NOMINATION

Executive nomination received by the Senate March 8 (legislative day of March 2), 1932

MEMBER OF THE FEDERAL FARM LOAN BOARD

Vulosko Vaiden, of Farmville, Va., to be a member of the Federal Farm Loan Board for the unexpired term of eight years, expiring August 6, 1932, in place of George R. Cooksey, resigned.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 8, 1932

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

It is a good thing to give thanks unto the Lord, O most high. Out of our grateful hearts let us fulfill our tasks. O King eternal, whose right is to reign and whose throne from everlasting to everlasting, make our hearts Thy empire, a kingdom cleansed and purified. Do Thou enlarge the bounds of the invisible world to us. Grant that everywhere and at all times we may believe that all things work together for good to them that love the Lord. So enter our lives that we may rejoice in infirmity, in temptation, and in trial, and help us toward that final joy in which the memory of all trouble, all tears, and all heartaches have vanished forever. Almighty God, help us to lift up a standard for the people; enable us to rally the elements of society that have been badly discouraged in their battle with adversity and tell them that the conflict is not lost. May the note of victory be sounded forth in the name and in the strength of our Jehovah Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 14. Concurrent resolution accepting the statue of Gen. John Sevier, presented by the State of Tennessee, to be placed in Statuary Hall; and

H. Con. Res. 27. Concurrent resolution relative to the printing of "Revenue Revision, 1932."

The message also announced that the Senate had agreed to the amendment of the House to the bill (S. 2985) entitled "An act granting the consent of Congress to the Connecticut River State Bridge Commission, a statutory commission of the State of Connecticut created and existing under the provisions of Special Act No. 496 of the General Assembly of the State of Connecticut, 1931 session, to construct, maintain, and operate a bridge across the Connecticut River."

The message also announced that the Vice President had appointed Mr. SMOOT and Mr. HARRISON members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

THE REVENUE BILL

Mr. CRISP, from the Committee on Ways and Means, submitted a privileged report on the bill (H. R. 10236) to provide revenue, equalize taxation, and for other purposes (Rept. No. 708), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. CRISP. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. CRISP. Mr. Speaker, the report on the bill H. R. 10236, the revenue bill, will go to the Printing Office for printing and will not be available to the press or to any Members of the House to-day. The report will be available to-morrow morning for each Member of the House and for the press.

The report is a long one. We are seeking to describe in detail every provision of the bill, and I am sure that if the press, the country, and the Members of the House will read the report they will have full knowledge of the bill.

It is my intention, by direction of the Committee on Ways and Means, to move to take up this bill in the House for consideration next Thursday.

TAXATION

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing two resolutions passed by the Legislature of the State of New York. These petitions are addressed to the Congress of the United States and deal with taxation matters.

Mr. DYER. Mr. Speaker, reserving the right to object, I want to ask the gentleman from New York if he also has the resolution adopted by the Legislature of the State of New York petitioning Congress to repeal the eighteenth amendment?

Mr. SNELL. That resolution has not come to me; and if it does, I shall ask to put it in the RECORD.

Mr. DYER. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNELL. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

STATE OF NEW YORK,
IN SENATE,
Albany, February 29, 1932.

By Mr. MASTICK:

Resolved (if the Assembly concur), That the Legislature of the State of New York hereby memorializes and petitions the Congress of the United States to enact legislation amending section 5219 of the United States revised statutes in such manner that, as so amended, it will (a) relieve the several States of the necessity of imposing a tax upon savings and loan associations of the purely mutual type, being a tax which under present conditions the State must impose if it is not to endanger the validity of the tax on national banks, and (b) to grant the State freedom to tax national banks as businesses to the same extent and in the same manner as it taxes other businesses, to tax the property of national banks to the same extent and in the same manner as it taxes other property, and to tax the shareholders in national banks on their property or income to the same extent and in the same manner as it taxes shareholders in other corporations on their property or their income.

Resolved, That a copy of this resolution be transmitted to the Clerk of the House of Representatives and the Secretary of the United States Senate, and to each Member of Congress elected from the State of New York.

By order of the senate.

A. MINER WELLMAN, *Clerk.*

In assembly, February 29, 1932. Concurred in without amendment, by order of the assembly, Fred W. Hammond, clerk.

STATE OF NEW YORK,
IN SENATE,
Albany, February 29, 1932.

(By Mr. Mastick)

Resolved (if the assembly concur), That the Legislature of the State of New York hereby memorializes and petitions the Congress of the United States to enact legislation providing for substantial increase in the rates of the Federal estate tax and for the continuance in force, with respect to any increases in the Federal estate tax, of the present law which permits credits against the Federal tax for State death duties paid to the extent of 80 per cent of the Federal tax.

Resolved, That a copy of this resolution be transmitted to the Clerk of the House of Representatives and the Secretary of the United States Senate and to each Member of Congress elected from the State of New York.

By order of the senate.

A. MINER WELLMAN, *Clerk.*

In assembly, February 29, 1932, concurred in without amendment. By order of the assembly. Fred W. Hammond, clerk.

COMPULSORY USE OF PARACHUTES BY AIR TRANSPORTATION COMPANIES

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of parachutes on airplanes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, no one can ride in an Army or Navy airplane unless he wears a parachute, but no one uses a parachute on commercial airplanes. The many deaths and casualties of passengers and pilots of the planes of commercial transportation companies must indeed give us pause and compel us to ask the question, Why is it not compulsory for airplane common carriers to provide parachutes?

Apparently the transport operators have made a definite agreement among themselves not to go into the expense of providing parachutes, and they are vigorously opposed to my bill, introduced this day, forcing them to provide parachutes for every passenger and every pilot.

From 1919 until the end of 1931 over 700 persons saved their lives by parachute jumps from Army planes. On January 15, 1923, general order known as Circular No. 6 was issued, forbidding any Army pilot to take up a passenger or go up in a plane not equipped with parachutes. The Navy followed almost immediately.

Since that time the military services of England, Canada, Australia, New Zealand, Sweden, Norway, Denmark, Poland, Italy, France, Germany, Latvia, Czechoslovakia, Jugoslavia, Greece, Japan, Rumania, Siam, and the Soviet Union, as well as several other countries, including many of South America, have adopted them. Wise civilian flyers, trained in the military traditions of aviation, nearly always wear them. Their use on the part of pilots flying the air mail in this country (without passengers) is mandatory, and the lives of several of them have been saved.

The wise passenger should think of fire hazard, motor failure, structural weakness, propeller breakage, fog, high wind, collision, lack of fuel, and control failure, and demand parachutes before he rides in any plane. Ships at sea are compelled to provide life preservers and other devices for the saving of human life. The commercial operator of airplanes will argue that parachutes will scare away passengers. In answer I might say that parachutes can be put in planes much more unobtrusively than life preservers or lifeboats on a steamship, yet one never heard of ocean-going traffic being scared off because of these contrivances. Just as on ocean-going ships there are fire drills and life-preserver drills, so there could be parachute drills on commercial planes.

I have traveled on Army planes and have always worn a parachute. Every time I get into a commercial plane I have to conquer my fears. I would, indeed, feel more comfortable with a parachute strapped onto me.

Of course, great expense would be incurred. Planes would either have to be larger or fewer passengers carried, but where life is at stake there should be no question of expenditure. The transport lines will have to face this issue some day; they may as well face it now. Undoubtedly, the great football coach, Rockne, and his companions could have been saved if parachutes had been provided. As Will Rogers remarked, "The Army can't be wrong all the time."

My bill for parachutes, H. R. 8823, is as follows:

A bill for compulsory use of parachutes by airplane common carriers, and penalties for violations thereof

Be it enacted, etc., That no person shall operate as a common carrier of persons or property by aircraft in interstate commerce without providing for each pilot and each passenger carried by such aircraft on all flights a parachute properly adjusted and ready for instant use (except in lighter-than-air craft, where the duties of the individual are such that this is impracticable).

SEC. 2. The term "person," as used in this act, shall include partnerships, associations, or corporations, as well as an individual.

SEC. 3. The term "interstate commerce" means commerce between any places in a State, Territory, or the District of Columbia, and any place outside thereof, or between points within the same State or Territory or the District of Columbia, or through any place outside thereof.

SEC. 4. Any person who violates any provision of this act shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than 30 days, or both.

LIMITATION OF INJUNCTIONS

Mr. O'CONNOR. Mr. Speaker, I call up House Resolution 166.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 5315, a bill to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes.

That after general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be controlled by the chairman and ranking minority member of the Committee on the Judiciary, and to be equally divided between those favoring the bill and those opposing it, the bill shall be read for amendment under the 5-minute rule.

At the conclusion of the reading of the bill for amendment the committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and any amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. O'CONNOR. Mr. Speaker, does the gentleman from Michigan desire some time?

Mr. MICHENER. We would like the usual 30 minutes on this side.

Mr. O'CONNOR. Mr. Speaker, I yield the gentleman from Michigan 30 minutes.

Mr. Speaker, I yield myself 10 minutes and ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR. Mr. Speaker, a few years ago one would never have seriously believed that a bill curtailing the powers of Federal courts in granting injunctions in labor disputes would come before the House of Representatives assured of passage after having been passed almost unanimously by the other body.

Such is progress in a democracy. Many proposals but a few years ago considered radical and paternalistic are accepted to-day by all political parties as worthy and beneficial to the progress of our Government.

I congratulate the distinguished gentleman from New York [Mr. LAGUARDIA] in his advocacy of H. R. 5315, and I congratulate the distinguished senior Senator from Minnesota for his earnest work for years in behalf of this measure. Yes; I said Minnesota, not Nebraska, because the anti-injunction bill was first introduced in the Senate and again year after year by Senator SHIPSTEAD, who deserves credit alongside the gentleman from New York. For five years the bill has been before the Senate and the House. Lengthy hearings have been held year after year.

I shall not occupy the few minutes I have yielded to myself in complete analysis of this important piece of legislation. The rule under consideration provides for four hours' general debate which, while it sounds like a long time, may not be ample to fully explain this somewhat intricate measure.

Briefly, the bill deals with two major subjects:

First. The granting by the Federal courts of injunctions in labor disputes. It of course has no application to or control over State courts. Eleven States have already adopted somewhat similar anti-injunction bills.

Second. The bill also declares the "yellow-dog" contract void and against public policy.

It is generally admitted that the granting of injunctions by our Federal judges in labor disputes has developed into a scandalous abuse of judicial process.

The 1928 national conventions of both political parties denounced the abuse and promised remedial legislation.

The Democratic platform said:

We believe that injunctions in labor disputes have in some instances been abused and have given rise to a serious question for legislation.

The Republican platform said, in part:

We recognize that legislative and other investigations have shown the existence of grave abuse in the issuance of injunctions in labor disputes.

The untrammeled right of workers to organize and act jointly in matters affecting their wages and welfare has been recognized by all courts, including the Supreme Court of the

United States, as necessary to meet the concentration of employing power.

If a worker is prohibited from exercising some control over the conditions of his employment, he is in a state of peonage.

Chief Justice Taft in the case of American Foundries *v.* Tri-City Council (257 U. S. 184, 209) said:

> Labor unions * * * were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. * * * The right to combine for such a lawful purpose has in many years not been denied by any court.

Chief Justice Hughes said in the case of Texas & New Orleans Railroad Co. against Brotherhood of Railway and Steamship Clerks, decided May 26, 1930:

> The legality of collective action on the part of employees in order to safeguard their proper interests is not to be disputed.

The "strike" has been recognized by our highest court as a lawful agency in the economic disputes between employee and employer.

This bill proposes to limit the jurisdiction of the Federal courts in labor disputes. That Congress has such power over the Federal district courts and the Federal circuit courts of appeal follows from the power of Congress to create or abolish those courts.

This was held in the case of Myers *v.* United States (272 U. S. 52, 130) and other cases.

Contrary to the belief of some people, this bill does not attempt to take away from the Federal courts all power to restrain unlawful acts or acts of fraud or violence in labor disputes.

The bill, section 2, declares it to be the public policy of the United States that the employee shall have a free opportunity in lawfully dealing with his employer, that he shall have "full freedom of association, self-organization, and designation of representatives of his own choosing," and "shall be free from the interference, restraint, or coercion of employers." * * *

Among the many abuses of the issuance of injunctions in labor disputes has been forbidding the unions to pay any strike benefits to the strikers; forbidding any person, whether a member of the union or not, to give any aid or assistance to the strikers. Often the injunctions have gone so far as to forbid attorneys to advise the strikers as to their rights even in proceedings to dispossess the strikers from their homes. Again some injunctions have prohibited the strikers from giving any publicity to the existence of the strike or the reasons for it or their justification of it. Such prohibitions are, of course, outrageous violations of the right of "free speech."

Yet there has been no legislative law for these extraordinary decrees of our courts. This judge-made law has developed in the past 40 years. The judges have themselves made the law and have themselves enforced the penalties for the violation of the laws made by them.

Such an uncivilized and tyrannical procedure can not possibly be longer endured. It is because of this development of law made on the bench that our Federal courts have lost a great deal of respect.

In fact, I hope this measure is but one step that Congress will take to regulate the jurisdiction of the Federal courts.

I never have been able to understand the real necessity for the inferior Federal courts. I have always been opposed to their existence as unnecessary. I believe they have no place in our democratic form of government, of course, except the Supreme Court of the United States. I believe that every issue that comes into the inferior Federal courts could be tried in the State courts.

I have often said that the Federal courts obtain jurisdiction by fraud, not fraud on the part of the court but on the part of the litigants. Take practically every matter that comes into the Federal courts, whether because of alleged diverse citizenship or on other grounds, every one could as well be tried in the State courts, and in most instances the acquisition of jurisdiction is ground in fraud, fabricated and manufactured to avoid the State courts and get into the Federal court for ulterior purposes.

Mr. BECK. Will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. BECK. The gentleman does not mean to say that where there is an issue in controversy as to the construction of the Constitution of the United States or any statute of the United States, that invoking the jurisdiction of the Federal courts on that ground is a fraud?

Mr. O'CONNOR. I said cases in the Federal and district courts and the circuit courts of appeals. I said I would maintain the Supreme Court of the United States, which handles those questions, and many of which questions can go direct to that court.

Mr. BECK. Is not my friend ignoring the fact that the Supreme Court of the United States, except in a few isolated instances, has no original jurisdiction, and, therefore, if there be no inferior courts the Constitution of the United States would often have no construction or possibility of application in the Federal court?

Mr. O'CONNOR. There is no obligation on the Congress to organize the inferior Federal courts; and when it did organize them, it furnished them with such jurisdiction as it saw fit. I maintain those matters could properly be relegated to the Supreme Court.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. Yes.

Mr. HUDDLESTON. Appeals lie from the supreme courts of the States in all cases involving Federal questions?

Mr. O'CONNOR. I do so understand, if I recall correctly.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. Yes.

Mr. BLANTON. The gentleman has control of the entire hour. He has yielded 30 minutes to his colleague from Michigan [Mr. MICHENER], who is, like the gentleman, in favor of the bill. I am wondering whether in fairness of debate, under the rules governing all parliamentary bodies, the gentleman is going to yield some of this hour to those of us who are against the bill?

Mr. MICHENER. That is on the rule, and not on the merits of the bill.

Mr. BLANTON. Oh, yes; it is on the rule, but the gentleman from New York [Mr. O'CONNOR] is arguing the merits of the bill.

Mr. O'CONNOR. Mr. Speaker, I refuse to yield to a dialogue.

Mr. BLANTON. Would not the gentleman yield me some time? I am against the bill and the rule.

Mr. O'CONNOR. No.

Mr. BLANTON. That settles that.

Mr. O'CONNOR. I refuse to yield; and in answer to what was not a question, let me state that at the insistent request of the gentleman from Texas [Mr. BLANTON] I drafted a rule which I brought in here, which is different from most rules in that it specifically gives two hours of the time to those opposed to the bill. Most rules give the committee all of the time, but this rule gives two hours to the opposition. So great is the gluttony of the gentleman from Texas for punishment that apparently the two hours are not sufficient for him. I do not know anybody else who is opposed to the bill. I imagine that he will have the whole two hours to himself.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. No. The bill also—section 6, which, like the other section of the bill, applies alike to organizations of employees as well as employers—remedies a grossly unfair practice that has grown up of holding officers and members of unions liable for damages for the acts of other members without proof of participation or direction or ratification of such acts. The bill merely requires actual proof of such participation, direction, or ratification before the officers or other members can be held liable. If this be a change in the "law of agency," as some claim, it is at most a change in the rule of evidence in civil cases only, a power well recognized as lodging in Congress. See Bailey *v.* Alabama (219 U. S. 238).

One of the big features of the bill is that no restraining order can be granted, except in exceptional cases, without notice to the defendant and a hearing in open court of the testimony of sworn witnesses on both sides.

Section 7 also provides that before issuing an injunction against defendants' alleged unlawful acts the court must find—

That the public officers charged with the duty to protect claimant's property have failed or are unable to furnish adequate protection.

Surely the court should not exercise police power if the constituted authorities are willing and able to perform that function.

There are, however, exceptional cases in which the Federal courts may issue a temporary restraining order without notice, if necessary to prevent irreparable injury to property. The court must first, however, take testimony under oath rather than by affidavit, and such an order is effective for only five days.

Section 8 of the bill might be called the "clean-hands" provision of the measure. That section provides that a complainant shall not be entitled to an injunction if he has not complied with any contract or obligation on his part or has not made every reasonable effort to settle the dispute by the available methods of arbitration or mediation. Surely, this fundamental principle of equity that "he who seeks justice must do justice" should apply in labor disputes as well as in other judicial controversies.

The bill also provides for a speedy appeal to either party and a preference in the appellate courts.

Another outstanding and progressive feature of the bill is the granting of a speedy and public trial by jury to a person charged with contempt of court, not committed in the court's presence or proximity. For centuries the English courts have granted jury trials for criminal contempt, while in our courts the practice has grown up during the last century to have such important trials before a judge alone, when, in fact, they are criminal offenses carrying confinement in prison for a term within the discretion of the judge who was offended. In the Clayton Act Congress granted the right to trial by jury in contempt cases and the Supreme Court in Michaelson *v.* United States (266 U. S. 42) unanimously sustained the constitutionality of that provision.

There is also a provision in the bill that the person charged with contempt may demand his trial before a different judge from the one of whom he is charged to be in contempt. No one can reasonably complain that the complainant, the one offended, should not sit in judgment on the offender!

The necessity for this legislation, however, arises from the fact that the provisions of the Clayton Act have not been construed broadly enough by our courts to cover the general situation as to labor disputes as this bill does.

Now, Mr. Speaker, we come to what I believe to be one of the greatest and most far-reaching provisions of the bill—the death knell of the "yellow-dog" contract.

Many injunctions issued in labor disputes have been founded on an alleged violation by the employee of the provisions of such a "yellow-dog" contract.

The "yellow-dog" contract usually requires the worker to agree not to join a union, or if he is already a member, to leave the same; that his employer may fire him without notice, but that he can not leave without notice to the employer. Such contracts also usually provide that all conditions of labor, hours, and so forth, are entirely within the determination of the employer. Under such a contract the worker practically enters into "involuntary servitude."

It seems strange to many people that there should be any need of legislation to make such un-American contracts unenforceable, but many Federal courts have enforced them. On the other hand, one would think that any person, let alone a judge, would agree with the many eminent jurists who have maintained for years that such contracts were illegal and void, because—

First. They are obviously contrary to public policy, because under their terms the employee enters into practical peonage.

Second. There is no consideration to the employee entering into the contract, and no mutuality of consideration between the employer and employee, and

Third. The employee practically signs the contract under coercion. To say he has a free choice overlooks the fact that he must work to live and support his family. By necessity, he is at the mercy of the work-offering agency in his community.

Mr. Speaker, this bill contains a new Declaration of Independence. It declares to the world that the "yellow-dog" contract is "contrary to the public policy of the United States, shall not be enforceable, and shall not afford any basis for granting of legal or equitable relief by any court of the United States."

It is a happy day, indeed, when with the passage of this far-reaching and progressive measure, that resounding declaration of liberty, can go out to our people. [Applause.]

Mr. MICHENER. Mr. Speaker, I am going to support this bill as amended by the committee, with an amendment which I hope to offer, which has been submitted to the gentleman from New York [Mr. LAGUARDIA], the proponent of the bill, and which I believe will be accepted by those who are deeply concerned in the enactment of this legislation. But, understand me, I am not going to vote for this bill for the reasons given by my friend from New York [Mr. O'CONNOR]. He would abolish the Federal court. He hates the Federal courts. He has proclaimed his position on this floor time and time again. I believe in the Federal courts, I believe in the necessity for the Federal courts, and in voting for this legislation I believe I am voting to strengthen the Federal courts in the minds of the American people. The courts of the United States are our bulwark, and they are never going to be destroyed by the gentleman from New York. If the courts of the United States are ever destroyed, they are going to be destroyed because they destroy themselves.

Unfortunately we have had a few injunctions issued which should not have been issued, and in some of these instances the injunctions have been so ridiculous that there has been a feeling of repulsion against the Federal courts in general. These specific cases have been broadcast throughout the length and breadth of the land until in many sections there is a general feeling against all Federal courts. This legislation is not needed to protect against the many but to protect against the few.

This type of legislation has been before Congress for 14 years. To my personal knowledge this bill is the lineal descendant of the Shipstead bill, which was introduced in the Seventieth Congress. I could not agree with the terms of that bill. I opposed it in the committee as did a majority of the committee. However, the present bill is entirely different. It contains some provisions with which I am not in sympathy, yet it has seldom been my pleasure to vote for a piece of legislation which suited me in every particular. This legislation will give to organized labor the protection to which it feels it is entitled. In my judgment, it will do no injury to the employer. It deals entirely with disputes between employer and employee in labor matters only. Be it remembered that this bill does not attempt to legislate concerning Government employees. I do not believe that the enactment of this bill into law will take away from the Federal Government any rights which it has under existing law, to seek and obtain injunctive relief where the same is necessary for the functioning of the Government.

In the section of the country from which I come we have very little use for Federal injunctions in labor disputes. This bill in no way legislates in reference to State courts. The powers of those courts are left undisturbed, and so far as this legislation is concerned a State court is at liberty to issue any type of an injunction which is permitted in the State where the court has jurisdiction.

I dislike very much to find it necessary to curb the ancient and honorable power of our equity courts. Yet we must realize that it is sometimes essential to provide against the human frailties of possible well-meaning judges, and let us not forget that we are dealing entirely with the jurisdiction in equity, and are not imposing any limitation on the law side of the court.

I disapprove very much of placing a declaration of policy in our statute laws. Federal statutes should not be cluttered up with stump speeches or reasons why the law was enacted. These are matters for debate on the floor of the House, and for the report of the committees. However, we have already established the precedent and have made a declaration of policy in the Sherman Antitrust Act, in the Clayton Act, in the Farm Board act, and in some other acts. Therefore there is a precedent for this feature of the bill, and the proponents of the measure were very insistent upon the inclusion of this declaration of policy, and the majority of the Committee on the Judiciary yielded in this regard.

Often when legislation of this type is being considered, less attention is given to the legislation than to the prejudice for or against organized labor. There are certain interests in the country whose representatives in Washington at least feel called upon to oppose any legislation sponsored by organized labor; and on the other hand, certain representatives of organized labor seem to find it necessary to oppose with all their might and main all legislation suggested by industry and the employer class. It seems too bad that this is the case, and it is wholesome to observe that the day is fast approaching when the rights of both capital and labor are being recognized, and that agreement instead of war is the order of the day. This legislation is not, in my judgment, inimical to the best interests of all our people or any group of our people, and on the other hand will guarantee to the employer and the employee the right to attain the legitimate purposes of their respective organizations without interfering with the rights of others. A careful reading of this bill is necessary to understand its full import.

I am sure that I have never been considered as radical and I surely believe in the perpetuity of our courts, and I do not believe that in supporting this bill I am forsaking my previous position in regard to these matters.

Let me say to my very conservative friends that the mere fact that organized labor is supporting this measure is not sufficient cause for you to oppose it. It is not the radical labor leader nor the radical hater of organized labor that is going to control on the floor of the House in the end. It is the broad-minded, thinking man, who recognizes the virtues and faults in either labor or capital. Personally, I believe in organized labor. Capital is organized, and labor should have the right to organize and should be protected in lawful organization. I am opposed to strikes and do not believe that this is a bill to authorize strikes. Using the word "strike" in its common acceptation, men should have the right to work or cease working, yet they should have no right to interfere with others. Whether or not organized labor is undesirable depends, of course, upon its leadership. I hold no brief for the American Federation of Labor, but I do hold a brief for them in one particular at least, and that is so far as their activities with reference to communists are concerned. The American Federation of Labor has done more than any other group or class of our people in maintaining peace and order during this depression. It has fought communism at every turn of the road, when, as a matter of fact, organized labor would have been the ideal vehicle to carry communism to our people, and without this restraining influence no one knows what our political and social situation might be to-day. I congratulate the American Federation of Labor. [Applause.]

I believe that there will be very little opposition to this bill, and with the amendment to which I have referred placed in the bill I am satisfied that the purposes of the authors of the bill will be realized and that the employer and the public will be protected.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. O'CONNOR. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, I do not know of any piece of legislation that has been proposed during my 15 years' experience in the House of Representatives that will give me more personal pleasure to support than the bill now presented by the Committee on the Judiciary.

As an old-fashioned country lawyer, I think I have inherited as much as any man reverence and respect for our judicial system, for all of its splendid precedents, and all of its high purposes; but I have had occasion in that experience that I have referred to, as well as in my observation of the public press, to recall many instances in the judicial history of our country within the last 25 years when it has become apparent that some of the Federal judges, clothed with a little brief authority, seem to have forgotten absolutely the fundamental essence and sacrament of our judicial system in some of the injunctions they have imposed against organized labor.

As I conceive it, if there is anything fundamental in our political institutions, it is love of liberty, liberty of conscience, liberty of speech, liberty of religion, and, above all, liberty of action.

It will be recalled, certainly within recent years, that in a number of instances not all but a few of the members of the Federal judiciary have issued injunctions which absolutely outraged every decent conception of the principles to which I have just referred.

As I understand, as has been well expressed here, this bill does not undertake to invade the jurisdiction of any of our State courts. It does not undertake to withdraw from the Federal judiciary any of its functions of equity, but it merely imposes conditions upon them and restraints upon them with reference to the issuance of injunctions in labor disputes.

I think the bill is a well-considered bill. I think it detracts nothing from the dignity and high purpose of our Federal judiciary, but, on the contrary, I think it gives to the men who toil, the men in overalls, the men who out of their own conception of their rights organize themselves for the purpose of protecting their own interests and of improving their working conditions, undertaking to stabilize their wages upon a decent basis, rights which those judicial tyrants can not invade. [Applause.]

I am glad that my party, certainly within the last quarter of a century, has taken the lead in undertaking to protect the interests of labor. [Applause.] I am glad it was a distinguished son of Alabama, Judge Henry D. Clayton, who was the author of the present law which we are seeking to strengthen by enactment of this legislation. I am glad it was under a Democratic administration that the Department of Labor was organized with a seat in the President's Cabinet. I am glad it was under Democratic auspices that we first recognized the humanity and justice of a limitation upon the hours of labor for those who toil upon the railroads of this country. Our party established the Children's Bureau in the Department of Labor for the purpose of legitimately undertaking to protect the interests of the childhood of America. Although the question that is now presented is not a partisan question, I am glad to know that the party to which I owe my fealty has taken its proper leadership in these great humanitarian questions. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DYER]. [Applause.]

Mr. DYER. Mr. Speaker, this legislation is a radical departure. There is no denying that fact, but, in my judgment, and in the judgment of the Committee on the Judiciary, it is a necessary departure because of conditions which have grown up in this country in the last few years, particularly with reference to the "yellow-dog" contract and other injunctive proceedings as carried on by certain of the Federal judges, which make it necessary for the Congress to declare for the United States a policy affecting American labor.

I am very proud of the judiciary of the United States. I think it is one of the finest bodies of men, upon the whole, that any country has ever had; but in the last few years, during the period of time I have been a Member of this House, there has been a great increase in the number of judges of the United States district courts. When I came

here there were 93 judges of the district courts of the United States. To-day there are 144.

Now, gentlemen, of necessity and of sound common sense, it can not be said otherwise than that the President in appointing this large number of judges has here and there made a serious mistake. It is not due in all respects to the Executive, whether it was President Wilson, President Taft, President Coolidge, or President Hoover. Some of the judges that have been appointed are absolutely without question unfit judicially and otherwise to pass upon matters affecting human rights, as they have demonstrated by the issuance of very arbitrary and unjust injunctions. This has come about, as I have said, through the appointment of a great many judges. This applies to only a few of these judges and this is not a criticism of the whole judiciary. This proposed legislation is only made necessary in order to establish for this Government and for this country a policy and a notice to these judges and others who may come to deal with matters of this kind that human rights are the first consideration of the judicial power, and that all things conceded, the rights of men engaged in labor of any calling shall not be interfered with unless it is evident and shown by substantial proof that these men are going to do things which will destroy private property and cause serious trouble.

We do not propose to protect any organization of men in the violation of law. We do not propose to protect them for the purpose of intimidating or using violence in any form; but we do say that injunctions shall not be issued unless it is established to the satisfaction of the courts in the first instance, at the time of the issuance of temporary restraining orders, that they are going to violate the law or cause serious trouble.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. DYER. Then we say in this proposed legislation that after this temporary restraining order is issued it shall be in force only for five days and then there must be a hearing had upon its merits. I doubt whether or not that should remain as it is. I have an amendment to offer to that and to several other sections of the bill which are for the purpose of making the legislation what, in my judgment, those who sponsored it want it to be. I shall present those amendments at the proper time. The one with reference to the five days is to the effect that if circumstances are such that the court can not hear the matter within the five days it may be continued. If the court is engaged in the trial of some other important matters or there is some reason why the matter can not be taken up within the five days, then upon good and sufficient proof to the court it may be continued for a few days more. In other words, Mr. Speaker, we want to enact this legislation, because it is for the best interests of the people, but we do not want it to be understood that it is an attack upon our judiciary. Those who make that charge are in heart and soul opposed to the judiciary all along the line. I am not opposed to the judiciary, but I do believe that for the cure of the evils that have grown up and the injustices that have been done by a few inefficient and incompetent judges in this and other matters we ought to make the change we are proposing.

[Here the gavel fell.]

Mr. O'CONNOR. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, this rule provides for the consideration of legislation that has for many years been pending before the Congress and which I am glad to see has come to a favorable consummation.

The bill undertakes to define the equity powers of the Federal courts with reference to injunctions in labor disputes.

It is a well-known fact that for a great many years there have been certain Federal judges who have had a tendency to reach out and broaden their powers on the equity side of the court. Their powers of law have been pretty well defined, but the equity jurisdiction has been largely a matter of conscience. We inherited the equity jurisdiction from the English courts, and the Congress has not attempted by statutes, neither has the Constitution undertaken, of course, to define these equity powers. So it has been left largely as a matter of conscience with the judge, which is a very unreliable and unjust standard by which to proceed.

We think our Government changed the theory of government in that we did not recognize the divine right of kings or the divine right of any man to be the ruler of other men. When this power is left to the conscience of one man, without defining his jurisdiction, it becomes a dangerous power.

This bill will not destroy confidence in the Federal courts. It will merely limit some of the unjust and tyrannical powers assumed by certain judges and bring them in line with the general thought and judgment of the courts, and in this way will build up greater confidence in the court instead of destroying confidence in the court.

This bill undertakes to define a public policy with reference to the attitude of labor unions or a man having membership in a labor union. A labor union or a membership in a labor union is not of itself criminal, per se, and we believe, as most people believe, that most labor unions are organizations for mutual benefit and progress and that a laboring man ought to have as full and complete right to join a labor union as a man whose capital is invested has to join an association or corporation with his fellows to consider their mutual interests.

We think unions are essential to the progress of labor and there should be mutuality and recognition by industry of the right of men to join labor unions and bargain collectively.

So there has been a general condemnation of what is known as the "yellow-dog" contract, which denies a laborer the privilege of belonging to a union, or if he already belongs to a union before he can have employment, that he shall withdraw from such affiliation.

I believe these contracts are invalid on three grounds. In the first place, I think there is no consideration extending to the laboring man, who may be a member of a union, to deny him the right of such membership. Second, I think the "yellow-dog" contract is void because of the coercion that is placed upon the man in order that he may have employment to support himself and his family that he shall deny himself the privilege of joining his fellow members for mutual benefit and progress. Third, I think this contract ought to be condemned on the ground of public policy because it is not for the welfare of the people or the welfare of the community in which it is enforced.

Not all Federal judges have undertaken to enforce these contracts or usurp equity power in the issuing of injunctions denying such privileges. Only a few have arrogated unto themselves these autocratic powers. They are the ones to be limited and controlled by this proposed law.

This legislation is the outgrowth of historical study and experience in the matter of handling labor disputes, and I think the time has come when industry must recognize the right of labor to have unions and to deal with the members of the union collectively and bargain with them collectively so that there may be mutuality and equality on both sides of any controversy that may arise between capital and labor.

Mr. LEWIS. Will the gentleman yield for a question?

Mr. GREENWOOD. Yes.

Mr. LEWIS. In the gentleman's study of this subject has he ascertained whether in the British courts a similar use has been made of injunctions in labor affairs?

Mr. GREENWOOD. I have only slightly studied that question. It is my opinion, however, that jurisdiction of the equity powers of the English courts has been well defined by decision and precedent for 100 years in labor matters. The English judges have not assumed to go to the extent of using the power on the equity side of the court as they have in this country, and I think the time has come when there ought to be a proper definition of this jurisdiction in equity dealing with injunctions.

Mr. LEWIS. Would it be true then to say that the labor injunction originated in the United States, and without any statute authorizing it, as a matter of beginning?

Mr. GREENWOOD. I think that is true. Injunctions have gone far beyond the extent to which they are used in England, and I think the time has come, in order that there may be some common procedure within the bounds of reason and justice, for the Congress, which is the only body that has power to define the jurisdiction of the inferior Federal courts, meaning by that expression the Federal courts below the Supreme Court, ought to lay down a definite policy, and this bill undertakes to do that in the very first sections, as a matter of public policy, dealing with such questions arising in labor disputes.

It is surprising how far these restraining orders and injunctions have been extended. You would hardly believe that there would be injunctions issued that would deny the members of labor unions who are strikers, having the benefit of dues or of reserves made up of their funds which have been collected by contributions, and denying the officers of a union extending such benefit to their members in distress because such members are out on strike. There have been Federal judges who have denied the public the extending of assistance to families of workmen who are in distress because the head of the family had joined his coworkers in a strike. They have forbidden workers the constitutional right even to confer with each other on common questions and problems arising out of their employment. They were not allowed to appeal in possession suits where they lived in a company dwelling house, and have been dispossessed in a justice of the peace court and prevented from having a proper appeal to a higher court to decide such questions of possession. By injunctions the regular procedure in suits of law have thus been set aside. They were not allowed to assemble and discuss mutual questions with respect to employment and conditions of labor. There have been injunctions that have been issued denying them the right to meet in their churches and sing hymns and join together in worship, because these places were in close proximity to the property or to the industry where a strike had occurred. One Federal judge enjoined the singing by strikers of the good old hymn "Onward Christian Soldiers."

They have gone far beyond the American idea of justice and equality, in denying the workingman the same privileges that are given to people on the outside who do not belong to a union and who are not employed. If the Constitution means anything in the matter of freedom of speech, it should be applied just as fully to men who belong to a union, and just as fully when they are out on a strike as on any other occasion.

I say that such injunctions have reached the point where they are indefensible, and the Congress ought to undertake to define this jurisdiction in order that the constitutional rights and privileges of men who labor and belong to unions may not be in any way infringed.

Most of these cases can be tried in the criminal side of the court and there is no desire and no provision in this bill in any way to hinder the administration of the criminal law. If men are guilty of crime they should have the full right and privilege of a trial by jury. They should have the full right of consideration of the crime by a grand jury, and the right to be proceeded against by indictment.

A man who is charged with crime should have the full protection and privileges thrown around him by the Constitution. No man, though he be a Federal judge, has anything attached to him in sanctity that he should be the prosecuting officer, jury, and the judge all in one.

Abraham Lincoln is quoted as saying that "no man is good enough to rule another, and that applies to ancient kings as well as to modern kings." The full right of trial by jury in criminal cases should not be taken away because some judge is attempting to be judge, prosecuting attorney, and jury in issuing an injunction against some act that does not occur in his presence. I want all the rights of the court protected in contempt cases, where the act is in the presence of the court and is actually in contempt of the court, but I do not believe that the judge should apply criminal laws on the equity side on the theory that contempt has been committed of an order issued that he should not have issued in the first place.

Mr. GREENWOOD. Some Federal judges have issued injunctions against people outside furnishing supplies to these people in distress.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Maine [Mr. NELSON].

Mr. NELSON of Maine. Mr. Speaker and Members of the House, for 10 years I have cast a rather conservative vote in this House, but I welcome this rule and this legislation, liberal though it may be, because I believe that it represents a tardy step in securing justice for organized labor, because it outlaws the unconscionable "yellow-dog" contract which has destroyed the power of collective bargaining by taking advantage of the necessities of poverty and that has formed the basis of injunctive proceedings that have become intolerable and un-American, in many cases reducing the workers to a state of economic slavery.

Organized labor deserves better than all this. At the close of the year 1931 one of the reviews of the year issued from Wall Street went so far as to say that—

> The outstanding fact of 1931 was the statesmanship of American labor.

With a wage deflation never before witnessed in the history of this country, labor kept its pledge given at the White House conference. It has maintained industrial peace during this period of violent readjustment. At the recent conference between railway workers and railway officials happily concluded at Chicago we saw a new chapter written in the economic history of the country, when 20 railway unions, with a membership of 1,500,000 men, making sacrifices and concessions for the common good, peacefully surrendered $200,000,000 in wages.

I am much in sympathy with the social and economic philosophies and ideals of organized labor in the United States. That interest has been quickened and strengthened by comparatively recent experiences.

There was a time, not so many months ago, when the rising tide of communism had occasioned serious disturbances in many foreign countries, and seemed, perhaps, to threaten the beliefs and loyalties that hold together our western civilization. You Members of Congress, in your wisdom, appointed a committee to investigate the activities of radicals in this country. And what did we find? We found that for years, unknown to us here, radicals had been active in the United States seeking to undermine our institutions, and that it was organized labor that had been, and then was, patriotically and uncompromisingly bearing the great burden of the communist attack in this country; that they constituted the great bulwark of defense against the potential dangers of communism in America.

We found that the Red International of Labor Unions of Moscow had here in the United States as its American section the Trade Union Unity League, presided over by William Z. Foster, representing practically all the great basic industries, with revolutionary labor unions scattered throughout the country, led by aliens, fighting and discrediting the legitimate unions in every possible way, advocating direct action and the overthrow of our American Government by force and violence. This is the same Trade Union Unity League and the same William Z. Foster referred to in the morning's news as being concerned in that bloody riot yesterday at the Ford plant in Dearborn.

In the report which I filed as a result of that investigation I made this statement, which I believe is pertinent to the present problem and deserves your thoughtful consideration:

> No one who has made a study of the communist movement in this country can fail to realize the great debt that America owes to organized labor for the universality with which it has rejected and fought against the insidious propaganda of the communist. Certainly they deserve our every consideration and support. In our fight against communism we can have no more effective ally

than the 3,000,000 patriotic citizens comprising the American Federation of Labor and the 300,000 comprising the United Mine Workers of America. Labor has a constitutional right to organize, to bargain collectively, to protect its own interests. To deny that right is to weaken our defense against radical thought in this country. Better that American labor be organized in legitimate unions, led by American citizens, supporting our American institutions, than that embittered workers be forced into revolutionary unions, led by officers of the Third International, and seeking the destruction of all things American.

