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Capitol Leaders in Revolt

Hatton W. Sumners

Eighth of 10 Articles on the New Deal's Rebellion

By Ray Tucker

There sat one day in a vacant Washington lot a man who stirred the embers of the small, slow fire in front of him, musing, leisurely. When a passerby paused at the strange sight to ask whether the amateur fireman had "lost anything," the latter looked upward, smiled with slow, old-world charm, and said: "No, I'm just looking into the flames . . . and thinking."

Probably that incident explains why members of the Supreme Court and House of Representatives of the United States listen with respectful attention to Hatton W. Sumners when the Texan from the Dallas district arises in the courtroom or on the floor. They know that he rarely opens his lips until he has done some "thinking" of his own — often original and sometimes startling in the ideas which that neglected art produces. It is little wonder that his colleagues refer to the shy, kindly, taciturn chairman of the House Judiciary Committee as "the Socrates of Capitol Hill."

It explains also why the Supreme Court reform bill, even had the Senate approved it, and the Government reorganization measure were doomed to death as soon as this nonconformist with the ill-fitting clothes, slouchy stance and difficult Tennessee drawl had lifted his voice against them. When he opens his mouth the political dogs don't bark if they know what's good for them.

Supreme Court's Interlocutor

Mr. Sumners, however, is an important personage for another reason. He serves as the only human link between two Federal branches of the Government — the executive and the legislative — and the Supreme Court. On numerous occasions he has been selected by his fellows to plead the cause of the House before the high tribunal, and he has always won. And though he learned law by reading tattered tomes in the same back room where he slept and ate in Garland, Tex., the late Chief Justice Taft once called him "the finest constitutional lawyer in Congress." The House at that time had for a member the late James M. Beck, former Solicitor General, and there sat in the Senate a man named William Edgar Borah.

Unlike most Congressmen, Mr. Sumners stood in no awe of the black-robed jurists. He discovered that they were as hungry for human companionship as he was. A bachelor, he often spent evenings swapping ideas and anecdotes and philosophies with them at their offices or homes. He came to know their outlook on government and society beyond the glimpses they afford in their cold, formalized decisions.

So, when he criticizes the age in which we live, he often reflects the thoughts of the nine men who sit in judgment upon America's children. He serves at the Supreme Court's interlocutor in the national minstrel show.

His soliloquies are Hamlet-like in that he believes "there is something rotten" in the state not known as Denmark. He deprecates the disappearance of a resourceful, self-reliant spirit and the readiness with which individuals, as well as States, turn to

the Federal Government for bounty and beef.

He deplores the concurrent eagerness of Washington to reach out for more sovereignty year by year, for authority which it should not possess and cannot exercise efficiently. He finds no warrant for it in the Constitution or the laws enacted thereunder. The twin tendencies, in his reflected and exalted opinion, will make beggars or bureaucrats of us all.

Thus he cried out in a recent address before the Nation's lawyers: "Are you willing to join a battalion of death to save the Constitution and the Government?"

Through his conversation and his speeches the words "capacity to govern" thread like the refrain of a Greek chorus. And he deems the loss of that capacity to be the most tragic happening that can befall a free people. Indeed, he would prefer that racketeering stalk through the land unchecked than that local communities, through failure to rout the criminals themselves, abdicate to Uncle Sam and thereby permit the trigger-finger of civic animation to become an outworn appendage they no longer need or use.

"It is not the suppression of racketeering that is important," he says, "but the civic development that will result if the people themselves suppress it. There is not a single community in the land where racketeering prevails that will not be stronger and more decent after it has suffered the stress and struggle incident to cleaning up local crime. The capacity for self-government is developed only by the exercise of that right and function."

When the law-loving Hatton Sumners assumes such an extreme stand on the question of Main street versus Pennsylvania avenue, and presumably mirrors the mind of his black-robed friends, the Supreme Court's critical attitude toward New Deal philosophy and manifestation and the spirit which Rooseveltian policies may breed in the people becomes more understandable. It becomes, indeed, the expression of "nine old men" (only seven now) frightened like a father who suspects that his careless, forgetful youngsters have fallen upon evil ways and companions.

An Original Lawmaker

Mr. Sumners, though a studious, monastic, contemplative fellow, does more than "think" about the Federal structure in which 130,000,000 people live. Free from the academic shackles with which professors bind their juvenile prisoners, he is forever ferreting through the Constitution and the laws, finding a new meaning in the posture of a comma, which lesser, well-educated men accept as godlike in its historical setting. He pokes his stick into the dark corners and crevices of the house of Government, and digs up curios nobody else knew were there. It's his only hobby.

For instance, he was the first to propose the system of regional compacts under which the States may pool communal powers against the boll weevil or the bootlegger. As a novel cure for unemployment he suggested that the issuance of patents for

labor-saving devices be temporarily abandoned. Instead of a rigid program of crop control he urged a study and readjustment of a marketing system which makes the farmer wander all over the country in search of a "place to sell his greens."

He abolished the procedure under which presidential electors brought their ballots to Washington five months after everybody else knew the results, thus saving \$40,000 quadrennially. With dry humor that was typical, he argued that this horse-and-buggy method of letting the people in on the secret was "not safe" — some convivial electoral chairman might fall off the train and forget what candidate his State had voted for.

His one-man crusade against expensive state funerals for deceased members of Congress exemplifies his solemn concern for seemingly trivial matters. It reveals his absorbing interest in the psychology of people as it conditions their regard for government. It is doubtful whether so strange and yet so logical an argument has ever been made to the Congress on the problems of death — public extravagance — government dignity:

"In days when the popular respect for government depended on awe and aroused in the people by pomp and splendor, there may have been real justification for this sort of thing. But among a people supposed to follow principles as distinct from persons and where public officials are private people temporarily called to public office, the expenditure of public funds for congressional funerals cannot be justified."

His thriftiness with his own and the taxpayers' money derives from his boyhood of poverty — he was a "root, hog, or die" sort of chap. Saturdays in his Tennessee birthplace, when other fellows were swimming or nutting, he rode the mule to the mill to have the family corn ground. He went to school only three months a year. Moving to Garland, he had barely enough to eat, trading legal services for scant meals and hard bedding. Even now he can't eat heavily, his lunch consisting of a bowl of soup dedicated to early deprivations.

Worth \$200,000 today, he doesn't know how to enjoy or spend it. Recently he moved from a humble, friendly inn on Capitol Hill to one of Washington's smart hotels. But the soft mattress and rich food irked him and he stole back to the lowly hostelry. He really needs a chauffeur to drive him around, "but I can't bear the thought of luxury," he explains. Like his buddies on the Supreme Court, he believes in Spartan simplicity for the governed and for the Government.

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