August 19, 1966

To the Graduate Council:

I am submitting herewith a thesis written by Bobby E. Hicks, entitled "The Great Objector: The Public Career of Dr. John R. Neal." I recommend that it be accepted for nine quarter hours of credit in partial fulfillment of the requirements for the degree of Master of Arts, with a major in History.

S. J. Folmsbee
Major Professor

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Vice President for
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THE GREAT OBJECTOR:
THE PUBLIC CAREER OF
DR. JOHN R. NEAL

A Thesis

Presented to

the Graduate Council of

The University of Tennessee

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

---

by

Bobby E. Hicks

December 1968

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PREFACE

In the mid 1920's, Federal Power Commission hearings were being held in Chattanooga. They were concerned with whether or not to grant permits to private electric companies to build hydroelectric dams on the Tennessee River. Present at the hearings were such distinguished figures as Governor Austin Peay and Charles T. Cates, a well-known Knoxville attorney who represented one of the electric companies. Also in attendance was Dr. John R. Neal, who objected to any private companies on the Tennessee River. Unkempt in appearance, woefully lacking in public manners, he must have presented a striking contrast to those well-dressed gentlemen of the bar who were offering their opinions in the private power argument. When asked by Cates who he represented, Neal said he spoke for the people; when questioned as to who was paying his fee, he replied that when an attorney represented the people, he paid his own fee. In another incident not long before, Neal had approached Mr. John T. Scopes just prior to the famous "monkey trial" in Dayton announcing that whether Scopes wanted Neal or not, Neal would be his defense counsel in the anti-evolution controversy then raging in Tennessee. These two isolated incidents characterized the public career of John R. Neal. Whether the state of Tennessee wanted him

or not, he established himself as a representative in the people's defense.

Neal was widely known in Tennessee as a liberal who objected to any issue from any source if he felt it was not in the best interests of the state. Generally he was doomed to failure because his sentiments were usually in the minority and unacceptable to the people he chose to defend. The programs he advocated are acceptable today, but in Neal's time he was considered a radical who was out of line with the conservative policies of the majority of Tennesseans. Nevertheless, he was responsible for many progressive reforms, as this study will show. As a member of the Tennessee legislature, Neal was responsible for setting up the county high school system and the present day state teachers' colleges. He helped make the University of Tennessee a state institution with a permanent yearly grant from the legislature. He was the author of a mine inspection law. His outstanding record as a legislator made him a contender for the U. S. Senate in 1912, but his lack of cooperation with party politics caused his political downfall. He then turned to teaching as a profession.

Neal served as a professor of law in two universities at the same time, teaching at Denver in the fall and at Tennessee in the spring throughout most of the decade after 1910. His appearance and teaching methods, however, created

a degree of antagonism between Neal and his superiors at the University of Tennessee, leading to his dismissal from the University in 1923. The next year he established his own law school in Knoxville. Neal's independence opened new areas for his interests.

During the next few years Neal showed the traits which placed him in general opposition to the state of Tennessee, though his motives were usually misunderstood. In defense of freedom of expression he became the chief defense counsel in the Scopes Trial, which was not primarily concerned with individual freedom, thus placing himself on the side of the evolutionists and against the state authorities. In his quest for public development of the Tennessee River, he began a campaign against the private power companies, a campaign which led people to think he opposed the development of the river. In reality he is partly responsible for the advent of the Tennessee Valley Authority. His tendency to enter any and all state elections which suited his fancy led to a string of unenviable election defeats, tending to make him a laughing stock in Tennessee politics. Undeterred, he continued as a public watchdog until age forced him to cease his activities.

This study is primarily concerned with the public career of John R. Neal. He claimed credit for numerous things he did not do; but he failed to receive credit for

many other things for which he was responsible. An attempt has been made to determine his major contributions as well as his failures.

Much of the information used in this thesis came from Neal's personal papers and scrapbooks which are currently stored in his former home in Spring City, Tennessee. The home and Neal's personal belongings have been left in much the same condition as they were at Neal's death in 1959; all in a state of disorder. His scrapbooks contain newspaper articles which are sometimes neither labeled by date nor place of publication and with no chronological order. Potentially valuable sources of information on Neal's activities are gradually being destroyed in their present location; insects, mice, and the elements of weather have already ruined much of them. It is hoped that at some time in the near future the remainder of Neal's papers may be placed in the Special Collections in the University of Tennessee, where they may be kept in a better state of preservation.

ABSTRACT

The purpose of this thesis is to examine the life of Dr. John R. Neal. Dr. Neal's life was, for the most part, made up of a series of personal defeats which would have forced many men in similar positions to cease their public activities at an early date. However, Dr. Neal persevered and was unswerving in his devotion to whatever cause he chose to defend, whether it be freedom of the individual or welfare of the state. Actually, he left behind a series of accomplishments for which he has received very little credit, although his contemporary associates continue to show an undying devotion to him.

The material used to delineate Dr. Neal's career was primarily obtained from newspaper clippings, much of which were contained in six scrapbooks he kept through 1928. The TVA files in Knoxville were very helpful in providing additional news items after 1933. Despite Neal's activity in many fields, few books contain information about his public activities. Neal's former home in Spring City, Tennessee, yielded valuable, if somewhat unorganized material. Personal interviews with former acquaintances provided additional historical information and personal anecdotes about him.

As a member of the Tennessee legislature, Neal was responsible for the passage of bills setting up the Tennessee

public school system, obtaining a permanent yearly grant for the University of Tennessee, and authoring a mine inspection law. While he was a close contender in the U. S. Senate race in 1912, he was serving as a law professor at both Denver University and the University of Tennessee. In 1923 he was among five other University professors who were dismissed from the University of Tennessee, although controversy developed following his dismissal after the years of distinguished service he had given to the institution's law school. He opened his own law school in Knoxville in 1924.

Neal's liberal tendencies were more manifest after 1924. He served as chief defense counsel in the famous "monkey trial" in Dayton, Tennessee, in 1925. Beginning in 1924 he became interested in the struggle for control of the Tennessee River between public and private hydroelectric power interests, placing himself firmly in opposition to granting permits for private interests to build dams on the river. His efforts in this endeavor were brought to fruition with the creation of the Tennessee Valley Authority in 1933. Even then he continued to oppose both the private power companies and the TVA if he felt they were not working in the public interest.

Neal was able to project his opinions and objections to the people through the expedient of Tennessee politics. He missed few chances to run for the U. S. Senate or the

governorship from 1924 to 1954, always losing but never daunted. Despite the wide margin by which he lost his elections, Neal usually managed to register a protest that the opposition won through dishonest means. The defeat at the ballot box combined with Neal's liberalism and his personal eccentricities resulted in his being a subject of some ridicule throughout the state.

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CHAPTER I

THE BEGINNING OF A PUBLIC CAREER

The early years of Doctor John R. Neal's public career, from 1907 to 1913, were, in terms of personal success, probably the happiest, and certainly the most eventful, of his life. Although his tenure as a member of the Tennessee legislature was very brief, he accomplished an enviable record and attained his only success as a political candidate. During these early years of his political career, Neal began to show character traits which would eventually lead to a long series of political defeats. Neal did what he personally felt was the proper course of action, whether it entailed taking the side of the underdog or running counter to a powerful opposition bloc.

The Neal family, wealthy landowners in Rhea County, traced its ancestry to the famous Randolph family of Virginia and to General "Stonewall" Jackson, and each succeeding generation maintained the family prominence. Neal's father, Colonel John Randolph Neal, was a Civil War commander of the 16th Tennessee Cavalry Battalion and a representative to the state legislature from the Chattanooga district. His brother, Rear Admiral George F. Neal, achieved fame during World War I by sinking three German submarines and saving

a United States troop carrier carrying ten thousand American troops. Admiral Neal, who received distinguished service medals from the United States, Great Britain, France, and Italy, had the honor of convoying the ship which took Woodrow Wilson to the Paris Peace Conference. Mrs. Amanda Neal Wheelock, his sister, was corresponding secretary for the Women's Christion Temperance Union and an active worker and public speaker in that movement.[1] To this illustrious family John R. Neal would add his own accomplishments.

Neal was born on September 17, 1876 at Rhea Springs, Tennessee. Receiving his initial education in Rhea County, he entered the University of Tennessee when he was fourteen years of age and graduated in 1893 with high honors. After receiving his M.A. and a Law degree from Vanderbilt University in 1896, he then earned a Doctor of Philosophy degree from Columbia University in 1899.[2] His doctoral dissertation, Disunion and Restoration in Tennessee, gave a brief political history of Tennessee during the Civil War and Reconstruction. In this, he concluded that Tennessee showed little non-union

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[1]Biographical sketches, John R. Neal Scrapbook (In possession of Mr. John Wheelock, Spring City, Tennessee), Vol. 1. Hereafter cited as Neal Scrapbook.

[2]Obituary in the Chattanooga Times, November 24, 1959. Hereafter cited as Times.

sentiment in 1860 and wasted little time re-entering the Union at the conclusion of the war.[3]

In 1899, Neal was employed as a professor of law at the University of Denver, a position he held until 1917. In 1906, he was elected to the Tennessee house of representatives as a Democrat, representing Rhea and Meigs counties. These were busy years for Neal, who continued to teach in Denver when the Tennessee legislature was not in session.[4] As a member of the house, Neal was named to the following committees: Education and Public Schools; Constitutional Convention and Amendments; Railroads; Finance, Ways and Means Committee; and Mining and Manufacturing , of which he was chairman.[5] Most of the bills he introduced were of a local nature pertaining only to his district, but he also introduced some bills of statewide concern. One such bill was to appropriate $50,000 per year to the University of Tennessee for building and maintenance purposes, salaries, equipment, scholarships,

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[3]John Randolph Neal, Disunion and Restoration in Tennessee (Knickerbocker Press, New York, 1899).

[4]Times, November 24, 1959.

[5]House Journal of the Fifty-fifth General Assembly of the State of Tennessee (McQuiddy Printing Company, Nashville, 1907), p. 1041. Hereafter cited as House Journal.

and for building an agricultural hall.[6] To stimulate interest in getting the bill passed, he sought the assistance of state Senator James Frazier, former governor of the state and United States Senator and an alumnus of the University. When Frazier refused to help until the institution was taken out of control of the "self-perpetuating board of trustees and become in every sense a state institution,"[7] Neal obtained the appropriation without Frazier's help. Other bills which he introduced resulted in improvements of mine inspection and the public school systems.[8] The mine inspection law provided for additional state mine inspectors, fixed inspection fees, and required complete annual reports filed by mine owners.[9] The public school bill abolished the state system of district directors and set up county boards of education. School districts were created in each county; provisions were made for county board members, their qualifications, duties, compensation, and annual reports; and for a state advisory

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[6] Acts of the State of Tennessee Passed by the Fifty-fifth General Assembly (McQuiddy Printing Company, Nashville, 1907), pp. 494-496. Hereafter cited as Acts of Tennessee, 1907.

[7] Knoxville News, February 25, 1925. Hereafter cited as News.

[8] House Journal, 1907, p. 1019, 586.

[9] Acts of Tennessee, 1907, pp. 1906-1812.

board.[10] Sixteen of the forty bills introduced by Neal were enacted into law in the 1907 legislature.[11]

In 1908 Neal was elected to the state senate from the ninth district, which included Rhea, Meigs, White, Bledsoe, Van Buren, and Cumberland counties.[12] This session erupted into a stormy affair with Neal playing an active part. Several statewide prohibition candidates had been elected to the senate; they were opposed by other senators who favored local option. The latter group held the majority and was supported by Governor Malcolm R. Patterson. The prohibition group, however, combined forces with the Republicans and elected prohibitionist Senator William Kinney as speaker. Neal, aligned against the governor, was to have been considered as a compromise candidate for speaker but was eliminated by the prohibitionists.[13] When the statewide prohibition bill came

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[10] Ibid., 845-851.

[11] House Journal, 1907, pp. 1057-1094. Neal's legislative record as a member of the Tennessee House of Representatives is provided in Appendix A.

[12] Senate Journal of the Fifty-sixth General Assembly of the State of Tennessee (McQuiddy Printing Company, Nashville, 1909), pp. 967-968. Hereafter cited as Senate Journal.

[13] Memphis Commercial Appeal, January 5, 1909. Hereafter cited as Commercial Appeal.

up for consideration, Neal voted for it.[14] Partly as a result of the anger aroused by the killing of the leading prohibitionist, Edward W. Carmack, on the streets of Nashville, the bill passed both houses, and when Patterson vetoed the bill, the legislature passed it over his veto.[15]

Three weeks later, in an unusual turn of events, Neal left the alliance when the Republicans and anti-Patterson Democrats passed a series of bills providing for the following: the establishment of state primary systems; the election of officials to the state board of elections by the general assembly; and the election of county election commissioners, who could select their own county election officers. These bills, which reduced the power of the governor, passed both the house and senate.[16] Neal refused an offer to introduce the bills, tried unsuccessfully to postpone them on first reading, and led a group of fifteen senators in caucus to prevent their hasty passage. He refused to attend a conference on the bills when he learned that Republicans would be

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[14] Ibid., January 12, 1909.

[15] Paul E. Issac, Prohibition and Politics: Turbulant Decades in Tennessee, 1885-1920 (University of Tennessee Press, Knoxville, 1965), 158-160, 167.

[16] Knoxville Journal and Tribune, February 13, 1909. Hereafter cited as Journal and Tribune.

present.[17] Neal now found himself allied with the governor. Patterson vetoed the bills and the legislature again overrode his veto. Neal, who did not vote, unsuccessfully attempted to postpone action for six weeks.[18]

On February 26, final adoption of the election laws was due, but the Speaker discovered that a vote was not possible since a quorum was not present. Thirteen senators, including John R. Neal, had absented themselves from the senate. The session was adjourned until that afternoon, but the absentees did not appear. It was then revealed that the thirteen missing senators had deliberately left the state to stop passage of the election bills by preventing a quorum. When rumors persisted that they intended to stay away during the remaining twenty-two days of the legislature and thus prevent the passage of any bills in the senate, warrants were issued for their arrest by the sergeant-at-arms.[19] Neal and seven others were in Hopkinsville, Kentucky, but kept in close contact with events in Nashville. For more than a week, the senate met and adjourned without conducting any business. Governor Patterson thought that the absent senators had "pursued the

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[17] Ibid., February 11, 1909.

[18] Ibid., February 20, 1909.

[19] Ibid., February 27, 1909.

only course open to them and that self-respect and their duty as Democrats justified the breaking of the quorum." Meanwhile, attempts were made to go on with the business of law-making. Speaker Kinney called a joint convention of both houses, claiming it constituted a quorum; and the convention began selecting officials to carry out the election laws. When administration backers realized what was happening, they refused to vote. When some prepared to leave, thus preventing another quorum, the sergeant-at-arms was ordered to bolt the doors; and armed men were stationed outside to prohibit their departure. Pro-administration protests were of no avail. Kinney announced that Patterson's signature was not needed since a governor could not veto a constitutional quorum of the general assembly in joint convention. Administration forces remained in the hall and refused to vote, but they were counted as present.[20]

In Kentucky the eight senators called the action "unlawful and revolutionary" and announced that they would remain there for a year if necessary. They suspected that if they should return, they would be arrested and then forced to go to the house for a joint convention and for ratification of the election bills.[21]

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[20] Ibid., March 3, 1909.

[21] Undated, unknown newspaper clipping, Neal Scrapbook, I.

On Friday, March 5, Neal and the other senators returned to Nashville and the senate resumed its business. It had been decided that the election controversy would be settled in the courts. The missing senators were welcomed back to Tennessee by a delegation of cheering friends who escorted them to the capitol. A newspaper editorial remarked that they were "not fugitives but patriotic Democrats" who knew this was the only way to assert their rights.[22] Neal's fight against the election laws won him a temporary friendship with Governor Patterson. The next year, when Patterson opened his campaign for governor in Dayton, Neal introduced him to his constituents.[23] The incident of the Kentucky migration, however, eventually created repercussions from which Neal could never recover, for it marked the beginning of his unorthodox methods of opposing those events to which he objected.

Despite his controversy over the election issue, he continued to be an influential legislator. His influence was most strongly felt in the area of improved education. Before the legislature's final adjournment, Neal introduced the General Education Bill of 1909. This act was authored by Dr. Philander Priestly Claxton, a noted American educator

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[22] Journal and Tribune, March 6, 1909.

[23] Ibid., June 24, 1910.

who had also written the education bills passed in 1907. The new bill provided that 30 per cent of the state's gross revenue would go for education each year.[24] Portions of the money would be used to set up a county high school system, to maintain libraries, to license and examine teachers, to establish three normal schools--the present-day teacher colleges--in each section of the state, and to establish a normal school for Negroes in Nashville. From the educational appropriations, the University of Tennessee would receive 7 per cent each year for maintenance and improvements. Prior to this time, the university had depended on any app opriation the state legislature would grant it. Neal could now claim credit for definitely making it a state institution.[25]

Earlier in the session, Neal was successful in co-sponsoring a bill which provided for a new method of appointing the trustees for the university. The board of trustees was

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[24]Charles Lee Lewis, Philander Priestly Claxton, Crusader for Public Education (University of Tennessee Press, Knoxville, 1948), 158-165. Hereafter cited as Lewis, Claxton.

[25]Andrew D. Holt, The Struggle for a State System of Public Schools in Tennessee, 1903-1936 (Columbia University Bureau of Publications, New York, 1938), 243-244. Previous appropriations had been $10,000 in 1903, $25,000 in 1905, and $100,000 (for the biennium) in 1907. James Riley Montgomery, The Volunteer State Forges Its University: The University of Tennessee, 1887-1919 (The University of Tennessee Record, vol. 69, November, 1966), 81, 111, 114-15.

now reorganized to have two members appointed from Knoxville and one from each of the state's ten congressional districts. The governor, superintendent of public instruction, commissioner of agriculture, and president of the University were to be ex-officio members. Under the new plan, seven members would constitute a quorum. One-third of the members would be of the opposition political party to the incumbent administration; another one-third would be alumni of the University of Tennessee. Each member would serve a twelve-year term with new trustees selected every two years. Trustees were prohibited from using their position for personal gain.[26]

Although the trustees reorganization bill passed easily, there was difficulty in getting the General Education Bill passed. A similar bill had been introduced in the house, where it was referred to various committees. Neal, being a member of the education committee, was influential in getting the senate bill passed. When the house showed a reluctance to pass it, a special hearing was held in the Tulane Hotel and a house committee voted it down. Claxton persuaded the committee chairman to refer it to the Committees on Finance, and Ways and Means, and not recommend rejection before the house. Though the house committee support was lacking,

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[26] Acts of Tennessee, 1909, pp. 133-136.

Governor Patterson gave his backing to the bill. In the Ways and Means Committee, the bill was first passed, then rejected when some members changed their vote, and finally was introduced to the house without committee opinion. There it passed 65 to 34 with an amendment which reduced the percentage of gross revenue from 30 to 25 per cent. The revised bill passed the senate, as had the earlier version.

Claxton then learned that after the bill became law opponents planned to amend it sufficiently to render it useless. Neal, a constitutional authority, advised Claxton that the bill could not be amended as long as it remained unsigned in the possession of the governor. Patterson could hold it until the legislature adjourned. This he did, and due to Neal's advice the bill was made into law without interference.[27] Neal's contribution in helping pass the General Education Bill was an achievement for which he was always noted.

John R. Neal was an active and influential member of the 1909 legislature. He was named to these committees: Enrolled Bills, Banks, and Committee to Investigate Educational Institutions.[28] He introduced a total of forty-six

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[27]Lewis, Claxton, 162-165.

[28]Senate Journal, 1909, p. 968.

bills, seventeen of which were passed.[29] With this exceptional record, he faced a promising future, but actual events would soon prove otherwise.

Neal made a brief entry into the 1910 governor's race after Malcolm Patterson, the original Democratic nominee, withdrew. However, to avoid a factional fight at the convention, he withdrew when the Democrats agreed to nominate United States Senator Robert L. Taylor. He sought re-election to the state senate in 1910 but was defeated at the district Democratic convention by W. F. Story, who had the backing of Governor Patterson. Thereafter, he began a policy of castigating those who helped defeat him, a practice which he continued for the rest of his political career. He complained that his request for a primary had been refused and that "snap conventions" had been held in the counties in his district. He carried those counties in which he had been given three-days notice to campaign--Meigs, Rhea, and Cumberland, but he did not receive proper notification in the others. The Van Buren County convention had been adjourned for ten days before he knew it had been held; only seven people attended since the meeting had not been publicized. Neal reported that he heard of the Bledsoe convention only one day prior to its opening and that Sequatchie County failed

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[29] Ibid., 976-1008. These laws are listed in Appendix B.

to notify him at all. A more logical reason for his defeat may have stemmed from his support of James B. Frazier for the U. S. Senate. Although Frazier was generally well liked, he was not popular in Neal's district and their association possibly hurt Neal politically. After failing to receive the Democratic nomination for state senator, Neal announced that he would run as an independent, but he did not do so.[30]

Neal's attitude toward his own party tended to alienate him from party politics. An anti-Neal newspaper editorial reported that after doing more to support Patterson's position than any other man, he was now repudiating Patterson's convention. As a result of Neal's support of the Patterson election bill in 1909, the "State-wide" Democrats had renounced him. Now the Patterson machine was also rejecting him. The article pointed out that a "man who will betray old friends will betray new ones." Now Neal would get nothing. When he had deserted to Hopkinsville, Kentucky,

> to prevent the passage of the fairest and best election laws the state has ever had, Senator Neal lost the confidence of his constituents . . . . This is the same John R. Neal that resides in Denver, Colorado when there is nothing doing in Tennessee politics; he is a citizen of Rhea County while he is a candidate, and refugee to Hopkinsville, Kentucky when the legislature is in session and his absence from the capitol is desired by Patterson.[31]

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[30]Undated, unknown newspaper, Neal Scrapbook, I.

[31]Undated, unknown newspaper, ibid.

The 1912 gubernatorial election presented a new political challenge to Neal. He opened his campaign in Dayton, speaking of the need for better law enforcement and better relations between labor and management. Once again showing an interest in educational reforms, he advocated taking state and county schools out of politics and urged the creation of a bipartisan committee to meet the needs of the present school system. He attacked Governor Ben Hooper's prison reform program, saying it should be put under a civil service commission. Neal also felt that the state should have a uniform assessment of taxes and that the liquor question should be voted on by the people. Pleased at the reception given him, Neal thought his chances of election were favorable.[32] He had been the first to announce for the nomination; however, ten other candidates soon showed an interest in the primary: Austin Peay, Colonel L. D. Tyson of Knoxville, ex-Governor Benton McMillin of Nashville, Mayor Sam Heiskell of Knoxville, Attorney-General Walter Faulkner of Lebanon, W. R. Crabtree of Chattanooga, Thomas J. Tyne of Nashville, and ex-Senator James B. Frazier. Frazier was favored, but a newspaper article reported that Neal appeared to be the choice of many East Tennessee Democrats. Democratic leaders from six counties meeting in Chattanooga selected Neal as the strongest choice

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[32] Times, February 7, 1912.

and pledged their support to him. It was rumored that state leaders had already decided to pick an East Tennessean; consequently, if Neal went to the state convention with eastern support, the rest of the state would accept him.[33] As Neal's support grew, one newspaper wrote that a memorable campaign was in the making since both Neal and the Republican candidate were "convincing stump speakers."[34]

Neal, still employed by the University of Denver, was under contract to give a series of lectures there. Consequently, it was necessary for him to return to Denver to fulfill his teaching obligations. However, he attempted to remain active in the campaign. From Denver he wrote to the Tennessee newspapers that he was still in the race and would return to continue electioneering.[35]

Upon returning to Tennessee in the spring, Neal began a series of lectures in Knoxville in conjunction with his law professorship at the University of Tennessee which he had held since 1909. He also re-opened his political campaign by bringing ex-Governor Patterson to Dayton for a speech in his behalf. Neal promised to encourage the

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[33]Undated, unknown newspaper, Neal Scrapbook, I.

[34]Undated newspaper item, ibid., I.

[35]Undated news item in the Times, ibid.

construction of the proposed East Tennessee Normal School there.[36]

A college professor in politics did not appeal to some of Neal's opponents. A letter to the editor in a state newspaper complained:

> As is well known, Honorable John R. Neal is an instructor in the law department of the University of Tennessee. This institution is owned by the people of Tennessee. Mr. Neal has qualified as a candidate for the Democratic nomination for governor. It is said by those who know the facts that if he persists in his political activities the head of the university may decide to let him know that his resignation as a member of the faculty will be accepted any time he cares to hand it in. It is a part of the history of the university that never before since its establishment has a teacher in the institution engaged in a political contest. It was never intended that the university should become a political bureau.[37]

However, interest in Neal's candidacy began to wane and he finally announced that he would withdraw. The stated reason was to keep party harmony. He stated that all candidates were his friends and that he would not express a preference for any of them but would support the party nominee, whom he felt could defeat Governor Hooper.[38] This was his only

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[36]Undated item, ibid. During this period of his life, Neal had a distinction claimed by few professors; he held two positions at two universities. During one half of the year he taught at Denver University; during the other half, at the University of Tennessee.

[37]Undated, unknown newspaper, ibid.

[38]Undated item, ibid., II.

disengagement from a political campaign as well as his most gracious acceptance of defeat. He worked faithfully for the Democratic candidate, Benton McMillin, and urged party harmony wherever he traveled during the campaign, but Hooper was elected for another term.

Neal made one more political bid in 1912. When U. S. Senator Robert L. Taylor died in 1912, Neal became a candidate for his unexpired term, after Newell Sanders was given an interim appointment by Governor Hooper. In the legislative session of 1913, Neal was in close contention for the short-term Senate position and had fifty-five votes on the sixth ballot. Only sixty-six were needed to win, but he failed to muster the required votes and W. R. Webb eventually was chosen.[39]

Thus, a pattern of political defeats was in the process of being developed. Despite his accomplishments as a legislator, Neal had made many mistakes as a politician. He had supported too many varying political opinions and parties and his errors had caused him to lose the support of any faction. With his political activity temporarily ended, Neal now devoted his time to a much more secure profession, teaching.