Information gathered during that investigation led me to hate the "yellow-dog" contract, hate it as the one thing that breeds more communistic thought in America than anything else in our national life. Only in moments of despair do the specious theories of the communist make appeal to the American workman. Give him justice and he will be immune to the allurements of reckless radicalism. Give him justice and you can not muster a corporal's guard of communists from the ranks of organized labor in America.

For 14 years economic forces have blocked the passage of this legislation, but I believe that it has behind it to-day the imponderable force of a public opinion that will no longer be denied. Let us adopt this rule and pass this legislation, thereby assuring the great masses of our working people that here in this House privilege has no place, justice is being done, and the old ideals of democracy still survive. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Maine [Mr. BEEDY].

Mr. BEEDY. Mr. Speaker, I think there are few thoughtful men to-day who, having been sworn as Members of the Federal Congress, would lift their voices in opposition to the legislation provided for under the pending rule. It is very clear to me that if the provisions of the Clayton Act, as originally written, had not been abused, we should never have been called upon to consider this so-called anti-injunction bill of the present day.

In my State we do not have the troubles from strikes that have been experienced by many other States in the Union. I think anybody from Maine who speaks in behalf of this legislation may not with justification be accused of catering to any faction. So far as I know, at least it is true within my recollection, none of our Federal courts in Maine has ever been called upon to issue a labor injunction. Therefore, so far as I am concerned, sponsorship of this legislation grows out of sympathy for all classes of people affected, and is born of a desire that justice shall be meted out to all, irrespective of social status.

Considering its record during the troublous days in which we now find ourselves, I think we ought to be very proud of organized labor. I have often wondered how any organization whose members were facing the hardships of these recent days, could have conducted itself more patriotically and with a broader spirit of tolerance than have the millions who make up organized labor in the United States.

I think the House bill is a great improvement over the bill which originated in the Senate. I refer particularly to the change written into the first lines of section 11. It did seem to me that the Senate bill, which would guarantee the right of trial by jury in all contempt cases arising out of all kinds of injunction proceedings is too broad, and that when we shall have provided the right of trial by jury in contempt cases for all injunction proceedings arising out of labor disputes we shall have accomplished what we set out to accomplish. Therefore, I commend the committee of the House for having inserted this language which we find in section 11, viz, the words, "arising under this act in which." This language accomplishes a desirable end. It confines the right of jury trial in contempt cases for violations of injunctions to labor disputes.

The next problem that troubles me is that which arises under subsection (e) of section 4, in which men giving publicity to the existence of a strike, and so forth, shall not be subject to an injunction. I understand the gentleman from Michigan [Mr. MICHENER] is to offer an amendment by adding the words "threat or intimidation." Surely when strikers use threats to promote their strike they ought to be enjoined.

The SPEAKER. The time of the gentleman from Maine has expired.

Mr. MICHENER. Mr. Speaker, I yield two additional minutes to the gentleman from Maine.

Mr. BEEDY. I wish the committee might agree upon a definition of the word "intimidation." The courts have differed as to what constitutes intimidation. In American Foundries *v.* Tri-City Council (257 U. S.) the court said that the name "picket" of itself indicated "a militant purpose and appeared inconsistent with peaceable persuasion." Certainly such an interpretation is unjustifiable, and the use of pickets without threats or intimidation is no ground for the issuance of an injunction. However, anybody on strike who threatens an American citizen or who intimidates him ought to be subject to an injunction.

But what is intimidation? I think we might all agree that any conduct which is intended to arouse fear or apprehension of violence is an intimidation. Such conduct in the course of a strike surely justifies the issuance of an injunction. I would like to know if my friend the gentleman from New York [Mr. LAGUARDIA] would not agree that conduct intended to arouse fear or apprehension of violence is a reasonable definition of "intimidation"?

Mr. LAGUARDIA. As the gentleman and I understand it, we would have no trouble about it, but I call the gentleman's attention to some decisions. What I fear is that the word "intimidation" may be used or abused or misused by some of the judges, but if it is so defined as to carry out the intent which the gentleman describes, I would see no objection to it.

Mr. BEEDY. That is my idea exactly.

This proposed legislation is a step forward. It will prove to be a strong deterrent to the spread of radical thought, it will tend to "establish justice, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." [Applause.]

The SPEAKER. The time of the gentleman from Maine has again expired.

Mr. MICHENER. Mr. Speaker, I yield one minute to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Speaker, I simply want to make a suggestion. I was delighted to hear from the gentleman from Alabama [Mr. BANKHEAD] that this is a Democratic doctrine. On my next visit to the textile mills of the South I hope I will be able to find that they are encouraging collective bargaining and that they will welcome organizers of labor unions and live up to the doctrine which they apparently indorse to-day. [Applause.]

Mr. O'CONNOR. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. SUMNERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5315) to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5315) to amend the Judicial Code, with Mr. CONNERY in the chair.

The Clerk read the title of the bill.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BLANTON. Mr. Chairman, reserving the right to object, if the gentleman from Texas will couple with that request a request that the bill at this juncture be printed in the RECORD, I shall not object, but the bill should go into the RECORD so that the RECORD will show exactly what kind of a measure we have before us. I shall object unless the gentleman asks that the bill be printed at this place. If the bill is read, as the rules require, it will be printed in the RECORD. And by requiring it to be read, I can thus force it to be printed in the RECORD.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with, but that the bill be printed in the RECORD at this place.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The bill referred to is as follows:

Be it enacted, etc., That no court of the United States, as herein defined, shall have jurisdiction to issue any restraining order or temporary or permanent injunction in a case involving or growing out of a labor dispute, except in strict conformity with the provisions of this act; nor shall any such restraining order of temporary or permanent injunction be issued contrary to the public policy declared in this act.

SEC. 2. In the interpretation of this act and in determining the jurisdiction and authority of the courts of the United States, as such jurisdiction and authority are herein defined and limited, the public policy of the United States is hereby declared as follows:

Whereas under prevailing economic conditions, developed with the aid of governmental authority for owners of property to organize in the corporate and other forms of ownership association, the individual unorganized worker is commonly helpless to exercise actual liberty of contract and to protect his freedom of labor, and thereby to obtain acceptable terms and conditions of employment, wherefore it is necessary that he have full freedom of association, self-organization, and designation of representatives of his own choosing, to negotiate the terms and conditions of his employment, and that he shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; therefore, the following definitions of, and limitations upon, the jurisdiction and authority of the courts of the United States are hereby enacted.

SEC. 3. Any undertaking or promise, such as is described in this section, or any other undertaking or promise in conflict with the public policy declared in section 2 of this act, is hereby declared to be contrary to the public policy of the United States, shall not be enforceable, and shall not afford any basis for the granting of legal or equitable relief by any court of the United States, including specifically the following:

Every undertaking or promise hereafter made, whether written or oral, express or implied, constituting or contained in any contract or agreement of hiring or employment between any individual, firm, company, association, or corporation, and any employee or prospective employee of the same, whereby

(a) Either party to such contract or agreement undertakes or promises not to join, become, or remain a member of any labor organization or of any employer organization; or

(b) Either party to such contract or agreement undertakes or promises that he will withdraw from an employment relation in the event that he joins, becomes, or remains a member of any labor organization or of any employer organization.

SEC. 4. No court of the United States shall have jurisdiction to issue any restraining order or temporary or permanent injunction in cases involving or growing out of any labor dispute to prohibit any person or persons participating or interested in such dispute (as these terms are herein defined) from doing, whether singly or in concert, any of the following acts:

(a) Ceasing or refusing to perform any work or to remain in any relation of employment;

(b) Becoming or remaining a member of any labor organization or of any employer organization, regardless of any such undertaking or promise as is described in section 3 of this act;

(c) Paying or giving to, or withholding from, any person participating or interested in such labor dispute any strike or unemployment benefits or insurance or other moneys or things of value;

(d) By all lawful means aiding any person participating or interested in any labor dispute who is being proceeded against in, or is prosecuting, any action or suit in any court of the United States or of any State;

(e) Giving publicity to the existence of, or the facts involved in, any labor dispute, whether by advertising, speaking, patroling, or by any other method not involving fraud or violence;

(f) Assembling peaceably to act or to organize to act in promotion of their interests in a labor dispute;

(g) Advising or notifying any person of an intention to do any of the acts heretofore specified;

(h) Agreeing with other persons to do or not to do any of the acts heretofore specified; and

(i) Advising, urging, or otherwise causing or inducing without fraud or violence the acts heretofore specified, regardless of any such undertaking or promise as is described in section 3 of this act.

SEC. 5. No court of the United States shall have jurisdiction to issue a restraining order or temporary or permanent injunction upon the ground that any of the persons participating or interested in a labor dispute constitute or are engaged in an unlawful combination or conspiracy because of the doing in concert of the acts enumerated in section 4 of this act.

SEC. 6. No officer or member of any association or organization, and no association or organization participating or interested in a labor dispute, shall be held responsible or liable in any court of the United States for the unlawful acts of individual officers, members, or agents, except upon clear proof of actual participation in, or actual authorization of, such acts, or of ratification of such acts after actual knowledge thereof.

SEC. 7. No court of the United States shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute, as herein defined, except after hearing the testimony of witnesses in open court (with opportunity for cross-examination) in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered, and except after findings of fact by the court, to the effect—

(a) That unlawful acts have been committed and will be continued unless restrained;

(b) That substantial and irreparable injury to complainant's property will follow;

(c) That as to each item of relief granted greater injury will be inflicted upon complainant by the denial of relief than will be inflicted upon defendants by the granting of relief;

(d) That complainant has no adequate remedy at law; and

(e) That the public officers charged with the duty to protect complainant's property are unable or unwilling to furnish adequate protection.

Such hearing shall be held after due and personal notice thereof has been given, in such manner as the court shall direct, to all known persons against whom relief is sought, and also to those public officers charged with the duty to protect complainant's property: *Provided, however*, That if a complainant shall also allege that, unless a temporary restraining order shall be issued without notice, a substantial and irreparable injury to complainant's property will be unavoidable, such a temporary restraining order may be issued upon testimony under oath, sufficient, if sustained, to justify the court in issuing a temporary injunction upon a hearing after notice. Such a temporary restraining order shall be effective for no longer than five days and shall become void at the expiration of said five days. No temporary restraining order or temporary injunction shall be issued except on condition that complainant shall first file an undertaking with adequate security sufficient to recompense those enjoined for any loss, expense, or damage caused by the improvident or erroneous issuance of such order or injunction, including all reasonable costs (together with a reasonable attorney's fee) and expense of defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

The undertaking herein mentioned shall be understood to signify an agreement entered into by the complainant and the surety upon which a decree may be rendered in the same suit or proceeding against said complainant and surety, the said complainant and surety submitting themselves to the jurisdiction of the court for that purpose. But nothing herein contained shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his ordinary remedy by suit at law or in equity.

SEC. 8. No restraining order or injunctive relief shall be granted to any complainant who has failed to comply with any obligation imposed by law which is involved in the labor dispute in question, or who has failed to make every reasonable effort to settle such dispute either by negotiation or with the aid of any available governmental machinery of mediation or voluntary arbitration.

SEC. 9. No restraining order or temporary or permanent injunction shall be granted in a case involving or growing out of a labor dispute, except on the basis of findings of fact made and filed by the court in the record of the case prior to the issuance of such restraining order or injunction; and every restraining order or injunction granted in a case involving or growing out of a labor dispute shall include only a prohibition of such specific act or acts as may be expressly complained of in the bill of complaint or petition filed in such case and as shall be expressly included in said findings of fact made and filed by the court as provided herein.

SEC. 10. Whenever any court of the United States shall issue or deny any temporary injunction in a case involving or growing out of a labor dispute, the court shall, upon the request of any party to the proceedings, forthwith certify the entire record of the case, including a transcript of the evidence taken, to the circuit court of appeals for its review. Upon the filing of such record in the circuit court of appeals, the appeal shall be heard and the temporary injunctive order affirmed, modified, or set aside with the greatest possible expedition, giving the proceedings precedence over all other matters except older matters of the same character.

SEC. 11. In all cases where a person shall be charged with indirect criminal contempt for violation of a restraining order or injunction issued by a court of the United States (as herein defined), the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed: *Provided*, That this requirement shall not be construed to apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice or to apply to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court.

SEC. 12. The defendant in any proceeding for contempt of court is authorized to file with the court a demand for the retirement of the judge sitting in the proceeding, if the contempt arises from an attack upon the character or conduct of such judge and if the attack occurred otherwise than in open court. Upon the filing of

any such demand the judge shall thereupon proceed no further, but another judge shall be designated in the same manner as provided in case of the approval of an affidavit of personal bias or prejudice under section 21 of the Judicial Code. The demand shall be filed prior to the hearing in the contempt proceeding.

SEC. 13. When used in this act, and for the purposes of this act—

(a) A case shall be held to involve or to grow out of a labor dispute when the case involves persons who are engaged in the same industry, trade, craft, or occupation; or have direct or indirect interests therein; or who are employees of the same employer; or who are members of the same or an affiliated organization of employers or employees; whether such dispute is (1) between one or more employers or associations of employers and one or more employees or associations of employees; (2) between one or more employers or associations of employers and one or more employers or association of employers; or (3) between one or more employees or associations of employees and one or more employees or associations of employees; or when the case involves any conflicting or competing interests in a "labor dispute" (as hereinafter defined) of "persons participating or interested" therein (as hereinafter defined).

(b) A person or association shall be held to be a person participating or interested in a labor dispute if relief is sought against him or it and if he or it is engaged in the same industry, trade, craft, or occupation in which such dispute occurs, or has a direct or indirect interest therein, or is a member, officer, or agent of any association composed in whole or in part of employers or employees engaged in such industry, trade, craft, or occupation.

(c) The term "labor dispute" includes any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms and conditions of employment, or concerning employment relations, or any other controversy arising out of the respective interests of employer and employee, regardless of whether or not the disputants stand in the proximate relation of employer and employee.

(d) The term "court of the United States" means any court of the United States whose jurisdiction has been or may be conferred or defined or limited by act of Congress, including the courts of the District of Columbia.

SEC. 14. If any provisions of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby.

SEC. 15. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. BLANTON. Mr. Chairman, may I ask my colleague, the gentleman from Texas [Mr. SUMNERS], whether he will yield to me one-half of the time which he controls? I am opposed to this measure, and I would like to have the privilege of parceling out the time to those Members who are opposed to the bill.

Mr. SUMNERS of Texas. Mr. Chairman, in reply to the interrogation by the gentleman from Texas, my answer is that I will not. I do not think I have the privilege of doing that.

Mr. BLANTON. The gentleman has control of two hours, one-half of which is entitled to be used by those opposing the bill.

Mr. SUMNERS of Texas. That is correct.

Mr. BLANTON. As one who opposes the bill, I would like to have the privilege of controlling some of the time, in accord with the rules of debate in all parliamentary bodies.

Mr. SUMNERS of Texas. The difficulty is that there may be some other Members who would desire time.

Mr. BLANTON. Will the gentleman yield me 30 minutes?

Mr. O'CONNOR. Reserving the right to object, the rule provides that all control shall be in the chairman of the committee and the ranking minority Member. I do not believe that any time could be yielded to any Member to yield to any other Member.

Mr. BLANTON. It is not a matter of unanimous consent. It is a matter of right. The gentleman from New York can not object. But the gentleman from Texas, as I understand, will yield me 30 minutes in my own right.

Mr. SUMNERS of Texas. Unless the chairman of the committee has more requests than he now has for time in opposition to the bill, the gentleman from Texas [Mr. BLANTON] will have a very good chance of getting 30 minutes to oppose the bill.

Mr. Chairman, I now yield 10 minutes to the gentleman from Tennessee [Mr. BROWNING].

Mr. BROWNING. Mr. Chairman, this measure, in my judgment, is the culmination of a long and not altogether fortunate struggle. There has been repeated effort on the part of Congress, especially one very definite effort, in the past to bring about just what this bill undertakes to do. I refer to the passage of the Clayton Act, as has been stated by the gentleman from Maine [Mr. BEEDY]. Had the intent of Congress been developed by the decision of the Federal courts of the United States on the Clayton Act, in all probability this measure would not have been necessary; but instead of that act, in the eyes of the court, being construed as what the Congress intended, it was denatured, emasculated, and tortured into an instrument for further oppression of those whom we sought to relieve.

The principles that this bill undertakes to initiate are not new. In the beginning it lays down what we choose to call the public policy of the United States. There is some criticism of that, but I, for one, believe that it is absolutely proper and fitting that this Congress should declare the public policy, especially in cases of this kind. Public policy is necessary, because it may be used to resolve uncertainties of the law, not to take the place of the law. Public policy, as we know it, is derived from the Constitution and from the expressions of our legislative bodies. There is some insistence, although I do not think it has strong ground for being maintained, that the decisions of courts are a part of the public policy. That may be true in the absence of expression by the Constitution or legislative bodies.

As an example of the need of public policy in this case, I refer you to the famous Duplex case, which held an injunction in order against those who are undertaking a boycott to carry out the purposes of a strike, and on which was based the later Stone Cutter case.

There were 13 judges who considered and passed on that question before it was finally determined. There were 8 of those judges who expressed the opinion that an injunction was not proper. There were 5 of them who expressed the opinion that it was, and they happened to be a majority of the Supreme Court of the United States in a decision of 5 to 4. I mention that to show the doubt in the minds of those individuals who have the discretion of administering the law as to what is proper.

Judges do not claim to be infallible in their judgment, and there never has been more disagreement on the part of those who are called upon to pass on public questions than there has been among the judges who have been called upon to determine when is the proper time to issue an injunction by a Federal court in a labor dispute.

The public policy laid down in the bill, I think, is essential, because there should be some standard by which the courts may know, at a time when they are in such confusion, what it is proper to do. I think the most fitting and, in reality, the only proper tribunal to express such a policy is the Congress, representing, as it does by direct commission, the people of the country. I think the Congress is the proper tribunal to express the policy as laid out in this bill.

The public policy is taken from expressions of the Supreme Court, from expressions of inferior courts, from statements of famous dissenters, and from expressions of legislative bodies of the Nation as to what they understand to be the public policy. I, for one, think it a proper procedure. I think it should be done more frequently than it is done. It has been done in the past so it is not a new procedure, and for my part I am willing to begin the procedure of expressions of public policy in regard to all future measures, especially those dealing with a proposition as important as that which is now before us, preponderantly human rights over property rights.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. JOHNSON of Texas. In construing statutes, the courts frequently are at considerable loss to understand the intention of Congress at the time the act was passed, and sometimes by various means they seek to ascertain what the intention of Congress was. This declaration of policy will solve that difficulty for the courts in construing this statute, will it not?

Mr. BROWNING. I think undoubtedly it will, and in view of the confusion which has been evidenced in the decisions

already rendered I think it is nothing but fairness to the courts that we should express the public policy in order that they may be able to resolve the doubts of the law as it now exists.

Another principle we undertake to enunciate here is not new, and that is the right of trial by jury. The insistence is made against this measure that it is robbing the people of the right to prevent a wrong, which would be better than undertaking to remunerate them for the wrong done. In my humble opinion that is not the principal reason for those people undertaking to hold on to this practice of the Federal courts. The principal reason is that they would rather undertake to convince one man, who is schooled in the thought of their economic beliefs, than to convince 12 men of their rights in a trial by jury.

The right of trial by jury is a constitutional right. It goes back to the first declaration of English rights.

We have a situation now by which a man may be enjoined by a Federal court without notice, and either through ignorance or intention he violates that injunction. He is arraigned before the court, which is not only the legislature but the grand jury, the trial judge and the prosecuting attorney; the man is sent to jail without a trial by jury, which is guaranteed to him under the Constitution; and then another court on appeal, two or three years later, may decide that the injunction was wrongfully issued. However, that man has been punished, not only wrongfully, but punished contrary to the fundamentals of the Constitution. I say it is not right for such a practice to be perpetuated in this free country of ours, and that is one of the things which is being objected to in the passage of this bill.

Mr. BACHMANN. Will the gentleman yield?

Mr. BROWNING. For a brief question.

Mr. BACHMANN. The gentleman does not intend to extend that principle to contempt that is committed in the presence of the court?

Mr. BROWNING. No. The court, under this bill, has the right to punish contempts committed in the presence of the court. The bill extends to the people the right of notice when an injunction is to be issued against them. That is an American doctrine as old as the Constitution itself, and I believe it should be a part of the law.

Mr. SPARKS. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. SPARKS. Under this bill only criminal contempts are the ones where the defendant is entitled to a jury trial.

Mr. BROWNING. Yes. Only those things which would be a crime if committed under the jurisdiction of criminal law. Then he is entitled to a trial by jury. [Applause.]

[Here the gavel fell.]

Mr. DYER. Mr. Chairman, I yield 30 minutes to the gentleman from Pennsylvania [Mr. BECK]. [Applause.]

Mr. BECK. Mr. Chairman and gentlemen of the committee, I never addressed myself to an argument with such a solemn sense of responsibility. In my judgment, this proposal is one of the gravest proposals that has ever been brought before Congress during the period that I have had the honor of serving as a Member of this House.

I doubt very much whether some of my colleagues fully appreciate all the possible implications of this bill and the contribution it will one day make, not only to great discontent between employer and employee, but to a situation of industrial anarchy.

If I consulted my personal interests, I would remain silent and simply content myself with voting no. But I am a member of the bar and have a peculiar relation to the administration of the law. Moreover, I am a citizen of the United States who, I trust, holds in equal regard the interests of both employer and employee. Whatever the consequences, I feel I should speak; for if I did not, for fear of political consequences, I would have in the remainder of my life an uneasy conscience.

I believe this bill, if it becomes a law, will do infinite harm to both classes, employer and employee, and even of more consequence, the innocent public.

It was said by the gentleman from New York in the argument on the rule that the prospective passage of this bill illustrated the beneficent education of democratic institutions, in that after many years of agitation, when Congress after Congress had rejected proposals of a more deserving character than those embodied in this bill, that now, as a result of this education, the House is prepared to strip the Federal courts of the most vital function of those courts in promoting justice in industrial disputes. I recognize the probable passage of this bill by the House, and let me say here that if I were the only man in the House to speak and vote against the bill, and if I knew it would cost me my political life, I would regard it the crowning service of my modest public service that I at least protested against a measure so unjust and impolitic, and in so doing voiced the sober conscience of millions of right-thinking men. [Applause.]

Referring again to what the gentleman from New York said, this probable enactment, far from illustrating the educational possibilities of democracy, illustrates what I have often regarded as the fatalism of democracy, a fatalism that will surely—not in your lifetime or mine—spell the ultimate dissolution of democratic institutions. I can illustrate my meaning by the homely illustration of the young lady who, wearied of the importunate solicitations of a suitor, marries him to get rid of him; and this yielding to long-continued importunity has often been illustrated in the history of the American Congress. A militant and vociferous minority will press long enough for the enactment of legislation, and in disregard of the many times that the Congress of the United States may have rejected their proposition, they will ultimately secure their ends by the sheer importunity of their demands, not to speak of the concerted pressure upon weak and timid legislators.

This is illustrated in this case, because the Senate, that had repeatedly rejected more deserving proposals to regulate injunctions, have passed this bill by a very substantial majority, some Senators voting affirmatively with avowed shame; and I am told the House, with only four hours to discuss the fundamental liberties of American citizens, whether they are of the laboring class or the employer class, will probably pass this bill, and the only thing that will stand between this iniquitous stripping of the courts of equity of their ancient and most beneficent powers will be the possible veto of the President.

Mr. CELLER. Will the gentleman yield?

Mr. BECK. No; I would rather not yield until I have developed my argument. Then I will yield with great pleasure.

I shall now briefly indicate seven specific objections of a very grave character to this bill.

First. Section 4: Injunctions are to be largely limited to "fraud or violence." Mass picketing, intimidations, trailing, besetting, importuning, libeling, and false statements are to be beyond the reach of injunctive relief.

Second. Section 4: No injunction shall be issued against the organization and maintenance of strikes even where said strikes are called in violation of contract, to extort graft, to compel the employer to commit a criminal act, to accomplish political purposes, to prevent freedom of press, to prevent the use of products which the public desire to use, to coerce Congress and the Executive.

Third. Section 7: Although injunctions are to be limited largely to acts of fraud and violence, no relief can be granted in such cases unless the complainant can show that he is being injured more by the fraud and violence than the defendant will be injured by stopping such fraud and violence. This is an unpracticable requirement.

Fourth. Section 8: Although the defendants may, without notice, organize industrial war through fraud, violence, and other unlawful acts, the plaintiff shall not receive injunctive relief unless he first endeavors "to settle such dispute either by negotiation or with the aid of any available governmental machinery of mediation or arbitration." The aggressor may act without notice, but the aggrieved may not defend himself by securing injunctive relief without tolerating the violence until he has gone through various steps of peaceful negotiation. While plaintiff is negotiating, the situation may become beyond any possibility of judicial relief.

Fifth. Section 7: No injunction shall issue without proof that public officials charged with the duty to protect property are unable or unwilling to furnish adequate protection. Such an inquiry would be an affront to the authorities of a State.

Sixth. Section 7: The court is deprived of all jurisdiction to issue a temporary restraining order to continue for more than five days in labor dispute cases. This, of course, conflicts with the earlier provision in the same section requiring the examination and cross-examination of witnesses to secure a preliminary injunction, as it is obvious that more than five days would be consumed in most cases of this character by the examination of witnesses. Moreover, it deprives the court of any discretion to extend the restraining order, even though the court were otherwise engaged or counsel were sick. The provisions in the Clayton Act, leaving such matters to the discretion of the court, are as they should be.

Seventh. Section 11: The bill provides for a jury trial of criminal contempts. This is quite distinct from the present provision of the law, sustained in the case of Michaelson *v.* United States (266 U. S. 42), wherein a jury trial for contempts was prescribed in cases where the acts of contempt were per se criminal. Under provisions of the pending bill, contempts for ignoring supœnas, jury summons, and so forth, would have to be tried by a jury as well as contempts for violation of the Volstead Act, as this section of the bill is not limited to labor cases.

If I try to discuss these in this oral argument my half hour would be very speedily consumed. I would rather address myself to the more fundamental objection that seems to me to underlie this bill, and as to which I may venture to offer an amendment, which will test the sincerity of some of the proponents of this legislation.

The difficulty with this bill, fundamentally, is that it takes no account whatever of the motives and purposes with which a nation-wide strike or boycott can be commenced and prosecuted.

Obviously, an industrial dispute can be made the means of compelling some action wholly disconnected with the causes or conditions of employment, and it can even be caused to bring about some political result and threaten the freedom of decision of the Congress itself. In other words, the industrial boycott or strike, when nation-wide in its extent, can become that which in England is called "direct action," and there is no provision in this bill that if there be an industrial dispute or a threat of an industrial dispute that may, for example, paralyze interstate transportation from the Atlantic to the Pacific, that a court of equity in such case would have the right or power to invoke the ancient and beneficent remedy of injunction.

The so-called educational process, that now seems to be in the process of culmination, began in 1894, 38 years ago, in a strike to which I wish to refer, as it will illustrate what may happen if the courts of the United States no longer have any power to issue injunctions except under conditions that are almost prohibitive.

You will remember in that case the Pullman Co. had a controversy with its immediate employees. With that the railroad brotherhoods or the American Railway Union, as it was then called, had no legitimate concern. Nevertheless, in order to compel the Pullman Co. to make terms—whether they were just or unjust I do not know—with the Pullman employees, the railroads entered upon a strike which was intended to paralyze all traffic into the city of Chicago, with the potential threat of denying even the children of that city the milk requisite for their life, and which was intended to obstruct and prevent and put an embargo upon all the foodstuffs that would leave Chicago in order to provide nourishment and maintenance to some 12,000,000 people outside of the city of Chicago.

Let me remind the gentlemen on the Democratic side of the aisle that one of the crowning achievements of that great and noble President, Grover Cleveland, was to instruct his Attorney General to go into the United States courts and there bring the parties that were trying to starve the people of the United States into compelling the Pullman Co. to accede to the demands of the Pullman workmen; and, as a result of that bill in equity, after a hearing in court a permanent injunction was entered, and for a time disobeyed, although that is another matter.

At all events, if there be one act of Cleveland's administration of which every Democrat who cherishes the maintenance of American freedom should be proud, it is his brave act in initiating this suit. Yet, if this bill had been the law then, while there is the exception that an injunction can issue in cases of fraud or violence, yet the fact is that a restraining order to permit irreparable harm could only be granted for five days, at the end of which a court of equity would have been impotent to preserve the status quo in order to determine the respective rights of the parties. Prior to that time there had never been a suggestion on the part of those who are the proponents of labor organizations for legislation of the kind before us. I believe quite as much as does the gentleman from Maine [Mr. NELSON] in the right of labor organizations; I share his splendid eulogy of the beneficent workings of those associations; I indorse his views that in this most acute crisis that our country possibly has ever known the conduct of the labor organizations has been beyond praise. I share all that he has said about their generosity and their public spirit in agreeing to a reduction of wages as their contribution to an alleviation of the terrible conditions of the hour. But, let it not be forgotten that a labor organization can be malevolent as well as beneficent. It can have proper purposes and it can have improper purposes, and the attempt in 1894 in a matter which did not concern them to starve the community and compel it to bring unreasonable pressure upon the freedom of the Pullman Co. and of such of its employees as were satisfied to work was a denial of freedom.

Let me give a second illustration before I go farther. I suppose some of us remember the year 1916, when the demands upon traffic were unprecedented, when it was vital to the industries of this country that interstate traffic should move, when it was not only vital to us but vital to those nations that subsequently became our allies that war supplies should be moved to the Atlantic seaboard. The four railroad brotherhoods took that time to enforce their demand, and did so on the eve of a presidential election, just as they are doing now; and for the same reason, viz, that there is less freedom of action on the part of Congress on the eve of a presidential election, they went to President Wilson and with watch in their hands demanded that unless within a specified time, which, as I recall, was only a few days, he insured the passage of a clearly unconstitutional law to give 12 hours' pay for an 8-hour day's work they would at once paralyze the interstate traffic of the United States from the Atlantic to the Pacific, to the ruin of millions and possibly to the starvation of millions, because there are many cities, like New York and Chicago, where, if you cut off their supplies for a week or 10 days, the people will be threatened with starvation. It is a humiliating fact to recall that President Wilson bowed to the insolent demand and thereupon appeared before the Congress and urged the passage of that unprecedented law, the Adamson law. Do not tell that because it was direct action for a political purpose, it was not an industrial dispute, because the method of compelling the Congress of the United States to abdicate its function under the Constitution was for every workingman to leave his locomotive and his train and stop the movement of interstate traffic.

The Congress yielded, I think, to its own disgrace, and the Supreme Court so far yielded, that while five of the judges did hold that the law could be sustained, one of the five held that it was only temporarily constitutional, upon the theory of an emergency, in order to enable the railroads and the brotherhoods to agree upon suitable wages. But five judges held that except as an emergency measure it was unconstitutional and void. Yet they validated the law for the time being and in the way that I have indicated. If this bill had been the law then, there would have been no power whatever, in that critical year of 1916, when we were

preparing for a war into which we were about to be drawn, for President Wilson to have done as President Cleveland did—direct the Attorney General to enter a court of equity, get a restraining order for a limited and reasonable time until the parties could be brought before it, and then, after full hearing, grant an injunction against the destruction of interstate trade. A sovereign State can not place an embargo upon interstate trade; yet this organization of railroad employees, with their power to tie up traffic from the Atlantic to the Pacific and from the Lakes to the Gulf, can put on such an embargo. In the last analysis this bill is to shift the power of granting an injunction from the courts that may be trusted to hold the scales even between employer and employee, to those who are not judges but who are only the representatives of a class, and who can starve a community into submission of their demands unless there be power in a court of equity to draw about an innocent public that suffers most by such embargoes the solemn circle of the law and say, "Thus far and no farther."

I recall two illustrations that happened to me in 1920 and 1922 which I wish to call to the attention of the committee. In 1920 I was in London. The communists of London—and I am not classing American labor organizations with communists because I have already assented to the well-deserved eulogium of the gentleman from Maine—had hired Albert Hall, I think it was, for three meetings. They had held two meetings in which they had agitated for the destruction of all organized government. They had marched in with red flags, denouncing every existing institution which you and I hold dear—a government of laws and not of men, the church, the courts, and the legislature. Thereupon the owners of the hall, at the direction of Lloyd George, canceled the lease for the third meeting; and the labor organizations of London, that were not communistic at heart but who were engaged in supplying London with light, heat, and water, sent notice to Lloyd George that unless within 24 hours the hall was given over to the communists to hold their meeting there would be no light, no heat, no water in London.

Lloyd George promptly succumbed to prevent irreparable harm, rather than see London plunged into darkness and its people wanting in the necessity of water.

Two years later the Bolshevists were at the gates of Warsaw, and if they had captured Warsaw they would have entered Germany and a minority of the German people, in their despair, crushed as they are, would have probably joined a movement that absolutely threatened the existence of western civilization itself. What happened? Poland put its women and children in the trenches against that attack of the Russian Soviets and appealed to France and Belgium and England. France promptly sent its generals and supplies. In Belgium it was proposed to aid Poland by contributing artillery and other munitions of war, and then the labor organizations said to the Belgian Government, "Do this and there will be a general strike in Belgium." At once the cabinet succumbed and Hymans, Foreign Minister, with whom I had dined the night before, resigned in protest.

In England the same thing took place. England wanted to join France in defending Poland and western Europe against a greater peril than had existed in Europe since Attila stood at Chalons centuries ago. England wanted to help. At once the railroad brotherhoods and other transportation interests served notice on Lloyd George that the moment one rifle was given to the Poles there would be a general strike in England. Lloyd George yielded to the threat.

You will say those are illustrations in other nations. Let me give one in our country that is in my memory, although I had no special connection with it. I refer to the shopcraft strike of 1922, when I was Solicitor General. I can still remember the great map we had in the Department of Justice which 2,000 deputy marshals reported day by day and hour by hour some new and fresh outrage, which was marked on the map. If you doubt it, go to the Department of Justice and you will see the record there. There were 1,500 cases of violent assault with intent to kill; 65 accounts of kidnaping, accompanied by brutal assaults; 8 cases of tar and feathers; 51 cases of dynamiting and burning railroad bridges for the purpose of wrecking freight and passenger trains; 250 records of bombing of railroad property or homes of nonstriking employees; 50 cases of train wrecking or derailment; hundreds of flagrant practices of sabotage in the crippling of engines and cars. That is the story of what was happening when another President, this time a Republican President, instructed the Attorney General to enter the United States court at Chicago and stop these wholesale assaults and outrages—nay, it was war against the people of this country. An injunction was filed, and never did those responsible for that strike dare to come into court and say that one single allegation of the United States Government in that case was, as a matter of fact, untrue. That strike was dissolved by the beneficent power of the injunction.

I have told you all this because I wanted to call attention to what I regard as a fundamental defect of this law. There are many others, and by reference to one you must not understand that I am excluding those to which I shall refer under the privilege of revising and extending my remarks.

Section 5 reads:

No court of the United States shall have jurisdiction to issue a restraining order—

Mark you, a restraining order is only for a few days, to preserve the status quo. If you can not preserve the status quo of a litigation, the courts of equity in many cases are impotent, because the thing about which the controversy rages is irreparably destroyed, and without the power of a restraining order there would not, in many cases, be any equity done. I continue reading—

shall have jurisdiction to issue a restraining order or temporary or permanent injunction upon the ground that any of the persons participating or interested in the labor dispute constitute or are engaged in an unlawful combination or conspiracy because of the doing in concert of the acts enumerated in section 4 of this act.

The enumeration of those acts includes the ordinary methods outside of physical violence with which these nation-wide strikes are carried to successful result.

That strips the powers of a court of equity, even though the purpose of the industrial dispute is an ulterior one. It may be to do to another President what was done to President Wilson; to another Congress what was done to the Congress of 1916. It will be within the power of the great railroad brotherhoods of this country, although I am loath to think that they would use the power, but if there be anything in human liberty it is the fear of possible abuses of power—I say it would be within their power to do again in some industrial crisis what was done in 1916; that is, to say to the President and to the Congress, "You will do so and so, or there will be no interestate transportation in this country. We will see people starve unless we get our will." Now, in the last analysis that is what it means. No State court has sufficient sweep of jurisdiction to be helpful. A nation-wide strike on interstate traffic has the purpose of taking a community by the throat and saying to that community, "You must compel, through your legislative or executive representatives, the people with whom we have a dispute to do our bidding, and if you fail to do it, the consequence be on your head," even if it involve suffering, privation, and death to the public and the community who are innocent, who have no part in the controversy, who have not been in any way responsible either for high or low wages or conditions of employment, who have relied upon the solemn guaranty of the Constitution that interstate commerce shall be free.

I say under those circumstances, after having spiked the last cannon that can defend a community from intolerable suffering, you are simply transferring the power of compelling action, not merely in an industrial dispute but of compelling action of any political nature.

When you have done that, what have you done? You have made a long march away from that Philadelphia where the Constitution of the United States was framed and in the direction of Moscow, and do not be oblivious of that fact.

[Applause.] You will have enthroned the possible rule of the proletariat in free America.

[Here the gavel fell.]

Mr. DYER. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. BECK. I feel, gentlemen, that I am making an undue trespass upon your time, but I feel so earnest in this matter. In any adjectives I use or in any aspersions I make upon this proposed law, do not understand for a moment that I am reflecting upon those who are its proponents. I have grown to that mellow age that I can see a thing which I believe is clear and indisputably true; but nevertheless I can well believe that those to whom it is not truth are just as honest as I am and are animated by just as high motives. Moreover, I am convinced that the proponents of this measure have, as I have, a sympathy for laboring men in industrial conditions, especially in a highly organized economic civilization such as ours. I understand that—and if I made any exception I would say that in the other Chamber I believe some of the proponents of this law, having visited Moscow and become somewhat enamored with its political philosophy, have endeavored to write a rule of public policy into this law which I could understand if Moscow had provided it, but I can not understand it in a Government such as ours, of laws and not of men, where the administration of justice is in the hands of judges, independent because of their life tenure, independent because of the fact that they have given their life to the equable and even-handed administration of justice. I can not believe that men of that type can not fairly and equably hold the scales of justice in these unhappy and, I suppose, often inevitable industrial disputes.

As I said before, I am going to suggest, when the time comes for amendment, that section 4, in line 23 on page 3, shall begin as follows—and those who are sincerely in favor of this bill as a measure of justice ought not to complain of it. I would amend it by beginning the sentence as follows:

Except where these acts are engaged in or threatened for an unlawful purpose or with unlawful intent.

Can there be anything unfair about that? If such a combination is to violate the Sherman law, to restrain, obstruct, or defeat interstate traffic, it is an unlawful act; and there ought to be the power in a court of equity to enjoin it, because there is no possible remedy at law, and there is none that even a court of equity can grant without a restraining order that may not cause irremediable harm.

The second amendment which I shall offer is more important. If you will turn to page 1, line 9, I would add the following—but perhaps I had better read the preceding sentence:

That no court of the United States, as herein defined, shall have jurisdiction to issue any restraining order or temporary or permanent injunction in a case involving or growing out of a labor dispute except in strict conformity with the provisions of this act, nor shall any such restraining order or temporary or permanent injunction be issued contrary to the public policy declared in this act.

