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The High Ministry of Government: The Political Career of Frank Murphy

Richrd D. Lunt

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**THE HIGH MINISTRY OF GOVERNMENT:
THE POLITICAL CAREER OF FRANK MURPHY**

By

Richard D. Lunt

A Dissertation

**Submitted in Partial Fulfillment of the
Requirements for the Degree of
Doctor of Philosophy in History**

The University of New Mexico

1962

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TABLE OF CONTENTS

PREFACE	iii
INTRODUCTION	1
Chapter	Page
I. TRIALS AND CHALLENGE OF DEPRESSION	3
II. COLONIAL GOVERNOR FOR THE NEW DEAL	66
III. MICHIGAN POLITICS	133
IV. "Sit Down! Sit Down!"	202
V. "Frank the Just"	263
VI. CONCLUSION	310
BIBLIOGRAPHY	322

PREFACE

INTRODUCTION

Chapter

I.

THEORY AND PRACTICE OF

II.

CONSTITUTIONAL HISTORY

III.

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PREFACE

Frank Murphy (1890-1949) had a remarkable career as politician and a jurist. Most of his productive years were spent serving President Franklin D. Roosevelt and the New Deal in various capacities. Up until 1940, when Murphy was appointed to the Supreme Court, his career was essentially political. It is this portion of Murphy's life which is treated in this dissertation.

Because this is a biographical study, of necessity Frank Murphy remains the central figure throughout. However, since Murphy was intimately connected with the New Deal, his contribution to the New Deal--politically, administratively, and ideologically--is also a major theme. His contribution will be evaluated, although there will be no attempt to evaluate the New Deal as a whole.

I wish to acknowledge the cooperation and assistance of the following archival institutions: The Burton Historical Collection of the Detroit Public Library, the Michigan Historical Collections of the University of Michigan, The National Archives, and The Franklin D. Roosevelt Library. (The Franklin D. Roosevelt Library has given special permission to quote material in its collection.) The Detroit News generously permitted me to use its clipping file and

Frank Murphy (1890-1948) was a prominent figure in
a political and judicial career. He served as the
Governor of Michigan from 1931 to 1935 and was
later appointed to the Supreme Court. His tenure
was marked by significant political and judicial
achievements, including the establishment of the
Michigan State Bar Association and the Michigan
Judicial Conference.

During his time as Governor, Murphy implemented
various reforms to improve the state's
government and judiciary. He also played a
key role in the fight against organized crime
and corruption. His leadership and integrity
were widely respected, and he left a lasting
legacy in Michigan's history.

His contributions to the state and the nation
were numerous, and he is remembered for his
dedication to public service. The Frank
Murphy Foundation continues to promote his
values and legacy. His work in the
judiciary and as Governor remains a source of
inspiration for many.

that of The Detroit Times and The Detroit Saturday Night. Mrs. Ruth P. Braun, Chief Librarian of The Detroit News was most patient in meeting my requests. Mr. Edgar Williams, caretaker of the Frank Murphy birthplace, aided by taking time on a Sunday to guide the author through the birthplace in Harbor Beach, Michigan.

The following individuals, all associated with Frank Murphy, were interviewed by the author, and their freely offered commentary and other help is much appreciated: Russell Barnes, editorial writer of The Detroit News; Eleanor Bungardner, personal secretary to Frank Murphy; Lawrence P. Fisher, director of General Motors; Josephine Goman, executive secretary to Frank Murphy in Detroit; Eugene Grossman, Esquire, law clerk to Frank Murphy; Martin S. Hayden, editor of The Detroit News; Charles Hedetniemi, speech writer for Frank Murphy; Norman H. Hill, secretary to Frank Murphy; J. Weldon Jones, formerly Insular Auditor of the Philippine Islands; Edward G. Kemp, Esquire, close friend and adviser to Frank Murphy; Carl Muller, associate editor of The Detroit News; Irene Ellis Murphy, sister-in-law to Frank Murphy; Sharon Murphy, niece to Frank Murphy; Judge George Murphy, brother to Frank Murphy.

Two brief comments need to be made about the footnotes. All newspaper citations refer to the reporter of news unless otherwise stated. Citations referring to material taken from the Franklin D. Roosevelt Library will

that of the Detroit Times and the Detroit News. The
Mr. Frank P. Brown, Chief Editor of the Detroit News,
more patient in making a statement. The Detroit News
editorial of the Frank Murphy campaign, dated July 1931,
times on a Sunday in 1931, the Detroit News
in Detroit, Michigan.

The following individuals, all of whom are
Frank Murphy, were interviewed by the Detroit News:
Heavily edited statement, dated July 1931, is made by
Eugene C. Brown, Editor of the Detroit News.
Eugene C. Brown, Editor of the Detroit News,
Lawrence P. Brown, Editor of the Detroit News,
Green, Executive Director of the Detroit News,
Eugene C. Brown, Editor of the Detroit News,
E. Brown, Editor of the Detroit News,
Special writer for the Detroit News,
to Frank Murphy, Editor of the Detroit News,
at the Philadelphia Independent, dated July 1931,
friend and adviser to Frank Murphy, dated July 1931,
editor of the Detroit News, dated July 1931,
law to Frank Murphy, dated July 1931,
Judge George Murphy, brother of Frank Murphy.

The trial continued here in the afternoon and
noon. All newspaper editors were in the room at
news unless otherwise stated. The trial was held
material taken from the Detroit News, dated July 1931.

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INTRODUCTION

In 1930 Frank Murphy was elected Mayor of Detroit. He assumed office as the depression of the 1930's was beginning to paralyze the nation. Disturbed by the misfortune which the depression caused, he initiated prompt government action to assure social justice for the victimized individuals. In explaining his action he declared:

The enlightened administrator must put his very soul into the fight to guard against undernourished children, neglected old folks and victimized wageworkers. He must plan, yes, but mere plans and words are not enough. He must act; and his acts must be written into the statutes in the form of old age pensions, better factory laws and general social legislation; they must be in brick and stone in the shape of hospitals for children; they must be in dollars and cents and bread and butter in the form of relief and succor for the helpless victims of an unemployment they did not create.

It is high ministry, that of government. It is putting Christianity to work, and by that standard its success or failure will be measured.¹

In the past American government had intervened in the economy as little as possible, adhering to the theory that the individual should be freed of all unnecessary restraint. But this traditional approach was not adequate, in Murphy's view, for dealing with the problems of the

---

¹Frank Murphy, "The Moral Law in Government," The Commonwealth, XVIII (May 19, 1933), p. 64.

THE PROBLEM

In 1930, when the United States was in the midst of a severe economic depression, the government of the United States was faced with the problem of how to deal with the situation. The government was in a difficult position, for it was not only faced with the problem of how to deal with the economic situation, but it was also faced with the problem of how to deal with the political situation. The government was in a difficult position, for it was not only faced with the problem of how to deal with the economic situation, but it was also faced with the problem of how to deal with the political situation.

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In the year 1930, when the United States was in the midst of a severe economic depression, the government of the United States was faced with the problem of how to deal with the situation. The government was in a difficult position, for it was not only faced with the problem of how to deal with the economic situation, but it was also faced with the problem of how to deal with the political situation. The government was in a difficult position, for it was not only faced with the problem of how to deal with the economic situation, but it was also faced with the problem of how to deal with the political situation.

Frank Murphy, U.S. District Judge, New York City.
Commonwealth v. Murphy, 1930, 100 F.2d 100.

depression. He believed that to fail to act on behalf of the distressed individuals would be to deny them the enjoyment of their basic rights under the constitution. Since he wished to meet the problems of the depression by restoring traditional democratic values, in a very real sense Murphy was a conservative.

What made Murphy unusual--even by New Deal standards--was the fervor with which he held his democratic beliefs. He did not simply believe that it was right to protect individual rights, but he felt that it was morally wrong not to do so. Whatever task he undertook in the 1930's--and he undertook many for F.D.R.--he always approached it from this perspective.

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CHAPTER I

TRIALS AND CHALLENGE OF DEPRESSION

Frank Murphy was born in 1890 in Harbor Beach, Michigan. Harbor Beach is in the "thumb" district extending into Lake Huron. Located a hundred and fifty miles north of Detroit, this isolated farming and resort town is overpowered by sky and water. Harbor Beach always remained Murphy's home, although he traveled far, and it is there that he is buried.

His father, John Murphy, was a trained and able lawyer, renowned for impressive oratory. As a lawyer he knew the value of rule by law in maintaining individual freedom. Furthermore, having participated in illegal Sinn Fein activities in his youth, his belief in personal liberty was endowed with near fanatical fervor. Not even his religion abated his conviction for personal independence. A Roman Catholic in a Protestant community, he approached his faith with skepticism. Strongly anti-clerical, he occasionally demonstrated his independence by taking his family to Methodist services.¹ It was even rumored that when the missionary priest served Mass in

---

¹Interview with Edward G. Kemp, Esquire, April 12, 1961.

his home, John Murphy insisted on his family's receiving both wine and bread.² From his show of religious independence the children learned to value not only personal liberty but religious toleration as well. Still, the great teachings of the church, those demanding charity and love, were never challenged, and they became the standards by which Frank Murphy measured his actions.³

Despite the strength of John Murphy's intellectual fiber, he had severe weaknesses. He was addicted to alcohol and was often a serious problem to his wife and family.⁴ Consequently, it was the strong-willed mother, Mary Brennan Murphy, who became the bulwark of the family. Her hold on all her children seems to have been unusual but her attachment to Frank, and returned by him, was particularly strong.⁵ It probably accounts for the fact that he never married and that the two other sons postponed marriage until their forties.

Mary Murphy early singled out Frank as the child she would train for greatness. She set out to mold his character as one would temper steel for a sword. As a reaction

² Interview with Edgar Williams, January 29, 1961.

³ Interview with George Murphy, January 23, 1961.

⁴ Interviews with Irene Murphy, February 23, 1961; Carl Muller, February 1, 1961; Norman H. Hill, February 9, 1961.

⁵ Interviews with Edward G. Kemp, Esquire, April 12, 1961; Norman H. Hill, February 9, 1961; George Murphy, January 23, 1961; Irene Murphy, February 23, 1961.

to her husband's excesses, Mary Brennan Murphy persuaded Frank to neither drink nor smoke and to read the Bible daily. Her purpose was not to encourage asceticism, but to instill a rigorous self-discipline. Frank Murphy continued the privations and Bible reading throughout his life.⁶ He was a ready receptacle for his mother's ambitions and accepted her belief that he was to become a great man. He also adopted her formula for success--to do what is right and to do it better than anyone else. His unquestioning belief in his mother's "great man" image of him often gave others the impression that he was overly ambitious and pretentious--and, in fact, he was.⁷

The church's instruction in social justice and his father's advocacy of personal liberty and toleration provided a set of convictions which remained lifelong. These convictions were enhanced by a sensitivity born of the strongly emotional climate of his mother's domination and his father's dissipation. This sensitivity enabled him to identify himself intimately with the fears and hopes of other people. While his official life progressed, his personal life remained full of the emotional ties of his youth. In particular, the joys and problems of his two brothers and one sister and their families were of great

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⁶ Ibid.

⁷ Interview with Irene Murphy, February 23, 1961.

importance to him.⁸ He seemed to have an intuitive sense for understanding suffering--whether it be physical or that born of intolerance or loss of civil liberties.

As a young adult, Murphy made a handsome figure. He was of more than medium height, inclined towards slenderness, and very good-looking. His head was finely modeled, as if conceived by a sculptor who wished to show power without harshness.⁹ People who met Frank Murphy were impressed with how his sensitivity to human beings, as well as his determination to succeed, was revealed in his demeanor. Harold Ickes commented on first meeting Murphy, "he had the look of a fanatic mixed with a tinge of melancholy." Later Ickes observed that if Murphy "had turned to the church instead of the law he would have been a man like the early Jesuit fathers who would have been willing to undergo any hardship or subject himself to any danger in order to carry forward his cause."¹⁰ This instinctive ability to understand human beings, combined with the ability to influence them, are superb gifts for a politician. A politician has to deal with people--win their loyalty, persuade them to a course of action, and

---

⁸ Interviews with Irene Murphy, February 23, 1961; Eugene Gressman, *Esquire*, April 13, 1961.

⁹ Marcet Haldeman-Julius, *Clarence Darrow's Two Great Trials* (Girard, Kansas: Haldeman-Julius Company, 1927), p. 53.

¹⁰ Harold L. Ickes, *The Secret Diary of Harold L. Ickes* (New York: Simon and Shuster, 1954), II, pp. 181, 372.

win their votes. The Irishman from Harbor Beach had these gifts.

Frank was educated in the Harbor Beach public schools and at the University of Michigan, which awarded him both a bachelor and a law degree. The next few years coincided with the First World War. The young lawyer resigned from private practice and served in the army overseas. While in Europe he did graduate work at Lincoln's Inn, London and Trinity College, Dublin. Upon his return from abroad he was appointed a United States Assistant District Attorney until a change in administration removed him from office in 1921.

In 1920 Murphy ran unsuccessfully for Congress. He described himself as a Progressive in the tradition of Theodore Roosevelt, though he readily confessed allegiance to the Democratic Party.¹¹ The young district attorney felt comfortable under the Progressive label, for Progressivism had had distinguished leaders in Michigan, among them: Hazen S. Pingree, Mayor of Detroit and Governor of Michigan; Governors Chase S. Osborn and Woodbridge N. Ferris.¹² But equally important, Michigan

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¹¹The Detroit News, October 22, 1920. Whenever possible in citing newspapers the page and column number is given. However, since collections of news clippings were often used rather than the newspaper itself, this information was not always available.

¹²George N. Fuller, Michigan, A Centennial History of the State and Its People (Chicago: The Lewis Publishing Co., 1939), I, pp. 401-404.

was traditionally cool to Democrats, and political dissenters could only properly find their niche in the Progressive movement. However, the year 1920 was a poor one for both Democrats and Progressives.

Fortune favored Murphy in his next political effort. In 1923 Joseph S. Mulcahy, editor of the Hearst Detroit Times, was searching for a popular issue on which to begin a circulation drive. William Randolph Hearst had just recently purchased the Times and had commissioned Mulcahy to transform the paper into a successful venture. The editor shrewdly guessed that Murphy had exceptional political talents and encouraged him to run for a position on the Recorder's Court of Detroit.¹³

Four of the seven judges then on the court had formed a bloc and had carried out some reforms. However, an attitude of complacency had succeeded reform, making them vulnerable to the attacks of an ambitious attorney. Murphy had conscientiously trained himself to be a good orator--emulating his father in this respect.¹⁴ Employing his skill, he lashed out at the bloc as if its members were renegades instead of overly pompous judges, saying it was time to fight a judicial tyranny "that is invisible, that is of the star chamber method."¹⁵ Assisted by banner

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¹³ Interview with Norman H. Hill, February 9, 1961.

¹⁴ Letter from Governor Woodbridge N. Ferris to Frank Murphy, November 1, 1920. Frank Murphy's birthplace, Harbor Beach, Michigan.

¹⁵ Detroit Times, March 29, 1923.

headlines in the Times, Murphy easily won his position on the court.¹⁶

Murphy remained on the bench six years. During that time he made a commendable record in his activities both on and off the bench. He established a sentencing board, consisting of a psychiatrist and probation officer, to guide him in his decisions. Observing that a clique of bondsmen had established a monopoly over court bonds, he stopped the practice. One bondsman was sent to prison.¹⁷

Off the bench the judge advocated many reforms, among them abolition of capital punishment and the establishment of public defenders for the poor.¹⁸ Like many of his fellow Americans he was disturbed by the conviction of Sacco and Vanzetti in Massachusetts. He told a public rally that "the only crime Sacco and Vanzetti truly can be accused of is the 'crime' of being aliens."¹⁹

In the 1928 presidential race, Murphy campaigned for Al Smith, asserting that the New York Governor was in the Progressive tradition of Theodore Roosevelt, Wilson and La Follette.²⁰ He dallied with the idea of running for

¹⁶ Letter of appreciation from Frank Murphy to the Detroit Times, April 4, 1923.

¹⁷ Ibid., October 24, 1931.

¹⁸ Ibid., February 21, 1924; January 28, 1927.

¹⁹ The Detroit News, May 8, 1927.

²⁰ Detroit Times, November 4, 1928.

headlines in the Times, Murphy's name was a constant
on the front page.

Murphy was one of the most prominent figures in the
that time in the history of the city. He was a man of
both on and off the beach. He was a man of
nature, consisting of a mixture of the old and the new.
to guide him in his life. He was a man of
business and a man of letters. He was a man of
stayed the course. He was a man of
On the day of the 1938 election, Murphy was
among the candidates of the party. He was a man of
interest of public opinion. He was a man of
his fellow Americans. He was a man of
of the city and the state. He was a man of
ally that "the only way to the future is
he account of the 'future' of the city.
In the 1938 election, Murphy was
for Al Smith, the leading candidate for the
in the Progressive movement of the city. He was
and a politician. He was a man of

16 Letter of appreciation from Frank Murphy to the
Detroit Times, April 1, 1938.

17 Ibid., October 25, 1938.

18 Ibid., January 25, 1939.

19 The Detroit News, May 1, 1939.

20 Detroit Times, November 1, 1939.

the United States Senate that year and even officially entered the campaign, but withdrew his name on second thought.²¹ It was no secret in Detroit that Murphy was ambitious. He frankly voiced the hope that he might be the first Catholic President of the United States.²²

The most eventful proceeding during his seven years on the court was the murder trial of Dr. Ossian Sweet, a Negro physician. Dr. Sweet had bought a house in a white neighborhood. Shortly after moving in, a white mob formed outside his home and made threatening advances. In panic, one of Dr. Sweet's Negro companions within the house fired a shot, killing one of the mob participants. Clarence Darrow defended Sweet and his friend, and Frank Murphy was the judge.

Murphy presided with dignity and Darrow eloquently and successfully pleaded for the innocence of his clients. Darrow said of the young judge, "When I went to court to arrange for the trial, I found a judge who not only seemed human, but who proved to be the kindest and most understanding man I have ever happened to meet on the bench . . . ."²³ Murphy was immensely affected by Darrow's handling of the imponderables of racial prejudice. To aid his understanding, Darrow had studied the entire

---

²¹The Detroit News, July 31, 1928, p. 36:3.

²²Detroit Saturday Night, December 6, 1930.

²³Clarence Darrow, The Story of My Life (New York: Charles Scribner's and Sons, 1932), p. 306.

the United States, which was then and is still officially

entered the country, but without any real reason

thought. It was no secret that the country was

ambitious. He actually wanted the hope that he would be

the first Catholic President of the United States.

The next evening, however, when he was

back on the court, the next day at St. Paul

Sweet, a Navy physician, Dr. Sweet had bought a house

in a white neighborhood. Sweetly, a few months later, a white

mob formed outside his home and made threatening gestures.

In panic, one of Dr. Sweet's Negro companions ran into the

house, fired a shot, killing one of the mob members.

Charles Barrow intended Sweet and his family, and when

Murphy was the judge.

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understanding than I have ever happened to meet on the

bench. . . . Murphy was humanely affected by Barrow's

handling of the complexities of racial prejudice. He

said his understanding, Barrow had missed the entire

the Catholic New York Times, 1925, p. 1015.

Barrow's testimony, New York Times, 1925, p. 1015.

Charles Barrow, The Story of the Case (New York: 1925).

Charles Barrow's and wife's 1925, 1925.

history of the Negro problem. When he came to his final summing up, he went deeper than the surface facts, reminding the jurors that some people feel the black man is inferior to the white and should be controlled by whites. He added that there were others who recognize the black man's rights and say he should enjoy them. "To me this case is a cross section of human history," declared Darrow. "It involves the future and the hope of some of us that the future shall be better than the past."²⁴ For seven hours Darrow had built up to his climax. Murphy was so moved that he was shaking when he returned to his office, and later confided to a friend that it was the most emotional experience of his life.²⁵

In July 1930 an unusual opportunity opened up for Murphy. An unpopular mayor, Charles Bowles, was removed from office in a recall election because of his failure to stem the rising crime rate stimulated by prohibition. He was also a political casualty of the depression which struck Detroit sooner than most cities.

Murphy sniffed victory and entered the contest. The field soon became crowded with a total of seven

---

²⁴Irving Stone, Clarence Darrow for the Defense: a Biography (Garden City, New York: Garden City Publishing Co., Inc., 1943), p. 483.

²⁵Interview with Josephine Goman, January 31, 1961.

candidates, including the recalled mayor, Charles Bowles. The recall committee panicked, fearing that Bowles might be re-elected, and tried to get the anti-Bowles candidates to close ranks and agree on just one man to enter the campaign. (Under a faulty provision in the charter, no primary was provided for in the event of a recall.) Sensing he might not be chosen as the single anti-Bowles candidate, Murphy boycotted the fusion session.²⁶ The final list was only reduced to five candidates.

Murphy began his campaign with a gimmick. He inveigled a committee of American Legion veterans to publicly ask him to run. The gist of the Legionnaires' request was to ask Murphy to be self-sacrificing and enlist as a candidate for mayor, just as he had enlisted as a soldier in war time.²⁷ In his reply Murphy said he was "very touched" to have his old buddies and comrades come and make this petition, and without further ado he launched into a formal acceptance speech. With revealing candor he commented ". . . everybody who aspires to public office does it because he wants the job, or there is a career ahead of him, or fame, or something else that is personally desirable to him."²⁸

As in 1923, the judge was strongly supported by

---

²⁶ The Detroit News, September 4, 1930, p. 1:1.

²⁷ Ibid., August 21, 1930, p. 1:4.

²⁸ Ibid., August 10, 1930.

candidate, including the fact that he was not
The result of the election was that he was
be re-elected, and that he was not to be
to close ranks and to go on with the work
campaign. (Under a similar provision in the
primary was provided for in the event of a
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final list of the party to be elected.
The party was not to be elected with a
involved a committee of members of the
politically and not to be. The fact of the
request was to be that he was to be
as a candidate for the party, and he was
soldier in the line. He was to be
"very forward" to have his name on the
and was to be elected, and he was to be
instructed that a formal resolution was to be
candidate as mentioned. . . .
office was to be held for the year 1900.
cannot speak of his, or of his, or of his
personally. . . .
the fact that he was elected in 1900.

20 The witness, . . .
21 . . .
22 . . .

the Hearst Detroit Times. Again it was expediency rather than conviction which motivated the newspaper--an expediency which could only have arisen in the fantastic world of Hearst journalism. The Times had given mild support to Charles Bowles in the past and had opposed the recall election. However, on the night of the recall election an idolized, liberal-posing, radio announcer, Jerry Buckley, was murdered. The Times rushed out a morning edition with a headline which associated Buckley with the underworld. It was clearly implied that Buckley had "double-crossed" some criminal friends and that now they had paid him back. The outraged public refused to buy the Times and circulation plummeted. By turning from Bowles to Murphy, the Times saw an issue on which they could beat the drum of virtue and win back their readers.²⁹

In his speeches the judge promised reform and relief. By reform he meant getting "politics" out of government. It was an old Progressive cry but an effective one in a city dedicated to non-partisan government. He said he would make the police more efficient and, at the same time, more humane. He promised financial responsibility by putting a stop to extravagant public improvements. The problem of providing adequate relief, he declared, required Federal and State assistance as

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²⁹Interview with Carl Muller, February 1, 1961.

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well as municipal action. He advocated unemployment insurance, old age pensions, and public works projects. But he reminded his audiences that Hazen Pingree, the early Progressive Detroit mayor, had faced a similar unemployment crisis in the depression of 1893 and assured them that he, like Pingree, accepted the principle of municipal responsibility for unemployment.³⁰

Murphy won the election with a plurality of over 13,000 votes.³¹ On September 23, 1930 he was inaugurated mayor of one of the largest and potentially richest cities in the United States. It had become so through the miracle of mass production and the automobile industry. Attracted by Henry Ford's fabled five-dollar day, immigrants from the east and hillbillies and Negroes from the south had migrated to the automobile capital. From a population of 400,000 in 1907, it grew to 1,500,000 in 1930. This rapid growth had resulted in a belief that the economy would expand indefinitely. Speculators hurriedly bought up the countryside, and normally conservative city fathers willingly put the city into debt to provide the newly-developed areas with schools, sewers and other necessary public utilities. Detroit proudly was a leader in the expansion of the twenties. But in 1930

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³⁰ The Detroit News, August 27, 1930; August 30, 1930, pp. 1:2, 7:2.

³¹ Ibid., September 10, 1930, p. 1:8.

she became a leader in the downspin into depression.

The situation was to become far worse in the next few years. By the middle of Murphy's second term, the typical newspaper picture was one of men standing in lines at the employment bureaus or before the welfare department. Even more disturbing was the existence of children's bread lines. The Mayor reported in 1932 that 4,000 children were regularly standing in these lines and that 50,000 destitute children were under the direct care of the Welfare Department. Deeply moved, Murphy made one of his strongest statements denouncing the reckless expansion the city had supported just a few years earlier.

But I assure you that as the selfish promotions of past years have foisted upon this Commonwealth, under the name of government, tremendous obligations of a private nature, I am more disposed to hear the present cry for elemental social justice even above the loud demand for the traditional sanctity of contract.³²

A study committee of 1932 revealed that the work week had dropped from a median of 46.14 hours in 1929 to a median of 23.4 hours in 1932, or a reduction of fifty percent. The hourly earnings, meanwhile, were reduced from a median of 67.45 cents in 1929 to 44.2 cents in 1932, or about thirty-four percent. The shrinkage in both hours of work and hourly earnings amounted to a

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³²City of Detroit Journal of the Common Council, January 12, 1932 (Detroit: The Inland Press, 1933), p. 6.

reduction in weekly wages of sixty-seven percent. From nine who were unemployed in a typical week in 1929, the figure mounted to 353 in 1932. This meant that about thirty percent were totally unemployed. But over twenty-five percent of those still employed worked only three days a week or less.³³

The problem of paying for the necessary relief was tremendous. Most of the income for the city was derived from real estate taxes, but many of the major factories had located their plants outside the city limits and could not be taxed. Yet the now unemployed workers of these factories lived within the city limits and became the responsibility of the city. Forty percent of the welfare costs went to families of workers dropped from the rolls of these non-taxable companies.³⁴ In January 1931, 300,000 taxpayers were supporting 45,000 destitute families and the ratio continued to increase.³⁵ Tax delinquencies up to forty percent compounded the financial difficulties.³⁶

On first becoming Mayor, Murphy fully expected to be able to cope with the problem of unemployment within a

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³³Undated report of the Mayor's Unemployment Committee; Mayor's Office Records, 1932, Burton Historical Collection of the Detroit Public Library. Hereafter cited as Mayor's Office Records.

³⁴The New York Times, May 3, 1931, III, p. 1:2.

³⁵Ibid., February 15, 1931, III, p. 1:2.

³⁶Ibid., February 19, 1933, II, p. 9:1.

few months, whereupon he could turn to the problem of reform within the government. It was evident in his inaugural address that work-relief projects were to be the core of his welfare program for the unemployed. Citing the example of his predecessor, Mayor Pingree, he urged using jobless men as an army to demolish antiquated buildings in order to make room for new highways, buildings, parks and schools. In this connection he said he would ask each city department to submit plans for using the unemployed. To satisfy immediate relief needs, the Mayor asked his City Council for \$25,000. He emphasized that the crisis was temporary and that "this modest outlay...ought to meet the emergency."³⁷

He likened his efforts to a war against the enemy, and attempted to bring the idealism and techniques of Wilson's war to end all wars into his own battle: "Let those of us who caught the spirit of brotherhood in the days of the World War bring to the solutions of our problems today that same spirit of devotion to the needy."³⁸

The Mayor was not alone in his approach. Throughout the country many others, including future members of the Franklin Roosevelt administration, shared his views. They, like Murphy, were reared on Progressivism and had

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³⁷ The Detroit News, September 24, 1930.

³⁸ Detroit Times, November 12, 1930.

few months, and... reform within the... the core of... Getting the... urged using... building in... large, parks and... would ask each... the unemployed. To... Mayor asked his... that the... only... to... He... enemy, and... of Wilson's... "Let those of us who... the days of the... problems today... The... out the... the... they, like...

27 The Detroit News, September 12, 1917.

28 Detroit Times, November 12, 1917.

matured on its successor--the New Freedom which had culminated in a total war to free men of tyranny. The work-relief and other proposals Murphy made were not unique, but he showed courage in suggesting them at a time when they were unpopular in Michigan ruling circles and not yet endorsed by a national administration.

Soon after his inauguration Murphy formed a Mayor's Unemployment Committee to spearhead the attack on unemployment and relief. This was made up of private citizens who reflected both liberal and conservative elements. He appointed G. Hall Roosevelt, brother-in-law and distant cousin of Governor Franklin D. Roosevelt, as chairman of the committee. Not unaware of Hall's connections with Hyde Park, the Mayor promptly asked him to obtain information on unemployment relief organizations from Governor Roosevelt.³⁹

The Unemployment Committee's first project was to register the unemployed.⁴⁰ This begun, the Committee set up a free municipal employment bureau which placed the unemployed with city and private concerns.⁴¹ The hope was to provide work for those in greatest need first. When the registration of the unemployed revealed that many

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³⁹ Elliott Roosevelt (ed.), *F.D.R. His Personal Letters 1928-1945* (New York: Buell, Sloan and Pearce, 1950), III, p. 144.

⁴⁰ *The Detroit News*, September 20, 1930, p. 1:7.

⁴¹ *Ibid.*, October 5, 1930, p. 1.

lacked clothing and shoes, the Mayor issued a special appeal for these items on their behalf.⁴²

To maintain local jobs, Murphy encouraged awarding municipal contracts to city concerns regardless of whether or not they submitted the lowest bid.⁴³ Using the prestige of his office, he also made pleas to public utilities to keep the homes of the unemployed supplied with gas and light.⁴⁴

But with the coming of winter, the campaign slackened as the city began to suffer financially, and in December the Mayor announced that all projects except those on which public welfare labor could be used would have to be deferred. At the same time the Department of Public Works went into its seasonal depression on paving and sidewalk construction jobs. Reports from the Municipal Employment Bureau meanwhile indicated that private companies had stopped taking on men.⁴⁵ Murphy's critics now took devilish delight in reminding him of his failure to get "the unemployed in the trenches before Christmas."⁴⁶

Murphy's campaign had indeed failed. With the depression getting worse instead of better, the city was

⁴²Detroit Times, September 30, 1930.

⁴³Ibid., September 26, 1930, p. 1:7.

⁴⁴Ibid., October 24, 1930.

⁴⁵The Detroit News, December 12, 1930, p. 1:8.

⁴⁶Detroit Saturday Night, November 8, 1930.

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42 Detroit Times, September 25, 1933.
43 Ibid., September 26, 1933, p. 1.
44 Ibid., October 21, 1933.
45 The Detroit News, December 11, 1933, p. 1.
46 Detroit News, January 1, 1934, p. 1.

in no position to finance work-relief projects on the scale needed to absorb all the unemployed. Other well-intentioned projects similarly found themselves overwhelmed by the extent of the need. Since the enemy could not be conquered, Murphy's strategy now became defensive. Only a few months after coming to office, he was forced to limit his activities to providing food and shelter for the restive victims of unemployment. He gave up trying to find them jobs.

Both municipal and private funds were called upon to pay for the relief program. Its administration was divided between the city Welfare Department and the Mayor's Unemployment Committee. Murphy maintained direction over the whole. In general, the Welfare Department limited its activities to the dispensation of relief funds, while the Unemployment Committee dealt with relief projects.

Aside from the registration of the unemployed and the establishment of the Employment Bureau, the Unemployment Committee directed other activities such as "creative work" projects for selling apples and sand bags. Other ventures were strictly of a stopgap nature. When city employees had their pay held up, the Committee provided food on credit until the wages were paid. On another occasion, the Committee provided lunches for the school

children of destitute parents. The Committee also often served as a clearing house for the administration of private relief.⁴⁷

The need to provide food and shelter for the penniless jobless became urgent. There were scores of single men who had left their homes in other cities to work in the automobile factories. Without funds to return to their homes and without relatives in the city to provide for them, they were dependent on the city for food and a place to sleep. The Fisher Brothers and Studebaker corporations donated factory buildings to house these men and the Unemployment Committee furnished two meals a day paid for by the city.⁴⁸

To help families, the Unemployment Committee began the Thrift Garden project by providing tools and seeds for families who would cultivate available vacant land. In 1932, 6,200 gardens were planted and harvested. The cost to the Committee was \$4.81 per garden and the average crop value was \$50.00.⁴⁹

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⁴⁷ Detroit Times, December 28, 1930. Letter from Dr. Frank D. Adams, Chairman of the Mayor's Unemployment Committee, to Senator James Couzens, October 13, 1932; Mayor's Office Records, 1932. Letter from Frank Murphy to Father Hickey, November 3, 1932, ibid.

⁴⁸ The New York Times, February 15, 1931, III, p. 5:3.

⁴⁹ Letter from Dr. Frank D. Adams to Senator James Couzens, October 13, 1932; Mayor's Office Records, 1932.

Murphy greatly enlarged the Welfare Department, filling its headquarters with experts.⁵⁰ In the first fiscal year of his administration \$14,000,000 was spent for relief. The Mayor was well aware that he would have to stretch these welfare dollars in the face of the rising need. He asked a committee of experts to determine the absolute minimum which could be given to those on relief. The committee concluded that a family of two needed only \$3.50 a week and a family of five could get along on \$37.50 a month. At the feeding stations and lodging houses men could be fed for seventeen cents a day.⁵¹

At the beginning of the next fiscal year (1931-1932), the Common Council decided that only \$7,000,000 could be spent for relief.⁵² Since the city was facing a financial crisis, Murphy had no choice but to accept their decision. Fortunately, in October 1931, Senator James Couzens, former Mayor and wealthy partner of Henry Ford, stepped forward with a pledge of \$1,000,000 for relief if other men of wealth would pledge a combined \$9,000,000 more. The financial community did not respond to the invitation and instead chose to criticize Couzens

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⁵⁰ Mauritz A. Hallgren, "Detroit's Liberal Mayor," The Nation, CXXXII (May 13, 1931), pp. 526-528.

⁵¹ The New York Times, May 3, 1931, III, p. 5:4.

⁵² Ibid., August 16, 1931, III, p. 5:6.

let Murphy run the State.⁵⁶ In any case, by 1933, R.F.C. loans were almost entirely supporting the city Welfare Department.⁵⁷

Every step Murphy took to relieve distress brought him criticism, some of which was justified. Especially during his first term at City Hall, the Mayor was balked by the city's budget controlling Common Council, then made up of conservative businessmen and other financial figures. The conflict was ideological. Murphy was persuaded that unemployment was an inevitable by-product of industrialization and therefore a chronic social ailment. According to his analysis, society could no longer expect private charity to deal adequately with the need. His opponents contended that the situation was only temporary and that the existing charities should and could bear the brunt of the relief. When the businessmen, both on and off the Council, blocked Murphy's program, Murphy did not hesitate to do a little preaching, admonishing them to be ashamed of themselves for being righteous about sharing wealth when people were near starvation.⁵⁸ However, twitting consciences often only generated resentment.

⁵⁶ Ibid., March 26, 1933, I, p. 1:4.

⁵⁷ The New York Times, December 25, 1932, IV, p. 5:3.

⁵⁸ Interview with Norman H. Hill, February 9, 1961.

The Mayor's critics probed for the weak spots in his welfare program. The large relief budgets were said to be driving the city into bankruptcy.⁵⁹ Other detractors suggested that the dole system was politically motivated. It seemed more than a coincidence that the wards of the city where the Irish politician received most of his votes were the same sections receiving the greater part of the welfare assistance funds.⁶⁰ Similarly suspicious were Murphy's public appearances in connection with relief projects. He was, for example, the star performer in a show featuring the Salvation Army Band, the Police Quartet, and other ballyhoo.⁶¹

One incident was particularly irritating to his critics. In 1932, with much publicity, the Mayor dramatically rushed back from the Democratic National Convention to countermand a Welfare Commission move to drop 17,800 families from the welfare rolls. He knew the Commission had had no alternative because its budget had been cut. Murphy's critics felt he had merely taken the action to pose as savior of the poor in an election year.⁶²

The Mayor frankly often employed an unscientific welfare policy. He told his secretary, for instance, to

⁵⁹ The Detroit News, January 11, 1933, p. 4:1.

⁶⁰ Detroit Saturday Night, May 28, 1932.

⁶¹ The Detroit News, January 14, 1931, p. 3:1.

⁶² Ibid., July 3, 1932, I, p. 9:6.

have a half ton of coal delivered to anyone who asked for it and that the city would investigate the case later.⁶³ This approach assured that everyone who needed help would get it and also saved hiring an army of investigators.⁶⁴ But when the Common Council was trying to watch every penny, this loose welfare approach was exasperating.

His leniency led inevitably to charges of fraud. The Ford Motor Company led the attack. The company was particularly sensitive because the Mayor claimed that twenty percent of the city's welfare costs went to workers laid off by Ford, while the Ford Company itself refused to contribute to the city's relief budget.⁶⁵ Harry Bennett, of the Ford Company, declared the city's figures were incorrect. He then attacked the dole system as a whole, asserting that it takes no administrative genius to scatter \$2,000,000 a month.⁶⁶

Much to the Mayor's embarrassment, a \$207,000 theft by a welfare clerk was discovered in the middle of the Ford squabble.⁶⁷ In addition, an investigation of the Welfare Department by an accounting firm revealed an

⁶³ Interview with Norman H. Hill, February 9, 1961.

⁶⁴ Interview with Irene Murphy, February 23, 1961.

⁶⁵ The New York Times, May 3, 1961, III, p. 1:2.

⁶⁶ The Detroit News, June 14, 1931, I, p. 1:1.

⁶⁷ Ibid., June 13, 1931, p. 1:8.

"utter lack of internal check" on funds.⁶⁸ Murphy took full responsibility for the situation and announced that in the future every welfare worker must be bonded.⁶⁹ Further, the city agreed to the recommended changes made by the accounting firm.⁷⁰ Yet, despite this one major instance, in general the Welfare Department comported itself well. The head of the department placed the percentage of fraudulent applications at less than two percent of the total petitioners.⁷¹

The Mayor's Unemployment Committee quickly attracted criticism. The Common Council claimed that it spent money for projects without first coming to the Council, which was the appropriating body, to find out if the money was available.⁷² There was friction among the Unemployment Committee members themselves when labor members opposed shortening the work week and business members advocated it to meet depression conditions.⁷³

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⁶⁸ Preliminary report on investigation of the Department of Public Welfare; Touche, Niven and Co., Public Accountants, July 10, 1931; Mayor's Office Records, 1931.

⁶⁹ The Detroit News, June 13, 1931, p. 1:8.

⁷⁰ Preliminary report on investigation of the Department of Public Welfare; Touche, Niven and Co., Public Accountants, July 10, 1931; Mayor's Office Records, 1931.

⁷¹ Keith Sward, The Legend of Henry Ford, (New York: Rinehart and Company, 1948), p. 227.

⁷² The Detroit News, November 7, 1930, p. 1:6.

⁷³ Ibid., December 2, 1930, p. 1:8.

With some justification, the effectiveness of the Committee's Employment Bureau was criticized. After seven months of operation, 112,282 families were registered for employment but only 23,926 persons had been given work, and in more than half of these instances the job was temporary.⁷⁴ However, a few months later an impartial observer found that the municipal bureau was nonetheless doing a far better job in placing workers than the State employment offices.⁷⁵

Another unpopular undertaking of the Unemployment Committee was the lodges for homeless men. Expressing the Common Council view was John C. Nagel, President, who termed them "flop houses" and said they would "bring to the city hundreds of itinerants from all over the country."⁷⁶ In July 1931 the Council succeeded in closing them. However, with private assistance, Murphy managed to reopen them the following two winters.⁷⁷

The acrimony over the activities of the Unemployment Committee led to its expiration in the fall of 1931. But a year later Murphy managed to revive it and it continued functioning throughout the duration of Murphy's

⁷⁴ Hallgren, The Nation, CXXXII, p. 527.

⁷⁵ Letter from William A. Haber, Professor of Industrial Relation, to Frank D. Adams, November 2, 1932; Mayor's Office Records, 1932.

⁷⁶ The Detroit News, September 26, 1930, p. 17:3.

⁷⁷ Ibid., October 23, 1932, p. 1:2.

With some exceptions, the employment of the
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remaining months in office.⁷⁸

But even His Honor's critics recognized that something had to be done to help the unemployed. However, they did not grasp the extent of the need nor with what bitterness the jobless were reacting to their situation. A few employers suggested diminishing the relief rolls by giving the former workers transportation to other cities. But since all those on the welfare rolls had to prove legal residence in Detroit, the city would have been forced to pay their return fares to Detroit in the event of failure to obtain employment in the cities to which they were sent. This would have added to, not decreased, relief costs.⁷⁹

There was no doubt in Murphy's mind that the alternative to providing relief to the unemployed was to court violence. On the day that he was inaugurated as Mayor, the space in front of the City Hall was jammed with thousands of the unemployed. They were wretched, hungry, ill-clothed, and ugly in mood. The Mayor later confided that the scene vivified for him everything he had read about the French Revolution.⁸⁰ A trained social worker summed up the situation by saying, "Well, he had to feed

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⁷⁸ Ibid., November 2, 1932, p. 4:5.

⁷⁹ The New York Times, May 3, 1931, III, p. 5:4.

⁸⁰ Ibid., February 21, 1937, VIII, p. 5.

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Almost every day the Mayor had evidence supporting his contention that relief was an absolute necessity. On the occasion of the closing of the lodges for homeless men, Murphy received an "S.O.S. in behalf of the men at the Fisher Lodge" from a social worker at the Institution. He begged the Mayor to keep the lodge open, at least as a shelter, at the maximum cost of 3.3 cents per day per man. He described their mood and told how a protest committee had been formed. He warned that Communists were trying to control this committee.⁸² It is to Murphy's credit that he had the wisdom to correctly appraise the seriousness of the situation and to see to it that the lodges were kept open.

In addition, many of the specific criticisms made against Murphy's welfare program were not just. Although he considerably increased the amount of relief given while he was in office, he did not thereby bankrupt the city. In 1933 the Mayor announced that only seven and a half cents out of every budgeted dollar was going to relief.⁸³ In fact, by obtaining Federal aid and by cutting

⁸¹Letter from Joseph R. Hayden to Everett D. Hester, September 29, 1933; Joseph R. Hayden Papers, Correspondence (Box XVIII), Michigan Historical Collections of the University of Michigan. Hereafter cited as Hayden Papers.

⁸²Undated letter from William O. Hillborn to Frank Murphy, Mayor's Office Records, 1931.

⁸³The Detroit News, January 11, 1933, p. 4:1.

city expenses elsewhere, he managed to pay for welfare within the limits of a normal budget.⁸⁴

While Murphy was not unaware of the political value of relief, there was no reason to believe that the program was distorted into primarily a political tool. Immediately after his first inauguration this was made clear. At that time many applicants to the Municipal Employment Bureau tried to secure preference on the basis of supporting Murphy in the campaign. The Chairman of the Unemployment Committee announced on behalf of the Mayor, that anyone trying to secure preference would have their name dropped to the foot of the list.⁸⁵

Likewise, the belief that drifters were coming into the city to take advantage of the welfare program was unfounded. No man was given relief without a certificate from a taxpayer indicating that he actually had lived in Detroit at least a year.⁸⁶ Furthermore, a survey of a typical relief district in the city revealed that only a small number of relief recipients had lived in the city as short a time as one year. The median time of residence was 13.85 years.⁸⁷

⁸⁴Letter from Joseph R. Hayden to John A. Hackett, May 17, 1933; Hayden Papers.

⁸⁵The Detroit News, October 1, 1930, p. 1:8.

⁸⁶Hallgren, The Nation, CXXXII, p. 527.

⁸⁷Undated report of the Mayor's Unemployment Committee; Mayor's Office Records, 1932.

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By the time Murphy left the mayor's office in 1933, most of his conservative critics grudgingly admitted Murphy was right in insisting that government must accept the responsibility of caring for the unemployed. Only a reactionary group continued to maintain that private charity was sufficient to meet the needs of the depression.⁸⁸ With the coming of the New Deal, Murphy's theories and actions were endorsed by the national administration and became a permanent part of American governmental practice.

Providing relief to the destitute allays the hunger in their stomachs and shelters their bodies, but it does not satisfy their need to express their grievances. Murphy knew that civil liberties had to be maintained in Detroit's time of troubles if violence was to be averted. But even more, he believed from deepest conviction that free speech and assembly were the individual's sacred rights. In this connection he declared that his Chief of Police should be "thoroughly familiar with the history of our country in those days when the great principles of liberty, expressed in free speech and peaceful assembly, were guaranteed to our citizens."⁸⁹

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⁸⁸ Murphy, *The Commonweal*, XVIII, p. 63. Interview with Carl Muller, February 1, 1961.

⁸⁹ *Detroit Times*, January 11, 1931.

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Murphy's immediate predecessor did not share his convictions. In March 1930, Mayor Bowles' police force tried to break up a Communist demonstration. The orderly demonstration was turned into an angry scene of disorder and violence. One month after Murphy took office the Communists held another demonstration, 3,000 strong, in Grand Circus Park. Murphy ordered that there should be no police interference, and the demonstration remained peaceful. At the mass meeting the former Communist candidate for Mayor, Philip J. Raymond, debated with Murphy, complaining of arrests and interference. The Mayor assured him that such interference would not take place while he was mayor, as long as all meetings were peaceful.⁹⁰

Murphy followed this policy consistently. In July 1931, Communist leaders harangued a group of six hundred persons just outside of City Hall. The Communists stirred up the crowd until they jammed the front door, making entrance impossible. The Mayor might well have thought this was justification enough to stop the proceedings, but he refused to intervene.⁹¹ On another occasion when a merchant, whose place of business faced Grand Circus Park, complained about the demonstrations there, Murphy urged patience. He explained: "We all must appreciate that wherever these gatherings are held someone will be

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⁹⁰Ibid., October 24, 1930.

⁹¹Ibid., July 6, 1931.

Henry's first day of work was on

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tried to break up a Communist group in

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July 1931, Communist Party

July 1931, Communist Party

disturbed. Yet it is highly desirable that full opportunity for protest and assembly be given the victims of unemployment."⁹²

The Mayor even went a step further than tolerance of free speech, he encouraged it. He urged the Common Council to establish a place like Hyde Park in London, where soap-box orators could speak freely. The irritated Council responded by designating the space beneath the Mayor's City Hall windows; their idea being if "the Mayor wants to let these fellows talk all they want, let's have the speeches where he can get an earful."⁹³

The only serious violence to take place while Murphy was mayor occurred outside the city limits, in Dearborn. Workers, under Communist leadership, staged a Hunger March on the Ford Motor Company in the spring of 1932. The marchers began in Detroit where Murphy had given them a demonstration permit. Accompanied by city police they made their way peacefully to the city line. Upon entering Dearborn the men were met by Ford Company guards who tried to stop them from approaching the Ford factories. When the marchers refused to heed the warnings, the guards resorted to the use of arms--killing four and wounding a score more.

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⁹²Letter from Frank Murphy to William H. Chaney, August 28, 1931; Mayor's Office Records, 1931.

⁹³Detroit Times, April 19, 1931.

distributed. The following is a list of the names of the

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1. The first name is the name of the person who

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is the subject of the present investigation.

8. The eighth name is the name of the person who

is the subject of the present investigation.

9. The ninth name is the name of the person who

is the subject of the present investigation.

10. The tenth name is the name of the person who

is the subject of the present investigation.

11. The eleventh name is the name of the person who

is the subject of the present investigation.

12. The twelfth name is the name of the person who

is the subject of the present investigation.

13. The thirteenth name is the name of the person who

is the subject of the present investigation.

A few days later a funeral march of huge proportions was held. The route stretched for seven miles-- from the Detroit Institute of Arts to Grand Circus Park and finally to the cemetery. There were 10,000 marchers. Spectators four-deep lined the route from the Institute to Grand Circus Park. At the Park itself 30,000 people watched the demonstrators. Police guarded the seven mile route under Murphy's orders to dispense with their clubs. As was usual in Murphy's administration, the police deported themselves well and no disorder ensued.⁹⁴ Murphy was resolved, that if force ever must be used, it should be used for the people as a whole.⁹⁵

Murphy had campaigned for election on a platform which stood for financial integrity. He strongly believed in the principle of the balanced budget, and this was the goal which he hopefully looked to as an administrator. However, the depression kept him from even a small success in this matter. He discovered instead that merely maintaining the financial solvency of Detroit was to be an all-consuming task. The rapid expansion of public services in the twenties to meet the growing population had

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⁹⁴ Sward, pp. 234-239.

⁹⁵ The New York Times, February 21, 1937, VIII, p. 5.

precariously put Detroit into a debt totaling \$378,000,000 before Murphy took office.⁹⁶ The interest and debt retirement charges on this debt were an enormous burden. In 1933 the Mayor estimated them at \$43,000,000. Meanwhile, operating expenses had been pared down by \$27,000,000.⁹⁷ But rigid economies did not effectively reduce total expenses because relief costs climbed and debt charges remained constant.⁹⁸

The struggle to keep the city solvent became a frustrating ritual. It began in Murphy's first winter in office. In an effort to live within diminishing income, a "bankers' committee" was appointed in February 1931 to assist the city in cutting costs. Their efforts resulted in a saving of \$24,500,000 over original operating estimates for the next fiscal year. For his part, the Mayor warned department heads to cease immediately any "deficit-making" and "juggling of funds."⁹⁹ Committees of three were organized in every department to lead a campaign against waste.¹⁰⁰ Yet these efforts were not

⁹⁶The Detroit News, August 20, 1930, p. 1:2.

⁹⁷Ibid., January 11, 1933, p. 4:1.

⁹⁸Letter from Frank Murphy to Louis Howe, May 14, 1934; Franklin D. Roosevelt Library, Official Files 400.

⁹⁹City of Detroit Journal of the Common Council, March 10, 1931, II, p. 466.

¹⁰⁰Detroit Times, April 27, 1931.

enough. In April the city had to borrow \$5,000,000 to meet regular expenses.¹⁰¹ The next month it was announced that all public improvement projects, except those already contracted for, would be suspended.¹⁰² By the end of the fiscal year in June 1931, Detroit had again run out of cash and was forced to depend on a \$5,000,000 loan from the Ford Motor Company to meet payrolls and other emergencies.¹⁰³

The Common Council issued a policy statement declaring that during the 1931-32 fiscal year, Detroit would have to live within its income regardless of what that income would be.¹⁰⁴ To carry out this pledge the Council adopted a report of the Citizens' Finance Committee, organized in early 1930 under Ralph Stone. In applying the report, the Council cut the Welfare Department budget in half, stopped all local improvements in districts which had substantial tax delinquencies, and established a quarterly accounting system. Although hampered by State legislation limiting its borrowing power, the city then set out to refinance its current cash deficit by

¹⁰¹The New York Times, April 22, 1931, p. 38:8.

¹⁰²Ibid., May 14, 1931, p. 34:1.

¹⁰³Ibid., July 1, 1931, p. 16:2.

¹⁰⁴City of Detroit Journal of the Common Council, January 12, 1932, p. 2.

long-term loans.¹⁰⁵

By the winter of 1931-32 it was clear that the refunding program and retrenchment of the summer was not going to solve the deepening financial crisis. Senator James Couzens helped the city and his favorite project, the Detroit Street Railways, by buying a \$1,000,000 share of its last bond issue.¹⁰⁶ This eased the situation but it was not enough to resolve it. In January 1932 the city reduced city employee salaries ten to seventeen percent, laid off five hundred public works employees, and ordered a reduction of the art commissioner's payroll by nearly \$30,000, stripping the Institute of Arts of all its curators and experts.¹⁰⁷

The Mayor's annual message in January 1932 included uncompromising words on behalf of a balanced budget, declaring: "It no longer matters what standard of municipal living Detroit desires . . . departmental red ink is at an end."¹⁰⁸ However, despite Murphy's determination and his successes in cutting expenses he could not keep up with falling tax receipts. The banking syndicate which had carried the city under the previous summer's agreement, announced in February it would not continue its loans

¹⁰⁵ The New York Times, August 16, 1931, III, p. 5:6.

¹⁰⁶ Ibid., December 31, 1931, p. 29:6.

¹⁰⁷ Ibid., January 6, 1932, p. 13:1

¹⁰⁸ City of Detroit Journal of the Common Council, January 12, 1932, p. 2.

unless Detroit eliminated a total of \$6,000,000 of its expenses. Ralph Stone, spokesman for the syndicate, suggested the "present situation could have been avoided had a proper economy plan been adopted a year ago." He added that influential politicians, afraid of losing their jobs, were responsible.¹⁰⁹ Undoubtedly his remarks were aimed at Murphy.

Having no alternative, Murphy said the city would try to meet the bankers' demand of a \$6,000,000 cut and the syndicate agreed to continue their loans--at the going rate of six percent, the maximum permitted by law.¹¹⁰

The city tried various schemes for increasing revenues. The Mayor called on the "citizens of Detroit to start a community effort" aimed at collecting delinquent taxes and thus prevent "a crumbling of the fundamental functions of government."¹¹¹ He had seen to it that his own taxes, some of which had been delinquent since 1921, were paid up before the drive was launched.¹¹² The Council announced plans to force sale of \$500,000,000 worth of property unless its owners would pay the \$14,600,000 owed the city in overdue taxes. The hope was to get action

¹⁰⁹ The New York Times, February 5, 1932, p. 34:1; Ibid., February 7, 1932, II, p. 1:2

¹¹⁰ Ibid., February 12, 1932, p. 31:1.

¹¹¹ The Detroit News, February 14, 1932, I, p. 1:1.

¹¹² Ibid., December 13, 1931, I, p. 1:1.

unless Detroit eliminates a total of \$1,000,000

expenses. Ralph also, speaking for the

suggested the "present situation" will have been

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Having no alternative, the city

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from speculators who in flush times invested in subdivision property. Struggling home owners who could prove inability to pay were to be exempt.¹¹³

None of these efforts were successful. In April, the adamant bankers asked a one-third salary cut on all city salaries in order to ensure the demanded economies. The Council refused to take this drastic step. However, within a month they were forced to capitulate at an even greater rate of salary reduction, passing an ordinance reducing employees' salaries fifty percent for May and June.¹¹⁴ The controller had been without funds for current bills, and the food relief program of the Welfare Department had been reduced to emergency rations of bread and milk.¹¹⁵

Despite the fact that 10,000 city employees had been laid off during the preceding two years, at a saving of \$1,500,000 per month, the Council recognized that salary cuts for the remaining employees would have to be permanent. When the new fiscal year (1932-1933) began in July, the Council announced a permanent 14.5 percent salary cut for all city employees.¹¹⁶ This reduction was

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¹¹³ The New York Times, March 6, 1932, III, p. 6:4.

¹¹⁴ Ibid., May 1, 1932, p. 18:8.

¹¹⁵ Ibid., April 7, 1932, p. 3:2; April 26, p. 42:2.

¹¹⁶ Ibid., July 25, 1932, p. 2:3.

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to be based on the April salary scale. In addition, the emergency bread and milk rations that had been necessary before the May and June fifty percent salary cuts, had to be temporarily reinstituted for 4,000 families.¹¹⁷

Hardly had these measures been taken when an attempt on the part of real estate owners to limit city taxing powers created a new crisis. The heaviest tax burden fell on property owners and many were unwilling or unable to pay. Organized into the Association for Tax Reductions, Inc. they called for a charter limitation on the city budget. Under their proposal the voters would approve a charter amendment limiting the budget of the current fiscal year to \$61,000,000, that of the next year to \$60,000,000 and so on until a limit of \$57,000,000 was reached. The current budget was \$72,000,000, but because of expected tax delinquencies the city knew it would not have that much to spend.¹¹⁸ Murphy opposed the proposed amendment, and for the first time he had the entire financial community behind him. With its support Murphy conducted an educational campaign to explain to the voters why the amendment must be defeated. The champions of the charter amendment were challenged to produce a budget, but they held back their figures until

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¹¹⁷ Ibid., August 2, 1932, p. 7:3.

¹¹⁸ Ibid., July 10, 1932, II, p. 6:4.

three weeks before the elections. When they did give the figure out, it was at a public meeting where the audience was very pro-amendment. Murphy had accepted an invitation to attend and was unexpectedly called upon to answer their presentation. He faced an audience almost unanimously against him. He was hissed and booed. But, without preparation, the clearheaded Irishman found flaw after flaw in the proposed budget and pointed out that several items violated provisions of the city charter or State law. Murphy's position was upheld at the polls by a margin of three to one.¹¹⁹

The Mayor's 1932-1933 budget provided for spending \$55,600,000 in tax money with perhaps twenty-five percent tax delinquency anticipated. The delinquency was expected to be more than covered by the sale of \$20,000,000 tax-anticipation bonds.¹²⁰ Permission to float this bond issue had been granted by a special session of the State legislature in December 1932.¹²¹

Murphy began 1933 with brave words: "There is fear and dread in the minds of the vast majority of our people. Yet I cannot share with my fellow man the pessimism

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¹¹⁹Ibid., September 4, 1932, II, p. 6:6; August 11, 1932, p. 26:2.