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[39]Senate Journal, 1913, p. 134.

CHAPTER II

THE LAW PROFESSOR

A further decline in Neal's prestige resulted from an incident which marred what was otherwise an enviable record at the University of Tennessee. In 1923 he was dismissed as a professor of law after fourteen years of distinguished service. With a spirit of vindictiveness which was developing in his personality, he struck back with a vengeance which enveloped the University in a controversy of bad publicity. However, the charges against Neal seemed to be more unwarranted than the accusations he leveled against the University administration. Neal was always considered as one of the nation's leading authorities on constitutional law though he was apparently a very unorthodox teacher. Considering the service which he devoted to the University during his early years as a professor, he deserved a more courteous consideration than he received.

In the fall of 1909, Neal had accepted a teaching position as professor of law at the University of Tennessee while continuing to hold a post at Denver University. He lectured at Tennessee in the spring and at Denver in the fall, following this schedule until 1917. At both institutions he was a popular teacher among the student body and

was totally dedicated to his work. He was a member of four student organizations, including the Scarrabean Society, Kappa Sigma, and the Debating Council. Serving as debating councilor at Tennessee, he revived the interscholastic declamation contest and established an annual John R. Neal award to the winner.[1] During World War I, he introduced a new course in military and international law to supplement a course for the officer's training school. The class covered the articles of war, court martial proceedings, and international law pertaining to war and belligerent nations.[2] When the conflict started in Europe, Neal had been in London and observed the mobilization of troops in both Britain and France.[3] Beginning his class in military law, he commented that "the time has come in this war, when all activities in the country must contribute to the country's advantages in prosecuting the war, and those who do not so contribute will be weeded out."[4]

The degree of Neal's ability was apparent during this period. When University of Tennessee President Brown Ayres died in 1919, Neal was seriously considered as his successor.

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[1] Journal and Tribune, May 6, 1922.

[2] Undated, unknown newspaper, Neal Scrapbook, I.

[3] Undated newspaper item, ibid., I.

[4] Undated newspaper item, ibid., I.

A letter to the Nashville Banner stated Neal's qualifications and pointed out that he would be an adequate choice for the position.[5] Another news item speculated that Neal's name would probably be placed in consideration by the University board of trustees at its next meeting. Professor Sidney D. Gilbreath, president of East Tennessee Normal at Johnson City, was considered as the other leading candidate, but Dr. Harcourt Morgan was the eventual choice.[6]

Always a man of comfortable wealth, Neal created a minor but unusual problem for the University. He regularly neglected to cash his pay checks, and often failed to pick them up until they began to accumulate. It was rumored that he carried them around in his pockets without cashing them, sometimes using them as bookmarks. Finding time to cash checks was a problem that Neal was never able to solve. Mr. Frank Gresham, a former student of Neal's, tells the story of once seeing the law professor returning to the campus after having been on a trip to California. Neal told Gresham the University treasurer's office was "raising cain" because he was not cashing his checks.[7] He was also rather

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[5]Undated newspaper item, ibid., I.

[6]Undated newspaper item, ibid., I.

[7]Personal interview with Mr. Frank Gresham, Knoxville, Tennessee, August 1, 1968.

unorthodox in regard to teaching methods and personal appearance. (See Chapter VII.)

Neal's unkempt appearance, however, was not a hindrance to the relationship he held with his students. He was a popular favorite with the University law students, though his teaching ability brought conflicting opinions. Dr. James R. Montgomery, who is currently writing a history of the University of Tennessee, 1919-1946, believes that Neal was an "entertainer" as a teacher and that he often conducted "bull sessions" in class with his students. Dr. Montgomery believes Neal was popular because of his laxity in discipline.[8] Dean L. R. Hessler, a teacher at the University during Neal's tenure there, offers similar opinions. He remembers rumors that Neal was careless: he frequently failed to meet his classes; he had a lack of punctuality; he had poor lesson preparations; he held bull sessions in class; and he permitted his classes to stay in a turmoil. But Dean Hessler stresses that he cannot substantiate the truth of the charges.[9]

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[8]Personal interview with Dr. James R. Montgomery, Director of Institutional Research, University of Tennessee, July 22, 1968.

[9]Personal interview with Dean L. R. Hessler, Dean Emeritus of the College of Liberal Arts, University of Tennessee, Knoxville, Tennessee, July 29, 1968.

Interviews with some of Neal's former students who are now Knoxville attorneys provide first-hand reactions to Neal's teaching techniques but they do not completely clarify the questions regarding Neal's teaching ability. Mr. Wilbur Piper remembers Neal as an admirable teacher and a perfect gentleman, saying, "What he taught stuck with you." According to Piper, Neal was not an entertainer but "a genuine teacher." On the other hand, Mr. H. T. Kern stated that Neal was not a good teacher. Kern explains that the reason, however, was because Neal's lectures were "too deep for the law students to grasp what he taught." Mr. Kern agrees with Piper's contention that Neal was not an entertainer in class. He remarks that though Neal often got off the specific subject of his lecture, he still remained on the subject of law. Mr. Frank Gresham reports that Neal "went over and over the law until you never forgot it." Gresham admits that Neal "did not call rolls," but he points out that neither did other teachers. Gresham says he is sure that only one person in his class failed to pass the bar exam. Nevertheless, all of these gentlemen agreed that Neal had a deep interest in the students' welfare. Mr. Piper says Neal could often be found at football practice merely because "he took an interest in the boys," and that he would "help you any way he could."[10]

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[10]Personal interviews with Wilbur Piper, H. T. Kern, and Frank Gresham, Knoxville, Tennessee, July 31, 1968.

Neal was popular with the student body; he had their admiration and respect. This same attitude can be found among some but not all of his fellow teachers. His tendency to go to the aid of those whom he felt were being unjustly persecuted led to proof of the divided feeling which he motivated. In 1923, he defended a fellow teacher who was being criticized by the University of Tennessee officials for teaching evolution, an act which may have helped to mark the beginning of the end of his career as a university professor.[11] A decision to dismiss him and six additional professors was made by President Morgan and other administrators at a staff meeting on June 29, 1923. However, there may have been other factors besides evolution involved in the dismissal of Neal. In an article on the actions of the university officials, The Nation reported that Neal was "fired" because he "was suspected of sympathy with the student movement."[12] A more modern authority believes that, while the professors were being dismissed for various reasons, Neal's name was placed on the list because of events not connected with evolution.

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[11] Ray Ginger, Six Days or Forever? Tennessee vs. John Scopes (The New American Library, New York, 1960), 44. Hereafter cited as Ginger, Six Days or Forever?; L. Sprague de Camp, The Great Monkey Trial (Doubleday and Company, Garden City, 1968), 67-68. Hereafter cited as De Camp, The Great Monkey Trial.

[12] "Monkeying," The Nation, CXVII (August 1, 1923), 104.

Malcolm McDermott, Dean of the College of Law, resented Neal's teaching methods, his unsightly appearance, and his obvious lack of organization in bookkeeping.[13] Neal seemed to be a thorn in the side of McDermott, whose personal efficiency was a marked contrast to Neal's methods. When the opportunity presented itself, McDermott pressed the issue of dismissing Neal, writing to President Morgan:

> I call your attention to the fact that those complaints as to Doctor Neal's actions during the past three years have not been passed over and are not being adverted to merely for the present occasion. You will recall, I am sure, that repeatedly have I made complaint to the administrative authorities as to his methods. Each year that I have been here I have suggested the advisability of not re-electing him to the faculty, but did not make the express recommendation because it was deemed expedient to give him further trial.[14]

Dean Hessler, Wilbur Piper, and H. T. Kern agree that Neal's eventual dismissal from the University was a result of his unorthodox appearance, lack of classroom organization, and a poor relationship with Dean McDermott. Dean Hessler maintains that the decision to dismiss certain teachers had been made by Dean James D. Hoskins, that McDermott, who had made complaints in past years about Neal, persuaded Hoskins to dismiss Neal also. Dean Hessler makes it clear that

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[13]Personal interview with Dr. James R. Montgomery, Director of Institutional Research, University of Tennessee, July 22, 1968.

[14]Journal and Tribune, July 18, 1923.

although Neal later blamed President Morgan for the dismissal, Hoskins made the decisions at the University and it was he who decided to dismiss Neal; Morgan complied with the decision, however.[15]

At the end of the spring term, Neal and the other professors left school unaware of the decisions regarding their future. It was not until July 17, 1923, that they were officially dismissed. At that time the University trustees, in executive session with no visitors present, confirmed President Morgan's decision.[16] Knoxville became a center of controversy as the trustees came into the city, followed by newspapermen from across the state. The trustees, including Governor Austin Peay, stated that they knew nothing of the situation and would voice no opinions until they had heard Morgan's report.[17] Rumors were rampant. A University authority was alleged to have remarked, "We are getting rid of a bunch of atheists." He later denied the statement, although

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[15]Personal interviews with Dean L. R. Hessler, Wilbur Piper, H. T. Kern, and Frank Gresham, July 29-August 1, 1968. A letter found among Neal's personal papers sheds additional light on his dismissal from the University. This letter is reproduced in Appendix C.

[16]Minutes of the Board of Trustees (Office of the Secretary of the Board of Trustees, University of Tennessee, Knoxville, Tennessee), Vol. 8, p. 401. Hereafter cited as Minutes of the Board of Trustees.

[17]Journal and Tribune, July 16, 1923.

rumors persisted that the professors had been fired for their religious beliefs.[18] One trustee hinted that the firings possibly occurred because the trustees were not members of the American Association of University Professors.[19]

Governor Peay arrived and asked that the hearing be public, or at least one to be attended by newspaper reporters. The scene which occurred in the Farragut Hotel lobby the night before the hearing was described by the Knoxville Journal and Tribune as resembling "a political meeting. Groups of men gathered in various spots talking in whispers. There were hurried telephone calls, pages darting around and sudden conferences." Although Neal was not present, one hundred students and alumni were signing a petition in his behalf and were making their presence known in Neal's support. Frank Gresham and Wilbur Piper admit that they were spokesmen for Neal's supporters.[20] Some of them also met with Peay and warned him that Neal's dismissal would be "a real loss to the University not only because he is a competent and capable instructor

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[18]Bulletin of the American Association of University Professors (American Association of University Professors, Cambridge, 1924), X, 255. Hereafter cited as Bulletin of University Professors.

[19]Journal and Tribune, July 16, 1923.

[20]Personal interviews with Frank Gresham and Wilbur Piper, Knoxville, Tennessee, July 29-August 1, 1968.

but he worked untiringly for the University." Peay promised them justice and a "square deal."[21]

Once again a reflection of a student who was present provides a first-hand account of Neal as he really was. Even though his future as a professor was probably at stake, Neal refused to conform. Frank Gresham relates that Neal, although supposed to appear before the board, could not be found in Knoxville during the day. Gresham and Andy Lowe, another student who later spoke for Neal at the hearing, went into Knoxville to look for the law professor. They eventually found him "carrying a newspaper under his arm" (a habit which many of those interviewed still remembered about Neal). However, said Gresham, "he was filthy." They both wanted him to clean up before appearing before the board but were reluctant to mention it. Finally, Andy Lowe suggested that Dr. Neal take a bath and get a shave "so he would feel fresh when he met with the Trustees. But Neal didn't act as if he knew what we were talking about; he said he felt fine already."[22]

On July 17, 1923, the hearings began with approximately one hundred students in attendance. When Peay asked for those to stand who wished to be heard, more than a dozen students

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[21] Journal and Tribune, July 17, 1923.

[22] Personal interview with Frank Gresham, Knoxville, Tennessee, August 1, 1968.

stood with the professors, most of them wishing to speak for Neal. His entrance during the hearings

> was a spontaneous signal for an outburst of applause and cheers that lasted for some time. No attempt was made to stop it. Professor Neal sought to control his emotions, but was visibly nervous. His face paled and he tried to utter something as he gazed at a number of students he had taught and who rallied to his defense.[23]

The following fourteen charges were read against Neal by President Morgan: he was three days late opening the terms of 1922 and 1923 and closed his classes without giving cause for absence, once going on a two-week trip to Muscle Shoals; he did not conform to the schedule in holding examinations or remain in the classroom during examinations, but would often be found in his office reading or smoking a cigar; his tests were a farce, being made up of a few simple questions which he never graded anyway; he did not fail students, most of the time giving an identical grade of ninety-five to all of them; he did not keep records of class attendance and often changed the time for meeting without permission; he discussed, not law, but current events in his classes; he always took the side of the students and allowed them to do as they pleased, listening to their criticisms but not taking their or his complaints to the department head; he was careless in his dress and work and smoked in

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[23] Journal and Tribune, July 18, 1923.

Ayres Hall despite regulations forbidding it; he gave little time to the School of Law, left the campus immediately after his lectures, spent no time in study or research, and gave no assistance in improving the Law School; and he once lost a supreme court record which he was to use in drawing up a brief for a farmer's association.

Proof was offered to substantiate the charges. Grades of two classes made up of forty-nine students were presented; each had made a grade of ninety-five. While there was no proof that he had not read the test papers, it was shown that he once left the University immediately after giving an exam. That afternoon, though the papers had no marks on them, student grades had already been sent to the Registrar's office. Neal's grade book was shown to the committee hearing his case; it had students' names in it, but there were no records of grades or absences.[24]

Neal was given twenty minutes to answer the charges. He stated that he was unprepared to answer in that time but that they were "glaringly false" and he could show proof if necessary. He said he was in Muscle Shoals in 1922 only for the weekend and had only missed one class. He denied changing any class hours scheduled by Dean McDermott, pointing

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[24] Bulletin of University Professors, 248-249. These charges, with some clarification, are also stated in a letter from Dean McDermott to President Morgan. Minutes of the Board of Trustees, pp. 401-408.

out that the Dean never "consulted other members of the department on hours or schedules and . . . never asked for suggestions." Neal claimed to have attended his classes regularly but accused McDermott himself of being absent during one-fourth of the time. Neal pointed out that he, on the other hand, had not missed a class in thirteen years while he was in the city, even attending without complaint when he was ill. Professor Neal specifically asked Dr. Morgan if he, Morgan, had come to Neal with any criticisms; Morgan admitted he had not. Neal claimed that his tests were conducted properly with "proper questions"; his final exams lasted three hours. He explained that he was never out of "earshot" when he gave exams and that Dean McDermott was as guilty of such behavior as he was. He admitted that he had changed an exam schedule once but accused other professors of doing the same thing. He admitted to the charge of smoking in the building, but so did other teachers. He continued:

> I have poured my life into this law school. When a convention of law colleges was held I went to President Morgan and told him we should be represented at the meeting. He said the university finances would not permit it. I went and paid the expenses out of my own pocket.

He reminded his accusers that he had taught at the University for fourteen years, part of the time without pay, and that due to his efforts, the law school was the second of its kind in the South to be admitted into the National

Association of American Law Colleges. Neal made the following remark regarding the accusations: "Men I have taught can tell you the real character of my work. It has been a service of love and devotion to duty." He told of his efforts in the legislature to help the University and his influence in persuading the state to provide $100,000 to build Morrill Hall. Ending his defense, he dismissed the charges against himself as minor details.

Several students spoke in support of Neal; one stated that Neal was "the most beloved professor in the school and a man with a generous heart," and that McDermott had never treated Neal with respect; he commented further that "Professor Neal [taught] the students to think for themselves [but] McDermott's methods could never make a successful law student." Another student pointed out that although he had served on several student committees, Neal had never been put on a committee by the administrative body.[25]

The hearings continued until all the dismissed professors who were present had been heard. After all evidence had been presented, the Board of Trustees upheld Morgan's recommendations. Five voted not to rehire Neal; there were only two dissenting votes. One was that of Governor Peay, who announced his disapproval of the methods used to dismiss

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[25]Journal and Tribune, July 19, 1923.

the professors. Even though he felt that the reasons were unwarranted, he pointed out that he still approved of President Morgan.[26] Bolton Smith, another trustee, also voted against the proposal. Referring to the incident over a year later, he stated:

> I came to Knoxville last year a day before the hearing . . . began, and during that day I was visited by no less than fifty university students who pleaded with me to vote against the dismissal of Judge Neal. As I listened to the earnest pleadings of these young men; it seemed to me that Judge Neal had lighted in them an enthusiasm for study which I regarded as of much greater importance than mere technical knowledge.[27]

Other board members remarked that they had to vote with Morgan or it would be a "direct slap" at him. One member felt that the trustees had to choose between Neal or President Morgan, but they could not keep both.[28]

For the next few days, many efforts were made to get Neal rehired, always on the condition that President Morgan would approve. The feeling persisted that this would happen, and attempts to persuade the university president continued. Neal was a personal friend of some of the trustees, and they worked to reinstate him. Ninety-five per cent of the law students signed a petition urging that he be kept, and

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[26] Bulletin of University Professors, 255.

[27] News, February 20, 1925.

[28] Journal and Tribune, July 18, 1923.

protest meetings were held in his favor. The Law School alumni backed him. Many wrote letters denying the charges and calling Neal an "inspiring teacher." Similar testimony was received from the University of Denver, not only from former students but also from the dean of the law school at Denver. He wrote that Denver regretted losing Neal, but in an attempt to raise the legal standards in his home state, Neal had returned to the University of Tennessee.[29]

Neal had also received the following important letter from the dean of the Denver School of Law:

> I want to get a first option on your service. I know that you always liked it here in Colorado and we would be very glad to get you again on our faculty of the school of law . . . . We always highly appreciated you here, and we would like you on our faculty again, and we were indeed sorry to lose you at the time your loyalty to your state induced you to give your whole time at the University of Tennessee. Please let me hear from you at once and indicate whether your preference would be for the first or second semester.[30]

On July 19, President Morgan remarked that if any of the Board of Trustees wanted to initiate a movement in favor of Neal and two other professors, he would receive it. He also expressed displeasure because the decision to rehire them would fall on him; he felt the board's action had been

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[29] Bulletin of University Professors, 252.

[30] Journal and Tribune, July 19, 1923.

final.[31] On July 21, Morgan left town for several days and the University attempted to fill the vacancies of the staff members who had been dismissed. Since none of three professors who replaced Neal held a Doctor's degree,[32] Neal later referred to the case as the "slaughter of the Ph.D.'s."

Neal's contemporaries vividly remember these events of 1923. Dean Hessler recalls that Neal had been on bad terms with McDermott for other reasons than those previously mentioned. Neal felt that he had been overlooked years earlier when the University needed a dean for the law school. McDermott eventually was hired at a salary second only to Morgan's. But Hessler maintains that Neal would not have made an adequate dean because of his lack of discipline and his personal disorder. H. T. Kern contends that when the University "got to be high class," that Neal's appearance was against him. The institution was justified in its actions, Kern now believes, but he opposed it in 1923, remarking, "I loved the old fellow." He still thinks that the University officials could have gone about it differently. Dean Hessler remembers

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[31] Ibid., July 20, 1923.

[32] Bulletin of University Professors, 253. The three professors who taught the classes formerly held by Neal were: Dean Malcolm McDermott, A.B., LL.B.; Robert W. Muir, A.B., LL.B.; and Robert M. Jones, B.S. University of Tennessee Record, XXVII, No. 3 (University of Tennessee Press, Knoxville, 1924), 157.

that for months after the incident Neal avoided Hessler, who was a good friend, adding that "perhaps he felt humiliated or conscious stricken." Later, Neal began to speak again and visited Hessler more often, but the Dean says that soon Neal permitted himself to get so dirty that Hessler began avoiding him. Neal's personal habits, bad when Hessler knew him first in 1919, got progressively worse after the dismissal until finally management of the S and W Cafeteria--where Neal would sometimes go to see old friends--told him to stay away.[33] But even after Neal had left the University the issue of the dismissals continued to rage, both in Tennessee and across the nation.

In October, 1923, an investigation was made by the American Association of University Professors as a result of protests from colleges across the country. The report of the Association's investigating committee, published in 1924, contended that "conditions such as have been disclosed in the University of Tennessee are detrimental to the purposes of the institution and to the interests of higher education." It was also stated that

> the complications which led to the dismissal could have been easily composed by a wise administration; that none of the dismissals were justified; that the rights of an important hearing on those dismissed were violated.

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[33]Personal interviews with Dean L. R. Hessler and H. T. Kern, Knoxville, Tennessee, July 29-August 1, 1968.

The University was reprimanded for the delay in informing the professors of their dismissal:

> Apparently there was little feeling on the part of the trustees and administration officers that any injustice was done by dropping them in the middle of the summer . . . but we think the manner in which they were dismissed was not in accordance with the spirit of justice and fair treatment.[34]

The humiliation resulting from a public dismissal fostered a desire in Neal to strike back. No other motive could have prompted his furor against the University of Tennessee. The opinion of the American Association of University Professors, which exonerated Neal, provided the impetus for him to question the finances of the University and the legal position of Harcourt Morgan both as college president and U. S. citizen.

In a letter to various state legislators in 1925, Neal called for a re-hearing of the dismissal and signed the names of four additional professors involved in the case. He reminded them that the educators' association had cleared the teachers and felt that these teachers had been unjustly treated. He opened an entirely new case by writing:

> We believe that an investigation will disclose that the present Board of Trustees is illegally constituted--that private financial gain has in the past and is now accruing to certain of its members as the result of their position--that in consequence of the appointment of certain

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[34] Bulletin of University Professors, 255-261.

> members the university lost several thousand dollars in the compromise of the [Rush] Strong will case.
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> We further believe that an investigation will disclose that the present president of the university, H. A. Morgan, is legally, morally and mentally incompetent for the position of president of the university for the following reasons: First, he has committed numerous breaches of the law of the state. Second, he waited more than twenty years after coming to America before taking out his final citizenship papers . . . . Third, the extraordinary conditions under which he secured his naturalization, casts a doubt upon its legality. Fourth, he has instituted a system of terrorism at the university, both over the faculty and student body which has affected the university like a touch of leprosy and making the institution fall behind both in scholarship and in attendance . . . .

As further evidence, Neal charged that the leading universities refused to recommend teachers to the University, which was now a "second-rate institution" despite the abundance of money provided by the state.[35] The letter was vindictive and vicious, but it was influential in initiating an investigation of the University of Tennessee in 1925. Three state senators and four representatives formed a committee in charge of the hearing.

On the opening day, Thomas D. Norris, university treasurer, presented facts on the institution's revenue. He testified that the University's annual revenue of $1,272,955.78 was deposited at the City National Bank and the Union National

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[35]Letter to Tennessee legislators, Neal Scrapbook, I. Neal's letter to the state legislature is shown in Appendix D.

Bank of Knoxville by order of the executive committee of the board of trustees. There it earned four per cent interest per year. Dr. Morgan admitted that W. S. Shields, a member of the board of trustees, was president of the City National Bank. Neal had previously publicized this as a violation of the law passed in 1909 which forbade a board member to have a financial interest in the University; Morgan disclaimed any knowledge of this. When questioned concerning 1924-1925 revenues, he stated that the University of Tennessee received $1,150,000 in revenue from fees, tuitions, and the federal and state governments. Welcoming the investigation, he added, "I think this University has been treated like a stepchild."[36] After four days of probing, the committee, headed by Senator M. Mack Fugate, expressed its belief in the honesty and integrity of Dr. Morgan. It further decided to request a larger appropriation for the agricultural school as well as higher fees for students in law, medicine, and other professions.[37]

There was an increased interest in the hearings when Neal was called to testify. His testimony took two days for completion. He contended that the University was not economically managed, but with certain changes in faculty and employees, it could cut one third of its present expenses.

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[36]News, February 20, 1925.

[37]News item in the Nashville Tennessean, February 22, 1925.

He resented Morgan's statement that the University was being "treated like a stepchild." He pointed out that since the University had become a state institution, the legislature had always been generous and had never turned down a request for funds. The present appropriation was sufficient to operate the institution and to erect certain proposed buildings in 1925. Questioning the University's request for $1,026,000 from the legislature, he declared that in 1917 the state had voted to provide funds for the University needs, considering the increased state wealth in the future. Neal urged the committee to put University funds in the hands of the state legislature instead of trustees. He remarked that Tennessee was the only university in the United States "of which the president and practically every dean . . ." did not have Ph.D. degrees and which selected its faculty annually. Morgan, he noted, had only an honorary LL.D. degree from Emory and Henry.[38] Also, one third of the trustees were not University of Tennessee alumni as required by law.

Returning to the financial question, Neal hit upon a vital issue. He challenged the legality of the University's purchase of $315,000 in property for a medical school in

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[38]News, February 23, 1925. Neal's charge was true. Morgan had received his B.S.A. from the University of Toronto; then he received an honorary LL.D. from Southwestern University and one from Emory and Henry in 1920. "John Harcourt Alexander Morgan," National Cyclopaedia of American Biography (James T. White Company, New York, 1938), E. 418-419.

Memphis before asking the state legislature for an appropriation.[39] In an editorial about the hearing, the Clarksville Leaf-Chronicle commented:

> Some very interesting facts are being developed in the university investigation. The trustees spent $315,000 in Memphis for real state without any legislative authority. The university has planned to build a cafeteria costing $150,000 at Knoxville. The state auditors never examined the books and accounts of the university. Perhaps no damage has been done by these violations of the law, but if officers in high places of trust violate the laws, how can we expect that the laws will be obeyed and enforced?[40]

On the second day of his testimony Neal answered questions about the deposit of funds in the Union and City National Banks. There were five or six other banks which could have handled the deposits, he felt, but they were not given the chance because W. S. Shields and T. Asbury Wright were both connected with these two banks. Other trustees had also benefited from depositing funds in their banks, though Shields was the only board member who was being helped by it at that time.[41]

Shields countered the charges by denying that he was making any money from holding the funds, saying that the

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[39] Ibid.

[40] Undated editorial in Clarksville Leaf-Chronicle, Neal Scrapbook, II.

