

torium case and the New York milk case in no respect weaken the views thus expressed by these Federal courts, for in these recent decisions the Supreme Court was only discussing the reserved powers of the States. No question as to the powers of the Federal Government was involved.

Conscious of this rising tide of judicial decision, the N.R.A. resumed its movement to have the States pass independent legislation to make the National Recovery Act the law within their own sphere of power. Not content with suggesting this to the States, the N.R.A. administration on February 11 drafted a model law for the acceptance of the States; and I want to draw your attention to the second section of that act:

"Sec. 2. To effectuate the policy of this act, the Governor is hereby authorized to consent to the President of the United States utilizing State and local officers and employees in effectuating the policies of the National Industrial Recovery Act in accordance with the provisions of section 2 (a) of that act."

I question whether any more humiliating proposal was ever made to the States. It invites them to surrender their police powers to the Federal Government so that every State official would become merely an officer of the President. If there were at the moment any pride in the States, they would resent the suggestion as preposterous. Imagine great historic States like Massachusetts, Pennsylvania, Virginia, and Illinois authorizing their Governor to crawl to the throne of Federal power and ask the President to become in fact the super-Governor of those States in the matter of police administration. The fact that no attention has been paid to this marks the supreme demoralization of constitutional morality in this country. It would be the final act of surrender by the States of the power which they had so jealously reserved in creating the Union. It makes waste paper of the tenth amendment to the Constitution, which was intended to make inviolable the reserved rights of the States. It realizes the dream of Alexander Hamilton, who, in the Constitutional Convention of 1787, advocated the abolition of the States. He took the floor on June 18, 1787, and, referring to the States, he said: "If they were extinguished, I am persuaded that great economy might be obtained by substituting a general government. I do not mean to shock the public opinion by proposing such a measure. On the other hand, I see no other necessity for declining it."

This speech was received with amazement. As one member of the Convention said, "Hamilton had many admirers, but no supporter." His speech was never thereafter referred to in the Convention, and soon thereafter Hamilton left the Convention and did not return for many weeks thereafter, and then only for short periods. Conscious of the amazement of the Convention, Mr. Hamilton subsequently tried to correct it by saying: "By an abolition of the States I meant that no boundary could be drawn between the National and State legislatures and that the former must therefore have indefinite authority. If it were limited at all, the rivalry of the States would gradually subvert it. As States I think they ought to be abolished, but I admit the necessity of leaving in them subordinate jurisdictions."

If the proposed law shall now be adopted by the States, then Hamilton has had his wish, for the States are virtually abolished if their entire police administration is turned over to the President to do with as he will in the regulation of all trade and industry.

I appreciate that the "new deal" is a catching phrase, but it might be well for Americans to recall what the old deal was. It was the work of Washington and Franklin, of Hamilton and Marshall, of Webster and Lincoln, and under that old deal our Nation had grown from one of the smallest of the nations to be the master State of the world. Notwithstanding all the ballyhoo of radio and press, which gives but one side of the story, I refuse to believe that Professor Moley was as wise as George Washington, or Professor Tugwell as sagacious as Dr. Franklin, or General Johnson as great an executive as Alexander Hamilton. If it were possible to recall the dead from the land of the spirits, I would willingly exchange these apostates of the new deal for one hour of the old deal of George Washington or Benjamin Franklin.

Should this ambitious program of social reconstruction, which Congress made only temporary to meet an emergency, now become permanent, then our Government in the vital matter of trade and industry will differ in degree, but not in kind from the governments that now regulate the industrial life of the individual in Italy, Germany, and Russia.

