

## *The Significance of Pennsylvania's 1938 Gubernatorial Election*

THE victory of Republican Arthur H. James in the 1938 gubernatorial election in Pennsylvania signaled an end to the brief success of the Democrats at the state level. The election was an important contest between the New Deal and its conservative opposition; it was a turning point for both parties, laying the foundation for future Republican ascendancy.

The Great Depression of the early 1930s had brought new life to politics in Pennsylvania. From the Civil War era until 1934, the Republican Party had predominated in the Keystone State. In most election years, the political contests were settled within that party. Even in 1932, the Republican tradition was still strong enough to prevent Franklin D. Roosevelt from winning the state. The Depression and the New Deal, however, soon wiped out Republican domination. Great numbers of Pennsylvania voters participated in the elections for governor in 1934 and for President in 1936, the majority of them supporting FDR and the other Democratic candidates. By 1938, the Republicans' advantage in registered voters had been cut drastically. A new period of two-party competition, perhaps of Democratic supremacy, seemed about to emerge in Harrisburg.<sup>1</sup>

Instead, the Democrats scored only scattered victories in the years 1938 to 1950. Four times in a row their gubernatorial candidates were defeated. The emergence of a Democratic majority took much longer in Pennsylvania than it did nationally. Although President Roosevelt retained his popularity and was able to carry

<sup>1</sup> In the 1934 gubernatorial election, there were just under 3.0 million votes cast, whereas in 1926 only 1.5 million votes were cast. For President, 4.1 million votes were cast in 1936, compared to 3.2 million in 1928. In 1932, the Republicans led the Democrats in registered voters by more than three to one—2,911,068 to 833,977. In 1938, they led by less than 200,000 voters, 2,372,528 to 2,209,276. *Pennsylvania Manual*, LXXXI (1933), 400-401; *ibid.*, LXXXIV (1939), 151.

other Democrats to victory when he was on the ticket, the Republicans regained control of the state government in 1938 and kept it for sixteen years. The 1938 gubernatorial election was crucial in cutting short the Democrats' growth and in re-establishing Republican dominance.<sup>2</sup>

Pennsylvania's Republican Party had displaced the Democrats during the Civil War. During the next fifty years, the party was run by a succession of bosses—Simon Cameron, J. Donald Cameron, Matthew S. Quay and Boies Penrose. Since Penrose did not prepare a successor, when he died on the last day of 1921 serious factional strife developed for the first time. No one person or group was able to control the party as before. Gifford Pinchot was elected governor twice, in 1922 and 1930, but he was dependent upon the aid of Joseph R. Grundy and the Pennsylvania Manufacturers' Association (PMA). William S. Vare ruled in Philadelphia and won election to the United States Senate in 1926 after a bitter primary race against Pinchot and the incumbent, George Wharton Pepper. The Senate, however, denied Vare his seat due to alleged excessive campaign expenditures, and Governor John S. Fisher appointed Grundy in 1929 to fill Vare's place. Grundy could not win the special election of 1930 for the remaining two years of Vare's term. He lost in the primary to James J. Davis, Secretary of Labor under Presidents Harding, Coolidge, and Hoover. Davis won easily over his Democratic opponent in November 1930, won a full term by a smaller margin in 1932, and was up for re-election in 1938.<sup>3</sup>

<sup>2</sup> The two gubernatorial elections prior to 1938 have been covered in detail by Irwin F. Greenberg, "Pinchot, Prohibition and Public Utilities: The Pennsylvania Election of 1930," *Pennsylvania History*, XL (1973), 21-35, and Edwin B. Bronner, "The New Deal Comes to Pennsylvania: The Gubernatorial Election of 1934," *ibid.*, XXVII (1960), 44-68. None of the gubernatorial elections since then has been analyzed as completely, although general histories of the state and some studies on state government do mention the campaigns.

<sup>3</sup> On Davis, see Robert H. Zieger, "The Career of James J. Davis," *Pennsylvania Magazine of History and Biography* (PMHB), XCVIII (1974), 67-89. The best complete study of Pinchot's political activities is M. Nelson McGeary, *Gifford Pinchot: Forester-Politician* (Princeton, 1960). Grundy is the subject of a biography by Anne Hawkes Hutton, *The Pennsylvanian: Joseph R. Grundy* (Philadelphia, 1962), and the Pennsylvania Manufacturers' Association has been described extensively, with many facts about Grundy's politics, in J. Roffe Wike, *The Pennsylvania Manufacturers' Association* (Philadelphia, 1960). There is an excellent discussion of Vare and the 1926 elections in Samuel J. Astorino's "The Contested Senate Election of William Scott Vare," *Pennsylvania History*, XXVIII (1961), 187-201.

Another major faction within the Republican Party was the Allegheny County organization under the control of the Mellon family—Secretary of the Treasury Andrew W. Mellon and his nephew, Richard K. Mellon. The Mellons were influential in the selection of Pennsylvania's Senators James Davis and David Reed. They sometimes joined with Vare, sometimes with Grundy. After 1932, with their influence waning, they generally sided with Grundy and the PMA.<sup>4</sup>

The Democrats had been out of power in Pennsylvania since Governor Robert Pattison's second term ended in 1895 when, in the early 1930s, Joseph F. Guffey came to the fore. Guffey and his lieutenant, David L. Lawrence, began organizing the state Democratic Party in Allegheny County, where the Republicans were weakest. By 1932, Allegheny County was voting Democratic; in 1933 Pittsburgh elected a Democratic mayor. Then, in the following year, Guffey ran for the Senate against Senator Reed (victor over Governor Pinchot in the Republican primary) and won by more than 100,000 votes to become the first Democratic senator from Pennsylvania since the 1870s. The Democratic gubernatorial candidate was George H. Earle III, a young, wealthy businessman who had been a Republican until 1932. Earle came from a Philadelphia family that had been long associated with the Republican Party. Selected to run partly because of the campaign money he could supply, partly because he was able to attract former Republicans, Earle won the election against Pennsylvania Attorney General William A. Schnader by 66,000 votes. The Democratic success carried over to candidates for the state House of Representatives and state Senate. Because only half of the members of the state Senate were elected in 1934, however, the Republicans held a majority that was used to block many of Governor Earle's proposals during the 1935-1936 sessions.<sup>5</sup>

<sup>4</sup> Wike, *The PMA*, 334-335.

<sup>5</sup> Earle's term as governor is covered in detail in Richard C. Keller, "Pennsylvania's Little New Deal" (Ph.D. dissertation, Columbia University, 1960). Guffey has published his autobiography, *Seventy Years on the Red-Fire Wagon* (privately printed, 1952). His full career is studied in Charles E. Holt, "Joseph F. Guffey, New Deal Politician from Pennsylvania" (Ph.D. dissertation, Syracuse University, 1965). Lawrence is examined in Sally O. Shames, "David L. Lawrence, Mayor of Pittsburgh: Development of a Political Leader" (Ph.D. dissertation, University of Pittsburgh, 1958). Bruce M. Stave, *The New Deal and the*

In 1936, Pennsylvania's Democrats had their greatest success. With Roosevelt easily beating Landon, Democrats won the elections for state treasurer and auditor general, took over control of the state House and Senate and numbered twenty-seven of the state's thirty-four congressmen.<sup>6</sup> During the 1937 legislative session, numerous reforms were enacted in the period referred to as the Little New Deal. Pennsylvania was an example of what state government could accomplish with New Deal leadership. Governor Earle, by now regarded as a potential successor to Roosevelt, announced in early 1938 that he would be running for the Senate, since he could not succeed himself as governor.<sup>7</sup>

David L. Lawrence of Pittsburgh was state Democratic chairman in 1938. He shared leadership of the party with Senator Guffey, who still controlled many of the local Democratic organizations through his handling of federal patronage. Philadelphia also had strong Democratic leadership under John B. Kelly and Matthew H. McCloskey, Jr. Another important faction within the party was organized labor, especially the C.I.O. Lieutenant Governor Thomas Kennedy was a high-ranking official in the United Mine Workers union, backbone of the C.I.O. The A.F. of L. was not as close to the Democrats, due to the animosity between its president, William Green, and John L. Lewis of the C.I.O. who expected recognition from the Democrats of the C.I.O.'s importance. He wanted Thomas Kennedy on the 1938 ticket for governor.<sup>8</sup>

In contrast to the Democrats, the Republicans were relatively unified that year. In the aftermath of the 1934 elections, Joseph Grundy became for a time the dominant leader of the party.<sup>9</sup> By 1938, however, his power was shared with Joseph N. Pew, Jr., a

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*Last Hurrah: Pittsburgh Machine Politics* (Pittsburgh, 1970), gives the story of Pittsburgh's emergence as a Democratic stronghold. For general background on both parties, see also Samuel J. Astorino, "The Decline of the Republican Dynasty in Pennsylvania, 1929-1934" (Ph.D. dissertation, University of Pittsburgh, 1962); Philip S. Klein and Ari Hoogenboom, *A History of Pennsylvania* (New York, 1973), 398-417; Sylvester K. Stevens, *Pennsylvania: The Heritage of a Commonwealth* (West Palm Beach, Fla., 1968), II, 805-874.

