

For Release
Morning Papers
Wednesday,
October 31, 1934.

AN ADDRESS

by

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U. S.
, Attorney General of the United States

Delivered at

Stamford, Connecticut.

Tuesday, October 30, 1934.

9:00 P. M.

Ladies and Gentlemen:

The present national campaign is unusual in many ways. It is being conducted, in large part, with a gratifying absence of that old-time partisanship which has characterized political struggles for so many generations, and which has, at the same time, so often confused or obscured the factors most vital to good government. Political lines have been crossed and recrossed, and I believe that there has been more hard thinking amongst our people than at almost any other time within my memory.

Moreover, I do not think I exaggerate when I express the belief that the great masses of our people are solidly behind the administration at Washington. If anyone has any doubt on that score all that it is necessary to do is to follow the course of events in the different States and in the various Congressional districts throughout our country. In fully one-half of the States of the Union, the Republican candidates, both State and Federal, have openly avowed their allegiance to the leadership of the President and have pledged their support to his policies. In the remaining States it is difficult to find any Republican candidate for Governor, for Senator, or for Congress, who is seriously attacking the administration or seeking the support of the electorate upon the basis of opposition to the purposes of the New Deal. In those cases in which the opposition ventures upon a program of criticism, you will always note that it is tentative, or qualified, or curiously lacking in the element of conviction.

No doubt the reason for this unusual situation grows out of the fact that the great masses of our people are not disposed to lend their support to candidates whose proclaimed purpose is merely to thwart the present govern-

mental program. There is also perhaps another reason for this somewhat anomalous situation. Criticism at best is but poor business, unless the critic is in a position to offer an alternative program of a more attractive character than the one which he challenges.

I undertake to say that there is hardly a responsible leader in the Republican party who would, if he could, undo the work of the present administration and, if such a person could be found, he would be totally incapable of suggesting anything better. It is true that there are ultra-partisans whose addiction to a party shibboleth is so great that they are psychologically incapacitated for independent judgment. There are also, I must admit, powerful groups in this country who utterly dislike the present administration, but, if you will take the opportunity to ascertain the motives which actuate them, you will find that they fear the loss of political power, or they resent the idea that they must give up the special privileges which they have so long enjoyed, and which have wrought such havoc with the welfare of the American people.

There are also large numbers who are carried along by what I may call party momentum. But all these groups, and such others as affiliate with them, though large in number, constitute such a marked minority of our people that there is hardly a state in the union where the Democratic party may not anticipate, with reasonable confidence, success at the coming election.

We have been passing through a difficult period. This is no time to assess responsibility in terms of narrow partisanship. This is a period of national emergency that engages the faith and service of every man, woman and child in America.

Happily the nation is recovering. The vitalizing blood of credit once more runs in the veins of our banking system and is energizing the Nation. Factory wheels are turning again. Our railroads once more are distributing the abundant resources of our people. The checked forces of national existence are being released and their energies directed hopefully and intelligently toward "a more abundant life for all".

Let me make this assertion. Despite all the minor issues and the collateral questions that grow out of local considerations and the personalities of individual candidates, there is but one fundamental political question for our people to answer in this campaign. That question is "Shall the President be authorized to go ahead?"

Many things have been done, and many things remain to be done. The peril has passed, but the great rejuvenating processes must continue. There will be time enough hereafter for the ordinary differences that grow out of political ambitions and partisan controversies. These things can well be held in abeyance until America is set upon the broad road once more.

I recall well the fourth day of March, 1933. I recall well the abject terror that had overtaken the greatest of our so-called leaders of finance. I recall well how the captains of industry were turning their eyes toward Washington. I recall well how the managers of every bank in America, sound or unsound, were looking for help. I recall well how the panic that had seized upon our people had led to the withdrawal of vast sums from our financial institutions until even the best of them were upon the brink of collapse.

I remember well that there were fifteen million people out of work. I remember well those who were eating the bitter bread of charity and shuffling along the streets of our cities and the country lanes, pleading for work only to be turned away. I remember well the multitudes of our little children who were grievously under-nourished. I remember well the despair in great areas in our agricultural states as farm families at the rate of 200,000 a year were being evicted from their homes. I remember well the pleas that were being made from every quarter of the country for a courageous leadership that would take America out of the dark pit into which she had fallen.

Why do I mention these things? Why do I dwell upon the experiences of those dark days? Because the memory of man is short. We have already moved so far away from the horrors of that experience that there are people who have either forgotten, or want to forget, or want others to forget and desire to restore the conditions that produced the perils from which they have so narrowly escaped.

