P.S.F. Subject File

U.S. Senate 1937

Box 188

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United States Senate

COMMITTEE ON COMMERCE

2 Cy
PSF
Senate

January 7th, 1937.

The President of the United States,
Hon. Franklin D. Roosevelt,
The White House,
Washington, D. C.

My dear Mr. President:

I have had a little research made of the Monroe-Jackson-Rhea matter with which you are familiar, but which of course is very interesting.

Jackson, believing that the time had come to seize Florida, wrote to President Monroe on January 6th, 1818: "Let it be signified to me through any channel, (say Mr. J. Rhea) that the possession of the Floridas would be desirable to the United States, and in sixty days it will be accomplished." Subsequently, on January 12th, 1818, Rhea wrote to Jackson: "I am gratifyed indeed that the plan of the President is satisfactory to you. I am confident that he intended it to be so." Later, Jackson asserted that, on April 12, 1819, he burned Rhea's letter at the request of Rhea, who had urged its destruction at the solicitation of Monroe. Professor John Spencer Bassett, the biographer of Jackson and editor of Jackson's letters, raises the question as to whether Rhea's letter to Jackson was actually destroyed, and, as to its contents, holds that Rhea was referring to another matter and that so Jackson understood it for the time, although "it may be that, in looking back to the incident later, he confused in his own mind the assurance sent to him by Rhea six days after Jackson's suggestion to Monroe was made "("Correspondence of Andrew Jackson," edited by John Spencer Bassett, v. 2, 1927, p.xii).

"Monroe's story, "writes Bassett, "differs totally from Jackson's. He says that he was ill when the letter of January 6th was received, that he read only two lines of it and seeing that it pertained to the Seminole situation laid it aside for Calhoun, that when the secretary of war read it he returned it with the remark that it required the President's own perusal, that it was shown to Crawford, a Georgian and secretary of the treasury, and that he, Monroe, then laid it aside and did not read it until his attention was called to it by Calhoun after Congress met in December, 1818, when he looked it up and saw for the first time the suggestion as to seizing Florida" (John Spencer Bassett, "The Life of Andrew Jackson," new edition, New York, 1925, p.247).

Rhea, in January 1819, on the floor of the House, defended Jackson as "authorized by the supreme law of nature and nations the law of self-defence.... to enter the Spanish territory of Florida" (quoted from Annals of Congress, 15th Congress, 2d Session, Pt.1, col. 867, in the article of John Rhea by Marguerite B. Hamer, printed in the "Dictionary of American Biography").

In 1831 the whole matter was revived, the controversy centering about the Jackson letter of January 6, 1818, and Rhea's letter of January 12, 1818. On June 2, 1831, Jackson wrote to Rhea requesting him to say "whether the fact as stated, to wit, your request to me to burn the letter is not correct, and whether that request proceeded from any intimation or suggestion, of Mr. Monroe and Mr. Calhoun, or either of them" ("Correspondence of Andrew Jackson," edited by John Spencer Bassett, v.4, 1929, p.289). The next day Rhea wrote to ex-President Monroe saying: "You did communicate confidentially to me, you approved of the opinions of Andrew Jackson by him stated in that confidential letter and did authorise me so to write to him. I did accordingly write to him. He says he received my letter on his way to Fort Scot and acted

accordingly, that is he prosecuted the war against the savages, put an end to their ravages and gave security to the people of the United States, and all was done, I believe (!), pursuant to the desires and Expectation of the Government. ... I do know that Genl. Jackson was in Washington City in January in the Year One thousand Eight hundred and Nineteen, and you also does know, my confidential Letter, above alluded to, was still preserved and I believed in possession of General Jackson. some reason, not necessary now to be mentioned, occurred to you, that induced you to request me to request General Jackson to burn or destroy that confidential Letter of mine to him. in consequence thereof, I went to Genl. Jackson at his lodging and did request him to destroy that confidential Letter of mine, written to him by me in answer to his said confidential Letter to you, and he did promise to me that he would destroy it when he went home, and he has informed me that on the twelfth day of April One thousand Eight hundred and ninteen he did burn it. I do request you to answer this letter fully and in a few days and particularly, did you authorize me to write the confidential Letter alluded to, to General Jackson in answer to his said confidential Letter to you, did you afterwards in this city (Washington) when General Jackson was here, request me to go to him and request him to destroy the said confidential Letter of mine to him? be pleased to answer directly and explicitly and fully and soon. ..." ("Correspondence of Andrew Jackson," edited by John Spencer Bassett, v.4,1929,p.288-289).

"When this letter was written," says Bassett, "Monroe, very old and infirm, was closing his earthly career in the home of his son-in-law, Samuel L. Gouverneur, in New York. After hesitating some days, and taking the advice of friends, Gouverneur decided to show it to the invalid Monroe, who dictated a denial which he signed with witnesses June 19, 1831. He died on the fourth of July following" ("Correspondence of Andrew Jackson," edited by John Spencer Bassett, v. 4, 1929, p. 289).

Monroe died in 1831 at the age of seventy-three, Rhea in 1832 at the age of seventy nine. The latter at the time of his death also seems to have been infirm (Marguerite B. Hamer, "John Rhea of Tennessee," in The East Tennessee Historical Society's Publications, January, 1932, p. 44).

With assurances of my continued high regard, I am,

Sincerely yours,

William T. Hickman

SECRETARY HOPKINS SAID TODAY HE DID NOT BELIEVE A SPEECH DELIVERED DURING THE SUPREME COURT FIGHT HAD ANY EFFECT BECAUSE HIS RADIO IME CLASHED WITH THE WEEKLY BROADCAST OF CHARLIE MCCARTHY.

I DOUBT IF ANYONE WAS LISTENING TO ME," HOPKINS SAID.

SENATOR BAILEY SAID THEN THE COUNTRY OWES ANOTHER DEBT OF GRATITUDE TO CHARLIE.

1/11 ON1242P

PSF: Senator

File Personal Sen Bailey

[1937?]

PSF: Senate

File Senate

THE WHITE HOUSE
WASHINGTON

January 25, 1937.

MEMORANDUM FOR

SENATOR WHEELER

I am sending you this in strictest confidence because I know of your interest in the subject. Will you read it and come to see me some day soon in order that we may talk it over?

F. D. R.

Letter from the Attorney General in re inquiry as to whether the Federal Communications Commission under the present Act may refuse to grant broadcasting licenses on the ground that the ownership of the proposed facilities is in, or in common with, a newspaper, etc., together with memorandum on subject.

file "personal"

PSF: U.S. Senate

THE WHITE HOUSE
WASHINGTON

Feb. 13, 1937.

MEMO TO THE PRESIDENT:

The Senators you are seeing this morning - Senator King of Utah, Senator Burke of Nebraska, Senator Harrison of Mississippi, Senator VanNuys of Indiana, Senator Byrnes of South Carolina; it seems that of this group VanNuys and Burke are the ones more reasonable outside of Pat Harrison and Jimmy Byrnes. VanNys might be interested in the flood legislation end of it and I understand is mostly miffed by the leadership of Senator Minton. Burke, as you know, is largely Art Mullen's man and, I understand, can probably be swung around.

It is suggested that you give them again a little of the background of yesterday's press conference and the same answer you gave Mac this morning on the fish business.

J. R.

PSF: Senate

UNITED STATES SENATE

WASHINGTON, D.C.

February 16, 1937.

Dear Missy,

I think the President would enjoy reading this. It has not been published yet.

Sincerely,

File - Senate Robertson. La Follette.

chase's article to "Times."
See F.F. - Ed
Judiciary Message file - (3) Drawer 2 - 1937

UNITED STATES SENATE
WASHINGTON, D.C.

PSF
Senate

March 26, 1937.

Dear Missey,

Please remind the President that I am anxious to see him <u>before</u> he issues any statement on the labor situation. I also want to talk to him on the Court reform matter before I go away on a brief vacation.

Sincerely,
Robert M. La Follette Jr.

PSF: Sugar

From Lacy Wallace

Sent to the President with Sugar Bill

On March 1, 1937, I recommended the enactment of sugar legislation, with adequate safeguards to protect the interests of each group concerned, in order to meet the public problems which had arisen as a result of discontinuance of the processing tax on sugar and benefit payments to sugar beet and sugar cane producers.

