4062. Also, petition of the Labor's Non-Partisan League, Washington, D. C., concerning the Sheppard-Hill bill (H. R. 6704 and S. 25); to the Committee on Military Affairs.

4063. Also, petition of the National Association of Tobacco Distributors, Inc., New York City, concerning the stamping out of unfair trade practices and the development of legitimate business; to the Committee on the Judiciary.

4064. Also, petition of the Tisdale Coal Co., Inc., Astoria, Long Island, N. Y., concerning the passage of the Flannery bill (H. R. 3134), placing a tax of 1 cent per gallon on fuel oil; to the Committee on Ways and Means.

SENATE

FRIDAY, FEBRUARY 11, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, February 10, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, informed the Senate that the House had stricken out the resolving clause in the joint resolution (S. J. Res. 64) defining the jurisdiction of the Court of Claims under the acts approved March 19, 1924 (43 Stat. 27) and April 25, 1932 (47 Stat. 137), and for other purposes.

The message announced that the House had passed without amendment the bill (S. 558) amending acts fixing the rate of payment of irrigation construction costs on the Wapato Indian irrigation project, Yakima, Wash., and for other purposes.

The message also announced that the House had passed the bill (S. 1945) to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes, with amendments, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Hughes	O'Mahoney
Andrews	Davis	Johnson, Calif.	Overton
Ashurst	Dieterich	Johnson, Colo.	Pepper
Austin	Donahey	King	Pittman
Bailey	Duffy	La Follette	Pope
Bankhead	Ellender	Lewis	Radcliffe
Barkley	Frazier	Lodge	Russell
Berry	George	Logan	Schwartz
Bilbo	Gibson	Lonergan	Schwellenbach
Bone	Gillette	Lundeen	Sheppard
Borah	Glass	McAdoo	Shipstead
Brown, N. H.	Green	McGill	Smith
Bulkley	Guffey	McKellar	Thomas, Okla.
Bulow	Hale	McNary	Townsend
Burke	Harrison	Maloney	Truman
Byrnes	Hatch	Miller	Tydings
Capper	Hayden	Minton	Vandenberg
Caraway	Herring	Murray	Van Nuys
Chavez	Hill	Neely	Wagner
Clark	Hitchcock	Norris	Walsh
Connally	Holt	Nye	Wheeler

Mr. MINTON. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Oklahoma [Mr. LEE], the Senator from Michigan [Mr. BROWN], the Senator from New Jersey [Mr. MILTON], and the Senator from Utah [Mr. THOMAS] are detained from the Senate on important public business.

The Senator from Nevada [Mr. MCCARRAN] and the Senator from North Carolina [Mr. REYNOLDS] are detained in their respective States on official business.

The Senator from New Jersey [Mr. SMATHERS] is necessarily detained.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily absent on official business.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

SENATOR FROM OREGON

Mr. MCNARY. Mr. President, on the 4th day of February I presented the credentials of Hon. ALFRED E. REAMES, appointed by the Governor of Oregon as a Senator from that State. Mr. REAMES is present. I desire to escort him to the Vice President's desk in order that the oath may be administered to him.

The VICE PRESIDENT. If the Senator-designate will come forward, the oath will be administered to him.

Mr. REAMES, escorted by Mr. MCNARY, advanced to the Vice President's desk; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

NAVAL CONTRACTS EXEMPT FROM PROFIT LIMITATION

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Navy, transmitting, pursuant to law, a report relative to contractors and subcontractors who have been granted exemption by the Secretary of the Navy from the limitation of profit under the provisions of law, owing to the contracts being for scientific equipment, which, with the accompanying report, was referred to the Committee on Naval Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram in the nature of a petition from Local No. 474, American Federation of Teachers, of Philadelphia, Pa., praying for the prompt enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, which was ordered to lie on the table.

He also laid before the Senate a telegram in in the nature of a memorial from the Farmers' Union of Hancock County, Ohio, remonstrating against the enactment of pending agricultural relief legislation because of the compulsory provisions alleged to be contained therein, which was ordered to lie on the table.

Mr. WALSH presented resolutions adopted by the Lawrence Harugari Association, the Overseers' and Second Hands' Associations, of Lawrence, and the Jeffries Point Improvement Association, of East Boston, all in the State of Massachusetts, protesting against the proposed reciprocal-trade agreement between the United States and Great Britain, which were referred to the Committee on Finance.

Mr. LODGE presented a petition of sundry citizens of North Andover, Mass., praying for the enactment of legislation to abolish the Federal Reserve System as at present constituted, and to restore the congressional function of coining and issuing money and regulating the value thereof, which was referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3351. A bill to amend the act of March 4, 1915, as amended, the act of June 23, 1936, section 4551 of the Revised Statutes of the United States, as amended, and for other purposes (Rept. No. 1362) thereon; and

H. R. 7158. A bill to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended (Rept. No. 1363).

Mr. SHEPPARD, from the Committee on Commerce, to which was recommitted the bill (H. R. 7266) authorizing the State of Rhode Island, acting by and through the Jamestown Bridge Commission as an agency of the State, to construct, maintain, and operate a toll bridge across the west passage of Narragansett Bay between the towns of Jamestown and North Kingstown, reported it without amendment and submitted a report (No. 1364) thereon.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. PEPPER, from the Committee on Commerce, to which was referred the bill (H. R. 8236) authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes, reported it without amendment and submitted a report (No. 1366) thereon.

Mr. HARRISON, from the Committee on Finance, to which was referred the joint resolution (S. J. Res. 253) extending for 2 years the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and the Tripartite Claims Commission, and extending until March 10, 1940, the time within which Hungarian claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the War Claims Arbiter, reported it without amendment and submitted a report (No. 1365) thereon.

INVESTIGATION OF EXISTING PROFIT-SHARING SYSTEMS

Mr. LONERGAN, from the Committee on Finance, to which was referred the resolution (S. Res. 215) providing for an investigation of existing profit-sharing systems between employers and employees in the United States (submitted by Mr. VANDENBERG January 6, 1938), reported it with amendments, and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. HARRISON, from the Committee on Finance, reported favorably the nominations of several officers in the Public Health Service.

Mr. KING, from the Committee on Finance, reported favorably the nomination of Clarence V. Opper, of New York, to be a member of the Board of Tax Appeals for the unexpired term of 12 years from June 2, 1926, vice Logan Morris, resigned.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for appointment, or appointment by transfer, in the Regular Army.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of several officers in the Navy and the Marine Corps.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HALE:

A bill (S. 3446) for the relief of Richard K. Gould (with an accompanying paper); to the Committee on Claims.

By Mr. BILBO:

A bill (S. 3447) to amend the judicial code to provide for three judicial districts for the State of Mississippi, and for other purposes; to the Committee on the Judiciary.

By Mr. MURRAY:

A joint resolution (S. J. Res. 258) making appropriations for the control of outbreaks of insect pests; to the Committee on Appropriations.

By Mr. WAGNER:

A joint resolution (S. J. Res. 259) to amend the joint resolution entitled "Joint resolution authorizing Federal participation in the New York World's Fair, 1939"; to the Committee on Commerce.

AMENDMENT OF RULE XXVII—AUTHORITY OF CONFEREES

Mr. VANDENBERG. I ask unanimous consent to submit a resolution embodying a proposed amendment to the Senate rules, and that it be considered as offered with proper notice, and that it be referred to the Rules Committee. I ask that the clerk may read it.

The VICE PRESIDENT. Without objection, the clerk will read.

The legislative clerk read the resolution (S. Res. 233), as follows:

Resolved, That paragraph 2 of rule XXVII of the Standing Rules of the Senate be, and it is hereby, amended by adding, at the end thereof, the following new sentence:

"It is hereby expressly provided that this paragraph shall be deemed to include reports on measures where one House has struck out all after the enacting or resolving clause and inserted a substitute."

The VICE PRESIDENT. Without objection, the resolution of the Senator from Michigan will be received and referred to the Committee on Rules.

ADDITIONAL COPIES OF WILDLIFE AND THE LAND—A STORY OF REGENERATION

Mr. PITTMAN submitted the following resolution (S. Res. 234), which was referred to the Committee on Printing:

Resolved, That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Special Committee on Conservation of Wildlife Resources of the Senate be, and is hereby, authorized and empowered to have printed for its use 5,000 additional copies of the pamphlet entitled "Wildlife and the Land—A Story of Regeneration."

ADDRESS BY HON. WILLIAM O. DOUGLAS BEFORE THE ECONOMIC CLUB OF CHICAGO

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address delivered by Hon. William O. Douglas, Chairman, Securities and Exchange Commission, before the Economic Club of Chicago, on February 1, 1938, which appears in the Appendix.]

ADDRESS BY HON. WILLIAM O. DOUGLAS BEFORE THE COMMONWEALTH CLUB AT CHICAGO, ILL.

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address delivered by Hon. William O. Douglas, Chairman of the Securities and Exchange Commission, before the Commonwealth Club, at the University Club, Chicago, on February 2, 1938, which appears in the Appendix.]

AGRICULTURAL RELIEF—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8505) to provide for the conservation of natural soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce.

The VICE PRESIDENT. When the Senate took a recess yesterday the point of order raised by the Senator from Washington [Mr. SCHWELLENBACH] was pending and was being discussed. The Senator from Wyoming [Mr. O'MAHONEY] desired to be heard, and the Chair recognizes the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, the point of order which was raised yesterday by the junior Senator from Washington [Mr. SCHWELLENBACH] presents a most important question of the integrity of legislative procedure. If this point of order is not sustained, it should be well understood at the very outset that the rule in question will be blotted off the books, and we may hereafter expect conferees to reassume their old control of legislative processes. Inasmuch as the discussion which will take place will be addressed to the Vice President, I trust I may have the attention of the occupant of the chair.

The VICE PRESIDENT. The Senator has the attention of the occupant of the chair.

Mr. O'MAHONEY. I say this in all due respect, and I think with due regard for the proprieties, because the Vice President is a constitutional officer, and it is to him in that capacity that this argument is addressed. He is not, like the majority leader, an official of the Senate as such, chosen by Members of this body. We all know that the duty of the majority leader is to carry out the desires of the majority, and to make effective whatever policy the committees of this body may happen to report to the Senate. Such is not the case with the Vice President, because he is the choice of the people, and not of the Senate. To him we must appeal for a ruling that will protect the people from the abuse of legislative process.

I say this because of the importance of the controversy which is now being submitted to the Chair for determination. I intend to demonstrate that it never was the intention of the conferees to permit this amendment to remain in the bill. I shall demonstrate that by the record here upon the floor of the Senate and by the record upon the floor of the House.

First, perhaps it may be well to review the history of this amendment in the Senate.

During the debate upon the farm bill as reported by the Senate Committee on Agriculture and Forestry, on the 14th of December, the Senator from Idaho [Mr. POPE]—whose efficiency and graciousness in handling this debate are recognized, I think, by all Members of the Senate—rose and proposed an amendment for the protection of the livestock industry. It was recognized by him and by all of us who represent livestock States that the bill as it came from the Senate Committee on Agriculture and Forestry did not protect the livestock industry. We were sensible of the fact that this measure, designed to prevent surpluses in wheat and corn and tobacco and cotton and rice, offered no protection whatsoever to the livestock industry, which might possibly be injured if farm lands diverted from the production of these five crops were used for the production for market of livestock, and livestock products.

It was recognized by those of us representing these States that it would be unjust to the livestock industry if we should undertake to legislate against surpluses in five basic commodities and thereby run the risk of creating surpluses in another basic agricultural commodity; so, to cure this defect, the distinguished and able Senator from Idaho [Mr. POPE] proposed an amendment which is to be found in the CONGRESSIONAL RECORD for December 14, 1937, at page 1441.

In the debate upon this conference report upon the floor of the House the very able chairman of the House Committee on Agriculture, Mr. JONES, said that this amendment was drafted by the Senator from Wyoming. In that statement he was in error. I did not draft this amendment.

We might just as well be frank here. Because I was dissatisfied with the bill as it came from the Committee on Agriculture and Forestry, I telephoned the Agricultural Adjustment Administration and talked to one of the experts down there, stating the basis of our complaint, and asking him if he would be willing to suggest some language which would prevent the use of diverted acreage for the production of surplus in livestock products. The Senator from Idaho felt exactly as I did, as I understood the matter at that time, and from the Department of Agriculture came this amendment. When it was proposed by the Senator from Idaho, I rose in my place to say that it did not go far enough to satisfy me.

I ask that there may be inserted here a quotation from page 1441 of the RECORD for December 14, 1937.

The VICE PRESIDENT. Without objection, it is so ordered.

The extract referred to is as follows:

Mr. POPE. I will ask to have the amendment stated, and then, if objection is made to its consideration, it may go over. I ask, however, to have it stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to insert at the proper place in the bill the following new section:

"SEC. 66. Whenever the Secretary has reason to believe that the income of producers of livestock or livestock products in any area from such sources is being adversely affected by increases in the acreage of conserving crops in that or any other area because of programs carried out under this act, or under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, he shall make an investigation with respect to the existence of these facts. If upon investigation the Secretary finds that the income of producers of livestock and livestock products in any area from such sources is being so adversely affected, he shall as soon as practicable make such provisions as he determines may be required with respect to the growing of conserving crops which he finds necessary to protect the interests of producers of livestock or livestock products in the affected area."

Mr. O'MAHONEY. Mr. President, the amendment which the Senator from Idaho [Mr. POPE] has presented and which has just been read has been the subject of consideration for several days by some of us who are interested in protecting the livestock industry. Just a few moments ago I discussed with the Senator from Idaho some modifications of the amendment which he is now offering. I desire to offer as a substitute for the amendment of the Senator from Idaho the modified form thereof which I send to the desk.

Mr. O'MAHONEY. So the RECORD does not substantiate the contention of the chairman of the Committee on Agriculture of the House that the amendment now reported by the committee of conference follows an amendment which I prepared and offered, because I prepared and offered no such amendment. On the same day, however, after raising objection to the form of the proposal of the Senator from Idaho, I did suggest a modification; and that modification was read into the RECORD, where it appears at page 1442. I call the attention of the Senate to the fact that the essential mark of the modification of the so-called Pope amendment which I submitted was the provision contained in the last two lines:

And the authority of the Secretary under this section shall be expressly reserved in all adjustment contracts or other offers.

The purpose of this modification was to make it absolutely clear to everybody who received any benefit under this measure that it was the purpose and intention of Congress not to create a surplus in livestock and livestock products by diverting lands from the production of a surplus in other commodities. The modification which I proposed was not, however, satisfactory to those in charge of the bill.

As the debate went on, efforts were made upon both sides of the Chamber to reach an agreement upon some form of language which would be satisfactory to both sides. It was my desire to work out an amendment which would secure the objective that the livestock interests had in mind, and at the same time make it possible for the Committee on Agriculture and Forestry to have its bill.

Mr. POPE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Idaho.

Mr. POPE. Is it the position of the Senator from Wyoming that there is danger to the livestock industry from the use of diverted acres by the farmer who cooperates under such a program as this?

Mr. O'MAHONEY. Certainly; that is the whole contention.

Mr. POPE. That would be true of all soil-depleting crops. Wherever acres in soil-depleting crops were diverted to soil-conserving crops the same thing would apply, would it not?

Mr. O'MAHONEY. I am aware that those who are defending the action of the conferees come to us upon the floor and in the lobbies and say to us, "The livestock industry will not be injured by what is in this bill. No surplus will be created by the provisions of this bill"; but in the same breath in which they tell us that there will be no injury they absolutely refuse to consent to language which will make it clear that it is the intention of the Congress to prevent injury.

Mr. POPE. From the Senator's statement in answer to my question I infer that he means that the transfer of acres from soil-depleting crops to soil-conserving crops would tend to have this effect upon the livestock industry.

Mr. O'MAHONEY. I will say to the Senator from Idaho that, in my opinion, if by reason of the operation of this act, lands which are now devoted to wheat or corn or tobacco or rice or cotton are taken out of cultivation for those crops and devoted to raising livestock for market it will necessarily be injurious to the livestock industry.

Mr. POPE. Mr. President, will the Senator yield for another question?

Mr. O'MAHONEY. Certainly.

Mr. POPE. That would be true also of soil-depleting crops other than the five commodities the Senator has named, would it not?

Mr. O'MAHONEY. Wherever acreage is diverted, of course it would be true.

Mr. POPE. And that would be true of sugar beets. Where the land was diverted from sugar beets to alfalfa or other soil-conserving crops, that likewise would be true.

NO COMPARISON WITH SUGAR BILL

Mr. O'MAHONEY. I am surprised to find the Senator from Idaho, coming as he does from a sugar-beet-raising State, contending that there is any analogy between the

Sugar Control Act and this bill. The Senator knows as well as I do that the United States does not produce enough sugar beets to meet its requirements. Sugar beets and sugarcane are not among the surplus commodities. The Senator from Idaho knows as well as I do that in the Western States no lands are diverted from the production of sugar beets by reason of the Sugar Control Act.

Mr. POPE. Let me ask the Senator another question. Do not the provisions of the Sugar Act, of which he was one of the sponsors, provide for the curtailment of sugar interests and the transfer to soil-conserving crops of lands devoted to sugar?

Mr. O'MAHONEY. Yes; but the Senator from Idaho was very active in the successful effort to obtain a quota for sugar beets that would make unnecessary any curtailment, because, as the Senator well knows, the quota for sugar beets has not been exceeded.

Mr. POPE. I will say to the Senator that that is very true; but the law provides that that very thing may be done, and if the Senator has any doubt about it I call his attention——

Mr. O'MAHONEY. But I do not have any doubt about that at all.

Mr. POPE. May I finish my answer to the Senator? I call his attention to the provision on page 9 of the act, which provides expressly for what the Senator is discussing, and the Department of Agriculture has actually utilized that provision with reference to sugar in Louisiana.

May I ask the Senator, if he is bent on that, why did he have a provision protecting the livestock industry in the sugar bill, because actually acres have been curtailed and diverted in Louisiana under that act, and it provides for curtailment in the sugar-beet territory.

Mr. O'MAHONEY. I was trying my best to protect the beet-sugar industry of Idaho, Wyoming, Colorado, and the other Western States, and with the able assistance of the Senator from Idaho I think we succeeded in putting the bill into such form that there is no curtailment of sugar-beet production or diversion of acreage in those States. Of course, in order to provide assurance in the act that our beet producers would not be overwhelmed with sugar from Cuba and other offshore areas, I very reluctantly yielded to the demands for apparent restriction with respect to Louisiana and Florida.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Colorado.

Mr. ADAMS. I wish to inquire of the Senator in regard to a matter of mathematics. I think the Senator would verify the statement that the total amount of acreage devoted to the sugar-beet industry does not exceed a million acres, and the amount that could be retired and devoted to other crops would be a relatively small percentage. The land that will be retired from the production of the five crops mentioned, I understand, will run into many, many millions of acres. If the entire sugar-beet acreage were withdrawn from sugar-beet cultivation, it would be a comparatively small percentage of the acreage which will be withdrawn under the bill.

Mr. O'MAHONEY. The observation of the Senator is of course correct.

Mr. POPE. Mr. President, will the Senator yield once more?

Mr. O'MAHONEY. I yield.

Mr. POPE. I wish to congratulate the Senator from Wyoming and the Senator from Colorado and other Senators who were responsible for the Sugar Act. It is an excellent law; I supported it when it was before us. I did all I could to help make it a law, and it is an excellent law. But in my State, for instance, diversions are made by farmers from sugar-beet cultivation to alfalfa and other soil-conserving crops in their rotation practices.

Mr. O'MAHONEY. The Senator says "in their rotation practices," because the practices now in vogue in the State of Idaho, as in all other beet-producing States, as a result of the Sugar Act, are no different from those which were in vogue before the act was passed. Every producer of sugar beets commonly rotated his acreage.

Mr. POPE. Except, I may call to the Senator's attention, that the bill as passed does provide for the diversion of sugar-beet acres. Whether it will be utilized with reference to all the beet-sugar industry in the West I do not know. It is now being utilized in Louisiana.

The point I desire to call to the Senator's attention is that the same McNary amendment would be applicable here with reference to the Sugar Act, and apparently it did not occur to the Senator, and I am sure it did not occur to me, that there was any danger whatever to the livestock industry in connection with the sugar measure.

Mr. O'MAHONEY. Of course it did not occur to me, and of course it did not occur to the Senator from Idaho, because, as I have just outlined, I think very clearly, there was no danger of diversion in the beet-producing States. There is not much danger of diversion even in Louisiana and Florida, for in those States the area devoted to sugarcane has been increased in recent years. But even if there were such danger in those two States, that would be very different from the bill which the Senator from Idaho is now defending, which affects practically every State in the Union—the whole Corn Belt, the whole Cotton Belt, the whole Wheat Belt, and wherever tobacco is grown, and wherever rice is grown. Five of the most important of all the agricultural commodities of the United States are affected by the measure which the Senator from Idaho now sponsors. In all the States devoted to the raising of those crops there is danger that diverted acreage will be devoted to the raising of livestock, and it is against that danger that I have tried to provide.

MODIFICATION OF POPE AMENDMENT

Mr. President, it was because of this danger apprehended by the Senator from Idaho, as well as by myself, that on the 16th of December I offered a modification of his amendment. That modification was presented in an effort to reach an understanding that would make it possible for us to attain our objective without endangering the passage of the bill. Like many others, I hoped that in conference a reasonable and proper bill could be written. The Senator from Idaho cooperated with me——

Mr. POPE. Mr. President——

Mr. O'MAHONEY. This amendment will be found on page 1637 of the CONGRESSIONAL RECORD—December 16, 1937—and I desire to read it.

The VICE PRESIDENT. Does the Senator yield to the Senator from Idaho?

Mr. O'MAHONEY. I desire to finish this thought, and then I shall be very happy to yield. I read from the RECORD of December 16, 1937, page 1637:

> SEC. 66. Each adjustment contract or other offer entered into or made pursuant to this act or the Soil Conservation and Domestic Allotment Act shall provide that the cooperator or other person to whom such contract or offer applies shall undertake not to use acreage diverted under either of such acts for the production for market of livestock or poultry or the products thereof; and in the event that a marketing quota is established for any commodity under this act no acreage diverted from the production of such commodity pursuant to such quota shall be used for the production for market of livestock or poultry or the products thereof.

The purpose of the amendment, to which I understood the Senator from Idaho agreed, was to accomplish that which was set forth in the so-called McNary amendment without regimentation. I now yield to the Senator from Idaho.

Mr. POPE. I am sure it is not the purpose of the Senator to misstate my position with reference to the amendment——

Mr. O'MAHONEY. Certainly not.

Mr. POPE. And my intention in supporting it. I never had the slightest fear that the livestock industry or the dairy industry would be affected by such a program as would be carried out under the Sugar Act, or under the proposed act. I had no fear because——

The VICE PRESIDENT. If Senators will permit the Chair to make one remark, the Chair has been listening diligently to the argument, because he was requested to do so by the

Senator from Wyoming. The argument has developed into a discussion of the merits of the bill. The present occupant of the chair is not particularly concerned about that discussion but will have to rule on the point of order, and if Senators would address themselves to the point of order the Chair thinks it would accommodate the Senate, and they could speak on the merits of the bill at some later stage. The Chair has power to stop debate at any time on a point of order, but he would not think of taking such action as long as any Senator really desired to discuss the point of order. The Chair merely suggests this to Senators in their joint debate on the merits of the bill.

Mr. O'MAHONEY. Mr. President, I think the Vice President will take note of the fact that I wandered from the discussion of the point of order only in response to inquiries propounded by the Senator from Idaho and two or three other Senators.

Mr. POPE. I wanted to make my position clear.

Mr. O'MAHONEY. Mr. President, I will say that the Senator from Idaho has made it perfectly clear to me that he has no apprehension. I will make that statement here and in Idaho. I do not question his good faith.

Mr. POPE. Will the Senator permit me to finish my statement? I say again that I have no fear, for the reason that the facts showed during the operation of the A. A. A. and Soil Conservation Act and the Domestic Allotment Act that there was no danger and no injury to the livestock or dairy interests as a result of those enactments.

Mr. O'MAHONEY. The Senator is aware that he is not following the injunction of the Presiding Officer.

Mr. POPE. My reason for agreeing to the provision which the Senator has read was that I was trying to allay his fears in that respect.

Mr. O'MAHONEY. I hope the Senator will continue to endeavor to allay my fears, and I wish he had done so as a member of the conference committee.

Mr. President, I shall endeavor to proceed with the argument upon the point of order. I undertook to outline briefly the history of the effort which was made to write into the agricultural bill a provision which would effectively prevent the use of diverted acreage for the production of a surplus of livestock and livestock products. I have recited the amendment which was presented by the Senator from Idaho. I have recited the modification which I suggested. I have recited, finally, the second modification which I suggested.

In the CONGRESSIONAL RECORD of December 16, 1937, on page 1638, the Vice President will observe his own ruling. In response to a parliamentary inquiry which I propounded, the Vice President held:

> The present parliamentary status is that the amendment of the Senator from Idaho has been perfected as suggested by the Senator from Wyoming. Now, the question is on the amendment in the nature of a substitute offered by the Senator from Oregon [Mr. McNARY] to the amendment of the Senator from Idaho.

Without reading further from the RECORD, I may say that thereupon I elicited from the Chair the information that the parliamentary status was such that it was impossible for us to offer the amendment upon which the Senator from Idaho and I had agreed as a substitute for the amendment of the Senator from Oregon. Accordingly the question then arose, as the Chair stated, upon the amendment of the Senator from Oregon. On the vote on that amendment, to demonstrate my good faith in my effort to reach an agreement which would protect the livestock industry and at the same time allow the committee to work out its bill for the protection of those interested in the production of these other five essential crops, I voted against the McNary amendment.

Then it speedily became clear that there were not enough Senators on the floor who were willing to take the chance of weakening the protection for the livestock industry contained in the McNary amendment. It was evident that the Senators who wanted to be certain that lands could not be diverted for the purpose of increasing the supply of livestock and livestock products were unwilling to run the risk of defeating the McNary amendment. It was adopted by a vote of 41 to 38. Thereupon, in order that my record and the record of other Senators from the livestock-producing States should be clear, I demanded the yeas and nays upon the final vote upon the adoption of that amendment. The Vice President was kind enough to recognize me, and the yeas and nays were ordered, whereupon I changed my vote because I wanted no one to misunderstand my purpose to safeguard the livestock industry. That was the situation on the 16th of December.

THE BANKHEAD SUBSTITUTE

On the following day the Senator from Alabama [Mr. BANKHEAD] made a motion to reconsider the vote by which the McNary amendment was adopted, and I respectfully direct the attention of the Chair to that amendment. It appears in the CONGRESSIONAL RECORD of December 17, 1937, at page 1760. I shall not undertake to read it now. I shall insert this amendment and all the other amendments in the RECORD as part of my remarks when I shall have concluded.

The purpose of this new proposal was to reach the objective, or at least seemingly to reach the objective, which we had in mind. Well drafted and clear it was different from the McNary amendment, and I emphasize "different." Then, Mr. President, began the very illuminating discussion upon whether or not this provision would be defended by the Senate conferees. Let me respectfully urge that the Vice President take into consideration the debate which appears in the CONGRESSIONAL RECORD of December 17, 1937, from page 1760 to page 1764. This language clearly indicates, beyond any shadow of doubt, that it never was the intention of those in charge of the bill to write into it the provision which the Senate itself had written in or anything effectively similar to it.

Mr. President, let us now consider the application of the rule itself to the situation as it then existed. The rule was adopted by this body for the purpose of preventing conferees from defying the will of either or both Houses. There can be no question about that. There are Senators in this body who were present upon the floor when the controversy arose which resulted in the adoption of that rule. It was recognized that after the Senate had acted upon measures, and the bills had gone into the committees of conference, the committees of conference would do, and often had done, whatever they pleased without regard to the will of the Senate.

Three Members of this body propounded inquiries in the effort to determine whether or not they could depend upon the Senate conferees to support the Bankhead amendment. They wanted to know whether, if they voted to reconsider the vote by which the McNary amendment was adopted, the conferees would stand by the amendment proposed by the Senator from Alabama.

Mr. POPE. Mr. President, will the Senator yield to me at that point?

Mr. O'MAHONEY. I shall be glad to yield.

Mr. POPE. Of course, at that time no conferees had been appointed, and no Member of this body knew whether he would be on the conference committee or not. I submit to the Senator that it is somewhat presumptuous for a Member of the Senate to rise, and although not yet appointed, say, "I will be very glad to adopt that suggestion." That is the reason, I will say to the Senator, why at least I did not rise.

Mr. O'MAHONEY. Even if the Senator did not know who would be on the conference committee, he had a pretty well-founded suspicion who would be on it. There was not a Member of the Senate outside of himself, I should say, who did not know that the men who had borne the heat and the battle in the Committee on Agriculture and on the floor in the preparation of this important bill would be on the conference committee.

Mr. POPE. But I did not know.

Mr. O'MAHONEY. Of course, I accept the Senator's statement.

On page 1761 of the CONGRESSIONAL RECORD—December 17, 1937—the Vice President will observe a question which was

propounded by the Senator from Washington [Mr. SCHWELLENBACH]. He said:

I should like to submit a question to the Senator from Texas.

That is, the junior Senator from Texas [Mr. CONNALLY].

The House has passed a provision which, as I understand it, is substantially the provision which the Senate adopted yesterday; and unless an amendment is made to or reconsideration is had of the McNary amendment, and the Bankhead amendment is substituted, there would be nothing for consideration between the House and the Senate.

To which the able Senator from Texas responded:

The Senator is correct.

Whereupon the Senator from Washington proceeded:

If the Senate accepts this amendment, if those who are interested in the dairy business are willing to accept the amendment, can we have a complete, total, and absolute agreement that this amendment will be accepted by the conference without any change, or that the amendment of the House, known as the Boileau amendment, will be accepted by the conference?

To that inquiry the Senator from Texas responded:

I will say to the Senator that I have no way of giving him any assurance about what the House conferees will do; but I will say this to him——

The Senator from Washington then interrupted:

I am not asking what the House conferees will do; but if this amendment is adopted, the Senate must understand that the whole matter will come before the conference.

Again the Senator from Texas said:

Certainly.

Whereupon the Senator from Washington said:

And that a new provision may be written which will not contain any of the—

The Presiding Officer then warned the Senator from Texas that his time had expired, and the Senator from Washington took the floor in his own right, saying:

I will take the floor and yield to the Senator from Texas, so that he may continue his answer. I ask the Senator whether a new provision may be written which will not contain any of the provisions which are proposed in the amendment which is now being considered.

The Senator from Texas thereupon responded:

I will say to the Senator that under the terms of the conference the conferees could not agree to a new provision or new provisions of the Senate bill or the House bill. Nothing may be done in conference which is not contained in one or the other bills. That is a familiar rule.

Then, Mr. President, it was pointed out, as the debate went on, that the Parliamentarian of this body did not agree with the Senator from Texas, because the so-called Bankhead amendment was so different from the McNary amendment, the Parliamentarian held, and so advised us, that the whole matter would be in conference.

IMPOSSIBLE TO GET ASSURANCE

Because of this advice, therefore, there was an overwhelming vote against the motion to reconsider. The Senator from Washington endeavored to elicit assurances that if the Bankhead amendment were adopted the conferees of the Senate, the representatives of the Senate, would loyally abide by that amendment proposed by the Senator from Alabama, but no response of any kind was received from any of those leaders of the Committee on Agriculture who might reasonably expect that they would be upon the conference committee.

Not satisfied with the answers which had been drawn from the Senator from Texas [Mr. CONNALLY] by the Senator from Washington, I undertook to propound some inquiries myself, and the Vice President will find those inquiries set forth on page 1763 of the RECORD, December 17, 1937. This was just after the Senator from Oregon had asked for the yeas and nays upon the motion to reconsider. I took the floor, and I said:

Mr. President, before the vote is taken I should like to make an inquiry of some of the Senators who participated in the discussion yesterday in order that I may be clear in my own mind as to just what the situation is. I ask the senior Senator from Wisconsin whether the suggested amendment appeals to him as being acceptable in the form in which it was suggested to be modified, omitting the word "regional."