<sup>6</sup> *Pennsylvania Manual*, LXXXIII (1937), 185-203.

<sup>7</sup> Keller, "Little New Deal," 241-289, 294.

<sup>8</sup> Holt, "Guffey," 174; Klein and Hoogenboom, *History*, 417-419; Keller, "Little New Deal," 295.

<sup>9</sup> Wike, *The PMA*, 214.

wealthy industrialist who supplied sorely needed financial backing during the Depression. Pew, more interested in national politics, was hopeful of electing a Republican governor in 1938 who could win the presidency in 1940.<sup>10</sup>

The Republicans also had two anti-organization leaders in Davis and Pinchot. Davis had always been a moderate Republican, backing most of the New Deal programs. He had support from labor, especially in the A.F. of L., based on his background as coal miner and secretary of labor. Grundy never forgave Davis for defeating him in 1930 and, with Grundy in control of the state organization, Davis had to seek support for renomination elsewhere.<sup>11</sup>

Pinchot hoped to win a third term as governor in 1938. He had flirted with the Democrats in 1933 and 1934, nearly becoming their senatorial candidate for 1934. He was an avowed admirer of President Roosevelt and the New Deal. His progressive tendencies were far removed from Grundy's laissez-faire, pro-business attitude. Yet Pinchot needed Grundy to win. While the intraparty struggles of 1922 and 1930 had led to Grundy's backing Pinchot, Grundy had not supported him in his 1926 or 1934 losses, and in 1938 Grundy had no reason to support Pinchot again. Although Pinchot had a strong personal following in the rural areas, he did not have a large organization of his own. Like Davis, he was forced to run against the regular Republicans, but he was unable to capitalize on Davis' appeal by uniting with him against Grundy. Pinchot had done nothing to help Davis against Grundy in 1930 and had tried to replace Davis with Smedley Butler in 1932. Moreover, Davis probably had more to lose than to gain from an alliance with Pinchot.<sup>12</sup>

The 1938 election was significant for both parties and for all of Pennsylvania. Each party had to choose the interests it would represent for the coming years; the voters had to decide which

<sup>10</sup> *Ibid.*, 233-235; Herman A. Lowe, "Pennsylvania: Bossed Cornucopia," in Robert S. Allen, ed., *Our Sovereign State* (New York, 1949), 121-125.

<sup>11</sup> Zieger, "James J. Davis," 84-86.

<sup>12</sup> McGeary, *Pinchot*, 285, 347, 349, 354, 392, 395-399, 417; Astorino, "Decline," 17; Holt, "Guffey," 140, 141; Guffey, *Seventy Years*, 77-79. For background on Pinchot in the early and mid-1930s, see also James A. Kehl and Samuel J. Astorino, "A Bull Moose Responds to the New Deal: Pennsylvania's Gifford Pinchot," *PMHB*, LXXXVIII (1964), 37-51.

party best represented their own welfare. The campaign was divided into four distinct stages. Its earliest part involved the decisions on the conduct of the primaries and on who would run. Next came the weeks leading up to the primary elections after the various candidates had entered the races. Following the primaries, there was a period of more than three months when the candidates were not highly visible, but a great deal of legal and judicial maneuvering was taking place. Finally, from early September until November 8, 1938, there was the fall campaign, in which each side leveled all its attacks at the opposing party.

The success of the Republicans can be traced back to the first and second stages of this sequence. The Republicans entered the primary campaign with clear-cut choices for both governor and senator, so their main attacks were against the Democrats. When the primary ended, they were able to reunite without much difficulty. The Democrats lost the election, for all intents, between February and April, when they were unable to concentrate their strength against the Republicans. After spending a lot of time arguing over who should run, they began to attack one another while trying to counter charges of high-level corruption. The issues of the primary campaign haunted them throughout the fall of 1938 and continued to cause problems into 1940 and 1942.

The Democratic Party's successes in 1934 and 1936 and their potential success in 1938 greatly increased the attractiveness of the nominations for United States senator and governor. Earle was virtually conceded the senatorial nomination in the early months of 1938, but there were many possibilities, including Guffey and Lawrence, for governor.<sup>13</sup>

The most logical choice was Warren Van Dyke, who was state secretary of highways. Van Dyke had worked for the party for many years. Along with Guffey and Lawrence, he had been most responsible for putting together the winning campaigns of 1934 and 1936. He had figured prominently as a possibility for the gubernatorial nomination in 1934, when he was the state chairman. Indeed, he had been Guffey's first choice then, but J. David Stern, publisher of the state's largest Democratic newspaper, the Phila-

<sup>13</sup> *Philadelphia Record*, Feb. 3, 12, 1938.

delphia *Record*, had persuaded Guffey to run with Earle instead.<sup>14</sup>

Van Dyke was still a good possibility in early 1938. Since he was known as a peacemaker in the party, his selection probably would not have antagonized any of the Democratic factions and might have led to a winning ticket that fall. Van Dyke, however, was in poor health when the time came for the state committee to make its endorsements, so it was not possible for him to be the candidate.<sup>15</sup>

The earliest announcement for the gubernatorial nomination was made by state Attorney General Charles J. Margiotti. Margiotti hinted early in the year that he might run either as a Republican, a Democrat, or a third-party candidate.<sup>16</sup> He hoped that the Democrats would have an open primary for which the state committee would make no endorsement for governor. After Margiotti realized that the state committee would endorse someone else, he entered the Democratic race on February 15, 1938, blasting the "boss rule" of the party.<sup>17</sup>

Margiotti was a political opportunist. He was a renowned Pittsburgh criminal lawyer who had been one of the three strongest Republican candidates for governor in 1934. Although he had placed third in the primary behind Schnader, he had gotten a respectable 200,000 votes. After losing the Republican nomination, Margiotti had switched parties to support the Democrats in the fall and had been rewarded with his cabinet position. He had a strong base of support from Italian-Americans throughout the state.<sup>18</sup>

Margiotti played an important role in disrupting the Democratic chances in 1938 when he began to accuse various high-level administration figures, including Lawrence, of corruption, graft, and

<sup>14</sup> Holt, "Guffey," 141, 171; *Record*, Apr. 1, 1938; Guffey, *Seventy Years*, 76-79. For Stern's account of the 1934 gubernatorial nomination, see J. David Stern, *Memoirs of a Maverick Publisher* (New York, 1962), 203-211.

<sup>15</sup> Van Dyke died on Mar. 30, 1938. *Record*, Mar. 31, Apr. 1, 1938; Holt, "Guffey," 171; Guffey, *Seventy Years*, 109.

<sup>16</sup> *Record*, Jan. 27, 1938.

<sup>17</sup> *Ibid.*, Feb. 13, 14, 16, 1938.