I would add:

Provided, however, That neither this section nor any subsequent section of this bill shall apply to any labor dispute which involves the suspension or discontinuance of a public utility whose continuous operation is essential to the property, health, and lives of the people of any State or community. In such cases where the welfare, health, or lives of a public are concerned who are not parties to such labor dispute, or where a labor dispute involves the obstruction of any instrumentality of interstate or foreign commerce, as railroad, steamships, telegraphs, telephones, or other methods of transportation or communication, in such event the power of a United States court to grant injunctive relief in the interests of the public in accordance with the principles of equity jurisprudence shall not be denied or abridged, anything in this act to the contrary notwithstanding.

[Applause.]

Mr. BLANTON. I want to suggest a further amendment, that it should not apply where the Government of the United States is the petitioner.

Mr. BECK. That is an excellent addition; but, of course, if these amendments are added, the Government of the United States through its Attorney General can at any time enter a court of equity and keep open the channels of interstate trade; but no such thing is possible if this bill is passed. You have tied the hands of your Attorney General, you have tied the hands of the President, you have tied the hands of the courts. What possible remedy will those have who are under a solemn obligation to continue the operation of railroads, for example? What possible remedy will the public have if you strip the courts of this beneficent power of injunction?

Why, gentlemen, that is a word which, if a militant and vociferous minority will repeat it long enough, acquires a sinister name.

I would like those of you who are lawyers to take the reports of the United States courts and tell me the cases in which if you had been a chancellor you would have acted any differently than the United States court did.

Mr. LAGUARDIA. I will cite the gentleman one.

Mr. BECK. The gentleman can do it in his own time. I did not say there was not one. I said I would like the instances named. I think in a few instances there have been abuses, but the abuses are infinitesimal in number in comparison with the beneficent work of the courts of equity.

What is an injunction? An injunction is the method that has been adopted by all civilized nations from the dawn of history as a measure of preventive justice. Instead of saying to people, "Go ahead and do the unlawful acts and we will put you in jail," the chancellor, after full hearing, simply says, "Now, you are threatening to do this, and before you have done it we now command that you desist from further action." And there is no punishment unless the man, in the teeth of that benign decree, violates the command.

An injunction? Why, if you accept the Mosaic story, injunctions were written in the Ten Commandments when Almighty God gave to Moses commandments, some of which said, "Thou shalt not." The Almighty could have punished after the commission of the acts but the Almighty preferred, if we accept the Mosaic story, to write down a few specific things which said, "Thou shalt not do it," and it was an injunction. They were known to Roman law, they have been known to English law from the very beginning of history, or at least from the constitution of courts of equity, because courts of equity were the very outgrowth of the fact that it was through an injunction that the rigors of the common law were sought to be abated; that instead of taking men ruthlessly and sentencing them to prison, to the scaffold, or to the stake for offenses against the social order, the courts of equity, through the power of the chancellor, were enabled to say in a far kinder way, "Now, you are doing this or you are threatening it to be done; we have heard you, and we simply say to you, you must not do it," just as a father or a mother says to his child when the child is thoughtless, "You must not do this."

Equity distinguishes between three different degrees of injunctive relief. The first is the restraining order, whose purpose is to preserve the status quo until the court can hear a motion for the preliminary injunction pendente lite; the second is the preliminary injunction, granted upon notice to preserve the status quo during the uncertain length of litigation; and the third is the final, permanent injunction.

As I have said, these equity powers of the court have existed from time immemorial and have always been found to be essential to the administration of justice. They existed in the Roman law under the name of interdicts and were divided into three kinds—prohibitory, restitutory, and exhibitory. The English chancellors exercised these remedial powers from the first beginnings of English equity jurisprudence. Indeed, even the common-law courts in a measure enjoyed them by the use of the writ of prohibition, but its inadequacy and the superior remedial power of the injunction largely contributed to call courts of equity into existence, and the more frequent use of these writs, whereby the elementary principles governing injunctions were formulated, were—curiously enough and as proof that history repeats itself—due to the very conditions, which now make it necessary for courts of equity to use them so frequently to prevent destruction of property.

It would serve no useful purpose to trace the history of this method of administering justice. Probably in all ages and with all peoples a distinction has always been made between remedies which prevent the commission of wrongs and those which redress them when actually committed, and while no one was a more zealous champion of the common-law courts and the rights of their judges than Lord Coke, yet even he remarked how far preferable the preventive justice of the chancellor was to the compensatory justice of the common-law courts.

The founders of this Government could not have ignored this power of the judiciary, and it is significant that they were jealously insistent upon the absolute independence of the judiciary, in order that the judges could exercise, without the interference of either the legislature or executive, these great remedial powers. In the Declaration of Independence, the encroachment upon the independence of the judiciary was included as one of the great counts in that formidable indictment against the British Crown. The great declaration charged that the—

King has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers—

And had—

made judges dependent on his will alone for the tenure of their offices and the amount and payment of their salaries.

The framers of the Constitution, in defining in its noble preamble the great objects to which the Federal Government was solemnly dedicated for all time, included the phrase: "To establish justice," and while many of the phrases, employed in the preamble, were borrowed either from the preceding Articles of Confederation or from the charters of the Colonies, it is significant that the words "to establish justice" had not been thus previously used. Madison tells us that one of the great causes which led to the Constitutional Convention, was the—

necessity of providing more effectually for the security of private rights and the steady dispensation of justice. Interferences with these were evils which had, more perhaps than anything else, produced this convention.

To protect the individual from the tyranny of the many was one of the great objects of the Federal Government, and for this purpose Federal courts were established. Their independence was the very keystone of the arch. It was never contemplated that Congress could paralyze the judicial arm of the Government in any essential power.

The framers of the Constitution, in defining the powers of Congress—powers which were obviously duties—said in Article I, section 8, that Congress should have power "to constitute tribunals inferior to the Supreme Court," and this power and correlative duty was put on a plane with the power to regulate commerce and coin money.

Article III, section 1, provided that—

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

And by section 2, it was provided—

The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States and treaties, or which shall be made under their authority.

Thus the equity power to issue restraining orders, which had theretofore existed in cases where a court had reason to apprehend imminent and irreparable damage, was directly vested by the Constitution itself in the Federal courts as an inherent power.

While courts administer the law as enacted by the law-making power, and while many rights are thus subject to change or even destruction by the legislature, and while many remedies are likewise the subject of legislative change, it is obvious that there are two remedies which fundamentally concern the authority of the court itself and have no special relation to any form of action or any species of property, and without which the court could not preserve either its dignity or authority. These foundation powers can not be taken from a court when once established, since the "judicial power" is vested in the courts when created not by Congress but by the Constitution itself.

These two fundamental powers of courts are the power to punish for contempt and the power in whatever form of action to preserve the status quo pending an opportunity for the court to consider the matter in controversy by a restraining order. If either were taken from the courts, their power would in many instances be wholly nullified.

In re Debs (158 U. S. 564) the Supreme Court quotes with approval the following judicial utterances of State courts:

The power to even imprison for contempt from the earliest history of jurisprudence has been regarded as a necessary incident and attribute of a court, without which it could no more exist than without a judge. It is a power inherent in all courts of record and coexisted with them by wise provisions of common law. A court without the power effectually to protect itself against the assaults of the lawless or to enforce its orders, judgments, or decrees against the recusant parties before it would be a disgrace to the legislation and a stigma upon the age which invented it.

The summary power to commit and punish, say, contempts tending to obstruct and degrade the administration of justice is inherent in courts of chancery and other superior courts as essential to the execution of their powers and to the maintenance of their authority, and is part of the law of the land within the meaning of the Magna Charta and the twelfth article of our declaration of rights.

These judicial utterances, thus quoted with the approval of the highest court of the land, are even more applicable to a restraining order for the reason that as equity takes cognizance of no cause in which a money judgment would be adequate relief and as, therefore, equity causes ordinarily contemplate some different relief than the mere payment of money, the inability to preserve the status quo by a restraining order would frequently prevent the court from passing to final judgment and granting the final decree, which the prayers of the bill, if sustained by the proofs, would necessitate, and it is more derogatory to the dignity of the court to prevent by anticipation that which the court upon hearing would have ordered than to punish after the hearing the refusal of the recusant party to do that which is ordered. Whatever the comparative importance of the two may be, it can not be gainsaid that the two remedies are complementary, and the power by contempt proceedings to punish the recusant party for refusing to do that which he is ordered to do would be inadequate for the full assertion of equity powers were it not for the complementary right of the court, before the defendant could be in contempt, to direct that the status quo be preserved until the court could hear both sides of the controversy and grant such relief in the premises as the law of the land requires. The proposed bill seeks to destroy this inherent, immemorial, and indispensable power of a court of equity. Were it confined to a mere prohibition of the issuance without reasonable previous notice of a writ of injunction as technically distinguished from a restraining order, no objection could be had to its passage. It would not change the law or the practice of the Federal courts as they now exist; but it goes farther and seeks to prevent a restraining order without previous notice and a hearing except for five days and no longer. Previous notice must of necessity mean such adequate notice to the parties affected by the restraining order as will enable them to appear in court and show the nature of their defense. It would, therefore, of necessity be a notice extending over some days, especially in labor cases, where considerable time would necessarily be required to serve notice upon the large number of persons who are ordinarily the subject of the labor controversies in the courts. Moreover, a hearing would have to be had and, as usual in this class of cases, the merits of the question would of necessity be gone into at such hearing and considerable time thus lost. The bill, therefore, would effectually destroy the power of the court, no matter how imminent and irreparable the danger might be, of granting any restraining order to preserve the status quo. It may be admitted that in many labor controversies no real inconvenience or hardship would thereby result, but in many other labor cases irreparable harm and mischief would follow, for frequently a bill of injunction is not filed to restrain unlawful combinations until there is immediate danger of grievous injury, for which no money or other redress is possible against the unnamed and unknown conspirators, who, moreover, are often financially irresponsible.

To illustrate this, let us take the cause célèbre from which sprang this agitation to destroy the power of the Federal courts to issue such injunctions. I refer to the case In re Debs, supra, which was decided in 1894 and which admirably illustrates the mischievous possibilities of the proposed legislation. Before the Debs case there was no dissatisfaction with the Federal courts in the matter of injunctions, but since the Debs case, and the collapse of the gigantic strike, which was the subject matter of that litigation, there has been a continuous effort by professional labor leaders, in and out of Congress, to prevent a repetition of the action of the Federal courts in the Debs case, notwithstanding that it finally had the sanction of the Supreme Court of the land, and that the suit was instituted at the instance of the President of the United States as the representative of the whole American people.

The facts referred to in the bill were matters of common knowledge. The strikers numbered thousands and had so far succeeded that not only was Chicago isolated from the world but the entire country suffered from the injury to its supply of food. The wires carried to the farthest parts of the world the news of the paralysis of law and order in Chicago, and for a time the majesty of the law seemed hopelessly subverted. In this notorious condition—the facts of which were not then and are not now capable of dispute—the United States filed a bill in equity to restrain the officers of the American Railway Union from persisting in their unlawful conspiracy, and the court granted a preliminary injunction which in no way affected any property rights of the defendants, but simply commanded them to refrain from doing that which under the laws of this country, and of every civilized country, is unlawful and criminal. If they were not committing the acts, the injunction could do them no possible harm, and if they were committing them, the command that they should refrain from destroying other people's property and interfering with other people's liberty and imperiling other people's lives would seem so eminently just that sympathy for the conspirators would seem to have been somewhat misplaced.

In this connection it should be noted that neither the bill nor the injunction in the Debs case in any manner interfered with the right of the members of the railway union or of the Pullman Palace Car Co., either individually or collectively, to strike. As Mr. Justice Brewer said:

> It was not a bill to command a keeping of the peace; much less was its purport to restrain the defendants from abandoning whatever employment they were engaged in. The right of any laborer, or any number of laborers to quit work was not challenged. The scope and purpose of the bill was only to restrain the forcible obstructions of the highways along which interstate commerce travels and mails are carried.

The preliminary injunction, which was virtually a restraining order, was served upon the defendants, who, without seeking either to modify its terms or vacate it altogether or to take an appeal from its provisions, elected to defy the order of the court, and it was for this willful refusal to obey this preliminary injunction, after due service of notice of its contents, that Debs and his associates were summoned by attachment in the nature of contempt proceedings, and, after a hearing, were sentenced to imprisonment for contempt of court, and it was this judgment that the Supreme Court of the United States sustained.

If the bill now under consideration had then been a law, such summary action would have been impossible. Notice would have had to be served upon all who were participating in the lawlessness, and as these numbered many thousands and had completely terrorized the officers of the law, such notice could not have been served under any circumstances upon all of them, and as to most of them the service of such notice would have required considerable time. Any hearing had upon the application for a restraining order could have been prolonged for many days, and thus the court, if the present proposed bill had been a law in 1894, would have been powerless to protect the property of the railroad companies and the right of their employees, who remained in their service, to continue to work for many days, and in the meantime incalculable losses in the destruction of property and loss of business would have been inflicted upon the transportation companies, the most of whom, be it remembered, were not in any sense parties to the original controversy between the Pullman Co. and its employees. These companies, without such summary action to preserve the status quo, would have been powerless to save their properties or to recover damages for their destruction.

Of what avail would a final injunction, after a full hearing on the merits of the case, have been to these defendants, for the property which was destroyed and the loss of business, while great in amount, would not have been easily susceptible of exact proof. Moreover, how could any judgment for such damages be collected against the railway union and those who acted in cooperation with it, who were for the most part unknown and financially irresponsible. The Debs case, therefore, is a striking illustration of the fact that to deny a court of equity the right by summary action to preserve property pending a full hearing and final determination as to whether there is any unlawful interference with such property, is in effect a denial of justice altogether. The court might as well close its doors and surrender its high prerogatives. It is this essential right which the proposed bill seeks to destroy.

The bill is unconstitutional as it is in effect an invasion by Congress of the judicial department of the Government.

It seems unnecessary to state the reasons why Congress may not destroy the "judicial power" of the Federal courts, even if it alone can create all these courts with the exception of the Supreme Court. I concede arguendo that Congress may prescribe the methods of procedure of the inferior Federal courts, and that they have a wide discretion in prescribing such methods of procedure, and that the fact that a given method of procedure may be less effective than the old chancery practice, would not justify any court in impeaching the constitutionality of such legislative modification of its chancery powers; but I submit that where the necessary effect of any legislation is to destroy wholly the inherent and fundamental powers of the court to discharge its exalted function of administering justice, it infringes upon that "judicial power," which under the Constitution is vested in the Federal courts.

Bearing in mind the technical distinction between a temporary injunction pendente lite and a restraining order, we concede that as to the former a requirement as to notice and previous hearing is within the power of the court, but as to the latter, I dispute the power of Congress, because it destroys wholly the ability of the Federal court in given cases to do justice at all, and I have illustrated this by reference to the unquestioned facts in the Debs case, where, without such preliminary injunction, which was virtually a restraining order, the whole purpose of the litigation would have been defeated and a final decree would have been impotent to do justice. In this respect, I think a restraining order is analogous to the order to punish for contempt, and as to both, while conceding that Congress may prescribe the methods whereby either restraining orders or punishments for contempt can be ordered, it can not wholly destroy either right without virtually destroying the power of the court to administer justice, and this is beyond the power of Congress as long as the court exists. It is of the very essence of a restraining order that it should be granted without notice. That is its purpose and function, to preserve the status quo until the court can determine upon notice and hearing whether the ends of justice require an injunction pendente lite.

It has been suggested that as Congress could abolish the inferior Federal courts altogether, its power over them is absolute. I dispute, however, that Congress has any such constitutional right, although I concede that the failure of Congress to provide inferior courts, in which the "judicial power" of the Constitution may be exercised, is a failure to discharge a constitutional duty, as to which there can, in the nature of the case, be no practical remedy. This illustrates a truth familiar to every student of constitutional law that

many acts are unconstitutional, which the courts are powerless to prevent, and that they are especially powerless to compel the doing of that which may be a constitutional duty and failure to do which is a violation of the Constitution. Such constitutional questions are said to be of a "political nature," and beyond review by the judicial department of the Government.

Since the case of Martin against Hunter's Lessee it can not be questioned that the word "may," in section 1, article 3, is used as is not unusual, in its mandatory and not in its permissive sense. For Congress to abolish the inferior Federal courts, practically the only possible sources of original jurisdiction, and to refuse to substitute others, would not only be unconstitutional but an act of revolution. For reasons previously given it is clear that the founders of the Republic not only intended to create the Judicial Department of the Government but to make it independent, and as no Government could exist without the exercise of judicial power, and as all judicial power was expressly withheld from both the executive and legislative departments of the Government, it is clear that an imperative duty was imposed upon Congress to create inferior Federal courts, from which duty Congress could not escape without destroying the equilibrium of our Government. But as the method of exercising this power is left to the discretion of the legislature, the judiciary is powerless to enforce obedience to an unquestioned constitutional duty.

That the power to restrain by injunction is inherent in equity courts and is of the very essence of "judicial power" is clear from all the authorities and was expressly affirmed by the Supreme Court in the Debs case. I therefore submit that Congress can not, certainly as to existing courts, so impinge upon their inherent equity powers by any regulation of their procedure as to destroy altogether the power of the court to vindicate its existence and discharge its exalted functions, and that an act which forbids the issuance of a restraining order, often essential to the power of the court to do ultimate justice by final decree, would sap the very foundations of judicial authority, and to that extent destroy the "judicial power" thus vested by the Constitution.

The bill offends the spirit, if not the letter, of the Constitution in making a possible deprivation of property "without due process of law."

The bill makes an invidious distinction between labor controversies and all other legal controversies in which the remedial powers of an injunction are invoked. While all other citizens can appeal to the courts to preserve by restraining order property in controversy until the merits of a controversy with respect thereto can be heard, employers of labor would be powerless to invoke the same remedy, although, as a matter of fact, they have the greater need of it, for their rights are ordinarily invaded in labor controversies by combinations of men, many of whom are unknown by name and most of whom are financially irresponsible. Can such a distinction exist under a Constitution which, in the very words of its preamble, was adopted to "establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and posterity"?

The blessings of liberty thus referred to are the great privileges of the English-speaking race, and probably the two most important—at least in this day—are, first, the right of the citizen to enjoy his own property free from molestation, and, secondly, the right of every man to sell his labor upon such terms as he thinks expedient. Of the two, the right to labor free from the tyranny of a labor oligarchy is by far the most important.

The proposed bill in its discrimination between labor controversies and other controversies and its obvious purpose to take from a certain class in the community the protective power of a restraining order offends the political institutions in our country in destroying that "equality before the law," which is the basic principle of the American Commonwealth. It may be that no court could declare it unconstitutional on that ground, if it does not violate some express provision of the Constitution, but here, again, I submit that Congress, in considering any proposed bill, must consider not only whether the courts could declare it unconstitutional, but also whether the bill offends the spirit of the Constitution and violates the fundamental principles of American liberty, even though such a bill can not be judicially invalidated upon such grounds.

Many acts or omissions may be unconstitutional which are beyond the judicial power of the courts to adjudge invalid. The failure of Congress to create inferior courts demonstrates the truth of this.

That this bill violates the spirit of the Constitution is, I submit, shown not merely by the preamble but by the fifth and fourteenth amendments. These amendments are the complements of each other, the fifth referring exclusively to Congress and the fourteenth referring to the States.

In judicial proceedings "due process of law" simply means the administration of justice according to those fundamental principles of justice which from time immemorial have been recognized by the English-speaking world. This undoubtedly includes a right to be heard before the court passes to final judgment, but it also unquestionably includes the right of the court, by a restraining order, to preserve the status quo until a hearing upon notice can be had in due course of law, and one is almost as essential to the administration of justice as the other. A bill, therefore, whose obvious and necessary effect is to destroy this right of one class of litigants to have existing rights preserved until a full hearing can be had, violates the spirit, if not the letter, of the fifth amendment, which provides that no person shall "be deprived of life, liberty, or property without due process of law."

While the proposed bill may not be such a tangible violation of constitutional provisions as a court could declare unconstitutional, the duty upon Congress is not less but in a sense greater to pass no act whose obvious effect violates the spirit of the Constitution and offends the nature of our institutions.

If constitutional, the bill is nevertheless inexpedient and uncalled for by existing conditions.

I have no desire to enter into the academics of the labor problem. If we ventured any general observation, it would be that the relations of employers and employees are such that, with few exceptions, the legislative departments of the Government can never enter into that field without causing worse mischief and confusion than previously existed. The theory of our Government is that there is a vast field of human activity into which the legislature is not generally competent to go and into which it never goes with any benefit to the people.

Such questions are either left to the immediate parties to the controversy to adjust themselves, or, where necessary, are remanded to the courts, which, being in close contact with the people and administering that great body of the law which is the proud heritage of the English-speaking race, are more responsive to the ever-changing needs of society and are more fair and just to all classes of the community than the legislature, acting through rigid and inelastic written laws, can possibly be. The moderation of the courts is admirably illustrated by the limited and restricted use which it has always made of its high prerogative writ of injunction. Notwithstanding Lord Coke's observation that preventive justice is always superior to compensatory justice, courts of equity are always indisposed to exercise their extraordinary powers, except upon urgent cause, and thus have grown up great principles in equity procedure, which seem a complete answer to the captious criticism visited upon the courts.

These principles, stated briefly, are as follows: Injunctions can not act retroactively. They are generally preventive and rarely mandatory. The injury temporarily restrained must be actual, substantial, immediately impending, and irreparable by a money judgment or by other proceedings at common law. The writ will not be used to prevent a crime or to preserve morality but is limited to property rights. It is only granted upon positive sworn allegations and the party seeking relief must not himself

be at fault. It is always granted subject to immediate modification or termination. Whether for an indefinite or a designated period, the right of the party enjoined to move immediately for its dissolution, where it has not previously been heard, is always recognized. As the application of these principles rests in the sound discretion of the court, it enables the chancellor to weigh with care and impartiality the circumstances in each particular case, and thus render a judgment, which is a far nearer approximation to justice than any general inelastic act of Congress could possibly be.

What could be more humane and beneficent than this method of dealing with a labor controversy? The court takes from the defendants no property and in no respect affects their just liberty of action. It only commands him to refrain from interfering with his employer's property and from the liberty of other workmen to work for his employer. If he has no intention of doing the acts enjoined, the temporary injunction can do him no possible harm. If he does intend to invade the property rights of his employer or the liberty of other workmen to work for his employer, he is simply commanded not to do that which, under the laws of this and every other civilized country, is pronounced unlawful. If the employer does not invoke this beneficent remedy, he must then either proceed in the criminal courts against the unlawful combination, or sue them for damages at common law for an unlawful conspiracy.

If successful the members of the unlawful conspiracy may be either imprisoned or mulcted in heavy damages. This does not serve to allay ill-feeling or promote better relations between employer and employee, which the good of the community so imperatively requires. When, therefore, a court simply commands a combination, either of employers or employees, to refrain from trespassing upon the rights of others, it deprives the parties enjoined of nothing to which they have any legal right, but deals with the latter in the most conciliatory, humane, and beneficent manner.

I may have argued too long. The importance of the question must be my justification. I recognize the probable futility of my attempt to defeat this iniquitous measure. I am glad the wisdom of the fathers gave the President a veto; and if I were President Hoover I would veto this bill, if it becomes a law, even if it meant my defeat; and it would not so result. The American people love and respect a brave act and a brave man. Their contempt is for time servers. [Applause.]

The CHAIRMAN (Mr. LONERGAN). The time of the gentleman from Pennsylvania has expired.

Mr. DYER. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. LAGUARDIA], the author of the bill.

Mr. LAGUARDIA. Mr. Chairman, the legislation before the House to-day has been under consideration by the Congress for the past 14 years. It has been in our committee every session of Congress for the past eight years, and sponsors of this legislation would be ungrateful if we did not state that without the friendly interest and the helpful cooperation of the Speaker of this House [Mr. GARNER] it would not have been possible to be considered here to-day [applause]; that without the friendly cooperation of the majority floor leader, the gentleman from Illinois [Mr. RAINEY] and the gentlemen of the Rules Committee, this bill would still be under academic discussion, as it has been for so many years in the past.

I want to say at the outset that, like the gentleman from Pennsylvania [Mr. BECK], I have no animus or feeling against the gentlemen who in their wisdom seek to oppose this bill; and if I can not be as restrained and polite as the gentleman from Pennsylvania, it is simply due to the difference in our personal characteristics; but I want to say, in all kindliness—and I have the greatest admiration and friendship for the gentleman from Pennsylvania, and we happen to be on the same side on another question—that I fear the gentleman has not given his usual careful study and scrutiny to the bill now under consideration as he generally does when he takes the floor and makes a wonderful oration on history or on the occasion of some great man's birthday.

The bill, I will say to the gentleman from Pennsylvania, in no way repeals the railroad labor act, and three-fourths of the argument of the gentleman from Pennsylvania was directed against interference with transportation in interstate commerce; and the gentleman is a sufficiently good lawyer to know the provisions of the railroad labor act, which was passed in 1926.

Was it to create fear; was it to create prejudice? I will not charge that to the gentleman from Pennsylvania; but it was most unbecoming for a lawyer of his standing to direct his fire entirely on the interruption of transportation of interstate traffic, when there is another law which will take care of that situation.

Gentlemen, this bill does not—and I can not repeat it too many times—this bill does not prevent the court from restraining any unlawful act. This bill does prevent the Federal court from being used as an agency for strike-breaking purposes and as an employment agent for scabs to break a lawful strike. [Applause.] That is what the bill does.

The bill does not take one iota of jurisdiction—because we have not the power—from the State courts and does not change any State law.

Therefore you can well disregard all these expressions of fear of destroying the Government. Gentlemen, there is one reason why this legislation is before Congress, and that one reason is disobedience of the law on the part of whom? On the part of organized labor? No. Disobedience of the law on the part of a few Federal judges. If the courts had been satisfied to construe the law as enacted by Congress, there would not be any need of legislation of this kind. If the courts had administered even justice to both employers and employees, there would be no need of considering a bill of this kind now. If the courts had not emasculated and purposely misconstrued the Clayton Act, we would not to-day be discussing an anti-injunction bill. The trouble is that a few—and I am glad to say a few—Federal judges seeking to curry favor, social or other, trying to play up to men they considered financially powerful, were willing to disregard a sacred trust, mete out one-sided justice, take the employer side of a labor dispute, and act as a strike-breaking agency. That, gentlemen, is the reason, the history, and the necessity of my bill.

There is not an underlying principle written into this bill which Congress did not enact into law back in 1914, when the Clayton Act was passed. Gentlemen, this problem is not new. Congress struggled with it before it wrote the provisions into the Clayton Act in 1914 exactly as we are trying to do to-day.

What happened? A few of these Federal judges, whom the gentleman from Pennsylvania seeks to-day to anoint as special delegates of the Almighty carrying out the Ten Commandments, willfully disobeyed the law; they emasculated it; they took out its meaning as intended by Congress; they made the law absolutely destructive of the very intent of Congress.

There are many Members sitting here in the House at this very moment who have had experience in labor disputes as attorneys or judges. I have spoken with many of my colleagues who have been on the bench of their respective States, and every one of them has told me of the terrible abuses existing in the Federal courts in labor disputes. Every one of them agrees that injunctions have been issued regardless of the merits simply to aid the employers' side of a labor dispute and that the Federal courts have been improperly used as strike-breaking agencies.

Not one of these gentlemen will take the floor against this bill, and every one of them has publicly stated that he would vote for it. Their attitude is based on actual experience and observation, as judges of the courts of their respective States.

The gentleman from Pennsylvania [Mr. BECK] refers to his experience in the shopmen's strike. There is another Member on the floor to-day, the distinguished gentleman from West Virginia [Mr. HOGG]. As a young lawyer in his father's office he lived through the long litigation in a coal

miners' strike. The case of Hitchman Coal & Coke Co. *v.* Mitchell, reported in Two hundred and forty-fifth United States Reports, page 229, is a prominent page in the labor history of this country. Our colleague's father, a distinguished lawyer of his State, Charles E. Hogg, defended the striking of coal miners in that struggle. They sought the benefits of the law which Congress had enacted in 1914.

The Hitchman case, which is often referred to by exploiters of labor, by the champions of the "yellow-dog" contract system, shows the attitude of the lower Federal courts. It is one of the cases which emphasizes the necessity of inserting in the law the bill which is now before us. And the gentleman from West Virginia [Mr. HOGG], who lived through that case, witnessed the lower court granting a temporary injunction, then sustained by the circuit court, and later a permanent injunction being reversed of the circuit court of appeals and the case coming to the Supreme Court and the decree of injunction of the lower court again sustained, and in this maze of testimony and judicial expressions resulted a decision which gave comfort to the "yellow-dog" employer.

The gentleman from West Virginia informs me that he is going to vote for this bill, and I invite comparison between his contract with this kind of case and that of our colleague the gentleman from Pennsylvania. It must be indeed gratifying to the gentleman from West Virginia to see that after 15 years the efforts and the labors of his distinguished father are bearing fruit and that the contention raised in the Hitchman case by him is now being written into definite law.

All this bill does is to reassert and reiterate and write in plain language the intent of Congress, taken from the decisions of the courts themselves. The gentleman from Pennsylvania objects to a declaration of policy written into a statute. I submit that under our form of government all declarations of policy should be laid down by the elected representatives of the American people and not by a politically appointed Federal judge. [Applause.]

Mr. BECK. Will the gentleman yield?

Mr. LaGUARDIA. Not now.

Mr. BECK. I want to say that I made no such statement.

Mr. LaGUARDIA. I thank the gentleman; the gentleman's statement speaks for itself.

Now, what does this bill do? It prevents the Federal court from granting an injunction except on a hearing of testimony. That is all there is to that. It prevents the courts from prohibiting the performance of lawful acts. It provides for a trial by jury, as was provided in the act of 1914. It outlaws the "yellow-dog" contract. The gentleman from Pennsylvania made an eloquent appeal for American labor, and brought in the history of Independence Hall. Let me read to you a "yellow-dog" contract.

If that is American liberty, we might as well start to rewrite it right now in the House of Representatives. I have here an authentic form of a "yellow-dog" contract, handed to me by the distinguished gentleman from Massachusetts [Mr. CONNERY], a real champion of freedom, a real friend of organized labor, who has been designated by the Speaker to grace the chair during the discussion of this bill. Here is a contract taken right from a shoe factory:

> I will perform all work assigned to me. I will not take part in any strike or hinder the conduct of the factory as an open shop or nonunion shop. My employment may be terminated at any time by you or by me upon written notice (notice to me to be sufficient if mailed to my address given below or delivered in hand to me).
>
> In case my employment is terminated, I will for one year thereafter in no way annoy, molest, or interfere directly or indirectly with your customers, property, business, or employees.
>
> As evidence of my good faith and in consideration of such employment by you, I hereby agree to deposit with you the sum of ——— dollars, payable ——— dollars herewith and the balance in weekly payments of ———.

Do you call that American liberty? When any labor dispute arises in that city this employer, this owner of this worker, owning his soul and body, runs into a Federal court to enjoin his employee and order him back to work! I say, gentlemen, as I read American history there is not a word in the debates on the Constitution, directly or indirectly, or that could remotely be construed to justify or ratify any such form of human slavery as has been brought about in many instances by the Federal courts. [Applause.] Yet we have had the spectacle of seeing United States courts enforce by injunction a provision of this kind. Some gentlemen have referred to the provision for a temporary restraining order. There is nothing new in that. It is taken from the rules of the Supreme Court. I am very sorry that the gentleman from Pennsylvania [Mr. BECK] took it upon himself to lead the opposition to this bill. I say again in all kindness that the last person in the world, the last person in this country, to talk against restraining the courts from issuing improper injunctions would be the Solicitor General under Harry Daugherty, former Attorney General. The gentleman from Pennsylvania [Mr. BECK] was Solicitor General at the time of the so-called shop injunction. Let me tell you how that was obtained—this is not hearsay, not from what somebody else tells me, but from the "inside story" as told by Harry Daugherty himself. This petition contained thousands of pages, containing thousands of affidavits. Daugherty says in his book:

> After looking around for a judge, Judge Wilkerson was finally selected. He was out of the city, but came back to Chicago. I was willing to submit it to any judge, but was most fortunate in getting Wilkerson. He had long been in the service of the Government as district attorney. Judge Wilkerson listened to my arguments with profound attention. He agreed with me on every point and granted the temporary injunction without a minute's delay.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. CELLER. Is it not true that it was at the earnest solicitation of Daugherty that Judge Wilkerson was appointed, just a few weeks before?

Mr. LaGUARDIA. Yes. There is no doubt about that, though I was not going to mention it. When the gentleman from Pennsylvania says that he has no knowledge of it, I believe him. Daugherty would not have taken as clean a gentleman as Mr. BECK into his confidence when he—Daugherty—was on a mission of such dirty work. Of course, the gentleman from Pennsylvania had no knowledge, and the gentleman, I am sure, has no knowledge to-day that hundreds and hundreds of the affidavits presented to the court were perjured affidavits, were absolutely false in their contents.

Of course, the gentleman from Pennsylvania had no knowledge of that. While Wilkerson was called to Chicago the gentleman from Pennsylvania no doubt was looking up poetry in the Department of Justice, and Mabel Willebrandt was looking up law and Harry Daugherty was out suborning perjury in the preparation of the affidavits on which the injunction was based. That is the history of the Wilkerson injunction. Under this bill what would have happened? Under our bill, instead of bringing these perjured affidavits in on a clean piece of paper, he would have had to bring the witness to court, where they would have testified and would have been subject to cross-examination before the temporary injunction could have been issued. With the witnesses, thugs, gangsters, and crooks they had at the time, no such injunction could possibly have been issued. But even that case is beside the point now, because that case would come in under the railroad labor act, which provides mediation and conciliation, which appoints a board of mediation, and the whole procedure of settlement of disputes is outlined in detail in that act. If any gentleman is interested in getting the source of the verbiage and phraseology of any section of this proposed law, either I or the gentleman from New York [Mr. CELLER], who has the citations, would be able to give them to him. There is nothing novel in this; it is written from the law of actual cases and from hard experience. I say that of all our Federal courts, of all our Federal judges, I do not believe there are now more than 10, perhaps, in the whole country who will find this bill objectionable. Of course, any judge who is owned and will sign an order with his eyes closed on demand is not worthy of the place he occupies, and legislation of this kind is necessary to hold such a man in check.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. COLTON. There seems to be an impression that under this bill there is a distinction between tangible and intangible property in defining the powers of the court in issuing an injunction. Is there any such distinction?

Mr. LAGUARDIA. No; that is in the old Shipstead bill.

Mr. COLTON. Is it not carried in this bill at all?

Mr. LAGUARDIA. No. Another thing I want to emphasize is that any of the acts so dramatically described by the gentleman from Pennsylvania would constitute a crime. There is no need to go into a court of equity if a crime is committed. There are criminal courts for that. That is nothing new. The function of an equity court is not to restrain crime. It can not possibly do it and does not attempt to do it, except in labor disputes.

Have you ever seen one of these orders? It is issued against fictitious persons. "The ——— Shoe Factory against Joe Doe, John Rowe, and Mary Smith, names fictitious, real names unknown to the complainant, and all other persons unknown to the complainant and unknown to the court, hereby are ordered and enjoined." Then it describes all sorts of acts. Any person who never saw the order or ever heard of it could be held liable. Incredible as it may seem, such cases have happened.

I know of a case where the court enjoined workers and unknown people from giving aid, or food, or help of any kind to fellow workers, and even from giving bonds or pursuing an appeal pending in a State court. Was there any more heinous or dastardly crime ever committed than that crime which attracted the attention of the world a few days ago in the kidnaping of a lovable child?

Does anyone think of going into court? Does the gentleman from Pennsylvania [Mr. BECK] go into equity court to enjoin unknown people from giving food and shelter to the kidnaper? No; because these same lawyers will say that is not the function of an equity court. Only in the case of a labor dispute are they, the corporation lawyers, willing to get an equity court to issue injunctions of this kind. Here is this great arm of the court, invoked to do what? To break a strike; to take one side of an issue; to determine wages and standards of living by the brute force of judicial power—instead of leaving it to a matter of adjustment by free American workers.

Mr. CHIPERFIELD. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. CHIPERFIELD. Is the gentleman also keeping in mind parties acting in concert with them, although they may be unknown to those who are originally enjoined, hundreds of miles away, who may not even know the terms of the injunction?

Mr. LAGUARDIA. Or even of the local dispute.

Mr. CHIPERFIELD. Yes.

Mr. LAGUARDIA. Exactly. That is the purpose of going to the Federal court.

Mr. Chairman, if these acts of violence are committed or threatened to be committed, there is no need of resorting to the Federal court. The State authorities and courts have full control and jurisdiction of such local matters. People may be arrested immediately; but it is only to do something which otherwise could not be properly done that resort is made to the Federal court.

Now, I just want to read a short paragraph taken from the New York Journal of Commerce of February 26, 1932, which will perhaps display the arrogance, the indifference, the brutality of certain classes of men who believe in the "yellow-dog" contract which I have just read to you.

[Journal of Commerce, New York, February 1]

THE WASHINGTON SITUATION—ENACTMENT OF ANTI-INJUNCTION LAW SOON

Enactment of anti-injunction legislation by both the Senate and House of Representatives at the current session of Congress now seems likely. Opposed by large industries in the past, this legislation has been before Congress for about 14 years. However, in its present form it is so complicated that it might be said to be beyond the comprehension of most of the legislators. This may give rise to an opportunity for amendments that will take the sting out of the legislation and be more acceptable to finance.

That is the attitude of these gentlemen who are opposing the bill toward Congress. Let us do something, just once for a change, that will be acceptable to human beings.

Gentlemen, we are not legislating to-day for finance. I do not believe that we have arrived at the time that we must submit legislation for the approval of finance.

I resent the insinuation and the gratuitous insult that legislation coming before this House is beyond the comprehension of elected legislators to this House. I say that the big issue before us to-day is simply to carry out by legislation, which should not be necessary, those principles of American liberty which the gentleman from Pennsylvania [Mr. BECK] likes to sing about and talk about, but when it comes to a concrete example of carrying them into practice we find opposition of this kind.

Gentlemen, I ask you to stand by this bill. Stand by American liberty and help us to vote down unfriendly amendments. [Applause.]

And, in closing, permit me to quote from a real great American, a real champion of American institutions—Abraham Lincoln. This is what Lincoln said:

I am glad to see that a system of labor prevails in New England under which laborers can strike when they want to, where they are not obliged to work under all circumstances, and are not tied down and obliged to labor whether you pay them or not. I like the system which lets a man quit when he wants to, and wish it might prevail everywhere.

[Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. OLIVER].

Mr. OLIVER of New York. Mr. Chairman, I am for this bill very heartily. We have been discussing in the Congress, during my period of 10 years of service, mostly economic legislation. This is the first bill that sounded the old war cry of human liberty. I do not at this time forget to pay my tribute of admiration to some men in another body who are responsible for the measure—the great Senator NORRIS, of Nebraska; Senator WALSH, of Montana; Senator BLAINE, of Wisconsin. Those men held hearings running into three and four years in an effort ultimately to write the terms of a bill acceptable to the Congress of the United States. It strikes me when I read the terms of the bill that the bill is keyed to the old keynote of the Liberty Bell in that Philadelphia hall before the Liberty Bell was cracked. This bill is a bill for the freedom of men who labor. It is not a bill to destroy commerce or industry.

I was most interested in the remarks made by the gentleman from Pennsylvania [Mr. BECK]. I do not see how an injunction could stop a strike of such nation-wide comprehension as that which the gentleman suggested. We would need the Army and the Navy to put down a strike that was going to stop all the avenues of interstate commerce. One little judge could not do it.