Whereupon the senior Senator from Wisconsin replied:

The language which is now proposed I have just had opportunity to see since it has been offered, and I am not clear in my own mind exactly what the implication of the language will be and what interpretation will be placed upon it. Furthermore, as pointed out by the Senator from Oregon, there is this situation confronting us so far as the conference is concerned. If I could be certain that this language as modified, and as it has been suggested it would be modified by the Senator from Texas, would be retained, and that the Senate conferees would not yield upon it without coming back to the Senate and giving us an opportunity for a separate vote upon it in order to try to adjust the matter, I would be willing, so far as I am personally concerned, with assurances of the conferees to that effect, to accept the modified amendment.

Mr. President, every effort was made by those of us who were advocating the provision to preserve the livestock industry to allow those who were in charge of the bill to agree with us that they would write into this measure a provision which would be effective in that regard.

The Senator from Texas asked me to yield, and then said:

The Senator from Texas will not be on the conference committee, because he is not a member of the Committee on Agriculture and Forestry, but I am sure that Senators who will be on the conference will perform their duty to the Senate, and they cannot go any further than the Senate amendment has proposed in that direction, and the conferees cannot go any further in the other direction than the House amendment goes.

Because no member of the Committee on Agriculture would speak, because the members of that committee left it to a Senator who was not a member of the committee, and who could not be on the conference committee, to answer our inquiries, the proposed substitute offered by the Senator from Alabama [Mr. BANKHEAD] was not regarded by us as sufficient, and we thereupon voted against reconsideration.

Before I leave this phase of the record I should like to call attention to the colloquy between the Senator from Wisconsin [Mr. LA FOLLETTE] and the senior Senator from Idaho [Mr. BORAH].

Mr. LA FOLLETTE. However, it would not be an uncommon arrangement that we should have an assurance that before the amendment was altered or modified in any respect as adopted by the Senate the Senate conferees would come back to the Senate and permit the Senate to have a vote upon it before any conference report was agreed to.

The Senator from Idaho replied:

Mr. BORAH. That is true; it is sometimes the practice, but is very rare. So far as I am concerned, I do not want this entire matter to turn on a report upon the particular amendment. The amendment may go down under the pressure of passing the bill.

The Senator from Idaho was a prophet. The amendment is going down under the pressure of passing the bill. It is clear from the record that it was the purpose of the members of the conference to refuse in the conference the concession which was demanded by the Senate of the United States, and then, trusting to the pressure for the passage of the bill, to leave out, or at all events seriously to weaken, any provision for the protection of the livestock industry.

On page 1764 appears the vote upon the motion of the Senator from Alabama [Mr. BANKHEAD] to reconsider the McNary amendment. I ask unanimous consent that that roll call may be published at this point in connection with my remarks.

There being no objection, the roll call referred to was ordered to be printed in the RECORD, as follows:

Yeas—39: Adams, Andrews, Ashurst, Bailey, Bankhead, Barkley, Bilbo, Bulow, Burke, Byrnes, Caraway, Chavez, Connally, Donahey, Ellender, George, Gillette, Graves, Green, Harrison, Hatch, Hayden, Lee, Logan, McGill, McKellar, Miller, Minton, Neely, Norris, Overton, Pepper, Pope, Reynolds, Russell, Sheppard, Smith, Thomas (Okla.), Truman.

Nays—50: Austin, Bone, Borah, Bridges, Brown (Mich.), Brown (N. H.), Bulkley, Byrd, Capper, Copeland, Davis, Dieterich, Duffy, Frazier, Gerry, Gibson, Guffey, Hale, Herring, Hitchcock, Holt, Johnson (Calif.), Johnson (Colo.), King, La Follette, Lodge, Lonergan, Lundeen, McAdoo, McCarran, McNary, Maloney, Murray, Nye, O'Mahoney, Pittman, Radcliffe, Schwartz, Schwellenbach, Shipstead,

Steiwer, Thomas (Utah), Townsend, Tydings, Vandenberg, Van Nuys, Wagner, Walsh, Wheeler, White.

Not voting—7: Berry, Clark, Glass, Hughes, Lewis, Moore, Smathers.

Mr. O'MAHONEY. Only 39 Senators voted for reconsideration. Fifty Senators voted against reconsideration after having made every effort to secure a commitment from the Committee on Agriculture that it would stand behind the will of the Senate. The McNary amendment was then written into the bill.

DEPENDING UPON THE RULE

Why? Because the McNary amendment was identical with the language of the House provision and because, after all the colloquy, argument, and explanation, it was the only means apparent to us by which we could guarantee protection to the livestock industry. We were depending, Mr. President, upon the rule under which the Senator from Washington [Mr. SCHWELLENBACH] has raised the point of order.

So much for what happened in the Senate. Let me read a very brief statement by one of the members of the conference committee, made upon the floor of the House during the debate upon the conference report, on February 8. I am quoting from page 1662 of the CONGRESSIONAL RECORD the language of Representative DOXEY, of Mississippi, who was one of the members of the conference committee.

The conferees realize that there were some provisions in both bills—

Consider this language, Mr. President. I am glad to observe that the Vice President is listening to the parliamentarian.

The VICE PRESIDENT. The Chair is giving attention to the Senator. The Chair will say to the Senator that when the Senator shall have concluded his argument the Chair will be ready to rule. The Chair is ready to rule at this time and is merely waiting for the Senator to conclude his remarks.

Mr. O'MAHONEY. Mr. President, I desire to call to the attention of the Chair the language of the Representative from Mississippi [Mr. DOXEY], who was a member of the conference committee. I am particularly anxious to direct the attention of the Chair to this language, because it demonstrates clearly the whole point at issue.

The VICE PRESIDENT. The Chair will say to the Senator that whatever Senators may have said on the merits of the bill, it has nothing to do with the point of order. The Chair is not concerned with the merits of the bill.

Mr. O'MAHONEY. Mr. President, I am not discussing the merits of the bill.

The VICE PRESIDENT. Whatever Senators may have said as to the effect of the amendments has nothing to do with the point of order.

Mr. O'MAHONEY. Mr. President, I am trying to invite the attention of the Chair to the fact that throughout the debate the conferees displayed an intention to disregard the will of the Senate and of the House.

Mr. DOXEY said:

The conferees realize that there were some provisions in both bills that were undesirable, but under the parliamentary situation we could not entirely eliminate the provisions that were put on by either the House or the Senate.

For example, take the so-called Boileau-McNary amendment. The House voted it into the bill and so did the Senate, and it appears in both bills in substantially the same language, but in the House bill it applies to soil-conservation payments and in the Senate bill it is attached to the parity-payment provisions, and therefore the conferees felt that there was enough difference to put this Boileau amendment in conference; and although we could not entirely eliminate it, I am frank to say to you that we endeavored to modify it and pull its teeth as much as we could.

Is it possible, Mr. President, to have clearer evidence of what the intention of the conferees was in this matter? They had the rule before them. They had the amendment before them. They had the action of both Houses before them adopting the amendment in substantially the same language. Those who knew they would probably be conferees refused to give any commitment in the Senate last December and in the House. After the conference report had been submitted this week they frankly confessed that their purpose was to pull the teeth of the bill. In the face of this, can the Senator from Idaho [Mr. POPE] say that those of us who are supporting this point of order would be justified in accepting his assurance that no harm will come? Evidently there was a very considered purpose to modify the amendment, because, somehow or other, there was the fear that if it were written into the bill, it would be effective.

Can the Vice President for a moment cherish the belief that both the letter and the spirit of the rule under discussion were not violated? Not only was matter agreed upon by both Houses stricken from the bill in violation of the rule but new material was inserted which had been before the Senate and which was not adopted when the bill was under consideration. I refer to that provision of the conference report which is based upon the original amendment offered by the Senator from Idaho [Mr. POPE].

Just another word, Mr. President. The Senator from Kentucky yesterday adopted the argument of the Representative from Mississippi when, in a colloquy with the Senator from Washington, he declared that the amendment was attached to two different provisions of the bill—attached to soil-conservation payments in one bill and attached to parity payments in the other.

I desire to invite the attention of the Presiding Officer of this body to the fact that the Boileau amendment in the House bill and the McNary amendment in the Senate bill provided that "any payment" should be conditioned upon the requirement that diverted acreage should not be used for the production of a surplus. Can there be any doubt that the purpose of those who drafted the amendment and those who put it into the bill was to make clear that any payment, whether it was by way of parity or by way of soil conservation, was to be conditioned upon the requirement that diverted acreage should not be used for the production of a surplus?

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. BARKLEY. I am sure the Senator does not intentionally leave out a very important phrase in the House bill. It says "any payment or grant of aid made under subsection (b)." Subsection (b) is a subsection of the Soil Conservation Act.

Mr. O'MAHONEY. Certainly. The Senator is quite right.

Mr. BARKLEY. Whereas the Senate language applies only to parity payments made under the Agricultural Adjustment Act.

Mr. O'MAHONEY. There is no question at all about that; but the purpose of the amendment was that any payment should be governed by this condition. It was not the fault of the Senate or the fault of the House that the bill which came over here from the House dealt only with soil-conservation payments, and the bill reported by the Senate committee dealt only with parity payments. The purpose in both Houses was that whatever payment was made under this bill should be conditioned thus and so.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Colorado.

Mr. ADAMS. I desire to ask the Senator from Wyoming if it does not appear, both from the discussion on the floor when the bill was before the Senate, and upon the face of the bill itself, that parity payments, at least to a certain extent, are to be made out of soil-conservation funds; and if we were not told, in fact, that it was the hope that no money in addition to that appropriated for soil-conservation payments would be used to make parity payments?

Mr. O'MAHONEY. The Senator is quite right.

Mr. BARKLEY. In that connection, Mr. President, if the Senator will yield, that merely meant that a certain amount would be diverted from the soil-conservation payments to parity payments; but the conditions upon which the payments were to be made were not identical.

Mr. POPE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. POPE. If I correctly understand, the Senator does not agree with the Senator from Washington [Mr. SCHWELLENBACH], who stated yesterday, at page 1774 of the RECORD:

I shall assume in my discussion that one amendment was to the soil-conservation part of the House bill and the other to the parity-payment portion of the Senate bill, but I should like to return to the subject I started to discuss before the Senator from Kentucky interrupted me.

The Senator from Wyoming does not agree, then, with the Senator from Washington [Mr. SCHWELLENBACH] in his interpretation?

Mr. O'MAHONEY. I am not sure that I understand what the Senator from Idaho is driving at. Of course, the Senator from Washington made that assumption.

Mr. POPE. He made the assumption according to his own statement in the RECORD on page 1774.

Mr. O'MAHONEY. Certainly, I am making the same assumption.

Mr. POPE. I am assuming the Senator from Wyoming is not agreeing with the Senator from Washington.

Mr. O'MAHONEY. I am making the same assumption as that made by the Senator from Washington, and I know the assumption to be well-founded, now that the Senator from Kentucky has so advised me.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. HATCH. The Senator was discussing the two payments, soil-conservation and parity payments, saying that under the terms of both bills all restrictions under the McNary amendment applied with equal force to any kind of payment which was made; but I am wondering if the Senator from Wyoming recognizes no distinction, no difference in the theory or concept of the two different kinds of payments, and would apply the same restriction to either of these two kinds of payments.

Mr. O'MAHONEY. Of course, Mr. President, I recognize the distinction between the two payments; I do not deny that for a moment; it is perfectly apparent; but that is not the question. The question here is, and the fact here is, that the House said the payments made by virtue of their bill should be conditioned upon this requirement, and the Senate said that the payments made by reason of their bill should be conditioned on exactly the same requirement. So it is perfectly clear that the will of both Houses of the Congress was that protection should be granted to the livestock industry. But the conferees have brought into the Senate a measure which is devitalized, which deprives the livestock industry of any protection, and which, from my point of view, is clearly a violation of the letter and spirit of the rule, which requires that conferees shall obey the mandate of the body by which they are appointed.

Mr. President, I request that there may be appended at the conclusion of my remarks the matter I now send to the desk.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RECORD for December 14, 1937, page 1441. Senator POPE introduced his amendment:

"Mr. POPE. I will ask to have the amendment stated, and then, if objection is made to its consideration, it may go over. I ask, however, to have it stated.

"The PRESIDING OFFICER. The amendment will be stated.

"The CHIEF CLERK. It is proposed to insert at the proper place in the bill the following new section:

" 'SEC. 66. Whenever the Secretary has reason to believe that the income of producers of livestock or livestock products in any area from such sources is being adversely affected by increases in the acreage of conserving crops in that or any other area because of programs carried out under this act, or under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, he shall make an investigation with respect to the existence of these facts. If upon investigation the Secretary finds that the income of producers of livestock and livestock products in any area from such sources is being so adversely affected, he shall as soon as practicable make such provisions as he determines may be required with respect to the growing of conserving crops which he finds necessary to protect the interests of producers of livestock or livestock products in the affected area.' "

CONGRESSIONAL RECORD, December 14, 1937, on page 1442, shows the amendment as I asked that it be modified. This modification, in the last two lines, provided that the authority of the Secretary "shall be expressly reserved in all adjustment contracts or other offers."

"The CHIEF CLERK. In the amendment of the Senator from Idaho [Mr. POPE] it is proposed, on page 1 of the amendment, line 9, after the word 'act', to insert 'or whenever it appears from statistics available to the Bureau of Agricultural Economics that acreage diverted under this or any other act is being used to increase the supply of livestock or livestock products for market'; on page 2, line 3, after the word 'being', to strike out the word 'so'; in line 4, after the word 'affected', to insert 'by such increases'; in line 5, after the word 'provisions', to insert 'under adjustment contracts or other offers'; and, at the end of line 8, to strike out the period and insert 'and the authority of the Secretary under this section shall be expressly reserved in all adjustment contracts offers', so as to make the amendment read:

" 'SEC. 66. Whenever the Secretary has reason to believe that the income of producers of livestock or livestock products in any area from such sources is being adversely affected by increases in the acreage of conserving crops in that or any other area because of programs carried out under this act, or under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, or whenever it appears from statistics available to the Bureau of Agricultural Economics that acreage delivered under this or any other act is being used to increase the supply of livestock or livestock products for market he shall make an investigation with respect to the existence of these facts. If upon investigation the Secretary finds that the income of producers of livestock and livestock products in any area from such sources is being so adversely affected by such increases he shall as soon as practicable make such provisions under adjustment contracts or other offers as he determines may be required with respect to the growing of conserving crops which he finds necessary to protect the interests of producers of livestock or livestock products in the affected area, and the authority of the Secretary under this section shall be expressly reserved in all adjustment contracts or other offers.'

"On page 83, line 2, strike out '66' and insert '67.' "

The CONGRESSIONAL RECORD, December 16, 1937, page 1637, carried my amendment in its final form:

"On page 82, after line 25, I propose to insert the following new section, section 66:

" 'SEC. 66. Each adjustment contract or other offer entered into or made pursuant to this act or the Soil Conservation and Domestic Allotment Act shall provide that the cooperator or other person to whom such contract or offer applies shall undertake not to use acreage diverted under either of such acts for the production for market of livestock or poultry or the products thereof; and in the event that a marketing quota is established for any commodity under this act no acreage diverted from the production of such commodity pursuant to such quota shall be used for the production for market of livestock or poultry or the products thereof.'

"I may say now to the Senator that, as I conceive the two amendments, this goes a step further than what we call the McNary amendment, because it makes provision for acreage that may be diverted if a marketing quota goes into effect. It avoids the requirement upon the Secretary and upon the General Accounting Office to make individual scrutiny of every individual payment."

The CONGRESSIONAL RECORD, December 16, 1937, page 1638, contains the statement of the Vice President that the Senator from Idaho accepted my amendment as a substitute for his:

"Mr. O'MAHONEY. Mr. President, what is the present parliamentary status?

"The VICE PRESIDENT. The present parliamentary status is that the amendment of the Senator from Idaho has been perfected as suggested by the Senator from Wyoming. Now, the question is on the amendment in the nature of a substitute offered by the Senator from Oregon [Mr. MCNARY] to the amendment of the Senator from Idaho.

"Mr. O'MAHONEY. I wanted to be certain that the Senator from Oregon had substituted the language suggested.

"The VICE PRESIDENT. The Chair suggests that the proposed amendment of the Senator from Idaho as perfected should be read from the desk for the information of the Senate.

"Mr. SMITH. Mr. President, under the unanimous-consent proposal it is understood——

"The VICE PRESIDENT. There is no unanimous-consent proposal pending.

"Mr. SMITH. Very well.

"Mr. BANKHEAD obtained the floor.

"The VICE PRESIDENT. Will not the Senator from Alabama permit the amendment to be read?

"Mr. BANKHEAD. Certainly.

"Mr. MCNARY. A parliamentary inquiry.

"The VICE PRESIDENT. The Senator will state it.

"Mr. MCNARY. Am I to understand that this belated suggestion takes the place of the former proposal submitted by the Senator from Idaho?

"The VICE PRESIDENT. That is the situation. The Senator from Idaho has the right to perfect his amendment before it is acted on."

CONGRESSIONAL RECORD of December 17, 1937, page 1760, appears the amendment proposed by Senator BANKHEAD as a substitute for the McNary amendment in event his motion to reconsider the vote on the latter was agreed to:

"Mr. BANKHEAD. Mr. President, yesterday I gave notice that I would make a motion to reconsider the vote by which the so-called McNary amendment was agreed to. I desire to make the motion, but I wish first to send to the desk a proposed substitute to be

offered in the event my motion shall be agreed to. I ask to have the clerk read it.

"The PRESIDING OFFICER. The clerk will read:

"The Chief Clerk read as follows:

"'(k) Payments with respect to any farm (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be permanently used for grazing purposes only) shall be further conditioned upon the utilization of the land, with respect to which such payment is made, so that soil-building and soil-conserving crops planted or produced on lands normally used for the production of cotton, wheat, rice, tobacco, or field corn shall be used for the purpose of building and conserving the fertility of the soil, and shall not be harvested for market: *Provided*, That such amounts only may be harvested as are to be consumed on the farm by the farmer's family, employees, or household, or by his work stock or poultry: *Provided further*, That in the event the Secretary finds that an emergency national scarcity of such commodity exists or is threatened, and so proclaims, he may temporarily suspend such restrictions. As used in this subsection the term "for market" means for disposition by sale, barter, exchange, or gift, or by feeding (in any form) to poultry or livestock which, or the products of which, are to be sold, bartered, exchanged, or given away; and such term shall not include consumption on the farm. An agricultural commodity shall be deemed consumed on the farm if consumed by the farmer's family, employees, or household, or by his work stock; or if fed to poultry or livestock on his farm and such poultry or livestock, or the products thereof, are to be consumed by his family, employees, or household.'"

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

AGRICULTURAL RELIEF—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8505) to provide for the conservation of natural soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce.

Mr. McNARY and Mr. HATCH addressed the Chair.

The VICE PRESIDENT. The Chair is ready to rule, if it is agreeable to the Senate, but will hear Senators if they desire to speak.

Mr. McNARY. Mr. President, I had hoped I might assume that the illustrious occupant of the chair had an open mind on this subject.

The VICE PRESIDENT. Let the Chair say to the Senator from Oregon that this question has been drawn to his attention for the past 3 days and he has had full opportunity to examine every precedent he can possibly find, as well as to converse with parliamentarians for whose judgment and views he has great respect, and, in view of that, the Chair has a very definite opinion at the moment. However, he will be glad to hear the Senator from Oregon.

Mr. McNARY. Mr. President, I am not enamored of that invitation. I do not usually want to do a useless thing. I should perform no service by speaking on this question if the Vice President's mind is fixed. That is a situation which usually does not occur when a judicial matter is presented to a tribunal.

The VICE PRESIDENT. The Chair would not be honest with himself or with the Senator from Oregon if he did not state the truth, that his mind is well fixed at this moment. He has to tell the truth about it.

Mr. McNARY. Very well. I repeat, with the greatest respect and affection, after some experience and many years in the legal profession, that one of the hopeful thoughts of an attorney, one of the inspiring reasons he has for his affection for the court, is the fact that the mind of the court is not fixed and that he will hear the whole argument. I had hoped I might find the present able and eminent occupant of the chair in a similar frame of mind. I could not serve any purpose by giving my views if the Vice President does not want to consider them in connection with the whole matter. I do not wish uselessly to consume the time of the Senate and impose upon the Vice President. I do not know how his mind runs in this matter, and, of course, I have never questioned his honesty.

Mr. President, I shall take advantage of just a few moments in the hope that it will not be distasteful to the Vice President for me to say that, in the first place, I was somewhat shocked last evening at the remark made by the able Vice President before the conclusion of the argument that, under rule XXVII, which we now invoke, there is now no committee of conference. I do not know whether or not that is now the thought of the Vice President. In nearly 21 years of experience I have not heard other Presiding Officers enunciate that idea. It is not in conformity with the practice of the Senate and is not supported, in my opinion, by the rules or the precedents.

Mr. President, the reason I am imposing upon your good nature, inasmuch as your mind is fixed on this matter, is that I do not know whether the fixation is because there is no conference committee or whether your mind is fixed that the conferees have all-powerful rights in conference or whether the fixation is due to a variance between the Senate and the House amendments. Therefore, I think I am justified in consuming a little time.

If we are to adopt a new procedure, as indicated by the Vice President, and a conference report may not be attacked because the House conferees on the one hand or the Senate conferees on the other hand have been discharged, then we have turned legislation over ultimately to conferees, a condition not "devoutly to be wished," I know by the very able and prudent Vice President. I have always labored under the impression that conferees were agents of the Senate when appointed by this body and agents of the House when appointed by that body, and that they occupy a position of trust. I have a right to assume that, because I have been a conferee on many occasions and have tried to follow the instructions of the Senate many, many times when it was against my judgment to do so. I have always played fair with this body, and I have refused to serve when I thought that mentally I was not in a position because of lack of sympathy or unfriendliness toward the proposed legislation to act as a conferee.

Of course, the House conferees are discharged. That is so in every case. If the papers are first returned to the House and the House acts first on the conference report the House conferees are discharged. If the papers are first brought to the Senate, and the Senate acts first, automatically the Senate conferees are discharged. If we are to play both of those ends, one against the other, and we are to premise that the word of the conference committee is final, then, if that be the judgment of the Senate, I should like to have the rules amended or the practice enunciated by the able Vice President that hereafter all bills shall be referred to conferees named in advance, and we shall accept whatever they may propose in the way of legislation. The absurdity of that situation, Mr. President, answers itself. There can be no logic in the statement of the Vice President when he called our attention last evening to the fact that there was no conference committee and that that disposed of this question. There is a conference committee.

The VICE PRESIDENT. Will the Senator from Oregon permit the Chair to say that in making that remark he only stated what has been decided numbers of times, that where one House has discharged its conferees there is no longer a joint conference that may be instructed. If the point of order should be sustained, or if the Senate should vote down the conference report, undoubtedly the Senate would have to select new conferees and ask the other House for a further conference.

Mr. McNARY. Of course.

The VICE PRESIDENT. Therefore, if it is necessary to select new conferees, undoubtedly there is no valid conference committee now existing.

Mr. McNARY. Mr. President, I think the explanation helps solve the dilemma.

The VICE PRESIDENT. Let the Chair say that it does not have a thing to do with the point of order. If the point of order should be sustained and the Senate should then sustain the ruling of the Chair, if the Senate wanted

to go on with this bill it would have to ask for a further conference and appoint new conferees; or, if the Senate should vote down the conference report, which, in the opinion of the Chair, would be a more courageous thing in the matter of this legislation, then it would still have to ask for a further conference with the other House and appoint new conferees.

Mr. McNARY. Certainly the Vice President has beaten me to my conclusion. I was simply assuming from the RECORD, and the statement made, that the Vice President was doubtful as to whether this bill could be referred back to conference. Having convinced the able and illustrious Presiding Officer of that part of my argument, I will proceed to another.

Mr. President, I now touch upon what I think is probably the vital matter that resides in the mind of the Presiding Officer: Have the conferees exceeded their jurisdiction? Have they violated rule XXVII?

The respective provisions in the House and Senate bills are as much alike as two peas in a pod. There can be no doubt about that. They were written on the same typewriter, by the same typist. One was presented in the House, and one in the Senate. It happened to fall to my responsibility to present the amendment in the Senate. There is no difference whatsoever in the substance or in the language of the two provisions. In all the debate in the House and in the Senate they were considered to be identical. The argument was made here, over and over again, that if the Senate amendment should be adopted it would foreclose any conference action. That was stated by the conferees on the floor, who were able Senators, and had the bill in charge.

Therefore, Mr. President, it was conceded, as stated by the able Senator from Wyoming [Mr. O'MAHONEY], that every Senator on this floor knew when he was voting on this amendment that he was voting on an amendment identical with the House provision, and the conferees had no jurisdiction to touch this amendment.

Now, at this late day, we hear the statement made that the Senate amendment varies from the House provision because the House provision in 11 words refers to one portion of the Soil Conservation and Domestic Allotment Act which in no way relates to the body of the measure and its purpose. This amendment found lodgment in the bill because of the guidance of the able Senator from Idaho [Mr. POPE]. He offered an amendment at a certain place in the bill, an independent section going to the whole of the bill and not to any particular part or provision. It was necessary, in order to follow out the rules and practices of the Senate, for me to offer this amendment as a substitute for the one offered by the Senator from Idaho. He selected the place where it should go in the bill. It was a new section, and I followed him. It was voted upon and carried, and a motion to reconsider was made and carried.

Now, Mr. President, let us look into the proposition which I assume will be urged, as indicated by the Senator from Kentucky [Mr. BARKLEY].

This amendment reads that all payments are conditioned upon what? Contracts involving soil-building purposes. Does that sound like "parity payments"? It means all payments under the bill; it does not matter from what source.

I desire to show, Mr. President—and I shall be very brief, indeed—that on page 2 of the bill is the following language:

(b) Under adjustment contracts there shall be made available to contracting farmers (hereinafter referred to as "cooperators"), first, Soil Conservation Act payments hereinafter specified; second, surplus reserve loans; and, third, parity payments.

On the very first page of the bill as it passed the Senate it was declared that contracts made under the bill which were necessary to be made in order to obtain a dollar under any bill would come from three sources. Let me repeat them, because I think the language, with some I shall repeat later, is conclusive of my position:

Under adjustment contracts there shall be made available to contracting farmers (hereinafter referred to as "cooperators"), first, Soil Conservation Act payments hereinafter specified; second, surplus reserve loans; and, third, parity payments.

At the outset of the pending legislation the farmers were told that these contracts, whether in writing or based upon a gentlemen's agreement, would embody three different factors—soil-conservation payments, parity payments, and reserve loans. When the amendment says that all payments for soil building shall have these purposes, the same as the House bill, it ties the bill into the Soil Conservation Act.

Mr. President, not in an idle moment, but rather in an interesting moment, some weeks ago I looked up the references made to soil-conserving payments in this measure; and without reading them, for the purpose of the RECORD, if I may be permitted to do so without tiring my dear friend, I will state where they are. I refer to the bill as it passed the Senate:

On page 2, the provision which I have just read.
Page 4, section 4.
Page 7, section 6.
Page 33.
Page 8, subdivision (c).
Page 31.
Page 50, section 52.
Page 68, section (b).
Page 69.
Page 73, section 64.
Page 74.
Page 77.
Page 94, section 80.

Let us turn to the provision on page 94, because it is the last. I shall read the first and the last only:

Amendments to Soil Conservation and Domestic Allotment Act.

I read from page 94, section 80, of the bill as it passed the Senate:

SEC. 80. (a) Section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended, is amended by striking out "Subject to the limitations provided in subsection (a) of this section, the Secretary shall have the power to carry out the purposes specified in clauses (1), (2), (3), and (4) of section 7 (a) by making"—

That is the one which carries the payments in the Soil Conservation Act—

and inserting in lieu thereof "In order to carry out the purposes specified in section 7 (a) the Secretary shall have the power to make."

Section 8 (b) of such act, as amended, is amended by striking out the expression "or (4)" after the expression "required for domestic consumption," and inserting in lieu thereof the following:

That also is another amendment to the act.

Mr. President, when an act is complete, and covers the whole subject matter, and defines, as this act does, with particular care the various subjects matter considered, it must be treated as a whole, and considered a complete document. The section I read on page 2, and the section on page 94, both refer to payments under the Soil Conservation Act; and I repeat, because it is important, that both the House provision and the Senate amendment refer to all payments made.

Mr. President, I think it is puerile, I think it is childish, to argue that this amendment, because of a particular location in the bill, refers only to parity payments. Anyone carefully reading the amendment knows that it does not refer to parity payments, because it speaks of soil-conserving and soil-building crops and the land upon which they are raised. It has no reference to soil-depleting crops. It refers to soil-building crops. Both provisions are identical in that respect.

It occurs to me that in any view one may take of the House provision and the Senate amendment, they must be considered identical in language and in purpose, and it is quite childish to say that one of them refers to parity payments and the other to soil conservation. The only difference between the two is that in the House provision a short reference was made to the Soil Conservation Act, which was not necessary at all, which was not considered necessary when the subject matter was debated before the Senate. It is idle to say now that because of a certain location the

amendment had in the Senate bill it differed from the House provision, and therefore jurisdiction was conferred upon the joint conference to write an entirely new provision.

Mr. President, candor causes me to make this statement. The conferees have not improved the bill as passed by the Senate in the words that are contained in the conference report in reference to the dairy industry. I find some difficulty in construing this complex language. The sentences are too long, there are not enough periods, and the words are cloudy. If I understand it, there has been a modicum of security given to the dairy industry. There is a slight reference to those who are interested in the cattle and the poultry industry.

Some good has been accomplished, and I do not desire to have the conferees deprived of any honor they may deserve for attempting to do something for these industries; but to me, quite aside from the merits of the bill is the larger question: Have we to submit to action of conferees when, in my opinion, they boldly and brazenly refuse to abide by the rules of the Senate and of the House upon a pretext so flimsy as to be unworthy of argument?

I had intended to discuss one other phase of the amendment, but, in view of the fact that the Vice President seems to be anxious to rule upon the question, probably my words would fall on deaf ears; and if my efforts were not successful, I would have only the one compensation of saying that I will have something to read about in the RECORD in the years to some.

Mr. SHIPSTEAD. Mr. President, I should like to ask the Senator from Oregon a question, if he will yield.

Mr. McNARY. I very gladly yield.

Mr. SHIPSTEAD. I wish to propound an inquiry to the Senator in order to clear this matter in my mind.

The House passed a bill and inserted a provision in the bill dealing with a certain subject, with the intention of carrying out the idea of the House relative to that subject. The bill came to the Senate. Everything but the enacting clause was stricken out and the Senate wrote a new bill, dealing again with the same subject covered by a certain provision inserted by the House. It was intended to be dealt with identically, but, whether the two amendments were identical or not, they dealt with the same subject, and the hope was to accomplish the same purpose. The amendment was adopted in the Senate and went to conference.

If I understand a conference of the two Houses under a situation of that character, if the conferees take either one or the other of the provisions, they carry out the purpose of the House whose amendment they adopt, provided the two provisions are not alike. If they are identical, it does not make any difference to which provision they agree.

Assuming that they have authority to take one or the other, it seems to me that if they want to cover the subject and agree to deal with the subject they must take either the House provision or the Senate amendment. It seems to me it is out of the jurisdiction of the conference committee to disregard the will of both Houses and write their own views as to how the subject should be dealt with and come in with an entirely different provision dealing with the same subject in a manner that does not follow the wish of either House.

I ask the Senator from Oregon, is that a reasonable conclusion?

Mr. McNARY. I think it is very reasonable, very rational, and quite proper.

Mr. JOHNSON of California. Mr. President, I extend my apologies to the Vice President and to the Senate for participating in this argument at all. I am not gravely interested in the amendment which is the subject matter of the discussion, but I am gravely interested in the position of the United States Senate in exercising its legislative functions. The question before us today involves good faith, and, in addition to that, it involves the right of the Senate to legislate in accordance with its rules and the rules of legislation generally.