<sup>18</sup> *Pennsylvania Manual*, LXXXII (1935-36), 412; Shames, "Lawrence," 24; Keller, "Little New Deal," 134, 141, 204; Bronner, "The New Deal," 47, 61. For a summary of Margiotti's career, see the *New York Times* (hereinafter cited as *Times*), Aug. 26, 1956.

bribery. It appears that his original intention was to attract attention to his candidacy, which resembled those of his opponents in its support of the New Deal, so that he might gain the nomination as an advocate of clean government. His charges soon became too sharp for his superior, Earle, to ignore. On April 27, 1938, Earle called his attorney general to a personal meeting to which he also invited a number of newsmen. He demanded that if Margiotti had specific evidence of corruption he, as attorney general, had to indict the accused at that time. When Margiotti, still maintaining he had evidence behind his charges, refused to comply or to even give Earle any specific evidence, Earle fired him.<sup>19</sup>

With the primary only three weeks away, Margiotti must have realized that he was not going to win the nomination. But he persisted in his attacks and went to the Dauphin County prosecutor's office with his alleged evidence, charging that, since it was an election year, it was necessary to submit his evidence to an impartial body. Dauphin County was controlled by the Republican Party, so Margiotti, apparently well aware of the impact of his actions, was playing into the hands of the Republicans. On primary day, his vote was only slightly over 13%, and he drew fewer votes than he had in the 1934 Republican primary. Margiotti, however, was probably unconcerned with his total vote after being fired. His main intent was to damage the Earle administration, and he succeeded.<sup>20</sup>

The charges that Margiotti made in the spring of 1938 opened a lengthy series of investigations, indictments, and trials that dragged into 1940. The Republicans were given an opportunity to go on a "fishing expedition" in Democratic waters, and they eventually did catch a few Democratic officials. None of those convicted was named in Margiotti's charges, however. Not one of his claims of misconduct in office was ever proved in court, although David L. Lawrence had to go through two trials lasting until 1940 before he

<sup>19</sup> *Record*, Apr. 28, 1938.

<sup>20</sup> Keller, "Little New Deal," 310-313; *Pennsylvania Manual*, LXXXIV (1939), 146. Margiotti was eventually reunited with the Republicans. He served as attorney general again under Governors Duff and Fine from July 5, 1950, to Mar. 1, 1951. *Ibid.*, XC (1951-52), 737.



was cleared.<sup>21</sup> Despite this, the Margiotti charges helped to defeat the Democrats in 1938 and made voters wary of supporting them in the future. As an isolated instance of a frustrated office seeker venting his rage at a party that would not support him, the incident might not have been decisive. But coming at the same time as similar charges were being made by the two major contending Democratic factions, Earle-Lawrence and Guffey-C.I.O., Margiotti's statements took on an added dimension of plausibility. There is a political axiom that if enough mud is thrown, some will stick. With the volume of political mud thrown in 1938, it was impossible for the Democrats to enter the fall campaign clean.<sup>22</sup>

The other Democrats divided into two camps in the spring of 1938. While Margiotti was complaining of a bossed party, the state committee was having difficulty selecting a candidate. John L. Lewis put forth Lieutenant Governor Thomas Kennedy as the choice of labor and hinted that Kennedy would run whether or not he was endorsed. Lewis added that he could switch the C.I.O.'s support to Pinchot if Kennedy lost in the primary.<sup>23</sup>

Two drawbacks against Kennedy were important to Lawrence, who, along with the Philadelphia leaders, was instrumental in the final selection of Charles Alvin Jones. The first was religion—Kennedy was a Catholic, as was Lawrence. Lawrence's own attempts to gain the nomination were thwarted when his soundings of the other leaders revealed that his religion would be a hindrance. Lawrence, who was then only forty-eight years old, was willing to postpone his candidacy, but it bothered him that John L. Lewis was going ahead with the Kennedy candidacy in spite of what was felt to be a religious handicap. Lawrence believed that if the Demo-

<sup>21</sup> Shames, "Lawrence," 35, 36; Holt, "Guffey," 181; Keller, "Little New Deal," 326-342.

<sup>22</sup> Almost all works dealing with this period of Pennsylvania history give summaries of the Margiotti charges. The major ones will be mentioned here. Margiotti first accused Lawrence of macing state employees. He next asserted that Democratic bosses were coercing businessmen to make contributions. Later, he accused Lawrence, McCloskey, and Secretary of Labor and Industry Ralph M. Bashore of getting \$20,000 from brewers in 1935 for their help in passing favorable legislation. After he was fired, Margiotti said that Earle had tried to bribe him with an appointment to a seat in the Senate if he would cease his accusations. He also charged that Lawrence had personally made \$2,500,000 from state insurance business. *Record*, Apr. 3, 13, 27, 29, May 6, 1938. Also see the *Times*, Apr. 28, 1938, for a good summary to that date.

<sup>23</sup> *Record*, Feb. 3, 12, 13, 1938.

crats were willing to risk running a Catholic that year, it should be himself rather than Kennedy.<sup>24</sup>

The second major drawback to supporting Kennedy came from the A.F. of L.-C.I.O. feud. Supporting Kennedy, who was obviously Lewis' lieutenant, would have been an insult to the A.F. of L. A compromise candidate acceptable to both branches of labor might have won many more votes in the general election. In addition to having fears of splitting the labor support, the leaders also worried that Kennedy would have no chance of carrying the nonlabor sections of the state in the general election, although Kennedy was not a radical labor leader. Fifty years old and mild-mannered, a miner before reaching his position as secretary-treasurer of the United Mine Workers in 1925, he had not especially distinguished himself as spokesman for either the administration or the C.I.O. during his tenure as lieutenant governor. But Kennedy's moderate-ness seemed to imply his subservience to Lewis. Lawrence and his allies had twin fears of a Kennedy candidacy—that it would not succeed, or that if it did succeed John L. Lewis would dominate the state party.<sup>25</sup>

When the state committee ran through the list of other possibilities, Charles Alvin Jones, a Pittsburgh lawyer and solicitor of Allegheny County, emerged as the favorite for Lawrence, Kelly, and McCloskey. A graduate of Williams College and the Dickinson School of Law, Jones was fifty years old and relatively unknown outside the circle of professional politicians. He had held only one elective office, and although he appeared throughout the 1938 campaign as a champion of the New Deal and of the Earle administration, there was some evidence in his past activities of his being somewhat more conservative. Unlike Margiotti, Jones had always been a Democrat, but in 1932 he had been a staunch supporter of Al Smith rather than FDR for the presidential nomination. At that time, he had publicly attacked the attempts of Guffey and Lawrence to swing Pennsylvania to FDR at the convention. In 1934, he had

<sup>24</sup> Shames, "Lawrence," 28; *Record*, Feb. 24, 1938. Despite their hesitancy to nominate a Catholic, the state committee probably would have endorsed Lawrence if he had asked for the opportunity to run. Keller, "Little New Deal," 297.

<sup>25</sup> Stave, *Last Hurrah*, 156; Keller, "Little New Deal," 295, 296, 301; *Record*, Feb. 20, 1938. On Kennedy, see also the *Times*, Jan. 21, 1963.

again opposed Guffey and the Guffey-Earle "hand-picked ticket." After that, however, he was won over to the New Deal by Lawrence.<sup>26</sup>

Jones's candidacy had the appeal of balancing the ticket; he was from Pittsburgh and Earle was from the Philadelphia suburb of Haverford. Because of the desire of the leaders to present a slate that represented various sections of the state, no Philadelphian could run as long as Earle was the senatorial candidate. This ruled out an endorsement for a favorite of McCloskey's and Stern's, Luther A. Harr, city treasurer of Philadelphia. As a former professor at the University of Pennsylvania, where he earned his Ph.D., a former state secretary of banking, and the business manager of Stern's newspapers, Harr had an impressive background in economics. He was more of a liberal than Jones, and he advocated the necessity of harmony among the Democratic leaders. Although Kelly and McCloskey supported him, Harr was actually closer to Guffey and refused to endorse the organization slate in the primary.<sup>27</sup>

The crucial period in selecting the slate for the Democrats began on the evening of February 17, 1938, at a meeting that continued the next morning. When Lawrence, Kelly, and McCloskey seemed decided on Jones, Guffey became upset and vowed to run for governor himself. Guffey, who had already been in and out of the race a number of times, felt that Jones, a virtual unknown opposed by a labor candidate, would be fatal to the party's hopes in November. Lawrence responded to Guffey's threat by accusing the senator of sabotaging Lawrence's own attempts to run for governor by convincing the other leaders that Lawrence could not win, all for the sake of promoting Guffey's candidacy. Guffey eventually cooled off and agreed to accept the committee's slate, but the Guffey-Lawrence friendship was never again the same.<sup>28</sup>

<sup>26</sup> Holt, "Guffey," 75; Keller, "Little New Deal," 298; Guffey, *Seventy Years*, 104; *Record*, Feb. 18, Mar. 12, 1938. The *Times*, May 22, 1966, gives a summary of Jones's career, which included five years as Chief Justice of the Pennsylvania Supreme Court.