¹²⁰Ibid., September 4, 1932, II, p. 6:6.

¹²¹Ibid., December 6, 1932, p. 4:4.

of the hour."¹²² Despite his optimism, the strain of the depression proved too much for the weakened financial institutions. On February 14, 1933 the Detroit banks closed their doors, touching off a wave of bank failures which swept the nation. Detroit was helpless before the onslaught. The sale of tax anticipation bonds was stopped and on February 15th Detroit defaulted on the annual interest payments due. In March, currency circulation was reduced to twenty percent of normal. The only money coming into the city treasury during this period was a R.F.C. loan for the Welfare Department. The Council was compelled to issue script.

From the depths of disaster, Murphy and the Council looked for a way to restore city solvency. Previous arrangements for refunding the municipal debt were now undone and the task had to be begun anew. Murphy began new negotiations in April. By June (although Murphy was no longer Mayor) his effort to win financial backing had succeeded and the crisis began to ease.¹²³

Murphy's past difficulties with conservatives were a product of differing views on the priority of a balanced budget. Both the Mayor and the conservatives recognized

¹²²The Detroit News, January 11, 1933, p. 4:1.

¹²³Ruth D. Roth, "Nightmare in February" (Unpublished Master's thesis, Wayne University, Detroit, 1956), pp. 61-62.

the value of fiscal responsibility, but Murphy was willing to make exceptions when human beings needed succor. Unfortunately, the Mayor was self-righteous in his humanitarianism and this did not help their relationship. When he was campaigning for re-election in 1931 he told the people: "We spent \$14,000,000 in caring for the distressed and I haven't any apology to make to property interests, to the moneyed people. I'm proud we spent that much in relieving distress. We should have spent more."¹²⁴

Murphy also insisted on certain public services which financial leaders regarded as non-essential. They did not feel that maintaining playgrounds for children or keeping the libraries open on Sundays were important enough to justify an unbalanced budget.¹²⁵ They likewise failed to be moved by the Mayor's rhapsodic pleas. "Let us continue also our public concerts at Belle Isle," Murphy once declared, "that the classics may come to the relaxation of those who are weary with fatigue and worry."¹²⁶

Nor was the Mayor above political caprice. Although in secret session he had advocated the proposed 1932 ordinance decreasing city salaries by one third, in public

¹²⁴The Detroit News, September 30, 1931, p. 27:1.

¹²⁵Ibid., April 9, 1931, p. 43:5; The Manila Tribune, September 6, 1933, p. 9.

¹²⁶City of Detroit Journal of the Common Council, January 12, 1932, p. 2.

the value of fiscal responsibility, and many were willing
to make exceptions when these things were involved. In-
fortunately, the Mayor was not willing to make these
exceptions and this did not help these responsibilities. Then
he was campaigning for re-election in 1931 and the
people. We about \$1,000,000 in during the 1930s
and I haven't any apology to make to property interests,
to the moneyed people. I'm going to spend that money
relieving distress. We would have spent it on
Murphy also insisted on certain public services
which financial leaders regarded as non-essential. They
did not feel that maintaining public order was a condition of
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failed to be moved by the Mayor's rhetorical pleas. The
us continue also on public contracts in relief.
Murphy once declared, "that the difference was not in the
relaxation of those who are heavy with the law and
worry." 180

Not was the Mayor whose political machine
in recent session he had introduced the proposed law
ordinance decreasing city salary by one third, in the year

181 The Herald Tribune, December 30, 1931, p. 1.

182 Ibid., April 9, 1931, p. 1; The Herald
Tribune, September 3, 1931, p. 1.

183 City of New York Journal of the Board of
January 13, 1932, p. 1.

Murphy threatened to veto it. Perhaps the crafty Mayor expected the Council to override his veto, thus enabling Murphy to pose as the champion of the working man while still achieving the desired economy. In any case, the Council was dumbfounded and refused to pass the ordinance.¹²⁷ However, the seriousness of the city's financial plight forced it to pass a temporary ordinance for a fifty percent salary cut just a few weeks later, and this time Murphy did not hesitate to sign it.

But Murphy felt more strongly about the need for government to maintain a responsible financial policy than many businessmen realized. It was part of his credo that government should be clean, honest, and efficient. An unjustifiable imbalance in a budget was untidy and wasteful. Moreover, Murphy held that government was like a business enterprise in that it must account to the people just as a corporation must account to its stockholders. Accordingly, he believed that a government which became bankrupt was one which had betrayed the trust of its constituents. It was with this in mind that Murphy firmly rejected defaulting in January 1933. He pointedly told the Council: "One principle underlies our fiscal policy. The credit of the City of Detroit must be maintained."¹²⁸

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¹²⁷ Detroit Saturday Night, April 30, 1932. Interview with Martin S. Hayden, February 3, 1961.

¹²⁸ The Detroit News, January 11, 1933, p. 4:1.

One can imagine his dismay, when a month later, the city was forced to default due to bank failures.

Murphy had hoped to be known as a reforming mayor as well as a relief-dispensing mayor. His goal was always "good government,"¹²⁹ and he strove for this goal with the same fervor that made the muckrakers famous in the early years of the century. Detroit was ready for reform. Under the leadership of his immediate predecessor, Charles Bowles, the city had fallen into a mire of corruption and inaction. However, the impact of the depression was too great to leave time or money for reforming efforts. Relief and city solvency absorbed all the energies of the municipal leaders. But, although blocked on any large scale reform, Murphy was still able to restore a high sense of morality and public duty to the more routine administrative duties of the Mayor's office and personnel.

He started off slowly. By his own admission, few changes took place in his first ninety days as mayor.

"During this interval," he told the City Council, "I have

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¹²⁹ Edward G. Kemp, "Frank Murphy as a Government Administrator" (Manuscript prepared for use at the memorial proceedings held by the bar of the United States Supreme Court, March 6, 1951, in honor of Frank Murphy), sec. I, p. 1. Edward G. Kemp Papers, Michigan Historical Collections of the University of Michigan. Hereafter cited as Kemp ms.

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On the morning of the 15th, when the matter was first
was referred to the committee.

Mr. Murphy had been for some time in the city
as well as a number of other persons. The committee
"good government" and the city was in a state of
the same order. The committee was in the city
early in the morning of the 15th. The committee was
Under the leadership of the committee, the city
However, the city was in a state of confusion and
anxious. However, the committee was in the city
great to leave the city and to return to the city.
and city was in a state of confusion and
equal leaders. The committee was in the city
reform, Murphy was still able to return to the city
morality and public duty to the city. The committee
duties of the city's officers and personnel.
He stated that the city was in a state of
changes took place in his life. The committee was
"During the morning," he said the city committee.

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Edward W. Murphy, Jr., was a member of the
Administration. The committee was in the city
proceeding with the city. The committee was in the city
Court, March 10, 1900, in the city of Chicago.
P. I. Murphy, Jr., was a member of the city
tion of the city of Chicago. The committee was in the city
Long me.

attempted to acquire a working knowledge of the city's needs . . . ."¹³⁰ But when he came around to making changes in personnel, his policy was to insist on ability first. His appointments generally adhered to the principle of non-partisan selection, in that his appointees represented all the differing shades of public opinion in Detroit; yet Murphy also met the demands of "good politics" by giving occasional posts in recognition of political support.

To please conservatives, Murphy appointed men who had worked for private business.¹³¹ In recognition of labor's support of his campaign, he chose the former president of the Detroit Federation of Labor as his secretary and selected the head of an electrical workers' union to serve on the public lighting commission.¹³² To insure his own strong belief in municipally-owned transportation he appointed two friends of municipal ownership to the Detroit Street Railway Commission, including Frank Couzens, the son of James Couzens who had created the public railway system.¹³³ James Couzens had great influence in Detroit because of his wealth and the fact that he was a former mayor and a present senator. Moreover, an

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¹³⁰ City of Detroit Journal of the Common Council,
January 13, 1931, I, p. 1.

¹³¹ Hallgren, The Nation, CXXXII, p. 527.

¹³² Detroit Saturday Night, February 21, 1931.

¹³³ Hallgren, The Nation, CXXXII, p. 527.

attempted to conduct a similar campaign in the city's
needs . . . . .
in personnel, his policy was to depend on localities.
His appointments, generally, were made in the city.
non-partisan relations, in that his appointees were
all the different classes of people. He was not
Nagay also was the chairman of the board of
occasional posts in a position of political affairs.
to place directly, his appointments were
had worked for private business. In a position of
labor's support of his own party, as was the case.
president of the Detroit Association of Labor and his
retire and selected the name of an individual who was
prior to arrive on the public affairs committee.
insure his own strong belief in a municipally-owned trans-
portation he appointed two friends of his, one of whom
to the Detroit Street Railway Commission, in 1911, at
Gordon, the son of James Gordon who had been a
public utility system. James Gordon had great influence
in Detroit because it was well known that he was
a former mayor and a prominent banker. However, in

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- 130 City of Detroit Journal of the Council, 1911,
January 1, 1911, p. 1.
131 Bulletin, The Nation, 1911, p. 1.
132 Detroit Sunday News, February 23, 1911.
133 Bulletin, The Nation, 1911, p. 1.

independent Republican, his political views were very close to Murphy's. The Mayor needed him as an ideological and political ally. To further curry his favor, Murphy retained Couzens' lawyer as corporation counsel.¹³⁴

The Mayor had no magic formula for running his administration. He once remarked that he felt the most important thing was "getting things done, - getting things started and getting them done."¹³⁵ He likewise approved of subordinates who had this ability and was quick to capitalize upon their gifts. Joseph Mills, whom he first appointed as commissioner of purchases and supplies, proved to be such a person. When Mills achieved economies in the purchasing department, Murphy moved him over to the Public Works Department and later to the Detroit Surface Railways System. In one year Mills reduced the public works budget from \$17,000,000 to less than \$6,000,000.¹³⁶ Mills could not have accomplished these economies without support from Murphy. When the president of the Detroit A. F. of L. pressed his influence with Murphy and demanded that truck drivers hired by the city be unionized, the Mayor stuck by Mills who opposed the union.¹³⁷

¹³⁴ Detroit Saturday Night, December 28, 1930.

¹³⁵ Kemp ms., sec. I, p. 1.

¹³⁶ The Detroit News, January 20, 1932, p. 18:2.

¹³⁷ Ibid., January 21, 1931, p. 1:3.

As his Chief of Police the Mayor selected Jim Watkins, graduate of the University of Michigan and a Rhodes scholar. In Detroit circles he was considered a "silk stocking." Murphy gave Watkins complete control of the department; no political appointees were forced on him and no grafters were protected.¹³⁸ Watkins instituted new police schools in which patrolmen were trained in police technique, laws and ordinances, court procedure, and courtesy.¹³⁹ Excesses of the previous administration were curbed. For example, property-destroying tip-over raids on speakeasies were prohibited and the practice of overlooking search warrants in search and seizure operations was halted.¹⁴⁰

Undoubtedly, Murphy's administrative technique was untidy, even sloppy. His office was open to almost everyone without appointments. He loved to court new acquaintances and renew old friendships. Wanting to be everywhere at once, he flitted about City Hall and all of Detroit. One critic observed that the Mayor frequently appeared at luncheons or dinners "shaking hands at every opportunity with the lowly and the mighty, expostulating at great length

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¹³⁸ Ibid., January 11, 1931, p. 1:1. Letter from Joseph R. Hayden to John A. Hackett, May 17, 1935, Hayden Papers.

¹³⁹ City of Detroit Journal of the Common Council, January 12, 1932, p. 8.

¹⁴⁰ Detroit Times, November 15, 1930.

on how he hopes to save the city."¹⁴¹ When problems arose he liked to appoint a committee to advise him. The Common Council lost patience with the appointment of such committees because, as a matter of courtesy, the council ultimately had to wade through the lengthy committee reports.¹⁴²

By temperament, Murphy needed to be the center of attention. One way of doing this was to arrive late for engagements. He confided to his friends that he didn't like being told what to do and showing up late was his way of letting people know it.¹⁴³ In his meanderings, Murphy was followed by a retinue of lackies and friends. While reportedly all other chief executives of Detroit had detailed only one police officer as a bodyguard, Murphy was surrounded by no less than four--two in uniform and two in plain clothes.¹⁴⁴ A questionable member of Murphy's evening entourage was Patsy O'Toole. Patsy lived on the fringes of the underworld and was renowned for his enthusiasm at the ball park. He seems to have served the function of a "court jester." His appearance was so constant that he became known as the "Night Mayor."¹⁴⁵

¹⁴¹Detroit Saturday Night, November 29, 1930.

¹⁴²Detroit Times, January 27, 1931.

¹⁴³Interview with Norman H. Hill, February 9, 1961.

¹⁴⁴Detroit Saturday Night, January 3, 1931.

¹⁴⁵Interview with Norman H. Hill, February 9, 1961.

The life of fantasy by night combined with righteous concern for social justice by day made the handsome mayor a charmer with the ladies. His radical politics were a little frightening to the fair sex, but for that very reason he was also more exciting company. He remained an eligible bachelor all his life and twitted the hearts of many romantically inclined young women, as well as their matchmaking mothers.¹⁴⁶ Growing fame turned many social heads his way-- and he was not unmindful of their interest. Always ready to join the glittering world of the rich, Murphy felt that membership in high society was as much a measure of success as the attainment of important public office.

After burning up the evening hours and flitting through the business day, the Mayor was left with only the early morning hours for hard work. It was from two to six A.M. that much of Murphy's basic study and decision making took place. Free from the interruption of the telephone and diverting visitors, the Mayor read reports prepared by advisers. After a few hours of sleep Murphy went to City Hall about ten or ten thirty A.M. This pace periodically laid Murphy low.¹⁴⁷ Only three weeks after taking office the Mayor announced that under doctor's orders he

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¹⁴⁶ Interviews with Josephine Goman, January 31, 1961; Irene Murphy, February 23, 1961.

¹⁴⁷ Interviews with Josephine Goman, January 31, 1961; Norman H. Hill, February 9, 1961.

The late of January of night continued with Christmas
 season for social parties by day and the afternoon for a
 dinner with the ladies. His radical politics were a little
 interesting to the late set, but for that reason he
 was also more exciting company. He remained in Illinois
 perhaps all his life and twice the name of Mary Thompson
 closely inclined young women, as well as their mothering
 mother. His growing fame turned many social heads his way
 and he was not unkindly of their interest. Always ready
 to join the glittering world of the rich, Murphy told that
 membership in high society was as much a means of success
 as the attainment of important public office.

After turning up the evening gown and sitting
 through the business day, the Mayor was left with only the
 early morning hours for hard work. It was from two to six
 A.M. that much of Murphy's week's study and decision making
 took place. From the intervention of the telephone
 and visiting visitors, the Mayor's week reports prepared
 by advisors. After a few hours of sleep Murphy went to
 City Hall about ten or ten thirty A.M. This past period
 really laid Murphy low. Only three weeks after taking
 office the Mayor announced that under doctor's orders he

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- 146 Interview with Josephine Gorman, January 31, 1931;
 Irene Murphy, February 23, 1931.
 147 Interview with Josephine Gorman, January 31, 1931;
 Norman H. Hall, February 8, 1931.

would be obliged to budget his time more carefully.

"I don't like to complain," he told the press, "but really I am working too hard."¹⁴⁸

Actually, Murphy did work hard. He brought to government a dedication and conviction which made itself felt in many small ways. When all his efforts are added up, they form a sum total of dignity and stature which transcends the facade of showmanship which often surrounded his administration. Expecting the best from all government employees, he demonstrated this by disapproving his sister-in-law's scheduled salary increase. She was a social worker for the city and had been recommended for the raise before Murphy took office. In disapproving the increase he said simply and honestly that a member of his family should be expected to do more for less money than other city employees.¹⁴⁹ Murphy also insisted on his administration practicing racial equality. When white unemployed workers requested that Negroes be released as garbage collectors to make room for whites, the Mayor reminded the petitioners that in good times it was only Negroes who would take the jobs. Moreover, the Negroes were promised security when they were hired; and therefore, Murphy

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¹⁴⁸The Detroit News, October 15, 1930, p. 1:1.

¹⁴⁹Interview with Irene Murphy, February 23, 1961.

would be obliged to submit the same to the
"I don't think it is a good idea, but I
really I am working too hard."
"Actually, I am working too hard."
Government is a very small body, and it is
not in very small ways. It is in very
up, they have a lot of things to do, and
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employees, he is working too hard, and he is
in-law, a working too hard, and he is
worker for the same of the same of the same
before him, and he is working too hard, and he is
he has a very small body, and he is working
should be expected to do some of the same of the same
city employees, and he is working too hard, and he is
this practice, and he is working too hard, and he is
workers, and he is working too hard, and he is
collectors, and he is working too hard, and he is
petroleum, and he is working too hard, and he is
would take the same of the same of the same
actually, and he is working too hard, and he is

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concluded, he would adhere to that promise and turn down the request of the whites.¹⁵⁰

A politician's foremost job is to get elected and remain in office. Murphy's first term ended in only a little over a year, since he was elected to finish the unexpired term of his recalled predecessor. In the fall of 1931 he successfully ran again for a full two-year term. His strategy was simply to work harder than his opponents. This meant having a good record to run on and a tireless campaign to advertise this record. Detroit had deliberately tried to take "politics out of politics" by making the mayoralty elections non-partisan. To the extent that this arrangement prevented party machines from organizing, the city was successful; consequently, each candidate was left to his own resources for soliciting support from various economic, ethnic, and social groups in the community.

Not having the bonds of party patronage to motivate support, Murphy solicited votes on the higher plane of personal allegiance to the candidate. He did this by making himself into an image of the public servant who is resolved to use the power of the government to help the people. While in concrete terms the "people" often were organizations

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¹⁵⁰ Interview with Norman H. Hill, February 9, 1961.

such as the A. F. of L., Detroit Teachers' Association, or the city employees, in 1931 the term "people" meant likewise the unemployed, the hungry and the cold. These were invariably also the minorities: Negroes, Irish, Germans, Jews, Poles, Italians, Hungarians, and others. If these disparate "peoples" could be united together, Murphy would be able to command a majority. Among these groups Murphy Volunteer Committees were formed.¹⁵¹

Money was not easy to come by in 1931 and, as much as possible, free services were solicited for the campaign. Handbills were sponsored by such diverse organizations and businesses as the Greek American Political Association, French Cleaners and Dyers, and People's Political & Industrial Association.¹⁵² A radio station volunteered time for a short political talk, and a newspaper publisher printed an advertisement on the gamble that he might be paid later.¹⁵³

Aware that constant exposure was necessary, the Mayor went through the political ritual of attending every

¹⁵¹Letter from Frank Murphy to Frank X. Martel, President of the Detroit Federation of Labor, November 11, 1931; Mayor's Office Records, 1931. Detroit Saturday Night, May 30, 1931.

¹⁵²Collection of printed handbills (1931 campaign folder); Frank Murphy Papers, Burton Historical Collection, Detroit Public Library.

¹⁵³Letters from Norman E. Hill to Radio Station WJBK, October 4, 1931, and to J. C. Talley, September 23, 1931, ibid.

meeting he could with an eye for as wide a range of coverage as possible. He welcomed the American Ornithologists' Union to Detroit and attended the dedication of the Charity Crucifixion Tower at Father Charles E. Coughlin's church.¹⁵⁴ Another time the Detroit branch of the National Singing Federation invited him to the Serbian Eastern Orthodox Church for a social hour, assuring him that he would thereby "cover" the Serbian vote.¹⁵⁵

Sometimes support came from unsuspected quarters. The head of Kresge stores in Detroit arranged for the Mayor to visit the Kresge company and be presented with a large cake, which in turn the Mayor would give to some charitable institution. In addition, the manager advised all his store keepers in Detroit to favor the present mayor. Since there were 550 Kresge stores in Detroit, the impact should have been sizable.¹⁵⁶

But while organization helped, it was Murphy's public appeals which won him the most votes. On the stump the Mayor was excellent. Most of his speeches were extemporaneous and unsophisticated. His reference to the present

¹⁵⁴Letter from assistant secretary to Mrs. Etta S. Wilson, September 15, 1931, ibid. Memo dated September 19, 1931, ibid.

¹⁵⁵Letter from V. M. Lugonja to Frank Murphy, October 23, 1931, ibid.

¹⁵⁶Letter from Lee A. Fordon to John T. Taylor, secretary to the Mayor, October 13, 1931, ibid.

"dew" which would be followed by the "sunshine" of tomorrow, earned him the appellation of the "dew and sunshine" mayor.¹⁵⁷

Critics accused him of appealing to all the fears and prejudices of the masses.¹⁵⁸ In part this was a legitimate criticism. But it was also true that most of what he said was justifiable. It did not take very much to arouse the people. Times were bad. The voters had had their hopes and beliefs in freedom, self-sufficiency, and opportunity shaken. Murphy's claims were in the context of a new economic order in which the government assured a minimum standard of living for all. He was a leader offering hope, and the crowds cheered.

The Mayor's campaign days were long. One typical day was divided among twenty-eight meetings. He was met everywhere with wild and frenzied applause. Men and women followed him into the street, climbed onto the automobile running boards and shouted, "Good luck, Frank."¹⁵⁹ The topics of his speeches varied--from city finances, to efficiency in the public works department, to civil rights. When his major opponent, Harold Enmons, tried to capitalize on his association with the Republican party, Murphy chided

¹⁵⁷ Detroit Saturday Night, December 28, 1930.

¹⁵⁸ Letter from Joseph R. Hayden to James R. Fugate, April 8, 1933, Hayden Papers.

¹⁵⁹ Detroit Times, October 6, 1931.

"how" would be followed by the "whether" of the
matter, earned him the appellation of the "how and whether"
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and practical use of his energies. In fact, there was a
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When his major opponent, Harold Brown, tried to capitalize
on his association with the Republican party, Murphy called

107 Detroit Saturday Night, December 22, 1933.
108 Letter from Joseph E. Brown to James E. Brown,
April 6, 1933, Boston papers.
109 Detroit Times, October 6, 1931.

him for violating the city charter and introducing party politics into a non-partisan election. Always Murphy returned, and each time with increasing fervor, to the woes of the suffering. "My people," he called them.¹⁶⁰ "How do you want it this winter?" he asked. "Do you want to turn your government over to those who have never raised their voices above a whisper in defense of the unfortunate, but whose only audible cry has been one of bitter criticism and vituperation . . . ." ¹⁶¹

The campaign was drawn out, involving both a primary and an election runoff between the top two contenders. Although Murphy received more than a majority of the votes cast in the primary, he did not let up his efforts.¹⁶² James Couzens aided the Murphy cause by publicly offering his good wishes to the candidate.¹⁶³ In a desperate move, Murphy's opponent raised the religious question. The Ku Klux Klan had been active in Michigan throughout the twenties and the Emmons' camp published a pamphlet reviving this latent bigotry.¹⁶⁴

In a last effort Murphy asked 1,500 volunteer workers to go out to the homes and solicit votes. In a

¹⁶⁰ The Detroit News, September 30, 1931, p. 27:1.

¹⁶¹ Ibid., October 20, 1931, p. 10:1.

¹⁶² Ibid., November 4, 1931, p. 20:1.

¹⁶³ Detroit Times, October 8, 1931.

¹⁶⁴ Ibid., October 27, 1931.

forceful speech he addressed them in the great tradition of Progressivism:

Before the war America was on the progressive road. Teddy Roosevelt and other great leaders were concerning themselves and the people with the problems of hours of labor, workmen's compensation and the other issues of that day.

Today we have social and economic problems far more devastating and perplexing. Today we have sufferings and want and distress more than ever before. And I want to ask you, where do you think the Teddy Roosevelts and Wilsons of the 1912 or 1914 era would be today?

Would they be among those who so snugly say that the way to prosperity is to cut wages? Would they be among those who oppose the redistribution of wealth and restoring purchasing power to the masses?

Would they sit in the councils of those who say that the poor are 'bums'--

There was no need for an answer to the rhetorical question, but from the audience came cries of "No! No! No!"¹⁶⁵

Harold Emmons' religious-hate campaign did not help him. Murphy won the election by a margin of nearly two to one. In the districts in which racial and ethnic minorities were predominant, Murphy obtained huge majorities. His prize was a Negro ward where he received 377 votes and Emmons only 5 votes. Furthermore, the conservative majority of the Common Council, which had criticized Murphy so strongly during his first term, was turned out. The voters unquestionably endorsed Murphy's plea for government responsibility in times of economic crisis.¹⁶⁶

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¹⁶⁵ Ibid., October 30, 1931.

¹⁶⁶ The Detroit News, November 4, 1931, p. 1:8. The New York Times, November 8, 1931, III, p. 5:8.

successful speech in the history of the nation

of Progressivism

Before the war America was on the verge of a great change. The people were tired of the old ways, tired of the corruption and the selfishness of the old leaders. They wanted a new kind of government, a government that would be for the people and not for the few. They wanted a government that would be honest and that would be fair. They wanted a government that would be strong and that would be brave. They wanted a government that would be the best of all possible governments. They wanted a government that would be the government of the future. They wanted a government that would be the government of the world.

There was no need for a new government to be created at this time.

but from the audience came cries of "No! No! No!"

"No! No! No!" cried the audience. "We want a new government."

They wanted a new government. They wanted a government that would be for the people and not for the few. They wanted a government that would be honest and that would be fair. They wanted a government that would be strong and that would be brave. They wanted a government that would be the best of all possible governments. They wanted a government that would be the government of the future. They wanted a government that would be the government of the world.

two to one. In the election of 1896, the people of the United States

minorities were protected by the constitution and the laws of the

land. His plan was to give the people a new kind of government.

votes and money. He wanted to give the people a new kind of government.

active majority of the people. He wanted to give the people a new kind of government.

Enough so that the people would be able to elect a new kind of government.

The voters had to be educated. They had to be taught to think for themselves.

ment responsibility in the hands of the people.

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The Boston Herald, Boston, Mass., Nov. 10, 1896.
New York Times, New York, Nov. 10, 1896.

Not content to stop with municipal prominence, Murphy strove to become a national figure. In the spring of 1931 he made a series of appearances outside Detroit. Speaking in Toledo, Ohio, he asked for immediate payment of the soldiers' bonus as an emergency anti-recession measure.¹⁶⁷ He also spoke in Cleveland and Cincinnati and made journeys to New York, Indiana, and Illinois to introduce himself as a forward-looking statesman.¹⁶⁸

In March he went to Washington to join in a public discussion with members of the insurgent bloc of the Senate and seventy others invited by Senator George W. Norris of Nebraska. Although the invitation to attend stated that the conference was not called to form a new party, Murphy volunteered that Norris was the "greatest man in the United States Senate" and that "if a third party were formed and nominated him for President, I'd be with him all the way."¹⁶⁹

In the summer of 1931 Murphy joined the People's Lobby, chaired by John Dewey, in urging President Hoover to call a special session of Congress to enact federal

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¹⁶⁷The Detroit News, January 30, 1931, p. 44:7.

¹⁶⁸Detroit Saturday Night, March 14, 1931.

¹⁶⁹Detroit Times, March 5, 1931.

aid for unemployment.¹⁷⁰ The following winter the Mayor returned to Washington to appear before Senator Robert LaFollette's Manufacturers' Committee to advocate federal relief aid for cities.¹⁷¹

Murphy's solo effort was his Mayor Conferences, conceived to publicize the need for federal assistance to the cities. In May 1932, he organized a meeting of Michigan mayors which in turn promptly called for a national conference of mayors to be held in June.¹⁷² In order to obtain maximum support Murphy invited mayors of all cities with over 100,000 population. He also called the conference to the attention of socially concerned individuals as Oswald Garrison Villard, John Dewey, and Norman Thomas. The response was impressive with Boston, Milwaukee, Cleveland, Minneapolis, and New Orleans among the cities represented.¹⁷³

In language typical for Murphy, and common for the times, the preamble of resolutions began:

The world and the nation are at war. The enemy is hunger. We have it on reliable authority that the extent of unemployment in the United States now equals that of all Europe combined--which means all the rest

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¹⁷⁰ The Detroit News, July 4, 1931, p. 14:6.

¹⁷¹ Ibid., January 7, 1932, p. 1:1.

¹⁷² Ibid., June 1, 1932, p. 1:8.

¹⁷³ Correspondence with the men involved, Mayor's Office Records, 1932.

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170 The Detroit News, July 4, 1931, p. 14:6.

171 Ibid., January 7, 1932, p. 1:1.

172 Ibid., June 1, 1932, p. 1:6.

173 Correspondence with the man involved, Mayor's
Office Records, 1932.

of the industrial world. This has precipitated an emergency unprecedented in modern times. Such a situation calls for the prompt vigorous and intelligent measures which war always makes imperative.¹⁷⁴

The mayors called for a \$5,000,000,000 prosperity loan to finance national projects. Made popular by William Randolph Hearst, the plan was to provide work for the jobless, redistribute the purchasing power, and thereby stimulate industry. The conference also asked Congress to amend the Reconstruction Finance Corporation Act enabling the corporation to refund municipal debts.¹⁷⁵ A committee of the conference, headed by Murphy, went to Washington to press on President Hoover the mayor's plans. The President told them he preferred to handle relief by letting the R. F. C. lend modest sums to the States.¹⁷⁶

The following February, as Detroit was defaulting on its debt payments, Murphy called for a national conference of mayors to convene at Washington. The previous resolutions were reapproved and presented to the Senate Committee on Banking and Currency. Also at this session, the Mayors Conference was established on a permanent basis

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¹⁷⁴ Copy of resolutions adopted by Mayor's Conference, June 1, 1932, ibid.

¹⁷⁵ Ibid. John Tebbel, The Life and Good Times of William Randolph Hearst (New York: E. P. Dutton & Company, 1952), p. 248.

¹⁷⁶ The New York Times, June 9, 1932, p. 3:5.

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174 Copy of resolutions adopted by Mayor's Conference,
June 1, 1933, *ibid.*

175 *ibid.* John F. Tamm, The Life and Good Times of
William Randolph Hearst (New York: H. P. Lippincott & Company,
1933), p. 328.

176 The New York Times, June 8, 1933, p. 31.

with Mayor Murphy elected president and James Curley of Boston as vice-president.¹⁷⁷

In 1932 Murphy plunged into the repeal issue. Although he was a total abstainer and a sincere believer in temperance for others, he strongly advocated repeal. He was pledged to vote for a wet plank at the Democratic National Convention, and in the fall campaign he continued to remind his audiences of its importance.¹⁷⁸ Murphy opposed prohibition because he was convinced it did more harm than good. Writing to a prohibitionist who criticized his support of a beer parade in Detroit, the Mayor said prohibition had struck a devastating blow to the "social order, good government, and standards of justice in large cities." He reminded his reader that he was writing from six years of experience on the bench and nearly two years more as mayor. Noting that, "we both want the same thing - good government and, as a consequence, a well-governed and happy people." he concluded, "there will have to be correction in the prohibition law if this is to be brought about."¹⁷⁹

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¹⁷⁷ Ibid., February 18, 1933, p. 2:6.

¹⁷⁸ Letter from Frank Murphy to M. V. MacKinnon, May 3, 1932; Mayor's Office Records, 1932. Daily Mining Journal, October 22, 1932, p. 1.

¹⁷⁹ Letter from Frank Murphy to O. C. Davis, June 17, 1932; Mayor's Office Records, 1932.

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177 Ibid., February 18, 1933, p. 3:6.
 178 Letter from Frank Murphy to M. V. MacKinnon, May 3, 1933; Mayor's Office Records, 1933. Daily Mining Journal, October 22, 1933, p. 1.
 179 Letter from Frank Murphy to O. C. Davis, June 17, 1933; Mayor's Office Records, 1933.

At the insurgents' meeting called by Senator Norris in March 1931, Murphy had sounded very much like a maverick Democrat. However, in June the Mayor went to visit Governor Franklin D. Roosevelt in Hyde Park. G. Hall Roosevelt, Franklin's brother-in-law, was an appointee of Murphy's in Detroit and had introduced the two politicians. For the benefit of their mutual ambitions the two men continued to keep in touch. In September 1931, Franklin Roosevelt's son, James, spoke at the Legion Convention in Detroit in place of his father.¹⁸⁰ Another Murphy visit with F.D.R. took place in January 1932.¹⁸¹ The Mayor was now actively working for the Governor's nomination, and in February, Hall Roosevelt assured Franklin that he would get a one hundred percent delegation from Detroit.¹⁸²

The Mayor was the most outstanding Democratic official in an intensely Republican State. However, this position did not make him a leader in the State Democratic party. The organization men on the State level, who had labored through lean years, resented the intrusion of Murphy, terming him a "fair weather Democrat." The Roosevelt camp did not at first realize Murphy's weak

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¹⁸⁰Letter from Frank Murphy to F.D.R., October 21, 1931; Mayor's Office Records, 1931

¹⁸¹The New York Times, January 3, 1932, p. 3:2.

¹⁸²Roosevelt, III, p. 259.

position. But when the State party convention almost refused to place Murphy among the accredited delegates, the Mayor's true strength became apparent. From then on the Roosevelt forces worked with older Democrats. If, as reported, the Mayor had vice-presidential aspirations, they necessarily were given up.¹⁸³

After more correctly assessing Murphy's strength, F.D.R. strategists invited him to serve on the committee of the National Progressive League, a non-partisan group organized to support Governor Roosevelt for President.¹⁸⁴ With one foot in and one foot out of the Democratic party, Murphy conducted a strong campaign for the New York governor. When industrialists threatened coercion to win employee votes for Hoover, the Mayor shrewdly organized a Non-coercion League in Detroit. Made up of clergymen and non-partisan leaders of the city, the League condemned the practice and reminded workers of their secret ballot rights.¹⁸⁵

As in his own campaign of a year earlier, the issues of want and unemployment were the overriding ones for Roosevelt. President Hoover was completely discredited. When he appeared in Detroit he was booed, some-

¹⁸³ Detroit Times, June 24, 1932.

¹⁸⁴ Ibid., September 23, 1932.

¹⁸⁵ Letter from Frank Murphy to Louis Howe, October 28, 1932; F.D.R.L., Democratic National Committee, Correspondence 1928-33, Michigan Before Election (Box 289).

position. But when the...
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thing that rarely has happened to any President in office, and the Secret Service feared for his life.¹⁸⁶ Murphy toured the state for both the national and state tickets. His traveling companion was the Democratic candidate for governor, William A. Constock. Both men spoke to crowds that never before had turned out to hear Democrats.¹⁸⁷ On election day Michigan followed the national trend by voting Democrats in power in both Washington and in the State capital, Lansing.

When F.D.R.'s victory was announced, Murphy wired the president-elect: "The beauty of a democracy is that when a great leader arrives the people recognize him as they recognize you. God grant you strength in the huge task ahead."¹⁸⁸ Governor Roosevelt's triumph became Frank Murphy's good fortune, for under Presidential favor he was successively appointed to several administrative posts. Frank Murphy had become a lieutenant for the New Deal.

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¹⁸⁶Barnard, p. 208.

¹⁸⁷Detroit Times, October 22, 1932.

¹⁸⁸Telegram from Frank Murphy to F.D.R., November 9, 1932; F.D.R.L., F.D.R. Private Correspondence, 1928-1932 (Box 124, Group 12--Murphy).

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and the Senator Service Center for his life. 126 Murphy
turned the state for both the national and state elections.
His traveling to office, when the Senator Service Center
Governor, William A. Thompson, left him alone to create
that never before had a state ever done.
On election day, Murphy followed the national theme, y
voting Democratic in power in both states, for and in the
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126 Standard, p. 203.
127 Detroit Times, October 23, 1937.
128 Telegram from Frank Murphy to F.B.I., November 6,
1932; F.B.I., F.B.I. Private Correspondence, 1932-1933
(Box 12, Gross 12-Murphy).

CHAPTER II

COLONIAL GOVERNOR FOR THE NEW DEAL

The game of guessing appointments began even before Roosevelt was inaugurated in March 1933. In early April, G. Hall Roosevelt wrote his brother-in-law: "Don't forget my friend Frank Murphy---he's valuable for you." Hall then went on to cite Murphy's qualifications: tremendous Catholic influence; forceful radio and public speaker; honest, obedient and energetic; and a trained executive. "Unfortunately," Hall added, "he can hardly abandon his present job without the prospect of real responsibility and has his heart set on the Philippines."¹

However, Homer Cummings had been promised the Governor-Generalship of the Philippines.² Therefore, for a few months Murphy's future with the new Administration remained unsettled, until fortune intervened. As Cummings was preparing to sail for the Philippines, F.D.R.'s appointee for Attorney General, Senator Thomas J. Walsh, died. The President then asked Homer Cummings to become

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¹Letter from G. Hall Roosevelt to F.D.R., April 7, 1933; F.D.R.L., P.P.F. 285.

²Raymond Moley, After Seven Years (New York: Harper Brothers, 1939), p. 124.

CONSTITUTIONAL GOVERNMENT FOR THE NEW WORLD

The game of American republicanism began over a century ago. It was inaugurated in 1776. In early April, G. Mail Roosevelt wrote his brother-in-law: "Don't forget my friend Frank Murphy--a valuable for you." Mail then went on to cite Murphy's qualifications: "transcendent Catholic influence; forceful talks and public speaker; honest, excellent and energetic; and a trained executive." "Unfortunately," Mail added, "he can hardly abandon his present job without the prospect of real responsibility and has his hands set on the Philippines."¹

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¹ Letter from G. Mail Roosevelt to F.D.R., April 7, 1898; F.D.R.L., P.P.V. 385.

² Raymond Moley, After Seven Years (New York: Harper Brothers, 1933), p. 124.

his Attorney General. Cummings accepted the new post, leaving the Governor-Generalship open for Murphy.³

From Roosevelt's point of view the Murphy appointment was a shrewd one. He was confident of the Mayor's ability. Further, he was anxious to bring into his administration an able politician from the normally Republican state of Michigan. He felt that Murphy's future assistance in bringing that state into the Democratic column would be invaluable. However, Americans who were associated with the Philippines were less sure of the President's choice. Former Governor-General W. Cameron Forbes wrote to F.D.R.: ". . . I don't see how a man who has never had any training in that very difficult job is going to manage to swing it. . . ." ⁴ The outstanding American scholar on the Philippines, Joseph R. Hayden, confided: ". . . it is an outrageous travesty upon every principle of good government and sound judgment that he should have been sent out there. However, there he is. . . ." ⁵ Washington officials connected with Philippine affairs were even more disturbed than Hayden. They felt that the only qualities Murphy had demonstrated were those which "will militate against making

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³ The New York Times, April 6, 1933, p. 1:2.

⁴ Letter from W. Cameron Forbes to F.D.R., April 10, 1933, F.D.R.L., O.F. 400.

⁵ Letter from Joseph R. Hayden to John A. Hackett, May 17, 1933, Hayden Papers.

his Attorney General. Congress has passed the act, leaving the Government-Government open for inquiry.³

From Roosevelt's point of view the Murphy affair meant was a mixed one. He was confident of the Murphy ability. Further, he was anxious to bring into his administration an able politician from the generally Republican State of Michigan. He felt that Murphy's former position in bringing that State into the Democratic column would be invaluable. However, Americans who were associated with the Philippines were less sure of the President's power. Former Governor-General W. Lawrence Forbes wrote to F.D.R.: "I don't see how a man who has never had any training in that very difficult job is going to manage to bring it." The outstanding American scholar on the Philippines, Joseph R. Hayden, commented: "It is an enormous treasury upon every principle of good government and sound judgment that he should have been sent there. However, there he is." Washington officials concerned with Philippine affairs were even more disturbed than Hayden. They felt that the only qualified Murphy had demonstrated were those which "will militate against making

³The New York Times, April 8, 1902, p. 12.

⁴Letter from W. Lawrence Forbes to F.D.R., April 10, 1902, F.D.R.L., 9.2, 400.

⁵Letter from Joseph R. Hayden to John A. Roosevelt, May 17, 1902, Hayden Papers.

[him] a good Governor-General."⁶ Their only hope was that the President would appoint a Vice-Governor who could make up for Murphy's deficiencies.⁷

In early May 1933, Murphy was sworn in as Governor-General of the Philippines. He had already attended a series of briefing conferences in Washington, and with two of his Detroit aides, Joseph E. Mills and Norman Hill, he set sail for the Philippine Islands.⁸ The post was perhaps the most glamorous one the Administration had to offer. The Governor-General lived in a handsome residence called the Malacañang palace and acted as chief executive for some 14,000,000 appreciative wards of the United States government. He was paid \$18,000 a year and received a generous expense allowance in addition. In 1933 one could live very comfortably on this salary. Moreover, the Governor-Generalship of the Philippines had traditionally been a stepping stone for American politicians and statesmen--among them William Howard Taft and Henry L. Stimson.

The Islands were won at the turn of the century as a prize of the Spanish-American war. However, much to the amazement of the Americans, the Filipinos were not able to distinguish between the motives of their new conquerors

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⁶Letter from James R. Fugate to Joseph R. Hayden, April 22, 1933, ibid.

⁷Letter from Duke [not identified] to Joseph R. Hayden, October 9, 1933, ibid.

⁸The New York Times, May 11, 1933, p. 5:6.

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⁶Letter from James A. Fugate to Joseph E. Murphy, April 22, 1898, *ibid.*

⁷Letter from [?] to Joseph E. Murphy, October 3, 1898, *ibid.*

⁸The New York Times, May 11, 1898, p. 5:6.

and their old. Instead, they fought their American liberators as valiantly as they had their Spanish rulers, though eventually they were forced to succumb. Much to the credit of the United States, upon the successful quelling of the rebellion, she spared no energy in reconstructing the Islands and in educating the Filipinos. In particular, the Americans made a supreme effort to train their wards in democratic government in anticipation of eventual independence.

At the time of Murphy's appointment, it appeared that a definite date for independence might be proclaimed. The Filipinos had had considerable experience in self-government, particularly since the Jones Law of 1916, and they were most anxious to free themselves from the United States. Moreover, the United States Congress was willing, even eager, to grant independence to the Islands in order to stop the importation of Filipino agricultural products which were competing with continental farmers. Accordingly, it passed the Hare-Hawes-Cutting independence bill, and when President Hoover vetoed it, Congress overrode his veto. When Murphy arrived in the Philippines in June 1933, the Philippine Legislature was about to meet and decide if it would accept the Hare-Hawes-Cutting act.

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colonial problems.⁹ He was in the peculiar position of being the Chief Executive of the dependent Philippine nation as well as the chief representative of the sovereign power, the United States. Normal difficulties were heightened by racial feeling between the dark Filipinos and the white Americans. Although the Philippine Islands had some sense of unity through the predominance of Malayan stock and the English language, this unity was upset by several factors. The nation was made up of several large islands and a great many small ones. The English language had been imposed by the Americans and had to compete with twelve other distinct tongues, including Spanish and Chinese. Moreover, while the great majority of Filipinos were Roman Catholics, there was also an indigenous Catholic sect which had declared its independence from Rome. A sizeable bloc of Moslem Moros in the south and another bloc of animists in the north, fragmented the Islands even further.

The United States had invested heavily in the Islands. However, this investment was principally in agriculture and was deliberately keyed towards providing raw material imports for the United States in exchange

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⁹For the following background material I have depended on Joseph Ralston Hayden, The Philippines, a Study in National Development (New York: The Macmillan Co., 1942), and Robert Aura Smith, Philippine Freedom, 1946-1958 (New York: Columbia University Press, 1958).

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for manufactured goods. The Philippines became relatively prosperous under this arrangement, but only because it had a guaranteed market for its staple agricultural items. Once independence was won and the United States raised tariff walls against the Islands, this assured market would be completely shut off and other markets would be difficult to find. As the average Filipino in 1933 had a very low standard of living, any anticipated drop in national income would surely bring great suffering.

Although the island nation had been conscientiously trained in democratic government, the period of tutelage was not long enough to create a mature and vibrant democratic state. Not only were there economic limitations, but education had yet to catch up with its needs. In the 1930's, only forty percent of the population was literate. Not all of the social classes were properly represented within the Insular government. Having become overwhelmingly concerned with the independence issue, Filipino politicians tended to forget domestic problems.

This unfortunate situation also discouraged the formation of a two party system. No Filipino could campaign successfully against independence even if he was sincerely against it. Consequently, domestic politics became largely a contest among individuals who vied for recognition as having done the most towards gaining Philippine self-rule. On this basis, by 1933 Manuel Quezon had maneuvered himself into the position of being the number one politician of

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the Filipinos. No other person could successfully challenge his leadership.

All of Murphy's predecessors had dealt with these problems, directly or indirectly, and with varying degrees of success. However, with independence clearly in the offing, the success or failure of the American trusteeship as a whole was now at stake. Previous administrations had laid the groundwork, but it was up to Franklin Roosevelt and Murphy to provide the wisdom to assure that the change from dependency to independence would take place smoothly. The temptation was to sever the bonds with the young nation as quickly and completely as possible. Congress and many American citizens would have thoughtlessly followed this course.

Murphy was aware that his knowledge of the Philippines was limited when Roosevelt appointed him to the Manila post. Consequently he spent his first months of duty on background study. His cautiousness made a good impression on the career personnel who carried over from previous administrations. He was a Governor who listened to what they had to say and studied the subjects himself before making decisions.¹⁰

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¹⁰ Letter from Reverend Frank Mosher, Episcopal Bishop of the Philippine Islands, to Joseph R. Hayden, November 4, 1933, Hayden Papers.

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¹⁰ Letter from Governor Frank Murphy, Manila, Philippines, to Joseph E. Murphy, New York, 1933, Murphy Papers.

It took some time for the details of the Governor-General's policy to be formed. Until they were firmly set he relied on his own experience in government, his basic convictions, and his intuition. His approach was the same as it had been as mayor of Detroit--to have a simple, economic, and honest administration.¹¹ This would remain his philosophy throughout all his administrative posts.

Murphy also knew that no government can be successful without winning the support of most of the groups within the area governed. As mayor, Murphy had succeeded in winning strong support, but he had also aroused strong criticism. In the Philippines he was careful not to unnecessarily antagonize any portion of the populace. He accomplished this by convincing everyone that the public welfare was his sole criterion of action.¹² Of course, it was easier for him to be successful in this endeavor when he did not have to face periodic elections.

Of considerable help in this regard was his good relationship with the press. He went out of his way to see that the newspapers understood what he was trying to do.¹³ In particular, he courted the newspaper reporters.

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¹¹ Manila Daily Bulletin, September 12, 1933, p. 6.

¹² Letter from Joseph R. Hayden to William H. Hobbs, January 29, 1935, Hayden Papers.

¹³ Letter from Joseph R. Hayden to Weldon Jones, July 21, 1936, ibid.

For their benefit he liberally gave out confidential information as background to announced policies. Usually the newsmen were faithful in their trust, but on those few occasions when a reporter did betray his confidence, the Governor-General discouraged him from doing it again by telling him something such as: "Perhaps, it was my fault for having revealed to you what you published yesterday. I don't blame you, I blame myself for being so indiscreet."¹⁴

In addition, the Chief Executive took care to see that political allies in Michigan and in the Roosevelt administration knew what he was doing. Norman Hill, Murphy's secretary, was constantly mailing clippings of the Governor-General's accomplishments to the States.¹⁵ Frank X. Martel, President of the Detroit Federation of Labor, and William Green, President of the American Federation of Labor, were recipients, as was the Bureau of Insular Affairs.¹⁶

As always, Murphy instinctively understood the feelings of the people he governed and knew how he must deal with them. He was one of the few Americans who could cross the racial barrier and say, "You Filipinos" in a public

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¹⁴Philippines Herald Mid-Week Magazine, February 6, 1935.

¹⁵Interview with J. Weldon Jones, April 12, 1961.

¹⁶Letters by Norman Hill to Frank X. Martel and William Green, November 10, 1933; Frank Murphy Papers, Michigan Historical Collections of the University of Michigan. Cited hereafter as Frank Murphy Papers, Ann Arbor.

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address and not antagonize his listeners. He did so by identifying with them. "You Filipinos," he said on one occasion, "are a lot like us Irishmen. You love a good fight."¹⁷ Socially he was completely at ease with the Philippine people, holding more parties of an informal nature, where Filipinos were made to feel at home, than any of his predecessors.¹⁸

He found the Philippine people to be proud and sensitive, not unlike himself.¹⁹ This trait could make for difficulties in dealing with them in an official capacity. Murphy, however, disarmed their sensitivity by approving of and supporting their national aspirations.²⁰ He tactfully handled the situation by using the technique of "government by indirection." Governors Davis and Stimson, his predecessors, had likewise employed this practice. It operated in this fashion: when the governor wanted a particular thing done, he made it a habit to call in a responsible Filipino leader and suggest that he assume the task. The Filipino did the work and got the credit.²¹

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¹⁷ Frederic B. Marquardt, Before Bataan and After: a Personalized History of our Philippine Experiment (New York: The Bobbs-Merrill Company, 1943), p. 169.

¹⁸ Manuel Luis Quezon, The Good Fight (New York: D. Appleton-Century Co., 1946), pp. 149-150.

¹⁹ Smith, p. 33.

²⁰ Interview with J. Weldon Jones, April 12, 1961.

²¹ Smith, p. 75.

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¹⁷ Frederick A. Harwood, *Estates of the Philippines and the United States* (New York: The Bobbs-Merrill Company, 1923), p. 103.

¹⁸ Samuel Katz Gorman, *The Good Right* (New York: U. Appleton-Century Co., 1925), pp. 127-128.

¹⁹ *Ibid.*, p. 23.

²⁰ Interview with J. Wilson Jones, April 12, 1961.

²¹ *Ibid.*, p. 75.

Murphy's Roman Catholic religion was of great help to him. Not only was he thereby superficially united to the vast majority of the Filipinos, but by conscientiously practicing the tenets of his faith he won the admiration of the Islanders. The Filipinos were a deeply religious people--a factor sometimes overlooked by Murphy's predecessors. Murphy, however, knew this and frequently brought his religious faith into his public addresses. A Protestant cleric described his reaction to one of Murphy's religiously oriented and vivid speeches: "Those of us who saw and heard him were carried away with his earnestness and with the feeling that this Roman Catholic has all the passion for the Christian religion that the most vociferous Evangelical Protestant could have."²² If Murphy had not truly held such a simple and ardent faith, he would not have been able to communicate it to the unsophisticated Filipinos. Having it was of immeasurable advantage in governing these devout people.

The Governor-General was fortunate in having able aides in Malacañang palace. He brought Norman Hill and Joseph E. Mills with him from Detroit, and the Bureau of Insular Affairs sent J. Weldon Jones to be the Insular Auditor. He was also capably assisted by American and Filipino officials who were in residence in Manila and

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²²Letter from Governor Frank Harrison to Joseph E. Hayden, November 4, 1933, Hayden Papers.

remained on when the new Governor-General arrived. However, Murphy's most important single adviser was his Vice-Governor, Joseph R. Hayden. A well-known scholar of the Philippines, Hayden had been chosen because he could provide the expert knowledge which Murphy lacked. This was the same person who had expressed initial outrage over Murphy's appointment. Murphy, of course, was unaware of Hayden's original feelings and had urged his appointment when the Bureau of Insular Affairs suggested it.²³

The normal duties of the Vice-Governor were limited to heading the Department of Public Instruction and acting as the Governor's alternate. However, under Murphy, Hayden was expected to "be cognizant of everything that is going on." The two men worked out a relationship of scholar and administrator which was ideal, and Hayden soon felt his doubts about coming to the Philippines as Murphy's aide were unjustified. In the process Hayden came to admire Murphy, completely reversing his earlier opinion of the Governor-General. In a letter describing why his opinion had changed, Hayden gave a penetrating analysis of Murphy's success as an administrator:

. . . I want to emphasize that just one thing has made possible this rapid action and justified my expectation of good results: the confidence of the G-G and his determination to do absolutely anything that he believes to be for the best

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²³Letter from Duke [unidentified] to Joseph R. Hayden, September 29, 1933, ibid.

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²³ Letter from Hayden (undated) to Joseph E. Hayden, September 22, 1932, *ibid.*

interests of this country, - and nothing but that. Frank Murphy has a devotion to his work that actually justifies the use of that much overworked word, passionate. Furthermore, government, not only government in the P.I., but government per se is his devouring interest in life. No political scientist ever thought more constantly upon this subject. . . . And while he may not be brilliant, he can see to the heart of a political or administrative problem as quickly as anyone I have ever known. . . . His mind is constructive and he is not satisfied with mere plans. He wants good plans, but he is not satisfied until he sees them being worked out.

One of the most interesting things about the Murphy regime, all things considered, is the universal agreement that there has never been an occupant of Malacañang who has more finely upheld the dignity of his position and of the United States in these Islands. This is appreciated by both Americans and Filipinos . . . .

From all of this (and I could write a great deal more of it) you must feel that I have "gone Murphy." I have! The time may come when the prediction that Frank made as a student [of becoming President] will be justified by the event. Should this happen the country will be in safe hands.²⁴

Thus Frank Murphy brought to the Governor-Generalship, not expert knowledge of the Philippines, but qualities equally as important--fundamental dedication to government, ambition to do a good job, and an intuitive understanding of the Filipinos as human beings. Having these gifts he was able to shift from being Mayor of Detroit to being governor of a foreign country with the

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²⁴Letter from Joseph R. Hayden to Jesse S. Reeves, February 9, 1934, ibid.

ease that a good athlete employs in changing from one sport to another.

After completing his several months of study on the Philippines, Murphy was ready to act. Exclusive of the independence problem per se there were two broad areas in which he decided he must move. First of all he had to stop the three year trend towards insolvency which was plaguing the Insular Government.²⁵ Secondly he needed to intensify the Philippine concern for human rights by raising the standard of living for the poor and by ensuring justice for all.

The depression did not affect the Philippines as severely as it did the United States. Nevertheless, it did reduce the income of the Islands, causing an Insular government deficit. The Governor-General was insistent on reversing this trend. He began by establishing a central budget control system. For the first time, monthly reports on the income and expenditures of the insular, provincial and municipal governments came regularly to the Chief Executive's desk. Telegrams to local governments

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²⁵Letter from Frank Murphy to F.D.R., November 28, 1934; Personnel File, Frank Murphy, Governor General Philippine Islands, Bureau of Insular Affairs, War Department, National Archives, Record Group 350, Washington, D.C. Cited hereafter as Personnel File, Frank Murphy, Bur. of Insular Affairs.

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ordering cuts in expenditures or a speed-up in tax collections often resulted from a study of these reports.²⁶ The financial-administrative control he established gave him more actual immediate control over the government of the Islands than any other Chief Executive had possessed.²⁷

To dramatize his concern for a balanced budget, Murphy ordered that, unlike past practice, he would not welcome the elaborate receptions accorded the Governor-General on inspection trips through the Islands. This order at the same time made clear his disapproval of the flattery and insincere adulation which accompanied the extravagant welcomes to the Governor-General. Murphy was very much a democrat and did not encourage inequality in any respect.²⁸

At Malacañang Murphy trimmed expenses in various ways. The Insular government owned several enterprises, and under Joseph Mills' careful management they were all turned into profit-making concerns. Previously some of them had had deficits.²⁹ The Governor-General also stopped the practice of double compensation whereby an official received full pay for each of several positions he held in

²⁶ Philippines Herald, November 25, 1933.

²⁷ Letter from Joseph R. Hayden to Herbert Lyons, January 16, 1934, Hayden Papers.

²⁸ Philippines Herald, January 22, 1934. Manila Daily Bulletin, January 22, 1934.

²⁹ The New York Times, May 9, 1934, p. 5:1.

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²⁷ Philippine Herald, January 22, 1934. Manila
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²⁸ The New York Times, May 9, 1934, p. 8:1.

the government.³⁰

It was the Philippine Legislature, however, that was the big spender. The Governor-General found that the way to handle the Legislators was to stick firmly by the budget and not succumb to the temptation of "trading" administration sponsored bills for traditional pork barrel legislation. This often meant administration measures were not passed, but Murphy was willing to pay that price.³¹ Maintaining the yearly budget also meant defying the Legislature through a liberal use of his veto power. In 1934 Murphy vetoed P4,000,000 in projects.³² Murphy conceded that some of the vetoed projects were worthy, as the Legislature's proposal to develop national parks. But in his veto message on this particular bill, as on other acts, he told the lawmakers that this expenditure was in "the class of luxuries beyond our means either for the moment or in the immediate future."³³

The Insular Auditor, J. Weldon Jones, planned Murphy's budget for him and suggested ways in which expenses could be cut. Although the Governor-General usually

³⁰The Manila Tribune, August 2, 1933, p. 1.

