism" became almost a curse word and a "Trumanite" was little different from a socialist or Communist.

Leading Virginia's crusade against the President was Senator Byrd himself. Already hostile to the President, the hostility between the two men deepened when, in May of 1949, Truman publicly declared "there are too many Byrds in Congress" and implied Byrd viewed problems only from a local rather than from a national perspective.¹ Truman's

¹Richmond News Leader, May 9, 1949. Byrd's bitter hostility against Truman in 1948 was shown by his complete support of the Tuck original Anti-Truman bill. See Richmond Times Dispatch, February 26, 1948.

nomination of Martin Hutchinson to the Federal Trade Commission the following year added more fuel to the fire (see p.226).

By the summer of 1951 Senator Byrd had arrived at a vital decision. He would do everything in his power to prevent the re-election of Harry Truman as President in 1952. He explained his reasoning to a friend: "If we re-elect this regime here at Washington I doubt whether we will ever get rid of it before we go into bankruptcy and a moral decline from which we will never recover."²

By November Byrd's public remarks were almost as harsh as his private ones. Addressing a receptive audience at Selma, Alabama, Byrd launched his bitterest attack yet on the Truman administration and issued a stirring call for a new Southern rebellion (see cartoon, next page).

I am convinced that the survival of the true Democratic party depends upon an immediate uprising of political virility in the South with a will to fight those people and those things they are doing which can lead only to the downfall of the democracy and all of the freedoms we hold dear.

If the American democracy is destroyed, it will be the result of fiscal irresponsibility of which the Trumanites are guilty, and which, even now, is being exploited --

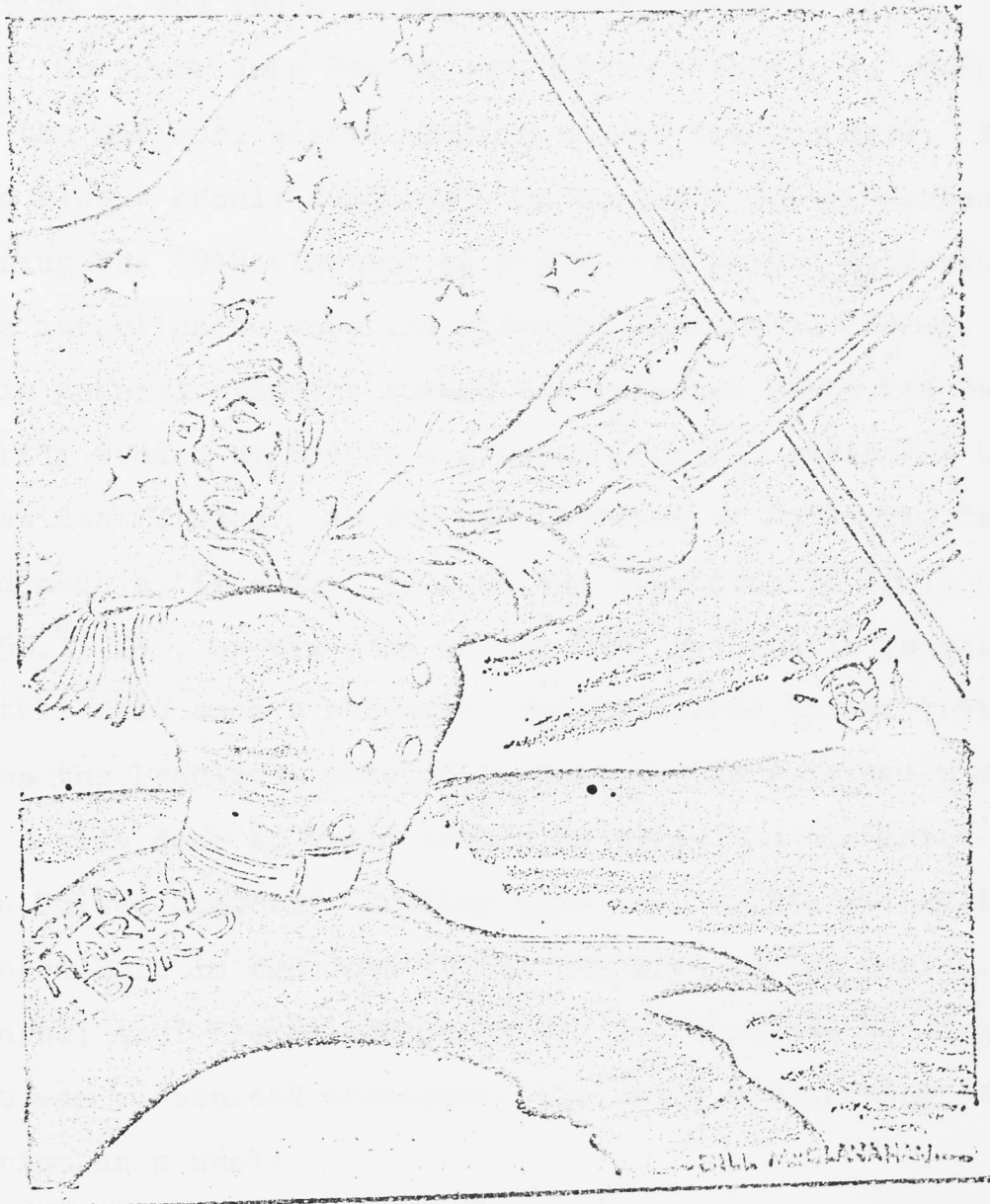
By Trumanites who lead us into socialism,

By Trumanites who would demolish individual custom and State and local governments and centralize all power and purse control in Washington, and

By Trumanites who would feed their lust and greed at the trough of centralized power and purse.³

²Harry F. Byrd to James Jackson Kilpatrick, July 13, 1951. Kilpatrick Papers, Series B, Box 8. Emphasis added.

³Richmond News Leader, November 11, 1951. A copy of the cartoon is also from the same paper.



'Sounding the Battle Cry' was the caption of the cartoon comment by The Dallas News on Senator Byrd's recent speech on party policy.

Richmond News Leader, November 11, 1951

During his speech Senator Byrd weighed the Truman administration on five counts -- Civil Rights, Fiscal Irresponsibility, Corruption in Government, Socialism, and Centralization -- and found it wanting on all counts.

Governor John Battle was not as vehement an opponent of the national administration as was Senator Byrd. Battle had always openly supported the national party, although during the 1948 election he did not go beyond declaring his intention to vote the straight Democratic ticket. This general sympathy toward the national party had been partly eroded by Battle's growing personal antipathy to President Truman. As the new Governor of Virginia, Battle had made a "friendly" call on the President in April of 1950.⁴ Yet, by the time of the 1952 Democratic convention, Battle felt such a bitter animosity toward Truman that when the President entered a room, Battle deliberately left by a side door to avoid having to greet the President of the United States.⁵ Feeling this way, Battle naturally backed Byrd in the anti-Truman campaign he was waging. Of course, anti-Truman sentiment was not confined to Virginia, but was widespread throughout the South and growing in the nation as a whole.

⁴Richmond News Leader, April 26, 1950.

⁵Interview with John S. Battle, September 25, 1969.

The long campaign bore unexpected fruit on March 29, 1952, when President Truman suddenly removed himself from the race.⁶ Most Virginians were pleased. "That's fine news" was Battle's terse comment when he heard the report, and this accurately expressed the sentiments of most of the leaders of the organization.⁷

Truman's historic announcement naturally had profound, if unforeseen, effects on the forthcoming national convention. Who now would be the party's nominee? Would Truman's withdrawal reconcile the South and prevent a split at the convention?

Virginia's leaders showed no signs of calling a truce. The war against Truman was won; the war against Trumanism would continue. Thus while Senator Byrd's race against Francis Miller (see p. 237f.) began after Truman's withdrawal, Byrd still made Trumanism the central issue of the campaign and successfully pinned the Truman label on Miller. Byrd's smashing victory on July 15th, only six days before the opening of the national convention, confirmed that most Virginians supported him in his total war against the Truman administration.

Nothing better demonstrates the hard-line attitude of the Byrd organization than its actions at the State Democratic

⁶Richmond Times Dispatch, March 30, 1952.

⁷Lynchburg News, April 1, 1952.

Convention. Meeting in Roanoke on July 17th, the convention was totally dominated by organization forces with the liberals not even in attendance. The convention lasted only one day and its major purpose was to elect delegates to the national convention, choose presidential electors, and plan party strategy. It soon became clear that the enemy at the convention was not the Republican party but the national Democratic party. Four pages of resolutions were adopted, but none of them criticized the Republican party or praised the national Democratic party.⁸

William Tuck, former governor and Byrd's chief lieutenant, gave the convention's keynote speech in which he warned that Virginia must be prepared to bolt the national convention if necessary. Violently castigating the national party and its leaders, Tuck asserted:

The Democratic party as now constituted cannot long endure. Its very vitals have been eaten away by insidious rot, foisted on it by politically ruthless, unprincipled and conscienceless men, more concerned with winning elections and distributing favors than with preserving a system of free government.... We will not servilely genuflect to "Trumanism" and "Fair Dealism." We will not be suppressed by iniquitous FEPC /Fair Employment Practices Commission/ acts, the unrestrained tyranny of Union bosses, or the wanton profligacy of governmental wastrels.⁹

⁸A copy of these resolutions can be found in the Colgate Darden Papers dealing with the 1952 Presidential campaign, File 3996.