I think the gentleman from Pennsylvania places too much emphasis on what he believes to be the power of the injunction. When the gentleman discusses instances over in Europe I can not see that there is any blame to be laid on labor for the stand they took or that the argument has anything to do with injunctions. If labor in England, bled white by the war, threatened to strike if England went to war with Russia, I think perhaps they were mightily justified in that. They seem to have had the only statesmanship. Bolshevism was created by tyranny, and it was no function of the free labor of England to go over to Russia under the English flag to put it down and put the Czar's friends in control. They wisely decided to leave it to the Russians to construct a government on some other basis than that which had been torn down by universal approval of Russia. Perhaps the strike in Belgium was for the same reason, for no country was ever crushed more than was Belgium by the invasion of the armies. Just because a group of kings may have wanted it, I do not see why Belgian labor at that dread hour should have been desirous of marching in the Belgian Army to plunge themselves and their children before Russian cannon. But what has all of this to do with injunctions and this bill? Does Mr. BECK think

that an injunction should have issued to force British and Belgian labor to join the army and fight Russia? Could Moscow contrive anything worse?

It was said by Mr. BECK, "This is a government of laws, and not of men." Yet we have two governments in America, one a government of laws, the other a government of men. The government of laws consists of that part of the social system which is subject to the definition of the laws of the land. The expression, "This is a government of laws," was intended as a reminder to officials that they were bound to act within the limits of the law, as servants of the people.

The government of men, which America seeks to encourage, consists of that large field of life which no law controls and where conscience is the only governing force. The government of laws has a duty to maintain peace and order in this vast field that liberty may flourish.

Wages, hours of toil, and other conditions of labor are fixed largely by the government of men. No matter how majestic the government of laws may be, how attractive its soil or equipment, the pay envelope determines whether its homes are peopled by paupers or free men.

It is strange during a period when the loudest outcry from great industrial concerns has been that government has invaded the domain of private business with meddlesome laws, that they themselves have invaded the government in a scandalous way with successful demands for injunctions that strip from labor every natural and constitutional right. It is strange, in the field of American freedom where laws do not govern but men alone reign, that the most powerful impulse of these free rulers is toward tyranny.

This bill says that a Federal court shall not arbitrarily enter the field of the government of men, where the purest liberty ought to prevail, and by the power of the government bring down into slavery those who are attempting to negotiate for what they believe to be the necessities of their lives and the happiness of their children. We are restoring the courts to a government of laws.

Courts have issued injunctions bringing on conditions as extreme as those which were in the mind of the gentleman from Pennsylvania when he said, "If you do not have these injunctions you might have starvation."

A court issued an injunction against striking miners so that they had to leave their homes, although the State law gave them the right to stay there and contest their rights. The court issued an injunction to the effect that the union could not expend its money to feed them while they were on strike; that it could not help to clothe them and they were evicted from their homes under a Federal injunction, when the dispute was about wages, and they were sent out, 10,000 of them, to live in the snow, to starve, and freeze into submission.

Injunctions have been used most oppressively in this country. A court issued an injunction to the effect that no striker might talk to another striker about the strike; that a striker could not publish in the newspapers that there was a strike; that he could not telegraph, telephone or write to anyone in America that there was a strike; that a striker might not ever say there was a "yellow-dog" contract, signed with his name, but coerced from him by his bosses.

Why should we support injunctions of that character? We are not trying to have injunctions stopped, but we do not want injunctions which repeal the constitutional and natural rights of labor.

The gentleman from Pennsylvania [Mr. BECK] thinks we are yielding to an organized minority. We are yielding to an honest and just demand. [Applause]. This petition for the redress of grievances has been put upon the desks of Congress for 20 years, and when we yield we yield practically unanimously, in the full dignity of our power, to a petition which long ago should have been granted. We are trying to reestablish a system of laws for the government of the courts. We are writing a law binding the courts to a definite course of action with reference to injunctions. We are not disturbing the government of laws but we are taking away from the courts their right to act as if they were a government of men. By unconscionable injunctions they have defied the first purpose for which courts were instituted—the protection of the freedom of the individual.

I have no fear about the paralysis of all of the commerce of the Nation. I have not seen labor organized to threaten to starve people of the country. They say Grover Cleveland felt that. Would labor starve its own children? There has been a lot of exaggeration about what labor has done. Probably Mr. BECK has been reading the affidavits of the owners of the roads instead of the replies of labor. Once in a while somebody ought to look into it to see whether labor ever had a just demand for a better wage and for better hours.

We are living in a free country, and the only people who have not been freed are the masses of the people. The industries are free to rush into court and take away the natural and constitutional rights of the great masses of the people by the process of injunction. Then, when labor appeals for the freedom of negotiating in the form of collective bargaining, we suddenly find out that we might have the same condition here as exists in Russia.

I have not noticed any great movement among labor toward the Soviet Government. I have not noticed in time of war any treason by American labor. Their patriotism was magnificent.

Labor is not attacking the courts. Give to labor the robe of Justice Holmes and they will build a shrine around it. Here their children will kneel and pledge everlasting loyalty to the courts which gave them a man so just. Their prayer will always be that other judges will be guided by the character of justice that blessed this great man's heart. We put his heart in this bill. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting therein certain excerpts.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Chairman, the rules of debate in every parliamentary body in every civilized government provide that there shall be an equal division of time, equal alike for those who propose and for those who oppose. Those who oppose are not required to beg a little time from those who propose. I am sure the Members of the House, when they reflect upon the debate after passing this bill and the people of the United States who read this RECORD, will decide that there has not been a fair division of time. One-half of the hour used by the proponents in debate on the rule should have been allotted to those opposing the bill. But they granted the opposition not one minute. They used the whole hour.

The Rules Committee is autocratic. When it brings in a rule it suspends every other rule of the House. The rule of the Rules Committee becomes the law of the House and every Member must obey it. But it is supposed to be just and fair. It is supposed to equally divide the time used on the floor.

Now, to have been fair, under parliamentary procedure, the rule that came here from the Rules Committee should have provided that of the one hour for debate on the rule, it should have allotted one-half to those who were in favor of the measure and one-half to those who were against it, and some Member opposing the rule should have been given the control of the opposition's time, so they would not have to beg for time that was theirs by matter of right.

I called attention the other day to the kind of rule that I told the gentleman from New York [Mr. O'CONNOR] he had in his mind to bring in here governing this debate, which was just the kind of a rule he did bring here, and I intimated then it would be unfair; and when the rule was brought in here it provided that all four hours for general debate was in the control of the proponents, and of the hour in his control as the member of the Rules Committee calling it up for debate on the rule he gave not one minute

of it to the opposition. Instead of yielding 30 minutes of that time within his control to those who are against the bill, he yielded the entire 30 minutes to the ranking member of the committee, who is just as much in favor of the legislation as the gentleman himself, and he used all of his time debating the merits of the bill, and he left not one single minute of the time for those who are against the bill. Is this fair? The people of the United States who read this RECORD will not so hold. And you gentlemen here, after cool reflection, will see that it is manifestly unfair.

Then the rule itself, providing for general debate on this bill, was it fair? Did it say that the four hours should be equally divided, two hours to be controlled by those who are in favor of the bill and two hours to be controlled by those against it? Oh, no; it was neither fair nor just. It provided that two hours should be controlled by my colleague from Texas [Mr. SUMNERS], the chairman of the committee, who is strongly in favor of the measure, and that the other two hours should be controlled by the gentleman from Missouri [Mr. DYER], who is just as much in favor of the measure as is my colleague. So control of all five hours was given to the proponents of the measure. Is this fair, my great lawyer friend from Maine? Oh, no. Control of your own time is most important in debate. Just why was the opposition given no control whatever of any part of the five hours for debate? Talk about gag rule! This is the first gag rule that has been brought into this House during this session, and I want the Rules Committee to understand that we are not going to stand for it. They did this deliberately after I had asked that the opposition be given control of half of the time.

Did we, who are opposed to the rule, not have an inherent right to ask the acting chairman of the Rules Committee [Mr. O'CONNOR] to give us our half of the time? And when we politely asked him for some time, was it not his duty to speak to us politely when we were exercising our God-given right in asking him for some time? Did he have the right to stand up like an autocrat and say, "No; I shall not." "I give you nothing."

You know some men can not stand a little power. They have not the capacity. My friend from New York has not the capacity properly to handle himself when he is given a little power. Just because we put him on the Rules Committee——

Mr. GAVAGAN. Will the gentleman yield?

Mr. BLANTON. I can not yield now. I refuse to yield until I get through with what I have on my system.

Some men can not stand a little power. When we put our friend from New York [Mr. O'CONNOR] on the Rules Committee we did not say to him, "We give you all the powers of the House so that you can come in here and abuse the Members."

Mr. BOILEAU. Mr. Chairman, I make the point of order that the gentleman is talking about the division of time for discussing the bill and is not confining himself to the bill.

The CHAIRMAN. The gentleman from Texas will proceed in order.

Mr. BLANTON. Yes; I am proceeding in order. I know the rules as well as my friend from Wisconsin.

We did not tell him he could get up here and arbitrarily take all the time and then abuse us because we asked him for some time. You know a little temporary power sometimes destroys men who have not the capacity to assimilate it.

Upon what meat has this, our Cæsar from New York, fed that he has grown so great that he can not answer a colleague decently when he is asked for a little time? For a while the gentleman was a candidate for floor leader of this House. He now sees why we could not put him in that position. He could not handle the place properly.

Mr. GAVAGAN. Will the gentleman now yield?

Mr. BLANTON. No; that is all I have to say about that. I am now going to discuss the bill. [Laughter.]

This is one of the most important measures that has ever been before this Congress.

Mr. O'CONNOR entered the Chamber.

Mr. BLANTON. For fear the gentleman from New York [Mr. O'CONNOR] might not have been here when I said it, I repeat, Upon what meat has this, our Cæsar from New York, fed that he has grown so great? [Laughter and applause.]

This kind of greatness does not preside long. If I stay in the House 6 months or a year or 20 years more, before I quit I am going to see that when a rule comes from this Rules Committee it requires an equal length of time to be controlled by those who are for the bill and an equal length of time to be controlled by those who are against the measure. Now I will discuss the bill.

I am just as much a friend of those who labor and of labor unions as my friend LAGUARDIA. I have labored all my life. The callouses on my hands show that during the first years of my life I have done physical labor on the farm until after I was grown, and every sympathy of my heart beats for the man who labors for his daily bread.

I know exactly what problems confront a man who must do manual labor for his living. I know how hard it is to make ends meet. I know just how hard it is to make enough to pay rent, and lights, and fuel, and water, and buy food and clothing and necessities of life, and pay doctor's bills, and dentist bills, and for school books and tuition, and the thousand and one problems that daily beset the head of a family. I believe earnestly in a proper American standard of living, and an American standard of wages, and an American standard of working conditions, and an American standard of working hours. I believe that the working employee has just as many rights and is entitled to just as much consideration as the moneyed employer. But their rights are equal. They are entitled to equal consideration. The law does not, and should not, favor one as against the other. When an employee is unfair to an employer I am against the employee. When an employer mistreats an employee I am against the employer. The rights of both must be protected, for if there were no employers there would be no employees.

I have been a member of the bar of the supreme court in my State, and a member of the Federal courts in my State, for 35 years, with an active practice that has compared pretty favorably with that of any other lawyer in Texas. I have never represented a corporation against an employee; I have always represented the employees against the corporation. I have represented the under dog in all cases, but I am not one of the kind of men who will let labor unions dictate to me when they are wrong. I am like the gentleman from Pennsylvania—when they are right I am for them, and when they are wrong I am against them, and I am not afraid to let them know it.

When the President of the United States during war called attention to the fact that there had been several thousand strikes by labor unions against the Government, when some men were getting $30 a day in the shipyards, and nevertheless striking, after they had been exempted from the draft to work, and he asked us to give him a law that would authorize him, if the men exempt from draft refused to work, he could take the exemption away and send these workmen out to fight, I supported and helped to pass that amendment. That was what was called the "work or fight amendment."

It was a good amendment, and I made a speech on the floor in favor of it. That evening in my office Mr. Samuel Gompers advised me that I would have to back up on that, as I could not make a speech of that kind. I said, "What do you mean?" He said, "Because I tell you that you can not. We will defeat you when election time comes." That was when I told Mr. Gompers to go to a place where I am sure he did not go. [Laughter.]

Afterwards he sent to the newspapers of my district page attacks upon me over his signature, and Mr. Lloyd Thomas, then editor of the Abilene Times, estimated that about $100,000 was spent organizing my district against me. Do not think that I have not labor unions in my district. It would be very much easier for me politically to go along with the gentleman from New York [Mr. LAGUARDIA] and vote for his bill, because opposing it will incite renewed

opposition. I am not afraid of the consequences, however, for members of labor unions in my district are sensible men. I have an active district attorney now campaigning against me; but I am not apprehensive, because many members of the labor organizations support and have confidence in me; I mean the rank and file of labor-union men. If a walking delegate from Washington comes down and says to the labor unions in my home, "You pass a resolution against BLANTON," some man would rise up and say, "I could not vote for a resolution of that kind, for when I was sick and my wife was worn out nursing me, notwithstanding he had held court all day, BLANTON came and sat up with me at night."

A carpenter would say he could not vote against me, for when his house burned down and his wife and children were out in the storm "BLANTON was the one who left the bench and headed and circulated a subscription to raise the money to get my home rebuilt." These labor unions at home know where my heart is, and I am not afraid to tell their national union leaders now in the gallery that I am against the labor unions only when they are wrong.

This bill permits them to picket any establishment in the United States at will. No judge can stop it. I want to call your attention to a few cases here in Washington that have come under my observation.

There is a man named Reeves down here on F Street, a fine citizen of Washington. Years ago he began a little bakery and confectionery business. He had about three employees to begin with. He has been honest, efficient, and faithful to his Government and his country and his patrons and to his employees. He has built up a tremendous business and organization where he now has over a hundred employees. They did not want to be unionized; they were getting good wages and did not want to join any union. Everything was pleasant between Reeves and his employees. They had a contract with each other. They saw fit under the Constitution of the United States, which gives them the right to contract, to make a contract with each other that they would have no union connection. Was not that a right they had?

Now, the gentleman from New York [Mr. LAGUARDIA] says this is a "yellow-dog" contract. He calls Reeves a yellow dog. The 100 honest employees of Mr. Reeves he would call yellow dogs because they did not see fit to affiliate with the unions. Was it not a right they had under the Constitution of the United States? Does an employee have to join a union and pay its officers union dues out of his salary as long as he lives to prevent Mr. LAGUARDIA and Mr. SUMNERS from calling him a yellow dog? Does an honest American citizen like Mr. Reeves, who prefers to work American citizens unaffiliated with unions, have to be called a "yellow dog" by Mr. LAGUARDIA and Mr. SUMNERS simply because he prefers to exercise his God-given constitutional rights? If he does, we are in a bad fix.

Yet when a labor union here in Washington went meddling around there and injected itself into somebody else's business and told these employees they had to unionize and they told them they would not do it, what did they do? They interfered with that constitutional right of private contract. They went there in front of Mr. Reeves's store and picketed that man's business, and had men and women walk up and down in front of the business with banners saying, "This is a scab shop," "This is unfair," "No decent people will trade here," "No decent people will go in or out," insulting men and women in the Nation's Capital, and finally costing Mr. Reeves thousands of dollars. I do not stand for that, I will say to my friend from New York [Mr. LAGUARDIA], and I want these leaders of these labor unions in Washington now sitting in the gallery to understand that I do not stand for that. I am an American citizen, and I demand for all honest Americans their rights guaranteed by the Constitution of the United States.

Down here at the Raleigh Hotel they had a bunch of waiters who were perfectly satisfied, who were getting more salary than any other waiters in town, not any of them dissatisfied. The waiters' union went around there and told them they had to unionize. The waiters told them they would not do it, and then the waiters' union threatened them and threatened them until they made them quit and walk out. No court could make them go back, I will say to my friend from New York [Mr. LAGUARDIA]; you can not find a writ of injunction that ever was issued by a Federal court in the United States which ordered men to go to work when they did not want to go to work. That has never been done. No court has ever ordered men to go to work. I challenge any of you here to produce such a writ. A court may have issued an order that they can not tear down a man's plant, it may have issued orders that they can not burn a man's plant, it has issued orders that they can not kill and maim men, women, and children, but they have never ordered that they must go to work.

Mr. LAGUARDIA. They have.

Mr. BLANTON. Oh, then, show it to me. Produce such a writ. You can not put any such writ that is authentic in this RECORD. I challenge you to do it. This waiters' union went down there and made those fellows quit, and because the Raleigh Hotel hired other waiters to do its work, the union put a whole bunch of men and women pickets in front of that hotel, a dozen of them, three shifts of eight hours each, and they walked around and around that Raleigh Hotel in the Nation's Capital every hour of the day and night for weeks, and to everyone who went into the hotel they would say, "This is a scab hotel," "This is unfair," "This is indecent," "No decent man or woman will go in here," threatening the people who wanted to go into the hotel, and that continued for about a month. I became so outraged that I went down there myself one day and had a lot of photographs taken of them, and told them that if they did not stop I would get out an injunction myself, and I threatened to do so from this floor, and finally they stopped. But it cost the Raleigh Hotel thousands of dollars.

Do you know Mr. Gude, the florist here, one of the best in the United States? He started away back yonder some 30 or 40 years ago, a poor man, with just himself, in a little hole in the wall. He by honesty, thrift, and enterprise has built up and built up until he has become one of the largest florists in the United States. Go out here south and look at his plant; go out northeast and look at his big plant; go elsewhere in the city and look at his big plants. He works hundreds of people, every one of them perfectly satisfied. They saw fit to enter into a contract with him where they said they did not want to be union members. Did they not have the right thus to contract? Yet they are called "yellow dogs" by Mr. LAGUARDIA, and proponents of this bill call Mr. Gude a "yellow dog." The union came along there and tried to unionize Mr. Gude's employees, who were perfectly satisfied and who did not want to join the union. The union threatened them and then put pickets around his business, with banners saying, "This is a scab outfit." "Do not patronize it." "No decent person will buy here." And they picketed that business for weeks and cost Mr. Gude thousands of dollars.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Not yet. I must first get this out of my system.

Mr. LAGUARDIA rose.

The CHAIRMAN. The gentleman from Texas declines to yield.

Mr. BLANTON. I regret that I can not yield. I have not the time. But I thank the presiding Chairman for his fairness. The Chairman of this Committee of the Whole House on the state of the Union, Mr. CONNERY, of Massachusetts, and I do not agree on this question. We do not agree on the liquor question, but he is one of the fairest men and one of the ablest presiding officers I ever saw. If he had been in charge of this rule he would have given us an equal division of time.

My friend from Indiana, Mr. GREENWOOD, said that not all Federal judges granted injunctions in labor disputes. That is so. Some of them have not got the guts to do it, because they know that if appointive lightning should ever strike them and they were nominated for a high position and had

to be confirmed by the Senate, these same labor-union boys that are now holding the whip over us up in the gallery will be over there in the Senate gallery saying to Senators, "You shall not confirm him, because this fellow granted an injunction on a yellow-dog contract." They would keep the Senate from confirming him just because the poor fellow had granted an injunction.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a few minutes. I can remember what occurred to the great historian of the United States, our historian, if you please, even though he is on the other side of the aisle, my historian, when he was first elected to this House, Mr. BECK. He had his commission from the governor of his State. He appeared here on the floor of the House with the rest of us. I can remember how those same boys now up in the gallery wanted him punished. I heard some Member say, "I ask that he stand aside." Mr. BECK, I voted for you then and helped to seat you because I did not believe in that kind of monkey business. The right that you had here to be sworn in was a God-given right that the people of Pennsylvania gave you when they elected you to Congress, and no one here had any just right to cause you to stand aside.

Mr. CELLER rose.

The CHAIRMAN. Does the gentleman yield?

Mr. BLANTON. I am sorry to refuse. I have not the time.

Mr. CELLER. I want to ask a question.

The CHAIRMAN. The gentleman declines to yield.

Mr. BLANTON. If my friend from Texas [Mr. SUMNERS] will give me that other 30 minutes that I am justly entitled to under the rules of debate, I will yield to everybody. How is he going to use those extra 30 minutes that justly belong to the opposition? The gentleman from New York [Mr. O'CONNOR] said that nobody was against this bill except myself, although I heard a pretty good speech by my friend Mr. BECK. Mr. O'CONNOR may be right. There may not be anybody else here who will dare to get up and oppose this bill. If he is right, why could not I have my other 30 minutes? If my friend from Texas will yield me those other 30 minutes, it would not even then be a fair division of time, because the other side will have an hour and a half the better of us.

Mr. CELLER. Mr. Chairman, will the gentleman answer a question?

Mr. BLANTON. If my friend from New York will get my colleague from Texas [Mr. SUMNERS] to give me the other 30 minutes that is due from him to the opposition, I will answer the gentleman's question and all other questions, otherwise not.

Do you know where this bill will lead? Under its provisions it is possible for members of labor unions to be ordered by their union in secret session, without the knowledge of the public, to go out and burn and murder and dynamite and bomb a tremendous plant and kill a thousand people. And no judge in any court can hold the union, or the officers of the union, in any way responsible. Individual members of unions can threaten employers and satisfied employees with every kind of dire calamity and even with death and thus cause their cowardly mandates to be obeyed, and not a judge in any court can stop them by injunction. Under the provisions of this bill you are going to see members of labor unions do some dastardly acts with impunity that will shock the public mind, just as much as the present heinous crime of the infamous kidnapers of the most beloved baby boy in America has done; yet it seems impossible to stop its passage in the present atmosphere of this Congress. I am going to do my duty by raising my voice against it. Just why are you passing this law that provides that not a single officer of that union or the union itself is responsible in law?

Mr. Chairman, I refuse to be interrupted by the gentleman from New York [Mr. LAGUARDIA], and the gentleman can not put his remarks in my speech when I have not yielded to him. They can answer in their own three and one-half hours that they have reserved for themselves. [Laughter.]

I ask the people of the United States who read the RECORD to read the bill. I caused this bill to be printed in the RECORD. Every provision of it is in the RECORD. I want the public to read it, and they will see that this law especially prohibits any union or any union man being held responsible. I believe in holding men responsible for their acts.

Section 6 of the bill provides as follows:

SEC. 6. No officer or member of any association or organization participating or interested in a labor dispute shall be held responsible or liable in any court of the United States for the unlawful acts of individual officers, members, or agents, except upon clear proof of actual participation in, or actual authorization of, such acts, or of ratification of such acts after actual knowledge thereof and the liability of any such association or organization for unlawful acts of its members shall be similarly limited.

Will our friends tell us just how it will be possible for the employers to prove in a court to the satisfaction of a jury—probably sympathizers—that the union had knowledge, when its instructions had been given in secret?

The following is what the Washington Herald says happened in Detroit yesterday:

SCORES CLUBBED AT GATES OF DEARBORN FACTORY—3,000 DESPERATE—FIRE HOSE FAILS TO CHECK MARCH OF JOBLESS

DETROIT, March 7.—The One hundred and twenty-fifth Michigan Infantry was mobilized to-night and held in readiness to proceed to Dearborn if further rioting at the Ford plant or any other industrial units in the Detroit area should break out.

DETROIT, March 7.—Four men were killed, half a dozen wounded, some perhaps fatally, and two score more suffered minor injuries from bullets and clubs late to-day in a riot led by a girl at the Ford Motor Co. plant in Dearborn.

Among those injured is Harry Bennett, head of the Ford secret-service division, who was struck in the head by a rock hurled by one of the 3,000 communists who went to the plant on a "hunger demonstration."

REACH PLANT GATES

Tear gas, guns, clubs, and water failed to check the mob that succeeded in getting to the very gate of the plant.

Three rioters were instantly killed, the fourth dying after being admitted to the Henry Ford Hospital.

Seven Dearborn police officers were injured, three of them receiving fractured skulls.

Police arrested Mary Gossman, with the blood of her dead sweetheart, Joseph York, still on her clothes. Defiantly, she said: "He died in my arms. Sure I was there and I'm not ashamed of what I did. Now leave me alone."

Police insisted she was the leader who twice urged the mob on to the attack. They said she was a known labor agitator with a record in several other industrial communities.

Dearborn authorities had refused permission to the council to stage a demonstration at the plant. Leaders of the crowd defied authorities.

Shouting, crying, and cursing, they charged. Policemen fired into the air and met the attackers with night clubs. By main force of numbers the police were hurled to the ground and trampled upon. Members of the mob seized the night clubs and beat the fallen officers.

Uninjured policemen in the first attack, fled and took refuge behind the motor company's high steel fence. Firemen continued to hold the bridge approach, waiting for police reinforcements.

CROWD DEFIANT

The mob was defiant and the fighting was not placed under control until heavy reinforcements arrived from Detroit.

Edsel Ford, son of Henry Ford, and Charles Sorensen, Ford general manager, hastened to Bennett's bedside.

That is what we have in the papers this morning. An attack upon Henry Ford. He is the last man on earth who should have been attacked. They speak about communists. When I first came here William Z. Foster had the hand of approval of the American Federation of Labor upon his head. William Z. Foster was put in charge of the great steel strike by Samuel Gompers, president of the American Federation of Labor. I can not forget that the American Federation of Labor had affiliated with and been mighty close to Emma Goldman, Alexander Berkman, and the McNamara brothers, the great dynamiters, in times gone by. I have not forgotten that, and I have not forgotten that years ago at Atlantic City Mrs. Rena Mooney sat on the platform with Samuel Gompers and the rest of the American Federation of Labor in their annual convention, asking general help for her dynamiting husband in California. I take my hat off to California.

In spite of all the money spent, in spite of that $20,000 mayor of New York going out there and meddling in their

business, they have had enough stamina to say that New York mayors have nothing to do with the laws of California and that they can attend to their own business. Yet, Henry Ford, a man who has done more for labor than anyone else, a man who fixed a minimum wage of $5 a day for all his employees, a man who even employs convicts and gives them another chance to make good when they come out of the penitentiary, a man who all through this depression has kept his organization together and his plant going, a man like that is attacked last night by 3,000 communists, who, as I mentioned, were once closely affiliated with the American Federation of Labor. It is said that William Z. Foster led them. In the first speeches I made on this floor years ago I told the American Federation of Labor that if they did not divorce themselves from such cattle as William Z. Foster, Emma Goldman, and Alexander Berkman they would ruin them. Thank God they took my advice.

They finally have divorced themselves from them. The American Federation of Labor is now against communism. Last night at Ford's plant you found communists attacking him. There were four men killed and there were a dozen seriously wounded; and there were 40 men and women, aside from that, who received minor injuries, and it took the threat of calling out the militia to stop it. Yet we are going to pass a bill here like the one that is before you to-day that will permit that very thing to transpire before a court can stop it.

Mr. BANKHEAD. Will the gentleman yield in that connection?

Mr. BLANTON. Will the gentleman get me the 30 minutes more, please, that I am entitled to? I am sorry, but I do not have time. My time is limited. [Laughter.]

I wonder if you proponents of this bill were with the gentleman from Pennsylvania [Mr. BECK] when he was making that gallant fight in Chicago for the people? Here is what happened in that one strike case for which the gentleman from New York [Mr. LAGUARDIA] has criticized him for stopping: One thousand five hundred cases of violent assault with intent to kill growing out of that one strike. Just think of it! There were 65 cases of kidnaping accompanied by brutal assaults. There were 8 cases of tar and feathers, 51 cases of dynamiting and bombing railroad bridges for the purpose of wrecking freight and passenger trains. There were 250 records of bombing of railroad property or homes of nonstriking employees. There were 50 cases of train wrecking or derailment. There were hundreds of flagrant practices of sabotage in the equipment of engines and cars with a story of pulling off more than a thousand mail trains on account of these mobs. All of the above figures are given to me by Mr. BECK as correct. Were you with the gentleman when he was trying to stop that? Was the gentleman from New York [Mr. LAGUARDIA] with him?

Mr. LAGUARDIA. Those acts never took place. There was not a man indicted under that.

Mr. BLANTON. Oh, yes, they were, and they were convicted. I would rather take the word of our distinguished colleague from Pennsylvania [Mr. BECK], who was then Solicitor General of the United States, who investigated the cases and now gives me the figures as correct, than the dicta of the gentleman from New York. I can not yield to the gentleman. If the gentleman will get me a little more time, I will yield. The gentleman from Pennsylvania [Mr. BECK] told you what brought about the Adamson law, with the threat to tie up every railroad in the United States. Does my friend from New York, Mr. O'CONNOR, and my friend from New York, Mr. LAGUARDIA, know what would have happened to the 6,000,000 people of New York if that strike had been pulled off? They would have starved your people to death.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield to the gentleman from Texas five additional minutes.

Mr. BLANTON. I know retribution comes to us who oppose organized labor. I have been punished for making such speeches more than any man in the United States ever will be punished, but that does not stop me from doing my duty.

Mr. CELLER. Will the gentleman yield now?

Mr. BLANTON. If the gentleman will get me some more time, yes; otherwise not.

I remember that when Senator Cummins passed that "work or fight" amendment in the Senate, he did not come back. I came very near not coming back. They had four men running against me down in my district that year.

I can understand that we who oppose will be punished.

But Brother BECK did not tell you some other significant facts about what happened after that Adamson law was passed, when Mr. William G. McAdoo, whom I loved up to that time, was influenced by a similar threat when he was the Director General of Railroads of the Government during the war, when they came to him and said, "Mr. Director General, if you do not give us $764,000,000 out of the United States Treasury, and date it back six months, we will tie up every railroad in the United States." McAdoo did not have the guts to tell them where to go, and he took it out of the people's Treasury, $764,000,000, and handed it over to them, and I have been against him ever since.

The gentleman from Pennsylvania [Mr. BECK] did not tell you about something else. He did not tell you about when McAdoo gave up that position and Director General Hines took it over. They came back with another threat, and they said, "If you do not hand over $67,000,000 more we will tie up all the railroads," and Director Hines handed that $67,000,000 of the people's money over to them.

How much longer are we going to stand for this hands-up, stand-and-deliver? I am against the highwayman who holds you up and says, "Stand and deliver." I am against the kidnaper who says, "Come across and deliver." I am against the union man who sits in the gallery and tells the Congress of the United States, "Stand and deliver." I am against my good friend from New York, JOHN O'CONNOR, of the Rules Committee, who, when I asked him for a fair division of time, said, "No; stand and deliver. We will not give it to you." I am against all that "stand-and-deliver" business. I am for the people of the United States. I am thinking about the 120,000,000 people of the United States.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. If the gentleman will get me my other 25 minutes more that I am entitled to by the rules of debate, I will yield; otherwise I decline to yield. What are you all going to do with this question? Are Mr. BECK and myself the only two Members who are going to vote against this bill? If so, there is one thing we have left. We have our own self-respect. We have the approval of our consciences. We can go back home and say, "Boys, we did what we believed to be right, and if you do not like what we have done put us out," and we will take our medicine.

What kind of a juror would our friend from New York [Mr. O'CONNOR] make in a case like this, a man who says he hates the Federal courts? What kind of a juror would Mr. DYER make in an injunction case? What kind of a juror would Mr. LAGUARDIA make? They would have the case decided before it was ever called. I do not want that kind of a juror in my case.

[Here the gavel fell.]

Mr. BLANTON. I ask the gentleman from Texas to give me five minutes more. I want to answer some of these questions.

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I know John would bust if he did not ask me a question, so I yield.

Mr. SCHAFER. The gentleman has spoken about the lack of intestinal stamina of Mr. McAdoo. Is that the reason why the gentleman in his speech the other day put in a statement by Mr. McAdoo, indorsing the gentleman's candidate for the Presidency on the Democratic ticket?

Mr. BLANTON. If you could just get the mind of the gentleman from Wisconsin [Mr. SCHAFER] off antiprohibition for one-half minute, he might be of some good to the country. He can not think of anything else except the antiprohibition question. I am glad Mr. McAdoo is supporting a friend of mine.

I want to say this: Every single provision that has been proposed in Congress for 15 years which would better the condition of laborers and union men that was not detrimental to the interests of the whole people has had my hearty support. When I support a thing I do not sit still in my seat and not open my mouth. I get up on the floor and support it. When I am for a measure I am for it. But everything that they have brought in here that has been injurious to the whole people of the country I have opposed. That is my record, and I can meet them anywhere and shake hands with them and say, "God bless you, brother, I am for you when you are right, but I am against you when you are wrong." Is not that a proper stand? Is it not?

Why, gentlemen, this bill should be defeated, or, at least, you ought to put the amendment in it that I suggested to the gentleman from Pennsylvania, that when the Government of the United States is the petitioner this law shall not apply. Are you not for the Government? Is the Government as big as these union men in the gallery or are they bigger than the Government?

My time has expired. I feel that my fight is futile. This bill will pass. We can not stop it. But I have put up the best fight within the short time allotted me that I know how to make. I feel that I have done my duty. I know that my colleagues who are supporting this measure are sincere, and that they feel that they are doing their duty. And when we all do our duty, as we see it, that is all that we can do here in this House.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. MCKEOWN].

Mr. McKEOWN. Mr. Chairman, there has been a lot said here about unfair division of time. If I am any judge of argument and reasoning, there has been too much time already divided in this matter.

It is agreed that this bill is being passed at the bidding of the great brotherhoods of this country. It is argued that it is a crime for the brotherhood to come here and have men up in the gallery as if they are trying to coerce somebody. Why, were any of you gentlemen in Congress when the manufacturers of this country came down here to get a tariff? If you were, you recall you could not even get within reach of the Ways and Means Committee room, and nobody then talked about there being anything wrong about that.

Of course, these men are interested. They are interested in a matter that reaches down to their very existence, and I want to take time enough now to say that, to-day, if it were not for the American Federation of Labor, we would be running all over this country right now trying to run down all the bolsheviks we would have in this country, and we would have so many we would not know how to catch them all. This would be true if it were not for the American Federation and its determination not to affiliate with bolshevism but to stand up for the rights of men.

Now, what does this bill do? There is nothing wrong with this bill. The manufacturers of this country are under a misapprehension as to what this bill does. This bill does nothing more or less than put into actual effect what the Congress did years ago when they passed the Clayton Act; that is to say, by a certain construction of the Supreme Court and other Federal courts they took out of that act the many safeguards that Congress had put in there, just as the Supreme Court of the United States wrote the word "reasonable" in the antitrust laws of this country, and you have seen the effect of that.

This bill is the result of the labor injunctions that judges have issued that we have had in effect; and I am here to tell you to-day, my friends, the time is not far distant when this House will be called upon to pass some similar measure to make effective the eleventh amendment to the Constitution, because the courts of this country are every day, by construction, destroying the purpose of the eleventh amendment of the Constitution of the United States. Why? Because the Federal court judges are issuing injunctions without regard to the eleventh amendment to the Constitution, which provides that no citizen may sue a State except in the Supreme Court of the United States.

Every day they issue injunctions against the tax commission or against the highway commission, and various other kinds of injunctions that are in violation of the spirit of the eleventh amendment. Down here in South Carolina the other day a Federal judge took away from the bank commissioner of the State of South Carolina the closing up of a State bank that had failed and put it in the hands of a Federal court receiver.

Every day we are having this situation, and this bill is here to rectify and make right such misconstruction of the laws of Congress.

The great question has always been raised by constitutional lawyers who say that the Congress has no right to interfere with the Federal courts, because the right to issue an injunction is an inherent right granted by the Constitution of this country. Why, no such thing is the case. There is only one constitutional court, and that is the Supreme Court of the United States. Every other court in this country is created by Congress and lives by reason of Congress, and the jurisdiction of the Federal courts can be fixed and must be fixed by the Congress.

What is there to this talk about invading the right to issue injunctions? We simply say we are carrying you back to the original law. Why, way back in 1796, when we wrote the first judicial act, we said that no injunction could be rendered without notice. They soon got that out of the way, and now they will issue injunctions without notice, and yet the Supreme Court of the United States in its equity rules, rules promulgated by Judge Taft, provides that notice must be given.

They say that five days is not long enough—five days to have an injunction issued against you without any hearing. Do you not think five days is long enough to go into a court room and see the judge and hand him a paper and some affidavits and have him issue an injunction against you? Do you not think five days is long enough to allow such an injunction to run?

Let me tell you something about judges. Judges are human. Unfortunately for my people, I have served on the bench [laughter], and I want to say to you that the character of a judge does not change because he is put on the bench and wears the ermine.

If he is prejudiced against certain things before he goes to the bench, he will take that prejudice with him. He is nothing but human. The courts should revere the laws of the country.

There is nothing wrong about this bill. Some manufacturers are insisting that there is, but they do not understand what the bill is. This is to make the same law we have had for years effective.

Mr. GARBER. Will the gentleman yield?

Mr. McKEOWN. I yield.

Mr. GARBER. Isn't it a fact that this will correct the abuses of the equity power of the Federal courts?

Mr. McKEOWN. Yes.

Mr. GARBER. And only introduces one controversial proposition that has been approved by the decisions of the Supreme Court?

Mr. McKEOWN. Yes; it stops abuses and outrages that have been prevalent. I say that whatever you think of the labor organizations that is not here nor there. This is a proposition as to whether you believe that the Federal judges of this country should issue restraining orders in labor disputes promiscuously.

[Here the gavel fell.]

Mr. SUMNERS of Texas. I yield the gentleman two minutes more.

Mr. McKEOWN. There is nothing wrong about the bill. We want to stop the abuses, we want to stop the abuse of

going into a judge's room, putting an affidavit down on the desk, and let him issue an injunction on that.

You can not make an association of men responsible for everything that any one member of the association has done in violation of law. He can not enjoin a violation of law, for if you did, you would not have any crime. You could enjoin murder and kidnaping. But here is the proposition. We do not take away any real relief, but you must have some substance on which to base your injunction. You can not issue restraining order without any facts or something upon which you can base it, and then you can only run it for five days.

[Here the gavel fell.]

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. SPARKS].

Mr. SPARKS. Mr. Chairman, the anti-injunction bill, recently passed by the Senate, and the one now under consideration in this body are the outgrowth of years of agitation in Congress for the curbing of employers' rights to deprive by contract the laboring man from exercising such rights as are necessary for him to deal on an equality with his employer.

The laboring man, who has been out of work and has a wife and several small children to support, falls an easy prey to the merciless employer who demands that before he secures employment he must agree not to become a member of a labor union or aid such a union. It was held in the case of the American Steel Foundries *v.* Tri-City Central Trades Council (257 U. S. 184) in an opinion by the late Mr. Chief Justice Taft that—

> Labor unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have long been thus recognized by the courts. They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers an opportunity to deal on equality with their employer. They united to exert influence upon him and to leave him in a body, in order, by this inconvenience, to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has, in many years, not been denied by any court.

The right which the court said was so essential—that is, to give a laborer an opportunity to deal on an equality with his employer—is taken away from him by contract, and the Federal courts have been sanctioning such contracts. Denying a workman the right to belong to a union in no way affects the ability of the workman to do that for which he is employed, but deals primarily with the laborer's rights to combine with others for the purpose of protecting himself against the arbitrary and unjust contract obligations of unscrupulous employers. Why should the employers be permitted to organize for their mutual benefits, but the laboring man be denied that privilege? The laboring man, because of his situation financially, and with dependents to support, is generally unable, single-handed, to cope with employers as to the substance of the contract between them and is compelled to agree to provisions in contracts which take from him that right which is so necessary to place him upon a basis where he may exact fair and reasonable treatment for himself. Why should the employer be given legal sanction to demand by contract those things which do not in any way affect the ability of the laborer to perform his work, but which seek to shackle and enslave him in his right to demand fair and honest terms of employment? Under present conditions, when the employer deals with individuals, he may exact terms which are unreasonable and unfair to the employee; but if the employer must meet the laborers in collective strength, generally, he is required to contract fairly and with due regard for the rights of laborers to earn their living by honest toil.