³¹The New York Times, December 23, 1933, IV, p. 8:5.

³²Ibid., December 9, 1934, p. 29:2.

³³Veto message of Governor-General Frank Murphy, December 1, 1934, on Senate Bill No. 4; Hayden Papers, Veto Messages of Frank Murphy (Box XIX).

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followed his auditor's suggestions, he did not always do so. Murphy seemed to know instinctively when he had to stop in order to forestall outright opposition to his economy moves. For example, Jones drew up a recommendation that employees of the government no longer be allowed to use government gasoline for their private use. At first Murphy went along with the proposal, but when it became evident that the vast majority of the employees would resent the removal of this time-honored privilege, the Governor quietly shelved the proposal.³⁴

Murphy's program of fiscal responsibility was very successful. While deficits in 1930, 1931, and 1932 totaled more than P20,000,000, by 1935 the trend had not only been stopped but was reversed with a surplus of P6,000,000.³⁵ With evident pride the Governor-General wrote Louis Howe of this accomplishment. Still smarting somewhat from criticism incurred when he was Mayor of Detroit, Murphy bemoaned the fact that similar efforts attempted in Detroit went unknown because fixed debt charges and relief measures more than used up any savings which resulted.³⁶

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³⁴ Interview with J. Weldon Jones, April 12, 1961.

³⁵ The New York Times, May 9, 1934, p. 5:1; August 4, 1935, IV, p. 7:8.

³⁶ Letter from Frank Murphy to Louis Howe, May 14, 1934, F.D.R.L., O.F. 400.

believed his assistant's suggestions, he did not always do so. Murphy seemed to know instinctively when he had to stop in order to forestall certain opposition to his economic moves. For example, Jones drew up a recommendation that that employees of the government be allowed to use Government gasoline for their private use. At that Murphy went along with the proposal, but when it became evident that the vast majority of the employees would resist the removal of this time-honored privilege, the Governor quietly shelved the proposal.³⁴

Murphy's program of fiscal responsibility was very successful. While deficits in 1930, 1931, and 1932 totaled more than \$10,000,000, by 1935 the trend had not only been stopped but was reversed with a surplus of \$3,000,000.³⁵ With evident pride the Governor-General wrote Louis Howe of this accomplishment. Still, serious resentment from criticism incurred when he was Mayor of Detroit, Murphy demanded the fact that similar efforts attempted in Detroit went unheeded because of debt charges and relief matters more than used by any savings which remained.³⁶

³⁴ Interview with J. Nelson Jones, April 12, 1931.

³⁵ The New York Times, May 9, 1934, p. 311; August 4, 1935, IV, p. 718.

³⁶ Letter from Frank Murphy to Louis Howe, May 14, 1934, F.B.I., 67-400.

Once his program of financial integrity was under-way Murphy turned to the task of ensuring the human rights--economic, social, and political--of the Filipino. The core of this new policy was a broad sociological study made by Major George C. Dunham, his medical adviser in Public Health, and Colonel Pauline Santos of the prison administration. On the basis of this study, recommendations were made in the areas of: (1) recreation, (2) crime and correction, (3) labor and industry, (4) child welfare, (5) general relief and family welfare, (6) health service, and (7) community organization. It was recognized that it would take years before some of the recommendations could be put into operation, but in the meantime they were to serve as a guide for what could be done in the immediate future.³⁷ Clearly, Murphy had in mind nothing less than bringing to the Philippines the concept of the welfare state. For the first time the Insular government assumed full responsibility for relief of distress due to any cause.³⁸

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³⁷The New York Times, December 3, 1933, IV, p. 8:1.

³⁸With the exception of one citation, the material for the next three pages was drawn from chapter XXVI, entitled "A Modern Health and Welfare Program," of Joseph R. Hayden's book, The Philippines, a Study in National Development. As Vice-Governor, Hayden was the person who directed Murphy's welfare program.

In the Islands the gap between the "haves" and "have nots" was much greater than in the United States of 1933. The Philippine peasant, or tao, had been abused for generations by caciques in the form of officials, landlords, or usurers. In many areas, age-old habits of living were untouched by any western concept of diet, health, or education. Furthermore, the Oriental attitude towards the suffering of others, or of oneself, often discouraged western welfare measures. But unless the circle of low standards of living and physical lassitude could be broken, there would be no chance for national development.

In the field of public health and welfare Murphy's predecessors had made great strides. However, Murphy gave this program a new impetus and extended it into new areas. Puericulture centers, consisting of a nurse and a local health officer acting as physician, had provided maternal and child care in the past. However, they had served only a fifth of the municipalities and failed to reach into the barrios, or rural districts. In 1934 the Legislature appropriated P170,000 to expand this program. Community health-social centers were also established. They were designed to deal with the family as a health-social unit. Trained social workers based at these centers sought to improve the underlying conditions which exposed the individual to disease.

Surveys conducted in connection with the formation of community health-social centers in Manila revealed that

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In the field of public health and welfare Murphy's predecessors had made great strides. However, Murphy gave this program a new impetus and extended it into new areas. Preventive centers, consisting of a nurse and a local health officer acting as physician, had provided maternal and child care in the past. However, they had served only a fifth of the municipalities and failed to reach into the barrios, or rural districts. In 1934 the Legislature appropriated \$150,000 to expand this program. Community health-social centers were also established. They were designed to deal with the family as a health-social unit. Trained social workers based at these centers sought to improve the underlying conditions which exposed the individual to disease.

Murphy continued in connection with the formation of community health-social centers in Manila revealed that

altering the city slum environment was essential. These slums had traditionally been breeding grounds for disease, crime, and sedition. The 1934 Legislature appropriated P250,000 to construct low-cost homes for the people of these areas.

Under Murphy's leadership, a department of labor was created, a workmen's compensation act was passed, and a maximum-hours law was adopted.³⁹ Unemployment was not as severe in the Islands as in the United States, but nevertheless the Governor appointed a citizens Unemployment Committee to look into the problem. The Committee, which was a copy of his Detroit Unemployment Committee, prepared a series of reports which spurred public interest in colonization. The Legislature responded by appropriating P1,000,000 to promote the settlement of unoccupied public lands on Mindanao. The Unemployment Committee also stimulated the Legislature to appropriate funds for temporary assistance to the unemployed.

The studies of the Unemployment Committee culminated in the establishment of a National Emergency Relief Board. Board was made up of both government officials and officers of private relief agencies. In 1934 the effectiveness of the Relief Board was severely tested. Between October 16th and December 4th, five unusually destructive typhoons and

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³⁹ The New York Times, August 4, 1935, IV, p. 7:8.

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³² The New York Times, August 4, 1935, IV, p. 718.

a flood ravaged the Islands. By coordinating all the relief activities, the distressed were quickly helped. Under orders from the Relief Board, fifteen rehabilitation units consisting of a doctor, three public health nurses and an agronomist were sent to the devastated areas. When the private agencies' funds were exhausted, the government accepted full responsibility by providing P1,000,000 more for the relief work.

Committees on Nutrition and Rural Development were appointed by the Governor-General to appraise the problem of providing an adequate diet. On their initiative, units were sent out, made up of a public health nurse and an agriculturalist, to show the people in the barrios how to raise and cook vegetables.

Other programs undertaken during Murphy's term included the expansion of hospital facilities and playgrounds and the adoption of an improved leprosy-control plan. Since only about forty percent of the people living in rural areas had access to toilets or latrines, a campaign was begun to build a latrine for each family. In three years, 557,609 latrines were installed.

During the years 1934 and 1935 the Legislature provided a total of P1,489,582 in special appropriations for Murphy's welfare program. The largest amount made available by special appropriation for similar services during any one year in the previous decade was P550,000 in 1928. In addition to the grant mentioned, P1,000,000 was

a flood swept the islands. By coordinating all the relief activities, the Government was greatly helped. Under orders from the Relief Board, fifteen relief stations were established in a short time, three public health nurses and an agricultural worker were sent to the devastated areas. The private agencies' funds were exhausted, the Government accepted full responsibility for providing \$1,000,000 for the relief work.

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During the years 1934 and 1935 the Legislature provided a total of \$1,400,000 in special appropriations for Murphy's welfare program. The largest amount made available by special appropriations for similar services during any one year in the previous decade was \$500,000 in 1928. In addition to the grant mentioned, \$1,000,000 was

for typhoon relief and another P1,000,000 was allocated for colonization. Both of these measures were continued by the Filipinos themselves after Murphy's return to the States.

But the assurance and extension of human rights required action on a broader front than the welfare program. The problem of educating the Filipinos was an ever-growing one. The Governor-General was shocked to find on his arrival in Manila that many schools could not reopen because of a shortage of funds. The solution appeared to be to effect a saving in the total Insular appropriations and then set it aside for school purposes. Murphy requested that this be done, but unfortunately the need was too great to be solved this simply. The Governor-General was only able to alleviate, not solve the problem.⁴⁰

One of the worst enemies of the tao was the usurer. Murphy once stated that more than eighty percent of the rice farmers, for example, were hopelessly in debt from birth to death.⁴¹ In an effort to ease this condition, he ordered the Philippine National Bank to reduce interest rates on all loans. He also urged the recently created anti-usury board to intensify its efforts. Likewise motivated was the installment-sales law which protected

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⁴⁰The Manila Tribune, July 25, 1933. Marquardt, p. 171.

⁴¹Smith, p. 65.

the buyer from further liability if the mortgaged article was seized by the seller upon failure to pay the installments.⁴²

To improve the quality of justice the Governor-General persuaded the Filipinos to adopt the indeterminate-sentence system he had advocated as a Recorder's Court Judge. He personally put into the bill a provision placing the administration in the hands of a board of experts composed of a sociologist, a psychiatrist, an educator or a clergyman, and a lay citizen. He further insisted on having a woman as a member of the board. However, the Filipinos were not convinced of the merits of the measure and repealed it after Murphy left the Islands.⁴³

Using his powers of appointment and dismissal, the Governor-General improved the quality of both judges and administrative officials. Moreover, he declared that dismissed officials were not immune from subsequent criminal prosecution.⁴⁴

As always, Murphy insisted on the maintenance of civil rights. When he discovered that "third degree" methods were being used and "special agents" were employed by one of the provincial governors, he directed that both

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⁴² Manila Daily Bulletin, January 31, 1934, p. 1.

⁴³ Ibid. Marquardt, p. 174.

⁴⁴ Manila Daily Bulletin, October 21, 1933 (reprint).

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practices stop.⁴⁵ A more difficult situation to solve was that of factional warfare between followers of Manuel Quezon and his opponents. Yet, the Governor-General managed to mollify the factions on one of his inspection trips to the southern provinces.⁴⁶

Murphy's opposition to the death penalty was revealed in his term as Chief Executive of the Philippines. While he was there he commuted every death sentence to life imprisonment. His efforts were not in vain, for Manuel Quezon continued this policy when he became Chief Executive of the Commonwealth of the Philippines.⁴⁷

Part of Murphy's human rights creed was to adhere strictly to the doctrine of the separation of church and state. This was not as easy to do in the Philippines as in the United States. Three hundred years of Spanish rule had placed the Catholic Church in a position of special privilege. In many instances the Church had served the Islands well, but in others not so well. One example of the latter was its ownership of large estates. Under Governor-General Taft the Insular government began a policy of purchasing these large estates, known as "friar lands," and breaking them up into small holdings for the

⁴⁵ Ibid., January 31, 1934, p. 1.

⁴⁶ The New York Times, March 12, 1934, p. 7:2.

⁴⁷ Marquardt, p. 178.

ERASABLE BOND

practical work. The first step is to make a list of the things you want to do. This list should be as specific as possible. For example, instead of saying "I want to be successful," say "I want to make \$100,000 a year." This will help you to focus your efforts and to measure your progress. Once you have your list, the next step is to set goals. Goals should be realistic and achievable. They should also be time-bound. For example, "I want to make \$100,000 a year by the end of the year." This will help you to stay motivated and to keep track of your progress. The third step is to create a plan. A plan is a roadmap that shows you how to achieve your goals. It should include the steps you need to take, the resources you need, and the timeline for each step. Once you have your plan, the next step is to execute it. This means taking action on each step of your plan. It is important to stay focused and to avoid distractions. Finally, the last step is to evaluate your progress. This means taking time to reflect on what you have accomplished and what you still need to do. This will help you to adjust your plan and to stay on track.

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former tenants. Murphy attempted to revive this program, but without too much success.⁴⁸

In other clashes with the Church Murphy urged the Legislature to enact a divorce law. In a strong message he declared that although divorce was repugnant to him on personal, ethical, and religious grounds, as it was to the majority of the Filipinos, it was unfair to the minority to deny them the conventional legal procedure of divorce.⁴⁹

But his sharpest brush with the Church resulted from his handling of a celebrated criminal case. Here his anti-clerical upbringing came strongly forward. A young woman of a prominent Catholic family was convicted of falsifying results in grading a bar examination. The case dragged through the higher courts for a number of years. Finally the Philippine Supreme Court upheld her conviction. Great pressure was put on Murphy to give the woman an executive pardon before she should begin serving her sentence. The priesthood in particular asked that she be pardoned on the grounds that she was a devout communicant. The Governor-General rejected this argument, pointing out that there was only one law for both the rich and the poor. Eventually the papal legate himself attempted to intercede. He indicated that unless clemency were exercised he would

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⁴⁸The Manila Tribune, August 8, 1935, p. 4.
Smith, p. 27.

⁴⁹Smith, pp. 25-26.

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Finally the Philippine Supreme Court upheld her conviction.

Great pressure was put on Murphy to give the woman an

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pardoned on the grounds that she was a devoted communist.

The Governor-General rejected this argument, pointing out

that there was only one law for both the rich and the poor.

Eventually the paper itself attempted to intercede.

He indicated that unless circumstances were reversed he would

48 The Manila Tribune, August 8, 1933, p. 4.

Smith, p. 37.

49 Smith, pp. 37-38.

"reluctantly" be obliged to consider Murphy as less than a faithful son of the Church. The Governor replied: "And I am reluctantly obliged to remind you that I am in these islands as the representative of the President of the United States and not of the Holy See." The young woman went to prison. After serving nine months of her term the Governor-General then made his act of mercy and pardoned her.⁵⁰

One especially difficult problem was that of absorbing an alien group, the Moros, into Filipino society without destroying their individual rights. The Moros were Mohammedans who lived primarily in the Sulu Archipelago and on the island of Mindanao. Numbering 877,000 in 1939, they possessed a highly developed civilization which was very different from that of the Christianized Filipinos. Spain had at best only nominally conquered the Moros, and consequently the task of formulating a successful Moro policy was left to United States and Filipino leaders. The early American plan was one of extermination, like the early anti-Indian strategy adopted in the United States. Eventually, however, the official policy became one of preparing the non-Christians for equal citizenship in a democratic Filipino state.⁵¹

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⁵⁰ Ibid., p. 26.

⁵¹ Hayden, pp. 12-13. George A. Malcolm, *The Commonwealth of the Philippines* (New York: D. Appleton-Century Co., 1936), p. 44.

In the twenties, friction developed between Americans and Filipinos over the handling of the Moro problem. Most Americans felt the Filipinos underestimated the political significance of the cultural gap. At the same time the Filipinos resented American claims that the Philippine people were incapable of governing the non-Christians. The Bacon Bill of 1926 exacerbated this resentment. It proposed to separate Sulu and Mindanao from the rest of the Philippines and permanently retain these islands under American sovereignty. The bill only pressured the Filipinos into a rushed attempt to assimilate the Moros. But, from the American point of view, the attempt was not well handled, due to the fact that the Filipino leaders filled supervisory positions over the Moros with incompetent political followers.⁵²

Vice-Governor Hayden was deeply concerned about the Moro situation. In an eighteen month period beginning in 1932 and ending in 1934, between seventy and eighty Moros and twenty-seven constabulary soldiers were killed in guerrilla-warfare clashes. Since the Moslems believed in the righteousness of a Holy War, they did not hesitate to kill in order to defend their culture. In addition, their cattle stealing had almost wiped out the animal on the island of Jolo. In the face of this

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⁵²Hayden, p. 13.

In the twenties, the first development between
Americans and Filipinos over the question of the
provision. That Americans felt the Filipinos were
the political significance of the situation. At the
same time the Filipinos wanted American aid that
Philippine people were incapable of providing the
Christian. The Jones Bill of 1903 embodied this
movement. It proposed to separate civil and political
from the rest of the Philippines and permanently
these islands under American sovereignty. The bill
presented the Filipinos with a limited attempt to
since the Nation. But, from the American point of view,
the attempt was not well received. In 1903 that
the Filipinos had been a long time in the
the Nation with incongruous political interests.

With Governor Hiram Bland, the American
the home situation. In 1903, the American
and in 1903 and again in 1904, the American
eighty seven and twenty seven congresses. The
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not hesitate to kill in order to achieve their
In addition, their entire society was almost
the animal on the island of Iloilo. In the time of 1903

violence, Hayden was clearly on the side of the Americans as to how the Insular government should treat the problem.⁵³

Even before Murphy had left the United States for the Philippines, Hayden had pressed the Moro situation on him.⁵⁴ Consequently, when Hayden arrived at Malacañang a few months later, the Governor-General made the Vice-Governor his principle adviser on the problem. Hayden evolved a plan which hinged on the reappointment of James R. Fugate as Governor of Sulu Province. Fugate had been very successful in the past, but had been dismissed by Murphy's predecessor in response to Filipino pressure.⁵⁵ The Governor-General diplomatically persuaded the responsible Filipino official, the Secretary of the Interior, to approve Hayden's proposal. As a result, the new Moro policy was publicly announced as a joint effort of the Filipino Secretary of Interior and the American Governor-General. Filipino support was won for a constructive Moro program of assimilation.⁵⁶

Governor Murphy paid a personal visit to the Sulu

⁵³ Letter from Joseph R. Hayden to Harry J. Hayden, October 30, 1934, Hayden Papers.

⁵⁴ Letter from Joseph R. Hayden to James R. Fugate, May 12, 1933, ibid.

⁵⁵ Letter from Everett D. Hester, American Trade Commissioner, to Joseph R. Hayden, July 1, 1933, ibid.

⁵⁶ Letter from Joseph R. Hayden to Jesse S. Reeves, February 9, 1934, ibid.

Archipelago in March 1934 and inaugurated the "New Deal" for the Moros. James R. Fugate was installed as Governor and various other Filipino officials were replaced.⁵⁷ In his February declaration of the new policy, Murphy had said he was in hearty accord with the traditional Philippine view that the Moros should eventually become willing and patriotic members of the Philippine nation. This statement was designed to alleviate possible Filipino fears that the United States might still have hopes of separating Sulu and Mindanao from the rest of the Philippines. The Governor-General went on to say that the foundation of the new policy was the maintenance of respect for law and order and the unquestioned recognition of the Insular government by the Moros. To achieve this end the constabulary was to be strengthened.⁵⁸

Murphy asserted, however, that a definite policy of attraction must supplement firmness. This could only be done by respecting the special culture and religion of the Moros and by promoting their social, political and economic progress.⁵⁹ In the past funds had not been provided for public services in Sulu province because of its lack of political importance. To correct this

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⁵⁷ The New York Times, February 22, 1934, p. 13:2.
Manila Daily Bulletin, March 5, 1934, p. 1.

⁵⁸ The Manila Tribune, February 22, 1934, p. 6.

⁵⁹ Ibid.

Archbishop of York and transferred the seat
for the House. James E. Taylor was installed as Bishop
and various other religious officials were replaced.⁵⁷ In
his February declaration of the new policy, Murphy had
said he was in hearty accord with the traditional policy
of the House that the House should occasionally become willing
and patriotic members of the religious nation. This
statement was regarded as a slight against religious
freedom that the House itself might have been of
assistance. This was followed by the text of the policy
given. The Governor-General was to be the one to
formulation of the new policy was the maintenance of respect
for law and order and the encouragement of religious
freedom by the House. The religious text and the
conclusionary was to be as follows:⁵⁸

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⁵⁷ The New York Times, February 22, 1954, p. 13-14.
Kansas Daily Bulletin, March 6, 1954, p. 1.

⁵⁸ The Kansas Tribune, February 22, 1954, p. 6.

⁵⁹ Ibid.

situation the Governor-General promised more funds for schools, roads, and other services.⁶⁰ By the end of 1935 traveling clinics brought health and social workers into homes which had previously been too far away from urban centers to receive them.⁶¹

The Governor-General also declared that Moros would be used as officials in their own communities whenever possible. With their appointment, however, would also come centralized control in the hands of the Governor, James Fugate. Previously, provincial heads of Insular services were responsible almost entirely to their respective bureaus in the central government at Manila. This had made for inefficient and weak government.⁶²

Six months after Fugate was appointed, a noticeable improvement had come about. No armed conflicts between the Constabulary and the Moro bands had taken place and cattle stealing had practically stopped. It was an uncertain calm, at best, but it was still an important accomplishment.⁶³

⁶⁰ The New York Times, October 29, 1933, IV, p. 8:6.

⁶¹ Hayden, p. 657.

⁶² The Manila Tribune, February 22, 1934, p. 6.

⁶³ Letter from Joseph R. Hayden to Marry J. Hayden, October 30, 1934, Hayden Papers.

RECEIVED
JAN 10 1941
U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.

TO : DIRECTOR, FBI
FROM : SAC, NEW YORK
SUBJECT: [Illegible]
[Illegible text follows, appearing to be a memorandum or report with several paragraphs of text.]

Very truly yours,
[Illegible Signature]
Special Agent in Charge

All of Murphy's actions as Governor-General were directed in one way or another towards establishing a stable, democratic, and independent Philippines. But inevitably he had also to deal directly with the problem of how and when independence would be established. The Hare-Hawes-Cutting independence bill, due for consideration by the Filipinos in the summer of 1933, provided for a ten-year transition period during which the Philippines would adjust as a Commonwealth to the responsibilities of full nationhood. Murphy's task was to make the Commonwealth stage a meaningful transition period without either alienating sensitive Filipinos or abdicating American trusteeship responsibilities.

In facing this task the Governor-General enunciated and carried out a colonial philosophy which successfully met both requirements. Such a philosophy had always been more or less a part of the so-called American "experiment" in the Philippines. But it is one thing to believe in the principle of trusteeship, and it is something else again to wisely expound and act on it while the trusteeship program was being redefined in preparation for the precise moment of independence.

The first principle of Murphy's colonial philosophy was an unquestioning belief in the wisdom of

All of Murphy's actions as Governor-General were directed in one way or another towards establishing a stable, democratic, and law-abiding Philippines. It is inevitable that he had also to deal with the question of how and when independence would be achieved. The First Hoover-Curtis independence bill, and the subsequent action of the Philippine Commission in the summer of 1933, provided for a ten-year transitional period during which the Philippines would adjust as a commonwealth to the responsibilities of self government. Murphy's task was to make the commonwealth stage a successful transition period without effecting essential executive Philippine or modifying American

transitional responsibilities.

In facing this task the Governor-General encountered and carried out a colossal philosophy which automatically had both responsibilities. Such a philosophy had always been more or less a part of the so-called American "experiment" in the Philippines. But it is one thing to believe in the principle of trusteeship, and it is something else again to wisely execute and act on it while the trustee-ship program was being worked in preparation for the gradual advent of independence.

The basic principle of Murphy's colonial policy

Murphy was an unquestioning belief in the wisdom of

Philippine independence. Part of Murphy's talent lay in his ability to communicate his convictions, and in this instance the Filipinos were wholly persuaded of his sincerity. Indeed, a Filipino reporter wrote that Murphy's greatest accomplishment was his ". . . relentless, silent war against American imperialism in this country."⁶⁴ The Governor-General himself put the cause of Philippine independence in the realm of highest idealism. He told his Filipino listeners: "There is something new, something different being attempted in the Philippines. . . . You see, we have attempted something here that will benefit not only the Philippines, not only America, but all mankind. . . ."⁶⁵

The second principle of the Governor's colonial philosophy was his conviction that America must maintain its influence during the Commonwealth transition period. He felt an abdication of responsibility would be morally wrong, for it might allow the Filipinos to flounder. Any floundering at this point would damage United States power and influence in the world. As the Governor-General observed: "In this unprecedented venture in democratic rule, the prestige of American statesmanship is involved."⁶⁶

⁶⁴ Philippines Herald, February 6, 1935.

⁶⁵ The Manila Tribune, May 13, 1936.

⁶⁶ Letter from Frank Murphy to Joseph R. Hayden, March 16, 1936, Hayden Papers.

Philippine independence. Part of Murphy's talent lay in his ability to communicate his convictions, and in this instance the Filipinos were truly grateful of his wisdom. Indeed, a Filipino reporter wrote that Murphy's greatest accomplishment was his "... persistence, which was against enormous opposition in that country."⁸⁴ The Governor-General himself put the case of Philippine independence in the realm of highest ideals. He told his Filipino listeners: "There is something new, something different being attempted in the Philippines. . . . Yes, we have attempted something here that will benefit not only the Philippines, not only America, but all mankind."⁸⁵

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⁸⁴ Philippine Herald, February 6, 1935.
⁸⁵ The Manila Tribune, May 12, 1935.
⁸⁶ Letter from Frank Murphy to Joseph R. Hayden, March 18, 1935, Hayden Papers.

Under these circumstances Murphy envisioned that the American government should quietly advise, encourage, and if necessary, reprimand:

It should be our policy to avoid annoying and harrassing intermeddling. As a matter of justice and good faith, we should give full recognition to the rights of the Philippine people and the dignity of their official representatives. By sturdy friendship and by tactful, wise and sympathetic administration, free from bias or intolerance, we should endeavor to make effective and successful the intention of Congress to give to the Philippine people, in the way of preparation for complete independence, as large a measure of autonomy as circumstances justify and permit. It should be done, however, with an intelligent conception of American interests and in a manner that will adequately safeguard them. (Underlining mine)⁶⁷

The Hare-Hawes-Cutting act specified that the Philippines must accept the conditions of the act in order to win independence. Since the terms were far from ideal, as far as the Filipinos were concerned, the bill created a Philippine political controversy. Murphy carefully avoided choosing sides, only urging the Filipinos to decide quickly on acceptance or rejection.⁶⁸

The Filipinos objected in particular to the onerous economic provisions of the Hare act which provided for a rapid extension of tariffs to exclude the Philippines from the American market. However, Sergio Osmeña, who had lobbied for independence in Washington, defended the bill

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⁶⁷Letter from Frank Murphy to Joseph R. Hayden, December 5, 1935, ibid.

⁶⁸The New York Times, July 17, 1933, p. 11:5.

Under these circumstances Murphy concluded that the
 American Government should publicly advise, encourage, and
 if necessary, reprimand.

It should be our policy to avoid anything and
 everything that might be interpreted as a matter of justice
 and good faith, we should give full recognition
 to the rights of the Philippine people and the
 dignity of their official representative. By
 means of friendship and by reason, we will give
 public satisfaction, we will give us
 satisfaction, we should endeavor to make effective
 and successful the interests of Congress to give
 to the Philippine people, in the way of order
 after for complete independence, as large a
 measure of autonomy as circumstances justify
 and permit. It should be done, however, with
 an intelligent recognition of American interests
 and in a manner that will adequately satisfy
 them. (Emphasis added)

The House-Keene-Carter act specified that the
 Philippines must accept the conditions of the act in order
 to win independence. Since the terms were far from ideal,
 as far as the Philippines were concerned, the bill created
 a Philippine political emergency. Murphy overtly
 avoided choosing sides, only urging the Philippines to decide
 quickly on acceptance or rejection.

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 rapid extension of tariffs to include the Philippine form
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⁸¹ Letter from Frank Murphy to Joseph E. Murphy,
 December 8, 1933, *ibid.*
⁸² The New York Times, July 17, 1933, p. 11:3.

as the best one possible. His rival, Manuel Quezon, opposed the act. Quezon's followers supported him and in the summer of 1933 the Philippine Legislature rejected the independence act.

Quezon thereupon went to Washington and returned with a new bill, the Tydings-McDuffie Act. This bill was exactly like the Hare act except for minor concessions on military bases and an accompanying promise from President Roosevelt to reconsider the economic provisions at a later date.⁶⁹ It had been impressed on Quezon in Washington that the economic provisions of the Hare bill were the best possible under the circumstances.⁷⁰ Murphy tried to assuage Philippine concern over the economic clauses in the independence bills. He reminded the legislators of the severity of the American depression and he told them that if economic factors had entered and ". . . played a part in the framing and adoption of the final act of liberation, this and the preparatory work that precedes it have been fundamentally conditioned and . . . inspired by the political idealism and altruism of the American people."⁷¹

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⁶⁹ Ibid., March 3, 1934, p. 2:6.

⁷⁰ Draft of letter by Secretary of War Dern for President Roosevelt's signature to Senator Manuel Quezon, January 30, 1934; F.D.R.L., O.F. 400.

⁷¹ Copy of text of Murphy's address to the Philippine Legislature, April 30, 1934, F.D.R.L., O.F. 400.

Quezon's support guaranteed Philippine approval, and on May 1, 1934, the Philipping Legislature accepted the Tydings act. Murphy continued his neutrality by refusing an invitation to preside at the constitutional convention. While some Filipinos took this as an affront, more thoughtful Philippine citizens appreciated his wisdom. The Manila Daily Bulletin commented: "Murphy's conduct is a symbol of the fact that the administration wants the constitution to be a truly great Philippine and Filipino achievement, and does not wish to bring pressure to bear at any point."⁷²

Although he did not attend the constitutional convention, Murphy's influence was evident in the constitution. Basically, the constitution followed the United States model, but with Murphy's endorsement, the Filipinos experimented with a unicameral legislature. The Governor-General assured the Philippine leaders that the President of the United States would not disapprove of their document because of this feature. Furthermore, he indicated that if the unicameral feature were to effect a genuine economy in government, it would be a real contribution to good government.⁷³ However, a few years later the Filipinos amended their constitution and reverted to the

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⁷²Smith, p. 80.

⁷³The New York Times, December 2, 1934, IV, p. 8:2.

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⁷² Bulletin, p. 60.

⁷³ The New York Times, December 2, 1934, IV, p. 3:2.

traditional two house system.

The Philippine constitution also differed from the United States constitution in specifically including economic security as part of its "general welfare" clause. Using Murphy's favorite phrase of "social justice," Article II section 5 of the Philippine constitution states: "the promotion of social justice to insure the well being and economic security of all the people should be the concern of the State." Undoubtedly the development of the welfare state in contemporary world-wide political thought had a great deal to do with this provision, but Murphy's personal concern for social justice, combined with the success of his welfare program, was the major influence on the Filipinos.⁷⁴

The Governor-General can similarly be credited with influencing the Filipinos to provide for women's suffrage in their constitution. Murphy had created something of a stir by advocating women's suffrage in his first message to the Legislature in 1933. To please the new Governor-General the legislators grudgingly passed a bill that session giving their women the vote.⁷⁵ However, women's suffrage violated Philippine tradition and was not popular with any group in the Islands except the women.

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⁷⁴Smith, pp. 86-88. Hayden, p. 44.

⁷⁵The New York Times, June 24, 1935, p. 5:4.

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The Philippine constitution also differed from the

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⁷⁴ Smith, op. cit. pp. 55-56. Hayden, p. 44.

⁷⁵ The New York Times, June 24, 1935, p. 3:4.

Consequently, the delegates to the constitutional convention discouraged permanent women's suffrage by inserting the provision that 300,000 women had to affirmatively vote for women's suffrage in a plebiscite. Apathy, coupled with pressure from political circles and from the Roman Catholic Church, almost fulfilled the delegates' hopes.⁷⁶ However, Manuel Quezon, reversing his earlier stand, decided his friend Frank Murphy had been right and urged the women to vote "yes" in the plebiscite. They did so and became the first women in the Orient to win equal suffrage.⁷⁷

With the constitution written and 1946 set as the date of independence, the rivalry among Philippine leaders ceased. The two most important opponents, Quezon and Osmeña, decided that the difficulties of establishing a secure commonwealth necessitated a coalition government and they formed one party with Quezon as the presidential candidate and Osmeña as the vice-presidential candidate for the new Commonwealth offices. Murphy viewed their agreement as the expression of national sentiment. Therefore, he broke with his tradition of neutrality in domestic politics and publicly endorsed the united front, despite

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⁷⁶ Ibid., May 13, 1935, p. 10:1.

⁷⁷ Marquardt, p. 177.

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⁷⁶ Ibid., May 12, 1892, p. 10:1.

⁷⁷ Harpman, p. 177.

the misgivings he held about the dangers of a one-party system.⁷⁸

The difficulties facing the future commonwealth were dramatized shortly before the May 1935 plebiscite on the Commonwealth Constitution was held. On the nights of May 2nd and 3rd a dissident political group, called Sakdalistas, staged an uprising. Leading armed mobs, the Sakdalistas attempted to capture the municipal buildings of fourteen towns which lay in an arc around Manila. The constabulary headquarters was surprised by the suddenness and extent of the uprising. Murphy was in the United States on a mission and Acting-Governor Hayden, the Secretary of the Interior, and other Cabinet members were away on inspection trips. Even the Chief of the Constabulary had departed that very evening on an inter-island steamer which could not be reached by wireless. Further, communication between Manila and most of the territory in revolt was broken when telegraph and telephone wires were cut.⁷⁹

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⁷⁸The Manila Tribune, February 22, 1935, p. 4.
Letter from Frank Murphy to Joseph R. Hayden, March 16, 1936, Hayden Papers.

⁷⁹For the discussion on the Sakdal uprising I have depended on Chapter XV, entitled "The Unrepresented Minority," of Joseph R. Hayden's book, The Philippines, a Study in National Development. Vice Governor Hayden was Acting-Governor during the uprising.

In only three of the fourteen towns did the Sakdalistas succeed in seizing the presidencias. And, in these instances, the constabulary forces retook the buildings within a few hours. However, fifty-nine Sakdalistas were killed and thirty-six were wounded in the encounters. The constabulary casualties were four killed and eleven wounded. But the end of fighting did not answer the question of why this political group had felt it necessary to attempt such a futile and desperate measure.

The coalition between the two major political figures on the eve of the Commonwealth had removed almost all organized political opposition. As a result, the Filipino politicians did not really have to compete for votes, and they tended to forget the needs of the inarticulate minority which suffered from various forms of oppression. Usually the individual in this minority was a tao who had never been able to get out from under the hand of the usurer or landlord. Caciquism, which made this system possible, was tolerated by the Spanish and had not yet been eliminated during the nearly forty years of American rule. Therefore the tao came to look on immediate independence from the United States as the way to free himself of all oppression. In his mind, Quezon, Osmeña, and other Filipino leaders were puppets of the United States who wished to perpetuate American control in the guise of a Commonwealth in order to enrich themselves at the hands of the poor. The specific purpose of the revolt was to prevent

In any case of the future, the
 administration should be advised in advance of any
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 The conflict between the two major political groups
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the plebiscite on the Tydings independence bill.

Besides holding a careful investigation to verify his own suspicions, there was not much the Governor-General could do, that he had not already done, to alleviate the underlying conditions which had created the Sakdal revolt. His whole human-rights program had been directed towards helping the tao become a full-fledged citizen. As a sympathetic gesture he did pardon seventy-four of the eighty-seven Sakdal revolters convicted by the courts. Murphy declared that they were "misguided followers" of agitators.⁸⁰

The Sakdal uprising inevitably raised doubts in the minds of many Americans as to the success of the Philippine independence experiment. But there was now no turning back. As Vice-Governor Hayden had observed earlier: ". . . it may as well be recognized and accepted that in establishing the Commonwealth, America has decided that the Filipino and not American ideas and ideals shall rule in this country without let or hindrance from us."⁸¹ Under the circumstances the only thing the United States representatives could do was to finish the job in the Philippines with the same vigor and imagination that they had used when they began the task in 1900. This Murphy proceeded to do.

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⁸⁰ The New York Times, August 18, 1935, p. 6:4.

⁸¹ Letter from Joseph R. Hayden to Jesse S. Reeves, June 14, 1934, Hayden Papers.

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⁸⁰ The New York Times, August 18, 1934, p. 414.

⁸¹ Letter from Joseph E. Bryan to James E. Reeves, June 14, 1934, Bryan Papers.

After the Sakdal uprising, Philippine discontent became centered around two old revolutionary heroes, General Emilio Aguinaldo, the President of the first Philippine Republic, and Bishop Gergerio Aglipay, head of the Independent Church of the Philippines and former Chaplain General of the insurrection army. General Aguinaldo was the more important of the two. The former President probably had never ceased to regard himself as the natural choice of the people for the first position in the Republic of the future. In establishing the date of independence as 1946, the Tydings Act placed the presidency of the second Republic beyond the probable life of the General who was sixty-six in 1935.⁸²

Quezon and Osmeña had already announced their Nacionalista coalition ticket as candidates for President and Vice-President of the new Commonwealth. Aguinaldo and Aglipay now also entered the campaign, both as presidential candidates for the September 1935 election. The electorate was so divided that Aguinaldo and Aglipay could not compete

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⁸²For the discussion of the presidential election and its aftermath leading up to the Commonwealth inauguration, I depended largely on chapter XVII, entitled "The First Presidential Election," of Joseph R. Hayden's book, The Philippines, a Study in National Development. Where I have drawn on other material, I have cited accordingly.

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against each other. In reality, therefore, they presented a united front against the Nacionalista party. The platform of the revolutionary heroes was similar to that of the Sakdal movement. They accused Quezon and Osmeña of betraying the cause of independence and demanded a shortening of the transition Commonwealth period by three or five years. They also charged that the two Nacionalista leaders had exploited the common people for their own personal gain.

The campaign veterans had no political experience, and no impartial observer expected them to win. Their effort was an amateurish attempt to provide an alternative to the coalition of Quezon and Osmeña. It was an expression of the discontent that the leaders in power had not alleviated. For the political scientist their awkward effort pointed out the unhealthy political climate surrounding a colonial nation. For years the Filipinos had been obsessed with the one issue of independence from the United States. Consequently there were no other real issues on which men could divide and around which parties could form. The climax to this development occurred in the Quezon-Osmeña coalition. On the surface it would appear that with the independence issue settled, normal party development would take place. However, in reality, once having been granted independence a colony cannot quickly rid itself of the political abnormalities that had developed during its dependent status.

When the Filipinos went to the polls in September 1935, they elected Quezon and Osmeña, as had been expected. Surprisingly however, 1 out of every 3.2 voters cast his ballot for Aguinaldo or Aglipay. Thus almost one third of the electorate felt they were not properly represented by the Nacionalista party and chose to register protest by voting for a sure loser.

The election did not ease the tension which had been building up since the Sakdal uprising. During the campaign Aguinaldistas had predicted blood would flow if the General were defeated by either fraud or intimidation. No sooner were the results announced than Aguinaldo publicly declared that these means had been used to defeat him. At the General's residence crowds gathered to listen to what the police reported were seditious addresses delivered by Aguinaldista leaders. Meanwhile Aguinaldo's aides pressed for an investigation of the alleged election fraud. They even indicated that Murphy had permitted irregularities to take place.⁸³

Despite some distrust of Murphy, Aguinaldo appealed to him for an investigation of the election. The Governor-General's course in this instance was clearly determined by law and precedent. He turned over the General's request to the Philippine Legislature. He explained to Aguinaldo that

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he could take independent action only if the regular authorities failed to perform their duties properly. The duly constituted Philippine authorities promptly referred the complaint to the committees on elections in the two houses of the Legislature. But the General refused to deal with the committees and demanded that his case be submitted to President Roosevelt.

The inauguration of the Commonwealth was to be on November 15th. It was feared that before then an attempt would be made on President-elect Quezon's life. The precautions to protect him became elaborate. A constabulary detachment was stationed on the grounds of his home, and his automobile was well guarded.

Aguinaldo finally decided to call for a demonstration on inauguration day. He hoped for a crowd of 50,000 to 60,000 persons. At best it would have been embarrassing for both Filipinos and Americans, and at worst it could have led to bloodshed, if efforts had to be made to control it. Murphy took it upon himself to prevent the demonstration from occurring. He asked the General to come to his office and, with great diplomatic skill, he presented cogent arguments for calling off the planned action. He appealed to Aguinaldo's patriotism, asking him to reconsider his decision for the benefit of the Philippine people he had led in the past. Murphy also asked him to think about the embarrassment he would cause the United States.

Aguinaldo had been on friendly terms with Americans since the insurrection, and to interfere with the inauguration would create a difficult situation for the visiting American delegation of Vice-President, Secretary of War, and Speaker of the House of Representatives. Murphy then countered his appeal to Aguinaldo's higher motives with the promise that force would be used to prevent the demonstration from taking place. The Governor-General made it very clear he would spare no effort if he had to take this step. Upon considering the Governor-General's statement, Aguinaldo decided it would be wiser to gracefully acquiesce. In the opinion of Murphy's aides, the Governor-General had made a brilliant performance at a most crucial time.⁸⁴ The end of the Aguinaldo affair came in December when President Roosevelt tactfully turned down the General's request for an investigation of the election returns.

In the meantime the inauguration of the Commonwealth had taken place. It was a gala occasion, with balls given by all the dignitaries.⁸⁵ As his last official duty as Governor-General, Murphy freed sixty political prisoners.⁸⁶

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⁸⁴ Interview with Martin S. Hayden, February 3, 1961.

⁸⁵ The New York Times, November 9, 1935, p. 6:4.
Ibid., November 11, 1935, p. 3:3.

⁸⁶ Ibid., November 16, 1935, p. 2:3.

He discreetly declined a gratuity offered by the Commonwealth government to all displaced Insular officials, observing that his salary as Governor-General had been quite adequate.⁸⁷ Furthermore, he was not out of a job, since President Roosevelt had appointed him High Commissioner of the Philippine Commonwealth. He had simply changed hats. The new Commonwealth was now self-governing with the exception of United States control over currency, foreign fiscal obligations, international affairs, tariff, and defense.

Equally as important as Murphy's association with the Filipinos was his relationship with Washington. He felt himself to be above all the representative of the President of the United States and of the United States Congress. His job was twofold in that he not only carried out present American policies but also advised the United States government as to future policies and actions.

President Roosevelt gave remarkable freedom to his plenipotentiary in the Far East. When Murphy was asked on his arrival in Manila what the President's instructions were, the Governor-General replied: "President Roosevelt let me shape my own policy."⁸⁸ F.D.R. not only

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⁸⁷ Ibid., October 15, 1935, p. 4:5.

⁸⁸ Philippines Herald, June 15, 1933.

thereby expressed his faith in Murphy's abilities but, equally important, disclosed his desire not to be concerned with Philippine affairs. F.D.R. was in the midst of reconstructing the national economy, and the demands on his energies were overwhelming. In August he confided to Murphy that the summer of 1933 was a "close parallel to the summers of '17 and '18" when the United States was in the throes of World War I. The Governor-General assured F.D.R., through Louis Howe, that he was "putting every effort into the job here to the end that . . . the President, with all his colossal problems, will not have the added burden of worrying about the Philippines."⁸⁹

When the Tydings independence bill was accepted by the Filipinos, Murphy asked for permission to come to Washington in early 1935 for discussions on the future Commonwealth. He wrote the President that, in particular, he had recommendations to make concerning Philippine-United States trade relations and the powers of the newly created High Commissioner's office. F.D.R. readily agreed and passed word to Secretary of War Dern to issue a formal invitation to Murphy for the visit.⁹⁰

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⁸⁹Letter from Frank Murphy to Louis Howe, July 18, 1933; F.D.R.L., O.F. 400. Letter from F.D.R. to Frank Murphy, August 25, 1933, ibid.

⁹⁰Letter from Frank Murphy to F.D.R., November 28, 1934; Personnel File, Frank Murphy, Bur. of Insular Affairs. Memorandum from F.D.R. to Secretary of War, December 28, 1934, ibid.

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Letter from...
1933; F.D.R...
Murphy...
1934; F.D.R...
1935; F.D.R...
1936; F.D.R...

In March 1935 the Governor-General arrived in Washington. The President gave a luncheon in his honor and praised him at his news conference, telling the reporters that Murphy had run the administration of the Philippines so well that "I haven't had to give a single worry or single care to [it]."⁹¹ The Governor-General immediately began a round of conferences within the Administration to press his idea that a complete review of United States-Philippine relations should be made before the Commonwealth was inaugurated. To this end he encouraged a coordination of Philippine and American policies through direct contact of members of both administrations.

The 1935 visit was Murphy's major single effort at influencing policy coming out of Washington. However, he constantly cabled the Administration with pleas and advice throughout his term in the Philippines. His two foremost concerns were to develop an independent economy for the Philippines and to maintain United States influence during the Commonwealth period that was to come.

The United States had foolishly adopted a Philippine economic policy which conflicted with the stated promise of preparing the Islands for independence. By the enactment of the tariff bills of 1909 and 1913, America established a free-trade relationship, making Philippine

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⁹¹Press Conference #187, March 1, 1935; F.D.R.L., Press Conferences of the President, V, p. 141.

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The United States had foolishly adopted a Philippine economic policy which conflicted with the stated promise of preparing the islands for independence. By the enactment of the tariff bills of 1902 and 1913, American goods faced a three-stage relationship, making Philippine

industries entirely dependent on the American market. Apparently United States leaders gave no serious thought to the development of a truly independent Philippine economy such as the Islands would need once they were politically on their own. During the decade ending in 1937 the Philippines had shipped between seventy-five and eighty percent of its total annual exports to the United States and bought between fifty-nine and sixty-five percent of its imports from the States. The major export item was sugar which accounted for fifty-eight percent of all Philippine exports in 1936. Virtually none of this sugar could have been sold at a profit in the States except on a preferential basis, nor could any considerable portion of it be sold at a profit anywhere else. The other important Island exports--coconut oil, cordage, cigars and cigarettes, embroideries, and pearl buttons--were likewise dependent on free United States entry.

The Filipinos, under the provisions of the Tydings independence act, were now to reap the harvest of this ill-conceived policy. The bill provided for a ten-year transition period within which the Philippines were to adjust their economy. Specifically, the Filipinos were obliged to assess a progressively increasing export tax on items which the United States did not allow other countries to bring in duty free. These taxes, which were to go into the Philippine treasury, were to be increased until 1946 when they would amount to twenty-five percent

of the then existing United States duties. This provision could only lead to economic disaster for the new nation. Not only was there no real motivation for the Filipinos to gradually develop new industries or new markets, but this provision failed to increase the export tax until it equalled normal United States duties. The Tydings bill really only announced with the finality of a time bomb that in ten years the full United States tariff would be imposed on Philippine products.⁹²

Congress, moreover, managed to create additional Filipino apprehension. In the spring of 1934 the Jones-Costigan bill was proposed. It would impose a retro-active quota for the importation of sugar into the United States. If it went into effect the Filipinos would automatically have a surplus of 400,000 tons of unmarketable sugar.⁹³ Even more serious was the 1934 proposal to levy a three cent per pound excise tax on coconut oil imported from the Philippines. Murphy strongly opposed these measures and bombarded the Washington Administration with messages pointing out the dire consequences that would result. He said that adoption of these bills would threaten bankruptcy in some provinces, close schools and

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⁹²Hayden, pp. 789-793.

⁹³The New York Times, January 6, 1935, IV, p. 8:7.

of the then existing United States... could only lead to economic... Not only was there no real... gradually develop new... provision failed to... specialized... really only... that in ten years the... imposed on Philippine... Congress, moreover, managed to... Philippine... Coastal bill was proposed... active... States. It is... automatically have a... sale sugar. Even more... to levy a... imported from the Philippines... these... with... would result. He said that... threaten bankruptcy in some...

Hyden, pp. 103-104.

The New York Times, January 1, 1934, p. 1.

cause tax delinquency.⁹⁴

President Roosevelt agreed with Murphy's pleas and sent the Governor-General's objections over to Capitol Hill. F.D.R. himself told the legislators that the coconut oil bill was particularly serious, since the Tydings act specifically stated that there would be no restriction placed upon Philippine coconut oil coming into the United States until after the inauguration of the Commonwealth. By using the guise of an excise tax, said the President, Congress was violating the spirit of the independence bill.⁹⁵ His and Murphy's efforts were unavailing, however, and both bills passed Congress.

Another economic matter was more successfully handled. When the President reduced the weight of the gold dollar, it diminished the value of Philippine currency reserves deposited in United States banks. These reserves constituted about seventy-seven percent of the total currency reserves of the Philippine government, and had always been considered by the Filipinos as the equivalent of gold reserves. In 1934 the Roosevelt Administration pushed through Congress a bill giving the Philippines \$23,862,750.58 in compensation for the loss

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⁹⁴ Radiogram from Frank Murphy to War Department, March 13, 1934, as quoted in letter from Secretary of War Dern to F.D.R., March 14, 1934; F.D.R.L., O.F. 400.

⁹⁵ Letter from F.D.R. to Senator Pat Harrison, March 24, 1934, ibid.

COTTON CONTENT

1.3

cases can be handled.

President Roosevelt agreed with the bill.

and the Government's interest in the bill.

F. D. R. himself told the Congress that the bill

bill was particularly important.

officially stated that the bill was not

upon Philippine content all along.

and after the passage of the bill.

the sense of an expert that the bill

was violating the spirit of the bill.

and many a letter were received.

bill passed Congress.

Another reason was that the bill

handled. When the President received the bill

gold dollar, it was not the bill.

many reserves reported in the bill.

reserves constituted about 10% of the

total currency reserves of the bill.

had always been considered by the bill.

valent of gold reserves. In 1933 the bill

action passed through Congress.

Philippines \$25,000,000 in compensation.

32. Indication from the bill.

March 12, 1933, as passed in the bill.

Bill to F. D. R. March 12, 1933.

33. Letter from F. D. R. to the bill.

March 24, 1933, 1933.

Handwritten signature

in value of its reserves.⁹⁶ But in 1936 a bill was proposed which would repeal the 1934 act. Murphy radioed the President his objections. Roosevelt in turn asked his secretary to "slip the word to the speaker that it would do no harm if this Bill did not come out of Committee . . . ."⁹⁷ Accordingly the bill was killed.

In Manila, Murphy urged the Filipinos to win Congressional sympathy for modification of the Tydings economic provisions. The way to do this, he said, was to offset the large unfavorable trade balance with the United States by increasing American imports--thereby meeting a legitimate Congressional complaint.⁹⁸ Part of the Governor-General's motive was also to counter Japanese economic penetration. The influx of Japanese textiles became of such concern by 1934 that Secretary of State Cordell Hull negotiated a gentleman's agreement with Japan to limit its shipment to the Philippines.⁹⁹

But Murphy's most important effort in alleviating the Philippine economic situation was to get the Washington

⁹⁶Memorandum from Creed F. Cox, Chief of the Bureau of Insular Affairs, to the Secretary of War as attached to a letter from Secretary Dern to F.D.R.; March 23, 1934, ibid.

⁹⁷Radiogram from Frank Murphy to Secretary of War for the President, June 1, 1936, ibid. Memorandum from F.D.R. for MAC, June 4, 1936, ibid.

⁹⁸The New York Times, July 18, 1934, p. 10:6.

⁹⁹Smith, p. 227.

in value of its revenues.⁸⁵ But in 1933 a bill was proposed which would repeal the 1932 act. Murphy vetoed the President his objection. Roosevelt in turn asked his secretary to "slip the word to the speaker that it would do no harm if this bill did not come out of Committee."⁸⁶ Accordingly the bill was killed.

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⁸⁵ Memorandum from Fred E. Cox, Chief of the Bureau of Internal Affairs, to the Secretary of War as attached to a letter from Secretary Davis to F.B.I. March 23, 1934, *ibid.*

⁸⁶ Radiogram from Frank Murphy to Secretary of War for the President, June 1, 1933, *ibid.* Memorandum from F.B.I. for Mr. E. A. Tamm, June 1, 1933, *ibid.*

⁸⁷ The New York Times, July 13, 1934, p. 10:3.

⁸⁸ Smith, p. 237.

Administration to look for serious alternatives to the Tydings trade provisions. Many others, including Senator Tydings himself, helped in this regard. However, Murphy had the determination to see that something was actually done, and furthermore, he used his easy access to the President to push for action. In anticipation of Murphy's 1935 visit, an Interdepartmental Committee was formed within the Administration, headed by Francis B. Sayre, to study Philippine-American trade relations. After discussions with Murphy, the committee proposed that the President give the Governor-General a letter expressing the President's intention of calling a mutual-trade conference in the near future.¹⁰⁰

A year later a Joint Trade Conference was formally arranged by the United States and the Philippine Commonwealth. Murphy returned to the United States to re-enter Michigan politics before the conference got underway, but his imprint was left nonetheless. In a letter to Secretary Cordell Hull, he outlined what he felt should be the scope of the conference and in particular the position the United States should take. The High Commissioner's statement revealed how unswervingly he held to his colonial philosophy that the United States must accept full responsibility for Philippine independence:

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¹⁰⁰ Letter from Cordell Hull to F.D.R., April 6, 1935, F.D.R.L., O.F. 400.

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¹⁰⁰ Letter from Cordell Hull to F.B.S., April 6,
 1935, F.B.S.L., O.P. 430.

Perhaps too much, in the past our economic attention has been centered on the problems of mainland competition and immediate trade, to the exclusion of the long-range view which seems peculiarly needed in reference to the Philippines. . . .

I have exerted myself to keep alive the Joint Conference idea, not make haste, but to forestall local attitude to consider it a gesture. As I have stated above, American preparation must be thorough in respect to policy. Consideration should be comprehensive and include general Far Eastern Relations, the Japanese situation, relations with the British and Dutch outposts, Insular revenues and financial stability, the rapid increase of Philippine population, the future extent and character of trade and production in the Islands, their defense and protection and their sound internal political and social development. . . .

Primarily, the responsibility for a successful Conference rests with the United States. The Philippine Commonwealth Government is limited in men capable and willing to take a long-range realistic view of economic matters. It is a natural result of insularity and a generation of political preoccupation. It also lacks men of sufficient training to design a technical plan of the breadth required by present circumstances. They should be discouraged from entering the Conference only to ask the maximum of trade advantage in each bracket with the idea of bargaining for immediate position. An avoidance of fundamental decisions on their part may be anticipated. I write this not to detract or criticize in any way but only to set in bolder relief the need that the American delegation enter the Conference instructed as to basic considerations and prepared with a well-rounded adequate plan and, also, to anticipate the situation that the United States may be forced to make some decisions for the Philippines themselves.¹⁰¹

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¹⁰¹Letter from Frank Murphy to Cordell Hull, May 23, 1936, ibid.

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The conference, which finally became known as the Joint Preparatory Committee on Philippine Affairs, issued its report in 1938. The Committee made a series of suggested amendments to the Tydings bill. They involved changing the date upon which the full United States tariff would be applied to Philippine products from 1946 to 1961 and provided for a gradual reduction of duty-free trade between the two countries during that interval. In considering amendments to the Tydings act Congress rejected the first proposal. However, Congress accepted the second recommendation which instituted gradually declining duty-free quotas instead of gradually increasing export taxes on four major classes of goods.¹⁰²

After the Second World War the United States renewed its trade relations with the Philippines on the full basis advocated by the Joint Preparatory Committee. Thus Murphy's campaign to prevent a sudden erection of tariffs became accepted policy.¹⁰³

In addition to the economic problem facing the Philippines, Murphy was concerned about the political future of the new nation. The existence of social unrest, armed

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¹⁰²Hayden, p. 793.

¹⁰³Smith, pp. 127-128, 189-190.

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¹⁰² Hayden, p. 703.

¹⁰³ Smith, pp. 127-128, 133-135.

uprisings, and obvious political immaturity did not promise an easy transition to full independence. The Governor-General was therefore very anxious to maintain American influence in the Islands during the Commonwealth period.

As soon as the Filipinos had approved the Tydings independence bill in May 1934, Murphy wrote the Chief of the Bureau of Insular Affairs that it was of "utmost importance that the position, status and authority of the High Commissioner be clearly defined, . . . and understood before surrendering control. . . ." ¹⁰⁴ In particular, Murphy wanted the President to make a clear statement to the High Commissioner on this subject which the High Commissioner could then use as written authority. ¹⁰⁵ However, the War Department, which had jurisdiction over the Bureau of Insular Affairs and the Philippines, was not able to decide whether such a statement should be made.

On his 1935 visit to Washington, Murphy took the opportunity to explain his reasons why explicit instructions should be given to the High Commissioner. ¹⁰⁶ He received

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¹⁰⁴ Cablegram from Frank Murphy to Chief of the Bureau of Insular Affairs, May 21, 1934; F.D.R.L., O.F. 400.

¹⁰⁵ Letter from Frank Murphy to F.D.R., November 28, 1934; Personnel File, Frank Murphy, Bur. of Insular Affairs.

