

NORTHERN GREAT PLAINS CONGRESSMEN

AND FARM LEGISLATION, 1933-1938

by

Philip A. Grant, Jr.

On March 9, 1933 the Seventy-Third Congress was called to order. Summoned into emergency session by newly inaugurated President Franklin D. Roosevelt, this Congress was to enact an impressive array of laws and thus begin the momentous era of the New Deal. Between March 9, 1933 and the formal adjournment of the Seventy-Fifth Congress on June 16, 1938, the nation was destined to experience a substantial number and wide variety of serious economic and social problems and ultimately to undergo the most sweeping domestic reform movement in its entire history.

During the five years and three months from March 1933 to June 1938, the Congress was to consider an unprecedented number of farm bills. Conspicuous among these measures were the Agricultural Adjustment Act of 1933, the Farm Mortgage Moratorium (Frazier-Lemke) Act, the Agricultural Indebtedness (Frazier-Lemke) Bill, the Soil Conservation and Domestic Allotment Act, the Farm Tenancy (Bankhead-Jones) Act, and the Agricultural Adjustment Act of 1938.

Among the congressmen vested with the responsibility of approving or rejecting these farm bills were the four United States Senators and four members of the House of Representatives from North and South Dakota. Like their colleagues from other parts of the nation, these individuals from the Northern Great Plains would make crucial decisions affecting the immediate welfare of the American farmer and the future status of agriculture as an essential ingredient in the economy of the United States.

Certain of these congressmen had already established themselves as well-known political figures. They included Senators Lynn J. Frazier and Gerald P. Nye of North Dakota and Peter Norbeck of South Dakota and Representatives James H. Sinclair of North Dakota. The remaining gentlemen, Senator William J. Bulow of South Dakota and Representatives William Lemke of North Dakota and Fred H. Hildebrandt and Theodore B. Werner of South Dakota, were serving their freshman terms on Capitol Hill.¹

The congressmen from the Northern Great Plains even under normal circumstances would have been keenly interested in the specifics of farm legislation. Representing an area of more than one hundred and forty-five thousand square miles, nearly eighty-five percent of their constituents resided in rural communities.² Recognizing the agrarian

character of their region, they were obviously sensitive to the problems of their fellow citizens engaged in wheat, corn, oats, rye, and barley farming. North Dakota frequently had been the nation's foremost wheat and rye producing state, while South Dakota for many years had accounted for enormous quantities of oats and barley. Both states also yielded large amounts of corn on an annual basis.³

The farmers of North and South Dakota had, with virtually no exceptions, been subjected to the most severe excesses of the Great Depression. In 1929 farm income in North Dakota had been \$211,900,000, while in South Dakota the corresponding figure was \$243,800,000. By 1932 the totals for North and South Dakota were \$71,400,000 and \$71,800,000. The statistics for wheat, rye, corn, oats, and barley reflected how grave the situation had become. They were as follows: Wheat \$1.05/bushel (1929) - \$0.39/bushel (1932); Rye \$0.86/bushel (1929) - \$0.28/bushel (1932); Corn \$0.81/bushel (1929) - \$0.33/bushel (1932); Oats \$0.43/bushel (1929) - \$0.17/bushel (1932); Barley \$0.55/bushel (1929) - \$0.23/bushel (1932).⁴

The first farm measure to be debated in Congress in 1933 was the Agricultural Adjustment Bill, a measure introduced by Representative Hampton P. Fulmer of South Carolina in late March.⁵ The bill not only provided that farmers would receive direct benefit or rental payments in return for voluntarily reducing acreage or crops, but also afforded credit relief by authorizing the refinancing of farm mortgages. The Agricultural Adjustment Bill promptly passed the House by a margin of 315-98. Voting for the bill were the four congressmen from North and South Dakota.⁶

The Agricultural Adjustment Bill was endorsed by the Senate Committee on Agriculture and Forestry, three of whose members were Frazier, Norbeck, and Bulow.⁷ After several days of leisurely debate, the measure was approved 64-20 by the Senate in late April with the four senators from North and South Dakota recorded in the affirmative.⁸

