

S. RES. 242

IN THE SENATE OF THE UNITED STATES

MAY 10 (calendar day, MAY 17), 1934

Mr. ASHURST submitted the following resolution: which was referred to the
Committee on the Judiciary

MAY 10 (calendar day, MAY 21), 1934

Reported by Mr. ASHURST, with amendments

[Omit the part struck through and insert the part printed in *italic*]

RESOLUTION

1 *Resolved.* That in the trial of any impeachment the
2 Presiding Officer of the Senate, upon the order of the
3 Senate, shall appoint a committee of twelve Senators to
4 receive evidence and take testimony at such times and places
5 as the committee may determine, and for such purpose the
6 committee so appointed and the chairman thereof, to be
7 elected by the committee, shall (unless otherwise ordered
8 by the Senate) exercise all the powers and functions con-
9 ferred upon the Senate and the Presiding Officer of the
10 Senate, respectively, under the rules of procedure and prac-
11 tice in the Senate when sitting on impeachment trials.

12 Unless otherwise ordered by the Senate, the rules of
13 procedure and practice in the Senate when sitting on im-

1 peachment trials shall govern the procedure and practice
2 of the committee so appointed. The committee so ap-
3 pointed shall report in writing to the Senate upon the com-
4 pletion of the taking of testimony, including therein a
5 certified transcript of the same to the Senate in writing a
6 certified copy of the transcript of the proceedings and testi-
7 mony had and given before such committee, and such report
8 shall be received by the Senate and the evidence so received
9 and the testimony so taken shall be considered to all intents
10 and purposes, *subject to the right of the Senate to determine*
11 *competency, relevancy, and materiality, as having been re-*
12 *ceived and taken before the Senate, but nothing herein shall*
13 *prevent the Senate from sending for any witness and hear-*
14 *ing his testimony in open Senate, or by order of the Senate*
15 *having the entire trial in open Senate.*

tariff taken off sugar, if they tried to do it. They would not be left here long enough to complete the job by their people back home.

The Senator from Mississippi says we must not specify; that we must keep the pickle in the soak, but we must not tell who is to swallow it. If it ever does get out as to whom we are going to destroy, the whole kit and caboodle will be gone to the demnition bow wows. He said that if they found out just what we were fixing to do for them they would never let us get away with this thing. We have to keep them in the dark, he said—to keep that thing under the barrel. Do not let the little man who is drawing \$2.50 a day making shoes know you are fixing to put him out of a job. He would be down here with a shotgun after Congress.

We ought to have passed the resolution saying, "Be it resolved by Congress that we have passed a law letting the President do whatever he pleases. Now we are going to quit and go home." That is what we ought to have done. But if we were to put in this bill today that we were going to cut the tariff on manufactured shoes, and they are going to cut either that or something else, what would they say? Or if we had put in the agricultural products, what would they have said? It got out that we were going to cut the price of wool, and what did they say? What is there honest about it?

Mr. President, the Congress of the United States first ought to be an honest Congress. That is the first thing Congress ought to be. Congress ought not to be legislating in the dark. We ought not to have it all rigged up to put a set of people out of business in this country and not be willing to tell them.

The Senator from Mississippi has gone. Perhaps someone will tell him what I say. Do I understand that Senators are afraid to put in this bill who it is with reference to whose products there is likely to be a cut in the tariff? Do I understand it be the sense of this Congress—and that is what the Senator from Mississippi certainly meant to say this morning—that Congress is afraid to put in here what it is going to exempt and what it is going to include?

Do I understand that the Congressmen are going back to the manufacturers of the East and the cotton farmers of the South and the sugar planters of Louisiana and of the Middle West and tell those people, "We have passed an act here which gives somebody the right to put you out of business, but just between you and me we think it is the other man who is going to be put out of business"? In other words, we sit down here in a game in which we have decided to cold-deck the other man. The hand is being dealt out in this game, and we are being told that we are in on a manipulation to put it on the other fellow, and we need not worry, that we are going to get a good hand. Well, we had better be sure we get the right hand.

Down my way we had an experiment of that kind. They took an old gentleman into a poker game and they said to him, "We are going to let you win this hand. We are going to make a good pot. We are going to deal this fellow over here four queens, and we are going to deal you four kings; and then I will take a small hand, and you will make a killing." The old fellow said, "What are you going to give me for the fifth card?" The man talking to him said, "I don't know—a 10 or a 9 or something." The old man said, "Give me an ace. [Laughter.]