Since that time months have been spent in a controversy having nothing whatever to do with the interests of the sugar producers for whose benefit the legislation was designed. That controversy has related entirely to one provision which is intended, in effect, to legalize a monopoly in the hands of a small group of seaboard refining corporations.

The bill submitted to me discriminates against American citizens. It drastically restricts the rights of citizens in our insular areas to refine their raw sugar while no similar prohibition is imposed upon the refining of sugar in other parts of our country. The effect of this discrimination gives a small corporate group the business of refining all but a small percentage of the cane sugar consumed in this country.

The defense advanced for this discrimination is that the refiners in the islands could employ cheap labor which might enable unfair competition with refinery workers and the refineries on the mainland. To avoid the possibility of such a danger--if such a danger exists--the Administration recommended that a provision be inserted in the bill to the effect that minimum standards of wages and hours in sugar refineries in Hawaii, Puerto Rico and the Virgin Islands should not be less than the minimum standard in refineries on the mainland. That recommendation went unheeded.

It is therefore obvious that the alleged danger to American labor standards was not the real issue. The real issue is whether a monopoly for sugar manufacturers whose practices, in 1936, were condemned by the United States Supreme Court as violative of the anti-trust laws, will be perpetuated. The refiners were able to procure the inclusion of the provision to perpetuate their monopoly through the persistent efforts of a heavily financed and indefatigable lobby.

The discrimination against citizens of the United States in the pending bill, merely because they dwell in our territories, is unfair, un-American and must be repugnant to everyone who cherishes our traditions. For the very reason that American citizens in our territories and island possessions have no vote in our national legislature, we owe them a solemn obligation to be scrupulously fair.

Furthermore, the measure would write into a bill whose principal aim is aid for agriculture, provisions for the virtual perpetuation of a processor's monopoly. It is as if in a bill for the benefit of hog producers a provision assuring monopoly for packers should be included, or a group of millers should be handed exclusive privileges for the processing of wheat in legislation designed to help the producers of wheat.

I sympathize with the domestic beet and cane growers whose interests have been jeopardized by the intrusion of an issue with which they have no concern. For the bill contains many elements of great value to growers, without disregarding the interests of other groups concerned in such legislation. Consumers are protected by the provisions giving the Secretary of Agriculture authority to make allowances for changes in consumption and to prevent any possible restriction of supplies of sugar under the quota system which would result in prices to consumers in excess of those reasonably necessary to maintain the domestic industry as a whole. The interests of American exporters have been safeguarded by the quota arrangements in the bill providing that there should be no decrease in the share of other countries in the total quotas.

It is gratifying to note that the policy which was embodied in the Jones-Costigan Act of including among the conditions for receiving a federal payment the prevention of child labor and the payment of wages of not less than minimum standards, has been continued in this bill.

As a result of the balancing of available supplies and consumers' needs through the quota provisions of the bill and operation of the necessary complements of the quota system in the form of conditional payments to growers provided for in Title III of the bill and the excise tax of one-half cent per pound provided for in Title IV, both growers and laborers may be expected to obtain a more equitable and reasonable share of the total income of the domestic industry and the revenue to the Federal government will be increased without raising the cost of sugar to consumers.

In view of the foregoing beneficial results which are to be expected from the enactment of this measure, I have decided to sign this bill, but in view of the discrimination against American citizens embodied therein, I do so only because I have been assured by Congressional leaders that they will oppose continuance of this discrimination after March 1, 1940.

Retain

United States Senate

Washington, D. C., March 5, 1937

Respectfully referred to

The President,

The White House.

Dear "Boss":

I don't know whether you can find time to read the accompanying book or not. It is dry, but presents a very fine philosophy of government.

This man Hutcheson has a brain, heart and soul big enough to fill any job. May I suggest that you have his record as Judge of the Fifth Circuit examined for your information?

Sincerely,

Respectfully,

Geo. N. Garner

Vice President.

U. S. GOVERNMENT PRINTING OFFICE 124090

PSF
file Senate
Drawer 2-37

November 11, 1937.

Dear Mr. Vice President:-

The President found this book, which you were good enough to send him last March, on his desk. He feels that you probably want it for your own library.

With best wishes,

Very sincerely yours,

M. A. Le Hand
PRIVATE SECRETARY

The Honorable
The Vice President,
United States Senate,
Washington, D. C.

PSF: Senate

File

(2)

J R has original

March 12, 1937

My dear Senator:

The President has asked me to thank you for your note of the eighth with reference to your recommendation of Mr. James Lee Kauffman.

To be frank with you, I have heard no comment about a change in our Ambassador to Mexico. May I assure you that should such be the case, I will see that Mr. Kauffman's name is brought to the attention of the President at the proper time.

Very sincerely yours,

Administrative Assistant
to the President

Honorable Joseph F. Guffey,
United States Senate,
Washington, D. C.

MAD:get

Letter from the Senator to the President citing recommendations for appointment of James Lee Kauffman for Ambassadorship to Mexico. It was rumored that ambassadorship would be vacant.

PSF: Senate File

THE WHITE HOUSE
WASHINGTON

March 12, 1937.

MEMO FOR THE PRESIDENT:

Answered by a personal call to the Senator by James Roosevelt.

J.R.

HUGO L. BLACK, ALA., CHAIRMAN
ROYAL S. COPELAND, N. Y.
DAVID I. WALSH, MASS.
ELBERT D. THOMAS, UTAH
JAMES E. MURRAY, MONT.
VIC DONAHEY, OHIO
RUSH D. HOLT, W. VA.
CLAUDE PEPPER, FLA.
ALLEN J. ELLENDER LA.
JOSH LEE, OKLA.
WILLIAM E. BORAH, IDAHO
ROBERT M. LA FOLLETTE, JR. WIS.
JAMES J. DAVIS, PA.
KENNETH E. HANSLER, CLERK

United States Senate

COMMITTEE ON
EDUCATION AND LABOR

March 9, 1937.

Senate (S) 27

President Franklin D. Roosevelt
The White House
Washington, D. C.

My dear Mr. President:

Due to the fact that I am at home slightly indisposed, I am writing you on this subject instead of coming to see you immediately.

Before the Maritime Commission bill was passed by the Senate, I understood both from you and Mr. Farley that no members of the Maritime Commission would be appointed who were objectionable to Senator Clark and to myself. While I have not had an opportunity to see Senator Clark and therefore cannot speak for him, I do strenuously object to the appointment of Admirals Wiley and Land. My strong objection to Admiral Wiley was sent to Mr. Early during the time you were in South American waters.

While I have the highest respect for the integrity and ability of Mr. Kennedy, I believe that his appointment is directly in violation of the paragraph of the Maritime Act disqualifying persons who have any interest in shipbuilding.

I therefore wish to urge that you immediately withdraw the names of Admiral Wiley and Admiral Land. A contest over these appointments in the Senate would be personally most embarrassing to me because of my earnest desire to support your Administration in every way that I can, but my objection to both of these gentlemen is of such nature that I consider it my duty in the public interest to oppose their confirmation as vigorously as possible.

I sincerely trust that you will take this action with reference to Admirals Wiley and Land.

President Franklin D. Roosevelt
March 9, 1937
Sheet No. 2.

As much as I personally admire Mr. Kennedy, and in spite of my belief in his outstanding integrity and ability, I could not vote for his confirmation on account of my belief that his appointment is contrary to the law.

Sincerely yours,

Hugo L. Black

HUGO L. BLACK.

Confidential

March 10, 1937.

PSF: Senate
(3) Drawer 2-37

Dear Hugo:

Just a line to say that I have your letter. I am trying to clean up a few last minute details before getting away to Warm Springs.

I am hopeful that after considering the matter we can reach a satisfactory conclusion. In the meantime, I suggest that you talk the matter over with Joe Robinson.

Very sincerely yours,

Honorable Hugo L. Black,
United States Senate,
Washington, D. C.

UNITED STATES SENATE
WASHINGTON, D.C.

PSF
Subject

March 26, 1937.

Dear Missy,

Please remind the President that I am anxious to see him before he issues any statement on the labor situation. I also want to talk to him on the Court reform matter before I go away on a brief vacation.

Sincerely,
Robert M. La Follette Jr.

No original found 12/93

THE WHITE HOUSE
WASHINGTON

file personal
BF
Senate

3/30/37

MEMO FOR MISSY

The President told me he wanted to answer this personally when he got back.

MHM

Private

April 4, 1937.

Dear Sherman:

I have not had a chance before this to thank you for your note.