Since there were many differences between the House and Senate versions of the bill, a conference committee was designated by the two bodies. Feeling that the conference committee had weakened the impact of the bill, congressmen from the Northern Great Plains attempted to restore the provision known as the Norris-Simpson ("Cost of Production") Amendment. They were rebuffed. The conference report was thereupon adopted 53-28 in the Senate and by voice vote in the House, Norbeck and Bulow voted for the conference report, while Nye and Frazier were among the dissenters.⁹

In June 1935 Frazier and Lemke introduced the Farm Mortgage Moratorium Bill in their respective chambers.¹⁰ This measure was similar to a law coauthored by the two North Dakotans in 1934 and subsequently declared unconstitutional by the United States Supreme Court.¹¹ The revised Frazier-Lemke Bill, purposely drafted to overcome possible objections by the federal judiciary, provided for a three year

moratorium against the seizure of farm property. Quickly approved by the House and Senate Committees on the Judiciary, the Frazier-Lemke Bill with a minimum of debate and without the formality of roll calls was passed by the two Houses in late August.¹² Although President Roosevelt had been somewhat unenthusiastic about the bill, he consented to sign it into law.¹³

In January 1936 Senator John H. Bankhead of Alabama introduced the Soil Conservation and Domestic Allotment Bill.¹⁴ This proposal was necessitated by the fact that two weeks earlier the Supreme Court had invalidated the Agricultural Adjustment Act.¹⁵ The new bill sought to restrict agricultural output by offering benefit payments to farmers who cooperated with the federal government in soil conservation activities. Fearing that the abrupt elimination of the Agricultural Adjustment Act would have dire consequences for the American farmer, congressional leaders urged that the Bankhead Bill be considered without delay. The measure passed the Senate on February 15 by a 56-20 majority and commanded the support of the senators from North and South Dakota.¹⁶ Six days later it was approved in the House by a 267-97 margin. In the House the two South Dakotans voted in the affirmative, while their North Dakota colleagues, Lemke and Usher Burdick, were recorded in the opposition.¹⁷ Frazier, as a senior member of the Agriculture and Forestry Committee, was appointed to the House-Senate conference committee having the task of finalizing the details of the bill.

Perhaps the most controversial piece of farm legislation in the twentieth century was the Agricultural Indebtedness Bill. Introduced by Frazier and Lemke on the opening day of the Seventy-Fourth Congress, the bill provided that the Farm Credit Administration furnish farmers with sufficient cash to pay off their mortgages or repurchase the farms which they had lost through foreclosure since 1928.¹⁸ Unlike the other major farm bills of the New Deal period, this measure was staunchly opposed by the Roosevelt Administration and the Democratic House and Senate leaders. Notwithstanding the numerous charges that the bill was both unsound and inflationary, it received the approval of the House Agriculture Committee and the Senate Agriculture and Forestry Committee.¹⁹ Since the President did not want this bill to be the vehicle for emotional rhetoric on the floor of the House, he pressured the powerful Committee of Rules not to report it. While the bill remained under the jurisdiction of the Rules Committee for an entire year, Lemke attempted to have the bill expedited by means of a discharge petition. Alarmed by the North Dakotan's success in having utilized the discharge petition in 1934, the House leaders had actually resorted to a rules change requiring the signatures of an absolute majority of the membership as a precondition for scheduling bills for floor consideration.²⁰ Having accumulated the necessary 218 signatures, Lemke on May 11, 1936 persuaded the House to make the Agricultural Indebtedness Bill the pending order of business.²¹ Following two days of acrimonious debate, however, the House voted 235-142 to reject the bill.²² Although the Agricultural Indebtedness Bill was never officially presented to the Senate, it was offered by Frazier

in the form of an amendment to the Bituminous Coal Bill of 1936. After a brief explanation by Frazier, the amendment was defeated 34-17.²³ In sharp contrast to the negative majorities tabulated in the House and Senate roll calls, the Agricultural Indebtedness Bill was supported by all eight congressmen from north and South Dakota.

