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Texas, Banks, and John Nance Garner

By George Cooper

Good evening and thank you for attending tonight. Let me start by telling you how I got into this topic. A number of years ago, my friend Keith Volanto recommended that I speak at one of the TSHA seminars for teacher certification. The topic was open as long as I focused on the Great Depression and the New Deal. What came out of that was another presentation that I made a couple of years ago at this very conference in Nacogdoches, "South Texans in Washington during the New Deal." That was eventually published as an article in the *Journal of South Texas*, since my focus was primarily on South Texans and Alberto Rodriguez the editor was present in the audience that day.¹

One of those South Texans, John Nance Garner was designated the point man on the Emergency Banking Bill of 1933 by President Roosevelt. It gnawed at the back of my brain for a while, and then I did the one thing that Jessica Brannon-Wranosky says a historian should never do, I asked why? That question is leading me on a "long and winding road," to quote the Beatles.² Notice I said is, not has.

The first topic to be addressed was John Nance Garner, himself. What did I know about him? Described by John L. Lewis as "a labor-baiting, poker-playing, whiskey-drinking, evil old man," he was the son of John Nance Garner III, a confederate veteran, who moved to Texas not too long after the Civil War where he became a cotton broker and local politician. His mother was the daughter of a banker.³ The fruit never falls far from the tree. John Nance Garner was born in Detroit, Texas November 22, 1868. He was educated in rural schools in Bogata and Blossom Prairie, Texas. At age eighteen he left Texas, went to Nashville and entered Vanderbilt University. He only remained at Vanderbilt for one semester, why we are not sure. The reason most frequently put forward is ill health, but some have argued that the educational preparation he had received in Texas was not adequate for the academic rigors of that particular school.⁴

George Cooper is the immediate past President of the East Texas Historical Association. This is an expanded version of his Presidential Address.

However, despite his lack of success at Vanderbilt, Garner had already decided that he wanted more out of life than the arduous work on a farm.⁵

Upon returning to Texas, Garner chose to read for the law in Clarksville, the county seat of Red River County where he had grown up. It only took him three years before he was admitted to the bar in 1890. Two years later he moved to Uvalde, supposedly for health reasons, which would lend credence to his departure from Vanderbilt because of ill health as opposed to poor preparation. Arriving in Uvalde, he quickly developed a successful law practice in addition to a real estate business. Along the way, he obtained the Uvalde newspaper in a legal settlement and obtained a title company, renaming it The Garner Abstract and Title Company. In 1895, the position of County Judge in Uvalde County was vacant. Garner entered the race, and won the Democrat Primary, essentially winning election.⁶ His opposition in that race was a woman, Marietta (Ettie) Rheiner, the daughter of a local rancher. Mind you, this is an age when women could not express their political opinions in public, much less vote or run for office. She opposed Garner because of his reputation as one who had a fondness for whiskey and poker, neither in my opinion, a disqualifying factor for public office. Garner took care of the matter in the best way possible. After a short courtship, he married the young lady, thus removing the main opposition to his holding public office in Uvalde. Shortly after Mr. Garner was elected county judge, the Victoria Advocate, which was not in Mr. Garner's county, published the statement that, "The Democrat party is the only party on earth whose members are clueless about voting."7 While they may not have had Garner specifically in mind, it does give one pause to wonder exactly whom they had in mind. But that is a discussion for another time.

In 1898, Garner was elected to the Texas State Legislature. He spent two terms in Austin, learning the process of legislation. While he sponsored few bills, he became known as a strong advocate of the Prickly Pear Cactus as the Texas state flower. Obviously that proposal lost to the Texas Bluebonnet, but his staunch support earned him the nickname of "Cactus Jack" which he would carry forward for the rest of his career. He did, while there, quickly ascend into committee leadership, a trait that would mark the rest of this political career. With an increase in population in the 1900 census, Texas obtained additional congressional representation, which meant new districts. As chairman of the Teas House Committee on Congressional Districts, Garner carved out a district, the Fifteenth Congressional District, which ran from Corpus Christi, to Brownsville, to Del Rio, and which, of course, included Uvalde. In 1902, when the first elec-

tions were held for someone to represent the Fifteenth Congressional District, John Nance Garner would become that someone, and he was off to Washington. This it was also the same year that Texas instituted the poll tax effectively eliminating much of the majority Mexican American population of his district from voting.⁸

A back bencher, Garner spent a good bit of time again learning the ropes in the national legislature. For the most part, he worked behind the scenes not sponsoring bills, but doing the legislative work that needed to be done by his patrons. His wife Ettie worked as his secretary and organizer, both serving the Fifteenth District. His hard work and organizational skills paid off when he was elected Party Whip when the Democrats won control of the House of Representatives in 1910, and later the position of Minority Leader after the Republican landslide of 1928. That would change with the election of Richard M. Kleberg to take the seat of the Republican Harry Wurzbach following Wurzbach's death in 1931. Garner was then elected Speaker of the House, succeeding his close friend Nicholas Longworth, husband of Alice Roosevelt. During his time in the House of Representatives, as Minority Whip, Chairman of the House Ways and Means Committee, and Speaker of the House, Garner was viewed as a coalition builder and one who could work with Presidents, regardless of party.9 Further, by the time Garner achieved the speakership, the position had recovered from the rebellion of twenty years earlier, and was again recognized as the leader of the majority party, an extremely powerful position.¹⁰

With the seemingly insolvable problems of the Great Depression, at least for Herbert Hoover, it was a foregone conclusion that any Democrat capable of being nominated by the party was going to win the presidency in 1932. The 1930 Texas State Democratic Convention endorsed John Nance Garner as its preferred candidate for the party nomination for president in 1932.

Having said that, the *Nacogdoches Herald* excoriated the party for endorsing Garner and discussing the repeal of the 18th Amendment to the exclusion of all other topics at the convention. In the words of the Herald, "So far as the convention was concerned and apparently so far as Texas democrats know, there is no depression." Other problems The *Herald* felt should have been discussed included disarmament, war debts, recovery of export markets, tariffs, and the budget.¹¹

Going into the national convention in Chicago two years later, the Governor of New York, Franklin Roosevelt was leading in the delegate

count, but under the archaic rules of the party he lacked the necessary two-thirds needed for nomination. Garner, favorite son candidate of Texas stood third in the ballot count, holding delegates primarily from Texas and California, the latter under the sway of William Randolph Hearst. In what may or may not have been a corrupt bargain in the Jacksonian sense, Garner released his delegates before the third ballot, Roosevelt was nominated and Garner became his vice-presidential candidate.

After the election of Roosevelt and Garner, their being sworn into office on March 4, 1933, they immediately set to work to alleviate the problems of the country. Roosevelt called a special session of the new congress to address the legislative program he set before them. That "First One Hundred Days" became the standard by which all subsequent new presidential terms have been judged. Included in the program which became known as The New Deal were sweeping reforms to the banking system. Garner, now vice-president and presiding officer of the Senate was charged by Roosevelt with shepherding the Emergency Bank Bill of 1933 through Congress and getting it passed. It is at this point that I first asked that question, why? Why Garner? Garner was a legislator, attorney, and businessman, but did Roosevelt designate Garner for this job because he was good at manipulating votes, or was there something deeper, more complex at play here? Well, it turns out that there was. Garner was also a banker. He purchased the First State Bank of Uvalde in 1913. He also was one of the individuals involved in the founding of the First State Bank of Three Rivers, not far from Uvalde. Question solved, right? Not really, because there is still that confounded question, why? And it is at this point that I really begin that long and winding road that I referred to earlier. When one starts looking at the history of banks in the United States, much less in Texas, one starts dealing with banking law, questions of currency, gold standard, bi-metalism, populism, and manifold forms of popular distrust of the haves by the have nots. I had originally hoped to focus on banks in Garner's Fifteenth Congressional District, for obvious reasons. Hopefully I will get to that eventually. The deeper I dug, however, the more I realized I needed to address the issues of banking in Texas period.

The issue of banks in Texas has always been amongst the most divisive issues to confront the state. From its very beginning as a Republic, Texas has reflected a basic Jacksonian distrust of banks. There were proposals for the creation of a national bank at the Constitutional Convention in 1836 proposed by Branch T. Archer. As a Brigham put forth a resolution to create such an institution and that the provisional government grant such

a charter.¹² But once it became known that Sam Houston, Andrew Jackson's erstwhile protégé, opposed a national bank, the creation of a Bank of Texas was specifically prohibited in the Constitution. The Constitution of the Republic of Texas included the provision that "No bank nor banking institution nor office of discount and deposit nor any other moneyed corporation nor bank establishment shall ever exist during the continuance of the present constitution."¹³

To repay its indebtedness, the Republic of Texas issued promissory notes to individuals and businesses throughout the country. These notes were backed up by the value of land, of which the Republic had a surplus. However, most of the land in question had not even been surveyed, much less evaluated. As a result, the promissory notes were soon being discounted throughout the Republic, and in New Orleans, the Republic's primary outlet for its cotton, by as much as fifty percent. Additionally, because the promissory notes were issued with rather large valuations, merchants and other individuals throughout the Republic began issuing their own bills which frequently could not be redeemed for specie. Specie, for the most part, had been driven from the republic, or was being hoarded by those few individuals who actually possessed any. In a report to the Senate of the Republic of Texas on April 16, 1838, the Committee on Finance proposed a bill, entitled "A Bill to establish the Bank of the Republic of Texas," which would authorize the creation of bank of which the Republic of Texas would own all of the stock. The committee further proposed that capitalization be a minimum of \$3,000,000, but the bank could not begin operation until at least \$1,000,000 had been paid in specie. Notice the phrase "paid in" as opposed to subscribed. The bank would loan money to deserving individuals and business at an interest rate of ten per cent per annum.14 The Houston National Banner, editorialized that the regulation of currency was the most important function of the national government. 15 Sam Houston was still the president, Mirabeau B. Lamar was not inaugurated until December 10th, so nothing came of the proposal at that time. Six days after Lamar entered office, however, the Congress of the Republic of Texas did pass an act chartering the "Texas Railroad, Navigation, and Banking Company."16 Capital was to be \$5,000,000, and the company would be permitted to start operation as soon as twenty percent of the capital was subscribed. Subscribed this time, not paid in. Although Branch T. Archer, Sam Houston, Stephen F. Austin, and Augustus Allen all were among the incorporators, eventually at least Houston and Austin failed to participate in the final formation of the company. The company collapsed quickly, largely because

of the opposition of Anson Jones, but also because the economic crises of 1837 in the United States was quickly having an impact on Texas.¹⁷

In 1845, as Texas prepared to become part of the United States, a new constitution was drafted. It was public knowledge that Houston was willing to accept the creation of a State Bank, given how the Republic had struggled with the issue of currency and credit throughout its

existence. However, Houston was not present at the Constitutional convention, having returned to Tennessee because of the imminent death of his mentor, Andrew Jackson. Once the delegates to the convention learned of Jackson's death, they donned black arm-bands, and with Jackson's ghost hovering over the convention, they deleted the provision authorizing the Texas Railroad, Canal and Bank Company from operating a bank. When the Redeemers drafted a new Texas State Constitution, some members wanted to authorize the chartering of state banks in Texas, and although Houston was no longer present, the spirit of Jackson must have still been luring around the capital. The new state constitution was specifically silent on the issue of state chartered banks, neither permitting nor prohibiting banks in Texas. Into the void stepped merchants in communities throughout Texas, many acting as repositories of excess funds for their customers, some actually performing banking functions, but always without any oversight or control by any authority.

The single biggest issue of banking during the period was the question of currency. In 1863, the Congress of the United States created a new national banking system to help finance the Civil War. Since the need for money outstripped the supply, under the terms of the National Banking Act of 1863, banks chartered under the Act were permitted to issue notes, referred to as Greenbacks, with a tax paid to the federal government on those notes. The amount of greenbacks issued by a given bank should not exceed 10% of the banks total capital. Supporting this act was a secondary act "An Act to support a National Currency, secured by the pledge of United States stocks [or bonds], and to provide for the Circulation and Redemption thereof." 18

This removed the United States off reliance on specie, gold specifically, for commercial transactions. In 1875, under the leadership of Senator John Sherman, Congress passed the Specie Payment Resumption Act, effectively returning the United States to the gold standard. If It was the Specie Resumption Act, and the following deflationary cycle, which brought the entire system back into political discussion as it now failed to serve the needs of the entire country.

Again there were arguments heard throughout the country, not just in Texas, that the national banking system should be eliminated. According to this, some banks chartered by states should again be allowed to issue notes that could be used as legal tender throughout the country. Charles F. Dunbar, in his 1897 article in The Quarterly Journal of Economics, logically made the argument that this would again throw the monetary system of the country into chaos. Dunbar went on to argue that the then existing system, while needing improvement, was the best option, as everyone understood that the United States government lent stability to the currency then in circulation. 20 Further, the uniformity of bills issued by nationally chartered banks, made business transactions on a nationwide basis easier to undertake.21 That did not mean, however, that some nefarious individuals did not attempt to print their own bills. The Rockdale Messenger found it necessary to publish a brief notice that if anyone questioned the validity of a bank note in their possession, all that was needed to verify was to dampen the note in question with a sponge. On a valid bank note the watermark would stand up to the test, but that on a forged note would wipe off.22

Texas citizenry and merchants were forced to rely on Federally Chartered Banks for their banking needs. The federal law worked well, within limits. Under the federal banking law of 1868, banks were required to post a minimum capitalization of \$50,000 to obtain that charter, and they were prohibited from taking land as collateral for loans. Both were problems for the residents of cash poor, land rich Texas. With the withdrawal of greenbacks by the federal authorities, the nation fell back on gold and silver coins for the transactions of business. In the areas of the old Confederacy, including Texas, there was a lack of both. While the Federal Banking Law was amended in 1900, making some beneficial changes, the restrictions on taking land as collateral remained, leaving Texas farmers with both a shortage of physical money and dependable credit facilities.

While the lack of money in circulation was a continuing problem, the admission of six western states in the years of 1889 and 1890 brought increased pressure in the Senate, if not the House, to convert to a bi-metallic system, as all six of the states then admitted had large silver mining operations. Despite a lack of interest in going to a bi-metallic system in the House, the block of twelve new senators with this common goal managed to get the Sherman Silver Purchase Act passed through both houses of Congress in 1896 by linking it to the McKinley Tariff which did have support in the House.²³ Silver, purchased at a ratio of 16 ounces of silver for each ounce of gold, led to silver coins which helped ease the monetary crises.

In 1900, the problem of a federally chartered banking system was compounded by the monopolization of the banking industry by trusts, just as every other industry in the country was. In the eyes of Texas newspapermen this was even more criminal than the domination of other industries. While reporting that the United States government, as of December 21, 1899, had a national debt of \$1,590,000,000, and cash on hand of \$1,050,000,000, the Victoria Advocate also noted that John D. Rockefeller's Standard Oil Trust controlled eight banks and ten trust companies in New York, with tentacles that reached into and controlled banking in such cities as Boston, Philadelphia, Cleveland, New Orleans, and San Francisco. The article goes on to list several of the bank and trust companies owned by the trust and noted that its combined capital was \$170,527,880, and deposits of \$229,206,000, and outstanding loans of \$943,413,000.24 I suspect that the only thing the author of the article was complaining about was the concentration of that much wealth in the hands of so few. When one considers that even if all the deposits were demand deposits and that amount was added to all the outstanding loans, the combined capital holdings represented fifteen percent of all potential losses, a ratio that any bank would be happy to maintain.

The banking, or one should say currency, issue had been a large part of the presidential campaign in 1896. Not only did the selection of William Jennings Bryan as the candidate of both the Democrat and People's Parties leave the latter as a mere shadow of what it had been by time of the 1900 presidential campaign season its selection of Wharton Barker as its candidate in 1900 further damaged its message. Wharton, a banker himself, publicly stated he chose to ignore the money issue. With the nomination of a "me too" Progressive by the People's Party, the voices of those who railed against the national monetary and banking system was once again muted by the big national banks.

Over the next five years ending September 20 1905, Texas led the nation in the chartering of new National Banks with 228 banks and over \$12,000,000 in paid in capital. Still the demands for amending the state constitution to permit the chartering of banks by the State of Texas continued.²⁶ If the only viable collateral a person had was his land, he ended up going to a private individual such as Wm. C. Whyte, who advertised in *The State Herald*, that he had money to lend on "Improved Black Land Farms," at seven percent interest.²⁷ The interest rate wasn't intolerable, but in a market of declining cotton prices, there was a good chance the farmer would not make enough money to pay off his loan. The state legis-

lature finally passed a bill in 1905, authorizing the chartering of state banks and creating the Texas State Banking Commission. The requirements for chartering a "State" bank were lower than those for a federal charter, but perhaps more importantly, land could be taken as collateral for loans under the terms of the state banking law. Not one of the first wave of state banks chartered The First State Bank of Uvalde, was organized in John Nance Garner's hometown in 1907, after the election of Tom Campbell, who supported much of this reformist legislation as the "progressive" candidate in the Democrat Party primary in 1906.²⁸ While Garner wasn't one of the original incorporators, he obviously kept an eye on this new endeavor in his home town. Remember, he was also involved in real estate in Uvalde.

In 1909, to protect depositors of failed banks, the State of Texas joined with Oklahoma and seven other states which had created their own Depositors Guaranty Funds. The debate within the banking community, and the population in general, about the creation of some type of fund to protect the deposits of individuals in banks was carried out in the newspapers throughout the state. In an editorial reprinted in *The Rockdale Reporter*, the *Dallas Times* argued that the only way to get "timid investors" to get their money out of their mattresses and into a bank was to assure them that if the bank failed the government would make them whole again. The editorial went on to note that many bankers were opposed to the idea because it would "level" the competition, removing the advantage of good banking, good bankers, and knowledgeable management, thereby costing them deposits, and without saying it, profits.²⁹

Two months later the *Mexia State Herald* reported that the Oklahoma State Banking Board had formulated a procedure whereby the national banks in that state could participate in the Oklahoma State Bank Guaranty Fund.³⁰ The implication, of course, was that Texas was falling behind in the matter of depositor's insurance. And that same day, the same paper ran a notice that an application had been filed for the establishment of a National bank in Stanton with capitalization of \$25,000, now permissible under the revision of the National Banking Act made in 1900.³¹

Eighteen months later the *Bell County Democrat* provided their readers with another reason for the creation of a state guaranty fund when it reported that a fraud order had been issued against the Bank Depositors Insurance Company of Washington, D.C. which had been in business for approximately one year. The firm, capitalized in the amount of \$1,000,000, promised to pay the depositors in the event of an insured bank's failure or closure. However, when The Defiance Bank of Defiance, Ohio, which had

purchased a policy with an \$80,000 limit, failed, the company neglected to indemnify the depositors as it had contracted to do. The Bank Depositors Insurance Company was not regulated by the state banking or insurance regulatory Agency in Ohio, it was a private firm domiciled in the most unregulated city in the country, Washington, D.C. That same day, on the second page of the *Bell County Democrat*, in the Letters to the Editor section, was a letter from a reader "Yarrell," who argued that Congress needed to pass legislation creating a national depositors insurance fund so that the fifty million or so depositors in national banks could sleep at night. 33

In 1913, Congress created the Federal Reserve System, providing additional support for the banking system. This fundamentally restructured the nations monetary system, and provided what some felt finally stabilized the financial system of the United States.³⁴ It included stipulations for state chartered banks to become members providing they met the same requirements as federally chartered banks.

At this point, John Nance Garner, conservative businessman that he was, finally felt it safe to get involved in the banking business. In 1913, he bought the First State Bank of Uvalde. In addition, the very next year, he is listed as one of the incorporators of the First State Bank of Three Rivers. The town really didn't exist yet, the railroad was just reaching the site where Three Rivers, originally Hamilltonian, would be developed. Again, the key here is that Garner was a businessman, taking advantage of the opportunities that presented themselves. He could now make money by selling the real estate in the community, building the houses on the land he sold with his construction company, proofing the titles to the land through his title company, and providing the mortgages with his bank, whether in Uvalde or Three Rivers. Andrew Carnegie would have been proud.

So, back to my original block of questions, why did Roosevelt choose Garner to shepherd his Emergency Bank Bill through Congress. Garner, as a banker, certainly understood the problems present in the banking community, both locally, nationally and internationally, so who better to oversee a program to save the banking industry. Why was Garner a banker? Simply because he stood to make additional money from the banking services he sought to render to himself and his customers. Why did he not become a banker until 1913? Because he was a conservative businessman, not inclined to take unnecessary risk, and it was not until 1913 that all the pieces were in place to take the leap and risk his own capital on a banking endeavor. First, because federal requirements for the establishment of a bank were quite steep, and they restricted what could be taken as collateral

to exclude real property, he wasn't interested in owning or participating in a federally chartered bank. Second, once state bank chartering was created in Texas the qualifying monetary requirements were more reasonable and land could be taken as collateral, but that didn't happen until 1905. Third, the creation of a state depositor's insurance fund would attract additional deposits into banks and therefor provide additional reserves for loans. Fourth, the creation of the Federal Reserve System with membership of state banks further strengthened the banking system again increasing the attractiveness of the industry for investment purposes. All of this finally drew Garner into the banking industry, but not until these conditions had been met.

As a closing note, Garner would retain ownership of the First State Bank of Uvalde until 1960, when he would sell it to another prominent Uvalde businessman / politician, Dolph Briscoe, Jr., who was elected Governor of Texas in 1972. The Briscoe family still owns and heads up the bank today.

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² Paul McCartney, "The Long and Winding Road," The Beatles, *Let It Be*, Apple Records (1970).

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