[41] News, February 24, 1925.

"City National Bank was merely holding funds of the university on which the bank paid interest." He was only one of 210 stockholders and only ran the bank for the group. When asked why University funds "should not be disbursed through the state comptroller's or treasurer's office at Nashville and vouchers cleared three [sic]," he replied that the University's credit was good because its bills were paid promptly and without the delay of state offices, in addition to earning interest in Knoxville. Questioned on the influence obtained by keeping the money in Knoxville and the many gifts provided for the University, Shields hinted that putting the money in a Knoxville bank kept a "friendly feeling of the people of Knoxville." This raised the question of $50,000 which Shields had donated toward an athletic field for the University of Tennessee. Shields merely confirmed that he had done so.[42]

The investigation drew to a close after reviewing a proposed budget of $1,675,008.38, which showed $200,000 still owed for the proposed Memphis medical school site. Neal, taking the stand for a final time, testified that the University lost $150,000 on attorneys' fees over a compromise on the Rush Strong will case, where a considerable amount of money had been donated to the University.[43] General Gary F. Spence,

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[42] Ibid., February 25, 1925.

[43] Times, February 26, 1925.

a trustee and member of the finance committee, took the stand to say that the trustees generally accepted what the finance committee recommended and that he saw nothing wrong in the handling of the money. He admitted, however, that the state should audit the University finances instead of hiring a certified public accountant.[44]

The committee ended the hearing without taking a stand on the probe, except to say it had not committed itself to be for or against the million dollar appropriation for the University of Tennessee. A report would be issued later. Dr. Morgan expressed satisfaction with its thoroughness; T. D. Morris, the University treasurer, admitted that no money was available to pay for the Memphis site and would have to be borrowed; Colonel Shields said buying the Memphis property was an investment and no attempt had been made to ignore the authority of the state legislature.[45] After the hearing the committee journeyed to Chattanooga to investigate street conditions.

On March 7, 1925, the committee issued its recommendations as a result of the finance probe. Although it had split five to two on the proposals, both groups rejected the

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[44]*News*, February 26, 1925.

[45]*Times*, February 27, 1925.

million dollar appropriation. A majority report asked for a $315,000 cash appropriation from the state plus a $35,000 loan to be paid back with interest out of University revenue.[46] Although the furor ended almost as rapidly as it began, Neal did not quit so easily. In 1926, he wrote Governor Peay reiterating that the law which required that one third of the University trustees must be alumni of the college had not been fulfilled.[47] In 1925, the University had announced that it had ceased to give the John R. Neal Award to its oratorical winners; Neal said he would give one anyway.

Neal's friendship with Austin Peay in the years following his dismissal from the University of Tennessee was shown in a tribute to Peay's memory when he passed away in 1927. At that time Neal stated:

> Notwithstanding the fact I made two campaigns against him, our friendship, which antedated his election as governor, never suffered the slightest interruption. I shall always feel deeply grateful to him for his attitude in connection with the disagreement between the six professors, one of whom I happened to be, and the administrative officers of the University of Tennessee. Gov. Peay, as president of the board of trustees voted in our favor and against the administrative authorities.[48]

Despite his dismissal from the University, Neal remained in the education profession. In 1925, the John

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[46] Journal and Tribune, March 8, 1925.

[47] Letter to Governor Peay, Neal Scrapbook, II.

[48] Unnamed, undated newspaper, Neal Scrapbook, IV.

Randolph Neal School of Law, named in memory of the professor's father, was opened in Knoxville. For the next few years its law graduates exceeded those of the University of Tennessee. The original charter was filed naming Neal and his relatives as incorporators. Dr. Neal personally endowed the school with one thousand acres of land in Rhea County, valued at $100,000. It conferred both the bachelor of law and master of law degrees, with masters of law having courses in international and constitutional law, and a study of public utility boards. Extensive in scope, it even provided night classes. Leading Knoxville lawyers, according to Neal, would serve as teachers.[49] The school always opened on September 17, which was Neal's birthday. It was originally located where Knoxville Business College is now but later moved to the McTownley Building, now the Mercantile Building, on Church Street.

Charles Maner--a Neal law school graduate, Knoxville attorney, and one of Dr. Neal's best friends--says many of the school's graduates attended at night because they had to work during the day, and that Neal sometimes used experts in various fields to lecture before the students, such as state supreme court judges or others. Occasionally former students such as H. T. Kern, then a practicing lawyer, would hold classes. Most of the time, however, Neal himself was the

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[49] Journal and Tribune, undated item, Neal Scrapbook, III.

teacher and he took his job very seriously.[50] Beverly Burbage, another former student now with TVA, gave the following comment on his professor: he stated that Neal often lectured about his experiences but that no one knew ahead of time what the lecture would be concerned with; Neal would announce what the next lesson would be "but it usually didn't come up." He would conceive a new idea during the day, perhaps concerning a subject he read about in the newspapers, and that subject would be the topic for the night's class. Should he be out of town during a scheduled meeting, he had an assistant, Cecil Meek, or a friend in the law profession to hold his class. There was always someone present to conduct the class; during Burbage's two terms (1936-37, 1937-38) only one class was canceled. Burbage recalled one incident when, in his lecture, Dr. Neal included a quotation, then told the students that the quote came "either from the Bible or from Shakespeare; it doesn't matter which for they were both equally wise." Burbage contends that Neal had a great regard for human rights and individual freedoms.[51]

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[50]Personal interview with Charles Maner, Knoxville, Tennessee, July 31, 1968. A list of the law school graduates who are currently prominent in Knoxville are given in Appendix F.

[51]Personal interview with Beverly S. Burbage, Knoxville, Tennessee, August 1, 1968.

Maner also recalls that Neal, at the beginning of each school year, told his students that one reason he was dismissed at the University of Tennessee was because he allowed students to smoke in class. He would then pass out cigars to the students and tell them to light up, remarking that they could then go out and tell people that they were required to smoke in Neal's law school.[52]

The law school was a success throughout the late 1920's and the 1930's. According to its alumni, at times during this period the number of its graduates at certain commencements exceeded the number being graduated by the University of Tennessee. Many students came to take business law with no intention of becoming a lawyer. The 1935 graduating class exceeded forty students; some students attended without charge due to Dr. Neal's compassion. Beverly Burbage stated that he watched Neal shred into pieces innummerable checks in lieu of fees, stating that "that boy can't afford to pay to go to school." By the early 1940's, however, enrollment at the law school began to decline; only fifteen graduated in 1939. Eventually no one enrolled although Neal would continue to announce its formal opening. The law school officially closed in 1943 because of new state regulations requiring

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[52]Personal interview with Charles Maner, Knoxville, Tennessee, July 31, 1968.

full-time attendance. Similar law schools across the state, because of their irregular meeting schedules, were also forced to close.[53]

His years as an educator were dear to Neal's heart, yet the dismissal from the University of Tennessee was another in a series of personal blows to Neal's reputation and prestige; more were to follow. Nevertheless, he did not give up in the face of adversity. If he went against the trend of established mores, it was because he felt the old ways were wrong. Because of this he wandered farther out of step with the thinking of his fellow Tennesseans. One extreme in the gulf between Dr. Neal and the state of Tennessee occurred in his home county. This was the famous John T. Scopes trial.

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[53]Personal interviews with Beverly Burbage, Charles Maner, and Frank Gresham, Knoxville, Tennessee, July 31-August 1, 1968.

CHAPTER III

THE SCOPES TRIAL AND OTHER LEGAL CONTROVERSIES

John R. Neal gained a reputation in Tennessee as a defender of liberal causes. Some called him the champion of the underdog; some classified him as a Don Quixote, a defender of lost causes. Nevertheless, though it tended to hurt his political activities in later years, Neal never wavered from the position he took on any issue, even when he was on the opposite side from the majority of Tennesseans. Neal was involved in a number of liberal controversies, from the over-publicized Scopes trial to a defense of union workers involved in labor disputes. In every instance, though Neal's part was not well known, he treated each case with equal interest and considered it of no less importance. Of these various trials, the event in Rhea County provides the best example of the determination and conviction of the learned lawyer.

On March 21, 1925, a bill was passed in the Tennessee Legislature forbidding the teaching of evolution in the public schools of the state. Within a month John Thomas Scopes, a Dayton school teacher, was persuaded to teach evolution in his biology class in order to make a test case against the new law. When Scopes was arrested and bound over to the grand jury under $1,000 bond, John R. Neal volunteered as

his defense counsel. Later, Neal claimed that he was responsible for Scope's being the subject of the trial.[1] However, an investigation into the facts does not appear to confirm this statement.

A Chattanooga News article entitled "How the Scopes Trial Really Started" describes the effort of George W. Rappleyea, general manager of the Cumberland Coal and Iron Company of Dayton, to persuade Scopes to become the defendant in an evolution trial to test the new law. Neal was not among those present when the decision was made. At that time Rappleyea sent a telegram to the American Civil Liberties Union requesting legal assistance for Scopes.[2] In a speech delivered in New York, Scopes reported how the trial was initiated but did not mention Neal's name even though Neal was present at the time.[3] In his autobiography, Scopes tells essentially the same story without describing Neal's presence.[4] He relates, however, that Neal appeared in Dayton

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[1]Obituary in the Knoxville Journal, November 24, 1959. Hereafter cited as Journal.

[2]News, June 29, 1925.

[3]Times, June 11, 1925.

[4]John T. Scopes and James Presley, Center of the Storm (Holt, Rinehart and Winston, New York, 1967), 57-61. Hereafter cited as Scopes, Center of the Storm. Scopes reported that Rappleyea had conceived the idea after having read in the Chattanooga Times that the Chattanooga Superintendent of Schools had refused to sponsor a test case on the anti-evolution law even though the American Civil Liberties Union had indicated its willingness to finance such a case should it arise.

almost as soon as the case became publicized and "more or less appointed himself" as Scopes' counsel.[5] The American Civil Liberties Union later agreed Neal would be chief defense counsel. The trial began to attract national attention as William Jennings Bryan, the famous Fundamentalist, volunteered to join the prosecution; and the American Civil Liberties Union appointed Clarence Darrow, assisted by Dudley Field Malone, Arthur Garfield Hayes, and Bainbridge Colby, to assist Neal for the defense.

In the preliminary hearing, which began on May 9, 1925, Scopes was charged with "violating the law of Tennessee against the teaching of evolution in public schools." The state introduced the textbook used by Scopes, George W. Hunter's A Civic Biology, as its major evidence. Scopes pleaded not guilty. At this point Neal asserted that the Tennessee law was incapable of fulfillment, declaring that the word "evolution" was not in the body of the law as introduced in the Tennessee legislature by Representative George Washington Butler. He pointed out that the word was found only in the law's preamble. Nevertheless, Scopes was bound over to the grand jury which met in August. His bond was

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[5] Ibid., 62-63.

fixed at $1,000 but since the state accepted the recognizance of the defendant, Scopes was not jailed.[6]

Although Neal was known for his unorthodox manners, his conduct in the Scopes trial was highly exemplary; this was still in contrast, however, to the actions of the other principals involved in the trial or for that matter, to the citizens of Dayton. When a group of Chattanooga businessmen sought to transfer the trial from Dayton to Chattanooga, a special session of the grand jury was called at Dayton on May 25 and the date of the trial was moved up to July 10. A meeting of Dayton citizens on May 19 initiated a series of amusing events which were a prelude to the carnival atmosphere to come. Speeches were made by Dayton citizens denouncing the efforts of Chattanooga and the Chattanooga Times to steal their publicity and a resolution was made declaring any attempt by another city to hold an evolution trial to be an "unfriendly act." Judge Sue K. Hicks, a prosecution attorney, said the trial should be in Dayton, for its citizens knew as much about evolution as the people of Chattanooga. Another prosecutor, D. L. Haggard, stated that Chattanooga had raised $50,000 for advertising for a trial of its own. One merchant commented that if Chattanooga did not stop fighting Dayton its consumers would take their

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[6]Tennessean, May 10, 1925.

trade to Knoxville. Adding to the chaos, a pre-arranged fist fight erupted between George Rappleyea and a local barber who had objected to a statement by Rappleyea that there were as many evolutionists in Dayton as monkeys in Chattanooga. As a final touch, an announcement was made that the world's largest chimpanzee might be brought to Dayton to aid the defense.[7]

Despite such preliminary verbal barrages, Neal treated the trial with the utmost seriousness. As usual, he was on the opposite side from the majority. This time his solemn attitude made him stand out from the crowd. From June 6 to 11, Scopes and Neal conferred with the other defense attorneys in New York.[8] Upon returning to Dayton, Scopes declared that Neal would continue as "senior and leading counsel of the case and [would] direct its strategy. This was thoroughly agreed upon and understood at the New York conference" since Neal was an authority on constitutional law and understood Tennessee court procedure.[9]

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[7]Times, May 20, 1925. The pre-arranged nature of the fight is described in Warren Allen, "Background of the Scopes Trial at Dayton" (unpublished M.A. Thesis, University of Tennessee, Knoxville, 1959), 67-69.

[8]Ginger, Six Days or Forever?, 60.

[9]Unnamed newspaper, Neal Scrapbook, III, June 14, 1925.

Neal, ensuring his flamboyant reputation, accepted the responsibility of playing host to the defense attorneys. Darrow was met in Dayton by Neal, who had him as a guest for breakfast. Neal then drove him around the Dayton area to "familiarize him with the local setting." In addition to entertaining Darrow, Neal took advantage of his presence for personal publicity for himself and his endeavors. On June 23, Darrow and Bainbridge Colby spoke at the first commencement exercise of Neal's new law school in which twenty-one young men received diplomas. Neal awarded Darrow, Colby, and Malone honorary law degrees.[10] Meanwhile plans progressed for the conduct of the trial.

The defense had decided that the best chance to win the case would be to transfer it to a federal court; therefore, on July 3, Neal filed an injunction in the federal district court arguing that Scopes' constitutional rights would be violated by being tried in a state court. Judge Xen Hicks of the Eastern Tennessee Judicial Circuit eluded Neal by leaving the state. Neal then presented the petition to Judge John J. Gore, federal judge of the Central District of Tennessee. Five days later Judge Gore rejected the petition, claiming that it was out of his jurisdiction.[11]

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[10]_News_, June 23, 1925.

[11]De Camp, _The Great Monkey Trial_, 130-133, 136-137.

As the trial date neared, millions of words of publicity emerged from Dayton and spread throughout the world, including the reasons why the trial was necessary. Naturally, Neal's reasons differed from those of his opponents. Walter White, superintendent of schools in Dayton, denounced Scopes as a menace to youth, "one who must pass through the fires of purgatory." White declared that he would hire "only fundamentalists" and outlined what he expected his teachers to believe, primarily a list of literal interpretations of the Old Testament.[12] Opposing White, Neal felt that the "Scopes case involves the most vital issue--human freedom--that has ever risen in America, transcending the fundamentals underlying the Civil War."[13] He further stated that the effort to have the law declared unconstitutional was not a fight for the theory of evolution, but involved the freedom to teach and to learn. On July 7, William Jennings Bryan's train arrived in Dayton; Neal, "an interested Rhea County spectator," was in the crowd of about three hundred that greeted him.[14] Bryan had denied that the issue concerned freedom of speech or thought; he declared that it involved the subjects of religion and education. To Bryan, "it

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[12]Undated item, News, Neal Scrapbook, III.

[13]Undated newspaper item, ibid.

[14]Times, June 5, 1925.

meant that parents had a right to safeguard their child's religion and the state had the right to regulate its schools and what they taught."[15] Others with whom Neal disagreed were not so knowledgeable nor articulate. John R. Brooks of Knoxville, in a letter to the editor, proclaimed:

> Allow me space in your paper to say I've just been reading your paper on Dr. Neal's views regarding anti-evolution. I think him [sic] and every other descendant of a monkey ought to be stopped before they poison the minds of the people whom God created in his own image. I saw his cousin on the street a few days ago. A man had his cousin and a crank organ.
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> If a man who has no monkey blood in him had started preaching such a doctrine the people would have lynched him at once. If that's so I don't think it would be as much harm to lynch a monkey as it would to lynch a human.[16]

After the trial ended, H. L. Mencken, in an article about the events in Dayton, provided an answer to such critics of John R. Neal:

> The prevailing attitude toward Neal himself was also very amazing. He is an able lawyer and a man of repute, and in any Northern State his courage would get the praise it deserves. But in Tennessee even the intelligentsia seem to feel that he has done something discreditable by sitting at the trial table with Darrow, Hays, and Malone. The state buzzes with trivial, idiotic gossip about him--that he dresses shabbily, that he has political aspirations, and so on. What if he does and has? He has carried himself, in this case, in a way that does high credit to his profession and

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[15] Ibid.

[16] Undated item, Neal Scrapbook, III.

> even higher credit to his native state. But his native state, instead of being proud of him, simply stabs him in the back.[17]

Neal used his position as chief defense counsel to bring his liberal views into focus. His chief function for the defense was to handle the constitutional aspects of the trial and leave the rest to his distinguished associates.[18] This he performed admirably. The trial of the State of Tennessee versus John Thomas Scopes opened on July 10, 1925. On the second day, Neal moved to stop the indictment on the grounds that it violated ten sections of the state constitution.[19] He charged that the title of the anti-evolution law and the body of the law conflicted with each other since the caption prohibited "the teaching of the evolution theory" but the body prohibited the teaching of "any theory of evolution." The Tennessee supreme court had already ruled that such a technicality was sufficient to render a law unconstitutional. He argued that the Constitution of the State of Tennessee required that science be cherished, but under this law it could not be cherished since teaching evolution was a crime. Too, the law violated the right to religious liberty

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[17]Baltimore Evening Sun, July 20, 1925.

[18]Irving Stone, Clarence Darrow for the Defense (Doubleday and Company, Garden City, 1941), 437.

[19]Sheldon Grebstein (ed.), Monkey Trial, The State of Tennessee vs. John Thomas Scopes (Houghton Mifflin Company, Boston, 1960), 47-48.

under the constitution because it required the teaching of a particular doctrine from a particular religious book.[20] No lawyer could argue a case he believed in more firmly; yet Neal appeared to be the only rational man in the court, aside from Scopes.

Adding to the confusion, difficulties not pertaining to the issue itself arose between the defense and the prosecution. An argument developed with the state over whether the jury should remain in the court room. Despite the objections of the defense, Judge John T. Raulston sent the jurors out and Neal continued with his numerous motions. Briefly stated, Neal alleged that "man's freedom of expression of ideas was hindered"; that "the crime was incapable of definition, since there were so many different interpretations of the Bible"; furthermore, the law lacked uniformity; the indictment was too vague; and, finally, that such a subject as religion was never intended to be placed under legislative powers in any state.[21] All of these objections were overruled but the defense plodded on. Neal and other defense lawyers then objected to opening the trial with prayer because it did not contribute to a neutral atmosphere. This

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[20] Ibid., 50-52.

[21] William Steed Wilson, "The Scopes Trial: A Study in Social Causation" (unpublished M.A. thesis, University of Tennessee, Knoxville, 1940), 10.

objection too was overruled by the court, which said prayer had "never hurt anyone and might help some."[22]

The trial lasted for eight days; but as it progressed, it ceased to be a trial in the true sense and developed into a clash of personalities between Bryan and Darrow. Neal, with his attempts to have a trial on the issues, was pushed into the background. Scopes was eventually found guilty and assessed a fine of one hundred dollars. No one seemed dissatisfied with the verdict. Darrow said the defense had wanted the verdict that was returned because it was the only way to appeal to a higher court. He also proclaimed that two of the jurors told him they would have found Scopes not guilty but agreed to the accepted verdict so that the defense could appeal.[23] Neal's comment was:

> I hope that the picturesque features of the trial which attracted so much attention will not obscure the fact that the Dayton trial was simply a prelude to the real, real fight, namely the testing of the Constitutionality of the evolution law. This remains to be brought out in the supreme court of Tennessee or possibly the federal court . . . .[24]

While the appeal was pending, Neal made additional efforts to aid the defense. Although Scopes had already left the state, Neal sought to reinstate him at Dayton High

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[22]Ibid., 16.

[23]Unnamed newspaper item, Neal Scrapbook, III.

[24]Unnamed newspaper item, ibid.

School. He also petitioned the federal district courts to declare the evolution law unconstitutional.[25] The Tennessee supreme court eventually ruled that Scopes would not have to pay the fine because Tennessee judges could not levy fines in excess of fifty dollars. It also entered a nolle prosequi, meaning that the indictment was dropped and no further appeal was necessary. This was disappointing to Neal, who wanted the evolution law to be ruled unconstitutional, a likely possibility had it been carried to the United States Supreme Court.[26]

Characteristically, Neal continued to fight for a reversal of the decision. He remarked that there would be no let-up in efforts to get the case before the United States Supreme Court, claiming that other bills filed in the district courts were still pending and could be served any time.[27] The other defense lawyers, including Darrow, had agreed that the supreme court of Tennessee had put an end to the case, but Neal still fought on alone, saying:

> I do not agree with Mr. Darrow . . . that the decision of the supreme court in the Scopes case is the finale to the efforts to test the Tennessee anti-evolution law . . . . The failure of the state supreme court to arrive at a majority opinion

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[25]De Camp, The Great Monkey Trial, 449.

[26]Ginger, Six Days or Forever?, 180-181.

[27]Times, January 16, 1927.

> and their action in directly ordering a nolle-prosequi and thus making difficult, if not impossible, an appeal to the supreme court of the United States has at least temporarily defeated both these purposes. Personally, I do not mean to accept this defeat as final, but will persist until we obtain both objections.[28]

By the end of the year all attempts for a rehearing had been denied. The Scopes trial was over.

In his book Six Days or Forever? Ray Ginger portrays Neal as an absent-minded buffoon who hurt rather than helped Scopes's defense. This portrayal seems untrue to this writer. Contrary to his sometimes extreme behavior, Neal conducted himself admirably in the trial itself. He was disappointed that the trial developed into an argument between science and religion, and would have preferred to make it a legal and constitutional issue. He was described by H. L. Mencken as "a brilliant attorney,"[29] "the one person officially connected with the trial who seemed to have an undistorted perspective of what it was all about."[30] Another point in Neal's defense is Clarence Darrow's attitude regarding him. Darrow later remarked that Neal was "a man of ability, a good student, and . . . always supported progressive movements

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[28]Ibid., March 21, 1927.

[29]News-Sentinel, November 23, 1959.

[30]Journal, September 18, 1955.

. . . in his state."[31] Yet, Neal's stand on the Scopes trial, though he continually insisted that he had no opinion on evolution, undoubtedly was another factor in making him unpopular in Tennessee.

There were other trials in which Neal defended liberal causes, but they were not as well known as the Scopes trial. In 1929 he provided his services to sixteen mill workers in Gastonia, North Carolina, who were involved in a murder and could not retain defense counsel. The stigma of Communism had also been placed on the defendants, an allegation which was partially true.[32] They were involved in a strike fostered by the National Textile Workers' Union said to be a Communist organization, and had taken part in a violent incident between strikers and strikebreakers. In the melee a police chief was killed and four men were wounded. The trial was prolonged through the summer of 1929, being postponed twice; once when Neal arranged a change of venue and once when a juror went insane. Neal claimed that the accused were not agitators and the strike was legal, but that illegal ordinances and actions created by the mill owners had actually instigated the violence.[33] The trial ended in October

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[31]Clarence Darrow, The Story of My Life (Grossett and Dunlap, New York, 1932), 248.

[32]Time, XIV (October 28, 1929), 13-14.

[33]Journal, August 6, 1929.

with short prison terms for the local defendants and a twenty-year sentence for four Northern defendants.[34]

Simultaneously with the Gastonia trial, Neal was a defense counsel for union members involved in a strike in Elizabethton. The state government temporarily forced the strikers to return to work by calling out the National Guard. Neal objected to this move, urging the federal courts to punish any state official responsible for permitting the troops to use federal military equipment against the strikers. He announced that he would travel to Washington to ask the Secretary of War to investigate because, he contended, he had previously obtained from the secretary a ruling that the use of federal equipment by the National Guard when serving in the guise of state police was illegal. He now declared that the Washington official should have acted at the time of the violation, but he still felt the state officials should be held accountable and punished in federal courts. Neal also thought troops should not be paid out of state funds since they were functioning as state police; nor should police funds be used because their presence was illegal without a signed order from the governor. He filed a protest with the state comptroller concerning the use of taxpayers' money.[35]

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[34] Time, XIV (October 28, 1929), 13-14.

[35] Journal, June 16, 1929.

When a number of girls in Elizabethton were put on trial as a result of the strike and again accused of being Communists, Neal went to their defense. He later declared that they were not Communists, and that he was there to see that their right to picket was upheld.[36] Always an advocate of human rights, Neal championed the cause of students who went on strike at Lincoln Memorial University in 1929. In 1932 he went to the defense of students who were run out of Harlan County, Kentucky, because they were investigating a strike there. He also became a counsel for the Depositors Protective Committee, a labor union organization which wanted protection from bank closings during the depression.[37] Throughout his life, Neal was an advocate of collective bargaining and always received a degree of respect and admiration from labor unions.

Continuing his policy of acting as champion for unpopular causes, he protested the lack of adequate food for prisoners in the Knox County jail in 1933, contending that the sheriff was receiving 75¢ per day to feed the inmates but was spending only 15¢. He charged that prisoners rarely got meat, usually "bread and dried fruit and coffee without cream or sugar for breakfast; beans, some kind of soup and bread at noonday, and about the same for dinner." The next day

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[36] News-Sentinel, November 29, 1959.

[37] Ibid., February 8, 1933.

a sheriff's aide answered Neal's charges, saying that 50¢ per day was spent for food, with any profit going to the county.[38] A Knoxville newspaper checked the sheriff's records and announced that the meals averaged 12¢ per day.[39] Knowing that the same situation prevailed throughout the Tennessee penal system, Neal attacked the statewide unsanitary prison conditions and the convict lease system.[40]

In 1934 Neal wrote the charter for the Highlander Folk School at Monteagle, Tennessee,[41] thus helping to institute another liberal cause in the state. But there was an even more liberal issue taking place in Tennessee during this period of Neal's life; it concerned the issue of private versus public power, and to this struggle he would devote much of his energy throughout the 1920's and 1930's. At the same time Neal re-entered the political field; in the late 1920's he ran for either the governorship or the United States Senate depending upon the office which he considered most important to get his ideas before the people. Although the

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[38] Ibid., February 7, 1933.

