

11-1973

Remarks on the Life of James F. Byrnes

Donald S. Russell

Follow this and additional works at: <https://scholarcommons.sc.edu/sclr>



Part of the [Law Commons](#)

Recommended Citation

Russell, Donald S. (1973) "Remarks on the Life of James F. Byrnes," *South Carolina Law Review*: Vol. 25 : Iss. 4 , Article 5.

Available at: <https://scholarcommons.sc.edu/sclr/vol25/iss4/5>

This Article is brought to you by the Law Reviews and Journals at Scholar Commons. It has been accepted for inclusion in South Carolina Law Review by an authorized editor of Scholar Commons. For more information, please contact digres@mailbox.sc.edu.

REMARKS ON THE LIFE OF JAMES F. BYRNES

HON. DONALD S. RUSSELL†

Formidable, indeed, is the task of him who essays to review adequately the life and career of one who demonstrated such versatility and variety of talents and who filled with such distinction and ability so many high positions of public responsibility and trust as did Justice James F. Byrnes of South Carolina. I added advisedly those terms “of South Carolina,” because, great and devoted American that he always was, Justice Byrnes, whatever penalties of advancement he may have suffered because of the geography of his birth, always prided himself on being a South Carolinian. But, while he never forgot the State that bore him and gave him his start on the road to eminence, South Carolina did not represent the boundaries of his achievements. It has been well said of him that seldom in the history of America—certainly in recent history—has one individual occupied as he did so many high places of authority in busy and perilous times in not merely the legislative but also in the judicial and executive departments of our national government. As his friend, the late Bernard Baruch wrote in the story of his own life, “No man in [the decades of his] public life grew in stature [and he might have added, breadth of experience] as Byrnes did.”

In his half century of public service, he accumulated so many distinguished titles that, when he retired to South Carolina, we at the University of his native State followed the example set by the first Elizabeth of England. You may recall that often when she was introduced, her many titles, too many to be intoned repeatedly, were shortened, and she was simply introduced as “Elizabeth, Queen of England, etc.” So, we were wont to shorten his listing of earlier titles and to introduce Justice Byrnes simply as “James F. Byrnes, South Carolinian, etc.”

An outstanding American writer and reporter has recently published a book titled *The Best and the Brightest*. According to the author, David Halberstam, the then Vice-President Lyndon

† Judge United States Fourth Circuit Court of Appeals. In the early years of his practice, Judge Russell was associated with the law firm in which Mr. Justice Byrnes was a partner. Judge Russell was later a partner in that same firm.

Johnson, meeting with his beloved mentor Sam Rayburn, after a Cabinet meeting in the early days of the Kennedy Administration, referred with undisguised admiration to the brilliance of the group whom the new President had gathered about him. The crusty old Speaker wryly replied, "Well, Lyndon, you might be right and they may be every bit as intelligent as you say but I'd feel a whole lot better about them if just one of them had run for sheriff once." Well, Justice Byrnes qualified as one of the "Best and Brightest" in a period of great national peril and activity, not only by the standards of Halberstam but also by the standards of Speaker Rayburn, for he had run often for public office and from that experience had drawn wisdom and judgment reflected constantly in his conduct of public affairs, both national and international.

As indicated, his achievements were not confined to the national scene. As Secretary of State in the immediate postwar period, he achieved an outstanding record as a far-sighted statesman. He it was who at Stuttgart in 1946 gave a new direction for a revitalized democratic Germany that was to become a firm and solid citadel of freedom in central Europe. He it was who, casting aside thoughts of continuing hate, discerned clearly that, though defeated, a stable Japan, free of Communism, was essential to American policy for the future in the Far East and that such stability could only be built around the continued presence of the Emperor. And in a continuing round of international conferences following the war, he patiently demonstrated the difficulties in those early years after World War II of reaching acceptable accommodations with Soviet Russia.

Not the least interesting aspect of Justice Byrnes' career with its variety of experiences is the manner in which he overcame adversity in his steady procession up the ladder of achievement. He was a posthumous child, born in Charleston, South Carolina, only a few weeks after the death of his father. He carried no famous name, inherited no influential connection, in a state that at the time prized family. There was no wealth in his family. Actually, his widowed mother's fortune consisted simply of her infant son and a slightly older daughter plus a sturdy and resolute determination to see that her two orphan children had an opportunity to achieve the success their talents justified. She attained that goal by her resourcefulness, industry and sacrifice. Shortly after the birth of her son, the mother was joined by a widowed sister who brought with her another orphan to add to the family,

a son who was to develop into the distinguished lawyer, a president of the American Bar Association, Frank Hogan. And it is significant that all three by their energy and capacity attained distinction in their chosen professions.