Who is there so dull as to desire to go back to the days of Hoover, Mellon, and Mills, and the other reactionaries to whom every new project presents a ghastly peril, and each departure from the course to which they have been accustomed seems a fatal step. Such reactionaries felt that way when Jefferson departed from the concept of a merely Atlantic Seaboard nation and purchased the Mississippi Valley. They felt that way when our empire was extended to the Pacific Ocean. They were convinced that confiscation lay ahead when we adopted the income tax as a means of raising revenue. Some of them were positive that it was the end of national individualism when we

erected the Federal Reserve Banking system. Time has a way of dealing with such critics and life passes them by. In this great hour those who despair, or hang back, or lose their courage, or fail to lend aid, or seek to thwart the purposes of their government, are depriving themselves of the high privilege of rejoicing when the triumph comes; and, moreover, they are forgetting the history of America.

The genius of the New Deal lies in the application of science to government and contemplates the reapplication of the doctrines of co-operation. The Agricultural Adjustment Act is a planned attack upon unbalanced production, The National Recovery Act upon unbalanced employment, and both upon our diminished purchasing power. These Acts were carefully devised. Not only were individual enactments thought out in advance, but their relationships to each other and to the whole result were recognized factors in the problem. The Agricultural Adjustment Act complements the National Recovery Act. The Public Works feature sustains both. Thus, production, consumption, and capital goods industries are being aided simultaneously. The Civilian Conservation Corps, the Civil Works Administration, the Housing program, the Home Owners Loan Corporation, the Farm Credit Administration, and various other emergency measures are component parts of a seriously thought out program. The banking structure is undergoing a necessary rehabilitation. Price adjustments and dollar stabilization are sought by the scientific method of trial and error and not by arbitrary fiat. A cleansing of the public service and a campaign against crime have been undertaken as matters essential to a healthy national life.

In brief, the attack of the New Deal is economic rather than political. The very terminology of the present measures is that of finance, accounting, budgeting, crop production, labor distribution, costs of living, costs of production, margins of profit, price levels, and the like. The measures thus operating seek to adjust the economic factors of our life so as to produce efficiency in that sense of the word which means the abolition of idleness and poverty in a land of plenty.

Which of these measures would our critics desire to repeal? In the Public Works program 750,000 bread earners are directly employed, and as many more indirectly. In the matter of the Civilian Conservation Corps 300,000 of our young men, who otherwise would be idle in the streets drifting, perhaps, from unemployment to various forms of degradation, wandering from coast to coast, or being branded as vagrants in their hopeless search for work, have been gathered together in the conservation camps where they have received instruction, and food, and have had opportunity to build up their health and their bodies, and have been put to work in preserving the natural resources of our country.

Despite its confessed defects, which are in process of being remedied, the so-called N. R. A. has found new places for four million men and women, and on the first day of August, 1934, industrial wage earners were receiving seventy-two million dollars per week more than at the close of the last administration. Collective bargaining has been recognized, improvement in working conditions has kept pace with the rise in wages, the sweat shop has been outlawed and child labor has been abolished. Business failures have been cut in half, and, under the present administration, have

reached the lowest level in twenty years.

The farm income for 1934 will exceed that of 1932 by one billion six hundred million dollars; and over four hundred thousand farm homesteads have been saved from foreclosure. The banking structure has been so revitalized that the people of our country have no concern as to the safety of their deposits. Secret security affiliates, formerly connected with the banks of our country, have been abolished so that it is no longer possible to gamble with the funds of the depositors. Stock market regulations have been established which protect the public in connection with sales literature which now, under penalty of the law, must state not only the truth, but the whole truth and nothing but the truth, in connection with securities offered to the public for sale.

The Home Owners Loan Act has already prevented over nine hundred and thirty thousand foreclosures. The credit of the government has been so strengthened that government bonds, which in January 1933 were selling at eighty-three cents on a dollar, are now selling above par.

This is but a brief and fleeting recital of the tremendous work being carried on at Washington in behalf of our people. There are critics who either do not understand, or will not understand, what is going on and who affect to believe that the government is in the hands of inexperienced people and irresponsible doctrinaires. I shall not pause to discuss so manifest an absurdity, but I do call attention to the fact that no longer can it be charged that the government at Washington is in the hands of selfish interests, or that it is controlled from great financial centers, or that any ulterior purpose is being served by it.

But there are some who will tell you that our rights have been lost.