¹⁰⁶ Letter from Acting Secretary of War Woodring to F.D.R., March 22, 1935; F.D.R.L., O.F. 400.

sympathetic consideration, but still no action was taken. However, the Governor-General was compensated with the knowledge that the President was going to appoint him High Commissioner of the new Commonwealth.¹⁰⁷ At least Murphy knew he would be in a position to continue pressing for the clear outline of authority he felt was necessary.

In August 1935 instructions were finally sent to Murphy. The Governor-General found them adequate for administrative routine, but in all other respects most inadequate.¹⁰⁸ Exasperated, he cabled President Roosevelt at Hyde Park and asked for a personal review of the situation.¹⁰⁹ Unfortunately, Murphy's action caused displeasure in certain quarters of the War Department. What had once been merely a policy struggle now became a personality conflict as well. Murphy found himself pitted against former Chief of Staff Douglas MacArthur.

¹⁰⁷ Memorandum, March 18, 1935, Visit of Governor-General Murphy 1935, Conversations as Revealed in Memoranda; Record Group 126, Bureau of Insular Affairs, War Department, National Archives, Washington, D. C. Cited hereafter as Visit of Governor General 1935, Bur. of Insular Affairs.

¹⁰⁸ Cablegram from Frank Murphy to the Secretary of War, September 23, 1935; Instructions to the High Commissioner, Bureau of Insular Affairs, War Department, 3038-B, inclosure 96, Record Group 350, National Archives, Washington, D. C. Cited hereafter as Instructions to the High Commissioner, Bur. of Insular Affairs.

¹⁰⁹ Memorandum from Creed F. Cox for the Secretary of War, November 4, 1935, ibid.

hypothetical correspondence, as will be noted in the text.

However, the Government's position was not as clear as it appeared.

Knowledge that the Government had a plan to arrest him

High Commissioner of the New York State.

Murphy knew the facts as they related to the situation.

For the first time, the Government's position was clear.

In August 1955, the Government's position was clear.

Murphy, the Government's position was clear.

Administrative matters, the Government's position was clear.

Independence, the Government's position was clear.

at the time, the Government's position was clear.

situation, the Government's position was clear.

planning in certain areas, the Government's position was clear.

had since been met, the Government's position was clear.

personally carried out, the Government's position was clear.

against former Chief of State, the Government's position was clear.

101. Memorandum dated 10/1/55, from the Government.
General Henry 1955, Government's position was clear.
Board of 1955, Government's position was clear.
National 1955, Government's position was clear.
Visit of Governor 1955, Government's position was clear.

102. Memorandum dated 10/1/55, from the Government.
War, September 22, 1955, Government's position was clear.
Board, 1955, Government's position was clear.
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103. Memorandum dated 10/1/55, from the Government.
of War, November 1, 1955, Government's position was clear.

MacArthur had become Acting Secretary of War in September 1935 during a temporary absence of Secretary Dern. The General had a deep interest in the Philippines because of earlier years of military service in the Islands. Now that interest was revived with his recent appointment as military adviser to the Philippine Commonwealth on the request of President-elect Quezon.¹¹⁰ Moreover, President Roosevelt had flattered him by asking him to become High Commissioner succeeding Murphy.¹¹¹ As Acting Secretary of War, MacArthur countered Murphy's direct plea to the President with a message of his own to the Chief Executive. In blunt language he challenged the Governor-General's thesis that the office of the High Commissioner needed to be bolstered by an explicit declaration of authority. Further, MacArthur accused Murphy of wanting to usurp power from both the Philippine Commonwealth and the United States:

A review of the Governor General's suggestions . . . indicates that he seeks for the High Commissioner even greater authority with regard to government in the Philippine Islands than he now exercises as Governor-General. . . .

. . . The Governor General's recommendations if carried out would, in effect, make him a super-President of the Commonwealth, and in addition to increasing his authority over the Philippine nation would place in his hands

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¹¹⁰ The New York Times, September 19, 1935, p. 3:1.

¹¹¹ Roosevelt, III, p. 507.

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The Governor-General's recommendations, if carried out would, in effect, make him a super-President of the Commonwealth, and in addition to increasing his authority over the Philippine nation would place in his hands

¹¹⁰ The New York Times, September 19, 1935, p. 2:1.

¹¹¹ Roosevelt, III, p. 507.

many of the powers heretofore exercised only by the President of the United States himself. Such a delegation of power not only would be indefensible administratively but no suggestion that such delegation should take place can be found in the Tydings-McDuffie Act. The War Department knows of no appointave official in any government having powers as great as those desired by Governor General Murphy. In effect, his recommendations would make the High Commissioner locally independent of any agency of government, either the Commonwealth or the United States Government. . . .¹¹²

No wonder a War Department aide exclaimed, "Hell's a-popping!"¹¹³

The President evaded making a decision which would offend either one of the two proud men. Instead he asked Murphy to wait and talk over the situation with Secretary Dern when the latter came to the Philippines for the inauguration ceremonies. Meanwhile MacArthur set sail for the Islands to assume his duties as military adviser to the Commonwealth. He found a willing ally in President-elect Quezon who submitted a detailed memorandum to Murphy supporting the omission of detailed instructions for the High Commissioner.¹¹⁴

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¹¹² Letter from Douglas MacArthur to F.D.R., September 26, 1935; U.S. High Commissioner to the Philippine Islands, Bureau of Insular Affairs, War Department, 3038-B, Record Group 350, National Archives. Cited hereafter as U.S. High Commissioner to the Philippines, Bur. of Insular Affairs.

¹¹³ Letter from McDonald [aide in War Department] to Creed F. Cox, September 23, 1935; Instructions to the High Commissioner, Bur. of Insular Affairs.

¹¹⁴ Memorandum from Manuel Quezon to Governor-General, November 2, 1935; U.S. High Commissioner to the Philippines, Bur. of Insular Affairs.

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112 Letter from Douglas MacArthur to F.D.R., September 20, 1935; U.S. High Commissioner to the Philippines, Bureau of Insular Affairs, War Department, 3025-2, Record Group 359, National Archives. Cited hereafter as U.S. High Commissioner to the Philippines, Bur. of Insular Affairs.

113 Letter from Edmund [aide in War Department] to Grover F. Cox, September 22, 1935; Instructions to the High Commissioner, Bur. of Insular Affairs.

114 Memorandum from Manuel Quason to Governor-General, November 2, 1935; U.S. High Commissioner to the Philippines, Bur. of Insular Affairs.

But, as Murphy predicted, friction developed because the United States failed to make clear its authority in the new Commonwealth. The issue came to a head over the inauguration ceremonies. President-elect Quezon announced that as head of state he should receive the twenty-one gun salute which the United States customarily accorded heads of nations. Murphy felt that this symbol of sovereignty should not be accorded a Philippine leader while the Islands were still under United States jurisdiction. Such action, he argued, would subordinate the status of the High Commissioner, who was the representative of the United States government in the Philippines, and thereby make an effective exercise of American sovereignty impractical. He recommended that the twenty-one gun salute be reserved exclusively for the President of the United States and that both the High Commissioner and the President of the Commonwealth should receive a nineteen gun salute.

General MacArthur sided with Quezon in opposition to Murphy's position. However, MacArthur was the only American to do so. The Vice-Governor, all the members of the Governor-General's staff, and the chief military and naval officers, with the exception of MacArthur, agreed with Murphy. Secretary of War Dern did not choose to make the decision on the gun salute and cabled President Roosevelt. F.D.R. finally was forced to make a firm

But, as Murphy pointed out, it is not a simple matter to make the United States take over the new Commonwealth. The issue came to a head over the inauguration ceremonies. President-elect Truman announced that as head of state he should receive the twenty-one gun salute which the United States customarily accorded heads of states. Murphy felt that this symbol of sovereignty should not be accorded a Philippine leader while the islands were still under United States jurisdiction. Such action, he argued, would subordinate the status of the High Commissioner, who was the representative of the United States government in the Philippines, and thereby make an effective exercise of American sovereignty impractical. He recommended that the twenty-one gun salute be reserved exclusively for the President of the United States and that both the High Commissioner and the President of the Commonwealth should receive a thirteen gun salute.

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decision on the whole issue of American authority during the Commonwealth period. He decided the United States must not give up its symbol of sovereignty and Quezon accordingly had to accept the nineteen gun salute.¹¹⁵

A few days after the inauguration a French war vessel made an official international call and paid its respects to the High Commissioner and not President Quezon. This incident raised the sovereignty issue again. But Murphy felt President Roosevelt was behind him now and publicly stated that although he was "totally disinterested in the matter of honors . . . for their own sake," he believed, "the American position must be unequivocal in order to render major service to the Filipinos in this critical time."¹¹⁶

On December 10, 1935, almost a month after the inauguration ceremonies, the High Commissioner decided to write his own instructions since the War Department had not yet sent him what he wanted.¹¹⁷ His draft gave the High Commissioner the right to keep himself and the President of the United States fully informed on all activities of the Commonwealth government. Furthermore, in the case

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¹¹⁵ Radiogram from Secretary of War Dern to F.D.R., November 9, 1935; F.D.R.L., O.F. 400. Letter from F.D.R. to the Secretary of War, November 9, 1935, ibid.

¹¹⁶ The New York Times, December 1, 1935, p. 32:2.

¹¹⁷ Letter from Frank Murphy to Joseph R. Hayden, December 11, 1935, Hayden Papers.

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115 Radio from the Secretary of War from to R.M.B., November 5, 1935; R.M.B. to S.W., letter from R.M.B. to the Secretary of War, November 8, 1935, 116.

116 The New York Times, December 1, 1935, p. 3212.

117 Letter from Frank Murphy to Joseph R. Hayden, December 11, 1935, Hayden Papers.

of emergency, the High Commissioner was permitted to take any action, consistent with the Tydings act and his position as representative of the sovereign United States, which might be required to protect the legitimate interests of the United States. Murphy sent a copy of his draft to the War Department with the comment that unless he was advised or instructed to the contrary, it was his intention to act as if the instructions were approved. Dern replied that no formal action would be taken and that until further notice Murphy could adhere to them.¹¹⁸ Murphy finally won his case, even if by default.

As High Commissioner, Murphy was careful not to overplay his hand in the Philippines. He had insisted on United States authority not because he wanted to bludgeon Filipino leaders into total acceptance of American policy, but because he wanted to temper Filipino actions if they went too far astray. He tactfully emphasized this by calling on President Quezon at 8:00 A.M. the day following the Commonwealth inauguration. The High Commissioner went alone and did not publicize his visit, which was incorrect

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¹¹⁸Memorandum for the Chief, Bureau of Insular Affairs, December 24, 1935; Instructions to the High Commissioner, Bur. of Insular Affairs. Letter from Secretary of War to Frank Murphy, January 21, 1936; U.S. High Commissioner to the Philippines, Bur. of Insular Affairs.

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Memorandum for the Chief, Bureau of Insular Affairs, December 24, 1933; Instructions to the High Commissioner, Bureau of Insular Affairs, Letter from Secretary of War to Frank Murphy, January 21, 1933; U.S. High Commissioner to the Philippines, Bureau of Insular Affairs.

by protocol standards.¹¹⁹ Although some Americans considered his action a betrayal of the United States sovereignty, Murphy obviously felt it was necessary if he was to establish amicable relations between the Philippine President and the High Commissioner's office. He thereby assuaged any bad feeling that may have carried over from the gun-salute controversy.

Murphy soon was able to write President Roosevelt that "already President Quezon and members of the Cabinet are soliciting the friendly advice and judgment of this office on important matters of governmental policy and legislation, in a manner and to a degree beyond that proposed in the draft of formal instructions that I submitted. . . ."¹²⁰ Thus Murphy continued what Vice-Governor Hayden termed the "intellectual and moral ascendancy" over the Filipino leaders that he had earned as Governor-General. Hayden further observed that it probably was easier for the Filipinos to come to Murphy now as High Commissioner than when, in a sense, they had had to consult him as Governor-General.¹²¹

Murphy's understanding of the weaknesses of the

¹¹⁹ Interview with J. Weldon Jones, April 12, 1961.

¹²⁰ Letter from Frank Murphy to F.D.R., December 16, 1935, F.D.R.L., O.F. 400.

¹²¹ Letter from Joseph R. Hayden to Frank Murphy, March 12, 1936, Hayden Papers.

colonial-trained Philippine government had compelled him to insist on American authority during the Commonwealth period. In the face of opposition and delay from Washington he had carried through his idea with determination. On other issues, especially that of helping the Philippine economy, he had successfully persuaded Administration officials on the rightness of his cause, particularly within the State Department.¹²² On the whole, Murphy was successful in achieving what he wanted from Washington.

Murphy did not have the opportunity to create dramatically new policies in the Philippines as Governor-General William Howard Taft and Governor-General Francis B. Harrison. But he did help to make possible the realization of the goal of all past policies--a stable, independent and free Philippine nation. Because Murphy was able to accomplish this he found thorough satisfaction in his work and stay in the Islands.¹²³ Moreover, the Filipinos appreciated Murphy's work and bestowed affection upon him. This contrasted sharply with his experience in Detroit

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¹²²Letter from Joseph R. Hayden to Frank Murphy, March 12, 1936, ibid.

¹²³Letter from Frank Murphy to Chase Osborn, February 4, 1936; the Chase S. Osborn Papers, Michigan Historical Collections of the University of Michigan. Cited hereafter as Osborn Papers.

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Department. 122 On the whole, Murphy was successful in
achieving what he wanted from Manila.

Murphy did not have the opportunity to create
dramatically new policies in the Philippines as Governor
General William Howard Taft and Governor-General Franklin D.
Roosevelt. But he did help to make possible the realization
of the goal of self-help policies - a stable, independent and
free Philippine nation. Because Murphy was able to accom-
plish this he found enough satisfaction in his work and
stay in the Islands. 123 However, the Philippine appor-
tioned Murphy's work and bestowed distinction upon him.
This contrasted sharply with his experience in Detroit.

122 Letter from Joseph E. Murphy to Frank Murphy,
March 12, 1930, 1930, 1930.

123 Letter from Frank Murphy to Charles Gurnea,
February 4, 1930; the Charles Gurnea papers, Michigan
Historical Collections of the University of Michigan.
Cited hereafter as Gurnea Papers.

where he often had to face bitter criticism. When it was rumored that Murphy was about to leave the Islands to re-enter Michigan politics, the Philippine newspapers reported the news with serious apprehension, indicating the affection the Philippine people held for the High Commissioner.¹²⁴ Even the Republican National Committeeman from the Philippines asked President Roosevelt to keep Murphy in the Islands.¹²⁵

The only unhappy aspect of Murphy's stay was the relatively poor health he suffered while there. Although he was never seriously incapacitated, the tropical climate did cause him sinus trouble and influenza. On his return trip to the States in 1935 he had to be admitted to the Detroit Harper Hospital for treatment and a tonsillectomy.¹²⁶ The operation helped, but other ailments continued to plague him.¹²⁷

Socially Manila was a gay city, and Murphy participated freely in its activities. His sister accompanied him as official hostess and both of his brothers

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¹²⁴La Vanguardia, December 21, 1933. (translation of editorial from Clippings, Personnel File, Frank Murphy, Bureau of Insular Affairs, War Department, Record Group 350, National Archives, Washington, D.C.).

¹²⁵The New York Times, July 3, 1936, p. 4:3.

¹²⁶Ibid., May 7, 1935, p. 8:2.

¹²⁷The Detroit News, January 20, 1936, p. 4:6. Radiogram from Marguerite Teahan to George Murphy, August 19, 1935; Personnel File, Frank Murphy, Bur. of Insular Affairs.

where he often had to face bitter criticism. When he returned from his trip to the United States, he was met by a group of friends who were waiting for him at the airport. He was in good health and seemed to be in high spirits. He was met by a group of friends who were waiting for him at the airport. He was in good health and seemed to be in high spirits.

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made extended visits as did other friends and relatives.¹²⁸ In the hot season the Governor-General frequently retired to the summer residence of the Chief Executive in Baguio. Baguio was a mountain health resort spread over a large, rolling, pine-covered plateau more than a mile above the sea. Murphy's chief recreation was horseback riding, and for his benefit twenty or thirty jumps were installed on a cross-country course.¹²⁹

There were thus various reasons to cause Murphy real regret when the time came for him to leave the Islands in the spring of 1936. President Roosevelt had asked him to enter the Governor's race in Michigan, and the High Commissioner felt obliged to acquiesce. In anticipation of leaving, Murphy described his feelings to Vice-Governor Hayden in near sentimental terms: "When my ship sails out of Manila Bay my heart will be anything but light. These people are so kind and tender and spiritual that you know they want to be led upward in life. My three years here have been as happy as any of my adult years."¹³⁰

Murphy's interest in the Philippines remained life-long. He reviewed portions of his former Vice-

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¹²⁸ Interview with Irene Murphy, February 23, 1961.

¹²⁹ Letter from Joseph R. Hayden to Gustavus Pope, August 2, 1935, Hayden Papers.

¹³⁰ Letter from Frank Murphy to Joseph R. Hayden, March 16, 1936, ibid.

made extensive visits to the other islands and at times
in the hot season the Governor General usually resided
to the summer residence at the Hotel de Ville in Paris.
Barras was a remarkable person who was over 60 years
old, but he was as vigorous as a man of 30. He was
a man of a high rank and was a member of the
for his benefit of the French people. He was
a cross-country runner.

There were three other persons to whom Barras
sent letters when the time came for him to leave the island
in the spring of 1804. Barras was very kind and
to enter the Governor's room in the morning and the night
Commissioner told him to go to the Governor's room
of leaving, Barras was very kind and

Governor Barras in his annual report to the
ship and the Governor's room in the morning and the night
but Barras was very kind and the Governor's room
spiritual life. By three years he had been in the
my adult years.

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Governor's manuscript on the Islands which was published a number of years later.¹³¹ He continued his friendship with Manuel Quezon. When the Philippine President visited the United States in 1937, he attended the christening of Murphy's niece, and Mrs. Quezon was asked to be the child's godmother.¹³² Moreover, the former High Commissioner continued to advise President Roosevelt and the Administration on Philippine matters.¹³³ It was even proposed that Murphy pay an official visit to the Islands on behalf of President Roosevelt, but this did not materialize.¹³⁴ Nor did Murphy's cherished plans for private visits materialize. During his last illness he sadly realized he never would return to the country he had helped to found, the country that had shown such regard for him, and for which he had acquired a great affection.¹³⁵

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¹³¹Letter from Frank Murphy to Joseph R. Hayden, May 9, 1940, ibid.

¹³²The New York Times, April 26, 1937, p. 5:2.

¹³³Letter from Joseph R. Hayden to Frank Murphy, May 17, 1939, Hayden Papers. Letter from Frank Murphy to Chief, Bureau of Insular Affairs, January 10, 1939; Personnel File, Frank Murphy, Bur. of Insular Affairs. Ickes, III, p. 12.

¹³⁴Ickes, III, p. 590. Letter from Frank Murphy to F.D.R., April 10, 1942; F.D.R.L., P.S.F. (Box 36).

¹³⁵The Detroit News, December 29, 1938, p. 14:1. Interview with Irene Murphy, February 23, 1961.

Government of the United States of America

Department of State

Office of the Secretary of State

Washington, D.C.

May 15, 1963

Mr. J. Edgar Hoover

Federal Bureau of Investigation

Washington, D.C.

Dear Mr. Hoover:

I am writing to you regarding the matter of the

United States of America.

I am writing to you regarding the matter of the

United States of America.

I am writing to you regarding the matter of the

United States of America.

I am writing to you regarding the matter of the

United States of America.

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CHAPTER III

MICHIGAN POLITICS

Frank Murphy returned from the Philippines in 1936 on a poorly concealed political mission. Ostensibly he returned to confer with Administration leaders about Philippine policy. While he did in fact hold lengthy discussions in Washington on Philippine affairs, the real reason for his homecoming was to become the reluctant gubernatorial candidate of the Democratic party in Michigan. The High Commissioner would have been willing to announce the true purpose of his journey before he boarded his ship in Manila if the matter had been settled. But he had not yet brought himself to a point of commitment, and until he had returned to Michigan and Washington for a personal investigation of the political conditions, he remained undecided.

The background leading up to Murphy's final agreement to run in 1936, and the campaign itself, is a history in miniature of basic and successful New Deal politics. It eventually became a part of Roosevelt's magnificent victory in 1936. Not having the benefit of foresight, no one knew how easily F.D.R. would win that 1936 election. The seemingly difficult political problem facing the

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New Deal in 1936 was how to repeat the victory of 1932 in a nation which had been, up until 1932, predominantly Republican. Obviously the solution was to ensure that the political conversion of 1932 would stick. This in turn necessitated that New Deal preaching permeate State politics and inspire local Democratic victories.

Michigan was one example of the difficult situation F.D.R. and his political strategist, James Farley, had to meet. The year 1932 was the first time Michigan had given its electoral vote to a Democratic Presidential candidate since 1856. It was only the third time Michigan had elected a Democratic Governor since 1854.¹ Not unexpectedly, the victory of 1932 was followed by defeat on the State level in 1934. After the Roosevelt landslide, the party broke discipline--not being accustomed to political power--and promptly split into factions competing for the rewards of victory. In the process the incumbent governor, William A. Constock, was repudiated, and the Democrats ran Arthur J. Lacy in his stead in 1934. Lacy was unable to unite the party before the election and the Democrats were defeated.

In the midst of this fiasco, Roosevelt turned to his Governor-General in the Philippines, writing impassionately: "You are much missed in the Michigan campaign!"²

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¹Fuller, I, pp. 311, 404-405.

²Roosevelt, III, p. 427.

New Deal in 1936 was how to repeat the victory of 1932 in a nation which had been, up until 1932, predominantly Republican. Obviously the solution was to secure that the political conversation of 1932 would be repeated. This in turn necessitated that New Deal presenters persuade voters that the party was the only one capable of the political solution. The year 1932 was the first time Michigan had given its electoral vote to a Democratic Presidential candidate since 1880. It was only the third time Michigan had elected a Democratic Governor since 1834.¹ Not surprisingly, the victory of 1932 was followed by defeat on the state level in 1934. After the Roosevelt landslide, the party broke discipline--not being accustomed to political power--and promptly split into factions competing for the rewards of victory. In the process the incumbent Governor, William A. Gossard, was repudiated, and the Democrats ran Arthur J. Labay in his stead in 1934. Labay was unable to unite the party before the election and the Democrats were defeated. In the midst of this drama, Roosevelt turned to his Governor-General in the Philippines, writing Labay: "You are much needed in the Michigan campaign!"²

¹ Miller, I, pp. 311, 404-405.

² Roosevelt, III, p. 427.

It was logical for the President to turn to Murphy because he was one Democratic leader in Michigan who was not allied with any faction. At the same time he was an ardent New Dealer with proven ability as a vote-getter. By bringing Murphy back to Michigan as head of the State party, Roosevelt hoped to achieve unity and to assure New Deal control over State Democratic politics.

It was with this in mind that the President had asked the Governor-General to visit Michigan on his previous return trip from the Islands in 1935. Murphy was also assigned another important political mission in Michigan at that same time.

In 1935 the New Deal was having difficulty with extremists dissatisfied with the President's program. One of these was Father Charles E. Coughlin of Royal Oak, Michigan. His program was based primarily on inflationary cure-all measures, but it also included red-baiting and some anti-Semitism. At first the priest limited his activities to forming pressure groups, but by 1935 there were indications he might directly enter politics in competition with the Democratic party.

Shortly before Murphy's 1935 visit to the States, Father Coughlin had demonstrated his strength by helping to defeat United States membership in the World Court.

It was logical for the President to turn to Murphy because
 he was one of the few people in the country who was not
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Shortly before Murphy's 1935 visit to the State,
 Father Coughlin had demonstrated his power by winning
 to defeat United States membership in the League of Nations.

In response to his anti-World Court appeal, 40,000 telegrams were sent to the Senate.³ Yet Coughlin's greatest threat lay in the possibility of his mobilizing hundreds of thousands of dissatisfied citizens through his National Union for Social Justice. Soon after the National Union's creation in 1934 the priest claimed a membership of 5,000,000.⁴

The Roosevelt Administration began to watch Coughlin carefully after the National Union was formed. An elaborate study was made of the priest's broadcasting network through which he inflicted his vituperative attacks on the New Deal. James Farley checked on postal receipts at the Royal Oak post office to measure the response to one of the priest's appeals for funds, and Louis M. Howe received regular reports on Coughlin from G. Hall Roosevelt in Detroit.⁵

Murphy had once been a close friend of Father Coughlin's, although their relationship had cooled somewhat following the priest's open attacks on F.D.R.⁶ He thus was the ideal emissary for the President to send to

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³ Richard D. Lunt, "Agitators: Long, Townsend, and Coughlin Versus the New Deal--1932 through 1936" (unpublished Master's thesis, University of New Mexico, Albuquerque, New Mexico, 1959), pp. 106-107.

⁴ *Ibid.*, p. 99.

⁵ *Ibid.*, p. 116.

⁶ Interview with George Murphy, January 23, 1961.

In response to his anti-Mexico Court appeal, 43,000 telegrams were sent to the Senate.² Yet Coughlin's greatest threat lay in the possibility of his mobilizing hundreds of thousands of disaffected citizens through his National Union for Social Justice. Soon after the National Union's creation in 1935, the paper claimed a membership of

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² Richard D. Lamm, "Agitator: Louis T. Townsend, and Coughlin Versus the New Deal—1935 through 1938" (unpublished master's thesis, University of New Mexico, Albuquerque, New Mexico, 1955), pp. 100-101.

³ *Ibid.*, p. 92.

⁴ *Ibid.*, p. 116.

⁵ Interview with George Murphy, January 22, 1961.

Coughlin. Accordingly, when Murphy came back from the Philippines in the spring of 1935, F.D.R. asked him to try to dissuade the priest from entering the 1936 campaign. Carrying out the wishes of his chief, the Governor-General held several lengthy conversations with Father Coughlin.⁷

In addition, Murphy went on the air in Detroit to counter Coughlin's appeal in Michigan. He began his radio speech by praising the priest, referring to his "prophet-like zeal for Social Justice." Then the Governor-General discreetly shifted over to the main point of his talk. He discussed the great social and economic changes the New Deal was trying to bring about and urged patience on the citizenry--asking them not to turn away from the President and be dazzled by any of the panaceas offered by "extremists." Although he did not identify Father Coughlin as one of the extremists, there was no doubt from the context that it was the arrogant priest's actions which prompted Murphy's statements.⁸

Having talked with the priest and having warned the public of "extremist" dangers, Murphy optimistically believed that Coughlin would not align with disaffected

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⁷Letter from Frank Murphy to Margaret LeHand, secretary to President Roosevelt, May 12, 1935; F.D.R.L., O.F. 400.

⁸Detroit Sunday Times, May 12, 1935. This clipping was attached to the letter Murphy sent Margaret LeHand, cited immediately above.

Congress, accordingly, when nearly all the
Philippines in the year of 1902, 1903, and 1904
try to dissuade the great from entering the war
Carrying out the vision of his life, the American
had several lengthy conversations with Father
in addition, the only way of the war in history
concerning Congress's action in the Philippines. The speech was
speech by presenting the great, returning to the people
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deal was trying to bring about and right relation
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and be deceived by any of the numerous citizens
"extremists." Although he did not identify himself
Congress as one of the extremists, there was no doubt
from the context that it was the subject of the war
which provoked Kennedy's statement.
Having talked with the President and the House
the public of "extremist" charges, Kennedy apparently
believed that Congress would not align with extremists

Letter from Frank Kennedy to President
Secretary to President Kennedy, dated July 1, 1964
O.V. 400.
Kennedy's memory of the July 1, 1964, visit
was attached to the letter. Kennedy's statement
dated immediately after.

Handwritten signature

elements in 1936. Further, he predicted the priest might even support Roosevelt--especially if Coughlin was given "persistent attention" by the Administration.⁹ However, these later proved to be mistaken hopes.

While Murphy was quietly trying to handle Coughlin, he also attended to the breaches in the State Democratic party. His immediate task was to solve a patronage squabble which was intensifying factional disputes.¹⁰

Ever since the 1932 victory, the problem had been festering. Meanwhile, the Federal Administration had refused to give out any Michigan jobs until the State party was agreed on its own patronage policy.

Murphy's general approach was not to impose his will on party leaders, but to negotiate a settlement. He gathered the factions together and persuaded them to forget personal differences in the best interest of the party. His specific formula for breaking the patronage deadlock was to induce all party leaders to unite behind the legally chosen State leaders. After a two month negotiation period, this policy was largely accepted and patronage was dispensed through these party heads. In short order, approximately 600 Federal vacancies were filled.¹¹ The

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⁹Letter from Frank Murphy to Margaret LeHand, May 12, 1935; F.D.R.L., O.F. 400.

¹⁰Letter from Patrick H. O'Brien to F.D.R., January 26, 1935; F.D.R.L., O.F. 300.

¹¹Detroit Times, March 30, 1935.

only major dissenter was former Governor Comstock who had lost control of the party in the 1934 primary.¹²

The final effort towards party unity was made in February 1936 when Michigan Democratic leaders were called to Washington to plan strategy for the coming national election.¹³ But Roosevelt and Farley recognized that the Michigan situation had only superficial harmony. Moreover, they felt that even a unified party could not win in Michigan on that basis alone. This traditionally Republican state would need a Democratic candidate who could win Republican votes as well.

A preferential poll indicated that Murphy was this candidate. Out of four possible Democratic gubernatorial candidates Murphy was the only one who encouraged switches among Republican voters. The poll revealed, in fact, that twenty-five percent of the Republicans sampled who had voted for Republican candidate Fitzgerald in 1934 would now vote for Murphy. Furthermore, Murphy had great appeal among younger members of the Democratic party.¹⁴

The other aspect of the Michigan political situation was Father Coughlin's possible role. Since Murphy's 1935 visit the National Administration had had a graphic

¹² Ibid., April 3, 1935.

¹³ Memorandum dateline Washington, February 21, 1936; F.D.R.L., O.F. 300.

¹⁴ Letter from Joseph R. Hayden to Weldon Jones, May 25, 1936, Hayden Papers.

only major disaster was the loss of the ship.

The final report of the ship was dated February 1935.

The final report of the ship was dated February 1935.

February 1935, when it was found that the ship had been lost.

to Washington to find out what had happened to the ship.

elections. The ship was found to have been lost.

Michigan state election. The ship was found to have been lost.

they felt that even a small ship could be lost.

Michigan on the other side. The ship was found to have been lost.

can state would not be a disaster. The ship was found to have been lost.

Republican voters as well.

A great deal of time was spent in the search for the ship.

candidate. The ship was found to have been lost.

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May 23, 1935. The ship was found to have been lost.

portrayal of the strength of the extremists who opposed the New Deal. One of Coughlin's near-ideological allies, Huey Long, was matched in a secret presidential poll against Roosevelt and an imaginary Republican candidate. In the mock ballot the tallies were: Roosevelt, 18,203,359; the Republican, 15,940,874; and Long, 2,750,164.¹⁵ Clearly, Long had sufficient strength to throw the electoral vote to the Republican candidate should he run in 1936. In Michigan Long was strong enough to reduce F.D.R.'s 1932 plurality of 131,936 votes to 11,245 at the time of the poll in 1935.¹⁶ Before the year 1935 was out, Long was assassinated, leaving Coughlin in the position of being the strongest rabble rouser in opposition to the New Deal.

The dual factors of Democratic minority and Coughlinism necessitated Murphy's 1936 gubernatorial candidacy from Roosevelt's point of view. Therefore, the only question in the President's mind throughout 1935 was not should Murphy return, but when would Murphy be willing to return. Roosevelt's early decision to call Murphy back was revealed when the President limited Murphy's appoint-

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¹⁵ Letter from James Farley to F.D.R., September 26, 1935, with attached memoranda on polls taken by Emil Hurja; F.D.R.L., P.S.F. (Box 29).

¹⁶ A detailed breakdown of the Hurja poll cited immediately above; F.D.R.L., P.P.F. 869.

portrayal of the strength of the extremists who opposed the New Deal. One of Congress's near-ideological allies,

Harry Long, was matched in a secret presidential poll

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¹⁵ Letter from James Farley to F.D.R., September 25, 1935, with attached memorandum on polls taken by Earl Long; F.D.R.E., 2.3.7. (Box 28).

¹⁶ A detailed breakdown of the Murphy poll cited immediately above; F.D.R.E., 2.3.7. 553.

ment as High Commissioner to a nominal three months-- just long enough to set up a standard of administration.¹⁷

But Murphy was reluctant to leave the Philippines and become the Democratic gubernatorial candidate. He was quite willing to help negotiate a peace among the factions of the party and to help calm his ebullient past friend, Father Coughlin, but it was something else again to permanently leave his comfortable situation on the Islands for the turbulence and uncertainty of State politics.

Murphy recognized he was not a "regular" Democrat as far as Michigan party leaders were concerned, for his entry into Michigan politics, as Mayor of Detroit, had been on a non-partisan basis. Further, the National Administration's efforts to have him run would probably be viewed by old-time State Democrats as a violation of State party sovereignty. Particularly bitter was former Governor Comstock who had been left out of the patronage settlement which Murphy arranged in 1935.¹⁸

Clearly, winning the party nomination in itself would be a struggle and would require nasty in-fighting. But even then, it was not likely that the effort would lead

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¹⁷Memorandum, March 18, 1935; Visit of Governor-General 1935, Bur. of Insular Affairs. James Farley, *Jim Farley's Story; the Roosevelt Years* (New York: McGraw-Hill Book Co., 1938), p. 52.

¹⁸Letter from Joseph E. Hayden to Weldon Jones, July 21, 1936, Hayden Papers.

most as high as the roof of the house -
just long enough to get a glimpse of the
But the house was built on a hill and the
and because the house was built on a hill
quite willing to give up the hill and
of the hill and the hill was built on a hill
rather than the hill was built on a hill
nearly as high as the roof of the house -
for the hill was built on a hill and the
nearly as high as the roof of the house -
as far as the hill was built on a hill
entry into the hill was built on a hill
been on a hill and the hill was built on a hill
instruction's attempt to build a hill
viewed by the hill was built on a hill
party were built on a hill and the hill
Governor of the hill was built on a hill
nearly as high as the roof of the house -
clearly, the hill was built on a hill
would be a hill and the hill was built on a hill
But even then, the hill was built on a hill

13. The hill was built on a hill
General Hill, the hill was built on a hill
Hill was built on a hill and the hill
Hill was built on a hill and the hill
14. The hill was built on a hill
Hill was built on a hill and the hill
Hill was built on a hill and the hill

to Murphy's victory in the fall, for he was not expected to win the State election. Even President Roosevelt spoke frankly in terms of Murphy making a "sacrifice."¹⁹ The reasoning behind the New Deal strategy was a bit Machiavel-
lian. It was anticipated that the race between Roosevelt and Landon in Michigan would be close, with Landon winning. Although Murphy would probably not win, it was hoped he would bring enough additional votes over to the Democratic column to assure F.D.R.'s victory.²⁰

Under these circumstances it is understandable that the High Commissioner was most unenthusiastic about running for Governor. As Joseph Hayden observed: "No one likes to take a licking in a political fight, even though he may know that he is making a sacrifice hit for his Chief."²¹ On the other hand, Murphy was devoted to the President and would do anything F.D.R. felt was absolutely necessary.

The High Commissioner expressed these ambivalent thoughts to the President when the latter sounded him out in early 1936 about becoming the party's gubernatorial candidate. Murphy began his lengthy letter with an honestly felt assertion: "I will become a candidate for Governor of

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¹⁹ Letter from Chase S. Osborn to Margaret LeHand, November 30, 1936, Osborn Papers.

²⁰ Letter from Joseph R. Hayden to Weldon Jones, July 21, 1936, Hayden Papers.

²¹ Ibid.

to Murphy's victory in the fall, for he was not expected to win the State election. Even President Roosevelt spoke ironically in terms of Murphy being a "sensational" man. The reasoning behind the New Deal strategy was a bit different. It was anticipated that the race between Roosevelt and Landon in Michigan would be close, with Landon winning. Although Murphy would probably not win, it was hoped he would bring enough additional votes over to the Democratic column to ensure F.D.R.'s victory.²⁰

Under these circumstances it is understandable that the High Commissioner was most enthusiastic about running for Governor. As Joseph Hayden observed: "No one likes to take a beating in a political fight, even though he may know that he is making a sacrifice for his State."²¹ On the other hand, Murphy was devoted to the President and would do anything F.D.R. felt was absolutely necessary.

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¹⁹ Letter from Charles G. Hayden to Margaret Leland, November 30, 1936, Oregon Papers.

²⁰ Letter from Joseph E. Hayden to William Leland, July 21, 1936, Hayden Papers.

²¹ Idem.

Michigan or undertake any other mission that might be helpful to your success next fall." The High Commissioner then began to hedge. He reached for the best excuse he could think of, telling the President he should remain in the Philippines to preserve "the present satisfactory state of affairs." Eventually however, Murphy came to his main point. He described in dismal terms the prospect of becoming the State Democratic standard bearer:

Concerning the situation in Michigan, reports that reach me from sources that are friendly to me suggest that party success in the State this fall, if not hopeless, is at least very doubtful. While my candidacy would perhaps be popular in Detroit and might aid materially in the reelection of Democratic Congressmen from that district, there appears to be a general belief outside of strict party circles that the State at large will go Republican.

Notwithstanding the creditable achievements of the 1933-4 Democratic administration, the confidence of the public has been seriously, if not irretrievably, impaired by political inaptitudes of party leaders, frequent disregard of popular sensibilities, open and bitter dissention within the ranks, and finally the pending indictment and trial of prominent party leaders in Detroit on charges and strong evidence of fraud and manipulation in the recount of the ballots cast in the 1934 State election.²²

Murphy was unable to come to a firm decision on running even after his return to the States. As late as June 1936, he was undecided and urged his supporters to make alignments with other potential candidates if they

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²²Letter from Frank Murphy to F.D.R., March 3, 1936; F.D.R.L., P.P.F. 1662.

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so desired.²³ However, in early July he finally committed himself to run.

In retrospect the decision appears almost inevitable. Murphy was ambitious, and his political future was irrevocably tied to F.D.R.'s wishes. If he turned the President down this time, could he be sure that F.D.R. would give him a second opportunity to show his loyalty? For if he did say no, he might well "rot in tropical sun" forever, as one of his Michigan supporters put it.²⁴ But in agreeing to run he made the President beholden to him--whether he won or lost. He made the only decision a professional politician could make.

Although Murphy didn't make his decision to be a candidate until July, he had taken his first steps towards party endorsement the previous May at the Democratic State Convention. The main task of the convention was to select the candidates for State offices among whom the party members would choose at the September primary. The High Commissioner worked zealously to see that a "clean and invulnerable" group was chosen, for if he was to run in the

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²³Detroit News, June 23, 1936, p. 4:1.

²⁴ Radiogram from Adelaide Williams to Frank Murphy, February 10, 1936; Personnel File, Frank Murphy, Bur. of Insular Affairs.

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²³ Detroit News, June 23, 1936, p. 411.

²⁴ Telegram from Abbaide Williams to Frank Murphy, February 10, 1936; Personal file, Frank Murphy, Box 1 of 1, Detroit.

fall he wanted a strong ticket to accompany him. In general he succeeded.²⁵

On Murphy's suggestion, the convention took the particularly unusual step of endorsing the Republican James Couzens for Senator. Couzens, who was ideologically close to the New Deal, was up for re-election in the fall. Like Murphy, he faced a primary contest in September. Unfortunately, since Murphy would need Republican votes to win his primary, he would be competing directly with Couzens for the same liberal votes. As a result, either Murphy or Couzens would probably lose the primary to their more conservative opponent. To prevent this, Murphy had earlier tried to persuade Couzens to switch parties. Couzens understood the logic of Murphy's proposal, but chose instead to procrastinate. The Democratic Convention endorsement was designed to encourage him to make the party shift.²⁶

Murphy strove, in addition, to achieve party accord at the convention. He would have succeeded in winning at least surface unity had it not been for former Governor Comstock. Representing the old-line Democrats, Comstock resented the Farley-Roosevelt intrusion and decided to stir

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²⁵Letter from Frank Murphy to Joseph R. Hayden, October 2, 1936, Hayden Papers.

²⁶Barnard, p. 307. The New York Times, August 10, 1936; May 22, 1936, p. 2:7.

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²⁵ Letter from Frank Murphy to Joseph E. Hayden,
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²⁶ Bernard, p. 207. The New York Times, August 10,
1935; May 22, 1936, p. 217.

up a real primary fight for Murphy. He threw his weight to the ambitions of George A. Welsh. Welsh, a past Lieutenant Governor on the Republican ticket, made his bid for candidacy on the theory he would appeal to Republicans.²⁷

Murphy in fact, if not knowingly, based his primary campaign on the strategy recommended to Farley by Michigan National Committeeman, Edmund C. Shields. Shields made a thorough investigation of the primary situation in July 1936 and reported that Murphy would surely win. He found that Welsh was highly suspect by Democrats because of his failure to announce himself a Democrat well in advance of his decision to be a gubernatorial candidate. Furthermore, Shields reasoned, if Comstock as an incumbent in 1934 could not win for himself in the primaries, he hardly was in a position to have his candidate defeat Murphy in 1936. The wise policy, he suggested, was to let the two candidates have their contest, but without vituperation or personal antagonism. Then, when Murphy won, he would be able to appeal to Welsh's supporters in the fall election.²⁸

In following this strategy, the High Commissioner went so far as to refuse to debate with Welsh. He told his audiences in justification that the Democrats would

²⁷ The Detroit News, September 16, 1936, p. 1:8.

²⁸ Letter from Edmund C. Shields to James Farley, July 21, 1936; F.D.R.L., O.F. 300.

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²⁷ The Detroit News, September 16, 1936, p. 1-6.

²⁸ Letter from Edmund C. Shields to James Farley, July 21, 1936; F.D.R.L., O.F. 302.

win only if they presented a united front and stopped the "bickerings that have cursed our party in Michigan for so many years."²⁹

Welsh's main attack was to contemptibly accuse Murphy of being a Farley candidate. Murphy refused to be badgered into an angry retort on this issue. He contented himself with equivocal replies:

It has been suggested that I have been ordered into this campaign and that I have been imposed upon. Nothing is further from the truth, on that you have my word of honor. I have never discussed the subject with James Farley, as has been suggested. Not that I would not have been glad to, for I admire Mr. Farley very much. And I am happy and proud to have the support of President Roosevelt.³⁰

More frequently, Murphy frankly stated that the reason he was in the campaign was to help the President. The High Commissioner correctly assumed most of the people approved of the New Deal program. His emphatic point, therefore, was that Republicans and Democrats alike must rally together and vote Democratic in order that the New Deal might continue. "The presidential battle," he told the voters, "is being fought out right here in Michigan. This is one of the six states that will determine the result. . . ."³¹

²⁹The Detroit News, September 10, 1936, p. 19:4.

³⁰Ibid., July 31, 1936, p. 6:3.

³¹Ibid., September 9, 1936, p. 15:4.

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²⁹ The Detroit News, September 10, 1932, p. 12:4.

³⁰ Ibid., July 31, 1932, p. 6:3.

³¹ Ibid., September 2, 1932, p. 12:4.

The primary campaign was dog work for Murphy. He spent four days a week in Washington discussing Philippine affairs and then returned to Michigan to plead for votes on the remaining three days. He confessed to his friend and confidant Joseph Hayden: ". . . many things have made me sad these past two or three months. Right now I am just droning away for the President and progressive government in Michigan. . . ." ³²

However, in late August a lift came from gallant old Senator Couzens. Although he could not bring himself to betray his independence and run for the Senate as a Democrat, he did see his way to publicly endorsing F.D.R. His decision doomed his chances for Republican nomination in the primary, although they were already slight because of his decision not to campaign against his old guard opponent, Wilbur Brucker. ³³

As expected, Couzens lost the Republican nomination to Brucker in the mid-September primary. Murphy, however, won a solid victory over Welsh. ³⁴ Within two years Welsh had returned to the Republican party--such was Michigan politics. ³⁵

³² Letter from Frank Murphy to Joseph R. Hayden; September 1, 1936, Hayden Papers.

³³ Barnard, p. 314.

³⁴ The New York Times, September 17, 1936, p. 8:3.

³⁵ Letter from Martin R. Bradley to James Farley, December 23, 1938; F.D.R.L., O.F. 300.

In spite of Murphy's comfortable victory there were two disquieting factors in the results of the primary. As usual, the Republicans polled almost a two to one plurality over the Democrats. This did not augur well for Democratic victory in November, although in 1932 a similarly heavy Republican primary vote did not bring a Republican victory in the election.³⁶

But equally as serious was Father Coughlin's very strong primary showing. Murphy's 1935 prediction that the demagogic priest would not ally with dissident elements had proven incorrect. In June 1936 Coughlin joined forces with the late Huey Long's followers and those of another extremist, Dr. Francis E. Townsend, to form the Union Party-- in reality a very loose coalition aimed at toppling the "Communistic" New Deal. The hope of the new political party was to elect Union Party congressmen and to become a bargaining power in the electoral college between the two major presidential candidates. As its presidential standard bearer the party chose the agrarian reformer from North Dakota, William Lenke.³⁷

In September Coughlin entered Louis B. Ward in the Democratic primary as his candidate for the Senate. Ward shocked the Murphy Democrats by receiving 120,000 votes,

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In September Connelley entered Louis B. Ward in the Democratic primary as his candidate for the Senate. Ward shocked the Murphy Democrats by receiving 130,000 votes,

³⁶The New York Times, September 17, 1933, p. 813.

³⁷Ibid., pp. 118-122.

leaving his opponent, Prentiss Brown, with a plurality of only 7,466.³⁸ Moreover, there was additional evidence of Union Party strength. A few days before the September 15th primary, Murphy sent to Washington the results of the most recent secret poll taken by the Democratic National Committee in Michigan. In a three-way election it showed Landon winning with 47.3 percent of the vote, Roosevelt next with 43.9 percent, and Lenke with 8.6 percent. A breakdown of the Lenke vote revealed that almost all of it had been won over from Roosevelt supporters. Therefore, if Lenke could be kept off the ballot, or otherwise discredited, his votes would go to Roosevelt, giving the President 52 percent of the electorate in Michigan.³⁹

The results of this poll were substantiated by reports sent to Farley from Michigan politicians. Almost unanimously they were concerned about the Union Party threat. A candidate for the House who had just won a grueling primary fight with a Coughlinite complained that Coughlin's "forces were organized [in] the nature of crusade" and consequently his victory was "dearly achieved."⁴⁰

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³⁸The New York Times, September 17, 1936, p. 8:3; October 1, 1936, p. 17:2; October 6, 1936, p. 1:4.

³⁹Letter from Frank Murphy to Marvin H. McIntyre with results of poll attached, September 11, 1936; F.D.R.L., O.F. 300.

⁴⁰Letter from Draper Allen to James Farley, October 8, 1936, ibid.

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50 The New York Times, September 14, 1930, p. 1.
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While it thus seemed imperative that Union Party candidates should be kept off the ballot in November, the Michigan Democrats were only partially successful in achieving this. The Secretary of State ruled the name "Union Party" was not to appear on Michigan ballots.⁴¹ But Lemke was able to run under both "Third Party" and "Farmer-Labor" labels. Likewise, Ward and House of Representatives candidates were able to appear on the ballot under the "Third Party" heading.⁴²

Fortunately, the National Administration also took steps to discredit the Union Party. This was prompted by a national poll revealing that Roosevelt had slipped in voting strength from 53.5 to 49.3 percent over the summer, while Lemke had increased from 1.8 to 5.0 percent in the same period. For his part, F.D.R. made a national address in which he accepted Coughlin's challenge to repudiate the support of the Communist Party.⁴³ On the suggestion of Senator O'Mahoney, Reverend Maurice S. Sheehy of the Catholic University of America made a trip through the West visiting bishops and priests. He assured the White House that "some extraordinary things" were being attempted to offset Coughlin's influence. Meanwhile, Monsignor John

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⁴¹The New York Times, June 21, 1936, p. 24:3.

⁴²Ibid., October 4, 1936, p. 41:5; October 8, 1936, p. 12:4.

⁴³Lunt, p. 140.

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⁴¹ The New York Times, June 21, 1936, p. 24:2.

⁴² Ibid., October 4, 1936, p. 41:2; October 8, 1936, p. 12:4.

⁴³ Ibid., p. 14:1.

Ryan gave a radio talk acquitting the President of alleged tendencies towards communism.⁴⁴

During the State campaign, which began in earnest in October, Murphy ignored Coughlin as much as possible. Yet, when Coughlin decided to endorse the Republican Fitzgerald for Governor, Murphy felt obliged to speak out. He handled the priest gingerly by first pointing out that in the past he had "had great admiration for Father Coughlin." Murphy then shrewdly attacked Coughlin indirectly by accusing him of sponsoring the third party only because he wanted to see the Republican candidate, Alf M. Landon, elected as President. As for Fitzgerald, Murphy spared no scorn, declaring: "There is nothing in this campaign more ridiculous than a man like Fitzgerald, with his snug, complacent, reactionary viewpoints, posing as a friend of social justice."⁴⁵

Murphy faced other obstacles as well. No major newspaper in the State came out for him, and The Detroit News was the only one that even tried to be neutral.⁴⁶ The other newspapers perpetuated the Republican image of the High Commissioner calling him a demagogue, a self-

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⁴⁴Letter from Maurice S. Sheehy to Margaret LeHand, October 5, 1936; F.D.R.L., P.P.F., 3960.

⁴⁵The Detroit News, October 20, 1936, p. 20:3.

⁴⁶Letter from Frank Picard to James Farley, September 17, 1936; F.D.R.L., O.F. 300.

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⁴⁵The Detroit News, October 20, 1936, p. 20:3.

⁴⁶Letter from Frank Placid to James Farley, Septem-
ber 17, 1936; F.D.R.L., O.V. 290.

seeker who changed jobs when it was his advantage to do so, and a waster of public money.⁴⁷

As in his mayoralty campaign, Murphy's religion became an issue. This time, however, his running mate for Lieutenant Governor was likewise a Catholic. Propaganda soon spread through the upper parts of the State that the Democratic ticket had theocratic aims. Apprehension was increased by the knowledge that never before had a Roman Catholic been elected Governor.⁴⁸

Republican employers tried to intimidate their workers by placing wage-reduction notices in pay envelopes stating that all salaries would be cut beginning January 1st because of the New Deal. It was not explained that the scheduled reduction was due to Social Security payroll taxes.⁴⁹ To counter this, handbills explaining Social Security were passed out at industrial plants and at bus and street car transfer points. Murphy also devoted considerable radio time denouncing the employers and defending the Social Security bill.⁵⁰

Fortunately for Murphy, the Democrats remained

⁴⁷ Letter from Joseph R. Hayden to Weldon Jones, July 21, 1936, Hayden Papers.

⁴⁸ Letter from Carl M. Weideman to James Farley, October 5, 1936; F.D.R.L., O.F. 300.

⁴⁹ The Detroit News, October 24, 1936, p. 7:6.

⁵⁰ Letter from Mrs. Howell Van Auken to James Farley, October 26, 1936; F.D.R.L., O.F. 300.

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Although the State Central Committee lacked enthusiasm and never was able to effectively coordinate efforts, Murphy overcame the handicap of not having a real political machine which he could swing into action.⁵³ In fact, the High Commissioner was well suited to machineless politics, for he enjoyed putting on a one-man show. His campaign speeches followed the same colorful and naively eloquent pattern he had perfected as Mayor. He attacked Governor Fitzgerald for corrupt practices and for inviting racketeers into the State.⁵⁴ As for his own administration,

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⁵¹ Ibid.

⁵² Letter from Frank Murphy to Marvin H. McIntyre with results of poll attached, September 11, 1936; F.D.R.L., O.F. 300.

⁵³ Letter from George A. Schroeder to James Farley, October 22, 1936, ibid.

⁵⁴ The Detroit News, October 7, 1936, p. 20:1; October 13, 1936, p. 43:1.

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⁵¹ Ibid.

⁵² Letter from Frank Murphy to Marvin H. McIntyre
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 O.V. 390.

⁵³ Letter from George A. Schneider to James Farley,
 October 22, 1933, Ibid.

⁵⁴ The Detroit News, October 7, 1933, p. 201;
 October 13, 1933, p. 1311.

he promised that it would be guided by the motto a "public office must be a public trust."⁵⁵

The main issue of the campaign, however, was simply whether or not the New Deal should continue in Washington. To assist the cause the National Administration sent Cordell Hull into the State.⁵⁶ The all-important event was F.D.R.'s tour in mid-October. The President made brief stops in Grand Rapids, Lansing, Flint, and Pontiac, with a climactic appearance in Detroit where he toured the city and spoke to an outdoor rally in front of City Hall. Murphy accompanied the President all the way and made a few remarks at each stop on the itinerary.⁵⁷ James Couzens, who was ill, generously came out of a hospital bed to lend his prestige to the Democratic President and the gubernatorial candidate. A week later Couzens died.⁵⁸

Murphy put all his energy into the campaign and during the last week was too emotionally and physically exhausted to even eat solid food. But extreme efforts brought results, for much to the surprise of everyone he edged out his opponent and became the third Democratic

⁵⁵ Ibid., November 4, 1935, p. 19:2.

⁵⁶ The New York Times, October 30, 1936, p. 14:1.

⁵⁷ Ibid., October 16, 1936, p. 14:2.

⁵⁸ Barnard, pp. 320-323.

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⁵⁵ Ibid., November 4, 1935, p. 15:2.

⁵⁶ The New York Times, October 22, 1935, p. 15:1.

⁵⁷ Ibid., October 10, 1935, p. 15:3.

⁵⁸ Estimate, pp. 320-323.

Governor in the history of the State.⁵⁹ Furthermore, for the first time in State history, every elective administrative post, except the one to be voted on in the spring, also went to Democrats. Of course the real credit for the State victory went to F.D.R. who earned a 300,000 plurality in Michigan as compared to Murphy's 40,000. The Democratic Senatorial candidate, Prentiss Brown, received a plurality of 150,000 in his three-way contest with Wilbur Brucker and Louis B. Ward.⁶⁰ Coughlin, for his part, turned out to have had little influence in the election voting.⁶¹

The election of 1936 was above all a Roosevelt victory. His dynamic personality and program gave his party its majority. Without this great leader the Democrats certainly would not have done as well. Michigan in particular would have remained Republican. But only the most optimistic Democratic politician would have been willing to ignore the harsh statistical facts of Michigan Republican strength, which various polls and past performance had indicated, and predicted victory before the election solely on the basis of F.D.R.'s personality.

The Coughlin fizzle is explained primarily in the priest's inability to translate genuine discontent into

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⁵⁹ Letter from Joseph R. Hayden to Weldon Jones, November 6, 1936, Hayden Papers.

⁶⁰ The New York Times, November 5, 1936, p. 9:5.

⁶¹ Lunt, pp. 133-134.

Governor in the history of the State.⁵⁰ Furthermore, for the first time in State history, every elective administrative post, except the one to be voted on in the spring, also went to Democrats. Of course the real credit for the State victory went to F.D.R., who earned a 300,000 plurality in Michigan as compared to Murphy's 40,000. The Democratic Senatorial candidate, Franklin Brown, received a plurality of 150,000 in his three-way contest with Wilbur Brainerd and Louis A. Ward.⁵¹ Congress, for his part, turned out to have had little influence in the election voting.⁵² The election of 1936 was above all a Roosevelt victory. His dynamic personality and program gave his party its majority. Without this great leader the Democrats certainly would not have done as well. Michigan in particular would have remained Republican. But only the most optimistic Democratic politician would have been willing to ignore the latest statistical facts of Michigan Republican strength, with various polls and past performance and indicated, and predicted victory before the election solely on the basis of F.D.R.'s personality. The Congress alone is explained primarily in the present's inability to translate genuine discontent into

⁵⁰ Letter from Joseph H. Hayden to Nelson Jones, November 6, 1936, Hayden Papers.

⁵¹ The New York Times, November 6, 1936, p. 9, 6.

⁵² Hunt, pp. 123-124.

votes against F.D.R. While many voters were willing to express a preference for Lenke in public opinion polls, they were not willing to throw their ballot away on a sure loser come election day. Few Lenke supporters were more anxious to have Landon in the White House rather than Roosevelt. In addition, the traditional American distrust of third parties influenced voters to forgo their flirtation with Coughlinism.⁶²

The fact that the "Union Party" label did not appear on the Michigan ballot also inevitably hurt Coughlin's cause. For example, in September Ward made an impressive showing in part because he was a legitimate contender in the Democratic primary. But in November he, and the other Union Party candidates, were ignominiously relegated to the bottom position of twelve ballot columns and were amorphously classed as "Third Party" candidates.⁶³

Undoubtedly the September polls overrated the drawing power of the Union Party. Roosevelt had not yet begun his campaign, while in contrast, the Lenke forces had made their greatest impression on the public during the summer months. It was at this time that the Union Party was formed and held its initial series of conventions. While the new party appeared to be a threat at that time, in

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⁶²Ibid., p. 136.