<sup>27</sup> Lowe, "Bossed Cornucopia," 121; *Record*, Feb. 17, 27, Mar. 12, 1938. Another possibility explored by some leaders was to remove Earle from the ticket by getting him appointed to a cabinet-level position by FDR. Then, Kennedy could have been put on the committee's slate for senator, and Harr or Jones for governor. Keller, "Little New Deal," 294, 295, 301.

<sup>28</sup> Guffey, *Seventy Years*, 102-107; Holt, "Guffey," 176; Keller, "Little New Deal," 299; *Record*, Feb. 19, 20, 1938. Guffey explained that he never mentioned that he might run for governor himself at the meeting, just that he felt Jones would lose the election. The choices for the other offices, lieutenant governor and secretary of internal affairs, aroused no concern at that time.

Although apparent agreement had been reached, the situation was still sensitive. In an effort to reconcile the matter completely, Lawrence made arrangements to meet with President Roosevelt, Guffey, Stern and Earle at the White House on February 24, 1938. Out of this conference came a new compromise candidate, William C. Bullitt, ambassador to France, former ambassador to Russia. Bullitt was from an aristocratic Philadelphia family, and he had a distinguished diplomatic record. Roosevelt felt that Bullitt could be persuaded to run and was willing to recall him from France for the campaign. This decision satisfied Stern, Guffey, and, originally, Lawrence, but Kelly and McCloskey backed out on the agreement and Lawrence joined them. They decided that Jones was a better choice, so they persisted in endorsing him. Since they controlled the power of the state committee, their wish was followed. Charles Alvin Jones became the endorsed gubernatorial candidate on February 25, 1938, at the official state committee meeting.<sup>29</sup>

Guffey responded to what he considered a betrayal by Lawrence by supporting Kennedy's candidacy, since he felt that the only chance for Democratic victory was in nominating a ticket acceptable to labor. Thus the lines were drawn on March 11, 1938, with Senator Joseph F. Guffey, Lieutenant Governor Thomas Kennedy, David Stern, John L. Lewis, and the C.I.O. leadership on one side and State Chairman David L. Lawrence, Charles Alvin Jones, Philadelphia leaders Kelly and McCloskey, and the state Democratic committee on the other. To oppose the committee's selections of state Senator Leo C. Mundy and the incumbent, Thomas A. Logue, the Guffey forces put in Judge Ralph Smith of Pittsburgh for lieutenant governor and Edith De Witt, vice-chairman of the party, for secretary of internal affairs. Margiotti was by himself, although at first he refrained from attacks on the Guffey forces.<sup>30</sup>

Governor Earle was the key to the final disruption of the Democrats. As long as he remained neutral on the gubernatorial choice, he continued to be supported by both sides for the senatorial

<sup>29</sup> *Record*, Feb. 25, 26, 1938; Guffey, *Seventy Years*, 106-107; Keller, "Little New Deal," 299, 300. Bullitt cabled FDR on Feb. 25, 1938, that he did not want the nomination and that he would refuse to run. Orville H. Bullitt, ed, *For the President PERSONAL AND SECRET: Correspondence Between Franklin D. Roosevelt and William C. Bullitt* (Boston, 1972), 253-254.

<sup>30</sup> *Record*, Mar. 12, 16, 25, 1938; Guffey, *Seventy Years*, 108, 109.

nomination. His only announced opponent was the mayor of Johnstown, Eddie McCloskey, who had no chance of winning. But Earle was much closer to Lawrence than to Guffey. As secretary of the Commonwealth, Lawrence had been Earle's top political advisor and was considered responsible for many of Earle's successful Little New Deal measures.<sup>31</sup> On the other hand, it was known that Guffey had not preferred Earle in 1934. Guffey might have worried that it would diminish his own prestige if Earle should become senator, especially since Earle was considered a strong contender for the 1940 presidential nomination. As for Earle, he might have felt that Lawrence's organization would not help him in the fall or in 1940 if he refused to support Jones.

At any rate, on March 17, 1938, Earle announced that he was supporting the organization slate headed by Charles Jones.<sup>32</sup> On March 28th, the mayor of Philadelphia, S. Davis Wilson, entered the primary as candidate for senator and soon joined the slate headed by Thomas Kennedy.<sup>33</sup> Wilson was a political maverick who had been elected city controller of Philadelphia in 1933 on the reform Democratic ticket. In 1935 he had won the race for mayor on the Republican side, beating John B. Kelly in a close election. A former ally of Pinchot's, he had been a New Dealer in 1933, an anti-New Dealer in 1935. As mayor, he was closer to the state Democratic Party than to the Republicans. Wilson was an extremely combative man who saw himself as a reformer and friend of the "little man." Having worked at breakneck speed during his first two years in office, he had collapsed in early 1938, causing him to cancel his plans to run for governor. By the end of March, however, he had sufficiently recovered to wage an aggressive campaign for the Senate. Although he did refer to Senator Davis at times, his main target was Governor Earle. A "rabble-rousing campaign orator," he became the "hatchet man" of the Guffey forces, joining Margiotti in charging scandal in the Earle administration. Wilson revealed that Earle had obtained personal loans from Philadelphia contractor Matthew H. McCloskey, Jr. He called attention to the large number of state contracts that McCloskey's firm had won

<sup>31</sup> Shames, "Lawrence," 22.

<sup>32</sup> *Record*, Mar. 18, 1938.

<sup>33</sup> *Ibid.*, Mar. 29, Apr. 1, 1938.

since then. Guffey alleged that contractors such as McCloskey were using politics for their own ends as well as exploiting their workers.<sup>34</sup>

The Lawrence organization countered with its own charges of corruption directed at Guffey. Guffey was accused of macing (*i.e.*, forcing workers to give their money and votes to keep their jobs) federal patronage employees, a charge that was true for Guffey, but also for Kelly, Lawrence, and other local leaders.<sup>35</sup> By the end of the primary campaign, many of the Democrats' illicit methods had been brought into the open. There was little in the way of substantive issues separating the candidates. Jones, Kennedy, and Margiotti, as well as Earle and Wilson, ran on the basis of defending the New Deal. Periodically, the candidates would take time from attacking one another to assail the Republicans. Kennedy, in particular, stayed above the battle of personalities in his public statements. But Guffey, Wilson, and campaign manager F. Clair Ross made up for Kennedy's moderation with their venomous speeches. Meanwhile, FDR tried to stay out of this family argument, but at the last minute, in an attempt to bring some harmony out of the mess, his top aide, James Farley, urged the nomination of Earle and Kennedy.<sup>36</sup>

When the voting ended, the result was a complete victory for Lawrence. Pre-election polls did not give Wilson much of a chance against Earle, and the outcome confirmed the polls. Earle beat Wilson by more than two to one, with Eddie McCloskey finishing a poor third.<sup>37</sup> But the race for governor was called a toss-up by some experts just prior to the voting, and it proved to be close.<sup>38</sup>

<sup>34</sup> Irwin F. Greenberg, "The Philadelphia Democratic Party, 1911-1934" (Ph.D. dissertation, Temple University, 1972), 563; Stern, *Memoirs*, 228-230; *Times*, Apr. 24, 1938; *Record*, Apr. 19-25, Sept. 10, 1938. James Reichley, in *The Art of Government: Reform and Organization Politics in Philadelphia* (New York, 1959), 6, notes that "there is general agreement today that [Kelly] was 'counted out' by Republican-controlled boards of election" in the 1935 election that Wilson won by approximately 370,000 to 330,000 votes. For general background on Wilson, see T. Henry Walnut, "S. Davis Wilson, Mayor of Philadelphia," in J. T. Salter, ed., *The American Politician* (Chapel Hill, 1938), 282-303.