[39] Ibid., February 8, 1933.

[40] Ibid., February 6, 1933.

[41] Myles Horton to John R. Neal, October 28, 1959. Neal Scrapbook, V.

power fight and Neal's political campaigns occurred simultaneously, they are treated separately in the next two chapters for the purpose of clarity.

CHAPTER IV

RE-ENTRY INTO POLITICS

Throughout most of his active career John R. Neal involved himself in politics. Although being a success in that field was a lifetime goal, he would not compromise on either behavior or attitude to achieve his objectives. His defense of John Scopes in the anti-evolution trial caused him much unpopularity, as did his increasing eccentricity in dress and decorum. His opposition to the Crump political organization further marked him for political obscurity. Another mark against him in the late 1920's was his defiant stand against private power companies in their quest to develop the Tennessee River, a particularly unpopular stand in Tennessee at that time. (See Chapter V.) These liberal tendencies helped label Neal as a political "loser" and eventually placed him in a position of some disrespect on the part of many Tennesseans. However, adverse public opinion did not matter to Neal, who used his political campaigns to place his liberal ideas before the people.

Neal entered the Democratic primary in 1924 as an opponent of the incumbent Governor Austin Peay. He campaigned against Peay's highway program, declaring that the state would have revenues in 1924 of $2,700,000 but the state's

highway expenses were already disclosed to be $10,000,000. Neal demanded that Peay explain how the money would be raised, alleging that eventually the Tennessee farmers would have to bear the expenses through increased property taxes. He also attacked a slush fund created for the governor, claiming that Clarence Saunders, a large contributor to the fund, had used Peay's revision of certain "blue-sky" laws to sell two million shares of Piggly-Wiggly Grocery stock to the people of Tennessee. Neal predicted that the potential scandal from the Saunders deal would rival the national Tea-Pot Dome Scandal.[1] Despite Neal's efforts Peay won the primary election by a large margin.

Neal again entered the 1926 Democratic primary, this time opposing Peay and Hill McAlister. Although he tried to keep the Scopes trial out of the election, there were some overtones of the incident in the campaign. Austin Peay claimed credit for signing the anti-evolution law and McAlister claimed that he drafted the bill, although the real author was John Washington Butler. To favor the anti-evolution law was a political asset in Tennessee, and everyone knew that Neal had wanted the law repealed. Aware that he stood to lose most by the publicity of the trial in 1926, Neal attempted to keep economic issues dominant in the

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[1]Times, April 20, 1924.

campaign. His campaign platform outlined his progressive ideas as he asked for: reform of the state institutions by taking educational, charitable, and penal affairs out of politics and placing them under civil service; a statewide vote on a $75,000,000 bond issue for road improvements with the money coming from a gasoline tax to relieve the farmer; a revision of the tax system with increased emphasis on personal property taxes; more local control over public utilities corporations; repeal of the convict lease system; a change in workmen's compensation laws; and continued support of education. Neal wanted the state commissioner of education elected by the people, declaring that "the greatest detriment to . . . education in Tennessee is the fact that the administration of educational affairs is largely in the hands of politicians." He also advocated "more definite tenures for the common school teachers," increased appropriations for schools, and more public control in the administration of the University of Tennessee. "I will call attention to the repeated violations of the law by the present governor in making appointments to the board of trustees," he said. Neal renounced all help from professional politicians, saying his campaign would be based on appeals to the state's citizens.[2] He later enlarged his platform to advocate repeal of the

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[2] Unnamed, undated newspaper, Neal Scrapbook, IV.

tobacco taxes and revision of the excise taxes; to set up a budget system to check high expenditures; and to call for a referendum on retention of the Eighteenth Amendment. The latter move turned the Anti-Saloon League against him. In one campaign speech, Neal attacked Austin Peay's administration for its high taxes; he further charged that Hill McAlister was backed by the "most reactionary political forces in the state."[3] Neal promised to fight for an amendment to the United States Constitution opposing child labor, declaring, "The only chance to rid Tennessee of the growing evil of unemployment of immature persons in the textile mills is through the amendment." Saying child labor was a national problem, he opposed the passage of a state law to regulate child labor on the grounds that it would give other states an advantage.[4] Neal's primary interest in the campaign concerned the development of the water power resources on the Tennessee River. (See Chapter V.) In the 1926 campaign he proclaimed the power issue to be "the greatest question confronting Tennesseans." He advocated municipal or state options on the dam sites of East Tennessee in order to bring about a competitive scale of rates for the benefit of the

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[3]Unnamed newspaper, May 16, 1926, ibid.

[4]Unnamed, undated newspaper, ibid.

general public.[5] The liberal stand taken by Neal in his platform was to be used by him throughout his political career.

As the campaign progressed, one newspaper reporter wondered why Neal seemed to attack McAlister while ignoring Peay. He asked if Neal felt that Peay was unimportant or if Neal was working for Peay. Neal's friends could not understand his actions since he had been such a bitter enemy of the Governor.[6] Within two days, Neal responded with a tirade against Peay, claiming that:

> In his egotism and desire for re-election, [Peay] has reached the point once taken by a king of France, 'I am the State,' and attempts to force his demagogic policies on the people of Tennessee, and waxes violent when they do not receive them favorably.[7]

The primary developed into a close race between Peay and McAlister; Neal ran a poor third.

The election showed that Neal's ideas were those of a progressive but it was not clear whether or not his liberalism caused his defeat. His poor showing was reported in an associated press dispatch as an indication that Tennessee was still an ultra-conservative state, but a Chattanooga Times editorial pointed out that his liberalism was not the chief factor in his loss. Instead, a lack of organized backing and

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[5] Tennessean, December 12, 1925.

[6] Unnamed newspaper, June 28, 1926, Neal Scrapbook, IV.

[7] Unnamed newspaper, June 30, 1926, ibid.

voter interest in more important issues than those raised by Neal were deemed responsible. "As it was," the editorial continued, "Dr. Neal was an ineffectual voice crying throughout the campaign--a case of the wrong man trying to do some right things . . . ."[8] Thus, the general tendency of the state to misunderstand, or not to accept, Neal's motives continued to develop.

Between the campaigns of 1926 and 1928 the power issue raged in Tennessee and in Washington. In 1927 the U. S. Senate passed the Norris-Morin bill which, although its primary concern was the disposition of Muscle Shoals, also contained a provision to build a federal dam at Cove Creek, Tennessee (which, after its construction, was named Norris Dam; see Chapter V). Senator Kenneth McKellar, who was an advocate of public power, opposed the Cove Creek provision and unsuccessfully filibustered against the Norris-Morin bill although it was vetoed by President Calvin Coolidge after it passed the Senate. Neal then solidified an opposition to McKellar which had begun in 1926 when McKellar favored Austin Peay in the governor's race. At that time Neal had commented that McKellar was known in Washington as Mediocre McKellar, stating:

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[8]Times, undated editorial, Neal Scrapbook, IV.

> Recently in my fight to delay the . . . granting of all the water power sites in East Tennessee to one company, I was forced to go to Senator Norris of Nebraska for a Senate resolution. However, with his usual modesty, McKellar claimed credit for the same.[9]

Again, he charged that although McKellar had opposed the "granting of power permits in 1925, that he now favored granting permits to private companies."[10] Thus, he reiterated that the primary fight for public power was being carried on by only himself.

Still bidding for public office Neal entered the 1928 Democratic primary for U. S. Senator against McKellar and Finis Garrett. He continually attacked McKellar for filibustering "in the interests of the power trust." Garrett, he charged, also voted against the Muscle Shoals bill. Neal, however, had fought the power trust in Chattanooga, and afterwards had gone to Washington and influenced Senator Norris to introduce a resolution to keep the Federal Power Commission from granting Cove Creek dam to the power trusts. He also gave himself credit for persuading the government to build the dam at the Cove Creek site.[11] Although Neal's entire campaign seemed to be ba ed on the issue of public power--still taking an unorthodox stand in Tennessee he also opened

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[9]Unnamed, undated newspaper, ibid., V.

[10]Unnamed, undated newspaper, ibid.

[11]Printed campaign speech delivered in Knoxville, June 15, 1928, Neal Scrapbook, V.

an attack on the Crump machine in Memphis, another dangerous political move for which he would find little support. Yet, his verbal assaults on McKellar included a number of bitter words against the Crump forces:

> Mr. McKellar, in all his races, has been the chief beneficiary of the Crump machine. No more corrupt and vicious organization ever existed in the political history of this or any other state than the Crump machine. It is a notorious fact known to every man, woman, or child in Tennessee, that this machine for years has not hesitated at any practice, no matter how corrupt and vicious, to secure the selection of their favorites; chief among them has been Mr. McKellar.[12]

Later, Neal said he would appeal to the attorney-general to see that the election in Memphis was held fairly. He wanted the National Guard in the state called out to insure that Crump did not vote tombstones and Negroes as he had in the past.[13] Neal's crusade for honest elections proved more harmful than helpful to him. In 1928, he lost to McKellar by 117,000 votes.

Neal entered two political races for the U. S. Senate in 1930, campaigning for the long-term Senate seat against Cordell Hull and Andrew L. Todd and a short-term seat against Senator W. E. Brock. He challenged Hull and Todd to permit him to enter a proposed debate between the two. Neal wanted to discuss the water power question, prohibition, farm relief

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[12] *Times*, June 16, 1928.

[13] Unnamed, undated newspaper, Neal Scrapbook, V.

legislation, the "yellow dog" contract, and the use of injunctions in halting labor disputes.[14] He took credit for persuading the Secretary of War to declare the use of the National Guard illegal in the Elizabethton textile strike. Opposing a proposal to split the University of Tennessee, he said it would be a disaster to move part of the University to Nashville, which already had good institutions of higher learning.[15]

In this 1930 campaign, as in all previous political efforts, his chief topic was public power. A dam at Cove Creek, in his opinion, was essential to making Muscle Shoals more efficient and was necessary to produce cheap hydro-electric power needed in Tennessee. It was also important for flood control and navigation, while a private company would only use it for power and profit. "Only the government can build Cove Creek Dam . . . ," he declared, berating his opponents for favoring a dam built either by private corporations or the government.[16] Brock was not interested in the power issue but was "pussyfooting" over the state for Governor Henry H. Horton. Todd and Hull were "disgusting the state"

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[14]News-Sentinel, July 18, 1930.

[15]Ibid., July 19, 1930.

[16]Ibid., July 14, 1930.

with their mudslinging campaign against each other.[17] As usual, Neal's own charges would carry no weight, but he used his knowledge of the law to create additional trouble for the opposition.

During the course of the campaign, Neal wired Senator Gerald P. Nye in Washington to investigate campaign expenditures of the other candidates. He claimed that Hull and Todd had already spent more than the law allowed, and Brock, combining with Horton, had already spent over $100,000. Neal accused Brock of entering into a conspiracy with the Crump machine.[18] The next day Neal dropped out of the race with Hull and Todd, declaring he would defeat Brock and the "Lea-Horton-Crump-Brock combine, the most dangerous political machine that ever dominated the state."[19]

Although running for the U. S. Senate, Neal did not limit himself to that campaign. He attacked Governor Henry Horton's administration because it had permitted "certain private individuals" to become an invisible government. As an example of the Governor's political corruption, Neal charged that the state highways were constructed of rock asphalt instead of concrete, a move which cost the state

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[17] Ibid., July 21, 1930.

[18] Ibid., July 22, 1930.

[19] Ibid., July 23, 1930.

"several thousand dollars more per mile. But the rock asphalt organization was headed by the member of the invisible government." Neal predicted that the union members and business men of Memphis would oppose the Horton administration.[20] Then he announced that he intended to call in federal officials to prevent election frauds in Memphis, the "favorite indoor sport of the Memphis gang." Accordingly, he wrote to the United States district attorney asking that the federal government accumulate evidence on the election.[21] A few days later, Senator Nye reported that he would send observers to Tennessee to check on Neal's charges, since he had also received complaints from Memphis.[22] The year 1930 was the first, but not the last, time that Neal called in federal officials.

The Knoxville News-Sentinel endorsed Neal in 1930, stating in an editorial that he would "make a brilliant Senator." The endorsement went on to make the following comments about Neal:

> He knows the water power situation better than any other man in the state, and he is interested in it solely from the viewpoint of the public good. To get the benefit of his knowledge and fidelity, we are willing to overlook a few spots on his vest.[23]

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[20] Ibid., July 25, 1930.

[21] Ibid., July 27, 1930.

[22] Ibid., August 3, 1930.

[23] Ibid., August 5, 1930.

Losing by the usual wide majority did not deter Neal from contesting the election. He charged election frauds in Shelby County and accused Brock's backers, the Crump machine, of stuffing ballot boxes, voting repeaters, and voting Negroes in Democratic primaries. The charges were substantiated by C. C. Barnard, a representative of the U. S. Senatorial Primary Investigating Committee.[24] Members of the State Democratic Executive Committee denounced Neal because he had failed to offer proof of his charges. Mayor Watkins Overton of Memphis referred to Neal as a "biennial joke candidate," who campaigned in Memphis only to "snoop around and sling mud in order to get a little notoriety." When Overton demanded an apology from Neal, he replied:

> Every member of this committee knows that the corrupt practices act was ignored by Senator Brock and Governor Horton. If the Committeemen are insulted because I charged them with knowledge of these frauds and being attached to the political machine which benefitted from these frauds, I have no apology to make.

Neal said the committee was made up of Crump men; therefore, there was no need in his trying to prove the charges. Because he accused Brock of spending in excess of $50,000 in the campaign, Brock called Neal a "wicked slanderer" and asserted that he would be foolish to spend money against Neal since no one ever took his candidacy seriously. Barnard also

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[24] Ibid., August 28, 1930.

refused to answer charges from the state committee, saying he would give his proof to his employer Senator Nye.[25] A lesser person would have taken this humiliation and silently dropped out of sight, but Neal was not through. Attempting to clarify his position, he publicly stated that he was not surprised when the committee turned down his request to investigate election frauds. He pointed out that there was no appeal from the election board's action and called attention to their praise of Crump as the "outstanding statesman of Tennessee." He hoped Nye's Committee would investigate.[26]

Senator Nye did bring an investigating committee to Memphis and the investigation was re-opened. The Nye Committee investigation covered a four-day session beginning on October 15. Neal testified on the second day of the hearing. When questioned he related that he had spent $52.50 for campaign expenses. The chairman asked how he expected to win an election if he only spent $52.50; Neal replied that he had received approximately 46,000 votes in the primary election. Concerning his charges that the other candidates had spent exorbitant sums, Neal testified that during the campaign he had visited every county in the state, and everywhere there were "elaborate headquarters [staffed] with numerous

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[25] Ibid., August 28, 1930.

[26] Ibid., August 29, 1930.

stenographers," and expensive banners, bulletins, and other costly political advertisements costing hundreds of thousands of dollars. Various party workers had informed him that they were paid from $5.00 to $8.00 per day for working for their candidates.

Neal was questioned about the voting frauds in Memphis. Asked a hypothetical question concerning votes which were cast but not reported in final tabulations, Neal remarked that the only opportunity for appeal was to inform the state primary board. This he had done, but his appeal was rejected. The chairman asked Neal if there could be no appeal to the courts, and Neal stated that there was none in Tennessee. Senator Robert Wagner of New York, assisting in the hearing, could not believe the state laws offered no appeal to the courts, but Neal insisted that the state primary board was the final authority on charges of fraudulent voting.

It was also impossible, Neal reported, to recount the votes. A majority of counties continued to proceed as they wished despite state laws directing the procedures for collection and certification of ballots by the county court clerks. For example, he related how the ballots were supposed to be preserved indefinitely but they were destroyed by the county court clerks after being certified.

An important part of Neal's testimony concerned events in Memphis during and after the election. He had visited

many of the city's precincts on election day and he testified that he did not see a single one at which election laws were not being violated. In some places the primary was held on the sidewalk; in many precincts the voters were not checked for their registration; sometimes there was no secret ballot but votes were cast in the open. Neal had followed groups of Negroes who went from one precinct to another and voted.

He also questioned the number of votes cast. According to the papers, he had read that the heaviest vote would be cast between the hours of 5 and 7 P.M., but in his journeys around the city he had seen few voters during that period. One official told him it was the lightest vote ever cast in Memphis; yet the returns showed that Memphis cast the heaviest vote in its history. Neal's opinion was that the votes were never counted. Of a total of 28,000 votes tabulated, he claimed that approximately 12,000 votes were actually cast. He pointed out that he had received 650 votes for the long-term Senate seat but, since he had withdrawn, his name was not even on the ballot. He felt that it had been decided upon in advance that 650 votes was his allotment, but that was when it was thought that his name would be on the ballot.

Neal also reported on irregularities after the election. He had sent a representative to check on the counting of votes, which were supposed to be counted publicly in the Memphis courthouse, but he could find no public tabulations

throughout the courthouse. When asked if the votes had been deposited with the county court clerk, he was told they had not yet been turned in. Asked where they were, the courthouse official told him it was none of his business. According to the law, the votes should have been collected at noon on the Monday following the election, but Neal had searched the courthouse on that day and could not find them. When he asked if the law was being followed, he too was told it was none of his business. Although the votes were now registered with the Secretary of State, Neal declared that the ballot boxes and talley sheets were still missing.[27] Other testimony was heard from witnesses both for and against Crump. When the hearings ended on November 21, Nye reported that there were no "substantial grounds for the serious charges brought against the [Democratic] party here."[28]

Thus Neal had embarked on his series of uneventful political campaigns. He continued to enter Tennessee political races throughout the 1930's and 1940's and he continued to lose, but at no time was he discouraged by the few votes cast in his favor. Meanwhile, Neal maintained an unchanging

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[27]Senatorial Campaign Expenditures, 1930. Hearings before a Select Committee on Senatorial Campaign Expenditures, United States Senate (Government Printing Office, Washington, 1931), 40-56.

[28]William D. Miller, Mr. Crump of Memphis (Louisiana State University Press, Baton Rouge, 1964), 155-156.

attitude on the power issue. His battle for public power was the most unpopular--but the most successful campaign--he ever waged, culminating in the creation of TVA.

CHAPTER V

THE BATTLE FOR PUBLIC POWER

Much of the period of Neal's life from 1922-1933 was spent waging a successful fight against control of the Tennessee River by private power companies. His personal crusade helped to pave the way for the Tennessee Valley Authority and gave Neal the right to call himself the "father of TVA." In retrospect, Neal's struggle against the power companies confirms his original viewpoint; however, the contemporary view made Neal the villain. His opposition to private development of the Tennessee River was a singular and most unpopular attitude for a private citizen in the 1920's.

A running controversy concerning whether the Tennessee River should have dams built by private or public utility companies had raged since 1921 and continued until the TVA was created in 1933. Public power, produced and sold by the government, would be regulated by government agencies without concern for profit; government control would also provide more efficiently than profit-conscious private companies such additional services as improving the navigability of the river. On the other hand, the question was raised whether the government, either state or federal, would build the dams necessary for hydroelectric power; private corporations were

not only willing, but were then in the process of selling power on a limited scale in Tennessee. Neal resented the granting by the Federal Water-Power Commission of any further permits for private power companies to build dams on the Tennessee River. In later years, he made several claims for himself concerning the advent of TVA: that he was one of the first men to favor public power; that he interested and advised Senator George Norris in development of the Tennessee River; that he was responsible for the TVA; that he fought the private power companies and helped to keep them from gaining control of the Tennessee River.[1] If these statements are true, Neal deserves more credit than modern TVA historians have given him. Since he was never elected to public office during the power controversy in the 1920's, official records and journals of the period provide no record of his activities. Newspaper reports prove he was present at most of the state public power hearings and, by his own accounts, he never missed a hearing in Washington concerning the TVA. The factuality of Neal's assertions concerning his efforts for TVA are hard to document; however an attempt will be made.

Personal acquaintances of Neal provide varying opinions. The strongest statement favoring Neal's efforts came from

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[1]Neal campaign literature found among the Neal papers, Spring City, Tennessee.

H. T. Kern:

> In my opinion, Neal will go down in Tennessee history not for his law teaching but for his securing Norris to put through TVA dams. If not for Neal there would be no TVA. He is responsible for the TVA. Norris got it put through Congress but Neal put the fire-cracker under him. He is the man who did it--John R. Neal.

Kern believes that Norris was not the man who conceived the idea of TVA; he received credit because "he put it through, but Neal put the idea in his head."[2] Frank Gresham agrees that Neal persuaded Norris to introduce the TVA bills and that there is no question about Neal's stopping the power companies. Gresham says that TVA would not recognize Neal, giving all the credit to Senator Kenneth McKellar; but Neal brought in TVA and helped Norris to draw up the bill to establish the Authority.[3] Charles Maner also gives Neal much credit, claiming that he advised Norris and prodded and aroused his interest.[4] Beverly Burbage, senior trial lawyer for the TVA, feels that some of these claims are overstated, although he agrees that Neal worked with Norris and helped draft the TVA act.[5]

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[2]Personal interview with H. T. Kern, Knoxville, Tennessee, July 31, 1968.

[3]Personal interview with Frank Gresham, Knoxville, Tennessee, July 31, 1968.

[4]Personal interview with Charles Maner, Knoxville, Tennessee, August 1, 1968.

[5]Personal interview with Beverly Burbage, Knoxville, Tennessee, August 1, 1968.

To determine the part played by those responsible for TVA, it is necessary to outline the early struggles in the public versus private power controversy and the opinions of the public figures involved, particularly Senator Norris, Senator McKellar, and Dr. Neal. The controversy over the Tennessee River began when proposals were made to sell or lease the federal properties of Muscles Shoals, Alabama. Disposition of Muscle Shoals was a political question in the late 1910's. The initial and most spectacular offer was made by Henry Ford in 1921. The great automobile manufacturer promised to use the river to eliminate waste, serve the public welfare, build a city seventy-five miles long, and turn the entire project over to the federal government with no profit to Ford or his heirs. Ford's enterprise would make fertilizer at one-half price, fully develop the river, provide cheap electricity in the valley, employ one million men, and possibly make a canal to the Warrior River in Alabama.[6]

Consideration of the Ford offer was designated to the Senate Agriculture Committee of which Norris was chairman. Norris had long been an advocate of government control of the nation's water resources; however, he entered the Muscle Shoals

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[6]Preston J. Hubbard, Origins of the TVA: The Muscle Shoals Controversy, 1920-1932 (Vanderbilt University Press, Nashville, 1961), 36-39, 77, 91-94. Hereafter cited as Hubbard, Origins of the TVA.

controversy in a spirit of neutrality.[7] Beginning in 1922 various private power companies, particularly the Alabama Power Company, offered to lease the dams and other installations for the purpose of making electricity, with fertilizer production of secondary importance.

At this time the majority of Tennesseans, including Senator McKellar, favored the Ford offer.[8] The propaganda circulated by the supporters of Ford brought utopian dreams to the South, and the optimism that Congress would accept Ford's proposal was proven by the speculative development of land and the promise of a "model city" in the Muscle Shoals area. Norris, though still neutral, was beginning to have reservations about the Ford offer and in March announced his plans to introduce a bill asking for government control of Muscle Shoals.[9]

In late March 1922, a congressional delegation, including Norris and McKellar, decided to inspect the Muscle Shoals facilities and obtain a first-hand report. Their train passed through Knoxville on March 26; during their brief stop

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[7]Norman Zucker, George W. Norris: Gentle Knight of American Democracy (University of Illinois Press, Urbana, 1966), 117-118. Hereafter cited as Zucker, George W. Norris.

[8]Edward Felsenthal, "Kenneth Douglas McKellar: The Rich Uncle of TVA," West Tennessee Historical Society Papers (West Tennessee Historical Society, Jackson, 1966) No. 20, 111. Hereafter cited as Felsenthal, "Kenneth Douglas McKellar."

[9]Journal and Tribune, March 12, 1922.

a delegation met them at the railroad station to present reasons why Knoxville favored the Ford offer.[10] A similar halt in Chattanooga brought another demonstration in behalf of Ford's proposal. There Norris declared the chief obstacle to the Ford offer was a "valid and binding" option held over the Gorgas Steam Plant, a part of the Muscle Shoals facilities, by the Alabama Power Company. Norris claimed that if Ford would accept the rest of the property without the Gorgas plant, "action on the issue could be had in the very near future," but legal battle over the Alabama Power Company option could last a long time. He added, "If the proposition was one that could be worked out in a short time I should say, without qualification, I believe Mr. Ford's offer is the one most acceptable to the American people."[11]

After inspecting the Muscle Shoals sites, Norris announced that in his opinion the Gorgas Plant could not be separated from the rest of the Muscle Shoals property without harming the fertilizer-nitrate plants.[12] The Norris party left the following day; returning through Knoxville, Norris said: "We may recommend that [the properties] be sold to Ford," if the problem of the Gorgas Plant could be worked

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[10] Ibid., March 27, 1922.

[11] Times, March 27, 1922.

[12] Ibid., March 28, 1922.

out.[13] Thus Norris had publicly not made a decision about Muscle Shoals.

Was John R. Neal at Muscle Shoals during this time? Newspaper accounts do not confirm his presence, but one of the charges made at his dismissal from the University of Tennessee the next year was that he did not meet his classes to spend two weeks at Muscle Shoals in 1922.[14] Neal's answer to the charge was that he had been gone only two days, the length of time that the Norris delegation was at Muscle Shoals.

