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THE GREAT OBJECTOR:
THE LIFE AND PUBLIC CAREER OF
DR. JOHN R. NEAL*

By BOBBY EUGENE HICKS

Every state has its unsung heroes, men who have made a substantial contribution to their state's history without receiving proper recognition. Such a person was Dr. John R. Neal. Dr. Neal was a controversial figure who was often maligned because he seemed to oppose the wishes of the people of Tennessee. Yet his contributions were considerable, particularly his personal battle to bring about the establishment of a public power system which later became the Tennessee Valley Authority. The purpose of this study is to define Dr. Neal's contributions and accomplishments as one of the state's leading citizens in hopes that he will receive the recognition he deserves instead of the ridicule which often plagued him due to his eccentricities.

John R. Neal was born on September 17, 1876, at Rhea Springs, in Rhea County, Tennessee. After attending the public schools he entered the University of Tennessee when he was fourteen and graduated in 1893 with high honors. Later he received his M.A. and a law degree from Vanderbilt University in 1896 and a doctor of philosophy degree from Columbia University in 1899.¹

That same year he was employed as a professor of law at the University of Denver, a position he held until 1917. In 1906 he was elected to the Tennessee house of representatives as a Democrat representing Rhea and Meigs counties. The next four years were busy ones for Neal, who continued to teach in Denver when the Tennessee legislature was not in session.

As a member of the house, he introduced and helped pass a bill to appropriate \$50,000 per year to the University of Tennessee. This was the first appropriation on an annual basis to the University. Other bills

*This paper was delivered before the East Tennessee Historical Society at a meeting in Knoxville, April 11, 1969.

¹Obituary in the *Chattanooga Times*, November 24, 1959. Hereafter cited as *Times*. His doctoral dissertation, *Disunion and Restoration in Tennessee*, was published in New York in 1899.

which he introduced resulted in improvements of mine inspection and the public school systems. The public school bill provided for county boards of education in the place of the former district boards in each county.²

In 1908 Neal was elected to the state senate where he became embroiled in the controversy between legislators who favored statewide prohibition and others who favored local option. A bill creating statewide prohibition passed the legislature, partly because of the killing of the leading statewide prohibitionist, Edward Carmack, on the streets of Nashville. Neal was one of those voting for the bill. Although it was vetoed by Governor Malcolm R. Patterson, the bill was passed over his veto.³

Three weeks later, Neal reversed his anti-Patterson position and opposed a coalition of Republicans and anti-Patterson Democrats who passed a series of bills providing for the establishment of a state primary system and the selection by the legislature instead of the governor of the members of the state board of election commissioners, who could then select the county election officers. The bills would reduce the powers of the governor, and when Neal led a group of fifteen senators in caucus to prevent their hasty passage, he found himself allied with Malcolm Patterson. Although he did not vote on the bills, Neal led an unsuccessful attempt to postpone action for six weeks. When the bills passed Patterson vetoed them,⁴ and when they came up for a reconsideration, with assurance of the veto being overridden, Neal and twelve other senators deliberately left the state to prevent a quorum in the senate and thus prevent a vote on the measures.

Warrants were issued for the arrest of the "missing thirteen" but for over a week the senate could only meet and adjourn.⁵ The Republican speaker of the house called a joint convention of the two houses of the legislature, claiming it constituted a quorum. With the legislators locked in by the sergeant-at-arms to prevent Administration backers from leaving, the majority proceeded to name election com-

² *Acts of the State of Tennessee Passed by the Fifty-fifth General Assembly, 1907*, pp. 494-96, 845-51, 1806-12. Hereafter cited as *Acts of Tennessee*.

³ Paul E. Issac, *Prohibition and Politics: Turbulent Decades in Tennessee, 1885-1920* (Knoxville, 1965), 158-60, 167.

⁴ *Ibid.*, 168; *Knoxville Journal and Tribune*, February 20, 1909. Hereafter cited as *Journal and Tribune*.

⁵ *Ibid.*, February 27, 1909.

missioners. The Speaker announced that Patterson's signature was not needed since a governor could not veto a constitutional quorum of the general assembly in joint convention.⁶ Neal and the other senators returned on March 5 after a decision had been made to let the election controversy be settled in the courts.⁷ The incident of the Kentucky migration, however, eventually created repercussions from which Neal could never recover, for it marked the beginning of his unorthodox methods of opposing those events to which he objected.

Despite his controversy over the election law issue, Neal continued to be an influential legislator. Before the legislature's final adjournment, he introduced the General Education Bill of 1909. This measure had been drafted by Dr. Philander Priestly Claxton, a noted American educator and a professor at the University of Tennessee who had also written the education bills passed in 1907. The new bill provided that thirty per cent of the state's gross revenue would go for education each year.⁸ Portions of the money would be used to set up a county high school system, to maintain libraries, to license and examine teachers, to establish three normal schools—the later teacher colleges and now state universities—in each section of the state, and to establish a normal school for Negroes in Nashville. From the educational appropriations, the University of Tennessee would receive 7 per cent each year for maintenance and improvements. Prior to this time, the University had depended on any appropriation the state legislature would grant it. Neal could now claim credit for definitely making it a state institution.⁹

Earlier in the session, Neal was successful in co-sponsoring a bill which provided for a new method of appointing the trustees for the University. The board of trustees was now reorganized so as to have two members appointed from Knoxville and one from each of the state's ten congressional districts. The governor, superintendent of public instruction, commissioner of agriculture, and president of the

⁶ *Ibid.*, March 3, 1909.

⁷ *Ibid.*, March 6, 1909.

⁸ Charles Lee Lewis, *Philander Priestly Claxton, Crusader for Public Education* (Knoxville, 1948), 158-65.

⁹ Andrew D. Holt, *The Struggle for a State System of Public Schools in Tennessee, 1903-1936* (New York, 1938), 243-44. Previous appropriations had been \$10,000 in 1903, \$25,000 in 1905, and \$100,000 (for the biennium) in 1907. James Riley Montgomery, *The Volunteer State Forges its University: The University of Tennessee, 1887-1919* (*The University of Tennessee Record*, Vol. 69, No. 6, November, 1966), iii, 81, 114-15.

University were to be ex-officio members. One-third of the trustees had to be alumni of the University of Tennessee, and all were prohibited from using their position for personal gain.¹⁰

Although this reorganization bill passed easily, there was difficulty in getting the General Education Bill enacted. A similar bill had been introduced in the house, where it was referred to various committees. Neal, being a member of the Education Committee, was influential in getting the senate bill passed. Reluctantly, the house passed the bill, after adding an amendment which reduced the percentage of gross revenue from 30 to 25 per cent. The revised bill passed the senate, as had the earlier version.

Claxton then learned that after the bill became law opponents planned to amend it sufficiently to render it useless. Neal, a constitutional authority, advised Claxton that the bill could not be amended as long as it remained unsigned in the possession of the governor. Patterson could hold it until the legislature adjourned. This he did, and due to Neal's advice the bill was made into law without interference.¹¹ Neal's contribution in helping pass the General Education Bill was an achievement for which he was always noted.

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

¹⁰ *Acts of Tennessee*, 1909, pp. 133-36.

¹¹ Lewis, *Claxton*, 162-63.