I happened to be a Member of the Senate when the rule in question was amended. I recall the many, many days we were engaged in the attempt to remedy the mischief which had been occasioned by conference committees in making reports. I recall that finally the remedy we sought was written into the rules of the Senate, and the rule is such that he who runs may read. I do not care whether someone by some technical construction says that this or that amendment was written in one place in the bill or another; that sort of thing is done simply to permit to be perpetrated again the wrong that was remedied apparently by the Senate of the United States in 1918. The rule reads:

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained the report shall be recommitted to the committee of conference.

What was the mischief we sought to remedy in 1918? It was just exactly what occurs in this body today. Conference reports were submitted then under the rule that the conferees could do just as they pleased, and the conference reports contained whatever the conferees had a particular predilection for. Conference committees in olden days legislated for the Senate of the United States, as well as the House of Representatives, and when we amended the rules we thought that we prevented the conferees from legislating for the entire Senate and the House. Today that very matter is presented for solution.

In this case, what have we? We have a provision adopted by the House and an amendment adopted by the Senate which are substantially the same. I may go so far as to say almost identical. If the Senate had agreed to the House provision it could not have been altered in conference, under the rule adopted by the Senate. When the Senate adopts a provision in such circumstances, and the conferees write into the bill something else, the conferees are not acting in good faith with the Senate; and if the Senate approves of such a thing it becomes a body for which there is little or no respect.

The VICE PRESIDENT. At the outset the Chair will state that the merits of the bill do not concern him in making the ruling on the pending point of order; nor can the Chair take into consideration the question of the wisdom or the good faith of the conferees. The only point the Chair can take into consideration is whether the conferees have exceeded their powers, wisely or unwisely.

There are rules of the Senate and rules of the House of Representatives. The particular rule of the Senate referred to a moment ago by the Senator from California [Mr. JOHNSON] has been one of the rules of the Senate, as the Chair recalls, from 1918. It has been part of the House rules for nearly a century.

The first ruling in the House of Representatives on this particular question was rendered on March 3, 1865, by Mr. Colfax, the Speaker, who was later Vice President of the United States and President of the Senate. From that time until this 10 Speakers of the House of Representatives have passed on this particular question. All their decisions, remember, Senators, are based upon one fact, and that is that when one body strikes out all after the enacting clause and inserts a new bill the entire rule is reversed. Rule XXVII, clause 2, specifically does not apply then. The Senate decided by a vote of 41 to 34 when voting on a ruling by the then Vice President, Mr. Dawes, to which the Chair will call attention a little later.

The Chair will say that in 1865 Speaker Colfax began this line of ruling, and in 1911 the matter was thoroughly surveyed in the House of Representatives under Speaker Clark.

The Chair will now ask the clerk to read to the Senate the ruling of Speaker Clark, in order that the Senate may understand the philosophy with respect to the particular question now pending.

The Chief Clerk read as follows:

> The desire of the present occupant of the chair is to rule fairly; and so far as I am individually concerned, I would rather have it said of me, after I have finally laid down the gavel, that I was the fairest Speaker that the House ever had, than that I was the greatest.
>
> The gentleman from Wisconsin last Saturday made a remark which deserves the consideration of the House, and that was that

no Speaker could afford to render a decision for temporary benefit to his party fellows without considering the ultimate and general effect of it. That is absolutely true.

The particular matter at bar seems to have been differentiated into two classes by previous Speakers: One, where the dispute between the two Houses is simply a dispute about rates or about amounts, and the other where one House strikes out everything after the enacting clause and substitutes an entirely new bill.

The Chair has no doubt whatever that at least one contention of the gentleman from Illinois is correct. That is, that if it is a mere dispute about amounts or rates, the conferees cannot go above the higher amount or rate named in one of the two bills or lower than the lower rate named in one of the two bills. But that is not this case. In this case the Senate struck out everything after the enacting clause and substituted a new bill. Last Saturday there did not seem to be any precedents to fit the point under consideraion. This time, fortunately for the Chair at least, four great Speakers of this House have ruled on the proposition involved—Speaker Colfax, who was subsequently Vice President; Speaker Carlisle, subsequently Senator and Secretary of the Treasury; Speaker Henderson, and Speaker Cannon. The Chair does not know anything about the parliamentary clerks to Speaker Colfax and Speaker Carlisle, but the Chair is fully persuaded that every Member of this House who has served in prior Congresses will agree that Speaker Henderson and Speaker Cannon had the advantage of being advised by one of the most skillful parliamentarians in this country, the present Member from Maine, Mr. Hinds.

All four of these Speakers, three Republicans and one Democrat, have passed on this question, and they have all ruled that where everything after the enacting clause is stricken out and a new bill substituted, it gives the conferees very wide discretion, extending even to the substitution of an entirely new bill. The Chair will have three of these decisions read, and will have the decision of Speaker Cannon incorporated into this opinion, because the question ought to be definitely settled, during the life of this Congress at least.

The VICE PRESIDENT. Senators will observe that that was the universal opinion, so far as the House of Representatives is concerned, down to the time of Speaker Clark.

The Chair desires to call the Senate's attention to the decisions in the House of Representatives following Speaker Clark's decision, which include decisions by Speaker Gillette and Speaker Longworth. They have gone a little bit further than Speaker Clark did. Speaker Gillette quoted from the manual:

And it has been held so often and so far back and by so many Speakers that where everything after the enacting clause is struck out the conferees have carte blanche to prepare a bill on that subject that it seems to the Chair that question is no longer open to controversy.

He then continued:

The Chair, on that ground, overrules the point of order.

In other words, Senators, the House has held, under a rule similar to Senate rule XXVII, paragraph 2, that there is no limit to the power of the conferees when one House strikes out all after the enacting clause of the bill of the other House and substitutes an entirely new bill.

What has been the action of the Senate upon this rule? The Chair desires to call the Senate's attention to a ruling in the Senate on February 8, 1927; and the Chair may add that it seems to him that he should follow the ruling in the Senate, especially when the Senate by majority vote upholds that ruling.

On February 8, 1927, Mr. Howell, of Nebraska, made a point of order against the conference report on a bill for the regulation of radio communications, stating that the conferees had exceeded their authority by leaving out matter agreed to by both Houses, in contravention of paragraph 2 of rule XXVII, as follows:

Conferees shall not insert in their report matters not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses.

That seems to be definite language and, as the Senator from California has said, subject to no equivocation. But that rule applies to a bill ordinarily passed by one body and amended, section by section and paragraph by paragraph, by the other body, and does not apply to an entire new bill submitted by one body as a substitute for the bill of the other body.

The Chair will now read the ruling of Vice President Dawes, as set out in the Senate Journal for the Sixty-Ninth Congress, second session, page 157, as follows:

The Chair would remark that when the amendment of the Senate is a new bill in the nature of a substitute instead of various amendments to different parts of the bill, the whole status of conference is changed under the precedents. Under the line of argument which the Chair followed the other day in holding that new matter when germane could be put in as an amendment under those circumstances, he would seem to be justified now in overruling the point of order. The status of conference being changed where the Senate substitutes a bill as an amendment, the precedents in effect hold that the restrictions of rule XXVII, paragraph 2, do not apply, and he so rules. The point of order is not well taken.

The Senator from Nevada, the present President pro tempore of the Senate, appealed from that ruling, and the Senate sustained the ruling of the Chair [Vice President Dawes] by a vote of 41 to 34.

On August 6, 1935, the President pro tempore of the Senate [Mr. PITTMAN] himself made a ruling upon this identical question. The Senator from Maine [Mr. WHITE] made a point of order against the conference report on H. R. 6511, a bill to amend the air-mail laws, that the conferees had exceeded their authority by inserting new matter. The President pro tempore overruled the point of order, and in his opinion made these remarks:

It will be observed that while this matter is treated in both the Senate and the House bills, they are at entire variance in their treatment of it. Therefore both of the sections were in conference.

Under the interpretation of the present occupant of the Chair, where all after the enacting clause of a House bill is stricken out and an entirely new bill inserted by the Senate, the question arises as to whether or not the language used as a substitute for the two sections is germane and carries out the intent of both bodies with regard to such particular legislation.

In other words, Senators, it is the reasoning of all the parliamentarians who have ever considered this rule, so far as the Chair can ascertain from all the precedents, that the philosophy should be that where one House passes an entirely new bill as a substitute for the bill of the other House, there is very little limitation placed on the discretion of the conferees, except as to germaneness.

In this particular case, the House having passed a bill with reference to conservation of soil, or other provisions with reference to farming, and the Senate having substituted an entirely different bill, it seems to the Chair that according to the philosophy of previous rulings referred to the conferees would have the power to do what they have done in this instance—write an entirely new bill—and the Chair overrules the point of order.

The question is on agreeing to the report.

Mr. DUFFY. Mr. President, I believe that an important question of this kind should have an expression on the part of the Members of the Senate. I therefore appeal from the decision of the Chair.

Mr. BARKLEY. I move to lay that motion on the table.

Mr. LA FOLLETTE. On that question I call for the yeas and nays.

The VICE PRESIDENT. The present occupant of the chair, with the permission of the Senate, is going to adopt a different course than that usually taken with reference to ascertaining the number of those asking for the yeas and nays. He made one mistake in that connection, and does not want to make another, because the question is a constitutional one.

All Senators desiring the yeas and nays will rise and stand until they are counted. The Chair can count those standing up. A sufficient number of Senators having asked for the yeas and nays, the clerk will call the roll.

The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the motion of the Senator from Wisconsin [Mr. DUFFY] appealing the decision of the Chair.

The Chief Clerk proceeded to call the roll.

Mr. SMITH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SMITH. Is the vote we are about to take a vote on the proposition of the leader to lay on the table the motion of the Senator from Wisconsin [Mr. DUFFY]?

The VICE PRESIDENT. As the Chair stated, the vote is on the motion of the Senator from Kentucky to lay on the table the motion of the Senator from Wisconsin [Mr. DUFFY], which is a motion appealing from the ruling of the Chair. A vote of "yea" is a vote to sustain the Chair. A vote of "nay" is a vote to override the decision of the Chair.

The Chief Clerk resumed the calling of the roll.

Mr. CONNALLY (when his name was called). I think the ruling of the Chair was correct, but I do not believe in tabling a motion——

The VICE PRESIDENT. There can be no debate on a roll call.

Mr. CONNALLY. I vote "nay."

The roll call was concluded.

Mr. HALE. On this question my colleague the junior Senator from Maine is paired with the Senator from New Jersey [Mr. SMATHERS]. If present, my colleague would vote "nay."

Mr. LEWIS. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from Rhode Island [Mr. GERRY], the Senator from Virginia [Mr. GLASS], the Senator from Oklahoma [Mr. LEE], the Senator from New Jersey [Mr. MILTON], and the Senator from Utah [Mr. THOMAS] are detained from the Senate on important public business.

The Senator from Mississippi [Mr. HARRISON] is detained in one of the Government departments.

The Senator from Nevada [Mr. MCCARRAN] and the Senator from North Carolina [Mr. REYNOLDS] are detained in their respective States on official business.

The Senator from New Jersey [Mr. SMATHERS] is necessarily detained.

The Senator from Virginia [Mr. BYRD] is unavoidably detained.

The Senator from Michigan [Mr. BROWN] has a general pair on this matter with the Senator from Utah [Mr. THOMAS]. I am not advised how either Senator would vote if present.

The Senator from Oklahoma [Mr. LEE] is paired with the Senator from Nevada [Mr. MCCARRAN]. If present and voting, the Senator from Oklahoma would vote "yea," and the Senator from Nevada would vote "nay."

The Senator from Mississippi [Mr. HARRISON] is paired on this question with the Senator from Virginia [Mr. BYRD]. I am advised that if present the Senator from Mississippi would vote "yea," and the Senator from Virginia would vote "nay."

Mr. SHIPSTEAD (after having voted in the negative). I have a pair with the senior Senator from Virginia [Mr. GLASS], who is absent. I do not know how he would vote, and, therefore, withdraw my vote.

Mr. AUSTIN. I announce the following pairs: The Senator from New Hampshire [Mr. BRIDGES] with the Senator from North Carolina [Mr. REYNOLDS]. If present, the Senator from New Hampshire would vote "nay," and the Senator from North Carolina would vote "yea."

The result was announced—yeas 48, nays 31, as follows:

YEAS—48

Andrews	Dieterich	Hitchcock	Overton
Ashurst	Ellender	Hughes	Pepper
Bankhead	Frazier	Lewis	Pope
Barkley	George	Logan	Radcliffe
Berry	Gibson	Lundeen	Reames
Bilbo	Gillette	McAdoo	Russell
Brown, N. H.	Green	McGill	Sheppard
Bulow	Guffey	McKellar	Smith
Byrnes	Hatch	Miller	Thomas, Okla.
Caraway	Hayden	Minton	Truman
Chavez	Herring	Neely	Walsh
Clark	Hill	Norris	Wheeler

NAYS—31

Adams	Davis	Lodge	Schwartz
Austin	Duffy	Lonergan	Schwellenbach
Bone	Hale	McNary	Townsend
Bulkley	Holt	Maloney	Tydings
Burke	Johnson, Calif.	Murray	Vandenberg
Capper	Johnson, Colo.	Nye	Van Nuys
Connally	King	O'Mahoney	Wagner
Copeland	La Follette	Pittman	

NOT VOTING—17

Bailey	Donahey	McCarran	Thomas, Utah
Borah	Gerry	Milton	White
Bridges	Glass	Reynolds	
Brown, Mich.	Harrison	Shipstead	
Byrd	Lee	Smathers	

So the motion of Mr. BARKLEY to lay on the table Mr. DUFFY's appeal from the decision of the Chair was agreed to.

Mr. CONNALLY. Mr. President, I merely wish to say that in connection with the last roll call I do not think it is accurate to construe a vote "yea" or "nay" as necessarily an indication of the correctness of the ruling of the Chair. I agree with the ruling of the Chair, but I voted "nay" against tabling the motion of the Senator from Wisconsin [Mr. DUFFY], because I think it is entirely proper that the Senate should be able to express itself on the decision of the Chair, and either to affirm it, and therefore give it greater strength, or to repudiate it, as the case may be. I want to make clear that while I voted against the motion to table, that is no indication of my disagreement with the ruling of the Chair, which I think is correct.

Mr. MCADOO. Mr. President, I should like to say, without reexpressing the thought in my own language, that the Senator from Texas [Mr. CONNALLY] has stated my position on this question.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. POPE. Mr. President, yesterday I obtained the floor for the purpose of making a brief explanation of the conference report, but yielded to the Senator from Washington [Mr. SCHWELLENBACH] in order that he might make a point of order, which has now been disposed of.

Mr. President, by reason of the fact that on yesterday 3 hours were taken in the reading of the conference report, I am sure that every Senator is now familiar with every word of it. Therefore, any lengthy explanation is made unnecessary.

I made the request yesterday that I be not interrupted during my discussion of the report, for the reason that my experience has been that if that practice be indulged in, many questions are asked which will be answered in regular order during the course of my discussion. So I again ask Senators not to interrupt me until I have finished what I have to say concerning the conference report. I will then be glad to yield for any questions they may have and will undertake to answer them.

Mr. President, the declaration of policy in the conference report is a combination of the idea contained in both the House and the Senate bills, that is, the recognition of the value and desire for a continuation of the Soil Conservation Act. In the conference report certain improvements as to the Soil Conservation Act are undertaken. For instance, it is provided that as a part of the Soil Conservation Act the county committees in the various counties shall be elected by the farmers themselves. In the main, that has been the practice followed by the department in the administration of the Soil Conservation Act, but, in order to make that a permanent policy of the Congress, it is so provided in the conference report as an amendment to the Soil Conservation Act.

There is also a provision in the conference report amending the Soil Conservation Act by prohibiting any landlord from changing his relation with his tenants or decreasing the number of tenants that may be on his farm in order that he may obtain a larger percentage of the Soil Conservation Act payments. That is now a part of the conference report.

There is another provision in the conference report, which is an amendment to the Soil Conservation Act, providing that if a cooperator voluntarily reduces his acreage below 80 percent he may have a 25-percent increase in the amount of payment he would otherwise receive; that is a proportionate increase of payment according to the reduction in the number of acres he actually plants. That is to encourage the cooperator to make reduction and, at least, to give him some inducement for doing so.

In the main, those are the amendments to the Soil Conservation Act, and the conference committee thinks that they are all in the interest of a better and more simple administration of that act.

I may say that the things which I am about to refer to are what I regard as the best parts of both bills. There was in both bills a provision for the establishment of laboratories to encourage new uses of various agricultural commodities. The provision in the House bill appropriated $10,000,000 a year for that purpose. In the Senate bill $2,000,000 were appropriated for the first year and $1,000,000 for subsequent years for this purpose. In the conference report provision is made that four regional laboratories shall be established in the sections most suitable to the major agricultural crops, and $1,000,000 a year for each of those laboratories is provided. It may be clearly seen that that is a compromise between the House and the Senate provisions. I think we cannot overestimate the value of new laboratories for the purpose of finding new uses for the various commodities. So the conferees made very substantial provision of that sort for the benefit of the farmers of the country.

The life of the Federal Surplus Commodities Corporation has been extended by the conference report to June 30, 1942. A previous act had extended it until June 30, 1939, as I recall.

There are contained in the conference report consumer safeguards, and throughout the entire bill there are provisions under which the Department, in administering the act, must provide for an ample supply of the commodities covered by the bill for the use of consumers. There will be found a definition of what is called the "reserve supply level"; there is a definition of normal supply and a definition of marketing quotas. Not only does the bill, as agreed to by the conferees, provide for a normal supply of the commodities affected but it provides that the Secretary, in making a national allotment of acreage, shall consider a reserve supply which is considerably higher than the point at which there will be a normal supply. All that, together with the specific provision in the conference report, looks toward insuring to the consumers an ample supply of all these commodities.

So it cannot be fairly stated that this is a bill operating on a philosophy of scarcity. Provision is made for an ample supply to the consumers of America of all the commodities affected and an ample supply to cover exports to other countries.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. POPE. I stated in the beginning, I will say to the Senator from New York, that I preferred not to yield until I had finished my statement.

Mr. COPELAND. Very well.

Mr. POPE. There are contained in the bill provisions for loans on the various commodities. Similar provisions were contained in both the House and the Senate bills. The conference report provides that loans shall be made on all commodities, including dairy products. As to cotton, corn, and wheat, however, special provisions are made for loans. Such loans are in some respects mandatory.

As to corn and wheat, whenever the price goes below 52 percent of parity, loans are mandatory from 52 percent of parity to 75 percent, depending upon the discretion of the loan corporation and the Secretary of Agriculture; but a loan is mandatory under the bill in its present form at any point above 52 percent of parity when the price goes below that figure.

Now, with reference to corn, I should like to call the attention of those who are particularly interested in that commodity to the fact that there is a provision for loans that is mandatory. It will be recalled that in the Senate bill under schedule A the range of mandatory loans was 52 percent to 85 percent, depending upon the total supply of the commodity. In the conference report a similar provision is contained. For instance, when the price reaches 75 percent of parity a loan of 75 percent of parity is required to be made. If the total supply is between 100 percent—100 percent representing domestic consumption and exports—and 10 percent above, a loan of 70 percent is provided, and so on down to 52 percent, depending upon the total supply. Since the price of corn can be regulated by loans, as there is not any considerable export market for corn, it can readily be seen that the price can be maintained by loans. The loan feature, therefore, is of very great value to the corn growers of the United States.

One other provision contained in both bills was a recognition of parity payments. Senators are now entirely familiar with the parity concept. The parity price represents the price which would be comparable to the price of industrial products. So the concept of parity price is maintained in the bill.

I may say here that the House approach to that matter was followed in the conference report. In the House bill there was a provision that all the funds appropriated for soil conservation would be used under this bill for carrying out the soil-conservation program; but in the Senate bill there was a provision that 55 percent of the soil-conservation payments would be transferred to a fund for making parity payments on corn, wheat, and cotton. That feature of the Senate bill has been eliminated and the funds that will be appropriated, therefore, for soil conservation, whether they be $300,000,000, $440,000,000, or $500,000,000, will be used in the soil-conservation program. If any payments are made on parity they must come from additional revenue and additional appropriations for that purpose. It has been made perfectly clear in the conference report that parity payments will be made if and when new appropriations are made for that specific purpose, and the conferees carried in mind at all times the necessity for raising additional funds to make such parity payments.

There is no promise made in the bill; there is nothing in it to mislead the farmers or anybody else into believing that they are going to receive parity payments unless additional funds are raised and appropriations are made for that purpose.

There is also contained in the conference report the crop-insurance bill as to wheat which was once passed by the Senate as an independent bill, and which was made an amendment to the Senate bill and went to conference. I think the Senate may be interested to know that for the first year's operations of the crop-insurance program the unexpended funds in the 1938 soil-conservation program will be used. It was found that there would be enough funds left this year to pay $6,000,000 expenses, and lay aside the $20,000,000 reserve which was the amount provided in the bill; so that the funds for carrying on crop insurance—which, by the way, will begin in 1939—have been provided without using any of the funds of the Soil Conservation Act and without the necessity of raising additional revenue.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. POPE. I am sorry, but I asked not to be interrupted until I finish my statement. Then I shall be glad to yield.

The reason why the crop-insurance program was not applied to 1938 is that winter wheat is now in, and it would hardly be practicable to begin now with such a program; but it can apply to the fall crop of wheat as well as the crop next spring and following years.

The provision for a referendum before a marketing quota can be established is carried in the conference report as it was in both the House and the Senate bills.

Those features I have mentioned first in connection with the conference report, for the reason that there was very little difference of opinion about them. Neither the conferees nor the Members of the House or Senate have raised much question about those matters. So I say these good features of both the House bill and the Senate bill have been carried into the conference report.

The main points of difference that had to be reconciled by the conferees were these:

The Senate bill provided for adjustment contracts as to corn and wheat, but not with reference to the other commodities. The House bill had no adjustment contracts at all.

So in the conference report adjustment contracts were eliminated, and the soil-conservation program will be carried on under this bill, as in the past, upon offers and acceptances or compliance by the cooperators; and no contracts are provided for with reference to making parity payments.

The ever-normal-granary provisions of the Senate bill were eliminated. I should say that they were eliminated in connection with the use of the term "ever-normal granary."

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. POPE. I prefer to finish before yielding.

Mr. WHEELER. I want to ask just one question.

Mr. POPE. I prefer to finish first. Then I shall be glad to yield.

Mr. WHEELER. Very well.

Mr. POPE. In the first place, the term "ever-normal granary" was not appropriate for the storage of quantities of cotton, tobacco, and products other than grains. There are elements of the ever-normal granary, however, in the bill. There is provision for loans which will require storage and provision for storage of commodities under marketing quotas; and in that respect quantities of these commodities will be stored for release into the market at the appropriate time. With reference to the crop-insurance program, there is a distinct ever-normal-granary feature in connection with that, because the Senate will remember that premiums are to be paid in wheat, and the commodity will be stored, and the indemnities will be paid from the storage. Therefore, there is a distinct element of an ever-normal granary in connection with the crop-insurance program. It will be found upon examination, however, that the term "ever-normal granary" and its definition in the original Senate bill have been eliminated.

With reference to the most difficult problem with which the conference had to deal—namely, the so-called Boileau and McNary amendments—in the first place, the conference voted that these provisions were in conference. I have realized since the question first arose that neither the McNary nor the Boileau amendments accomplished the purpose which the dairymen desired. Under those amendments, even though a farmer might reduce the number of his dairy cows, still, if they fed upon the diverted acres and any of the products were sold, the farmer would lose his payments. In other words, in a given county—the county in which the Senator from Montana [Mr. WHEELER] lives, for example—if every man who raised dairy cattle had reduced them by half, and still that half had fed on the diverted acres, and any of the products were sold, the farmer would lose his payments. It cannot be that the dairymen of the country desired any such result as that. What they wanted was to prevent an increase in dairy herds on account of this act. So we set about to give the dairymen what they wanted; and we succeeded in doing that, I think, by permitting the cooperator to have on his farm the ordinary or normal number of dairy cattle; and so long as he retained that normal number and pursued his farming operations in his usual and ordinary way, he would not lose his soil-conservation payments, because that would mean that there were no increases which would interfere with the interests of those who were in the commercial dairy business.

I know that was the purpose of the dairy people. One after another of them told me so. The representatives of the dairy interests in Washington told me so. Therefore, we set about by language to do the thing they wanted to do, without regimenting every little farmer in America. I wonder if the Senators realize that one-third of all those who have cooperated in the soil-conservation program get less than $20 payments in a year, and another third get between $20 and $50 payments in a year. The average soil-conservation payment is about $100.

In other words, those who receive under $200 amount to something like 90 percent of all those concerned. It is an important matter to all the little farmers who have one cow, or two cows, or a few chickens, or who have one milk cow and raise a calf which is sold on the market. Under the original amendment, every one of them would lose his payments if he sold a dozen eggs or a pound of butter. Therefore, as has frequently been said, it was a provision which regimented the farmer to an extreme extent; so far that I would not lend my own support to any such provision as that.

In conference with the dairymen themselves, with their representatives in Washington, I had them give me a statement of what would satisfy them in the conference report. I hold in my hand a draft of the amendment which they submitted to me during the meeting of the conference committee; and I say to you, Senators, that the provisions contained in this amendment submitted to me by them are carried in the conference report.

For instance, let me read to you one of the amendments they proposed. It was this:

> *Provided, however,* That so long as the farmer maintains a normal amount of livestock and poultry and a normal production of poultry and livestock products, and so long as the number of livestock and poultry and the production of livestock and poultry products are maintained at normal in the county in which the farmer resides, the above limitation shall not apply.

In other words, in their own amendment they suggested, and in conversations suggested to me, that all they wanted to do was to prevent increases in the supply of products that were raised by the farmer on his farm.

The language in the conference report is almost identical with this. One other provision in the draft which was given to me by the dairyman was that the Secretary be authorized to suspend this program when a national emergency exists. If there were a drought or a great flood or any other such emergency, the Secretary could suspend the program under this suggestion. That is contained in the draft handed to me by the dairymen themselves, and is carried in the conference report.

Another provision contained in the draft given to me by the representatives of the dairymen is as follows:

> The Comptroller General is authorized and directed to accept as satisfactory compliance with this section the certificate of the Secretary of Agriculture that the county committee in the county in which the farm is located has certified that the farmer has substantially complied with the provisions of this section.

That brings in the idea of a certificate of substantial compliance.

Mr. COPELAND. I suggest that the Senator read the language in the conference report.

Mr. POPE. I shall be glad to read the language in the conference report on that point, without reading the entire amendment, because the conference report carries the language of the original Boileau-McNary amendment in large part. In the conference report we find this on the point which I have just raised:

> Any payment made under subsection (b) with respect to any farm (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be used for grazing purposes only) shall, if the number of cows kept on such farm, and in the county in which such farm is located, for the production of milk or products thereof (for market), exceeds the normal number of such cows, be further conditioned—

And so forth. It is the same conception and in almost the same language as contained in the draft submitted to me by the dairymen, and they told me that would be satisfactory to them.

Proceeding, we find this provision in the conference report:

> Whenever it is determined that a county as a whole is in substantial compliance with the provisions of this paragraph, no payment shall be denied any individual farmer in the county by reason of this paragraph.

In other words, if the county as a whole has not increased its number of dairy cattle, then it will not be necessary to check up on any farmers at all in the county. One may have a few more cows than he had the year before, or a few less, and the officials will not bother him; they will not interfere with him.

> And no payment shall be denied a farmer by reason of this paragraph unless it has been determined that the farmer has not substantially complied with the provisions of this paragraph.

In other words, it is now workable and it now accomplishes the purpose intended by the dairymen. Let us assume that

there is a substantial number of dairy cattle in a county, more than before. Then it will be necessary for the county committee to find out what farmers in the county are responsible for the increase and refuse to certify to the Secretary of Agriculture for payment the farms upon which those people are located. Therefore there is ample protection.

Let me say to Senators that the conference committee acted in the utmost good faith toward the dairymen, and gave them exactly what they intended, I think, in the first instance. In fact, I think I am breaking no confidence in saying that the representatives of the dairymen said that if they had had the opportunity to prepare the original amendment they would have had in it the provisions which are now contained in the conference report.

In the light of this, it seems strange to me to find a point of order being raised in an effort to get back into this conference report in some way that original vicious provision to be applied to every little farmer in the United States, whether he increased his dairy cows or not. I say to those Senators who are interested in dairying, not one of them is more interested than I. Dairying is one of the major industries in my section, and, so far as I am able, I will not permit that industry to be injured, but I am not willing to have every little farmer throughout my State and every other State, even though he may reduce his herds, regimented under an amendment which is designed to prevent an increase in the number of dairy cattle and the amount of dairy products produced on the farm.

This provision accomplishes the purpose; and those dairymen who will examine it will say to Senators as they have said to me, "It accomplishes the purpose. It is what we want."

As the McNary-Boileau amendment was adopted it applied not only to dairy herds and livestock and poultry, but maybe to grasshoppers as well. It was stated by a very eminent writer—and I think he had good reason for it, too—that if a grasshopper fed on the diverted acres, flew over the fence into a chicken coop, and a chicken ate the grasshopper and laid an egg and the egg was sold, the farmer would lose the payment. I say there is a good deal of reason for that statement, because it is provided in the original Boileau-McNary amendment that the feeding in any form of anything raised on these diverted acres to livestock and poultry would cause the farmer to be denied the payment. Mr. Mark Sullivan was not so far wrong when he gave the bill that interpretation. At any rate, the conference committee got sick and tired of grasshoppers and poultry in connection with the amendment, and the first thing they did was to throw livestock, poultry, and grasshoppers out of the amendment.

Then it was decided that livestock should be protected, insofar as that could be done. The records show conclusively that these diversion programs have not interfered with the livestock or dairy or poultry interests. In the next place, during our hearings throughout the country I asked dairymen, livestock men, and poultrymen whether they had ever been injured by those provisions, and no one said he had been injured. Some of them said they were afraid they might be. That is all in the world that caused this amendment to be offered—somebody was afraid he might in the future be injured—but not one person ever said he was injured.

With reference to livestock men, this provision was inserted for their protection. I think it affords a reasonable protection if the livestock grower ever needs any protection in that respect. This is the provision:

> Whenever the Secretary has reason to believe the income of producers of livestock (other than dairy cattle) or poultry in any area from such sources is being adversely affected by increases in the supply for market of such livestock or poultry, as the case may be, arising as a result of programs carried out under this act, he shall make an investigation with respect to the existence of such facts. If, upon investigation, the Secretary finds that the income of producers of such livestock or poultry, as the case may be, in any area from any such source is being adversely affected by such increases he shall, as soon as practicable, make such provisions in the administration of this act with respect to the use of diverted acres as he may find necessary to protect the interests of producers of such livestock or poultry in the affected area.

No one has pointed out on this floor, and I think no one will, that such a provision would not serve the purpose of remedying any situation which might arise by reason of the use of these diverted acres. In my opinion it will do so. Therefore, interested as I am in livestock, in my State, and in the entire West, I believe that if any protection is needed this provision will afford that protection. Senators will note also that we finally did get poultry back into the picture in this provision.

The conference committee worked honestly and hard. We tried to consider every problem presented to us from a practical standpoint. There was the question of including livestock in the normal provision under which dairying belongs. The fact is that it is almost impossible to determine the normal number of livestock, because of feeding conditions in the West. A man may feed no livestock this year, and may feed two or three hundred next year; he may feed 2-year-olds this year, and 4-year-olds next year. So far as poultry is concerned, it seems almost ridiculous to attempt year after year to check up on the number kept by the average farmer. Therefore we applied the general provision to livestock and to poultry.

I have discussed this amendment at some length because I wanted those Senators who do me the honor to remain here and listen to know that we have treated the dairy interest, and the livestock interest and, I believe, the poultry interest, fairly in this bill. As I see it, there can be no reason for complaint on the part of any of them.

Another disputed or controversial point in connection with this bill was the matter of graduated soil conservation payments. It will be recalled that in the House, provision was made for graduating payments. All who received $1,000 and more were cut 25 percent under the House bill, and the limit was $7,500. The Senate bill provided for even more severe cuts on those who received the larger payments. Ninety-five percent was cut on all those receiving over $2,500.

The fact of the matter is that the cuts in those large amounts would not produce a great deal of money which would apply to those receiving the smaller payments. So a plan was worked out which I think it entirely fair and will accomplish the purpose intended, of increasing the payments of those receiving the smaller amounts.