Neal's opinion of the Muscle Shoals controversy during this period can be determined, and oddly enough he agreed with the majority of Tennesseans. In an address to the Ossoli Circle in Knoxville, he spoke favorably of the Ford offer, maintaining that it would mean cheaper power and benefits for farmers because of the fertilizer production. Too, the nitrates could be used for munitions in case of another war. Ford, he claimed, would have to develop tremendous industries in order to use the enormous amount of power available; he would also get the raw materials from the Southern region. Neal felt that within a few years the population of the South would increase by millions but that Ford was the only man

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[13] Journal and Tribune, March 31, 1922.

[14] Bulletin of University Professors, 58.

capable and financially able to undertake such a proposition.[15] Neal, therefore, was not always an advocate of public power, though at that time no public power ideas for the upper Tennessee River had been conceived. Neal was always sympathetic toward permitting industry to build dams on the river as will be noted again later; his opposition to control of the river was centered entirely against the private power companies, in agreement with Norris.

Norris publicly placed himself opposite the Ford proposal when on May 10, 1922, he introduced his first Muscle Shoals bill providing for government ownership of the Muscle Shoals property. The bill provided for the manufacture of explosives and fertilizer at Muscle Shoals with surplus power being sold by the government. Wilson Dam would be completed and another dam constructed. The bill authorized the Secretary of War to survey the Tennessee River in order to determine storage reservoirs and power projects. The project would be governed by a board of directors appointed by the President. This first bill by Norris was primarily limited to Muscle Shoals and contained no provisions for flood control.[16]

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[15] Journal and Tribune, April 4, 1922.

[16] Hubbard, Origins of the TVA, 75-76.

Neal was supposedly named as one of the members of the board of directors,[17] although it would have meant a sudden change in opinion on his part since he had favored the Ford proposal just five weeks earlier. When he ran for governor two years later, he made no mention of the power issue in his campaign platform and said nothing about being placed on a board of directors by Senator Norris. Also, the bill did not specifically name the board of directors, merely saying they would be appointed by the President. Since the Norris bill died in committee, it is unlikely that a board was ever named. It is conceivable that Neal favored the Norris bill as the best alternative to the Ford proposal or the private power companies' offers. If so, he gained his first ideas of public power from Senator Norris, not vice-versa, although the Norris resolution did not provide for multi-purpose dams on the Tennessee River, an idea still in the future. The Norris bill was opposed by Senator McKellar because it did not "provide for flood control or for the construction of transportation lines to carry the surplus power."[18]

However, the second Norris bill, introduced in 1924, was supported by McKellar because it authorized the construction

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[17]"A Liberal in Tennessee," The Nation, CXXII (October 26, 1926), 696-697; Personal interviews with H. T. Kern and Charles Maner, Knoxville, Tennessee, July 31-August 1, 1968.

[18]Felsenthal, "Kenneth D. McKellar," 111.

of transmission lines for power sales. The bill would have created a Federal Power Corporation to manage the Muscle Shoals properties. The second Norris bill, however, was voted down in the Senate.[19]

In 1924 the Ford proposal was finally defeated and Henry Ford withdrew his offer. According to Norris:

> With withdrawal of Mr. Ford's offer, the struggle over Muscle Shoals simplified itself to an issue between those who believed in public ownership and development of the power at Muscle Shoals and throughout the Tennessee Valley, and the "power trust," seeking to prevent anything of the kind.[20]

Thus the battle lines were drawn; the thinking of Neal, McKellar, and Norris continued to run in the same vein and just which one had the most advanced thinking is still undetermined. They all opposed the Underwood bill which passed the Senate in 1925 authorizing the government to lease Muscle Shoals installations for fifty years to private corporations which would distribute electricity. The bill temporarily blocked Senator Norris' plans for government distribution of public power from the river.[21] Meanwhile, Neal continued to fight against the power companies in Tennessee.

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[19]Zucker, George W. Norris, 119.

[20]George W. Norris, Fighting Liberal: The Autobiography of George W. Norris (MacMillan Company, New York, 1945), 260. Hereafter cited as Norris, Fighting Liberal.

[21]C. Herman Pritchett, The Tennessee Valley Authority: A Study in Public Administration (University of North Carolina Press, Chapel Hill, 1943), 15. Hereafter cited as Pritchett, TVA: A Study in Public Administration.

If Neal's influence on Norris is doubtful, his struggle to defeat the private corporations is not. All of those who knew Neal agreed that he had a lonely struggle in the state and that the majority of Tennesseans not only disagreed but opposed his ideas. The people of the state wanted the river to be developed regardless of who did the developing. The private companies were willing and available; the idea of public development was a remote ideal which was not considered by the Republican administration in Washington. Reality put Tennessee on the side of private power; idealism placed John R. Neal on the other side. The fact that he won his battle and blocked the acquisition of the river by private companies should give Neal considerable credit for the advent of TVA.

In 1925 President Calvin Coolidge appointed a Muscle Shoals Commission of Inquiry to study the Muscle Shoals problem, find the most adequate method of producing nitrates, and offer a recommendation as to how the project should be leased. Simultaneously, the Corps of Engineers began a survey of the Tennessee River to determine the potential water power to be gained by its development. The publicity from both these projects led to increased efforts by the private power companies to acquire a lease on the river; the American Cyanamid Company, the nation's largest chemical

producer, also showed an interest in Muscle Shoals.[22] Upon completion of the surveys a hearing was scheduled for December 15, 1925, in Chattanooga, to receive applications for permits to build hydroelectric dams on the river. Major Harold C. Fiske, district engineer of the United States Army, would conduct the hearings. Three power corporations--the Knoxville Power and Light Company, the Tennessee Electric Power Company, and the Tennessee Hydro-Electric Company--had applied for permits to develop hydroelectric power on the Tennessee and its tributaries.[23]

Neal immediately took issue with the hearings and began a campaign to hinder them while he warned the people of Tennessee as to their potential danger, saying

> Since this power belongs to the people they should be intensely interested into whose hands it is going and how it is to be used. When representatives of the war department . . . conduct a hearing . . . , this public asset passes into private hands.

He argued that the Muscle Shoals power sites would have to depend on the power plants on the upper Tennessee, and to place the river in hostile hands would hinder the efficiency of Muscle Shoals. The permits for the private power companies, he continued, would cover all important building sites on the Tennessee River, and to give them up would mean that the

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[22]Hubbard, Origins of the TVA, 170-177.

[23]Journal, undated news item, Neal Scrapbook, IV.

people could never have a power site of their own.[24] Again, he urged the towns and cities of East Tennessee to form their own corporations and file applications. He pointed out that private power rates were already excessive, while municipal power plants could sell electricity at half their rates.[25] He personally urged the Knoxville city council to apply for a municipal permit; a week later he made a similar appeal to the Chattanooga city commission. Putting the issue on a local level, he reminded the Chattanooga group that they had considered such a move a year earlier because of the city's high power rates; now might be their last chance. Pointing out that navigable streams belong to the people, Neal said:

> There is nothing magical in water power for light and power purposes unless the difference is the cost of water power. This difference is tremendous and . . . this section, on account of its vast raw materials and cheap electrical power, would rapidly become the industrial center of the world.[26]

Stepping up his fight, Neal made an impassioned speech to the Chattanooga Trades and Labor Council, in which he remarked:

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[24] Times, November 24, 1925. Neal's feeling toward the power controversy is reflected in a statement by Ray Ginger in his book on the Scopes trial. Ginger reports that during the period when Scopes' defense attornies were trying to get his conviction appealed, Neal failed to attend a meeting in New York because "he was forced to return to Tennessee to rescue the water of the state from the power trust." Ginger, Six Days or Forever?, 174.

[25] News, November 9, 1925.

[26] Times, November 16, 1925.

> The river is yours--now. You have every right to ask to whom, how, and why rights to develop it are to be given away, and whether it is the purpose of these power interests to develop or merely to hold the sites. If you fail to protest now, the possibility of state or municipal development of this great resource is irrevocably lost. Development of this power for and by the people means, in brief, cheapening the cost of living. Could there be any better purpose?[27]

Neal was aware of his solitary position in his home state in his battle for public power. Upon leaving for Washington to appeal to the Federal Water-Power Commission, he remarked:

> All my efforts to save the water power of the Tennessee River from monopolistic control has had to be made through senators and congressmen other than the Tennessee delegation. Senator Norris, who in my opinion is the greatest man in the U.S. Senate, has taken the lead not only in the fight to preserve the great plant at Muscle Shoals for the benefit of the people, but has also taken a great interest in the disposition of the water power on the upper Tennessee.
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> Not a single member of the Tennessee delegation has taken a definite stand on this matter . . . . Aside from Senator McKellar, they have contented themselves with vague expressions to the effect that they favor the development of our water resources . . . . Senator McKellar has given a number of interviews, but as far as I have been able to determine has failed to take a definite, consistent attitude.[28]

However, Neal did not weaken his efforts even though he must

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[27] Unnamed, undated newspaper, Neal Scrapbook, IV.

[28] Times, November 8, 1926.

have been aware that his unpopular stand was political suicide. He even exhibited a more purposeful attitude.

The scheduled hearing in Chattanooga drew nearer and Neal increased his opposition to it. He urged all Tennesseans, as individuals and in organizations, to attend the hearings and to write Congress of the effect that granting private permits would have on Muscle Shoals. Its efficiency, he told them, would be diminished by one fourth if the power sites were in hostile hands. He also published a letter from Senator Norris. Norris wrote:

> I have just wired you in answer to your telegram about the power trust making application for all power sites in eastern Tennessee . . . . I cannot conceive of a free people permitting private monopoly to control what is rapidly becoming one of the necessities of life--electric power--and what will be a part and parcel of our civilization. I think that we--the people--ought to have the power sites and have all the profits taken out, but as you know, the present administration is bitterly opposed to any such course, and is determined to see as far as it can, that all means of generation and distribution of electricity be placed in the hands of private corporations . . . .[29]

In a later telegram, Norris promised to "protest against any further permits until the Muscle Shoals matter is determined." Norris had earlier written that the power trust wanted to isolate Muscle Shoals in order to prevent governmental development of the river.[30]

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[29] Chattanooga Labor World, November 13, 1925.

[30] Ibid., November 20, 1925.

Neal also publicly took issue to a statement by Charles T. Cates, president of the East Tennessee Development Company and an advocate of private control of the river. Cates had stated that the corporations controlling the power sites would not be completely private corporations because they would be regulated by state public utility commissions. Neal answered him by claiming that the corporations were organized for private profit which their stockholders would receive and that their policies would be determined by private individuals. When Cates further pointed out that the permits would last for only fifty years, Neal retorted:

> It seems a very poor form of consolation to hand out to the people that even if their priceless heritage, water power, is lost to them by the indifference and ignorance of their public leaders, their grandson will have an opportunity to fight for its restoration.[31]

Later, Neal challenged Paul Kruesi, an official of the Tennessee River Improvement Association, who favored granting the permits. Neal pointed out that the association had not been formed to bolster the claims of organizations attempting to get power sites on the river. He further asserted that any of its members who tried to use it for such influence were abusing its authority and, as a result, that some subscribers to the association were now withdrawing their $1,000 quotas to become members. In another step to win his battle,

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[31] *News*, November 19, 1925.

he urged the towns of East Tennessee to send representatives to the hearing on December 15 to register their protests. Meanwhile, he went to Washington for additional help, claiming that "[he had] been in correspondence with a number of senators . . ."[32]

The Chattanooga power hearings began with an aura of optimism on the part of the advocates of the granting of the permits, despite Neal's opposition. The Chattanooga Times referred to the meeting as:

> the harbinger of stupendous development in Chattanooga and throughout the Tennessee River basin, which is destined to become the Ruhr of America . . . . It is conceded that if the proposed projects are brought to fruition this section will become a beehive of industry, plentiful power being the leverage to bring industries of all kind into this territory.[33]

Governor Austin Peay, in a speech opening the hearing stated:

> Put it on record, so far as I have the right to speak as the governor of this state, we want these permits issued tomorrow if possible . . . . Now, what I am here to put in this record in particular is this: That if there are $50,000,000 to $100,000,000 waiting development in water power . . . , we want that capital invested in Tennessee, in these projects, as soon as possible.[34]

The speech was accepted by the throng attending the public hearing with "great and prolonged applause."

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[32] Times, November 29, 1925.

[33] Ibid., December 16, 1925.

[34] Ibid.

Neal presented himself to the hearing on December 15 as a representative of the people. He presented five reasons why he felt the granting of the power permits should be delayed until a later time. First, he claimed that there had been a lack of publicity which had resulted in several companies not having a chance to apply for permits. One such company was Charles T. Cates' East Tennessee Development Company. Cates had already asked the hearing for a day's delay so that his company could file a permit. Neal's point was that without proper publicity, one power corporation might gain control of the entire river's development without any competition. When it was pointed out that three hundred letters had been written to civic clubs in Tennessee and seventy-four publications had printed a notice of the hearing, Neal, undaunted, continued to use the same argument.

His second argument was that there was a general lack of knowledge on the part of other interested industries in the country at large to get opportunities for developing the Tennessee River. The government study of the valley was not yet available. Third, he objected to the utility companies getting the control of the hydroelectric power for re-sale to consumers. He pointed out that Henry Ford had wanted to produce his own power, rather than pay high rates to private companies. In addition, the companies would not use the river to improve the valley nor to develop its resources.

Their prices and profits also could not be regulated under any existing laws.

Continuing, he presented a fourth objection, stating that granting the permits to private companies would hinder the opportunity for the state to acquire sites for production of public power. It would be all but impo sible for the state to condemn and take over a power company after it had constructed the dams, had formed contracts, and was in operation. Neal again stated that his preference was for municipal or state-owned water-power plants.

The final objection which he presented was that Muscle Shoals needed to be coordinated with proper development of the Upper Tennessee River, but in hostile hands there would be no coordination.[35]

Newspaper reports of Neal's conduct during the hearing report that he "followed a program of courteous heckling of the various speakers";[36] however, official transcripts of the hearing do not bear out this statement. Neal did question some of the speakers at the hearing. He asked C. W. Howard, Chattanooga Chamber of Commerce president, concerning

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[35]Muscle Shoals Hearing Before the Committee on Military Affairs, 1925, United States House of Representatives (Washington, Government Printing Office, 1927), 340-343. Hereafter cited as Muscle Shoals Hearing, 1925.

[36]Times, December 16, 1926.

statements that he had made favoring the permits. Howard replied that he did not favor the permits but he did oppose government operations of the river.[37] Neal also questioned Dr. J. A. Switzer, hydraulic engineer from the University of Tennessee, a strong advocate of private development of the river. Switzer was asked if he worked for the Tennessee Power Company during the summer months; he replied that he did not.[38] Neal did not hesitate to raise a point about any facet of the hearing. A representative of the Tennessee Hydro-Electric Company attempted to present his reasons for requesting the permits. "He presented his case well but was the butt of constant sarcastic remarks upon the completion of his talk" by Neal, such as the following:

> We would all like one of these permits so that we would rush to Wall Street with it, and announce a great financial plan that would reap large profits to those directly or indirectly connected with it.

Major Fiske, the army engineer, reminded Neal that the purpose of the hearing was to ascertain facts and opinions concerning the permits and not to initiate controversy about the issues.[39]

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[37] Muscle Shoals Hearing, 1925, 348.

[38] Ibid., 351.

[39] Times, December 16, 1925.

As the hearing entered its final session of the day, Neal brought his defiance further into the open. He presented a telegram which he said he was sending to the War Department:

> We most respectfully protest against the pending water power permits being passed upon by Major Fiske. His competency as a judge has been destroyed by the fact that both in private interviews, public addresses, and newspaper interviews he has clearly indicated that he has already formed an opinion.[40]

His part in the hearing ended, Neal continued his struggle in other areas. He remarked that when the people of Tennessee realized that the meeting was an attempt to let one corporation control the river's water power, then they would be on his side. It was unfortunate, he stated, that the governor had put the prestige of the state behind the hearings, because his actions in the hearings would prove his downfall in the next election. So far as the applause for Peay's speech was concerned, it was only provided by representatives of the power interests.[41]

Before the hearings adjourned, Neal received help from another Tennessean. Senator McKellar telegraphed the chief of engineers in Sheffield, Alabama, protesting the hearings at Chattanooga. He stated that:

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[40] Muscle Shoals Hearing, 1925, 355.

[41] Unnamed newspaper, December 16, 1925. Neal Scrapbook, IV.

> Upon application at your office here I find that there has been no report of said survey . . . and . . . none printed. However, the New York Times of last Sunday gives figures and facts alleged to be taken from your survey, and further states that power companies are asking for permits . . . .
>
> It is inconceivable to me that these hearings will be held in advance of a report to the Congress of said survey; . . . also . . . that your office would disclose the facts constituting your report in part before taking it to the body which ordered it . . . [No] hearing should be held and no other steps taken for the granting of such permits until the report is furnished the Congress which ordered it . . . .
>
> If reports of your survey are true, then one of the greatest pieces of property owned by the government may be disposed of without the Government knowing what the survey contains. I am greatly embarrassed by this situation, not knowing what your survey contains, while those interested in obtaining permits seem to know.[42]

An example of the increasing antagonism toward Neal can be seen in a Chattanooga newspaper editorial entitled "Down with Obstructionists." The editor castigated Neal for his "petty insult" to Fiske and criticised McKellar for trying to delay the hearings. The editorial went on to point out that neither McKellar nor the federal government had ever done anything to help East Tennessee; but now he stood in the way of a chance to make the river navigable and create electricity. In opposition to both Neal's and McKellar's viewpoint, the editorial added that it was "time for the

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[42] Muscle Shoals Hearing, 1925, 255.

government to go out of the business of owning and controlling the waterways." The writer urged McKellar not to obstruct private enterprise, but condescended to say that Neal "may try to obstruct if he wants to. Fortunately, he is not just now in any position to do much harm for the cause."[43]

When the heat of controversy over the hearings had subsided, Neal gave a more mellow opinion of Fiske, whom he praised as an able civil engineer; however, Neal was still strongly opposed to private power corporations. In a newspaper interview he asserted his liberal views and announced his intentions not to give up the struggle:

> The proper disposition of the people's water power is not purely an engineering problem, but has vastly important economic and social aspects . . . . If all this hydro-electric power is handed over to the utility corporations it means that we can never have in our section another great plant similar to the aluminum plant at Maryville . . . . These are the kind of companies which would develop our great natural resources. The utility corporations, like the Tennessee Power Company, can only serve the knitting mill, cotton factory, the household consumer, and the comparatively small interest.
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> We by no means intend to abandon the fight . . . . Our slogan will be "If they are to continue granting those sites to private interests, then give

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[43] Ibid., December 18, 1925. The question of power permits was finally ended when, following the publication of the Muscle Shoals Commission of Inquiry, the House Military Committee requested the Federal Power Commission to suspend action on further permits. Hubbard, Origins of TVA, 176-177.

> the Tennessee Power Company one dam, possibly two dams, possibly three dams, but not all the dam power that belongs to the people."[44]

The statement made by Neal provided a new insight into his viewpoint on the power struggle. He not only favored public power, but he still favored permitting large industries to construct dams on the river. His sole opposition was in permitting private utility corporations to build dams and to sell hydroelectric power at high rates. He made the point again in 1926 following a visit by Henry Ford to Knoxville and the Great Smoky Mountains. Ford had actually come here, Neal contended, to investigate the area's sources of water power. This proved the wisdom of Neal's efforts, he related, to keep the power sites from the control of utility corporations so that they would be available for large manufacturing plants such as the aluminum company in Maryville, which had come here because of cheap electric power. He also hoped that Ford would build a factory in Chattanooga, location of adequate forests, iron ore, and textile centers.[45] Perhaps

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[44] News, undated, Neal Scrapbook, IV.

[45] Times, October 31, 1926. An example of the high rates charged by the private companies is provided by the city attorney of Lenoir City, who says that in 1929, electric rates were so prohibitive that Lenoir City borrowed the money to build a diesel generator of its own to pump and sell water. In 1931 the town purchased another diesel generator and put in its own street lighting system, thus becoming the first town in Tennessee to have municipal power. Personal interview with Gilbert Goodwin, Lenoir City, Tennessee, July 28, 1968.

if Neal's position on the development of the river had been fully known during this period, more people would have supported him, and his fight against the power companies would have been easier.

Yet, his struggle was not without some success. The death-knell of the Chattanooga power hearings came in January, 1926, when the Federal Power Commission and the House Military Committee suspended the issuance of power permits on the Tennessee River.[46] Neal, returning from Maine and Canada where he had been studying methods of public power production, thought it was a wise idea.

Two pertinent comments by Neal deserve mention at this time, for they again bring up the question of Neal's influence on the creation of TVA. In a 1928 campaign speech Neal referred to the Chattanooga hearing, relating:

> After the hearing, I went to Washington and interested Senator Norris in the matter and as a result he introduced the resolution, the effect of which did prevent the Federal Power Commission from granting away Cove Creek Dam. I made the first argument with the District Engineer favoring the building of Cove Creek Dam. In other words, I believe if it had not been for my activities Cove Creek Dam would now be in the hands of the trust.[47]

Earlier, in a speech before a congressional hearing on the Norris-Morin bill in 1927, Neal referred to his influence on

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[46] Hubbard, Origins of the TVA, 190.

[47] Campaign speech found in the Neal papers, Spring City, Tennessee.

Senator Norris:

> Fearful of the action of Major Fiske, the Government Engineer in charge of the hearing . . . , I came to Washington and laid the matter before Senator Norris, who introduced a resolution in the Senate providing for a postponement of action on the upper dam sites until Congress should dispose of Muscle Shoals.[48]

Exaggeration during a political campaign is to be expected; however, a similar story before a congressional committee at which Senator Norris may have been present is another item. In this case, Neal should be given credit for helping in the introduction of an important Norris bill.

On January 6, 1926, a short time after the Chattanooga hearing, Norris introduced his third and most far-reaching resolution on the public power idea, calling for:

> multipurpose development of the watershed providing for maximum navigation, power, flood control, and the experimental production of fertilizer under the management of a governmental corporation.[49]

The bill passed the Senate but did not pass the house.

A relationship between Neal and Norris is proven during this period by a newspaper article concerning a visit by Norris to Muscle Shoals. As his train stopped in Knoxville, Norris made a brief talk, saying: "There is still time to secure the vast hydroelectric power of the Tennessee Valley

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[48]Prepared address before a congressional committee considering the Norris-Morin bill, 1927, Neal papers, Spring City, Tennessee.

[49]Zucker, George W. Norris, 121.

for the people. We are bound to win ultimately." The article continued:

> [Norris] had intended to stop here on the invitation of Dr. John R. Neal and speak to the people . . . , but was delayed so much on his trip that he was compelled to hurry back to Washington.[50]

Meanwhile Neal continued actively to oppose the private power companies to prevent their gaining access to the river. In May, 1927, a meeting was held in Athens, Tennessee, to consider granting power permits for building five dams on the Hiwassee River. An enthusiastic crowd heard speeches concerning the possibility of new industries on the river. Neal, the lonely crusader, appeared at the meeting and voiced his objections, being taunted as he tried to speak. Undaunted, he explained that the stream was not navigable and that cheap power would not be provided for the people.[51] He appeared before a meeting of the Southern Appalachian Power Conference in October, 1927, which was dominated by advocates of private power,[52] and which voted unanimously for private development of southern water power and adopted resolutions in favor of leasing Muscle Shoals to the highest bidder. Neal's presence at the conference was described as follows:

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[50]Undated, unnamed newspaper, Neal Scrapbook, II.

[51]Times, May 7, 1927.

[52]Hubbard, Origins of TVA, 208.

> The only person present who voiced a public development course was Doctor John R. Neal, unqualified to vote, uninvited to attend. Neal asked if he could vote against the resolutions, was told he could not.[53]

Characteristically, however, he had taken a stand for public power.

In 1927, the Norris-Morin bill was introduced in Congress with Neal's strong approval. It recommended that Muscle Shoals be federally operated for the purpose of manufacturing fertilizer. A provision was included for federal construction of a dam on Cove Creek on the Clinch River, a measure opposed by most of the Tennessee congressmen, including Senator McKellar, Neal's strongest ally. McKellar did not commit himself on the Cove Creek project until after it cleared a conference committee; then, possibly because of pressure from certa n business interests in Tennessee, he stated his objection to the proposal. When the bill was introduced into the Senate, he filibustered it for twenty-four hours. His principle objection was that construction of the dam would deprive Tennessee of two tax sources--the land to be covered by the backwaters and the hydroelectric power generated by it, si ce a federal dam would be exempt from state taxation. He ceased his filibuster due to lack of support and because it was pointed out to him that President

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[53] News-Sentinel, October 16, 1927.

Coolidge would certainly veto the bill. Yet his arguments influenced some senators to change their vote and oppose the bill, although it still passed the Senate 43 to 34 and later by 211 to 16 in the House.[54]

In Tennessee, Neal strongly defended the Norris-Morin bill, pointing out that for the first time both houses of Congress had approved it, and that even if Coolidge vetoed the bill, it would only delay eventual passage. He injected himself into the picture by maintaining that the controversy over Muscle Shoals was not political, for he could not fight the battle in Congress, but was a struggle between the power interests and the fertilizer interests to gain possession of the Shoals. In this respect he could continue to influence public opinion by favoring government control of the Shoals and the Tennessee River. Urging construction of the Cove Creek Dam, he also called attention to the opposition of both Tennessee senators to its being built.[55] In Reply to McKellar's charge that the state would lose money because a federal dam was exempt from taxation, Neal pointed out that Hale's Bar,

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[54]Hubbard, Origins of TVA, 226-233. Later the Norris bills were amended so as to meet McKellar's objections by providing for payments to states in lieu of taxes. Joseph S. Ransmier, The Tennessee Valley Authority (Vanderbilt University Press, Nashville, 1942), 63.

[55]News-Sentinel, May 27, 1927.

a privately owned dam, had cost $30,000,000 to construct but the state only had it assessed at $1,500,000,[56] thus the state was losing valuable tax money from it.