In November 1936 Franklin D. Roosevelt was a candidate for reelection to a second term. Opposed by Republican Governor Alfred E. Landon of Kansas and Congressman Lemke, the candidate of the Union Party, Roosevelt was hopeful that the American people would respond favorably to the relief, recovery, and reform programs of the New Deal. It was noteworthy that the 1936 Democratic Platform stressed that the Roosevelt Administration had accorded high priority status to the problems of American agriculture. In the election Roosevelt outpolled Landon by 11,072,014 votes and emerged victorious in the electoral college by a 523-8 margin. Roosevelt fared exceptionally well in the various farm states of the Midwest and easily carried both North and South Dakota. The magnitude of the President's electoral triumph was of unprecedented proportions,²⁴ and there was every expectation that Roosevelt would commit himself to devoting considerable amounts of time and energy to farm issues during his second Administration.

In February 1937 the President's Special Committee on Farm Tenancy issued a comprehensive report which meticulously documented the fact that with each passing year fewer and fewer Americans actually owned their farms.²⁵ Encouraged by Roosevelt, Senator Bankhead and Representative Marvin Jones, Chairman of the House Agriculture Committee, introduced bills authorizing low interest forty year loans enabling tenants to borrow funds to purchase their farms. Although the dramatic increase in farm tenancy was a nationwide phenomenon, the problem had become particularly acute in the Northern Great Plains. Between 1910 and 1935 the proportion of farm tenants in North Dakota had risen from 14.3% to 39.1%, while in South Dakota the figures for 1910 and 1935 were 24.8% and 48.6%. The Bankhead-Jones Bill passed the House 308-25²⁶ and was approved in the Senate by voice vote.²⁷ The congressmen from North and South Dakota were unanimous in their espousal of the Farm Tenancy Bill, and Frazier was one of the House-Senate conferees resolving the few variations between the House and Senate bills.²⁸

The Soil Conservation and Domestic Allotment Act of 1936 had been an attempt to offer a temporary solution to the farm problem in the aftermath of the invalidation of the Agricultural Adjustment Act. When the Seventy-Fifth Congress assembled in 1937, the President implored the House and Senate to pass a bill that would guarantee permanent stability to American agriculture. Accordingly, Chairman Jones in late 1937 introduced the Agricultural Adjustment Bill. This measure, predicated on the importance of conservation, required the farmer to plant no more acreage in a particular commodity than his allotment under a national quota large enough to conform to average domestic consumption

and export needs. The bill passed the House and Senate by majorities of 267-130 and 59-29.²⁹ Except for Lemke, all congressmen from North and South Dakota voted for the bill. Since there were significant differences between the House and Senate bills, a conference committee spent nearly two months engaging in intense negotiations. As had been the case with the Soil Conservation and Domestic Allotment and Farm Tenancy measures, Frazier was a conferee. After the conference committee reached a satisfactory compromise, its decision was ratified 263-135 in the House and 56-31 in the Senate.³⁰ Within the ranks of congressmen from North and South Dakota, Nye was the sole dissenter on the question of approving the conference report. The Agricultural Adjustment Act of 1938 was the final New Deal farm bill and in many respects marked the culmination of the efforts pursued by the President and Congress over an eventful five year period.

While the major New Deal farm bills certainly had specific shortcomings, there was abundant evidence to suggest that their enactment contributed positively to the overall welfare of agriculture in the Northern Great Plains. In 1932 farm income in North Dakota had been \$71.4 million, whereas throughout the 1933-1938 period it averaged \$93.9 million. The 1932 figure for South Dakota had been \$71.8 million and during the ensuing six years it maintained an average of \$98.3 million. Thus, the years between 1933 and 1938 accounted for an average annual increase of nearly thirty-five percent in farm income for the two states.

The noteworthy increase in total farm income was accompanied by appreciable rises in the prices of individual crops and an impressive decrease in the level of farm tenancy. The figures for particular commodities were as follows: Wheat \$0.39/bushel (1932) - \$0.83/bushel (1933-1938); Corn \$0.35/bushel (1932) - \$0.67/bushel (1933-1938); Oats \$0.17/bushel (1932) - \$0.35/bushel (1933-1938); Barley \$0.23/bushel (1932) - \$0.53/bushel (1933-1938). Finally, between 1935 and 1945 farm tenancy dwindled by 38.4% in North Dakota and 21.6% in South Dakota.