Bledsoe convention only one day prior to its opening and that Sequatchie County failed to notify him at all. A more logical reason for his defeat may have stemmed from his support of James B. Frazier for the U. S. Senate. Although Frazier was generally well liked, he was not popular in Neal's district and their association possibly hurt Neal politically. After failing to receive the Democratic nomination for state senator, Neal announced that he would run as an independent, but he did not do so.¹²

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

to prevent the passage of the fairest and best election laws the state has ever had, Senator Neal lost the confidence of his constituents. . . . This is the same John R. Neal that resides in Denver, Colorado when there is nothing doing in Tennessee politics; he is a citizen of Rhea County while he is a candidate, and refugee to Hopkinsville, Kentucky when the legislature is in session and his absence from the capitol is desired by Patterson.¹³

The 1912 gubernatorial election presented a new political challenge to Neal. He opened his campaign in Dayton. Pleased at the reception given him, Neal thought his chances of election were favorable. He had been the first to announce for the nomination; however, ten other candidates soon showed an interest in the primary. James B. Frazier was favored, but a newspaper article reported that Neal appeared to be the choice of many East Tennessee Democrats. Democratic leaders from six counties meeting in Chattanooga selected Neal as the strongest choice and pledged their support to him. It was rumored that state leaders had already decided to pick an East Tennessean; consequently, if Neal went to the state convention with eastern support, the rest of the state would accept him. As Neal's

¹² Undated, unknown newspaper, Neal Scrapbook, in John R. Neal Papers (in Neal home, Spring City, Tennessee; owned by John Wheelock, Washington, D. C.) Hereafter cited as Neal Scrapbook.

¹³ Undated, unknown newspaper, *ibid.*

support grew, one newspaper reported that a memorable campaign was in the making, since both Neal and the Republican candidate, the incumbent Governor Hooper, were "convincing stump speakers."¹⁴

Neal, still employed by the University of Denver, was under contract to give a series of lectures there. Consequently, it was necessary for him to return to Denver to fulfill his teaching obligations. However, he attempted to remain active in the campaign. From Denver he wrote to the Tennessee newspapers that he was still in the race and would return to continue electioneering.¹⁵

Upon returning to Tennessee in the spring, Neal began a series of lectures in Knoxville in conjunction with his law professorship at the University of Tennessee which he had held since 1909. He also re-opened his political campaign by bringing ex-Governor Patterson to Dayton for a speech in his behalf. Neal promised to work for the selection of Dayton as the site of the proposed East Tennessee normal school.¹⁶

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

As is well known, Honorable John R. Neal is an instructor in the law department of the University of Tennessee. This institution is owned by the people of Tennessee. Mr. Neal has qualified as a candidate for the Democratic nomination for governor. It is said by those who know the facts that if he persists in his political activities the head of the University may decide to let him know that his resignation as a member of the faculty will be accepted any time he cares to hand it in. It is a part of the history of the university that never before since its establishment has a teacher in the institution engaged in a political contest. It was never intended that the university should become a political bureau.¹⁷

However, interest in Neal's candidacy began to wane and he finally announced that he would withdraw. Following the death of Senator Robert L. Taylor in 1912 and the interim appointment of Newell Sanders to succeed him, Neal became a candidate for the position and received 55 of the 66 legislative votes needed to win but eventually lost.¹⁸ Thus, a pattern of political defeats was in the process

¹⁴ Undated news item, *ibid.*

¹⁵ Undated news item, *ibid.*

¹⁶ Undated news item, *ibid.* The normal school (now East Tennessee State University) was located at Johnson City. During this period of his life, Neal had a distinction claimed by few professors; he held positions at two universities. During one half of the year he taught at Denver University; during the other half, at the University of Tennessee.

¹⁷ Undated, unknown newspaper, *ibid.*

¹⁸ *Tennessee Senate Journal*, 1913, pp. 134, 143.

of being developed. Despite his accomplishments as a legislator, Neal had made many mistakes as a politician. He had supported too many varying political opinions and parties, and he had lost the support of any faction. With his political activity temporarily ended, Neal now devoted his time to a much more secure profession, teaching.

In the fall of 1909, Neal had accepted as indicated above, a teaching position as a teacher of law at the University of Tennessee while continuing to hold a post at Denver University. He lectured at Tennessee in the spring and at Denver in the fall, following this schedule until 1917. At both institutions he was a popular teacher and was totally dedicated to his work. He was considered, though not seriously, as the successor to University President Brown Ayres who died in 1919, but Dr. Harcourt Morgan was the eventual choice.¹⁹

Always a man of comfortable wealth, Neal created a minor but unusual problem for the University. He regularly neglected to cash his pay checks until months after they had been received, and often failed to pick them up until they had begun to accumulate in the treasurer's office. It was rumored that he carried them around in his pockets without cashing them, sometimes using them as bookmarks. As will be developed below, he was also rather unorthodox in regard to teaching methods and personal appearance. Still, the general opinion of Neal's former students who were interviewed was one of praise. He seemed to have been an effective teacher of law; one former student said only one person in his graduating class failed his law exam. Everyone agreed that Neal had a deep interest in the student's welfare.

Yet, in 1923, a decision was made by the University of Tennessee administration not to rehire Neal and six other professors. The real reason for this has never been fully explained but there are several opinions. Some said the reason was because Neal defended a fellow teacher who had taught evolution and who was also dismissed.²⁰ Others claimed he was fired because he sympathized with the student move-

¹⁹ Undated newspaper item, Neal Scrapbook.

²⁰ Ray Ginger, *Six Days or Forever? Tennessee vs. John Scopes* (New York, 1960), 44; L. Sprague de Camp, *The Great Monkey Trial* (Garden City, 1968), 67-68. According to Philip M. Hamer, Diary (typed copy in Special Collections, The University of Tennessee Library), 5 (April 15, 1923), Neal told him at the time of that dismissal (of Jesse Wm. Sprowls) that he favored "faculty action for petition to trustees for establishment of some faculty control of appointments and dismissals." Hamer was professor of history at the time.

ments.²¹ Most now agree that he was fired because of a personality conflict with the dean of the College of Law, Malcolm McDermott. McDermott seems to have resented Neal's teaching methods, his unsightly appearance, and his obvious lack of organization in book-keeping.

A letter from McDermott to President Morgan, written before the dismissals, reads:

I call your attention to the fact that those complaints as to Doctor Neal's actions during the past three years have not been passed over and are not being adverted to merely for the present occasion. You will recall, I am sure, that repeatedly have I made complaint to the administrative authorities as to his methods. Each year that I have been here I have suggested the advisability of not re-electing him to the faculty, but did not make the express recommendation because it was deemed expedient to give him further trial.²²

At the end of the spring term, Neal and the other professors left school unaware of the decisions regarding their future. They were informed late in June that they were not recommended for reappointment, but it was not until July 17, 1923, that they were officially dismissed. At that time the University trustees, in executive session, confirmed President Morgan's decision.²³ Knoxville became a center of controversy as the trustees came into the city, followed by newspapermen from across the state. The trustees and Governor Austin Peay declined to comment until they had heard Morgan's report.²⁴ Rumors were rampant. One University authority was alleged to have remarked, "We are getting rid of a bunch of atheists."²⁵

Governor Peay arrived and requested a public hearing. The meeting, scheduled to be held in the Farragut Hotel, was accompanied by bedlam. There were "hurried telephone calls, pages darting around

²¹ "Monkeying," *The Nation*, CXVII (August 1, 1923), 104.

²² *Journal and Tribune*, July 18, 1923.

²³ Minutes of the Board of Trustees of The University of Tennessee (Office of the Secretary of the Board of Trustees, Austin Peay Administration Building, Knoxville, Tennessee), Vol. 8, p. 401.

²⁴ *Journal and Tribune*, July 16, 1923. On July 10, Hamer referred in his Diary (page 14) to another talk with Sprowls: "Says sentiment swinging strongly against Morgan . . . Peay forced to side with Neal . . . Neal talked of for governor or U. S. Senator; Neal says will not return to U.T. unless all others taken back. . . ." Four days later Hamer reported, page 15, that Sprowls told him: "Neal plans to run for the gubernatorial nomination vs. Peay in 1924 unless Peay comes to his support when the trustees meet. Says a number of politicians plan to 'get' Morgan, if necessary cutting off the university completely from the financial support of the state." It is probable that Professor Sprowls was engaged in "wishful thinking."