Despite continual failures at the polls, Neal continued his active, but unpopular, interest in the fight for public power. When he discovered that three hydroelectric projects on the Holston River would be granted to the Holston Power Company, he asserted that it was a public utility in name only. Actually, the Holston Power Company was a subsidiary of the American Cyanamid Company. Urging a special session of the Tennessee legislature, he declared that he would go to Washington to protest to the Federal Power Commission. Neal charged that the Railway and Public Utilities Commission of Tennessee, which would issue the permits, had no "direct legislative authority" and no "statutory limitations" to dispose of the people's water power by granting such permits. He further claimed that the state utility commission should be controlled by a more adequate water-power act. In support of his position, Neal pointed out that public power projects would provide jobs for tens of thousands, not the mere three thousand that the Cyanamid Company would hire.[57] Neal then wired Governor Horton and requested him to call a special

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[56] Unnamed, undated newspaper, Neal Scrapbook, IV.

[57] Journal, June 19, 1929.

session of the legislature to consider a strong water-power law. Neal declared that the legislature had never granted anyone the right to dispose of hydroelectric power, the "greatest natural resource still belonging to the people."[58] His pleas were of no avail, for on August 1, 1929, the Federal Power Commission granted the permits to the Holston Power Company.[59]

Dr. Neal's struggle for public power came to an end in 1932 when Franklin D. Roosevelt was elected President of the United States. By January, 1933, it became obvious that Senator Norris's ideas on public power would form the basis for legislation concerning Muscle Shoals and the Tennessee River, even though the full plans for the development of the Tennessee Valley had not been made known. Nevertheless, Neal found an area in which to object.

Upon leaving for Washington in January, 1933, he remarked that it was not sufficient for the government merely to build the Cove Creek Dam because the private companies had always favored that. He went on to ask, "What is to become of the dam after it is built and by whom is the power generated to be given?" Neal was afraid that the power companies might gain control of the dam after it was built. If this should

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[58] Ibid., June 21, 1929.

[59] Ibid., August 2, 1929.

happen, the people of the state still would not receive cheap rates, and cheap rates were the objective for which Neal had fought so long. To substantiate the possibility of the private control of Cove Creek electricity, Neal pointed out that Muscle Shoals power was being sold to the Alabama Power Company for re-sale at higher rates. To support his claim that such a consequence was within the realm of possibility, he emphasized that no one in Roosevelt's party on a recent trip to Muscle Shoals, with the exception of Senator Norris, had favored public ownership of the Shoals. Neal also promised to oppose the transmission of any hydroelectric power from Cove Creek because, as he put it, "We, the people of East Tennessee, must be primarily benefitted."[60]

During the period prior to publication of the TVA Act, Neal was a regular visitor to Washington where he by now was very well known. Despite his appearance, he was welcomed by members of Congress whenever he appeared in the Capitol.[61] Neal was in Washington to attend hearings on TVA and, according to Beverly Burbage, also assisted in drafting the TVA Act. Mr. Burbage is in a position to know. He is the senior trial lawyer for TVA and a graduate of the John R. Neal Law School where he often talked with Dr. Neal. He relates how

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[60] News-Sentinel, January 28, 1933.

[61] Personal interview with Frank Gresham, Knoxville, Tennessee, July 31, 1968.

Neal often said that he authored Section 25 of the TVA Act which dealt with the acquisition of real property. Neal, he says, realized that impoundment would necessitate the taking of land and wanted it to be fair both to the individual and to the government. Burbage emphasizes that Neal often discussed that particular section, feeling personally connected with it.[62] Section 25 is unique in federal law because it does not provide a jury trial for land condemnation. TVA can determine the land value and make immediate payment. Most landowners, realizing they will have to relocate and knowing the money can be obtained so quickly, usually accept the TVA price and then can use the money for relocation. A careful appraisal is made by more than one expert, but no bargaining takes place. Landowners can stay on the property until the "general possession date" at which time the property is ready for impoundment.

Should a property owner not accept the TVA purchase offer, the land is condemned and settled in a federal court. Even so, TVA will permit the landowner to withdraw up to 90 per cent of the purchase price for his personal use before a decision is reached, thus the property owner can relocate before the case comes to court. Only 6 1/2 per cent of

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[62] Personal interview with Beverly Burbage, Knoxville, Tennessee, August 1, 1968.

the TVA land purchases have been condemned because of price disagreements.[63]

As details of the creation of TVA became known, a Knoxville News-Sentinel editorial gave Neal credit for his work in behalf of public power:

> In Knoxville, the individual most active in behalf of the Norris program which Roosevelt has adopted was Dr. John R. Neal. He has made numerous trips to Washington in behalf of such legislation and has always insisted on the Norris bill or nothing.

The editorial emphasized Neal's unwavering stand on public power. It pointed out how a delegation of East Tennesseans had once gone to Washington to let Congress know that they favored the Norris bill. However, when Hoover told them the Norris bill had no chance of passage, they decided to support any plan to build a dam on Cove Creek. Neal, however, had never changed his mind on the power question but had consistently supported public power.[64]

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[63]Roscoe C. Martin (ed.), TVA: The First Twenty Years (University of Alabama Press and University of Tennessee Press, Kingsport, 1956), 139-140. There has been controversy over the TVA method of land condemnation. Senator McKellar sponsored an amendment in 1942 to provide jury trials by local citizens in case of price disagreements but his plan was defeated. Pritchett, TVA: A Study in Public Administration, 264. In 1968 Senator Howard Baker, Jr. introduced a similar bill in the U. S. Senate. No action had been taken at the time of this writing.

[64]News-Sentinel, February 3, 1933.

By April, 1933, a move had started in Tennessee to have Neal named as a member of the TVA board of directors; before it ended, President Roosevelt allegedly received approximately five thousand telegrams from individuals, organizations, and Tennessee towns and cities in support of his appointment. Neal was very pleased at the suggestion, but naturally the movement received no help from the Tennessee congressmen. Although Senator McKellar had received many telegrams recommending Neal, he stated at the beginning of the campaign that neither he nor Senator Nathan L. Bachman would make recommendations for the board until President Roosevelt had signed the TVA bill. However, he did promise that "he would insist that persons sympathetic to the project be placed in charge of it."[65] Although Neal had never gained wide popular support in the state, there were a number of individuals who now decided that he was qualified to be on the TVA board. Six Knoxville lawyers wired FDR that Neal was the "outstanding Tennessean qualified by life-long study for membership and chairmanship of your proposed TVA, whose objectives he thoroly [sic] approves." Neal had "given liberally of his personal fortune and time for ten years" to protect the public's interest in Tennessee water power. A number of Lincoln Memorial University students also sent a telegram of

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[65] Ibid., April 29, 1933.

support for Neal,[66] possibly remembering how he had supported LMU students in 1929.

Neal made no public comments about his supporters despite the moves in his favor. Returning from the congressional hearings on TVA, he merely stated that the TVA bill would be passed within a few days, at which time he would return to the capitol. He also reported that he had seen the engineers' preliminary reports on Cove Creek Dam and that ten to fifteen million dollars would be spent there.[67] For once, the great objector had no comments on an issue in which he was vitally concerned.

The movement to secure Neal's appointment to the board of directors continued. H. N. Camp, Jr., a noted Knoxville lawyer, endorsed him, saying that Neal was the only Tennessean with a chance to become a member of the board. Camp, in a telegram to FDR, reported that it was Neal who helped Norris select the Cove Creek site. Rockwood, Tennessee, sent a petition with five hundred names in support of Neal.[68] The people of Cove Creek endorsed him; telegrams were reported

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[66] Ibid., April 23, 1933. The lawyers' names were: Hugh Simpson, C. R. Morse, H. L. Maloney, Clay Jones, C. R. Trotter, and W. L. Parker. Ibid.

[67] Ibid., April 18, 1933.

[68] Ibid., May 1, 1933.

in the Knoxville newspapers from practically every town in East Tennessee and some from Kentucky. Arthur Garfield Hayes, ACLU attorney, and Senator Robert Wagner of New York favored Neal.[69]

Neal also received support from conscientious citizens. A mass meeting of East Tennessee civic leaders was called by Mayor John T. O'Connor in Knoxville on May 1, 1933, to boost the TVA project and urge the use of local labor and materials. The meeting was attended by nearly two thousand people. During the meeting George R. Dempster proposed a resolution endorsing Neal for the TVA board, calling him "the man who started the bandwagon when it wasn't popular." Other leading Knoxvillians stood up to speak for Neal. As usual, Neal did not have full support before the resolution was voted on; others who were present tried to stop the vote but they were shouted down and the resolution passed by a large majority. Seemingly, any project even faintly connected with Neal inspired controversy. Before the meeting ended a fist fight broke out between Dempster and fire captain A. E. Rigsby, who accused Dempster of injecting politics into the meeting. Dempster accused Rigsby of being under the influence of "three-point-two" beer. Mayor O'Connor later protested against the meeting, claiming that those who favored Neal had political aspirations, as did

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[69] Ibid., May 30, 1933.

also Neal. "The time has arrived," he went on, "when men who have such aspirations. . . must put them aside."[70] It was ironic that Neal, who had always opposed political machines, now would be accused of forming one of his own.

Continuing its support of Neal, the News-Sentinel commented on the rally:

> The almost unanimous adoption of a resolution . . . is deserved recognition of his unselfish public service in power fights in the past. For many years, Dr. Neal has been one of Tennessee's most consistent "watchdogs" of power resources, visiting Washington and Nashville whenever legislation or lobby activities threatening public development were in the air. His work in the interest of the people has been at his own expense. His recognition by last night's mass meeting is at least an emphatic public appreciation of his activities in the past.[71]

The Knoxville Journal was strangely silent on Neal during this period, omitting most of the details of the civic meeting which endorsed him. On June 4, 1933, the newspaper devoted an entire issue to the TVA, describing in some detail the Muscle Shoals controversy and the story of Cove Creek Dam, which had now been named in honor of Senator Norris. There were articles on Senator Norris, Senator McKellar, Representative J. Will Taylor, and others concerned with the public power battle. However, Neal's name was conspicuously absent from the newspaper.

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[70] Ibid., May 2, 1933.

[71] Ibid.

John R. Neal, of course, did not receive an appointment to the TVA board of directors despite his unceasing personal battle to have the public power project created. Tennessee newspapers, politicians, and citizens were satisfied with the eventual choices made by President Roosevelt, though it must have been a humiliation to Neal that the Tennessean chosen for the position was his old adversary, Dr. Harcourt A. Morgan, the president of the University of Tennessee who had presided over his dismissal from the institution's faculty. Of all the political defeats he suffered in his public career, and there would be more to come, this incident could have been the most bitter. It did not, however, deter his activities, either in politics or in his battles with the power trust, for Neal still had many objections to conditions in Tennessee. He did not hesitate to speak out even if he felt the TVA was wrong in its policies. He continued to use Tennessee political campaigns as an outlet for expressing his opinions to the people, and if there were no campaigns to enter, he voiced his objections anyway.

CHAPTER VI

THE GREAT OBJECTOR

For the remainder of his active career, John R. Neal continued to regard himself as the guardian of public interest. Although he had been an ardent supporter of TVA, he did not hesitate to voice his objections to TVA policies if he felt the policies were harmful to the public welfare. He continued to take part in practically every political campaign held in Tennessee, using them to voice his objections to any current topic which captured his fancy. He was never intimidated by the opinions of others and even age did little to slow him down.

The transfer of electric power from private companies to government operations moved slowly during the first few years after the creation of TVA, due partly to the lack of dams for the production of hydroelectric power and also because of pending court cases which hindered TVA's progress. However, TVA extended its service areas as quickly as possible. In 1933 agreements were formulated to purchase certain private facilities for expansion purposes. Other agreements were made to divide service areas between TVA and private electric companies in order to avoid competition, particularly with the Commonwealth and Southern Corporation and the

National Power and Light Company, until negotiations for the purchase of those companies could begin. These agreements covered a specific period of time as outlined in the contracts. It did place a limitation on TVA activities because, at that time, only Wilson Dam had the capability to transmit power out of its ceded area. Meanwhile, future plans were being formulated for the purchase of additional private power companies. Until the entire area could be brought under TVA control, however, the large majority of Tennessee towns and cities had to purchase their hydroelectric power at higher rates from private companies. By 1934, TVA power operations were behind expected schedules; only five local power companies had been purchased and the rest of its electricity was sold to privately owned agencies. In 1934, for example, ninety eight per cent of TVA power was sold to the Alabama Power Company.[1]

John R. Neal believed that even more municipalities should attempt to receive TVA power and that it should be done as quickly as possible. TVA was not yet prepared to service the whole area, but this did not stop Neal. He spoke out on power purchases and other facets of TVA operations. In 1933, he began a crusade to improve employee wages. He charged that TVA wages for the central zone of

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[1]Prichett, TVA: A Study in Public Administration, 66-67.

Tennessee were less than the $1.10 per-hour wage fixed by the United States Labor Department.[2] In another area of TVA operations, he urged the people of Tazewell to obtain TVA power using as an argument a comparison of TVA rates, which were less than one cent per kilowatt hour, with the prevailing ten cent rate in Tennessee. Such as opportunity, he noted, was East Tennessee's only chance to become a great industrial center.[3] He advised the TVA to employ one hundred lawyers for six months to do "abstract work in connection with the acquisition of lands for Norris Dam" and thus relieve the distressed finances of many Tennessee attornies during the depression.[4]

Near the end of 1934, Neal entered a controversy in Chattanooga concerning the building of the city's own power facilities in preference to purchasing electricity from private companies. Chattanooga officials had considered issuing bonds to the Public Works Administration to secure the finances necessary to construct its own municipal power plant. Joe W. Anderson, city attorney, objected to the plans because an amendment to the city charter in 1931 prohibited the city from issuing bonds for the amount which would be

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[2] News-Sentinel, November 5, 1933.

[3] Claiborne Progress (Tazewell), November 15, 1933.

[4] News-Sentinel, January 19, 1934.

necessary to pay for such a project.[5] Neal took issue with Anderson, on the grounds that many towns were building their own facilities under a general law passed by the Tennessee legislature. He pointed out that the Chattanooga charter amendment did not abrogate the general law and Chattanooga could proceed with its own plans.

Neal used the incident to substantiate his claim that Tennessee badly needed a new constitution. He went on to explain that the Tennessee legislature had only a general law concerning all municipal power, whereas most towns had their own separate charters which could be amended by each new session of the state legislature. He charged that any member of a community could gain control of the charters and get them changed because Tennessee had a "chaotic mass of so-called private legislation" on municipalities. He stressed the weakness of the law, saying that "there is not a city charter in Tennessee that has not had buried in it numberless jokers planted there either by grafting city officials . . . or by special interests." He went on to describe how the general statute affected every municipality in the state by giving each of them power to issue securities for municipal projects with debt limitations which excluded all locally owned water, electric, and power plants.

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[5] Times, April 9, 1934.

Chattanooga's charter amendment did not refer to the general act, but in Neal's opinion, the two acts should be tested in the courts, for, he contended, no court would rule against the city in this case. The real obstacle to the city's efforts to get aid, Neal charged, was the Commonwealth and Southern Corporation which controlled the Tennessee Electric Power Company. Their contract with TVA restricted TVA from selling power to municipalities in certain sections of the valley, and this was in conflict with the original TVA act.[6] Thus, he continued his opposition to private power companies after the passage of the TVA act.

Although it was not instituted by Chattanooga, the question of PWA loans and grants to municipalities for the construction of their own distribution systems was carried to the Supreme Court in the case of Alabama Power Company v. Ickes. In 1938, the court ruled in favor of the municipalities. Accordingly, rather than face competition from the municipalities, the private power companies began to sell their properties; Chattanooga, for example, purchased the Tennessee Electric Power Company. These events, however, did not occur immediately and the controversy raged in Chattanooga

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[6]Ibid., April 12, 1934.

and throughout the state until 1938-39.[7] As will be noted later, Neal had more to say on the issue.

In June, 1934, Neal announced that he would seek nomination to two United States Senate seats. His opponent for the long term was Senator Kenneth McKellar. For the short term, he faced Senator Nathan L. Bachman and Representative Gordon Browning.[8] Although qualifying for both terms, he decided to run against McKellar only. Relishing a political fight, Neal opened his campaign at Sparta by saying of McKellar:

> By his statement he has created the overshadowing issue in Tennessee politics, namely, whether he and his friend, Boss Crump, with his corrupt Shelby County machine shall dominate the whole political life of the state.
>
> . . . . . .
>
> Instead of lifting his voice against the growing corruption and debauchery of the electorate of Tennessee . . . Senator McKellar has been the direct beneficiary of the greatest corrupting force in Tennessee politics, the Crump machine . . . . His continuing opposition defeated the Norris bill and thus postponed the development of the Tennessee River for many years.

Neal further charged that McKellar had posed as a "great prohibitionist and thus received the support of the temperance people of Tennessee, but in the present Congress he

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[7]Prichett, TVA: A Study in Public Administration, 69, 71-72.

[8]Washington Post, June 3, 1934.

suddenly became dripping wet."[9] McKellar won the election by the usual wide margin, and Neal, as usual, protested the outcome. Undaunted, he entered the general election as an independent, but was again defeated.[10]

Being a candidate, however, did not take Neal's watchful eye away from the TVA. The year 1934 was marked by a controversy over Norris Dam, the new name for the former Cove Creek site. In February, Neal charged that the TVA had made no plans to provide navigation of the Clinch River at Norris Dam. The Clinch had been navigable for over one hundred years, but now, because of thoughtless planning, the industries on one hundred miles of its two forks were to be cut off from river traffic.[11] Then, in November, Neal threatened to appeal to the courts to order TVA to build a barge lift at the dam. Under the present plans, the dam had no significance as a navigation project of the TVA act and was thus unconstitutional.[12] During the first two weeks of December, Neal went to Washington to protest the elimination of the barge lift. While there, he discovered that Norris Dam was to be lowered forty feet in height. This, Neal charged, could pose a flood

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[9] News-Sentinel, June 17, 1934.

[10] Times, September 28, 1934.

[11] Ibid., February 16, 1934.

[12] News-Sentinel, November 30, 1934.

problem in Chattanooga and ruin the chances for the barge lift since the new plans for Norris now put the spillway in the middle of the channel. Neal again threatened court action.[13] The following day, the superintendent of construction at Norris answered Neal's charge, saying he had received no instructions to lower the dam forty feet and was building it according to specification given months ago. Another TVA official said Neal's complaint "was too absurd to deserve comment of TVA officials"; but he followed that by announcing that the dam would be lowered by twelve feet.[14] Neal's original revelation of the revised height of Norris dam was correct. The initial elevation of 1060 feet above sea level was changed to 1020 feet above sea level. The decision to lower the dam was made after engineering, forestry, land planning, and water storage problems were considered.[15] On December 22, 1934, Neal filed a protest to the United States Army's Chief of Engineers pointing out that Norris Dam was an obstruction to navigation and requesting a War Department hearing. Since A. E. Morgan, one of the TVA's board of directors, had not obtained the

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[13] Journal, December 16, 1934.

[14] Ibid., December 17, 1934.

[15] The Norris Project; Technical Report Number One (United States Government Printing Office, Washington, 1940) 17-18.

approval of the Chief of Army Engineers, Neal thought the dam was now a violation of the United States statutes.[16]

Neal continued the fight on into 1935. In June, he was present at the McSwain Committee Hearings in Congress which concerned the building of Chickamauga and Guntersville Dams. Upon returning to Tennessee, he announced that $50,000,000 had been appropriated for the two dams and there was a possibility that a third dam would be constructed at White's Creek, about seven miles above Watts Bar Dam. This dam would assure navigability to Knoxville. Five months later no action had been taken on the dams.[17] In November, Neal warned that if the "dams Congress directed the TVA to build are not started immediately the money authorized for this work will revert to the national treasury and will be lost to the valley." The money appropriated had not been used and could be lost since the Chickamauga, Hiwassee, and Guntersville dams had already been delayed for four months. In Neal's opinion:

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[16] News-Sentinel, December 23, 1934.

[17] Times, June 20, 1935. The construction of the dams had been held up pending a Supreme Court ruling concerning the constitutionality of TVA power distribution. At that time TVA was in serious trouble due to a ruling by District Judge William I. Grubb that TVA could not legally sell surplus electricity. This decision was finally reversed in Ashwander v. TVA in February, 1936. Wilmon H. Droze, High Dams and Slack Waters (Louisiana State University Press, Baton Rouge, 1965), 30-40.

> What the people of the Tennessee Valley want and are entitled to are dams, dams, dams--dams in a sufficient number to make the Tennessee River navigable to Knoxville with a nine foot channel.
>
> While in Washington I also endeavored to find if anyone in authority there had been given a satisfactory explanation of why the TVA had made two tremendous changes in the building of Norris Dam from the plans of the army engineers, namely the omission of the barge lift and the lowering of the dam approximately forty feet. This omission practically destroyed the navigability of one of the largest tributaries of the Tennessee, the Clinch River. It made the great body of water created by the Norris Dam a closed sea . ... . It also increased tremendously the burden of establishing the constitutionality of the whole program.

By lowering the dam forty feet, a flood problem still existed in Chattanooga, according to Neal. He further contended that if Chickamauga were not built, a nine foot channel to Knoxville would not be possible, and one purpose of the TVA--navigation--would fail.[18]

In the primary elections of 1936, Neal lost another Senate race, this time to Nathan Bachman by 170,000 votes. In a traditional move, after the election he protested the Shelby County vote. He asserted that the deplorable conditions were drawing national critical comment, that "Time Magazine runs a page resume of the Crump machine activities."

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[18] Ibid., November 1, 1935. The backwaters of Norris Dam became a "closed sea" as Neal predicted. The navigability of the Clinch River below the dam was vastly improved, however, by the closing of Melton Hill Dam in 1963. Until then commercial river traffic was practically nil because of the shallow channel.

Since the election commission would not take action to curb the frauds, Neal decided to run against Bachman again as an independent candidate in November.[19] Neal lost the November election by 259,000 votes.

Other facets of TVA activities aroused his interest. By 1936-37, TVA's municipal purchases were still lagging despite the fact that Norris and Wheeler dams were nearing completion and would soon add add tional power to TVA's service areas. Thus TVA decided that although its primary preference should be to the public, it should dispose of some of its surplus power to industries and private electric companies. One of the new consumers was the Aluminum Company of America, which signed contracts in 1936 and 1937 to purchase power.[20] In September, 1937, Neal telegraphed President Roosevelt that power contracts which TVA had negotiated with the Aluminum Company of America and other companies were illegal. Through these agreements TVA power was to be let at cheap rates to some municipalities and local government organizations, but other cities were still buying higher priced private power. TVA power was not available to the former group because it was being sold to industry.[21]

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[19] News-Sentinel, August 27, 1936.

[20] Prichett, TVA: A Study in Public Administration, 75.

[21] Journal, September 2, 1937.

Meanwhile, he was still protesting that TVA wages were too low. He also announced that the U. S. Army Corps of Engineers wanted to build dams at Chickamauga, White's Creek, and Coulter Shoals, Near Lenoir City.[22]

Meanwhile, the controversy over municipal control of power plants reached a crisis. In 1938, Knoxville, Chattanooga, Nashville, and Memphis were still not receiving TVA power. These cities were making plans to purchase local distribution systems to compete with the private companies already operating in those areas. Knoxville, for example, was served by the Tennessee Public Service Company; now there would be two power companies, one privately owned and one municipally controlled. Other private companies such as Wendell Wilkie's Commonwealth and Southern were willing to sell to the cities either separately or as a unit. In a letter to J. D. Ross, head of the Seattle, Washington municipal system, Neal questioned the advisability of the project. Ross, an authority on municipal electric plants, replied that duplication of public and private units and its resultant competition had cost the city of Seattle $3,000,000. Therefore, he felt that Knoxville should not attempt such an undertaking.[23] Entering the controversy, Senator Norris claimed

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[22] Times, November 6, 1937.

[23] Journal, February 3, 1938.

that the Seattle project did not apply to the Tennessee Valley and that the private power companies did not wish to sell anyway. Neal disagreed with his old friend because he felt that Norris was unaware that the sales were being considered. He pointed out that the private companies had hinted of their desire to sell. Agreeing with Neal, TVA director A. E. Morgan, added to the controversy by asking other members of the TVA board to give their opinions.[24]

The argument was still raging as the 1938 primaries approached. Neal, as usual, entered the Democratic Primary as a candidate for the United States Senate. In a speech at Athens, he claimed that he had fought for twenty years to free the Tennessee River from the grasp of the power trusts while his opponents "had only recently become converts to TVA." If elected, he promised to get a dam at Watts Bar and Coulter Shoals or offer his resignation. He also wanted the federal government to acquire all power-distributing companies in the Tennessee Valley and the Cumberland basin, extend civil service, reduce taxes on personal property, and safeguard collective bargaining.[25] This campaign included the famous incident in which Governor Gordon Browning mobilized the National Guard to safeguard honest elections in Memphis, but

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[24] Ibid., February 20, 1938.

[25] News-Sentinel, June 19, 1938.

Judge John O. Martin issued an injunction to halt the troops before the primary election. Neal drafted a letter to the House Judiciary Committee in Washington charging that Martin was unfit for the bench and should be removed.[26] After he lost the election, Neal prompted an investigation by the federal government. Testimony concerning the election frauds in Shelby County lasted four days. After spending election day in Memphis, Neal told the committee that he had seen Negroes being herded to the polls so rapidly that there were not enough ballot boxes for them to vote privately. Though other testimony by enemies of the Crump machine was similar to Neal's, no official action was ever taken.[27] Neal, still complaining, announced he would run again in November as an independent. He ran third in a three-man race; the Crump candidate, Tom Stewart, defeating him by 185,000 votes.

Exactly why Neal had reversed his position regarding the purchase of private power companies by TVA is not certain to this writer. Gilbert Goodwin, a lawyer who knew Neal, thinks the reason was because Neal opposed TVA's methods of land condemnation.[28] It is true that Neal was engaged in a

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[26] Ibid., August 4, 1938.

[27] Ibid., August 21, 1938.