While the House and Senate occasionally used voice votes, there were a sufficient number of key roll calls to determine the voting patterns of congressmen from the Northern Great Plains on agricultural issues. Except for the Farm Mortgage Moratorium Act, roll calls were held on each of the five principal farm bills signed into law by President Roosevelt. A total of thirty-four affirmative votes and only six negative votes were cast on these measures by congressmen from North and South Dakota, thereby reflecting an unusually high degree of support for the various bills. Interestingly, four of these six negative votes involved congressmen who balloted one way on passage of the bill and a different way on adoption of the subsequent conference report.

Frazier and Lemke were the only congressmen from North and South Dakota who wielded genuine influence over the fate of farm legislation between 1933 and 1938. While Norbeck and Bulow were members

of the Senate Agriculture and Forestry Committee, neither individual played pivotal roles in the passage of the various farm measures. The remaining congressmen from the two states confined themselves to routinely voting for most farm bills and delivering periodic speeches on the agricultural problems plaguing their constituents.

There were three basic reasons why congressmen from North and South Dakota exerted comparatively slight influence over farm legislation. They were 1) Lack of seniority; 2) Membership in the minority political party; and 3) Preoccupation with other issues.

Four of the eight congressmen taking their oaths of office in March 1933 were serving their first terms, while Sinclair of North Dakota was defeated for renomination in 1934 and Norbeck died in 1936. By June 1938 only two of the eight incumbents, Frazier and Nye, had served longer than seven and one-half years. The modest amounts of longevity accumulated by North and South Dakota congressmen definitely mitigated the extent of their effectiveness.

Between 1933 and 1938 both the House and Senate were overwhelmingly Democratic in political complexion. Unlike their colleagues from other regions, a high percentage of North and South Dakota congressmen were Republicans. In the 1932, 1934, and 1936 elections North Dakota did not send a single Democrat to Congress, while South Dakota had a Republican senator until December 1936 and a Republican in the House beginning in January 1937. While such veteran Republicans as Senators George W. Norris of Nebraska and Arthur Capper of Kansas were generally consulted by the Democratic leaders on farm questions, nearly all the significant decisions relating to agriculture were made by Democrats. Among these well-known Democrats, most of whom were from southern or southwestern states, were Senators Ellison D. Smith of South Carolina, Elmer Thomas of Oklahoma, and John H. Bankhead of Alabama and Representatives Marvin Jones of Texas, Hampton P. Fulmer of South Carolina, and Wall Doxey of Mississippi.³¹

Undoubtedly realizing that vacancies seldom occurred on the House and Senate Agriculture Committees, most North and South Dakota congressmen sought to become authoritative in other legislative areas. Bulow was Chairman of the Senate Committee on Civil Service from 1933 to 1938. During the final four years of his career Norbeck was the sole Republican serving on both the prestigious Committees on Appropriations and Banking and Currency. Nye not only presided over the Special Committee to Investigate the Munitions Industry, but also was in the forefront of the movement to enact stringent neutrality legislation. Representing the western half of South Dakota, Werner and his successor, Francis H. Case, were active members of the House Committee on Indian Affairs. Hildebrandt, assigned to the Committee on Post Offices and Post Roads, became a specialist on postal questions. Lemke, having experienced the humiliation of defeat over the Agricultural Indebtedness Bill, was to engage in vigorous, but unsuccessful, campaigns for the presidency and the United States Senate.

Between March 1933 and June 1938 the Congress addressed itself to a number of landmark farm bills. The members of the North and South Dakota congressional delegations had the opportunity to evaluate the series of legislative proposals designed to reverse the tragic decline in American agriculture and upgrade the living standards of the nation's farmers. These politicians, serving the people of the Northern Great Plains, were participating in one of the most exciting and turbulent periods in the political and economic history of the United States.