In the strictest of confidence, if you have any doubt, I will gladly take that forty to ~~one~~ ten off your hands!

As ever yours,

Honorable Sherman Minton,
United States Senate,
Washington, D. C.

FDR/dj

UNITED STATES SENATE
WASHINGTON

March 22/37

My dear Mr President –

At supper last night I had the pleasure of sitting beside your "adoring" Cousin Alice – She has you measured already for your shirt – brown sleeves black body + red tail – Not withstanding her confidence in her ability to fore cast

your future action because of her knowledge of your character I bet her forty to ten you would not be a candidate or be drafted in 1940 - Now I don't mind losing my senatorial toga or my political life following you but I can't afford to lose forty dollars - so don't run out on me -

Cordially & sincerely yours

Sherman Minton

Hon. Franklin D. Roosevelt
Warm Springs Ga.

PSF
Senate

April 6, 1937.

Dear Pat:-

On my recent visit to the sunny South (where, incidentally, I never saw the sun) I went through an ancient brief case and found the enclosed in its recesses. Having taken the measure of the Vice President of the United States at the ancient and honorable American game, I had assumed that no Senators had trimmed me. Alas, I was wrong! I bow to your prowess and apologize for the delay, and trust that you have not been pecuniarly inconvenienced.

As ever yours,

The Honorable
Patrick Ignatius Harrison,
United States Senate,
Washington, D. C.

JOSIAH WILLIAM BAILEY, N. C., CHAIRMAN
HUGO L. BLACK, ALA.
M. M. LOGAN, KY.
EDWARD R. BURKE, NEBR.
LEWIS B. SCHWELLENBACH, WASH.
PRENTISS M. BROWN, MICH.
ALLEN J. ELLENDER, LA.
JAMES H. HUGHES, DEL.
HARRY H. SCHWARTZ, WYO.
W. H. SMATHERS, N. J.

ARTHUR CAPPER, KANS.
JOHN G. TOWNSEND, JR., DEL.
WALLACE H. WHITE, JR., MAINE

A. HAND JAMES, CLERK
H. B. STRAIGHT, ASST. CLERK

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United States Senate

COMMITTEE ON CLAIMS

May 10, 1937

Hon. James Roosevelt,
Administrative Assistant to the President,
The White House,
Washington, D. C.

Dear Mr. Roosevelt:

Thank you for your letter of May 3rd.

While it is regretted that the President did not comply with the request made of him concerning the Smoky Mountain Parkway, I am very glad to have the data and I shall do whatever I can to induce the State of North Carolina to put up the necessary funds. I hope the State of Tennessee will put up its share.

With all good wishes,

Very truly yours,

JWB/s

HENRY F. ASHURST, ARIZ., CHAIRMAN
WILLIAM H. KING, UTAH
HUBERT D. STEPHENS, MISS.
CLARENCE C. DILL, WASH.
SAM G. BRATTON, N. MEX.
HUGO L. BLACK, ALA.
M. M. NEELY, W. VA.
HUEY P. LONG, LA.
FREDERICK VAN NUYS, IND.
PATRICK MC CARRAN, NEV.
WILLIAM E. BORAH, IDAHO
GEORGE W. NORRIS, NEBR.
ARTHUR R. ROBINSON, IND.
DANIEL O. HASTINGS, DEL.
FELIX HEBERT, R. I.
THOMAS D. SCHALL, MINN.
WARREN R. AUSTIN, VT.

United States Senate

COMMITTEE ON THE JUDICIARY

March 31, 1933.

Mr. McIntyre,
Secretary to the President,
White House,
Washington, D. C.

Dear Mr. McIntyre:

The Senate Bill 158 was reported yesterday to the Senate, and I enclose this report, copy of bill, and hearings had during last Session of Congress in duplicate.

The report that this bill had been sent to the Senate Committee on Banking & Currency was erroneous.

The bill is now on the Senate Calendar.

Sincerely yours,

HUGO L. BLACK

W

X

Calendar No. 15

73d Congress, 1st Session } SENATE { Report No. 14

PREVENTING INTERSTATE COMMERCE IN ARTICLES MANUFACTURED BY LABOR EMPLOYED MORE THAN 5 DAYS PER WEEK OR 6 HOURS PER DAY

March 13 (calendar day, March 30), 1933.—Ordered to be printed

Mr. Black, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 158]

Senate bill 158, is herewith reported favorably by the Senate Judiciary Committee, with certain amendments, which will be hereafter set out.

This is a bill intended to revive languishing interstate commerce in the products of mines, factories, and manufacturing establishments throughout the Nation. Today interstate commerce is strangled and almost paralyzed by reason of an absence of purchasing power on the part of many millions of people throughout the land. The overwhelming proportion of the customers of American farm, mine, and factory, are American workers on farms, in mines, and in factories. Their millions of industrial workers without jobs cannot buy goods that make up our interstate commerce. Millions of farmers are thus deprived of their industrial customers. The channels of interstate commerce are dried up throughout the country, because men without jobs cannot buy. It is manifest to all who squarely face the facts that our economic structure cannot be rehabilitated until our people can work at fair wages and thus buy the things they need. It is also self-evident that we can produce all we can sell at home and in foreign markets on a shorter workweek and workday than we have in force today.

This report carries with it the belief that our unemployed cannot be put to work without reducing the hours of labor; that this reduction has not been, and cannot be accomplished by voluntary action on the part of employers; that it has not been done by State laws and cannot be done with sufficient rapidity to meet the distressing emergency existing among our millions of destitute, unemployed, and impoverished citizens.

Time is vital in meeting this situation. The destruction of our interstate and foreign commerce threatens the health, the morale, the happiness, the growth, progress, educational opportunities, and home life of our whole people. This paralysis of commerce, fostered and intensified by the absence of purchasing power of America's unemployed, has closed our schools, stunted the growth of children, and imperiled our national advancement.

This committee believes interstate commerce cannot be revived without increasing the purchasing power of the people. This makes necessary that the income of farmers and industrial workers be increased. It makes employment of the unemployed a major objective of any program to reopen the channels of interstate commerce upon which today hinges the economic soundness of the Nation.

Congress is given the right to regulate interstate commerce by the Constitution. This power was given in order that Congress might prescribe the rules necessary to preserve the benefits of commerce to all the people. Surely since the foundation of the Government, the right of the people to receive the benefits of interstate commerce has never been more seriously imperiled than today. The right to regulate, under all the decisions, includes the right to protect the people from that kind of commerce that produces widespread human misery, destitution, sickness, and want. The power to regulate carries with it the right to prescribe rules that will save commerce from self-destruction and protect all the people from practices of some of the people engaged in interstate commerce that destroy commerce itself.

This measure, unlike the child labor bill, does not merely affect a small percentage of American workmen, in order to prevent working practices within their State, thought by Congress to be detrimental to those individual children working within the States. This bill has a broader base and a broader object. It is directed toward interstate commerce in its larger aspect. It affects not a small number of children, but millions of those engaged in interstate commerce. Interstate and foreign commerce have today reached such national proportions that the national economic soundness and prosperity depends upon its life and vitality. In our trading country if interstate and foreign commerce languish, the Nation languishes, and there must necessarily result national problems of want, destitution, misery, illness, and undernourishment.

This bill, therefore, it is believed comes within the constitutional interpretation both of the majority and the minority of the Supreme Court in the child labor case.

Attention is called to the fact, however, that the child labor case was decided by a divided court of 5 to 4. Conditions today are different to conditions that existed when that case was decided. Laws must be interpreted to meet conditions existing when the law is interpreted.

Our Constitution has been interpreted from time to time to meet new situations and conditions that could not have been foreseen by the writers of that great document. Its interpretation has made it possible to adjust laws written under its terms to fit alike the oxcart and the aeroplane; the hand loom and the swift spinning of modern factories.

Today America faces a sad reality. Hungry and despairing men and women have a right to demand that their representatives look at

the modern situation with modern eyes. If change is needed to cure evils growing out of old practices, change must come.

This bill proposes to try a shorter working day and week in modern industrial chaos and confusion for a term of two years. We believe it will put more than 6 millions of America's unemployed to work; remove them from the rolls of public or private charity; and increase the Nation's power to purchase the Nation's goods. Interstate commerce cannot live unless this unemployment ceases. It is for the purpose of preserving interstate commerce, with its great national benefits that this bill is reported. It is to aid in restoring hope and confidence throughout the land; to strike against poverty, sickness, misery and stunted mental and physical growth, that your committee expresses the hope that this measure may be speedily enacted into law and interstate commerce revived for the people.