Approximately 10 percent of the entire fund would be set aside to make payments to those receiving less than $200. The figure of $200 was fixed because that would include those on the so-called family-sized farms. Those living on the smaller size farms will receive substantial increases in the amount of their payments. Assuming that $500,000,000 would be appropriated for this purpose, 10 percent of that amount would be $50,000,000, which would be used in increasing the payments of those who receive the smaller amounts. For instance, on all payments of $20 or less, an increase of 40 percent in the payments is provided in the conference report.

So that matter was settled in that manner, and we feel it is a fair and effective way to accomplish the purpose intended by both Houses.

There is considerable difference between the two bills as to the point at which marketing quotas would go into effect. Under the House bill the marketing quota on wheat would go into effect when the production of 1,050,000,000 bushels is reached. Under the Senate bill it would go into effect with the production of 847,000,000 bushels. The compromise was reached at 945,000,000 bushels.

With reference to corn, the House bill provided that there would be a marketing quota when the total supply was 2,859,000,000 bushels. Under the Senate bill it was provided that when the total supply was 2,555,000,000 bushels a marketing quota would have to go into effect, or at any rate to be submitted to the people for a vote. Under the compromise agreement 2,795,000,000 bushels was agreed upon.

As to cotton, under the House bill there was a provision that there must be a total supply of 20,900,000 bales before a marketing quota could go into effect. Under the Senate bill 17,550,000 bales would invite the marketing quota. The compromise is 19,500,000 bales.

In tobacco and rice both the House and Senate provisions were substantially the same.

An interesting thing was done with reference to penalties. There was considerable opposition to the bill on account of the penalties, both in the House and in the Senate. Under the Senate bill as to wheat the penalty was 25 percent of parity, or about 30 cents per bushel. Under the House bill the penalty was 15 cents a bushel. The conference committee adopted the House provision for 15 cents a bushel.

As to corn, the House bill contained a penalty of 15 cents a bushel. Under the Senate bill it was 25 percent of parity, which would be about 21 cents a bushel. The conference agreed on 15 cents per bushel.

As to cotton, under the House bill there was a penalty of 2 cents a pound for marketing in excess of the quota. Under the Senate bill the penalty was 75 percent of the purchase price, or about 6 cents a pound. The compromise was 2 cents a pound for 1938 and 3 cents a pound thereafter.

One-half cent a pound was the penalty as to rice contained in the Senate bill, and a quarter of a cent in the House bill. The conference committee adopted the House provision of one-quarter cent a pound on rice.

The report contains numerous minor changes to reconcile the provisions of the two measures. With reference to the assignment of the benefit payments there was considerable discussion. Finally it was agreed that assignments might be made without discount and for the purpose of obtaining advances to make and harvest crops. But assignments could not be made to apply on preexisting indebtedness.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER (Mr. McGILL in the chair). Does the Senator from Idaho yield to the Senator from Georgia?

Mr. POPE. I yield.

Mr. GEORGE. Is the Senator referring to assignments of benefit payments under the Soil Conservation Act?

Mr. POPE. Yes. With reference to administrative expenses, there was some discussion, but the Senate provision with reference to limiting those expenses was adopted. One percent would cover the expenses for the District of Columbia. Two percent of the fund could be used for expenses within the States. The county committee expenses would be paid by the county committees themselves, within the provisions and limitations contained in the Senate bill.

With reference to type 41 tobacco, an agreement was finally made that it would remain in the bill, but there would be no marketing quotas for the first 2 years, 1938 and 1939.

I have attempted to cover those points about which there has been interest and discussion. I think it will be unnecessary to go into the many minor changes that were made to reconcile the different provisions of the bill.

The conference committee worked long and earnestly, never forgetting for a moment that it was the welfare of all the farmers that they were seeking to promote as well as the weal of the consumers in the country. They never forgot that the farmer feeds and clothes the world, that on his shoulders ride the millions of people who do not produce the raw materials necessary to human life. The committee never forgot that industry receives billions of dollars every year as beneficiaries of the protective tariff and the consumers pay the bill. It has been estimated that these tariff benefits amount to from four billion to seven billion dollars a year. For that reason the prices of farm products have been losing their purchasing power year after year. Every political party has been promising the farmers equality with industry during every campaign for 50 years. It is about time that these promises be fulfilled. The Congress of the United States will never have performed its duty until these pledges are kept.

During the debate on this bill it has been said that the country cannot afford to raise $200,000,000 or $300,000,000 more to place agriculture on an equality with industry by paying parity prices for the farmers' commodities, yet the people of this country go on year after year under the tariff laws passed by Congress paying billions of dollars to the powerful industrialists of the country.

Some of us will continue our efforts to see that Congress redeems its pledge to the farmers to place them on a basis of equality with industry in our economic system.

Mr. BONE. Mr. President, will the Senator yield?

Mr. POPE. I yield.

Mr. BONE. During the consideration of the pending bill by the Senate and House conferees, was any consideration given the so-called cost-production theory advanced in the substitute offered by the Senator from California [Mr. McADOO]? I may say to the Senator that I voted for that measure, and I believe in that principle, and am sorry that the measure was not adopted.

Mr. POPE. I will say to the Senator that some discussion was had among the conferees about it, but since it had been voted down in the Senate, and had not been placed before the House, we felt that we had no jurisdiction to consider the matter. We did not have in mind at the time the broad rule invoked today as to the powers of conferees, and therefore we felt that we were bound to follow generally the provisions of the House and Senate bills.

Mr. BONE. In view of the fact that the conferees rewrote the entire bill, I assumed that they felt that they had all the latitude they needed. They brought back an entirely new bill.

Mr. POPE. I will say to the Senator from Washington that the language is very largely rewritten, but many of the provisions of the House bill and Senate bill even in language are identical. An entirely new bill was not written in the sense that everything else was thrown out of the window and a new bill was written. We did try to keep within the bounds of the two bills.

I now yield the floor.

Mr. HATCH. Mr. President, I desire to place in the RECORD at this time the latest table which has been furnished me by the Department of Agriculture, concerning the allotments to the various States under the provisions of the bill as it relates to cotton. I ask that this table may be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Estimated State acreage allotment based on H. R. 8505, Feb. 5, 1938 [1]

State	Apportionment of the 10,000,000-bale marketing quota (1,000 bales)	State acreage allotment (1,000 acres)	60 percent of 1937 planted plus 60 percent of 1937 diverted acres (1,000 acres)	Excess of column 3 over column 2 on a county basis [2]		Revised State acreage allotment—column 4 plus column 6 (1,000 acres)
				Number of counties	1,000 acres	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Alabama	929.8	1,908.9	2,059.6	3	0.3	2,059.9
Arkansas	910.4	2,046.1	2,283.6	14	4.8	2,288.4
Florida	23.8	72.0	72.7	19	1.5	74.2
Georgia	910.2	1,836.9	2,005.5	7	.4	2,005.9
Louisiana	524.8	1,076.0	1,168.1	9	1.0	1,169.1
Mississippi	1,248.1	2,296.0	2,528.6	0	0	2,528.6
Oklahoma	526.4	2,148.9	2,025.7	58	149.4	2,175.1
South Carolina	628.9	1,130.9	1,255.6	1	.1	1,255.7
Texas	2,772.6	9,011.5	9,573.7	89	163.6	9,737.3
Kentucky	9.3	15.5	18.1	0	0	18.1
North Carolina	517.1	807.1	886.3	1	.4	886.7
Tennessee	352.5	666.3	749.0	0	0	749.0
Virginia	26.7	44.7	49.2	8	.4	49.6
Illinois	1.4	2.6	2.9	0	0	2.9
Missouri	195.5	284.9	357.0	4	.1	357.1
Arizona	104.7	110.2	186.6	0	0	186.6
California	240.0	211.2	385.0	0	0	385.0
Kansas	.2	.9	.7	4	.2	.9
New Mexico	77.6	82.8	97.5	4	.2	97.7
United States	10,000.0	23,753.4	25,705.4	221	322.4	26,027.8

[1] This tentative apportionment is based on the conference draft of H. R. 8505 as interpreted by the southern division of the Agricultural Adjustment Administration. The data contained herein are preliminary and are subject to change. Minor errors may exist in these data for some States. Both State and National totals are, therefore, subject to change.

[2] The amounts, by States, by which 60 percent of the sum of the 1937 planted, plus diverted, acreage for each county exceeds such county's share of the State acreage allotment is shown in column (6). No part of the reserve for new growers provided for in sec. 344, subsec. c (1), was withheld.

Mr. HATCH. I desire to call attention to one other point, because I was asked about it this morning by the Senator from Oklahoma [Mr. THOMAS]. A table was placed in the RECORD the other day showing that under the Senate bill the State of Oklahoma would have been allotted 2,696,000 acres, while under the bill as reported by the conferees that State would be allotted 2,175,100 acres; in other words, Oklahoma would sustain a loss of 520,900 acres.

The tables which I have received do not indicate that statement to be correct. In fact, they indicate that the figures cited are entirely erroneous, and that under none of the bills would the State of Oklahoma receive an allotment of 2,696,000 acres. As a matter of fact, the figure of 2,696,000 acres exceeds the total acreage planted to cotton in the State of Oklahoma in the year 1937. The difference is that under the bill as it passed the Senate the State of Oklahoma would have had an allotment of 1,987,500 acres, while under the bill as reported by the conferees and now pending the allotment is 2,175,100 acres, thus giving to the State of Oklahoma 187,600 acres more than would have been allotted to it by the Senate bill.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Georgia?

Mr. HATCH. I yield.

Mr. GEORGE. Can the Senator from New Mexico tell me the acreage allotted to the State of Georgia according to the table he has presented? Perhaps the Senator can assist me. Is the table I have in my hand the same table?

Mr. HATCH. It is the same table.

Mr. GEORGE. That is the last table?

Mr. HATCH. It is the last table.

Mr. GEORGE. Of course, it is not absolutely final.

Mr. HATCH. No; it is only tentative.

Mr. VANDENBERG. Mr. President, I should like to offer just a few observations in connection with the pending conference report, particularly in view of the remarks of other Senators.

I listened to the distinguished chairman of the Agricultural Committee, the eminent Senator from South Carolina [Mr. SMITH], yesterday afternoon in a so-called defense of the conference report. It seemed to me that everything he said could be boiled down to one simple argument, namely, that any farm bill is better than no farm bill. That philosophy seems to me to be suicidal. All change is not for the better, just because it is a change. There still remain a few fundamental truths which it is dangerous to ignore. All innovation is not progress. We are entirely surrounded by proof of this reality today. Another fatal demonstration should not be necessary.

My feeling about this bill is that from the standpoint of intelligible legislation it is the most completely conglomerate mess of involved language which was ever perpetrated upon a heretofore free people. It is so incomprehensible to the lay mind, and so devious in its calculations and commitments, that not five Senators upon this floor—and that estimate is liberal—would dare to undertake to stand an authentic examination upon its terms. Yet it is full of new crimes, offenses, and penalties to which its victimized beneficiaries may be subjected if they run afoul of its mandates, which few of us in the Congress of the United States even pretend to understand.

Indeed, at one point it is provided that any farmer who fails to produce such "books, papers, records, accounts, correspondence, contracts, documents, and memoranda" as the imperial Secretary of Agriculture may require in working out his agricultural logarithms may be fined $500. Of course, if the farmer lacks the $500, he may be jailed.

In other words, having produced a legislative jigsaw puzzle, it is proposed to let the Secretary further complicate the contemplation, and the compulsory restriction of crops will be matched by the compulsory multiplication of agricultural headaches.

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New Mexico?

Mr. VANDENBERG. I yield.

Mr. HATCH. I thought the Senator was reading from the bill. To what page is he referring?

Mr. VANDENBERG. I have not the page at the moment. I shall be glad to find it for the Senator.

While the cultivation of wheat, corn, cotton, rice, and tobacco goes down, the cultivation of books, papers, records, accounts, correspondence, contracts, documents, and memoranda goes up; and, of course, the countryside swarms with a new army of officious pay-roll bureaucrats, first to interpret, then to administer, and finally to police the most gigantic regimentation ever attempted outside of Russia.

That much of the bill I can understand. But how it is to be interpreted, how it is to be administered, or how it is to be policed remain effectually concealed in 60,000 bewildering words. How the bill for all this is to be paid, or how big the bill will ultimately become, is an inconsequential incidental which I suppose is beneath the consideration of those who are engrossed in the larger problem of how to distribute other people's money.

With great respect for the earnestness with which our conferees have wrestled with their impossible problem, I am unable to believe that legislative folly has ever claimed a greater conquest, or that any other legislative proposal was ever more definitely destined to plague first its intended beneficiaries and then its authors.

Perhaps I am not entitled to express an expert opinion regarding the technique of farm relief. If that be so, I rely for corroboration upon the viewpoint of a farming group which has unimpeachable credentials. I refer to the National Grange.

The verdict of the National Grange on this bill in its new form is little less than shocking. It is almost unbelievable to me that the Senate will consent to a farm bill—presumably for the benefit of farmers—which is condemned by the farmers themselves, speaking through America's oldest farm organization, in the most condemnatory terms I have ever noted in a communication from a farm organization.

I propose to read the statement of the National Grange. It is addressed to the Members of the Senate:

> Our contacts convince us that the overwhelming majority of Grange members throughout the country view with deep disapproval the compulsory features of the new farm bill. Under this legislation, as we see it, the farmer is asked to sell his birthright for a mess of Federal pottage that he does not even get.

That is not a sentiment of mine, although I heartily endorse it. It is the deliberate judgment of the oldest farm organization in the United States, an organization whose judgment upon a problem of this character must be received with respect and consideration. Indeed, the oldest and certainly one of the finest and most representative farm organizations in America asserts as its deliberate conclusion that the pending conundrum, which is called a conference report, asks the farmer "to sell his birthright for a mess of Federal pottage that he does not even get."

I continue to read from the statement of the National Grange, addressed to the Members of the Senate:

> No emergency, however great, could justify Congress in passing the bill in its present form.

There is the answer, on the authority of the Grange, to the suggestion that any farm bill is better than no farm bill, which is the sum total of the argument submitted by the able Senator from South Carolina [Mr. SMITH].

I repeat the statement of the National Grange:

> No emergency, however great, could justify Congress in passing the bill in its present form.

I read further from the statement of the National Grange:

> It would be playing the shabbiest kind of a trick on the farmer—

"The shabbiest kind of a trick!" That is not my phrase, but the phrase of the National Grange.

> It would be playing the shabbiest kind of a trick on the farmer if Congress, under the guise of doing something to help in the solution of his problems, should bind him hand and foot and deprive him of his fundamental and constitutional rights.

It is all very well to talk about the provisions in the bill which pretend to provide some sort of synthetic referendum

under which the growers of a given crop have an opportunity theoretically to express themselves, as being in accord with representative institutions, in spite of the fact that only a percentage of those actually participating in the referendum are to be considered in striking the sum total of the referendum. In other words, even if only 1 percent of the farmers of a given crop should vote, two-thirds of that 1 percent could control the destiny of the other 99 percent. No wonder the Grange says—and again I repeat—

Under the guise of doing something to help in the solution of his (the farmer's) problems, Congress should not bind him hand and foot and deprive him of his fundamental and constitutional rights.

Let me continue with the letter from the Grange:

No fair-minded and intelligent person can deny that this proposed legislation is in flat contradiction of all our proclaimed principles and ideals and that its enactment would—

What?—

would lay the basis of a degrading system of peonage for the farmers of the country.

If I were to say that upon my own responsibility it would be attributed to prejudice; but I am quoting the oldest American farm organization in existence, and one whose judgment must be given respectful attention. Its verdict upon this amazing conference report, which not five men upon the floor of the Senate would assume authentically to explain, is:

No fair-minded and intelligent person can deny that this proposed legislation is in flat contradiction of all our proclaimed principles and ideals and that its enactment would lay the basis of a degrading system of peonage for the farmers of the country.

Now let me read further from the Grange:

It is true that certain provisions of the bill that have no connection with the attempt to control the production or marketing of farm products are good and meet with our approval. But the objectionable provisions of this measure far outweigh the good.

There is the appraisal of the bill on the authority of those who certainly ought to know whereof they speak when they deal with the farm problem. This bill is supposed to have been written in response to the wishes of the farmers themselves. Well, here is a very respectable group of farmers whose wishes certainly not only do not find themselves in harmony with this measure, but whose wishes are violated and whose fundamental right and equity are utterly ignored.

I read further:

If this legislation is to be enacted it should first be stripped of its compulsory features. It should be redrafted or amended in conformity with—

In conformity with what? This is the Grange speaking—in conformity with what?—

with American principles and traditions.

I continue to read:

If the parliamentary situation is such that the bill cannot be amended, it should be killed outright and one that would really do the farmers some good should be written and passed at this session of Congress.

The statement is signed by the National Grange and authenticated by Mr. Fred Brenckman, its Washington representative.

Mr. BARKLEY. Mr. President, will the Senator inform us of the date of that communication?

Mr. VANDENBERG. It is dated February 9, 1938—recent, imminent, and applying specifically and directly to the thing that is now at the bar of the Senate.

Mr. President, I happen to agree with the attitude of the Grange that this is simply a system of delegated tyranny, and, in my humble judgment, the farmer himself little knows the extent to which it may go, as, in my judgment, the authors of the bill little know the extent to which it may go, because the language of the bill itself is so inscrutable that only a crystal gazer would be able to understand where it may lead. It will go to an extent, I repeat, in delegated tyranny which within 12 months will bring an overwhelming protest from those for whom it is presumably intended.

Mr. President, I have another very interesting letter from Mr. Louis B. Ward, of Detroit, Mich. Mr. Ward happens to be something of an economic philosopher. He is well known, I think, in many Senate committees, before which he has testified on many occasions. He deals with this subject from another angle. His letter is brief and I propose to read it. I think every Senator has received a copy. This copy happens to be addressed to me and is dated February 8, 1938.

Now comes from "conference" the agricultural bill.

Behind the bill is the false teaching that scarcity is the parent of prosperity. In other words, the less cotton and wheat and corn, the richer we will be.

Against that false principle lies the great economic truth that is revealed in Genesis. It is the story of the Creator giving His creatures abundance.

Yet, aside even from the principle involved, the bill is a damnable distortion of the plain facts of economic history. You and I know that no single generation of men throughout recorded time ever suffered from abundance. On the contrary, throughout recorded history men have labored, in the sweat of the face, to wring from a resisting Nature enough for food and clothing and shelter.

In our brief lifetime, think how many millions have actually starved to death. It is idle sophistry to pronounce pious platitudes over the sacredness of human life and then ruthlessly curtail plant life while one child is hungry or naked in any part of the world.

Not only is the philosophic principle behind the agricultural bill false, not only does this bill ignore economic history and current world conditions, but it is grossly short-sighted from the national viewpoint.

Who is there that does not know that every bale of cotton or bushel of wheat denied American production will not have its equivalent bale of cotton or bushel of wheat, of lesser quality of course, grown abroad? The price of these commodities is the price fixed by the lowest production costs throughout the world. Under the bill we forsake the opportunity to produce abundantly the high-quality products of America. Foreign nations will quickly produce volume equivalents, but of quality which will still further reduce the world price.

Finally, the bill cannot be conceived as merely an agricultural bill. The economic interpretation of a bale of cotton or a bushel of wheat is not confined to agriculture. It affects the labor that transports the crop to the gin or grain elevator. It intrudes itself in transportation, warehousing, financing, handling, insurance, marketing, distribution, processing, jobbing, wholesaling, and retailing.

Curtailing production 20 percent may seem like solving a surplus problem. Actually such curtailment is merely increasing the labor problem, the railroad problem, and every other economic problem facing America today.

The Pilgrim Fathers were made richer by planting more hills of corn; the Virginian by planting more acres of tobacco. In decent memory to those who built the Nation by developing its natural resources, don't tell a Governor Winthrop of colonial Massachusetts to plant less hills of corn. Even Chief Samoset would laugh. Don't tell George Washington that a surplus causes poverty. His men were starved at Valley Forge through scarcity, not abundance.

I believe the agricultural bill is wrong in principle. I believe this bill would bring disaster to the farmer, if not to the entire country. I believe that Congress is able to draft much better legislation.

Then, with a personal observation, there follows the signature of Mr. Ward.

Mr. President, in these brief exhibits, I have indicated to the Senate why I believe this present contemplation to be completely insufferable. Perhaps if I could understand all the devious sections of the bill I might be more enthusiastic about it, but I really find that difficult beyond any possibility of answer when I read some of the amazingly complex sections of it. I wish to put one example in the RECORD.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield before doing that?

Mr. VANDENBERG. I yield.

Mr. SCHWELLENBACH. The Senator has read a very interesting letter from Mr. Ward in the conclusion of which he said that much better legislation could have been prepared by the Congress. I should like to inquire of the Senator from Idaho [Mr. Pope], or anyone else who was actively interested in this bill, whether Mr. Ward ever presented any suggestion as to better legislation?

Mr. VANDENBERG. It was not Mr. Ward's responsibility to present it; it is the responsibility of the Senate to create it, and the Senate had a chance to build upon a far sounder basis if it had built upon the substitute proposed by the distinguished junior Senator from California [Mr. McADOO].

Mr. SCHWELLENBACH. May I suggest, if the Senator will yield further, that, in my opinion, any individual who takes it upon himself to write a letter such as Mr. Ward has written to Members of the Senate does have some responsibility. There are too many people in this country today who are not at any time presenting any constructive suggestions but who are standing off to one side and criticizing everything that is attempted to be done. I think that such people do have a responsibility, and that responsibility not only rests with Mr. Ward but it rests with the members of the opposition party, who, for the last 5 years, have done nothing but criticize and have never presented any constructive suggestions.

Mr. VANDENBERG. The Senator may lay that unction to his soul; but it is his responsibility to pass upon this conference report, and he cannot sublet that responsibility to another living soul on earth, and neither can I.

Mr. POPE. Mr. President——

Mr. VANDENBERG. I yield to the Senator from Idaho.

Mr. POPE. I did not quite understand the Senator's reference in the first part of his speech to the farmer who would be penalized $500 for not producing books and records. Will the Senator make clear to me what his statement was with respect to that matter?

Mr. VANDENBERG. Has the Senator the section of the bill in hand? He wrote the bill. He ought to know where it is.

Mr. POPE. I have a section of the bill, but it has nothing to do with the farmer. It applies to the processor, the railroads, and the warehousemen; and I wondered what the Senator referred to when he made his original reference in his speech.

Mr. VANDENBERG. I referred precisely to what the Senator is referring to. It applies to warehousemen, processors, and common carriers of all these various products—all persons engaged in the business of purchasing these products, "and all persons engaged in the business of redrying, prizing, or stemming tobacco for producers." A paraphrasing section with a lesser penalty runs all through the bill in respect to records.

Mr. POPE. Then the only reference the Senator made to farmers was that contained in this section, which, as I interpret it, does not apply to farmers generally at all. It applies to warehousemen, common carriers, and purchasers of these commodities.

Mr. VANDENBERG. And all others who are embraced within the language I have read.

Mr. POPE. None of whom are farmers.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. VANDENBERG. Yes, Mr. President; I yield to the Senator from Wyoming.

Mr. O'MAHONEY. I am rather amazed at the statement of the Senator from Idaho. Do I correctly understand that the Senator from Michigan quoted paragraph (b) of section 373 of the conference report?

Mr. VANDENBERG. I quoted paragraph (a).

Mr. O'MAHONEY. If the Senator will quote paragraph (b), which apparently has been overlooked by the Senator from Idaho, he will find a complete answer to the Senator from Idaho and a complete substantiation for the position of the Senator from Michigan that farmers will be required to make such reports.

Mr. VANDENBERG. I thank the Senator from Wyoming. I was just coming to some of the other penalties, which are scattered all the way through the bill.

Mr. POPE. Mr. President, will the Senator yield for a question?

Mr. VANDENBERG. I yield to the Senator from Idaho.

Mr. POPE. The Senator from Wyoming certainly does not contend that the $500 penalty referred to by the Senator from Michigan as being applicable to farmers is covered by subsection (b) on page 91?

Mr. O'MAHONEY. Oh, no; I do not say that. I do say that under this bill farmers are subjected to a very rigorous nature of regimentation; in other words, that under this bill farmers are subjected to exactly the sort of regimentation to which the Senator from Idaho objected when he was making his argument against the McNary amendment.

Let me read this provision, if the Senator from Michigan will permit me to do so.

Mr. VANDENBERG. Certainly.

Mr. O'MAHONEY. I read paragraph (b) of section 373:

> Farmers engaged in the production of corn, wheat, cotton, rice, or tobacco for market shall furnish such proof of their acreage, yield, storage, and marketing of the commodity in the form of records, marketing cards, reports, storage under seal, or otherwise as the Secretary may prescribe as necessary for the administration of this title.

Under this provision the Secretary has all the opportunity in the world to require every form and manner of report from every farmer in every State in which wheat or corn or cotton or tobacco or rice is grown.

Mr. POPE. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. POPE. Certainly the Secretary may require these records; but does the Senator from Wyoming contend for a single moment that there is any penalty on the farmer if he does not produce them?

Mr. O'MAHONEY. Why, no; of course the $500 penalty does not apply.

Mr. POPE. That was exactly the point I raised with the Senator from Michigan when the Senator from Wyoming interjected himself into the debate. It was that no penalty was placed upon the farmer for not furnishing the books and records. That is perfectly clear, and no one can dispute it.

Mr. VANDENBERG. Mr. President, when I was interrupted I was about to show, by one simple demonstration, the impossibility of understanding what it is this afternoon that the Senate is attempting to do, or to understand day after tomorrow what it is that the Secretary of Agriculture will be attempting to do, and most of all to understand the following week what it is that the farmer himself will confront. I shall take just one exhibit.

On page 134 of the comparative print, subsection (c) of the provision as to the domestic allotment of rice has finally been commendably reduced in language to the following sentence:

> The Secretary shall provide, through local and State committees of farmers, for the allotment of each State apportionment among persons producing rice in such State. The apportionment of the domestic allotment of rice among persons producing rice in each State shall be on the basis of the aggregate normal yields of the acreage allotments established with respect to such persons.

Mr. President, that condensation, according to the parallel in the comparative print, is the net result of subsection (d) in the old Senate print of the bill. So when we try to find out precisely what that means in terms of details, we must revert to subsection (d) of the Senate print.

Now I desire to read just one sentence. It will take quite a while, but it is just one sentence from subsection (d). There are 199 words in it, but this is the rule of allotment:

> Such allotment for subsequent years shall be made on the basis of the larger of (1) the average amount of rice produced by each producer during the 5-year period upon which State apportionments pursuant to subsection (c) are based for such year, or (2) the allotment made to such producer for the preceding year, with such adjustments as may be necessary in order that the allotment for each producer shall be fair and reasonable as compared with allotments established for other producers having similar conditions with respect to the following: Land, labor, and equipment available for the production of rice; crop-rotation practices, soil fertility, and other physical factors affecting the production of rice: *Provided,* That not exceeding 3 percent of the national apportionment shall be available for allotment among producers who, for the first time in 5 years, produce rice to be marketed in the marketing year next succeeding the marketing year in which such national apportionment is made, such allotments to be made upon such basis as the Secretary deems fair and just and will apply to all producers to whom an apportionment is made under this provision uniformly within the United States on the basis or classification adopted.

[Laughter.]

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. VANDENBERG. Yes; I yield.

Mr. SCHWELLENBACH. Will the Senator please pick up the comparative print?

Mr. VANDENBERG. It is a bit heavy.

Mr. SCHWELLENBACH. Well, I do not care. The Senator need not pick it up. He may get another one.

I ask the Senator to look at page 134.

Mr. VANDENBERG. Yes.

Mr. SCHWELLENBACH. The fact is that section (c), shown on the fourth line, is the exact language of section (d) of the House bill, taken word for word, precisely. So I ask the Senator from Michigan if it is not the fact that instead of section (c) of the conference report being a condensation of section (d) of the Senate bill, it was the acceptance by the Senate conferees of the language of the House bill, and there is no relationship between section (c) of the conference report and section (d) of the Senate bill; and the only reason why the Senator referred to section (d) of the Senate bill was that he wanted the opportunity to make a show here, and read this long section which the conferees abandoned.

Mr. VANDENBERG. Will the Senator explain to me what section (d) of the Senate bill means, so that I may find out whether it has any relation to section (c) of the conference print?

Mr. BARKLEY. Mr. President, if the Senator will yield at that point, what difference does it make, if it has been eliminated? [Laughter.]

Mr. VANDENBERG. It makes a great deal of difference, because section (c) now is so brief in respect to the philosophy of the apportionment which is to be followed that when I try to find out what is contemplated under (c) I am forced to go back to (d) for the rule of conduct.

Mr. SCHWELLENBACH. Mr. President, the Senator realized before he started that the language of section (c) of the conference report was precisely the language of section (d) of the House bill, did he not?

Mr. VANDENBERG. No; I did not, and it makes no difference.

Mr. SCHWELLENBACH. Had not the Senator read the three comparative prints?

Mr. VANDENBERG. Yes; here it is, on the House bill side.

Mr. SCHWELLENBACH. Precisely the same language that the conferees adopted.

Mr. VANDENBERG. That is correct.

Mr. SCHWELLENBACH. Then why did the Senator make the contention that section (c) was taken from the Senate bill?

Mr. VANDENBERG. For the very reason I have indicated—that the philosophy of the Senate bill and the philosophy of the House bill presumably are harmonious in respect to apportionment, and the apportionment rule I have read is evidently the one which details the process which is ultimately to be followed.

Out of the conference report itself many involved sentences of the same nature are available. The Senator from Maryland [Mr. TYDINGS] yesterday read one which it would take a Philadelphia lawyer to unravel.

Mr. POPE. Mr. President, will the Senator yield at that point?

Mr. VANDENBERG. Yes.

Mr. POPE. The provision read by the Senator from Maryland yesterday was the McNary amendment.

Mr. VANDENBERG. That does not make the slightest difference. It is in the bill.

Mr. POPE. Yes; but it was forced into the bill over the objections of the sponsors of the bill.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER (Mr. McGILL in the chair). Does the Senator from Michigan yield to the Senator from Oregon?

Mr. VANDENBERG. I do.

Mr. McNARY. May I correct the able Senator from Idaho? It was not the amendment I offered. It was a substitute worked out by the conferees.

Mr. POPE. But the language read by the Senator from Maryland was the exact language contained in the original amendment of the Senator from Oregon.

Mr. McNARY. It was not the exact language. It is the modification worked out by the conferees.

Mr. POPE. My understanding was that the part read by the Senator from Maryland was the part which came in the original amendment.

Mr. McNARY. In that the Senator is mistaken. The Senator from Maryland read from the conference report.

Mr. TYDINGS. Mr. President, will the Senator from Michigan yield?

Mr. VANDENBERG. In one moment. The disagreement over the subject is simply typical of the mystifying situation which confronts us upon the bill at any single point, and inasmuch as I rose only to register briefly my reason for opposing the conference report, I think I will postpone to the time of other Senators any attempt to harmonize their inharmonious views.

I have presented a letter from the National Grange, which, in my judgment, comes from as thoughtful a group of American farmers as exists in this country. I have stated that it presents my basic philosophy in respect to this situation. I have asserted that the bill itself is utterly un-understandable, and I conclude by stating once more that I think the Senate is not entitled to proceed, particularly in view of the situation with which we are confronted this morning.

The bill was not written in the Senate or the House; it was not written by 435 Representatives and by 96 Senators. It was written by 4 Representatives and by 6 or 7 Senators, and we, the body of the Congress, confront no opportunity except to say "yes" or "no" to the entire contemplation, and I am forced under all these circumstances to say that my answer is "no."

I ask unanimous consent to have printed in the RECORD at this point an Associated Press dispatch from Lansing, Mich., describing the attitude of the State agricultural commissioner of Michigan; and in addition, as indicating the widespread nature of the opposition to this bill, I ask unanimous consent to have printed in the RECORD a very illuminating, persuasive, and challenging letter from the commissioner of agriculture of the State of Texas.

The PRESIDING OFFICER. Without objection, the dispatch and letter will be printed in the RECORD.