Is it unreasonable to write into our Federal laws that it is the public policy of the United States that no man shall be compelled to bargain away one of the greatest privileges that any citizen can enjoy—the right to protect himself in securing fair and honest dealings in competition with capital? Is it unreasonable to deny to the Federal courts the right to sanction contracts which go far beyond the scope of the necessary provisions for the work to be done and the compensation to be paid, and which seek the enslavement of the laborer by rendering him helpless to protect his own interests?

The constantly increasing combinations of wealth have concurrently built up court-made law which has placed the laborer at the mercy of capital, has denied to him a fair wage and a fair opportunity for freedom of contract. Shall combinations of wealth enslave the workingmen, or shall Congress give the laboring men the right to use their collective strength against the combination of wealth?

Congress should write into the law of the land that unjust discriminations against labor by capital shall not continue to exist; that contracts depriving the individual of the right to properly protect his own interests with fair and honest dealings shall not continue to receive legal sanction; that capital shall not crush labor with a despotic hand under the protecting arm of the law; but labor shall be placed on an equality with capital by permission to organize for mutual protection, the great weapon available to labor to secure fair and honest dealings, and when the laborer is thus clothed he may stand on an equality with his employer before the law. [Applause.]

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Ladies and gentlemen of the committee, in five minutes—and, for that matter, four minutes, except in war time, when we only had four minutes—it is utterly impossible for anybody to discuss all the questions involved in this bill, and I shall not attempt to do so.

Down at the bottom of our hearts, notwithstanding what may be said about us, we are trying hard to get behind the background to ascertain whether we can vote for this bill. Side issues have taken a good deal of time, and I do not criticize anyone.

If this bill has imperfections, let it be said so have all other laws. But if, despite this defect, the bill contains more merits than imperfections, it ought to pass.

Take, for example, the statement that officers of the American Federation of Labor are in the gallery. I hope they are. I am not ashamed to say that thousands of them are my friends, and I hope that I am theirs. I sympathize with the remarks of the gentleman from Maine [Mr. NELSON], who said that organized labor in America was the chief bulwark against the potentialities of sovietism and anarchy. I think it is true. Only God knows the great debt this Nation owes to organized labor in America.

I think that is about all I want to say. I am for this bill and I would like to have my friends here and at home know that I am for it. I have the honor to be one of two Congressmen at large in Illinois. I have 7,000,000 constituents, three and a half million in Chicago and three and a half million out of Chicago, so that I can not be accused of being partial one way or the other. I believe they will sustain us if we pass this bill and vote down amendments to the contrary. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I believe the gentleman from Texas [Mr. BLANTON] beyond peradventure of doubt, misstates the fact when he ties up the American Federation of Labor with communism. He knows deep in his heart that the American Federation of Labor has been the greatest enemy to communism. I draw the veil of charity around the gentleman from Texas and do not charge him with a deliberate misstatement, although I say he comes close to it.

Mr. BLANTON. Mr. Chairman, I did not claim that——

Mr. CELLER. I refuse to yield to the gentleman. He has indeed handled the truth rather carelessly to-day. Very likely he also comes pretty close to a deliberate misstatement of the record when he says that no injunction has ever issued which compelled men to work. That statement also is a vainglorious attempt to defeat this bill. I would remind

him to the contrary and that in the Bedford Cut Stone case, reported in Two hundred and seventy-fourth United States Reports, page 37, the Supreme Court ordered an injunction against the Journeymen Stone Cutters' Association to restrain simple refusal to work upon stone which had been partly cut at quarries by men working in opposition to the association. That is tantamount, that is equivalent to compulsion to work, and it is because injunctions such as that issued in the Bedford Cut Stone case that we are compelled to bring forth this bill from the Committee on the Judiciary for your approval this afternoon. The injustice of that injunction prompted one of the judges, Mr. Justice Brandeis, writing a minority opinion, to say:

If on the undisputed facts of this case refusal to work can be enjoined, Congress created by the Sherman Law and the Clayton Act an instrument for imposing restraint upon labor which reminds one of involuntary servitude.

It is from just such "involuntary servitude" that the present bill will rescue labor.

In that same Bedford Cut Stone case Mr. Justice Brandeis, continuing in his minority opinion, said:

The Sherman law was held in United States *v.* United States Steel Corporation (251 U. S. 417) to permit capitalists to combine in a single corporation 50 per cent of the steel industry of the United States dominating the trade through its vast resources. The Sherman law was held in United States *v.* United Shoe Machinery Co. (247 U. S. 32), to permit capitalists to combine in another corporation practically the whole shoe machinery industry of the country, necessarily giving it a position of dominance over shoe manufacturing in America. It would indeed be strange if Congress had by the same act willed to deny to members of a small craft of workingmen the right to cooperate in simply refraining from work, when that course was the only means of self-protection against a combination of militant and powerful employers. I can not believe that Congress did so.

Yet the majority views held Congress did do so.

When in 1914 we passed the Clayton Act we viewed it as a red-letter day for labor, for we supposed it to be a new bill of rights, giving labor the protection for which it had yearned and fought during the preceding 20 years.

The American Federation of Labor had repeatedly attempted to withdraw labor unions from the scope of Federal antitrust legislation, but to no avail. Although the early decisions of the Federal courts were to the effect that the Sherman law embraced combinations of labor as well as of capital, an effort was begun in Congress to express a contrary intent. At this point, it is interesting to note, that on March 25, 1890, Senator Sherman proposed a proviso excluding labor and farm organizations from the terms of the act. Although this proviso was agreed to in the Committee of the Whole, it was omitted when the bill was again reported out of the committee to the floor of the Senate. And the CONGRESSIONAL RECORD does not disclose whether the proviso was omitted because of opposition to it, or because of the belief that the act itself so clearly excluded labor that the proviso was unnecessary. In any event, the speeches of Senator Hoar, Twenty-first CONGRESSIONAL RECORD, page 2729; of Senator Stewart, ibidem, page 2606; and of Senator Teller, ibidem, page 2562, seem to imply that the proviso was unnecessary, and that labor unions were not to be deemed as combinations in restraint of trade.

It was feared, however, that the statute would not be so interpreted in favor of labor unions, and various attempts were therefore made to so modify it as to indicate without question what the congressional intent was in the matter. Friends of the reform saw their opportunity to restrict appropriations for enforcement of the antitrust laws, by writing into the sundry appropriations bills a proviso against using any funds for the prosecutions of labor organizations.

These efforts, however, were but abortive and premature. The proviso passed the House but was defeated in the Senate. At a later period it passed both Houses, only to be vetoed by President Taft. Again, in 1913, it passed both Houses, and this time met the approval of the President, Woodrow Wilson, and was signed. Thereafter, similar appropriation bills, signed by President Harding and President Coolidge, contained such a prohibition against the use of any money by the Department of Justice for the prosecution or the restriction of the activities of labor organizations. Of course, such restriction did not help labor outside the sphere of governmental activities. It was doing by indirection what should have been done by direct legislation.

In 1912 the Democratic Party pledged itself to the withdrawal and exclusion of labor and farm organizations from the provisions of the Sherman law. The subsequent election of Woodrow Wilson made action in that regard inevitable, since relief for labor was an integral part of Wilson's gospel of "the new freedom." Later, Samuel Gompers, personally and with rare ability, led the forces and the struggle which culminated in the passage of the famous Clayton Act, which was signed by President Wilson and became law on October 14, 1914. The keynote of this act is contained in its declaration of policy:

The labor of a human being is not a commodity or article of commerce.

At last Congress recognized the difference between the power and the right of man to produce, and the article or thing which he produces. The exact text of section 6 of the Clayton Act is as follows:

That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations instituted for the purpose of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

Of the declaration of policy, mentioned supra, Mr. Gompers said:

This declaration removes all possibility of interpreting trust legislation to apply to organizations of the workers and their legitimate associated activities.

But the roseate hopes held out by Gompers and the proponents of this legislation were soon dashed to pieces, for it was soon discernible, particularly by court interpretation, that the Clayton Act did not bring about the immunization of labor organizations from prosecution or suit under the antitrust laws. The courts so twisted what they deemed the "intent of the legislature," that it was soon apparent that the Clayton Act's purported labor protection was but pure fiction. Labor's so-called bill of rights became a mere shambles.

Not much time elapsed before a very famous case arose, Duplex Co. *v.* Deering (254 U. S. 443), to deal a telling blow to labor. In that case the majority of the court concluded that—

There is nothing in the section (6 of the Clayton Act) to exempt such an organization or its members from accountability where it or they depart from its normal and legitimate objects and engage in an actual combination or conspiracy in restraint of trade.

In this majority opinion Justice Pitney further said:

As to section (6), it seems to us its principal importance in this discussion is for what it does not authorize, and for the limit it sets to the immunity conferred. The section assumes the normal objects of a labor organization to be legitimate, and declares that nothing in the antitrust laws shall be construed to forbid the existence and operation of such organizations or to forbid their members from lawfully carrying out their legitimate objects; and that such an organization shall not be held in itself—merely because of its existence and operation—to be an illegal combination or conspiracy in restraint of trade.

Many other such decisions followed, and each with its telling effect landed death-dealing blows to the cause of labor.

Finally it became illegal to persuade an employee to join a union where such a worker was under a contract with his employer not to do so. This is the so-called "yellow-dog" contract doctrine, which has done much to strike terror into the heart of labor.

It was supposed that labor had the right of collective bargaining, but the placing of a halo around the "yellow-dog" contracts by the courts utterly destroyed the efficacy of the right of "collective bargaining." These "yellow-dog" contracts were justified on the score that nonunion men or scabs should be permitted "freedom of contract."

Personally I can see no truth in that assertion. For certainly the man out of a job, without food or shelter for himself or his family, has no "freedom of contract" when dealing with the employer. The odds are all on one side, with the workman having no choice at all in the matter. If he must accept the company union or "yellow-dog" contract, he is being forced into "involuntary servitude." The courts reasoned that the employer and the employee are on an equality and that no legislation should be permitted to disturb this relationship. What a farce! Equality!

However, enlightened judges, like Mr. Justice Oliver Wendell Holmes, rebelled against such judicial interpretation. But they pleaded in vain, and theirs were as voices in the wilderness. (See Coppage *v.* Kansas, 236 U. S. at 27.)

Then came the famous Hitchman Coal Co. *v.* Mitchell case (245 U. S. 299), which impressed the "yellow-dog" contract on labor with a vengeance. Quoting from the book, The Labor Injunction, we find Prof. Felix Frankfurter writing (p. 148 et seq.) thus:

In the Hitchman case, it will be recalled, the Supreme Court gave equitable protection to these agreements by enjoining employees who had subscribed to them, even when employed merely from day to day and not for a definite term. This decision brought realization to employers that "yellow-dog" contracts had more than psychologic potency. The use of these arrangements and their variants in the form of company unions has spread widely and rapidly. The system, which is referred to as the "American plan," covers nearly all the unorganized coal fields in Ohio, Pennsylvania, West Virginia, and elsewhere. Recent hearings before the Senate Judiciary Committee furnish ample testimony that it is to-day one of the most active forces in large-scale industry.

Such a challenge to organized labor was bound to arouse appeal for legislative help. The first and, thus far, the only statutes do not directly outlaw "yellow-dog" contracts, but deny equitable relief in all cases involving the violation of a contract of employment * * * where no irreparable damage is about to be committed upon the property or property rights. In 1925, a bill sponsored by the Ohio State Federation of Labor, which provided that such contracts are against public policy and void, did not get beyond the lower house; within the next two years similar bills presented in California, Illinois, and Massachusetts failed of passage. In the 1928 session of the New York Legislature such a bill was pressed by the New York State Federation of Labor, but died in committee. We may be sure that this is only the beginning of the agitation. Effective recession in the present trend of prosperity is likely to invigorate the demand for legislation.

Following the Hitchman case, there came in rapid succession a score of cases in which equitable injunctions were issued; and it was found that the Clayton Act was utterly without power to stop this rising tide of restraining orders against labor. Such results were brought about, by holding the statute inapplicable when the strike was to unionize a factory, the courts saying that this purpose was for one other than the immediate betterment of working conditions of the laboring man. And when he refused to work upon nonunion products, it was deemed a strike for "a whim," and he was not protected by the Clayton Act.

Again, the act could not be successfully invoked when once the employer had refilled vacancies, because, it was held, there was no longer a relationship existing of employer and employee between the owner of the plant and the striker. A worker who picketed was no longer an employee to come under the protection of the Clayton Act. (See Dail-Overland Co. *v.* Willys-Overland, 263 Fed. 192.)

In fact, throughout the land, even peaceful picketing by strikers became anathema to Federal judges. They seemed obsessed with the idea that there could be no peaceful persuasion through the practice of picketing. (See Pound, Common Law and Legislation, 21 Harv. L. Rev. 383; see also American Steel Foundries *v.* Tri-City Central Trades Council, 257 U. S. 184.)

In the latter case Chief Justice Taft made a most effective, forceful, and penetrating analysis of the social justification of trade-unions. He said:

Labor unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have long been thus recognized by the courts. They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers opportunity to deal on equality with their employer. They united to exert influence upon him and to leave him in a body in order by this inconvenience to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has in many years not been denied by any court. The strike became a lawful instrument in the lawful economic struggle or competition between employer and employees as to the share or division between them of the joint product of labor and capital. To render this combination at all effective, employees must make their combination extend beyond one shop. It is helpful to have as many as may be in the same trade in the same community united, because in the competition between employers they are bound to be affected by the standard of wages of their trade in the neighborhood.

I know of no greater justification for the passage of the instant bill than this opinion by the late Chief Justice Taft.

Further, because of the laxity of Federal judges, all manner of abuses crept in the issuing of injunctions. One of the most obnoxious of these was the granting of an injunction at simply an ex parte hearing. On July 28, 1908, in his address accepting the nomination for President, Mr. Taft drew attention to the evils of ex parte injunctions:

In the case of a lawful strike, the sending of a formidable document restraining a number of defendants from doing a great many different things which the plaintiff avers they are threatening to do, often so discourages men always reluctant to go into a strike from continuing what is their lawful right. This has made the laboring man feel that an injustice is done in the issuing of a writ without notice. I conceive that in the treatment of this question it is the duty of the citizen and the legislator to view the subject from the standpoint of the man who believes himself to be unjustly treated, as well as from that of the community at large. I have suggested the remedy of returning in such cases to the original practice under the old statute of the United States and the rules in equity adopted by the Supreme Court, which did not permit the issuing of an injunction without notice.

The bill before you this afternoon precludes the issuing of an injunction without a hearing and the taking of testimony. It destroys forever the issuance of an injunction after an ex parte hearing. Both sides must be heard.

It is interesting to note that in New York, Governor Smith twice recommended that preliminary hearings be had prior to the issuance of injunctions by the New York State judges.

The instant bill further provides that a temporary injunction may endure for only five days. Examination of Federal injunctions indicates the serious abuse in the present state of the law by permitting a temporary injunction to remain alive for 10 days, to be renewed after "good cause shown." This has resulted in the keeping alive of restraining orders for weeks and months.

Time is the essence of the strike. Keeping the injunction alive by dilatory tactics blunts the edge of the only effective instrument that labor possesses, namely, the strike.

The bill now before us makes it well-nigh impossible to secure a restraining order except under the well-defined and limited conditions set out in sections 7 and 8.

SEC. 7. No court of the United States shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute, as herein defined, except after hearing the testimony of witnesses in open court (with opportunity for cross-examination) in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered, and except after findings of fact by the court, to the effect—

(a) That unlawful acts have been threatened or committed and will be continued unless restrained but no injunction or temporary restraining order shall be issued on account of any threat or unlawful act except against the person or persons, association, or organization making the threat or committing the unlawful act or who actually authorized it or ratified it after actual knowledge thereof;

(b) That substantial and irreparable injury to complainant's property will follow;

(c) That as to each item of relief granted greater injury will be inflicted upon complainant by the denial of relief than will be inflicted upon defendants by the granting of relief;

(d) That complainant has no adequate remedy at law; and

(e) That the public officers charged with the duty to protect complainant's property are unable or unwilling to furnish adequate protection.

Such hearing shall be held after due and personal notice thereof has been given, in such manner as the court shall direct, to all

known persons against whom relief is sought, and also to those public officers charged with the duty to protect complainant's property: *Provided, however*, That if a complaint shall also allege that, unless a temporary restraining order shall be issued without notice, a substantial and irreparable injury to complainant's property will be unavoidable, such a temporary restraining order may be issued upon testimony under oath, sufficient, if sustained, to justify the court in issuing a temporary injunction upon a hearing after notice. Such a temporary restraining order shall be effective for no longer than five days and shall become void at the expiration of said five days. No temporary restraining order or temporary injunction shall be issued except on condition that complainant shall first file an undertaking with adequate security in an amount to be fixed by the court sufficient to recompense those enjoined for any loss, expense, or damage caused by the improvident or erroneous issuance of such order or injunction, including all reasonable costs (together with a reasonable attorney's fee) and expense of defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

The undertaking herein mentioned shall be understood to signify an agreement entered into by the complainant and the surety upon which a decree may be rendered in the same suit or proceeding against said complainant and surety upon a hearing to assessed damages of which hearing complainant and surety shall have reasonable notice, the said complainant and surety submitting themselves to the jurisdiction of the court for that purpose. But nothing herein contained shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his ordinary remedy by suit at law or in equity.

SEC. 8. No restraining order or injunctive relief shall be granted to any complainant who shall have failed to comply with any obligation imposed by law which is involved in the labor dispute in question, or who has failed to make every reasonable effort to settle such dispute either by negotiation or with the aid of any available governmental machinery of mediation or voluntary arbitration.

I would say to the gentleman from Pennsylvania, eminent Republican, and I would say to the gentleman from Texas [Mr. BLANTON], eminent Democrat, that both party platforms admonish Republicans and Democrats alike to stand by and pass this bill. I read what the Kansas City Republican platform says.

The party favors freedom in wage contracts, the right of collective bargaining by free and responsible agents of their own choosing, which develops and maintains that purposeful cooperation which gains its chief incentive through voluntary agreement. We believe that injunctions in labor disputes have in some instances been abused and have given rise to a serious question for legislation.

This bill is the legislation in answer to the pledges in the Republican platform. What does the Houston Democratic platform say?

It states:

(a) We favor the principle of collective bargaining and the Democratic principle that organized labor should choose its own representatives without coercion or interference.

(b) Labor is not a commodity. Human rights must be safeguarded. Labor should be exempt from the operation of antitrust laws.

(c) We recognize that legislative and other investigations have shown the existence of grave abuse in the issuance of injunctions in labor disputes. No injunctions should be granted in labor disputes except upon proof of threatened irreparable injury and after notice and hearing, and the injunction should be confined to those acts which do directly threaten irreparable injury. The expressed purpose of representatives of capital, labor, and the bar to devise a plan for the elimination of the present evils with respect to injunctions must be supported and legislation designed to accomplish these ends formulated and passed.

This bill is the legislation in answer to the pledges in the Democratic platform.

We do no more, we do no less than exempt labor from the operations of the antitrust laws when we pass this bill now before you. The gentleman from Pennsylvania [Mr. BECK] had occasion to say something about his trip to England. He spoke of what they do over there. Let me remind the gentleman from Pennsylvania what they do in England with reference to injunctions in labor disputes.

It is well for us to take a leaf out of their book on labor injunctions. I read in this connection from Mr. Justice Brandeis, United States Reports, volume 257, at page 368, in the case of Truax *v.* Corrigan:

In England observance of the rules of a contest has been enforced by the court almost altogether through the criminal law or through actions at law for compensation. An injunction was granted in a labor dispute as early as 1868, but in England today resort to the injunction is not frequent, for the injunction has played no appreciable part in the conflict between capital and labor.

All we do by the passage of this bill is to follow the English practice and relegate the disputants to the criminal side of the law and to actions for damages. Only in rare cases do we allow injunctions in this bill.

If acts of fraud and violence are committed, if criminal statutes are violated, if municipal ordinances are infracted, if the peace authorities can not cope with the situation, then an injunction may issue, otherwise go to the criminal court and get your redress there.

I would say to the gentleman from Pennsylvania [Mr. BECK] read more of English jurisprudence whence comes our American common law, and then the gentleman would come to the inescapable conclusion that we must limit to the hilt the power of Federal judges issuing injunctions in labor disputes.

I heard with interest the remarks of this same gentleman from Pennsylvania, who, with the gentleman from Texas [Mr. BLANTON], is probably the only opponent of this legislation that we know of thus far (and I venture the assertion there will not be more than 20 votes against the bill) when he said the bill is a far cry from Philadelphia, the cradle of liberty, where the Declaration of Independence was written and the Constitution was written; and that we were on the way to Moscow in passing this bill. I wonder what the fathers would say—Jefferson and Madison and Henry and Adams—if they could come to life to-day and could review the history of labor injunctions in this country, and there was shown to them all the grievances and wrongs of labor? I am sure they would vote for this bill. They would vote, indeed, against such an injunction as was issued in the shopcraft case.

That injunction was issued by Judge Wilkerson at the behest of Attorney General Daugherty, through whose influence Judge Wilkerson had just been appointed. The Attorney General placed it under the judge's nose and said, "Sign on the dotted line," and sign on the dotted line he did. This injunction was so all-embracing as to preclude peaceful assemblage, free speech, freedom of the press, the right to petition against a grievance, as well as a prohibition against payment of dues to a union. That injunction verily destroyed the bill of rights contained in our Constitution—the instrument that was drafted in historic Philadelphia. Certainly our fathers who wrote the Constitution, and particularly Jefferson, who wrote the bill of rights, would have ranted and railed against such an injunction, against such an iniquitous denial of fundamental rights. They would say, "It is high time to rescue labor. This bill is labor's bill of rights. Let it pass."

I recall to mind the comparatively recent injunctions granted by the Pennsylvania judges, from the State of the gentleman [Mr. BECK], in connection with the coal strike, wherein members of the union and their wives and children were actually enjoined from praying at the roadside, from singing psalms in churches or groups. Such injunctions are brutal and usually demoralize the union side of the controversy. I have read injunctions so fantastic, so arbitrary, that they were practically but one step from a threat of jail to a striker if he coughed, spat, or chewed. Some injunctions read very much like orders of an army of occupation bent upon vicious revenge. Many injunctions are not used to protect property from irreparable loss, but issued to disorganize unions and to terrorize and intimidate those on strike.

They, and with them "yellow-dog" contracts, shall be as extinct as the dodo, as far as Federal courts are concerned.

Mr. SUMNERS of Texas. Mr. Chairman, I yield five minutes to the gentleman from Rhode Island [Mr. CONDON].

Mr. CONDON. Mr. Chairman, in the brief time allotted to me I shall not undertake to discuss any of the sections of the bill. I merely take advantage of this opportunity to express my unqualified approval of the legislation.

As I listened to the distinguished gentleman from Pennsylvania, who often entertains and instructs this House with

his eloquent addresses, I thought as he stood here he repeated, almost, though not in the same words, the very same ideas and thoughts that were in the minds of the special pleaders who appeared before the Committee on the Judiciary in opposition to this legislation. If you could have been present at the hearings before the committee you would not have seen any difference in the argument and in the attitude of the gentleman from Pennsylvania from that of those who were hired to come before the committee and attempt to defeat this legislation.

I accord to each and every Member of this House the right to differ with me upon any legislation, and I ascribe to him only the sincerest motives, but I recall at the outset of this Congress the gentleman from Pennsylvania took occasion to characterize the revolution of 1848 as one of the catastrophes in the history of civilization. Any man who can characterize the Revolution of 1848, that destroyed autocracy in Europe, that brought liberalism to all of the nations of western Europe—any man who can characterize that revolution as a catastrophe in human civilization is not the kind of man that any modern-minded Congressman can follow in this year of 1932. [Applause.]

What does this legislation do? It has been recommended to you by others who have had more time at their disposal than I have. It does three things. First of all, it declares the policy of the Government to the extent that Federal courts shall not grant injunctions without adequate time for the defendants to be heard. It abolishes or makes unenforceable in equity the infamous "yellow-dog" contract, that contract that has come to be known as the infamous badge of serfdom in the industrial life of America, and that is unknown in any other country in the world of which I have any knowledge. Lastly, it declares that when any criminal contempts are charged as having been committed against a court, out of the presence of the court or not so near thereto as to impede the administration of justice, those contempts shall be tried in the historic American way; tried by a jury of 12 peers of the accused in a court of the United States.

Is there any man or woman upon this floor who can not afford to subscribe to that doctrine? Is there any man or woman upon the floor of this House who is willing to say that the "yellow-dog" contract ought to be legal? Is there any man or woman upon the floor of this House who is willing to sanction injunctions that have come down from that famous judge in Chicago, Judge Wilkerson? If there are, then, of course, they will vote in opposition to this bill, and if the Members of the House are opposed to these things they will vote for the passage of this legislation, and it does not make any difference, in my judgment, that members of the great patriotic organization of the American Federation of Labor are seated in the gallery. It does not make any difference that they are here. I take it that each and every Member of this House will think only of his sacred oath of office and vote upon this legislation as in his clear conscience he believes he ought to vote, without any fear of compulsion, direct or indirect, from anyone outside this body. [Applause.]

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield three minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Chairman, I am glad to have even this brief time in which to raise my voice in behalf of this proposed legislation. The strange thing to me is that Congress should have delayed so long to enact this legislation.

I want to felicitate organized labor and to congratulate the country upon this legislation soon to be enacted by this Congress. Our organized fighting army for economic freedom is organized labor. That army is fighting for the freedom of the great unorganized masses of the people.

Something has been said here that the public has an interest in this legislation; in the control, through court injunction, of the conduct of organized labor. I agree with that statement, but I want to say that that public interest is in seeing that the shackles are stricken from the hands of labor, in order that the great masses of the people may enjoy the benefits that will come to them as a result of the fight that labor is making for its own release from wage slavery.

It has been the policy of the employers of labor at all times to seek to prevent the organization of those who labor for wages in order that they might deal with that class of people as individuals and to destroy the collective bargaining power of the workers. It is the same policy that has been pursued as to the agricultural producers of the country. We find hostility toward the agricultural marketing act, which seeks to place in the hands of the farmers the collective bargaining power just as organized labor through its power has assumed that privilege. [Applause.]

I am for this bill because it enables employees, through collective bargaining, to deal at arm's length with employers in negotiating the terms and conditions of labor, freed from the exercise of autocratic and tyrannical injunctive powers of courts. This bill is a restatement of the Declaration of Independence and a reaffirmance of the bill of rights in behalf of the wage earners of this country. It, in effect, repeals a judge-made rule as to public policy relating to labor contracts and labor disputes between employer and employee and declares what that public policy is and shall be in future controversies involving terms and conditions of labor.

It is universally conceded that labor has the right of collective bargaining, but the exercise of that right has been denied through the enforcement by court injunctions of unconscionable contracts exacted by employers from employees. This bill makes the right of collective bargaining effective by depriving the courts of that injunctive power.

This legislation goes to the very heart of social economics and the social welfare. It concerns the great unorganized mass of the people as vitally as it concerns organized labor. It is in the interest of the whole people, whose battles labor has been fighting all these years, as well as its own. It is a long and permanent step in the progress of freedom from wage slavery. We owe to organized labor a debt of enduring gratitude for its untiring efforts in crystallizing sentiment for this legislation. Without the purposes, the hopes, and the power of that organization this bill would never have reached Congress. Chattel slavery was long ago destroyed in this country. The present bill will go a long way toward destroying economic slavery.

[Here the gavel fell.]

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Chairman and members of the committee, admittedly there have been a good many cases of abuse of the injunction by judges throughout the country. That is why this bill is here to-day. This bill will not prohibit the use of injunctions in labor disputes, but it does undertake—and I believe it will succeed to a very considerable extent—to prohibit the abuse of injunctions in these disputes.

The history of labor troubles reveals that time and again Federal judges have laid aside their impartial judicial attitude and have become partisans against labor. The injunction, which was intended as a shield to protect rights, has been forged into a sword for use in attack.

The fact that this bill was reported unanimously by the great Judiciary Committee indicates not merely a change in sentiment on the floor of this House toward organized labor but it reveals a change of public sentiment throughout the United States, which demands that these past abuses shall cease.

Credit should be given to organized labor for helping to bring about this change in public sentiment. Great credit should be given to them for their patriotic action and for their unrelenting opposition to such un-American ideals as have been advanced by bolsheviks and communists. Organized labor is in the front trenches fighting these battles for the rest of the American people. It is now fighting for the defense of American institutions and American liberty. The American people, in turn, are coming to the aid of organized labor in its fight against injustice.

Some of those who are opposed to this bill insist that the injunction must be maintained as at present in order to protect the liberty of contract. "O liberty! how many crimes are committeed in thy name!" Liberty of contract, when a man has only the choice between signing the contract of employment offered him or facing starvation. There is no liberty of contract when a man is compelled to act under the compulsion of economic necessity.

Referring to the practices in the past, it was Burke who said, "you can not indict a whole people," and yet some Federal judges have undertaken the practice of enjoining a whole people. They have issued blind injunctions, without notice and without hearings. They have issued blanket injunctions against people unnamed and unknown throughout the entire country, enjoining everybody under penalty of punishment for contempt of court from doing certain specified things. In the future that can not take place.

After reading this bill I can not find in it any declaration to which any fair-minded man can not agree. As has been said, this is a most important piece of legislation; its passage will be hailed as a new birth of freedom, a new Magna Charta in behalf of mankind. [Applause.]

[Here the gavel fell.]

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. GARBER].

Mr. GARBER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein quotations from leading statesmen of the country.

The CHAIRMAN. Is there objection to the request of the the gentleman from Oklahoma?

There was no objection.

Mr. GARBER. Mr. Chairman and members of the committee, this bill simply corrects the abuses of the administration of the equity powers of the Federal courts. With but one exception this bill does not legislate a single proposition which has not been approved by the Supreme Court of the United States. Get that. There has been only one criticism of this bill that goes to its constitutionality. The distinguished gentleman from Pennsylvania [Mr. BECK] selects sections 3 and 4 of the bill as being unconstitutional.

Now may I request you for just a moment to consider section 4 of this bill. It prohibits Federal courts from issuing an injunction in nine specified instances, enumerated as a, b, c, d, e, and f, and so forth.

Now examine those instances wherein the Federal court is prohibited from issuing an injunction. Why not analyze this bill according to its terms?

Paragraph (a) prohibits the court from enjoining an employee from refusing to work or continuing in employment. Is there any innovation about that? It is a proposition that has been recognized by all the courts of the country as a natural vested right of the employee, namely, to cease work whenever he chooses to do so.

Paragraph (c) shall not prohibit anyone from paying or giving to, or withholding from, any person participating or interested in such labor dispute any strike or unemployment benefits or insurance or other moneys or things of value. Is there any question about the legality of that provision? Is it any invasion or infraction of equity for you to aid and assist one who is on a strike or engaged in a labor dispute in a peaceful and lawful way?

Now, mind you, every one of these paragraphs has been approved by the Supreme Court of the United States.

Take subsection (d)—

By all lawful means aiding any person participating in or interested in any labor dispute who is being proceeded against in, or is prosecuting, any action or suit in any court of the United States or of any State.

Is there anything wrong about this? Has not the employee the right to accept the aid of his friends in a suit at law?

Take subsection (g), with respect to giving publicity to the existence of the facts in relation to a strike being in effect. Wherein does this violate the law?

[Here the gavel fell.]

Mr. DYER. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. GARBER. Time will not permit of a further analysis of the only legal criticism made against this bill by one of the ablest lawyers in this House, very pleasing to listen to, but the gentleman from Pennsylvania speaks out of the ancient past. This bill deals with the present, with modern, up-to-date conditions, wherein social justice is the primary consideration. [Applause.]

The fundamental purpose of this legislation is the promotion of social justice, to place the employee upon an equality with his employer so that he may exercise a bargaining power which will exact a reasonable compensation for his contribution to the joint enterprise of capital and labor. Through their collective-bargaining power labor unions have sought to do this. They have secured better working conditions, shortened the hours of labor, and improved the laborer's condition and standing generally. But through the misuse and abuse of injunctive relief by the Federal courts they have been prevented from securing that degree of social justice to which their contribution of labor entitles them.

This is generally recognized. It was recognized by the respective political parties in their national platforms but three years ago. It is recognized by an enlightened public opinion to-day.

The bill declares our national policy to be that labor shall be free from interference in negotiating the terms and conditions of its employment and in other organized activities for the purpose of collective bargaining or other mutual aid or protection.

Section 3 prohibits the enforcement in law or equity of any contract or agreement wherein either party agrees not to join, become, or remain a member of any labor organization, or of any employers' organization. This section prohibits the enforcement by injunction or proceedings in law of what is usually referred to as the "yellow-dog" contract, a contract procured upon the application of the employee for work wherein he is handed a written form which obligates him not to join any labor union while in such employment.

Section 4 of the bill prohibits the Federal courts from restraining or enjoining any person or persons participating or interested in any labor dispute from doing, whether singly or in concert, any of nine specific acts, one or more of which have been usually covered in blanket injunctions:

(a) Ceasing or refusing to perform any work or to remain in any relation of employment;

(b) Becoming or remaining a member of any labor organization or of any employer organization, regardless of any such undertaking or promise as is described in section 3 of this act;

(c) Paying or giving to, or withholding from, any person participating or interested in such labor dispute any strike or unemployment benefits or insurance or other moneys or things of value;

(d) By all lawful means aiding any person participating or interested in any labor dispute who is being proceeded against in, or is prosecuting, any action or suit in any court of the United States or of any State;

(e) Giving publicity to the existence of, or the facts involved in, any labor dispute, whether by advertising, speaking, patrolling, or by any other method not involving fraud or violence;

(f) Assembling peaceably to act or to organize to act in promotion of their interests in a labor dispute;

(g) Advising or notifying any person of an intention to do any of the acts heretofore specified;

(h) Agreeing with other persons to do or not to do any of the acts heretofore specified; and

(i) Advising, urging, or otherwise causing or inducing without fraud or violence the acts heretofore specified, regardless of any such undertaking or promise as is described in section 3 of this act.

Under section 7 a temporary restraining order may issue without notice, providing it is alleged that substantial and irreparable injury to complainant's property will be unavoidable unless such restraining order issue, supported by testimony under oath sufficient if sustained to justify the court in issuing a temporary injunction upon a hearing after notice, such a temporary restraining order to be effective only for a period of five days and become void at the expiration of that time. An adequate bond for costs and damages must first be approved before the temporary order becomes effective. In all other cases no temporary or permanent injunction shall issue except after hearing the testimony of witnesses in open court, with opportunity given for

cross-examination and the hearing of testimony in opposition to the application, such hearing to be held only after due and personal notice has been given in such manner as the court shall direct to all known persons against whom relief is sought, and also to those public officers charged with the duty of protecting the complainant's property.

Before granting the application for the writ the court must make a substantial finding of fact in writing to the effect—

(a) That unlawful acts have been threatened or committed and will be continued unless restrained, but no injunction or temporary restraining order shall be issued on account of any threat or unlawful act except against the person or persons, association, or organization making the threat or committing the unlawful act or who actually authorized it or ratified it after actual knowledge thereof;

(b) That substantial and irreparable injury to complainant's property will follow;

(c) That as to each item of relief granted greater injury will be inflicted upon complainant by the denial of relief than will be inflicted upon defendants by the granting of relief;

(d) That complainant has no adequate remedy at law; and

(e) That the public officers charged with the duty to protect complainant's property are unable or unwilling to furnish adequate protection.

The above procedure will put a stop to granting of injunctive relief without notice and finding of fact sufficient to warrant such action. No longer will the advantage be to the one who first gets the ear of the court. Neither will incompetent judges be permitted to issue blanket orders which the layman can not understand. Notice, specific findings of fact, and definite orders make for orderly procedure.

Section 11 effects important and necessary changes in procedure in contempt cases for violation of restraining orders or injunctions issued by the United States courts. The accused is permitted to enjoy the right of public trial by an impartial jury and section 12 provides for a change of judge in contempt proceedings where the contempt arises from an attack upon the character or conduct of such judge and not in open court.

Has Congress the power to legislate the limitations and procedure provided for in this bill? Section 1 of Article III of the Constitution provides—

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

This delegation of power to Congress carries with it the power to define the jurisdiction of the inferior courts it creates, to enlarge or limit that jurisdiction within constitutional limitations. This view is clearly expressed in the case of Kline *v.* Burke Construction Co. in Two hundred and sixtieth United States Reports at page 234, as follows:

Only the jurisdiction of the Supreme Court is derived directly from the Constitution. Every other court created by the General Government derives its jurisdiction wholly from the authority of Congress. That body may give, withhold, or restrict such jurisdiction at its discretion, provided it be not extended beyond the boundaries fixed by the Constitution.

Surely the power that can create or abolish the courts can, within constitutional limitations, fix the jurisdiction of the courts. The restrictions, therefore, upon the administration of injunctive relief by the Federal courts are clearly within the power of Congress.

In my judgment, the only constitutional question raised by the provisions of this bill is that to be found in section 3, whereby the employee agrees to join or not to join a labor union; in other words, the further use of the "yellow-dog" contract, declaring it to be in conflict with public policy, not to be enforceable, and not to afford any basis for the granting of legal or equitable relief.

Such contract is so well defined by William Green, president American Federation of Labor, that we herewith incorporate his definition and statement in reference thereto:

"YELLOW-DOG" CONTRACTS CONDEMNED BY EXPERTS

FOREWARD

When workers seeking a job are told to sign an agreement not to join a union before they are put on the pay roll, this condition is called a "yellow-dog" contract. Workers who accept such conditions give up their legal and economic rights because those dependent on them have to be fed and clothed.

To get money for these immediate necessities they must forego their right to plan and order their own lives, that is, the right to join with fellow workers to deal with common problems collectively. Wage earners like all other groups of citizens are expected to assume responsibility for their own progress. Persons who neglect opportunities to keep step with progress retard social advancement and may even become public wards.

A single wage earner is unable to make an advantageous contract with his employer. Acting jointly with other wage earners they can meet their employers on an equal footing and negotiate mutually satisfactory contracts. Employers who are unwilling to give their employees a fair chance to make progress require them to sign "yellow-dog" contracts.

When there is evidence of efforts to promote the organization of a union among workers who have signed "yellow-dog" contracts, employers usually apply to the courts for injunctions enjoining union activities. Thus the full force of government is put behind contracts which take advantage of the necessities of workers and these workers are denied the right to do things which the law regards as legal and which society regards as necessary and constructive.

Clearly, "yellow-dog" contracts and their enforcement by injunctions are in conflict with American principles of liberty and with orderly social progress.

Labor believes that such contracts should not be actionable. Our position is supported by many lawyers and experts who believe that law should be an effective social instrument. To be such an instrument, law must be something more than a mechanical application of precedents—it must be the application of principles of human justice to specific conditions and problems.

Quotations from authorities in different fields have been compiled for the ready use of wage earners studying this problem.

WM. GREEN,
President American Federation of Labor.

The purpose of the "yellow-dog" contract is to destroy the labor unions and thereby the bargaining power of the employee. It is now used in the coal fields, in many manufacturing districts, and on many of the railroad systems. Its use in recent years has rapidly increased. It destroys the independence of labor. It takes an undue advantage of a man who must have work to support his wife and children. The employee has no choice, no bargaining power, and must take whatever is offered. If the use of such a contract is continued, it will finally destroy the labor organizations, the independence of the worker, and create a general labor condition of involuntary servitude.

Clearly, such a contract should be against the public interest, our public policy, and should not be enforceable. It is not only "yellow dog" and Shylock but Machiavelian! This bill will outlaw such a contract; it will preserve the organizations of labor unions, and restore the independence of the worker. [Applause.]