NOTES

¹Theodore Saloutos, "Lynn Joseph Frazier," Dictionary of American Biography, Supplement Four (New York: Charles Scribner's Sons, 1974), pp. 308-309; Daniel Rylance, "A Controversial Career: Gerald F. Nye, 1925-1946," North Dakota Quarterly, Winter 1968, pp. 5-19; Gilbert C. Fite, "Peter Norbeck," Dictionary of American Biography, Supplement Two (New York: Charles Scribner's Sons, 1944), pp. 491-492; Lawrence F. Kennedy (comp.), Biographical Directory of the American Congress, 1774-1971 (Washington: United States Government Printing Office, 1971), p. 1701. United States Congress, Congressional Directory, 1933 (Washington: United States Government Printing Office, 1933), pp. 87, 109, 110, 161, 171, 172, 173.

²According to the Census of 1940, only 15.7% of the inhabitants of North Dakota and 18.9% of the citizens of South Dakota lived in urban centers.

³Between 1929 and 1932 the agricultural statistics were as follows: Wheat 353,075,000 bushels (North Dakota) - 147,282,000 (South Dakota); Rye 40,434,000 bushels (North Dakota) - 18,324,000 bushels (South Dakota); Corn 83,097,000 bushels (North Dakota) - 292,758,000 bushels (South Dakota); Oats 136,590,000 bushels (North Dakota) - 230,240,000 bushels (South Dakota); Barley 137,976,000 bushels (North Dakota) - 143,876,000 bushels (South Dakota).

⁴Scholarly accounts of the farm crisis pervading the Northern Great Plains during the early years of the Great Depression may be found in the following works: Broadus Mitchell, Depression Decade, 1929-1941 (New York: Rinehart and Company, 1947), pp. 64-76; Elwyn B. Robinson, History of North Dakota (Lincoln: University of Nebraska Press, 1966), pp. 396-419; Theodore Saloutos and John D. Hicks, Agricultural Discontent in the Middle West, 1900-1939 (Madison: University of Wisconsin Press, 1951), pp. 404-446; Morris G. Warren, Herbert Hoover and the Great Depression (New York: Oxford University Press, 1959), pp. 168-187.

⁵House of Representatives, H. R. 3835, March 20, 1933.

⁶United States Congress, Congressional Record (Washington: United States Government Printing Office, 1933), LXXVII, 766; Post, Washington, D.C., March 23, 1933, pp. 1, 3; Evening Star, Washington, D.C., March 23, 1933, pp. 1, 3.

⁷United States Senate, Hearings on the Agricultural Emergency, March 17-28, 1933; United States Senate, Report Number 16, April 5, 1933.

⁸Congressional Record, LXXVII, 2562; Post, Washington, D.C., April 29, 1933, pp. 1, 2.

⁹Congressional Record, LXXVII, 3066, 3079, 3121, 3124; The Statutes at Large of the United States of America, 1933-1934 (Washington: 1933-1934), XLVIII, 31-54.

¹⁰United States Senate, S. 3002, June 5, 1935; Post, Washington, D.C., June 5, 1935, p. 2.

¹¹“Louisville Joint Stock Land Company v. Radford,” 295 U.S. 555 (1935); Guide to the U.S. Supreme Court (Washington: Congressional Quarterly, Inc., 1979), p. 677; Evening Star, Washington, D.C., May 27, 1935, p. 1; Post, Washington, D.C., May 28, 1935, pp. 1, 13, 14.

¹²Senate Report 985, July 1, 1935; House Report 1808, August 16, 1935; Congressional Record, LXXIX, 13645, 14331-14334; Post, Washington, D.C., August 20, 1935, pp. 1, 3; Evening Star, Washington, D.C., August 20, 1935, p. 1.

¹³Statutes at Large, XLIX, 942-945; Ernest Feder, “Farm Debt Adjustment During the Depression - -The Other Side of the Coin,” Agricultural History, April 1961, pp. 78-81.

¹⁴S. 3780, January 22, 1936.

¹⁵“United States v. Butler,” 297 U.S. 1 (1936); Paul L. Murphy, The Constitution in Crisis Times, 1918-1969 (New York: Harper and Row Publishers, 1972), pp. 131-132, 146-147; Post, Washington, D.C., January 7, 1936, pp. 1, 2, 4.

