

Huntsville Historical Review

Volume 2 | Number 1

Article 3

1-1-1972

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Recommended Citation

Gates, Grace Hooten (1972) "The Dead Shoe Primary," *Huntsville Historical Review*. Vol. 2: No. 1, Article 3. Available at: <https://louis.uah.edu/huntsville-historical-review/vol2/iss1/3>

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THE DEAD SHOE PRIMARY

By Grace Hooten Gates

The people of Alabama went to the polls on August 27, 1907, to choose United States Senators in a most unusual Democratic primary. Alternately praised and condemned, the "Dead Shoe Primary," as the Alabama press dubbed it, was a unique experience in Alabama history. Not only did the electors participate in the statewide selection of United States Senators for the first time, but in addition, two alternate Senators were named to fill the first two vacancies which might occur. The procedure was ostensibly occasioned by the advanced age of both Alabama Senators and the general consensus that neither would survive his term of office. The two incumbent United States Senators at that time were John Tyler Morgan, eighty-one, and Edmund Winston Pettus, eighty-five, both of Dallas County, Alabama.¹

The year 1906 was known not only for the unusual Alabama primary. Through the eyes of the contemporary press, the world was an exciting place that year: Mount Vesuvius erupted, statehood for Oklahoma was voted on, and great interest was shown in the wedding of President Theodore Roosevelt's daughter, Alice, and Nicholas Longworth. In Huntsville, W. R. Rison Banking Company boasted resources of \$754,616.21, Goldsmith and Grosser advertised a half-

price sale featuring men's overcoats for \$6. 50, cotton opened for eleven cents per pound, and "high class spectacles" could be seen at the Opera House for ten cents. ²

Politics was part of everyday conversation. The mood of the state of Alabama was reform, the temper of the nation progressive. A growing impulse across the nation for primaries and for direct election of United States Senators stemmed from the demands of the Populists, the unhappy farmers of the nineteenth century. Among other requests, these agrarians wanted a more democratic form of government and banded together politically to obtain it. Though the group failed to attract enough following to gain the political prestige of the presidency, the idea for more popular control of government continued, long before the enactment of the seventeenth amendment of 1913.

In Alabama, direct primaries were first fleetingly advocated in the 1870's as a move for greater strength among the whites in a continuing period of reconstruction. ³ However, not until February 8, 1899, was Alabama's first general primary election proposed. ⁴ The Alabama Senatorial primary of 1906 was preceded by a six-year period in which advocates of the direct primary and the direct election of Senators fought a difficult battle for acceptance.

The United States Senate itself was under attack during those years. Current magazines such as Forum and The Nation contained articles condemning and criticizing the Senate, and that body stubbornly resisted any attempt to make election by the people a fact. One national magazine article writer stated, "It is hard to see how, in any event, a popular vote for Senators, whether in primaries or an election itself could produce worse results than the system of choice by legislatures. ⁵

The party caucus and convention as the means of

selecting candidates were also under scrutiny. Manipulation of these procedures was easy, and the direct primary was always the suggested remedy.⁶ In Alabama, the first primary which included active campaigning concerning the election of a United States Senator was held on April 14, 1900. Candidates for state officers and representatives to the legislature were selected in county primaries on the basis of whether they supported the reelection of Senator John T. Morgan, or his challenger, former Governor Joseph F. Johnston.⁷

The question of statewide primaries for all elected officers and the direct election of United States Senators were still issues in Alabama politics, although overshadowed in 1901 by the talk of a new constitutional convention. The primary issue in Alabama as well as in the other southern states was suffrage reform. The white people of the South at that time reasoned that the surest way to reinstitute a purer form of democratic government and to eliminate fraud and corruption in elections was to eliminate the Negro vote. Mississippi had set the example ten years earlier by adopting a constitution which virtually disfranchised the Negro voters in that state.⁸ Alabama followed in the footsteps of Mississippi, but during the weeks of debate on how best to disfranchise the Negro, the question of direct election of United States Senators was not completely forgotten. A resolution was introduced allowing electors to express their preference for United States Senators, but was defeated.⁹ The convention also skirted the question of direct primaries.

Although many were disappointed that the constitutional convention had failed to take action in this area, the fight continued in Alabama as well as in other states to make election of United States Senators by the people a fact. In the years before the adoption of



HON. JOHN TYLER MORGAN
U. S. Senator from Alabama, 1877 to 1907

the seventeenth amendment, about two dozen states, including Alabama, had resorted to the procedure of holding a primary in which voters would express their preference to candidates. The state legislature, which constitutionally still had to make the final selection, would then be bound by the popular vote.¹⁰ Thus Alabama was not forging a new path, but following the lead of numerous other states in planning and carrying out a Senatorial primary in 1906. However, the nature of the situation in Alabama with respect to the ages of the incumbent Senators gave rise to the interesting turn of events that followed in the most unusual election ever held in the state.