<sup>35</sup> *Record*, Apr. 23, 1938; Priscilla Ferguson Clement, "The Works Progress Administration in Pennsylvania, 1935 to 1940," *PMHB*, XCV (1971), 246-257; Holt, "Guffey," 169.

<sup>36</sup> *Record*, May 17, 1938; *Times*, May 17, 1938.

<sup>37</sup> The exact figures were: Earle—779,216 (64%); Wilson—336,370 (28%); McCloskey—91,136 (6%). Earle lost only four counties to Wilson. *Pennsylvania Manual*, LXXXIV (1939), 147.

<sup>38</sup> *Times*, May 16, 1938; *Record*, May 16, 17, 1938.

Margiotti did well enough to hold the balance here, gaining 173,000 votes, and if he had been allied with Kennedy as the senatorial candidate, as was suggested by some in the Kennedy camp, Jones might have lost. Although Kennedy won in a majority of the counties, Jones beat him by 74,000 votes.<sup>39</sup> The Democratic Party now had three months to ready itself for the fall campaign. It had to worry about Margiotti's charges, which were already being investigated by the Dauphin County grand jury. And there were deep rifts between the victorious Lawrence-Earle-Jones faction and the defeated Guffey-C.I.O. forces. It would have taken a complete collapse by the Republicans for the Democrats to salvage the November election.

The highlight of the Republican primary was seventy-two-year-old Gifford Pinchot's attempt to become governor for the third time. Despite his flirtations with the Democrats in 1934 and his admiration for President Roosevelt, Pinchot stayed with the Republicans. Perhaps he sensed that if he could again get the nomination he would be able to run as a New Dealer, expose the problems within the state Democratic administration, and siphon off enough Democratic votes to gain victory. That logic is hard to fault, for if he had managed to obtain the Republican nomination it appears likely that he would have won. The Republicans would have had no one else to turn to, and Pinchot had shown that he at least honored his commitments to the regular Republicans on patronage matters.<sup>40</sup>

Grundy was the key to the Pinchot candidacy, which was announced on January 10, 1938. Pinchot had never been successful without Grundy's support. Although the Republican leaders did consider going with the Old Forester once again in 1938, they declined when he refused to moderate his stance on labor. When Grundy backed Pinchot's opponent, Pinchot based his campaign equally on pledges to work for the New Deal and to rid the party

<sup>39</sup> Most observers felt that Margiotti's support would have been split, so Jones would have won by the same margin. *Times*, May 22, 1938. The exact figures were: Jones—591,546 (46%); Kennedy—517,101 (40%); Margiotti—173,047 (13%). Margiotti carried one county, Jones took thirty-one, and Kennedy the remaining thirty-five. Jones's success came mainly from his leads over Kennedy of 34,000 in Allegheny County, and of 64,000 in Philadelphia. The other two positions were won with majorities by Mundy and Logue. *Pennsylvania Manual*, LXXXIV (1939), 148–150.

<sup>40</sup> Wike, *The PMA*, 232; McGeary, *Pinchot*, 413, 416; Greenberg, "Election of 1930," 23.

of Grundy's and Pew's influence. Pinchot did get the support of a few state leaders, including John S. Fine of Luzerne County, former State Chairman M. Harvey Taylor, and State Chairman G. Edward Green, but their help came late in the primary campaign and was not enough to offset the regular organization.<sup>41</sup>

Joseph Grundy was not as interested in the gubernatorial race in 1938 as he was in getting his chief legislative spokesman, state Senator G. Mason Owlett, nominated for United States senator. Grundy reached an agreement with Joseph Pew and his ally Moses Annenberg, owner of the *Philadelphia Inquirer*. Grundy would support their choice for governor, Superior Court Judge Arthur H. James, in return for their support of Owlett.<sup>42</sup>

When James was announced as the choice of the Pew-Grundy forces on January 29, 1938, Owlett still had the field to himself for senator. Senator Davis waited until March 7, 1938, before announcing that he would run for re-election.<sup>43</sup> After Davis entered, Pew's backing of Owlett dropped off considerably, although Pew was still officially for Owlett. James, however, refused to be drawn into partnership with Owlett, who had a reputation as a staunch conservative and as Grundy's puppet. James did align himself with the rest of the Pew-Grundy slate, which included Grundy's choice of Samuel S. Lewis of York County for lieutenant governor and William S. Livengood, Jr., from Somerset County for secretary of internal affairs. Lewis was highly experienced in state matters already, having been Pennsylvania's auditor general, 1921-1925, treasurer, 1925-1929, and secretary of highways, 1931-1935. He had been Grundy's original prospect for governor in the 1930 election, but dropped out when Grundy saw that Vare's candidate would win if both Lewis and Pinchot remained. Again, in 1938, he was a possibility for governor before Grundy agreed to the compromise with Pew.<sup>44</sup>

The four major Republican contenders, James and Pinchot,

<sup>41</sup> *Record*, Jan. 11, Mar. 14, 16, Apr. 3, 8, May 7, 1938; Keller, "Little New Deal," 317, 320, 323; McGeary, *Pinchot*, 397, 417.

<sup>42</sup> Hutton, *Grundy*, 205; Wike, *The PMA*, 233-235; *Times*, May 16, 1938. The *Inquirer* and the *Record*, due to the animosity of their publishers, Annenberg and Stern, were bitter opponents, especially in their political coverage.

<sup>43</sup> *Record*, Jan. 30, Mar. 8, 1938.

<sup>44</sup> Wike, *The PMA*, 229, 234; *Times*, May 16, 1938; Hutton, *Grundy*, 200; *Pennsylvania Manual*, LXXXIV (1939), 491.



Davis and Owlett, were thus not drawn into two completely hostile camps. Pinchot was unsuccessful in trying to unite with Davis, but he and Davis did work with another independent progressive candidate, Frank Harris of Allegheny County, who was running for lieutenant governor.<sup>45</sup> Owlett, basing his hopes mainly on support from Judge James, received little help from the Pew forces in the James organization.<sup>46</sup> Therefore, when the primary ended with James and Davis victorious, both sides had reason to support the ticket for the fall. Only Pinchot remained outside the Republican coalition, but he did not, as hoped by some Democrats, join the Democrats after the primary. His organization leaders turned to James in hope of regaining power.<sup>47</sup>

Davis ran on his record in the Senate and as a liberal Republican with friends in labor. In the 1938 primary, he attacked Grundy, but not nearly as severely as he would four years later when he tried to win the gubernatorial nomination. "Puddler Jim," as he was often called, was basically a compromiser among men, a founder and member of numerous fraternal organizations, dedicated to the concept of charity between individuals rather than from the government. His strength lay in not making enemies. His national impact, as cabinet member and senator, was amazingly limited for one who would spend twenty-four years in the upper levels of American government in Washington.<sup>48</sup>

Owlett, who was to become president of Grundy's PMA in 1943, was an important state leader in his own right. He was a forty-five-year-old lawyer, Princeton-educated, who had first been elected to the state Senate in 1932. In 1938, he served as Pennsylvania's Republican National Committeeman and was the Republican leader in the state Senate. He denounced the New Deal measures as "false liberalism" and contended that his conservatism was actually "common-sense liberalism." He was never able to separate himself

<sup>45</sup> *Record*, May 14, 1938; *Times*, May 16, 1938.