²⁵ "Report on the University of Tennessee," *Bulletin of the American Association of University Professors*, X (April, 1924), 255. Hereafter cited as *A.A.U.P. Bulletin*.

and sudden conferences." The scene resembled a "political meeting." Although Neal was not present, one hundred students and alumni were signing a petition in his behalf. Some of them met with Governor Peay and urged him to help keep Neal at the University.²⁶

The hearings were held with a large group of students present. More than a dozen rose to speak for Dr. Neal. When Neal himself appeared, it was

a spontaneous signal for an outburst of applause and cheers that lasted for some time. No attempt was made to stop it. Professor Neal sought to control his emotions, but was visibly nervous. His face paled and he tried to utter something as he gazed at a number of students he had taught and who rallied to his defense.²⁷

The following fourteen charges against Neal were read by President Morgan: he was three days late for the opening of the terms of 1922 and 1923 and often failed to meet his classes without giving any reasons for his absence, on one occasion going on a two-week trip to Muscle Shoals; he did not conform to the schedule in holding examinations or remain in the classroom while they were being held, often being found in his office smoking a cigar or reading; his tests were a farce, being made up of a few simple questions, the answers to which he never graded anyway; he did not fail students, most of the time giving an identical grade of ninety-five to all of them; he did not keep records of class attendance and often changed the time for meeting without permission; frequently he discussed current events in his classes instead of teaching law; he always took the side of the students in any controversy with the administration and allowed them to do as they pleased; he was careless in his dress and work and smoked in Ayres Hall despite regulations forbidding it; he gave little time to the School of Law, leaving the campus immediately after his lectures, spending no time in study or research, and giving no assistance in improving the law school; and, finally, he once lost a supreme court record which he was to use in drawing up a brief for a farmers' association.

Proof was offered to substantiate the charges. Grades of two classes made up of forty-nine students were presented; each student had made a grade of ninety-five. While there was no proof that he had

²⁶ *Journal and Tribune*, July 17, 1923.

²⁷ *Ibid.*, July 18, 1923.

not read the test papers, it was shown that he once left the University immediately after giving an exam. That afternoon, though the papers had no marks on them, student grades had already been sent to the registrar's office. Neal's grade book was shown to the committee hearing his case; it had students' names in it, but there were no records of grades or absences.²⁸

Neal was given twenty minutes to answer the charges. He stated that he was unprepared to answer in that time but that the charges were "glaringly false" and he could show proof if necessary. He said he was in Muscle Shoals in 1922 only for the weekend and had missed only one class. He denied changing any class hours scheduled by Dean McDermott, pointing out that the Dean never "consulted other members of the department on hours or schedules and . . . never asked for suggestions." Neal insisted that he had attended his classes regularly. In contrast to McDermott's being absent during one-fourth of the time, Neal claimed that he on the other hand, had not missed a class in thirteen years while he was in the city, even attending without complaint when he was ill. Professor Neal specifically asked Dr. Morgan if he, Morgan, had come to Neal with any criticisms; Morgan admitted he had not. Neal claimed that his tests were conducted properly with "proper questions"; his final exams lasted three hours. He explained that he was never out of "earshot" when he gave exams and that Dean McDermott was as guilty of being out of the room during exams as he was. He admitted that he had changed an exam schedule on one occasion but insisted that other professors had done the same thing. Similarly he was by no means the only professor guilty of smoking in the building. He continued:

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

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

²⁸ *A.A.U.P. Bulletin*, X, 248-50. These charges, with some clarification, are also stated in a letter from Dean McDermott to President Morgan. Minutes of the Board of Trustees, Vol. 8, pp. 401-08.

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

Several students spoke in support of Neal; one stated that Neal was "The most beloved professor in the school and a man with a generous heart," and that McDermott had never treated Neal with respect; he commented further that "Professor Neal [taught] the students to think for themselves [but] McDermott's methods could never make a successful law student." Another student pointed out that although he had served on several student committees, Neal had never been put on a committee by the administrative body.²⁹

The hearings continued until all the dismissed professors who were present had been heard. After all evidence had been presented, the board of trustees upheld Morgan's recommendations. Five voted not to rehire Neal; there were only two dissenting votes. One was that of Governor Peay, who announced his disapproval of the methods used to dismiss the professors. Even though he felt that the reasons were unwarranted, he pointed out that he still approved of President Morgan. Bolton Smith, another trustee, also voted against the proposal. Referring to the incident over a year later, he stated:

I came to Knoxville last year a day before the hearing . . . began, and during that day I was visited by no less than fifty university students who pleaded with me to vote against the dismissal of Judge Neal. As I listened to the earnest pleadings of these young men, it seemed to me that Judge Neal had lighted in them an enthusiasm for study which I regarded as of much greater importance than mere technical knowledge.³⁰

Other board members remarked that they had to vote with Morgan or it would be a "direct slap" at him. One member felt that the trustees had to choose between Neal or President Morgan, but they could not keep both.³¹

For the next few days, many efforts were made to get Neal rehired, always on the condition that President Morgan would approve.

²⁹ *Journal and Tribune*, July 19, 1923.

³⁰ *Knoxville News*, February 20, 1925. Hereafter cited as *News*.

³¹ *Journal and Tribune*, July 18, 1923.

The feeling persisted that this would happen, and attempts to persuade the university president continued. Neal was a personal friend of some of the trustees, and they worked to reinstate him. Ninety-five per cent of the law students signed a petition urging that he be kept, and protest meetings were held in his favor. The Law School alumni backed him, many of them writing letters denying the charges and calling Neal an "inspiring teacher."⁸² A letter from the dean of the law school at Denver said Neal "had a happy faculty of inspiring his students with interest and stimulating them to read." The institution had "sincere regret" at having lost his services, which was, the letter said, "because of his desire to assist in raising the standards of legal education in his native State." Denver offered Neal a full-time professorship, but he declined.⁸³

Two days later, President Morgan remarked that he was willing to reinstate Neal if the board wanted to change its mind, but since no changes were forthcoming the case was closed. L. R. Hesler, present Dean Emeritus of the College of Liberal Arts at U.T. and a personal friend of Neal's, remembers that for months after the incident Neal avoided him. Hesler added that "perhaps he felt humiliated or conscience stricken." Later the Dean said, Neal began to speak to him again and visited him more often; but soon thereafter Neal permitted himself to get so dirty that he (Hesler) began avoiding him. Neal's personal habits, bad when Hesler knew him first in 1919, got progressively worse after the dismissal until finally the management of the S and W Cafeteria—where Neal would sometimes go to see old friends—told him to stay away.⁸⁴ But even after Neal had left the University, the issue of the dismissals continued to rage, both in Tennessee and across the nation.

Neal struck back with a vengeance. In 1925 he instigated an investigation of the University, charging that the board of trustees was illegally constituted and violated a state law. Also, Harcourt Morgan was "legally, morally and mentally incompetent for the position of president of the university" and had "instituted a system of terrorism at the university, both over the faculty and student body." Neal also

⁸² *A.A.U.P. Bulletin*, X, 252.

⁸³ *Ibid.*, 248, 251-52; *Journal and Tribune*, July 19, 1923.

⁸⁴ Personal interview with Dean L. R. Hesler, July 29, 1968.

questioned Morgan's status as a United States citizen.³⁶ These hearings lasted several days with Neal testifying at two of them. Among other things he pointed out that one trustee was president of the City National Bank, which held deposits of the University and thus violated a state law which said no trustee could have a financial interest in the institution. Neal also criticized recent financial requests by the University to the state government, pointing out that it had committed itself to build a medical school in Memphis and make several additions to the plant in Knoxville before any money was appropriated for those purposes. He also remarked that U.T. was the only university in the United States of which the president and practically every dean did not have Ph.D. degrees. Morgan, he pointed out, had only an honorary LL.D. degree from Emory and Henry. The hearings were ended with no decisions being made.³⁶ Later a report was issued giving some committee recommendations, but the whole affair quietly died out.

Neal, however, did not quit so easily. In 1926, he wrote Governor Peay reiterating that the law which required one-third of the University trustees to be alumni had not been fulfilled.³⁷ In 1925, the University had announced that it would no longer give an annual John R. Neal Oratorical Award to the best debate student. Neal said he would give one anyway.