Justice Byrnes' formal education was limited. The straitened circumstances of the family did not permit him to finish high school, much less enroll in college. Such fact, however, did not deter him from acquiring on his own a broad education. It began in a lawyer's office where he started to work at fourteen. In his work and with the encouragement of his mother, he quickly mastered shorthand, a facility he retained throughout life. Whenever he had any free time, he hastened to the Charleston Public Library and read widely and wisely in the many volumes available in that splendid public library. At twenty, he won a competitive examination for court stenographer in the Aiken circuit. He moved to Aiken, studied law, and shortly passed the bar examination. Almost immediately he was elected prosecuting attorney and, during the course of his first term, courted and married the gracious Maude Busch, who, throughout the remainder of his life, was to be his constant companion in every triumph and every vicissitude and, who, in her own sweet and dignified way, was to give to him that encouragement and assistance that played so vital a part in his success. Leaving the solicitor's office, he was elected to the Congress in 1911 and served, with conspicuous success in that body until 1924, when he retired in order to run for the Senate. He was defeated in a campaign in which he was the victim of religious intolerance. He turned actively to the law for six years, but in 1930, he again became a candidate for the Senate, was elected and began a matchless career in the Senate, to be terminated with his elevation to this Court. Hardly had he taken his seat on this Court when war clouds grew darker. The disaster of Pearl Harbor brought the war to our door. The President sought his services. However appealing to him was membership on this Court, duty to country commanded that he accept the President's call to service in the executive branch and he unhesitatingly resigned to become for the next four years what has been aptly characterized the assistant president, a position he discharged with rare courage and unique fairness to all. May I add a postscript at this point, based on what Justice Byrnes later told his closest associates: When Justice Byrnes retired as Director of War Mobilization, Justice Rutledge, who had succeeded him on this Court, communicated to him a willingness to

resign so that the President might reappoint Mr. Byrnes to the Court. Of course, Justice Byrnes refused this gracious offer by Justice Rutledge. The incident was, however, typical of the high-mindedness of both Justice Byrnes and Justice Rutledge. After the war and a short period of retirement, he returned to Government service as Secretary of State. Forced to retire by health, he entered the practice of law for a few years but he could not resist the lure of public responsibility. He became, by almost the unanimous demand of his fellow citizens, the Governor of South Carolina, ushering in a true educational renaissance in that State, benefiting all. After his term as Governor expired, he retired from any active practice but retained until his death an active interest in politics.

If I were required to catalogue the two most notable characteristics of Justice Byrnes, I think I would identify them as a deep, unyielding sense of public duty and an abiding honesty of purpose and action. He never courted or hankered after material success. With him public service represented the paramount claim on his talents and the goal of his ambition. But in pursuing this goal, he did not sacrifice duty to any craving for popularity. There was about him a deep ethical scrupulousness, a faithfulness to what he deemed right, a devotion to that something historians have called the Puritan Ethic.

He illustrated also in his relation to this Court his high sense of public duty. I know he regarded, as any lawyer would, appointment to this Court as the zenith of his aspirations. But, when he was pressed to accept what at the time seemed to be the thankless task of maintaining economic stabilization in the midst of war, of restraining in the national interest the worker in his claim for higher wages, the manager in his quest for higher profits and the farmer in his demand for increased agricultural prices—a role calculated to please no one and where one's only satisfaction could be his own sense of a job honestly and fearlessly done, an office which offered no security of position and carried only a fraction of the salary of a justice of this Court—he unhesitatingly accepted the burdensome and thankless task.