⁹Richmond Times Dispatch, July 18, 1952. Richmond News Leader, July 18, 1952.

Byrd and Tuck denounced the national Democratic party in such scathing terms because they felt themselves completely alienated from it. To them there was no connection between the Virginia Democratic party and the national Democratic party; the national party had deserted the true principles of the Democratic party and adopted an alien philosophy of socialism, centralization and deficit financing.¹⁰ The Virginia Delegation, of which Governor Battle would be the titular head, consisted almost entirely of staunch organization supporters. They were expected to follow the Byrd-Tuck line of unrelenting opposition to the national party at the forthcoming national convention.

The national convention promised to be an exciting one because for the first time since 1932 there would be a genuinely open convention with all the uncertainties that such a reality indicated.¹¹ Presidential candidates abounded and no one could confidently predict who would win the nomination. Each of the avowed candidates appeared to have at least one major drawback which would make him unacceptable to the majority of the delegates.

¹⁰Senator Byrd gave an extended and revealing definition of the kind of Democrat he conceived of himself to be. James Jackson Kilpatrick, "Mr. Byrd of Virginia," Human Events, XIV (August 10, 1957), 11. Byrd declared, "The kind of Democrat I try earnestly to be is the kind of Democrat that two of the greatest Presidents of the United States were, Thomas Jefferson and Woodrow Wilson, both from Virginia. The kind of Democrat I try to be is the kind that Andrew Jackson was, who boasted that the proudest achievement of his administration was to pay off in toto the public debt. ...I am the kind of Democrat that Grover Cleveland was who said...It was the duty of the people to support the Government, and not the duty of the government to support the people."

¹¹The importance of the open convention is stressed in the standard work on the 1952 convention. Paul David, Malcolm Moos, Ralph Goodman, Presidential Nominating Politics in 1952 (Baltimore: Johns Hopkins Press, 1954), I, 10ff.

Senator Estes Kefauver of Tennessee, with the most pledged delegates, was clearly the front runner. A liberal, widely known through his televised crime probes, Kefauver had considerable support among the Democratic rank and file. His pledged delegates were completely devoted to him, but the "big city bosses," whom Kefauver consistently attacked, many party "regulars," and President Harry Truman were all distinctly cool to his candidacy. With such handicaps, many experts doubted Kefauver could muster a clear majority though he was expected to be the leader on the first ballot.

The other avowed liberal candidate was Averell Harriman of New York. A man with broad governmental experience, Harriman hoped to rally support as a straight down-the-line supporter of the New Deal-Fair Deal program. President Truman welcomed but did not endorse his candidacy. Lacking personal charisma and wide national following, Harriman was unlikely to win the prize.

Georgia's able Richard Russell could count on strong support from the South, with the exception of Tennessee, but the fact that he was the "Southern" candidate greatly handicapped him in other parts of the country. Trying desperately to broaden his appeal, Russell recommended that the Taft-Hartley law, which he had previously supported,

be amended "to make it fairer to labor."¹² Unfortunately, his statement, issued on July 16, only succeeded in causing trouble. It failed to win any labor support but it did shake his once solid support in Virginia. Battle admitted that Russell's statement, coming on the eve of the state convention, "threw a monkey wrench into our plans."¹³ Passages complimentary to Russell were quickly deleted from Tuck's keynote speech and Virginia's delegates were sent to Chicago uninstructed rather than pledged to Russell.¹⁴

A fourth serious contender was Vice President Alben Barkley who had many plus factors; he was acceptable to all sections of the country, he had a strong personal following, and he was rumored to be President Truman's choice.¹⁵ His one major drawback was his age. At 74, many concluded that Barkley was simply too old to take on the gruelling, man-killing job as President of the United States.

Senator Robert Kerr of Oklahoma was the fifth announced

¹²Richmond News Leader, July 17, 1952.

¹³Ibid., July 18, 1952.

¹⁴Russell held meetings with Byrd over the weekend and by the time the convention opened, Virginia was again firmly behind Russell's candidacy. Richmond Times Dispatch, July 21, 1952.

¹⁵As it turned out the rumors were accurate. Truman's initial choice was Governor Adlai Stevenson, but when he refused to run, Truman turned to Barkley as the only other viable alternative. Harry S. Truman, Memoirs -- Years of Trial and Hope (New York: Doubleday, 1955), II, 491-6.

candidate (there were another six or seven favorite son candidates), but few believed that Kerr could overcome the twin handicaps of his lack of national support and his close association with powerful oil interests.

One non-candidate drew more attention and comment than any of the five announced candidates. He was Governor Adlai E. Stevenson of Illinois, the only likely nominee without a serious drawback. Many believed he was the strongest candidate the Democrats could choose. Stevenson, however, genuinely and sincerely did not want to be nominated and did all he could to discourage any efforts in his behalf short of issuing a Shermansque statement that he would not accept the nomination.¹⁶ Since genuine presidential drafts are a rare phenomenon in American political history, many felt it was unlikely that Stevenson would get the nomination unless he changed his mind and campaigned for it.

Never absent for long in discussions about the nominee was the name of President Harry Truman. His personal preference was not known, but all agreed his endorsement would mean several hundred convention votes to the lucky recipient. Then too there was always the possibility that a deadlocked convention would turn to the President to lead the party to victory in 1952 as he had done in 1948.

¹⁶The best account of the move to draft Stevenson is Walter Johnson, How We Drafted Adlai Stevenson (New York: Alfred A. Knopf, 1955).

The other unanswered question facing the convention involved the possibility that at least some Southern states might bolt the convention. The likelihood of such an occurrence had lessened following Truman's withdrawal, but increased when the Republicans nominated Dwight Eisenhower as their candidate. Eisenhower, a man of fantastic popular appeal, was greatly admired in the South. Significantly, at their 1948 state convention Virginia Democrats had unanimously voted to endorse Eisenhower for the Democratic nomination.¹⁷ Now that Eisenhower was a candidate, Virginia and other Southern states had some place to go if they chose to bolt the convention.

In view of this possibility, two totally different and antagonistic strategies were developed. The unifier strategy stressed that only a united party could defeat General Eisenhower. The South's electoral votes were crucial to victory in November, and thus compromises must be worked out on the platform and a nominee must be chosen who would satisfy the Southern conservatives as well as the Northern liberals.

In the camp of the unifiers was most of the convention leadership -- President Truman, National Chairman Frank McKinney, Permanent Convention Chairman Sam Rayburn, and

¹⁷Richmond Times Dispatch, July 4, 1948.

"political bosses" such as Jake Arvey of Chicago and David Lawrence of Pittsburgh, as well as a majority of the delegates. What the unifiers lacked most was a candidate. Vice President Barkley withdrew on the eve of the convention when labor indicated its opposition because of his age. Of course, the ideal candidate for the unifiers was Adlai Stevenson but he still insisted he was not a candidate and did not want the nomination.

The opposing view, the sectionalist strategy, insisted the Democrats could not match Eisenhower on popular appeal and thus the emphasis must be on a progressive party program which would strongly appeal to labor, blacks, and other minority groups. Such a strategy deliberately discounted the South and insisted that the South was not necessary to a Democratic victory, a contention which was bolstered with a myriad of charts and graphs analyzing past elections.¹⁸

The sectionalist strategy was employed by the followers of liberals Averell Harriman and Estes Kefauver. In rejecting the unifier strategy, they were perfectly willing to anger the South and deliberately sought to drive a deep liberal-conservative wedge into the convention, hopeful such a wedge would mean victory for the liberals in Chicago and for the Democrats in November.

¹⁸This concept of the "unifier" and "sectionalist" strategies was used in a brilliant article on the controversy over the loyalty oath by Allan P. Sindler, "The Un-solid South: A Challenge to the Democratic National Party," an essay in Alan F. Westin, editor, The Uses of Power (New York: Harcourt, Brace and World, Inc., 1963), 233f.

In view of such attitudes, an open clash at the convention was all but inevitable. The Virginia delegation arrived in Chicago in a defensive mood and bristling with hostility. To their initial surprise, they discovered a large group of liberal delegates equally hostile. Virginia's leaders, always sensitive to imagined slights, were stunned to discover a group of delegates deliberately insulting them and starting a fight. The unifiers had the unpleasant and difficult job of keeping the two protagonists apart from each other and yet keeping them together in the same convention.

Most observers expected the fuse between the North and South to be lit in debate over the civil rights section of the platform.¹⁹ Instead the fight began over a loyalty pledge. The matter of loyalty had been sharply raised as a result of the 1948 election. In that election the Dixiecrat candidate Strom Thurmond had managed to carry four deep South states -- South Carolina, Louisiana, Mississippi and Alabama. In the first three states, Thurmond had been listed under the regular state Democratic ticket. In Alabama, Truman's name was not even on the ballot.²⁰

¹⁹A compromise was ultimately worked out on the platform which was adopted without a floor fight. David et al; Presidential Nomination Politics..., I, 131f.