What rights they refer to, it would be difficult to enumerate. Are our people not permitted to hold public meetings? Can they not criticize their government to their hearts' content? Cannot the press of the country say anything it wants to say about the conduct of public affairs? What right has been lost unless it be the right to beg in the public streets for the food necessary to sustain the wife and the children at home?

There are those who believe, or affect to believe, that the Constitution is in serious peril, and that the policies of the administration run contrary to this great document. Let me remind you that every new power entrusted to the President has been conferred by the people, acting through their duly elected representatives, and must be and will be exercised within the terms and the spirit of the organic law. The Congress has neither abdicated nor shirked its rights or its duties; it has functioned patriotically and efficiently to meet a national crisis.

If it were true, as some persons affect to believe, that the Congress by its recent legislation has created a dictatorship, my duties as law officer, sworn to uphold the Constitution, would be arduous indeed. But we have nothing of the kind. The long story of dictatorships from those of the early Roman Republic to the present time, offers no single historical parallel. With us there has been no usurpation of power, no substitution of the Executive will for the national will; no resort to force or fear; no repression of dissenting thought or criticism; no pretensions to omniscience or omnipotence. New laws and new powers! Yes, but they march with the sense of Justice and the needs of our common country. They rest on established and traditional sanctions. This philosophy of "Government in action"

is based upon traditions and ideals fundamental in Americanism; leadership, justice, moderation, cooperation, unity, confidence, faith, enthusiasm. Those concepts are as old as America, as old as the basic idea of democracy and by them we shall find our way back.

The constitutional difficulties inherent in the recent legislation, I think, are grossly magnified. Our fundamental law is faced with no unusual stress or strain. During the world war, we put it to a far more radical test in emergency laws like those relating to Selective Service, Espionage, the War Industries Board, the Food Administration, the Control of Railroads, Industrial Mobilization, and the like. Now, as then, we face a war - a war to win back prosperity. Then, as now, the Constitution met the test and marched with the needs of the time. Conditions and public opinion change from era to another; and so does judicial interpretation. As President Wilson once said "The Constitution is no mere lawyer's document, but the whole of the Nation's life." It is this very flexibility which has permitted the Constitution to withstand strain and to endure. What is going forward is not, therefore, a violation but rather a vindication of our form of constitutional government.

In the cases which have thus far been passed upon by the Courts, no constitutional defects have been found in any essential measure connected with the New Deal.

No thoughtful or unprejudiced student of our judicial history can fail to be impressed by the recurring periods since the constitution was adopted, during which many eminent men viewed with alarm, and I may add with needless alarm, the enactments and proceedings of the Congress.

In 1791, when the first act in connection with the National Banking law was under consideration, the country was presented with a measure which constituted a greater departure from customary practices than the National Industrial Recovery Act, and the Agricultural Adjustment Act, of 1933, or any of the other recent emergency enactments. It is interesting to note that when the bank bill of 1791 was adopted in the House of Representatives, James Madison made the principal speech in opposition, emphatically contending that the measure was unconstitutional and not within the intendment of that document. The measure passed both houses and was eventually signed by the President and its constitutionality was sustained by the Supreme Court in the case of *McCullough v. Maryland* in 1816.

Those who fear, or affect to fear, that the Constitution is in serious peril should pause to reflect that Mr. Chief Justice Hughes, and the Associate Justices of the Supreme Court of the United States, have the last word upon this subject and if the prophets of evil and disaster show a lack of confidence in the wisdom of that Court, I have no hesitancy in asserting mine.

Let me say by way of comfort to the timid, who may be disturbed or bewildered by the outcries which arise from interested sources: Be of good cheer, the Supreme Court of the United States is not likely to place the seal of its approval upon unconstitutional measures; and the integrity of the Constitution is entirely safe in the hands of the Federal Judiciary.

Now, perhaps you will permit me a personal word. I have enjoyed the high privilege of working with and for the President of the United States under circumstances which have given me a rather intimate knowledge of what has been going forward. America is fortunate in her leader whose wisdom and courage, and bouyancy of spirit have brought hope and confidence to our people. So desperate was the situation when he took office that I undertake to say that not one statesman in a thousand could have met the test successfully. Through political genius, or however you explain it, President Roosevelt seized the tragic hour and turned it into a national triumph. His superb courage, and rare insight, united a wavering people. With brave heart he carries the heavy burdens of his great office. He loves and serves the people of America. The people of America, God Bless them, love and trust him. Let us not fail him in the least degree. Let us send him such an inspiring message of faith and friendship that even greater strength will be given to him to carry on the great task he has undertaken.

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