The question of whether a primary would be held or not and which offices would be filled by this method rested in the hands of the powerful Democratic State Executive Committee, composed of the political leaders from each Congressional District in the state. These men apparently were subjected to persuasion and pressure, particularly by some of the aspiring Senatorial candidates in 1906. Several prominent Alabamians longed for a seat in the United States Senate but had been either unwilling or unable to unseat the venerable incumbents, John Tyler Morgan and Edmund Winston Pettus.

The executive committee met in Montgomery on January 9, 1906, and adopted a proposal known as "The Whitson Plan," presented by Charles Carson Whitson of Talladega, calling for a state primary for the election of state officers and Senators. In addition, the committee provided for the selection of two alternate candidates for Senators, the men who were to be appointed to the United States Senate in the event that there were vacancies. In defending his plan before his opposition, Whitson stated that changes had occurred since the framers of the constitution provided that Senators be elected by state legislatures,

and many states had multi-millionaires who bought the members of the legislatures "like sheep" and had themselves elected by bribery. ¹¹

The most controversial action of the committee was the provision for the selection of alternate Senators, an action which touched off a wave of agitation across the editorial pages of the state. The most commonly expressed view at first was the impropriety of electing alternate Senators to fill the shoes of the Senators while they were still alive. An editorial in the Birmingham News reflected that "It offends a nice sense of propriety in ordering an election for 'dead men's shoes,' while the Senators of Alabama are alive and active and standing for reelection." ¹² Another News article read, "Senator Morgan and Senator Pettus have had a mockery put upon their old age. . . they are twitted with the near approach of death, held up to the world as tottering on the verge of the grave." ¹³

The Hartselle Enquirer chastised the committee's decision, ". . . for God's sake don't speculate in that cold-hearted way on their probable death. Ugh! It's ghoulishly blood-chilling, heart - paralyzing - soul - horrifying." ¹⁴

Other criticisms were directed at the attempt of the committee to fix the succession for some time to come. Both Senator Pettus and Senator Morgan were required by the committee to stand for reelection, although Pettus' term did not expire until March, 1909. This was necessary because of a peculiarity in the Alabama Constitution. The framers of the document in 1901 decided upon quadrennial sessions of the state legislature. ¹⁵ The next regular session of the legislature was due to convene early in 1907 and again four years later, hence it was believed that there would be no further session until after the beginning of Pettus' 1909 term.

The Montgomery Journal pointed out that the State Executive Committee had practically named the next United States Senators for the next quarter of a century, as Pettus' successor would, in all probability, serve until 1915, be reelected and serve until 1921.¹⁶

The Huntsville Morning Mercury quoted the unfavorable editorials of other state papers, including those in Birmingham and Montgomery. However, the Huntsville paper reflected the point of view that the action of the state committee was commendable, in that it "relieves the governor of the appointive power which has heretofore been exercised by that official."¹⁷ The leading contender for governor was Braxton Bragg Comer, planter, merchant, banker, and cotton textile manufacturer, whose stand on the discriminatory practices of the railroad interests was well-known. The Cullman Tribune had already claimed that the Democratic State Executive Committee consisted mainly of railroad lawyers who hoped to control Alabama politics.¹⁸

The Huntsville Morning Mercury also applauded the alternate plan by contending editorially that the executive committee had relieved those who wished to succeed to the Senate from apposing the two aged Senators.¹⁹ Any man who sought to replace one of the venerated public men could do so by announcing for the position of alternate Senator, and if successful, thus become one of the "Senators-in-waiting." This opened the field for the numerous men who had stood in the background for many years, either unsuccessful in their bid for the Senate, or hesitating to incur the disfavor of the Alabama voters who continuously returned to the state legislature those who supported Morgan and Pettus.

Morgan and Pettus formally notified the Democratic State Executive Committee on January 29, 1906, that they would be candidates for renomination.²⁰ In



HON. EDMUND WINSTON PETTUS
U. S. Senator from Alabama, 1897 to 1907

the meantime, several aspirants sought the position of alternate Senator. General Joe Wheeler was rumored to be a candidate, but he died of pneumonia in January, 1906.²¹ Others who announced for alternate included two ex-governors, General William C. Oates and General Joseph F. Johnston; William C. Fitts of Mobile, a former attorney general of the state; John B. Knox of Anniston, attorney and president of the constitutional convention in 1901; Richard Henry Clarke of Mobile, and Jesse Francis Stallings of Birmingham.²² The field now stood at six candidates.