I have endeavored throughout this address, which is made in no spirit of narrow partisanship but simply in that of patriotism, to do full credit to the leadership of President Roosevelt. Possibly there has never been since Thomas Jefferson a more attractive leader of the masses; but whatever his merits, this Government is greater than any one man, and we are not the children of Hamelin to follow the dulcet flute of the Pied Piper, especially as some of us see ahead only the yawning abyss of fiscal bankruptcy and economic bondage. It is interesting how history repeats itself, not only in events but in the reincarnation of personalities. Of all the great rulers who governed the destinies of imperial Rome, none was more attractive than the Emperor Augustus. He was young, affable, generous, kindly, and well meaning, and his many graces of character were reflected in his personal beauty. He, too, came to the throne of power in a great emergency, when his great uncle had been a victim of the jealousy of envious senators. No one can question that Augustus did much to bring the emergency to an end and to restore peace in his country, but it was at the sacrifice of its liberties. He induced the senate to delegate all its powers to him for a period of 10 years. The senate never regained it, and each 10 years Augustus

and his successors celebrated the absorption of the power of the Senate, which meant the end of the Roman Republic. Similarly the American people were assured that these emergency proposals were only temporary and for a special purpose, and that the legislative powers that Congress had abdicated would be restored to the Great Council of the Republic. It remains to be seen how far the parallel will persist; but as long as human nature is human nature, the Executive—whether the President be Mr. Roosevelt or his successor—will not readily surrender powers which under the pretense of an emergency the Executive has taken from Congress. If our form of government is to be restored, it will be for the American people to do so.

Future historians will be greatly puzzled why the American people, after clinging to their institutions for nearly 150 years, seemingly surrendered them so readily. For this extraordinary change in the spirit of the American people there are many reasons, but one of them, and possibly the greatest, was that under the pressure of an emergency, free discussion, which is the life force of a democracy, was virtually destroyed until recent months. Those of us who attempted to protest against so radical a change in our form of Government were generally denied an opportunity to express our views, either in the press or over the radio, while the administration used the public funds for propaganda purposes to an extent for which there is no precedent in our history in times of peace. A few fearless and patriotic newspapers were notable exceptions. The Chicago Tribune, Daily News, and Chicago Journal of Commerce, the New York Herald Tribune, the Baltimore Sun, and the Los Angeles Times opened their columns to protestants and unlimbered the artillery of their editorial page. Nothing better illustrates the undemocratic spirit of the administration than the attempt that was made to shackle the press by the N.R.A. It had the big stick of a potential threat to license the newspapers of America and thus go back to the time of the Star Chamber when no newspaper could be published without its consent. Slowly and grudgingly the N.R.A. agreed to write into the newspaper code a disclaimer of any intention to interfere with the liberty of the press, but as long as there was the threat of licensing the papers, it did not greatly matter whether the first amendment to the Constitution was written into the code or not.

Given to the Administrator of the N.R.A. the right to license a paper, there was his corresponding right to revoke a license, and as long as this threat was held as a great club over the newspapers of the land there could not be complete freedom of expression. I mention all this to pay a tribute to the distinguished journalist who has honored you and me in presiding at this dinner. No one made a more valorous attempt to defend the freedom of the press than Col. Robert McCormick. Wherever an opportunity was offered to him he publicly protested against any attempt, however specious, to put the press into shackles. He has rendered many distinguished services to his Nation, but none so great as the fight which he, at times almost single-handed, made in defense of that liberty of the press, without which our democratic institutions would be a hollow sham.

What he did for the press it is for the industrialists of America to do for the freedom of business. Unless you have lost the American spirit, you cannot welcome the permanence of a system whereby you conduct your factories by the sufferance of the Federal Government and compensate your labor as required by some labor organization. Do not sacrifice your hard-earned freedom for temporary advantage. Do not sell your birthright for a mess of pottage.

#### BOUNDARIES OF THE NAVAJO INDIAN RESERVATION, N.MEX.

Mrs. GREENWAY. Mr. Speaker, I ask unanimous consent that the bill (H.R. 8982) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico, and for other purposes, be recommitted to the Committee on Indian Affairs. This is necessary in order that the committee may consider a slight amendment.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

#### GRAIN FUTURES ACT

Mr. JONES. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. CHASE] may have the remainder of this week within which to file a minority report on the bill (H.R. 9471), to amend the Grain Futures Act to prevent and remove obstructions and burdens upon interstate commerce in grains and other commodities by regulating transactions therein on commodity futures exchanges, by providing means for limiting short selling and speculation in such commodities on such exchanges, by licensing commission merchants dealing in such commodities for future delivery on such exchanges, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Cong. Record, 73d Cong., 2d sess.,  
May 8, 1934, 78, pt. 8: 8311