In 1925, Neal opened his own school, the John Randolph Neal School of Law. The law school was a success throughout the late 1920's and the 1930's, with large enrollments, although many students came to take business law with no intention of becoming lawyers. According to its alumni, at times during this period the number of its graduates at several commencements exceeded the number of law students being graduated by the University of Tennessee. The 1935 graduating class exceeded forty students. Some students attended without charge due to Dr. Neal's compassion. One former student stated that he watched Neal shred into pieces innumerable checks in payment of fees, stating that "that boy can't afford to pay to go to law school." By the early 1940's, however, enrollment at the law school

³⁶ Letter to Tennessee legislators, Neal Scrapbook.

³⁶ *News*, February 20-27, 1925. Neal's charge concerning Morgan's degree was true. Morgan had received his B.S. in Agriculture from the University of Toronto; later he received honorary LL.D. degrees from Southwestern University and from Emory and Henry College. "John Harcourt Alexander Morgan," *National Cyclopaedia of American Biography* (New York, 1938), E, 418-19.

³⁷ Letter to Governor Peay, Neal Scrapbook.

began to decline; only fifteen graduated in 1939. Eventually no one enrolled, although Neal would continue to announce its formal opening. The law school officially closed in 1943 because of new state regulations requiring full-time attendance. Similar law schools across the state, because of their irregular meeting schedules, were also forced to close.³⁸

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

The details of the Scopes Trial will not be related here since they are so well known. John R. Neal was pushed into the background, anyway, by the flamboyance of William Jennings Bryan and Clarence Darrow. Neal, however, volunteered to defend John Scopes as soon as the case was made public.³⁹ He became chief defense counsel and tried to avoid any kind of trial at all in Dayton, desiring to get the case tried on the constitutional aspects of the controversy in a federal court, where he might well have won.⁴⁰ However, as is well known, the trial was held in Dayton before a jury, and it did not take long for Bryan and Darrow to make the country and the jury lose interest in Scopes and the legalities of the trial.

Neal drew both criticism and praise from his stand on the evolution case. A letter-to-the-editor in a Knoxville newspaper remarked:

Allow me space in your paper to say I've just been reading your paper on Dr. Neal's views regarding anti-evolution. I think him [*sic*] and every other descendant of a monkey ought to be stopped before they poison the minds of the people whom God created in his own image. I saw his cousin on the street a few days ago. A man had his cousin and a crank organ.

³⁸ Personal interviews with Beverly Burbage, Charles Maner, and Frank Gresham, Knoxville, Tennessee, July 31-August 1, 1968. See also Clyde Conley Street, "A History of Legal Education in Tennessee" (M. A. Thesis, University of Tennessee, 1941).

³⁹ John T. Scopes and James Presley, *Center of the Storm* (New York, 1967), 62-63.

⁴⁰ L. S. de Camp, *The Great Monkey Trial*, 130-33, 136-37.

If a man who has no monkey blood in him had started preaching such a doctrine the people would have lynched him at once. If that's so I don't think it would be as much harm to lynch a monkey as it would to lynch a human.⁴¹

On the other hand, H. L. Mencken, who attended as a representative of the *Baltimore Sun*, wrote:

The prevailing attitude toward Neal himself was also very amazing. He is an able lawyer and a man of repute, and in any Northern State his courage would get the praise it deserves. But in Tennessee even the intelligentsia seem to feel that he has done something discreditable by sitting at the trial table with Darrow, Hays, and Malone. The state buzzes with trivial, idiotic gossip about him—that he dresses shabbily, that he has political aspirations, and so on. What if he does and has? He has carried himself, in this case, in a way that does high credit to his profession and even higher credit to his native state. But his native state, instead of being proud of him, simply stabs him in the back.⁴²

While everyone else considered the trial to be ended after Scopes was found guilty, Neal characteristically continued to fight on in an effort to get the case reviewed by the U. S. Supreme Court. He lost an appeal in the Tennessee Supreme Court but still he made other, equally unsuccessful attempts to keep the case alive.⁴³

In other legal controversies, Neal defended sixteen cotton mill workers in 1929 in a trial involving the murder of a plant foreman during a Communist-inspired strike in Gastonia, North Carolina,⁴⁴ and at nearly the same time he served as defense counsel for union members involved in a strike in Elizabethton, Tennessee. Later, some female workers in the strike were again tried and accused of being Communists. Neal went to their defense, claiming that they were not Communists and that he was there to see that their right to picket was upheld. In 1929, he championed the cause of striking students at Lincoln Memorial University and he defended some students who were run out of Harlan, Kentucky, in 1932 while they were investigating a strike there.⁴⁵ Neal was always in favor of collective bargaining, and in his numerous election campaigns he received some union support.

⁴¹ *Chattanooga Times*, June 5, 1925.

⁴² *Baltimore Evening Sun*, July 20, 1925.

⁴³ *Times*, March 21, 1927.

⁴⁴ *Knoxville Journal*, August 6, 1929. Hereafter cited as *Journal*.

⁴⁵ *Knoxville News-Sentinel*, November 29, 1959. Hereafter cited as *News-Sentinel*.

Beginning in 1924 Neal entered nearly every political race in Tennessee, either as a candidate for governor or U. S. senator. He was never successful as a candidate but the political races gave him a chance to proclaim his progressive views. One of these views concerned the issue of public *vs.* private power in Tennessee. Since 1922 Neal had been spending much time fighting against control of the Tennessee River by the privately owned power companies. His personal crusade helped pave the way for the Tennessee Valley Authority and gave Neal the right to call himself the "father of TVA."

The controversy over development of the Tennessee had started long before Neal made any public comments on it. In 1922, he favored an offer by Henry Ford to build dams on the river and to create a "model-city" somewhere in the area.⁴⁶ This offer was also acceptable to Senator Kenneth D. McKellar.⁴⁷ Senator George W. Norris was not opposed to the Ford offer but his preference for the river was that it be developed by the federal government. On the other hand, there were many who favored permitting private power companies to construct their own dams for the sale of electric power.

After returning from a trip to Muscle Shoals to inspect the federal properties there, Norris introduced a bill in the U. S. Senate providing for government control of the Muscle Shoals properties. The bill, which called for the completion of Wilson Dam and the construction of another dam on the Tennessee River,⁴⁸ died in committee. McKellar opposed it because it did not provide for flood control or for the construction of transmission lines to carry surplus power.

In 1924 Norris introduced a second bill, which McKellar did support because it authorized the construction of transmission lines for power sales. This bill was defeated in the Senate.⁴⁹ One important development in 1924 was the final defeat of Henry Ford's offer. According to Norris,

With withdrawal of Mr. Ford's offer, the struggle over Muscle Shoals simplified itself to an issue between those who believed in public ownership and development of the power at Muscle Shoals and

⁴⁶ *Journal and Tribune*, April 4, 1922.

⁴⁷ Edward Felsenthal, "Kenneth Douglas McKellar: The Rich Uncle of TVA," *West Tennessee Historical Society Papers*, No. XX (1966), 111.

⁴⁸ Preston J. Hubbard, *Origins of the TVA: The Muscle Shoals Controversy, 1920-1932* (Nashville, 1961), 75-76.

⁴⁹ Norman Zucker, *George W. Norris: Gentle Giant of American Democracy* (Urbana, 1966), 119.

throughout the Tennessee Valley, and the "power trust," seeking to prevent anything of the kind.⁵⁰

Thus the battle lines were drawn; the thinking of Neal, McKellar, and Norris continued to run in the same vein, and just which one had the most advanced thinking is still undetermined. They all opposed the Underwood Bill which passed the Senate in 1925 authorizing the government to lease the Muscle Shoals installation for fifty years to private corporations which would distribute electricity. The bill temporarily blocked Senator Norris' plans for government distribution of public power from the river.⁵¹ Meanwhile, Neal continued to fight against the power companies in Tennessee.