For the convenience of the committee the bill with committee amendments italicized is here set forth.

In the fourth paragraph of the preamble after the word "has," strike out down to and including the word "burdened," and insert, "brought about conditions injuriously affecting."

In the fifth paragraph of the preamble strike out the word "between," and insert the word "among"; also after the word "the" strike out the word "State" and insert the words "several States."

In line 9, page 2, strike out the colon after the word "day" and insert a period. Strike out the proviso in lines 9–11.

At end of the bill add a new section:

SEC. 3. This act shall not become effective until 30 days after the date of its enactment, and it shall not apply to commodities or articles produced or manufactured prior to the date it becomes effective, and this act shall remain in force for two years after the date it becomes effective.

O

73D CONGRESS
1ST SESSION

S. 158

IN THE SENATE OF THE UNITED STATES

MARCH 9 (calendar day, MARCH 10), 1933

Mr. BLACK introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prevent interstate commerce in certain commodities and articles produced or manufactured in industrial activities in which persons are employed more than five days per week or six hours per day.

Whereas there now exists a grave national emergency, affecting the lives and happiness of the people of the Nation; and

Whereas there are millions of people in the United States out of employment, destitute and living on public and private charity; and

Whereas these conditions of unemployment and destitution and want are seriously impairing the health, morals, physical strength, and development of the men, women, and children of the entire Nation; and

Whereas the emergency has clogged the arteries of interstate and foreign commerce, and so burdened the trade between the

peoples of the various States that business is stagnant, unemployment, undernourishment, destitution and want have been steadily increasing; and

Whereas while millions of citizens, ready and able to work, can not secure the opportunity to do so, while millions of others are working in factories and industrial establishments ten, twelve, thirteen, fourteen, and even sixteen hours per day, producing goods shipped and used in interstate commerce, to the detriment of the whole people of the United States, and thereby burdening, injuring, and destructively affecting commerce between the people of the State, and with foreign nations: Now, therefore

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That no article or commodity shall be shipped, transported,
4 or delivered in interstate or foreign commerce, which was
5 produced or manufactured in any mine, quarry, mill, can-
6 nery, workshop, factory, or manufacturing establishment sit-
7 uated in the United States, in which any person was em-
8 ployed or permitted to work more than five days in any
9 week or more than six hours in any day: *Provided,* That
10 this section shall not apply to commodities or articles pro-
11 duced or manufactured before the enactment of this Act.
12 SEC. 2. Any person who ships, transports, or delivers,
13 or causes to be shipped, transported, or delivered in inter-
14 state commerce, any commodities or articles contrary to the

1 provisions of section 1 of this Act, shall be punished by a fine
2 of not less than $200 or by imprisonment for not more than
3 three months, or by both such fine and imprisonment, in the
4 discretion of the court.

73D CONGRESS
1ST SESSION

S. 158

A BILL

To prevent interstate commerce in certain commodities and articles produced or manufactured in industrial activities in which persons are employed more than five days per week or six hours per day.

By Mr. BLACK

MARCH 9 (calendar day, MARCH 10), 1933
Read twice and referred to the Committee on the Judiciary

SENATOR BLACK, for the Committee, reports the following:

SENATE BILL 158, is herewith reported favorably by the Senate Judiciary Committee, with certain amendments, which will be hereafter set out.

This is a bill intended to revive languishing Interstate Commerce in the products of mines, factories, and manufacturing establishments throughout the Nation. Today Interstate Commerce is strangled and almost paralyzed by reason of an absence of purchasing power on the part of many millions of people throughout the land. The overwhelming proportion of the customers of American farm, mine and factory, are American workers on farms, in mines and in factories. Their millions of industrial workers without jobs cannot buy goods that make up our Interstate Commerce. Millions of farmers are thus deprived of their industrial customers. The channels of Interstate Commerce are dried up throughout the country because men without jobs cannot buy. It is manifest to all who squarely face the facts that our economic structure cannot be rehabilitated until our people can work at fair wages and thus buy the things they need. It is also self-evident that we can produce all we can sell at home and in foreign markets on a shorter work week and work day than we have in force today.

This report carries with it the belief that our unemployed cannot be put to work without reducing the hours of labor; that this reduction has not been, and cannot be accomplished by voluntary action on the part of employers; that it has not been done by State laws, and cannot be done with sufficient rapidity to meet the distressing emergency existing among our millions of destitute, unemployed and impoverished citizens.

Time is vital in meeting this situation. The destruction of our Interstate and Foreign Commerce threatens the health, the morale, the happiness, the growth, progress, educational opportunities and home life of our whole people. This paralysis of commerce, fostered and intensified by the absence of purchasing power of America's unemployed, has closed our schools, stunted the growth of children, and imperiled our national advancement.

This Committee believes Interstate Commerce cannot be revived without increasing the purchasing power of the people. This makes necessary that the income of farmers and industrial workers be increased. It makes employment of the unemployed a major objective of any program to reopen the channels of Interstate Commerce upon which today hinges the economic soundness of the Nation.

Congress is given the right to regulate Interstate Commerce by the Constitution. This power was given in order that Congress might prescribe the rules necessary to preserve the benefits of Commerce to all the people. Surely since the foundation of the Government, the right of the people to receive the benefits of Interstate Commerce has never been more seriously imperiled than today. The right to regulate, under all the decisions, includes the right to protect the people from that kind of commerce that produces widespread human misery, destitution, sickness and want. The power to regulate carries with it the right to prescribe rules that will save commerce from self-destruction and protect <u>all the people</u> from practices of <u>some of the people</u> engaged in Interstate Commerce that destroy commerce itself.

This measure, unlike the Child Labor bill, does not merely affect a small percentage of American workmen, in order to prevent working practices within their State, thought by Congress to be detrimental to those individual children working within the States. This bill has a broader base and a broader object. It is directed towards Interstate Commerce in its larger aspect. It affects not a small number of children, but millions of those engaged in Interstate Commerce. Interstate and Foreign Commerce have today reached such national proportions that the national economic soundness and prosperity depends upon its life and vitality. In our trading country if Interstate and Foreign Commerce languish, the nation languishes, and there must necessarily result national problems of want, destitution, misery, illness and undernourishment.

This bill, therefore, it is believed comes within the Constitutional interpretation both of the majority and the minority of the Supreme Court in the Child Labor case.

Attention is called to the fact, however, that the Child Labor case was decided by a divided Court of five to four. Conditions today are different to conditions that existed when that case was decided. Laws must be interpreted to meet conditions existing when the law is interpreted.

Our Constitution has been interpreted from time to time to meet new situations and conditions that could not have been foreseen by the writers of that great document. Its interpretation has made it possible to adjust laws written under its terms to fit alike the oxcart and the aeroplane; the hand loom and the swift spinning of modern factories.

Today America faces a sad reality. Hungry and despairing men and women have a right to demand that their Representatives look at the modern situation with modern eyes. If change is needed to cure evils growing out of old practices, change must come.

This bill proposes to try a shorter working day and week in modern industrial chaos and confusion for a term of two years. We believe it will put more than six millions of America's unemployed to work; remove them from the rolls of public or private charity; and increase the nation's power to purchase the nation's goods. Interstate Commerce cannot live unless this unemployment ceases. It is for the purpose of preserving Interstate Commerce, with its great national benefits, that this bill is reported. It is to aid in restoring hope and confidence throughout the land; to strike against poverty, sickness, misery and stunted mental and physical growth, that your Committee expresses the hope that this measure may be speedily enacted into law and Interstate Commerce revived for the people.

For the convenience of the Committee the bill with Committee amendments italicized is here set forth.

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2)

see an occasion when it might be convenient for him to give me an appointment at the House will you be so good as to remind him of it?

Many thanks,

Robertson La Follette.

Miss Marguerite Le Hand,
The White House,
Washington D. C.

PSF/Senate

UNITED STATES SENATE
WASHINGTON, D.C.

May 17, 1937.

Dear Missy,

Yesterday I mentioned to the President that I would like to have an opportunity to discuss the matters we touched on at greater length.

I understand how he is burdened these days but if you

PSF: Senate

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
WASHINGTON, D.C.

RJ
Insert this if and when a sugar bill passes. DDR

May 17, 1937.