<sup>46</sup> According to one report, Pew had his workers in the Philadelphia suburbs giving out handbills urging the election of James, but not mentioning Owlett at all. Grundy was reportedly quite upset, but he remained within the alliance. *Ibid.*

<sup>47</sup> *Times*, May 22, 1938; *Record*, Sept. 28, Oct. 18, 1938; McGeary, *Pinchot*, 417. Late in the fall campaign, Pinchot did oppose James because Pew and Annenberg were for James. *Times*, Oct. 16, 1938.

<sup>48</sup> Zieger, "James J. Davis," 67, 69, 83, 86.

from Grundy, however, and Grundy was not popular enough, even among Republican voters, to carry him to victory. Owlett did serve a useful purpose for the party, however, in joining with James in attacking the Democrats in Harrisburg and Washington.<sup>49</sup>

Arthur H. James, fifty-four years of age, had previously served as lieutenant governor under John S. Fisher from 1927 to 1931, when he had been Vare's choice for lieutenant governor. From Plymouth, near Wilkes-Barre, in Luzerne County, part of the hard-coal region of northeast Pennsylvania, James often referred to his background in the coal mines as a "breaker boy." Actually, his family had not been especially poor. His father rose from miner to manager of a mine, and young Arthur was only in the mines during his summer vacations. However, the fact that James had had experience as a laborer certainly helped his political career. He and Senator Davis were viewed by a number of labor leaders, especially in the A.F. of L., as friends of labor.<sup>50</sup>

James received his law degree from the Dickinson School of Law in 1904. Practicing law and entering local politics, he eventually won the office of lieutenant governor, and in 1932 he gained a ten-year term on the Pennsylvania Superior Court, where he remained until his inauguration. Throughout the primary and fall campaigns, James refused to resign his position on the bench. First Pinchot, then Jones, tried to defeat him on the basis of this blatant refusal to comply with the guidelines of the American Bar Association on judicial ethics. The A.B.A.'s position was that if a judicial officer were running for elective office, other than for a seat on a court, he should resign to avoid any potential conflict of interest.<sup>51</sup>

James mostly ignored all attacks on him on this basis, although he did say later that he was not resigning in order that he might appoint his successor after he became governor.<sup>52</sup> He continued to receive his salary while campaigning, even though he was absent from court during his months as candidate. Judge James clearly was injecting politics into the judicial operations by refusing to allow

<sup>49</sup> Wike, *The PMA*, 42, 96; *Pennsylvania Manual*, LXXXIV (1939), 703; *Record*, Feb. 25, Apr. 13, 1938.

<sup>50</sup> Hutton, *Grundy*, 183; Klein and Hoogenboom, *History*, 422, 423; *Times*, Apr. 28, 1973.

<sup>51</sup> *Record*, Jan. 13, 30, Apr. 8, 1938.

<sup>52</sup> *Ibid.*, Sept. 15, 1938.

Governor Earle to appoint his successor. Nevertheless he succeeded in all parts of his campaign. Not only did he win the primary and general elections while remaining a member of the Superior Court, he postponed his resignation (he had to resign before being sworn in as governor, since the state constitution prohibits the governor from holding other public office) long enough to prevent Earle from appointing his successor. As long as the General Assembly was in session, which it was in January 1939, the time of the inauguration, Earle had to get the Senate's approval for this appointment. By delaying his resignation, James was able to appoint William E. Hirt to his seat.<sup>53</sup>

James ran an active campaign in the primary in favor of law and order, against the New Deal and Pinchot's alleged sympathy with John L. Lewis.<sup>54</sup> He attacked both Earle and Pinchot as New Dealers whose ideas on taxation had driven business out of the state, prolonging the Depression. James's own program was vague, but he promised to cut the taxes of the Earle administration and to run an honest statehouse. Through honest, efficient administration, he declared, taxes could be lowered without cutting relief payments, which were then a majority of the state's expenses. His attacks on Pinchot and the New Deal were sometimes blistering—Pinchot was accused of being an autocrat and a one-man government, the New Deal and Naziism were lumped together as similar philosophies. For the Republicans on the whole, however, attacks on the personalities of the opponents did not figure as prominently as in the Democratic primary. The contending Republicans stood for different programs of governmental activity, which were the main targets.<sup>55</sup>

The results of the May 17th primary were mixed. As predicted, Davis soundly beat Owlett and one minor candidate by nearly two to one. But James did better than anyone imagined in beating Pinchot by more than two to one, with two others getting negligible totals. Lewis and Livengood were also successful. Apparently, many of Pinchot's supporters in the rural areas, his main strength since 1922, had registered as Democrats by 1938 and were unable

<sup>53</sup> *Pennsylvania Manual*, LXXXIV (1939), 38, 915.

<sup>54</sup> Keller, "Little New Deal," 318; *Times*, May 17, 1938.

<sup>55</sup> *Record*, Apr. 7, 12, 20, May 10, 1938; Keller, "Little New Deal," 318-320.

to vote for him. The size of James's victory was a surprise to even his most optimistic backers.<sup>56</sup> The Republicans quickly united and sat back to enjoy a summer filled with accusations in court and in the press against the Democrats.

During the summer, the Earle administration did its best to quash the inquiries into its affairs. Earle maintained that a county court had no jurisdiction over the state's business. He used the analogy of a state court hauling federal officials, including the President of the United States, into court on charges of misconduct in federal duties.<sup>57</sup> The administration was represented by William A. Schnader, Earle's opponent in 1934, as counsel for the Commonwealth. Schnader was able to get the state Supreme Court to halt the grand jury investigations pending final judicial decision on the Commonwealth's arguments.<sup>58</sup>

In the meantime, Earle called the Democratic-controlled legislature back into session in late July to begin its own investigation. In September, the House Special Investigating Committee was allowed to proceed. After calling a number of witnesses, including Margiotti, five Democrats and two Republicans eventually voted along party lines that there was no evidence to support Margiotti's charges. The Assembly also pushed through a bill making it illegal for Dauphin County to conduct its own grand jury investigation of the Earle administration.<sup>59</sup>

The state Supreme Court, however, found that bill unconstitutional and consequently returned a verdict that allowed the Dauphin County prosecutor, Carl B. Shelley, to continue his investigation. By the time the grand jury was reconvened, the November election had passed. A number of officials were indicted. Secretary of Highways Roy Brownmiller was convicted of misusing highway funds

<sup>56</sup> *Times*, May 22, 1938. The Gallup poll had Davis by as much as four to one over Owlett, but Pinchot and James were seen virtually tied. *Times*, May 16, 1938. The exact figures were: for senator, Davis—811,450 (62%); Owlett—441,413 (34%); Edward L. Stokes—53,148 (4%); for governor, James—937,592 (66%); Pinchot—450,595 (32%); two others totalled—40,860 (3%). Owlett carried thirteen counties, including Philadelphia. Pinchot took twenty-one, including Allegheny, mostly in the west and central regions. *Pennsylvania Manual*, LXXXIV (1939), 147–150.

<sup>57</sup> *Record*, Sept. 8, 1938.

<sup>58</sup> Keller, "Little New Deal," 328; *Record*, Sept. 4, 1938.

<sup>59</sup> *Times*, Oct. 16, 1938; *Record*, Sept. 8, 1938; Keller, "Little New Deal," 333–338; "Earle's Brawl," *Time*, Aug. 8, 1938, 11.

and was given a sentence of one year in jail and a \$3,000 fine. Some minor officials were also found guilty of misconduct in office, but the attempt to destroy David L. Lawrence with two separate indictments failed.<sup>60</sup>

By the time the fall campaign got underway in early September, the Democrats had made the semblance of restored unity. Guffey was persuaded to become the campaign manager for Earle and Jones, and Lewis and Kennedy soon came out in open endorsement of the straight Democratic ticket. The state A.F. of L. also endorsed the party.<sup>61</sup> For two full months, the Democrats made no attacks on their fellow Democrats. They ignored the charges of corruption thrown at them by the Republicans. Those called to testify in the legislative inquiry denied the charges. Their key issues were all-out support of FDR and the New Deal, and a warning of the dangers if James were to become governor.<sup>62</sup>

The main concern by both sides was the gubernatorial battle. In the senatorial contest, Earle ran on his record as governor. His major points in discussing national politics were a mildly isolationist stance about the possibility that the country might be drawn into the impending European war, and a commitment to support Roosevelt's domestic policies. He accused Davis of being antilabor and anti-New Deal.<sup>63</sup>

Davis stayed more in the background in the fall, content to run on his record of supporting certain New Deal measures while criticizing the overall tendency of the New Deal to absorb too many functions better left to state and local governments or to individual initiative. The defeat of the C.I.O. candidate in the Democratic primary plus the personal endorsement of A.F. of L. president William Green undoubtedly solidified his position of respect from

<sup>60</sup> Shames, "Lawrence," 35, 36; Keller, "Little New Deal," 339-341.