¹⁶Congressional Record, LXXX, 2165; Post, Washington, D.C., February 16, 1936; Evening Star, Washington, D.C., February 16, 1936, pp. 1, 3.

¹⁷Congressional Record, LXXX, 2578-2579; Post, Washington, D.C., February 22, 1936, pp. 1, 7; Evening Star, Washington, D.C., February 22, 1936, pp. 1, 3.

¹⁸H.R. 2066, January 3, 1935

¹⁹House Report 819, May 3, 1935; Senate Report 580, May 7, 1935.

²⁰H. Res. 17-A, January 3, 1935; Congressional Record, LXXIX, 13-21.

²¹Congressional Record, LXXX, 7026; Post, Washington, D.C., May 12, 1936, pp. 1, 9.

²²Congressional Record, LXXX, 7229; David H. Bennett, Demagogues in the Depression (New Brunswick: Rutgers University Press, 1969), pp. 98-101, Edward C. Blackorby, Prairie Rebel: The Public Life of William Lemke (Lincoln: University of Nebraska Press, 1963), pp. 208-215; Post, Washington, D.C., May 14, 1936, pp. 1, 13; Evening Star, Washington, D.C., May 14, 1936; pp. 1, 6.

²³Congressional Record, LXXX, 10510-10512.

²⁴Roosevelt won all fifty-three counties in North Dakota and prevailed in fifty-three of the sixty-seventy counties of South Dakota. The official election results were as follows: North Dakota - Roosevelt 163,148; Landon 72,751; Lemke 36,708; South Dakota - Roosevelt 160,137; Landon 125,977; Lemke 10,338. Richard Scammon (comp.), America at the Polls (Pittsburgh: University of Pittsburgh Press, 1965), pp. 339, 404-405. Roosevelt's enormous victory in the presidential contest proved extremely helpful to scores of Democratic congressional candidates throughout the nation. The new Congress, scheduled to assemble in January 1937, would have Democratic majorities of 331-89 in the House and 76-16 in the Senate.

²⁵"Report of the President's Committee on Farm Tenancy," House Document 149, February 16, 1937; "Federal Legislation to Aid the Tenant Farmer," Congressional Digest, February 1937, pp. 37-64; John D. Black and R. H. Allen, "The Growth of Farm Tenancy in the United States," Quarterly Journal of Economics, May 1937, pp. 393-425.

²⁶Congressional Record, LXXXI, 6582-6583; Post, Washington, D.C., June 30, 1937, pp. 1, 2.

²⁷Congressional Record, LXXXI, 6762.

²⁸Congressional Record, LXXXI, 7133-7140, 7158-7162; Statutes at Large, L, 522-533; J. B. Key, "John Hollis Bankhead," Dictionary of American Biography, Supplement Four, pp. 49-51; Irvin May, Jr., "Marvin Jones: Agrarian and Politician," Agricultural History, April 1977, pp. 421-440.

²⁹Congressional Record, LXXXII, 1290, 1768; Post, Washington, D.C., December 11, 1937, pp. 1, 4; December 18, 1937, pp. 1, 9; Evening Star, Washington, D.C., December 11, 1937, pp. 1, 13; December 18, 1937, pp. 1, 13.

³⁰Congressional Record, LXXXIII, 1727, 1881-1882; Statutes at Large, LII, 31-77; Christina M. Campbell, The Farm Bureau and the New Deal (Urbana: University of Illinois Press, 1962), pp. 113-115; The Public Papers and Addresses of Franklin D. Roosevelt, 1938 (New York: The Macmillan Company, 1941), pp. 86-97; Edward L. and Frederick H. Schapsmeier, Henry A. Wallace of Iowa: The Agrarian Years, 1910-1940 (Ames: The Iowa State University Press, 1968), pp. 238-245; Post, Washington, D. C., February 10, 1938, pp. 1, 6; February 15, 1938, pp. 1, 6.

³¹A detailed study of the dominance of Southern Democratic congressmen on agricultural questions during the New Deal period is Edward L. and Frederick H. Schapsmeier, "Farm Policy from FDR to Eisenhower: Southern Democrats and the Politics of Agriculture," Agricultural History, January 1979, pp. 352-371.