⁶³Letter from John C. Cahalan to James Farley, October 28, 1936; F.D.R.L., O.F. 300.

votes against W.D.P. While many voters were willing to express a preference for Lusk in public opinion polls, they were not willing to throw their ballot away on a sure loser some election day. For Lusk supporters were sure enough to have Lusk in the White House rather than Roosevelt. In addition, the traditional American distrust of third parties influenced voters to large extent in election when

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The fact that the "Union Party" label did not appear on the Michigan ballot also inevitably hurt Congressman's cause. For example, in September Ward made an impressive showing in part because he was a legitimate contender in the Democratic primary. But in November he, and the other Union Party candidates, were ignorantly relegated to the bottom position of twelve ballot columns and were anachronously placed as "third party" candidates.⁶³ Undoubtedly the September polls overruled the drawing power of the Union Party. Roosevelt had not yet begun his campaign, while in contrast, the Lusk forces had made their greatest impression on the public during the summer months. It was at this time that the Union Party was formed and held its initial series of conventions. While the new party appeared to be a threat at that time, in

⁶² *Ibid.*, p. 136.

⁶³ Letter from John C. Egan to James Farley, October 22, 1936; F.D.R.L., O.P. 300.

comparison to the later Roosevelt performance of the fall, it was merely a clown act in preparation for the entrance of the star performer.

Finding himself elected Governor, Murphy tidied up his Philippine affairs and resigned as High Commissioner, effective December 31, 1936. Even before he took office, momentous events occurred which were to color his whole administration. In December a few disgruntled auto workers began a "sit-down." The practice soon spread to the key plants of the General Motors industry, forcing the corporation to stop production. The demand of the workers was for union recognition--a principle which the manufacturer was not willing to concede. Within a few months the sit-down strike became a fever, leaping from industry to industry throughout the nation. Meanwhile, the newly-elected Governor assumed the task of negotiating the strikes within Michigan and became the center of a raging controversy between traditional employer's "property rights" and worker's "property rights in his job." Because of the important role Murphy played in the sit-down, I have chosen to discuss this subject by itself in the next chapter. However, knowledge of Murphy's participation in the sit-down strike negotiations is helpful in understanding portions of his gubernatorial administration.

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As in the past, Murphy prepared himself for assuming this new office by turning to expert advice. His friendship with Joseph R. Hayden was typically helpful in this regard. Hayden had returned to the University of Michigan following the termination of his Philippine appointment as Vice-Governor. He opened the doors for Murphy to University and other professional personnel who might be willing to share the burdens of State government.⁶⁴ For specific guidance the Governor-elect appointed experts to prepare a series of studies for his use. These included subjects such as social security, welfare and relief, prison administration, parole policies, election laws, and workmen's compensation.⁶⁵

Murphy's goal was to bring the New Deal to Michigan. In his Inaugural address to the State Legislature in January he boldly declared:

On the third of November last, by a substantial majority, the people of Michigan gave adherence to the philosophy of government represented by the New Deal of President Franklin Roosevelt and the Democratic Party. To the extent of our means and authority as their chosen representatives, Republicans and Democrats alike, it is our duty as conditions demand it, to translate into law and practice in this state this new social and political philosophy, this broader conception of the

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⁶⁴Letter from Frank Murphy to Joseph R. Hayden, November 20, 1936, Hayden Papers.

⁶⁵The Detroit News, November 8, 1936, I, p. 22:5. November 29, 1936, I, p. 5:6.

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⁶⁴ Letter from Frank Murphy to Joseph E. Hayden,
 November 29, 1936, Hayden Papers.

⁶⁵ The Detroit News, November 8, 1936, p. 1B:6.
 November 23, 1936, p. 2:6.

responsibility of government for the economic health of the state and the social welfare of all inhabitants.⁶⁶

To carry out his little New Deal the Governor appointed men who not only had ability and integrity but who also would be willing to "work in close co-operation with the National Administration."⁶⁷ These men came from both parties and were chosen without consulting Democratic party leaders. Bragging a little on his non-partisan appointment policy, Murphy told reporters: "Until I tell you the name of the man I have selected, there isn't a person in Michigan, excepting me and the man himself, who knows who it will be."⁶⁸ Typical of his appointees was Charles T. Fisher, Jr., a Republican, who was chosen as Banking Commissioner. For nearly two years prior to his appointment he was a member of the central board of the Reconstruction Finance Corporation in Washington.⁶⁹ As Director of the State Welfare Department, the Governor selected James G. Bryant, who was formerly with the C.W.A. and W.P.A. and the Social Security Board.⁷⁰ To the chairmanship of the Liquor Control Commission Murphy appointed

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⁶⁶ Ibid., January 7, 1937, p. 16:1.

⁶⁷ Ibid., January 3, 1937, I, p. 9:8.

⁶⁸ Ibid., April 15, 1937, p. 43:6.

⁶⁹ Ibid., January 1, 1937, p. 1:6.

⁷⁰ Ibid., January 11, 1937, p. 1:2.

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⁶⁶ *Ibid.*, January 7, 1937, p. 16-17.

⁶⁷ *Ibid.*, January 3, 1937, p. 8-9.

⁶⁸ *Ibid.*, April 15, 1937, p. 43-44.

⁶⁹ *Ibid.*, January 1, 1937, p. 1-6.

⁷⁰ *Ibid.*, January 11, 1937, p. 1-2.

an economics professor from Wayne University, Edward W. McFarland.⁷¹

The Governor's first task was to submit a program to the Legislature whose only regular biennial session began in January 1937. He submitted proposals in both the broad areas of public welfare and of governmental reform. When it became apparent from the experience of the sit-down strikes that labor legislation was also needed, Murphy requested action in this area also.

In the field of public welfare, Murphy asked for amendments to the State Unemployment Compensation Act enacted just a few days before he took office. (A special session had been called at the end of December by Governor Fitzgerald in cooperation with Governor-elect Murphy to enable the State to meet the Federal deadline for eligibility under the Social Security law.) As Murphy requested, the State act was amended permitting benefits to begin on July 1, 1938, six months earlier than originally set. But the Legislature also included provisions he didn't want--in particular, the removal of Professor William Haber of the University of Michigan from membership on the State Unemployment Compensation Commission.⁷²

In addition, the Governor requested, and was given,

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⁷¹Ibid., February 19, 1937, p. 1:8.

⁷²Ibid., July 29, 1937, p. 15:5.

a liberalized Old Age Assistance Act which reduced the age of eligibility to sixty-five and increased appropriations for the aged.⁷³ The Legislature also passed, in response to a request from Murphy, an Occupational Disease Law bringing thirty-one occupational diseases and conditions within the provisions of the State Workmen's Compensation Act.⁷⁴

The Democratic Legislature willingly authorized \$4,000,000 in additional appropriations for schools.⁷⁵ It also supported Murphy's interest in mental health by granting \$6,000,000 for a two-year program to improve the State mental hospitals.⁷⁶ For the first time a State Board of Libraries was created to develop a state-wide library program.⁷⁷

In the field of reform Murphy began with reorganizing the State welfare agencies. Under his predecessor a commission was appointed which recommended centralizing the various welfare functions assumed by the State. The need had become imperative when, with the depression, greater strains were placed on these agencies. Murphy

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⁷³ Ibid., January 2, 1938, I, p. 5:1.

⁷⁴ The New York Times, July 11, 1937, p. 1:4.

⁷⁵ Ibid., July 11, 1937, p. 1:4.

⁷⁶ The Detroit News, April 7, 1938, p. 9:1.

⁷⁷ Journal of the House of Representatives of the State of Michigan, (Lansing: Franklin DeKleine Co., 1939), I, p. 49.

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⁷³ Ibid., January 2, 1933, p. 511.

⁷⁴ The New York Times, July 11, 1934, p. 11c.

⁷⁵ Ibid., July 11, 1934, p. 11c.

⁷⁶ The Detroit News, April 7, 1933, p. 3:1.

⁷⁷ Journal of the House of Representatives of the State of Michigan (Lansing: Franklin Belline Co., 1933), p. 23.

accepted the recommendations of the Study Commission, and ten legislative acts based upon the Commission's report were enacted. The four major results were to (1) set up an integrated State and County Department of Public Assistance, consolidating many State and local agencies, (2) reorganize the State Hospital Commission as a separate department, (3) create a State Department of Correction with comprehensive powers to deal with adult offenders, and (4) abolish the State Institute Commission.⁷⁸

The Governor's victory was short-lived, however. Supervisors of Townships and County Commissioners of the Poor did not relish giving up their control over the dispensation of relief. They strongly objected to the integrated State and County Department of Public Assistance and the abolition of the State Institute Commission. Taking advantage of the referendum provision in the State constitution, they forced a popular vote on the issue and won. Fortunately the other two major acts of welfare reform legislation and several minor measures were either unopposed or declared automatically valid by the Attorney General.⁷⁹

Former Governor Fitzgerald had also appointed a Study Commission to make civil service proposals. Using

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⁷⁸State of Michigan, Report of the State Welfare Department of the State of Michigan (Lansing, 1938), p. 13.

⁷⁹Ibid. Letter from Charles E. Misner to James Farley, January 6, 1939; F.D.R.L., O.F. 300.

the Commission's report as a guide, Murphy pushed through a civil service law despite heavy legislative opposition.⁸⁰

The sit-down strikes illuminated all too vividly the need for labor legislation. When Murphy proposed his bill, there was no labor legislation applicable to the sit-down controversy. The Wagner act was openly defied by corporations and was awaiting a Supreme Court decision as to its constitutionality. Michigan's only pertinent law was a statute making strikes illegal. Murphy proposed a comprehensive program of state legislation to fill the void, including a labor relations act and a wages and hours bill.⁸¹

As it finally passed the Legislature, the labor bill provided for a board of industrial relations consisting of three men who would have the power to investigate industrial controversies, order elections, and make findings. The board could also suggest mediation and arbitration. Elections for union representation were to be decided by majority rule with the spokesmen for the majority given the right to be exclusive bargaining agents.⁸² Picketing was made legal, but was placed under severe restrictions. It specifically forbade picketing of a plant at which there

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⁸⁰ The Detroit News, January 2, 1938, I, p. 5:1.

⁸¹ The New York Times, March 30, 1937, p. 13:1,2.

⁸² Ibid., July 30, 1937, p. 1:3.

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a civil service law which would be effective in 1934.

The bill was introduced in the House of Representatives

and passed by a vote of 219 to 191.

There was no objection to the bill as it was

concerned. The House then passed the bill

and sent it to the Senate.

The Senate passed the bill on May 1, 1933

by a vote of 73 to 27.

The bill was then signed by the President

and became law.

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was a strike by any person who was neither an employee nor a party to the dispute. Further, officials of allied labor unions were forbidden to picket.⁸³

Leaders of the C.I.O. were disturbed by these drastic limitations on picketing. They pointed out to Murphy that wives of strikers and their allies from other plants and cities would become law violators subject to fines and jail terms for picketing a struck plant.⁸⁴ The Governor had not asked for these provisions, and because of labor's objection to them, Murphy decided to veto the entire labor act. Although he was accused of bowing to C.I.O. pressure, the Governor preferred to think positively on the matter and stated that "a bill like this must have the support of both" labor and industry in order to succeed.⁸⁵

Murphy's legislative accomplishments were modest--especially when it is realized that two of his measures, civil service and welfare agency reorganization, had bipartisan support. His losses, in addition to the labor relations bill, included his minimum wages and maximum hours act and a financial reorganization bill.⁸⁶

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⁸³ Ibid., June 29, 1937, p. 1:8.

⁸⁴ Ibid., July 28, 1937, p. 6:5.

⁸⁵ Ibid., July 30, 1937, p. 1:3.

⁸⁶ Arthur E. Buck, The Reorganization of State Governments in the United States (New York: Columbia University Press, 1938), p. 134. The Detroit News, August 1, 1937, p.1.

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⁸³ Ibid., June 28, 1937, p. 1:8.
⁸⁴ Ibid., July 28, 1937, p. 6:5.
⁸⁵ Ibid., July 30, 1937, p. 1:1.
⁸⁶ Frank R. Buck, *The Reorganization of State Gov-
ernments in the United States* (New York: Columbia University
Press, 1938), p. 141. *The New York Times*, August 1, 1937, p. 1.

Yet, the Governor's accomplishments did much more than merely serve a caretaker function. They were a first step towards the creation of a Michigan New Deal. Even the modest amount he did win from the Legislature required great skill and persistence, for the Legislature was conservative, particularly in the upper house. Seventeen votes were required to pass a bill in the Senate in which there were sixteen Democrats and fourteen Republicans. A seventeenth Democrat had been elected, but he was serving a prison term for attempting a fraudulent recount in the 1934 election.⁸⁷

Moreover, in all too typical legislative fashion, confusion was the dominant note of the 1937 session. In the first four months only one important bill was passed.⁸⁸ Then when the Legislators decided it was time to act, they irresponsibly authorized expenditures totaling nearly \$18,000,000 in excess of estimated revenues. This left the problem of balancing the budget to the Governor. Using his best judgment, he made cuts in expenditure. However, as of January 1938 the budget for that fiscal year was still \$5,000,000 out of balance.⁸⁹

Murphy relied heavily on the political power of the various State departments, particularly the Highway

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⁸⁷ The New York Times, July 30, 1937, p. 1:3.

⁸⁸ The Detroit News, May 5, 1937, p. 14:1.

⁸⁹ Ibid., January 2, 1938, I, p. 5:1.

Yet, the Governor's recommendations did much more than merely serve a conciliatory function. They were a first step towards the creation of a Michigan New Deal. Even the modest amount he did win from the legislature regarding direct mail and permanent, for the Legislature was conservative, particularly in the space issues. However, votes were required to pass a bill in the Senate in which there were sixteen Democrats and fourteen Republicans. A seven-member Democratic caucus was elected, but he was working a program for a sweeping a fundamental reform in the 1934 election.⁸⁷

However, in all too typical legislative fashion, coalition was the dominant note of the 1937 session. In the first few months only one important bill was passed. Then when the Legislature decided it was time to act, they irresponsibly authorized expenditures totaling nearly \$15,000,000 in excess of estimated revenues. This left the Governor at bay, and he had to turn to the Governor. Using his best judgment, he made cuts in expenditures. However, as of January 1938 the budget for that fiscal year was still \$5,500,000 out of balance.⁸⁸

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⁸⁷ The New York Times, July 30, 1937, p. 14.

⁸⁸ The Detroit News, May 5, 1937, p. 14-1.

⁸⁹ Ibid., January 2, 1938, p. 5-1.

Department, to push his program through the Legislature.⁹⁰ However, the Governor's own patience and determination were equally important. He never relented in his activity for getting his proposals passed, and in the last days of the regular session he won both his welfare reorganization program and his labor relations bill. The Legislature meanwhile had left Murphy's civil service act unpassed. Murphy promptly called the Legislators back for a special session. A half hour before the adjournment deadline the civil service bill was enacted.⁹¹ Murphy had also hoped the Legislature would reconsider his labor bill, but the Senate only repassed the bill he had vetoed and then adjourned in a huff. To no avail the House members complained the Senate action was illegal because no concurrent resolution for adjournment had been passed.⁹²

Murphy believed in the principle of a strong executive. Using to the full the powers the Michigan constitution gave him, he attempted to institutionalize his creed of good government. As he had in Detroit and in the Philippines, Murphy gave full attention to sound

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⁹⁰ Ibid., July 31, 1938.

⁹¹ Ibid., August 1, 1937, I, p. 2:1.

⁹² The New York Times, July 31, 1937, p. 1:3; August 1, 1937, p. 5:3.

Department, to push his program through the Legislature.⁸⁰ However, the Governor's own patience and determination were equally important. He never retreated in his activity for getting his proposals passed, and in the last days of the regular session he won both his welfare reorganization program and his labor relations bill. The Legislature meanwhile had left Murphy's civil service act unpassed. Murphy promptly called the Legislature back for a special session. A half hour before the adjournment deadline the civil service bill was enacted.⁸¹ Murphy had also hoped the Legislature would reconsider his labor bill, but the Senate only repassed the bill he had vetoed and then adjourned in a hulk. To no avail the Senate members complained the Senate action was illegal because no concurrent resolution for adjournment had been passed.⁸²

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⁸⁰ *Ibid.*, July 31, 1933.

⁸¹ *Ibid.*, August 1, 1933, I, p. 211.

⁸² *The New York Times*, July 31, 1933, p. 1:3; August 1, 1933, p. 3:3.

financial control. For his Budget Director he chose Harold L. Smith, former director of the Bureau of Government at the University of Michigan. The Governor made it clear that Smith would have the power to go into the various departments of the State and study expenditures. Murphy also asked his Budget Director to make long-range studies on State income and expenditure. In short, the Governor wanted a balanced budget and what he termed a "progressive economy movement in government."⁹³

During Murphy's time in office new accounting methods were adopted as an adjunct to effective budgetary control. Further, different purchasing methods were adopted. Under them the limit on purchases without sealed bids was dropped from \$3,000 to \$500. Because of this feature, and others, the number of firms sharing in the business of the State was increased four times.⁹⁴ Meanwhile, the State Tax Commission was reorganized and made more efficient. The method of assessing utilities was revised. A study of the tax receipts in mining regions revealed that the State was providing \$1,000,000 a year in these areas to meet deficiencies in revenues. Efforts were made to correct this.⁹⁵

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⁹³The Detroit News, April 23, 1937, p. 1:3.

⁹⁴Kemp ms., sec. III, p. 3. Journal of the House of Representatives . . . Michigan, I, p. 43.

⁹⁵Ibid., p. 45.

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The activities of the welfare agencies were streamlined and increased by Murphy. Under the Governor's direction the parole system for the State was reorganized and psychiatric clinics were established in the prisons.⁹⁶ Having persuaded the Legislature to invest in a mental hospital building program, Murphy hired an able director for the hospitals, Dr. Joseph E. Barrett. He was formerly the assistant Massachusetts Commissioner of Mental Diseases.⁹⁷ And with the help of federal grants in 1938, local health departments were strengthened.⁹⁸

The Governor had hopes of being able to do a great deal more for the citizens in the way of medical assistance. In September 1938 he called a state-wide health conference to discuss medical care from the viewpoint of the consumer. Among the subjects discussed were group health insurance, group medicine, and area clinics. What Murphy wanted was a system whereby the best possible medical care could be given to the indigent and to persons of moderate incomes. The Governor was unable to do more than force a discussion on this sensitive subject. However, in this small effort Murphy indicated the direction in which he was looking, that is, towards a welfare state which accepted, in full,

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⁹⁶Detroit Times, January 7, 1940.

⁹⁷The Detroit News, November 11, 1937, p. 4:6.

⁹⁸Journal of the House of Representatives. . .
Michigan, I, p. 47.

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⁸⁶ Detroit Times, January 7, 1940.

⁸⁷ The Detroit News, November 11, 1937, p. 413.

⁸⁸ Journal of the House of Representatives,
Michigan, 1, p. 47.

the responsibility of caring for its citizens.⁹⁹

The Governor had quite definitely forced the Civil Service Act on the Legislators. With equal ardor he implemented the bill. To administer the civil service system he hired William Brownrigg. Brownrigg was currently the executive officer of the California State Personnel Board. In spite of the fact that he had been a Michigan resident he was considered an outsider and was viewed with suspicion by Michigan politicians.¹⁰⁰ His qualifying examinations were administered to all, regardless of political connections, and those who failed the examination were dismissed.

A howl went up from political leaders. Republicans warned they would not consider the act honestly administered unless fifty percent of the present State employees lost their jobs. Democrats said that no one should be dismissed. Edward J. Fry, the Democratic State Central Committee Chairman, even gave an anti-civil service speech in which he made a blatant defense of patronage.¹⁰¹ Meeting the challenge of the bipartisan opposition, Murphy stubbornly announced: "The enemies of civil service are starting out to cut my throat. Well, let them cut away. We are going to see this thing through."¹⁰² And he did.

⁹⁹ The Detroit News, August 16, 1938, p. 16:5.

¹⁰⁰ Ibid., September 7, 1937, p. 1:7.

¹⁰¹ Ibid., June 6, 1938, p. 17:1.

¹⁰² Ibid., May 19, 1938, p. 6:3.

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But old practices die hard. When it was rumored that State employees were being asked to contribute a small percentage of their salaries to the Democratic party, Murphy ordered this stopped. He also said that State contractors and liquor licensees must not be coerced into political contributions. In addition, he refused to take political contributions from professional gamblers. He observed: "You cannot accept contributions from a slot machine gang or a gambling syndicate and have free government."¹⁰³

Murphy had campaigned in 1936 on the promise that he would bring the New Deal into Michigan. In many areas he helped to carry out that promise by effectuating programs requiring Federal and State co-operation. For example, he encouraged rural electrification in Michigan, and by having the State adopt federal grades for agricultural products he increased the markets for them.¹⁰⁴ However, the 1937-38 recession led to an even greater degree of Federal and State joint action.

The economic collapse was totally unexpected. Indeed, federal spending was reduced in early 1937 because

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¹⁰³Kemp ms., sec. III, p. 4.

¹⁰⁴Journal of the House of Representatives . . . Michigan, I, p. 56. The Detroit News, October 18, 1938, p. 9:4.

But old practices die hard. When it was reported that State employees were being asked to contribute a small percentage of their salaries to the Democratic party, Murphy ordered this stopped. He also said that State employees and higher officers must not be obliged to take political contributions. In addition, he refused to take political contributions from presidential candidates. He observed: "You cannot accept contributions from a single machine group or a banking group or any other group." Government.

Murphy had announced in 1922 on the promise that he would bring the New Deal into Michigan. In early years he helped to carry out that promise by effecting progressive legislation Federal and State co-operation. For example, he encouraged that effectuation in Michigan and by having the State adopt Federal guides for agricultural products he increased the market for them. However, the 1927-28 recession led to an even greater degree of Federal and State joint action. The economic collapse was totally unexpected.

Indeed, Federal spending was reduced in early 1927 because

103. See also, sec. 111, p. 4.

104. Journal of the House of Representatives, Michigan, I, p. 35. The Detroit News, October 12, 1927, p. 3-4.

of fear that an uncontrollable boom might be stimulated. Michigan was particularly vulnerable to the economic collapse due to its automobile industry which is one of the first industries to feel any loss in purchasing power. The recession began in the fall of 1937, and by April 1938 Murphy estimated Michigan unemployment at 470,000.¹⁰⁵ The Governor was resolved to use all the powers of the State and all the aid President Roosevelt would give him to reduce the effects of this new depression. With this in mind he went to Detroit to tell the unemployed his program. The scene was very familiar to the former Mayor. Ten thousand unemployed, or part-time, workers were massed before City Hall. In unequivocal language he assured his disheartened audience: "The difference between this depression and the last one is that you have a Governor who will fight your battles and do what he can to help you. And you have a President in Washington who will do the same thing. So keep up your hearts."¹⁰⁶

Murphy's first effort was a futile one. In step with the National Administration, the Governor attempted to fix the blame for the recession on business. His particular scapegoat was unregulated installment buying encouraged by the automobile industry, and he discussed the matter in

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¹⁰⁵ The New York Times, April 16, 1938, p. 2:2.

¹⁰⁶ The Detroit News, April 10, 1938, I, p. 13:1.

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¹⁰⁷ The New York Times, April 18, 1932, p. 2:2.

¹⁰⁸ The Detroit News, April 10, 1932, p. 1:1.

Washington with Roosevelt and the president of General Motors.¹⁰⁷ Nothing came of the discussion, and Murphy contented himself with appointing a study commission to investigate the connection between economic collapse and installment buying.¹⁰⁸ Later it was realized that the recession was caused by the New Deal's tight-money policies in early 1937.¹⁰⁹ Murphy himself came to accept this interpretation by the end of 1938.¹¹⁰

In April 1938 Murphy took the more important step of going to Washington to negotiate a massive federal-assistance program. By this time the State and local communities had just about come to the end of their relief funds. With Harry L. Hopkins, W.P.A. administrator, the Governor made an arrangement to lift Michigan W.P.A. quotas and transfer all employable persons, now on relief rolls, to federal work-relief projects. This would take 60,000 persons off local rolls and save the State and local communities about \$1,500,000 a month.¹¹¹ Within a remarkably few days the machinery for making this transfer was

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¹⁰⁷ The New York Times, January 21, 1938, p. 5:2.

¹⁰⁸ The Detroit News, January 14, 1938, II, p. 2:1.

¹⁰⁹ Frank Freidel, America in the Twentieth Century (New York: Alfred A. Knopf, 1960), pp. 346-347.

¹¹⁰ Letter from Frank Murphy to James A. Farley, December 7, 1938; F.D.R.L., O.F. 300.

¹¹¹ The Detroit News, April 17, 1938, I, p. 1:6.

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107 The New York Times
108 The New York Times

109 The New York Times
(New York: The New York Times, 1937, p. 1)

110 The New York Times
December 1, 1937, p. 1

in operation and Murphy was able to write Hopkins: "We are getting action and results - the sort of thing you and I like."¹¹²

In conversations with Harold Ickes the Governor won approval of a plan whereby the federal government matched the \$6,000,000 appropriated by the State for mental hospitals. Murphy also received a promise from the Farm Security Administration to expand its direct relief efforts in rural areas of the State.¹¹³ Farm income had dropped precipitously beginning in the summer of 1937. In June this Federal aid was supplemented with the distribution of surplus farm commodities by the Federal Surplus Relief Corporation. These rations went to communities which were short of relief money.¹¹⁴

While this assistance helped, it did not do enough. As in the early thirties, the cities had completely exhausted their relief funds and had turned to the State for additional help. Murphy found himself in 1938 being abused for not releasing more state funds, even as he had abused the governor in 1931-1932 when he was Mayor of Detroit. In June the acting Detroit Mayor told the press: "I realize that Murphy is telling the truth when he says that the

¹¹²Letter from Frank Murphy to Harry Hopkins, April 20, 1938; F.D.R.L., Group 24.

¹¹³The Detroit News, April 17, 1938, I, p. 1:6.

¹¹⁴Ibid., June 25, 1938, p. 1:6.

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112 Letter from Frank Murphy to Harry Hopkins

April 30, 1938; T.D.E.L., Group 34.

113 The Detroit News, April 27, 1938, p. 1, col. 1.

114 Ibid., June 28, 1938, p. 1, col. 1.

State had already spent in Detroit and elsewhere all of this year's welfare appropriation and most of next year's but he has to find more money." The Acting Mayor went on to suggest that perhaps Murphy was keeping welfare expenses down in order to forestall charges in the fall campaign that he was running the State into debt.¹¹⁵

Murphy in turn fumed at the county relief commissions which, he said, were imposing "unjustified" cuts in local relief expenditure. He felt that some of their budget cuts had been ordered for political purposes rather than because of financial stringencies. The counties, he implied, were finding it all too easy to shift more of the relief burden to the State or Federal governments.¹¹⁶

The Governor finally was compelled to call a second special session of the Legislature in order to appropriate additional relief funds. He timed the session carefully--just a few weeks before the September primary. His hope was to effect the biennial popularity contest between the Republicans and Democrats in favor of the Democrats.¹¹⁷

Murphy asked the Legislature for \$10,000,000 more in relief funds. In hopes of meeting conservative criticism, he prefaced his request with a dissertation on the

¹¹⁵ Ibid., June 26, 1938, I, p. 1:2.

¹¹⁶ Ibid., July 23, 1938, p. 5:8.

¹¹⁷ Ibid., August 11, 1938, p. 34:1; December 25, 1938, I, p. 7:1.

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115 Ibid., June 23, 1933, I, p. 113.

116 Ibid., July 23, 1933, p. 3:3.

117 Ibid., August 11, 1933, p. 24:1; November 25,

economies he had instituted as Governor. His most telling point was that in spite of unexpected relief expenditures he had actually spent \$12,000,000 less than had been appropriated by the Legislature for all expenditures. In light of this, he concluded, \$10,000,000 was not too much more to ask for relief, even if additional taxing revenue was not authorized.¹¹⁸ In the same session Murphy asked for and received legislation qualifying Michigan cities for Federal housing projects. He also won an extension on land contract and mortgage foreclosure moratoriums.¹¹⁹

In addition to his gubernatorial duties Murphy embarked on a host of extracurricular activities which led him all over the country. His ambition and temperament would not let him do otherwise. On his out of State trips he hobnobbed with important people, received honorary degrees, or made speeches. His frequent excursions prompted his Lieutenant Governor to try to collect Murphy's salary for the approximately seventy days Murphy was out of the State in 1937. The gesture was not exactly a friendly one and was typical of Michigan faction-ridden politics.¹²⁰

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¹¹⁸ Ibid., August 29, 1938, p. 20:1.

¹¹⁹ Ibid., December 25, 1938, I, p. 7:1.

¹²⁰ Ibid., January 2, 1938, I, p. 5:1.

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The demands for speechmaking became too great for Murphy to continue writing his own speeches. In the past Murphy had frequently used aides to write some of his addresses for him, but now he hired a young man, Charles Hedetniemi, specifically for the task of speech writing. Hedetniemi was not hired because Murphy lacked ability. Indeed, Hedetniemi had great respect for the Governor's talents as a creative thinker and phrase maker. It was simply a matter of insufficient time on Murphy's part.¹²¹

Much of the Governor's speech making was devoted to giving support to the National Administration. In early February 1937 Murphy joined the New Deal chorus in asking for liberalized Supreme Court decisions. Roosevelt's court-packing plan had not yet been announced. Instead Murphy asked for an amendment to the Constitution which would endorse the New Deal. It was a tragedy, Murphy told a network audience, that acts such as the A.A.A. and the N.R.A. had been overruled by the Court. He declared that because of the Supreme Court action: "We are still in no man's land as far as the power of government to protect its citizens against nature and the play of blind economic force is concerned."¹²²

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¹²¹ Interview with Charles Hedetniemi, April 13, 1961.

¹²² Frank Murphy, Selected Addresses of Frank Murphy, Governor of Michigan - January 1, 1937 to September 30, 1938 (Lansing, 1938), p. 3.

The demands for speechmaking became too great for Murphy to continue writing his own speeches. In the past Murphy had frequently used aides to write some of his addresses for him, but now he hired a young man, Charles Heston, specifically for the task of speech writing. Heston was not hired because Murphy lacked ability. Indeed, Heston had great respect for the Governor's talents as a creative thinker and phrase maker. It was simply a matter of insufficient time on Murphy's part.¹²¹

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¹²¹ Interview with Charles Heston, April 12, 1961.

¹²² Frank Murphy, Selected Addresses of Frank Murphy, Governor of Michigan - January 1, 1937 to September 30, 1938 (Ann Arbor, 1938), p. 8.

A year later, in the midst of the 1938 recession, the Democratic National Committee asked Murphy to give a network address in defense of the President's renewed program of government spending. The Governor urged prompt Congressional action on the \$4,500,000,000 program called for by Roosevelt. He warned that delay might inadvertently lead to a worsening of the depression. At the same time he also held out an olive branch to business--asking Congress to remove "unnecessary and unreasonable handicaps" to free enterprise.¹²³

Murphy likewise aided the President in another very important matter. Since his landslide victory in 1936, F.D.R. had suffered a severe drop in popularity due to his defeat on the court-packing issue and the 1937-38 recession. Among the groups who became disenchanted were the Progressives. Most of them had been allied with the New Deal, but in 1938 they began wondering if it wouldn't be better to disengage themselves from the Democrats and form their own party. In May 1938 the La Follette brothers openly proposed a new National Progressive Party. Murphy expressed admiration for the brothers but otherwise gave the new party a cool reception.¹²⁴

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¹²³ Ibid., pp. 89-92.

¹²⁴ The Detroit News, May 4, 1938, p. 2:5.

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133 Ibid., pp. 88-89.

134 The Detroit News, May 4, 1938, p. 3A.

in which the Democrats suffered serious defeats, another attempt at unifying Progressive forces was made. Mayor LaGuardia of New York City asked Murphy and other Progressive sympathizers to discuss with him the future of the movement in America. The implication was that the Democratic party was no longer an adequate medium for Progressivism. Murphy accepted the invitation but not for the purpose of breaking with the New Deal. Rather he took the opportunity to heal over the fissure which had come between Progressives and Democrats. At the close of the conference he declared that any efforts to give the Progressive movement "adhesion" would not work unless they were under the leadership of the President. Moreover, the Governor said Progressives should keep an "open mind" on the question of a third term for F.D.R.¹²⁵ Finally, to complete his role as mediator, Murphy went to Washington the day after the conference broke up and reported to the President. Following his conversation with the Chief Executive he flatly asserted that Progressives must work through the Democratic party, if they wished to achieve their objectives.¹²⁶

This period of service to the New Deal was a strain on Murphy and occasionally incapacitated him. He needed rest and all too often couldn't get it. As a result, by the

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¹²⁶Ibid., November 14, 1938, p. 1:2.

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end of 1937 Murphy suffered a collapse and had to be hospitalized. He had not only been through a tough legislative session but in addition had conducted months of grueling sit-down strike negotiations. He had lost eighteen pounds, bringing his weight down to one hundred and fifty-nine pounds.¹²⁷

The Governor fortunately took time for holidays, frequently spending them in California or Florida.¹²⁸ One time F.D.R. rewarded his labors with a weekend of fishing on the presidential yacht in Chesapeake Bay.¹²⁹ His favorite vacation spot in Michigan was on Mackinac Island. There he could play tennis, swim, or ride as he wished. Murphy enthusiastically wrote Hayden that "this island has every other place in the country beat for health and I'm trying to spend as much time on it as possible."¹³⁰ Often the Governor invited his friends to the island.¹³¹ But rest served only as preparation for more labor. In the fall of 1938 Murphy faced another election campaign.

¹²⁷The Detroit News, September 1, 1937, p. 24:1.

¹²⁸Detroit Times, August 29, 1937. The New York Times, April 2, 1938, p. 1:7.

¹²⁹Ickes, II, p. 181.

¹³⁰Letter from Frank Murphy to Joseph R. Hayden, July 29, 1938, Hayden Papers.

¹³¹Letter from Joseph R. Hayden to Fernando De La Guardia, September 21, 1938, ibid.

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127 The Detroit News, September 1, 1937, p. 2411.

128 Detroit Times, August 28, 1937. The New York Times, April 7, 1938, p. 1:7.

129 Iken, II, p. 181.

130 Letter from Frank Murphy to Joseph R. Hayden, July 28, 1938, Hayden Papers.

131 Letter from Joseph R. Hayden to Fernando De la Guardia, September 21, 1938, *ibid.*

Reflect

In June 1938 Michigan's Democratic Senator, Prentiss Brown, wrote F.D.R. that victory for Murphy in the fall was doubtful. Moreover, the Senator warned the President that Murphy was already discouraged about the outcome.¹³² An important obstacle to success was the continuing factional dispute within the State Democratic party. As in 1936, the party was at best only lukewarm in their support of Murphy's candidacy.

Murphy had attempted to arouse Democratic support by achieving an impressive record in legislation and executive action. His alternative would have been to devote his energies towards securing a unified party dependent on the Governor for leadership and favors. But this was distasteful to the Governor who had been reared in the Progressive tradition. He told the Young Democrats of Michigan that party members are too often "obsessed by the notion that patronage and other forms of political domination are the keys to party strength, they fail to see that in the long run there is never anything lost in advancing the interest of the general public. As a matter of fact," he

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¹³²Letter from Prentiss Brown to F.D.R., June 6, 1938; F.D.R.L., O.F. 300.

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insisted, "the party that puts public interest first, will flourish."¹³³

Unfortunately for Murphy this approach failed to elicit party support. Moreover, his failure was made worse by a personal factor. An astute reporter observed that while the party leaders were ready to believe that Frank Murphy did his duty as he saw it, they also noted Murphy's obvious ambition and felt that this, as well as duty, must have motivated him to righteously take "politics out of politics." In other words, when Murphy neglected politics, party regulars believed they were being sacrificed for his greater glory.¹³⁴ Resentment led to an almost open revolt against the Governor's renomination. The first signs occurred after Murphy had been in office only six months. A party leader wrote F.D.R. in June 1937 that the Governor was doing very poorly party-wise. He reported that county chairman after county chairman had quietly declared they would not support Murphy again. Indeed, seventy-two out of eighty-two chairmen were secretly opposed to him.¹³⁵ A year later the party leader's prediction was proven nearly correct. Dissident elements tried to get the most powerful Democrat in the state, Murray Van Wagoner who was Highway

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¹³³ The Detroit News, October 17, 1937, I, p. 1:2.

¹³⁴ W. A. Markland, The Detroit News, July 31, 1938.

¹³⁵ Letter from Judge Malcolm Hatfield to F.D.R., June 4, 1937; F.D.R.L., O.F. 300.

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133 The Detroit News, October 17, 1937, p. 1-2.

134 F. A. Markland, The Detroit News, July 31, 1938.

135 Letter from Judge Malcolm Hatfield to F.D.R.,

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Commissioner, to enter the primary against Murphy. They would have succeeded had not Van Wagoner decided to wait until after the fall election to make his showdown.¹³⁶

Belatedly the Governor attempted to assuage the feelings of embittered party members. In the summer of 1938 he held a series of Democratic meetings with party leaders and tried to explain his policies to them. The first meeting was held at Traverse City for the northern counties. The main feature of the session was the opportunity Murphy gave for friendly criticism of his administration.¹³⁷ The Traverse City meeting, and the others which followed, were in themselves highly successful because they were perfect receptacles for Murphy's effusive charm. However, as one party leader observed, "wounds are not quickly healed" and the Murphy re-election campaign never won the enthusiasm of party workers.¹³⁸

Because Van Wagoner decided not to enter the primary race, Murphy ran unopposed. As in the past, the Republicans received more votes than the Democrats in the primary, giving the Republicans the comfortable feeling that they

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¹³⁶ W. A. Markland, The Detroit News, July 31, 1938. Letter from Prentiss Brown to F.D.R., June 6, 1938; F.D.R.L., O.F. 300.

¹³⁷ W. A. Markland, The Detroit News, July 24, 1938.

¹³⁸ Letter from George Marble to James Farley, December 16, 1938; F.D.R.L., O.F. 300.

Commissioner, to enter the primary against Murphy. They would have succeeded had not Van Wageningen decided to wait until after the full election to make his withdrawal. 136

Reluctantly the Governor attempted to arrange the feelings of embittered party members. In the summer of 1933 he held a series of Democratic meetings with party leaders and tried to explain his policies to them. The first meeting was held at Traverse City for the northern counties. The main feature of the session was the opportunity Murphy gave for friendly criticism of his administration. 137 The Traverse City meeting, and the others which followed, were in themselves highly successful because they were perfect opportunities for Murphy's effective charm. However, as one party leader observed, "rounds are not quickly healed" and the Murphy re-election campaign never won the enthusiasm of party workers. 138

Because Van Wageningen decided not to enter the primary race, Murphy ran unopposed. As in the past, the Republicans received more votes than the Democrats in the primary, giving the Republicans the comfortable feeling that they

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- 136 W. A. Markland, The Detroit News, July 31, 1933.
Letter from President Brown to F.D.R., June 6, 1933; F.D.R. to F.D.R., July 31, 1933.
- 137 W. A. Markland, The Detroit News, July 31, 1933.
- 138 Letter from George Harbo to James Taylor, December 18, 1933; F.D.R. to F.D.R., July 31, 1933.

needed only to hold their own to win.¹³⁹ In addition, the Democrats went into the campaign with another liability, the 1937-38 recession.

The recession had forced the Governor to trim certain government services. Most important in this regard was his reduction of old age pensions. Of the \$10,000,000 appropriated by the 1937 Legislature for this purpose, Murphy was compelled to cut off \$3,000,000, which meant that the Federal government deducted an equal amount. Capitalizing on Murphy's predicament, the Republicans made promises of increased aid to the aged.¹⁴⁰ Fitzgerald, the Republican gubernatorial candidate, even indicated support for the Townsend Old Age Pension Plan.¹⁴¹

Likewise, Murphy was obligated to cut State funds for schools. Although the Legislature originally appropriated \$4,000,000 more per year for schools than had ever been given previously, Murphy trimmed \$1,000,000 off this amount during his second fiscal year. In addition, inequalities in the distribution of funds caused increased discontent, and this was blamed on the Governor.¹⁴²

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¹³⁹The New York Times, November 5, 1938, p. 4:2.

¹⁴⁰Letter from H. O. Clines to James Farley, December 12, 1938; F.D.R.L., O.F. 300.

¹⁴¹The Detroit News, October 18, 1938, p. 9:4.

¹⁴²Ibid., November 2, 1938, p. 16:6

needed only to 1934, and the 1935-36 season.
the Department was not able to make any further
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The Department had been for some time
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Capitalizing on Murphy's predicament, the Department
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132 The New York Times, November 1, 1935, p. 2.
133 Letter from H. H. Clegg to James H. ...
December 12, 1935, p. 2.
134 The New York Times, November 1, 1935, p. 2.
135 The New York Times, November 1, 1935, p. 2.

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ERASABLE BOND

These two issues, however, were only symptomatic of deeper dissatisfaction rooted in loss of income due to the recession. Murphy's hope was that his little New Deal would not be blamed for loss of personal income, but rather would be praised for coming quickly to the aid of those in distress. Making his hope his strategy, he gambled everything on the issue of the New Deal.

To Murphy's advantage, organized labor stood firmly behind him. The first Michigan unemployment checks under Social Security were coincidentally sent out by July 1, 1938, thus helping to solidify working men's support. Although in 1938 labor was nowhere near the political force it was to become later, it was then organized enough to help deliver the big city vote. Frank X. Martel, president of the Wayne County Federation of Labor, created an A. F. of L. committee, while William Taylor of the U.A.W. chaired a C.I.O. political committee. In addition, Labor's Non-Partisan League, headed by Homer Martin of the U.A.W., put on an active campaign for the Governor. The problem shortly became one of trying to make labor's support more discreet, in order not to frighten off other potential Murphy supporters.¹⁴³

To add luster to his New Deal image, Murphy tried

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¹⁴³Letter from Frank A. Picard to James Farley, October 13, 1938; F.D.R.L., O.F. 300. The New York Times, October 21, 1938, p. 6:6.

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143 Letter from Frank A. Fister to James Farley, October 13, 1933; F. D. R. L., O. V. 300. The New York Times, October 21, 1933, p. 2:6.

to persuade the President to make a personal appearance in Michigan. Roosevelt tentatively agreed to dedicate the Port Huron bridge and stop over in Detroit for a Labor Day speech, but he was unable to adhere to his original plan.¹⁴⁴ However, F.D.R. did make a radio plea for Murphy in one of his fireside chats.¹⁴⁵ He also gave the Governor a definite promise about clearing away the red tape on the Mackinac Straits bridge project.¹⁴⁶ This was designed to woo upstate Republican areas which would benefit. Although Roosevelt did not make it into the State, Harold Ickes came to endorse Murphy.¹⁴⁷

Clinging to the coat tails of the National Administration, Murphy's campaign monotonously gave out its daily oratory. But in the middle of October, the little New Deal was delivered an unexpected broadside volley by Representatives Dies and his House Committee on Un-American Activities. Dies' point of attack was Murphy's handling of the sit-down strikes. The most obvious issue in the strike was the occupation of the factories by the workers in violation of the rights of private property and in

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¹⁴⁴Letter from Marvin H. McIntyre to Frank Murphy, June 30, 1938; F.D.R.L., O.F. 200-DDD. The New York Times, September 3, 1938, p. 1:4.

¹⁴⁵Ibid., November 5, 1938, p. 1:8.

¹⁴⁶Letter from F.D.R. to Frank Murphy, October 18, 1938; F.D.R.L., O.F. 725.

¹⁴⁷Ickes, II, p. 482.

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¹⁴⁵ Ibid., November 3, 1938, p. 1:8.

¹⁴⁶ Letter from F.D.R. to Frank Murphy, October 18, 1938; F.D.R.L., O.R. 785.

¹⁴⁷ Jones, II, p. 482.

defiance of the courts. In the eyes of conservatives, Murphy had condoned this. Dies went further and believed he saw in Murphy's actions the machinations of a Communist conspiracy. He held a series of hearings in which anti-Murphy witnesses reviewed the dramatic events of the sit-downs. In each instance it appeared the event would not have happened had it not been for Murphy's toleration of Communist activity. No one appeared before the Committee in the Governor's defense.¹⁴⁸

Dies had hit the Michigan New Deal at one of its more vulnerable points--its liberal, pro-labor orientation. Murphy's opponent, Frank D. Fitzgerald, buoyed up by the revelations of the Dies Committee, sternly declared that there "will be no more sit-downs after January 1," and promised that the Communists would be kept in bounds if Republicanism was restored.¹⁴⁹ Communism in the New Deal had become a major campaign issue.

To counter the effectiveness of the Dies Committee's attack, President Roosevelt took the unprecedented step of criticizing the Congressionally authorized Un-American Activities Committee. Allowing direct quotation of his remarks, F.D.R. told reporters: "On the threshold of a

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¹⁴⁸ August Raymond Ogden, The Dies Committee; A Study of the Special House Committee for the Investigation of Un-American Activities 1938-1943 (Washington: The Catholic University of America Press, 1943), pp. 77-78.

¹⁴⁹ The New York Times, October 21, 1938, p. 6:6.

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 Murphy had conducted this. But what further had he done
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¹⁴⁹ The New York Times, October 21, 1938, p. 6.

vitally important Gubernatorial election, they [the Committee] permitted a disgruntled Republican judge, a discharged Republican city manager and a couple of officious police officers to make lurid charges against Governor Frank Murphy. . . ." The President went on to praise Murphy's handling of the sit-downs.¹⁵⁰

Murphy himself offered to come before the committee as a witness and bitterly observed: "It is significant and interesting that while politicians thunder long and loud about violations of the rights of private property, the very men who owned the property that was involved approved of what we did to keep the peace."¹⁵¹

To compound Murphy's trouble, the Communist Party came out with a public endorsement of him. The opposition seized upon this effectively, especially when Murphy failed to unequivocally repudiate the endorsement.¹⁵² Roosevelt had felt free to flatly repudiate Communist support in 1936, but Murphy did not choose to follow his example. Whether this was due to political expediency, or conviction, or a combination of both is uncertain. Murphy's statement explaining his position is as follows:

¹⁵⁰ Ibid., October 26, 1938, I, p. 1:7.

¹⁵¹ Ibid., October 22, 1938, p. 1:7; October 26, 1938, p. 12:4.

¹⁵² Letter from John C. Lehr to James Farley, October 31, 1938; F.D.R.L., O.F. 300.

I do not consider myself as having anything in common with the Communist Party, or with Communist principles. . . .

If I have been indorsed by any Communist group, I am not aware of it, and it has been without my knowledge, solicitation or approval. I have no alliance or understanding with Communists or with any other radical group, with respect either to labor policies or to any other matter affecting the administration of government. . . .

It is my policy, however, to be tolerant of all political groups, to permit men to assemble together peacefully and voice their views and grievances, to exercise public authority with moderation and restraint. And if to some persons I appear at times to be unduly tolerant of radical views, it is because I so thoroughly believe in the principles and the practice of democracy.¹⁵³

In 1940 Earl Browder, the leader of the Communist Party, claimed that the Governor had gladly accepted Communist support in 1938 and had held many long and intimate conversations with Communist leaders to discuss strategy.¹⁵⁴

It is entirely possible that, within the context of his belief in civil rights, Murphy did justify Communist support--feeling that their few votes might keep him in office. In return, the Governor's long-standing guarantee to protect the rights of minorities under the first amendment might well have been sufficient reason for the Communists to give him their support.

In any case, the Communist label was pasted on Murphy. But the Governor fought back strenuously, charging

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his opponents with a plot to smear him: "So the reactionary politicians said: 'We will call Frank Murphy a red. There is nothing we can say against the honesty and humanity of his government. We will keep away from the great social and economic issues. We will stir up prejudice and bias. We will call him a communist.'" ¹⁵⁵

The Governor's counter measures appeared to take effect. In general his chances for winning seemed much improved at the end of October, even over what they had been before the Dies Committee investigation. ¹⁵⁶ He had had a magical effect on the crowds which came out to hear him. Surprisingly, normally Republican areas came out to greet the Governor, although it was difficult to tell whether this represented admiration or curiosity. ¹⁵⁷ Liberal Republicans also assisted him. Mayor LaGuardia of New York City came to address a rally in Detroit, and former Michigan Governor Chase S. Osborn quietly used his influence among independent Republicans. ¹⁵⁸ In fact by

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¹⁵⁵ The Detroit News, October 27, 1938, p. 22:4.

¹⁵⁶ Letter from Rudolph G. Tenerowicz to James Farley, October 25, 1938; F.D.R.L., O.F. 300.

¹⁵⁷ Letter from John D. Dingell to James Farley, October 26, 1937, ibid.

¹⁵⁸ Letter from Chase S. Osborn to Frank Murphy, October 29, 1938, Osborn Papers. The New York Times, October 31, 1938, p. 1:2.

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¹⁵⁶ Letter from Rudolph G. Tenerowicz to James
Parley, October 25, 1938; P.D.R.L., O.F. 300.

¹⁵⁷ Letter from John B. Diagelli to James Parley,
October 26, 1937, ibid.

¹⁵⁸ Letter from Chase S. Osborn to Frank Murphy,
October 29, 1938, Osborn Papers, The New York Times,
October 21, 1938, p. 1:2.

election day, the Murphy camp was cautiously optimistic.¹⁵⁹

But its optimism was poorly founded. Murphy was clearly, although not overwhelmingly, defeated by former Governor Fitzgerald. Immediately the post-mortem began. The first impulse was to credit the Dies Committee and the sit-down strike controversy for Murphy's defeat. Dies himself accepted this interpretation, as did President Roosevelt.¹⁶⁰

However, this interpretation does not go far enough. Roosevelt was too quick to credit Murphy's defeat, and that of other liberals, to purely "local" conditions.¹⁶¹ On the contrary, the fact that the Republicans gained eighty seats in the House and seven in the Senate, indicated there was a definite national trend away from the New Deal. Considering the anti-Democratic sweep Murphy did quite well. He lost by 90,000 votes, but in 1936 had won by less than 50,000 votes with F.D.R.'s help. (F.D.R. had carried the state with a plurality of 300,000.) Percentagewise Murphy in 1938 had 46 percent of the electorate and Fitzgerald 52 percent.¹⁶² In defeat Murphy received far more votes

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¹⁵⁹Letter from Edmund C. Shields, National Committeeman, to James Farley, October 28, 1938; F.D.R.L., O.F. 300.

¹⁶⁰Ogden, p. 152. Farley, p. 149.

¹⁶¹Ibid.

¹⁶²The New York Times, January 18, 1939, p. 6:3. Letter from Judge Malcolm Hatfield to Laurence Wood Robert, Jr., Secretary of the Democratic National Committee, November 26, 1938; F.D.R.L., O.F. 300.

than any other Democratic candidate had received in an off-year election.¹⁶³

At the State capital in Lansing political observers were in general not willing to credit the sit-downs for Murphy's defeat. They saw instead a conjunction of causes leading to Fitzgerald's victory. Among them were the usual ones of a predominantly Republican press and Murphy's Roman Catholic religion.¹⁶⁴ The notable exception to this view was Edward J. Fry, chairman of the Democratic State Central Committee. He sent letters around to the county party chairmen asserting that Murphy's labor policies had caused the defeat, and he implied that the Governor should accordingly be banished from Michigan politics. However, Fry was the chief party critic of Murphy's Civil Service Law and he may well have been searching for another, more acceptable, issue on which to oust Murphy.¹⁶⁵

The most impressive analyses of the election were those given by State party leaders to James Farley. Their consensus was that the sit-downs were of considerably less importance than two other factors: the recession and an inadequate State party effort. Murphy himself emphasized

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¹⁶³The Detroit News, December 25, 1938, I, p. 7:1.

¹⁶⁴Letter from Gleen Greene to James Farley, December 23, 1938; F.D.R.L., O.F. 300. Letter from Willard M. J. Baird to James Farley, December 12, 1938, ibid.

¹⁶⁵The Detroit News, December 25, 1938, I, p. 7:4.

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¹⁸⁴ Letter from Glen Greene to James Farley, December 23, 1938; F.D.R.L., O.V. 308. Letter from William M. J. Smith to James Farley, December 12, 1938, 191d.

¹⁸⁵ The Detroit News, December 25, 1938, 1, p. 7-4.

the recession, calling it the "basic cause." Wage-earners and farmers, he went on, had simply registered a protest vote against the decline in their purchasing power. Farmers especially had experienced a precipitous drop in income, beginning in mid-summer 1937 and reaching a low point in mid-summer 1938. Had farm prices stayed up Democrats might have continued to receive the farmer vote they had attracted since 1932. Turning to a larger issue, Murphy felt the election represented voter concern over the failure of the New Deal to bring about the end of the nine year old depression. Work-relief, he said, was recognized as only a temporary answer to unemployment. "To a discovery of a solution," he concluded, "a progressive, liberal government, working in close co-operation with industry and business, must increasingly direct its efforts."¹⁶⁶

Other politicians echoed Murphy's interpretation of the election. The farmers, according to a Grand Rapids correspondent, gave a vote of protest against extremely low prices, increased State taxes, and the small share of public works projects which the rural districts received.¹⁶⁷ In concrete figures, Murphy carried Wayne County (Detroit) by 93,000 votes but lost upper Michigan by 90,000. These

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¹⁶⁶Letter from Frank Murphy to James Farley, December 7, 1937; F.D.R.L., O.F. 300.

¹⁶⁷Letter from Francis McDonald to James Farley, December 21, 1938, ibid.

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133 Letter from Frank Murphy to James Farley, December
 7, 1937, F.D.N.L., O.V. 230.

137 Letter from Franklin D. Roosevelt to James Farley,
 December 21, 1937, 1937.

were considered tremendous upstate losses. The farmers "were up in arms, not only against the State but against the National Administration as well," reported a county chairman. He added that the same pattern occurred in the neighboring states of Ohio and Indiana.¹⁶⁸

Another source of discontent in line with Murphy's view, was pinpointed on the W.P.A. workers. They were restless and wanted a change. Noting this, the Republicans drove around W.P.A. projects with sound trucks and announced that Governor Fitzgerald would secure wage increases up to \$60 a month. Murphy, in contrast, was conservative in his promises.¹⁶⁹ Many of these workers voted for Fitzgerald. Others, being torn between the candidates, chose not to vote at all.¹⁷⁰

The other important reason for defeat, according to Michigan politicians, was inadequate political organization. This went back to the continuous feuding within the party between Murphy and the party leaders, which almost erupted in a pre-primary rebellion against Murphy. During the campaign a veneer of unity was achieved, but

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¹⁶⁸ Letter from Harry H. Mead to James Farley, December 24, 1938, ibid.

¹⁶⁹ Letter from Gerald J. Cleary to James Farley, November 19, 1938, ibid.

¹⁷⁰ Letter from Francis McDonald to James Farley, December 21, 1938, ibid.

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189 Letter from Gerald J. Cleary to James Farley,

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190 Letter from Thomas McDonald to James Farley,

December 21, 1938, ibid.

no enthusiasm for Murphy's re-election was evident.¹⁷¹ Thus, the powerful Highway Department head, Van Wagoner, went on record for the ticket, but he did little else. Meanwhile, Murphy's old rival, former Governor Comstock, disaffected and tried to run a Constitutional Democratic ticket in competition with Murphy. Although it never attracted much interest, its existence revealed how deep the fissures in the State Democratic party were.¹⁷²

Murphy blamed the lack of party support on his Civil Service Act, which he implemented in spite of vocal Democratic hostility.¹⁷³ Senator Prentiss Brown agreed, as did several other party leaders.¹⁷⁴ But while the Civil Service Act became the target of Democratic complaints, it was only symptomatic of a larger problem. The State party, of which Murphy found himself the head in 1936, was deeply divided by factional rivalries. He knew this, yet he failed to correct the situation. Instead, he concentrated on making a good record for the party in legislation and executive administration. Had he both done this and paid attention to party re-organization he might have been

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¹⁷¹Letter from George Marble to James Farley, December 16, 1938, ibid.

¹⁷²Letter from Edmund C. Shields to James Farley, October 28, 1938, ibid.

¹⁷³Letter from Frank Murphy to James Farley, December 7, 1938, ibid.

¹⁷⁴The New York Times, January 18, 1939, p. 6:3.