²⁰A lively account of the 1948 election can be found in Ross, The Loneliest Campaign...

A similar situation appeared likely to occur in 1952. Prior to the 1952 convention six states -- Virginia, South Carolina, Louisiana, Georgia, Mississippi and Texas -- had simply recessed their state conventions, a step which allowed them to see what transpired at Chicago and then react accordingly. To further complicate matters, competing delegations came to Chicago from the states of Mississippi and Texas. In both cases the regular delegations were anti-Truman while the loyalist delegations were quite liberal. The Kefauver and Harriman forces agreed to work together to achieve the seating of the loyalist factions of both states, a move which if successful would have added 70 much-needed votes to the liberal cause. After prolonged and heated debate during the week before the convention, the liberals lost out and the regular delegations were seated by the credentials committee, subject to later approval by the full convention.²¹

The Harriman-Kefauver coalition then formulated a new strategy which called for the adoption of a loyalty oath by all the delegations. On Saturday, July 19th, Franklin D. Roosevelt, Jr., Harriman's campaign manager and a man held in "utter contempt" by Senator Byrd,²² reported to the

²¹Sindler, "Unsolid South...", 247f. David et al., Presidential Nominating Politics in 1952, I, 112.

²²Harry F. Byrd to James Jackson Kilpatrick, September 16, 1960. Kilpatrick Papers, Series C, Box 11.

press that the pledge would assure first, "that the nominees of the convention will be placed on the ballots of each state as the Democratic candidates and, second, it would bind the Democratic state organizations, represented by the state delegations, to work for and support the nominees of this convention."²³ No actual copies of the proposed pledge were available, and it soon became clear that the liberals were having difficulty agreeing on the precise wording. Thus, as the delegates began arriving in Chicago, there was much talk about a loyalty oath, but no one knew exactly what was involved.

Many delegates spent Sunday, the last day before the convention, in various backstage maneuvers. Governor Battle, not expecting to play a particularly important role in the proceedings, decided to spend a day of relaxation at the ball park rather than work in the caucus room. As it turned out, Battle's trip to ^WRigley Field was his last relaxation for some time to come.²⁴

The convention's first session convened in Chicago's huge International Amphitheatre at noon on Monday, July

²³David et. al., Presidential Nominating Politics..., I, 116.

²⁴John F. Daffron, "Calm John Battle Was Never Rattled," The Commonwealth, 221 (February, 1954), 17. As Daffron explained Battle's easy-going attitude, "It's futile to flail around today in the face of a situation you can't possibly do anything about until tomorrow."

21, 1952. Contrary to most opening days, this Monday was to be packed with considerable drama, much of it centering around the loyalty oath. It was Monday afternoon before the delegates were finally able to get a copy of the loyalty oath that was being proposed by the liberal factions. Released by the Americans for Democratic Action, the suggested pledge read:

Be it resolved: That this convention believes in the great American principle of majority rule. Every delegate assumes a moral obligation to support the nominees of this convention and to bring about their election. No delegate shall be seated unless he shall give assurance to the Credentials Committee that he will exert every honorable means available to him in any official capacity he may have to provide that the nominees of this convention for President and Vice-President, through their names or those of electors pledged to them, appear on the election ballot under the heading, name or designation of the Democratic party. Such assurance shall be given by the chairman of each delegation, and shall not be binding upon those delegates who shall so signify to the Credentials Committee prior to its report to this Convention.²⁵

The South was put into an uproar by the proposed pledge. Particular objection was taken to the second sentence -- "Every delegate assumes a moral obligation to support the nominees of this convention and to bring about their election" -- but it was the whole idea of the oath that angered the South in general and Virginia in particular.

²⁵Sindler, "Unsolid South...", 254.

During the evening session, a recess was called from 10:40 p.m. to 12:20 a.m. as the convention leadership, headed by National Chairman Frank McKinney, tried to work out a compromise on the loyalty pledge. It was agreed to drop the offending second sentence, which morally committed each delegate to personal support of the ticket. Then Blair Moody, recently appointed U. S. Senator from Michigan and temporary Chairman of the Rules Committee, read the resolution and urged that it be added to the rules of the convention. Moody did not have a major role in formulating the resolution, but since he introduced it, the loyalty pledge soon became known as the Moody Resolution.²⁶

Any hope that the deletion of the offending sentence would effectively placate the South was quickly dashed. Governor Battle was one of the many Southern leaders who angrily spoke out against the Moody Resolution. Battle declared that Virginia hoped and expected to go along with the party's nominee, yet he also issued a warning: "But we don't want to be put on terms as to whether we shall be admitted to a Democratic Convention or not, and we did not come here for that purpose. I hope it will be the

²⁶ Moody argued that he was trying to act in the role of peacemaker at the convention. Whatever his intentions, he was viewed by the South as the champion of the hated loyalty oath. See David et al., Presidential Nominating Politics..., IV, 64f.

consensus of this convention, in the name of fair play, in the name of democracy...not, at this late hour, to read this resolution and then attempt to ram it down our throats."²⁷

In the heated debate that followed it became apparent the liberals were in control, especially after a milder substitute oath was voted down by a voice vote. Then temporary Chairman Paul Dever of Massachusetts put the question on the Moody Resolution. After frantic shouting and waving of the Virginia standard, Governor Battle again won recognition and demanded a roll call on the Moody Resolution.²⁸ Dever asked those in favor to stand but quickly ruled, without making an effort to count, that the necessary one-fifth of the delegates had not risen in support of Battle's motion and the roll call was denied. The Moody Resolution was then carried by a voice vote and the convention adjourned at 2:00 a.m.

Virginians were rightly incensed by the steamroller tactics employed by Dever. If only the South favored the roll call, they still possessed more than one-fifth of the voting strength of the convention.²⁹ The liberals

²⁷Official Report of the Proceedings of the Democratic Convention, 1952 (Published by the Democratic National Convention, 1952), 59-60.

²⁸Ibid., 73.

²⁹For a critique of Dever's action see David et al., Presidential Nominating Politics..., I, 127.

may have successfully forced the adoption of the Moody Resolution, but Virginia was not going to accept the outcome and prepared to resist the loyalty pledge in every possible way.

When the Virginia delegation gathered in the Pine Room of the Congress Hotel for its Tuesday morning caucus, resentment against the Moody Resolution was unanimous, but what to do about it left the delegates divided. Lieutenant Governor Pat Collins proposed a moderate course of action. He suggested that the delegation adopt a resolution reciting Virginia's law requiring the nominees of the National Convention to be placed on Virginia's ballot. At the same time the resolution would explicitly assert that Virginia maintained complete freedom of action. Immediately, a heated and prolonged debate ensued. Collins argued "that to do that which the law requires, was not to yield any point." He added, "It would be a tragedy for the fine Democrats of Virginia to go back and say we were out of the convention because we were not willing to conform to a Virginia statute."³⁰

Other delegates disagreed. Former Governor Tuck interpreted the Collins resolution "to constitute an act of obe-

³⁰Lewis Preston Collins, "The Memoir and Analysis of Virginia's Participation in the Chicago National Convention." Unpublished manuscript, August 6, 1952. Copy in the Battle Executive Papers, Box 21, 6f. This memoir written immediately after the event by an active participant is extremely helpful in reconstructing the chain of events at the convention. The final quotation in the paragraph is from the Washington Post, July 23, 1952.

dience." After much debate, Senator Byrd settled the issue by saying he believed the resolution would constitute yielding and furthermore he thought a statement of Virginia's position rather than a formal resolution was the appropriate course of action. A committee was formed to draft a statement and the caucus adjourned until Wednesday.³¹

In the meantime the unifiers were hard at work attempting to smooth the rift brought about by the adoption of the Moody Resolution. Apparently, President Truman let it be known that he wanted a compromise worked out.³² A new amendment was tacked on to the Moody Resolution which was designed to meet the objections of those Southern delegations which declared state law or party rules made compliance impossible. The amendment read: "That for this convention only, such assurances shall not be in contravention of the existing law of the State, nor of the previous instructions of the State Democratic governing bodies."³³

The amendment was a major victory for the unifiers and effectively nullified the Moody resolution. The liberals

³¹Collins, "Memoir....," 8.

³²Roanoke Times, July 25, 1952.

³³A copy of the Moody Resolution as amended is in the Colgate Darden Papers, File 3996.

had attempted to force those Southern states which had threatened to bolt, to pledge to support the national nominees. Now these very states had been exempted from compliance and the resolution was reduced to meaningless jargon. For a while it seemed as if the fight over the loyalty pledge had come to an end.³⁴ Southern states like Georgia, Mississippi and Texas found no trouble going along with the amended resolution. Yet three other states, Virginia, South Carolina and Louisiana, remained recalcitrant.