Mr. President, we thought we had an agricultural agreement. We thought we had this thing fixed. I am pretty good at this business myself. I have been in this game of political trading for about 19 straight years. I have never been off the pay roll since I started, and that is a pretty good reputation. The secret of politics is "How long have you been in the work? How long can you stay there?" That is the proof as to whether or not you have been successful in politics. The minute you are moved away from the counter you are a political failure.

I have been at this business for 19 years—that is, when this present term is out, and I guess I have a fair chance of staying it out. But I thought I had an agreement; that I had a real agreement. I and all the farm people in this country thought we had an agreement. Where is that

agreement made over here in Baltimore? I do not have it right before me, but I can quote it practically word for word. But when the President of the United States gave it utterance he was denounced by the then existing Secretary of Agriculture for having been willing to utter it, but the President said that it was an absurdity to talk about allowing the tariffs on any farmers and agricultural products to be reduced.

Representing an agricultural State, that was sufficient for me. What would it have meant to some Senators if he had said that it was an absurdity to talk about allowing a reduction in the tariff on wool? Senators certainly would not have expected them to come in here with a provision to reduce the wool tariff, would they?

It is said that there is an agreement, that there is an understanding. I do not know whether they are going to write it in this bill or not. I suggest that we come right out in the open. If there is a letter or an agreement which it is thought is going to protect anyone I am willing to go the full distance and help him protect himself to the full limit of the law, and I am willing to have it written into the law that wool is not to be included as one of the commodities that can be affected by a reciprocal tariff agreement, but whether others have such a letter, we have a letter, which I thought was sufficient. It ought to be sufficient, because it is a promise and a pledge to the American people that the President will not do any such a thing as to reduce the tariff on agricultural commodities.

We have now a surplus of agricultural commodities. We have a surplus of wool, we have a surplus of cattle, and I take it that we have a surplus of hogs. We have a surplus of corn, a surplus of wheat, a surplus of rye, a surplus of barley, a surplus of potatoes, a surplus of sugarcane, a surplus of sugar beets, considering what Cuba is allowed to import here and what is allowed to come in here from the Philippines, Puerto Rico, and Hawaii.

What are we now going to do? Are we now going to say that we will allow them to add to this surplus? There is nothing in this bill which says anything else. All we have to depend upon is the promise of the President. That is what we were led to believe in the campaign and that is what we are entitled to depend upon now.

First, Mr. President, we ought to pause and take stock as to how far we are going in this kind of legislation. We ought to pause and consider first whether or not it is constitutional.

Second, even though we think that the Supreme Court will stand for it, whether or not this trend of abolishing legislative government is a wise thing to do; and

Third, whether or not we should hazard every business and every enterprise to a transitory power, to a sword that is hung above its head, which may mean its life or may mean its destruction, and we ought in connection with that to say whether or not our growing public debt and surplus problems are made with these experiments, none of which have proved satisfactory to this time.

PROCEDURE IN IMPEACHMENT PROCEEDINGS

Mr. ASHURST. Mr. President, I submit a resolution and ask that it be read and referred to the Committee on Rules. The PRESIDING OFFICER. The resolution will be read. The resolution (S.Res. 242) was read, as follows:

Resolved, That in the trial of any impeachment the Presiding Officer of the Senate, upon the order of the Senate, shall appoint a committee of 12 Senators to receive evidence and take testimony at such times and places as the committee may determine; and for such purpose the committee so appointed and the chairman thereof, to be elected by the committee, shall (unless otherwise ordered by the Senate) exercise all the powers and functions conferred upon the Senate and the Presiding Officer of the Senate, respectively, under the rules of procedure and practice in the Senate when sitting on impeachment trials.

Unless otherwise ordered by the Senate, the rules of procedure and practice in the Senate when sitting on impeachment trials shall govern the procedure and practice of the committee so appointed. The committee so appointed shall report in writing to the Senate upon the completion of the taking of testimony, including therein a certified transcript of the same, and such report shall be received by the Senate, and the evidence so received and the testimony so taken shall be considered to all intents and purposes as having been received and taken before the Senate.