The congressman representing the eighth district, which included Madison County at that time, was Judge William Richardson. The Huntsville newspaper paid him tribute editorially, as he was unopposed for reelection for the House of Representatives, and called on him to announce for alternate Senator. "Congressman Richardson has never sought to hide the ambition that he has cherished for some time of occupying a seat in the upper house of Congress. The alternate plan will permit this." The editorial ended, "We trust that Congressman Richardson will announce his candidacy for the position at the earliest possible moment and in the name of the Democrats of Limestone, his native county, we call upon him to do so, assuring him of a hearty, undivided support."²³ Richardson declined a few days later, in a few terse and forcible words.²⁴ He made Huntsville his home, and remained in Congress until his death in 1914.

The seventh and last candidate in the field was John Hollis Bankhead, congressman from the sixth Congressional District. Bankhead was defeated in his bid for reelection in an early county primary by Richard Pearson Hobson, of Spanish-American War fame. Hobson was a frequent visitor to Huntsville, and he delivered the address for the graduating class of the New Market Training School in May, 1906.²⁵

Bankhead formally announced his candidacy for alternate in a published letter to the "Democrats of Alabama," in which he outlined his accomplishments and his suggestions for canal and river improvements, good roads, and railroad regulation.²⁶ Of all the campaigns for the alternate position, Bankhead's was the most efficiently run. While William C. Fitts spoke from atop a wooden box in front of the Enterprise Drug Company, John Knox walked the streets of Huntsville shaking hands with friends, and Joseph Johnston ate barbeque at Owens Cross Roads, the Bankhead Committee ran a smooth political machine.²⁷

Back of the barrage of publicity that appeared in the larger newspapers statewide were three men, who composed the "Bankhead Committee." They were the two sons and the son-in-law of Bankhead, William B. Bankhead, John H. Bankhead, Jr., and Dr. Thomas McAdory Owen. These men used every conceivable means to reach all of the voters of the state. Letters were mailed to lists of voters, including justices of peace, Notaries Public, Beat Committeemen, Confederate pensioners, white public school teachers, druggists, Episcopal Ministers, and members of the State Horticultural Society, among others.²⁸

The Bankhead brothers offered their advice to their father on the subject of advertising stating that no money should be spent for space in the Montgomery Advertiser, since most of its readers were better informed and the paper was not widely read or circulated among the country people. They felt that because funds were limited, the money should be spent more beneficially in the country papers such as The Wire-Grass Siftings, Dothan; North Alabamian, Tusculumbia; the Cherokee Harmonizer, Centre; and The Mercury, Huntsville.²⁹

The Huntsville Morning Mercury endorsed Joseph F. Johnston and Richard Henry Clarke in the campaign,

stating editorially, "What a team Johnston and Clarke would make in the senate! Both are strong, courageous and impressive speakers. One is from North Alabama the other from South Alabama, yet each would serve the interests of the entire state with the same fidelity he would serve his immediate section."³⁰

In the dead shoe race a great deal of attention was paid to the health of the incumbents, especially Pettus, the older. In February, 1906, he suffered a fall on the slippery sidewalks of the capitol. He angrily retorted to the newsman who persisted in reporting the fall, "You might say that I had stolen a sheep, but when you say that a man a hundred years old has had an attack of vertigo, that is a different thing."³¹ Later, when Pettus was absent from the Senate for ten days in April, he had to quiet rumors that he was dying and stated, "I had a regular old Cahawba hard chill."³²

Another favorite story about "Old Confucius," as newsmen had nicknamed Pettus, concerned a strange buzzing noise heard in the Senate Chamber in Washington. After the engineers, electricians, and plumbers searched unsuccessfully all day, a page discovered the noise was coming from the desk of Pettus. It seems that he had just acquired a new hearing device, which was connected to a storage battery, and in putting up the apparatus for the day, the Senator had placed the ear piece and the battery in contact, with the resulting noise.³³

Pettus' wife of sixty-two years died in July, 1906. This fact was used as a determining factor in judging his increased weakness by some of Bankhead's friends, who urged him to consider opposing Pettus directly, a move that Bankhead never took. One friend wrote that the death of the wife was "a very pungent thorn in the old Senator's side and I dare affirm that the number of his days are quite limited."³⁴

The primary was held on August 27, 1906, after a summer of heated campaigning. When the votes were tallied, Bankhead and Johnston were declared first and second alternates, respectively. The Annis-ton Evening Star commented, when the official results were reported, "The thing for Alabamians to do now is to forget politics and get down to the work for the continued upbuilding of the best state in the country."³⁵

Senator John T. Morgan died in his eighty-third year on June 11, 1907, while serving his sixth term in the Senate. Alabamians mourned the man who had represented them for more than thirty years.³⁶ However, even before his body was laid to rest in Selma, the political pot began to simmer.