The only objections to this legislation are coming from the sources of corporate power antagonistic to the unions, the sources that have always rushed into court and secured blanket injunctions from their willing tools on the bench. The objections come from sinister sources always seeking advantage in government and in the administration of the law.

The following leading representative public men more truly represent American standards and ideals, the standard of equality of citizenship, of the independence of the American laborer and of the security of his home, the necessity for the education of his family, and the interest of the Government in qualified, competent, American citizenship:

Theodore Roosevelt: "It is all wrong to use the injunction to prevent the entirely proper and legitimate actions of labor organizations in their struggle for industrial betterment, or under the guise of protecting property rights unwarrantably to invade the fundamental rights of the individual. It is futile to concede, as we all do, the right and necessity of organized effort on the part of wage earners and yet by injunctive process to forbid peaceable action to accomplish the lawful objects for which they are organized and upon which their success depends." (42 Cong. Record 1347–48 (1908).)

William Howard Taft: "They [trade-unions] were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers opportunity to deal on equality with their employer." (American Foundries *v.* Tri-City Council (257 U. S. 184–209).)

Woodrow Wilson: "Governments must recognize the right of men collectively to bargain for humane objects that have at their base the mutual protection and welfare of those engaged in all industries. Labor must not be longer treated as a commodity.

It must be regarded as the activity of human beings, possessed of deep yearnings and desires. The business man gives his best thought to the repair and replenishment of his machinery so that its usefulness will not be impaired and its power to produce may always be at its height and kept in full vigor and motion. No less regard ought to be paid to the human machine which, after all, propels the machinery of the world and is the great dynamic force that lies back of all industry and progress." (From message communicated to both Houses of Congress at the beginning of the 66th Cong.)

Charles Evans Hughes: "I trust there will be no more struggles in futile opposition to the right of collective bargaining on the part of employees. The recognition of the right of representation and the prompt hearing of grievances provide the open doors to reasonable and just settlements." (From address before the Institute of Arts and Sciences, Columbia University, November 30, 1918.)

Notwithstanding the decisions of the Supreme Court of the United States that the so-called "yellow-dog" contract is legal, the commission is of the opinion that it is a source of economic irritation and is no more justifiable than any other form of contract which debars the individual from employment solely because of membership or nonmembership in any organization. The right of an employer to discharge for disloyalty, dishonesty, and incompetency or other unlawful conduct should not be abridged, but he should not be permitted to blacklist a discharged laborer for any other reason than disloyalty, dishonesty, or unlawful conduct. (Report of U. S. Coal Commission, 1925, pt. 1, p. 179.)

We recommend that such destructive labor policies as the use of spies, the use of deputy sheriffs as paid company guards, house leases which prevent free access and exit, and individual contracts which are not freewill contracts be abolished. (Summary of Recommendations, September 14, 1923, U. S. Coal Commission, in Bituminous Coal Mining. Government Printing Office, 1925.)

* * * When an applicant for work is compelled to sign a contract pledging himself against affiliation with a union, or when a union man is refused employment or discharged merely on the ground of union membership, the employer is using coercive methods and is violating the fundamental principle of an open shop * * *. (Federal Council of the Churches of Christ of America, press release, December, 1920.)

Francis B. Sayre, Harvard Law School: "The signs are all about us that labor groups throughout the country are smarting with a sense of injustice at the hands of the courts. * * * The situation calls for constructive efforts to meet the growing danger, not only on the part of labor leaders but on the part of all who believe in American law and American traditions.

* * * * * * *

"Seizing upon the Hitchman decision, employers have found an effective way to prevent peaceful and otherwise lawful union activities by requiring present or prospective employees as the price of employment to sign individual contracts against joining any union. Thus entrenched, they are in a position to defy every effort on the part of the unions to unionize their plants, and by a system of strategic individual contracts with their employees they are able in many cases to prevent unions entering into a competitive struggle with them over the price of labor. That courts would refuse in fields other than labor law to allow competition to be effectually stifled by means of strategic contracts with third parties seems clear." (Labor and the Courts, Yale Law Journal, March, 1930.)

Donald R. Eichberg, attorney, Railway Shop Trades Unions: "It is a waste of time to criticize judges who chatter about equality of right and liberty of contract between a billion-dollar corporation and a man looking for a job. When judges solemnly announce that society is more interested in preserving the freedom of one man to injure himself and his coworkers than in preserving the freedom of a hundred thousand men to promote their common interests it is unnecessary to argue that the lawmakers do not know what they are talking about. That fact is obvious. It is, however, worth while to point out the misdirection of persistent efforts to combat natural laws of human conduct with artificial laws.

"* * * And it is apparent that employees sign 'yellow-dog' contracts only because they feel compelled to do so. No man voluntarily puts his head in a noose and then hands the rope to his adversary, with the idea that he has improved his chance of winning the contest. If courts will not recognize the facts, and hold that the employer acts illegally when he interferes with the employee's natural rights to asscociate with his fellow men and thus to designate representatives to advance their common interests, then it is time to have the legislatures write this law and to make it binding on the courts." (From address delivered at the joint conference on injunctions in labor disputes in Pennsylvania, Labor Institute, March 16, 1930.)

The CHAIRMAN (Mr. BLANTON). The time of the gentleman from Oklahoma has expired.

Mr. SUMNERS of Texas. Mr. Chairman, may I submit the inquiry whether or not any other gentleman in opposition to the bill would desire some time now?

The CHAIRMAN. If the gentleman from Texas [Mr. SUMNERS] will reserve the other 23 minutes that from his side is justly due the opposition, there will be opposition that will call for it at the proper time.

Mr. CELLER. Mr. Chairman, a point of order. Is it meet and proper for the Chairman to ask for time while occupying the chair?

The CHAIRMAN. The Chair answered a proper parliamentary inquiry that was within the knowledge of the Chair.

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. HORR].

Mr. HORR. Mr. Chairman, I was very happy, indeed, to be here to-day to witness the wedding of those two sterling characters, the gentleman from Pennsylvania and the gentleman from Texas, and I would wish this couple a long and happy life were it not for the fact I realize that on next Monday morning, the Ides of March, on account of other issues that will be presented to this body, I am sure we will find them in anything but a happy mood.

I am happy to be here to-day to speak upon this particular bill. The injunction in itself, as it exists in law, does not deter any criminal act on the part of anybody, regardless of the fact that it is a law. Any threat whatsoever, whether it be in the nature of a law or not, has never acted as a deterrent to crime. The injunction that has been hanging over the heads of organized labor has been more as an irritant than as a corrective of any condition.

I was particularly taken to-day with the remarks of the gentleman from Texas, who is always speaking for the dear people, and to hear him to-day talk in favor of the industrialists partakes of comedy. I am not worried about what is going to happen to him down in his district of Texas, where he says the best people on earth live. We have all heard this designation and admitted it a thousand times, but I am fearful about what will be the thought of his people when the word goes out to his constituency in Texas that he has to-day joined and gone forward, hand and hand, with the most distinguished wet in this Congress in opposition to this bill.

I heard the gentleman talk about conditions in this Capital City, where the employer, he says, has been caused great inconvenience. Does he know the workers' side of the controversy?

The gentleman said he has worked himself, although it was 35 years ago, according to his own admission, and I am wondering whether he is taken back in memory when those who worked at that particular period of their lives were working not 8 hours a day, the limit men should work, but worked 12 or 14 hours a day in order to get their daily bread. Will the gentleman deny that organized labor should be credited with this change?

It has been a battle for human rights since men first began to toil. Labor has been protecting humanity, and industry only the product. Is not the individual more to be considered than the product? Is not human life more to be considered than the manufactured or produced product?

It has been my experience that where there has been excesses that it is not the outgrowth of any organized-labor agitation, and in most cases organized labor has stepped in and the agitators were kicked out. Organized labor to-day stands for stability in government and is the Nation's last port of call in time of stress.

[Here the gavel fell.]

Mr. HORR. Mr. Chairman, I ask unanimous consent to extend my remarks.

There was no objection.

Mr. HORR. Injunction never acted as a deterrent to crime. Penalties fail to stop murder, and capital punishment does not lessen the taking of life. We have more laws to-day than any other nation, and we are the most lawless of nations. It is time some of these laws were taken off the statute books.

Labor does not need to be threatened with injunction to make it law-abiding.

The American people owe a great debt to organized labor. It has made its proportional contribution in war times, and it will not tolerate disloyalty to government in peace time.

Why place the yoke of serfdom on the worker by giving the courts the power to restrain by injunction, not only the

individual but an entire community. Have the courts ever gone so far as to apply this law to industry? Has this power of injunction ever been used to compel the payment of fair wages to the worker or to maintain a factory or camp fit for men and women to inhabit? If injunction is for use to prevent violence, why has it never been used against an industry that maintains conditions that breed discord? If the injunction is good for labor it is equally applicable to industry. You and I know that the injunction has no place in a free democratic government.

This bill also provides against the "yellow-dog" contract. Were this the only section in the bill, it should appeal to the fair-minded legislator. When ever before was liberty so curtailed as by provisions found in such contracts of hire—contracts which go so far afield of legitimate contractual relationships, as even to take from the worker his human attributes of self-expression, free association, and right to betterment of his station in life—contracts which have wrongly been enforced by the courts of a civilized people?

I rejoice that the Congress of the United States on this day tells the courts of the country that it is not the desire of this legislative body to permit the use of these so-called "yellow-dog" contracts as a club to browbeat the individual out of his innate rights.

To-day should be a great day in the history of organized labor. For years this organization has been looking forward to this accomplishment, and I am happy to have had the privilege of raising my voice in the Congress of the United States in favor of the abolition of the injunction against the worker. I have supreme confidence that the worker will rise to the situation and will prove to the world that such a measure never was at any time necessary for industrial peace. How proud am I to be able to carry out my pledge to organized labor and on this day cast my vote to abolish that thorn of irritation that has been pricking the organization these many years.

To the American Federation of Labor and all of your locals throughout the land, I extend my heartfelt congratulations. I have tried to do my bit.

Mr. SUMNERS of Texas. Mr. Chairman, there being no other requests for time in opposition to the bill, except that of the gentleman from Texas [Mr. BLANTON], and as I understand there are 23 minutes of that time remaining, I yield that to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I reserve the balance of my time.

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK. Mr. Chairman, my mind was at ease on this bill, when Pythias BLANTON O. K'd Damon BECK. They both can not be right; and under the existing armistice, if one of them is wrong so is the other.

I am sorry that my friend from New York [Mr. O'CONNOR] was so unfair to the "Abilene broadcaster," allowing him only 37 minutes on a program with the Philadelphia maestro [Mr. BECK].

I am authorized by my colleague, Mr. O'CONNOR, to answer the question of the gentleman from Texas, "Upon what meat does this our Cæsar feed?" It just so happens that O'CONNOR's ancestors for years fed on the blood of Englishmen. O'CONNOR himself usually feeds on Texas steer, but now that it is Lent he is eating Russian caviar. I suppose that makes him a red. It occurs to me also that probably the gentleman from Pennsylvania [Mr. BECK] would like to be a minority of one, because even misery likes to choose its own company. [Laughter.]

This bill is simply a legislative injunction against the injunctions of arrogant gentlemen who have fed on Cæsar's meat. Both gentlemen who spoke against this bill enumerated certain crimes against which injunctions were to protect the public. There are plenty of laws on the books of all the States about the crimes enumerated. An injunction is no more terrifying than a term in the State penitentiary. An injunction is no more to be feared than capital punishment, and they have enumerated murder among their crimes. That is not the reason for the injunction. The reason for the injunction is that the employers can charge crimes in advance and have a judge, friendly to them, pass on the crimes before they are committed. The laws are plentiful on the question of crimes. You do not need injunctions against crimes. The gentleman from Pennsylvania [Mr. BECK] said that some of the proponents of this bill had visited Moscow and got inspiration from Moscow. This bill did not come from Moscow. I remember away back in my days in prep school many years ago that we used to discuss whether or not there should be injunctions issued without a right of trial by jury in derogation of a man's constitutional rights. This question has been agitated in this country for years and years. This did not come from Moscow; it came right from the heart of America.

Gentlemen are inclined to liken our American labor leaders to communists. If there is any force that stands between communism and our American system, it is the intelligent, courageous American labor leaders, because it has been the American labor leader who has been put to the fight against communists in the front line of the industrial trenches. It is the American labor leader who has met their opposition all over the country in labor locals, where communists are trying to break in. It is the American union-labor leader that the people have to thank for the suppression of communism in this country, and not corporation lawyers who, by their acts and by their unfairness, attract the friends of communism to attacks upon America. They speak about the American labor leaders terrifying Congress. I have never yet in all my time in legislative work had a labor leader threaten me in any way, shape, or form. I have had those on the other side of the fence say they had no use for me because I happened to vote on the labor side of questions.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLACK. Can the gentleman from Missouri grant me some time?

Mr. DYER. I am sorry that I can not.

Mr. BLANTON. I yield the gentleman one minute.

Mr. BLACK. I thank the gentleman from Texas, and I take back the "Abilene broadcaster" and will call the gentleman anything he wants me to call him. [Laughter.]

We have a constitutional provision against ex post facto laws. I do not know whether my Latin is right, because I have not consulted with the gentleman from Pennsylvania, but if an injunction is anything it is an ex ante facto law. The injunction comes before the fact. We have a constitutional provision against legislating after the fact and having laws based on facts that happen prior to legislation; but here we have courts, judges, appointed for life—we do not know at whose request, we do not know with whose indorsement, nor why they were appointed—and we give them power to adjudge a man in advance of his acts.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I made a remark upon the floor this morning, expressing my surprise and pleasure because the gentleman from Alabama [Mr. BANKHEAD] so warmly indorsed this bill. It recalled to my mind my visit to the South, to investigate the textile mills, because they were furnishing severe competition to our New England industry. I asked while there how it was that they could make money, and they replied it was because their wheels turned day and night, labor working 60 hours a week, and that they had no labor organizers and no labor interference there. And yet we hear the Democratic Party of the South claiming credit for this bill favoring organized labor. Why, down there they resist efforts to organize; they say to the American Federation of Labor that they are entirely unwelcome to come into those States to help organize labor there. Yet the Democratic Party undertakes to arrogate to itself great credit for this piece of legislation. So at this particular time I bring forward the idea that this is an invitation to the American Federation of Labor to go to Alabama, as they

will now be welcome. I trust the American Federation of Labor will go at once and show those textile operatives who are working 60 hours a week how to obtain collective bargaining and change conditions. These industries are protected by the tariff and are ruinous to other like industries in the country by such unhealthy competition. It should happen very soon that equal hours of labor in industry should obtain in this country. If there were a 40-hour week, no unemployed would be walking the streets to-day, begging work. The Central Government may have to invade the States once more to demand equalization of conditions and equal hours in industry. However, it now seems that they will welcome the American Federation of Labor to organize their employees, which would of itself largely correct the conditions.

I found on my visit that if laborers were not orderly and docile, they were forced to move from the houses in which they lived, they being owned by their employers; thus they control employees who work for them. These conditions would also be greatly changed by organized labor. I trust the supporting of this bill will indicate that those working people in the mills of the South will soon enjoy privileges that other liberal States have given, such as a 48-hour week, and proper conditions relating to night work, to the end that they carry on competition in a proper manner with their sister States. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BLANTON. Mr. Chairman, I yield myself 22 minutes.

Mr. SUMNERS of Texas. Mr. Chairman, a point of order. I do not understand that the gentleman from Texas controls any time.

Mr. BLANTON. Mr. Chairman, I want to use the 22 minutes that were given me a while ago by the gentleman from Texas, and which I reserved.

Mr. SUMNERS of Texas. Mr. Chairman, I yield to the gentleman from Texas [Mr. BLANTON] 22 minutes.

Mr. BLANTON. Mr. Chairman, such yielding now is wholly unnecessary, as the gentleman from Texas [Mr. SUMNERS] a short time ago yielded me 23 minutes, and I gave 1 minute of it to the gentleman from New York [Mr. BLACK] and I had reserved the other 22 minutes for myself.

Mr. SUMNERS of Texas. I yield to the gentleman from Texas [Mr. BLANTON] 22 minutes.

Mr. BLANTON. Mr. Chairman, I ask recognition in my own right. I yield myself my own 22 minutes.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] is recognized for 22 minutes.

Mr. CELLER. Mr. Chairman, a point of order. I make the point of order that the gentleman from Texas yielded back the balance of his time.

The CHAIRMAN. The gentleman from Texas reserved his time. The gentleman from Texas is recognized for 22 minutes.

Mr. BLANTON. I thank my colleague from Massachusetts, the present excellent presiding Chairman of the Committee of the Whole House on the state of the Union [Mr. CONNERY], for his fair rulings at all times. Every Member present is noticing with a great deal of pride that he is making a splendid presiding officer. And we all know that he is a most valuable Member of this House.

Now, Mr. Chairman, I want to use my time in answering some of the attacks that have been made upon me in this debate. I knew that when I opposed this measure I would become a target for every partisan of it to shoot at. That is one of the penalties we must pay when we oppose a class measure, when the class benefited is looking on from the gallery watching us.

The gentleman from New York, Mr. BLACK, said that his colleague the gentleman from New York, Mr. O'CONNOR, had granted me 37 minutes in this debate. That is incorrect. The gentleman from New York, Mr. O'CONNOR, did not grant me anything. The gentleman from New York and the gentleman from Michigan used the entire hour they had control of for the proponents of the bill. Not one minute did they grant anybody to oppose it.

Now, of the four hours that were allowed for general debate, of the two hours that were allocated to my colleague, the gentleman from Texas [Mr. SUMNERS], he, after reflection, finally yielded me 37 minutes of it, for which I am grateful, but I was due an hour under the rules of parliamentary debate; so after reflection he granted me my other 23 minutes, but even then the time has not been fairly divided, because the gentleman from Missouri, of his two hours, has yielded only 40 minutes to the opposition, when Mr. BECK was entitled to a full hour.

Mr. DYER. Will the gentleman yield?

Mr. BLANTON. In just a moment.

Mr. DYER. I will yield the balance to anyone who desires it on this side.

Mr. BLANTON. Why did not the gentleman do that when Mr. BECK was on the floor, begging for more time? I have never been bothered about understanding the great popularity of my colleague from Dallas, Mr. SUMNERS, with the women. He is handsome. That answers that. But I have never understood his great popularity with the men until to-day. Now I understand it. If we will give him time to reflect, we can always depend upon his inherent fairness.

When my colleague, the gentleman from Texas [Mr. SUMNERS], who is a great lawyer and a great statesman, and whom I follow much on this floor, reflected and remembered that in all parliamentary bodies those who are against a measure are entitled to control one-half the time, his good judgment stepped in and he responded and did justice. He finally gave me the hour I was entitled to. I admire and respect him. I commend him, and I am for him.

In reply to my friends who on the floor intimated that I said that communism now pervades the American Federation of Labor, permit me to remind them that I did not say that. They must keep the record straight. I said distinctly that I was one of the causes that led the American Federation of Labor to see that it could not longer harbor communism and that it finally divorced itself from it. I said that years ago communism did pervade it, and it did. Was not William Z. Foster once affiliated with the American Federation of Labor? Was he not affiliated with them at the very time I stood on this floor during the war and read his little red book on syndicalism? He had just been in charge of the steel strike, placed there by the American Federation of Labor. Was not Emma Goldman once affiliated? Was not Alexander Berkman once affiliated?

In years gone by I admonished the American Federation of Labor that the time would come when it would divorce itself from communism and anarchy, and it has done it, and I commend it for it.

But what are we going to do about this bill? Parts of this bill absolutely give the labor unions a throttle hold on this Government. I want to call attention to what has happened in the past before we pass this law.

Do you remember when during the war President Wilson recommended that we pass the Borland amendment requiring the Government employees to work eight hours a day? All of you who were here then will remember it. We put a provision in a supply bill that for the duration of the war the employees of the Government, to whom we were giving a $120 bonus, should work eight hours a day. Was there anything wrong with that?

During the war, when we had soldiers in the trenches of France, knee deep in mud, cooty infested, fighting 24 hours a day, and if they had murmured they would have been stood up against a brick wall at sunrise and shot for treason, was it unreasonable that we should ask the employees of the Government, after giving them a $120 bonus, to work eight hours a day during the war? We had given them one bonus of $120; we had given them a second bonus of $120; and we were giving them a third bonus, and it was a reasonable request. We passed a law. It went into one of our big supply bills as a rider, and the Government employees affiliated

with unions marched on the Capitol and they marched on the White House demanding of the President in war time to veto that bill. And he vetoed it. Is that the proper kind of hold-up for us to approve of by passing a bill that gives them all power? I shall offer an amendment that right at the beginning of this bill these words be put in: "Except where the Government of the United States is the petitioner."

I wonder if I can get any of my colleagues to vote for that? Is not that a fair provision? If the Government of the United States is involved, it seems that the interests of 120,000,000 people are involved. That is what it means. When your Government is involved and goes into court as the petitioner, ought this kind of a bill to say that the courts have no right to grant redress to the people, because, forsooth, 5,000,000 union men are organized into a labor union? Do you know that there are not over 5,000,000 people in the United States belonging to unions? Did you know that? There are not 5,000,000 people in the United States affiliated with the American Federation of Labor.

Do you think it is fair that we should pass a special class act that takes away from all of the 120,000,000 people the inherent right they have under the Constitution and give it to 5,000,000 people and say they shall be put up above everybody else, and above the Government? They say there is no duress on any of us here at this time by these union leaders who sit up in the gallery. I will show you where the duress comes in. They have said to us in times past that if we do not give them proper obedience—not 30 per cent obedience, not 66⅔ per cent obedience—but if we do not give them 100 per cent obedience to their demands we will be put on their blacklist, and when election time comes they will send men throughout all of our districts to defeat us. They will send men into my district and say, "BLANTON is against organized labor. We have blacklisted him. We ask organized labor to fight him." Is not that duress?

Now, do you think we ought to pass a bill of this kind under such duress? They are demanding this bill. They have gotten it up here. They got it out of committee and they have gotten it on the floor. All of their organizations have their officers sitting up in the gallery waiting to see what we are going to do about it. They are watching us. They know we know we are going to be blacklisted if we go against them. Do you mean to tell me we are not under duress? Let us be reasonable. Are we not under duress? Have we a free rein here on the floor? Does not their sitting up there kind of pervade the atmosphere of the Chamber?

The other 120,000,000 people of the United States are not here. They are affected but are not here. They are not represented here. They are not here to have us look up into their faces and consider their rights. We only have sitting up there those people who are saying, "Give us this bill; give us this bill or we will blacklist you." That is what we know is coming. You take this Keating paper called Labor and you see how it will blacklist you if you vote against this bill. It will give the names of the fellows who vote against it and they will be on the black list.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. Always to my friend from New York, because I know this: I know he is one man who, when labor demands something that does not appeal to him, presses down on them and refuses to go along with them, just as I do. I have seen him do that on several occasions.

Mr. LAGUARDIA. I saw the gentleman from Texas stand on that very same spot a few days ago and defend the right of a gentleman to be up in that gallery and listen to something in which he was vitally interested.

Mr. BLANTON. I will tell the gentleman why I did that, and I will show you I had a good reason, because the gentleman is a lawyer. Only the rights of that one man were involved. Nobody else's rights were involved but his rights, and he had a right to be there. Now, if the rights of the other people in the United States were not involved, then these boys would have a right to be up in the gallery. That would be all right, but they represent just 5,000,000 people against the rights of all the balance of the 120,000,000 people in the United States. There is the difference. So the gentleman can see I had a good reason for what I did.

Mr. SCHAFER and Mr. KARCH rose.

Mr. BLANTON. I am going to yield to the gentleman on prohibition in a minute, but I yield to the gentleman from Illinois first.

Mr. KARCH. Did I understand the gentleman said he had little or no use for a Member who took orders from or listened to the wishes of anyone in the gallery?

Mr. BLANTON. No; I did not say that. I say this: I say that these men have a right to be there. I say they have a right to come here and tell us what they want; they have a right to call on us at our offices, but they have no right to threaten us and put us in duress, and they have no more rights than any other citizen in the United States.

Mr. KARCH. I will ask the gentleman this question: If he recalls the occasion when a resolution was pending in this House some years ago requiring unanimous consent for the impeachment of Judge English, who was impeached for having violated this very injunction system which we are about to rectify, and whether the gentleman did not raise an objection against the hearing of that resolution because he said he took orders to do so from Wayne Wheeler?

Mr. BLANTON. I never took orders from Wayne Wheeler in my life. After reflection, I remember that when the English resolution was up for unanimous consent Wayne Wheeler's office telephoned my office and asked that I please stop the resolution temporarily for that day until he could have the charges investigated, and, as requested, I did object to it being passed by unanimous consent. The reason that request was made to me was, I suppose, because it was known that I was always on the floor when such matters came up. I have stopped many bills temporarily until they could be carefully investigated.

Mr. SCHAFER. Does the gentleman approve of the black list of the Anti-Saloon League?

Mr. BLANTON. Now, I want the gentleman to be seated, and then I shall answer him.

If the Anti-Saloon League attempted to blacklist anybody, I would be against it just as I am against any other black list. I never have held any brief for the Anti-Saloon League. The Anti-Saloon League never put up a dollar in its whole existence for me in any campaign I have even been in and has never paid me a dollar in my life. It has no strings on me at all. You could wipe it out of existence to-day, I will state to the gentleman from Milwaukee, and you would still have prohibition upheld by the good men and women of this country. You could wipe out every single organization, and you would still have prohibition.

I want to remind the gentleman, in speaking about a black list, one of his wet organizations here last Tuesday, a week ago to-day, when the wet resolution was finally signed by the one hundred and forty-fifth Member, the organization headed by Mr. Henry Curran, of New York, came out in the Washington Post the next morning and said that it was going to stand for the reelection of the men who voted for that resolution and was going to stand for the defeat of the men who voted against it. Was not that black listing? And in the Washington Post of the same day there was a similar threat from the Crusaders, a wet organization, which said they would stand for the men who voted for that resolution and would be against the men who voted against it. Was not that black listing?

Mr. SCHAFER. Will the gentleman yield on that particular question?

Mr. BLANTON. I shall not yield further on prohibition. When the 14th of March comes, Mr. Chairman, we will meet the gentleman from Wisconsin on that subject, but not now.

Mr. MILLARD. Will the gentleman yield for a brief question?

Mr. BLANTON. Yes.

Mr. MILLARD. The gentleman spoke about the 5,000,000 who belong to the American Federation of Labor represented here to-day. Does not the gentleman think that if the other 115,000,000 people were against this bill they would be represented here?

Mr. BLANTON. No; because they are unorganized. [Laughter.]

Mr. LAGUARDIA. What?

Mr. BLANTON. That is the trouble.

Mr. SWEENEY. Will the gentleman yield there?

Mr. BLANTON. No; I want to answer the question first. You gentlemen know what organization means? Take the question that dominates the gentleman from Wisconsin from January to December, and you know what organization means with respect to prohibition. You wets are organized on this side of the aisle, organized to the teeth. The drys have no organization over here. [Laughter.] Over on the other side of the aisle you Republican wets—and you outnumber the Democratic wets, I am pleased to say [applause]—you Republican wets are organized to the teeth. You have got the brains of the wets in Mr. BECK, of Pennsylvania, as your leader.

You are organized as no other organization has ever been perfected before. Where is your dry organization? You have not any. There is no dry organization in this House. Why is there not? I want to say that if the drys are wise pretty soon they will effect an organization, and every time a wet gets up they will have a dry answer him.

Mr. PALMISANO and Mr. SCHAFER rose.

Mr. BLANTON. I yield to the gentleman from Maryland.

Mr. PALMISANO. In view of the fact that the Republicans have a great leader of the wets, I would suggest that the gentleman from Texas be the great leader of the drys and organize the drys of the House.

Mr. BLANTON. No; I am just a humble dry in the ranks, but I want to make this statement: Is it not unfortunate that when a man gets up here and speaks his earnest and sincere sentiments on a bill he has to be a target for every little wet in the country?

Why, I had to be the target again of the gentleman from Washington [Mr. HORR], the Bremerton Navy Yard man, who came here by accident. He had better quit thinking about my constituents down in Texas and be thinking about John Miller's constituents out there now that John Miller is organizing. He had better look out, because John Miller is just as good a friend of the labor unions as our new Member friend from Washington ever will be, and the labor unions are for John Miller. He has a 100 per cent record for labor unions.

Mr. SCHAFER. Will the gentleman yield now?

Mr. BLANTON. No; I want to use the rest of my time.

Is it not funny that we have to be targets? Why, because I made a dry speech over the radio the other day, do you know I have received every kind of insulting, threatening letter that cranks can write a man?

Mr. LAGUARDIA. I got some letters, too.

Mr. BLANTON. I got a stack of them from New York, New Jersey, Pennsylvania, Maryland, Virginia, West Virginia, and from all around, attacking me from every angle.

They do not know me, and they imagine I am the very quintessence of everything that is bad, because I made a dry speech.

Just imagine! Do you as a lawyer think I could get a fair and impartial, unprejudiced jury of men to go into a jury box and pass on questions in the community composed of those men? You could not get a juror who had not made up his mind, you would get the same kind of a crank that attacks me on the floor because I oppose a measure. You would find the same kind of a crank who attacks me, because I spoke in behalf of the dry cause that my good mother espoused and taught me when I was a child to stand for.

Why, one of them called me a "dirty dry drinker." I never took a drink in my life. I am a consistent dry. I have never taken a drink, and I never will.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I will yield for just one question.

Mr. SCHAFER. The gentleman from Texas unduly castigated Mr. Keating, the editor of Labor, for publishing the black list. I know he did not get a threatening letter from him on account of his dry radio address because Mr. Keating was the star witness for the drys before the Judiciary Committee in the last Congress.

Mr. BLANTON. Mr. Keating has had me on the black list ever since I have been in Congress.

Mr. SCHAFER. He has had me on it, too.

Mr. BLANTON. Well, the gentleman from Wisconsin deserved it and I did not. [Laughter.]

Every time a laboring man gets into difficulty or wants something he comes to me, and I help him to get it. They do that because they know that I will fight for them when they are right. [Applause.]

[Here the gavel fell.]

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. PETTENGILL].

Mr. PETTENGILL. Mr. Chairman, I have read the objections to this bill. In some particulars it may not be perfect, as nothing human is perfect. It may be that it can be bettered by amendment; but I am for the end which this bill seeks, and that is equal justice between property and man.

I am not afraid of this legislation, because I am not afraid of the workingmen of America. When this depression began President Green of the American Federation of Labor pledged the faith of his organization that the workers of this country would do their part to "carry on" by abstaining from strikes. That pledge has been kept. I am for the men who kept that pledge. One of the marvels of this depression has been the fortitude, the courage, the patience, and the patriotism of the workers of the Nation who in the face of privation and suffering and long despair have done their full part, and more than their part, in meeting a situation which they did not make.

Men and women who in the face of conditions such as we are passing through, who day in and day out have stood in bitter weather at the closed doors of factories waiting for jobs and in the bread lines waiting for food, and yet have exhibited such self-control that practically no violence has been done to property in these times that try men's souls, can be trusted by the lawmakers of this Nation. With few exceptions the hearts of these men are sound. I would rather place my trust in the justice in their hearts than in some of the judges in the courts. If you treat them as human beings, they will act as human beings. If you treat them as Americans, they will act as Americans.

Choate held up as the law's ideal that "in a court there is no high nor low, no strong nor weak; there, will is nothing and power is nothing and numbers are nothing—and all are equal, and all secure before the law."

Has it been that way in the administration of equity? No. Let us endeavor to make it so. There is one item of this bill which in particular aims to end a species of injustice intolerable in a free nation. That is the provision forbidding injunctions to be issued restraining the gift of money or other things of value in time of labor disputes.

Let us put an end to that species of tyranny. And let us drive the "yellow-dog" out of the courthouses of the Nation.

When we do that men will be, as Choate said, "secure before the law." And when men are secure, property is safe.

The platform of my party in its last national convention recognized—

> That legislative and other investigations have shown the existence of grave abuse in the issuance of injunctions in labor disputes. No injunctions should be granted in labor disputes except upon proof of threatened irreparable injury and after notice and hearing, and the injunction should be confined to those acts which do directly threaten irreparable injury. The express purpose of representatives of capital, labor, and the bar to devise a plan for the elimination of the present evils with respect to injunctions must be supported, and legislation designed to accomplish those ends must be formulated and passed.

I am glad to help redeem that pledge. [Applause.]

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. LANKFORD].

Mr. LANKFORD of Virginia. Mr. Chairman, I am probably foolish to get up here this afternoon to enter this debate in defense of two gentlemen of this House who have had the courage to oppose this bill in the face of the almost unanimous view of the House. A great many Members have made suggestions and criticisms of two distinguished Members who had the courage to stand here and express their views. I do not want to see the day come when a man can not stand here and discuss the views that he may have on a bill without criticism. I think we are entitled to have open and free discussion, otherwise we would not be able to preserve the freedom of this Republic.

There is a great deal of good in this measure, and I want to support it. But I would like to have some of the measures in the bill discussed, for I do not understand what they mean, they have not been explained. This is very important legislation. For instance, I do not know at this minute whether or not it applies to the District of Columbia or to your city or my city, to the police force or the fire force. Does it mean that they can combine and walk out and leave the city unprotected?

Mr. LAGUARDIA. The gentleman will find that completely answered. The answer is no; it does not. It applies only to the persons specifically defined and mentioned in section 13.

Mr. LANKFORD of Virginia. It speaks of corporations. Would the gentleman be willing to put the word "private" before the word "corporations"?

Mr. LAGUARDIA. They have to be engaged in industry, trade, craft, or occupation. That answers the gentleman's question.

Mr. LANKFORD of Virginia. So far as the labor leaders and laboring men are concerned, they are all my friends. I have a world of friends among them. They have always given me their support and I have supported them and I will to-day and will whenever I can. They are the bulwark of America to-day. I would like to see every laboring man have a good and well-paying job, because in that lies the safety of our country. I want to see them protected in every reasonable and possible way. But the laboring people themselves have their own families to protect, and they do not want to see legislation that is going to leave their families unprotected by firemen or police, or have them kept from getting milk or food or fuel as was mentioned here this morning, in the city of Chicago.

We do not want to see any condition of that kind arise where the public utilities are put out of business or ruined and the public made to suffer. Will the gentleman answer this question? Does this make it possible for lack of an injunction to tie up railroads and prevent them from transporting milk, for instance?

Mr. LAGUARDIA. I think the gentleman was a Member of the House in 1926?

Mr. LANKFORD of Virginia. No.

Mr. LAGUARDIA. We then passed the railroad labor act, and that takes care of the whole labor situation pertaining to the railroads. They could not possibly come under this for the reason that we provided the machinery there for settling labor disputes.

Mr. LANKFORD of Virginia. Will the gentleman assure me of this then, and I shall be happy to support the bill because I believe it is a landmark in the freedom of American labor. It does not apply to the Government, the States, or the District of Columbia, or any city, in respect to the police and fire forces?

Mr. LAGUARDIA. It would not.

Mr. LANKFORD of Virginia. It does not apply to the transportation of milk or other necessities that go in interstate commerce?

Mr. LAGUARDIA. Interstate traffic is entirely covered in the railroad labor act of 1926.

Mr. BECK. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD of Virginia. Yes.

Mr. BECK. I take issue with the gentleman from New York [Mr. LAGUARDIA]. There is nothing in this proposed statute that in any way excludes disputes upon the theory that the Railroad Labor Board can attend to them. The Railroad Labor Board is purely an executive tribunal, and while its function is in mediation and settling disputes, where possible, yet a labor combination can stop every railroad in the country unless restrained by the power of an injunction.

Mr. LANKFORD of Virginia. If that is true, then does not the gentleman think the individual members of the labor organizations would be as much in favor of the protection I am seeking for the public as any other citizen of the country?

Mr. BECK. No; if you ask me. I shall answer the question boldly and frankly. The chief proponents of this bill are the railroad brotherhoods, because they know that if this bill passes, they may potentially intimidate the business interests of the United States, including the transportation companies, and even the political Government of the United States.

Mr. LANKFORD of Virginia. Here is a division on a most important subject and I am frank to say that I do not know what are the facts. I have not been able to get them from this discussion to-day.

Mr. CAVICCHIA. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD of Virginia. Yes.

Mr. CAVICCHIA. I have been very much interested in what the gentleman from Pennsylvania has just said concerning the brotherhoods of railroad workers, but in view of the fact that they in recent weeks have shown their patriotism by sticking to the railroads and taking a wage cut, I think we can trust them and other unions to stick by this.

Mr. LANKFORD of Virginia. I am not thinking of the labor situation to-day. I have every confidence in the loyalty and patriotism of labor to-day; but what may occur 10 or 15 or 50 years hence?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. MCGUGIN].

Mr. McGUGIN. Mr. Chairman, "Though the mills of God grind slowly, yet they grind exceeding small." Injunctions in labor disputes, which were tyrannical, which were an insult to American and Anglo-Saxon principles of liberty and justice, have at last so aroused the sense of justice of the American people that there is a demand for this bill to-day. After all, public opinion yet will control and rule this country. Maybe public opinion will not always arrive at exact justice, but if this bill to-day grants too much authority to labor, and if labor abuses that authority, public opinion will be against it. There is no organization or class of people who can safely defy public opinion. I know of no better proof of the fact that no one can be so powerful that he can safely defy public opinion than the fact that entrenched wealth became so powerful that it could walk down to a court and obtain an injunction which was tyrannical and an insult to justice, and now public opinion is resentful and is demanding this legislation to-day.

Shortly after the war the legislature of my State enacted what was known as the industrial court law. By government we were going to regulate wages. Let us see how it worked out. So long as there was a demand for labor, and, therefore, an opportunity for labor to obtain higher wages, the great industrial leadership of my State hailed that law with honor. Just as soon as there was an oversupply of labor and there was an opportunity to employ labor for less than it was worth, what was the leadership that went to the courts of the United States and destroyed that law? Was it labor? No. It was the employers.

We might as well be honest about it. In the case of governmental control over labor disputes during the last 10 years labor has not received a square deal, and we know that to be true. There is not a single citizen of the United States who would not resent being haled into court and told, "You have violated a decree of this court and you go to jail," the decree being an injunction which was not levied

against him, but against John Doe, even though he never knew anything about it.

Some day and some time when the history of this country is written, some historian will obtain a copy of one of these tyrannical labor injunction decrees and will point out how far the courts went in excess of their rights and contrary to human liberty and righteousness. Injunctions enjoining a man from talking to his neighbor about anything which he may want to discuss, whether it be a strike or a labor dispute, or what not, is contrary to the true principles of liberty. If there were not a single laboring man in the United States asking for this bill, we should curb the power of the courts in granting these injunctions, upon the broad principle that such injunctions are a menace to liberty. [Applause.]

[Here the gavel fell.]

Mr. DYER. Mr. Chairman, I yield the balance of my time, which is rightfully due to those opposing the legislation, to the gentleman from Pennsylvania [Mr. BECK].

Mr. BECK. Mr. Chairman, I only avail myself of the courtesy of the ranking member of the Committee on the Judiciary to bring to the attention of the House this most important question, the construction which has been raised by the difference between the gentleman from New York, whose name this bill bears, and myself. If the gentleman is right, then in no respect could any labor dispute that involves interstate commerce be within this statute, and that as to all such labor disputes a court of equity has the powers that it enjoys in all other classes of cases and always has enjoyed in labor disputes. Then it must be admitted that the most serious threat to the industrial peace and prosperity of the American people is out of the case. But I am sure the gentleman is wrong about this, and I want to put it to him by this graphic illustration.