SUGARCANE REFINERS' POSITION ON PENDING SUGAR LEGISLATION

The attached memorandum to the President by Mr. Ellsworth Bunker, Chairman, United States Cane Sugar Refiners' Association, is in effect a plea for enactment of the House Agricultural Subcommittee Print No. 2 with partial compromises on the Cuban quota and the amount of probable increasing Philippine deficits to be allotted to foreign countries to be used in the State Department's reciprocal trade program. He suggests returning to Cuba the right to share in increased consumption, as in existing sugar legislation, and proposes a quota fund of some 50,000 tons of raw sugar for use in the reciprocal trade program. In both these proposals the interests of refiners coincide with the interest of the State Department. In other words, it is the refiners' hope that by giving support to the most urgent needs of the State Department, they may break the Administration's position with respect to pending sugar legislation, especially with respect to the following basic principles of national policy which the Administration is undertaking to maintain:

(1) That the discrimination against Puerto Rico and Hawaii with respect to their right to carry on manufacturing operations, inserted in the 1934 legislation as an emergency measure, should be continued. The thirteen sugarcane refiners would thus obtain the establishment of a national policy of the Federal Government with respect to its relation with the territories which would be of great benefit to themselves and which would give them a protection they could not obtain under tariff legislation.

(2) That we shall not further destroy our export trade by cutting off imports. In this instance the refiners are requesting that Cuba's quota for refining operations be decreased from about 460,000 tons in 1936 to a maximum of about 300,000 tons. It is

estimated that such a decrease would involve the destruction of approximately $3,000,000 export trade, as pointed out by Secretary Ickes in his letter to Mr. Marvin Jones of May 7, 1937.

It should be noted that the question of sugar refining is not primarily a labor problem as implied by the memorandum submitted by Mr. Bunker. All refiners in the United States employ less than 14,000 persons. It should also be noted that the United States Tariff Commission recommended to the President in 1934, after thorough investigation of the claims of refiners, that the facts did not warrant giving them protection against foreign countries, much less against domestic insular areas. Moreover, if refiners are given all the protection they request against competition, the natural result would be higher refining margins between raw and refined sugar prices, which in turn would result in either increased cost to consumers or decreased income to sugar producers. Compliance with the request of the refiners would in effect bring about most undesirable monopoly conditions in the territories with respect to the right to supply refined sugar--one refinery in Hawaii and one principal refinery in Puerto Rico.

The memorandum submitted by Mr. Bunker on those provisions of Committee Print No. 2 which do not pertain to the question of refined sugar is seriously incomplete and implies that with a few minor adjustments it could be made to conform to the recommendations of the Admistration, whereas, in fact, without exception every recommendation made by the Administration with respect to the division of quotas was disregarded in Committee Print No. 2, which is in conflict not only with our national policy with respect to foreign trade, but also with respect to American territories and possessions.

The efforts of the cane refiners to have Congress grant their demands for protection against competition have been vigorously opposed by all three governmental departments interested in sugar: the Secretary of State in an April 30 press announcement, the Secretary of the Interior in a published letter to Marvin Jones on May 7, and the Chief of the Sugar Section of the A.A.A. in an appearance before the House Committee on Agriculture on May 11.

THE WHITE HOUSE
WASHINGTON

May 17, 1937

MEMORANDUM FOR SECRETARY WALLACE:

The President asked me to send you, confidentially, the enclosed, which he wanted you to read before you came in to see him.

M. H. McI.

M. H. McINTYRE
Assistant Secretary
to the President

PSF: Senate

May 17, 1937

The President,
The White House.

Dear Mr. President:

I am taking the liberty of submitting two memoranda relative to the present status of the Sugar program, one dealing with the general situation, the other with refined sugar quotas.

I have tried to give an accurate picture, as I see it, of matters as yet unsettled.

With respect, I am

Faithfully yours,

Ellsworth Bunker

PSF: Senate

The 1937 SUGAR BILL
(May 17, 1937)

Committee Print No. 2 of the 1937 Sugar Bill, as reported to and now pending in the House Agricultural Committee, adopts the recommendation of the President's message of March 1, 1937 that the basic features of the 1934 Sugar Act be re-enacted, - namely, - Payments to Growers, A Tax on Sugar, and a Quota System.

1. Payments. Provision for payments to growers, as in 1934 is conditioned upon requirements as to balancing of production, safeguarding of labor, prohibition of child labor, etc.

2. Tax. As in 1934, the Treasury will recoup the payments, by means of a sugar tax. The presently proposed tax will net certain free revenue for the Treasury.

3. The Quota System. As in 1934, the quota system will stabilize supply and price, and guarantee each area a share in the American market, at the same time protecting the interests of the consumer. There is no dispute as to the principle or its desirability. The difficulty, as always, arises only in specific allocation of quotas. While in this respect the fundamental purpose has been to follow the principles of the 1934 Sugar Act, certain changes from that Act have been proposed, as follows:

(a) Continental cane areas (Louisiana and Florida) whose production capabilities have proved substantially larger than the 1934 Sugar Act quota of 260,000 tons, have requested a larger quota. The Secretary of Agriculture recommended 360,000 tons. Current production, however, exceeds that figure. Committee Print No. 2 endeavors to meet this by giving them a quota of 440,000 tons.

(b) After Committee Print No. 2 was reported to the full Committee, the Secretary of State emphasized his desire to have certain additional quota made available for use in his reciprocal trade program. It would seem practical to create for this purpose a quota fund of some 50,000 tons of raw sugar; and it is believed such a provision would not meet serious objection.

(c) In order to protect home labor in the refining industry, the Committee was asked to require that all Cuba's quota enter as raw sugar. As a compromise Committee Print No. 2 proposes to transfer about 123,000 tons (out of 423,000 tons) of Cuba's quota from refined to raw form.

(d) Hawaii and Puerto Rico, whose sugar industries have reached peacetime record levels of prosperity under the 1934 Act, are now demanding, with support of the Secretary of the Interior, more favorable treatment than they ever received under that Act, including complete parity of status for their large corporate plantation-processors with continental cane and beet farmers, and an unlimited privilege to ship their quotas as refined sugar.

Committee Print No. 2 re-enacts the 1934 Sugar Act provisions limiting the amount of their refined sugar shipments to their previous maximum shipments; but for the purposes of their general quotas, the Bill departs from that Act

by grouping Hawaii, Puerto Rico and the continental areas into a special class for sharing increased consumption, to the exclusion of Cuba. This provision was not sought by the continental beet or cane producers. The net effect of this provision, and of the proposed increase in the continental cane quota, is to reduce Cuba's total quota, on the basis of present consumption estimates, by 100,000 tons from her 1934 Sugar Act status. The 1934 Act principles could be restored by giving pro rata participation to all areas, including Cuba, in increased consumption.

If Committee Print No. 2 were changed so as (1) to give the Secretary of State a quota fund as suggested in (b) above, and (2) to restore Cuba to participation in increased consumption as suggested in (d) above, the difficulties of the situation would apparently be largely removed except fixing the definite amount of the continental cane quota and except the Hawaiian and Puerto Rican demands for treatment more liberal than that ever accorded them by the 1934 Act.

PSF: Senate

Offshore Refined Sugar Quotas

1. Part of the general sugar problem, to be dealt with in the pending legislation, is the matter of off-shore refined sugar quotas of Cuba, Hawaii, Puerto Rico and the Philippines.

2. Philippine refined - Refined sugar from the Philippines offers no problem. Congress in 1934 established the principle in the Independence Act, and the 1937 sugar bill follows it, that those islands should not be permitted to harm home labor in the sugar industry by expanding refining under tropical conditions.

3. Cuban refined - After public hearings, at which it was contended that in the interest of home labor and industry, Cuba's sugar quota should in principle come here entirely in raw form, the Sub-Committee of the House Agricultural Committee recommended as a compromise that Cuba be permitted to send here 300,000 tons of refined sugar annually. This would transfer to Cuba's raw quota about 123,000 tons of her present refined quota of about 423,000 tons.

The State Department voiced objection on the ground it was informed that such change would force the Cuban refiners to suspend operations, and it feared such result would be prejudicial to both countries. As the facts are that not until 1931 did Cuban refined sugar shipments to the United States exceed 300,000 tons, and that a 300,000 ton quota, plus local and foreign markets, gives Cuban refiners a rate of operation equaling home refiners, it seems that not a single Cuban refinery would close. Furthermore -

(a) The President's Cuban policy raised her gross sugar income (overwhelmingly derived from raw, not refining of sugar) from about $50,000,000 to about $130,000,000 per year. The transfer of 122,923 tons of Cuba's quota from refined to raw form would not materially affect that income, certainly not by as much as 1%.