At their Wednesday caucus the Virginia delegation, still bristling with defiance, adopted the statement as drawn by the committee appointed on Tuesday. The statement referred to Virginia's law on presidential elections but specifically rejected the loyalty pledge. Shortly after the caucus adjourned, the credentials committee phoned to say that Virginia had not yet complied with the Moody Resolution and Governor Battle then sent Virginia's statement to the credentials committee by courier. Battle's covering letter made clear that Virginia was not budging on her determination to refuse to sign any pledge. "I further advise that the Virginia delegation by unanimous vote has directed that no loyalty pledge be taken or agreed to by any representative or member of this delegation as provided under the so-called Moody Resolution, or any amendment there-

³⁴Sindler, "Unsolid South...", 258.

to, or under any similar resolution."³⁵

At the Wednesday afternoon session it was ruled that the states of Virginia, South Carolina and Louisiana had not complied with the rules of the convention and hence could not vote on various matters then before the convention. No effort was made to deny the states their seats in the conventions, but only their voting privileges. Some Virginia delegates wanted to walk out, but Governor Battle urged patience. "Take it easy now... . Don't walk out yet."³⁶

At about this time, Chairman McKinney, who was trying desperately to find a satisfactory solution, called a meeting of the major participants. Included were Battle and Byrd from Virginia, Governor James Byrnes and National Committeeman Burnet Maybank of South Carolina, and Governor Robert Kennon of Louisiana. The unifiers were represented by McKinney, Jake Arvey, boss of the Illinois delegation, David Lawrence, Mayor of Pittsburgh, James Farley of New York, and Senator Earle Clements of Kentucky, a high-ranking member of the credentials committee. There were no sectionalists present at the meeting.

While there is some doubt as to exactly what transpired, the major thrust of what was discussed is clear. In a desperate move for harmony, the convention leadership of-

³⁵John S. Battle to Calvin Rawlings, Chairman of the Credentials Committee, July 23, 1952. Copy in Battle Executive Papers, Box 21.

³⁶Richmond News Leader, July 23, 1952.

ferred to seat the three delegations with full voting rights by agreeing to report to the convention that a further examination of the states' credentials demonstrated that they were in substantial compliance with the Moody Resolution. All three states refused the offer! They would accept only if each delegation was allowed to publicly state from the platform that their positions had not changed.³⁷

As Battle put it, Virginia did not want to be seated by "subterfuge." He expressed little confidence in the convention leadership. "They seemed to think we were born yesterday. We know perfectly well how the matter of reconsideration would be presented to the convention. If we let them run it their way, they would make it appear to the whole world that Virginia had given in, compromised its principles, and sold out just to keep its seats. Well, we'd rather be thrown out than have that happen."³⁸

It was clear from Virginia's response that only total capitulation would satisfy them. Senator Byrd, always the astute politician, caught the essence of the dilemma faced by the unifiers. "They've got themselves in a hell of a

³⁷James F. Byrnes, "Address to State Democratic Convention in Columbia, South Carolina," August 6, 1952, 3. Copy in the Battle Executive Papers, Box 21. Collins, "Memoir....," 15.

³⁸Richmond News Leader, July 24, 1952.

hole, now let them get out."³⁹ To change the metaphor, the convention leaders found themselves forced out on a limb by the Moody Resolution and Virginia was not going to make it easier for them to crawl off.

In actuality, the Moody Resolution had played directly into the hands of Byrd and Tuck. They came to the Chicago convention ready to fight, willing and perhaps even anxious to be thrown out.⁴⁰ As Byrd declared, "If they want to throw us out, let them. A good many of us would welcome it."⁴¹ Thinking this way, Byrd and Tuck had little to lose by following a hard line, no-compromise position. If they did win their seats, something that appeared unlikely on Wednesday, they would win them on their own terms. If the convention threw them out for refusing to sign the Moody Resolution, then the onus for the break would be on the national party. The split which Byrd and Tuck desired would have occurred and it would have occurred without Virginians incurring any stigma by bolting the convention.

³⁹David et al., Presidential Nominating Politics...., III, 24. Benjamin Muse wrote the chapter on Virginia's role in the 1952 convention. The article is generally accurate but not as probing as one might wish. This key quotation is also in the Richmond News Leader, July 23, 1952.

⁴⁰See for example James Latimer, "Virginia Politics, 1950-1960," 49. One reporter on the scene recalled, "Byrd and Tuck were itching for a fight and hoping to be kicked out of the 1952 Convention." Charles McDowell, Jr., to Author, August 19, 1970. Copy in possession of author.

⁴¹Richmond News Leader, July 23, 1952. Emphasis added.

Essential to Virginia's strategy was confrontation. The issue would have to be forced. Apparently, Virginians would be able to keep their seats indefinitely. If they remained on as spectators but not as participants, the dispute might simply fizzle out and recede into the background as the balloting began.

To avoid this, the three states held their own private caucus to plan a suitable course of action. At Tuck's suggestion it was decided to write a letter to Permanent Chairman Sam Rayburn asking for a clarification of the status of the three states.⁴² The letter, written by Governor Byrnes of South Carolina,⁴³ and signed by all three governors, read as follows:

We have been advised by Mrs. Vredenburg, Secretary of the Convention, that she has not been instructed to remove the names of Louisiana, South Carolina and Virginia from the permanent rolls and in the absence of such instructions, when the roll is called, the names of those states will be called.

As Chairman of the delegations of the three states above named, we filed with the Credentials Committee statements setting forth that we could not give the assurances demanded by the Moody Resolution, as amended.

Acting upon the instructions of our delegations, we must reiterate our refusal to give such assurances or to give any pledge as to the future action of the Democratic Party of our respective states.

In response to a point of order, the temporary Chairman of this Convention ruled that the three states herein named were not entitled to vote in the Convention. However, in view of the fact that since that time the Secretary of the Convention has given us the information above recited, we now ask for a specific ruling by you

⁴²Collins, "Memoir....," 16.

⁴³Byrnes, "Address....," 3.

as to whether we are, or are not, members of the Convention. We wish a ruling as to whether or not we are entitled to full participation in the deliberations and votes of this Convention.⁴⁴

The letter was sent to Rayburn on the morning of July 24, the day when the roll would be called for presidential nominations, a roll which still included the names of the three states. Fully aware that Rayburn might not respond, they decided to force the issue on the floor of the convention. The method agreed upon was to have Louisiana yield to Virginia and then have Governor Battle submit a parliamentary inquiry demanding a specific ruling on the status of the three states.⁴⁵

Just before the roll call began, an emissary from Chairman Rayburn came with a message for Senator Byrd. In essence, Rayburn urged Byrd not to force the issue on the roll call, declaring he would have to rule against Virginia.⁴⁶ He asked for a little more time, saying that with a slight change in the wording of Virginia's statement the matter could be worked out. According to one reporter, Byrd "with one caustic unprintable blast demolished the last enemy feeler for a chink of compromise in Virginia's armor."⁴⁷ Earlier Byrd clearly expressed his hard line when he declared "We are not going to yield a damn inch....

⁴⁴A copy of the letter may be found in the Colgate Darden papers on the convention, File 3996.

⁴⁵James F. Byrnes, All in One Lifetime (New York: Harper and Brothers, 1958), 414; Collins, "Memoir....," 17.

⁴⁶Charlottesville Daily Progress, July 25, 1952.

⁴⁷Richmond Times Dispatch, July 26, 1952. Quite likely it was a four-letter expletive. Charles McDowell, Jr., to Author, August 19, 1970. Copy in possession of author.

We will not cross a 't' nor will we dot an 'i.'" ⁴⁸

Thus, as the convention began its seventh session at noon on Thursday, July 24, the stage was set for high drama. The liberals were dead set against allowing the three Southern states to participate in the convention and they were ready to vehemently protest any move made in that direction. The three Southern states were determined to force the issue but absolutely adamant against compromise. The unifiers, fearing time had run out, still desperately hoped a final break could be avoided.

The roll call of states began and Richard Russell became the first of the candidates to be placed in nomination. Then followed Kefauver... Kerr... Fulbright... Harriman... Ewing... McMahon... Stevenson... Williams. The list seemed endless and so did the demonstrations and speeches.

It was nearly 7:00 p.m. by the time Louisiana was finally reached on the roll call. The minute Louisiana's name was called the entire Minnesota delegation, led by their Chairman, Orville Freeman, tried to raise a point of order and challenge Louisiana's right to speak. Louisiana attempted to yield to Virginia as arranged, but there was tremendous noise and confusion and it was hard to know who had the floor.

⁴⁸Roanoke Times, July 25, 1952; Collins, "Memoir....," 18.

Governor Battle's long awaited opportunity to speak had finally come. Exhausted by days of intense activity, fully conscious of the high stakes, angry at what Virginia had been forced to endure, excited and nervous, John Battle began: "Mr. Chairman, this is John S. Battle, Governor of the State of Mississippi..."⁴⁹ He quickly corrected himself but the slip demonstrates the tremendous pressure on Battle and his state of nervous tension.

Minnesota kept screaming "point of order" until Rayburn fumed, "Now the Chair is not going to recognize but one person to make a point of order at a time, and he has recognized the gentleman from Virginia."⁵⁰ Battle finally made his parliamentary inquiry although with considerable difficulty due to the noise and because he had to read the formal inquiry into a low microphone. The delegates thus urged him to go to the platform to explain Virginia's stand, and he started in that direction.