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¹⁷² Letter from Edmund G. Shields to James Farley,
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¹⁷³ Letter from Frank Murphy to James Farley,
 December 7, 1933, *ibid.*

¹⁷⁴ *The New York Times*, January 18, 1933, p. 6:3.

re-elected.

Shrewder politicians were aware of this and did not overly emphasize the Civil Service Act in their analyses of the election. One of them wrote Farley that he agreed with Murphy that politics should be kept out of State affairs when it was used for personal gain, but he also believed, "there is such a thing as smart politics . . . in [the] interest of the people."¹⁷⁵ Murphy totally ignored party leaders in matters of appointments and policy. He thus broke the morale of the party workers.¹⁷⁶ He didn't realize that a political party is like an army in that loyalty must go down as well as up the ranks. Otherwise the lower ranks lose their motivation to further the cause and glory of their leader.

The explanation for Murphy's failure to pay adequate attention to "politics" lay in his lifelong belief in the doctrine of progressive, non-political government. Furthermore, as Mayor of Detroit he had served his political apprenticeship as the Chief Executive of a city which prided itself on its non-partisan character. Had the Democratic Party held office on a State level with any regularity prior to the 1930's, Murphy would have undoubtedly

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¹⁷⁵Letter from H. O. Clines to James Farley, December 12, 1938; F.D.R.L., O.F. 300.

¹⁷⁶Letter from William J. Delaney to James Farley, December 15, 1938, ibid.

re-elected.

overly susceptible to the influence of the election. Out of this world, the election.

When it was first proposed that the election should be held on a day when it was not a public holiday, it was rejected.

There is much to be said for the proposal that the election should be held on a day when it is not a public holiday.

Leaders in the party are anxious to see the election held on a day when it is not a public holiday.

That a political party should be held on a day when it is not a public holiday is a very old story.

These things are not new. In fact, they are very old. In fact, they are very old.

The question of the election is a very old one. It is a question that has been asked many times.

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held a more realistic view of politics. But having never really been in power in modern times until 1933, the Democrats left organized politics to the Republicans. Significantly, when Governor Comstock had been elected in 1932, he made the same error Murphy made four years later. Both of them tried to be capable governors and both of them ignored building up their party.¹⁷⁷

If Murphy had avoided this error he might have won re-election. His victory would have demonstrated to the country, and to himself, that his decisions as Governor--especially those regarding the sit-down strikes--were at least understood by the people as being well intentioned. Instead, his defeat was mistakenly looked upon in the popular press and in the country at large as a defeat for "evil" un-Americanism and a victory for "good" traditional American values.

Yet, Murphy's defeat must be kept in perspective. The fact remains that he lost by a small margin in a traditionally Republican State. It takes time to educate an electorate to switch parties. Six years of New Deal rule in Washington had not yet been enough to make Michigan a Democratic State--although in a few more years it was to become one.

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¹⁷⁷ Letter from Judge Malcolm Hatfield to Laurence Wood Robert, Jr., Secretary of the Democratic National Committee, November 26, 1938, ibid.

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157
 Letter from Judge Malcolm Bell to Lawrence
 Wood Robert, Jr., Secretary of the Michigan National
 Committee, November 26, 1933, ibid.

Despite his defeat, Murphy did not slow down his activity as Governor. He desired to make the transition for the new government as easy and fruitful as possible. In announcing this policy he said: "It will not hurt us [Democrats], but really help, if we help our successors to get as good a start as is possible."¹⁷⁸

Murphy had always been intensely interested in the science of government, and he used this interim period to pull together his experiences as Governor for the new administration. His major effort was the preparation of his farewell address, in which he wanted to give a realistic picture of the condition of the State. To assist him he asked six private agencies to make analyses that could be incorporated into his address.¹⁷⁹

The final document covered many topics, including civil service, finance, office space, health, the National Guard, agriculture, housing, highways, and others.¹⁸⁰ But the most important topic was that of government reorganization. In discussing this the Governor revealed how

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¹⁷⁸ The Detroit News, December 6, 1938, p. 12:3.

¹⁷⁹ Ibid.

¹⁸⁰ Journal of the House of Representatives . . . Michigan, I, pp. 40-60.

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seriously he took his profession of administration and politics. His approach was similar to that of a scholar in that he was capable of distilling abstract principles as to what good government should be. But he did not have the time a scholar can devote to the subject and was compelled to depend on those who were scholars or otherwise professionally concerned to advise him.

Murphy had begun his study of governmental reorganization in the summer of 1938. At that time he had appointed his friend, Joseph R. Hayden of the University of Michigan, to chair a study commission for this purpose. In December the commission made a preliminary report indicating the direction in which further study must be made. It pointed out the weakness of the executive branch which was made up of an Administrative Board of seven elected officials including the Governor. It recommended consideration of a cabinet-type government modeled after the Federal Government and giving the Chief Executive much greater powers.¹⁸¹

The Governor, in his farewell message, was not able to do more than refer the new Administration to the report of the study commission and hope action would be taken. If Murphy had been re-elected there is no doubt

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¹⁸¹ State of Michigan, Commission of Reform and Modernization of Government, A Report of a Preliminary Survey (Lansing, 1938), p. 12.

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 Michigan, Commission of 1938 and
 Modernization of Government, A Report of a Preliminary
 Study (Ann Arbor, 1938), p. 11.

he would have pushed for fundamental reform of Michigan government. He had confided as much to Hayden.¹⁸²

The reception which the new Legislature gave Murphy's farewell address was in great contrast to the dedication Murphy had put into the message. Only two minutes had been devoted to reading the document when a Republican Legislator made a motion that "the report be considered read and printed in the House and Senate Journals." The motion carried. Not since 1931 had a gubernatorial message received so curt a reception.¹⁸³ Further repudiation of Murphy's administration came when the 1939 Legislature severely weakened the civil service system. Governor Fitzgerald nobly defended it in his inaugural address, but upon his sudden death the Legislature forced through crippling amendments. It gave outright exemption to 8,000 employees. Furthermore, it deprived the Civil Service Commission of jurisdiction over legislative employees and the "unclassified services" under which it enumerated eighteen specific classes of employees.¹⁸⁴

Murphy was also rebuffed by his own party. At the State Democratic Convention in February 1939, his candidate

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¹⁸²Letter from Frank Murphy to Joseph R. Hayden, June 21, 1938, Hayden Papers.

¹⁸³The Detroit News, January 6, 1939, p. 28:6.

¹⁸⁴Fuller, I, p. 461.

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182 Letter from Frank Murphy to Joseph E. Hayden, June 21, 1932, Hayden Papers.

183 The Detroit News, January 4, 1933, p. 28:6.

184 Fuller, I, p. 461.

for chairmanship of the State Central Committee lost out to one who was supported by the head of the Highway Department, Murray Van Wagoner. As a further indication of the party's return to normalcy, the convention named to the State Democratic Committee the former State Senator who was serving a prison sentence for a recount vote fraud.¹⁸⁵

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¹⁸⁵The New York Times, February 19, 1939, p. 6:2.

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Frank, 185

CHAPTER IV

"Sit Down! Sit Down!"

When they tie the can to a union man,
Sit down! Sit down!
When they give him the sack, they'll take him back,
Sit down! Sit down!
When the speed-up comes, just twiddle your thumbs,
Sit down! Sit down!
When the boss won't talk, don't take a walk,
Sit down! Sit down!
Chorus
Sit down, just take a seat,
Sit down, and rest your feet,
Sit down, you've got 'em beat.
Sit down! Sit down!¹

The year 1937, Murphy's first as Governor, was a period of triumph for organized labor. A number of recent events had prepared the way. The national economy had achieved a modest recovery--just enough to make labor desirous of winning more of its fruits. Also, labor found itself favored by a national administration which had been given an impressive vote of confidence in the 1936 election. It was this Democratic Administration which had passed the Wagner Act--the emancipating labor bill which outlawed unfair labor practices and assured collective bargaining.

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¹Edward Levinson, *Labor on the March* (New York: University Books, 1956), p. 179. Joel Seidman, "Sit-Down" (New York: League for Industrial Democracy, 1937), p. 9

CHAPTER IV

"Sit down! Sit down!"

When they take the man to a white man,
 Sit down! Sit down!
 When they give him the sack, they'll take his back,
 Sit down! Sit down!
 When the speed-up comes, just twiddle your thumbs,
 Sit down! Sit down!
 When the boss won't talk, don't take a walk,
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In industry after industry, during 1937, the unions called out their workers on strike and won concessions from previously adamant employers. Altogether 1,860,000 men and women took part in 4,740 strikes, making it by far the most industrially chaotic year of the depression.² Under the aggressive leadership of John L. Lewis and his newly formed C.I.O., it was the large assembly line industries--steel, auto, glass, and rubber--which capitulated to organized labor. Previously large corporations had had little difficulty in keeping the impotent A.F. of L. from challenging the right of management to determine working conditions.

In Michigan the C.I.O. concentrated on the automobile industry. It put most of its effort into organizing the workers of the General Motors plants. By November of 1936 the organizing drive reached a climax. The workers were very responsive for there were many long-standing grievances they wished to see amended. Among them were the prolonged periods of layoffs which made a mockery of the five-dollar day established by Henry Ford. Equally serious was the belt-line production and conveyor system which compelled the human body to keep pace regardless of how tired one progressively became during a working day. Moreover the assembly line was constantly speeded up under

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²Saul Alinsky, John L. Lewis; an Unauthorized Biography (New York: G. P. Putnam's Sons, 1949), pp. 94-95.

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²Paul A. Hirsch, *John L. Lewis: an American Biography* (New York: G. P. Putnam's Sons, 1942), pp. 24-25.

pressure from profit-minded executives who wished to increase the rate of production. Because of the exhausting nature of assembly line work in itself and because of the "speed-up" in particular, men were frequently forced to quit the factories when they reached their fortieth year. When the employees sought protection in unions, the corporations considered their action treasonous and financed espionage activities to ferret out defectors. Eventually the guilty would be found and fired. In the period from January through July 1936, General Motors spent \$994,855 on private detective services.³

Restless and eager for action, the auto workers demanded results. Without waiting for union leadership, workers at two General Motors plants went on strike. In an effort to keep pace with the strikers, on December 21, 1936, John L. Lewis and auto union leaders wired the executive vice-president of General Motors, William Knudsen, and asked for a collective bargaining conference to discuss recognition of the United Auto Workers, affiliate of C.I.O. Knudsen's reply was unsatisfactory to the union leaders since he declared that individual plant managers would deal with all employee grievances.⁴

Inauspiciously the scene now turned to the Fisher

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³Levinson, p. 150.

⁴Alfred P. Sloan, Jr., The Story of the General Motors Strike (New York: General Motors Corporation, 1937), p. 5.

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Incidentally the scene now turned to the Fisher

³ Levinson, p. 100.

⁴ Alfred P. Sloan, Jr., The Story of the General Motors Strike (New York: General Motors Corporation, 1937), p. 3.

body plants in Flint, Michigan. On the morning of December 30, 1936, the workers in Fisher Body plant no. 2 seized possession of the factory and began a sit-down strike. They were protesting the transfer to other jobs of inspectors who had told management they would not give up their union membership. That same night, men in Fisher plant no. 1 were alarmed to see dies being loaded onto box cars bound for cities where there was less union fervor. With the help of railroaders, the auto workers kept the dies from leaving the plant. Then, to prevent the assembly line from starting again, they followed the example of their neighbors in plant no. 2 and seized possession of the factory for a sit-down.⁵

Being of crucial importance in the far flung General Motors production network, these two Fisher plants became the focal point of the struggle between the U.A.W. and the corporation. With the production of these plants cut off, most of the other factories belonging to General Motors eventually stopped operation. Before the sit-down was over, 140,000 of the 150,000 production workers were idle. General Motors automobile production dropped from a mid-December peak of 53,000 units a week to 1,500 units per week during the strike.⁶

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⁵Seidman, p. 21.

⁶Ibid. Levinson, p. 153.

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⁵ Zeitman, p. 21.

⁶ Ibid. Avins, p. 153.

The workers had chosen an extremely effective weapon. In occupying the plants the employees nullified all the usual strike-breaking practices. The owners could not continue production by hiring strike-breakers, for the strikers possessed the means of production; and the strikers no longer faced the hazards of bad weather and police or scab battles. Moreover, General Motors was definitely placed on the defensive. The company would hesitate to forcibly evict the strikers on its own authority for fear of damaging its property and machinery.⁷

The sit-down strike had no definite origin, although there were precedents for it. In 1892 the steel workers seized the Homestead mills, and in the women's garment industry employees stopped operations without leaving the shop as early as 1910. What was to become the classical sit-down began in the United States as late as 1936, when the rubber workers successfully used this technique to win recognition of their union to act as spokesman for its members. However, their's was only a partial victory, for management retained its right to deal with the company union. But, the sit-downs were not a strictly American phenomenon. Europe experienced them as well, with the sit-downs in France during 1936 being the most spectacular of them.⁸

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⁷Alinsky, p. 90.

⁸Ibid. Seidman, pp. 13, 18. Levinson, p. 146.

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² *Alinsky, p. 30.*

³ *Ibid., Salzman, pp. 13, 18. Levinson, p. 146.*

American labor leaders were very cautious about endorsing this new tactic. In nearly every instance of its use, it was the workers who spontaneously employed it, leaving the union leaders with the dilemma of whether to approve of, or repudiate, the action. Certainly in private, all the union leaders at first agreed it was illegal. However, when the Flint auto workers sat down on December 30, 1936, John L. Lewis defied caution and boldly issued a statement approving the technique. His reason for endorsing the sit-down method was more because he thought the Flint action was going to defeat General Motors than because he really approved of the technique.⁹

On January 4, 1937, Lewis submitted a list of eight demands to the corporation by way of the U.A.W. The most important of these was the demand for recognition of the U.A.W. as the sole bargaining agent for all auto workers. Thoroughly irritated by the fact that an increasing number of their plants throughout the nation were being seized by strikers, and feeling their position to be morally superior, General Motors arrogantly refused to answer the January 4th letter.¹⁰ The position of the two opponents was well understood nonetheless, and neither was in a mood for compromise. The immediate objective of

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both sides became the same--to win or retain control of the Flint plants. The corporation needed to break the strike to resume production; the union needed to continue the sit-down to assure that manufacturing could not be resumed.

When the strike went into the second week of January without a visible sign of settlement, Murphy began mediation efforts. With his intervention the first phase of a prolonged series of conferences began with Murphy conducting the negotiations. However, during a second phase, mediation efforts were shifted to Washington where Secretary of Labor, Frances Perkins, attempted to resolve differences. Upon her failure, Murphy again became the central figure, and during the third and final phase he did bring about a peace. However, the Governor worked in close harmony with Washington, even when he alone was the principal negotiator. Federal mediators were sent from Washington to assist him, and he kept in almost daily contact with Secretary Perkins and President Roosevelt.¹¹ Thus the Governor always acted with the approval of the National Administration, even though he was not its

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Murphy's first task was to get the two sides together. The union was willing enough to begin talks, but the corporation was hesitant to meet with U.A.W. leaders for fear of giving tacit recognition to the union. Officially General Motors took the position that it would not negotiate until the sit-down strikers had vacated the factories. The union was admittedly vulnerable on this issue because of the illegality involved in seizure of property. Union leaders promised to call the strikers out of the Fisher plants if General Motors would give written guarantees not to remove the dies. This the company refused to do.¹³

For several days the situation remained unchanged while the U.A.W. and General Motors jockeyed for better bargaining positions. On January 2, 1937, the corporation secured an injunction from Judge Edward Black ordering the sit-down strikers out of the plants. The workers, however, defied the Sheriff who tried to serve the court order.¹⁴ The U.A.W. recognized that it could not continue this defiance much longer or it would incur overwhelming public disapproval. But fortunately for the union, its

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¹²Press Conference #335, January 8, 1937; F.D.R.L., Press Conferences of the President, IX, p. 41.

¹³The New York Times, January 8, 1937, p. 1:8.

¹⁴Ibid., January 3, 1937, p. 1:8.

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¹² Press Conference 7025, January 2, 1937, P. 1:10.
¹³ Press Conference of the President, II, p. 41.

¹⁴ The New York Times, January 8, 1937, p. 1:10.

¹⁵ Ibid., January 8, 1937, p. 1:10.

lawyer, Lee Pressman, discovered that Judge Black owned 3,365 shares of General Motors stock valued at \$219,000. Under Michigan law no judge could preside over a case in which he was an interested party. Since Judge Black was clearly "interested" his injunction order was held invalid. It was now General Motors' turn to be embarrassed. After issuing a statement that it had not known of Judge Black's stockholdings, it went to another court to file for a new injunction.¹⁵

At this point General Motors received support from another quarter. George E. Boyden, a past paymaster of the Buick Motor Company, formed the Flint Alliance--an employee organization which claimed to represent thousands of "loyal" workers. It announced that if there was to be any collective bargaining between General Motors and the workers, the Alliance must be consulted. Although the Alliance was not sponsored by General Motors, its sympathies were entirely with the corporation and it became a faithful ally.¹⁶

On January 11, 1937, the tension which had been building up since the December 30th seizure of the Fisher plants erupted into violence. Its immediate cause was the shutting off heat in Fisher plant no. 2 by the company.

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¹⁵Alinsky, pp. 116-117.

¹⁶Ibid., p. 119.

lawyer, Lee Pressman, discovered that Judge Black owned 2,383 shares of General Motors stock valued at \$212,000. Under Michigan law no judge could preside over a case in which he was an interested party. Since Judge Black was clearly "interested" his disqualification order was held invalid. It was now General Motors' turn to be embarrassed. After issuing a statement that it had not known of Judge Black's stockholdings, it went to another court to file for a new injunction.¹⁵

At this point General Motors received support from another quarter. George E. Brown, a past president of the United Motor Company, formed the Flint Alliance—an employee organization which claimed to represent thousands of "loyal" workers. It announced that it there was to be any collective bargaining between General Motors and the workers, the Alliance must be consulted. Although the Alliance was not sponsored by General Motors, its sympathies were entirely with the corporation and it became a faithful ally.¹⁶

On January 11, 1937, the tension which had been building up since the December 30th seizure of the Fisher plants erupted into violence. Its immediate cause was the shutting off heat in Fisher plant no. 2 by the company.

¹⁵ *Albany*, pp. 118-117.

¹⁶ *Ibid.*, p. 119.

A few hours later, Flint police blockaded the plant entrance with the intent of stopping any shipment of food into the strikers.

This twofold action placed the success of the sit-down in immediate jeopardy, for without heat and food the strikers would quickly be forced to give in. In response, Victor Reuther, U.A.W. organizer, drove to the entrance of Fisher no. 2 in a sound car and asked the police to allow the delivery of food. Failing to gain their permission, his appeals became more belligerent. The strikers soon were aroused by the loudspeaker and took matters into their own hands. Shortly before 7:00 P.M. pickets rushed the door of the plant, pushed the police aside, and moved coffee and bread into the factory.

Two hours later the police returned. Having increased their strength to fifty, and armed with clubs, they confidently charged the pickets at the doors and drove some inside the building. One of the policemen discharged a tear gas gun through a broken factory window. Other officers fired buckshot at the pickets and through the factory windows at strikers inside. The striking workmen fought back with sticks, metal pipes, nuts and bolts, and soft drink bottles. For three hours the fighting went on. Before it was over the strikers had captured four police cars. At midnight the police regrouped for a renewed attack on the plant, but the men inside were ready. The sound car gave the signal, and the strikers

A few hours later, Flint police blocked the plant entrance with the intent of stopping any shipment of food into the workers.

This twofold action placed the success of the attack down in immediate jeopardy, for without heat and food the strikers would quickly be forced to give in. In response, Victor Barker, U.I.W. organizer, drove to the entrance of Fisher No. 2 in a second car and asked the police to allow the delivery of food. Telling to their permission, his appeal became more belittling. The strikers soon were aroused by the loudspeaker and took matters into their own hands. Shortly before 7:30 P.M. pickets rushed the door of the plant, pushed the police aside, and moved coffee and bread into the factory.

Two hours later the police returned. Having crossed their strength to fifty and armed with clubs, they courageously charged the pickets on the door and drove some inside the building. One of the policemen discharged a tear gas can through a broken factory window. Other officers fired buckshot at the pickets and through the factory windows at various levels. The striking workers fought back with sticks, metal pipes, bars and bolts, and held their bottles. For three hours the fighting went on. Before it was over the strikers had captured four police cars. At midnight the police retreated for a renewed attack on the plant, but the men inside were ready. The second car gave the signal, and the strikers

emerged from the factory door with a spouting fire hose. Unable to withstand the powerful and icy stream, the police retreated one hundred yards across a bridge which approached the plant gate. Although fourteen auto workers had to be removed for medical treatment of gun-shot wounds, it was an important union victory and was proudly named "The Battle of Running Bulls."¹⁷

At midnight Murphy was informed of the outbreak of violence. He drove immediately to Flint from the State capitol for a personal inspection of the disruption. He found the situation serious enough to call out the National Guard on riot duty.¹⁸ The Guard was instructed to be completely neutral, its only mission being to prevent violence. In order to insure that the day's incidents would not be repeated, Murphy insisted that General Motors make no further efforts to shut off the heat or to enlist the local police to stop the supply of food. The Governor in addition refused a request by the county prosecutor to allow State Police or National Guard troops to serve John Doe warrants on three hundred persons connected with the evening battle.¹⁹ All of these decisions aided the U.A.W. because they thwarted the plans of the corporation.

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¹⁷Levinson, pp. 155-157.

¹⁸The New York Times, January 12, 1937, p. 1:8.

¹⁹Ibid., January 14, 1937, p. 1:1.

The Governor had also made a decision favorable to the union shortly before when he had ruled that strikers' families should be given relief on the basis of need, like everyone else.²⁰ Yet there was a limit to Murphy's patience with labor. He warned the union he would not stand for hordes of outside agitators and strong-arm men coming into Michigan with the intent of defending the Flint strikers by violence.²¹ He also condemned the practice whereby outsiders filtered into the factories. Frequently when an employee went out on a pass, ostensibly to get a change of clothes and see his family, a substitute slipped back on his pass. This procedure risked violence, and as Murphy pointed out, was morally repulsive.²²

Four days after the Fisher plant battle on January 15th Murphy announced a truce between General Motors and the U.A.W. This was not easily achieved because General Motors feared that agreement to meet with the U.A.W. leaders would give implied recognition to the union as bargaining agent for the workers. However, the Governor took the position that as a representative of the public he had a right to see that settlement was amicably reached.²³ There-

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²⁰ Ibid., January 11, 1937, p. 6:2.

²¹ Ibid., January 14, 1937, p. 1:1.

²² Frances Perkins, The Roosevelt I Knew (New York: The Viking Press, 1946), p. 322.

²³ The New York Times, January 16, 1937, p. 1:3.

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fore he insisted that the disputants confer to resolve their differences. After offering a series of alternatives which would not call for direct talks--such as filing a statement in the presence of the union and then leaving--the corporation reluctantly consented to meet with U.A.W. president Homer Martin in Murphy's office at the State capitol.²⁴ At the close of the fifteen-hour session, Martin and the company representative, William Knudsen, agreed to a truce. Under its terms, formal negotiations were to begin on Monday, January 19th. By that time the union was to have evacuated the plants. In return, the corporation promised not to withdraw dies, machinery, materials or other equipment while negotiations were in progress. The truce terms further stipulated that negotiations would continue for at least fifteen days. To assist the start of talks, the union removed its earlier demand that recognition of the union as sole bargaining agent be a prerequisite for negotiation. For its part, General Motors consented to discuss the entire list of eight demands submitted by the union on January 4, including the all-important one of recognition of the U.A.W. as sole bargainer which was so repulsive to the company.²⁵

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²⁴Ibid., January 21, 1937, p. 1:1.

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²⁴Ibid., January 21, 1937, p. 1:1.

²⁵Ibid., January 18, 1937, p. 1:3.

A reporter discovered that Knudsen had also agreed to negotiate with the pro-management Flint Alliance. When informed, U.A.W. leader Martin was appalled, for in effect General Motors was thereby ruling out the key issue--sole bargaining rights for the U.A.W. He immediately ordered the workers to remain in their plants. Some of them had already begun to leave, but on hearing the news they raced back to their positions. The company's plan had been to delay announcement of its meeting with the Flint Alliance until Sunday evening by which time the factories would have been vacated by the sit-down strikers.²⁶

General Motors self-righteously took the view that it had not violated the terms of the truce. Technically speaking this was true for there was no mention of the status of the Flint Alliance in the truce.²⁷ However, as the U.A.W. observed, the agreement with the Alliance was obviously a move designed to change conditions and make it unnecessary for the company to consider the sole recognition issue. Murphy had attempted to forestall this development by discouraging efforts of the Alliance and other groups of "loyal workers" to arrange for collective bargaining conferences. But he had been unable to persuade the Alliance to remain silent and his hopes for a peace

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²⁶ Ibid., January 18, 1937, p. 1:8.

²⁷ Sloan, p. 7.

settlement were temporarily set back.²⁸

With this collapse in negotiations under Murphy's auspices, the scene of activity moved from Lansing to Washington. Secretary of Labor, Frances Perkins, took charge. Her strategy was to try to persuade the top men on both sides to personally accept responsibility for a settlement. With this in mind, she invited the president of General Motors, Alfred P. Sloan, Jr., and John L. Lewis, head of the C.I.O., to come to Washington.

Lewis, however, had little respect for Madame Perkins' good intentions. He felt she was not accustomed to the rough standards of behavior demanded in the struggle for power between the C.I.O. and General Motors. Therefore, while he obligingly conferred with Perkins, he gave greater attention to increasing his bargaining strength. He had the C.I.O. call off its strikes in the aluminum and plate-glass industries in order to insure an uninterrupted flow of materials to General Motors' competitors.²⁹

He also attempted to maneuver President Roosevelt into publicly supporting the United Auto Workers. With the United Mine Workers \$500,000 recent campaign contribution

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²⁸The New York Times, January 18, 1937, p. 1:8.

²⁹Alinsky, pp. 124-125.

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The administration asked labor for help . . . and labor gave its help. The same economic royalists now have their fangs in labor. The workers of this country expect the administration to help the workers in every legal way and to support the workers in the General Motors plants.

In response F.D.R. chided: "Of course I think in the interests of peace that there come moments when statements, conversations, and headlines are not in order." In the meantime Alfred Sloan had read Lewis' statement and huffily boarded the train for New York City. Lewis had not only failed to win F.D.R.'s support but also had initiated the collapse of Madame Perkins' peace efforts.³⁰

In spite of numerous appeals by Secretary Perkins, and a public statement by the President, Sloan would not return to Washington to negotiate with Lewis.³¹ The impasse was worsened by hostility the General Motors president felt for F.D.R.³² Unless Roosevelt was willing to risk all the prestige of his office by trying to force a settlement at this inopportune time, when General Motors and the union were not even conferring, he had no alternative but to give Governor Murphy a second try at mediation.

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³⁰ Ibid., p. 124.

³¹ Press Conference #338, January 26, 1937; F.D.R.L., Press Conferences of the President, IX, p. 107. The New York Times, January 31, 1937, p. 1:8.

³² Interview with Lawrence P. Fisher, January 31, 1961.

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³⁰ Ibid., p. 124.

³¹ Press Conference #232, January 26, 1937, W.D.R.L., Press Conference of the President, IX, p. 107. The New York Times, January 26, 1937, p. 1:8.

³² Interview with Lawrence F. Fisher, January 21, 1931.

The time lost in Washington only abetted the build up of tension in Flint. Murphy found himself under constant pressure as he prepared for a resumption of preliminary negotiations. Increasingly the Flint Alliance and other pro-General Motors organizations pushed Murphy to drive the strikers out of the plants. When it became clear that Murphy would not risk violence by forcing the workers out, the Alliance denounced the Governor in a public meeting.³³ His inaction also promoted talk of vigilante action. One plan was to persuade Murphy to send the 2,300 National Guard troops away from the Flint strike area, opening the way for a citizen invasion of the plants. Another scheme was to raid the two Fisher plants and force the Governor to call in the troops to clear the plants as a public safety measure.³⁴ These various plots disturbed the Governor and made him feel the situation might get out of hand. To forestall further talk of vigilante action he appealed to General Motors for help: "General Motors officials have stated to me privately they do not want the strikers evicted by force. I believe the time has come for them to make such a statement publicly if they mean it."³⁵

The U.A.W. tried the Governor's patience as well.

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³³ The New York Times, January 27, 1937, p. 2:2.

³⁴ Ibid., January 27, 1937, p. 3:1.

³⁵ Ibid., January 30, 1937, p. 4:2.

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³³ The New York Times, January 27, 1937, p. 2:1.

³⁴ Ibid., January 27, 1937, p. 3:1.

³⁵ Ibid., January 28, 1937, p. 4:2.

The strike leaders felt they needed a dramatic new act in order to retain rank and file enthusiasm and call the attention of the country to their resolution. Also many of the participants were Communists or Socialists who contributed a definite activist philosophy. The role of the Marxists, however, was never predominant. Even the leading Communist on the scene could claim no more for his party than giving "loyal backing and support to the strike."³⁶ In any case, the strike leaders decided the month-long sit-down needed a new aggression.

Of the several plants which made up the Chevrolet works, the motor-assembly division, plant no. 4, was most important. To capture it became the next goal of the union. U.A.W. leaders shrewdly leaked the news that Chevrolet plant no. 9, in reality a decoy, was their target. When on February 1 the workers in no. 9 acted suspiciously, plant police were ready and converged on the factory with tear gas and clubs. Meanwhile plant no. 4 quickly fell without company opposition.³⁷ On hearing of this new development Murphy ordered 1,200 additional National Guardsmen to Flint.³⁸

The daring capture of an additional General Motors

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³⁶ William Weinstone, The Great Sit-Down Strike (New York: Workers Library Publishers, Inc., 1937), p. 36.

³⁷ Levinson, pp. 161-163.

³⁸ The New York Times, February 3, 1937, p. 1:7.

The writer learned that the vessel was loaded with goods for the

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factory made clear the seriousness with which the workers took the sit-down strike. They viewed the conflict as a war, albeit an industrial one, in which discipline and obedience were the crucial elements--for if through boredom or outside pressure the will of the workers was nibbled away, the cause of the union would be lost.

Discipline was achieved in part by holding court each morning. The most serious offenses among the sit-downers were bringing in liquor and circulating rumors.³⁹ But punishment solved only half of the discipline problem; the other half was solved by reusing the will of the men. This was done primarily through the sound car. Heard for more than a city block, its martial music and encouraging voice inspired the striker. Almost every major action, including the capture of Chevrolet plant no. 4 involved the presence of one of these special vehicles. Their effectiveness was evidenced by the attempt, which ended in failure, of Flint's Director of Public Safety to get an ordinance passed ordering them off the streets.⁴⁰

Having a highly successful weapon in their hands, auto and other labor leaders lost their original shyness towards the sit-down. They usually rationalized that labor need not be unduly disturbed over any illegality involved

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³⁹ Seidman, p. 33.

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³⁹ *Seidman*, p. 33.

⁴⁰ *The New York Times*, October 22, 1933, p. 114.

in the seizure of property the sit-down entailed, because most weapons employed by labor were declared illegal at first.⁴¹ However, the most emotionally compelling reason labor expounded was that a worker had a "property right in his job." While it was sophistry to infer from this that it was legal for a worker to employ sit-down methods, the very naivete of the argument won sympathy for the working man. As Homer Martin indicated:

What more sacred property right is there in the world than the right of a man in his job? This property right involves the right to support his family, feed his children and keep starvation away from the door. This property right is the very foundation stone of American homes."⁴²

The Fisher body plants had become the arena in which the hopes of labor and the fears of business were to be tested. On February 2, the day after Chevrolet no. 4 was seized, the traditional concept of property rights was upheld when the courts awarded General Motors a new injunction for the expulsion of the strikers. Untainted by the ownership of General Motors stock, Judge Gadola ordered evacuation of Fisher plants nos. 1 and 2 within twenty-four hours. He also forbade the union to carry on normal picketing, under the provisions of Michigan law.⁴³

Before the twenty-four hours was up, workers in

⁴¹ Seidman, p. 37.

⁴² Ibid., p. 39.

⁴³ The New York Times, February 3, 1937, p. 1:8.

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⁴¹ Sedman, p. 37.

⁴² Ibid., p. 39.

⁴³ The New York Times, February 3, 1937, p. 1:3.

Fisher no. 1 sent Murphy a brave telegram of defiance:

We have carried on a stay-in strike over a month in order to make General Motors Corporation obey the law [Wagner Act] and engage in collective bargaining. . . . We fully expect that if a violent effort is made to oust us many of us will be killed, and we take this means of making it known to our wives, to our children, to the people of the state of Michigan and the country that if this result follows from the attempt to eject us, you are the one who must be held responsible for our deaths.⁴⁴

This was more than clever strategy. The issue had become too grave for the men to calmly give up what they were struggling for. If more evidence was needed, it was visible on the roads into Flint. The twenty-four hour deadline was up at 3:00 P.M. All morning long, workmen from neighboring cities streamed into the nervous city. Rubber workers came from as far as Akron, and Walter Reuther led five hundred more from the west side of Detroit. They congregated at Fisher no. 1, for Fisher no. 2 and Chevrolet no. 4 had already been cut off by National Guard troops because of earlier violence. As three o'clock drew near Fisher no. 1 was augmented from a normal 400 strikers to 2,000. In addition, a long train of almost 5,000 workers, two abreast circled around on the lawn in front of the plant. In their hands were clubs, stout sticks, lengths of pipe, and crow bars. Governor Murphy, however, chose not to risk bloodshed, and 3:00 P.M. passed quietly with the strikers

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⁴⁴Levinson, pp. 164-166.

secure in the plant.⁴⁵

With the injunction ordered and defied, Murphy was obligated to produce a quick settlement. The threat of violence had already become severe, and it would inevitably increase with each day that the court order was ignored. Having no other alternative, the Governor asked President Roosevelt to personally request General Motors' participation in talks with the union. The President obliged, thus providing the impetus which brought the company to the bargaining table in spite of earlier adamant opposition to negotiations while company plants were still occupied by strikers.⁴⁶ It gave a face-saving loophole to the corporation, permitting it to lament that "the request of the President of the United States left no alternative. . . ."⁴⁷ Indisputably it was the demonstrated effectiveness of the sit-down which actually motivated General Motors to change its policy on negotiation. Its production had, for all real purposes, been totally stopped and its competitors were aggressively dividing up its

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⁴⁵ Ibid., p. 164-166.

⁴⁶ Perkins, p. 323.

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⁴⁵ Ibid., p. 164-165.

⁴⁶ Perkins, p. 323.

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market.⁴⁸ Moreover, Murphy's reluctance to enforce the injunction had now given added force to the union's tactic. Sloan publicly commented: "Under such circumstances, the Corporation stood powerless. Manifestly, it became a matter beyond its power to control."⁴⁹

Lewis meanwhile had arrived in Detroit. The site of the negotiation was the Detroit court room of Frank Murphy's brother, Judge George Murphy. For the most part the participants did not meet in the same room. Lewis and his aides sat in Judge Murphy's office and William Knudsen, with his corporation assistants, remained in the jury room. Frank Murphy went back and forth between the two sides carrying the proposals.⁵⁰

The immediate problem was the court injunction which had been defied on Wednesday, February 3. On Thursday, General Motors prepared a writ of attachment compelling the Sheriff and Murphy to force the workers out of the plants. The Governor successfully persuaded the company to postpone the writ for twenty-four hours. He had hopes that progress would be made in the talks if he could prevent further exacerbating action. But on Friday morning, John Smith, chief counsel for General Motors, told Murphy it had

⁴⁸Alinsky, p. 136.

⁴⁹Sloan, p. 8.

⁵⁰The New York Times, February 5, 1937, p. 1:8.

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 Smith, chief counsel for General Motors, told Murphy it had

⁴⁸ *Albany*, p. 136.

⁴⁹ *Sloan*, p. 3.

⁵⁰ *The New York Times*, February 5, 1937, p. 1:8.

been decided to go ahead with the writ of attachment. The Governor again asked for a deferment, this time only until Friday afternoon. Smith said he would defer it, but beyond his control, an associate went to Flint and asked for and received the writ. At 11:00 A.M. it reached the Governor. Murphy also received a wire from the Sheriff requesting military assistance to enforce the court order. Murphy informed the Sheriff he believed a negotiated peace was imminent and suggested that the Sheriff postpone action until after the weekend.⁵¹

Talks were kept going during Friday on the basis of a concession by Lewis. He reduced his demand for exclusive U.A.W. bargaining rights for all of the sixty-nine General Motors plants to just the seventeen plants which were presently struck by the union.⁵² Discussion then turned to the possibility of limiting the period of exclusive bargaining rights. F.D.R. conferred with the C.I.O. leader by phone on this matter and tried to persuade him to agree to a three month period of exclusive rights. Lewis refused to consider any period less than six months--his reason being that the U.A.W. now represented a minority of the

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⁵¹U.S. Congress, Senate, Sub-Committee of the Committee on the Judiciary, Hearing, Nomination of Frank Murphy to be Attorney General of the United States, 76th Cong., 1st Sess., 1939, p. 9. Cited hereafter as Senate Hearing, Nomination of Frank Murphy, 1939.

⁵²The New York Times, February 6, 1937, p. 1:1.

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⁸¹ U.S. Congress, Senate, Sub-Committee of the Committee on the Judiciary, Hearing, Nomination of Frank Murphy to be Attorney General of the United States, 75th Cong., 1st Sess., 1937, p. 11. Cited hereafter as Senate Hearing.

⁸² The New York Times, February 8, 1937, p. 1:1.

workers and needed that much time to solidify its position and become a majority union.⁵³

A limitation on the period of exclusive bargaining was no solution to General Motors either, for the company still adamantly refused any recognition of the principle of exclusive bargaining.⁵⁴ Fortunately for the corporation, the A.F. of L. took this moment to continue its row with the C.I.O. At this strategic time William Green telegraphed Murphy "that any agreement . . . which would give the United Automobile Workers Union sole labor representative authority in the automobile industry would be not only unjust and unwarranted, but the results would be a direct attack against the American Federation of Labor itself. . . ."⁵⁵ The result was to considerably strengthen the hand of the corporation. General Motors also believed the recent court injunctions further upheld its position.⁵⁶ In a mildly confident mood, it taunted the U.A.W. by suggesting Murphy conduct a secret ballot to determine the proportion of workers who really wished to be represented by the union.

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⁵³ Alinsky, pp. 134, 138.

⁵⁴ Unsigned memorandum for the President, following telephone conversation with Frank Murphy, February 8, 1937; F.D.R.L., O.F. 407-B.

⁵⁵ Telegram from William Green, J. W. Williams, and John P. Frey to Frank Murphy, February 6, 1937, ibid.

⁵⁶ Unsigned memorandum for the President, following telephone conversation with Frank Murphy, February 8, 1937, ibid.

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⁵³ *Alinsky*, pp. 134, 135.

⁵⁴ Unsigned memorandum for the President, following
telephone conversation with Frank Murphy, February 8, 1937.
P.D.N.L., O.P. 407-2.

⁵⁵ Telegram from William Green, J. W. Williams, and
John P. Key to Frank Murphy, February 8, 1937, 1937.

⁵⁶ Unsigned memorandum for the President, following
telephone conversation with Frank Murphy, February 9, 1937.
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Lewis categorically rejected this proposal.⁵⁷ Thus by Monday night, February 8, the cautious optimism of the previous Friday had evaporated. Neither side was willing to give in on the basic issue of sole bargaining privileges for the U.A.W.

Just a week had passed since the injunction of February 2nd had been issued. The failure to reach an agreement was reflected by increased uneasiness in Flint. The previous Thursday, the day following the strikers' defiance of the injunction, armed strangers were observed coming into the city, and riots were expected.⁵⁸ Taking personal command, Murphy requested hourly reports on the explosive situation, but fortunately the anticipated riots did not occur.⁵⁹ When the Governor postponed the writ of attachment delivered on Friday, the Sheriff and Flint city police prepared to move on Fisher no. 1 with members of the American Legion, the Sheriff's Association, and the General Motors police. To forestall this march, the Governor ordered a contingent of National Guard Troops to strategic points in the vicinity of plant no. 1.⁶⁰ By Monday more than 1,000 special reserves were enrolled in

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⁵⁷ The New York Times, February 9, 1937, p. 1:8.

⁵⁸ Memorandum by Stephen Early, February 4, 1937; F.D.R.L., O.F. 407-B.

⁵⁹ The New York Times, February 5, 1937, p. 1:8.

⁶⁰ Ibid., February 6, 1937, p. 1:1.

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⁵⁷ The New York Times, February 3, 1937, p. 118.

⁵⁸ Memorandum by Stephen Early, February 4, 1937.

⁵⁹ U.S. R. I., O.R. 407-21.

⁶⁰ The New York Times, February 5, 1937, p. 118.

⁶¹ Ibid., February 6, 1937, p. 111.

the Flint police force. The City Commission put them under the full command of the Mayor, a Buick distributor. In giving the Mayor such extraordinary powers, the Commission intended to serve notice on the Governor that if he didn't restore law and order, they would.⁶¹

Seldom in an industrial struggle was sheer power as nakedly revealed as it was in Flint. Each side in the fight had their hastily armed followers prepared for battle, if that should prove necessary. Only the National Guard remained neutral. Murphy decided he could no longer wait for the two economic powers to find their own way to industrial peace. On Monday night, February 8th, he telephoned his decision to the White House:

We have one chance left out of this. I have not made any statement thus far about my position as Chief Executive. I feel I cannot delay that longer than tonight, and the Chief Executive of the State must be in the position of upholding the authority . . . [of the State]⁶²

In short, Murphy was no longer going to wait for mediation, but was instead going to enforce an arbitrary agreement. The Governor chose as his model the Toledo agreement which the C.I.O. had signed a week or two previously with a glass company. In that settlement the union agreed to bargain collectively on the basis of its members only

⁶¹ Ibid., February 9, 1937, p. 1:7.

⁶² Unsigned memorandum for the President, following telephone conversation with Frank Murphy, February 8, 1937; F.D.R.L., O.F. 407-B.

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61 1910, February 9, 1937, p. 147.

62 Unpublished memorandum for the President, following
 telephone conversation with Frank Murphy, February 8, 1937.
 F.H.M.L., O.P., 407-8.

and, in return, the company gave a protective guarantee to the union. Murphy won acceptance of this formula from General Motors. As its guarantee to the Union, General Motors agreed to give the Governor a letter in which the corporation would promise not to bargain collectively with any other organizations for three months, unless the Governor sanctioned it.⁶³ The time limit of three months, however, was negotiable, for General Motors' concern in this "experiment" was only over the phraseology which might deal with "exclusive bargaining" rights during the period.⁶⁴

With General Motors acceptance, the remaining problem was to win approval from Lewis. The substance of what the C.I.O. leader desired was in the model settlement. However, recognition of sole collective bargaining rights had not been included, and because the principle was not recognized, Lewis remained unyielding. When by Tuesday evening Lewis had still not accepted the formula, Murphy quietly paid a visit to the C.I.O. leader in his hotel suite. At this time he served Lewis with a formal letter proclaiming the obligations of the Governor to uphold the law and threatening to evict the strikers by force unless an immediate settlement could be attained.⁶⁵ For strategic reasons the General

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⁶³ Ibid.

⁶⁴ Memorandum from Daniel C. Roper to Marvin H. McIntyre, February 10, 1937; F.D.R.L., O.F. 407-B.

⁶⁵ Senate Hearing, Nomination of Frank Murphy, 1939, p. 11.

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⁶³ Ibid.

⁶⁴ Memorandum from Daniel G. Rogers to Marvin A. Miller, February 10, 1937, V.S.R.L., S.F. 407-B.

⁶⁵ George H. Brown, *History of Frank Murphy, 1933*.

Motors representatives were not informed of this action.⁶⁶

By the end of the next day, Wednesday, Lewis' assent was received and on Thursday morning Murphy's imposed agreement was formally signed. As the participants filed into George Murphy's court room, the spectators burst into applause--such was the feeling of relief to see the termination of the forty-four day sit-down strike. Only John L. Lewis was absent from the ceremony. He excused himself with a cold, and Murphy had to carry the agreement to him for his signature.⁶⁷

After voting to accept the agreement, the sit-down strikers triumphantly marched out of Fisher no. 1 singing "Solidarity Forever" with the help of the ever-present sound car. At the head of the procession was the color bearer with a large American flag. Behind him followed the strikers each carrying a smaller flag. Still to come were the wives and other women who marched in the "Women's Emergency Brigade." These women, who had provided able assistance throughout the strike, were brilliant with red or green berets and arm bands. When the victorious evacuation march was completed, the entire group went over to Fisher no. 2 and Chevrolet no. 4 to repeat the performance.⁶⁸

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⁶⁶Kemp ms., sec. III, p. 8.

⁶⁷The New York Times, February 12, 1937, p. 1:8.

⁶⁸Ibid., p. 1:7.

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 By the end of the next day, Wednesday, January 19, 1933,
 was received and on Thursday, January 20, 1933, a request was
 made for the following: As the participants filled into
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 Farmer no. 2 and Chevrolet no. 4 to report the perform-

ance.

66 Long, M., Nov. 11, p. 8.
 67 The New York Times, February 12, 1933, p. 1.
 68 Ibid., p. 1.

The evacuation was part of the general agreement between the U.A.W. and General Motors. For its part, the corporation dropped its mandatory injunction, and all factories were immediately reopened without discrimination against the union. In accordance with the terms of Murphy's formula, the union was recognized as bargaining agent for its members only in the seventeen plants which had been on strike. The crucial part of the agreement was covered in a letter which William Knudsen gave to Governor Murphy. It began with a statement of General Motors' policy, explaining that the corporation could not enter into any agreement which would have the effect of denying to any group of employees the right of collective bargaining. This done, Knudsen's letter went on to give the assurances Lewis had insisted on, declaring that General Motors would not undertake to inspire collective bargaining ambitions in other groups for the purpose of weakening the U.A.W. As evidence of its good faith, Knudsen said that the company would not bargain with any other employee group for a period of six months.⁶⁹

Immediately following the settlement, talks began on the remaining demands of the U.A.W. A contract was finally signed in which the union was given new methods for settling grievances, including "speed-up" complaints. There was also an adjustment in seniority rules which

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⁶⁹ Ibid., p. 19:2.

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benefited the workers. However, the U.A.W. had to give up its demand for a thirty-hour week and minimum wages. No wage increases were won either, although coincidentally with the February 11th agreement General Motors raised wages five cents an hour.⁷⁰

Murphy's settlement was an adroit solution to an uncompromisable issue: the union gave up the principle but achieved the substance of its demand; General Motors won the principle but lost the purport of what it wanted. Both sides however were convinced that they had won. It was Lewis' good fortune that he correctly judged the direction in which history was moving. He was able to swing the vast majority of auto workers into the U.A.W. during the six months bargaining period he had been granted. He was then able to obtain a permanent victory. Had he not been able to vastly increase union membership, the corporation's position would have been vindicated.

General Motors' view was that it was wrong for the U.A.W., which it considered simply one of many worker organizations, to have sole collective bargaining rights. It declared: "The Corporation can not do anything to deny the rights of collective bargaining to [all] those entitled to same. . . ." But recognizing the need for consistency, General Motors agreed, "that in collective bargaining the bargainers should be truly representative of a body of

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⁷⁰ Ibid., March 13, 1937, p. 1:1.

General Motors workers." Therefore, it was willing to have an arbiter decide if a group was truly representative. This was where their letter to Governor Murphy applied. It simply designated him as the arbiter; it did "not in any sense broaden the position of the union."⁷¹ William Green, president of the A.F. of L. echoed this interpretation, calling the agreement between Lewis and Knudsen a defeat for the principle of the closed shop.⁷²

The immediate reaction of the nation to the sit-down settlement was one of universal relief. Murphy could not be praised enough. Alfred P. Sloan and William Knudsen gave their approval to Murphy's handling of the negotiations. Other automobile manufacturers, including Walter P. Chrysler of the Chrysler corporation and A. E. Barit of Hudson Motors, echoed the statements of the General Motors executives. Even The Detroit Free Press, a consistent Murphy critic, endorsed the Governor's actions.⁷³ Not unexpectedly, President Roosevelt headed the chorus of New Dealers and labor leaders who approved of the peace Murphy had achieved.⁷⁴

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⁷¹Sloan, p. 11.

⁷²The New York Times, February 12, 1937, p. 19:1.

⁷³The Detroit Free Press, October 30, 1938, I, p. 9 (reprint).

⁷⁴The New York Times, February 12, 1937, p. 16:2.

General Motors workers. "Therefore, it was willing to have an arbiter decide if a group was truly representative. This was what this letter to Governor Murphy applied. It simply designated him as the arbiter; it did not in any sense broaden the position of the union."⁷¹ William Green, president of the A.F. of L., denied this interpretation, calling the agreement between Davis and Knudsen a defeat for the principle of the closed shop.⁷²

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⁷¹ Sloan, p. 11.

⁷² The New York Times, February 12, 1937, p. 10:1.

⁷³ The Detroit Free Press, October 20, 1936, p. 2. (overleaf)

⁷⁴ The New York Times, February 12, 1937, p. 10:2.

But perhaps Secretary of Labor Perkins was the most enthusiastic in giving praise. She called attention to Murphy's "patience, intelligence and fortitude" and ventured that the negotiations under his direction were "an educational experience for the whole country."⁷⁵

Murphy made the most of his newly-found glory. On the day of the settlement he made three radio broadcasts.⁷⁶ Although the following day he was ordered to bed by his physician, that same evening he arose and took an evening train to New York City to attend the Irish-American Historical Society dinner.⁷⁷ When he was asked on his arrival if he thought his political star was rising, he grinned and artlessly replied: "I have no political star."⁷⁸

But the euphoria of the first days following the General Motors settlement quickly evaporated as numerous industries, retail stores, and other businesses were closed by sit-down strikes. Before March of 1937 was over, 192,642 people had resorted to sit-downs, making March the most active single month for them in the New Deal era.⁷⁹ Using the sit-down technique as its spearhead, the C.I.O.

⁷⁵ Ibid., p. 18:4.

⁷⁶ Ibid., p. 16:2.

⁷⁷ Ibid., February 13, 1937, p. 5:3.

⁷⁸ Ibid., February 14, 1937, p. 2:4.

⁷⁹ Levinson, p. 169.

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⁷⁵ *Ibid.*, p. 18:4.

⁷⁶ *Ibid.*, p. 18:2.

⁷⁷ *Ibid.*, February 12, 1937, p. 21:3.

⁷⁸ *Ibid.*, February 12, 1937, p. 21:4.

⁷⁹ *Lawson*, p. 189.

rapidly increased its membership. Only founded in 1935, it had 1,460,900 members in December 1936. By September 1937 it had more than doubled this number to an impressive 3,718,000.⁸⁰

During this period of ferment, when sit-downs were sweeping the nation, many Americans began to have second thoughts about the wisdom of Murphy's actions in the General Motors' dispute. They thought about those fateful days when the Governor had postponed the enforcement of the court injunction and they wondered: "Was civil war averted or social disintegration begun?"⁸¹

Whichever the answer may be, the sit-downs set the conditions under which one of the great advances in labor history was made, for as a result of the 1937 strikes American labor left behind its soliciting, inferior role in modern industry and became a power which business was compelled to recognize.

A key to understanding Murphy's actions in this crucial period lies in the astute contemporary observation of Arthur Krock, who at times was highly critical of the sit-downs. He concluded that Murphy was "a conservative in the broad sense of the term."⁸² By this Krock meant

⁸⁰ Ibid., p. 236.

⁸¹ Arthur Krock, The New York Times, March 21, 1937, IV, p. 3:1.

⁸² Ibid., February 12, 1937, p. 22:5.

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⁸⁰ *Ibid.*, p. 238.

⁸¹ *Arthur Ersk, The New York Times*, March 21, 1937.

⁸² *Ibid.*, p. 241.

⁸³ *Ibid.*, February 12, 1937, p. 231b.

that whatever Murphy did was done not because he wanted to change basic American values, but to preserve them. Significantly, two days after the February 11th settlement, Murphy defined his accomplishment in these words: "there was no fatality, no violation of civil liberties and no suspension of democratic institutions. . . ." ⁸³ That labor won a significant improvement in its status was far less important to Murphy than the fact that what was won was gained peacefully. Indeed, he viewed the amicable settlement as a moment of greatness for American democracy--an occasion when a belated and needed change in the social and economic status quo was demanded and accomplished, while basic human rights and human life itself remained inviolate.

Murphy could easily have used the powers of his office to break the strike. But his sensitivity to the needs around him prompted a different course. He believed in the dignity of the individual and felt that current factory conditions did not permit this for the workers. In the twentieth century small factories had been replaced by mammoth corporations which patterned their labor relations policies on the idea that their work force was made up of "replaceable parts" even as their machines were. The assembly lines, the "speed-ups" and the indiscriminate lay-offs, reduced human beings to automatons. "A human

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being," observed Murphy, "does not want to be an infinite sort of nothing in the face of mass production."⁸⁴ He saw the General Motors sit-downs as an attempt to hold onto individual dignity in the midst of a new and complex type of industrial civilization.

The depression of the early thirties had been a crushing experience to labor. The working man was determined not to repeat the terrible economic insecurity of that period. To solve the problem the worker turned to a new type of labor organization. Because industry had taken the form of giant corporations, labor had to match management's structure and size by forming huge industrial unions. The C.I.O. industrial unions, unlike the craft-oriented organizations of the A.F. of L., could include all the workers of a given corporation and therefore present a united front before management. Murphy rejected the easy interpretation that the new industrial unions, and the sit-downs which they endorsed, were part of the Marxian "class struggle." He declared: ". . . no basis for classes exists in our land, and our people are not disposed to give that factor more than scant notice."⁸⁵ Instead, he held that the current conflict between employers and employees was "simply an acute manifestation of labor's

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⁸⁴ Ibid., March 22, 1937, p. 1:8.

⁸⁵ Murphy, Selected Addresses of Frank Murphy, p. 12.

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⁸⁴ Ibid., March 22, 1937, p. 1:8.
⁸⁵ Murphy, Selected Addresses of Frank Murphy, p. 12.

long struggle to protect itself by [receiving] a larger share of its own product and to escape the haunting fear of insecurity by consolidating itself in its job."⁸⁶

But Murphy's acute awareness of and sympathy for what labor was trying to accomplish was augmented by a consciousness that labor was becoming a political and economic power which would continue to demand recognition by means of force, as it had at Flint, unless someone could direct its momentum. This Murphy tried to do.⁸⁷ In the negotiations between General Motors and the union, therefore, the Governor recognized the U.A.W. as an equal to the corporation. He not only showed it proper respect but gave it appropriate police protection as well. Murphy was simply realistic about the rising power of labor.⁸⁸

Yet Murphy went further still by adding religious authority to his reasoning. To him it would not only have been a tragedy, but a moral lapse as well, if American democracy had failed to adjust to the economic and social changes of the thirties. "It may well be true," he said, "that the leader in government, as well as in labor and industry, who does not recognize this need of harmonizing

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⁸⁶ The New York Times, June 10, 1937, p. 14:5.

⁸⁷ Letter from Joseph R. Hayden to Frank Murphy in which he refers to a conversation with Frank Murphy on this subject, February 7, 1938, Hayden Papers.

⁸⁸ Interview with Lawrence P. Fisher, January 31, 1961.

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his views with the realities of the day and with the changing needs of our people, is spiritually a lost man, simply because he is . . . of a bygone day."⁸⁹

Traditionally, governors had had few qualms about calling out the National Guard to break a strike. In the years 1933-1937 there were eighty-three instances in which the militia was called on to intervene in strikes or demonstrations. With few exceptions the Guard acted to aid employers against employees.⁹⁰ Murphy could have followed these precedents. He would have been justified--especially because it was clearly an illegal action for strikers to seize the property of General Motors as they did in the sit-downs. But the Governor had observed that when force had been used in recent strikes, it "had not been used by the public authorities to cure the situations"; that is, to permit social and economic change, but only to suppress agitation.⁹¹

The General Motors strike likewise appeared to him to be in this category. He was convinced that the workers'

⁸⁹The New York Times, March 22, 1937, p. 2:3.

⁹⁰Walter Wilson and Albert Deutsch, Call Out the Militia! A Survey of the Use of Troops in Strikes (New York: The American Civil Liberties Union, 1938), pp. 9, 10.

⁹¹The New York Times, January 14, 1937, p. 1:6.