[28] Personal interview with Gilbert Goodwin, Lenoir City, Tennessee, July 28, 1968.

controversy with TVA over the sale of his land at Rhea Springs, which would be flooded by the backwaters of Watts Bar Lake. However, Beverly Burbage, a TVA lawyer, points out that, despite the litigation over the Rhea Springs land, Neal did not oppose the TVA land condemnation procedures which he had helped to construct in the original TVA Act. His personal controversy with TVA concerned not land condemnation but the question of the land's true value.[29] Charles Maner believes Neal opposed the purchase of the private companies merely because he wanted to force them out of business without compensation.[30]

With the elections over for another eighteen months, Neal turned his attention back to the TVA. In February, 1939, he went to Washington to press for appropriations for Coulter Shoals Dam and Watts Bar Dam.[31] In March, he announced that the appropriations had passed; then he re-entered the controversy over the purchase of the private companies. The TVA

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[29]Personal interview with Beverly Burbage, Knoxville, Tennessee, August 1, 1968. The litigation papers between Neal and the TVA can be found in the TVA's legal department in Knoxville. The purchase of the Rhea Springs property involved several tracts of land covering an area from White's Creek near Rockwood, down the Tennessee River past Spring City. On one portion of the land, the papers show that TVA offered $55,000 while the Neal and Wheelock families were asking for $346,000.

[30]Personal interview with Charles Maner, Knoxville Tennessee, July 31, 1968.

[31]Journal, February 10, 1939.

was now making plans to purchase the rest of the Commonwealth and Southern. Neal, who only a year before had tried to prevent its purchase by the cities, now opposed its purchase by TVA. He stated that the TVA plan was based on what President Roosevelt had once declared a "vicious system," a system of buying without knowledge and approval of Congress.[32] The 1938 Supreme Court ruling that cities could acquire PWA loans for the building of their own municipal power systems had by now brought on the possibility of local competition for the private companies, and they were anxious to sell as soon as possible. In Memphis, Chattanooga, Nashville, Knoxville, and twenty other cities, the purchase of the private power companies by the TVA was completed.[33]

Neal raised a new issue in 1939; the TVA was taking over private companies which at one time had paid local taxes. As the private power companies sold out, many counties were losing the taxes they had paid. This loss of revenue was

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[32] Ibid., March 12, 1939. The Supreme Court disagreed with Neal, and with eighteen private power companies which had carried a case to the high court contending that TVA's principal aim was power production, dominated by the federal government. In Tennessee Electric Power Co. v. TVA the court ruled that only states could bring such a question before the tribunal. Prichett, TVA: A Study in Public Administration, 110-111.

[33] Prichett, TVA: A Study in Public Administration, 71-72.

already forcing them to float loans or increase taxes.[34] A special election for the United States House of Repesentatives from the Third District was held in 1939; Neal entered, but was defeated by Estes Kefauver. In the campaign, Neal contended that TVA should try to restore the tax losses caused by the purchase of private power companies through a direct payment from its income. The money could be paid to any state, county, or local government which suffered loss, but he opposed giving a lump sum to the state.[35] The Chattanooga Free Press agreed with Neal, saying he was right in insisting that the TVA should pay tax losses from purchase of private companies. The editorial concluded that: "No one seems to realize yet just how critical the problem has become. Schools must close; agricultural programs will be discontinued; several counties will go back to old 'backward days.'"[36] When bills were introduced in Congress by Senator Norris and Alabama Representative John Sparkman to provide TVA payments to local and county governments, Neal was present to express his opinion. He stated that in Rhea and Meigs counties, tax rates would go up from $3.00 to $4.50 due

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[34]Times, March 15, 1939.

[35]Ibid., July 30, 1939.

[36]Editorial in Chattanooga Free Press, September 15, 1939. Hereafter cited as Free Press.

to the loss of revenue from lands covered by Watts Bar and Chickamauga.[37] After considerable debate, Congress passed the Norris-Sparkman bill providing that TVA turn over to the states ten per cent of its gross power receipts until 1941, thereafter reducing the percentage until it reached five per cent in 1948. An amendment provided that payments first go to the counties in amounts equal to the taxes collected on TVA property prior to its acquisition by TVA, with the remainder going to the states.[38]

By 1940, the United States found itself occupied with events in Europe. Returning from Washington in May, Neal commented on a speech by President Roosevelt. FDR had asked Congress for one billion dollars for armaments, and Neal thought politics should be forgotten in support of the President. Neal then pointed out that East Tennessee would be a perfect storage point for the "arsenal of democracy." According to Neal, an announcement of the construction of arms plants in East Tennessee would be forthcoming. He alleged that one member of the general staff had picked this as a perfect spot. "Of course," he remarked idealistically,

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[37] Times, September 15, 1939.

[38] Elliot Roberts, One River-Seven States, TVA-State Relations on the Development of the Tennessee River (University of Tennessee, Knoxville, 1955), 84-85.

"it means money for our people, our workers and businessmen. But much more than this money for our people is the fortunate thing that East Tennessee is in a position to serve the nation."[39]

With the approach of the war, work was rushed forward on the construction of new dams in the TVA system. Neal's family home at Rhea Springs was included in the 850 acres in Meigs and Rhea Counties which was condemned to form the Watts Bar Basin. However, Neal was able to retain mineral rights to all property that would not be under water.[40] The total amount that he received for the land was $55,000.[41]

Though age had caused a decline in his activities, Tennessee politics continued to be his chief interest. In 1940, he entered--and lost--the primary election for United States Senator to Kenneth McKellar.[42] In 1942, he again entered the primary for the U. S. Senate, campaigning to continue the fight for development of the Tennessee River and its tributaries. He promised to keep the TVA free from national politics and base the employment of TVA commissioners

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[39] Times, May 22, 1940.

[40] News-Sentinel, December 9, 1941.

[41] Ibid., June 5, 1942.

[42] Ibid., August 22, 1940.

on merit and efficiency.[43] Moreover, in an additional attempt to maintain honest elections, he threatened to file suit to stop state employees from being assessed for political contributions. Neal stated:

> The Crump lines have been pierced. The Crump crowd has always won as a result of a large campaign fund and fraudulent voting. I am rapidly stopping the flow of funds from the assessment of state officials. The bill which I expect to bring this coming week will absolutely stop this flow of funds.[44]

Neal's renewed efforts to break up the Crump machine failed at the ballot box; in the primary he lost to Tom Stewart by 125,000 votes. However, he did not give up. After the election, he asked the United States Senate Elections Committee to check on voting frauds in Tennessee and claimed that Stewart had spent too much money.[45] He further announced that he would run in the general election as an independent.

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[43] Nashville Tennessean, July 20, 1942. Neal was referring to Senator McKellar's personal attack on TVA director David Lilienthal, because of his unwillingness to ignore the law prohibiting politics in the Authority's employment practices; his attempts to name his own Board of Directors for the TVA; his opposition to Douglas Dam; and crippling legislation on TVA which he introduced into Congress in 1942. McKellar had introduced a bill to prevent TVA from using its power revenues as a "revolving fund." He wanted TVA revenues turned over to the U. S. Treasury, thus forcing the TVA to request the Senate Appropriations Committee, headed by McKellar, for revenues. None of McKellar's ideas to hinder TVA were successful. Edward Felsenthal, "Kenneth Douglas McKellar: The Rich Uncle of TVA," West Tennessee Historical Society Papers, No. 20 (1966), 117.

[44] Times, July 21, 1942.

[45] News-Sentinel, August 26, 1942.

A campaign advertisement for Neal in the November election for U. S. Senator praised Neal for the following achievements: he had defeated the private power companies and brought about the creation of TVA; he had provided his services in past legal battles to secure collective bargaining; he had brought three Senatorial Committees to Tennessee to expose the corrupt election practices of the Crump machine; he had gone to Washington at his own expense as the representative of TVA employees and secured an increase in TVA wages.[46] After the election, Neal again protested Stewart's victory, claiming that the ballots in some counties, including Shelby, failed to carry his name.[47]

With the closing of his law school in 1943, Neal was free to devote all his time to politics. In 1944, he switched tactics and entered the primary race for governor; but was overwhelmingly defeated by Jim Nance McCord. The epitome of his unorthodox political campaigning was reached in 1946 when he entered the Democratic primary in August, both for the governorship and the Senate, and after losing both nominations, he entered the general election in November as an independent candidate for the same two offices. As a liberal candidate, he campaigned for housing loans and proper hospitalization

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[46] Ibid., November 2, 1942.

[47] Ibid., November 10, 1942.

for veteran's organizations, full support of the United Nations, rent controls, increased old age pensions, higher teacher's salaries, repeal of the poll tax, and continued support for the TVA.[48] The attempts were futile; he again was defeated. By now Neal's campaigns were limited to Knox, Rhea, and Roane Counties. Age had forced him into a state of inactivity. His entrance into Tennessee politics after 1946 was a mere formality though he still continued to qualify and place his name on the ballot.[49]

In 1948, Neal ran for the Senate nomination in the Democratic primary, then as an independent in the general election. In 1950, he entered the primary race for governor, pledging to remove "the blight of political domination" from state educational institutions, the welfare and highway departments, and the highway patrol. He claimed to have spent more than two weeks in persuading the legislature to pass resolutions which made the Great Smoky Mountains National Park a reality. Moreover, he had made more than one thousand trips to Washington to promote the formation of TVA.[50] Losing the primary, he again ran as an independent in the November election against Gordon Browning.

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[48] Ibid., June 30, 1946.

[49] Personal interview with Howard Hicks, Rockwood, Tennessee, July 9, 1968.

[50] Journal, June 8, 1950.

In 1952, he was in the primary election for United States Senator which developed into an interesting race between McKellar and Albert Gore, who succeeded in bringing McKellar's long senatorial career to an end. Neal attacked them both. He accused McKellar of trying to obstruct passage of the Norris bill creating the TVA, once by filibuster. He charged Gore with absenteeism and neglect of duty while in the House of Representatives.[51]

Neal's last election campaign came in 1954. Estes Kefauver defeated him in the primary race for the U. S. Senate, and he lost the governor's race to Frank Clement in the general election. This final defeat brought an end to Neal's public activities.

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[51] News-Sentinel, September 6, 1952. Neal, as usual, after losing in the primary, ran as an independent in November, but Gore was elected.

CHAPTER VII

THE MAN AND THE MYTH

What kind of person was John Randolph Neal? Numerous interviews actually have divulged very little information. Many people claim to have known Neal personally, yet they can say very little about his personality or career except that he was quite wealthy, that he dressed shabbily, and that he ran in many political campaigns. Many who claim to have known Neal still call him the "father of the TVA." If he had received votes from those who now say he was a brilliant, intelligent man, his political power would have been considerable. Everyone has a personal anecdote which he can remember about Neal and each will swear that his story is true. Therefore, it becomes difficult to separate truth from fiction.

Acquaintances of Neal tell of a visit to Knoxville by President Roosevelt, who stopped his motorcade on Gay Street to shake hands and converse with Neal. Other friends tell of a time Neal sat on a platform beside Eleanor Roosevelt and other important dignitaries. Neal's tie and shoes were untied; his shirt and pants were unbuttoned. The location of this particular event has changed time and again to various towns in Tennessee, or even to Muscle Shoals, Alabama,

depending upon the narrator. Beverly Burbage reported that he once had to ask Neal to cash a check from the TVA for $55,000 so the treasurer's books could be balanced. He related that Neal began searching in his pockets and retrieved twenty or thirty uncashed checks from the law school. In a rear pocket he found the TVA check, crumpled and soiled but intact. Together they took the check to the bank. Regas' Restaurant personnel supposedly kept his ragged coat for several weeks waiting for him to claim it; upon inspection, they found the pockets full of bonds. He slept in his clothes and friends had to force him to bathe. His law students once bought him a new suit for a present. Upon receiving it, Neal threw it on the floor, saying that when he wanted a new suit, he would buy one.[1] Neal refused to clean up his room at the Watauga Hotel and would not permit the management to do so. He was eventually forced out of the Watauga because of his personal appearance; upon inspection his bathtub was found to be filled with books.[2] Former workers on the TVA dams relate how he visited construction sites with officials such as Senator Norris. Neal was then always conspicuous in his shabby attire, but especially so when compared with that of

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[1]Personal interview with Beverly S. Burbage, Knoxville, Tennessee, August 1, 1968.

[2]Personal interview with Frank Gresham, Knoxville, Tennessee, July 31, 1968.

the other visitors. A friend of Neal's recalled a time when the great objector discussed his personal appearance. Neal contended that he dressed as he did to protest conformity. He thought that no one should let his government, his neighbors, or society tell him how to act or how to dress;[3] thus he reaffirmed what he had said so many times in his life--that a person should do as he thinks best. In this writer's opinion, Neal may at one time have felt such individualism about his personal appearance, but it is hard to conceive that any person would permit such a condition to persist for so many years merely to prove a point; somewhere the mode of dissent probably turned into a bad habit.

Beverly Burbage thought that, to Neal, personal cleanliness was unimportant. Neal lived for things of the mind; ordinary details which other people consider a necessity such as shaving or bathing, or even tying their shoes, did not matter to him; creature comforts were unimportant to him. For this reason he would never have made a successful politician because the details of being a politician were too small for him. The regularity of being present for roll call votes, for example, would not have appealed to Neal because he dealt only in larger concepts. Personal cleanliness was one of

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[3]Personal interview with Howard Hicks, Spring City, Tennessee, July 9, 1968.

those minor details, though Neal sometimes carried a comb and a toothbrush in his pocket to use when necessary. Burbage looked forward to the Presidential inaugurations because Neal never missed one and he always cleaned up before he left Knoxville. He bought a whole new set of clothes for the occasion which would probably be the last purchase for four more years. After his "quadrennial cleanup," as Burbage described it, Neal was a "handsome, noble-looking man."[4]

As pointed out in this thesis, Neal was the source of considerable comment--both praiseworthy and disparaging--throughout his life. The commendation from Denver University officials and the criticism from the staff of the University of Tennessee offer examples of extreme attitudes toward him. Well known and respected persons made favorable comments about Neal. H. L. Mencken spoke highly of him; so did Clarence Darrow. John Scopes gave the highest praise of Neal, calling him a "kind and sympathetic person behind a shy face . . . , one of the warmest-hearted men I have ever known." Yet Scopes also relates that many people were repulsed by Neal's appearance:

> He seemed always in need of a shave; his graying hair usually needed cutting and brushing; often his clothes sagged or bagged or needed pressing. Outward

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[4]Personal interview with Beverly Burbage, Knoxville, Tennessee, August 1, 1968.

> appearance meant little to Neal and he largely ignored these affronts to the well-dressed citizenry . . . . Actually, his untidy facade did not reflect the inner man at all. Neal had a keen and analytical mind. Basically he was a good man and a clean thinker, a much rarer person than most spotless, clean-shaven, and shorn clotheshorses I have seen. His coming to Dayton was one of the fortunate things that happened to me . . . .[5]

Other historians of the so-called "monkey trial" have not been so complimentary in their comments. L. Sprague de Camp writes that:

> Neal was a slight, bushy-browed, shaggy-haired former judge from Dayton, who owned several parcels of good farm land in the Tennessee Valley . . . . He was more than a little eccentric and absent-minded. Although nobody realized the fact at the time, this queerness was growing apace . . . . [Neal] was as dirty as some early Christian saints. A Tennessee joke ran; "Who does Judge Neal get to wear his shirts for a week before he puts them on."[6]

De Camp, in The Great Monkey Trial, also felt that Neal was absent-minded and that the condition worsened as the trial progressed.[7] This is a description of him not found in any other source. Aside from the fact that the trial was a very short period of time in which to trace the development of absent-mindedness, the charge seems unfounded, considering the praise which Neal received from those who associated with

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[5] Scopes, Center of the Storm, 63-64.

[6] De Camp, The Great Monkey Trial, 68.

[7] Ibid., 448-451.

him in the events in Dayton in 1925. Attorney Charles Maner said that if Neal was absent-minded, it was in the sense that what mattered to most people did not matter to him.

Neal was called an athiest by indirect references in the University of Tennessee incident and again because of his stand on evolution. However, he was a life-long member of the Methodist Church, and an undated item in one of his scrapbooks described him as a Sunday-school teacher of a Young Men's Bible Class which met in a classroom of his law school. Beverly Burbage said Neal believed in God, but he would have been mentally trapped in organized religion.[8]

Neal's popularity among Tennesseans varied, depending upon the individual. A letter to the editor in the Chattanooga Times referred to his stand on the Scopes Trial:

> Tennesseans have always been wise enough to rid themselves of undesirables in schools and in politics as well, and since Doctor Neal has taken the stand against our beloved state . . . he plainly shows his ignorance. No doubt he received the treatment that was justly due him when he was dropped as part of the faculty of the University of Tennessee . . . . Doctor Neal never loses an opportunity to knock our present governor, . . . however, the knocking of Governor Peay by Doctor John R. Neal only makes the governor more popular in Tennessee.[9]

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[8]Personal interview with Beverly Burbage, Knoxville, Tennessee, August 1, 1968.

[9]Times, undated item, Neal Scrapbook, II.

Yet, he was described in 1926 as:

> probably the best known man in Tennessee, and the best-liked. The farmers all like him for his simple tastes and ways, most of the young lawyers over the state would be willing to die for him, . . . and even outside of his law classes he is the most popular of the faculty members.[10]

Neal's personal conduct, according to his contemporaries, was of the highest order. Dean Hessler maintained that Neal was a fluent speaker, used good English, was clear in his exposition, never said a cross word about anyone, and was always polite. Charles Maner said that Neal did not deal in personalities. When asked why he was so vicious in his attacks on McKellar and Crump, Maner replied that Neal only commented on their political actions, not their personalities; he did not even have any adverse statements when Harcourt Morgan was placed on the TVA board. Neal, he contended, would have been "lost" had he received the position and did not really want it, though he was extremely proud to be mentioned. On the other hand Neal was a well-known figure in Washington. He would walk into Congress and be "welcomed by everyone."[11]

A former member of the Tennessee state legislature remembered Neal appearing as a lobbyist in Nashville on

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[10]John T. Moutoux, "A Liberal in Tennessee," The Nation, CXII (June 23, 1926), 696.

[11]Personal interviews with Dean Hessler, Charles Maner, and Frank Gresham, Knoxville, Tennessee, July 29-August 1, 1968.

frequent occasions. He was recognized and hailed by the state legislators, and made a speech before that august body about once a year. The newspaper under his arm was a trademark. As a lobbyist, he was never on the payroll of any organization but always claimed to be present at his own expense for his own particular interest.[12]

Concerning his political campaigns, V. O. Key states:

> There are, of course, minor candidates who pass a minuscule vote. Perennially John Randolph Neal turns up on the ballot as a candidate for one office or another. He is described as an eccentric man of wealth, economical in his tonsorial and sartorial expenditures.[13]

Despite the opinions concerning his perennial candidacy, Neal often received a substantia vote, although he always felt that many more votes had been taken from him by state political machines.

Charles Maner believed Neal ran to get his ideas before the people; he used politics to talk to people. H. T. Kern said Neal knew he could not win but "he ran because he was a peculiar fellow." Neal once remarked that, should the victory of the winning candidate be declared void due to a

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[12]Personal interview with Charles Eblen, Lenoir City, Tennessee, July 28, 1968.

[13]V. O. Key, Southern Politics (Vintage Books, New York, 1949), 70.

technicality, then he would be the winner.[14] An interesting theory concerning Tennessee election law was discussed between Neal and his friends. According to the law the political party receiving the largest vote in the general election is to be called the majority party; the party receiving the second largest vote would be the minority party. Since the Republicans usually did not present a candidate, Neal would always run second in the two-man race. This technically made Neal's political party the minority party in Tennessee instead of the Republicans, though the issue was never tested in the courts.[15]

Neal entered eighteen elections for the United States Senate; nine for governor of Tennessee, and one for United States representative. He won two elections for the state legislature, one in each house. While others spent tens of thousands of dollars on their campaigns, Neal in his usual unorthodox way, was very frugal. He once released what the newspapers called a typical Neal expense account for a state election: Contributions, none; promises, none; expense, $12.10.[16] Regardless of the number of his votes, he was

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[14]Personal interview with William C. Lee, Lenoir City, Tennessee, July 29, 1968.

[15]Personal interview with Charles Maner, Knoxville, Tennessee, August 1, 1968.

[16]News-Sentinel, August 3, 1948.

never discouraged. He once remarked, "I enjoy the humor of life, politics, and everything else. The main thing in life is fighting for the things you want to fight for and if you succeed, all right, and if not, all right."[17]

Neal's fight for what was right marked him as a liberal, progressive Tennessean in a conservative state which refused to accept him. Yet, the issues for which he stood are today popular attitudes. He always advocated an improved system of public education and never failed to mention what he had done for education in his campaign literature. He worked for mine safety improvement, prison reform, an end to the convict lease system, and better food and living conditions for prisoners. He supported better highways, argued against government waste, and tried to remove tax burdens from the farmer; he favored a reduction of general property taxes and higher taxes on private property. He was always a friend of labor union members, favoring collective bargaining and the right to strike and opposing the use of injunctions and "yellow dog" contracts. He was known as a political reformer. He never surrendered to the state political machines against which he did not stand a chance. His chief argument with the private power companies was opposition to their high prices and excessive profits; he favored public power because

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[17] Free Press, November 23, 1959.

of the low rates for electricity it would provide to consumers as well as the possibility it provided for a higher living standard, more jobs, and an end to the dangerous floods in Tennessee. He was a prohibitionist before prohibition went into effect, but he favored some type of modification when he saw its effects in the United States.

After the Scopes trial, The Nation best summed up Neal's life when it reported that "he has devoted most of his life to teaching law and in fighting for the underdog; he has never been interested in making money."[18] Neal was always willing to go to any length to defend what he thought was right. He once claimed that he would argue the constitutionality of the TVA without pay;[19] he did defend TVA to the end of his life. In 1953, during the Dixon-Yates controversy, he said that everyone should support and protect the TVA, for if the Dixon-Yates deals fell through, there should be no more attempts to break up the TVA.[20]

Neal's mind deteriorated during the last six years of his life and his personal appearance grew even worse. Many of his old friends deserted him and he fell prey to certain

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[18] John T. Moutoux, "A Liberal in Tennessee," The Nation CXII (June 23, 1926), 697.

[19] News-Sentinel, October 6, 1934.

[20] Times, December 27, 1953.

other associates who managed to relieve him of much of his wealth. Neal spent his last years in and around Spring City, where he could often be seen hitchhiking to Rockwood or Knoxville, even though he had a bus ticket in his hatband. Sometimes he walked the shores of Watts Bar Lake, looking across toward his birthplace, now covered by the lake he helped to create. A former TVA employee recalls when Neal would occasionally visit Watts Bar Dam in the late 1950's, describing him as "a tragic and pathetic figure." The TVA employees once expressed their appreciation for Dr. Neal's efforts for public power and "it just caused his face to light up." In his last years, he desperately looked for recognition of past achievements.[21] The writer hopes this thesis has accomplished that purpose.

On November 23, 1959, Neal died in the Rockwood Hospital. His health had declined for several years; yet his stay in the hospital was brief. Death was attributed to pneumonia.[22]

Neal probably received more praise in death than he ever had in life. Former Judge Will Cummings of Chattanooga made the following comments: "His crowning achievement was

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[21]Personal interview with John Ballentine, Lenoir City, Tennessee, July 30, 1968.

[22]Times, November 24, 1959.

his efforts to get Chickamauga Dam built. He was well known by many national figures, including FDR. He had a good mind. He was a good, clean, high-class fellow." Former Judge Thomas S. Myers called him "one of the best law teachers they had at the University of Tennessee [whose] . . . eccentricity hurt him in politics, but he probably would have been a good governor." Former Attorney-General W. Corry Smith said, "He ran for public office so often to protest those things he thought were not right and to provide a forum for his ideas." The Associated Press wrote:

> Known over the state for his eccentricities, Dr. Neal was none the less beloved. It was conceded by all that he was endowed with a brilliant mind. [He] was a friend alike of the great and humble, a helper of the helpless.[23]

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[23] Free Press, November 23, 1959.