Bankhead, as first alternate, had been waging a continuing campaign to keep his name before the public. The State Democratic Convention, which met in Birmingham in September, 1906, had decreed that the primary for alternate United States Senator was binding on the Governor only if the legislature was not in session, and would be effective only until the next meeting of the legislature.³⁷ In response, Bankhead wrote a lengthy personal letter to each member of the Alabama Legislature, stating that he felt he had the right to the first vacancy.³⁸

After Morgan's death, leading political figures across the state began to speculate as to the course of Governor Comer. The legislature was temporarily recessed and would not convene until July.³⁹ Party men in Decatur thought that the nomination of Bankhead and Johnston as alternate Senators in the 1906 primary plan was not binding on the legislature. Huntsville's leading politicians believed there would be a contest before the next session of the legislature and that the intent of the primary election was for a gubernatorial appointment.⁴⁰

Governor Comer appointed Bankhead as the successor, but he attached a lengthy statement to the appointment in which he condemned the actions of the 1906 Democratic State Executive Committee, and stated that he did not feel that the legislature was obligated. He recommended a new primary.⁴¹

With the specter of a bitter fight looming in the legislature, other Senatorial hopefuls began to express themselves. William Richardson of Huntsville was rumored to be a candidate, but when he was interviewed, he stated that he would not be a contender before the legislature.⁴² Jesse F. Stallings and John B. Knox, unsuccessful candidates, announced, as did John W. Tomlinson, a Birmingham lawyer.⁴³ Meanwhile Bankhead stated, "I have always had to fight for all I got and I am ready to fight for the Senatorship before the legislature in July. I believe, according to the sentiment of the people, that I am entitled."⁴⁴

The friends of Bankhead seemed optimistic, according to reports, but lost no time in "putting every wheel to work" to insure his election before the legislature. The Bankhead machine must have worked efficiently. In a party caucus on July 10, 1907, he was nominated to succeed to the vacancy created by the death of Senator Morgan. Only one man refused to vote for him in the caucus, J. Lee Long, of Butler County.⁴⁵ The official nomination came in a joint session of the legislature on July 17, 1907, when he was "duly and constitutionally elected for the unexpired term ending in March, 1913."⁴⁶

Ten days later, the state was shocked to learn of the death of Alabama's other Senator, Edmund W. Pettus. Without fanfare, Joseph F. Johnston was elected by the legislature to both the present term which expired in 1909, and the term which began that year.⁴⁷ Senator Johnston served until his death on

August 8, 1913. His colleague, Senator Bankhead, delivered the first memorial address in Johnston's honor. 48

Bankhead continued to fight for good roads and one of the first transcontinental highways, from Washington, D. C. to San Diego, was named for him, "The Bankhead Highway." He was the last Confederate veteran in the Senate, and on the occasion of the twenty-seventh annual reunion of the United Confederate Veterans in 1918, Colonel Bankhead donned his gray uniform and addressed his colleagues, "Today the shattered remnants of the armies of Lee and Jackson, Johnston and Bragg will march. . . think of the significance of the spectacle, fifty years ago they were hammering at the gates of Washington." He was then joined by Senator Knute Nelson of Minnesota in his blue uniform, and ended his speech, stating they were "Marching with broken body and faltering step on a mission of peace and love, not of hatred and bloodshed."⁴⁹ Bankhead died March 1, 1920.

Bankhead's two sons also served in Congress. William Brockman Bankhead began his career practicing law in Huntsville in the office of Judge William Richardson. He served as City Attorney of Huntsville from 1900 to 1901, then moved to Jasper to enter law practice with his brother in 1905.⁵⁰ While he lived in Huntsville, a daughter, Tallaluh Brackman Bankhead, was born January 31, 1903. Tallaluh achieved great fame as an actress.⁵¹

Thus a chapter was closed in Alabama politics, a chapter charged with emotion, frustration, exultation and victory. It was an experiment reaching for a more democratic government. For the first and only time in Alabama history, alternate Senators were selected, so that the people would still have a voice in the choice of the successors of the two aged men from Dallas County, whose life spans were obviously limited.

Gates: The Dead Shoe Primary

¹Alabama Official and Statistical Register, 1907 (Montgomery, 1907), pp. 35-36.