The matter referred to is as follows:

State Agricultural Commissioner John B. Strange charged today that the ever-normal granary farm-relief bill proposed in Congress would discriminate against Michigan agriculture.

Strange asserted Michigan has failed to receive an average benefit under existing farm-relief legislation and would receive less under the proposed law, which calls for the storage of surplus corn, wheat, cotton, tobacco, and rice during years of surplus with Federal loans to the distressed growers.

Strange sent telegrams to members of the Michigan delegation in Congress asking them to propose that benefits be extended to the growers of beans, potatoes, apples, and grapes.

Strange said a survey showed 4.7 percent of the Nation's farm income was derived from Federal aid, but that only 2.7 percent of the cash income of Michigan farmers in 1937 came from the Federal Government. He estimated the farmers' income in this State last year at $246,198,000, of which $6,998,000 represented Federal aid.

"That means," Strange said, "that some States have received greater benefits than Michigan. Yet Michigan pays a large part of the bill through its taxes. We are entitled to equal assistance."

DEPARTMENT OF AGRICULTURE,
STATE OF TEXAS,
Austin, February 9, 1938.

Senator ARTHUR H. VANDENBERG,
Senate Office Building, Washington, D. C.

DEAR SENATOR: There is imperative need for national farm legislation which would be constructive and which would assure each farmer his fair share in the American market at an American price and leave the farmer free to produce any amount for foreign markets he may desire.

The farm bill, as per the conference committee print, would continue a policy of scarcity, Government control, and bureaucratic regimentation, under which the farmer would exchange his American freedom for less than a mess of pottage.

The policy of attempting to control and reduce agricultural products will drive people off the farms, onto relief. It will in-

crease the debts and taxes, diminish purchasing power, and curtail employment. Under this economically fallacious bill our farmers will face both short crops and low prices, which will be disastrous to them and the Nation.

The farm bill, as per the committee print, will not solve the agricultural problems but will cause further loss of foreign markets. Agriculture is our basic industry, and there is no good reason why the Congress of the United States should pass an impractical, indefinite, un-American, and perhaps unconstitutional farm measure.

If the present farm bill is fully discussed on the floor of the Senate, its fallaciousness will be disclosed and the Congress will substitute therefor a farm bill which will give the farmer a definite and practical program and one that will benefit all groups of American citizens as much as it does the farmer himself.

Please read the enclosed leaflet very carefully.

With best wishes, I am,

Sincerely yours,

J. E. McDONALD,
Commissioner of Agriculture.

Mr. COPELAND. Mr. President, from the time the bill was before the Senate in November to this day the farmers of the United States have had an opportunity to study the measure and to form rather final decisions as to its merits, I think. So far as my correspondence indicates, it is very significant that all the farm groups in my State who were in original opposition to the bill are in greater opposition to the measure as it comes to us now. I find that the Grange, the New York branch of the American Farm Bureau Federation, the Dairymen's League, and other similar organizations are still in opposition, and in even more bitter opposition than they were formerly.

I shall not repeat many things I attempted to say when the bill was before us originally. I do wish to emphasize one thought which I tried to present then, that no theory in economics has been more thoroughly repudiated than the doctrine and philosophy of scarcity.

I, too, had a letter from Mr. Ward in identical language, I think, with that presented by the Senator from Michigan [Mr. VANDENBERG]. Mr. Ward points out what some of us tried to say in December, that the doctrine of scarcity is fallacious. It must be evident that every time when, by legislation or otherwise, we reduce the production of cotton by one bale, or the production of wheat by one bushel, or the production of corn by one hundredweight, it does not mean that the world is going to be forced to use less cotton or less wheat or less corn. If the particular product of the farm is not raised in the United States, it will be raised somewhere else.

If I were a cotton farmer in the United States, therefore, it seems to me I would be resentful of the application of a philosophy which demanded of me that I must reduce my production, because, as sure as fate, there will be increased production somewhere else in the world where cotton can be raised. As we go on with our efforts to reduce production on the theory that we are going to increase prices we are simply beginning to strangle ourselves by reason of the development elsewhere of cotton production, wheat production, and corn production.

What I say today is a repetition, in brief, of what I said in December at considerable length. I do think the philosophy of the bill is entirely wrong.

I realize the difficulties of the American farmer. I am not wise enough to present any plan of relief, but logically, historically, by every standard of measurement, the plan presented to bring about scarcity, in the hope of bringing about increase in prices for the moment, ultimately will bring disaster to the Nation which practices that philosophy.

Mr. President, I am not alone in this thought. I shall not read the communications I have, because I know how useless it is to say anything about a measure which is so definitely on the way to enactment as is the bill before us. But I do wish to say that from every part of my State there have come protests against the proposed legislation. They are not alone protests from the dairy interests. I trust the amendments presented by the conference committee affecting dairying may be helpful, although that is questionable. But from the bottom of my heart I say to my brethren in the Senate that the doctrine of the bill is wrong. If we had to think only about humanity, the need for food for our own people, and for people all over the earth, if there were no other reason, that ought to be a compelling one. Surely we ought not to inaugurate a plan which would mean the production of less food when there are millions in this country and millions abroad in need of more food.

To attempt the application of a philosophy which has been demonstrated through the years to be a fallacious one is wrong. It seems to me that, with all the history back of us, it is an absurdity and a wrong thing for us to enact this bill into law.

Mr. DAVIS. Mr. President, it is a notable fact that the pending legislation and its compulsory features have been condemned in the very strongest terms by the National Grange, an organization which has shown over a long period of time great devotion to the interests of American agriculture. Pennsylvania is a great agricultural State. We are proud of the diversification of agriculture there. None of my constituents has asked me to vote for this bill.

The spirit of the measure is Fascist, and quite opposed to the liberty of choice and action which we have been taught to cherish in a free land. I am opposed to the compulsory regimentation which is required under the bill. At the same time I strongly believe that something should be done for American agriculture so that the farmer may get more for his basic production, a larger share in the retail price of farm products.

I ask unanimous consent to have printed in the RECORD as a part of my remarks two excellent editorials, one from the Philadelphia Inquirer for February 10, 1938, and the other from the Pennsylvania Farmer for November 20, 1937, together with the letter from Mr. E. N. Wright, 3d, of Philadelphia, who sent the latter editorial to me.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

[From The Philadelphia Inquirer of February 10, 1938]

AS IF THE COST OF LIVING WERE TOO LOW!

According to schedule, the House of Representatives yesterday jammed through the farm-relief bill, which would be more accurately entitled a measure to raise the cost of living through doubly soaking everybody's pocketbook.

Under a gag rule only 4 hours had been grudgingly granted for debate. Four hundred hours might have illuminated some of the details, but without putting this whole piece of hodgepodge, crazy-quilt legislation in any better light before the people.

Many of the most experienced Members of Congress admitted they couldn't understand it. But they voted for it. Their primary reason may have been the spring primary that is looming on the horizon, or the date in next November which has a ring around it on their office calendars.

It is quite certain that most of the folk back home don't understand it. But if this measure becomes a law, their blissful ignorance will not last long. The true meaning will begin to dawn when they have to go down in their pockets to foot the double bill—first, for higher prices of food and, second, for taxes to finance the cash hand-outs to the favored farmers.

Sales taxes are bad enough, but usually they do not apply to food. Here is a proposed gigantic, Nation-wide sales tax in effect that hits everybody who eats, jacks up the price tags in the family market basket and filches an extra forced contribution for the benefit of the privileged dwellers in the Corn Belt and the land of cotton.

All this at a time when the administration is declaring that prices must come down in order to increase the buying power of the country—that is to say, prices of manufactured products on which the wages of industrial workers depend. The fact that raising the cost of the necessaries of life will cut the buying power of these wage earners seems to have been conveniently overlooked.

The special session wrangled 6 weeks over this bill and then dumped it on the doorstep of the Senate-House conferees to see what they could make of it. In the words of Dr. James E. Boyle, professor of rural economy at Cornell, they have "gathered together all the mistakes of the past and offered them to the Nation as 'farm relief.'"

Price fixing is in this bill, but it has proved a costly failure whenever applied by any government.

Marketing control is set up for corn, wheat, cotton, tobacco, and rice. If two-thirds of the producers assent, the other third must conform or pay penalties for exceeding their individual quotas.

An ever-normal granary—termed by economists an abnormal granary—is to take care of surpluses, but it is proposed to double or triple the usual carry-over far beyond commercial requirements. It is charged that impounding this huge reserve of grain would disrupt domestic and foreign markets by causing constant uncertainty regarding supplies and prices.

In addition to bonuses under the present soil-conservation device, the farmers are to receive parity payments to make up the difference between current farm prices and the prices they would get if they were on a highly theoretical parity with prices of industrial products.

Bewildered by all these fancy names for giving away his money to the farmers to produce less so that he will have to pay more, John Citizen may beg pardon for asking just one question: "What is this going to cost me?"

This rapid-fire legislation puts no limit on the cost, which may be hundreds of millions more, not counting what consumers will have to pay. Nobody can even guess at the amount of the parity allowances. The expense of administration, even if "corn cops" and "cow cops" are not put into every field and pasture to catch evaders, will be enormous.

For the extraordinary provision to compel buyers to collect fines from farmers who exceed their quotas is sure to be as unworkable as it is unjust. The Government will have to do its own sleuthing.

This costly compulsory farming bill now goes to the Senate. It is too much to expect that the Senate will knock out the whole ill-conceived measure, but it may be able to soften some of the more obnoxious features that will bear so heavily upon every taxpayer and consumer.

There is far greater need today for consumer relief than for farm relief.

PHILADELPHIA, *February 9, 1938.*

Hon. JAMES J. DAVIS,
United States Senate Building, Washington, D. C.

DEAR SENATOR: The enclosed editorial in November 20, 1937, issue of Pennsylvania Farmer on the failure of agricultural price control is so basically sound, I thought you might find it of some value—coming as it does from the farmers' own mouthpiece.

Very truly yours,

E. N. WRIGHT, 3D.

[From the Pennsylvania Farmer of November 10, 1937]

A CONSPICUOUS FAILURE

After years of effort to make and hold an artificial price on coffee the Brazilian Government has decided to allow Brazilian coffee to compete in the world's markets with coffee from other countries. When the price-sustaining or valorization plan was adopted Brazil appeared to be in good position to control the coffee market and to secure producers a price that would yield them a profit. For Brazil was then the chief producer and exporter of coffee. Under the artificial price other countries took up the production of coffee, and now they export about as much as Brazil does, while in its efforts to control prices and production that country has destroyed 52,547,000 bags of 132 pounds. Here is a clear case of failure to reduce production by attempting artificial maintenance of prices; a striking instance of loss of export markets by the same policy; and a glittering example of failure after all expedients have been tried, such as attempts to educate domestic producers, to secure the limitation of exports by other countries, and destruction of the supplies which would break the market if allowed to be sold. The net result is a bigger surplus now than at the beginning of the valorization plan, more than the world is using even if 70 percent of the latest Brazilian crop were destroyed. All of which goes to show that the best and quickest remedy for a surplus consists of the prices which accompany it, prices which at the same time limit production, expand consumption and prevent the competition of new producing areas. But will this lesson be heeded? Probably not as long as some other plan looks good to the theorists.

Mr. GILLETTE. Mr. President, I intend to vote for the adoption of the conference report, and I am exceedingly anxious to see the bill become a law, but I am even more anxious to see it function after it becomes a law. I have had scant sympathy, as I have listened to the short debate today, with the intimation which has been given in one or two instances in the course of the debate that the conference committee have failed in their obligation and in their duty. I am convinced that if every Senator knew how earnestly the members of the Committee on Agriculture and Forestry of the Senate worked on this legislation, week after week and month after month, and how earnestly the members of the conference committee worked, they would make no such suggestion, because it is absolutely unfair.

I take this occasion, and I think I am justified in so doing, to pay particular tribute to the junior Senator from Idaho [Mr. POPE], than whom I believe there is no Member of the Senate more conversant with the provisions of the bill.

The bill does not suit me. I do not believe it suits the Senator from Idaho, and I do not believe it suits any other Senator in this Chamber. But we have worked since last January to secure the passage of an agricultural bill for the general rehabilitation of agriculture. The President called the Congress into extraordinary session in the middle of November because of the need for the enactment of that type of legislation. Many think it was unwise to have called the special session; but the need was great. We worked as hard as we could work; I know that every member of the committee did. We now have this measure before us. If we do not adopt the report and send the bill back to conference, there is very little prospect of a farm bill being enacted at the present session of the Congress.

Not only that, but the planting season is under way in the South, and it will be under way in the North within 60 days. If the measure is to be of any benefit, if there is to be a loan program put into operation, and if any one of the various types of assistance intended to be given to agriculture by this measure is to become effective we must enact the bill promptly.

Mr. President, as I have said, while I want to see the law work, I do not believe it would be possible to include within a bill a provision that would be more destructive of the efforts to administer it and put it into execution than the substitute which was brought back by the conferees in place of the McNary-Boileau amendment.

I wish at this time to point out why I believe that to be the case, why I believe that it will militate seriously against the success of the law, and to give notice at this time that, while I will do nothing willfully to jeopardize the bill or to prevent its passage, as soon as this measure becomes law, if it does, I expect to introduce a separate bill to amend this particular provision.

If I may be indulged, I wish to call attention to what I have in mind. The conferees worked hard, and, as explained by the junior Senator from Idaho today, they worked with all sincerity in an endeavor to write into the bill a provision which would protect the dairy interests, and at the same time be possible of administration without imposing on the Department of Agriculture the tremendous burden to which he called attention.

Let me invite the Senate's attention to the results. The conferees were successful, in my opinion, so far as the dairy interests are concerned, but they were destructive insofar as the grain interests and the livestock interests are concerned. What does the provision incorporated by the conferees provide? It provides that diverted acreage may not be used for the feeding of dairy cattle, the products of which go to market, beyond the normal number. But the conferees struck from the provision agreed to by both Houses the prohibition against the use of the diverted acreage for the feeding of other livestock and poultry.

There is a provision in section 8 as to the condition for payment. It is provided that diverted acreage shall be used in growing soil-building crops. That is perfectly proper. Or it may be used for the raising of agricultural commodities to be consumed on the farm. What agricultural commodities? Any agricultural commodities, forage crops, alfalfa, timothy, corn, wheat, oats, barley—any of the agricultural commodities, provided they are fed and consumed on the farm. What does that mean? The same section defines it.

As used in this paragraph, the term "for market" means for disposition by sale, barter, or exchange or by feeding to dairy livestock—

Not general livestock—

dairy livestock which, or the products of which, are to be sold.

An agricultural commodity—

That is, any commodity—

shall be deemed consumed on the farm—

Which is permitted—

if fed to poultry or livestock other than dairy livestock.

In other words, a farmer may take every acre out of cotton production, receive the benefits, and raise corn, wheat, oats, barley, and feed it to livestock other than dairy stock—and 85 percent of our grain is so marketed—and thus market it in competition with farmers in other sections, or use the land for grazing, as the Senator from Wyoming [Mr. O'MAHONEY] has pointed out. Is that competition with the livestock industry?

Mr. HATCH. Mr. President, will the Senator yield to me for a moment?

Mr. GILLETTE. I yield.

Mr. HATCH. I ask this question in all earnestness, because there is a decided misapprehension about this bill. The Senator has just said that the bill was destructive.

Mr. GILLETTE. I referred to this particular provision.

Mr. HATCH. Will the Senator now explain how it is any more destructive than the Soil Conservation Act has been in the past?

Mr. GILLETTE. It is an entirely different proposition, if the Senator will permit me to say so.

Mr. HATCH. Very well. I should like to have the Senator explain to me how it is any more destructive than the provisions of the present Soil Conservation Act have been in the past.

Mr. GILLETTE. Under the regulations under which the Soil Conservaion Act has been administered up to the present time, there was the possibility of using the diverted acreage for competitive purposes under the Soil Conservation Act. Under the regulations in conformity with which it was administered, payments were conditioned on the crop use of the diverted acreages.

Mr. HATCH. As a matter of practice, has it not been permissible to use the diverted acres under the Soil Conservation Act?

Mr. GILLETTE. Under the regulations, I believe not. But, Mr. President, let us, for the sake of argument, grant that such use has been permitted. It is no argument that has any competency or force that we should not only embody in this bill the provisions to continue soil-conservation payments, but to approximate parity payments in the other five categories listed.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. GILLETTE. I yield.

Mr. HATCH. I call the Senator's attention to the fact that under the bill only those payments are to be made which are made under the Soil Conservation Act.

Mr. GILLETTE. Mr. President, I cannot help feeling that the learned Senator is mistaken.

Mr. HATCH. I should like to understand wherein I am mistaken.

Mr. GILLETTE. The report refers definitely to section (b), which provides five distinct categories under which payments or grants may be made by the Secretary of Agriculture.

(1) Their treatment or use of their land * * * for soil restoration, soil conservation, or the prevention of erosion—

That is the Soil Conservation Act—

(2) changes in the use of their land; (3) their equitable share, as determined by the Secretary, of the normal national production of any commodity; * * * (4) their equitable share, as determined by the Secretary, of the national production of any commodity or commodities required for domestic consumption and exports; * * * (5) any combination of the above.

These are five distinct categories which are foundations for the payments to be made under this measure.

Mr. HATCH. And are they not all included under the present Soil Conservation Act?

Mr. GILLETTE. I believe, under the regulations, they are not. I will further say to the Senator that if he is correct, and that is the true situation under the existing act, it is no argument why we should continue such a practice under the provisions of the proposed act. Will any member of the conference committee, or any Senator in this Chamber, show me anything in the provision reported by the conferees that will prevent any farmer operating under the Soil Conservation Act from diverting acreage and using such diverted acreage, not for soil-building purposes, not for the growing of crops that are to build up the land and prevent erosion, but for feeding livestock other than dairy stock and marketing it? In my State a farmer can take land out of corn production and put it into oats, into barley, into alfalfa, hay, or forage crops, and feed the crops to stock, if he markets the stock on the hoof.

Mr. POPE. Mr. President, will the Senator yield?

Mr. GILLETTE. I yield.

Mr. POPE. I merely verify my understanding that under the present Soil Conservation Act there is no limitation on the feeding of livestock and poultry on the diverted acres. As a matter of fact, the such feeding on the diverted acres is considered a soil-conserving practice. Therefore, under the present program there is no such limitation as is contained in the McNary amendment at all.

Mr. HATCH. Mr. President——

Mr. GILLETTE. I want to answer the Senator from Idaho, and I wish to pay him a deserved compliment for the work he has done on the bill, and I could not make it too strong.

Mr. POPE. I thank the Senator.

Mr. GILLETTE. I wish to ask the Senator a question. Grant, for the sake of argument, that what he says is true. I do not believe it is, from my interpretation of the regulations under which the Soil Conservation Act has been administered, but granting that it is, is there anything in the provision the conferees have brought back, that will prevent the use of diverted acreage for the feeding of beef cattle, hogs, sheep, poultry, or anything else for market?

Mr. POPE. There is not. I think that is the way it should be, for the reason that there is a further provision to the effect that if the feeding of livestock on the diverted acres results in the injury of anyone else, that is the time for complaint to be made and action to be taken. I do not believe we should restrict the farmer—"regiment" him is the term that has been so frequently used—so that he may not feed his livestock, his dairy cattle, his beef cattle, his poultry, his sheep, his hogs, or any other stock that he has, upon the diverted acres as well as upon any other acres, so long as his doing so does not do harm to anyone else. When it does harm to anyone else the conference report provides a remedy for the situation, and I think that is proper.

Mr. GILLETTE. Mr. President——

Mr. O'MAHONEY. Will the Senator permit me to interject a remark at this point?

Mr. GILLETTE. Certainly.

Mr. O'MAHONEY. After having listened to the statement of the Senator from Idaho, I wonder why, in those circumstances, the conferees did not adopt the amendment which was proposed by the Senator from Alabama [Mr. BANKHEAD] upon the floor of this body on the 17th of December, when he made a motion for the reconsideration of the McNary amendment. The amendment of the Senator from Alabama would have accomplished what the Senator from Idaho indicates is desirable. It would have afforded protection. But we could not get a single commitment from any member of the Committee on Agriculture that the conferees would stand by the Bankhead amendment, and therefore we ourselves had to abandon it.

Mr. POPE. Does the Senator from Wyoming now have in mind the provision that the Secretary might suspend the program in the event of an emergency, such as drought, or flood, or any other emergency creating a shortage of feed?

Mr. O'MAHONEY. That is part of the provision.

Mr. POPE. That is distinctly and definitely provided for in the conference report.

Mr. O'MAHONEY. I know; but there was a declaration in the Bankhead amendment—not in the words I am now using—which, as I read it, would have protected the livestock industry from the misuse of diverted acreage. The conferees, however, would not agree to it, and no member of the Committee on Agriculture would rise in his place upon the floor of the Senate to say that he would stand by the amendment which was offered by the Senator from Alabama.

Mr. POPE. The Senator again goes back to the point I raised this morning, and again makes it necessary for me to say that at that time no conferees had been appointed. I did not know whether or not I would be a conferee.

Mr. O'MAHONEY. The Senator was a member of the Committee on Agriculture and Forestry.

Mr. POPE. Not all the members of the Committee on Agriculture and Forestry were appointed on the conference

committee, as the Senator well knows. I did not know whether or not I would be a member. I would not have stood up and made any commitments when I did not know whether or not I would be a member of the conference committee.

To go further, the Senator again makes the mistake of assuming that in the Bankhead amendment there was some provision not contained in the conference report. I will say to the Senator that the provision with reference to emergencies is contained in the conference report, and it ought to be there. The representatives of the dairymen themselves recommended to me the inclusion of such a provision in the draft to which I referred in my statement earlier today.

The Senator from Wyoming seems to think that the cattlemen are in a group off by themselves somewhere, and that the farmers are an entirely different group. I am concerned about the small farmers, as I have pointed out today, one-third of whom get less than $20 in soil-conservation payments, and another third of whom get between $20 and $50.

I know hundreds of them in my State who are just ordinary farmers, who have one cow, two cows, or possibly three cows, and yet they sell some of the products. They may raise a few yearlings and sell them. The two-thirds who receive these payments ought to have the sympathetic consideration of the Congress. Because there are a few men engaged exclusively in the livestock business, they should not be permitted to say to the little farmers scattered all over the country, "You may not do this with your cattle. You may not raise another cow and sell it, because you are in competition with us." I do not believe in any such restriction as that. I want to protect the little farmers, unless it can be shown to me that the big cattlemen are hurt. The conference report affords such protection.

Mr. O'MAHONEY. Will the Senator permit me to insert at this point the provisions of the Bankhead amendment? I desire to read that proposed amendment to the Senator from Idaho, so that there may be no misunderstanding of what was offered to those of us who are representing not alone the big cattle industry but the small cattle industry as well, including the cattle industry of Idaho and Wyoming as well as that of the other States.

This is the amendment which was offered by the Senator from Alabama:

Payments with respect to any farm (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be permanently used for grazing purposes only) shall be further conditioned upon the utilization of the land, with respect to which such payment is made, so that soil-building and soil-conserving crops planted or produced on lands normally used for the production of cotton, wheat, rice, tobacco, or field corn shall be used for the purpose of building and conserving the fertility of the soil, or for the production of agricultural commodities to be consumed on the farm—

Observe this language:

and not for market.

There was a specific declaration by the Senator from Alabama of a restriction upon the use of diverted acreage which would have answered every argument made by the Senator from Iowa, and which would have answered every protest I have made; but we could not get a single member of the Committee on Agriculture and Forestry to say that if that amendment were written into the bill the conferees who were chosen from the Committee on Agriculture and Forestry would stand by it.

Mr. GILLETTE. Mr. President, I do not want to detain the Senate for any length of time. I know the leader is very anxious to have the pending matter disposed of.

Mr. BONE. Mr. President, will the Senator yield?

Mr. GILLETTE. I yield.

Mr. BONE. I merely want the Senator to yield so that I may ask a question of the Senator from Idaho.

Can the Senator from Idaho tell us what the average payment is, under the Soil Conservation Act, to farmers in the different crop categories?

Mr. POPE. Does the Senator mean the classification according to commodities, such as wheat, corn, cotton, and so forth?

Mr. BONE. Yes.

Mr. POPE. My recollection is that about 25 percent goes to cotton?

Mr. BONE. But what does the average farmer get?

Mr. POPE. The average farmer gets a payment of about $100. As I said a moment ago, about one-third of all the farmers get a payment of $20 or less. Another third get between $20 and $50 in payments. The rest of them get the balance of the payments; but of the three and a half million farmers who have cooperated, two million or more are little one-horse or one-cow farmers. They are the farmers I have been trying to protect in this argument.

Mr. GILLETTE. Mr. President, the conference committee labored wisely and well to protect the little men to whom the Senator has just referred, and the committee has succeeded, in that the small farmer, the man with one or two or three dairy cows, may pasture them upon diverted acreage without being deprived of his payments. That is right and proper. However, in doing that a provision was inserted by the conferees which opens the door wide for the feeding of livestock other than dairy cattle without any restrictions, provided the feed is raised on the diverted acreage and provided it is an agricultural commodity.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. GILLETTE. Just a moment. Let me finish this statement.

A moment or so ago the junior Senator from Idaho pointed out that in the administration of the Soil Conservation Act what I have contended may be true; and the very erudite Senator from New Mexico admits it to be true. But the Senator from Idaho directs attention to the anticipated objection I am now making, which would follow leaving the door wide open.

What was the provision? The provision was to the effect that the Secretary, if he finds that the law is militating against any area, may do what? Adopt regulations? No. He may wipe out the whole thing. Listen to the language:

Whenever the Secretary has reason to believe the income of producers of livestock (other than dairy cattle) or poultry in any area—

Not a farmer, but the farmers in any area—

from such sources is being adversely affected by increases—

What are we trying to do? Are we trying to reward farmers under the Soil Conservation Act for taking acreage out of production and limiting production? Increases are anticipated by the conference committee, just as I anticipate increases, and just as the eminent Senator from Wyoming [Mr. O'MAHONEY] anticipates increases.

If the Secretary finds that the income of producers is being adversely affected by increases in the supply for market of such livestock or poultry, as the case may be, what does he do? If he is convinced of that, he makes an investigation; and, after the investigation is completed, if he finds that the income of producers of livestock and poultry has been adversely affected by an increase in production in other parts—

he shall, as soon as practicable, make such provisions—

As to this particular section or amendment? No!—

in the administration of this act with respect to the use of diverted acres as he may find necessary to protect the interests of producers of such livestock or poultry in the affected area.

Is there any Member of the Senate who thinks that we have any right to clothe the Secretary of Agriculture with blanket authority of that kind, a delegation of power without limitation? Is it the answer that an increased supply was anticipated? The conferees, when they brought the report back here, thought there would be an increase, and so they put that provision in the report. If the Secretary should find, after putting this machinery into gear, that there was an increased supply, then he could take such steps as he saw fit, when? After the farmers have acted under the

authority the act gives them to use the diverted acreage. Perhaps the farmer will plant corn, perhaps he will sow oats, perhaps he will put the acreage into alfalfa and use it as he has a right to use it. But the damage has been done. It is another case where the door is open and the horse is stolen.

I said I was not going to consume time, and I am not.

I have tried in my feeble way to register my objection to that amendment, and I give notice again that as soon as this bill becomes a law I am going to introduce in the Senate an amendment which, if adopted, I believe at least will help correct the condition by amending the law. I do not want to see the bill fail; I do not want to see the conference report rejected; I do not want the bill sent back to conference; and I hope there is not a Senator on this floor who will vote to send it back to conference and further delay the enactment of the farm measure. I plead with every Senator, whether he likes it or not—and goodness knows, nobody likes it any less than I do—to vote for the report and put this bill on the statute books, let the machinery provided for loans and for all the other elements of the bill begin to operate in the Department of Agriculture in the interest of our farm population.

Mr. O'MAHONEY. Mr. President, before the Senator takes his seat may I address a question to him?

Mr. GILLETTE. Certainly.

Mr. O'MAHONEY. Did I understand the Senator correctly to say that he thought the bill as reported by the conferees contains adequate protection for the dairy industry?

Mr. GILLETTE. I do not know that I used the term "adequate." I think it has eliminated the injustice that would be done to the small farmer who is prevented under the McNary-Boileau amendment from pasturing upon his grazing acres.

Mr. O'MAHONEY. I wish to call the attention of the Senate to the language of the report:

> Whenever it is determined that a county, as a whole, is in substantial compliance with the provisions of this paragraph, no payment shall be denied any individual farmer in the county by reason of this paragraph.

This is a provision which follows the restriction upon the use of diverted acreage for production of dairy cows and dairy products. My understanding is that the determination as to whether or not there is substantial compliance is to be made by the local county committee.

There are no provisions now in the bill to determine how the county committee shall be selected. There is a provision in the bill, as I understand, which requires that the members of the State committee shall be legal residents, but I have not observed a provision with respect to the selection of the county committee. Am I mistaken in that, I will ask the Senator from Idaho?

Mr. POPE. Mr. President, will the Senator from Iowa yield to me?

Mr. GILLETTE. I yield the floor.

Mr. POPE. I referred to that matter in the beginning of my address. I imagine the Senator from Wyoming did not hear my explanation.

Mr. O'MAHONEY. I did not hear the Senator's explanation.

Mr. POPE. The fact of the matter is that it is expressly provided that the county committee shall be selected by the farmers of the locality by a vote or in any other way they may desire.

Mr. O'MAHONEY. Who determines who the farmers are?

Mr. POPE. All the farmers producing a commodity.

Mr. O'MAHONEY. Who determines who they are?

Mr. POPE. That seems to me to be almost a ridiculous question.

Mr. O'MAHONEY. Well, is it ridiculous?

Mr. POPE. Any farmer within the administrative area of the county has a right to vote.

Mr. O'MAHONEY. Very well. The Senator says my question is "ridiculous." Let us read the bill. Here is the bill that he, as one of the conferees, brought in. I will read from the committee print at page 4, line 6:

> Farmers within any such local administrative area, and participating or cooperating in programs administered within such area, shall elect annually from among their number a local committee of not more than three members for such area and shall also elect annually from among their number a delegate to a county convention for the election of a county committee.

On page 5, beginning in line 1:

> In each State there shall be a State committee for the State composed of not less than three or more than five farmers who are legal residents of the State and who are appointed by the Secretary.

In one instance it is required that the members of the State committee shall be legal residents, while in the other there is no requirement as to citizenship at all.

Mr. McGILL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Certainly.

Mr. McGILL. Is the Senator from Wyoming fearful that the farmers of a county might elect a committee who were not residents of the county?

Mr. O'MAHONEY. No; I am not, but those elected might not be legal residents.

Mr. McGILL. If the farmers of a county see fit to elect a committee who are not legal residents of the county would the Senator from Wyoming object to that?

Mr. O'MAHONEY. No; I would not object to that, but what I was driving at was that under the amendment which has been brought in by the conferees the determination as to whether or not there has been substantial compliance will be made by the county committee, and I believe that we are very naive if we expect a local county committee to deny that there has been substantial compliance with the requirement of the act. And it is only when it has been determined that substantial compliance has not been achieved that the payments are denied.

Mr. McGILL. Mr. President, will the Senator yield further?

Mr. O'MAHONEY. I yield.

Mr. McGILL. In the selection of the State committee, which is to be appointed by the Secretary of Agriculture, there is a requirement that the Secretary shall appoint persons who are residents of the State, local residents. We leave the selection of the county committee to the farmers residing within the county, and we did not put any such restriction upon the farmers themselves, leaving it to them to select and elect whom they may choose.

Mr. POPE. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I yield.

Mr. POPE. As I understand, the only complaint the Senator from Wyoming has is that the members of the county committee, who are selected by the farmers themselves, will not be fair in administering the law. Is that the point? He does not want to trust those farmers to administer the law among themselves?

Mr. O'MAHONEY. I will tell the Senator that when we provide that a county committee of farmers, who are themselves the beneficiaries of the act, may say when there has not been substantial compliance with the requirements of the act we have given to that committee an open door. There is no measure of what substantial compliance will be. I think that is a very weak reed upon which to rest when we are defending the interests of the livestock industry of the United States.