Apparently Governor Tuck also started for the platform to give the convention a piece of his mind. Tuck, "in the

⁴⁹ Highlights of the convention and aftermath were recorded by radio station WRNL and presented to Governor Battle. The records were graciously made available to the author by Mr. William C. Battle and are invaluable for recapturing the excitement of the convention. Interestingly, Battle's slip of the tongue is not recorded in the Official Report of the convention.

⁵⁰ Official Report..., 334.

mood for total revolution" and bouyed by several drinks at dinner, hoped to give the clarion call that would have led to a bolt by Virginia and other Southern states. In his pocket Tuck had his speech, one which he had just practiced reciting in the back seat of a taxi on the way over to the convention. To one who heard it, it was "the greatest undelivered oration ever undelivered. ...The incomparable William, in that ride to the stockyards, would have reduced William Jennings Bryan to schoolboy forensics."⁵¹

Battle, completely absorbed by his own task, knew nothing of Tuck's desire to address the convention and to that degree the stories about "the great footrace" between Battle and Tuck are inaccurate.⁵² Arriving at the platform first, Battle attempted to win permission to address the convention from the speaker's platform.

Meanwhile, in response to Battle's parliamentary inquiry, Chairman of the Credentials Committee Calvin Rawlings repeated that the three states had not signed but added that any individual delegate who wished to sign the pledge could do so and then vote. Louisiana's Senator Russell Long said he for one would stay in the convention. Then Governor Kennon explained why Louisiana would not sign.

⁵¹James Jackson Kilpatrick to Author, June 30, 1970. Copy in the possession of the author.

⁵²Interview with John S. Battle, April 10, 1969. Tuck denies there was any footrace or that he wished to be thrown out of the convention. William Tuck to Author, November 6, 1969. Copy in possession of the author.

While Long and Kennon spoke, Battle conversed briefly with Rayburn at the rear of the platform. The normally calm Battle, now "visibly shaken," pounded his fist and waved his arm in trying to drive home his point to Chairman Rayburn, but what was said is not known.⁵³ Finally, Kennon finished and Rayburn recognized Governor Battle. It was 7:22 p.m.

Grasping the sides of the platform, John Battle, who had always dreamed of being a great orator like his father and grandfather, now fulfilled his dream before an audience of perhaps 75 million people. Speaking with dignity and eloquence, Battle explained Virginia's position:

Mr. Chairman, Ladies and Gentlemen of this Democratic Convention: I am not here to argue this case. I have submitted a parliamentary inquiry to the Chairman of this Convention. I simply wish my fellow Democrats, who are here today, to know plainly and simply the reasons for our position. I'm not going to try to persuade you -- I'm not going to make a speech to you -- I'm going to try to tell you as plainly as I can why we have taken the position we have.

First, let me say to you that this is no effort to keep the nominees of this Convention off the ballot. Nobody in Virginia would ever have such idea ^{/sic}; and if they have, the law of Virginia, Chapter 357 of the Acts of 1948 of the Virginia General Assembly, provides that the nominees of this National Convention and their electors will be placed upon the ballots of Virginia when they have been certified by the Secretary of this Convention. So, there is no question about that. There is no quibble on the subject. What, my Democratic friends, we in Virginia object to is the language of this Resolution under which it may be construed as we construe it that this Delegation and the Democrats of Virginia, insofar as we are able to commit them, would be com-

⁵³Roanoke Times, July 25, 1952. Governor Battle does not remember what he said in his conversation with Rayburn.

mitted to support any future action which might be taken by this Convention. We are unwilling, frankly, to take that Pledge. We have taken that position from the beginning. We do not recede from it now. We believe that we're on sound ground. We have no quarrel with those who think differently. With us it's a matter of principle. The same principle which was enunciated by the great Vice President of the United States on last night. And may I say, by way of parenthesis, that having been denied participation in this Convention, we did not feel like participating in the great demonstration you gave him; it broke our hearts not to do it, but we felt that we shouldn't do it in all propriety; when the great Vice President of the United States said that this was a nation of free people living in a free country; and we are simply reserving to ourself the freedom enunciated by Thomas Jefferson -- in whose County I happen to live -- the great patron saint of this Party, who believed in freedom, who believed in freedom of thought and freedom of action, and we are not going to sign any Pledge or any commitment which will prevent that freedom which we claim for ourselves and believe you would like for yourselves.⁵⁴

The speech took four minutes to deliver. Yet by the time he had finished Battle had accomplished at least one noteworthy feat. The tumultuous convention had actually become silent. If nothing else, Battle had won their attention. The effectiveness of the speech was due more to the manner in which it was delivered than to its actual content. It contained no arrogance, no insults, no threats.

⁵⁴Copies of Battle's speech can be found in the Battle Executive Papers, Box 21, and in the Robert Whitehead Papers, Box 3, as well as the Official Report..., 338-9.

Its whole tone was friendly and conciliatory, although it should be noted that Battle did not budge an inch from Virginia's original position.⁵⁵ The speech carried conviction and strong emotion, but it did not resort to exaggerated rhetoric or absurd over-statement so prevalent in convention oratory.

The actual contents of the speech would have been subject to challenge on several important points. For instance, it was scarcely accurate to assert that "nobody in Virginia would ever have such idea" to keep the national nominees off the ballot in view of the Tuck Anti-Truman bill of 1948. Battle also implied that the nominees would automatically be placed on the ballot, but the actual process was more complicated than that.

Furthermore, Governor Battle complained that the Moody Resolution might be construed to bind those who signed it "to support any future action which might be taken by this convention" and thus limit Virginia's "freedom of action." It is difficult to see how the language of the Moody Resolution could legitimately be interpreted in such a way (see p. 278), as the resolution demanded only that the nominees

⁵⁵The one thing that greatly angered Governor Battle was that several reports had him "pleading" with the convention to seat Virginia. Battle is completely correct when he declares that not one word in the speech could be rightly construed as asking or pleading for anything. He stresses this point in his address on returning from the convention which was recorded by Radio Station WRNL. Interview with John S. Battle, April 10, 1969. Yet the very fact that reporters thought he was pleading emphasizes the point that the tone of the speech was conciliatory.

of the convention would be placed on the state ballot. Apparently, Virginians interpreted the opening clause, "this convention believes in the great principle of majority rule" to mean the minority must agree to support whatever the majority decides. Yet, obviously one can accept the principle of majority rule and still vigorously disagree with the decisions of the majority. Virginia's tortured interpretation of the Moody Resolution served the purpose of making it easier for Virginia to justify her refusal to sign it.

One of the most favorably received parts of Battle's address was his reference to Vice President Barkley. Battle declared, "it broke our hearts" not to join in the demonstration for him but "having been denied participation in this convention... we felt we shouldn't do it in all propriety." Yet, only hours before and while Virginia was out of the convention, the entire Virginia delegation, including Governor Battle, had cheerfully joined in the wild demonstration following the nomination of Senator Richard Russell as President.⁵⁶

Perhaps the weakest aspect of Battle's case was that he stressed Virginia took its stand as "a matter of prin-

⁵⁶Richmond Times Dispatch, July 26, 1952. Roanoke Times, July 25, 1952.

ciple." This was the keystone of Virginia's defense. One would understandably expect to find Virginians foursquare against any kind of party loyalty oath since such oaths do limit a person's freedom of action. Yet such was not the case. For example, before any candidate could enter a Democratic primary in Virginia, he had to sign the following oath:

I do state on my sacred honor that I am a member of the Democratic party and believe in its principles; that I voted for all of the nominees of said party at next preceding general election in which I voted and in which the Democratic nominee or nominees had opposition; and that I shall support and vote for all of the nominees of said party in the next ensuing general election.⁵⁷

A comparable pledge could be extracted of every delegate "to any Democratic convention." As spelled out in the Democratic party plan, "no person shall be permitted to participate therein, if challenged by a member of the Democratic Party, unless he is willing to subscribe to a similar pledge."⁵⁸

Both Governor Battle and Senator Byrd had promised "on their sacred honor" to support their arch-foe Francis Pickens Miller if he had been victorious. If Byrd and Battle agreed

⁵⁷A copy of the state loyalty oath may be found, among other places, in the Martin Hutchinson Papers, Box 21.

⁵⁸Quoted in David et al., Presidential Nominating Politics..., III, 23.

that it was proper for them to take such an oath on the state level, it is hard to see the moral grounds for opposing the Moody Resolution, which of course was a much milder oath. In view of the state loyalty oath, the argument that Virginia steered her course by the twin stars of "principle" and "honor" is unconvincing. The more logical explanation is that they were motivated by their hostility to "Trumanism" and the national party's move to the left.