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grievances were real and had not been manufactured by the union leaders, for in most plants the sit-downs were spontaneous demonstrations initiated by the workers and not by the union. John L. Lewis submitted his demands to the corporation after, not before, the sit-down strikers had seized the factories. (This was recognized by all interested parties and led to provisions in the final General Motors contract forbidding strikes which were not authorized by the union.)⁹² Desperate, the workers boldly justified their illegal action by asserting that General Motors was breaking the law in not agreeing to collective bargaining under the terms of the Wagner Act. Of course, two wrongs do not make a right, but the workers were in no mood to be swayed by logic. They felt society had failed to provide them with peaceful recourse for attaining their ends. Therefore, they seized the property of their employers. This was not the first or last time that agitation has been resorted to in order to win unrecognized rights. The women's suffrage movement of the earlier part of this century and the Negro "sit-ins" and "freedom rides" of current times are comparable.⁹³

Yet, regardless of the fact that force would not have cured the situation and would surely have prevented

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⁹² Ibid., March 13, 1937, p. 1:1.

⁹³ Eric Goldman, The New York Times Magazine, June 18, 1961, pp. 5, 10.

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Yet, recognition of the fact that force would not
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²² Lewis, John L., 1937, p. 111.

²³ Eric Gidycz, The New York Times Magazine, June

peaceful industrial relations from following, Murphy also recognized that in this particular case, tension had built so high that any use of force almost certainly would have led to open warfare and bloodshed. When the Flint police had tried to evict the strikers earlier in the strike, before the National Guard had been ordered out, their action resulted in the Battle of Running Bulls and the wounding of fourteen strikers. Similar efforts throughout the nation in 1937 resulted in deaths. At a steel strike in Massillon, Ohio, police and deputies attacked a group of strikers, killed two of them and wounded others.⁹⁴ And in South Chicago on Memorial Day the police killed ten strikers and wounded many more.⁹⁵ Therefore it would appear that Murphy's belief that "civil war was imminent" in Flint was not an exaggeration.⁹⁶

Faced with this situation Murphy decided not to meet arbitrary and desperate lawlessness with immediate and overwhelming force by government. He had too much respect for the value of free government which must not coerce its citizens but instead serve their evolving needs. "It had been impressed on me . . . ," commented Murphy, "that government, in its essence, is a fragile and tenuous thing which is easily damaged. In its ideal form, it is never haughty

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⁹⁴Wilson, p. 14.

⁹⁵Freidel, p. 344.

⁹⁶The New York Times, October 22, 1938, p. 1:7.

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⁸⁴ Wilson, p. 14.

⁸⁵ Friedman, p. 306.

⁸⁶ The New York Times, October 22, 1937, p. 1:1.

and arrogant, for when it assumes those characteristics, it becomes a hateful thing, without real value and without a worthwhile cause."⁹⁷ Even more, however, Murphy believed that democracy only operates when men are willing, without exception, to use reason and justice, not force, to arrive at decisions. Years after the General Motors sit-down Murphy confided to a friend how alone he had felt in trying to implement this philosophy during the strike:

. . . I was impoverished of spirit. It seemed that all those who knew me had lost serenity of spirit. Not for a single moment did I harbor the thought of encouraging any lawlessness. Quite to the contrary, I carefully prepared an order . . . which demanded obedience to the courts' decisions. That order [the letter given to Lewis] . . . helped break the resistance and brought the General Motors strike to an end.

. . . I had ambitions to weather the complicated question by what I conceived to be the American way, and the Christian way. . . . The rule of reason guided me. I wanted it held aloft. It was reason at the conference table I sought and insisted upon. Always in similar situations - although there never had been one of such magnitude - men had reached for the gun. The idea of turning brother against brother, of releasing revolution in our homeland and making monuments of hate of our factories did not appeal to me. I don't blame those who disagreed with me. I understood their viewpoint but they did not understand mine, which was one of reason and Christianity and Americanism.⁹⁸

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⁹⁷ Frank Murphy, "Industrial Peace," The Christian Front, II (November, 1937), p. 158.

⁹⁸ Letter from Frank Murphy to Chase S. Osborn, June 13, 1944, Osborn Papers.

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Frank Murphy, "Industrial Peace," The Christian Front, 11 (November, 1937), p. 133.
Letter from Frank Murphy to Grace S. Gibson, June 18, 1944, Gibson Papers.

This does not mean that Murphy forswore the use of force altogether, for as he indicated above, he used the threat of it to break the strike. His point was that when force is resorted to in a democracy, by default democracy has failed. For at that moment, coercion is substituted for freedom, and without freedom there is no democracy. Murphy also believed that, by necessity, a democracy must appeal to the best in the people if it wishes to assure its existence. Therefore, reasoned Murphy, "better and more lasting results are often achieved by the application of moral pressure and emphasis on moral and spiritual values than by resort to physical force."⁹⁹

If Murphy erred in his judgment on the use of force in the General Motors sit-down, it was in not revealing to the public the role his threat of force had played in the final settlement of the strike. But Murphy's reason for keeping it secret is convincing. He said he was obliged to maintain secrecy in order to preserve his neutrality as a mediator.¹⁰⁰ Since he was called on many times after the General Motors strike to settle labor disputes, his caution seems to have been well advised. Furthermore, although his explicit threat to John L. Lewis was not revealed until two years later, it was common

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⁹⁹ Murphy, The Christian Front, II, p. 157.

¹⁰⁰ The New York Times, January 6, 1939, p. 10:2.

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⁹⁸ Murphy, *The Christian Front*, II, p. 127.
¹⁰⁰ *The New York Times*, January 8, 1936, p. 10:1.

knowledge that a zero hour had been fixed for labor, by which time either a settlement was to have been reached or the Governor would order in the National Guard to evict the strikers.¹⁰¹

Understanding Murphy's hesitancy to use arbitrary force because of the special circumstances surrounding the General Motors strike helps to make clear his attitude towards the sit-down technique in general. The Governor was often represented as condoning the sit-down, in that he did not enforce the court order in Flint in spite of the sit-down's obvious illegality. (In July 1937 the sit-down was formally declared illegal by the courts.)¹⁰² It is true Murphy repeated the often stated union argument when he declared: ". . . as history shows, some things, such as the strike itself, which were once considered wrong, have since gained the approval of society."¹⁰³ But Murphy did not mean to imply that because future Americans might someday consider the sit-down as a legal technique, he was justified in ignoring the court order to oust the strikers in 1937. Instead, the Governor intended to mean

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¹⁰¹ Ibid., February 10, 1937, p. 2:2. Arthur Krock, ibid., March 21, 1937, IV, p. 3:1.

¹⁰² Levinson, p. 184.

¹⁰³ The New York Times, January 27, 1939, p. 9:3.

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102 Levinson, p. 134.
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that it was not his concern to question the legality of the sit-down. Rather, it was up to the parties involved and the courts to handle this aspect of the strike. Murphy believed his only legitimate interest as Governor was to act as mediator and to bring about as quickly as possible a settlement of the underlying dispute between the company and the U.A.W.¹⁰⁴

But although the Governor could rightly ignore the general question of the legality of the sit-down, he could not ignore the wholly different problem of wise administration of law when he was presented with the court's writ of attachment which he was obligated to implement. He was faced with an insolvable dilemma, as he interpreted the issue in the sit-down: "I believe in vigorous law enforcement. However, when there is widespread disobedience to law, it is not enough to enforce the law; it is also necessary to discover and eliminate the cause of that widespread disobedience."¹⁰⁵ Murphy intended by this statement that he valued peaceful social change over disastrous literal enforcement of law. It was a difficult position to defend, for American political tradition is based on the principle of rule by law, not men. Yet, inescapably fallible human beings make and enforce the laws. Therefore, injustice will

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¹⁰⁴Kemp ms., sec. III, p. 6.

¹⁰⁵The New York Times, January 14, 1939, p. 1:6.

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¹⁰⁴ Kempner, *supra*, note III, p. 6.

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inevitably sometimes result from a rigid enforcement of laws. A month after the General Motors sit-down, Murphy discussed this whole philosophical problem and ably defended his view that change, guided by human reason, is a higher value than strict rule by law:

The sit-down is not legal. But problems involving human equations so vast and complex as these which we are facing cannot be determined by exact justice. It has been in my mind from the first and I don't know anybody who can determine problems such as we have here by strict legalism. The author of life might do it or some one with divine powers, but no figure I know or have heard of with executive, legislative or judicial powers can work these problems out on lines of exact justice.

It is the duty of all of us to preserve the integrity of the courts and to be obedient to authority. . . . But laws must be just and ample so that the great human movements don't start bursting through legal structures which do not meet their needs.¹⁰⁶

Murphy's situation was made more complicated by the lack of recognized legal machinery for settling strikes. Michigan's only labor statute simply outlawed strikes, and the Wagner Act was defied by the corporations. Only in April, after the Supreme Court found the Labor Relations Act constitutional, did business willingly abide by its provisions. Murphy declared: "I had to devise ways and means of handling them [the sit-downs] as I went along."¹⁰⁷ In lieu of statutory authority, the Governor had to take

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¹⁰⁷ *Ibid.*, January 14, 1936, p. 1:6.
¹⁰⁸ *Ibid.*, March 20, 1937, p. 1:1.

it upon himself to declare that the public must be supreme in the industrial conflict. "The Government," he asserted, "must play a helpful and significant part if the public is to be protected."¹⁰⁸

Fortunately for Murphy there were moderate men within the automotive industry who accepted in large measure this philosophy. Many of them, like the Fisher brothers and Walter P. Chrysler, were his personal friends. Not only were these men responsive to Murphy's cautionary words, but in their own minds they were also prepared to accept a change in the workers' position. Certainly they did not want to see the strikers driven from the Flint plants at the price of bloodshed. The Ford company, they well remembered, had yet to regain public respect after the deaths it had caused during the 1932 "Hunger March" on the Dearborn plants.¹⁰⁹

Two of the General Motors executives had an even more compelling reason for not pushing the workers too far. While touring the automobile shows in Europe during 1936, Lawrence P. Fisher and William Knudsen had had a long and sobering conversation with Monsieur Renault of the Renault automobile concern. His description of the sit-down strikes which had swept the French automobile industry earlier that year were frightening. Feeling had run high and management was reviled and mistreated by the strikers. Monsieur Renault

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¹⁰⁸ Ibid., January 19, 1937, p. 1:8.

¹⁰⁹ Interview with Lawrence P. Fisher, January 31, 1961.

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108 Ibid., January 12, 1937, p. 1:8.

109 Interview with Lawrence P. Fisher, January 21,

himself was locked within his office for several days. Renault predicted that the sit-downs would soon come to the American automobile industry. In a matter of months they did.¹¹⁰

With the help of this moderating spirit from within the corporation, plus pressure from Washington, Murphy was able to persuade General Motors to negotiate with the union despite the fact that the court evacuation order was not enforced. This was the essence of the Governor's strategy--to insist on continuing the negotiations.¹¹¹ Murphy looked on the negotiations as a trial of endurance in which the opponents would eventually be forced to compromise from sheer exhaustion if for no other reason. The Governor was confident he could outlast the representatives of labor and management in any physical trial because of his conscious training in self-discipline since youth.¹¹²

Largely by personal will, Murphy obtained the acceptable settlement of February 11th. The Governor was convinced his policy had not encouraged social disintegration, but had prevented civil war and thereby "improved the picture for the entire country."¹¹³

¹¹⁰ Ibid.

¹¹¹ Letter from F.D.R. to Chase S. Osborn, October 25, 1938; F.D.R.L., P.P.F. 2680.

¹¹² Letter from Irene Murphy to author, March 10, 1961. The New York Times, February 14, 1937, IV, p. 9:1.

¹¹³ Ibid., March 26, 1937, p. 1:1.

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110 Ibid.

111 Letter from F.D.R. to Chase S. Osborn, October 25, 1936; F.D.R.L., P.F. 3235.

112 Letter from Irene Murphy to author, March 10, 1937. The New York Times, February 14, 1937, IV, p. 9:1.

113 Ibid., March 26, 1937, p. 1:1.

Following the General Motors strike settlement Murphy went to Florida for a rest. But before he had completed his vacation a rash of sit-downs broke out in Detroit in apparent emulation of the Flint workers. No class of business in this open-shop city was immune. The industries and businesses affected included aluminum, iron smelting, drug, grocery, shoe, hat, packing cigar, ginger ale, and other automobile companies.¹¹⁴ Even thirty members of a National Guard company staged a sit-down strike in demand of unpaid wages for duty at Flint.¹¹⁵ Reluctantly the Governor returned to Michigan to mediate a solution to these strikes.

Many of the Detroit strikes were solved within a few days.¹¹⁶ But, in hopes of a permanent end to sit-downs, the Governor sponsored a Law and Order Committee in mid-March, which attempted to rally public support for obedience to law and a rational solution to labor grievances. Committee members included representatives of labor, capital, religions, education, government agencies, and the general

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¹¹⁴Ibid., March 13, 1937, p. 1:1.

¹¹⁵Ibid., March 18, 1937, p. 2:7.

¹¹⁶Ibid., March 14, 1937, p. 26:5; March 17, 1937, p. 1:8.

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¹¹⁴ Ibid., March 13, 1937, p. 1:1.
¹¹⁵ Ibid., March 13, 1937, p. 2:7.
¹¹⁶ Ibid., March 14, 1937, p. 2:15; March 17, 1937,

public. In his address to the group Murphy declared that continued flouting of public authorities by sit-down strikers would impair public confidence in the government and open the door to vigilante action and mob rule. Following the Governor's lead, the committee passed two resolutions. One of them urged Michigan mayors to mediate and if that failed, to arbitrate the strikes besetting their cities. The other resolution advocated passage of a State labor relations law along the lines advocated by the Governor. The desired effect of the Law and Order Committee was partially stunted by the refusal of Homer Martin to join.¹¹⁷

Taking the cue from the Law and Order Committee, Detroit police conducted several raids on small sit-downs. The Governor accompanied the police to one department store where a strike was in progress. Murphy discovered one striker was an ex-convict he had sentenced to State prison as Recorder's judge. In an obvious effort to discredit this, and similar irresponsible sit-downs, Murphy termed the seizure of the store by organizers a "form of banditry."¹¹⁸

Homer Martin, the U.A.W. president, protested against the police raids and threatened to call a general strike in all organized automobile plants in Detroit unless

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¹¹⁷ Ibid., March 18, 1937, p. 1:8.

¹¹⁸ Ibid., March 19, 1937, p. 1:2.

the forcible evictions were stopped.¹¹⁹ However, Martin was compelled to back down from his threat and limited his action to the calling of a mass protest meeting.¹²⁰ The Governor's firmness had clearly called Martin's bluff. Feeling these later sit-downs were merely an irresponsible use of the technique, he saw no need to equivocate on enforcing the law.

In between his mediations on the petty sit-downs, Murphy gave his attention to a Chrysler strike which erupted suddenly. On their own initiative the Chrysler workers had copied the technique of their Flint brethren and seized the property of their employer.¹²¹ The corporation immediately requested a mandatory injunction ordering the union to evacuate the eight Chrysler plants affected. On March 15th the injunction was awarded the company, and Murphy promptly declared that the court order should be obeyed.¹²²

The workers defied the injunction, and on March 19th the court ordered the arrest of the strikers. The Sheriff conferred with Murphy about carrying out the court order, but did not formally request intervention by the Governor. Murphy's official position was that he could take no action until the Sheriff exhibited his inability to handle the

¹¹⁹ Ibid., March 21, 1937, p. 1:8.

¹²⁰ Ibid., March 24, 1937, p. 1:7.

¹²¹ Ibid., March 20, 1937, p. 1:2.

¹²² Ibid., March 16, 1937, p. 1:8

the forcible evictions were recognized. 118 However, Martin

was compelled to back down from his threat and limited his

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Governor's attorney had already called Martin a thief.

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118 *Ibid.*, March 21, 1937, p. 1:8.

119 *Ibid.*, March 24, 1937, p. 1:7.

120 *Ibid.*, March 29, 1937, p. 1:8.

121 *Ibid.*, March 16, 1937, p. 1:8.

situation and made a request for intervention. Subsequently, however, the Sheriff made no effort to evict the sit-down strikers.¹²³ Obviously, Murphy wished to avoid exacerbating the situation by forcibly evicting the strikers. But unlike the General Motors strike, he successfully accomplished this without having to bear the onus of technically rejecting a Sheriff's request for military assistance.

The Governor had taken over the negotiations on March 18th. On March 24th he not only succeeded in getting John L. Lewis and Walter P. Chrysler together, but also won an immediate agreement on a truce under which negotiations could take place. Under its terms the U.A.W. evacuated the plants, and the company promised not to resume production while talks were in progress.¹²⁴

However, this agreement had not been easily won. Murphy had had to indicate his resolution to evict the strikers by force before the two men would come together. Lewis, significantly, complained of the suggestion of duress in Murphy's invitation to begin talks. While the two opponents talked with Murphy at the State capitol, the National Guard Colonel, who had commanded the troops at Flint, and the State Police Commissioner waited in the Governor's office for the outcome. Preliminary to the talks, the Colonel had already made several obvious

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¹²³Ibid., March 20, 1937, p. 1:2.

¹²⁴Ibid., March 24, 1937, p. 1:8.

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During the afternoon of Tuesday evening the strikers, but unlike the General Motors strike, he successfully accomplished this without having to leave the house or leave. Finally, regarding a Sheriff's request for military assistance, the Governor had taken over the negotiations on March 18th. On March 18th he not only succeeded in getting John L. Lewis and Walter P. Chrysler together, but also won an immediate agreement on a truce under which negotiations could take place. Under the terms the U.A.W. vacated the plant, and the company promised not to remove protection while talks were in progress. 124

However, this agreement had not been easily won. Murphy had had to indicate his resolution to assist the strikers by force before the two men would come together. Lewis, significantly, complained of the suggestion of arms in Murphy's invitation to begin talks. While the two opponents talked with Murphy at the State Capitol, the National Guard Colonel, who had commanded the troops at Flint, and the State Police Commissioner, waited in the Governor's office for the outcome. Preliminary to the talks, the Colonel had already made several obvious

123 Ibid., March 20, 1937, p. 1:1.
124 Ibid., March 24, 1937, p. 1:1.

inspection trips to occupied plants to study the terrain. It was clearly evident Murphy intended to order troops and police into the strike area, if the conference failed.¹²⁵

With brief interruptions, Murphy kept Walter P. Chrysler and John L. Lewis together until, on April 6th, a settlement was reached. It was similar to the General Motors agreement. The U.A.W. was obliged to give up its demand for sole bargaining rights and won recognition for its members only. However, the corporation guaranteed "preferential" bargaining treatment for the union. Immediately after the Chrysler settlement, the Reo Motor Car Company and Hudson settled their strikes on the same terms.¹²⁶

From Murphy's point of view the Chrysler strike showed a more realistic attitude on the part of both labor and management. Neither side wished to repeat the bitter maneuvers of the General Motors strike. Although there were a few days when the court eviction order was ignored, the workers did finally evacuate the plants before formal negotiations began. Moreover, there was no violence necessitating the mobilization of the National Guard. Murphy felt some of his educational efforts were succeeding.

The end of the Chrysler sit-down terminated the most active month of sit-down strikes. But throughout 1937

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¹²⁵ Ibid.; March 25, 1937, p. 1:8.

¹²⁶ Ibid., April 7, 1937, p. 1:8; April 8, 1937, p. 1:6; April 9, 1937, p. 4:1.

Murphy was called on to mediate sporadic sit-downs or conventional strikes. General Motors was beset with wildcat strikes at various times.¹²⁷ Other industries affected included trucking, lumber, brass, and electric power.¹²⁸ In the power strike the Governor had to intervene on two occasions to order the strikers back to work. Exasperated at one point, he soundly denounced the power workers, saying: "The conduct of labor in this case is as despotic as capital's ever has been."¹²⁹

In June a strike at the Republic steel plant in Monroe compelled the Governor to order out the National Guard for the first time since the Flint crisis. On May 28th a minority of workers in this small steel plant had gone out on strike as part of the general strike against Republic Steel, perhaps the most anti-union corporation of the "little Steel" group. The strike was not to be settled in Monroe, and Murphy limited his efforts to maintaining peace until a corporation-wide settlement could be achieved. This did not come about and before the year was out the union had to admit failure.¹³⁰

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¹²⁷ Ibid., April 4, 1937, p. 39:3; November 25, 1937, p. 33:1.

¹²⁸ Ibid., June 5, 1937, p. 2:8; July 18, 1937, p. 12:4; September 29, 1937, p. 17:6.

¹²⁹ Ibid., May 20, 1937, p. 1:6; June 10, 1937, p. 10:4.

¹³⁰ Levinson, p. 272.

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¹²⁷ *Ibid.*, April 4, 1937, p. 20:3; November 25, 1937, p. 23:1.

¹²⁸ *Ibid.*, June 5, 1937, p. 21:8; July 18, 1937, p. 13:4; September 29, 1937, p. 17:8.

¹²⁹ *Ibid.*, May 20, 1937, p. 11:5; June 10, 1937, p. 10:4.

¹³⁰ *Ibid.*, p. 27:2.

Monroe was a strongly anti-C.I.O. town. When the company announced it was going to reopen its plant on June 10th, even in the face of picketing, Mayor Daniel A. Knaggs accommodated the announcement with the swearing in of 383 untrained deputies and equipping them with tear-gas grenades and guns, police clubs, and baseball bats purchased by Republic Steel. Knowing an effort was planned to force the picket line, Murphy pressed peace negotiations from June 8th up to the time the plant was opened. On the 10th, the armed deputies and police marched out to the plant with the loyal employees lined up in cars behind them. The business district was patrolled meanwhile by deputized American Legion members carrying baseball bats. When the police force reached the plant, it found the road leading to the plant blocked by pickets. Unexplainably, two tear gas shells were fired. Shortly thereafter the police deputies moved in and the pickets were quickly dispersed. No one was seriously hurt.¹³¹

Hearing of the action, the Governor acted quickly to prevent a retaliatory raid by the C.I.O. organizers.¹³² But the C.I.O. insisted on having some measure of revenge and called for a tri-state rally at Monroe to protest the forcible breaking of the picket line. The City Commission

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¹³¹U.S. Senate, Committee on Education and Labor, Report, Violations of Free Speech and Rights of Labor, 76th Cong., 1st Sess., 1939, pp. 150-154.

¹³²The New York Times, June 11, 1937, p. 1:8.

Monroe was a strongly anti-C.I.O. town. When the company announced it was going to reopen the plant on June 19th, even on the issue of picketing, Mayor Daniel A. Murphy associated the announcement with the warning in of 323 untrained deputies and equipping them with tear-gas grenades and gas, police clubs, and baseball bats provided by Republic Steel. Knowing an effort was planned to have the picket line, Murphy pressed some negotiations from June 8th up to the time the plant was opened. On the 19th, the armed deputies and police marched out to the plant with the loyal employees lined up in cars behind them. The business district was patrolled meanwhile by deputies. American Legion members carrying baseball bats. When the police force reached the plant, it found the road leading to the plant blocked by pickets. Unofficially, two tear gas shells were fired. Shortly thereafter the police deputies moved in and the pickets were quickly dispersed. No one was seriously hurt. 131

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acted to prevent it by asking the Governor to declare martial law. Murphy refused and reminded the City Commission of its obligations under the first amendment to maintain free speech. However, the Governor did take responsibility for policing the rally. He persuaded the local deputies and vigilantes to lay down their arms and ordered a battalion of National Guard and one hundred State police to the city. To further emphasize his determination to maintain free speech and assembly Murphy made a personal appearance in Monroe on the day of the labor rally.¹³³

After the rally, which went peacefully, the Governor negotiated with Mayor Knaggs a definition of peaceful picketing at the Republic plant. By its terms the union was allowed the right to picket as a peaceful demonstration, providing employees were not prevented from entering or leaving the plant.¹³⁴

A few days before the deputized police crashed the picket line in Monroe the most dramatic event in the aftermath of the General Motors sit-down took place. As an outgrowth of the arrest of a few pickets, on June 7th the C.I.O. staged a labor "holiday" in the State capital of Lansing. Union members stopped work all over the city, paralyzing its activity. Not content with picketing, the

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¹³³ Ibid., June 12, 1937, p. 1:8; June 13, 1937, p. 1:8; June 14, 1937, p. 3:2.

¹³⁴ Ibid., June 16, 1937, p. 7:1.

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After the rally, which went peacefully, the Governor negotiated with Mayor Huggs a definition of peaceful picketing at the Republic plant. By its terms the union was allowed the right to picket as a peaceful demonstration, providing employees were not prevented from entering or leaving the plant. 134

A day before the targeted police evicted the picket line in Kansas the most dramatic event in the history of the General Motors sit-down took place. As an outgrowth of the success of a few pickets, on June 17 the C.I.O. staged a labor "holiday" in the State capital of Lansing. Union members stopped work all over the city, paralyzing its activity. Not content with picketing, the

133 Ibid., June 12, 1937, p. 1:4; June 12, 1937, p. 1:5; June 14, 1937, p. 3:3.
134 Ibid., June 16, 1937, p. 7:1.

workers mobbed the streets and prevented the flow of traffic. Meanwhile other brigades of workmen invaded the City Hall, and one group of union men battled with college students in East Lansing. The Governor was en route from Detroit to Lansing when the "holiday" began. On his arrival the waiting unionists greeted him with cheers.¹³⁵

However, Murphy considered their action deplorable. He called the leaders of the irresponsible affair into his office for an explanation. One of them declared that they wanted to "educate" the public. To this the Governor replied tartly: "The public will educate you," and followed with a short but stinging lecture on their duties and obligations to the public. In compliance with the Governor's demand, the blockade in front of the City Hall was promptly dispersed.¹³⁶ Murphy then arranged for bail release of the picketers whose imprisonment had caused the agitation and brought an end to the entire "holiday."¹³⁷

Murphy's normal reaction to civil disruption was to promptly enforce the law and uphold public authority. This was evident in the post-General Motors disturbances. It was only because he had felt there were special circumstances surrounding the Flint crisis, which called for

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¹³⁵ Ibid., June 8, 1937, p. 1:8.

¹³⁶ Kemp ms., Sec. III, p. 11.

¹³⁷ The New York Times, June 8, 1937, p. 1:8.

without a word and proceeded to the
 trial. Messrs. Jones and
 City Hall, and one of the
 members of the Board. The
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 office for the trial. The
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135 Los Angeles Times, June 3, 1937, p. 1.
 136 Los Angeles Times, June 3, 1937, p. 1.
 137 Los Angeles Times, June 3, 1937, p. 1.

extreme patience and tolerance, that he had been lenient there.

The fact that the Lansing "holiday" could occur typified for Murphy's critics the lawlessness which they believed the Governor condoned. The Dies Committee, which had struck at Murphy's handling of the Flint crisis with merciless venom, attacked with equal vigor Murphy's role in the "holiday." It lumped the two events together, and unfoundedly declared:

. . . well-known Communists instigated and engineered the sit-down strike and the so-called Lansing holiday, when a mob of 15,000 people barricaded the State capitol and 2,000 of them, many of whom were armed with clubs, were ordered to march on the university and to bring part of it back with them. The evidence shows that the State police sat helplessly by for lack of instructions from the Governor in the face of open rebellion, while the Governor looked down upon the scene from a window in the Capitol. . . . If open and undisguised rebellion is to be countenanced in the name of political expediency, then constitutional democracy will perish in America.¹³⁸

Other distinguished people, among them Norman Vincent Peale, joined the chorus of shocked Americans who attributed the "holiday" to the postponement of the court injunctions during the General Motors strike. On hearing of the Lansing "holiday" Reverend Peale deplored the fact that Murphy was

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¹³⁸ Ogden, p. 182.

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The fact that the Lansing "holiday" really occurred
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not like other "he-men" governors who refused to capitulate to mob rule.¹³⁹

The Lansing holiday was one of the worst actions committed in the sit-down movement of 1937. It was deplorable that labor felt it had to resort to such tactics. Yet it was understandable. In 1937 industrial labor was not a well-disciplined group. It had never held responsibility before. The auto workers were for the most part young, high-spirited men who were either from immigrant families or "hill-billy" homes in the South.¹⁴⁰

But facts like these are hardly a justification for Murphy's tolerance of momentary disrespect for law in the General Motors' strike. Furthermore, Murphy's basic defense for his action was founded on an "iffy" argument--that is, if he had acted as his critics had wished, he believed the result would have been loss of life, destruction of basic democratic values, and the ruination of industrial progress. But the contingent nature of Murphy's defense is less weak when it is realized that industrial relations were at a crisis point in 1937 and that bloodshed did result from military enforcement of the status quo in other strikes.

It must also be pointed out that if Murphy's defense

¹³⁹The New York Times, June 14, 1937, p. 21:2.

¹⁴⁰Interview with Lawrence P. Fisher, January 31, 1961.

not like other "no-man" governors who refused to capitulate to mob rule.

The Lansing policy was one of the worst actions committed in the big-down movement of 1933. It was designed to show that labor felt it had to react to such tactics. For it was uncharacteristic of the 1933 industrial labor movement a well-disciplined group. It had never held responsible before. The auto workers were for the most part young, high-spirited men who were often from immigrant families or "hill-billy" homes in the South.

But these like these are hardly a justification for Murphy's tolerance of anonymous denunciations for law in the General Motors' strike. Furthermore, Murphy's attitude toward the strike was founded on an "if it ain't broke, don't fix it" basis. He had seen as his critics had warned, he believed the result would have been loss of life, destruction of basic democratic values, and the reversal of industrial progress. But the contingent nature of Murphy's defense is lost when it is realized that industrial relations were at a critical point in 1936 and that his attitude did result from military enforcement of the status quo in other strikes.

It must also be pointed out that if Murphy's defense

133 The New York Times, Jan. 14, 1937, p. 11.
134 Interview with Lawrence F. Kline, January 11, 1961.

suffered from an unproved assumption, the criticism of his opponents likewise rested on equally unproved base. Their argument essentially was that as a result of Murphy's capitulation at Flint, the sit-downs were made effective and therefore became a popular unlawful weapon of organized labor. But when the Flint crisis is placed in perspective, this assumption seems less valid. The sit-downs actually began a year earlier in the rubber industry and by the end of 1937 the sit-downs had run out. This was because they had served their purpose and were no longer needed. The high point in sit-downs was in March 1937. After the April decision by the Supreme Court which upheld the Wagner Act, there was a steady decline in strike activity until the end of the year. From this chronological picture it would appear that Murphy certainly did not "cause" the sit-downs, for they began before the General Motors strike. The General Motors sit-down received the attention it did because of the largeness of the corporation, the bitterness engendered in the struggle, and the issue of sole recognition for the U.A.W. as a bargaining agent.

Murphy's way of handling the sit-downs may have sacrificed man hours of work and some temporary respect for rule by law. But his critics' way would have upheld respect for law while almost certainly sacrificing many lives and the necessary concept of social and economic change. Only when a democratic society is willing to adapt itself to new needs and challenges can it survive; and within this

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 new needs and challenges can it survive; and within this

progressive framework respect for law never need be compromised. In Murphy's words: "It is important that our laws and political institutions keep steady pace with changes in the political and social economy of the country in order that government shall not lack power and means to deal with new conditions."¹⁴¹

Although many ardent New Dealers defended Murphy's handling of the sit-downs, others distrusted his judgment. Like the New Deal itself Murphy had become extremely controversial. When he was defeated for re-election in 1938 the nation immediately interpreted this as a repudiation of his policies, and minds which had remained closed were now riveted shut. It mattered not that other factors could easily account for his defeat at the polls.

Because Murphy failed to successfully communicate the convictions which determined his actions at Flint, this misunderstanding became a sore which afflicted the Governor the rest of his life.¹⁴² The difficulty was that he could never adequately explain to people conditioned to whites and blacks, that there were greys involved in the justice of the administration of the law. It was not that he wanted everyone to agree with him, but he would have liked to have more understanding of the immense problem he had had to deal with.

¹⁴¹The New York Times, April 19, 1937, p. 12:5.

¹⁴²Interview with Eugene Gressman, Esq., April 13, 1961.

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¹⁴¹ The New York Times, April 12, 1937, p. 12:3.
¹⁴² Interview with Eugene Grossman, May 11, 1951.

In the midst of the sit-down controversy in 1937 the Governor had his attention called to a critic who termed his sit-down policy a "corruption of American ideals." Murphy took time to write this critic a patient and friendly letter. He did not attempt to explain his actions. He limited himself to writing what was really a declaration of his conviction to do what was right:

It isn't pleasant to know that a well-meaning citizen, like yourself, holds me in such low esteem because of an earnest effort I have made to advance industrial peace and to have the Government represent to the people something that is friendly and clean rather than something that is hateful and oppressive.

I greatly fear that your opinion of me is likely to grow worse because with each day I am more determined than ever to do the kindly and right thing for big and little alike. Sowing the seeds of kindness in the vineyard of 1937 is not altogether an easy errand.¹⁴³

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¹⁴³Letter from Frank Murphy to F. J. Thieme, Jr., June 14, 1937, Hayden Papers.

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CHAPTER V

"Frank the Just"¹

After his unsuccessful bid for re-election as Governor in November 1938, Frank Murphy's future plans were uncertain. Although he was a professionally trained lawyer, he did not declare any intention to retire to private practice in the tradition of most defeated political candidates. Neither did he accept a handsome position offered by an automobile company.² He undoubtedly secretly enjoyed the corporation's appreciation of his talents, in view of the recent sit-down crisis, but he had no desire to dissipate his energies in the tame world of business. The only divulgence of Murphy's plans was his announced intention to take a vacation trip to the Philippines following his successor's inauguration.

Murphy avoided making any commitments, for he knew the President felt an obligation to find him a place in the Administration. Murphy, after all, had returned from the Philippines to run in the Michigan 1936 Gubernatorial race in response to F.D.R.'s personal request. Since his return

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¹Joseph Alsop and Robert Kintner, The New York Times, May 28, 1939, p. 10:8.

²Detroit Times, January 7, 1940.

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¹ Joseph Alsop and Robert Kluger, The New York Times, May 28, 1938, p. 10:8.

² Detroit Times, January 7, 1940.

to the States, Murphy had served his Chief well--both in State politics and in his mediation of the difficult sit-down strikes. Not surprisingly, because Murphy's chances for re-election were poor, the President actually began to talk about finding a position for Murphy even before the Michigan voters went to the polls to render their decision.³

The President's search ended when Homer S. Cummings announced he was ready to retire as Attorney General. There was only one difficulty; F.D.R. had previously led Robert Jackson, the Solicitor General, to believe he would succeed Cummings. In order to mollify Jackson's ambition, the President informed all concerned that Murphy's appointment was only temporary. Before too long, F.D.R. told them, he would transfer Murphy to the Secretaryship of the War Department and thus leave the Attorney General post open for Jackson. But this contemplated cabinet shuffle could not take place until after Secretary of War, Harry H. Woodring, would agree to serve as Minister to Canada and the present Assistant Secretary of War had had a short spell as Acting Secretary of War. There were even a few more contingencies involved.⁴ This risky scheme, which contemplated treating ambitious men like insignificant pawns, could not but portend trouble.

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³Farley, p. 126.

⁴Ickes, II, p. 536.

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²Harvey, p. 123.

³Jones, II, p. 230.

Yet for the moment, at least, the President's plan appeared feasible. Murphy cancelled his Philippine vacation and on January 2, 1939 he took his oath of office as Attorney General. The Bible used for the occasion was one given to Murphy by his mother when he graduated from grammar school. Many of the pages were loosened from constant use. Appropriately, the new Attorney General called attention to his favorite Biblical text in a news conference following the ceremony. The text was Isaiah 40:4-5 which began: "But He shall judge the poor with justice and shall approve equity for the meek of the earth."⁵

The President's appointment was an interim one pending Senate confirmation. The press foresaw difficulties in winning this confirmation because Murphy symbolized for many New Deal disregard for property rights and the judicial process. This apprehension was underlined by the recent report of the House Committee on Un-American Activities which had attacked Murphy for his alleged tolerance of the sit-downs. To give credence to the Dies Committee report, one of the members of the House enlivened proceedings by carrying a suitcase and an orange crate into the chamber, from which he drew clubs and other weapons which he said were used by the sit-down strikers.⁶

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⁵The New York Times, January 3, 1939, p. 9:1.

⁶Arthur Krock, The New York Times, December 18, 1938, IV, p. 3:1. The New York Times, January 4, 1939, p. 1:6; January 12, 1939, p. 4:1.

Yet for the moment, at least, the President's plan appeared feasible. Murphy continued his Philippine mission and on January 3, 1933, he took his oath of office as Attorney General. The Bible used for the occasion was one given to Murphy by his mother when he graduated from grammar school. Many of the pages were labeled from constant use. Appropriately, the new Attorney General called attention to his favorite Biblical text in a news conference following the ceremony. The text was Isaiah 40:4-5 which began: "But He shall judge the poor with justice and shall approve equity for the meek of the earth."

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³Arthur Kross, The New York Times, December 18, 1932, IV, p. 3:1. The New York Times, January 4, 1933, p. 1:6.
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But this theatrical gesture in the House (which does not have the authority to approve appointments) did not typify the Senate's sober proceedings. Much to the surprise of the press, the Senate Judiciary Subcommittee quickly approved Murphy's nomination without even requesting a public hearing. Led by Vice President Garner, who had been impressed with Murphy's job in the Philippines, Senate conservatives had quietly lined up in favor of the new appointee.⁷ Once again Murphy's anomalous appeal to discriminating anti-New Dealers was revealed. It was the same personal quality which had appealed to the automobile manufacturer who had offered Murphy a position in his company a few months earlier. Murphy invariably convinced critical observers that despite his New Deal political philosophy, he was a dedicated and honest individual.

When the judiciary subcommittee announced its approval without a public hearing, Murphy created a stir by asking for a public hearing anyway. "I want to be heard because I believe it is in the public interest that there shall be confidence in the Department of Justice . . . ,"

Murphy declared.⁸

The hearing revealed Murphy's secret conference

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⁷ Arthur Krock, *ibid.*, December 30, 1939, p. 14:5. *The New York Times*, January 2, 1939, p. 1:8; January 11, 1939, p. 4:2.

⁸ *Ibid.*, January 13, 1939, p. 40:2.

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Murphy declined.²

The hearing revealed Murphy's recent conference

¹ Arthur Krock, *ibid.*, December 30, 1933, p. 14:6.
The New York Times, January 2, 1933, p. 1:8; January 11, 1933, p. 4:12.

² *ibid.*, January 12, 1933, p. 4:12.

with John L. Lewis during the closing days of the General Motors strike, in which Murphy had threatened Lewis with forceful eviction of the strikers unless a settlement was reached. Letters of commendation from prominent men were also read at the hearing, including a laudatory letter from Harry H. Bennett, the anti-union Ford executive. The public hearing was designed to offset criticism which was expected to arise during debate on the floor of the Senate. In this it was most successful. Only Senator Bridges of New Hampshire fought confirmation with any energy. In the final vote, Murphy was confirmed with a mere seven votes in opposition, and all of these were Republican ballots.⁹ The New York Times, which editorially had voiced reluctant acquiescence when Murphy's appointment was first announced, echoed responsible opinion throughout the nation when it switched to enthusiastic approval for the new Attorney General. "No one ever doubted his humanitarianism," declared the Times, "and no one need doubt now his respect for law."¹⁰ Ironically, the Governor, who three months previously had been castigated as a corrupter and destroyer of law in a bitter election campaign, was now the chief law enforcement officer of the United States.

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⁹ Ibid., January 14, 1939, p. 1:6; January 18, 1939, p. 6:3.

¹⁰ Ibid., January 2, 1939, p. 22:2; January 18, 1939, p. 18:3.

The circumstances surrounding Murphy's appointment limited his Attorney Generalship to a continuation of past policies and left little room for innovation. This was due primarily to the fact that Murphy's appointment was a temporary one. Had Murphy's predecessor not been competent, the situation would have been very different. But Attorney General Cummings had served well, and his guidelines became Murphy's program. In writing a midyear report to the President, Murphy cited the instructions F.D.R. gave him on taking office. The revealing thing about the instructions is their failure to be exceptional:

On January 1, 1939, upon appointing me to the office of Attorney General of the United States, you directed me to endeavor in every possible way to continue the efforts of my predecessor, Homer S. Cummings, to strengthen the Department of Justice. You directed me to improve the federal judicial system and provide vigorous and honest law enforcement; to eliminate congestion in the court dockets; to guard against privilege and favoritism; to modernize and improve personnel practices wherever possible within the Department; and to effect such additional administrative measures as might be necessary and advisable. . . .¹¹

But by temperament Murphy was a reformer. He brought to the Attorney Generalship great personal energy, a sense of duty, and a flair for publicity. He also took over the Justice Department at a time when national and international affairs were rapidly approaching the crisis stage. On the domestic scene the political parties were unifying their

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ranks and jockeying for position in anticipation of the 1940 Presidential election. Meanwhile in Europe and the Far East the first battles of the Second World War had already been fought. All of these factors--the Attorney General's temperament, domestic politics, and the world war--were to magnify and sometimes distort what Murphy was to undertake during 1939.

In his re-organization of the Justice Department, Murphy retained three important officials: Robert H. Jackson as Solicitor General, Thurman W. Arnold as head of the Anti-trust Division, and J. Edgar Hoover as F.B.I. chief. However, the Attorney General liberally appointed his own candidates to other posts.¹² These included his two personal friends and confidential advisers of long standing, Edward G. Kemp and Joseph A. Mulcahy. Both of these men were special assistants to the Attorney General.¹³

Murphy also brought in William Brownrigg, his Michigan civil service director, to head a personnel program in the Justice Department. With this appointment Murphy implemented within the Justice Department a Presidential order of the previous year to broaden civil service within the Federal government. Brownrigg's immediate task was to

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¹² Eugene C. Gerhart, *America's Advocate*, Robert H. Jackson (Indianapolis: Bobbs-Merrill Co., 1958), p. 170.

¹³ *The New York Times*, June 16, 1939, p. 25:2; August 1, 1939, p. 2:5.

rank and jockeying for position in anticipation of the 1940 Presidential election. Meanwhile in Europe and the Far East the first battles of the Second World War had already been fought. All of these factors--the Attorney General's department, domestic politics, and the world war--were to markedly and sometimes directly affect Murphy and his undertakings during 1939.

In his re-organization of the Justice Department, Murphy retained three important officials: Robert H. Jackson as Solicitor General, Thomas W. Arnold as head of the United States Marshal, and J. Edgar Hoover as F.B.I. Chief. However, the Attorney General himself appointed his own candidates for other posts.¹² These included his two personal friends and confidential advisers of long standing, Edward G. Kane and Joseph A. Murphy. Each of these men were special assistants to the Attorney General.¹³

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¹² Eugene C. Gurnea, *American's Attorneys*, Robert H. Jackson (Indianapolis: Bobbs-Merrill Co., 1935), p. 170.

¹³ *The New York Times*, June 16, 1939, p. 22; August 1, 1939, p. 21.

set up a program of personnel training and management.¹⁴

By the end of the year this program was ready for enactment, and Murphy issued a departmental order creating a Division of Personnel Supervision and Management with Brownrigg in charge.¹⁵

Murphy also appointed several committees to study various significant legal problems. The most important of these was the committee dealing with administrative law. Attorney General Cummings had already called the President's attention to the need for improving the procedure of administrative agencies in order to assure the protection of individual rights.¹⁶ Murphy was following up this matter. It was 1941 before the committee made its report. Five years later the committee's report became the foundation for the Administrative Procedure Act.¹⁷

While the development of a personnel program and the appointment of study committees served future needs of

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¹⁴Annual Report of the Attorney General of the United States for the Fiscal Year Ended June 30, 1939 (Washington: U.S. Government Printing Office, 1939), p. 10. Cited hereafter as Annual Report of the Attorney General, 1939.

¹⁵The Washington Daily News, December 1, 1939, p.20.

¹⁶Letter from Frank Murphy to F.D.R., July 7, 1939; F.D.R.L., O.F. 2111.

¹⁷Leonard D. White, Introduction to the Study of Public Administration (New York: The Macmillan Company, 1955), pp. 519, 520.

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¹⁵ The Washington Daily News, December 1, 1934, p. 20.

¹⁶ Letter from Frank Murphy to E.A.R., July 7, 1933.
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¹⁷ Edward D. White, Introduction to the Study of
 Public Administration (New York: The Macmillan Company, 1935),
 pp. 210, 211.

the Justice Department and the nation, events in 1939 were demanding immediate action. In March, Stephen Early, Secretary to the President, wrote Murphy a note urging him to accept a speaking invitation. This otherwise insignificant message ended with a revealing postscript: "You [will] speak from New York City where Mr. [Thomas E.] Dewey has been very active of late. This fact, too, has its advantages."¹⁸

Dewey, a young New York City district attorney, had won national attention by conducting a well-publicized campaign against crime. He had hopes of thereby catapulting himself into the 1940 Republican nomination for the Presidency. The Administration had no wish to let Dewey and the Republican party monopolize the issue of virtue. Therefore, obviously stimulated by the New Yorker's actions, it commissioned its Attorney General to direct a broad program for improved administration of justice and improved crime control.

President Roosevelt, who had always had a special interest in parole programs, in early January asked Murphy to prepare for a National Parole Conference to be held at the White House.¹⁹ "In view of the great to-do" that was

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¹⁸Letter from Stephen Early to Frank Murphy, March 4, 1939; F.D.R.L., O.F. 10.

¹⁹Letter from Frank Murphy to F.D.R., January 24, 1939; F.D.R.L., O.F. 3563.

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being made over Tom Dewey, Administration friends urged that F.D.R. himself address the conference.²⁰ The President readily agreed. The conference, which included prison and parole officials, judges, district attorneys, law enforcement officials, and interested private citizens, met at the White House on April 17th and 18th.²¹ During the brief session the delegates attempted to come to an agreement on standards and administrative procedures, and attempted to stimulate more cooperation between Federal and State governments thereon.²² However, the major purpose of the parole conference, as Murphy declared in his keynote address, was simply "to sell the idea of parole to the general public."²³

Immediately following the parole conference, a meeting of United States Attorneys was held. Called on Murphy's initiative, its purpose was to promote closer coordination between the Washington staff and the attorneys in the field and also to improve the efficiency of the latter.²⁴ Murphy had already directed United States

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²⁰Letter from Ernest K. Lindley to Stephen Early, March 14, 1939, ibid.

²¹Resolution of Appreciation for Attorney General Frank Murphy, National Parole Conference, ibid.

²²The New York Times, March 13, 1939, p. 7:6.

²³Frank Murphy, "Keynote Address, National Parole Conference," April 17, 1939; manuscript from the Frank Murphy Papers, Ann Arbor.

²⁴Frank Murphy, "Closing Remarks at the Attorney General's Conference of United States Attorneys," April 21, 1939, ibid.

being made over the law, administration boards urged that T. B. Smith address the conference.²⁰ The President tentatively agreed. The conference, which included police and parole officials, judges, district attorneys, law enforcement officials, and interested private citizens, met at the White House on April 15th and 16th.²¹ During the first session the subjects attempted to come to an agreement on standards and administrative procedures, and attempted to stimulate more cooperation between Federal and State governments.²² However, the major purpose of the parole conference, as Murphy decided in his keynote address, was simply "to sell the idea of parole to the general public."²³ Immediately following the parole conference, a meeting of United States Attorneys was held. Called on Murphy's initiative, its purpose was to promote closer coordination between the Washington staff and the attorneys in the field and also to improve the efficiency of the latter.²⁴ Murphy had already directed United States

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²¹ Resolution of Appreciation for Attorney General Frank Murphy, National Parole Conference, *ibid.*

²² The New York Times, March 13, 1933, p. 7-8.

²³ Frank Murphy, "Keynote Address, National Parole Conference," April 15, 1933; manuscript from the Frank Murphy Papers, Ann Arbor.

²⁴ Frank Murphy, "Closing Remarks at the Attorney General's Conference of United States Attorneys," April 21, 1933, *ibid.*

Attorneys to submit a thorough, explanatory report on all cases more than two years old.²⁵ As a result of this two-fold prodding, much "deadwood" was eliminated from the dockets and the final disposition of numerous cases was hastened.²⁶

One of Murphy's favorite administrative techniques was to make dramatic inspection trips to the offices of the United States Attorneys throughout the country. His first such inspection trip, in January, led to the resignation of Judge Martin T. Manton of the United States Court of Appeals. Murphy shrewdly disclosed his own inquiry into Manton's affairs the day before Thomas E. Dewey made public his charges against the Judge.²⁷ Not content with Manton's resignation, Murphy insisted on prosecution. The Judge was indicted and found guilty of receiving funds from litigants whose cases were before him.²⁸ A few months later another Federal judge's improper activities were investigated, leading to his resignation.²⁹

These exposures of judicial malfeasance led to an Administration policy statement as to what it intended to

²⁵Letter from Frank Murphy to F.D.R., July 7, 1939; F.D.R.L., O.F. 2111.

²⁶Annual Report of the Attorney General, 1939, p. 3.

²⁷The New York Times, January 31, 1939, p. 1:4.

²⁸Gerhart, p. 172.

²⁹The New York Times, April 13, 1939, p. 1:4.

Attorneys to examine the papers of the deceased and to
obtain from the bank a statement of the account of the
deceased and the interest thereon. The bank has refused to
comply with the request and the attorneys have filed a
motion for summary judgment. The court has granted the
motion and has ordered the bank to pay the amount of the
account and the interest thereon. The bank has appealed
the judgment and the case is now before the appellate
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do to correct the situation. In a major address to an Associated Press luncheon, Murphy undertook the task. In his April message, the Attorney General pinpointed the weakness of the Federal courts in their failure to achieve efficiency in their work, and their tendency to allow that work to drift into the area of politics and patronage. The problem of efficiency, he reported, would be solved if Congress would pass a currently Administration sponsored bill providing for an administrative office for the United States courts. In August, Congress complied.³⁰ Murphy felt that the problem of politics and patronage in the Federal courts was largely due to the way receiverships and bankruptcy proceedings were handled. The current procedure was a fee system whereby referees and receivers and their lawyers received a portion of the final settlement. Murphy felt that a salary basis would eliminate the abuses encouraged by the fee system. In any case, he appointed a committee to investigate the whole problem of receivership and bankruptcy proceedings.³¹ Eventually, the committee's recommendations led to improvements in the administration of insolvent estates.³²

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³⁰ Annual Report of the Attorney General, 1939, p. 4.

³¹ Frank Murphy, "The Federal Courts," an address to the Associated Press Luncheon, April 24, 1939; manuscript from the Frank Murphy Papers, Ann Arbor.

³² Supreme Court of the United States, Resolutions, Tuesday, March 6, 1951.

do to correct the situation. In a major address to an Associated Press luncheon, Murphy underscored the task. In his April message, the Attorney General pinpointed the weakness of the Federal courts in their failure to achieve efficiency in their work, and their tendency to allow that work to drift into the area of politics and patronage. The problem of efficiency, he reported, would be solved if Congress would pass a currently Administration sponsored bill providing for an administrative office for the United States courts. In August, Congress complied.³⁰ Murphy felt that the problem of politics and patronage in the Federal courts was largely due to the way receivership and bankruptcy proceedings were handled. The current procedure was a fee system whereby referees and receivers and their lawyers received a portion of the final settlement. Murphy felt that a salary basis would eliminate the abuses encouraged by the fee system. In any case, he appointed a committee to investigate the whole problem of receivership and bankruptcy proceedings.³¹ Eventually, the committee's recommendations led to improvements in the administration of insolvent estates.³²

³⁰ Annual Report of the Attorney General, 1933, p. 6.

³¹ Frank Murphy, "The Federal Courts," an address to the Associated Press luncheon, April 24, 1933; manuscript from the Frank Murphy Papers, Ann Arbor.

³² Supreme Court of the United States, Receivership, Tuesday, March 6, 1931.

Murphy also made clear his intention to restore integrity to the courts by recommending only high caliber men to fill court vacancies. Beginning with his advocacy of William O. Douglas for the Supreme Court, the Attorney General held true to his intention and urged the appointment of men who were universally praised for their abilities.³³ Parenthetically it should be added, however, that these judicial recommendations were also politically sound. As a part of the Administration's peace offering to conservative Democrats, Murphy quietly sought out conservative Congressmen for their judicial recommendations. For example, the Attorney General chose the Dean of the University of Virginia Law School, Armistead M. Dobie, to fill a judgeship vacancy. Dobie was a lifetime friend of Senator Harry F. Byrd.³⁴

When Murphy turned from the broad area of the administration of justice and crime control to the more narrow field of law enforcement itself, he acted just as energetically. To improve the efficiency of the Justice Department in prosecuting commercial frauds, he created a new section in the Criminal Division devoted exclusively to this type of crime. Its specific job was to supervise all prosecutions arising under the Securities Act of 1933 (as amended),

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³³The New York Times, April 16, 1939, VIII, p. 3.

³⁴Detroit Times, May 26, 1939.

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³³ The New York Times, April 10, 1935, VIII, p. 3.

³⁴ Detroit Times, May 28, 1933.

the Securities Exchange Act of 1934; the Mail fraud statute; and the Public Utility Holding Act of 1935.³⁵

One of the emphasized areas of prosecution was that of antitrust cases. The decision to begin an antitrust drive had actually been made a year earlier at which time the Antitrust Division was doubled in size. Although there was a tradition of antitrust prosecution going back to the Sherman Act of 1890, the recession of 1937-38 provided the immediate impetus for the current antitrust drive. The recent recession looked like definite evidence to New Deal economists that the American economic frontier was closed. They felt there was no longer any hope that a sudden business turn would bring prosperity to the nation as a whole. However, the economists reasoned if competition could be guaranteed through antitrust prosecutions, it might be possible to reduce prices, thereby increasing the standard of living of Americans.³⁶ This was not trust-busting in the Theodore Roosevelt tradition, for the Justice Department was not necessarily trying to make little industries out of big ones--it simply wanted to abolish the restraints in trade which were stifling competition.³⁷ The architect for this new antitrust policy was the Antitrust Division head,

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³⁵ Annual Report of the Attorney General, 1939, p. 59.

³⁶ Thurman W. Arnold, The Bottlenecks of Business (New York: Reynal and Hitchcock, 1940), pp. 275-287.

³⁷ Annual Report of the Attorney General, 1939, p. 44.

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³⁵ Annual Report of the Attorney General, 1935, p. 58.

³⁶ Thomas W. Arnold, *The Bottleneck of Business* (New York: Reynal and Hitchcock, 1936), pp. 275-287.

³⁷ Annual Report of the Attorney General, 1935, p. 44.

Thurman Arnold. On assuming office as Attorney General, Murphy succinctly stated the Administration's antitrust policy as formulated by Arnold:

The antitrust laws were intended to achieve a constructive, not a destructive purpose. Their purpose is not to harass businessmen but to give businessmen the right to compete in a free field without favor and to give the consumers the benefit of orderly and healthy competition.³⁸

During Murphy's period as Attorney General, investigations were undertaken in many industries, among them: motion pictures, oil, aluminum, news printing, milk, liquor, tobacco, signboard advertising, fish canning, and fertilizer.³⁹ However, the largest antitrust investigation carried out in 1939 was of the building industry. The problem of maintaining a free market was particularly difficult in this business. It was found that despite government subsidies and credit, prices had risen twenty-five percent since 1936, although building had doubled and there was no scarcity of goods or materials.⁴⁰ Building material producers conspired to keep prices up and distributors of these materials established fixed mark-ups or refused to supply firms other than their own company.⁴¹ Because the conspiracy was nationwide, the Antitrust Division, for the

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³⁸Ibid., p. 36.

³⁹Ibid., p. 158.

⁴⁰Arnold, p. 44.

⁴¹The New York Times, July 16, 1939, IV, p. 7:3.

Thurman Arnold. On assuming office as Attorney General, Murphy succinctly stated the Administration's attitude policy as formulated by Arnold:

The antitrust laws were intended to achieve a constructive, not a destructive purpose. Their purpose is not to harass businessmen but to give businessmen the right to compete in a free field without favor and to give the consumer the benefit of orderly and healthy competition.

During Murphy's period as Attorney General, investi-

gations were undertaken in many industries, among them: motion pictures, oil, aluminum, news printing, silk, linen, tobacco, cigarette advertising, fish canning, and fertilizers.³⁸ However, the largest antitrust investigation carried out in 1938 was of the oiling industry. The problem of maintaining a free market was particularly difficult in this business. It was found that despite government subsidies and credit, prices had risen twenty-five percent since 1935, although building had declined and there was no scarcity of goods or materials.³⁹ Building material producers conspired to keep prices up and distributors of these materials established fixed mark-ups or refused to supply firms other than their own company.⁴¹ Because the conspiracy was nationwide, the Antitrust Division, for the

³⁸ *Ibid.*, p. 38.

³⁹ *Ibid.*, p. 138.

⁴⁰ Arnold, p. 44.

