

THE LEGAL REFORMERS

rent.⁹ The AAA lawyers, unfamiliar with the complexities of tenant status and the traditional economic relations between tenants and planters, were confused by the problems of benefit disbursement. Alger Hiss first took the position that payments should go directly to planters. But complaints, often ungrammatically scrawled in pencil and addressed simply to "AAA, Washington," began to reach Hiss's desk, and convinced him that "in many cases tenants are ignorant of their rights and in some cases reported to us there is evidence of fraud" in the distribution of rental payments.¹⁰ But Hiss also realized the difficulty in proving fraud on the part of landlords, given the informal nature of most tenancy agreements and the advantage landlords held over largely illiterate tenants.

Disturbed by evidence of fraud and the greater potential for mistake and misunderstanding, Hiss decided in early September 1933 that rental checks should be made out jointly to owners and tenants. In responding to an inquiry from AAA Comptroller John B. Payne, Hiss conceded that such a procedure might produce "great inconvenience," given the vast number of checks involved, but he felt it was preferable that "the liens of private individuals should be recognized when cash payments are made."¹¹ Ten days later, however, Hiss reverted to his original position, informing Payne that further research showed that Congress clearly intended that payments go directly to planters and it "is thus my conclusion that the check in payment . . . may be made payable to the producers without recognition of lien holders."¹²

Hiss later recounted that during the conflict over this issue, Senator "Cotton Ed" Smith burst unannounced into his office. "You're going to send money to my niggers, instead of to me?" he asked the startled young lawyer. "I'll take care of them." Hiss suggested politely that Smith direct his criticism to higher officials, explaining that he was just a lawyer applying policy as he understood it.¹³ This unpleasant confrontation sensitized Hiss to the paternalistic attitudes of the planters, but he and other AAA lawyers could provide little help to tenants unable to collect their share of payments. Whatever their sympathies, the lawyers realized that the only legal recourse was for the Secretary to rescind the contract with the plantation owner—not only a drastic remedy but one that would hurt the tenants as well. Secretary Wallace admitted this dilemma in responding to complaints forwarded to him by E. I. McKinley, the Arkansas Commissioner of Labor and one of the few state officials sympathetic to the plight of tenants. "Our Legal Department has taken the position," Wallace replied, "that we have no authority to settle differences between landlord and tenant regarding the division of the rental money for land taken out of cotton production." He could only recommend that aggrieved tenants be advised to sue in the local courts for breach of contract. Wallace assured McKinley