(b) Our exports to Cuba have increased with increase of our imports of raw sugar from her. The Sub-Committee's proposal could obviously have no material effect upon such trade, and on the other hand would more substantially improve domestic purchasing power, since home refining wages are 3 or 4 times greater than Cuban refining wages.

(c) Cuba's purchasing power has been recently further enhanced by the world sugar agreement, toward which the President's Ambassador contributed materially.

(d) American consumers cannot be harmed by the proposed change, - so slight in amount that obviously competitive conditions and existing low profit levels in the home refining industry cannot be materially affected by it. Competition in the home refining industry is intensive, and in 1936 only 7¢ out of $5.59 (per 100 lbs. of sugar) went to the refiners as a profit. In three years under the 1934 Act home refiners made an average income (in terms of investment) of 1.83%, and between 1925 and 1936 the net rate was 4.95%.

4. Puerto Rican and Hawaiian refined - The Sub-Committee recommended that the principles of the 1934 Sugar Act be continued, that is, that these islands not be permitted to enlarge their refining to create unemployment and idle factories at home. The Secretary of the Interior deems this established principle to be a "discrimination" against those areas. The facts show:

(a) The 1934 Sugar Act increased the sugar incomes of Hawaii and Puerto Rico to an all-time record high. The proposed 1937 bill would not reduce that income.

The 36 plantations of Hawaii, controlled by five holding companies, received a generous profit in 1936; the operating companies made $16,100,000, the holding companies $8,600,000, or approximately 1.2¢ per pound of raw sugar produced. Despite this generous subsidy they now demand the privilege of further increasing these earnings by expanding refining, at the expense of home labor and industry.

Five corporations in Puerto Rico, which control 64% of the sugar production in that Island, received (1936) an income of about 16.6% on capital and surplus.

(b) The present refined quotas for Hawaii and Puerto Rico represent their maximum previous shipments and permit them to refine at approximately their full existing capacity; - while the home refiners, whose operations are also limited by the quota system, are permitted to operate at only 60% of capacity.

5. The Interests of Labor - Home refiners have observed the President's "good employer" policy, in letter and spirit. They operate on a five-day week and an eight-hour day. No child labor is employed. The highest wages of any sugar group are paid, averaging 65¢-70¢ per hour. No attempt has ever been made to hinder independent organization of labor for bargaining purposes.

6. Policy of Other Countries - In practically every country in the world sugar is completely controlled, or nearly so, by the government. None of these methods of control permits imports of refined sugar from tropical areas to the detriment of home labor in the industry. This is especially true if the colonial areas (as do Hawaii, Puerto Rico and Cuba, a foreign country) receive generous subsidies upon their raw sugar.

May 17, 1937

"file personal"

file Senate

~~CONFIDENTIAL~~

May 26, 1937.

Dear George:-

My difficulty is not in the least in regard to Joe Eastman. I am reappointing him but I cannot decide on the man for the other place -- hence the delay.

As ever yours,

Honorable George W. Norris,
United States Senate,
Washington, D. C.

E W. NORRIS
NEBRASKA

THE WHITE HOUSE
MAY 25 1937
RECEIVED

United States Senate

WASHINGTON, D. C.

N-F

May 24, 1937.

My dear Mr. President:

I am wondering why you have delayed in reappointing Honorable Joseph B. Eastman to the Interstate Commerce Commission? This delay has caused some unfavorable comment and some embarrassment among some of your friends. I have taken it for granted that Mr. Eastman would be reappointed - did not suppose anyone else was under consideration - but the delay is, at least, puzzling.

I have no interest whatever in this except the good of the service. His service has been so outstanding for the good of the country at large, it seems to me the welfare of your Administration depends, to some degree, upon an approval of the official work of Mr. Eastman and that it could best be expressed by his prompt reappointment.

Very truly yours,

G W Norris

Honorable Franklin D. Roosevelt,
The White House.

BF
Senate

May 29, 1937.

Dear George:-

I am sending to the Congress on Tuesday a Message about tax evasion which I am sure will warm the cockles of your heart.

I have to send this Message as soon as possible because my intentions have leaked to the Press to the point where much of a desired dramatic element will be taken out of the Message by delay.

I know that the Message on the Bill for establishing Regional Authorities has been delayed so many times that it has caused you all kinds of embarrassment, but because I think it serves you no good purpose to send the Message on the Authorities on the same day as this Message on tax evasion, I do ask you to be patient and let me send your Message on Wednesday or Thursday, after the excitement about the first Message has died down.

I positively promise you this will be the last delay, and I honestly think it will serve the interests of the establishment of the Regional Authorities which we both have so much at heart.

I am leaving for Hyde Park tonight for a short weekend.

With my warm regards,

As ever yours,

Honorable George W. Norris,
Hotel Dodge,
Washington, D. C.

PSF
Senate

PERSONAL

June 3, 1937.

Dear Joe:-

Whenever you are ready to talk over the draft of the Bill or Bills you will introduce in the Senate in relation to the reorganization of the Executive branch of the Government, I hope you will let me know. Can you give me a chance to do this before the Bill is actually introduced?

I am glad to hear that things are getting on so well.

As ever yours,

Honorable Joseph T. Robinson,
United States Senate,
Washington, D. C.

T. ROBINSON, CHAIRMAN

file personal

Senate (2)

United States Senate

CONFERENCE OF THE MAJORITY

June 3, 1937.

The President,

The White House,

Washington, D. C..

My dear Mr. President:

Your message of the 2nd inst. has just been received. The rough first draft of the Bill on Executive Reorganization is about ready but it will take a few days to satisfy myself that it is approximately the desired form. As soon as it is practicable I shall be glad to contact you and go over it with you.

There is nothing on the Senate Calendar. We have kept it up to date. I am doing everything possible to hurry along the appropriation bills. We have yet to consider in the Senate the District of Columbia, Military Affairs and Interior Department General Appropriation Bills. I hope to get some of them in the Senate over the week end. In all probability I shall adjourn the Senate today over until Monday.

With regards and best wishes,

Sincerely yours,

Joe. T. Robinson.

PSF: Senate

THE WHITE HOUSE
JUN 9 1937
RECEIVED

United States Senate

WASHINGTON, D. C.

June 8, 1937

file "personal" Senate

Dear Franklin:

It was good of you and Mrs. Roosevelt to send me the gracious note of June 5, followed by your beautiful floral contribution to the flowers sent by sympathetic friends. You may be sure that all of us deeply appreciate your kindness.

It might interest you to know how steadfast was Mrs. Glass' friendship for you, illustrated by the fact that, in one of her lucid intervals toward the end of her illness, when told by me that your special train had just passed through Montview Farms en route south, she quietly remarked: "I wish I could have seen him".

Sincerely yours,

Carter Glass.

Honorable Franklin D. Roosevelt,
The White House,
Washington, D. C.

file personal

Uvalde, Texas.
July 8, 1937.

PSF
U.S. Senate

Hon. James A. Farley
Washington, D. C.

Dear Jim:

Your favor of the 6th, enclosing a clipping by our mutual friend, Hennessy, is just received.

I think I told you the other day that it peeved me a little to see these good people doubting the continued cooperation of myself with the "Boss's" efforts. Of course, you know better and I am certain that the "Boss" knows better, since I have told him so and he knows that I do not misrepresent my position to him at any time on any matter.

I think I told you the other day that when heeneeds me, I will be there as soon as I conveniently can if I have strength to travel, and I surely have it now as I am feeling fine and getting as hard as a brick and black as a Yaqui Indian.

How long do you think Congress will be in session? I have had a couple of letters from Senator Robinson and from a number of others on the Hill and none of them seem to have a definite idea about the prospects for adjournment or, for that matter, about any particular thing. Most of them seem to be "up in the air".

Should you want to punish your stenographer you can just jot down any little information or gossip that you may care to and pass it on to me. When I come in from two or three days in the country, I enjoy a word or two from such friends as you. I wrote the "Boss" some days ago, but have heard nothing from him.

As you probably know, Mrs. Garner and Genevieve are in New Mexico or Colorado now. They are travelling about so I can't keep up with them.