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APPENDIXES

APPENDIX A

JOHN R. NEAL'S LEGISLATIVE RECORD

TENNESSEE HOUSE OF REPRESENTATIVES 1907

HOUSE JOURNAL 1907, pp. 1057-1094

HOUSE BILL NUMBER	PROVISION	ACTION TAKEN ON BILL
121	Appropriated $100,000 to the University of Tennessee	Passed, signed into law by governor
144	Authorized Dayton to issue school bonds	Passed, signed into law by governor
145	To amend act incorporating Dayton	Passed, signed into law by governor
146	To repeal act authorizing Dayton to issue school bonds	Passed, signed into law by governor
147	To incorporate Spring City	Passed, signed into law by governor
148	To establish school district in Rhea County	Passed, signed into law by governor
196	To provide for high school in Rhea County	Did not pass
197	To pay William Mitchell reward for capture of Ulysses Whittaker	Did not pass

HOUSE BILL NUMBER	PROVISION	ACTION TAKEN ON BILL
348	To provide for construction of public highways	Did not pass
399	To provide for sale of certain lands in Tennessee	Did not pass
417	To amend act establishing a State Board of Pharmacy	Did not pass
434	To provide for the inspection of state mines	Did not pass
464	To require corporations et al. to make certain statements regarding sale of lands	Did not pass
526	To amend act relative to leases of lands	Did not pass
566	To allow trustees of certain academies to transfer property	Passed as Senate Bill, signed into law by governor
650	To provide method of collecting taxes on foreign corporations	Did not pass
664	To amend the public school law	Did not pass
693	To amend act for the inspection of mines	Passed, signed into law by governor
701	To allow corporations to condemn certain property	Did not pass

HOUSE BILL NUMBER	PROVISION	ACTION TAKEN ON BILL
704	General Appropriations Bill	Passed, signed into law by governor
722	To amend act fixing compensation for printing public laws	Did not pass
739	To improve public school system	Passed as Senate Bill, signed into law by governor
776	To regulate the office of Judge of Bledsoe County	Passed, signed into law by governor
777	To amend act providing for the compensation of circuit court clerks	Did not pass
783	To amend Revenue Laws	Did not pass
784	To amend act for assessment of taxes on private cars	Did not pass
785	To provide rules and regulations for demurrage	Did not pass
807	To create a permanent fund for the University of Tennessee	Did not pass
808	To authorize certain contracts with the University of Tennessee for scholarships	Did not pass
819	To create a State Geological Commission	Did not pass

HOUSE BILL NUMBER	PROVISION	ACTION TAKEN ON BILL
857	To require corporations to file certain information with the Secretary of State	Passed as Senate Bill, signed into law by governor
972	To provide for the development of the Herbert Domain	Passed, signed into law by governor
973	To authorize the employment of convict labor to build railroads to Herbert Domain	Passed, signed into law by governor
989	To fix time for holding court in Meigs County	Did not pass Senate
1027	To repeal act incorporating Spring City	Passed, signed into law by governor
1028	To amend act extending Dortch election law	Passed as Senate bill, signed into law by governor
1029	To repeal the Charter of the University of Tennessee	Did not pass
1031	To amend act relative to cutting timber on lands of another	Did not pass
1058	To repeal act appropriating money for Jamestown Exposition	Did not pass Senate
1062	The legislative appropriation bill	Passed, signed into law by governor

APPENDIX B

JOHN R. NEAL'S LEGISLATIVE RECORD

TENNESSEE SENATE 1909

SENATE JOURNAL, 1909, pp. 976-1008

SENATE BILL NUMBER	PROVISION	ACTION TAKEN ON BILL
13	To require publication of notices of elections	Passed, signed into law by governor
14	To fix compensation for printing laws	Did not pass
15	To require advertising before letting of contracts for public work	Voted down because of amendments, Neal voting against the bill
47	To authorize Sparta to issue school bonds	Passed, signed into law by governor
48	To amend charter of Sparta	Passed, signed into law by governor
57	To place Robert A. Dixon on the pension rolls	Did not pass
76	To appropriate certain money to University of Tennessee	Did not pass
88	To amend act to allow cities to maintain free libraries	Passed, signed into law by governor

SENATE BILL NUMBER	PROVISION	ACTION TAKEN ON BILL
110	To create a library commission	Passed, signed into law by governor
126	To improve system of public education	Passed as House Bill, signed into law by governor
127	To reorganize Board of Trustees of University of Tennessee	Passed, signed into law by governor
151	To confer police power on the Factory Inspector	Passed, signed into law by governor
157	To change line between Van Buren and White Counties	Did not pass
187	To provide compulsory education in certain counties	Passed, signed into law by governor
230	To authorize White County to issue school bonds	Did not pass
242	To establish Normal Schools	Did not pass
352	To change line between certain counties	Did not pass
375	To amend school law of 1873	Did not pass in House
376	To amend law relative to removal of timber from land of another	Did not pass in House
377	To amend the fish law	Did not pass

SENATE BILL NUMBER	PROVISION	ACTION TAKEN ON BILL
378	To appoint shorthand reporters in certain cases	Did not pass
397	To incorporate Spencer	Passed, signed into law by governor
398	To provide a pure food and drug law	Did not pass
406	To amend Chapter 185, Acts of 1907	Did not pass
421	To provide for chartering for YMCS and YWCA	Passed, signed into law by governor
512	To authorize universities to transfer their assets	Did not pass
513	To amend Charter of Spring City	Passed as House Bill
514	To amend Chapter 122, Acts of 1901	Did not pass
515	To amend Chapter 122, Acts of 1901	Did not pass
516	To authorize Sequatchie County to issue bonds	Passed, signed into law by governor
517	To incorporate Dunlap	Passed, signed into law by governor
518	To provide fence law for Bledsoe County	Passed, signed into law by governor

SENATE BILL NUMBER	PROVISION	ACTION TAKEN ON BILL
624	To amend election laws	Did not pass in House
625	To incorporate Pikeville	Did not pass
688	To amend Charter of Spring City	Passed as House Bill
692	To change line between White and Putnam Counties	Did not pass
709	To regulate bonds of county trustees	Did not pass
725	To provide stock law for certain counties	Did not pass in House
726	To amend Senate Bill Number 47, Acts of 1909	Did not pass in House
735	To amend Chapter 530, Acts of 1905	Did not pass
769	To incorporate New Hope Academy	Did not pass
798	To amend Act fixing standard of illuminating oils	Did not pass
835	To provide high school law for certain counties	Did not pass
836	To attach White County to 11th Floterial District	Did not pass House

SENATE BILL NUMBER	PROVISION	ACTION TAKEN ON BILL
848	To pension Confederate soldiers and widows	Did not pass
867	To amend Charter of Crossville	Passed as House Bill

APPENDIX C

The following letter refers to Neal's dismissal from the University of Tennessee. It is quite lengthy, and the last page containing the signature is missing; however, the author was one of the following people: Robert H. Gamon, John G. Logan, Robert A. Kern, and Leo D. Fanz. This conclusion is reached from a statement made by the writer of the letter that he and three other alumni had sent a letter to Governor Austin Peay concerning the dismissals, a part of which was printed in the Knoxville Journal and Tribune. The issue of that paper for July 12, 1923 includes a portion of a letter from the above-mentioned four individuals. It is impossible to determine which one of the four wrote to Professor Garner.

Knoxville, Tenn.
December 7, 1923

Professor J. W. Garner,
University of Illinois,
Urbana, Illinois

Dear Professor Garner:

I wish to express to you my pleasure and satisfaction over meeting you on your recent visit to Knoxville and to reiterate my statement that no discourtesy was intended in my failure to answer your letter of October 4th requesting data, opinion, etc., relative to the controversy over the dismissal of professors at the University of Tennessee. As you now know the controversy includes so many angles and so much detail that you can realize one's hesitancy in attempting to write comprehensively about it. Having talked with you and being convinced that your attitude is a desire to get all of the facts, to turn on all the light possible, it is my desire to assist you and members of your committee to the extent of all of the means at my command.

I would like to make clear to you that I have no axe to grind in taking a stand on this issue. I only seek the present and ultimate welfare of the University. I had no part in bringing on the troubles and for weeks after the issues had reached a sharp head and for months after the press had been airing the troubles I refrained from any activities in the matter, hoping that some happy adjustment might be reached and realizing that a continuance of the publicity would do the University no good. I had discussed the issues informally with several of my associates and friends among the alumni. I call your attention to the fact that my letter to the Governor (the original draft of which I am enclosing you with a request that it be returned after you have made such use of it as your discretion may warrant) was not written until some days before the meeting of the Board of Trustees in this City last July, and after publication had been made in the local papers of signed petitions of a score or more of alumni endorsing President Morgan.

From inquiries by other alumni and myself, and from the personal knowledge of some of them, I became convinced that all of the dismissed professors were men of merit and that the Tennessee faculty would suffer by their loss. I

would like to emphasize that a personal meeting with all of them subsequent to their dismissal has not only failed to weaken my position, but rather has strengthened my conviction that each and every one of them would prove a valuable acquisition to any teaching staff; and it is my opinion (I venture it modestly) that each and every one of them was the victim of gross injustice at the hands of the University administration and its Board of Trustees.

There are one or two phases I would mention to you at this time. You mentioned to my associates and myself that you had received the impression that Robinson's "Mind in the Making" had little or no place in the merits of the controversy. I am inclined to believe that you are right in this conclusion, yet there is some reason to believe that administration officers raised this is an issue in the public mind as a cloak or sort of smoke screen. Certain it is that some, if not all, of the members of the Board of Trustees were induced to read the book, and it is said that copies were furnished them on their arrival in this city. One member of the Board with whom I talked, Judge Hugh Kyle, told me he had read the book, "that page after page of it taught the worst kind of evolution: that it actually taught that our ancestors were mere beasts of the field with no other means of communication than the grunts and growls of wild animals, etc." Judge Kyle and the father of Malcolm McDermott, Dean of the Law School of the University, were at one time law partners, and he probably had much to do with McDermott's appointment. In fact, when I asked him about Judge Neal, he declared that McDermott had introduced a new system of teaching law, the Harvard method, which he pronounced much better than Judge Neal's method, more modern, etc. When I had listened to him condemn Dr. Sprowls for introducing the book, I asked him if he endorsed Dr. Morgan whom we understood had taught his classes evolution. The Judge evaded by saying that we were mistaken about Dr. Morgan. (Old students and Dr. Sprowls show quite clearly Morgan's attitude on evolution). One of the outstanding results of the airing of the Sprowls' case was the endorsement of Morgan's stand against evolution by numerous church organizations in different parts of the state. To this day I have never heard of Morgan taking any action to stop these endorsements as being unmerited. As indicating that the propanganda gotten out about this time over the state took the form of insinuating if not actually charging the dismissed professors with being atheists or unorthodox in their religious beliefs, an editorial of some length appeared in the Memphis Commercial Appeal, the editor of which is Mr. C. P. J. Mooney, one of the members of the Board of Trustees who was active in the

support of Morgan and his administration. This editorial left the impression on the reader, if it did not charge openly, that the dismissed professors were atheists, and the University had been purged of atheism by their dismissal. While I believe this was injected into the matter in an effort to prejudice the general public in favor of the administration, I am well convinced that the religious beliefs of the dismissed professors were quite orthodox, inquiries revealing that they were members of various sects of the Protestant Church.

While you may have observed that the attitude of a part of the press was unfair to the dismissed professors, particular newspapers were notoriously biased and prejudiced against the professors and in favor of the administration, even to the extent of suppressing any matter that might put the professors in a favorable light. On the other hand newspaper men generally, regardless of their affiliations, almost uniformly, after they had dug into the issues to any extent, took the side of the dismissed professors. Yet they had to see their copy slashed, whole sections eliminated, and whole paragraphs injected by those who were determined to mould public opinion no matter what the facts might be. Of course a great cry was made about the "constituted authorities" and it seemed that in the good year 1923 this was made quite as much a fetish as the more antiquated slogan "the king can do no wrong" of another era. And later when attention was publicly called to the fact that one of the constituted authorities, the Board of Trustees, was probably not properly or legally constituted, in as much as the law requires that not less than one-third of its personnel shall be alumni, when, as a matter of fact, its membership was almost totally lacking alumni representation, what do you suppose was the attitude of a certain local newspaper? This newspaper ran an article to the effect that alumni of the University of Tennessee, at least, included all old students, and not necessarily graduates, and a person who had ever attended the University, for any period, was classed as an alumnus. They even carried an interview to this effect from a man employed by the administration and known as secretary of the alumni association, to substantiate this position. They then sought to show that several members of the Board had once attended the University.

The letter to Governor Peay signed by myself and three other alumni was offered to three representative newspapers in the State in the three large cities other than Knoxville, namely, the Chattanooga Times, the Nashville Tennessean and the Memphis Commercial Appeal. The Nashville Tennessean,

although editorially endorsing Morgan published the letter in full without prejudice. The others ignored it. The Knoxville Journal & Tribune referred to it briefly; the Knoxville Sentinel ignored it, although certain editorial squibs from time to time after its publication were believed to refer to it, these being characterized with such terms as "ignorance," "prejudice" and the like. But while this newspaper evidently took this attitude, the four signers of the letter, so far as I know, have never received one word of adverse criticism, by word or letter for their action. On the other hand they have been personally commended by many other alumni and citizens, and have received letters from persons unknown to them and residing in other sections of the state, endorsing all they had written and commending their course.

Whatever may have been the reason, or however sufficient, for dismissing any one of the professors, the cruelty of the administration in waiting until midsummer to dismiss its victims is an outstanding fact difficult of explanation and indicative of the malice in the minds of those clothed with high authority. It is my opinion that the rebellious attitude of the students and their anonymous publication of the "Truth" so worked on the minds of those in authority, that they decided on this ruthless and ill-advised course. Their suspicion that members of the faculty had a part in the student publication, and their inability to establish the fact, must have brought about the frenzy that prompted the wholesale and midsummer dismissals.

But one should go deeper to get an idea of the attitude of mind that would sanction such a course. And with this idea in view I would relate a hitherto unpublished story which I have heard and have reason to believe is the truth. In the Fall of 1916, or about that time, it became known that the University was under stress for lack of funds. A meeting of certain citizens and alumni was held one night at the Cumberland Club, a social club then flourishing in this city, for the purpose of agreeing on some plan of relief. James B. Wright, a local attorney and alumnus, came late to the meeting, and was told that the University needed $100,000 at once. Wright (to whom I refer you for any details) suggested that a million dollars be the goal, since with but a hundred thousand the University would soon again be in need of funds. "Show us how to get it," he was told, while some laughed at the idea and the coolness with which he made the suggestion.

Parks Worley, since deceased, was then serving as a State Senator from an East Tennessee County. He was believed to have great influence in the Legislature. The editor of the Journal & Tribune, Capt. William Rule, of Knoxville, of opposite political faith to Worley's, was continuously squibbing Worley, and Worley was annoyed by the attack. Worley was consulted about the University matter, approved it, and declared if the editor would cease his attacks he would lend his influence towards getting the necessary funds. I understand that Wright called on Capt. Rule, outlined the plan and told him of Worley's position. Capt. Rule is said to have declared he would gladly refrain from any unkind mention of Worley, but on the other hand would deem such service on Worley's part as worthy of kindest treatment. I remember an editorial commending Worley about this time but did not understand its purpose. Plans were laid, the influence of the newspapers over the State were enlisted, and Dr. Morgan with quite a coterie of university folks was sent to Nashville to be present. The politicians put it over, also the direct tax. Morgan was kept in the background at Nashville but the press gave him credit for the appropriation. President Brown Ayres died in the meantime and Morgan was put forward to succeed him. Morgan is said to have modestly suggested that his attainments along scholastic lines might be a bar to his eligibility. "We'll give you Hoskins for that end of it," he was told, so the story goes, and with a great flare of trumpets he was made President. Everybody was pleased over the big appropriation and the press fairly eulogized Morgan and saw big things ahead.

Probably no man in the state has ever received more publicity than Morgan as head of the University. This form of work he has done well. But I now believe that the publicity finally went to his head, so to speak, that he became convinced of his own greatness and power, and dreamed dreams of bigger things for himself. He lost his balance in that he was ready to believe that the homage shown him was because of his own greatness rather than a sincere desire to build up the university. He catered to banking interests as represented on the Board of Trustees from the Knoxville District, and when the rebellion of the students came about he, realizing he had the backing of the local trustees, decided to take a drastic step in keeping with his inflated size (as the public understood him). His pride had been hurt, the students had gotten his goat, and he would even the score by being rid of any professors who had shown any independence, or had dared to offer any suggestions not in

harmony with his imperious will. Only the storm of protest which came up from all parts of the State, stayed the official axe from claiming yet other victims, so I have reason to believe.

The cunning which held back the ax until Schaeffer got far away, until the students had left the hill, is only squalled by the revengeful spirit which prompted the cruelty of the midsummer dismissals.

I don't believe this was good for the University. I don't believe that even the constituted authorities should be immune from criticism for blindly sanctioning such a state of affairs. I do believe that Hon. Bolton Smith, one of the dissenting members of the Board of Trustees was right when he declared that something was wrong with such a system that would blindly endorse the administrative officer under such circumstances. He thought it would thus be impossible to remedy the wrongs.

At the request of a committee of alumni who had been active in behalf of the dismissed professors I prepared the article appearing as the Alumni Edition of Truth signed by several alumni from various sections of the state. This is the letter you referred to in our conversation on your visit here. A slight addition by another alumnus was incorporated in this letter and the whole was approved by the committee prior to publication.

APPENDIX D

John R. Neal's letter to certain members of the Tennessee Legislature concerning Harcourt Morgan and the University of Tennessee.

Dear Sir:

We desire to call your attention to the within enclosed resolution recently passed by the American Association of College Professors at their convention in Washington, attended by one thousand members and representing five hundred colleges. As these resolutions were based upon an investigation by a committee of distinguished educators appointed by the association, we feel that they furnish a complete vindication of us from the brutally unfair and unjust treatment we received from the present administration of the University of Tennessee. We, therefore, have no further personal interest in the matter other than our desire to see conditions remodied at the institution we served so long and loved so well.

We especially desire to call your attention to the following provision of the resolution: - "That conditions such as have been disclosed in the University of Tennessee, are detrimental to the purposes of the institution and the interests of higher education in general."

The above is the mass judgement of the university world of America upon the present administration of the University of Tennessee, and we do not see how it is possible for the legislature of Tennessee, upon whom rests the final responsibility to ignore this severe condemnation without a thorough investigation as to whether this verdict is correct or not.

We believe that an investigation will disclose that the present Board of Trustees is illegally constituted--that private financial gain has in the past and is now accruing to certain of its members as the result of their position--that in consequence of the appointment of certain members the university lost several hundred thousand dollars in the compromise of the Strong Will case.

We further believe that an investigation will disclose that the present president of the university, H. A. Morgan, is legally, morally and mentally incompetent for the position of president of the university for the following reasons: First, he has committed numerous breaches of law of the state. Second, he waited more than twenty years after coming to America before taking out his final citizenship papers, and then taking this action only after the legislature had made it a misdemeanor to continue to hold his position without being an American citizen. Third, the extraordinary conditions under which he secured his naturalization, casts a doubt upon its legality. Fourth, he has

instituted a system of terrorism at the university, both over the faculty and student body which has affected the university like a touch of leprosy and making the institution fall behind both in scholarship and in attendance with its sister universities throughout the country.

The truth of the above statement is shown by the fact that when Harvard, Yale, Johns Hopkins and a number of other leading universities were asked by the university of Tennessee administration in July 1923 and since that time to recommend men to fill the positions vacated by the dismissed professors, these institutions refused to make any recommendations on the grounds of unsatisfactory administrative conditions at Tennessee. Similar replies were received from a large number of university instructors to whom positions were offered for the University of Tennessee.

These statements of the association are not mere expressions of opinion. They represent final decisions carefully formulated after a thorough investigation. Practically every university instructor in the country has been made acquainted with the conditions in the university of Tennessee, through the official publications of the Association and through the Press. In a word this means that the University of Tennessee is now regarded as a second rate institution. There is no escaping this regretable conclusion--facts speak for themselves. A former president of the American Association of College Professors brings the following terrible indictment against Tennessee. "Few university teachers able to obtain employment elsewhere will be disposed to accept calls to that institution (Tennessee) so long as its present methods and standards continue.

Asa A. Shaeffer,
University of Kansas,
Lawrence Kan.

Maurice Mulvania,
University of Wis.
Madison, Wis.

Robert S. Ellis,
Syracuse University,
Syracuse N. Y.

Robert S. Radford,
Kenyon College,
Cambier, Ohio

John R. Neal,
Rhea Springs, Tenn.

APPENDIX E

The record of the Tennessee elections in which Doctor John R. Neal participated. Source: Democratic Party. Tennessee Executive Committee, Official Returns, 1942. Rich Printing Company, Nashville, 1942; House Journal, 1907; Senate Journal, 1909, 1913; Tennessee Blue Book and Official Directory, Secretary of State, Nashville, 1929-30, 1932, 1936, 1937-38, 1939-40, 1945-46, 1947-48, 1949-50, 1951-52, 1954, 1956.

1906 Elected to the Tennessee House of Representatives for a two year term from the Third Tennessee District. Figures are unavailable.

1908 Elected to the Tennessee Senate for a two year term from the Ninth Tennessee District. Figures are not available.

1912 Unsuccessful candidate for the United States Senate seat vacated by the late Robert L. Taylor.

1913 Unsuccessful candidate for the United States Senate short term.

1924 Democratic Primary (Governor)

Austin Peay	125,031
John R. Neal	33,199

1926 Democratic Primary (Governor)

Austin Peay	96,049
Hill McAlister	88,448
John R. Neal	2,017

1928 Democratic Primary (United States Senate)

Kenneth McKellar	120,218
Finis Garret	64,470
John R. Neal	3,510
George Casey	1,908

1930 Democratic Primary (United States Senate)

W. E. Brock	113,492
John R. Neal	47,110

1934 Democratic Primary (United States Senate, long term)

Kenneth McKellar	212,226
John R. Neal	40,463

General Election (United States Senate, short term)

Nathan L. Bachman	200,249
John R. Neal	49,773

1936 Democratic Primary (United States Senate)

Nathan L. Bachman	217,531
John R. Neal	44,830

General Election (United States Senate)

Nathan L. Bachman	212,298
Dwayne D. Maddox	69,753
John R. Neal	14,617
Howard Kester	2,516

1938 Democratic Primary (United States Senate)

Tom Stewart	174,940
George Berry	101,966
J. Ridley Mitchell	70,393
John R. Neal	4,689
C. L. Powell	3,171
E. W. Carmack	2,536

General Election (United States Senate)

A. T. Stewart	194,028
Harley G. Fowler	72,098
John R. Neal	9,106

1939 Democratic Primary (United States House of Representatives)

Estes Kefauver	14,196
Casto Dodson	5,165
John R. Neal	359

1940 Democratic Primary (United States Senate)

Kenneth McKellar	230,033
John R. Neal	14,653
Claude Toler	6,671

1942 Democratic Primary (United States Senate)

Tom Stewart	136,415
Edward W. Carmack	116,841
John R. Neal	9,653

General Election (United States Senate)

Tom Stewart	109,881
Todd Meachem	34,324
John R. Neal	15,317

1944 Democratic Primary (Governor)

Jim McCord	132,466
John R. Neal	11,659
W. Rex Manning	7,510

General Election (Governor)

Jim McCord	275,746
John Wesley Kilgo	158,742
John R. Neal	6,703

1946 Democratic Primary (United States Senate)

Kenneth McKellar	188,805
Edward Carmack	107,363
John R. Neal	3,130
Herman H. Ross	2,995
Byron Johnson	2,495

Democratic Primary (Governor)

Jim McCord	187,119
Gordon Browning	120,535
John R. Neal	2,902
Mrs. Leah Richardson	2,249

1946 General Election (United States Senate)

Kenneth McKellar	145,654
W. B. Ladd	57,238
John R. Neal	11,516
Herman H. Ross	4,303

General Election (Governor)

Jim McCord	149,937
W. O. Lowe	73,222
John R. Neal	6,296

1948 Democratic Primary (United States Senate)

Estes Kefauver	171,791
Tom Stewart	129,873
John A. Mitchell	96,192
George W. Hardin	5,415
John R. Neal	1,876
John Hickey	1,534

General Election (United States Senate)

Estes Kefauver	326,142
Carroll Reece	166,947
John R. Neal	6,103
Allen J. Strawbridge	10

1950 Democratic Primary (Governor)

Gordon Browning	267,855
Clifford Allen	208,634
John R. Neal	2,875
Foster Freeman	1,907

General Election (Governor)

Gordon Browning	184,437
John R. Neal	51,757

1952 Democratic Primary (United States Senate)

Albert Gore	334,957
Kenneth McKellar	245,054
John R. Neal	7,181
Herman H. Ross	4,950
Pat Sutton	293

1952 General Election (United States Senate)

Albert Gore	545,432
Hobart F. Atkins	153,479
Richard M. Barber	22,169
John R. Neal	14,132

1954 Democratic Primary (United States Senate)

Estes Kefauver	440,497
Pat Sutton	186,363
E. L. Brown	9,644
John R. Neal	9,446

General Election (Governor)

Frank Clement	281,291
John R. Neal	39,574

APPENDIX F

Graduates of the John R. Neal School of Law who are currently prominent in Knoxville, Tennessee. Other law school graduates who are in practice throughout the state are not included although they may be numerous. Since Dr. Neal's law school has been closed for twenty-five years, the number of alumni which are left is gradually diminishing. Source: Martindale-Hubbell Law Directory (Martindale-Hubbell, Inc., Summitt, New Jersey, 1968), vol. IV, pp. 299-305.

Judd Acuff (Former Representative, 8th District)
Elliot Adams, Sr.
J. P. Brown
Beverly S. Burbage (TVA senior trial lawyer)
Wallace F. Burroughs (member of school board, Knox County)
Charles C. Burks
Fred R. Burris
Jack Comer (Nominee for State House of Representatives)
William C. Cooper
Harve M. Duggins (U. S. Commissioner)
Allen M. Elliot
N. O. Hale
Albert G. Heins
Doyle W. King (former state representative)
Earle W. Layman (General Sessions Court Judge)
Charles A. Maner
Max M. Morrison
Fred F. Moses, Jr.
Reuben H. Nichols (Chancery Court Judge)
Herman R. Parker
Hal Petty
James N. Phillips
Aubrey C. Jenkins
Martin Southern
C. R. Trotter
Guy L. Webb
Mark Webster
James R. Weems
H. K. Williams, Jr.
Ted L. Willocks

VITA

Bobby Eugene Hicks was born March 27, 1935, in Spring City, Tennessee, the son of Mr. and Mrs. Bruce Hicks. He graduated from Sweetwater High School in 1953, earned a BS degree from Tennessee Polytechnic Institute in 1957, and began working on his MA degree at the University of Tennessee in the summer of 1963. He was married to Flo Lynn Thornbury of New Orleans, Louisiana, on November 30, 1957. He taught at Sweetwater High School during the school year of 1957-58 and has been a Social Studies teacher at Lenoir City High School since 1959. He has been a member of the National Education Association, Tennessee Education Association, and Lenoir City Teachers' Association since 1959, serving as chairman of the Program Committee and Devotions Committee in the local teachers' association. He is a member of Trinity Methodist Church in Lenoir City where he has served as Sunday School teacher since 1959; in 1968 he was a member of the Official Board, Charge Lay Leader, and a Certified Lay Speaker. He is a member of the East Tennessee Historical Society. He served in the Tennessee National Guard from 1958 to 1964, acquiring the rank of sergeant. In 1967 he was named Teacher of the Year by the Lenoir City Jaycees and was listed among the Outstanding Young Men of America by that organization in 1968. He and his wife are currently (1968) living at Route 2, Harrison Hills, in Lenoir City, Tennessee.