⁴¹ *The New York Times*, July 16, 1938, IV, p. 718.

first time, carried out a nation-wide investigation. Actual grand jury proceedings were limited to eleven cities. In these cities every restraint of trade which affected the building of a house was investigated. As a result of investigation alone--even before prosecution began--prices often dropped. In one large city, lumber prices declined eighteen percent and sand and gravel prices declined twenty-two percent.⁴²

When the Justice Department began investigating labor union practices in connection with the building industry, serious opposition to the antitrust program developed. Murphy was castigated at an A.F. of L. convention, and William Green came to the Attorney General with a plea to go slow on prosecuting unions.⁴³ However, Thurman Arnold felt that shutdowns resulting from jurisdictional labor disputes were violations of antitrust laws. The issue finally centered on whether the government should indict "Big Bill" Hutcheson, president of the carpenters' union. A great deal of pressure was put on the Attorney General not to go ahead with the indictment. William Green sent Murphy a message, reminding him of the language of the Clayton Act which specifically exempted labor and farm organizations from prosecutions under the anti-trust

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⁴²Arnold, pp. 196-197.

⁴³The New York Times, October 25, 1939, p. 47:7.

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When the Justice Department began investigating labor union practices in connection with the building industry, various opposition to the anti-trust program developed. Murphy was designated as an A.P. of the convention, and William Green came to the Attorney General with a plea to go along on prosecuting unions. However, Arthur Arnold felt that whatever resistance from traditional labor disputes were violations of anti-trust laws. The issue finally centered on whether the government should indict "Big Bill" Hitchcock, president of the carpenters' union. A great deal of pressure was put on the Attorney General not to go ahead with the indictment. William Green sent Murphy a message, reminding him of the language of the Clayton Act which specifically exempted labor and farm organizations from prosecution under the anti-trust

⁴² Arnold, pp. 188-189.

⁴³ The New York Times, October 25, 1932, p. 47:7.

statutes.⁴⁴ But Murphy refused to be pressured and let Arnold press the indictment on Hutcheson.⁴⁵

By 1940 the Justice Department had won a series of key cases which gave it the power to demand obedience to the antitrust laws.⁴⁶ Generally business cooperated with the Justice Department, once the Department showed resolution, and it was common practice for the Antitrust Division to give out consent decrees to cooperating industries.⁴⁷ However, with the coming of the Second World War the anti-trust drive dissipated.⁴⁸

Even more popular than the antitrust drive was the Justice Department's investigation of organized crime--particularly where crime and politics were united. The first important prosecution resulted in the conviction of Tom Pendergast, Democratic boss of Kansas City, Missouri. Murphy himself flew to Kansas City on the day the case was presented to the grand jury.⁴⁹ The Kansas City prosecutions were followed by more indictments in other cities and states. Most important among them was that of the Long machine in

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⁴⁴ Ibid., November 23, 1939, p. 30:5.

⁴⁵ Thurman W. Arnold, "Mr. Justice Murphy," Harvard Law Review, LXIII (December 1949), p. 292.

⁴⁶ Arnold, The Bottlenecks of Business, pp. 189-190.

⁴⁷ Annual Report of the Attorney General, 1939, p. 41.

⁴⁸ Freidel, p. 439.

⁴⁹ Gerhart, p. 170.

CONTENTS

statutes, have been the subject of much discussion and debate. The purpose of this report is to provide a comprehensive overview of the current state of the law in this area. The report is organized into several sections, each dealing with a different aspect of the issue. The first section discusses the historical background of the law, while the second section focuses on the current state of the law. The third section provides a detailed analysis of the various issues involved, and the fourth section offers recommendations for future action. The report is intended to be a useful resource for anyone interested in this area of the law.

- 44. Index, pp. 1-10.
- 45. Table of Contents, pp. 11-15.
- 46. Introduction, pp. 16-20.
- 47. Chapter I: The History of the Law, pp. 21-30.
- 48. Chapter II: The Current State of the Law, pp. 31-40.
- 49. Chapter III: Analysis of the Issues, pp. 41-50.
- 50. Chapter IV: Recommendations for Future Action, pp. 51-60.

Louisiana. By 1940, thirteen Long supporters were successfully prosecuted on mail fraud charges.⁵⁰

Although the actual number of indictments was small, the Justice Department's drive against the political-crime conspiracy appeared most impressive. This was due largely to Murphy's skill in achieving publicity. Murphy was constantly journeying throughout the country on departmental errands, and wherever he went he described to eager reporters the struggle the Justice Department was carrying on against lawlessness. Murphy often had a quotable line or two which vividly summarized his war against the underworld. "We have mapped out plans for this national campaign," he once declared. "The purge is on. We know where we have to fight. . . ."⁵¹ Later in the summer of 1939 Murphy revealed that forty-five agents were carrying out investigations in twenty-six cities, and that grand juries would be called in eight or nine cities.⁵² Although this proved to be too previous an announcement, at the time it made good newspaper copy. In a similarly enthusiastic moment Murphy told Ickes: "Harry Hopkins once said: 'We will tax and tax and spend and spend.' I will indict and

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⁵⁰ Annual Report of the Attorney General of the United States for the Fiscal Year Ended June 30, 1940 (Washington: U.S. Government Printing Office, 1940), p. 85. Cited hereafter as Annual Report of the Attorney General, 1940.

⁵¹ The New York Times, May 30, 1939, p. 3:5.

⁵² Ibid., August 4, 1939, p. 2:2.

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⁵¹ The New York Times, May 30, 1933, p. 3:2.

⁵² Ibid., August 4, 1933, p. 3:2.

indict and jail and jail."⁵³

The national campaign against crime even assumed a "batting average" aspect for a short while. In July, Murphy submitted a report to the President which stated that the percentage of convictions or pleas of guilty during the past six months was 97.1. The Attorney General commented that "while the percentage of convictions has always been high, it is doubtful that this figure has ever been surpassed."⁵⁴ A member of F.D.R.'s staff saw an opportunity in Murphy's report, and he advised the President to plant a question during his next press conference which would permit the President to cite the Attorney General's 97.1 percent record. "This record," the aide pointed out, "contrasts beautifully with Mr. Dewey's recent figures in the seventies."⁵⁵ The President didn't follow the advice, but the incident nonetheless reflects the competitive spirit which accompanied Murphy's term as Attorney General. While it would be a mistake to overemphasize this aspect of Murphy's leadership of the Justice Department, it was certainly a motivating element in the restoration of New Deal righteousness which Murphy brought about. It must have been with considerable

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⁵³ Ickes, II, p. 685.

⁵⁴ Letter from Frank Murphy to F.D.R., July 7, 1939; F.D.R.L., O.F. 2111.

⁵⁵ Unsigned Memorandum - Re: Press Conference - July 18, 1939; F.D.R.L., O.F. 2111.

Letter from Frank Murphy to E. A. Tamm, July 18, 1935.

The National Commission against Crime even assumed a "battering average" aspect for a short while. In July, Murphy submitted a report to the President which stated that the percentage of convictions on pleas of guilty during the past six months was 87.1. The Attorney General commented that "while the percentage of convictions has always been high, it is doubtful that this figure has ever been surpassed."⁵² A member of E. A. Tamm's staff saw an opportunity in Murphy's report, and he advised the President to plant a question during his next press conference which would permit the President to cite the Attorney General's 87.1 percent record. "This record," the aide pointed out, "reflects positively with Mr. Murphy's record figured in the conviction."⁵³ The President didn't follow the advice, but the incident nonetheless reflects the competitive spirit which accompanied Murphy's term as Attorney General. While it would be a mistake to overemphasize this aspect of Murphy's leadership of the Justice Department, it was certainly a motivating element in the restoration of New Deal righteousness which Murphy brought about. It must have been with considerable

⁵² Letter, II, p. 325.

⁵³ Letter from Frank Murphy to E. A. Tamm, July 18, 1935; E. A. Tamm, O. V. 211.

⁵⁴ Assigned Memorandum - Re: Press Conference - July 18, 1935; E. A. Tamm, O. V. 211.

satisfaction that Administration leaders read glowing newspaper accounts of Attorney General Murphy headed by such captions as "Frank the Just."⁵⁶

As chief law enforcement officer, the Attorney General had the major responsibility for maintaining the nation's internal security. When Murphy became Attorney General in 1939, it was evident that the nation's security was in danger. In the years since 1935, Italy had invaded Ethiopia, civil war had broken out in Spain, Japan had invaded China, and Hitler had militarized the Rhineland and forced a union with Austria. Most recently, in September 1938, Hitler had forced the Munich settlement on France and England.

The vast majority of Americans would have preferred to ignore the import of these acts of aggression, but the Administration had no choice but to anticipate possible United States involvement. In early 1938 the Federal Bureau of Investigation, of the Justice Department, began giving its agents intensive secret training in techniques for uncovering espionage, sabotage and subversive activities.⁵⁷ Whereas in the five years prior to the fiscal year of 1938

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⁵⁶ Joseph Alsop and Robert Kintner, The New York Times, May 28, 1939, p. 10:6.

⁵⁷ The New York Times, September 15, 1939, p. 6:5.

there was an average of only 35 espionage investigations a year, in 1938 there were 250 such cases and in 1939 there were 1,651. As for the number of espionage cases tried in court, there had been only 2 such cases in all the years since World War I until 1939 when there were 4 within one year.⁵⁸

But if the American people preferred not to be aroused and the Administration was content to prepare for possible danger without panic, Congress insisted on both preparation and panic. In the spring of 1938 the House created the Committee on Un-American Activities under the chairmanship of Martin Dies. Dies unfortunately made his own definition as to what constituted un-American activity, and it included any action he personally felt was opposed to the American system. His definition did include the activities of some Nazis and Communists who were in truth violating criminal laws, but it also implicated many innocent liberal New Dealers including Frank Murphy. For example, Harold Ickes was among the suspect because he belonged to the American Civil Liberties Union.⁵⁹ Ickes understandably was sensitive about the Committee and decided Dies was "smearing the Administration . . . with apparently

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⁵⁸ Annual Report of the Attorney General, 1939,
pp. 61, 153.

⁵⁹ Ogden, pp. 98-99.

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⁵⁸ Annual Report of the Attorney General, 1939.

⁵⁹ pp. 61, 153.

⁶⁰ *ibid.*, pp. 22-23.

deliberate intent."⁶⁰ This soon became the interpretation that the Roosevelt Administration as a whole gave to the Committee. Accordingly, the Administration did its best to discourage the continuation of its activities. However, the Committee rapidly achieved great popularity with the electorate. In December 1938 seventy-four percent of the voters polled favored a continuation of Dies committee investigations, and throughout 1939 the committee's popularity remained high.⁶¹ It was clear that Dies was effectively arousing the people, but he was not necessarily arousing them to the same dangers that the Administration saw.

It was against this background that Murphy took charge of the nation's internal security program. In order to provide efficient and effective protection he requested that all investigations involving espionage, counterespionage and sabotage be centralized in the Federal Bureau of Investigation, the Office of Naval Intelligence, and the Military Intelligence Division of the War Department. This centralization eliminated the participation of the State Department, the Treasury, and the Post Office in security matters. The President agreed to Murphy's request and ordered it carried out.⁶² The Attorney General also desired that all intelli-

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⁶⁰Ickes, II, p. 573.

⁶¹Ogden, p. 101.

⁶²Letter from Frank Murphy to F.D.R., June 17, 1939; F.D.R.L., O.F. 10-B.

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On September 1, 1939, Hitler invaded Poland. President Roosevelt's response was to issue a Proclamation of National Emergency to Enforce Neutrality. Under the powers of the proclamation the military forces were strengthened and the Federal Bureau of Investigation was authorized an additional 150 agents for counterespionage and subversion duty.⁶⁵ The Justice Department then also began to undertake studies on the question of war powers and war economy problems such as price control and taxation.⁶⁶ In December, Murphy urged general fingerprinting, especially in war plants, and the President agreed to publicize a fingerprinting campaign by letting it be announced that he himself had been fingerprinted.⁶⁷

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⁶³Letter from Frank Murphy to F.D.R., September 6, 1939, ibid.

⁶⁴Annual Report of the Attorney General, 1940,
p. 13.

⁶⁵The New York Times, September 9, 1939, p. 6: 3,4.

⁶⁶Gerhart, p. 182.

⁶⁷Ickes, III, p. 77.

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⁴³ Letter from Frank Murphy to F.B.I., September 6, 1939, *ibid.*

⁴⁴ Annual Report of the Attorney General, 1940, p. 13.

⁴⁵ The New York Times, September 3, 1939, p. 3, 4.

⁴⁶ *Ibid.*, p. 183.

⁴⁷ *Ibid.*, p. 77.

As these various security measures were being taken, Murphy made every effort to keep the public informed of new developments. He publicized his trips about the country in which he and J. Edgar Hoover checked on the problem of sabotage and the like.⁶⁸ He also made frequent press statements to transmit a sense of urgency to the nation. "There will be no repetition of the situation in 1917 when a democracy was unprepared to meet the espionage problem," he emphasized.⁶⁹ On other occasions the Attorney General took time to explain why a free country must subject itself to security restrictions:

There are well-meaning individuals who fear that by taking action to protect democracy against that kind of activity [espionage and subversion] we will in fact make inroads upon democracy.

I recognize the sincerity of that position, but I do not believe it is based on a realistic view of the nature of democracy.

I do not believe that loyalty to democratic ideals precludes a democratic nation from bracing itself against realities in a world where, for the moment at least, might is the test of survival.⁷⁰

At times like this Murphy almost appeared to be in competition with Martin Dies for recognition as the protector of Americanism. But for every call to defend America, the Attorney General made pleas for caution in this moment of crisis. He told the National Police Academy: ". . . we

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⁶⁸The New York Times, June 2, 1939, p. 6:2.

⁶⁹Ibid., September 1, 1939, p. 9:6.

⁷⁰Ibid., September 26, 1939, p. 12:6.

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There are well-meaning individuals who fear that by taking action to protect themselves against that kind of activity [espionage and sabotage] we will in fact make ourselves more democratic. I recognize the sincerity of that position, but I do not believe it is based on a realistic view of the nature of democracy. I do not believe that it is likely to be democratic unless we provide a democratic nation from within itself against reaction to a world where, for the moment at least, might is the law of survival. At times like these Murphy himself appeared to be in competition with Martin Dies for recognition as the pro-lector of Americanism. But for every call to defend America, the Attorney General made pleas for caution in this moment of crisis. He told the National Police Academy: "we

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⁷⁰ Ibid., September 26, 1939, p. 12-6.

will not act on the basis of hysteria. We are just as anxious to protect the rights of our own citizens as to see that those who attack the United States do not go unwhipped of Justice."⁷¹ Murphy had in mind the violations of civil liberties in the name of patriotism which had taken place during and after World War I..

He believed one way to protect civil liberties was to limit anti-espionage and anti-subversive work to the F.B.I., and take it out of the hands of amateurs and local law enforcement agencies who lacked training and discretion. The test of this policy came after Roosevelt's Declaration of National Emergency in September 1939. The President's order immediately inspired the formation of a number of citizens' committees appointed by sheriffs and local officials whose idea of cooperating with the Department of Justice was to spy on their fellow citizens. Murphy repudiated the citizens' committees, declaring that the Government would not recognize these organizations. Having no support, the committees rapidly dissolved.⁷²

But closing up the citizens' committees took care of only a particular phase of the huge problem of maintaining civil liberties in a time of crisis. Murphy realized that violations can occur in an infinite number of ways. He

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⁷¹Ibid., October 1, 1939, p. 38:3.

⁷²In the Shadow of War; the Story of Civil Liberty 1939-1940 (New York: American Civil Liberties Union, 1940), p. 16.

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⁷¹ *Ibid.*, October 1, 1938, p. 3813.

⁷² In the Shadow of War; the Story of Civil Liberty 1939-1940 (New York: American Civil Liberties Union, 1940), p. 18.

revealed his concern by the frequency and eloquence with which he spoke on the subject of civil rights. His basic theme was that a democracy could and must both protect the individual rights of the citizen and still protect the country as a whole from possible external enemies. "Let us prove for all time," he declared, "that ours is a two-fold strength--the physical strength of self-defense and the moral strength of unflinching devotion to our ideals."⁷³ To maintain this ideal the Attorney General proposed following Oliver Wendell Holmes' dictum of a "free trade in ideas." "Simply stated," said Murphy, "that concept means that a democracy gives a hearing to every idea." But to defend itself a democracy can and should use the "criminal laws that protect us against violence and the incitement to violence."⁷⁴ Murphy was convinced that present laws were sufficient, and he did not propose new ones for fear that any new legislation might be too restrictive.

By constantly exposing American citizens to the Holmes "free trade in ideas" doctrine, Murphy hoped to rally public opinion to the defense of free speech and other civil

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⁷³Frank Murphy, *In Defense of Democracy* (3rd ed.; Washington, D.C.: American Council on Public Affairs, 1940), p. 7.

⁷⁴Frank Murphy, "Civil Liberties and the Cities," an address before the Joint Meeting of The United States Conference of Mayors and The National Institute of Municipal Law Officers, New York City, May 15, 1939; manuscript from the Frank Murphy Papers, Ann Arbor.

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Public opinion crystallizes slowly, and in times like this when there is so much that is confusing and misleading, the process is abnormally slow. And until public opinion does reach the point where it will not tolerate violation of civil liberties, there can and will be such violation - unless government takes a hand and refuses to permit it.

In a sense, the part that government can play is purely negative. But it would be a serious mistake to conclude that it is therefore of little significance. Let government play its part vigorously, and with a clear responsibility, and it is bound to be a powerful bulwark of civil liberty, not only as an agency that imposes penalties but as an influence on public thinking.⁷⁵

In assigning government this additional responsibility, Murphy was consistent with his general New Deal philosophy that government must intervene to protect the individual--but always before it was intervention in the economy. Now Murphy was extending the obligations of government into the sensitive area of ideas and their expression. As Murphy said, it was "negative" governmental intervention he was advocating, and therefore he was not endangering freedom under the guise of protecting it.

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Department. Its task was to protect the liberties of citizens wherever they were threatened. This included violations in race relations, labor practices, and the exercise of religious beliefs, as well as national security issues. In fact, it was as much intolerance fomented by the fears of depression as by the fears of war which had prompted Murphy to establish the Civil Liberties Unit.⁷⁶ Murphy may also have specifically had the Dies Committee's actions in mind when he created the new unit. The President had wished the Senate would have appointed an impartial committee to review the actions of the Committee on Un-American Activities.⁷⁷ This had not been done. The Civil Liberties Unit could hardly undertake this type of activity, but it could, in dramatic fashion, call the attention of the nation to the value of civil liberties when at that very moment the House Committee was undermining them.

Murphy stimulated a lot of fanfare about the Civil Liberties Unit. However, what the unit could actually accomplish was very circumscribed. The difficulty was that there were few civil rights statutes. Most of those passed during Reconstruction had since been declared unconstitutional by the Supreme Court. The two chief remaining laws which

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⁷⁶ Frank Murphy, "The Meaning of Civil Liberty," a Commencement address at John Marshall College, Jersey City, N. J., June 21, 1939; manuscript from the Frank Murphy Papers, Ann Arbor.

⁷⁷ Ickes, II, p. 549.

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⁷⁶ Frank Murphy, "The Meaning of Civil Liberty," a commencement address at John Marshall College, Jersey City, N. J., June 21, 1939; manuscript from the Frank Murphy Papers, Ann Arbor.

⁷⁷ Jones, II, p. 548.

Murphy could use were Sections 51 and 52 of title 18 of the United States Code. These necessitated criminal, rather than civil, proceedings. Criminal proceedings were cumbersome and not very satisfactory. Almost always the cause of complaint was not popular in the community and the penalties prescribed for violators of Section 51 were so harsh that juries were hesitant to see them imposed.⁷⁸ As a result no new prosecutions were undertaken under civil rights laws while Murphy was Attorney General, although the few cases which had been initiated by the previous Attorney General were continued.⁷⁹ However, some prosecutions were recommended under the Hatch Act which had been passed in 1939. This act was designed to prevent pernicious political activities and restricted the campaign efforts of rank-and-file Federal employees.⁸⁰

If the Civil Liberties Unit could not effectively prosecute, the unit did quietly influence State and local governments to promote a mutually satisfactory solution in cases where civil rights were violated. Also, the mere existence of the Civil Liberties Unit served an important function. Before its creation the Justice Department had received few complaints about civil liberties violations.

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⁷⁸ Henry A. Schweinhaut, "The Civil Liberties Section of the Department of Justice," The Bill of Rights Review, I, No. 3 (Spring, 1941), p. 216.

⁷⁹ In the Shadow of War . . ., p. 18.

⁸⁰ Annual Report of the Attorney General, 1940, p. 78.

Murphy could not have been a member of the
United States Court, since he was not a
citizen, as required by the Constitution.
Some and not very substantial grounds
complaints were not made in the Murphy
presented for violation of Section 1 of the
Tenth Amendment to the Constitution.
There was no basis to the Murphy
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while Murphy was Attorney General, although the
which had been initiated by the Government
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78 Henry A. Rowland, "The Civil Liberties Unit
at the Department of Justice," *The Civil Liberties*
No. 3 (Spring, 1951), p. 210.

79 In the Shadow of the Law, p. 11.

80 Annual Report of the Attorney General, 1950, p. 11.

But after its establishment the large amount of mail on this subject indicated a growing civil rights consciousness by the American people. In the fiscal year 1940, 8,000 complaints came to the Justice Department. Most of these letters cited civil liberties violations in which there was no federal jurisdiction. However, without giving legal advice, some effort was made to suggest possible remedies to the plaintiff.⁸¹ Thus, despite severe limitations, the Civil Liberties Unit did provide leadership and some action in a time when citizens needed to have their faith in fundamental liberties renewed. It thereby won the commendation of the American Civil Liberties Union.⁸² But equally important, the Civil Liberties Unit set a new precedent for government initiative in the protection of individual rights. Such had not been evident since Reconstruction.

Murphy's dealings with the questions of national security and civil liberties were necessarily complicated by the investigations of Martin Dies and his Committee on Un-American Activities. Dies' attacks on the Administration's supposed leftist tendencies had too much popular support to be ignored, especially with an election coming up in 1940.

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⁸¹ Schweikart, pp. 205, 216.

⁸² In the Shadow of War, p. 18.

The President, for his part, did what he could to counteract Dies influence. Occasionally he publicly disapproved of the Committee's methods or purposes. When possible, he also influenced Congressmen to moderate the effect of the committee in one way or another. After the Dies committee was voted a continuation for 1939, the President passed the word to committee members John J. Dempsey and Jerry Voorhis that he was counting on them "to preserve civil liberties on the Dies Committee." They replied in the affirmative.⁸³ Another task was to assist the continuance of the La Follette Civil Liberties Committee in the Senate. There was considerable pressure for discontinuing the La Follette committee, much of it originating with Dies.⁸⁴ To counter this, F.D.R. wrote Robert La Follette, Jr., and Senator Lewis B. Schwellenbach of his "off the record" concern.⁸⁵ Later, when the Civil Liberties Committee was fighting for more funds he wrote to Senator James Byrnes:

I hope much you will go through with the Schwellenbach-Thomas-La Follette request for more money for the Civil Liberties Committee. From the point of view of the preservation of civil liberties, I recommend it strongly--and from the point

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⁸³Memorandum for S.T.E. from M.A. LeHand, February 18, 1939 and handwritten notes signed: S.E., February 20, 1939; F.D.R.L., O.F. 320.

⁸⁴Ogden, p. 152.

⁸⁵Letter from F.D.R. to Robert M. La Follette, Jr., March 8, 1939; F.D.R.L., O.F. 1581.

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⁸⁵ O'Glen, p. 123.

⁸⁶ Letter from E.F.R. to Robert M. La Follette, Jr., March 8, 1935; F.D.R.I., O.F. 1581.

of view of good politics, I recommend it equally strongly.

Can I make a stronger statement to you?⁸⁶

Only a few days after Murphy was appointed Attorney General, Roosevelt decided the Administration must follow up the Dies Committee revelations. He told Murphy to have the Justice Department go ahead and investigate the organizations Dies had been attacking.⁸⁷ The President announced the decision at his news conference, saying that investigations of "alleged violation of criminal statutes" by Nazis, Communists and certain other organizations were underway.⁸⁸ This initiated a series of prosecutions which eventually led to an unfavorable reflection on Murphy's sincerity as a defender of civil liberties.

No more was heard about the investigations until the following fall. In September the Committee on Un-American Activities won an admission from Earl Browder, Secretary of the Communist Party, that he had traveled in Europe with a fraudulent passport. J. Parnell Thomas seized on this admission and issued a statement in October on behalf of the Republican National Committee. He accused Murphy of laxity in following up with a prosecution of

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⁸⁶Memorandum from F.D.R. to Senator James Byrnes, July 26, 1939, ibid.

⁸⁷Ickes, II, p. 549.

⁸⁸Press Conference #515, January 5, 1939; F.D.R.L., Press Conferences of the President, XIII, p. 41.

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86 Memorandum from T.D.R. to Senator James E. Watson,
 July 26, 1936, *ibid.*

87 *Ibid.*, II, p. 243.

88 Press Conference held, January 2, 1937, *ibid.*, p. 41.
 Press Conference of the President, *ibid.*, p. 41.

Browder. He charged that while the Attorney General was "enthusiastically and tirelessly swooping by airplane all over the country in pursuit of lesser violators of the law," he was "strangely indifferent and listless in the case of Browder." The Justice Department immediately countered that Browder's case was all prepared.⁸⁹

Dies, a Texas Democrat, chided Thomas for the partisanship of his attack on Murphy, but, in what he apparently considered a non-partisan gesture, Dies himself accused the Administration of laxity. He demanded that the Justice and State Departments move immediately to prosecute Communists and Nazi Bund organizations for their failure to register as foreign agents, as required by law. If the two departments did not act, he threatened to place the whole case before the District Attorney for immediate action.⁹⁰ Murphy immediately responded with an offer to assign a special staff of Justice Department attorneys to work on the issues raised by the committee.⁹¹

Somewhat pacified on the Communist and Bund investigations, Dies turned his attention to the American League for Peace and Democracy. Dies felt it was communistic, and took it upon himself to expose its Washington, D. C. mem-

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⁸⁹The New York Times, October 23, 1939, p. 1:1.

⁹⁰Ibid., October 24, 1939, p. 12:6.

⁹¹Ogden, p. 155.

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⁸⁰The New York Times, October 23, 1938, p. 1A1.

⁸¹Ibid., October 24, 1938, p. 13:6.

⁸²Ibid., p. 15B.

bers by publishing the organization's membership list. This effort to blacken the reputation of innocent people raised the ire of the President. When asked about it at his news conference, he bluntly stated he was not sufficiently acquainted with it to discuss "this sordid procedure."⁹²

Dies' next step was to formally request Murphy to prosecute the League for alleged violation of the law requiring the registration of foreign agents. The Attorney General refused, though he said he would have the evidence examined, and wrote the committee a dispassionate letter explaining his decision. He reminded the committee that the Justice Department had to "prove every element of the alleged offense beyond a reasonable doubt" for prosecution to be successful. Murphy obviously felt this was not possible in the present case. He then gave a statement of his duty to uphold the rights of free speech:

In the performance of its duty to enforce compliance with the laws and prosecute any violation thereof, it is the obligation and responsibility of the department to safeguard and protect the rights of citizens as well. At the cost of what ever inconvenience and annoyance to individual citizens and government officials, the fundamental rights and privileges of free assembly, free opinion, and free speech as guaranteed by Federal and State Constitutions must be respected and observed.⁹³

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⁹²Ibid., p. 161.

⁹³The New York Times, November 4, 1939, p. 9:5.

Murphy clearly was under pressure from Dies for action, but he also was resolved not to prosecute an organization simply because of the ideas it professed. Others were apprehensive that Murphy would not be able to avoid this danger, for any prosecution of "subversives" entailed this premise.

Murphy soon announced his strategy. In December, he revealed at a cabinet meeting that he was ready to call a Federal grand jury in Washington to hear a number of espionage and subversion cases prepared by the Justice Department. Secretary Ickes immediately feared the grand jury investigation would start a red-hunt comparable to J. Mitchell Palmer's crusade of twenty years earlier. Murphy's plan, however, was not to start, but to stop, the red-hunt the Committee on Un-American Activities had already initiated. He hoped that a grand jury sitting in Washington, and actually taking evidence, would steal the headlines from the Dies Committee. Accordingly, it could be urged, when Congress met again in January, that there was no necessity for continuing the Dies Committee, which by then would have exhausted its appropriation and could be allowed to expire by limitation of law.⁹⁴

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⁹⁴Ickes, III, p. 76.

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jury finally indicted two business houses and several persons of alleged Communist connections, with failure to register as agents of foreign powers. Meanwhile, Earl Browder and two other Communists were convicted for passport frauds.⁹⁵ However, the Attorney General tried not to give a red-hunt image to his Justice Department prosecutions. Simultaneously with the Communist prosecutions, he warned Americans of the anti-Semitic virus and indicated that purveyors of religious hate (in imitation of the Nazis) would be combatted by the government even as Communists were.⁹⁶ A few weeks later the F.B.I. apprehended seventeen Christian Front members in Brooklyn.⁹⁷

In the midst of the Justice Department's roundup of subversives, Murphy was named to the Supreme Court. Justice Butler, a Roman Catholic, had died in November, leaving a vacancy. Since Murphy was an ardent New Dealer and a Roman Catholic, the President's announcement of Murphy's appointment on January 4, 1940 evoked no surprise. Solicitor General Jackson was, at the same time, moved up by President Roosevelt to the Attorney General post.

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⁹⁵Detroit Times, February 22, 1940.

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With the announcement of the new appointments for Murphy and Jackson an acrimonious rivalry between the two men broke into the open. This rivalry went back to Murphy's appointment as Attorney General in 1939. At that time, Jackson felt slighted that he had not been chosen to succeed Attorney General Cummings. The situation was made worse by F.D.R.'s hazardous scheme to ease Woodring out of the cabinet, thereby making room for Murphy as Secretary of War and for Jackson as Attorney General. The plan was too ticklish to ever succeed. The newspapers soon picked it up, reducing the chances for success to zero.⁹⁸ Woodring adamantly refused to give up the War Department, and the President felt he couldn't force Woodring's hand because of the latter's anticipated control over the Kansas delegation to the Democratic convention in 1940.⁹⁹

By the fall of 1939 both Murphy's and Jackson's morale was low. Murphy believed his revitalization job in the Justice Department was completed and was impatient to move over to the War Department. Jackson continued to sulk as Solicitor General. Murphy eventually expressed the opinion that someone ought to tell F.D.R. what a mess the situation was.¹⁰⁰ By the time the President was blessed

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⁹⁸Gerhart, p. 168.

⁹⁹Ickes, II, p. 592.

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⁹⁵ Gerhart, p. 124.

⁹⁶ Jones, II, p. 202.

¹⁰⁰ Ibid., III, pp. 12, 51.

with the death of Justice Butler, providing F.D.R. with an honorable solution in Murphy's appointment to the High Court, the followers of both men were overly ready to promote the ambitions and defend the pride of their benefactors. The fact that both men were frequently discussed as possible Presidential and/or Vice Presidential candidates in 1940 didn't act to lessen the partisan rivalry.¹⁰¹

Shortly before the new appointments were made, Jackson had talked with F.D.R. about his impending new job. The Solicitor General indicated dissatisfaction with Murphy's performance on a variety of matters, but he singled out the Attorney General's drive on subversives for special criticism. Jackson cited Murphy's December 28th press conference in which the Attorney General had openly declared that the Department would try to prosecute subversives through the use of income tax, passport, and foreign agent laws. Jackson told the President that the Government would be greatly handicapped in court if its prosecutions for income tax or statutory offenses were suspected of being really efforts to punish opinions and attitudes. This would be a direct violation of free speech. The Solicitor General concluded his statement to the President by saying he flatly could not continue this policy. F.D.R. dismissed Jackson's concern by laughing

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¹⁰¹The New York Times, December 16, 1939, p. 10:2; January 19, 1940, p. 18:5. Farley, p. 253.

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191 The New York Times, December 18, 1939, p. 10:2; January 13, 1940, p. 13:5. Parley, p. 353.

at it. This made Jackson feel a little "contemptible and cowardly" about complaining to the President.¹⁰²

Murphy sensed the issues Jackson would emphasize if he inherited any of Murphy's cases. Therefore, Murphy called a news conference, after being named to the Supreme Court, in which he declared his intention of remaining on a month or so to finish up his work in the department.¹⁰³ Jackson rightly interpreted this to mean Murphy was fearful that he, Jackson, would ignore some cases which Murphy believed should be prosecuted.¹⁰⁴

Later, a newspaper story was published (perhaps leaked by Murphy) that Murphy was being "kicked upstairs" because he was unwilling to make the kind of deals with big political organizations which would assure F.D.R. a third term.¹⁰⁵ The Attorney General had important indictments pending against Mayor Ed Kelly of Chicago and Hudson County boss Frank Hague, and he was in fact only waiting for a Presidential go-ahead signal, which never came. Because "they" (the President's office) would not let him prosecute these corrupt politicians, Murphy felt he was being eased out.¹⁰⁶ The furor raised by the press report of

¹⁰²Gerhart, pp. 185-187.

¹⁰³The New York Times, January 5, 1940, p. 10:3.

¹⁰⁴Gerhart, p. 189.

¹⁰⁵Ibid.

¹⁰⁶Ickes, III, p. 93. Interview with Edward G. Kemp, April 12, 1961.

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102 Gerhart, pp. 185-187.

103 The New York Times, January 5, 1949, p. 10:3.

104 Gerhart, p. 189.

105 Ibid.

106 Jackson, III, p. 83. Interview with Edward A. Kamp, April 12, 1961.

Murphy being "kicked upstairs" necessitated a denial by Murphy. He called a press conference and denied that proceedings against Kelly or Hague were being suppressed for political reasons, claiming that the department wasn't prosecuting because there was no evidence of violation of Federal laws.¹⁰⁷ But the denial itself indicated the story might be true and reflected on Jackson, thus angering Jackson's supporters even more.¹⁰⁸

To put a stop to the rumors and mounting antagonism, the President quickly had Murphy and Jackson sworn into their new offices.¹⁰⁹ Unfortunately, tempers did not die. Instead, what Arthur Krock called a "smear" in the best tradition of intra-administration rivalry was directed against Murphy. The attacks against the new Justice were along a broad front and often without specifications. He was accused of being a poor administrator, or seeing reds in honest radicals, of lacking ability, and even of being a "queer." The fomenters of the smear were Jackson supporters and critics of J. Edgar Hoover who counted on the animosity between Murphy and Jackson to achieve their goal of getting Hoover removed from office.¹¹⁰

¹⁰⁷ The Detroit News, January 18, 1940, p. 9:4.

¹⁰⁸ The New York Times, January 19, 1940, p. 18:5.

¹⁰⁹ Gerhart, p. 190.

¹¹⁰ Arthur Krock, The New York Times, March 26, 1940, p. 20:5.

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- 102 The Detroit News, January 12, 1940, p. 6-7.
 103 The New York Times, January 12, 1940, p. 12-5.
 104 Garhart, p. 150.
 105 Arthur Krock, The New York Times, March 26, 1940, p. 20-2.

The specific action the anti-Hooverites chose to press was the arrest, ordered by Murphy, of sixteen Loyalists in Detroit for recruiting Americans to fight in the Spanish Civil War. The Dies Committee had cited the recruitment of Americans by the Loyalists as a particular law violation against which the Justice Department should press indictments. Undoubtedly it was for this reason that Murphy had ordered the arrest of the recruiters. Since there was a good deal of public sympathy for the Loyalist cause, Murphy's attackers felt they could successfully smear Murphy's actions in this case. Jackson, for his part, disapproved of prosecuting the Loyalists because there were so many nationalities recruiting Americans for foreign armies that it would lead to an endless list of prosecutions. Therefore he dismissed the indictment.¹¹¹

However, there was a further question of violation of civil liberties in the Loyalist case which caused Murphy even more embarrassment. (The arrests actually took place after Jackson became Attorney General, but he was not aware of Murphy's order at the time and therefore was not responsible.) Unfortunately, the F.B.I. was not gentle in carrying out its duties. The agents raided the homes of the suspects at an early morning hour, held the accused incommunicado for nine hours, and denied them immediate access

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¹¹¹ Ickes, III, p. 132.

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to counsel.¹¹² The American Civil Liberties Union felt the F.B.I. had used "indefensible methods of arrest and detention." Public opinion was aroused and Jackson was forced to hold an investigation. However, Jackson whitewashed this part of the affair and put himself publicly behind the F.B.I. and its chief.¹¹³ Opponents of J. Edgar Hoover made a mistake when they hoped Jackson might fire the F.B.I. official.

Although Jackson did undo Murphy's decision in the Loyalist case, he made few other changes in departmental policy. For the most part he retained Murphy's personnel, and he went ahead with the indictment against Christian Front members who had been arrested by the F.B.I. under Murphy's order of the week before.¹¹⁴

In writing about the "smear" which accompanied his appointment to the Supreme Court, Murphy suggested that it had been his attempt to defend Hoover from critics which precipitated the slander:

There will always be "smears" during election years. . . . Appointed a Supreme Court Justice I had the best press of any man in the land. For the first time a record vote was not asked on confirmation in the Senate. Two weeks later I was something of a cross between a mountebank and a bum. What had happened in the fourteen

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¹¹²Letter by Charles A. Beard to The New York Times, The New York Times, April 3, 1940, p. 22:5.

¹¹³In the Shadow of War . . . , p. 17.

¹¹⁴Gerhart, p. 194.

to counsel. 112 The American Civil Liberties Union said the F.B.I. had used "intentional methods of arrest and detention." Public opinion was aroused and Jackson was forced to hold an investigation. However, Jackson was released this part of the affair and put himself publicly behind the F.B.I. and its chief. 113 Opponents of J. Edgar Hoover made a mistake when they hoped Jackson might give the F.B.I. official.

Although Jackson did undo Murphy's position in the Loyalist case, he made few other changes in important policy. For the most part he retained Murphy's personnel and he went ahead with the indictment against Christian Front members who had been arrested by the F.B.I. earlier. Murphy's order of the week before. 114 In writing about the "smear" which accompanied his appointment to the Supreme Court, Murphy suggested that he had been his attempt to defend Hoover from criticism which precipitated the slander.

There will always be "smears" during election years. . . . Appointed a Supreme Court Justice, had the best guess of any man in the land. For the first time a record vote was not raised in confirmation in the Senate. Two weeks later, was something of a cross between a mountain and a man. What had happened in the Senate.

115 Letter by Charles A. Beard to the New York Times, The New York Times, April 3, 1940, p. 2215.
116 In the Senate of War. . . . p. 14.
117 Gerhart, p. 124.

days interlude? There was no official act complained of. I was the same man. But here was my sin or error: - knowing they were going to decapitate Hoover . . . I undertook on my last act of office to defend him. That was an apostasy of some sort. It ruined the plans of a little group of terrorists. They are not an entirely bad lot: they have a mistaken notion of their toughness. The discharge of Hoover would have been bad for the country and a serious injury to the President and I undertook to prevent it. . . .¹¹⁵

Murphy also mentioned "other reasons" in his letter but he did not explain what they were. This is unfortunate, for it is hard to believe Murphy's position was as just and pure as he contended. Could these "other reasons" have had something to do with conflicts with Jackson? Certainly the conflicting ambitions of these two able and energetic men must have played a part in this affair.

It was unfortunate that Murphy should have left his Attorney Generalship in the midst of unsettled debate. Inevitably the impression was left that Murphy had betrayed the cause of civil liberties--the very cause he had tried so valiantly to protect.

Unquestionably he had succumbed to Dies Committee pressure in instituting his drive against subversives, and he had failed to see that heavy-handed methods were being

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¹¹⁵ Letter from Frank Murphy to Joseph R. Hayden, April 9, 1940, Hayden Papers.

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Also it should be noted that Murphy's hope had been to convince the public that subversion and espionage could be dealt with adequately under existing laws. Murphy was afraid that Dies Committee hysteria might lead to restrictive legislation which would infringe on individual freedom of thought. He felt it was better to demonstrate that prosecution could be conducted under existing laws, even if his showpiece cases did not always involve dangerous enemies, than to let a worse situation develop in the future. This expediency was perhaps not justified; but if the result was to forestall excessive restrictions on civil liberties during the Second World War, Murphy's action can be partially condoned. In fact, the civil

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¹¹⁶In the Shadow of War . . ., p. 17.

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liberties record of Americans was far better in the Second World War than in the First World War, with the tragic exception of the Japanese containment camps. To claim that this better record was due to Murphy's actions alone would be a mistake. But undoubtedly his effort to convince Americans that they could have both security and freedom must have had considerable influence. Where Murphy failed was in not crowning this noble policy with complete success.

While Murphy wanted very much to have the honor of being an Associate Justice, he did not look forward to the political isolation which serving on the court entailed.¹¹⁷ Ickes astutely observed that Murphy looked and acted unhappy at the ceremony which swore him in as Associate Justice.¹¹⁸ Murphy's consolation was that F.D.R. promised to call him back into the cabinet, probably as Secretary of War, when the international crisis worsened.¹¹⁹

On February 5, 1940, the new Justice took his seat. Within a matter of weeks the Nazi army overran Denmark, Norway, Holland and Belgium. By June, Hitler's forces were deep into France. For Murphy to have to observe this and

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¹¹⁷ Interview with Josephine Goman, January 31, 1961.

¹¹⁸ Ickes, III, p. 111.

¹¹⁹ Interview with George Murphy, January 23, 1961.

liberty of the press is a right which is not to be
violated. It is a right which is not to be
excepted. It is a right which is not to be
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be a mistake. But the mistake is not to be
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While many of the people who are not
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to call him back into the service, which is not to be
of war, which is not to be
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Within a matter of weeks the right is not to be
Norway, Holland and Belgium. The right is not to be
deep into the right. The right is not to be

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not be able to wrestle with the gigantic problems of statecraft involved was almost cruelty. In the past he had thrived on controversy and crisis, and now, when he was at the peak of his powers, he was chained to a reflective and scholarly life. Certainly the time had already come for the President to call him back into the cabinet, but Murphy received no word. When the summer court recess came, Murphy could no longer contain his impatience, and wrote F.D.R. a pleading letter. "It has been my hope," wrote the Justice, "that you would go forward with your original plans for me." However, he put no pressure on his Chief, assuring him that he had no obligation to perform. "You must be free in judgment," said Murphy. "You have always done me more than justice. You owe me naught. I am your debtor."¹²⁰

Meanwhile, for political reasons, the President selected the Republican Henry L. Stimson as his new Secretary of War. In the winter of 1940-1941 a new possibility opened for Murphy. The President asked him about going to the Philippines or Mexico on a diplomatic mission, but nothing came of these suggestions.¹²¹ The following year, in the summer of 1942, Murphy made one last effort to free himself from the court. Perhaps to prepare himself for

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¹²⁰Letter from Frank Murphy to F.D.R., June 10, 1940; F.D.R.L., Group 24.

¹²¹Letter from Joseph R. Hayden to Frank Murphy, February 6, 1941, Hayden Papers.

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¹²⁰ Letter from Frank Murphy to F.B.I., June 10, 1940.
F.B.I., Group 84.

¹²¹ Letter from Joseph E. Murphy to Frank Murphy,
February 8, 1941, Hayden Papers.

appointment as Secretary of War, or perhaps simply to catch the President's attention, the Justice joined the army reserves during the court recess and attended the Infantry Officers Training School at Fort Benning, Georgia.¹²² As he was leaving, he wrote F.D.R. a letter describing his summer plans and assuring the President of his availability: ". . . I did want you to know my plans, to leave my best wishes for your personal safety and welfare and to tell you that if you need me at any time, I can get back to Washington in three or four hours."¹²³ However, Murphy had long since been cut off from the President by men of greater influence, and the President did not seek the Justice's services. Frank Murphy's political career was over.

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¹²²Interview with George Murphy, January 23, 1961.

¹²³Letter from Frank Murphy to F.D.R., June 1, 1942; F.D.R.L., P.S.F. (Box 36).

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123 Interview with George Murphy, January 23, 1961.

124 Letter from Frank Murphy to F.B.I., June 1, 1942;
 F.B.I., P.S.T. (Box 30).

CHAPTER VI

CONCLUSION

When Murphy left the Justice Department building and went the short distance up Capitol Hill to the Supreme Court, he closed the door on one phase of his life, and began another. This first phase, his political career, has been the subject of this dissertation.

Above all else Frank Murphy had been a politician. The various positions he had held were not ends in themselves, but tools which Murphy used to serve his own and his party's goal of winning and maintaining political power. Murphy was tremendously ambitious. He wanted a visible measure of success, and he had chosen politics as his profession for this reason. Once he had gained prominence professionally, he reached out into the world of glamorous society, sometimes even Hollywood itself, for added recognition.¹

Under the tutelage of his mother, Frank Murphy had been schooled to the responsibilities and qualities that greatness requires--principally learning to be singleminded in purpose. His mother was convinced her son was to be a

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¹Interview with Irene Murphy, February 23, 1961.

CHAPTER VI

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¹ Interview with Frank Murphy, February 22, 1961.

great man, and once she had persuaded him of this mission he was ready to use every legitimate means that might help-- even to the extent of calling on Irish superstition. When his father warned that he knew of no great men with middle names, Frank promptly dropped the middle name he had been given at christening. He also leopped three years off his age.²

With success very much on his mind, Murphy had little time left for humility. When attending church he was known to march down to the front pew where all could see and then proceed to make a great show of kneeling for lengthy periods.³ Ickes took the trouble to note his relief at finding Murphy, on one rare occasion, undiverted by pretty ladies and uninterested in talking about himself.⁴

Although Murphy did not become the first Catholic President as he had hoped, he was successful in attaining several high posts in which he served his State and his country. The attainment of these positions in itself demonstrates how skilled Murphy was as a politician. His role in helping F.D.R., and the Democratic Party, win and hold power was an important one. His defeat for re-election

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²Interview with George Murphy, January 23, 1961.
Letter from Arthur B. Moehlman to Frank Murphy, July 21, 1948, Arthur B. Moehlman Papers, Michigan Historical Collections of the University of Michigan.

³Interview with Martin S. Hayden, February 3, 1961.

⁴Ickes, III, p. 228.

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³ Interview with Martin S. Hayden, February 3, 1981.

⁴ Jones, III, p. 228.

as Governor in 1938 was a setback both for him and the party. Perhaps Murphy could have avoided it had he paid more attention to party organization. However, even in defeat Murphy played an important part in persuading Michigan to become a Democratic State, which after 1940 it was.

Ambition and political skill led him to high offices, but his important contribution to American history came by way of another quality--his unusually strong faith in the viability of American democratic values. To understand this faith it is necessary to understand Murphy's political philosophy. Murphy was a Roman Catholic and a deeply religious person, although he was not punctilious in all the Church's practices and was strongly anti-clerical.⁵ He was a student of Catholic writers, particularly Thomas Aquinas and his twentieth century follower, Jacques Maritain. Murphy accepted their thesis that man's reasoning powers were a tool whereby temporal law could be made to conform with divine law. To Murphy, politics and economics were only branches of ethics and not independent sciences.

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⁵ Interview with George Murphy, January 23, 1961.

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⁶ Interview with George Murphy, January 22, 1964.

Jacques Maritain developed in his political thought the concept of the "individual" as opposed to the "person" when he spoke of man's role in political society. According to Maritain, the "individual" is but a small part of the political community and is therefore inferior to it. Since the "individual" is inferior, the community can justly impose many restraints and sacrifices on him.

On the other hand the "person," which Maritain equates with the soul, is an end in himself. In this case society is subordinate, for the soul is God-given and transcends the things of this world. The rights of the "person," or soul, must be assured by the state. Maritain finds these rights defined in documents such as the Magna Carta and the Declaration of Independence.⁶

Murphy accepted the essence of Maritain's theory and blended it with the American political tradition which came out of eighteenth century Enlightenment. As expressed in the constitution and amendments it is distinctly a secular tradition. It declares that man has natural rights which have been discovered through man's superior wisdom. God undoubtedly originally created these laws, but their validity lies not in their moral worth but in the fact that they are immutable--as the Newtonian system.

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⁶Charles A. Fecher, *The Philosophy of Jacques Maritain* (Westminster, Maryland: The Newman Press, 1953), pp. 204-208.

What Murphy did was to graft the moral injunction clearly evident in Maritain's political thought onto the American secular tradition. The result was a highly personal political philosophy. Since Murphy was not a political philosopher, this was not necessarily a conscious act, but the results were evident in his words. Murphy believed that "individual rights"--free speech, free assembly, due process, and all the rest--were inalienable because they were God-given. This was a matter of the deepest faith with him. He believed in the rights of free men as strongly as he believed in Christian doctrine. One is tempted to suggest that in his mind the saints might just as well have preached from the Bill of Rights as from the Sermon on the Mount. Murphy's speeches were filled with references to the common goals of Christianity and democracy, as in his address entitled "The Return of Religion" in which he said:

The essential faith of Christianity and the essential faith of democracy are one and the same. It is the faith that the human personality is inherently free; that every man is endowed with certain rights founded in the very nature of human living; and that there is a code of justice - of wrong-doing and right-doing - that is not subject to change by the law of man.⁷

What Murphy advocated was nothing new and revolutionary, but rather an adherence to the most fundamental

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⁷Frank Murphy, "The Return of Religion," an address at the commencement exercises of St. Joseph's College, Philadelphia, June 13, 1939; manuscript from the Frank Murphy Papers, Ann Arbor.

that in any case it is not the work of the
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of divine ordinances. He was not a visionary or radical who would wipe out society in its present form in order to start afresh with a new order. Therefore, in the most basic sense of the word, he was a conservative. Often his conservatism was easily observable, as in his fiscal policies which were based on the balanced budget principle. Ickes sensed the essential conservative spirit which guided Murphy but mistook it for a latent right wing tendency and accordingly bet F.D.R. that Murphy would be the first of his Supreme Court appointees to go against the New Deal.⁸

But Ickes' fear was unwarranted. Murphy was very much a New Dealer. This was possible under Murphy's conservative political faith, because he was convinced that the country's troubles fundamentally lay in its refusal to assure basic rights. He reasoned that once all men became really free--politically and economically--the injustice which had accompanied the depression of the 1930's would disappear. The crucial extension was his inclusion of economic well-being under his list of basic individual rights.

This extension was again a product of both Catholic and American traditional thought. Murphy adopted the doctrine of social justice from the labor encyclicals of Popes Leo XIII and Pius XI. These encyclicals expressed the Church's concern for the unjust working conditions of

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⁸Ickes, III, p. 110.

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the laboring man in industrialized countries. From the American tradition, Murphy adopted the demand of the Progressives for increased governmental intervention in the economy on behalf of all the people. In an address entitled "The Right Use of Democracy" he described how the two traditions reinforced each other in his own mind. Expounding on the history of the expansion of the "general welfare" clause in the Constitution, Murphy credited the Progressives with "bringing about an understanding of the new, positive role of government" which had been adopted by the New Deal. But he went on to point out that the Catholic faith had contributed to the Progressive movement. In particular he cited the "Bishops' Program of Social Reconstruction" which fourteen years prior to the New Deal advocated many of the reforms brought about by President Roosevelt.⁹

If the bulwark which sustained Murphy was his great faith in the rightness of assuring individual freedoms, the implementation of this faith was Murphy's intuitive sensitivity. He developed this gift as a child in trying to understand his own family. Without it, for example, he could not have understood the Filipinos and their need for "saving face."¹⁰ Neither could he have felt the suffering

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⁹ Frank Murphy, "The Right Use of Democracy," an address at the Second National Catholic Social Action Conference, Cleveland, June 14, 1939; manuscript from the Frank Murphy Papers, Ann Arbor.

¹⁰ Interview with Norman H. Hill, February 9, 1961.

which the depression brought about. In this regard he once declared: "I believe I am orthodox in my religion, but honestly I believe there would be comparatively little use in trying to inculcate spiritual understanding in a man or woman hungry, cold or destitute in the matter of clothing."¹¹ These are words which not only convey understanding and compassion, but identification as well.

When Murphy took his oath as Associate Justice, the President joked with him saying: "Frank - you will do a good job for there is the Bible before you and the constitution behind you."¹² In this jest, which Murphy had the President record on a photograph of the swearing-in ceremony, the essence of Murphy's political faith was revealed. Fortunately for Murphy, this faith gave him a sense of history which acted as a guide by which to judge his actions. In many instances he was ahead of his time, but nonetheless his direction was true.

Murphy's political faith was also flexible, for he did not adhere to any dogma--religious, economic, or social. Having an open mind he could explore new ideas without hindrance. This helps to explain, for instance, how he

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¹¹The Detroit News, August 10, 1936, p. 16:6.

¹²Letter from Frank Murphy to Grace Tulley, Secretary to F.D.R., February 11, 1942; F.D.R.L., P.P.F. 1662.

could be both a conservative in fiscal policy and a liberal on public welfare programs. Any seeming contradiction here was explained by his belief that an administration can both "be sound and meet its certain obligations of social responsibility for the same reason that . . . a man can [both] be scientific and spiritual."¹³

Like other men who have wrestled with seemingly insoluble problems, Murphy developed the attitude of cautious optimism. This enabled him to keep going in spite of major discouragements. Sustained by this hopeful outlook and guided by a keen sense of history, Murphy did remarkably well. He came into prominence at a time when the American social system was being challenged and demonstrated that the American tradition was viable; that it could be brought up to date to meet the economic problems thrust upon it by the depression. He believed that the God-given rights of man included a chance to earn a living and that it was as much the government's job to assure this right as it was the government's job to protect free speech and the expression of dissatisfaction. In the sit-down strikes Murphy had an acute sense of the significance of the crisis--he saw that mass industry had crushed the individual and that the workers were only demanding the right to protect themselves. Showing great courage, he

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¹³Letter from Frank Murphy to Chase S. Osborn, February 22, 1936, Osborn Papers.

facilitated a peaceful change in the status quo which eventually won for the workers their rights as human beings.

In the Philippines Murphy faced quite a different task. But the same principle--to protect the rights of individuals--was at stake. While encouraging Philippine independence from the United States, he also insisted on a carefully controlled transition period in which the Filipinos would learn to appreciate the duties and burdens of freedom. He also insisted that the United States must continue its responsibility for a stable Philippine economy during the transition period.

As Attorney General, Murphy unfortunately allowed some infringement on the right of free speech and thought, but on the other hand he made a major contribution towards the general protection of civil liberties.

These are not the accomplishments of a great man, for that tribute must be reserved for those few who are ultimately responsible for bringing about major changes. Murphy was only one of many who assisted President Roosevelt in directing the social revolution of the New Deal whereby the government assumed responsibility for the economic security of the individual. His efforts thereby helped make F.D.R. a great man, and for all his own ambition Murphy was able to do this without rancor or jealousy. He knew how to follow as well as to lead.

Murphy's political career demonstrates and proclaims

the vitality of the American democratic tradition, and his great faith in this tradition is an inspiration. In his creed there was room for discouragement, but not for loss of hope or inaction. He believed Americans have an obligation to face and solve the problems of this imperfect world in which we live. In his own words: "'Faith without works is dead.' So it is with democracy."¹⁴

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¹⁴Murphy, Selected Addresses of Frank Murphy . . .,
p. 67.

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Perfect

FRANKLIN E. BOW

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BIBLIOGRAPHY

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Manuscript Collections

As of the time of writing this manuscript the private papers of Frank Murphy were not available. This was true also of his Supreme Court Papers.

Burton Historical Collection of the Detroit Public Library.

There is a small collection here of Frank Murphy Papers and also a large collection of executive papers, entitled Mayor's Office Records, for the period when Murphy was Mayor.

Frank Murphy Birthplace, Harbor Beach, Michigan.

There is very little manuscript material located here.

Franklin D. Roosevelt Library, Hyde Park, New York.

There is an abundance of applicable material in this library consisting primarily of correspondence between Frank Murphy and F.D.R. or other members of the Roosevelt Administration.

Michigan Historical Collections of the University of Michigan, Ann Arbor, Michigan.

The most valuable collection for a study of Murphy is the Joseph R. Hayden Papers. It deals mostly with the Philippines but includes also important correspondence between Hayden and Frank Murphy extending through 1941. The next most valuable collection is the Chase S. Osborn Papers. Osborn was a former Governor of Michigan and left a voluminous correspondence with many State and national figures. The Frank Murphy Papers do not constitute a large collection. It includes primarily manuscripts of speeches. The Edward G. Kemp Papers and the Arthur B. Moehlman Papers include one or two manuscripts pertaining to Frank Murphy.

The National Archives, Washington, D. C.

The Bureau of Insular Affairs division under the War Department contains a very good collection of manuscript material dealing with Murphy's period in the Philippines.

MEMORANDUM

TO : THE SECRETARY OF THE ARMY

FROM : THE CHIEF OF THE BUREAU OF THE ARMY

SUBJECT: [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

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Public Documents

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