<sup>61</sup> *Record*, Sept. 21, 23, 1938. Holt, in "Guffey," 181, 182, reports that many within the Democratic party felt that Guffey's support was lukewarm. Guffey's close friend Robert L. Vann, editor of the Pittsburgh *Courier* and a leader among the black Democrats, made public statements that a vote for James would be helpful to Guffey. Guffey denied that he was in any way hopeful of a Democratic defeat, but the 1938 loss did help push him back into the position of number one Democrat. Keller, "Little New Deal," 359-362; *Record*, Oct. 24, 1938.

<sup>62</sup> *Record*, Sept. 18, 1938.

<sup>63</sup> *Ibid.*, Sept. 3, 17, Oct. 4, 1938.

many in the state labor force. Davis had begun to weary a bit after forty years of hard work in the fraternal organizations and government service. Perhaps sensing that he had the election won, he seldom made headlines after the primary.<sup>64</sup>

Democratic candidate Jones was an aggressive campaigner, as was his opponent Arthur James. Jones based his fall strategy on the same issues as in the spring—support of Roosevelt's New Deal and Earle's Little New Deal, and opposition to a return of the old-line Republicans who were allied with the big interests, manufacturing, utilities, and banking.<sup>65</sup> While there was little difference between what the Democrats opposed in 1938 and their positions in the 1934 and 1936 campaigns, they could now point to the programs of the Little New Deal to show that they stood for support of labor's rights, aid to farmers, relief for the unemployed, taxation of wealthy corporations, expansion of opportunities for blacks, public works programs, and state highway construction, including the start of the cross-state Pennsylvania Turnpike.<sup>66</sup>

Indeed, the brief Democratic regime, which included only two years when both houses of the General Assembly were Democratic, had done much to change the politics and government of Pennsylvania. Had the 1938 election been a referendum on whether the voters approved what had taken place, it is possible that the answer would have been yes. That was not the question facing the voters, however. The choice was one of future direction. All across the nation, there was a tendency to reject the New Deal in 1938, brought about in part by FDR's efforts at "packing the Supreme Court" and "purging of conservative Democrats," in part by the recession of 1937-1938.<sup>67</sup>

In 1938, the voters were presented with a clear choice of the direction Pennsylvania's government would take. Jones represented a continuation of policies which remedied some of the grosser inequities and relieved a certain amount of suffering, but which were

<sup>64</sup> Zieger, "James J. Davis," 87; *Record*, Sept. 5, Oct. 25, Nov. 8, 1938. In announcing his approval of Davis, Green pointed out that Davis had voted along the A. F. of L. line 100% of the time. *Times*, Sept. 10, 1938.

<sup>65</sup> *Record*, Sept. 17, Oct. 1, Nov. 8, 1938.

<sup>66</sup> Keller, "Little New Deal," 241-289.

<sup>67</sup> William E. Leuchtenberg, *Franklin D. Roosevelt and the New Deal, 1932-1940* (New York, 1963), 252-274.

unable to completely lick the Depression in more than five years of federal intervention. James stood for a reversal of the course of governmental interference, a turn toward business as the savior of the economy. He did not advocate harm to any of the interests that were helped by the New Deal, especially labor. The GOP platform incorporated many of the popular New Deal programs—the WPA, the relief measures, the social security system, and the right of labor to organize—while James stressed that he was against certain New Deal drifts, such as dictatorship, class hatred, centralization of power, waste, extravagance, political corruption, and punitive laws against industry. Using the campaign slogan “James and Jobs,” he explained that attracting industry and giving incentives for production would mean more jobs and higher wages for all.<sup>68</sup>

At no time did James refer to the fact that the economy had foundered under the Republican administration of Herbert Hoover, who had advocated the same approach to the economy. The only recital of Republican failure James made in 1938 was his accusation that Gifford Pinchot had contributed to the sorry state of affairs and the huge debt of the Commonwealth.<sup>69</sup> James certainly did not fail to mention the charges of corruption against the administration in Harrisburg. It was plain to see, he alleged, that many of the taxpayers’ hard-earned dollars were lining the pockets of Democratic officials. He averred that the Democrats, in their greed to get more power, had taken to battling for the spoils among themselves, and he promised to “clean up the Democratic mess at Harrisburg.”<sup>70</sup> Arthur H. James ignored the ways in which some of his biggest supporters, such as Pew, Grundy, and Annenberg, had enriched themselves. He disregarded his own arrogant refusal to resign from the Superior Court and neglected to mention that many of the Democratic abuses, such as granting special governmental favors and coercing workers to vote for or contribute to their party, had been standard practice for years in the Republican strongholds of Philadelphia and Pittsburgh. He twisted the facts on the Republican position on labor’s rights to organize and to get compensation for injury and made it seem that these had been Republican positions

<sup>68</sup> *Record*, Sept. 11, 1938; *Times*, Oct. 16, 1938; Keller, “Little New Deal,” 352.

<sup>69</sup> *Record*, Apr. 20, 1938.

<sup>70</sup> *Times*, Oct. 16, 1938.

for many years, whereas the truth was that Grundy had fought any attempt to bring Pennsylvania's labor laws away from the industrialist philosophy of the 1890s and into the "progressive period." Despite all this, Judge James could argue piously that never before had there been such a band of scoundrels in Pennsylvania government.

The candidates criss-crossed the state a number of times, repeating their themes to enthusiastic audiences wherever they went. Despite the lack of a truly exciting candidate on either side, interest had never been greater for a state election. The men behind the candidates were as much key figures as the candidates themselves.<sup>71</sup> Each party had drawn three-fifths of its registrants to the primary polls; the turnout on November 8, 1938, was an astronomical 82 per cent, exceeded only by the 84 per cent who voted in 1936.<sup>72</sup> Jones received more votes than any Democratic gubernatorial candidate would until 1954, more than any victorious gubernatorial candidate had achieved before, but still he lost by nearly 300,000. Earle did even poorer than Jones. Many Democrats apparently cut him from the ticket, perhaps in retaliation for his role in the primary.<sup>73</sup> Davis beat Earle by just under 400,000. The rest of the Republican slate was also elected and the party regained control of the Pennsylvania congressional delegation, 19-15. It won the state House of Representatives by a healthy majority and a narrow margin in the state Senate. The Republicans polled nearly as many votes as they had registered voters, while the Democrats failed to draw the number they had registered. A large number of Democrats evidently turned to the Republican candidates.<sup>74</sup>

Among the state's sixty-seven counties, the areas where the Republicans did well explain their type of support. The tendency for the Democrats to prevail in urban areas continued. Jones and

<sup>71</sup> *Ibid.*

<sup>72</sup> Harold F. Alderfer and Fannette H. Luhrs, *Registration in Pennsylvania Elections, 1926-1946* (State College, Pa., 1948), 18.

<sup>73</sup> *Times*, Nov. 10, 1938. Earle trailed the rest of the Democratic ticket by 50,000 to 60,000 votes. Jones, Mundy, and Logue were within 9,000 votes of one another.