If Mrs. Garner was here she would join me in best wishes for you and yours.

Truly your friend,

(Sgd) Jno. N. Garner.

COPY

PSF: Senate

THE POSTMASTER GENERAL
WASHINGTON

July 13, 1937.

Miss Marguerite A. LeHand
Private Secretary to the President
The White House.

Dear Miss LeHand:

I was talking to Mr. Farley on the phone yesterday and he asked me to send you the attached copy of a letter from Mr. Garner and ask if you will show it to the President.

Sincerely,

Bill

William J. Bray
Secretary to the
Postmaster General

WJB:DW

PSF: U.S. Senate

file personal

THE VICE PRESIDENT'S CHAMBER
WASHINGTON

THE WHITE HOUSE
JUL 16 1937
RECEIVED

Uvalde, Texas
July 13, 1937

write file

The President,

The White House.

Dear "Boss":

Upon my return yesterday, I found your appreciated letter and enclosures awaiting me. I will be up there some time between the 23rd and 26th.

Health and happiness to you until I have the pleasure of shaking your hand.

Faithfully your friend,

John N. Garner

JNG/1

Scratt

July 7, 1937

PERSONAL

Dear Jack:

I have held off writing you for three perfectly good reasons: First, the Jefferson Island party (at which you were very greatly missed) and the wedding; second, my desire to check up on things on the Hill and elsewhere for a little while longer; and, third, because I did not want to bring you back to Washington until after you had had a real rest and a bit of fishing.

Frankly, I honestly think you ought to be coming back pretty soon, timing it so that it would not be said that you were rushing back to save the amended Court Bill by trying to call off a filibuster. Joe's best thought is that he has the votes with a [redacted]-able margin and that he can prevent or defeat a long continued filibuster. He wants to give the opposition, of course, every right to make all the speeches they want to but to try to force matters when the problem degenerates into what the country will recognize as a flouting, not only of that Bill but of the rest of the legislation. That is why I really think it would be fine if you could come back before the Bill reaches that stage, i. e., in a week or ten days.

Then there is, as you know, the really continuing comment on your absence--criticism from papers like the editorial in the Scripps-Howard papers last night. I was sure there would be the usual deliberate mis-construction attached to your trip by the hostile press and I have consistently said that it was all nonsense and that you were coming back very soon.

If Congress does not run wild in the next six weeks or two months, you will be glad to know that the Budget for the coming year looks like a very definite assurance of a balanced budget. The receipts from taxation are exceeding estimates and the Departments and agencies are cooperating in trying to cut their actual expenditures about four hundred million dollars under the Appropriation Bills.

MEMO FOR MR. EARLY

The President wants to know which of these clippings he should send in this letter.

TOI

Think all should be sent P.S.

1937

PSF U.S. Senate

On the labor end of things, the past two weeks have brought what I am very confident is the right psychology on the part of the public as a whole. They are pretty sick of the extremists which exist both in the C. I. O. and some of the A. F. of L. Unions and also of the extremists like Girdler and some of his associates backed by the Guarantee Trust Company, etc. The point is that if the Administration had made pronouncements last winter and during the past month, the great mass of the people would not have had certain examples before their eyes which have taught them to take a pretty sound view of the situation. For instance, they have been just as horrified about the action of the Chicago police against the strikers as they have been by the proposed march of the coal miners on Johnstown.

And finally, just to clinch the argument for your return, I want to tell you again how I miss you because of you, yourself, and also because of the great help that you have given and continue to give to the working out peacefully of a mass of problems greater than the Nation has ever had before.

So do come back very soon and make me and a whole lot of others, very happy.

Affectionately yours,

fdr/tmb

The Honorable,
The Vice President of the United States,
Uvalde,
Texas.

Memo. from Mr. Early 6/21/37 "confidential", encl. numerous clippings commenting on trip of Vice President.
Mr. Early quotes headlines and deals with Republican handling of situation in press.

PSF: Senate

THE VICE PRESIDENT'S CHAMBER
WASHINGTON

THE WHITE HOUSE
JUN 21 1937
RECEIVED

Uvalde, Texas
June 19, 1937

Dear "Chief":

Marvin McIntyre was up in my office just before I left and told me that you were very much upset or disappointed, I forget the exact expression, about my leaving at this time. I have been unhappy since our conversation because if I had known, and I think you should have told me most seriously, that you did not think it for the best interest of the administration for me to leave. I could have then arranged for Mrs. Garner to come on alone to join our grandchild on a vacation.

You know that I have never disagreed to the point of insistency except on two things. One was the sit-down strikes, which nearly got my goat; and the second was on excessive expenditures, particularly the relief policy. In all other matters I have been as loyal as any devoted enthusiast could desire.

Of course, as I have explained more than once, your agricultural policy in my opinion is fundamentally unsound, but since you have so many advisers whose judgment and experience as to the practical difficulty in the premises should be better than mine, I thought I should not press my views; and loyally supported your and Henry's efforts before the Congress.

But in the matter of government finance, I am egotistical enough to believe that I know as much as most people; and it is my lifetime confiction, as well as the declaration of every statesman in the country, including your own good self, that we must live within our income or else in time financial disaster will follow. In my judgment, we should have approached the balancing of the budget in '36 and surely should have balanced in '37. Now, unless you levy additional taxes, I am doubtful of your ability to do what you desire for '38, to-wit: spend less than you receive.

Of course, I am very desirous of enjoying the comforts of home as well as some trips out in the country, but as I told you when I left, I am subject to your call, or rather command; and when Marvin told me that you said something about not being able to control my action, it really bothered me because I am anxious, overly anxious, to be of every possible service to your administration.

THE VICE PRESIDENT'S CHAMBER
WASHINGTON

I have never kept even as much as a mosquito bar over my soul when I unburdened myself to you. I solicit the same confidence on your part. I know it will make me happy, and I believe it will be better for all of us.

Now, I probably should not write you as I have, but my intense desire to be of every possible service, plus my real friendship and affection for you, and Marvin's statement being constantly on my mind, I am compelled to get this out of my system.

With best wishes, I am

Sincerely yours,

John N. Garner

The President,

The White House.

PSF: U.S. Senate

July 15, 1937.

My dear Alben:-

I am glad you called my attention to certain events of yesterday and today. Lest there be any misunderstanding in regard to judicial reform, please let me clarify the situation.

Since the untimely death of our Majority Leader, I had hoped with you that at least until his funeral services had been held a decent respect for his memory would have deferred discussion of political legislative matters.

It is, therefore, with regret that I find that advantage is being taken of what, in all decency, should be a period of mourning.

Because of this situation, however, I am compelled in the public interest, though against every inclination, to write to you. I do this because you are the Acting Majority Leader in the Senate.

Over four years ago it became apparent to the American people and to the leadership of the new Administration of the National Government and to the newly elected Congress that grave problems of many kinds called for great reforms. The American people, in an overwhelming majority, recognized the need for bank reform, for agricultural reform, for labor reform, for housing reform and for judicial reform.

I cite the above merely as examples. Other lesser reforms went hand in hand with them as national needs. The Congress and the Administration effected during the first four years many of these reforms. The reform of the processes of justice, the need for which was nothing new, was recommended by me on February fifth of this year. The time had come to act.

In my Message to Congress I set forth objectives. With these objectives the overwhelming majority of the people of this country were in accord. With these objectives the overwhelming majority of the Congress were in accord.

Proposed tentative legislation was drawn at that time to facilitate discussion of methods in both Houses of the Congress and discussion commenced immediately in the Congress and throughout the country.

Let me make clear once more the objectives. They constituted improvements in the process of justice in all Federal courts, from the lowest to the highest. Those improvements included systematic addition of younger judges to all such courts in which there were judges beyond retirement age who had not taken advantage of retirement privileges — for the dual purpose of helping the older judges give a maximum of justice in a minimum of time, and of keeping the social viewpoints of the courts abreast of changing conditions. Those improvements also contemplated adequate machinery for supervision by the Supreme Court of the expeditious dispatch of business by the lower courts, and for getting constitutional questions to the Supreme Court without delay.

These were the objectives. At no time have I or any member of my Administration insisted that the method or methods originally proposed be sacred or final except to point out that action was of immediate necessity and, therefore, that the process of constitutional amendment was an impossibility if the objective was to be attained within a reasonable time. It is, of course, clear that any determined minority group in the nation could, without great difficulty, block ratification by one means or another in at least thirteen states for a long period of time.