Governor Battle's speech put Chairman Rayburn in a position that he had hoped to avoid. A believer in the unifier strategy, Rayburn wanted very much to keep the Democratic party united. Personally, he opposed the Moody Resolution, a point he had made clear the night before in his address to the convention when he said: "It is my thought that every delegate seated upon this floor has a right to be here."⁵⁹ Nevertheless, the adamant position taken by the three states gave him no alternative. Near tears, "deeply regretting" what he had to do, Rayburn ruled the states had not complied with the rules of the convention and asked the chief clerk to call the next state on the roll.⁶⁰

⁵⁹Official Report...., 234.

⁶⁰Ibid., 339. The reference to Rayburn being in tears was taken from Battle's homecoming speech from recording by WRNL.

As Virginia pondered the most graceful way to leave the convention, one of the most important moments in the convention was about to occur. Maine, the next state on the roll after Louisiana, passed and the state of Maryland was called. The Chairman of its delegation, Lansdale G. Sasscer, moved that since Governor Battle's speech was in "substantial compliance" with the Moody Resolution, Virginia should be seated in the convention.⁶¹

Pandemonium followed Sasscer's motion as several delegations demanded recognition. When Minnesota's Freeman finally won the floor, he raised a pertinent point of order. Sasscer's motion was in effect a move to amend the rules of the convention and as such needed a two-thirds majority to pass. Freeman's reasoning was sound, but Rayburn, quickly perceiving the merit of Sasscer's motion, had determined to do everything in his power to help the motion succeed. Normally, such a motion would not have even been considered since it came in the midst of a roll call for presidential nomination. Now Rayburn ruled against Freeman, choosing to interpret Sasscer's motion as an appeal from his ruling that Virginia had not complied with the convention's rule. As such, it needed only a simple majority to pass.⁶²

⁶¹Official Report...., 340.

⁶²New York Times, July 25, 1952. This point is discussed in Sindler, "Unsolid South," 263-64.

Hoping quickly to dispose of Sasscer's motion, Rayburn tried to push it through the convention by a voice vote but the chorus of noes was so loud that he simply could not ignore them. A roll call was demanded and granted.⁶³ An exciting convention was approaching its climax.

What motivated Sasscer to make his motion has been debated. Some serious scholars have concluded that Sasscer's action followed a prearranged strategy developed by the convention leadership to keep Virginia in the convention.⁶⁴ The available evidence, however, strongly suggests that Sasscer acted on the spur of the moment. Besides Sasscer's declaration to this effect, other evidence points to the same conclusion. His widow remembers the incident but insists that though Rayburn and Sasscer were very close friends and exchanged "eye signals" just before Sasscer's motion, the move was not prearranged.⁶⁵

Col. E. Brooke Lee was sitting next to Sasscer at the time of Battle's speech. Lee recollects that both men were

⁶³Official Report..., 340; New York Times, July 25, 1952.

⁶⁴Malcolm Moos wrote the chapter on Maryland's role in the convention and takes it for granted the move was prearranged. David et al., Presidential Nominating Politics..., II, 253. See also I, 141 and the New York Times, July 25, 1952.

⁶⁵Telephone interview with Lansdale G. Sasscer, Jr., June 27, 1970. The "eye signals" apparently involved Rayburn indicating to Sasscer that he wished some way could be found to keep Virginia in the convention. Unfortunately, his widow could not be more precise than this.

extremely impressed by the speech and also noted that in his speech Battle promised that the convention's nominees would be on the Virginia ballot. Lee mentioned to Sasscer that Battle had really fulfilled the requirement of the Moody Resolution and Sasscer quickly agreed.⁶⁶ Sympathetic to Virginia, very anxious to keep her in the convention, and silently encouraged by Chairman Rayburn, Sasscer made his famous motion.

Supporting the view that the move was spontaneous is the fact that the motion and subsequent roll call caught the delegates completely by surprise. Many key figures were off the convention floor having dinner or resting. In addition, many delegates were genuinely puzzled as to how they should vote on the resolution. The Harriman-Kefauver coalition clearly objected and those sympathetic to the South were clearly in favor but many other delegations were in doubt as to how to vote. For example, Adlai Stevenson had been placed in nomination earlier in the day and now it looked as if he would be the nominee, but it was the pro-Stevenson delegates who were most confused.

Consequently, many delegations temporarily passed while trying to analyze the quickly moving events. The vote of the key Stevenson states added to the confusion. Illinois voted 45-15 against Virginia, but then Pennsylvania, home

⁶⁶Telephone interview with Col. E. Brooke Lee, June 27, 1970.

of Stevenson's campaign floor manager, voted 57-13 in favor of seating Virginia. Most of the big states lined up against Virginia, and a running tally showed the vote was solidly against the Old Dominion.⁶⁷ Apparently Virginia's last hope was gone.

Then, once again help came, this time from Governor Stevenson's home state of Illinois. The Virginia situation had taken the Illinois delegation by complete surprise. The undisputed boss of the Illinois delegation, Jake Arvey, was off the convention floor having dinner with Joseph Gill, Chairman of the Illinois delegation. Richard Daley, now Mayor of Chicago, was left in charge of the delegation. Of course, most of the Illinois delegation favored Stevenson but they also favored the Moody Resolution and one of their most distinguished delegates, Senator Paul Douglas, was a strong Kefauver supporter. Apparently Douglas advised Daley to cast Illinois' vote against Virginia which he did.⁶⁸

Meanwhile, Daley sent a messenger to inform Arvey and Gill that there was a crucial roll call going on and that

⁶⁷The results of the earlier voting can be found by examining the Official Report..., 342-50. A chart showing how each state cast its vote before any changes may be found in David et al., Presidential Nominating Politics..., I, 146-48.

⁶⁸Charles A. Berdahl, Democratic Presidential Politics in Illinois, 1952 (Urbana: University of Illinois Press, 1954), 35. Berdahl clearly demonstrates Arvey's influence (see for example, 19).

they should hurry back to the convention. What followed when they returned can best be told in Arvey's own words:

It suddenly dawned on us what was happening. The strategy of the Kefauver backers and the Northern liberal bloc was to try to make impossible demands on the Southern delegates so that they would walk out of the convention. If the convention vote was thus cut down by the walkout of delegates who would never vote for Kefauver, then the Tennessee Senator would have a better chance of winning the nomination.⁶⁹

Of course, the corollary of that observation was that if Stevenson helped the South, he would have a better chance of winning. Furthermore, Arvey believed in the unifier strategy and he believed Stevenson's chances in November would be greatly enhanced if the party remained united. After a quick huddle with the delegates, Chairman Gill sought recognition and announced, "Illinois, having confidence in the Governor of Virginia, changes its vote to 8 noes and 52 yes!"⁷⁰

With that announcement came the turning point of the struggle over Virginia. Now the signals were unmistakably clear. Word spread that Stevenson wanted Virginia to be seated.⁷¹ State after state, perhaps twenty in all, moved

⁶⁹John Madigan, "The Reluctant Candidate -- An Inside Story," The Reporter, November 24, 1953, 24.

⁷⁰Official Report..., 350.

⁷¹Eric W. Rogers, "Report to the People of North Carolina." Copy in Battle Executive Papers, Box 21. Sindler, "Unsolid South...", 264. Actually, Governor Stevenson was not personally involved in Illinois' decision to change its vote. See Sindler, 266. Jacob Arvey to Author, May 1, 1970. Copy in possession of author.

to change their vote while Rayburn patiently put off announcing the vote until he was certain that Virginia was going to win.

Finally, at 9:54 p.m., about 2 1/2 hours after Governor Battle had stated Virginia's case, Rayburn announced the vote: "615 yes; 529 no; 86 not voting."⁷² Virginia had won its right to be in the convention and it had won on its own terms.

Overnight, Governor Battle became the hero of the Southerners and conservatives in the convention, but it was Virginians who outdid themselves in trying to praise their governor for his accomplishment. When he returned to Richmond on Sunday, July 27, over 3,000 Virginians were on hand to welcome him home with signs, songs, and wild applause.⁷³ As Virginians viewed the convention, they were aware of three facts: Virginia was on the verge of being forced out of the convention; Governor Battle delivered a moving defense of Virginia's position; the convention then voted to seat Virginia. From these facts

⁷²Official Report...., 363. The actual vote was 650 1/2 in favor, 518 opposed and 61 1/2 not voting. In the confusion, none of the three tally clerks agreed with each other. Paul T. David to Paul Butler, July 28, 1955. Copy in Battle Papers, University of Virginia, Box 2.

⁷³Richmond Times Dispatch, July 28, 1952. Some of the typical signs were: Battle: Defender of Our Freedom; Jefferson Said It, Battle Did It; Battle: The New Sage of Monticello; They Didn't Rattle Battle; Battle, Byrd, and Tuck, the Team with Pluck.

it was inevitable that they drew the conclusion that Governor Battle's speech was the decisive factor in the outcome of the struggle.

As Ebbie Combs put it, "With the Virginia delegation I witnessed his historic feat there of reversing the whole trend of events -- to the benefit of Virginia, the South and the nation."⁷⁴ In reviewing Battle's administration, the Richmond Times Dispatch declared, "His 'finest hour' during the four years was undoubtedly his brief speech to the Democratic National Convention at Chicago, when he turned the tide and prevented the Virginia, South Carolina and Louisiana delegations from being thrown out of the convention."⁷⁵

As the detailed examination of the convention has demonstrated, such a simplistic interpretation fails adequately to explain the reasons for Virginia's triumph. It must be remembered that it is a rare speech that actually changes minds in a political convention.⁷⁶ Long after Battle's speech the vote was clearly going against Virginia

⁷⁴E.R. Combs to Editor, January 28, 1954. Copy in Virginia and the Virginia Record, February 1954, 11.