<sup>74</sup> Alderfer and Luhrs, *Registration*, 24, 25. The exact figures were: for senator, Davis—2,086,931 (55%); Earle—1,694,367 (44%); others—33,624 (1%); for governor, James—2,035,340 (53%); Jones—1,756,192 (46%); others—20,435 (1%). *Pennsylvania Manual*, LXXXIV (1939), 152, 157-173.



Earle carried Pittsburgh by 36,000 and 25,000, respectively, Allegheny County by 32,000 and 2,000. They lost in Philadelphia by only 10,000 and 14,000. The Democrats had expected to control the northeastern coal regions, but James lost only one county there, Lackawanna, and Davis lost Luzerne County as well. The rest of the state went Republican with sizable margins, except for the Democratic stronghold in the far southwestern counties of Fayette, Greene, Washington, and Westmoreland, all of which went for Jones, two for Earle. The Democrats had the edge in registration in twenty-two counties in 1938, but they won only five counties for senator and six for governor. The Republicans piled up large majorities in the rural, small-town, and small-city areas, as well as in the affluent suburbs outside of Philadelphia. Voters in these areas were impressed by the twin themes of Democratic corruption and Democratic inability to end the Depression. Whatever help they had received through the New Deal (and many of these areas had gone Democratic or barely Republican in 1934 and 1936), it was not enough to give the Democrats a vote of confidence.<sup>75</sup>

In the post-election analysis, there were many Democrats who blamed the charges of corruption for their defeat. Others blamed Guffey for the split at primary time and for his lukewarm support thereafter. The Republicans put more emphasis on the issue of the New Deal itself and saw their victory as a repudiation of Governor Earle and President Roosevelt. The cause of the Republican victory was a combination of these circumstances, heavily influenced by the internal rift between the Democratic leaders. No one cause can be isolated for the result of this election. A united Democratic leadership, a better economy at the time of the election, or an absence of the charges of corruption, any one of these might have given the Democrats continued success, at least in the gubernatorial election.<sup>76</sup>

<sup>75</sup> *Ibid.*, 153, 154, 183; *ibid.*, LXXXII (1935-36), 423, 424; *ibid.*, LXXXIII (1937), 185, 186; Harold F. Alderfer and Fannette H. Luhrs, *Gubernatorial Elections in Pennsylvania 1922-1942* (State College, Pa., 1946), 17; Keller, "Little New Deal," 364, 365.

<sup>76</sup> *Record*, Nov. 10, 1938; *Times*, Nov. 10, 1938; Holt, "Guffey," 182; Keller, "Little New Deal," 360-368; Shames, "Lawrence," 30. Clement, in "Works Progress Administration," 255, notes that some Democratic leaders felt too much pressure had been applied to the WPA workers, who voted for James out of resentment. Guffey, in *Seventy Years*, 109, 110, said that he felt Kennedy could have won. (He also felt that Earle might carry Jones to victory.)

Neither can the personalities of the candidates be ignored in explaining the results. Both James and Davis were strongly individualistic men who had advanced from humble beginnings. Although James was quite solidly opposed to the New Deal, both were attractive to the common man. Jones, who lived in a wealthy suburb of Pittsburgh, never displayed any ties to the average Pennsylvanian, and Earle's upbringing in a wealthy family, his renown as a polo player, and his reputation as a spendthrift playboy could never be disguised, no matter how much he tried to aid the less fortunate. When Earle was at his prime, following the 1936 election, he was considered presidential timber, along the lines of another patrician politician, President Roosevelt. Roosevelt, however, was unique in his ability to speak for the masses in spite of his riches; he also obviously suffered from his polio. Earle had been a brave naval officer in World War I, but his political career never exhibited hardship or hard work. Basically, he was an unskilled politician who made a number of mistakes, starting with the selection of his cabinet.

Arthur H. James left no special mark from his four years as governor. His term could be summed up as honest, efficient, and unspectacular.<sup>77</sup> In that regard, he did meet his promises. He was not able to cut taxes at all, however, and his attempts to bring industry back to Pennsylvania showed no progress until the war-time economy brought enough jobs for everyone. He held the line on taxes, but only at the cost of cutting into the state's relief expenditures. The laws of the Earle administration, which James had advocated throwing into a bonfire, remained on the books with few alterations.<sup>78</sup> James did have a few confrontations with labor, and his administration was definitely more disposed toward the businessman's point of view. But he was not bossed by Pew or Grundy or anyone else. In fact, in 1939 he opposed one of Grundy's pet schemes, elimination of the tax on capital stock that was paid by corporations.<sup>79</sup> When James turned over the affairs of the Commonwealth to Edward Martin in 1943, the state had paid off \$70,000,000 toward its total deficit. There was little time to worry about social

<sup>77</sup> Stevens, *Heritage of a Commonwealth*, 893.

<sup>78</sup> *Times*, Oct. 16, 1938.

<sup>79</sup> Wike, *The PMA*, 108.

programs or state building projects. The war had changed the functions of state government so that the things that James stood for (e.g., increased production) had become necessary, while the things he opposed (e.g., social welfare) had become superfluous.<sup>80</sup>

The Republican success in 1938 reversed the trend of Democratic resurgence. From 1940 to 1950, the Democrats lost registered voters, slipping under 40 per cent of the two-party total in 1948. When FDR headed the ticket in 1940 and 1944, they were able to overcome the opposition's advantages somewhat. In 1940, Guffey was re-elected, and the Democrats won control of the state House of Representatives, as well as the posts of state treasurer and auditor general. In 1944, Democrat Francis J. Myers defeated Davis for the other Pennsylvania seat in the Senate; the Democrats also won the elections for treasurer, auditor general, and three seats on the Supreme and Superior Courts. In the gubernatorial years of 1942, 1946, and 1950, however, the Republicans dominated. General Edward Martin defeated Auditor General F. Clair Ross in 1942; Attorney General James H. Duff easily won against little-known John S. Rice in 1946; and Superior Court Judge John S. Fine (who resigned before running for governor) narrowly beat Richardson Dilworth in 1950. The Republicans controlled both houses of the General Assembly and the congressional delegations throughout this period, and in 1946 Governor Martin unseated Senator Guffey in a landslide.

The election of 1938 was a great setback for Pennsylvania's Democratic Party. During the previous six years, there had been a dramatic realignment from an overwhelmingly one-party Republican state to a competitive state with the Republicans holding a slight edge.<sup>81</sup> The decisive factor in ending Democratic advancement was dissension in their ranks in 1938. Over the next ten years, many

<sup>80</sup> For discussion of the James administration, see Klein and Hoogenboom, *History*, 423, 424; and Stevens, *Heritage of a Commonwealth*, 872-874, 892, 893.

<sup>81</sup> Walter Dean Burnham has listed the key characteristics of a realignment period, including: a short-lived but intense disruption of traditional voting behavior; abnormally high intensity of ideological polarization with dogmatic political leadership; and heavy voter participation. The critical realignment periods are related to times of socioeconomic stress, and they effect durable changes in the general shape of policy. *Critical Elections and the Mainsprings of American Politics* (New York, 1970), 6-10.

voters returned to their traditional party. As long as the Republicans ran respectable administrations in Harrisburg, they were secure.

The Republicans used their advantages to good effect in the gubernatorial campaigns. They put up attractive candidates backed by an efficient organization and by strong leadership. They also benefited from general Republican trends in 1938, 1942, and 1946. The off-year gubernatorial elections hurt the Democrats in this period. Had elections for governor occurred in 1940 and 1944, there is little doubt that the Democrats would have won, despite their internal divisions and the Republicans' advantage in registration. But when Roosevelt was not running, his supporters were less likely to turn out or to vote the straight Democratic ticket.<sup>82</sup>

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<sup>82</sup> The importance of the off-year election has been emphasized by V. O. Key, Jr. in *American State Politics: An Introduction* (New York, 1956), 42, 45, 47. "The choice of governors only in the off years greatly handicaps the attempts of a weak minority party to build up its strength . . . when a presidential candidate wins by a landslide, his margin may be so wide that he carries into office the most improbable gubernatorial candidates in states where his party is ordinarily in the minority."