Objectives can be obtained by constitutional legislation and both the original bill and Senator Robinson's bill were clearly constitutional.

There was the other reason for action by legislation rather than by constitutional amendment. The situation of the civilized world has been, for several years, at a point of extreme danger. This has been caused by three factors — aggression and armament, economic crisis and major social needs.

The United States is happily free from any thought of aggression or armament for aggression, but the people of the United States have called for economic security and for major social improvements. National safety demands them.

About a month ago Senator Robinson advised me that some new form or forms of method were called for if the objectives of judicial reform were to be attained. I told him that in my judgment the bill he proposed would be a satisfactory method of attaining such objectives. I told him further that I

had told to all others who have asked my opinion -- that on the Congress of the United States falls the primary responsibility for the adoption of methods but that on the President falls the responsibility of recommending objectives. This is in accordance with the Constitution.

To abandon any reform of the judicial processes at this session of the Congress means an abandonment of the objectives.

An abandonment of judicial reform, including, of course, all the Federal Courts, because of the inability of a majority of Senators or a majority of Representatives to agree on method and reach a vote, places the responsibility squarely on the Congress of the United States.

May I, therefore, tell you very simply once more that the objectives of the President, and, I believe of the great majority of our citizens, remain the same, and that I believe that it is the duty of the Congress, and especially of the members of the majority party in the Senate and the House of Representatives, to pass legislation at this session to carry out the objectives.

Very sincerely yours,

Honorable Alben W. Barkley,
United States Senate,
Washington, D. C.

7-16-37

file personal
PSF: Senate

Order of Services at the Funeral

of

Joseph T. Robinson

Late a Senator of the United States from the
State of Arkansas

Order of Services at the Funeral

of

Joseph T. Robinson

Late a Senator of the United States from the State of Arkansas

---

The services will be held at 12.00 o'clock noon Friday, July the Sixteenth, Nineteen Hundred and Thirty-seven.

The body of the late Senator JOSEPH T. ROBINSON will be placed in the Senate Chamber prior to the services.

The President of the United States and his Cabinet, the Chief Justice and Associate Justices of the Supreme Court, the Diplomatic Corps, the Members of the House of Representatives, the Chief of Staff of the Army, the Chief of Naval Operations of the Navy, the Major General Commandant of the Marine Corps, and the Commandant of the Coast Guard have been invited to attend the services in the Chamber, and will occupy the seats on the floor of the Senate assigned them by the Sergeant-at-Arms.

The President and his Cabinet will meet in the President's Room.

The Supreme Court will meet in the office of the Secretary of the Senate.

The Diplomatic Corps, the Chief of Staff of the Army, the Chief of Naval Operations of the Navy, the Major General Commandant of the Marine Corps, and the Commandant of the Coast Guard will meet in the Senate Reception Room.

The Vice President's Room will be reserved for the members of the family of the late Senator and the officiating clergy, whence they will be escorted to seats on the Senate floor.

Seats will be reserved for those entitled to them upon the floor, to which they will be shown by the attachés of the Senate.

PSF: Senate

July 19, 1937.

Dear Ed:-

Thank you for your mighty nice note. I do not need to tell you that I was delighted to see you and the other three on Thursday last but there was during that day and the day before, as you know, a series of circumstances that got everybody upset and more or less at sea. Hence the need for my saying something on Thursday afternoon.

Given five or six days I personally feel very confident that we can, all of us, work out a solution of the Court problem which will reunite a very large majority of the Democratic Senators, and I sincerely hope that you will cooperate to the end that we may have a breathing spell to talk things over during the balance of this week.

I am sending you this in confidence, but I would be glad if you would pass the word to Senators Brown, Andrews and Gillette asking them at the same time to please not disclose what I have written.

I hope to see you very soon.

As ever yours,

Honorable Edwin C. Johnson,
The Roosevelt,
Washington, D. C.

PSF: Senate

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United States Senate

COMMITTEE ON INTERSTATE COMMERCE

July 17, 1937

Honorable Franklin D. Roosevelt
President of the United States
The White House
Washington, D. C.

Dear Mr. President:

Our conference Thursday seems to have been terribly misunderstood.

Last week Senator Brown suggested that Senators Andrews, Gillette and I join him in a visit to you for a frank discussion of the Court matter, Senator Brown to make the appointment.

I was glad for such an opportunity. So many wild stories and rumors were being told that I desired to find out first hand your position on a constitutional amendment and on the so-called Hatch substitution as well as your opinion upon the urgency for action at this session on the whole Court plan.

Of course, I had no thought of issuing anything in the nature of a mild senatorial ultimatum to you, or of making an implied demand or even a strong suggestion. I wanted your viewpoint. There certainly was no thought on the part of any of us of the slightest discourtesy to the memory of Senator Robinson whom we all loved.

When we got back to the Senate floor the newspaper boys were after us. Senator Brown issued a brief statement, in which we all concurred, that really said almost nothing. I made no additional statement to any one—either public or "off the record".

I am sorry that we picked this unfortunate time for the conference, but I am glad that a conference was held.

Sincerely yours

Ed C. Johnson

ECJ:ER

PSF: Senate

THE WHITE HOUSE
WASHINGTON

July 27, 1937.

MEMORANDUM FOR

SENATOR BARKLEY

FOR YOUR INFORMATION

F. D. R.

Copy of letter to Senator Byrnes under date of July 26, 1937, and copy of Senator Byrnes' letter to the President.

Personal

Senate

July 26, 1937

Dear Jimmy:

It is now, I think, about six months since my message to the Congress recommending certain authority to effect a reorganization of the Administrative branch of the Government in order to put the departments and agencies on a business-like basis. It was well understood at the time by Senator Robinson and all of our friends that it would be better to do this at this session of the Congress rather than to have it drag along in the 1938 session.

Now, six months later, the matter in the Senate seems to rest on the holding of open hearings.

The legislation is just as necessary today as then—even more so and, of course, from my point of view as the responsible head of the Executive branch of the Government, I hope the legislation will be passed.

However, "you are the doctor". All I can do is to ask you to read again my message to the Congress in respect to reorganization.

I understand that some of our friends feel that by passing a simple bill giving the President six Executive Assistants, the President will be satisfied by having these jobs to hand out. The President is not seeking any assistants for such a purpose—as a matter of fact, I would hardly know what to do with six Executive Assistants if I do not have any authority to put the Government as a whole on a business-like basis. It is a little like giving the President the envelope of the letter without any letter in it! I am sure you will see my predicament. The whole subject has been discussed backwards and forwards to my certain knowledge since the early days when you and I first came to Washington and I hope the Demo-

cratic party will accomplish something which so many previous Administrations and Congresses have failed to do at all.

Do help out your country once more!

Very sincerely yours,

Honorable James F. Byrnes,
The United States Senate,
Washington, D. C.

fdr/tmb

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United States Senate

COMMITTEE ON APPROPRIATIONS

THE WHITE HOUSE
JUL 23 1937
RECEIVED

July 22, 1937.

Honorable Franklin D. Roosevelt
The White House
Washington, D. C.

Dear Mr. President:

I was the ranking member of the Reorganization Committee, of which Senator Robinson was Chairman. We had a meeting scheduled the morning Senator Robinson died. It was our purpose that morning to pass upon the question of hearings which had been requested by Senator Byrd and others.

Before calling the Committee together, I would like to know whether it is still your desire to have this Bill considered at this session. Though I personally believe it unwise, if it is your desire to have the legislation considered I want to call together the Democratic members for the purpose of determining our course. Senator Robinson assured the Committee that open hearings would be held. I think this will have to be done. If we are to proceed with the legislation at this session we should start the hearings at the earliest possible date because they will consume some time.

When you have reached a conclusion as to whether or not we should attempt to pass the legislation at this session, I wish you would advise me.

Respectfully yours,

JAMES F. BYRNES.

B-C

TELEGRAM

The White House
Washington

file "Personal" (2)

BF Senate

7 PO JM 68 Government 355pm

Waupaca, Wis., July 28, 1937.

The President:

I hope no mistake will be made in filling the vacancy on the Supreme bench The appointee in addition to being able honest and courageous should have a deep seated belief that our Constitution is a progressive living instrument and should be construed in the light of present day civilization I think Governor Phil LaFollette of Wisconsin meets these qualifications 100 percent. I hope you will appoint him.

G. W. Norris, U. S. Senator.