⁷⁵Richmond Times Dispatch, January 17, 1954.

⁷⁶In examining the reports from every state in the union as compiled in the five volume study of the convention by David et. al., not a single state referred to Battle's speech as influencing its vote.

until Illinois' dramatic shift changed the outcome. Obviously, Jake Arvey was not persuaded by Battle's speech to change Illinois' vote. He was not even in the convention hall at the time it was delivered.

No one man was responsible for winning the fight to seat Virginia. But the man who played the single most important part was Chairman Sam Rayburn. Without his remarkably friendly rulings and his delay in announcing the vote, Virginia would not have been seated. In a private letter to a friend Rayburn expressed his view of the convention struggle.

As for Virginia, South Carolina and Louisiana, of course, I was not compelled under the rules to recognize them for seats in the convention but wanting to give nobody an opportunity to walk out saying they had been treated unjustly I did recognize them, and I think that I was almost entirely responsible for their seating.⁷⁷

The truth is that Virginia won its seats due to the political professionals and big-city bosses that Virginia despised and had often criticized. Jake Arvey, David Lawrence, Jim Farley, Frank McKinney, even Harry Truman had all worked to bring about the result by working for compromise and swinging crucial votes to Virginia during

⁷⁷Sam Rayburn to Justice John H. Sharp, July 29, 1952. The Sam Rayburn Papers, Sam Rayburn Library, Bonham, Texas. Copy in possession of author courtesy of Mr. H. G. Dulaney. Emphasis added.

the key roll call vote.

Virginia won a victory in the sense that the convention which had foolishly marched up the hill with Senator Moody and Franklin Roosevelt, Jr., was forced to march all the way down again.⁷⁸ But the real victory went to the unifiers, to the professional politicians. As one magazine summed it up, "The outcome...was a victory of the politicians over the phony mathematicians who purported to show by charts and electoral votes how the party could chop itself in half and emerge stronger."⁷⁹

To conclude that Governor Battle's speech did not have the importance commonly attributed to it by Virginians is not to say that it was without significance. Battle's speech triggered the whole chain of events which followed. Without his speech, Sasscer would not have made his motion. It is also important to remember that Battle gave the kind of conciliatory speech which allowed Sasscer to make his motion. Certainly events would have been different if Tuck had taken the platform. He and Byrd wanted to be thrown out of the convention while Governor Battle did

⁷⁸This metaphor was used in the Washington Post, July 25, 1952.

⁷⁹Douglas Carter, "How the Democrats Got Together," The Reporter, August 19, 1952, 6.

not want to break with the national party.⁸⁰ His speech and Sasscer's motion gave the unifiers one last chance to crawl off the limb, which they managed to do.

What would have happened if Governor Battle had not made his speech must remain in the realm of speculation. It is more than likely, in view of McKinney's conciliatory meeting on Wednesday and the message Rayburn sent to Byrd on Thursday, that an effort would have been made to seat Virginia. The most logical time would have been just before the presidential ballot which was scheduled for Friday, but the details remain uncertain.

The successful vote to seat Virginia still left South Carolina and Louisiana out of the convention. At their request and with the permission of Chairman Rayburn, Governor Battle again took the platform to urge that South Carolina and Louisiana be admitted to the convention. The speech, as Battle later admitted, contained "flamboyant expressions" and was not nearly as effective as his first effort. In the course of the address he did declare, "I am grateful for your action of this afternoon. I shall

⁸⁰One fascinating but unanswerable question involves Senator Byrd's genuine reaction to Battle's speech. Was he secretly disappointed because it kept Virginia in the convention? Certainly all published reports indicate he was pleased with the result. Governor Battle's interpretation is probably accurate when he said that Senator Byrd did "in a way" want to be driven out of the convention but he was also greatly relieved by the outcome. Interview with John S. Battle, September 25, 1969.

never betray your confidence," a statement which would be widely discussed in the upcoming presidential election.⁸¹

Following Battle's motion, the Kefauver-Harriman forces tried desperately to force adjournment in the hopes of rallying their supporters, but the attempt was beaten down, South Carolina and Louisiana were seated by voice vote, and the great struggle over the loyalty oath finally came to an end. At 2:00 a.m. on Friday morning, approximately fourteen hours after it began, one of the wildest sessions of any Democratic convention finally came to a close.⁸²

The balloting for the presidential nomination was anticlimactic, for the votes on Thursday evening had demonstrated that the unifiers were in control of the convention and it was clear that their choice was Governor Adlai Stevenson. Chosen on the third ballot, Stevenson picked Senator John Sparkman of Alabama to be his running mate and went out to do battle against Dwight Eisenhower and Richard Nixon.

Sentiment for Dwight Eisenhower was very strong in Virginia and he was given a reasonable chance to carry the state. The outcome would rest primarily on how strongly the Byrd organization and its leaders backed the Stevenson-Sparkman ticket. The first month after the convention gave

⁸¹Official Report..., 378-79. John S. Battle to Benjamin Muse, February 13, 1953. Battle Executive Papers, Box 21. Emphasis added.

⁸²Even then it took a small fire to convince the convention leadership to allow the meeting to adjourn.

little hint as to what the organization would do. Byrd, Battle and Tuck all remained silent, with Battle declaring only that Virginia was bound in no way -- legally or morally -- by what had transpired at Chicago.⁸³ Senator Robertson did come out in support of Stevenson as did a large number of Congressional candidates.

At the end of August the Democratic State Convention reconvened and gave a weak endorsement to the national ticket. Following the meeting Governor Battle became the first of Virginia's three major leaders to declare himself. Arguing that Stevenson's election would not mean a continuation of Trumanism, Battle concluded, "Governor Stevenson is in my opinion a high type, Christian gentleman, well qualified to lead the Party and the Nation in these critical days, and it is my purpose to support and vote for him."⁸⁴

To come out in support of Stevenson was not an easy decision. Two weeks earlier Senator Byrd had written to Battle expressing grave reservations about Stevenson. "He would support everything that we now know under the head of Trumanism."^{84a} The unstated implication was that Byrd was not going to support him and that he hoped Battle would reach the same conclusion.

⁸³He makes this point, among other places, in his homecoming speech recorded by WRNL.

⁸⁴Richmond News Leader, August 28, 1952.

^{84a}Harry F. Byrd to John S. Battle, August 14, 1952, Battle Executive Papers, Box 21.

Three major factors caused Battle to break with Byrd on this issue. Battle and Stevenson, through governors' conferences and other meetings, had become good friends and Battle was personally fond of him. Secondly, "a dyed-in-the-wool Democrat," Battle had never scratched a Democratic ticket.⁸⁵ He had always supported the national ticket in the past and saw no reason to change. Lastly, Battle had publicly declared at the convention, "I shall never betray your confidence." While the actions at the convention may not have committed Virginia to anything, Battle personally would have had great difficulty explaining his own lack of support after making such a statement.

Battle's announcement caused a variety of responses. Naturally Stevenson supporters were happy to have Battle on their side. Virginia's "Democrats for Eisenhower" were not so pleased; some were angry. Most were puzzled and saddened (see cartoon next page). It was hard for them to see how such a fine man, able governor and Jeffersonian Democrat could support Stevenson whom many viewed as little more than Truman's front man.

To the many conservatives who wrote disagreeing with his decision, Battle responded in a way best calculated to placate their anger.

⁸⁵Official Report..., 378.

There's No Accounting for Taste



Richmond Times Dispatch, October 15, 1952.

I am unalterably opposed to the actions and policies (if we may call them policies) of the Truman administration, and I have no use for a great majority of those who have been in positions of authority in this administration. I have attempted as best I could to decide where I could be most helpful in attempting, in my limited way, to correct these conditions and have concluded that what little influence I might have could best be exerted within the Party framework rather than standing helplessly on the sidelines. In other words, I am not yet willing to surrender the Democratic party and possibly the next national administration to the radicals, "pinks," and racketeers who appear to be trying to take it over.⁸⁶

Despite Battle's warm support for Stevenson, sentiment for Eisenhower continued to grow throughout the state. The "Democrats for Eisenhower" included a great many of Virginia's wealthiest and most influential citizens. As one reporter noted, for the first time in Virginia's history it was not only socially acceptable but actually socially desirable to be supporting the Republican candidate.⁸⁷

Throughout the rising clamor of debate, the voice of Virginia's most influential citizen remained silent. Then on October 13, Senator Byrd announced that four days hence he would deliver a state-wide radio address on the presidential campaign. The early announcement allowed plenty of time for interest in the speech to reach a white-hot inten-

⁸⁶ John S. Battle to William A. Haines, Jr., September 8, 1952. Battle Executive Papers, Box 21. An identical reply was sent to many people.