Suppose that the employees of the railroads of the United States, acting through their brotherhoods, asked for twice as much wage as they are now receiving. Let us suppose the railroads would say, "We can not do it. It would throw us into bankruptcy." A labor dispute is on. Let us suppose that thereupon the railroad brotherhoods start to tie up every railroad in the United States. Let us suppose then that the Attorney General of the United States, by direction of the President, enters a court of justice and asks that, first, a restraining order be granted for a short time, until all parties can be heard; and then a temporary injunction, pending the progress of the litigation, and, of course, after full hearing, if the case warrants it, a permanent injunction against the obstruction of interstate commerce. At once the learned judge will say, "I am confronted, Mr. Attorney General, by this clause of a bill recently passed by Congress":

> No court of the United States shall have jurisdiction to issue a restraining order or temporary or permanent injunction upon the ground that any of the persons participating or interested in a labor dispute constitute or are engaged in an unlawful combination or conspiracy because of the doing in concert of the acts enumerated in section 4 of this act.

All of these acts, as has been determined repeatedly, are the appropriate and ordinary methods whereby a combination in restraint of interstate trade and in violation of the Sherman antitrust law has ordinarily been effected. Therefore the power of the Government itself to vindicate the freedom of commerce and to enforce the Sherman antitrust law is destroyed in courts of equity, and it is then relegated to whatever remedy it cares to exercise in the criminal court. Suppose you take section 7, "No court of the United States shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute, as herein defined, except after hearing the testimony of witnesses," it refers to any dispute on any question and concerns any law by any litigant. If it be the Government itself, the courts of equity in that class of cases are to be forever stripped of their authority.

The gentleman from New York [Mr. LAGUARDIA] says that because the Labor Board has some undefined powers of mediation that takes it out of this law. No court would ever say so, I venture to predict. They are absolutely put into a strait-jacket, and their powers as a court of equity are practically destroyed forever, except in cases of fraud and violence. In respect to them the remedy by injunction is so limited and hamstrung as to be largely ineffective.

Now you gentlemen can reconcile with your consciences as you will—and your motives are just as high as I claim for myself—the passage of this law. I rejoice that I was able to be in the House to-day to protest against it. I would protest against it as an impeachment of the sovereign powers of the United States Government in its own courts, if I were the only man here to do it. If I were the President of the United States and such a bill came before me, I would veto it if it were the last act of my political life. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself the remaining time.

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, this bill comes as a protest and as a natural reaction against the abuse of power on the part of some of our Federal judges exercised in labor disputes. A great deal has been said in denunciation and in praise of organized labor. The persons who belong to organized labor are just flesh and blood. They are the same folks we are, no worse and no better. Working as they do for powerful organizations of capital, they have been compelled to organize in order to have a power great enough measurably to defend their status as free people. In the disputes between the aggregations of capital and the aggregations of working people the custom has grown up on the part of capital of invoking the injunction powers of the Federal courts. There is one very remarkable thing about this debate. One sitting in the galleries and listening to this debate would be justified in concluding therefrom either that we have no State courts or that this bill strikes down their equity powers. Why this bill? This is why: In instances so frequent that this bill has resulted, Federal courts have become courts to punish without that character of trial, without those safeguards provided for in American and Anglo-Saxon jurisprudence before punishment may be inflicted upon a citizen.

This bill comes as a popular protest and as an additional protection to American citizens against the abuse of the equity powers of the Federal courts. Labor is criticized and denounced in connection with the discussion of this bill. Labor is not responsible for this bill. The responsibility is upon those who invoked an abusive exercise of judicial power and upon those Federal judges who abusively exercised their powers. Gentlemen profess concern for our institutions. I am concerned also, but not so much as to what may come from without as I am concerned as to what may come from within.

One judge violating the fundamental laws of human justice can do more to establish bolshevism in this country than all the soap-box orators you can put on the streets. [Applause.] Governments that are just do not fall from attacks from without. The time of danger is when a government is tyrannical and unjust. I would rather see the agencies of government a little more cautious in the exercise of its extraordinary powers if it must err on one side or the other.

This bill seeks to remove from a few Federal judges in America the power to make this Government contemptible in its tyranny. There is a very remarkable thing about the attacks on this bill.

You would imagine from some of the remarks we have heard to-day that we do not have in this Government any States or any judges or any constabulary, nothing but the Federal Government. I take these few minutes to direct attention to that. Gentlemen would have you believe that if we were to strike down the equity powers of the Federal courts, there would be no judges left in all America who could exercise the equity powers. There are but two directions in which we may move—one is to continue as we are now going toward a great Federal bureaucracy or the other

is back toward the States. We have reached the point at which we must turn back and reestablish in America popular government, government by the people. They will make mistakes, but we have no king. We have no hereditary nobility. We risk everything upon the ability of the people to choose officers fit to administer the powers of government. It was never intended and it never can be that the Federal Government shall dominate and overlord the States in our scheme of government save in connection with the loss of the ability of the people to govern. We have the Federal organization because it was found necessary by the States to have an agent to do for them certain things they could not do for themselves.

But always the States, the center and the source of governmental power, because they in turn alone are susceptible of popular control. This debate indicates that it is not only the popular notion but that it is held here on the floor of the House that this Government is resident in Washington and that some appointed persons must issue their edicts to American citizens, otherwise we have no government. Talk about bolshevism destroying this Government. That conception of government will destroy it. The time has come when the people of America must take back the powers of government from this great Federal bureaucracy if free government is to live. The people will make mistakes, but how are the people to preserve the ability to govern except by governing? God Almighty has a universal law. If you will not use your arm, strength departs from it. The fish in the Mammoth Cave have no eyes. People lose the power of governing when they yield that power to the great Federal bureaucracy at Washington and fail to do for themselves all of the things which can be done through those agencies of government which they control.

I do not want to take any more time of the committee this afternoon. One could not justify the taking of time on any assumption that this bill is in danger. I have used these few minutes to put into the picture the neglected, forgotten, discarded sovereign State, once the boast and the pride of our people and indispensable in any workable scheme of self-government. One of the considerations which has attracted my support to this bill is that it does tend to move us in the right direction.

The CHAIRMAN (Mr. O'CONNOR). The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That no court of the United States, as herein defined, shall have jurisdiction to issue any restraining order or temporary or permanent injunction in a case involving or growing out of a labor dispute, except in strict conformity with the provisions of this act; nor shall any such restraining order of temporary or permanent injunction be issued contrary to the public policy declared in this act.

With the following committee amendment:

On line 7 strike out the word "of" and insert in lieu thereof the word "or."

The committee amendment was agreed to.

Mr. GLOVER. Mr. Chairman, ladies and gentlemen of the committee, we have to-day before us for consideration the Norris-LaGuardia injunction relief measure, which in my opinion is a very important bill.

I have been in the active practice of law for the past 20 years and have read many of the decisions growing out of the injunctions where injunctions have been enforced much to the abuse of those engaged in labor. In some cases it is not only unjust but exceedingly harsh.

The limitation of the jurisdiction of the Federal court to issue injunctions in labor disputes has been a subject for public discussion for many years. It is fair to say that public sentiment on the subject has reached the conclusion that some such limitation is absolutely necessary. Both of the great political parties in their last national platforms have promised remedial legislation upon the subject. The last Republican National Convention at Kansas City adopted a plank on the subject, as follows:

The party favors freedom in wage contracts, the right of collective bargaining by free and responsible agents of their own choosing, which develops and maintains that purposeful cooperation which gains its chief incentive through voluntary agreement. We believe that injunctions in labor disputes have in some instances been abused and have given rise to a serious question for legislation.

The Democratic National Convention at Houston, Tex., in its platform made the following declarations and promises for legislation on this subject:

(a) We favor the principle of collective bargaining and the Democratic principle that organized labor should choose its own representatives without coercion or interference.

(b) Labor is not a commodity. Human rights must be safeguarded. Labor should be exempt from the operation of antitrust laws.

(c) We recognize that legislative and other investigations have shown the existence of grave abuse in the issuance of injunctions in labor disputes. No injunctions should be granted in labor disputes except upon proof of threatened irreparable injury and after notice and hearing, and the injunction should be confined to those acts which do directly threaten irreparable injury. The expressed purpose of representatives of capital, labor, and the bar to devise a plan for the elimination of the present evils with respect to injunctions must be supported and legislation designed to accomplish these ends formulated and passed.

Chief Justice Taft, in the case of American Steel Foundries *v.* Tri-City Central Trades Council (257 U. S. 184), in passing on this case, said:

Labor unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have long been thus recognized by the courts. They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers an opportunity to deal on equality with their employer.

There was a time in the early days of this Government when even labor unions were not necessary in order for the laborer to protect his rights. For then the man who employed and the one who was employed worked side by side in performing labor. But when that condition was changed there became the necessity of organization.

I am very glad indeed that within the last few years there has been a very much better understanding between capital and labor than once existed in this country. These matters are now talked out and decided in a round-table discussion, without attempt to resort to anything drastic. This bill does not seek to prevent injunctions where they rightfully should be granted, but simply prevents an abuse of that discretion.

No injunction should be granted without notice to the party to be affected, and no injunction should be enforced by the court without a trial of the fact by a jury, unless it be for some conduct in the presence of the court in the trial of the case which would justify punishment. [Applause.]

Mr. DYER. Mr. Chairman, I ask unanimous consent that all Members of the House may have five legislative days in which to extend their remarks in the RECORD.

The CHAIRMAN. That request must be made in the House.

Mr. DYER. I amend the request, then, Mr. Chairman, and ask that all Members who have spoken on this bill to-day may have five legislative days within which to extend their remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SUMNERS of Texas. Mr. Chairman, if the gentleman will permit, I would like to give notice now, if I may, that when we do get into the House, my colleague, the gentleman from Missouri, will concur with me in asking unanimous consent that all Members may have five legislative days within which to extend their remarks on this bill.

Mr. DYER. Mr. Chairman, may I inquire of the gentleman from Texas [Mr. SUMNERS], the chairman of the committee, whether or not it is the intention to proceed with the consideration of this bill and pass it before we adjourn to-day?

Mr. SUMNERS of Texas. That is our purpose if we can have the cooperation of the committee.

Mr. DYER. I may say that was my general understanding, and I also understood from the Speaker himself that the measure must be disposed of to-day.

Mr. SUMNERS of Texas. I hope the committee will be willing to sit until we dispose of the bill.

Mr. SWEENEY. Mr. Chairman, I rise in opposition to the pro forma amendment.

My distinguished friend from Texas [Mr. BLANTON], very resourceful and ingenious character that he is, made a statement to-day that I think can be taken as a text in support of the argument for the passage of this bill. The gentleman said that "some men can not stand power." It is because some men can not stand power that you are asked to-day to stop the abuse of power at the hands of these Federal judges who receive their appointment by some circuitous route or by some unknown agency and then become subservient to such agency. This measure is intended to curb the abusive power registered by certain Federal judges in the promiscuous issuing of injunctions arising out of labor disputes. It has application only to the inferior Federal courts of the Nation, and limits the jurisdiction and power of those inferior Federal courts. It has been contended by the opposers of this bill that it contravenes article 3, section 1, of the Constitution of the United States, and that therefore it is declared to be unconstitutional. Article 3, section 1, of the Constitution of the United States provides, "the judicial power of the United States shall be vested in one supreme court and such inferior courts as the Congress may from time to time ordain and establish." Provisions of this bill are merely limited by subdivision d of section 13, which reads as follows:

> The term "court of the United States" means any court of the United States whose jurisdiction has been or may be conferred or defined or limited by act of Congress, including the courts of the District of Columbia.

Certainly if the Congress has the power, which I claim it has, to establish and confer jurisdiction upon the inferior Federal courts referred to, it can not be questioned that it has the power to restrict or curtail the exercise of their powers as proposed in this bill. The Supreme Court of the United States construed this to be the law in Kline *v.* Burke Construction Co. (260 U. S. 226, 234 (1922)), wherein the court says:

> That only the jurisdiction of the Supreme Court is derived directly from the Constitution. Every other court created by the General Government derives its jurisdiction wholly from the authority of Congress. That body may give, withhold, or restrict such jurisdiction at its discretion, providing it be not extended beyond the boundaries fixed by the Constitution.

If there be any serious doubt in the minds of the Members of the House as to the constitutionality of the legislation we are about to enact, may I refer you to the very able and scholarly brief presented in behalf of the American Federation of Labor by its counsel, James S. Easby-Smith, to the House Judiciary Committee. This brief can be found in the hearing before the Committee on the Judiciary, House of Representatives, and discusses at length the limitation by Congress of the power to punish for contempt, and reviews the decisions of the Supreme Court of the United States in support of the constitutionality of this proposed legislation.

Section 2 of this act recites the declared policy of the United States Government with respect to the so-called "yellow-dog" contracts and is in harmony with the several progressive States of the Union which have enacted similar legislation.

Nothing is more despicable in the entire field of labor agreements than the so-called "yellow-dog" contract, which seeks to destroy the right of collective bargaining and attempts to coerce and control the freedom of the individual who signs such a contract.

I do not know how many Members of this House are familar with the operations of the so-called "yellow-dog" contract, nor whether any of you have ever been the victims of such contracts. If you will pardon a personal reference, I will take you back a quarter of a century ago and give you my experience. I was a member of a craft that worked from daylight to dark, 12 hours each day, in the region of the Great Lakes ports along the dock unloading the mammoth lake boats carrying iron ore from Duluth to Cleveland, and other lake ports. By the power and force of organized labor we were able to bring the working day from 12 hours down to 11 hours a day; and when in an effort to better our working conditions our union urged the employer to agreement by collective bargaining to a 10-hour work day, we were met with a flat denial and the alternative proposition of signing so-called contracts, which are known to-day as the "yellow-dog" contracts, which permit the employer to treat with the individual in each respective contract.

We were told unless we signed such a contract we could no longer be employed by the company for whom we had been working for years. Our organization believing in the principle of collective bargaining, its members refused to sign such agreements, hence the inevitable result was we lost our means of livelihood.

I have known of injunctions issued by Federal judges against the peaceful picketing by members of organized labor when engaged in a trade dispute to better their means of living. Many injunctions have been issued by Federal judges without notice, and individuals have been punished for contempt of court who were miles away from the scene of a labor dispute and who were denied the right of jury trial in these instances. So flagrant has been the abuse of power in the hands of certain Federal judges that the American press, as a whole, have repeatedly criticized the conduct of these judicial officers.

The passage of this measure defines and limits the jurisdiction of the courts sitting in equity with respect to labor disputes. It means that a new day for the working class of the Nation has arrived. This law will extend a ray of hope to the millions of those who toil in the sweatshops, factories, mines, and other industries of the Nation where human beings struggle in season and out, receiving low wages and working in many cases in unsafe and unhealthy surroundings. By the passage of this bill Uncle Sam gives to the struggling miners of West Virginia, Pennsylvania, Kentucky, and the Western States the opportunity to organize and secure their distributive share of the earnings of the product, which they produce by the sweat of their brow. It will permit organization, without interference by the courts, of the textile workers of the South. There are places below the Mason-Dixon line where women and children work 12 hours during the night season. Little children of 10, 12, and 15 years of age are employed tending looms in their bare feet for a few cents a day. This condition has existed in the past because the powers controlling the courts in these respective districts are undoubtedly an influence in controlling judicial action.

In addition to protecting the working class of people in the country, this measure not only strengthens but insures free speech and the freedom of the press. Newspaper editors and magazine writers have felt the power of injunctions issued by many Federal judges in this country. Several of these news writers have gone to jail rather than submit to the tyranny of the judges and waive their "constitutional right" to disclose the despicable and horrible conditions that exist in the coal fields of Pennsylvania, and in the recent disclosures that appeared in Hardin County, Ky., and elsewhere.

A reference has been made to-day to the fact that a certain group of labor leaders are in attendance to hear the debate on this important subject. I did not know until somebody raised the issue as to their presence in the gallery. They have a perfect right to use the public Hall of Congress, and have a perfect right to lobby and petition their Representatives in an effort to secure a much-needed relief. You who are here from the industrial centers certainly can not criticize any activity organized labor may have registered in behalf of this bill, when you are aware that many of the captains of industry and manufacturers back home who are

opposed to this legislation have used the long-distance telephone, written letters and sent telegrams urging you to destroy this measure because it would interfere, in their judgment, with the sacred right of contract, and informed you that it would be declared by the court to be unconstitutional.

The gentleman from Pennsylvania [Mr. BECK], the distinguished constitutional lawyer that he is, was fearful lest "a militant and vociferous minority might do damage if they secured the power ostensibly carried in this bill."

Let me say to my friend that it was through the efforts of this militant and vociferous minority that a campaign has been waged for the past quarter of a century seeking to secure legislation that would secure to the workers of this Nation the justice and the rights ordained to them by the Constitution of the United States.

I am grateful for this opportunity to express my convictions on the important subject now holding the attention of this House of Representatives to-day. I am willing to support this measure as it stands, excepting of course the committee amendments which will be presented and are merely corrective of certain language in various sections of the bill. I would urge that the House follow the example of the Senate, which had under consideration this identical measure last week and passed it in its present form without any material amendments being adopted. Labor's full right of association and freedom to bargain has arrived.

[Here the gavel fell].

The pro forma amendment was withdrawn.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 3, after the word "that," insert the words "except where the United States Government is the petitioner."

Mr. LAGUARDIA. Mr. Chairman, I reserve a point of order.

Mr. BLANTON. Mr. Chairman, I do not care to use any time except to call attention to the fact that my amendment would merely except the Government of the United States from the provisions of this bill.

I can not believe that this Congress will put the rights of 5,000,000 union-labor men above and superior to the rights of the Government of the United States and the other 100,000,000 people.

Under this bill, no matter how labor unions may tie up commerce and United States mails, and the business of the Government generally, the United States will have its hands tied and its feet hobbled and will not be able to go into the courts and obtain relief. I am not yet willing to surrender this power to labor unions.

I am one who still believes that the rights of the Government in protecting its 120,000,000 people are superior to the rights of any one class of persons. Is there anyone here who puts the interest of any class above the interest of the Government—the interest of all the people? I just put it up to the House. I have done what I conceived to be my full duty in opposing this bill. I have opposed it with all the vim and sincerity of my being. I am going to try to amend it so that the Government and the whole people may still have some protection. I know that my amendments will fail. I know that all amendments seeking to protect the Government will fail. I know that the bill will be passed, and there will be only a handful of Members voting against it. But I have shifted the responsibilities that rested upon my shoulders to the shoulders of the Members who vote for and pass this bill. They must assume the full responsibility for the serious, dangerous situations, which in the future, early or late, will surely arise. But some of these days, mark you, the great unorganized mass of Americans whose rights are wholly ignored by passing such class legislation are going to rise up in their might, and then beware.

Mr. LAGUARDIA. Mr. Chairman, I withdraw the point of order and ask recognition. If the gentleman will refer to section 13, the definition clause of this bill, he will find there the following:

(b) A person or association shall be held to be a person participating or interested in a labor dispute if relief is sought against him or it and if he or it is engaged in the same industry, trade, craft, or occupation in which such dispute occurs, or has a direct or indirect interest therein, or is a member, officer, or agent of any association composed in whole or in part of employers or employees engaged in such industry, trade, craft, or occupation.

Then the (a) paragraph refers to associations or corporations. I do not see how in any possible way the United States can be brought in under the provisions of this bill.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. The gentleman did distinguished service during the World War under our flag. Is he willing, under the provisions of this bill, for the Army and the Navy to form a labor union and affiliate themselves with the American Federation of Labor and not permit the Government of the United States to preserve its rights?

Mr. LAGUARDIA. Oh, the Army and the Navy are not in a trade, craft, or occupation. Therefore, they could not possibly come under the provisions of this bill.

Mr. BLANTON. The gentleman does not know what extensions will be made.

Mr. LAGUARDIA. If we are going to be deluged with amendments, let me repeat what I read earlier in the afternoon from the front page of the New York Journal of Commerce of February 26, 1932. It is a short paragraph, but it is significant in its warning:

The enactment of anti-injunction legislation by both the Senate and the House of Representatives at the current session of Congress now seems likely. Opposed by large industries in the past, this legislation has been before Congress for 14 years. However, in its present form it is so complicated that it may be said to be beyond the comprehension of most of the legislators. This may give rise to an opportunity for amendments that will take the sting out of the legislation and make it more acceptable to finance.

Gentlemen, vote down the amendment if you are in favor of this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 21, noes 125.

So the amendment was rejected.

Mr. BECK. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BECK: After the words "public policy declared in this act," on page 1, line 9, add the following:

"*Provided, however,* That neither this section nor any subsequent section of this bill shall apply to any labor dispute which involves the suspension or discontinuance of a public utility whose continuous operation is essential to the property, health, and lives of the people of any State or community. In such cases where the welfare, health, or lives of a public are concerned who are not parties to such labor dispute, or where a labor dispute involves the obstruction of any instrumentality of interstate or foreign commerce, in such event the power of a United States court to grant injunctive relief in the interests of the public in accordance with the principles of equity jurisprudence shall not be denied or abridged, anything in this act to the contrary notwithstanding."

Mr. LAGUARDIA. Mr. Chairman, I make the point of order on the amendment that it is not germane to the legislation before the House, and I would like to be heard upon it if necessary.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. LAGUARDIA. Mr. Chairman, the present bill refers only to disputes between employees and employer. The amendment offered by the gentleman from Pennsylvania brings in the public a purely penal provision for which there is adequate law and which it is not intended to repeal by the provisions of this bill. This is limited to matters between employees and employers. The public is fully protected by penal and other statutes not contemplated to be repealed by this bill.

Mr. BECK. Mr. Chairman, I ask to be heard for a moment on the point of order. Here is a bill which proposes to strike down the power of injunction in labor disputes. The amendment seeks to classify labor disputes into two classes, one in which the outside public has no interest and only the interest of the employee and the employer is concerned and the other the class wherein the outside public

has a very legitimate interest, in the continuation of a business which must be continued under the obligations of law covering public utilities. It seems to me that is a perfectly proper amendment in order to narrow the scope of the proposed legislation.

The CHAIRMAN. The Chair is prepared to rule. The amendment of the gentleman from Pennsylvania is clearly an exception placed upon section 1, which provides that no court of the United States, as herein defined, shall have jurisdiction to issue any restraining order or temporary or permanent injunction, and so forth. The amendment of the gentleman from Pennsylvania excepts from section 1 cases where the welfare and health of the public are concerned.

The Chair overrules the point of order.

Mr. BECK. Mr. Chairman, in the first place, I apologize for a third intrusion upon the patience of the House, but the importance of the matter may justify it. In the first place, I must express my surprise that anyone so militant and chivalrous as my good friend from New York [Mr. LAGUARDIA] generally is should have thrown out the threat that this revolutionary piece of legislation must be swallowed by every Member of this House without consideration even for a moment of amendments which operate perhaps to help the general purpose of the bill, and at all events are fair and reasonable and in the public interest.

I do not see that anything is gained by saying to this House "Vote down all amendments before you have even heard the amendments," because the worst you can say of a court of equity in the worst possible injunction case is not as bad as asking this deliberative body to reject an amendment before they have even heard it. [Applause.]

Now, I have said a great deal in this debate about the rights of the employer and the employee, but there has been very little said about the outside public, that in the last analysis are the people who chiefly suffer from labor disputes. They, sooner or later, as we all know, pay the bill. Therefore, in the case of a public utility, where the interests of the public rise far above the interests of either employer or employee, why is it not an unreasonable thing to say that, in respect to those great public interests with which the executive is charged with the solemn and sworn responsibility, this summary deprivation of a court of equity of the only method of bringing relief should be denied? I hope the amendment will prevail.

Mr. OLIVER or New York. Will the gentleman yield?

Mr. BECK. Certainly.

Mr. OLIVER of New York. How does an injunction start the railroads going again, for instance? Is it not a fact that if they start again they must start by using strike breakers? An injunction can stop violence against the property, but it does not affirmatively start the road.

Mr. BECK. In answer to the gentleman, I would appeal to the truth of history, that all great nation-wide strikes against railroads have been dissolved. The very moment that the nature of the obstruction to interstate commerce was presented to the court, and that, for the obvious reason that those who in many instances have sought to paralyze interstate traffic have never dared to come into court and show that they were not deliberately and willfully interfering with interstate transportation. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania.

I just want to call attention to the railroad labor act of 1926, which provides in the very beginning of the act:

First. It shall be the duty of all carriers, their officers, agents, and employees to exert every reasonable effort to make and maintain agreements concerning rates of pay, rules, and working conditions, and to settle all disputes, whether arising out of the application of such agreements or otherwise, in order to avoid any interruption to commerce or to the operation of any carrier growing out of any dispute between the carrier and the employees thereof.

Second. All disputes between a carrier and its employees shall be considered, and, if possible, decided, with all expedition, in conference between representatives designated and authorized so to confer, respectively, by the carriers and by the employees thereof interested in the dispute.

Third. Representatives, for the purposes of this act, shall be designated by the respective parties in such manner as may be provided in their corporate organization or unincorporated association or by any means of collective action, without interference, influence, or coercion exercised by either party over the self-organization or designation of representatives by the other.

Fourth. In case of a dispute between a carrier and its employees, arising out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, it shall be the duty of the designated representative or representatives of such carrier and of such employees, within 10 days after the receipt of notice of a desire on the part of either party to confer in respect to such dispute, to specify a time and place at which said conference shall be held.

Mr. Chairman, the law provides every detail for the settlement of disputes. Then, if all direct negotiations fail, the law establishes and maintains a permanent board of mediation. Now, in section 8 of this bill it is provided:

No restraining order or injunctive relief shall be granted to any complainant who has failed to comply with any obligation imposed by law which is involved in the labor dispute in question, or who has failed to make every reasonable effort to settle such dispute either by negotiation or with the aid of any available governmental machinery of mediation or voluntary arbitration.

So that there is the tie-up between the provisions of the railroad labor act and the necessity of exhausting every remedy to adjust any difference which might arise. The workers could not and would not think of going on strike before all the remedies provided in the law have been exhausted. If the railroads have complied, they would not, as has been suggested, be deprived of any relief which they may have in law or equity.

I submit that the amendment is not at all necessary.

Mr. JOHNSON of South Dakota. Mr. Chairman, there are sometimes occasions on the floor of this House when the most momentous issues are discussed and decided, and when sometimes some of us do not recognize that fact.

I think most of us to-day recognize that a change in our entire judicial procedure and form of government would be caused by the passage of this law, and we recognize the seriousness of the precedent that we shall establish.

It is reminiscent to me of an occasion when, upon the floor of this House in 1917, we had a discussion of the so-called Adamson law, when about 38 of us believed that it should not become the law of this land, and who to-day are confirmed in our belief that it was unwise legislation.

It is reminiscent of a day when in 1917 there was a declaration of war in this body for which I did not vote and which has caused untold misery to the people of this country, and which is not to-day so justified as it has been in the past. On this occasion we are changing the entire procedure of the Government, and its structure. I concede the honesty and fairness in the minds of some of the men who conceived the legislation, but I do not concede that the public has no interest in any disagreement between labor and those who employ labor.

If we do not adopt this amendment I know it will make it impossible for me to vote for the bill; and if we do not adopt it, we have gone back to the days when the capitalists said, "The public be damned," because that is what we have done if the amendment is not adopted. If we are going to say to the courts of this land that they shall have no power or authority, then we must say what shall take their place. If we say that the courts can not control the situation, we have then said we will change the jurisdiction of the United States marshal and will invoke the jurisdiction of the National Guard, because there will be lawlessness in the United States and there will be no remedy in the entire United States except to call out the National Guard. I do not want to see that time ever come.

I recognize the fact that there have been abuses in the use of injunctions. There can be no doubt of it whatever, but because there have been some abuses is no reason that we should say there shall be no courts, and that, therefore, the orderly conduct of business in the United States shall be purely in the hands of the executive branch of the Government, either the President of the United States or the governors of the respective States.

I can only say in conclusion that in my judgment if this amendment is not adopted, many of us will live long enough to rue the day that we changed the courts of the United States and inserted in their stead the rule of the machine gun and the bayonet. [Applause.]

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. CELLER. Mr. Chairman, I move to strike out the last word. I do not believe that by this bill we supplant law and order by the machine gun and violence. That is ridiculous. I earnestly ask, and the members of the Judiciary Committee who come in with a unanimous report earnestly ask, that you vote down this amendment, because you will take out of this bill all that is of value if you adopt this amendment.

The public is amply protected as the bill is now drawn. It is a mistaken notion that some have that all injunctions are proscribed. There still is left to the Federal courts the right to issue injunctions when there are unlawful acts threatened or committed, when substantial and irreparable injury to complainant's property is done—and when there is no adequate remedy at law in all those cases, the Federal courts will still have the right to issue injunctions. When there is fraud, when there is violence, and when there is crime injunctions may issue. When any of those things are threatened or committed injunctions may ensue.

Nobody disturbs that right. It is a mistaken idea that some of the Members have that you are taking entirely away from chancery the right to issue injunctions in toto.

Why should the railroads and why should the public utilities be singled out for preferential treatment and exemption from the operations of the bill?

Text writers on the subject, every witness who appeared before our committee, those who appeared in favor of the bill and those who appeared in opposition to the bill, never said a word about any such exemption as the gentleman from Pennsylvania embodies in his amendment. They can not all have been wrong. The courts have chipped away, gradually but surely, all the worthwhileness of the Clayton Act. They set up exemption after exemption, exception after exception, until finally there was not left any vestige of right to labor in the Clayton Act, which at its passage was hailed as labor's bill of rights. Let us therefore refrain from setting up exemptions in this bill.

Mr. OLIVER of New York. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. OLIVER of New York. Is it not a fact that machine guns and the militia back up injunctions that are now issued by the courts?

Mr. CELLER. Indeed they do, and that is one of the reasons why we bring in this legislation.

Mr. OLIVER of New York. So the fact that you would not be able to issue injunctions except under the conditions mentioned by the gentleman from South Dakota [Mr. JOHNSON] does not necessarily mean that machine guns would not still be there.

Mr. CELLER. I agree with the gentleman. I ask that the Members vote down this amendment.

Mr. GILLEN. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. BECK) there were—ayes 63, noes 155.

So the amendment was rejected.

The Clerk read as follows:

SEC. 3. Any undertaking or promise, such as is described in this section, or any other undertaking or promise in conflict with the public policy declared in section 2 of this act, is hereby declared to be contrary to the public policy of the United States, shall not be enforceable, and shall not afford any basis for the granting of legal or equitable relief by any court of the United States, including specifically the following:

Every undertaking or promise hereafter made, whether written or oral, express or implied, constituting or contained in any contract or agreement or hiring or employment between any individual, firm, company, association, or corporation, and any employee or prospective employee of the same, whereby

(a) Either party to such contract or agreement undertakes or promises not to join, become, or remain a member of any labor organization or of any employer organization; or

(b) Either party to such contract or agreement undertakes or promises that he will withdraw from an employment relation in the event that he joins, becomes, or remains a member of any labor organization or of any employer organization.

With the following committee amendments:

On page 3, in line 3, after the word "enforceable" insert the words "in any court of the United States."

On page 3, in line 5, after the word "any" insert the word "such."

On page 3, in line 6, after the word "court" strike out the words "of the United States."

The committee amendments were agreed to.

The Clerk read as follows:

SEC. 4. No court of the United States shall have jurisdiction to issue any restraining order or temporary or permanent injunction in cases involving or growing out of any labor dispute to prohibit any person or persons participating or interested in such dispute (as these terms are herein defined) from doing, whether singly or in concert, any of the following acts:

(a) Ceasing or refusing to perform any work or to remain in any relation of employment;

(b) Becoming or remaining a member of any labor organization or of any employer organization, regardless of any such undertaking or promise as is described in section 3 of this act;

(c) Paying or giving to, or withholding from, any person participating or interested in such labor dispute any strike or unemployment benefits or insurance or other moneys or things of value;

(d) By all lawful means aiding any person participating or interested in any labor dispute who is being proceeded against in, or is prosecuting, any action or suit in any court of the United States or of any State;

(e) Giving publicity to the existence of, or the facts involved in, any labor dispute, whether by advertising, speaking, patrolling, or by any other method not involving fraud or violence;

(f) Assembling peaceably to act or to organize to act in promotion of their interests in a labor dispute;

(g) Advising or notifying any person of an intention to do any of the acts heretofore specified;

(h) Agreeing with other persons to do or not to do any of the acts heretofore specified; and

(i) Advising, urging, or otherwise causing or inducing without fraud or violence the acts heretofore specified, regardless of any such undertaking or promise as is described in section 3 of this act.

With the following committee amendment:

On page 4, line 1, strike out the word "cases" and insert in lieu thereof the words "any case."

The committee amendment was agreed to.

Mr. MICHENER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MICHENER: Page 4, line 23, after the word "fraud," insert a comma, strike out the word "or," strike out the semicolon after the word "violence," insert a comma and the following: "threats or intimidation."

Mr. BLACK. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane. The proviso is concerned with actual, tangible actions, to wit, fraud and violence. The amendment which the gentleman seeks to add deals with the state of mind or the spoken word, entirely distinct and separate propositions.

The CHAIRMAN (Mr. CONNERY). The Chair overrules the point of order.

Mr. MICHENER. Mr. Chairman, section 4 provides, in substance, that the courts shall not issue a restraining order to prohibit, among other things—

giving publicity to the existence of or the facts involved in any labor dispute, whether by advertising, speaking, patrolling, or by any other method not involving fraud or violence.

The only change suggested is to add the words "threat or intimidation," so that the prohibition in the section would not prevent the issuing of an injunction where fraud, violence, threats, or intimidation was involved.

I have talked with the gentleman from New York [Mr. LAGUARDIA] about the matter. I submitted the amendment to him, and I hope he will agree to it. Of course, it is largely a question of what the word "intimidation" means. The gentleman from Maine [Mr. BEEDY] has suggested this definition:

Conduct intended to arouse fear or apprehension of violence.

I think this is the legal definition as given in Words and Phrases.

I am not offering this amendment as one hostile to this bill. I am going to vote for the bill. I am not opposing the bill. I am offering this amendment as one who believes he is friendly to the bill; one who believes it is an amendment that should be adopted in the interest of the things that the men who want this bill want to accomplish; and as an amendment which is fair, which is honest in every particular, and which can not reasonably, in my judgment, be opposed by the gentleman from New York [Mr. LAGUARDIA] or anyone else. I know how sincere the gentleman from New York [Mr. LAGUARDIA] is in this matter. I know how he feels about it. I know what he wants to accomplish in the matter, and I am not opposing his bill. I want to help the bill, and this is an amendment that will help it.

I hope the gentleman will accept the amendment.

Mr. BURTNESS. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. BURTNESS. Does the gentleman's amendment, in his opinion, do more than amplify the word "violence"? In other words, either with or without the amendment, if the gentleman were sitting as a court, would he not construe the words "threat and intimidation" as coming within the more general term "violence," so that the only possible objection that could be made to the amendment might be the claim that it is not necessary. Is it not, in substance, a clarifying amendment rather than an addition to it?

Mr. MICHENER. Possibly so, but I am sure this House does not want to pass any legislation that is going to do an unjust thing. I am sure the American Federation of Labor does not want an unreasonable or an unfair thing here. I am sure they want to accomplish the very things which this amendment would permit to be accomplished.

The sponsors of this bill should not hesitate to accept this amendment, because they surely do not want authorization of law to threaten and to intimidate, in order that they may accomplish their purpose. Public opinion always countenances an appeal to reason and will condemn any individual or group who asks legislation giving the individual or group especial permission to threaten or intimidate. I tell you, folks, we do not want a thing of this kind and the American Federation of Labor does not want it.

Mr. TILSON. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. TILSON. Is it not a fact, in answer to what the gentleman from North Dakota [Mr. BURTNESS] has said, that violence means action or would be interpreted as some violent act, whereas intimidation or threat might be by word of mouth or in writing and yet would be very menacing?

Mr. MICHENER. Yes.

[Here the gavel fell.]

Mr. LAGUARDIA. Mr. Chairman, I want to say that the gentleman from Michigan [Mr. MICHENER] is offering this amendment in absolute good faith. The gentleman, as he states, is friendly to the legislation and has been helpful in committee. The gentleman from Michigan called my attention to this proposed amendment this morning. He was most fair in informing me. At first blush, as you read it, the amendment would appear to be quite proper. I repeat that the gentleman is offering it as such.

I have since looked up court decisions on these same words, and in the face of the experience of the past with the Clayton Act and the decisions thereunder, it would be very unsafe to permit this amendment to go into the bill. If the gentleman from Michigan were the judge and were passing upon the meaning of the words "intimidation" and "threat," we would have no difficulty and there would be no danger of defeating the purposes of the bill, but let me read you from the decisions:

A simple request to do or not to do a thing made by one or more of a body of strikers under circumstances calculated to convey a threatening intimidation with the design to hinder or obstruct workmen, in violation of an injunction against the use of such means is no less obnoxious than the use of physical force for the same purpose. (Allis Chalmers *v.* Iron Molders Union, 150 Federal Reporter, 155.)

Intimidation is not limited to threats of violence or of physical injury to person or property. It has a broader significance. (Vegelohn *v.* Guntner, 44 N. E. 1077; 167 Mass. 92; 57 Am. St. Rp. 443.)

Under the decisions, Mr. Chairman, I want to say to the gentleman from Michigan it would be unsafe to write the amendment into the law. We are now forced to enact this legislation, to do what? To prevent just a few individual judges outraging decency and disregarding law, as they have been doing for the last 14 years, since the enactment of the Clayton Act. We can not, therefore, take any chances with language which might permit judicial abuse. I will say frankly that after consulting the author of the bill on the other side of the Capitol, and talking with men who have had actual experience and who have lived these last years under this situation, and after reading the decisions from which I have just quoted, I hope we will not impair the purpose of this legislation by loading it down in this manner.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. EATON of Colorado. Did not the gentleman, as a member of the committee, agree to the amendment in section 7 covering the situation of threats, and has not the gentleman omitted in section 4 to recognize that amendment and include it in this subsection (e) as in the amendment offered by the gentleman from Michigan [Mr. MICHENER], and also in subsection (i). I am not talking about the use of the word "intimidation" but the proposition about threats, which has already been incorporated in the bill as reported from the committee, and I submit that if the gentleman gives it a moment's thought he will agree that the proposition ought to be covered in this subsection and also in subsection (i).

Mr. LAGUARDIA. The subsection which the gentleman refers to has not the same significance as this would have.

Mr. EATON of Colorado. The significance is the difference between a man killing another, and a man threatening to kill another.

Mr. LAGUARDIA. Such a situation would not come under the provisions of this bill—the acts described by the gentleman are crimes and fully covered by the criminal law.

Mr. BROWNING. Mr. Chairman, I hope this amendment will not prevail, because in the construing of this phrase the courts have taken the opportunity to defeat the provisions of the bill. If anyone comes into court and claims that he has been threatened or intimidated, it is the easiest thing in the world to say that certain conditions prevail. It is a matter you can not establish, except by the opinion of the one who claims he has been intimidated.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment. An examination of the precedents in this country and in the State and Federal courts will show that the word "intimidation" forms the basis of greatest abuse in labor injunctions. The cases seem to indicate that the word "intimidation" is not capable of exact definition, and hence the courts become laws unto themselves. There is no limit to what the judges embrace within the word "intimidation." If this amendment were adopted it would cover all sorts of peaceful and lawful actions. You would destroy "peaceful picketing," recognized universally as proper and lawful. Judges, however, have twisted evidence into strained meanings. They have on occasion prevented peaceful picketing as a result of so-called "intimidation." You already have sufficient safeguards in the bill. Do not add any more needlessly.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. EATON of Colorado. The gentleman's argument seems to be against the word "intimidation." Would he have any objection to the word "threats"?