Mr. POPE. May I say then to the Senator that I know enough about the farmers, and particularly about small farmers, to have confidence in their fairness and justice in administering a law such as this. If he does not have, I do have.

Mr. O'MAHONEY. Mr. President, I did not intend to take the floor but let me add just one or two words to what has been said by the Senator from Iowa [Mr. GILLETTE].

I am not disposed to comply with the suggestion he makes that we should all support the conference report. I am fearful of the effect of supporting the conference report after what has transpired. The Senator may not have been upon the floor a few days ago when I had occasion to make some remarks about the wool industry and about lamb

feeders. Those of us who come from States which are interested in livestock products know that the market for wool has practically ceased to exist; that the price of lambs has fallen from $2.25 to $3 a head; that the price of livestock generally has gone down. We know that the industry which we represent is suffering; we know at the same time that every effort we have been making to obtain from the Department of Agriculture, from the R. F. C., from the Farm Credit Administration, and from other agencies of the Government assistance to those engaged in the wool industry has not as yet been successful. And in the midst of this, while we are confronted with declining prices for cattle and sheep and wool, another Department of the Government, the Department of State, is announcing to the world that it is willing to negotiate with the United Kingdom for the reduction of the tariff upon manufactured wool products, thus again endangering the market for our native wool. We know that the air is full of reports that there is presently to be announced a reciprocal-trade agreement with Australia, which will also contain a provision for concessions on an agricultural commodity, this time upon raw wool itself. So, while confronted with that situation, we are asked to vote for a measure designed to give protection to or to maintain prices for five basic commodities, though other basic agricultural commodities stand absolutely upon the brink of destruction.

Mr. President, I do not believe that that is a situation upon which we can look with any equanimity whatsoever. For my part, in these circumstances, after having made every effort I knew how to make to reach an agreement with the Agricultural Committee whereby protection would be given to the livestock industry, I cannot see how, representing those engaged in that industry in my State, I can give my support to a bill the authors of which and the sponsors of which have deliberately and repeatedly refused to grant the small concession which we asked, which was merely a straightforward declaration that diverted acreage should not be used for the purpose of increasing the production of livestock products.

Mr. BANKHEAD. Mr. President, in view of the statement on the floor today of the position of one of the major agricultural organizations in opposition to the pending bill, I think it appropriate to make known in today's RECORD the position of the American Farm Bureau Federation.

I have here a letter from the executive committee of the American Farm Bureau Federation signed by Edward A. O'Neal, president; Earl C. Smith, vice president; R. W. Blackburn, secretary; O. O. Wolf, J. F. Porter, and George M. Putnam, members of the executive committee. I ask leave to have the letter read from the desk. It is a short letter.

The PRESIDING OFFICER (Mr. TRUMAN in the chair). Without objection, the letter will be read.

The legislative clerk read as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., February 9, 1938.

Senator E. D. Smith, Chairman, Senate Committee on Agriculture, and All Members of the United States Senate.

GENTLEMEN: The executive committee desires to inform you that the American Farm Bureau Federation gives its support to the passage of the Agricultural Adjustment Act of 1938 by the Senate as reported by the conference committee and as passed by the House.

We recognize and appreciate the earnest effort of the conference committee to compose the divergent viewpoints of the Senate and the House. We anticipate that revisions will be required, and we doubt that funds authorized to be appropriated are sufficient to fully achieve the objectives of the measure.

However, it is our belief that this bill, if enacted into law, will provide for a program that will attract the maximum voluntary support of farmers and embodies the necessary provisions to constitute the basis for a sound and permanent national program for agriculture, and that H. R. 8505, as reported from the committee on conference and as approved by the House, should be passed by the Senate.

Respectfully submitted.

EXECUTIVE COMMITTEE,
AMERICAN FARM BUREAU FEDERATION,
EDWARD A. O'NEAL, *President.*
EARL C. SMITH, *Vice President.*
R. W. BLACKBURN, *Secretary.*
O. O. WOLF.
J. F. PORTER.
GEO. M. PUTNAM.

Mr. BANKHEAD. Mr. President, I also ask unanimous consent to have printed in the RECORD, immediately following the letter, a statement with reference to this bill issued on the 9th of February by Mr. O'Neal as president of the American Farm Bureau Federation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

DEPARTMENT OF INFORMATION,
AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., February 9, 1938.

Following the passage of the Agricultural Adjustment Act of 1938 by the House late today, the following statement was issued by Edward A. O'Neal, president of the American Farm Bureau Federation:

"Wednesday, February 9 marks a great anniversary in the history of national farm legislation. Exactly 1 year ago today the national agricultural conference endorsed to a large degree the principles contained in the present farm bill at the end of a 2-day meeting called by Secretary of Agriculture, Henry A. Wallace, in Washington, on February 8 and 9, 1937. Today the conference measure passed the House by an overwhelming vote of 263 to 135.

"The farm bill now goes to the Senate. It is our hope that it will pass quickly and go to the White House for final approval. Substantial progress has been made in this bill toward the realization of most of the objectives framed at the original conference. Throughout the past year the American Farm Bureau Federation has not wavered, but has continued to press the fight despite much discouragement and tremendous opposition.

"This success has been attained in spite of the most trying difficulties. It has been the most prolonged and the most bitter farm-relief struggle since the days of the McNary-Haugen bill. Many sincere persons did not believe a new farm bill was needed when this fight began in the early part of last year. Subsequent months brought about the price declines which the Farm Bureau predicted and feared. In the face of these disasters many of those who had urged delay were convinced of the need for action. Still others opposed effective farm legislation until the bitter end.

"It is fortunate for agriculture that the job of framing an adequate measure was properly appraised by the administration in advance and that Congress was assembled in extra session to begin its work. Otherwise, it undoubtedly would have been impossible to pass the Agricultural Adjustment Act of 1938 in time to prevent the crops harvested this year from suffering further depressed prices.

"It would be impossible to praise too highly the definite and vigorous leadership of President Roosevelt for an effective and permanent farm measure before disaster again overtook the farmer, so well expressed in his early appeal to the Congress 'to repair the leaky roof while the sun is shining.'

"Congress has functioned in a way to inspire confidence, not only in itself but in the lawmaking processes of our form of government in the development of this legislation. It has succeeded in framing a national farm policy, consistent with the democratic tradition of our people, conducive to the economic well-being of millions of farmers and consistent with the general welfare of 120,000,000 of our citizens. It has had to reconcile the views of men of all shades of political philosophy and governmental belief. It has had to consider trying problems that arise through the amazing diversity of American agriculture itself. It has been perplexed by the sometimes conflicting claims of sections and of commodity groups. It has been faced with decisions on grave economic questions where experts disagreed.

"That it has molded many suggestions from different sources into a single program is a great tribute to its ability, patience, and understanding. Farmers will not forget those who have brought this about.

"Farmers are indebted to the men, in Congress and out, who have devoted great effort and long hours to fashioning a bill that is destined to give direction to American farm policy for generations to come. Republicans and Democrats alike have helped. Votes from metropolitan areas assisted rural Congressmen in rolling up an impressive majority. Patriotic Americans have come forward in this crisis as they have in other troubled times in the history of American agriculture. Their task has been made more difficult on this occasion by persistent opposition of individual farm organizations and farm leaders, who have lobbied in the corridors of the Capitol, as the ablest agents that interests opposed to agriculture could have engaged. This farm bill at many times was put in the gravest peril by these "leaders." It escaped by virtue of the clear-headedness of the great majority of Congressmen and Senators, who saw through to the real sentiments of the farm people themselves.

"From this struggle farmers may wisely take the counsel of experience and look to their own organizations and spokesmen to make sure that the influence of agriculture in Washington is not divided, frustrated, and destroyed. It is, after all, the responsibility of farmers themselves to see to it that Members of Congress gain through their own accredited spokesmen a clear impression of agriculture's wishes.

"The fight for agricultural equality was not begun with this measure, nor does it end with it. The A. A. A. of 1938 is the most

far-reaching measure so far designed to stabilize farm prices and to restore farm purchasing power, which are major factors in maintaining a prosperous nation."

Mr. POPE. Mr. President, I desire to read the following telegram:

CHICAGO, ILL., *February 10, 1938.*

Hon. JAMES P. POPE,
Senate Office Building:

Would advise that, speaking for 20 dairy and milk marketing cooperative organizations of Illinois which largely cover the State, we give our support to conference report farm bill.

ALEX MCPHEDRAN,
President, Illinois Milk Producers Association.

Mr. NORRIS. Mr. President, I am reminded by what has just been said by the Senator from Wyoming [Mr. O'MAHONEY] of what I think is the general attitude of a great many persons, both in and out of the Senate, in criticizing this bill.

For instance, the Senator from Wyoming referred to the committees mentioned in the bill—first, the State committee appointed by the Secretary of Agriculture, and then the county committees selected by the farmers themselves. He particularly criticized the county committees, and said they are not required by the bill even to be citizens of the United States or of the locality where they live.

Since the Senator from Wyoming has been a Member of this body I have learned to have such uniform respect for him that I select his criticism because I think there can be no possible question as to his attitude being similar to that of others who are opposed to the conference report, and because of his fairness, and the wisdom and intelligence he always brings to bear upon anything he discusses in this Chamber.

Let us see, Mr. President. Suppose we had provided in the bill that the local committee in the county should be selected by the Secretary of Agriculture: What should we hear now? What would be said on the floor of the Senate in criticism of such a course? That we were letting a bureau in Washington control the farmer. The question would be asked, "Why do you not let the farmers pick their own committee?" If we had provided that the members of the committee must be residents of the county, the opponents of the bill would at once have said, "Why do you not let them go over into another county if they want to do so? They have their own interests in their own hands. Perhaps they will want to select some leader of agriculture who lives in another county. Why not give them the privilege of doing so?" Now they have the privilege, and we are criticized because we have given it to them. We have placed it in their own hands.

Perhaps that is wrong. Perhaps we ought to have more regimentation. Perhaps we ought to have more bureaucracy. Perhaps we ought to have some dictator to tell the farmers who their committee shall be.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. NORRIS. In a moment. The truth is, however, that the Committee on Agriculture and Forestry, which is so severely criticized here, was trying to do what its members thought was the proper thing to do in letting the farmers of the community control their own destiny to the extent that the law provides they have a right to control it.

I now yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, the Senator was so disarming in his opening statement that he practically deprived me of any opportunity to speak as vigorously as I otherwise might do.

Mr. NORRIS. I hope the Senator will not let what I said about him prevent his speaking as vigorously as he desires. If I thought it would, I would even withdraw what I have said. [Laughter.]

Mr. O'MAHONEY. I should not want the Senator to withdraw it. I desire, however, to call the attention of the Senator to the fact that my few remarks about the constitution of the county committees were designed not so much to criticize the way in which the county committees are selected, or the persons who may be members of the committees, but to emphasize the fact that the committees are selected locally, and that under the livestock amendment which I have been criticizing the determination as to whether or not there is substantial compliance lies in the hands of the local committees so selected.

Mr. NORRIS. Very well. The Senator has a perfect right to object to the committee on that account, and he may be entirely correct about it. I never before thought anyone would object for that reason. In the Senate committee no one argued that we ought not to give the farmers as much control as possible, or that we ought not to let them select their own committee. If they should want to select a foreigner, they would have a right to do it. It is their choice, their business. If they should want to select somebody in another State, they could do it. We wished to give them latitude. We thought that was the proper thing and the right thing to do.

It is perfectly possible that the Senate committee may have been entirely wrong about the matter, and that we ought to have limited the farmers' right to select a committee to govern themselves to somebody else in some other locality who, for one reason or another, Senators might think would be better qualified to serve on the committee than the farmers themselves. I am not finding fault with the Senator from Wyoming for making his criticism, as I said, or tried to say. I am using this particular instance to illustrate what is the general rule in regard to this bill; and, Mr. President, I think it is unjust. I think it is unfair.

From the very beginning—in fact, for years—the Committee on Agriculture and Forestry has been trying its best to do something in a constructive way to relieve the farmer from the injustice he was suffering, as we thought before anybody else thought so, because of the general situation which applied to all manner of business in this country.

In the beginning, several years ago, there were some of us who were ridiculed because even in 1929, when most persons thought we were riding on the high wave of prosperity, we had the temerity to say, even on the floor of the Senate, "The farmer is not getting his just proportion of the dollar. The farmer is not now getting justice." We were laughed at. We started in with a different bill.

One of the early bills, introduced soon after the war, provided for the organization of a governmental commission to buy the products of the farm, preferably from cooperative organizations of farmers, then to sell such products anywhere in the world. The commission would have had authority to establish agencies in foreign countries. We provided in the bill that the merchant marine, much of which was tied up, rotting at various docks in the country, ships which had been built during the war, should be turned over to the commission, they to be responsible only for the repair and upkeep of the ships which were to carry the products of the farms to all parts of the world.

Mr. President, I thought that was a good bill. I thought it would put the consumer and the producer nearer together than they ever had been. It was opposed by the middleman, it was opposed by the politicians, it was opposed by the administration then in power, and we were defeated in this Chamber when the Committee on Agriculture and Forestry brought in the bill and took it up with the intention of passing it.

We then brought forward the McNary-Haugen bill, and we were again defeated. We tried it twice. Then we brought in what was known as the Farm Board bill, the Hoover plan, and we succeeded in passing it. I did not like it. I said on this floor then that I doubted whether it would work, but that I was going to support it. I tried my best to get it amended, and succeeded in having an amendment inserted which I thought was workable. It was suggested, by the way, by the same grange which is fighting the pending bill. It originated with them.

The amendment went to conference, and the conferees rejected it. There were published documents and a letter from the President himself condemning it. While we fought for the amendment in conference as hard as we knew how—and I was one of the conferees—we finally yielded and abandoned the amendment reluctantly, but we felt that the bill

would not be enacted unless it was eliminated. I voted for what was left, notwithstanding the fact that I did not believe in it entirely. I had doubt about it working, and we know and the country knows the history of that legislation, and that it turned out to be a failure.

The Committee on Agriculture and Forestry has been proceeding all these years, attempting to do something for the farmers, and every time we brought in a bill we were met with opposition from various classes of our people, the middlemen in one instance, monopolies in another, always trying to hold the farmer down when we thought he ought to be lifted up. We were unsuccessful. In the end we went down to defeat every time.

Now we have before us the pending bill. Unlimited hearings were held by the Committee on Agriculture and Forestry for months in a preceding session of the Congress on the general subject. Farmers from all over the country came here. The leaders of the various farm organizations were in attendance and testified. At a time when I was not present the committee appointed a subcommittee to go over the country and obtain the views of the farmers. That might have been unwise. I think the money expended was money well spent, although if I had been here I would not have been wholeheartedly in favor of such a program, because, after all, as has been truly said today, the responsibility is on us. We cannot shift it; we ought not to try to shift it. We must do the best we can under the circumstances.

I have heard the subcommittee criticized on this floor. The Senator from Wyoming criticized the provision providing for county committees. Some said the farmers did not get a hearing. Others said, "The committee did not come to my State. My farmers had to go 200 miles to appear before the committee." Notwithstanding the fact that no hearings were held in my State, I felt that the subcommittee were doing the best they could.

We have heard the members of the subcommittee defend themselves on the floor of the Senate, and I reached the conclusion that they had leaned backward in their desire to be fair and just in all the hearings. They brought back their report and we started in with the bill. We gave it consideration. The President called an extraordinary session to meet on the 15th of November in order to have a farm bill passed.

Personally, I was opposed to that extraordinary session. I thought it would have been better for the President to let the matter go until the regular session; but I confess now, looking back and studying the history of the bill, that I was wrong about it. We started in at the beginning of the extraordinary session with the report of the committee, which has been so much criticized, and we devoted the entire extraordinary session to the matter. We were criticized for being too slow. Perhaps we were, but I do not see how we could have gotten through one hour sooner.

Then came the regular session. Those on the committee proceeded to work on the bill while the rest were at church and Sunday school. We were there at night when the others were attending the theater or sticking their feet under the mahogany table at some millionaire's banquet. We were still working. Perhaps we were not working very intelligently, but we were doing the best we could. If we were not capable of doing the work, why did not the Senate take the responsibility away from us?

On one occasion when one of the farm bills was defeated I intended to offer a resolution providing that all farm bills should be referred to a special committee, and I was to name the committee in the resolution. I picked about 30 who always stood on the floor and criticized every bill the Committee on Agriculture and Forestry had ever brought into the Senate. I would have put the burden on them to frame a bill.

I should have offered the resolution. I had it prepared. My only reason for not offering it was that I knew it would be charged that I was trying to put the Senators I would name in a hole, that I was not fair to them. As a matter of fact, my suggestion would have been in the best of faith, but because I knew I would be misunderstood I never offered the resolution. We ought to take some such action now if this bill should be defeated. Let the next agricultural bill be referred to those who have fought to kill this bill.

Mr. President, I heard what the Senator from New York said about the philosophy of the bill. Perhaps the philosophy is wrong. It may be that the very fundamentals of the bill are wrong. If they are, let us have a different philosophy, if we can get one. If we cannot do that, if there is no remedy under the sun to save the farmer from destruction, let us say so, and let him die, with the knowledge that we are unable to do anything for him. There is the same philosophy behind the pending bill that there was behind the other bills. I voted for every one of them, whether or not I believed in everything in them. It seemed to me that was my duty. It may be that some of those for which I voted would not have worked, but we always found opposition.

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER (Mr. TRUMAN in the chair). Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. NORRIS. I yield.

Mr. O'MAHONEY. Before the Senator proceeds with a discussion of the criticisms of the Senator from New York, I should like to ask him whether or not he finds any merit in the criticism which I have made with respect to the failure of the bill as reported by the conferees to provide what some of us regard as adequate protection to the livestock industry? The Senator was very kind, and listened to the discussion this morning. He has always been one of the most attentive Members of this body. Nothing escapes his notice.

Mr. NORRIS. What is the Senator's question?

Mr. O'MAHONEY. Whether the Senator does not believe there is some merit in the criticism.

Mr. NORRIS. I do. I will say frankly to the Senator that I do. I am not finding fault with anyone because he criticizes the bill.

Mr. O'MAHONEY. I know the Senator does not find fault with anyone who makes a criticism. What I was seeking to determine was whether or not the Senator found merit in the criticism. I am happy to say that he does.

Mr. NORRIS. I think there is some merit in it. I think there is some merit in most of the criticism I have heard.

Mr. O'MAHONEY. Let me make a suggestion to the Senator. For the clarification of the issues which confront us with respect to the livestock industry, two points in particular were selected by those of us who felt disappointed at the report, first, that the word "permanently" was left out of the parenthetical clause at the beginning of the amendment; and secondly, that no adequate provision was made to protect the livestock industry. As a result of this criticism upon the floor of the House, the chairman of the Committee on Agriculture agreed that he would bring forth a resolution to correct the omission of the word "permanently," which was said to have been omitted through a typographical error, and which, of course, was undoubtedly that.

Mr. NORRIS. It was.. I have investigated that matter myself, and I am perfectly satisfied that the conferees intended to have the word "permanently" in the report; that it was omitted by mistake, and probably through a typographical error.

Mr. O'MAHONEY. Personally I should regard it as a very substantial step toward the solution of the difficulty of the livestock industry if members of the Committee on Agriculture and Forestry, the leaders of the conference, would undertake at this moment to say that when the House joint resolution comes before the Senate they will endeavor to cooperate with us in amending the joint resolution by writing into it the provisions of the amendment which was proposed by the Senator from Alabama [Mr. BANKHEAD] on the 17th of December.

Mr. BANKHEAD. The Senator keeps referring to that amendment. I should like to know if he did not vote against it.

Mr. O'MAHONEY. I voted against the Senator's motion to reconsider when it was impossible to obtain from the Senator from Alabama or from any other member of the committee a commitment to support his amendment. His amendment was never subjected to a vote.

Mr. NORRIS. Mr. President, I shall have to refuse to yield any further.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield further.

Mr. NORRIS. I will say to the Senator from Wyoming that if any such resolution comes to the committee on Agriculture, or to any other committee of which I am a member, I shall give it the best consideration of which I am capable, and I will do what to me in the end seems to be the right thing to do.

So far as the first part of the Senator's suggestion is concerned, I am in favor of it. However, I should have an open mind upon the question. I should like to hear any one who takes the contrary view. He might change my mind. But I will say that I am in favor of restoring the word "permanently."

Mr. POPE. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. POPE. There is now on the clerk's desk, as I understand, the concurrent resolution passed by the House, and it is ready for action by this body, if the conference report shall be agreed to. I anticipate there will be no objection on the part of anyone to the adoption of that resolution immediately, which will restore the word "permanently" to this measure.

Mr. NORRIS. I know of no legitimate reason why it should not be passed.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me for another moment?

Mr. NORRIS. I yield.

Mr. O'MAHONEY. Of course, it was not to the insertion of the word "permanently" that I addressed my inquiry. My inquiry was whether the members of the Committee on Agriculture would agree now to amend the concurrent resolution further to include the provisions of the Bankhead amendment.

Mr. NORRIS. I cannot speak for the committee. Speaking for myself, I would not pledge myself now with respect to a matter to which I have not given consideration, until after I had heard the evidence and the discussion with respect to it.

Mr. O'MAHONEY. I will say to the Senator that I would not expect him to do that. I would be satisfied with the statement that such an amendment would be considered.

Mr. NORRIS. Mr. President, the Senator from Wyoming, when he asked me to yield, intimated that I was about to proceed with what he called criticism of the Senator from New York. I have no criticism to make of the Senator from New York. He spoke of the philosophy behind this bill being wrong. A man who believes that would be opposed to the bill. I myself feel that the philosophy behind some of the other agricultural bills was even better than the philosophy behind the pending measure. I did not select the philosophy. It seems we have gone so far and tried so many things without any success, that now, if we agree that something should be done for agriculture, even though we do not favor the measure in its entirety, even though we have doubts as to whether it will work, yet we should give the program a trial and see how it works, for we may have no other means of accomplishing what we wish to do for the farmer.

Personally I believe much good will come from this measure if it shall be enacted into law. It will be found, undoubtedly, that it may need correction here and there. It is going to be very difficult of administration. One of the things which will cause it to be extremely difficult of administration is the so-called McNary amendment with reference to the dairy problem. I think we must come to the conclusion, and we must realize that in some respects the measure may hurt some industry in which we are directly interested, but the question after all is whether it will be of more good than harm to the country as a whole. If it develops upon trial being made of it, that it injures some industry, I should be one of the first who would try to rectify it, if I thought it could be rectified.

I was opposed to the McNary amendment, not, however, because I had any objection to what the dairy interests were trying to do. There are dairymen in my own State by the thousands, and we in that State have been trying to induce the dairymen to increase their herds. The dairymen who are there have succeeded probably better than any other class of our citizens. However, I thought the dairy amendment made this bill almost impossible of administration. I still believe so. I believe it is going to be difficult to administer as it is brought in here in the amended form. I think we ought to try it, however. I do not believe we ought to protect one industry more than another. When we divert acreage we are always bound to run into someone else's interests. We are going to compete with someone. Let us say that a farmer who has two or three cows, agrees to carry out this program, agrees to go along with the Government, to join the Government in trying to bring about the proper administration of the measure, and he diverts some acreage from wheat, let us say. Then we say to that farmer, "The acreage which you have diverted cannot be used for anything." Why is that done? So that the products of that acreage shall not come into competition with the products of other acreages.

It will be impossible to use it without coming into competition with someone. It cannot help coming into competition with someone. There will be such competition. To my mind, however, such competition will be insignificant. I do not believe that the dairy interests would be injured a particle by it, because, if the bill does what we want it to do, it will go a long way toward stopping unemployment; it will go a long way toward a balanced agriculture. It will assist agriculture in a great many respects. Farmers who now have only two cows will have three or more cows.

I do not like to put into a law something which says, "You shall or you shall not do such a thing in respect to agriculture." Let us see how difficult it would be to make provision which would obviate any chance of competition. The beekeepers, for instance—and there are many of them in the United States—make their money from the sale of honey. If we should propose to prohibit all producers from raising anything on the diverted acreages, we would say to the beekeeper: "If your bees fly over onto this diverted acreage, and Nature there produces some flowers which have honey in them, and those bees take that honey and carry it to your house, and you take the honey to town and sell it, you will be punished, because you are coming into competition with other beekeepers." That is a farfetched and exaggerated illustration, I admit, but the same principle holds good with respect to other products.

It seems to me that no matter what we do—and the Committee on Agriculture found it to be true—there will be some persons who have either imaginary or real difficulties, who will appear before us and say, "You are stepping on our toes. You are putting something in competition with us that is not now in competition with us." This measure is one of the steps necessary to attain recovery. If we do not have recovery we are going to be ruined anyway. If we do have recovery there will not be enough cows in Vermont and Michigan and Oregon and in the other States which produce principally cows, to supply the milk and butter and the cream required to feed the people of the country. There will be an increase in demand. More cows will have to be provided. But the poor farmer who helps to carry out this program by diverting some of his lands cannot produce anything that will help to supply that increased demand for milk and butter. If we do not get a balanced condition

for agriculture, then all our efforts are going to fail anyway. The objections to this measure will disappear if we do get a balanced condition for agriculture, and I expect to see it.

It is natural for Senators to defend the conditions they find in their own States, in their own localities. If I were defending those conditions I should be in favor of the amendment instead of being opposed to it. But I think we ought to realize that we must give and take in connection with this great question. After all, Senators, there is a greater question involved than may appear on the face of the proposed legislation. Soil erosion and control of floodwaters are involved. Reforestation is involved. We cannot increase our forests without, perhaps in theory, coming into competition with the man who owns timber and who wants to sell it. We cannot prevent erosion without perhaps coming into competition with a farmer who produces something on land where there is no erosion. So, after all, it is all tied up in the general good. The question, as I see it, is, "What is the general good?"

We find continual criticism which, in many cases, is without any foundation whatever. I have before me an editorial taken from one of the newspapers in the great Middle West, a section which has suffered from drought and dust storms. The editorial develops the idea I mention. It speaks of certain persons who are called "lawyers and politicians." I take it that it is no disgrace to be either a lawyer or a politician, but that is what they are called. The lawyers and politicians referred to appear night after night at county meetings. They are always opposed to anything Congress is doing. They are opposed to this bill. They say to the people, "You are going to be forced into slavery. This bill has some compulsory features which are objectionable to all men who love liberty."

Various controversies have arisen. I desire to read, Mr. President, an editorial which appeared in the Lincoln Star, published in Lincoln, Nebr., January 25, 1938.

First, let me ask Senators whether they have ever been in a dust storm. Do they know what a dust storm is? Unless we can stop dust storms, or unless Nature relents, a large portion of the bread basket of America will be wiped out.

I have read about dust storms. Even in Washington, D. C., I have seen the dust which had come from the Dakotas, from Nebraska, from Kansas, from Colorado, from Texas, and from Wyoming, like a cloud in the sky, but I did not realize what it meant. I have read about men out in their automobiles being blinded by a dust storm. I have read how they got off the road, and how they perished; and I could not understand why a man driving along in an automobile on a paved road could not turn on his lights and keep on the highway, regardless of any dust storm. It seemed incredible to me. But a year ago I was driving through the Midwest in my automobile. Our party stopped for lunch at a certain town. We were about 40 miles from the place where we expected to stay all night. After lunch a man who was there said, "You are going to get in a dust storm when you get out here a couple of miles." I had read of dust storms covering vast areas of territory, innumerable square miles, but there was no dust storm where we were. It was a beautiful, sunshiny day.

We started, and we had gone about 4 or 5 miles when we ran into a dust storm. It was a local dust storm. I never saw anything like it in my life, although I had lived in that section from the time when I was a young man. It was just as impossible to see as though one were put in a dark room with no possibility of any light entering the room through any crevice. Although we had the lights turned on we could not see farther than the hood of our automobile. We were on a paved road. Sitting on the side of the car nearest the edge of the road I could look down and see the pavement just a few feet below me, and in that way I was able to guide the driver. If he went too far to the right, I could see the wheel getting off the pavement. We were afraid we might meet someone. We had our lights on, but we traveled at a snail's pace. We met several cars which were traveling in the same manner. We did not see them until they were right beside us on the pavement. It was impossible to see anything.

Senators do not know what dust storms, such as occur in the great West, are like, unless they have had an experience that tells them what it is. A dust storm cannot be described. It never has been described. Lights do no good. I read about a man in Kansas who got off the paved road and got out of his car to find the road. He never got back into his car. He wandered away a few rods, and was found dead the next day, suffocated. His car was found only 3 or 4 feet from the paved highway.

Dust storms represent one of our difficulties, and one of the problems which we have to solve, if possible, by legislation. It will be a difficult thing to do. Perhaps it will be impossible, but there is no reason why we should not try. We are trying to take one step in that great program with this bill.

I now read the editorial to which I referred from the Lincoln Star, published in Lincoln, Nebr., dated January 25, 1938:

ALL BUT UNNOTICED

It was a cold wave to many, that swept across Nebraska Monday, emphasized by boisterous winds, but far more important these days it was another demonstration of the cruel gradual working forces of erosion in many sections. The skies were filled with dust. It has not been an uncommon experience in this era of "black blizzards." At York, visibility was reduced greatly and from other communities reports came that a lashing northwest gale was whipping up the fields exposed to its sweep.

Four million acres of wheat and more, representing some of the hopes of a large farm population, bore its brunt in varying degrees. Where last week's wet snowfall had been heaviest, and in a few areas where a snow covering remained, chances of damage were minimized. Where little or no moisture had been received, it was a savage lashing which those wheat fields received.

The practical application of conservation principles is not glamorous. So frequently and to so many nothing connected with the soil or concerned with the soil is glamorous. All of it represents hard work and planning. None of it reaches toward relaxation or recreation. It is so obvious and so elemental that it offers no invitation to curiosity and no opportunity for adventure. It is altogether so unfeeling, so drab, so much a part of humdrum existence that generation after generation is content to pass it by, content to live in whatever temporary security can be had, and content to grab for itself what it can get, regardless of what may happen to it later and if not to it, to that which follows.

These are not discouraging days of fighters. They are days well calculated to test the mettle of the most courageous and the most gallant. They are days which in the physical realm furnish so much to stimulate thought. They go directly to a sharp controversy that is echoing in many counties at this time. It is the debate aroused by proposed farm legislation.

People here say they do not want anyone telling them what to do; they do not want controlled production. They do not want ruinously low prices. They want decent prices for farm products. They do not want constantly decreasing acre yields. They want to go on taking from the soil in the same measure it has yielded. They do not want the depressing, apprehensive developments projected by dust storms which have become so common. They want those old days when skies were bluest of blue, when the air itself was clean, sweet, wholesome, and bracing.

It has become fairly evident that something has happened over much of the Great Plains. Some comfort themselves by saying this is simply another cycle and in a few years things will be as they used to be—rains will fall—droughts will be washed clean again. That is to be greatly desired. But erosion—that slow mysterious force of nature that works ceaselessly in countries where the sweep of winds largely is uncurbed, where long periods of dryness prevail—is a factor that must be recognized and measured.

There are many objectives in a permanent farm program. One is rebuilding the soil and reducing the devastation of erosion. One is the leveling off of too abundant production and softening the effects of underproduction. One is the preservation of reasonably decent prices. The hundreds of thousands who live in this State may at least by their own individual efforts practice conservation. If they reject controlled production they must answer for the probable developments of low prices. But this high gale which swept out of the Northwest, filling the skies with dust, carried something with it besides cold—something for people to think about.

Mr. President, I now come to another editorial from the same newspaper, one of the most ably edited newspapers in the West. I read an editorial that appeared in the Lincoln Star of Lincoln, Nebr., on January 26, 1938. The subject of the editorial is Why Control?

Why must we have control, Mr. President? We talk about regimentation and compulsion in the proposed bill. If we are to serve the farmers of America, if we are to do something for agriculture, why, in whatever plan is adopted, can we not give an advantage to the farmers who will cooperate? A certain type of farmer backs up under the Constitution and says, "Under my constitutional rights I have a right to refuse anything you offer. I will plant anything I want to plant. I will plow anything I want to plow. I will destroy anything I want to destroy. That is my right. That comes from my ownership."

The critics present such a picture to the farmers. They say to the farmers, "If you go into this, you are going to be compelled to do so-and-so."