⁸⁷ Barry Davison, "How Virginia Went Republican," New Republic, November 17, 1952, 2.

sity. As one editorial put it, "Virginia is Absolutely Agog Over Byrd's Radio Speech."⁸⁸

Byrd's speech was all that Eisenhower supporters reasonably could have hoped for. While not mentioning Eisenhower, Byrd scored Trumanism and intricately linked Stevenson to the hated President. Finally he reached the crux of the matter. "I will not and cannot in good conscience, endorse the Democratic platform or the Stevenson-Sparkman ticket. Endorsement means to recommend and this I cannot do."⁸⁹

A week later, Governor Tuck echoed Byrd's sentiments only in a more abrasive fashion. Going one step beyond Byrd, Tuck confided, "Candor compels me to say that the Eisenhower platform in many vital particulars as well as the Eisenhower candidacy more nearly conforms to the traditional principles of the Democratic party than does the Truman platform or the Truman candidate."⁹⁰

With the near endorsement of the two leaders of the Byrd organization the momentum to Eisenhower was irresistible. While Battle publicly disagreed with Byrd's speech,

⁸⁸Richmond Times Dispatch, October 15, 1952.

⁸⁹Ibid., October 18, 1952. The paper printed Byrd's speech in its entirety.

⁹⁰The original copy of the speech with handwritten corrections by Tuck can be found in the Colgate Darden Papers on the Convention, File 3996.

observers noted that his public campaigning for Stevenson dropped noticeably during the last weeks of the campaign.⁹¹ The liberals were unable to mount their own campaign as they had done in 1948 and the Democratic Central Committee had only limited funds and enthusiasm. As a consequence there was no person or group of stature both capable and willing to carry on an aggressive Stevenson campaign.

Eisenhower's popularity, Stevenson's identification with Truman, and a desire for change after twenty years of Democratic rule were reflected in Virginia's vote on November 4th. A record 617,000 people went to the polls, with Eisenhower emerging the victor with a winning margin in excess of 80,000 votes. For the second time in the 20th century and by the biggest majority in history, Virginia had given her electoral votes to the Republican candidate.

After the election, Battle wrote his brother, "I am not too much concerned over the results in Virginia."⁹² Indeed on a purely personal basis, Battle should have been pleased. A tremendous number of his social and political friends had come out for Eisenhower. Basking in the glow of victory, they were quick to seek reconciliation. A

⁹¹ Davison, "How Virginia Went Republican....," 2. Speeches of Hutchinson and Whitehead also refer to Battle's slowdown in campaigning. See copies in Martin Hutchinson Papers, Box 21.

⁹² John S. Battle to Hawthorne Battle, November 5, 1952. Battle Executive Papers, Box 23.

few days after the election, Senator Byrd wrote Battle telling him there were no hard feelings and praising his record as governor.⁹³ Within a relatively short time, considering the passionate campaign, the breaches in the organization were healed. A Stevenson victory, on the other hand, would have led to lasting bitterness, and many of the Eisenhower Democrats might have blamed Battle for the results since he was Virginia's most prominent Stevenson supporter.

As it was, Governor Battle emerged from the 1952 campaign at the peak of his popularity. His role in the national convention had added greatly to his stature and popularity. It gave him a kind of charisma of his own. His endorsement of Stevenson clearly established him as a man of independence and endeared him to the more liberal wing of the party. Thus, admired and supported by the conservatives, respected by the liberals, the stage was set for Battle to serve out the remainder of his term in general harmony and to leave office "the most universally popular figure in Virginia public life."⁹⁴

⁹³Harry F. Byrd to John S. Battle, November 8, 1952. Copy in possession of Governor Battle who showed it to the author.

⁹⁴Washington Post, January 10, 1954.

CHAPTER XI

FINAL OBSERVATIONS

On January 20, 1954, John Battle's four-year term as Governor of Virginia came to an end. There had been some moments of high drama, most notably at the climax of the Martinsville Seven case, and at the Democratic national convention. Yet, as a whole, the Battle years were notable for their serenity and stability. Good fortune attended Battle throughout his term as Governor.¹ The problems that would have caused Battle real difficulty -- the outlawing of segregation, a severe recession, the resurgence of the liberals -- failed to develop. Instead of concerning themselves with the state government, most Virginians focused their attention on the national and international scene where Trumanism, McCarthyism and the Korean War dominated the headlines.

The stability of the Battle years was due to more than good fortune. John Battle used his experience,

¹One reporter asserted, "I submit to you that John Battle has been lucky." James J. Kilpatrick to Harry F. Byrd, October 29, 1953. Kilpatrick Papers, Series B, Box 8.

political skill and real ability to insure that the ship of state remained on an even keel. Rarely has a Governor had better relations with the General Assembly. Governor Battle was on a first-name basis with ninety percent of the legislators,² and his remarkable ability to get along with them was the hallmark of his administration. Multi-sided and conciliatory, Battle would show that side of his personality which best blended with the person with whom he was in contact. To a liberal he would appear liberal; to a conservative he would appear conservative. Yet, he managed to achieve this goal without actually changing or compromising his position. It was a rare skill, and the legislators responded with genuine affection, respect, and appreciation. Armistead Boothe, who often disagreed with Battle, wrote with obvious sincerity that "no human being could possibly have been more considerate or understanding of a legislator's problems."³

This aspect of Battle's character had its negative side. A born conciliator and harmonizer, Battle's strong desire to avoid controversy occasionally led him to sacrifice progress in order to gain harmony. Battle's easy-going nature put limits on how much he would accomplish as Governor.

²This can be verified by an examination of Battle's correspondence with the legislators concerning a special session. Battle Executive Papers, Box 34.

³Armistead Boothe to John S. Battle, March 14, 1952. Battle Executive Papers, Box 20.

One close friend eulogized Battle at the end of his administration but observed, "Governor Battle is a big-boned man, but his biggest bone is his lazy bone."⁴ Contented with life, Battle felt no compulsion to seek dragons to slay or wrongs to right.

Yet, Battle's easy-going disposition could be deceiving. Underneath his affable exterior, Battle had a certain toughness and inner confidence that allowed him to get the job done when he believed it was important.⁵ When the chips were down and the stakes were high, John Battle was at his best. This ability to rise to the occasion can be seen in his campaign for governor, in his defense of his school program, in his actions to win acceptance of his budget, and most dramatically in his speech at Chicago.

In the realm of specific accomplishments, Governor Battle compiled a mixed record. Certainly his school program was his most successful concrete achievement. There was something almost extravagant about this, Battle's fondest objective, and the hundreds of new school buildings remain as Battle's greatest accomplishment as governor.⁶ Still, much that needed to be done and could have been done was

⁴Richmond News Leader, January 15, 1954. The editorial was written by Guy Friddell.

⁵Several of the people interviewed by the author stressed this point.

⁶Idea expressed in editorial in Washington Post, January 10, 1954.

not done. Only minimal progress was made in such critical areas as mental health, higher education, public health, prison reform and aid to the less fortunate. Certainly, Battle was handcuffed by the Byrd tax refund scheme, but, even more, he was inhibited by the organization's philosophy which rejected the concept of the state as a servant and protector of all the people.⁷ Instead the organization tried to heed Jefferson's call for "a wise and frugal government which...shall leave men free to regulate their own pursuits...and shall not take from the mouth of labor the bread it has earned." Most people today (and a number of people then) would argue that the priorities of the organization were out of order. Valuing balanced budgets and low taxes above deep human needs, the organization forgot that money, like the sabbath, was made for man. In the words of one critic, the organization was "penny wise, but pound foolish."⁸

During the Battle years, the organization was in firm control. There were few apparent chinks in its armor. Yet, it was doing little to prepare Virginia for a new day which was coming faster than anticipated. The voices of Francis Pickens Miller, Robert Whitehead, and Armistead Boothe were muffled, but they could not be stilled.

⁷This idea is expanded on in Heinemann, "Depression and New Deal in Virginia....," 280.

⁸Speech by Robert Whitehead, August 17, 1949. Whitehead Papers, Box 14.

In retrospect the Battle years might be dubbed the quiet years of the Byrd Era. Most of Governor Battle's time was taken up with the commonplace rather than the dramatic. A majority of his duties were of a ceremonial nature -- greeting visiting dignitaries, addressing a local Kiwanis club, crowning a new Miss Virginia, meeting a group of eagle scouts, or raising money for a worthwhile charity. In encounters of this type a governor's presence might either make the government a joke or an inspiration to high endeavor. Battle filled this aspect of his position admirably. In the words of one observer: "It is in this respect, I think, Battle is at his best. Blessed with handsome features and a natural dignity, he has been a worthy leader and an unmistakably devoted public servant. He has been every inch a governor."⁹

John Battle was the perfect man to govern Virginia in the last of the quiet years. With his dignity, personal charm and real ability, he was the kind of governor most Virginians wanted. By reflecting the organization at its best, John Battle made Virginians proud of him and proud of their state. It was an accomplishment which any man could view with satisfaction.

⁹Washington Post, January 10, 1954. Emphasis added.

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