²Morning Mercury (Huntsville), January-February, 1906.

³Malcolm C. McMillan, Constitutional Development in Alabama, 1798-1901: A Study in Politics, the Negro, and Sectionalism (Chapel Hill, 1955), p. 244

⁴Alabama House Journal, 1898-1899, p. 35.

⁵"The Senatorial Primary," The Nation, LXX (Mar. 2, 1905), p. 166.

⁶Albert Watkins, "The Primary Election Movement" Forum, XXXIII (March, 1902), p. 95.

⁷Birmingham News, April 16, 1900.

⁸C. Van Woodard, Origins of the New South (Baton Rouge, 1951), pp. 321, 327.

⁹Journal of the Proceedings of the Constitutional Convention of the State of Alabama, 1901, pp. 405, 954, 975.

¹⁰Henry Litchfield West, "American Politics," Forum XXXVII (October, 1905), p. 158

¹¹Minutes of the State Democratic Executive Committee, Jan. 9, 1906, Alabama State Department of Archives and History, Montgomery, Ala., pp. 10-16.

¹²Birmingham News, Jan. 10, 1906.

¹³Ibid., Jan. 11, 1906.

¹⁴Quoted in the Birmingham News, Jan. 13, 1906.

¹⁵Alabama Constitution, 1901, art. IV, sec. 48.

¹⁶Quoted in the Birmingham News, Jan. 11, 1906.

¹⁷Morning Mercury (Huntsville), Jan. 11, 1906.

¹⁸Cullman Tribune editorial quoted in the Birmingham News, Jan. 16, 1906.

¹⁹Morning Mercury (Huntsville), Jan. 12, 1906.

²⁰Mobile Register, Jan. 30, 1906.

²¹Birmingham News, Jan. 20-26, 1906.

²²Compiled from Birmingham News, Jan. 12, 1906, Mobile Register, Jan. 21, 25, April 13, 24, 1906.

²³Morning Mercury (Huntsville), May 6, June 20, 1906.

²⁴Ibid., April 29, 1906.

²⁵Ibid., May 13, 1906.

²⁶Mobile Register, June 3, 1906, Birmingham News, June 2, 1906.

²⁷Morning Mercury (Huntsville), May 6, June 20, 1906.

²⁸John H. Bankhead, Jr., to Thomas M. Owen, June 23, 1906; William B. Bankhead to Thomas Owen, July 17, 1906; and Owen to John H. Bankhead, Jr., July 20, 21, 1906, all in the John Hollis Bankhead Papers, Alabama State Department of Archives and History.

²⁹Letter from Bankhead and Bankhead, Attorneys at Law, signed "B & B," to Thomas M. Owen, July 25, 1906, and Owen to John H. Bankhead, Jr., July 20, 1906, in the John H. Bankhead Papers.

³⁰Morning Mercury (Huntsville), April 20, 1906.

³¹Mobile Register, Feb. 7, 8, 1906.

³²Ibid., April 24, 1906.

³³Birmingham News, Jan. 22, 1907.

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- ³⁴ Harry C. McNeer to Thomas M. Owen, July 16, 1906, in the John H. Bankhead Papers.
- ³⁵ Anniston Evening Star, Aug. 30, 1906.
- ³⁶ Birmingham News, June 12, 1907.
- ³⁷ Montgomery Advertiser, Sept, 11, 1906.
- ³⁸ A copy of the letter Bankhead sent to each member of the legislature is contained in the John H. Bankhead Papers.
- ³⁹ Birmingham News, June 12, 1907.
- ⁴⁰ Birmingham News, June 15, 1907.
- ⁴¹ Ibid., June 17, 1907.
- ⁴² Ibid.
- ⁴³ Ibid., June 18, 20, July 1, 1907.
- ⁴⁴ Ibid., June 17, 1907.
- ⁴⁵ Ibid., June 18, July 10, 11, 1907.
- ⁴⁶ Journal of the Senate of the State of Alabama, 1907, p. 1943.
- ⁴⁷ Ibid., p. 2912.
- ⁴⁸ U. S., 63rd Congress, 3rd Session, 1914-1915, Memorial Addresses for Joseph Forney Johnston (Washington, D. C., 1915).
- ⁴⁹ U. S., 66th Congress, 3rd Session, 1920-1921, Memorial Addresses on the Life and Character of John Hollis Bankhead (Washington, D. C., 1921), p. 29.
- ⁵⁰ Thomas McAdory Owen, Dictionary of Alabama Biography (Chicago, 1921), Vol III, p. 93.
- ⁵¹ Who's Who in America. 1962-63 (Chicago, 1963), Vol 32, p. 153.