Mr. President, how far would we get with any program if we induced farmers to take acres out of cultivation and then gave to those who would not cooperate or would not go in the same advantages as those given to the farmers who did cooperate? It seems to me it is foolish to think that we could "get to first base" with such a program. If that is compulsion, then there is compulsion in this bill; and if that is compulsion, then we must have compulsion or we cannot make any plan succeed. So this editor says:

Some of the lawyers, the real-estate men, the businessmen, and the politicians riding around Nebraska to arouse sentiment against pending farm legislation have short memories. They forget the era of ruinously low farm commodity prices preceding these years of drought and scarcity. They forget they, along with a good many other people, were just as outspoken against 8- and 10-cent corn, 35- and 40-cent wheat, ridiculously cheap pork and beef which prevailed during the closing months of the Hoover administration as the most ardent disciple of farm legislation today.

Voluntary action against the accumulation of depressing surpluses of farm commodities had its fair trial. It had its fair trial during the Hoover administration. Through his Farm Board, Mr. Hoover pleaded for reduced acreage. Some farmers complied—a great many others did not—and a great many thought that because a few were reducing acreages there was the golden opportunity for them to fatten the old sock by increasing acreage.

That is just what would happen; that is just what did happen. Let us not let it happen again. If we must have compulsion to prevent it from happening, then that is compulsion of the kind we need for the benefit of humanity in general and for the benefit of the farmer in particular.

The Hoover Farm Board had $500,000,000 from the Federal Treasury to improve price levels on farm commodities. It pegged the price of wheat at $1.26 a bushel. It bought futures on the Chicago Board of Trade to sustain wheat prices.

This is nothing new; all Senators know it is what actually happened and what was actually brought to pass, no matter how much we may concede, as I do, the good faith of the men who were behind the program. I voted for the bill to give them an opportunity to try it.

It stored millions of bushels of the grain in elevators and at terminals and paid huge sums for storage facilities to elevator operators and to grain men to remove the surplus from the active market.

It failed. Mere storage did not go to the heart of the problem. The greater the storage the more prices were affected adversely. The only method through which farm commodity prices were improved was the ultimate elimination of top-heavy surpluses. In these series of farm meetings over Nebraska the embittered critics of the proposed legislation have had nothing to say about facts that are of common knowledge and painful memory. All they say is that they do not want anyone bossing them, infringing upon their liberty, and seeking to regiment them. Today they talk of an arrogant bureaucracy, and it was but yesterday that they were talking about the failure of Mr. Hoover's Farm Board.

Mr. Hoover, in a faint, half-hearted fashion, believed in rugged individualism. He believed that human flesh would do exactly what it should do. He believed, or professed to believe, people were so perfect that when surpluses accumulated they would automatically plant less. Or he believed that it was a good thing to let millions burn their fingers, pass through trying experiences, acquire, say, a sort of wisdom that comes from suffering and folly. It did not work out. It brought rioting on the highways, defiance of courts, contempt for law, deprivation of inherent rights, and near rebellion among large masses of people.

All this is projected by an observation in an unexpected quarter, in a column not generally in accord with the New Deal. But in the Nebraska City News-Press this appeared: "But the Government, as gullible as it seems to be when it comes to lending, in establishing this crop-lending policy as a permanent thing, wants some degree of protection. It wants to be assured, for one thing, that when it loans 50 cents on a bushel of corn that corn won't drop to 10 cents a bushel the next year. That would put a lot of corn in the Government's hands. The granary wouldn't be normal, in other words. * * * If the Government is to loan on surplus crops, or support the market price, there must be crop control. That would be compulsory. No matter how desirable lending on crops is, there will have to be some crop-production control in order to protect the security. Otherwise the lending can't be done with anything conforming to good business practice."

If the learned lawyers, politicians, and the businessmen in Nebraska, seeking to arouse farm populations in this State against crop control, will put the question more fairly, they may find it convenient to stay closer to home. It isn't a question solely of somebody bossing somebody else. It isn't a question solely of controlled production. Every farm audience ought to be asked, does it expect a fair price for farm commodities. If it does, then how does it expect to get them? Can it produce millions of bushels more grain than can be consumed and still get them? Can it keep on, year after year, piling up surpluses and still get a profitable price? Can it fill the elevators, the cribs, and the bins to overflowing and still get them? Can the Government keep on loaning at 50 cents a bushel on corn regardless of whether corn is 10 cents a bushel next year?

If it can, then automobile manufacturers ought to operate to full capacity every day of the year; jobbers ought to fill their warehouses and then build new ones; retailers ought to increase their stocks indiscriminately and keep people producing without limit or control. There are controls in industry and business, effective controls, which result in suspension of operations and in throwing people out of work. That is common knowledge. In industry, there has been an indirect subsidy under the guise of developing infant industry. It has gouged and exploited people and compelled them to pay billions in tribute to the great industrial enterprises of this country. It has increased the cost of every tariff-protected commodity representing the necessities of the consumer.

It was that, that deliberate exploitation of the consumer, which threw the economic gear out of kelter. If these lawyers, politicians, and businessmen in Nebraska will be fair with their own people, they will quit talking out of the corner of their mouths and place the full facts before those they ask to follow them. Crop control has its restrictions, not as often as has been pictured, but the same practice that industry and business has used for years. And industry itself never has been too proud to accept an indirect subsidy in order to fatten its pocketbooks.

Mr. President, that editorial states, in much better language than I could use, the argument I wish to make, but it seems to me that is the question before us. It goes further than limiting the production of corn, wheat, tobacco, and the other commodities mentioned in the bill. Behind it all is part of a great effort to restore this great country to normalcy.

One of the best arguments on this subject I have ever read was made by a humble postmaster in the little town of Waupaca, Wis., when he was called upon to address the Lions Club. I ask Senators to read it. It goes into the history of the whole matter. It shows that unless we do something we shall be on a parallel with China; that the same natural forces which have ruined other countries will surely ruin ours. The speaker calls a halt on those who find fault simply because the next day they cannot be recompensed in their own pocketbooks for the expenditure involved. We are looking after the interest of our children and our children's children. After all, the condition with which we are confronted goes away beyond the present generation.

For 150 years we have been destroying what Nature has taken millions of years to produce and we must suffer the consequences. We have plowed up land that never ought to have been tilled. We have destroyed forests that never ought to have been cut, at least not until they were ripe. We have permitted millions of tons of our best soil to be carried off in erosion, by drainage of swamps, by expediting the way in which water could get to the sea when we ought to have impeded it as Nature has done in swamps and other wet places, in forests, amongst bushes and grasses.

But we have taken away the grasses; we have cut away the forests; we have destroyed the bushes; we have drained the marshes; and we are today suffering the consequences of our acts. This bill helps us to go back. This bill helps us to rectify the condition, probably only in a small way, but in a degree it will help.

I ask unanimous consent to have printed in the RECORD at this point in my remarks the address delivered by Mr. Carew, the postmaster at Waupaca, Wis., before the Lions Club of that little city.

The PRESIDING OFFICER (Mr. RUSSELL in the chair). Without objection, it is so ordered.

The address is as follows:

[From the Waupaca County (Wis.) Post of January 27, 1938]

SCHOLARLY ANALYSIS OF EROSION BY CAREW—"POSTMASTER JIM" TELLS WAUPACA LIONS UPWARD LINE OF POPULATION, DOWNWARD LINE OF SOIL PRODUCTIVITY, WILL CROSS IN 1960

One of the most substantial, most sobering, and most interesting talks Waupaca Lions have heard in months came from a member of the club, Postmaster "Jim" Carew, who addressed the Lions Monday on soil erosion.

Because the talk is interesting to all the people of this community and not only to the Lions alone, the County Post takes the liberty of republishing the talk in its entirety:

"About a year or so ago, I read an article to the effect that we are sliding down to the sea at the rate of about 3,000,000,000 tons a year. And at a cost in loss of soil fertility of about $400,000,000 annually. Well, I hadn't missed any dirt out of the back yard, and the trees appeared to be numerous as ever out in front—and I couldn't see that I was any nearer the water's edge—so after I had finished reading the article, which dwelt with devastating damage, suffering, and death, all caused by soil erosion, I laid the magazine aside with the thought, 'Gee, that's tough.'

"Then a few days later the daily newspapers were carrying the stories of the Ohio River rampage; of cities inundated; of the untold millions of dollars of property damage; of cities without heat, light, or water; of the spread of disease because of the lack of sanitation; of homes being swept away; of the dread, the fear, the suffering, and death itself from exposure. So I chipped in my little bit toward the relief fund that was being raised locally, with the depressing thought, 'Gee, that's tough.'

"Then right shortly, as I came to work one morning, the snow was all covered with a peculiarly colored deposit; it looked as though the wind had blown everybody's ashpile into a thin film all over the landscape. Farmers coming to town were talking about the funny colored snow, wondering if this was to be the winter of the 'blue snow,' for the entire countryside was tinted. And, that day daily newspapers carried the stories of the terrible dust storms coming out of the southwest—the Dust Bowl. They took samples of the deposits in Portage County and calculated that 20,000 tons of somebody else's topsoil had been deposited in Portage County alone in that dust storm.

"Now these events can be charged against the white man, for they are Nature's warnings of what to expect from the denuding of the earth of its vegetable covering. We are reminded of the history of China, which tells us that China was endowed by Nature with a rich, fertile soil, and for hundreds of years was a land of plenty. The fertile plains of the Yellow River were plains of abundance until Chinese farmers seized them, cut the forests, and plowed up soil whose rich fertility had been centuries in the making.

"The land was stripped of its natural vegetable covering and exposed to the sun, the winds, and the rains which washed away or blew away the top soil. The land exhausted, the farmers moved on and hundreds of millions more acres of China's topsoil were washed down to fill up the lower plains and dump into the sea of yellow mud. The river of abundance became the river of sorrows and the sea into which it flows became the Yellow Sea, with the rich deposits coloring it a distance of 75 miles from its shores.

"In 1931 alone floods sweeping down the denuded hillsides buried the farms of 25,000,000 people under 9 feet of water, taking a toll of more than 500,000 human lives. The Chinese passed on to future generations the burden of paying for their intensive cultivation and exploitation of its rich agricultural lands.

"Well, practically the entire United States was endowed by Nature with the richest blessings ever known to mankind. Our northern tier of States were originally blanketed with a rich and abundant forest; the plains States were carpeted with a rich, natural grass, whose mass of roots not only held the soil in place, but they acted as their own reservoir for storing up water to give them life. Then along came the white man in his march of progress and slew down the forests and ripped up the carpet of grasses and overcropped and overgrazed the land, robbing it and stripping it of its topsoil fertility, leaving it bare and exposed to the sun, the winds, and the rains, which had nursed it for centuries with the ingredients that had built the fertility into the soil. So that today 50,000,000 acres—an area as large as Indiana and Ohio combined—once cultivated in the United States, no longer produces crops. That is more than all of the wheatland harvested in the United States last year. That land lies idle, its surface unprotected by vegetation to hold the soil. And Nature has written her warnings in floods and dust storms—and eventually in food bills to the consumers. More than 300,000,000 tons of rich soil from the fields of the Mississippi Valley alone are dumped into the Gulf of Mexico each year. At that rate, do you wonder at the fear that has been expressed that the Gulf of Mexico may become another Yellow Sea?

"If we could visualize rising high enough to look down upon the section of the United States lying between the Allegheny Mountains and the Rockies we could see something looking like the picture of a tree. The Mississippi River would be the trunk of that tree and its tributaries its branches and the lakes and ponds and marshes its leaves. Now, when rain fell, before the white man went to work on this picture, the humus, which was the sponge created by the decaying of the grasses and the twigs and leaves, held the water and let it slowly trickle down into the earth and fill up the lakes and ponds and marshes and gradually find its way through the little creeks and rivers to the Father of Waters. But since man has denuded that part of the earth of its vegetative covering and left it bare and exposed there is nothing to hold the water when it falls from the sky, for there is practically no humus or sponge left, so it immediately starts rushing down the hillsides, carrying particles of the earth with it. And in no time after the rains stop the sun comes out and dries up the surface, and the winds begin to blow and pick up fresh particles of soil and carry them away.

"Now, weather statisticians tell us that their studies prove that wet and dry cycles have followed through the centuries, but that they were not so destructive as they are today because during the wet cycle the trees and the carpet of humus, together with the marshes, acted as a sponge for holding the water. It did not run off in floods, but was retained where it fell and slowly found its way down into the earth, stored up for the dry cycles, and therefore the dry cycles were not so disastrous. So it is not the weather so much as it is the folly of our system of exploiting our great natural resources that is responsible for the seriousness of our plight.

"It is the overcropping and overgrazing that have forcibly retired from production these millions of acres of some of our best lands. Land that should have been cropped in rotation with grasses and other soil-building crops has grown year after year cotton and wheat and corn and potatoes and other surplus commodities, which have been piled up, unwanted and unsold—even at 6 cents for cotton, 30-cent wheat, and 40-cent potatoes.

"In addition to the 50,000,000 acres now entirely out of production, the best topsoil has been washed or blown away from 125,000,000 acres more—an area as large as Illinois, Iowa, and Kansas combined. And still another tract of 100,000,000 acres is heading in the direction of that soil-stripped land. We have some of these acres right here in Waupaca County.

"The ambitious straining for more cattle and more sheep, more cotton and more wheat, more corn and more potatoes has meant, ironically enough, less production after all. The mad scramble for more production, more profit, resulted in the end in scarcity, because of the robbing of the soil of its fertility. Surely we need our soil and its fertility more than we need a surplus of those commodities, for you know a run-down farm is a poor legacy to leave to sons or daughters—and is a penalty levied against the consumers of the future. Just take a drive next summer on some of the byroads in the towns of Dayton and Farmington and some other sections of Waupaca County and see some of the legacies left to some sons and daughters. Those very legacies have had their effect upon the business of every man in this room; I know that they have affected the sale of postage stamps.

"In a pamphlet by the American Bankers Association are some significant statements—bankers are hard, cold-blooded fellows, you know—present company excepted. But the pamphlet states that 'The welfare of each individual, as well as of the Nation, rests ultimately upon maintaining our soil resources.' That 'Man holds land as a trust, as a steward, rather than as an absolute owner.' That 'this generation is entitled only to what the land will produce, and should leave it unimpaired for the next generation.' That 'soil erosion now menaces the economic and social security of millions of people. Its continuation may make impossible a self-sustaining agriculture in the United States.'

"Conservation authorities state, if soil erosion continues at its present rate, that we will become a nation of hungry stomachs and that the collapse of our civilization is threatened within the life span of those who are now living, unless the destruction of soil ceases. The downfall of all great civilizations can be traced to the lack of food.

"J. N. Darling, who was president of General Wild Life Federation, stated sometime ago in St. Louis that, 'In 1960, at the present trends of soil destruction and increase in population, the upward curve in population will cross the downward curve of tillable soil until we will have just 3 acres of tillable land per person. That is considered the minimum by which we can maintain our standard of living. After that we head down to the level of the Chinese.'

"Now, that's the saddest, most depressing thing I have read, for, you know, 1960 is not so far away. That is the year that I had pegged as beginning to really have some fun, because I will have reached the age when Supreme Court Justices may retire. But since reading that article I don't care much whether I have any more fun after or not. But I have three sons and a daughter—and naturally look forward to a few grandchildren—and I don't like to think of them on greased skids of a downward trend in civilization just because we have failed in our opportunity to correct the mistakes of our preceding, thoughtless, reckless generation.

"So this problem of soil erosion is the most seriously important problem on the horizon today. It is more serious than the threat of war; it is more serious than inflation; it is more serious than unemployment or wages and hours; it is more serious than dictatorship or communism (or whether my boss becomes the next President of the United States), for the fact remains that no government can stand up against the demands of hungry stomachs.

"Now, I haven't time here today to discuss any of the remedies that have been undertaken to correct the evils of soil erosion. I have merely tried to arouse an interest—with the hope that if this subject is of sufficient interest, we may have discussions of the

types and methods of combating soil erosion at some future meetings. This much we know—enactment of soil conservations must be made. And they should be understood by all of us, not just the farmers, because it is only through a thorough understanding of any principle that it can be made workable. And if we read or hear again this cry of regimentation because a farmer is expected to do certain things, comply with certain requirements, in order to become the recipient, the beneficiary of the programs mapped out for his benefit, let us not forget that we are all regimented in nearly everything we do. Why, my friends, the bankers here, regiment me when I borrow money from them; they tell me I must do two things: I must pay a certain rate of interest and pay back the principal. We are regimented when we drive down the streets; our daily conduct and activities are regimented to promote the common good.

"So if we are to accept the statement of the American Bankers Association that 'Man is not an absolute owner of land; that he is only a trustee, a steward,' then surely the enactment of legislation prohibiting the robbing and stripping of the soil of its fertility—the enactment of a legislative program to rebuild and replace that lost fertility—is more important than our humane legislation which prohibits cruelty to dumb animals. We have had some hastily drawn and hastily executed, short-time emergency programs in effect in certain sections of the United States. But it is necessary to consider and enact a permanently constructive program that will embrace the entire section affected by soil erosion.

"Someone has aptly said that grass is the thing that holds the world together. And grass is a native to our entire country. So the first step is to prepare the soil to grow grass—the marl and lime program is a step in that direction—then grow the right type of grasses. Then discourage the draining of our marshes, rather we should fill up some of the ditches and reclaim our natural reservoirs and build new ones.

"And, above all, for us who do not live on farms, we should take more interest in the welfare of our farmer friends, because we must not forget that when the farms and farmers go down, we all go down with them."

Mr. NORRIS. Mr. President, in that connection I ask unanimous consent to have printed in the RECORD, without reading, another editorial written by the writer of the editorials I have already read into the RECORD. The subject of this editorial is "Sweet Liberty." In the editorial he takes up a question which I think has direct application to what we are trying to do. We are trying to stay the devastation which has come to us because we have disregarded Nature's laws. We may think this advice is foolish; we may think it comes from cranks; but history all over the world shows that we are following in the footsteps of those who have destroyed their own country, because we have disregarded the warnings of Nature; and unless we change our course, in the years that are to come our children or our children's children will be in a condition where starvation will be the general rule.

We want to protect our soil. This bill will help to do it. We want to replant our forests. This bill will help to do it. We want to prevent the water which falls on the sidehills of the country from running too rapidly down to the rivers and streams which ultimately carry into the sea the soil and the natural resources God has given us.

I ask unanimous consent that the editorial to which I have referred may be printed in the RECORD without being read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial is as follows:

[From the Lincoln (Nebr.) Star of January 29, 1938]

SWEET LIBERTY

One very simple illustration will serve to set forth how conceptions of American constitutional liberties change. It was not so many years ago that there were no compulsory school laws upon the statute books. A man's children were his children until they attained their majority. They looked to him for discipline. They could attend school or stay out of school, according to their own desires and the will of their parents. That is not true any longer. There is a law today in most States providing for compulsory school attendance for children between certain ages.

It created quite a fuss in the beginning. A good many fathers said that no truant officer was going to check up on their kids and take steps to compel school attendance. The children belonged to them, and no governmental snooper could breathe defiance to the wishes of the parents. It is different today, and the truancy law is enforced rigidly. No one talks about curtailment of liberty—thinks of it in that way—but if there is anything that is more sacred than the right of parents to determine how their offspring shall live and spend the tender years of their lives, then name it.

In the southern part of Lancaster County the other day a farmer was quoted as saying that rather than surrender his liberty he would forego what the Government had to offer by way of a permanent farm program. Another was reported to have said that he was better off with 10-cent corn than $1.50 corn. It will not make a great deal of difference what individual people may think after the passage of a certain period of time. Either the farmer will receive a profitable price for the products of his land—and that means the great mass of farmers; not a few scattered individuals—or he will go bankrupt and lose his land. He can't keep on selling wheat for 35 cents a bushel—which, including investment and all proper charges, cost him much more to raise—and still stay in business. He can't produce anything at a loss over an extended period of time and expect to keep his head above water.

Neither can he expect the Government to loan him a fixed price on corn or wheat or any other commodity unless there is some degree of control of the amount to be produced. Not only the farmer, but the Government itself, would face ruin. In all of these farm discussions that have been taking place in Nebraska, a hard-hitting, two-fisted band of lawyers, politicians, and others—owners of land, to be sure, but generally with diversified interests—have had little to say about the wrath that swept over farm regions in the fall and winter of 1932–33 and a great deal to say about the farmers' liberty.

They have not been even fair about that—no matter what they may have intended to do. They have talked about some outside group of supervisors, imports from other States, coming in to tell the farmers of a locality what they had to do. The farmers of that area elect their own supervisor. If they would be silly enough to choose people from outside the State, then there would be some foundation for the charge. But the natural assumption is that they will choose their own people. They have talked about compulsion, but before there is an exercise of controlled acreage, first the requirements of an ever-normal granary must be met by way of surplus, and then the man on the soil and his neighbors must vote and must cast a majority of 75 percent before control becomes effective.

If that is a destruction of inherent liberties under democratic government, then most of the limitations placed upon people living both in the city and on the farm constitute tyranny. Because those rules that say what an individual may do or may not do represent a mere majority. The regulatory legislation under which business functions represents a mere majority.

This is a matter for the farmer to settle. The impassioned agrarian minutemen—some of them practicing law; some of them active politically; rushing over the State, addressing meetings of farmers, warning them of the dangers besetting them—face a heavy responsibility. It was less than 6 years ago that an overabundance on the farm brought ruinously low prices, open rebellion along the highways, defiance of law, and defiance of courts. Those prices interfered with sheriffs' sales and produced an intolerable situation.

If the critics do not like the pending proposals, what is it that they like? A few say leave us alone. They might get along entirely to their own tastes, but the bulk of the farming population experienced real distress because, first, of low prices and then drought. Uncontrolled production means ruinous prices. It always has and always will. It has ushered in cycles of great agricultural suffering and revolt.

Industry and business possess the mechanics right within themselves to control production. They exercise it partially. When they have too much on hand they simply quit producing. Before there can be any progress in eliminating the inequalities of industrial and agricultural income, the same measures by which industry keeps bankruptcy away must become a part of farm policy.

Mr. NORRIS. Mr. President, I do not wish to continue longer. I do not know that I have added anything to the discussion. I think, however, if I have the right viewpoint of the situation, that we ought to try to banish from our own hearts to some degree the selfishness of human nature. Human selfishness is natural. To a degree, I think it is right. I do not find fault with those who think this bill will not work. They may be right. Perhaps it will not work; but what will work? I admit that you may be of the opinion that nothing will work, and for that reason that you are not required to offer a substitute. But 99 percent of the critics who have been traveling over the country, actuated by motives sometimes partisan, sometimes in the interest of big business, sometimes in the interest of something else, are actuated by unjust motives. Their criticism is not constructive. They ought to bring forth something before they tear down something. What will take the place of this bill? To me, it seems that the situation is almost desperate.

This bill has been worked out by men who are as conscientious as any men with whom I have ever worked. In all my experience in Congress I have never found an instance in which Democrats and Republicans sat down side by side and did a more conscientious job than they tried to do here. The members of the Agricultural Committee may be foolish; they may be all wrong; but you have delegated the power to them. If you do not like the result of their labors, take

it away. I should be glad to have you take it away. Let somebody else assume the burden. Let those who criticize prepare a bill and bring it up. If any semblance of good appears likely to come from it, it will have my enthusiastic support.

Mr. BAILEY. Mr. President, I rise with some reluctance, because I understand it is earnestly desired that the conference report shall be approved before we adjourn this afternoon. Moreover, four Senators have informed me rather urgently that they have engagements to leave the city, and they would like to vote before they go. So I shall undertake to be brief.

If there is any disposition to blame me or to blame anyone for holding the Senate here, I hope the blame will be properly apportioned among all the Senators who preceded me. It just happens that I am one of the last. I am perfectly willing to go ahead with a view to a determination of the matter, and have no disposition to delay the inevitable determination.

I also wish it to be understood, in order that there may be no protest against what I am going to say, that I do not intend to reflect upon or in any way to attack or criticize the committee. The members of the committee have labored with great diligence, and they have advocated the bill here with a great deal of enthusiasm. If I had any comment to make on that subject, I think I should say that each of them has been most enthusiastic, and they have been surpassed in their zeal and enthusiasm only by the zeal and enthusiasm of the chairman of the committee.

I am reluctant to undertake to discuss the proposed legislation from the approach of a fair consideration of the obligations of my oath to maintain and uphold and defend the Constitution of the United States. There was a time, Mr. President, when that was a reasonably substantial approach to matters of this sort; but a new doctrine has been proclaimed by the Assistant Attorney General, who is soon to become Solicitor General by our confirmation and enthusiastic approval. The new doctrine is that the Constitution as well as the Supreme Court has an obligation to follow the election returns, and the Constitution shall mean and the Court shall declare whatever the political platform or the political candidate may believe upon a vote of the people. If we make a fair application of that doctrine, coming from that eminent source—a source that is eminent now, and hoping to be much more eminent in time to come, as I understand from the newspapers—I take it that we shall soon have it determined that anything is constitutional in America if we submit it to the group involved, and two-thirds of them say so. However, I do not take that view of the Constitution—not yet.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. SCHWELLENBACH. I should like to ask the Senator—and I submit this question with the utmost seriousness—in view of the fact that prior to any changes on the Supreme Court there were such extreme changes in the attitude of the Court, for example, the declaration in 1936 with reference to the minimum-wage law, and then a complete reversal in 1937 by the same Court; the declaration in the Carter Coal case to the effect that labor problems were purely local in 1936, and then the declaration in the Jones-Laughlin case that they were a national problem—is it not rather difficult for any Member of the Congress today to decide the question of constitutionality in passing upon proposed legislation under consideration by the Congress?

Mr. BAILEY. Not only difficult, but getting more and more difficult every day. We are in entire agreement. Still that does not convince me of the flower and consummation of that doctrine, to wit, that the Court must accommodate itself to what gentlemen in power say is the meaning of the election, and if the Court does not, that is a resistance to the processes of democracy.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BAILEY. Yes, I yield; but I did not intend to enter upon a filibuster. If Senators wish to have me to, it is all right. I meant to conclude pretty quickly.

I still believe in the Constitution, I still believe in the integrity of the Supreme Court of the United States, I still believe that it is the duty of a Member of Congress to respect the decisions of the Supreme Court of the United States, and I do not believe that the Constitution is an instrument which can be changed at will to accommodate the decisions of the Court to political platforms or biennial elections.

Mr. MINTON. Does not the Senator think that the Supreme Court has rather faithfully reflected the opinions and doctrines of the Republican Party ever since the Civil War?

Mr. BAILEY. I do not, and I think the President of the United States now in the White House confirmed and approved in one speech, in March 1930, every decision the Supreme Court ever made as to the meaning of the Constitution as to the structure of this Government and the powers of its branches; and I read that speech aloud here. If those decisions prior to 1930 were Republican decisions, then I say that the present President of the United States approved every one of them within 3 years of the hour when he took the oath of office as President under the aegis of the Democratic Party.

I am perfectly willing to yield. I said to begin with that I did not care to prolong the debate, and that I was rather inclined earnestly to conform my will to the general desire to have a disposition of the legislation; but I welcome the opportunity for debate and discussion always, and I wish to assure Senators that I shall be very happy to yield at any time.

This is what comes to my mind. I do not have the right as a Senator to vote for the proposed legislation. I am bound by the Constitution, bound by my oath, which is the only condition of my tenure here, a violation of which would justify my expulsion, and whether the Senate expelled me or not, the violation of it would in every real sense expel me within myself. But, passing that by, I am respecting the views of Senators who think they have the right. I do not question that. I am talking only of my own view.

I say that the measure before us cannot be enacted by the Congress, that the bill cannot become law. It is unconstitutional. It is manifestly, it is obviously, it is hopelessly unconstitutional.

I think it is a great pity to enact bills which are to last a year or two and which are held forth as the source of hope, as the Senator from Nebraska just now held forth the pending bill, to enact such bills into law, knowing, as I feel that I know—and I am not resting the opinion on my own judgment; I will give my authority in due course—knowing that they are soon to fall to the ground. We have been warned that when people ask for bread, we should not give them a stone. But I will go further and be perfectly candid. If I had the power to make this bill a law, I would meditate upon it more than a year, because the exercise of unlimited and arbitrary power over a people is the most serious thing a human being ever undertook. I do not think I would dare exercise that power if I had it. I have no taste for tyranny.

To reduce the whole thing to its simplest terms, we are asked to pass a measure now, the effect of which would be that the Congress would say to all the people of America, all the farmers who are farming, "You shall not plant until you get the permission of the Department of Agriculture." We would reduce them to the status of a small boy in the schoolroom, who lifts his hand and asks the teacher for leave to go in or to go out.

We are also asked to say to all those people who are out of work, and who might farm—and the President tells us now that the number has within 90 or 100 days grown by 3,000,000—we are asked to say to tens of thousands of people, perhaps hundreds of thousands, who at the present moment have no opportunity in industry, who might have an opportunity on the land, which has been the hope of all populations, which has been the last stand that desperate men have taken throughout the ages, who, driven back and

back from the streets and the marts have always said, "We will go to the land and make a living"—we are asked to say to those helpless millions, "All right, you are helpless, but if you want to farm, we will not let you farm."

We are not only asked to say that they must ask permission, but we are also asked to say that they will be denied the permission. That is the result of this bill.

There is a good deal of good in the bill, I agree, there is a great deal in the bill which I would approve. I like the soil-erosion program, for example. I think there is something to be done by way of marketing, I think we can devise a better plan of distribution, I think there is a good deal in the matter of loans and advancements; but I cannot vote for legislation which notifies the farmers of America that they must ask the Federal Government, "May I plant cotton?" and be told "No"; "May I plant 6 acres?" and be told, "You may plant three"; or, "May I plant a hundred acres," and be told, "You may plant ten." I will vote against any bill which carries in it such provisions, because I know it is contrary to the spirit of the American people and in absolute violation of the Bill of Rights, which is the source of our civilization itself.

Let us see how the bill proceeds. It proceeds on the theory that we may so employ the commerce clause in the Constitution as to control the production of cotton on a farm in North Carolina, or tobacco, or corn, or cattle, or sheep, or chickens, or any other farm product. Let us look at that just a moment. The commerce clause clearly is in the Constitution for the purpose of uniting the country, regulating the commerce of the country in order to remove obstacles and restrictions and taxes and burdens on the commerce.

Not until the last 2 or 3 years did anyone ever suspect, not until 1930 did the President of the United States ever suspect, because I take his 1930 speech as one of the most thoughtful of his whole life, that the Congress had the power under the Constitution to have anything whatever to do with agriculture, and he said so in that speech.

We are saying to the farmer that, because cotton is shipped across State lines or across the sea, that itself brings the production of cotton into commerce so directly or indirectly, or at any rate so really, that the Congress of the United States has the power to reach out by means of the commerce clause and say to this man, "You have land that you shall not plant;" to that man, "You have land and you may plant 3 acres," and to another man, "You have land and you may plant 10 acres," and to yet another man, "You may plant 500 acres."

That is what the bill provides. That is to be enforced by way of penalties.

What is penalty? It is punishment; not a tax. A tax is not a punishment. It may hurt, but it is not a punishment.

But we purport to exercise the Federal power, assuming that we have it. Let us put it this way. We, as the Congress, arrogate to ourselves the power to impose a punishment upon a man planting more acres of cotton than the Secretary of Agriculture or the local committee says he may plant. That is what we provide in the bill. We can carry it on to corn, we can carry it on to tobacco. We can carry it all the way through the bill. When we get done with it we are bound to realize that we are doing something which within the last 2 or 3 years, in the Butler case, the Supreme Court has already said we could not do; which no American statesman ever said we could do until the last 2 or 3 years, and which the present President of the United States said we could not do on March 7, 1930, and I refer to his speech which I read in the RECORD.

Of course, it is un-American. Of course, it is unconstitutional, and, of course, no matter what is said by way of the condition of the farmers, it is intolerable.

I am saying that the commerce clause of the Constitution never authorized the control of the farms of this country by the control of the farmers. I am going further. I am saying to the Senate that if we pass this legislation it will be in order for us next to pass a bill to the effect that a man shall employ only so many people in his business, because the employment of more than we wish him to employ is a burden on commerce; and we put a tax on such employment. We say he can employ 10 men, but he employs 12 men, and we tax him for the other 2.