I always admired Justice Byrnes especially for his inflexible intellectual honesty, for that ethical scrupulousness to which I referred a moment ago. I do not believe he ever cast a vote as a Congressman or as a Senator that did not represent his honest conviction. He followed the rule enunciated by Edmund Burke in his famous letter to the Bristol electors: Reason and right, not a

feverish canvassing of the opinions of his constituents, guided always his conduct and vote as a Congressman and as a Senator. He assumed, as Burke did, that he was selected as a Senator to exercise his judgment, not to be the thoughtless parrot of his electors' views. He approached every question in terms of whether it was right, not whether it was politically expedient. Nor was he a blind partisan. I was present when a Senator, perplexed about how to vote on an approaching issue so as to protect his political future, consulted him. I shall always remember his reply, a reply that was almost identical with that given a colleague by another incomparable parliamentarian of singular personal and public rectitude, Robert Peel: "I have found that the vote that is right is right politically: at least you can defend it in your own heart and that is the important thing." In his public service, he was ever cognizant of that truism of the famous Speaker Onslow of the House of Commons: "How miserable is all worldly business, take it for a course of time, that is not carried on by men who make a conscience of what they do in it."

This same high sense of rectitude was also reflected in his relations with his fellow Senators and in his ability to get things done. Perhaps the most potent reason for Justice Byrnes' high standing and influence with his Senate colleagues was his well-recognized attention to the utmost good faith and truthfulness in his dealings with them. Any commitment he ever made, his colleagues knew he would observe with absolute faithfulness. To him deceit and double dealing in any matter, but particularly with his colleagues, were cardinal sins. In his relations with his fellow Senators, too, he was reasonable, never arrogant or overbearing. He was sometimes described in his role of a Senate leader as a conciliator of views. He was truly a master of what Lord Morley has described as the art of legislative compromise, but it was a compromise on details, never on principles. He held to settled standards; he had sure convictions. With these he never compromised.

I referred a moment ago to the fact that he never finished high school. Yet he was a magnificently educated man. While I was president of the University of South Carolina and, as such, was engaged in extolling the need for a college education, I often remarked that Justice Byrnes was the worst advertisement of the need for a college education one could imagine. He had a unique facility for felicitous expression. He could strike with faultless accuracy and in concise and direct terms the

salient points in any discussion or debate. Like President Roosevelt, he eschewed the unusual phrase; he sought out the simple and muscular words that were of the common vocabulary of people. Yet he had a marvelous capacity to marshal words pungently. Often a sparkling epigram would flow easily from his pen. I recall one that has a pertinency today. He said: "The nearest thing to immortality on this earth is a government bureau." And all who have attempted to prune away the bureaucratic excess can attest to the validity of this comment. Not only did he have a nice and discerning taste in words, he was an exacting grammarian. I doubt that he ever read H.W. Fowler, the English grammarian, but not even Fowler could be more careful or impeccable in matters of syntax. Accordingly, his speeches and state papers were models of simple, direct and correct language.

More than the gift of easy and pungent expression, he had an uncommon amount of common sense, a unique power of sound judgment, an almost unerring capacity to anticipate public reaction and to recognize the limits of the possible, which, after all, is the supreme qualification of the true statesman. He was cognizant of the truth expressed so well by the English editor, Walter Bagehot, that in a free country a public official, however powerful or popular, can only do that which the nation is prepared for, and if he tries to do more, the nation will disown him. It was a secret of his great legislative success that Justice Byrnes recognized and observed these limits, the limits of the possible.

One could not conclude a reference, however brief, to Justice Byrnes without noting his engaging address and easy affability, his gay touch of humor, his uniformly gracious courtesy, and his becoming dignity—above all, his inherent kindness and consideration for others. There was a simple but authentic goodness about him and an abiding concern for his fellowman in him. He illustrated this in the activity that engaged his interests in his latter days of retirement. With his retirement, he wrote his memoirs. They were instant successes and brought, in royalties, a small fortune. But, even before their publication, he had transferred the proceeds to a foundation. I attempted to influence him to use the foundation to endow a permanent memorial to perpetuate his name, such as a University professorship or a series of lecture-ships, a project which I thought would appeal to the normal person's vanity. He would have no part of it. He disclaimed firmly any wish to build such a monument to himself. Remembering the difficulty of his own early life, he wanted the funds of the founda-

tion distributed as rapidly as possible to orphans seeking a college education, to unfortunate youths like himself, that they might have the opportunities denied to him. It was in the lives and achievements of the youths thus benefited that he sought his monument. And thus he shall live in the grateful hearts of those benefited by his public service and his private benefaction.