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

In 1925, President Calvin Coolidge appointed a Muscle Shoals Commission of Inquiry to study the problem, find the most adequate method of producing nitrates, and offer a recommendation as to how the project should be leased. Simultaneously, the Corps of Engineers began a survey of the Tennessee River to determine the potential water power to be gained by its development. The publicity from both these projects led to increased efforts by the private power companies to acquire a lease on the river.⁵² Upon completion of the surveys a hearing was scheduled for December 15, 1925, in Chattanooga, to receive applications for permits to build hydroelectric dams on the river. Major Harold C. Fiske, district engineer of the United States army, would con-

⁵⁰ George W. Norris, *Fighting Liberal: The Autobiography of George W. Norris* (New York, 1945), 260.

⁵¹ C. Herman Pritchett, *The Tennessee Valley Authority: A Study in Public Administration* (Chapel Hill, 1943), 15.

⁵² Hubbard, *Origins of the TVA*, 170-77.

duct the hearings. Three power corporations—the Knoxville Power and Light Company, the Tennessee Electric Power Company, and the Tennessee Hydro-Electric Company—had applied for permits to develop hydroelectric power on the Tennessee and its tributaries.⁵³

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

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

He argued that the Muscle Shoals power sites would have to depend on the power plants on the upper Tennessee, and that to place the river in hostile hands would hinder the efficiency of Muscle Shoals. The permits for the private power companies, he continued, would cover all important building sites on the Tennessee River, and to give them up would mean that the people could never have a power site of their own.⁵⁴ Again, he urged the towns and cities of East Tennessee to form their own corporations and file applications. He personally urged the Knoxville city council to apply for a municipal permit; a week later he made a similar appeal to the Chattanooga city commission. Putting the issue on a local level, he reminded the Chattanooga group that they had considered such a move a year earlier because of the city's high power rates; now might be their last chance. Pointing out that navigable streams belong to the people, Neal said:

There is nothing magical in water power for light and power purposes unless the difference is the cost of water power. This difference is tremendous and . . . this section, on account of its vast raw materials and cheap electrical power, would rapidly become the industrial center of the world.⁵⁵

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

The river is yours—now. You have every right to ask to whom, how, and why rights to develop it are to be given away, and whether it is the purpose of these power interests to develop or merely to hold the sites. If you fail to protest now, the possibility of state or municipal development of this great resource is irrevocably lost. Development of this power for and by the people means, in brief, cheapening the cost of living. Could there be any better purpose?⁵⁶

⁵³ *Journal*, undated news item, Neal Scrapbook.

⁵⁴ *Times*, November 24, 1925.

⁵⁵ *Ibid.*, November 16, 1925.

⁵⁶ Unnamed, undated newspaper, Neal Scrapbook.

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

All my efforts to save the water power of the Tennessee River from monopolistic control has had to be made through senators and congressmen other than the Tennessee delegation. Senator Norris, who in my opinion is the greatest man in the U. S. Senate, has taken the lead not only in the fight to preserve the great plant at Muscle Shoals for the benefit of the people, but has also taken a great interest in the disposition of the water power on the upper Tennessee.

Not a single member of the Tennessee delegation has taken a definite stand on this matter. . . . Aside from Senator McKellar, they have contented themselves with vague expressions to the effect that they favor the development of our water resources. . . . Senator McKellar has given a number of interviews, but as far as I have been able to determine has failed to take a definite, consistent attitude.⁵⁷

However, Neal did not weaken his efforts even though he must have been aware that his unpopular stand was political suicide. He even exhibited a more purposeful attitude.

The scheduled hearing in Chattanooga drew nearer and Neal increased his opposition to it. He urged all Tennesseans, as individuals and in organizations, to attend the hearings and to write Congress of the effect that granting private permits would have on Muscle Shoals. Its efficiency, he told them, would be diminished by one fourth if the power sites were in hostile hands. He also published a letter of opposition from Senator Norris.⁵⁸ In a later telegram, Norris promised to "protest against any further permits until the Muscle Shoals matter is determined." Norris had earlier written that the power trust wanted to isolate Muscle Shoals in order to prevent governmental development of the river.⁵⁹

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

⁵⁷ *Times*, November 8, 1926.

⁵⁸ *Chattanooga Labor World*, November 13, 1925.

⁵⁹ *Ibid.*, November 20, 1925.

Cates further pointed out that the permits would last for only fifty years, Neal retorted:

It seems a very poor form of consolation to hand out to the people, that even if their priceless heritage, water power, is lost to them by the indifference and ignorance of their public leaders, their grandson will have an opportunity to fight for its restoration.⁶⁰

Later, Neal challenged an official of the Tennessee River Improvement Association, which favored granting the permits. Neal pointed out that the association had not been formed to bolster the claims of organizations attempting to get power sites on the river. He further asserted that any of its members who tried to use it for such influence were abusing its authority. In another step to win his battle, he urged the towns of East Tennessee to send representatives to the hearing on December 15 to register their protests. Meanwhile, he went to Washington for additional help, claiming that "he had been in correspondence with a number of senators. . . ."⁶¹

The Chattanooga power hearings began with an aura of optimism on the part of the advocates of the granting of the permits, despite Neal's opposition. The Chattanooga *Times* referred to the meeting as the harbinger of stupendous development in Chattanooga and throughout the Tennessee River basin, which is destined to become the Ruhr of America. . . . It is conceded that if the proposed projects are brought to fruition this section will become a beehive of industry, plentiful power being the leverage to bring industries of all kinds into this territory.

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

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

The speech was accepted by the throng attending the public hearing with "great and prolonged applause."⁶²

Neal presented himself at the hearings to give reasons why the permits should not be given to the private power companies. When asked whom he represented, he remarked that he spoke for the people. When questioned as to who was paying his fee, he stated that he paid

⁶⁰ *News*, November 19, 1925.

⁶¹ *Times*, November 29, 1925.

⁶² *Ibid.*, December 16, 1925.

his own fee. Neal then presented five reasons why he opposed granting the permits. (1) A lack of adequate publicity had prevented several companies from having a chance to apply for permits. (2) A lack of knowledge on the part of some interested industries about developing the river, due to the fact that a government study of the valley had not been completed, had kept them from applying. (3) The utility companies getting control of the hydroelectric power for re-sale to consumers were companies which would not use the river to improve the valley. (4) The granting of the permits to private companies would hinder the state in the acquiring of sites for production of public power. (5) Placing the river in hostile hands would hinder the proper development of the Upper Tennessee.⁶³

As the hearings progressed, Neal questioned those who made statements favoring the permits. Finally, he was reminded by Major Fiske that the purpose of the hearing was to ascertain facts and opinions concerning the permits and not to initiate controversy about the issues.⁶⁴ As the hearing entered its final session of the day, Neal brought his defiance further into the open. He presented a telegram which he said he was sending to the War Department:

We most respectfully protest against the pending water power permits being passed upon by Major Fiske. His competency as a judge has been destroyed by the fact that both in private interviews, public addresses, and newspaper interviews he has clearly indicated that he has already formed an opinion.⁶⁵

His part in the hearing ended, Neal continued his struggle in other areas. He remarked that when the people of Tennessee realized that the meeting was an attempt to let one corporation control the river's water power, then they would be on his side. It was unfortunate, he stated, that the governor had put the prestige of the state behind the hearings, because his actions in the hearings would prove his downfall in the next election. So far as the applause for Peay's speech was concerned, he dismissed it as being provided by representatives of the power interests. Before the hearings adjourned, Neal received help from Senator McKellar, who sent a telegram also protesting against the Chattanooga hearings.⁶⁶

⁶³ *Muscle Shoals Hearings Before the Committee on Military Affairs, 1925*, United States House of Representatives, 69 Congress, 1 Session (Washington, 1927), 340-43.

⁶⁴ *Times*, December 16, 1925.

⁶⁵ *Muscle Shoals Hearings*, 1925, p. 355.

⁶⁶ *Ibid.*, 255.

An example of the increasing antagonism toward Neal can be seen in a Chattanooga newspaper editorial entitled "Down with Obstructionists." The editor castigated Neal for his "petty insult" to Fiske and criticized McKellar for trying to delay the hearings. The editorial went on to point out that neither McKellar nor the federal government had ever done anything to help East Tennessee; but now he stood in the way of a chance to make the river navigable and create electricity. In opposition to the viewpoint of both Neal and McKellar, the editorial added that it was "time for the government to go out of the business of owning and controlling the waterways." The writer urged McKellar not to obstruct private enterprise, but condescended to say that Neal "may try to obstruct if he wants to. Fortunately, he is not just now in any position to do much harm for the cause."⁶⁷

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

The proper disposition of the people's water power is not purely an engineering problem, but has vastly important economic and social aspects. . . . If all this hydro-electric power is handed over to the utility corporations it means that we can never have in our section another great plant similar to the aluminum plant at Maryville. . . . These are the kind of companies which would develop our great natural resources. The utility corporations, like the Tennessee Power Company, can only serve the knitting mill, cotton factory, the household consumer, and the comparatively small interest.

We by no means intend to abandon the fight. . . . Our slogan will be "If they are to continue granting those sites to private interests, then give the Tennessee Power Company one dam, possibly two dams, possibly three dams, but not all the dam power that belongs to the people."⁶⁸

The question of power permits was finally ended when, following the publication of the Muscle Shoals Commission of Inquiry, the House Military Committee requested the Federal Power Commission to suspend action on further permits.⁶⁹

Two pertinent comments by Neal deserve mention at this time, for they again bring up the question of Neal's influence on the creation of

⁶⁷ *Times*, December 18, 1925.

⁶⁸ *News*, undated, Neal Scrapbook.

⁶⁹ Hubbard, *Origins of TVA*, 176-77.

TVA. In a 1928 campaign speech Neal referred to the Chattanooga hearing and then said:

After the hearing, I went to Washington and interested Senator Norris in the matter and as a result he introduced the resolution, the effect of which did prevent the Federal Power Commission from granting away Cove Creek Dam. I made the first argument with the District Engineer favoring the building of Cove Creek Dam. In other words, I believe if it had not been for my activities Cove Creek Dam would now be in the hands of the trust.⁷⁰

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

Fearful of the action of Major Fiske, the Government Engineer in charge of the hearing . . . I came to Washington and laid the matter before Senator Norris, who introduced a resolution in the Senate providing for a postponement of action on the upper dam sites until Congress should dispose of Muscle Shoals.⁷¹

Exaggeration during a political campaign is to be expected; however, it would appear quite reasonable to assume that there was a direct connection not only between Neal's role in the Chattanooga hearings and the suspension of the permits, but also between his activity and the introduction by Norris of one of his most significant measures. It was on January 6, 1926, a short-time after the Chattanooga hearings, that Norris introduced his third and most far-reaching resolution on the public power idea, calling for "multipurpose development of the watershed providing for maximum navigation, power, flood control, and the experimental production of fertilizer under the management of a governmental corporation."⁷² The bill passed the Senate but did not pass the House.

A relationship between Neal and Norris during this period is shown by a newspaper article concerning a visit by Norris to Muscle Shoals. As his train stopped in Knoxville, Norris made a brief talk, saying: "There is still time to secure the vast hydroelectric power of the Tennessee Valley for the people. We are bound to win ultimately." The article continued with the statement that Norris "had intended to stop here on the invitation of Dr. John R. Neal and speak to the people . . . but was delayed so much on his trip that he was compelled to hurry back to Washington."⁷³

⁷⁰ Political campaign speech found in the John R. Neal Papers.

⁷¹ Prepared address before a congressional committee considering the Norris-Morin Bill, 1927, in *ibid.*

⁷² Zucker, *George W. Norris*, 121.

⁷³ Undated, unnamed newspaper, Neal Scrapbook.

Meanwhile, Neal continued actively to oppose the private power companies to prevent their gaining control of the power potentialities of the Tennessee river system. In May, 1927, a meeting was held in Athens, Tennessee, to consider granting power permits for building five dams on the Hiwassee River. An enthusiastic crowd heard speeches concerning the possibility of new industries in the valley. Neal, the lonely crusader, appeared at the meeting and voiced his objections, being taunted as he tried to speak. Undaunted, he explained that the stream was not navigable and that cheap power would not be provided for the people.⁷⁴ In October, 1927, he appeared before a meeting of the Southern Appalachian Power Conference, which was dominated by advocates of private power, and which voted unanimously for private development of southern water power and adopted resolutions in favor of leasing Muscle Shoals to the highest bidder. Neal's presence at the conference was described as follows: "The only person present who voiced a public development course was Doctor John R. Neal, unqualified to vote, uninvited to attend. Neal asked if he could vote against the resolutions, was told he could not."⁷⁵

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

⁷⁴ *Times*, May 7, 1927.

⁷⁵ *News-Sentinel*, October 16, 1927.

ators to change their votes and oppose the bill, although it still passed the Senate 43 to 34 and the House 211 to 16.⁷⁶

In Tennessee, Neal strongly defended the Norris-Morin Bill, pointing out that for the first time both houses of Congress had approved a Norris measure, and that even if Coolidge vetoed the bill, it would only delay eventual enactment. He injected himself into the picture by maintaining that the controversy over Muscle Shoals was not political, for he could not fight the battle in Congress, but was a struggle between the power interests and the fertilizer interests to gain possession of the Shoals. Therefore he continued to influence public opinion by favoring government control of the Shoals and of the Tennessee River. Urging construction of the Cove Creek dam, he also called attention to the opposition of both Tennessee senators to its construction.⁷⁷ In reply to McKellar's charge that the state would lose money because a federal dam was exempt from taxation, Neal pointed out that Hale's Bar, a privately owned dam, had cost \$30,000,000 to construct, but the state only had it assessed at \$1,500,000; thus the state was losing valuable tax money from it.⁷⁸

Dr. Neal's struggle for public power came to an end in 1932 when Franklin D. Roosevelt was elected President of the United States. By January, 1933, it became obvious that Senator Norris's ideas on public power would form the basis for legislation concerning Muscle Shoals and the Tennessee River, even though the entire plan for the development of the Tennessee Valley was not yet released.

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

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

The editorial emphasized Neal's unwavering stand on public power. It pointed out how a delegation of East Tennesseans had once gone to

⁷⁶ Hubbard, *Origins of TVA*, 226-33. The Cove Creek dam, when eventually built by TVA, was named for George W. Norris.

⁷⁷ *News-Sentinel*, May 27, 1927.

⁷⁸ Undated, unnamed newspaper, Neal Scrapbook. Later, the Norris bills were amended so as to meet McKellar's objections by providing for payments to states in lieu of taxes. Joseph S. Ransmeier, *The Tennessee Valley Authority* (Nashville, 1942), 63.

Washington to let Congress know that they favored the Norris bill. However, when Hoover told them the Norris bill had no chance of passage, they decided to support any plan to build a dam on Cove Creek. Neal, however, had never changed his mind on the power question but had consistently supported public power.⁷⁹ A move was later made to have Neal named as a member of the first TVA board of directors. Before it ended, President Roosevelt allegedly received approximately five thousand telegrams from individuals, organizations, and Tennessee towns and cities in support of his appointment. Neal was very much pleased by the suggestion, but naturally the movement received no help from Tennessee's congressmen. Neal did have the support of the Knoxville *News-Sentinel*, which editorialized concerning the recommendation of Neal by a public mass meeting called to boost the TVA project:

The almost unanimous adoption of a resolution [recommending Neal for the board] is deserved recognition of his unselfish public service in power fights in the past. For many years, Dr. Neal has been one of Tennessee's most consistent "Watchdogs" of power resources, visiting Washington and Nashville whenever legislation or lobby activities threatening public development were in the air. His work in the interest of the people has been at his own expense. His recognition by last night's mass meeting is at least an emphatic public appreciation of his activities in the past.⁸⁰

John R. Neal, of course, did not receive an appointment to the TVA board of directors. President Roosevelt selected instead Harcourt A. Morgan, the president of the University of Tennessee, who was confirmed by the Senate despite Neal's vigorous objections.

Neal's activities with the TVA were not ended. Throughout the 1930's he voiced objections to certain facets of TVA operations. He continually urged the TVA to expand its service areas and to buy out private power companies; he criticized TVA wages as being too low in some parts of the state. He suggested that TVA hire 100 lawyers to do abstract work in connection with the acquisition of lands for Norris Dam and thus relieve the distressed finances of many Tennessee attorneys;⁸¹ he entered into a controversy in Chattanooga over whether the city could legally issue bonds to construct a municipal power plant.⁸²

⁷⁹ *News-Sentinel*, February 3, 1933.

⁸⁰ *Ibid.*, May 2, 1933.

⁸¹ *Ibid.*, June 8, 10, November 5-20, 1933.

⁸² *Times*, April 9-12, 1934.

Nevertheless, in his frequent campaigns for political office, he always emphasized his part in bringing TVA into existence and criticized his adversary's stand. For example, in 1934 he charged his opponent, Senator McKellar, with being an enemy of TVA, since he had opposed Senator Norris's bills and had filibustered against one of them, ignoring the fact that McKellar at the time of the establishment of TVA was an enthusiastic advocate. At the same time Neal was denouncing TVA for eliminating the barge lift at Norris Dam which was to be lowered by 40 feet below the height specified in the original plans. As a result, the Clinch River would no longer be navigable. Though the TVA denied the charge, Neal was correct in his assertion, though his protests were of no avail.⁸³ Thus Neal became a critical opponent of TVA before McKellar, its "rich uncle," turned against it, but for different and less political reasons.

By 1935, Neal was complaining to the people of Tennessee that TVA dams were not being constructed fast enough and that money which had been appropriated was about to be lost because of delays in construction.⁸⁴ Continuing his objections, in 1937 he pointed out that TVA was selling power to large industries at low rates while many cities and towns in Tennessee were still buying higher priced electricity at high rates.⁸⁵

When the city of Knoxville moved ahead with plans to purchase its own municipal power plant in competition with a private power company, Neal maintained that the project was not only expensive, but useless, since many private power companies were willing to sell out but the TVA was too hesitant about negotiations.⁸⁶

He went to court against TVA when it purchased his own land at Rhea Springs for the construction of Watts Bar Dam, and eventually he was paid \$55,000 for the land. He was also instrumental in bringing up the fact that TVA was taking over private power companies which had at one time paid local taxes. As the private power companies sold out, many counties were losing revenue. Tennessee newspapers took up the argument, suggesting that TVA make up the tax losses.⁸⁷ Eventually such a bill was passed in Congress.

⁸³ *Ibid.*, November 30-December 17, 1934.

⁸⁴ *Ibid.*, November 1, 1935.

⁸⁵ *Journal*, September 2, 1937.

⁸⁶ *Ibid.*, February 3, 1938.

⁸⁷ Editorial in the *Chattanooga Free Press*, September 15, 1939.

Throughout the 1940's and into the 1950's he continued to run in every Tennessee election for either U. S. senator or governor. After losing the Democratic primary, he would later enter the general election as an independent candidate, where inevitably he would lose again. Though his margins of loss were always considerable, he always protested that the election had been stolen from him, usually by the Crump machine. Neal instigated three federal investigations of Crump's election activities during his political campaigns. In 1946 he entered the Democratic primary as a candidate for both the governorship and the Senate, and after losing both nominations, he entered the general election in November as an independent candidate for the same two offices. His last political campaign was in 1954. He entered the Democratic primary for a U. S. Senate position; losing that, he ran for governor in the general election and lost again.

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

Acquaintances of Neal tell of a visit to Knoxville by President Roosevelt, who stopped his motorcade on Gay Street to shake hands and converse with Neal. Other friends tell of a time Neal sat on a platform beside Eleanor Roosevelt and other important dignitaries with his tie and shoes untied and his shirt and pants unbuttoned. The location of this particular event has changed time and again to various towns in Tennessee, or even to Muscle Shoals, Alabama, depending upon the narrator. A TVA official reports that he once had to ask Neal to cash a check from the TVA for \$55,000 so the treasurer's books could be balanced. Neal began searching in his pockets and retrieved twenty or thirty uncashed checks from the law school; then in a rear

pocket he found the TVA check, crumpled and soiled but intact. Together, he and the TVA official took the check to the bank. Regas' Restaurant personnel supposedly kept his ragged coat for several weeks waiting for him to claim it; upon inspection, they found the pockets full of bonds. He slept in his clothes and friends had to force him to bathe. His law students once bought him a new suit for a present. Upon receiving it, Neal threw it on the floor, saying that when he wanted a new suit, he would buy one.⁸⁸ Neal refused to clean up his room at the Watauga Hotel and would not permit the management to do so. He was eventually forced out of the Watauga because of his personal appearance; upon inspection his bathtub was found to be filled with books.⁸⁹ Former workers on the TVA dams relate how he visited construction sites with officials such as Senator Norris. Neal was then always conspicuous in his shabby attire, but especially so when compared with that of the other visitors. A friend of Neal recalled a time when the great objector discussed his personal appearance. Neal contended that he dressed as he did to protest conformity. He thought that no one should let his government, his neighbors, or society tell him how to act or how to dress;⁹⁰ thus he reaffirmed what he had said so many times in his life—that a person should do as he thinks best. In this writer's opinion, Neal may at one time have felt such individualism about his personal appearance, but it is hard to conceive that any person would permit such a condition to persist for so many years merely to prove a point; somewhere the mode of dissent probably turned into a bad habit.

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

⁸⁸ Personal interview with Beverly S. Burbage, Knoxville, Tennessee, August 1, 1968.

⁸⁹ Personal interview with Frank Gresham, Knoxville, Tennessee, July 31, 1968.

⁹⁰ Personal interview with Howard Hicks, Rockwood, Tennessee, July 9, 1968.

necessary. Friends looked forward to the presidential inaugurations because Neal never missed one and he always cleaned up before he left Knoxville. He bought a whole new set of clothes for the occasion, which would probably be the last purchase for four more years. After his "quadrennial cleanup," as they called it, Neal was described as a "handsome, noble-looking man."

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

He seemed always in need of a shave; his graying hair usually needed cutting and brushing; often his clothes sagged or bagged or needed pressing. Outward appearance meant little to Neal and he largely ignored these affronts to the well-dressed citizenry. . . . Actually, his untidy facade did not reflect the inner man at all. Neal had a keen and analytical mind. Basically he was a good man and a clean thinker, a much rarer person than most spotless, clean-shaven, and shorn clotheshorses I have seen. His coming to Dayton was one of the fortunate things that happened to me. . . .⁹¹

Other historians of the so-called "monkey trial" have not been so complimentary in their comments. According to L. Sprague de Camp,

Neal was a slight, bushy-browed, shaggy-haired former judge from Dayton, who owned several parcels of good farm land in the Tennessee Valley. . . . He was more than a little eccentric and absent-minded. Although nobody realized the fact at the time, this queerness was growing apace. . . . [Neal] was as dirty as some early Christian saints. A Tennessee joke ran; "Who does Judge Neal get to wear his shirts for a week before he puts them on."⁹²

The same writer also felt that Neal was absentminded and that the condition worsened as the trial progressed.⁹³ This is a description of him not found in any other source. Aside from the fact that the trial was a very short period of time in which to trace the development

⁹¹ Scopes and Presley, *Center of the Storm*, 63-64.

⁹² L. S. de Camp, *The Great Monkey Trial*, 68.

⁹³ *Ibid.*, 448-51.

of absentmindedness, the charge seems unfounded, considering the praise which Neal received from those who associated with him in the events in Dayton in 1925. Attorney Charles Maner, a personal friend, said that if Neal was absentminded, it was in the sense that what mattered to most people did not matter to him.

Neal was called an atheist by indirect references in the University of Tennessee incident and again because of his stand on evolution. However, he was a life-long member of the Methodist Church, and an undated item in one of his scrapbooks described him as a Sunday-School teacher of a Young Men's Bible Class which met in a classroom of his law school. Beverly Burbage said Neal believed in God, but he would have been mentally trapped in organized religion.⁹⁴

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

Tennesseans have always been wise enough to rid themselves of undesirables in schools and in politics as well, and since Doctor Neal has taken the stand against our beloved state . . . he plainly shows his ignorance. No doubt he received the treatment that was justly due him when he was dropped as part of the faculty of the University of Tennessee. . . . Doctor Neal never loses an opportunity to knock our present governor . . . however, the knocking of Governor Peay by Doctor John R. Neal only makes the governor more popular in Tennessee.⁹⁵

Yet, in the *Nation*, he was described in 1926 as:

probably the best known man in Tennessee, and the best-liked. The farmers all like him for his simple tastes and ways, most of the young lawyers over the state would be willing to die for him . . . and even outside of his law classes he is the most popular of the faculty members.⁹⁶

Neal's personal conduct, according to his contemporaries, was of the highest order. Dean Hesler maintained that Neal was a fluent speaker, used good English, was clear in his exposition, never said a cross word about anyone, and was always polite. When asked why Neal was so vicious in his attacks on McKellar and Crump, Maner replied that Neal only commented on their political actions, not their personalities; he did not even have any adverse statements when Harcourt Morgan was placed on the TVA board. Neal, he contended,

⁹⁴ Personal interview with Beverly Burbage, Knoxville, Tennessee, August 1, 1968.

⁹⁵ *Times*, undated item, Neal Scrapbook.

⁹⁶ John T. Moutoux, "A Liberal in Tennessee," *The Nation*, CXII (June 23, 1926), 686.

would have been "lost" had he received the position and did not really want it, though he was extremely proud to be mentioned. On the other hand, Neal was a well-known figure in Washington. He would walk into Congress and be "welcomed by everyone."⁹⁷

A former member of the Tennessee state legislature remembered Neal's appearing as a lobbyist in Nashville on frequent occasions. He was recognized and hailed by the state legislators, and made a speech before that august body about once a year. As a lobbyist, he was never on the payroll of any organization but always claimed to be present at his own expense for his own particular interest.⁹⁸ Despite the opinions concerning his perennial candidacy, Neal often received a substantial vote, although he always felt that many more votes had been taken from him by state political machines.

Charles Maner believed Neal ran to get his ideas before the people; he used politics to talk to people. H. T. Kern said Neal knew he could not win but "he ran because he was a peculiar fellow." Neal once remarked that, should the victory of the winning candidate be declared void due to a technicality, then he would be the winner. An interesting theory concerning a Tennessee election law was discussed by Neal and his friends. According to the law the political party receiving the largest vote in the general election is to be called the majority party; the party receiving the second largest vote would be the minority party. Since the Republicans frequently did not present a candidate for governor, Neal would run second in the two-man race. This technicality made Neal's political supporters the minority party in Tennessee instead of the Republicans, and entitled to representation on boards of election commissioners; the issue was never tested in the courts.⁹⁹

Neal entered and lost eighteen elections for the United States Senate; nine for governor of Tennessee, and one for United States representative. He won two elections for the state legislature, one in each house. While others spent tens of thousands of dollars on their campaigns, Neal in his usual unorthodox way, was very frugal. He once released what the newspapers called a typical Neal expense

⁹⁷ Personal interviews with Dean Hesler, Charles Maner, and Frank Gresham, Knoxville, Tennessee, July 29-August 1, 1968.

⁹⁸ Personal interview with Charles Eblen, Lenoir City, Tennessee, July 28, 1968.

⁹⁹ Personal interview with Charles Maner, Knoxville, Tennessee, August 1, 1968.

account for a state election: contributions, none; promises, none; expense, \$12.10.¹⁰⁰ Regardless of the number of his votes, he was never discouraged. He once remarked, "I enjoy the humor of life, politics, and everything else. The main thing in life is fighting for the things you want to fight for and if you succeed, all right, and if not, all right."¹⁰¹

Neal's fight for what was right marked him as a liberal, progressive Tennessean in a conservative state which refused to accept him. Yet, the issues for which he stood are today popular attitudes. He always advocated an improved system of public education and never failed to mention in his campaign literature what he had done for education. He worked for mine safety improvement, prison reform, an end to the convict lease system, and better food and living conditions for prisoners. He supported better highways, argued against government waste, and tried to remove tax burdens from the farmer; he favored a reduction of general property taxes and higher taxes on other sources of wealth. He was always a friend of labor union members, favoring collective bargaining and the right to strike and opposing the use of injunctions and "yellow dog" contracts. He was known as a political reformer. He never surrendered to the state political machines against which he did not stand a chance. His chief argument with the private power companies was opposition to their high prices and excessive profits; he favored public power because of the low rates for electricity it would provide to consumers as well as the possibility it provided for higher living standards, more jobs, and an end to the dangerous floods in Tennessee. He was a prohibitionist before prohibition went into effect, but he favored some type of modification when he saw its effects in the United States.

After the Scopes trial, *The Nation* best summed up Neal's life when it reported that "he has devoted most of his life to teaching law and in fighting for the underdog; he has never been interested in making money."¹⁰² Neal was always willing to go to any length to defend what he thought was right. He once claimed that he would argue the constitutionality of the TVA without pay;¹⁰³ he did defend TVA to the end of his life. In 1953, during the Dixon-Yates controversy, he said

¹⁰⁰*News-Sentinel*, August 3, 1968.

¹⁰¹*Free Press*, November 23, 1959.

¹⁰²Moutoux, "A Liberal in Tennessee," 697.

¹⁰³*News-Sentinel*, October 6, 1934.

that everyone should support and protect the TVA, for if the Dixon-Yates deal fell through, there would be no more attempts to break up the TVA.¹⁰⁴

Neal's mind deteriorated during the last six years of his life and his personal appearance grew even worse. Many of his old friends deserted him, and he fell prey to certain other associates who managed to relieve him of much of his wealth. Neal spent his last years in and around Spring City, where he could often be seen hitchhiking to Rockwood or Knoxville, even though he had a bus ticket in his hatband. Sometimes he walked the shores of Watts Bar Lake, looking across toward his birthplace, now covered by the lake he helped to create. A former TVA employee recalls that when Neal would occasionally visit Watts Bar Dam in the late 1950's, he was "a tragic and pathetic figure." The TVA employees once expressed their appreciation for Dr. Neal's efforts for public power and, they said, "it just caused his face to light up."¹⁰⁵ In his last years, he desperately looked for recognition of past achievements.

On November 23, 1959, Neal died in the Rockwood Hospital. His health had declined for several years; yet his stay in the hospital was brief. Death was attributed to pneumonia.¹⁰⁶

Neal probably received more praise in death than he ever had in life. Former Judge Will Cummings of Chattanooga made the following comments: "His crowning achievement was his efforts to get Chickamauga Dam built. He was well known by many national figures, including FDR. He had a good mind." Former Judge Thomas S. Myers called him "one of the best law teachers they had at the University of Tennessee [whose] . . . eccentricity hurt him in politics, but he probably would have been a good governor." According to former Attorney-General W. Corry Smith, "He ran for public office so often to protest those things he thought were not right and to provide a forum for his ideas." A statement by the Associated Press is an appropriate closing comment:

Known over the state for his eccentricities, Dr. Neal was none the less beloved. It was conceded by all that he was endowed with a brilliant mind. He was a friend alike of the great and humble, a helper of the helpless.¹⁰⁷

¹⁰⁴ *Times*, December 27, 1953.

¹⁰⁵ Personal interview with John Ballentine, Lenoir City, Tennessee, July 30, 1968.

¹⁰⁶ *Times*, November 24, 1959.

¹⁰⁷ *Free-Press*, November 23, 1959.