I am saying that if this legislation is constitutional we can limit the number of hats or coats that shall be sold in the drygoods store or the clothing store. We can say that the shipment of more than 10,000 hats, say, to this merchant, in a year is a burden on commerce, and that therefore we will put a tax of $2 per hat on every hat which the merchant orders over 10,000. The same way with coats. The same way with flour. The analogy cannot be avoided, the consequences of the principle cannot be avoided, and the conclusion cannot be avoided.

There is nothing in the Constitution, and there never will be anything in the Constitution, to permit it. I could fall on my knees and pray day in and day out that there shall never be anyone on the Supreme Court who will so far forget the meaning of words and the history of the country as to say that the Constitution ever contemplated or could ever be conceived of as meaning any such thing as that.

Mr. President, it is said that all this is cured by the fact that we submit the legislation to the groups involved, and if two-thirds of the farmers voting vote for it then all the unconstitutional features are cured and it becomes constitutional. That is one of the strangest ways I ever heard of for taking unconstitutional legislation and making it constitutional.

I will apply that further. Two-thirds of the cotton farmers can control one-third and impose their will upon the one-third. Very well. When did we ever obtain power to delegate our authority to two-thirds of any body? Is anyone going to say that two-thirds of the religious people of America can vote and control the other one-third? There is your minority group. Let us say that we pass a law providing that the doctrine of religious liberty shall be abrogated in America upon a vote of two-thirds of the religious people, and the one-third shall have to accept the decision, whatever it is. Of course that was never contemplated, and of course Senators do not contemplate it now. All they do now is to say, "All right, we will submit this abrogation of human rights to two-thirds of the farmers, or to two-thirds of the farmers voting, and if two-thirds of them favor the legislation the other one-third is bound."

Follow that principle through and see where it is going. All we are doing is to say that there are no rights in the Constitution for minorities in America—that the Constitution has no meaning!

While the Constitution was made for the country as a whole, its glory from its foundation to the present hour has been in its power, not simply to protect the rights of minorities but to protect the rights of the humblest man who breathes the breath of life. Take all that away and follow the principle through. Let the Supreme Court uphold it as constitutional. Let fate so dispose that men may be appointed to that bench who will do what Mr. Robert Jackson said yesterday before the Judiciary Committee the Court ought to do—that is, respond to election returns—and the Constitution is gone. Every precious right that is written in it is then taken away overnight.

So, Mr. President, I say that the legislation is contrary to the spirit of the American people, contrary to the Constitution, contrary to the plain decision of the Supreme Court on the very point, in discussing legislation passed by the Congress as recently as 1933.

There is another feature there. This bill erects a tariff, not between States, not precisely between geographical sections, but between farm and farm throughout America. Put a tariff on the North Carolina tobacco of 2 or 3 cents a pound, or 50 percent ad valorem. What for? A protective tariff to protect the other farmer. That is good Democratic doctrine, is it not? Put a tariff on cotton. Why? To protect Alabama against the expansion of the production of

cotton in Texas, that is all. You are going to put such a tariff on my State that if we should produce what we did in 1937 the prohibitive tariff will break our backs.

It is more than a penalty. It is a plain, prohibitive, protective tariff—and the farmers have always protested against the tariff—put forward by a political party which, from 1846, the date of the Walker report, to the present hour, has denounced the protective principle, declaring for a tariff for revenue only.

Those are the plain, indubitable, unchallengeable facts about this legislation. I cannot vote for it as long as they are the facts.

The Senator from Nebraska said that the burden is on those who oppose this legislation to propose a better bill. I would dispute that statement, but I am perfectly willing to assume the burden. A better bill than this one could be written, and it would not take any Solomon to write it. Any bill that is constitutional would be better than this bill. A soil-conservation bill could be written, a marketing bill could be written, or a loan bill could be written, all within the Constitution. What I am saying is that if the bill is unconstitutional, I have the right to oppose it without offering more. Such opposition will at any rate keep faith with the Senate and with the people who trusted me with powers under the Constitution, and with no other powers whatsoever.

I wish to call attention to another fact. The Supreme Court of the United States, in the Butler case, said in plain language that the Congress has no power to control agricultural production. There was not any doubt about it. The Court undertook to expand the welfare clause and said that Congress did have the right to spend money for the general welfare, but that it could not spend that money to control agriculture, because that is a right reserved to the States. That decision was a 6-to-3 decision.

Senators may argue that since the Butler decision was handed down the Court has changed. Perhaps so, but it has not changed in that respect.

Read the dissenting opinion in the Butler case, written by Mr. Justice Stone, and signed by Mr. Justice Brandeis and Mr. Justice Cardozo. The dissenting opinion approved the old A. A. A. on the grounds that it was not compulsory control, saying that the gifts provided under the A. A. A. from the processing tax were conditional gifts, and not controlling gifts. The plain inference is that the three judges to whom I refer will join with the other six Justices who handed down the principal opinion and say that this bill is unquestionably and uncontrovertably an assertion of the Federal power to control by way of express and exorbitant and prohibitive penalties, and therefore unconstitutional. I do not care to undertake to anticipate the opinions of men, but in the light of the dissenting opinion in the Butler case, I expect to see a majority of 6 to 2 or 7 to 2—and I hope 8 to 1.

There is nothing in the history of our country, nothing in all the long line of decisions of the court, nothing in the Butler case, which is the most recent decision, the principal opinion and the dissenting opinion which I have discussed, and nothing in the theory that the Court has changed, on which to hang a hope or a theory that this legislation can by any possibility be constitutional.

We are doing a vain thing. It will last a year perhaps. There will be a thousand suits. Penalties will be paid and in 2 years those who paid the penalties will be coming here—and justly so—as they came last year, asking for the return of those penalties, and the Attorney General of the United States will write us a letter, just as he did last year, saying that the penalties ought to be returned.

That is the way the thing appears to me. I think the Senate probably is inadvertent to the fact that the junior Senator from Kentucky [Mr. LOGAN] and the junior Senator from Georgia [Mr. RUSSELL] introduced, last year, bills calling for the refund of the penalties collected under the Kerr-Smith Act and the Bankhead Act of 1933–34, and the fact that the Secretary of Agriculture informed us that the penalties, including the certificates purchased, amounted to $50,000,000, and approved the return of the penalties but not the payment for the certificates.

The present Attorney General of the United States thinks that the farmers were entitled to the recovery by act of Congress as a matter of right under precisely similar legislation. But for this legislation, I take it we would have appropriated the money this year to pay them; but, inasmuch as this legislation is pending, we cannot stultify ourselves to that extent in 1 year. It takes 2 or 3 years to do a thing like that. In the lapse of time people forget.

Let us take the other feature of it. We are proceeding, in this legislation, by way of allotments. We say to one farmer, "You may have 3 acres of tobacco"; to another farmer, "You may have 10 acres of tobacco"; and to a third farmer, "You may have 50 acres of tobacco." We say to one farmer, "You may produce so many bushels of corn"; to another farmer, "You may produce so many bushels of corn"; and to a third farmer, "You may not produce any corn, any tobacco, or any cotton."

We are saying to one American, "You may farm," and to another American, "You may not farm." We are saying to one American, "Your income shall be $10,000 a year," and to another American, "Your income shall be $100 a year." That is the allotment plan. We are attaching that right to his land.

Our party is the party of "equal rights to all and special privileges to" only those who have the most votes. The special privileges are dispensed upon a vote of two-thirds of the group concerned.

We are talking about realities. They cannot be controverted. What is the meaning of it all? I have read many old land deeds, as every lawyer must have done. When we get through the conveyance clause in the deed, and the description of the property, we find some strange words—"to have and to hold, to him, his heirs, and assigns forever, the aforesaid lands, together with all the privileges and appurtenances thereunto belonging."

Have we ever thought about what those words mean? They were the privileges attached to the land under the feudal system. Going back long before the days of democracy, they were the privileges that had come down as parts of the land itself, more deeply attached than the covenants between the parties, running with the land. They were privileges that came from the breast of the king, who at that time was the soul of the country. They could not be divested any more than could the land.

If this bill should pass, when a man tries to sell some land in my State of North Carolina the prospective buyer of the future will say, "How much per acre will you take?" The owner will say, "$100 an acre." The prospective buyer will say, "That is pretty high." The owner will say, "But I have allotments"—privileges and appurtenances. "I can hand those allotments down to the purchaser."

Another man may want to sell some land. The prospective buyer will say, "I will give you $5 an acre for it." The owner may say, "That is too low. I cannot afford to sell it." The prospective buyer will say, "But you have not any allotments"—no privileges and appurtenances!

The allotments are the feudal "privileges and appurtenances thereunto appertaining." The Federal Government is attaching feudal privileges and appurtenances to the land of selected people, not only by act of Congress but by a vote of two-thirds of those voting, and the privileges will be taken away from the fellow who does not vote. He will have to take whatever he gets.

What does it all mean? In biological theory and biological experience there is what is known as a "throwback", an atavism. An individual suddenly crops out who does not look like any of his immediate family. He may be extraordinary in appearance. If one looks far enough back he will find that a remote ancestor looked the same way. He is a "throwback." Here is your throwback.

American democracy, as exemplified in the great Republic which our forefathers created and which we inherited, the richest and the best land on earth, fell into a little trouble.

We went too far, perhaps. We got into the World War. We got confused. The consequence of it is that we throw ourselves back to the feudal period—we abandon the Republic; we bring forth a feudal law of the farm.

The fee of the land in America is in the States, and not in the Federal power; but under the proposed legislation the Federal power will write the feudal fee, the feudal rights, the feudal appurtenances, and the feudal privileges—and we call that democracy!

Mr. President, we have a precise analogy in that matter. When Queen Elizabeth became infatuated with Sir Walter Raleigh she wished to do him a great favor. She was a queen. She had unlimited power. She was not under a constitution. She was not even answerable to a parliament. She wished to do Sir Walter Raleigh a favor because of his courtly ways, I suppose; because he looked so nice, I suppose; because he flattered her so. Queen Elizabeth took 40,000 acres of land in Ireland and handed it over to Sir Walter Raleigh and let the owners of the land starve.

That is the thing that made America. Our ancestors revolted against it, and millions came across the sea because that was the only way to get rid of it. Queen Elizabeth did more than that. She liked Sir Walter Raleigh so well—he was a man lean of purse but rich in tongue—that she gave Sir Walter a monopoly of the wool trade of London. A man could not wear a coat in London without paying a tax to Sir Walter Raleigh—"the privileges and appurtenances to him appertaining." That is the feudal system. That is the repudiation of the republic. We do not have that. Thank God, the Supreme Court prevents that. It may be changed, but it will not be changed soon enough not to repudiate that. And then I think in due season the American people are going to wake up to what is going on. I think the time is going to come when the American people will say to men like you and me, "You attend to your business. You follow the Constitution. You exercise the powers you have, and do not exercise any more, and we shall be satisfied."

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER (Mr. HATCH in the chair). Does the Senator from North Carolina yield to the Senator from Florida?

Mr. BAILEY. Surely.

Mr. PEPPER. I should like to ask the Senator from North Carolina whether, before any of those privileges were exercised the citizens were allowed to vote on the matter, as is provided in this bill.

Mr. BAILEY. Of course not. They did not have a senate over there. The Senator from Florida is intimating that because Senators vote on a thing that makes it right. Hear me, my friends! The Constitution is above the Senate. The fact that we vote on a thing does not make it constitutional.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina further yield to the Senator from Florida?

Mr. BAILEY. I do.

Mr. PEPPER. I spoke in so low a tone that the Senator misunderstood me. I said the citizens voted before any of these provisions went into effect.

Mr. BAILEY. Now we come back to precisely where I began. The theory here seems to be that because the people vote something, the Constitution has to be accommodated to it. The fact is that the people also are under the Constitution. Every election is under the Constitution, and the presumption is that when a man votes he believes in the Constitution, and when he is elected he believes in the Constitution. That presumption is confirmed by the requirement—and it is the only requirement made—after you get your certificate of election, that you shall take an oath to support, maintain, defend, and in every way be faithful to the Constitution, and stay within your powers. That is why we are here.

Let me repeat: President, Supreme Court, House, Senate, State, county, city, home, mother, father, child, black, white, Jew, gentile, Catholic, and Baptist, all are under the Constitution and subordinate to it; and those of us who know its meaning to minorities and to individuals rejoice, and thank our stars and thank the kindly Heaven that it is so.

Mr. President, I often think about our country, and how we got to be settled, and I often think about a fine story that I heard.

A gentleman told me that one day he was coming over from Europe, and he met a lady with her daughter. She was an immigrant. She said, "I am coming to America."

He said, "Why are you coming to America?"

She said, "I am coming to America because I do not want my daughter to be a housemaid."

The gentleman said, "How is that?"

She said, "I am a housemaid. My mother was a housemaid. My grandmother was a housemaid. My great-grandmother was a housemaid. My great-great-grandmother was a housemaid; and I do not want my daughter to be a housemaid. I am going to America."

But if this bill should be enacted, and should be upheld by the Supreme Court, the same thing that kept that woman, her mother, and all of her predecessors housemaids, would be in force in America. Once a tenant, always a tenant. Once a big farmer, always a big farmer—the aristocracy of agriculture. Once a little farmer, always a little farmer. Once a poor farmer, always a poor farmer. You fix American agriculture in the mold of the law, and you determine the bounds of the habitation of every farmer in the land. You cannot avoid that.

What chance has the little man down in North Carolina, say, who plants 5 acres of tobacco? Under this bill he will be permitted to plant only 4 acres this year, and 4 acres next year, and 4 acres forevermore. I know there is a little 5-percent clause in the bill, but that is not going to relieve him. He will take this law to his breast, and he will read it, and he will sit there with his family, and he will know that as long as he lives he will be a small farmer, and when he dies his small estate will be divided among his children, and theirs will be smaller yet. Of course, the legislation is not going to last. Once a tenant farmer, always a tenant farmer under this bill. Once off the land, never again back to it under this bill, except by grace of the Department of Agriculture under the 5-percent clause. Once you do not plant tobacco, never again shall you plant tobacco under this bill. Once you do not plant cotton, nevermore shall you plant cotton under this bill.

Is it conceivable that we should think that such legislation as this is within the realm of practicability or that there could be any emergency on earth that would justify it?

Now I desire to say a word or two about the economic effect of the legislation. Whether or not the Senate hears me, I want the farmers of North Carolina to hear me.

The enactment of this bill will reduce the income of the farmers of North Carolina in cotton and tobacco alone next year, on the basis of present prices, $32,500,000. I am unwilling to impose that loss upon them. It is bad enough to put these penalties upon them; but to put penalties upon them and then take $32,000,000 out of their meager earnings is still worse.

The Senator from Nebraska [Mr. NORRIS] was just talking about the bad condition of the farmers. How much worse will their condition be when you take away from them, by this legislation, $32,500,000 per year?

How do I get my figures? They are very simple. We produced in North Carolina, this year, 575,000,000 pounds of tobacco. Under this bill that amount will be cut by 90,000,000 pounds. We sold our tobacco this year at an average price of 25 and a fraction cents per pound. Divide that by 4, divide 4 into 90, and you get $22,500,000 on the basis of present prices.

Take the case of cotton: North Carolina last year produced 770,000 bales of cotton. Under this bill North Carolina is not allowed to produce more than 517,000 bales, a reduction of 250,000 bales. Count them, at $50 a bale with the seed. That is right. Count them with the seed, at just about 8 cents a pound, which is $40 a bale, and the seed comes to $10, a total of $50. Two hundred and fifty thousand

bales at $50 a bale is $12,500,000; and are we allowed to go into anything else? No. May we plant wheat? No. They even have a quarrel here about whether we may raise chickens.

They even have a dispute about whether we should graze our cows on the land, or enlarge the dairies, or allow the housewife to sell 2 pounds of butter when she has been selling 1, or 2 dozen eggs when she has been selling 1 dozen every Saturday. We are forbidden to raise hogs under penalty of deprivation.

Can we go into anything else? No.

What does that mean? It means that 25,000 or 30,000 North Carolina farm families will be driven from the farms. They will be tenants. They are human beings; they have rights; they are members of this great Government of ours; they are citizens of the United States; they have privileges and immunities. They have a right to a place in the sun. I am saying to the Senate that if they are driven out we will have to appropriate money to support them. There would be nowhere for them to go.

Mr. President, that would be one of the plain consequences of the legislation.

Someone says, "Oh, well, tobacco will go up." That is the theory. Tobacco at 25½ cents is so much above the ordinary level that very few people think it is going higher, and many of us are just hoping it can remain at 25 cents a pound. They say cotton is going up. The Department of Agriculture will tell anyone that there is not a chance in the world of cotton getting above 11 cents in the next 12 months unless there is a world war, and we all hope and pray that there will not be a world war.

There is the picture of North Carolina in the fall of 1938, with the election coming on. I walk around in that State and I see farmers selling a 500,000-bale crop at $12,000,000 less than they sold the 770,000-bale crop for, and I see tobacco farmers selling 90,000,000 pounds less than they sold this year, and I hope the price will be as good as the present price. But I fear there will be a loss of thirty-two million, and, if so, I will have to explain that to them. I am going to tell them I was not for it.

So much for the economic effects.

In conclusion, Mr. President, my objection to the proposed legislation is not that the purpose is not good, not that the motive is not good, not that the Senators have not worked on it and done the best they could do, not that the two great farm organizations have denounced it, one the Grange, the other the American Farm Bureau Federation, not that there is not something in it which I would like to support, but my objection to the proposed legislation is that it will call for the exercise of arbitrary power which we do not have, and it is such an exercise of power as carries us to the point of actually dividing our people up according to our will and fixing them in their places, and our assuming to say what they may plant and when they may plant, how much they may reap and how much they may sell, and that all of that is based upon a conception of the Constitution which has not the slightest support in any doctrine of any statesman or any decision of any court in all the history of the country.

The PRESIDING OFFICER (Mr. DUFFY in the chair). The question is on agreeing to the conference report.

Mr. McNARY. Mr. President, I had hoped during the day that we might get a final vote on the conference report this afternoon, but that now seems impossible, as several Senators desire to speak.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. BARKLEY. We have all been hoping that a vote could be taken on the conference report this evening, and it has not been the desire of anyone to have a session tomorrow. How many other speeches are scheduled?

Mr. McNARY. Mr. President, the Senator from California [Mr. JOHNSON], the Senator from Idaho [Mr. BORAH], the Senator from Utah [Mr. KING], and the Senator from Nebraska [Mr. BURKE] wish to speak, and I desire to speak on the report.

Mr. BARKLEY. In view of that, it is obvious a vote cannot be reached tonight.

Mr. SCHWELLENBACH. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. SCHWELLENBACH. I should like to interrupt the Senator to make just one observation. I think it might be very desirable for the conference report to go over until Monday. There has been considerable discussion both on the floor of the Senate and in the press of the Nation to the effect that under this administration there has been hasty consideration of legislation. It happens that next Monday will mark the end of 1 year from the day when the pending bill was first considered by the Senate Committee on Agriculture and Forestry. On the 14th day of February 1937 the matter was first presented to that committee.

Mr. KING. Mr. President, will the Senator from Kentucky yield to me?

Mr. BARKLEY. I yield.

Mr. KING. Obviously the fault, if there was a fault, rests with the committee which had the bill in charge. I am not making any complaint, but they have had it in charge for many months.

Mr. BARKLEY. Of course, we all know that, no matter who speaks or what he says, there will be no changes made in the final vote on the conference report. I take it that every Senator knows now how he will vote upon it, and I think it reasonably certain that the conference report will be agreed to by an overwhelming majority but, in view of the fact that Senators wish to speak upon it, I do not desire to prolong the session this evening sufficiently to enable a vote to be taken. Therefore I ask unanimous consent that at not later than 3 o'clock on Monday the Senate shall proceed to vote on the conference report.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

Mr. JOHNSON of California. Mr. President, I do not desire to interpose an objection; but does the Senator propose to have the Senate meet at 12 o'clock on Monday?

Mr. BARKLEY. No; we will meet at 11, if necessary.

Mr. JOHNSON of California. Let us meet at 12 and take the vote at 4 o'clock.

Mr. BARKLEY. I do not think the vote ought to be put off that late. There are some matters which may come up on Monday.

Mr. JOHNSON of California. The antilynching bill?

Mr. BARKLEY. That will automatically come up, of course; but there may be some intervening matters which will receive consideration Monday. I hope there will be no objection to a vote being taken at 3 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

Mr. McNARY. Mr. President, is the request based upon the supposition that the Senate will meet at 12 o'clock?

Mr. BARKLEY. That is my view, that the Senate will meet at 12 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. BARKLEY. Senators who indicated to me that they desired to speak have assured me that their speeches will be brief. I think there will be no difficulty in accommodating every Senator who desires to speak within the 3-hour period.

Mr. McNARY. Let me suggest that the Senate meet at 12 o'clock and vote at or before 4 o'clock.

Mr. BARKLEY. That is the request I made, except that I suggested that the vote be taken at or before 3 o'clock. If Senators run out of conversation before 3 or 4, or whatever hour we fix, there will be a vote. I thought I had an understanding with everyone who desires to speak that we would vote at 3 o'clock instead of 4. Now there is the suggestion that the vote be taken an hour later.

Mr. JOHNSON of California. I suggest that we vote at 4 o'clock.

Mr. BARKLEY. I did not take the precaution to consult the Senator from California in advance.

Mr. JOHNSON of California. Of course, Senators will keep within reasonable limits.

Mr. BARKLEY. I hope so. If they do, it will be more than they have been doing all during the consideration of the bill.

Mr. McNARY. I suggest the hour be made 3:30.

Mr. BARKLEY. I will compromise on 3:30 o'clock p. m.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky that the Senate convene at 12 o'clock Monday and proceed to vote on the conference report at not later than 3:30 o'clock? The Chair hears none, and the unanimous-consent order will be entered.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. DUFFY in the chair), as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS TO MONDAY

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until Monday, February 14, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 11 (legislative day of January 5), 1938

UNITED STATES MARSHALS

Robert E. Clark, of California, to be United States marshal for the southern district of California. (Mr. Clark is now serving in this office under an appointment which expired February 3, 1938.)

George Vice, of California, to be United States marshal for the northern district of California. (Mr. Vice is now serving in this office under an appointment which expired February 3, 1938.)

REGISTER OF THE LAND OFFICE

William G. Johnson, of Wyoming, to be register of the land office at Cheyenne, Wyo. (Reappointment.)

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

First Lt. Jean Evans Engler, Infantry, with rank from June 13, 1936.

Second Lt. Harold Roy Low, Infantry, with rank from June 12, 1936, effective July 1, 1938.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL CORPS

To be colonel

Lt. Col. John Mitchell Willis, Medical Corps, from March 26, 1938.

To be lieutenant colonels

Maj. Carl Randolph Mitchell, Medical Corps, from March 1, 1938.

Maj. Michael Gerard Healy, Medical Corps, from March 3, 1938.

Maj. Martin Fred DuFrenne, Medical Corps, from March 13, 1938.

Maj. Philip Lewis Cook, Medical Corps, from March 18, 1938.

Maj. Charles Fremont Snell, Medical Corps, from March 21, 1938.

To be majors

Capt. Dwight Moody Young, Medical Corps, from March 15, 1938.

Capt. Edwin Sorensen Segard, Medical Corps, from March 26, 1938.

To be captains

First Lt. Bryan Coleman Thomas Fenton, Medical Corps, from March 2, 1938.

First Lt. John Dupre Dupre, Medical Corps, from March 6, 1938.

First Lt. Aloysius Thomas Waskowicz, Medical Corps, from March 20, 1938.

DENTAL CORPS

To be lieutenant colonel

Maj. Warren Charles Caldwell, Dental Corps, from March 12, 1938.

CHAPLAINS

To be chaplain with the rank of lieutenant colonel

Chaplain (Maj.) Philip Francis Coholan, United States Army, from March 7, 1938.

To be chaplain with the rank of captain

Chaplain (First Lt.) John Frazer Chalker, United States Army, from March 19, 1938.

POSTMASTERS

ARKANSAS

George O. Yingling to be postmaster at Searcy, Ark., in place of G. O. Yingling. Incumbent's commission expired January 27, 1938.

Clyde F. Flatt to be postmaster at Siloam Springs, Ark., in place of C. F. Flatt. Incumbent's commission expired January 27, 1938.

GEORGIA

Dan L. Gibson to be postmaster at Albany, Ga., in place of D. L. Gibson. Incumbent's commission expired January 30, 1938.

John Orville Goodson to be postmaster at Chickamauga, Ga., in place of R. W. Baker, resigned.

Oliver F. Deen to be postmaster at Douglas, Ga., in place of O. F. Deen. Incumbent's commission expired January 30, 1938.

George W. Cornwell to be postmaster at Monticello, Ga., in place of G. W. Cornwell. Incumbent's commission expired February 1, 1938.

Dewey G. Burnette to be postmaster at Rockmart, Ga., in place of D. G. Burnette. Incumbent's commission expired February 1, 1938.

Roy D. Smith to be postmaster at Tennille, Ga., in place of J. H. Sheram, removed.

Jeremiah J. Walker, Jr., to be postmaster at West Point, Ga., in place of J. M. Potts, resigned.

HAWAII

Joseph Alves to be postmaster at Wailuku, Hawaii, in place of I. D. Iaea, Jr. Appointee deceased.

IDAHO

Fay W. Sheesley to be postmaster at Hansen, Idaho. Office became Presidential July 1, 1937.

ILLINOIS

John W. Epperson to be postmaster at McLeansboro, Ill., in place of Elwood Barker. Incumbent's commission expired March 17, 1936.

INDIANA

Edward A. Hemphill to be postmaster at Cannelton, Ind., in place of Fred Irvin. Incumbent's commission expired February 21, 1935.

IOWA

Grover Hamilton to be postmaster at Leon, Iowa, in place of J. E. Pryor, removed.

Logan B. Urice to be postmaster at Vinton, Iowa, in place of A. B. Smouse, deceased.

KENTUCKY

George W. Tye to be postmaster at Barbourville, Ky., in place of G. W. Tye. Incumbent's commission expired February 5, 1938.

LOUISIANA

Robert Lee Pettit to be postmaster at Baton Rouge, La., in place of C. F. A. Brown, transferred.

Henry F. Couvillon to be postmaster at Moreauville, La. Office became Presidential July 1, 1937.

MICHIGAN

Eleanor C. Lutz to be postmaster at Pullman, Mich., in place of M. I. Lutz, deceased.

MINNESOTA

Oscar Leonard Flo to be postmaster at Bricelyn, Minn., in place of M. H. Hottinger. Appointee not commissioned.

Alex C. Wahoske to be postmaster at Odessa, Minn. Office became Presidential July 1, 1937.

MISSOURI

Charles Grover Macke to be postmaster at Jackson, Mo., in place of C. W. Medley. Appointee deceased.

NEVADA

Zoe Anderson to be postmaster at Ruth, Nev., in place of C. E. Hutton, resigned.

NEW JERSEY

C. Melvin Johnson, Jr., to be postmaster at Highlands, N. J., in place of J. P. Adair. Incumbent's commission expired February 9, 1936.

NEW YORK

Raymond H. LaClair to be postmaster at Huntington, N. Y., in place of R. L. McBrien. Incumbent's commission expired March 22, 1936. (Removed without prejudice.)

William J. Holbert to be postmaster at Morrisville, N. Y., in place of K. T. Webber. Incumbent's commission expired July 13, 1936.

Francis X. Desmond to be postmaster at Niagara University, N. Y., in place of H. H. Gaff, resigned.

NORTH CAROLINA

Samuel T. Stough to be postmaster at Davidson, N. C., in place of S. T. Stough. Incumbent's commission expired January 31, 1938.

Carroll E. Kramer to be postmaster at Edenton, N. C., in place of C. E. Kramer. Incumbent's commission expired January 31, 1938.

Clarence W. Boshamer to be postmaster at Gastonia, N. C., in place of C. W. Boshamer. Incumbent's commission expired February 1, 1938.

OHIO

Harry D. Arnold to be postmaster at Leetonia, Ohio., in place of H. D. Arnold. Incumbent's commission expired February 1, 1938.

Marjorie Marie Harrison to be postmaster at Malta, Ohio, in place of M. B. Strahl, resigned.

Harry E. Miller to be postmaster at New Concord, Ohio, in place of H. E. Miller. Incumbent's commission expired January 30, 1938.

Anna Mary Tesi to be postmaster at Yorkville, Ohio, in place of M. A. Brooks, deceased.

OKLAHOMA

William F. Goff to be postmaster at Jones, Okla. Office became Presidential July 1, 1937.

OREGON

Willis F. Coffey to be postmaster at North Portland, Oreg., in place of J. D. Kennedy, removed.

PUERTO RICO

Vicenta Correa to be postmaster at Vega Baja, P. R., in place of T. M. Lopez, removed.

SOUTH CAROLINA

Palmer A. Matthews to be postmaster at Winnsboro, S. C., in place of P. A. Matthews. Incumbent's commission expired February 1, 1938.

TENNESSEE

Hollis M. Caldwell to be postmaster at Lookout Mountain, Tenn., in place of H. M. Caldwell. Incumbent's commission expired January 31, 1938.

Ethel H. Stanfield to be postmaster at Signal Mountain, Tenn., in place of E. H. Stanfield. Incumbent's commission expired January 31, 1938.

Phil W. Campbell to be postmaster at Tiptonville, Tenn., in place of P. W. Campbell. Incumbent's commission expired January 31, 1938.

TEXAS

James Thomas Coleman to be postmaster at Livingston, Tex., in place of W. C. Bigby, removed.

WEST VIRGINIA

Jeremiah W. Dingess to be postmaster at Huntington, W. Va., in place of J. W. Dingess. Incumbent's commission expired January 31, 1938.

WISCONSIN

Arthur C. Finder to be postmaster at Ableman, Wis., in place of G. A. Fey, removed.

SENATE

MONDAY, FEBRUARY 14, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, February 11, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum and request a roll call in order to secure one.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hughes	Pepper
Andrews	Copeland	Johnson, Calif.	Pittman
Ashurst	Davis	Johnson, Colo.	Pope
Austin	Dieterich	King	Radcliffe
Bailey	Donahey	La Follette	Reames
Bankhead	Duffy	Lee	Reynolds
Barkley	Ellender	Lewis	Russell
Berry	Frazier	Logan	Schwartz
Bilbo	George	Lonergan	Schwellenbach
Bone	Gerry	Lundeen	Sheppard
Borah	Gibson	McAdoo	Shipstead
Bridges	Gillette	McGill	Smith
Brown, Mich.	Glass	McKellar	Thomas, Okla.
Brown, N. H.	Green	McNary	Thomas, Utah
Bulkley	Guffey	Maloney	Townsend
Bulow	Hale	Miller	Truman
Burke	Harrison	Minton	Tydings
Byrd	Hatch	Murray	Vandenberg
Byrnes	Hayden	Neely	Van Nuys
Capper	Herring	Norris	Wagner
Caraway	Hill	Nye	Walsh
Chavez	Hitchcock	O'Mahoney	Wheeler
Clark	Holt	Overton	

Mr. LEWIS. I announce that the Senator from New Jersey [Mr. MILTON] is detained on important public business.

The Senator from Nevada [Mr. MCCARRAN] is detained in his State on official business.

The Senator from New Jersey [Mr. SMATHERS] is necessarily detained.

Mr. AUSTIN. I announce that the Senator from Massachusetts [Mr. LODGE] is necessarily absent on official business.

The VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present.

LEAVE OF ABSENCE FOR SENATOR PITTMAN

Mr. PITTMAN. Mr. President, I ask unanimous consent of the Senate, under the rule, that I may be excused from the Senate for a week or 10 days. The Governor of my State has called a very important meeting for the 19th of February, in the capital of Nevada, to deal with an impending question that will be raised in this body affecting the power rights of the State of Nevada under the Boulder Canyon Project Act, and I feel that I should go, even though I dislike to leave at this particular time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada? The Chair hears none, and the Senator's request is granted.

DRAFT OF PROPOSED LEGISLATION—RIO GRANDE RECTIFICATION PROJECT (S. DOC. NO. 149)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmit-