

# LAW AND CONTEMPORARY PROBLEMS

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## FOREWORD

The intervention of government in the agricultural economy of a region poses grave questions of policy. Once intervention has been determined upon and its objectives defined, perplexing problems of method are encountered. This symposium, which is focussed upon governmental activities in behalf of the southern cotton and tobacco farmer, is concerned, in the main, not with questions of policy but with those of method. As to the former, the die has already been cast—but not irrevocably. It is, therefore, of peculiar importance to scrutinize the means which have been devised to effectuate the policies adopted. And since government must use legal tools to accomplish its ends, since they must be shaped and wielded with a view to the existing legal, as well as economic, structure of society, it has seemed appropriate that this inquiry should be undertaken by a legal periodical.

Although the scope of this study is much narrower than are the current activities of the federal government on behalf of the farmer, the problems of agricultural readjustment in the South are not without relevance to those of other regions. The South presents the symptoms of an ailing agriculture at an advanced stage; the remedies which are being administered are more drastic than those with which the patient has been plied elsewhere in the nation. The case is of clinical importance.

So complex is the agricultural problem of today and so manifold are the activities of the government relating to it that, despite the regional limitation, an inclusive survey would have been possible herein only at the expense of detailed inquiry. This sacrifice has not been made for when methods and their operation are under consideration, generalization is of doubtful value. It is not enough to know that a given end is to be attained, for example, by means of "a contract" between the Secretary of Agriculture and the producer. Before appraisal is possible, one must know what that contract provides and how, in view of the circumstances of its application, it may be expected to operate.

Since, then, the scope of this monograph is not comprehensive, a preliminary outline may be useful. The introductory article, "Human Factors in the South's Agricultural Readjustment," by Dr. Rupert B. Vance, depicts the *mise en scène* of the measures which are considered in the pages following. "Cotton Acreage Reduction and the Tenant Farmer," by Professor Paul W. Bruton, outlines the Agricultural Adjustment Administration's cotton program and then proceeds to a detailed examination of its relation to the problem of southern farm tenancy.

A third article, "Agricultural Coöperation in Tobacco," by Professor John Hanna, in its depiction of the efforts of the tobacco farmers to solve their problems through coöperation, affords a contrast to the devices which the more direct intervention of government has currently brought into operation, a contrast the more vivid because the objectives of the coöperative movement in tobacco were almost as ambitious as those of the present program. Its story of repeated failure is not, however, that of agricultural coöperation as a whole; especially is this true where such organizations have contented themselves with lesser rôles than that which the tobacco coöperatives sought to play.

In discussing the mobilization of the flue-cured tobacco growers to induce government action and the negotiation of a marketing agreement between the government and the tobacco processing companies, in analyzing that agreement and the subsequent agreement between the government and the producers providing for the control not merely of acreage but of production as well, Professor Joseph G. Knapp and Mr. L. R. Paramore in "Flue-cured Tobacco Developments under the AAA" have done more than describe an important phase of the tobacco program; they have portrayed law in action.

With the enactment this spring of the Bankhead Cotton Control Act and the Kerr Tobacco Control Act, a new force has been brought to bear upon southern agriculture—the compulsion of regulatory taxation. Developments have crowded too fast for the slower processes of orderly editorial procedure. The Kerr Act was approved late in June; important regulations under the Bankhead Act appeared at the same time. Rather than sacrifice a consideration of these measures or defer still longer the already tardy appearance of this issue, the editor, who disclaims expertness in this field, has undertaken to describe them in "Production Control by Taxation."

These measures are highly controversial. Public debate has centered chiefly on the desirability of exercising such governmental compulsion as they impose, irrespective of economic consequences. Little can be added to this discussion of fundamental political principles; something may, however, be contributed to the question of their economic wisdom. The Bankhead Act is attacked from this standpoint in Mr. Paul J. Kern's article, "The Bankhead Experiment," which also sketches its legislative history. A note in reply by Professor G. W. Forster is entitled, "In Defense of the Bankhead Act." The open question of their constitutionality is the subject of an article by Professor Douglas B. Maggs, "Congressional Power to Control Cotton and Tobacco Production."

A concluding article, "Rural Relief in the South: FERA's Problem in Eastern North Carolina," by Mr. G. W. Blackwell, reveals, through a depiction of the conditions in a single southern farming county, the plight of the casuals of agricultural depression in the South and sketches briefly the projected program for their rehabilitation.

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