Mr. CELLER. That would be subject to the same objection. It is just as intangible. It would simply give judges a pretense to destroy labor's rights. Vote the amendment down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. EATON of Colorado) there were 62 ayes and 161 noes.

So the amendment was rejected.

Mr. MICHENER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, line 6, after the word "fraud," insert a comma, strike out the word "or" and strike out the semicolon after the word "violence," insert a comma and the following: "threats or intimidation."

The question was taken, and the amendment was rejected.

Mr. MICHENER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, after line 8, insert the following:

"(j) Nothing herein contained shall be construed to prohibit the issuance of an injunction to prevent injury to a business by threat to or intimidation of its patrons or customers to boycott the business."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. BLANTON), there were 38 ayes and 142 noes.

So the amendment was rejected.

Mr. BECK. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BECK: After the word "acts" in section 4, line 5, page 4, insert the following: "Except where said acts are performed or threatened for an unlawful purpose or with an unlawful intent, or are otherwise in violation of any statute of the United States."

Mr. BECK. Mr. Chairman, if the enthusiastic majority will indulge me just for a moment or two, I shall not take the five minutes. I call attention to the vital character of this amendment. A strike in reference to industrial conditions or wages is certainly per se lawful, but a strike to accomplish an ulterior purpose, by the courts of this and every other country, is unlawful as, for example, a strike such as I instanced in England, where the political government was sought to be coerced by the threats of a wholesale suspension of transportation services. All I ask is, not that in labor disputes an injunction shall in all cases issue but that in labor suits where the acts are for an unlawful purpose or for an unlawful intent or in violation of any statute of the United States this immunity from the remedial powers of a court of chancery shall not be given.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 47, noes 143.

So the amendment was rejected.

The Clerk read as follows:

SEC. 6. No officer or member of any association or organization, and no association or organization participating or interested in a labor dispute, shall be held responsible or liable in any court of the United States for the unlawful acts of individual officers, members, or agents, except upon clear proof of actual participation in, or actual authorization of, such acts, or of ratification of such acts after actual knowledge thereof.

With the following committee amendments:

Page 5, line 17, strike out the words "and no association or organization."

Page 5, line 23, after the word "thereof," insert "and the liability of any such association or organization for unlawful acts of its members shall be similarly limited."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The Clerk read as follows:

SEC. 7. No court of the United States shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute, as herein defined, except after hearing the testimony of witnesses in open court (with opportunity for cross-examination) in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered, and except after findings of fact by the court, to the effect—

(a) That unlawful acts have been committed and will be continued unless restrained;

(b) That substantial and irreparable injury to complainant's property will follow;

(c) That as to each item of relief granted greater injury will be inflicted upon complainant by the denial of relief than will be inflicted upon defendants by the granting of relief;

(d) That complainant has no adequate remedy at law; and

(e) That the public officers charged with the duty to protect complainant's property are unable or unwilling to furnish adequate protection.

Such hearing shall be held after due and personal notice thereof has been given, in such manner as the court shall direct, to all known persons against whom relief is sought, and also to those public officers charged with the duty to protect complainant's property: *Provided, however,* That if a complainant shall also allege that, unless a temporary restraining order shall be issued without notice, a substantial and irreparable injury to complainant's property will be unavoidable, such a temporary restraining order may be issued upon testimony under oath, sufficient, if sustained, to justify the court in issuing a temporary injunction upon a hearing after notice. Such a temporary restraining order shall be effective for no longer than five days and shall become void at the expiration of said five days. No temporary restraining order or temporary injunction shall be issued except on condition that complainant shall first file an undertaking with adequate security sufficient to recompense those enjoined for any loss, expense, or damage caused by the improvident or erroneous issuance of such order or injunction, including all reasonable costs (together with a reasonable attorney's fee) and expense of defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

The undertaking herein mentioned shall be understood to signify an agreement entered into by the complainant and the surety upon which a decree may be rendered in the same suit or proceeding against said complainant and surety, the said complainant and surety submitting themselves to the jurisdiction of the court for that purpose. But nothing herein contained shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his ordinary remedy by suit at law or in equity.

With the following committee amendments:

Page 6, line 9, after the word "been," insert the words "threatened or," and in line 10, page 6, after the word "restrained," insert "but no injunction or temporary restraining order shall be issued on account of any threat or unlawful act except against the person or persons, association, or organization making the threat or committing the unlawful act or who actually authorized it or ratified it after actual knowledge thereof."

Mr. SUMNERS of Texas. Mr. Chairman, I offer a perfecting amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment by Mr. SUMNERS of Texas: In line 12 of the committee amendment strike out the word "except" and insert the word "excepting."

Mr. STAFFORD. Mr. Chairman, does the gentleman think that it carries out the intent better to substitute the word "excepting"? I think the phraseology carries out the intent with the word "except."

Mr. SUMNERS of Texas. My own judgment is that it is not very material, but the bill as it comes from the Senate has the word "excepting," and it seems to me there is a little shade of difference that makes the word "excepting" preferable.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Texas.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question now is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. The Clerk will report the other committee amendments.

The Clerk read as follows:

Page 7, line 20, after the word "security," insert the words "in an amount to be fixed by the court."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Page 8, line 8, after the word "security," insert the words "upon a hearing to assessed damages of which hearing complainant and surety shall have reasonable notice."

Mr. SUMNERS of Texas. Mr. Chairman, I offer the following amendment to the committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SUMNERS of Texas to the committee amendment: Page 8, line 8, strike out the word "assessed" and insert in lieu thereof the word "assess."

The CHAIRMAN. The question is on the amendment to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The question now is on the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. MICHENER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. MICHENER: Page 7, line 7, after the word "to," insert "the chief of those public officials of the county and city within which the unlawful acts have been threatened or committed," and strike out the remainder of line 7 and all of line 8 down to and including the colon after the word "property."

Mr. MICHENER. Mr. Chairman, I call especial attention to this amendment. The bill as drawn provides that before an injunction may issue in any of those cases you must first give notice to all of the public officials anywhere who may be responsible for the protection of the property or person. Now, that would be a physical impossibility. We would at least have to commence with the governor. You would have to serve notice on everybody all the way down. The amendment provides that notice must be served on the chief law officer of the county, who would be the sheriff, for instance; also upon the chief of police, for instance, in the city where the trouble is. There can be no exception to that amendment.

Mr. LAGUARDIA. Mr. Chairman, we consent to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. MICHENER].

The amendment was agreed to.

Mr. DYER. Mr. Chairman, I offer an amendment, which I have sent to the desk.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DYER: Amend section 7, subdivision (e), page 7, line 15, by striking out the sentence, "Such a temporary restraining order shall be effective for no longer than five days and shall become void at the expiration of said five days," and insert in lieu thereof "Such a temporary restraining order shall be effective for no longer than five days (and shall not be renewed if, in the judgment of the court, unjustifiable delay is sought by plaintiff) and shall become void at the expiration of said five days unless extended by order of the court for good cause shown."

Mr. DYER. Mr. Chairman, I will not take the time permitted, but this is simply to cure a condition that might arise in some cases. For instance, a court might be unable to take the matter up because engaged in some other important matter at the time. That is about the only excuse he could have for not taking up the matter. It is to give the court a sufficient number of days, a few additional days, if needed, in connection with the expedition of the business of the court.

Mr. McKEOWN. Will the gentleman yield?

Mr. DYER. I yield.

Mr. McKEOWN. If a temporary restraining order is issued, if it is not renewed, it will die of its own effect. This limitation of five days is to stop the habit of judges issuing these restraining orders and then refusing to hear them and letting them stand. After a restraining order is issued, when it is renewed it becomes a temporary injunction. I think the language offered by the amendment puts the bill in better shape.

Mr. DYER. It is only to extend it a day or so in case the facts warrant. There is no attempt to secure an improper delay. However, I submit the amendment.

Mr. McKEOWN. Mr. Chairman, I rise in opposition to the amendment. The language as it is now written is, in my judgment, a better situation, because after a temporary restraining order is issued, when it is renewed it becomes a temporary injunction. The gentleman changes the situation. If it is only five days, that is without notice, and it should not be continued longer than that time until they have an opportunity to be heard. I appreciate what the gentleman is attempting to do. The gentleman thinks that a situation might arise where five days might not be sufficient, but it is enough on an injunction without notice.

Mr. LAGUARDIA. And the court can very easily gage himself accordingly?

Mr. McKEOWN. Certainly.

Mr. DYER. Suppose something very important was taking place in that court and the judge could not get to it, and suppose all the parties interested were agreeable that it should be laid over for two or three more days?

Mr. McKEOWN. That does not prevent him making the order.

Mr. DYER. Mr. Chairman, I submit the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. DYER].

The amendment was rejected.

Mr. THATCHER. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking a question, which can be answered by the gentleman from New York [Mr. LAGUARDIA] or the chairman of the committee.

Section 8 relates to restraining orders, and I want to ask whether or not the provision which has just been read about temporary restraining orders for five days qualifies the provisions of section 8. In other words, section 8 requires certain things to be done as conditions precedent to the granting of injunctive relief. There might be emergencies where it would be impossible to meet these conditions. The question is whether or not the qualifications set forth as to temporary injunctions apply to section 8, where a temporary injunction might be asked, where it might be impossible to move to settle a dispute by negotiation or with the aid of any governmental machinery, mediation, or voluntary arbitration referred to in section 8.

Mr. LAGUARDIA. The answer to that is simple. In seeking a restraining order a party believed to be aggrieved comes into court and under a certain state of facts, which are enumerated in the bill itself, asks for a restraining order. If time has not permitted him or the corporation to avail itself of the existing governmental machinery for the settlement of a labor dispute, he recites that as one of his facts, which is full compliance, of course, with the provisions of section 8, which makes it a condition precedent that every remedy must be exhausted to settle the strike before the injunction will issue.

Mr. THATCHER. Then if he pleads that in his bill, setting up the state of facts, he would get the temporary injunction?

Mr. LAGUARDIA. Yes.

The Clerk read as follows:

SEC. 8. No restraining order or injunctive relief shall be granted to any complainant who has failed to comply with any obligation imposed by law which is involved in the labor dispute in question, or who has failed to make every reasonable effort to settle such dispute either by negotiation or with the aid of any available governmental machinery of mediation or voluntary arbitration.

Mr. CROSSER. Mr. Chairman, I move to strike out the last word. The chairman of the committee indicated a little while ago that he was rather particular about the language of this bill. I notice in line 17, page 8, the words "has failed." The gentleman means "shall have failed," does he not?

Mr. SUMNERS of Texas. That is right.

Mr. CROSSER. In line 19, the language should read "who shall have failed" instead of "who has failed"?

Mr. SUMNERS of Texas. That is right.

Mr. CROSSER. And in line 18, the language should be "which shall be involved" instead of "which is involved."

Mr. SUMNERS of Texas. That makes it better, but I think it is all right as it is.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 11. In all cases where a person shall be charged with indirect criminal contempt for violation of a restraining order or injunction issued by a court of the United States (as herein defined), the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed: *Provided*, That this requirement shall not be construed to apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice or to apply to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court.

With the following committee amendment:

On page 9, line 21, strike out the word "where" and insert the words "arising under this act in which."

Mr. LAGUARDIA. Mr. Chairman, I want to call the attention of the committee to the fact that the bill as passed by the Senate is as originally contained in the bill now before you. The committee amendment restricts the purpose of the section. In other words, the Senate bill is sufficiently broad to embrace and take care of all criminal contempt cases and also such contempt cases that have become known as the "press" cases. I personally am in favor of the broader section. That is, I am in favor of the section as amended by the Senate. I deem it my duty to call your attention to it. If you are in favor of the Senate provision, which is broader and takes care of the "press" cases, the vote is against the committee amendment; but if you are in favor of the committee amendment, which restricts the provision, then the vote is in favor of the committee amendment.

Mr. McKEOWN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. McKEOWN. Of course, the gentleman understands this bill is primarily a labor bill, and without the amendment, of course, we put in the newspaper cases as to free speech. While I am heartily in favor of the newspaper proposition, does not the gentleman think that ought not to be tangled up in this act?

Mr. LAGUARDIA. The gentleman states the case correctly.

Mr. CHRISTOPHERSON. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. CHRISTOPHERSON: Page 9, line 21, strike out the words "this act" and insert in lieu thereof "sections 3, 4, 5, and 6 of this amendatory act."

Mr. CHRISTOPHERSON. Mr. Chairman, the reason for offering this is simply that when we make this amendment this becomes the judiciary act and the intent is to confine this limitation to the provisions of this act. By enumerating the sections there is no question about the limitation. I hope the amendment will be accepted.

Mr. MICHENER. Will the gentleman yield.

Mr. CHRISTOPHERSON. Yes.

Mr. MICHENER. May I ask this question: This bill, if made law, will be an addition to the Judicial Code?

Mr. CHRISTOPHERSON. Exactly.

Mr. MICHENER. It in no wise amends any provisions of the Judicial Code other than to the extent that this is an addition and deals with a specific thing. This deals with labor disputes between individuals, not where the Government is involved. It is my notion that under this bill the Government can function with an injunction, if that is necessary in order to carry out the purpose of the Government. I should like to see this clarified, but I want to go on record as saying that under my interpretation of this bill the Federal Government will not at any time be prevented from applying for an injunction, if one is necessary in order that the Government may function.

Mr. CHRISTOPHERSON. That is not involved, really, in the amendment. The amendment which I am offering is simply to clarify and define to what particular sections of law this limitation refers, and it was not the intention it should refer to injunction matters, outside of labor disputes.

Mr. McKEOWN. Will the gentleman yield?

Mr. CHRISTOPHERSON. Yes.

Mr. McKEOWN. It is not the purpose of this legislation to include any other class of matters except matters of labor disputes.

Mr. CHRISTOPHERSON. And this makes it definite and defines what it alludes to.

Mr. SPARKS. Will the gentleman yield?

Mr. CHRISTOPHERSON. Yes.

Mr. SPARKS. Is not the purpose of the bill to provide limitations for the granting of injunctions?

Mr. CHRISTOPHERSON. Yes.

Mr. SPARKS. And it is not possible under the provisions of this bill to create the basis for the allowance of injunctions.

Mr. CHRISTOPHERSON. As it stands now it might include injunctions in other cases. Therefore the amendment is to define exactly to what this limitation applies.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from South Dakota [Mr. CHRISTOPHERSON].

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The Clerk read the next committee amendment, as follows:

Page 9, line 22, strike out the word "indirect."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 9, line 23, strike out the words "for violation of a restraining order or injunction issued by" and insert the word "of."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 10, line 3, strike out the word "requirement" and insert the word "right."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 10, line 3, strike out the words "be construed to."

The committee amendment was agreed to.

Mr. DYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DYER: Amend section 11, page 10, line 8, by changing the period to a comma and adding the following: "nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States."

Mr. DYER. Mr. Chairman, the only purpose of this amendment is to take out these criminal contempts or trial-by-jury injunctions growing out of the antitrust law or what are known as the padlock cases. There are some 40,000 injunctions so far issued in prohibition matters which are referred to as padlock cases, and while not a great many, there are some in connection with the antitrust law, and this is to except from the provisions of this bill cases of that kind.

Mr. LAGUARDIA. Mr. Chairman, we have just taken care of that situation by a committee amendment. We have fortified the committee amendment by the amendment offered by the gentleman from South Dakota [Mr. CHRISTOPHERSON], and now as the section is, it is limited to acts arising under sections 3, 4, 5, and 6 of this amendatory act. So that by the wildest construction of the bill it could not apply to the cases which the gentleman has in mind, and we should vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. DYER].

The amendment was rejected.

The Clerk read as follows:

SEC. 12. The defendant in any proceeding for contempt of court is authorized to file with the court a demand for the retirement of the judge sitting in the proceeding, if the contempt arises from an attack upon the character or conduct of such judge and if the attack occurred otherwise than in open court. Upon the filing of any such demand the judge shall thereupon proceed no further, but another judge shall be designated in the same manner as provided in case of the approval of an affidavit of personal bias or prejudice under section 21 of the Judicial Code. The demand shall be filed prior to the hearing in the contempt proceeding.

The following committee amendments were read and agreed to:

Page 10, line 10, after the word "court," strike out the words "is authorized to" and insert the word "may."

Page 10, line 17, strike out the words "provided in the case of the approval of an affidavit of personal bias and prejudice under section 21 of the Judicial Code" and insert the words "is provided by law."

The Clerk read as follows:

SEC. 13. When used in this act and for the purposes of this act—

(a) A case shall be held to involve or to grow out of a labor dispute when the case involves persons who are engaged in the same industry, trade, craft, or occupation; or have direct or indirect interests therein; or who are employees of the same employer; or who are members of the same or an affiliated organization of employers or employees; whether such dispute is (1) between one or more employers or associations of employers and one or more employees or associations of employees; (2) between one or more employers or associations of employers and one or more employers or associations of employers; or (3) between one or more employees or associations of employees and one or more employees or associations of employees; or when the case involves any conflicting or competing interests in a "labor dispute" (as hereinafter defined) of "persons participating or interested" therein (as hereinafter defined).

(b) A person or association shall be held to be a person participating or interested in a labor dispute if relief is sought against him or it and if he or it is engaged in the same industry, trade, craft, or occupation in which such dispute occurs, or has a direct or indirect interest therein, or is a member, officer, or agent of any association composed in whole or in part of employers or employees engaged in such industry, trade, craft, or occupation.

(c) The term "labor dispute" includes any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms and conditions of employment, or concerning employment relations, or any other controversy arising out of the respective interests of employer and employee, regardless of whether or not the disputants stand in the proximate relation of employer and employee.

(d) The term "court of the United States" means any court of the United States whose jurisdiction has been or may be conferred or defined or limited by act of Congress, including the courts of the District of Columbia.

The following committee amendments were read:

Page 12, line 2, after the word "terms," strike out "and" and insert "or."

Page 12, line 2, after the word "employment," strike out "or concerning employment relations, or any other controversy arising out of the respective interests of employer and employee."

The committee amendments were agreed to.

The Clerk read as follows:

SEC. 14. If any provisions of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby.

The following committee amendment was read:

Page 12, line 11, after the figures "14," strike out lines 11, 12, 13, 14, and 15, and insert the following: "If any part of this act is unconstitutional or otherwise invalid, the remaining part of the act shall not be affected thereby."

The committee amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. EATON of Colorado. Mr. Chairman, I move to strike out the last word. I make this pro forma amendment for the purpose of directing the attention of the chairman of the committee and the gentleman from New York [Mr. LAGUARDIA] to the fact that the Christopherson amendment to section 11 was limited to sections 3, 4, 5, and 6. It therefore would not cover any situation which might arise under section 7. If you will look at section 7, you will find that it is also a section vesting or defining jurisdiction in the United States courts and is concluded with a proviso which is the part of the bill vesting jurisdiction in the court to issue temporary injunctions. In no other part of the sections 3, 4, 5, or 6 is such authority designated. Therefore it conclusively appears that if it is the purpose of the proponents of this bill to make any change in the law concerning contempts which might arise in connection with the granting of a temporary injunction, section 7 ought to be included in the amendment. I therefore ask unanimous consent to withdraw my pro forma amendment and that the Christopherson amendment be amended so as to read:

In line 21, on page 9, there be inserted between the words "under" and "this" the words "sections 3, 4, 5, 6, and 7 of."

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. EATON of Colorado. May I again direct your attention to the committee amendment which was adopted in line 9 on page 6, which is in the first clause of subsection (a) of section 7, where by the insertion of the word "threatened" you made section 7 of the bill, at least, extend to *threatened* unlawful acts as one of the causes upon which an injunction might be issued. You will notice that this amendment permits a judge to issue an injunction if he finds that "unlawful acts have been *threatened* or committed." When I spoke upon the Michener amendment proposed to subsection (e) of section 4, I directed your attention to the fact that the method of the use of threats ought to be included with the method of the use of fraud and violence in the excepting portion of that subsection. I also directed your attention to the necessity for including the word "threats" with the words "without fraud or violence" in subsection (i) of said section 4. As you now have this bill, by section 7 a court may find as a fact that unlawful acts have been threatened, but by section 4 (e) no court shall have jurisdiction to issue any restraining order or temporary or permanent injunction to prohibit in a labor dispute, giving publicity to the existence of or the facts involved in any labor dispute by any method involving threats of fraud or violence; and by section 4 (i) no injunction may issue to restrain the advising, urging, or otherwise causing or inducing the acts specified without threats of fraud or violence. The text may be involved. There is a double negative. But this thing is certain: No matter what may be the meaning of the words used, "threats" are entirely omitted from every effect of the section, and not merely as stated in the two subsections designated. I listened to the explanation given about the use of the word "intimidation." Not a word was said about the use of the word "threat," as I now recall the debate. Again, I say, look over this whole bill again and see if you will not agree that section 4 ought to recognize threats of fraud and violence as well as acts perpetrated, which come under the proper definition of the words "fraud and violence," and have the bill amended before final passage.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CONNERY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 5315) to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes, and, under House Resolution 166, he reported the bill back to the House with the amendments adopted by the committee.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded upon any amendment? [After a pause.] If not, the Chair will put them en bloc. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BLANTON. Mr. Speaker, I offer the following motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLANTON. I am.

The SPEAKER. Is any member of the committee opposed to the bill? If not, the gentleman from Texas is recognized and the Clerk will report the motion to recommit.

Mr. SUMNERS of Texas. Mr. Speaker, before that is done, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SUMNERS of Texas. Mr. Speaker, it is my purpose at the proper time to ask unanimous consent to consider the Senate bill, a similar bill, and to substitute the House bill for the Senate bill.

The SPEAKER. If the gentleman should ask unanimous consent to do that now and it should prevail, it would cut out the motion to recommit. After the motion to recommit is voted upon, then unanimous consent can be granted to consider the Senate bill.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on the Judiciary, with instruction to report the same back forthwith with the following amendment, to wit: On page 1, line 3, after the word "that," insert "except where the Government of the United States is the petitioner," and on page 1, line 9, add the following:

"*Provided, however*, That neither this section nor any subsequent section of this bill shall apply to any labor dispute which involves the suspension or discontinuance of a public utility whose continuous operation is essential to the property, health, and lives of the people of any State or community. In such cases where the welfare, health, or lives of a public are concerned who are not parties to such labor dispute, or where a labor dispute involves the obstruction of any instrumentality of interstate or foreign commerce, in such event the power of a United States court to grant injunctive relief in the interests of the public in accordance with the principles of equity jurisprudence shall not be denied or abridged, anything in this act to the contrary notwithstanding."

Mr. SUMNERS of Texas. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken.

Mr. BLANTON. Mr. Speaker, I demand a division, and pending that I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. All in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Nine Members, not a sufficient number; and the yeas and nays are refused.

Mr. BLANTON. Mr. Speaker, I demand a division.

The House divided; and there were—ayes, 17, noes 255.

So the motion to recommit was rejected.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to take up Senate bill 935, strike out all after the enacting clause, and substitute the provisions of House bill 5315.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. I call the attention of the gentleman from Texas [Mr. SUMNERS] to the fact that that would make every provision of the Senate bill in order on this bill for consideration by the conferees when the bill goes to conference. There is a provision in the Senate bill which I do not think my colleague from Texas approves of, which would destroy the force and effect of several thousand pending padlock cases that are now in force and effect in the United States. I am hoping that my friend from Texas does not approve of that provision of the Senate bill. Mr. Speaker, I object to the request.

The SPEAKER. The question is on the passage of the bill.

Mr. SUMNERS of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 362, nays 14, not voting 56, as follows:

[Roll No. 27]

YEAS—362

Abernethy	Allgood	Andresen	Arentz
Adkins	Almon	Andrew, Mass.	Arnold
Allen	Amlie	Andrews, N. Y.	Auf der Heide
Ayres	Dowell	Kelly, Pa.	Rankin
Bacharach	Doxey	Kemp	Ransley
Bachmann	Drane	Kendall	Rayburn
Bacon	Drewry	Kennedy	Reed, N. Y.
Baldrige	Driver	Kerr	Reilly
Bankhead	Dyer	Kinzer	Robinson
Barbour	Eaton, Colo.	Kleberg	Rudd
Barton	Englebright	Kniffin	Sanders, N. Y.
Beam	Erk	Kopp	Sanders, Tex.
Beedy	Eslick	Kurtz	Sandlin
Black	Evans, Calif.	Kvale	Schafer
Bland	Evans, Mont.	LaGuardia	Schneider
Boehne	Fernandez	Lambertson	Schuetz
Bohn	Fiesinger	Lambeth	Seger
Bolleau	Finley	Lanham	Selberling
Boland	Fish	Lankford, Ga.	Selvig
Bolton	Fishburne	Lankford, Va.	Shallenberger
Bowman	Fitzpatrick	Larrabee	Shannon
Boylan	Flannagan	Lea	Shott
Brand, Ga.	Foss	Leavitt	Simmons
Brand, Ohio	Frear	Lehlbach	Sinclair
Britten	Free	Lewis	Sirovich
Browning	Fulbright	Lichtenwalner	Smith, Idaho
Brumm	Fuller	Lindsay	Smith, Va.
Brunner	Fulmer	Linthicum	Smith, W. Va.
Buchanan	Gambrill	Lonergan	Snell
Buckbee	Garber	Loofbourow	Snow
Bulwinkle	Garrett	Lovette	Somers, N. Y.
Burch	Gasque	Lozier	Sparks
Burtness	Gavagan	Ludlow	Stafford
Busby	Gibson	McClintic, Okla.	Stalker
Butler	Gifford	McClintock, Ohio	Steagall
Byrns	Gilchrist	McCormack	Stevenson
Cable	Gillen	McFadden	Stewart
Campbell, Iowa	Glover	McGugin	Strong, Kans.
Campbell, Pa.	Golder	McKeown	Strong, Pa.
Canfield	Goldsborough	McLaughlin	Sullivan, N. Y.
Cannon	Goodwin	McLeod	Sullivan, Pa.
Carley	Goss	McMillan	Summers, Wash.
Carter, Calif.	Granata	McReynolds	Sumners, Tex.
Carter, Wyo.	Granfield	Maas	Sutphin
Cartwright	Green	Major	Swank
Cavicchia	Greenwood	Maloney	Swanson
Celler	Griswold	Manlove	Sweeney
Chase	Guyer	Mansfield	Swing
Chavez	Hadley	Mapes	Tarver
Chindblom	Haines	Martin, Mass.	Taylor, Colo.
Chiperfield	Hall, Ill.	Martin, Oreg.	Taylor, Tenn.
Christgau	Hall, Miss.	Mead	Temple
Christopherson	Hall, N. Dak.	Michener	Thatcher
Clague	Hancock, N. Y.	Millard	Thomason
Clancy	Hardy	Miller	Thurston
Clark, N. C.	Hart	Milligan	Tierney
Clarke, N. Y.	Hartley	Mobley	Tilson
Cochran, Mo.	Hastings	Montague	Timberlake
Cole, Iowa	Haugen	Montet	Tinkham
Cole, Md.	Hawley	Moore, Ky.	Treadway
Collins	Hess	Moore, Ohio	Turpin
Colton	Hill, Ala.	Morehead	Underwood
Condon	Hill, Wash.	Mouser	Vinson, Ga.
Connery	Hoch	Nelson, Me.	Warren
Cooke	Hogg, Ind.	Nelson, Mo.	Wason
Cooper, Tenn.	Hogg, W. Va.	Nelson, Wis.	Weaver
Corning	Holaday	Niedringhaus	Welch, Calif.
Cox	Holmes	Nolan	Welsh, Pa.
Coyle	Hooper	Norton, Nebr.	West
Crisp	Hope	Norton, N. J.	White
Cross	Hopkins	O'Connor	Whitley
Crosser	Hornor	Oliver, Ala.	Whittington
Crowe	Horr	Oliver, N. Y.	Wigglesworth
Crowther	Houston, Del.	Overton	Williams, Mo.
Crump	Howard	Owen	Williams, Tex.
Culkin	Huddleston	Palmisano	Williamson
Cullen	Hull, William E.	Parker, Ga.	Wilson
Curry	Jacobsen	Parker, N. Y.	Wingo
Dallinger	James	Parks	Withrow
Davenport	Jeffers	Parsons	Wolcott
Davis	Jenkins	Partridge	Wolfenden
Delaney	Johnson, Ill.	Patman	Wolverton
De Priest	Johnson, Mo.	Peavey	Wood, Ga.
DeRouen	Johnson, Okla.	Pettengill	Woodruff
Dickinson	Johnson, Tex.	Pittenger	Woodrum
Dickstein	Johnson, Wash.	Polk	Wright
Dies	Jones	Pou	Wyant
Disney	Kading	Prall	Yates
Doughton	Karch	Rainey	Yon
Douglas, Ariz.	Keller	Ramseyer	
Douglass, Mass.	Kelly, Ill.	Ramspeck	

NAYS—14

Beck	Hollister	Rogers, Mass.	Watson
Blanton	Johnson, S. Dak.	Taber	Wood, Ind.
Darrow	Luce	Underhill	
French	Rich	Vestal	

NOT VOTING—56

Aldrich	Collier	Freeman	Kahn
Beers	Connolly	Gilbert	Ketcham
Bloom	Cooper, Ohio	Gregory	Knutson
Briggs	Crail	Griffin	Lamneck
Burdick	Dieterich	Hancock, N. C.	Larsen
Carden	Dominick	Hare	McDuffie
Cary	Doutrich	Harlan	McSwain
Chapman	Eaton, N. J.	Hull, Morton D.	Magrady
Cochran, Pa.	Estep	Igoe	May

Mitchell	Pratt, Harcourt J.	Rogers, N. H.	Stokes
Murphy	Pratt, Ruth	Romjue	Swick
Patterson	Purnell	Sabath	Tucker
Perkins	Ragon	Shreve	Vinson, Ky.
Person	Reid, Ill.	Spence	Weeks

So the bill was passed.

The Clerk announced the following pairs:

Mr. Cooper of Ohio (for) with Mr. Shreve (against).

General pairs:

Mr. Dieterich with Mr. Reid of Illinois.
Mr. Dominick with Mr. Cochran of Pennsylvania.
Mr. Chapman with Mr. Magrady.
Mr. Briggs with Mr. Purnell.
Mr. Ragon with Mr. Swick.
Mr. Romjue with Mr. Weeks.
Mr. Gregory with Mr. Doutrich.
Mr. Collier with Mr. Crail.
Mr. Gilbert with Mr. Connolly.
Mr. Griffin with Mr. Ketcham.
Mr. May with Mr. Murphy.
Mr. Tucker with Mr. Stokes.
Mr. Cary with Mr. Perkins.
Mr. Hare with Mr. Morton D. Hull.
Mr. Vinson of Kentucky with Mr. Beers.
Mr. McDuffie with Mr. Estep.
Mr. Spence with Mr. Pratt.
Mr. Sabath with Mr. Knutson.
Mr. McSwain with Mr. Eaton of New Jersey.
Mr. Larsen with Mr. Burdick.
Mr. Bloom with Mr. Person.
Mr. Igoe with Mrs. Kahn.
Mr. Rogers with Mr. Freeman.
Mr. Carden with Mr. Mitchell.
Mr. Harlan with Mr. Lamneck.
Mr. Hancock of North Carolina with Mr. Patterson.

Mr. MAPES. Mr. Speaker, my colleague, Mr. PERSON, is unavoidably absent. He has asked me to announce that he is in favor of this legislation and that if he were present he would vote "aye" on this roll call.

Mr. WILLIAM E. HULL. Mr. Speaker, my colleague, Mr. REID of Illinois, is ill at home. He asked me to say that if he were present he would vote "aye."

Mr. TEMPLE. Mr. Speaker, my colleague the gentleman from Pennsylvania, Mr. COCHRAN, is necessarily absent. He has asked me to say that if he were able to be present he would vote "aye" on this bill.

Mr. COYLE. Mr. Speaker, my colleague the gentleman from Pennsylvania, Mr. MAGRADY, is absent on account of illness. He has asked me to state that if he were present he would vote "aye" on this bill.

Mr. RAINEY. Mr. Speaker, I have been requested to announce that the following Members are unavoidably absent on important business and if present they would vote "aye": Mr. CHAPMAN, Mr. GREGORY, Mr. CARY, Mr. BRIGGS, Mr. MAY, Mr. SPENCE, Mr. VINSON of Kentucky, Mr. DIETERICH, Mr. SABATH, Mr. IGOE, Mr. CARDEN, Mr. GRIFFIN, Mr. DOMINICK, Mr. GILBERT, Mr. ROMJUE, Mr. PATTERSON, Mr. COLLIER, Mr. RAGON, Mr. BLOOM, Mr. LAMNECK.

Mr. PARKS. Mr. Speaker, I announce that my colleague the gentleman from Arkansas, Mr. RAGON, is absent because of the critical illness of his brother. If here, he would vote "aye" on this bill, which is the child of the brain of the great commoner, William Jennings Bryan.

The result of the vote was announced as above recorded.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that all Members have five legislative days within which to extend their remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FRENCH. Mr. Speaker, I hope that the amendment offered by the gentleman from Pennsylvania [Mr. BECK] may prevail. I want to support the injunction bill in recognition of my conviction that at times there has been abuse of the injunction power, and I want to correct the situation so that this power may not be applied excepting in the interest of the public good. With the adoption of the amendment that has been offered or a somewhat similar amendment that has been discussed this afternoon I should support the measure. Without some such provision I can not support it, for, in my judgment, the measure itself would then become an instrument that would work injury most of all upon its most earnest proponents—the men of our country who are engaged in manual labor, and on their families.

The effect of the proposed amendment would be to leave with the Federal court the power of injunction only when issues arise that involve the essential operation of activities for the protection of property, health, and lives of the people of any State or community. Surely in such cases, where the welfare, health, or lives of the public are concerned, no party to a dispute can be benefited by placing these elements in jeopardy. As I see it, the question involving these factors can arise only, or at least chiefly, in populous centers. Here is where the breaking down of the service of some public utility might work irreparable injury upon millions of people. Food supplies might be cut off; fuel supplies might be prevented; conditions might well arise that would mean unmeasured loss of life and health and property. No one and no cause could be benefited through such conditions. The public has an interest that must be protected.

But some one has said that this amendment affords exemption to private institutions performing public utility service. This statement as such can not be true. The very language of the amendment negatives the assertion, because it provides that the injunction power may be exercised only when the suspension or discontinuance of a public utility is essential to the property, health, and lives of the people of any State or community.

In my judgment, the ones who will suffer most in event this amendment may not prevail will be those who most of all should receive the thoughtful attention of this body. I refer to the children and to the populations who have no great financial means. I refer to the populations who are poor. Under conditions that would witness the breakdown of public utility institutions serving a populous center the people of wealth could arrange for their families to be sent to areas where the question would not be a problem; where the question of warmth would not arise; where foods and needs of all kinds readily could be provided. This would not be true for the millions of some of our cities, as they are to-day dependent upon the constant and steady maintenance of channels that supply fuel and food and necessaries of life. To protect these people, this amendment ought to be adopted.

Mr. WHITE. Mr. Speaker, ladies and gentlemen of the House, througout the ages it has been the aspiration of the affluent to perpetuate possession, the aim of the powerful to continue control of the influential to perfect and make permanent their ascendancy. Suppliance has always paid court to authority. These are human responses to instincts of self-interest.

The right of might and riches was accepted as demonstrated and sequential until the appearance on the horizon of our own great country and its doctrine of human rights and human equality. It was fully half a century before its judicial system came to understand the right of toil and brain to equal rating with rights of property; and even then it required more than another half century for the light of the conception to gain widespread understanding.

It has been only in the last decade that legislatures have found a way of expressing this equality in statutes. Only five States have placed upon their books the declared policy that toilers shall not be subjected to economic inequality through the duress of necessity. I am proud to observe that my own State is one of those which has legislated to invalidate the authority of the employer to subject the employee by force of circumstance to agree to refuse to associate himself with his fellows for mutual benefits and improvement.

Until comparatively recently the employer has actually asserted a property right in the divided action of his employees, and courts have supported that contention. The intent of the employee to benefit himself by united action has actually been adjudicated a conspiracy against his employer. The employer has assumed an attitude of beneficence and benefaction over those whom he employed, as if

there existed as a result of that employment a unilateral rather than a bilateral obligation of benefit, and that the employee was the sole debtor. Such a contention is insupportable in any logic except that upon which autocracy finds its justification and basis.

Such logic demanded an attitude of supplication of the worker before the employer. He was and is expected to-day in extensive circles to accept the benefactions of employment with gratitude upon whatever basis his employer grants.

It has been the practice and aspiration of industry to continue to appraise its market, buy its material, and arrange its other costs by bargain, and, finally, to grant to labor what it felt a reasonable profit would permit, the employer, of course, appraising the reasonableness of the profit. Labor has never had a voice in the final equation of cost and price, except as it has been the beneficiary of competition under rare and unusual circumstances, such as those which obtained during the World War and for a short time during 1928 and 1929. With modern mechanization of industry a surplus of labor has been displaced from employment and thus made a competitor for each job, making improbable the return of the conditions of these periods at any early era.

The doctrine of high wages as the economic means of righting distribution and keeping the economic and industrial machine in motion has been abandoned in recent months and the demand of the industrialist has turned to lower and lower wages, urging Government to follow his example.

Centralization of industry and business in great units prohibits the energetic and ambitious workman of this age his former recourse of creating for himself the job that was wanting in the employ of another. The great corporations have set the workman off as a separate element in the production equation. He is procured only when he is needed, and then only at the rate which the entrepreneur's judgment finds that functionary will find an assured profit.

The workman is found haphazard, is forced to compete in the most drastic fashion with his fellow worker, to play his abilities against those of other workers in the most prodigal and damaging way.

There is a grim humor in the flood of petitions of employers' associations coming here against the abrogation of their privilege to forbid their employees to associate with each other for identically the same reasons the employers are associated together. If they are to have the privilege of union for mutual interest and action, why not the workman who toils at the benches in their factories? If they need united action, why do not the still further disintegrated defenses and forces of their employees need it more?

The whole contention resolves itself to the benefits of the right of free contract. But is it a free contract when the lesser of the contracting interests is under the duress of economic necessity?

Economic force is just as real and certainly as effective as is physical force. It has all the elements of physical force. It is just as punishing, even more so, than is the force of the law of the jungle. Its pains are just as great, its wounds just as painful, its scars just as deep and lasting as are the scars and wounds of warfare. The trace of the saber's blade is no more hateful than the memory of malnourished days. Neither has the dispiriting effect of destitute dependents.

Where is there a duress, a force, a club like the appeal of a hungry child? Freedom of contract will come when the employee meets the employer upon a ground of equality in bargaining and an equality of service to each other, both recognizing its benefits. Whether such a Utopia between a buyer and a seller is rationally to be hoped for is questionable. We can only so hope by daring to do so.

It is irrational, certainly, to call a contract made under the duress of economic necessity a contract of freedom. It is to outlaw such a contract that this legislation is designed. The signing of such a contract under the necessity of food and shelter is a penalty levied by the employer in violation of all the rules of equity. Such a levy of necessity is equaled only by the usurer who lends at an exorbitant rate under exactly parallel circumstances. Nearly every State has enacted a law frowning upon the usurer, and the Federal Government approves such legislation. Why not outlaw its sister offense against justice?

The abusive use of the labor-dispute injunction is another offense against the rules of equity. Its significance is arrived at only when one realizes the damage done to the workman's property right in his services to an employer. I am not challenging the recognized principle of right of combination, and that for the purposes of combination human labor shall not be considered a commodity of commerce. Every human being is a going concern. His right to sell his services and his right to be fully informed and to inform his competitor of the conditions of such a sale should not be denied him.

This is not a proposal that the employee should exercise unrestrained privilege of duress upon the employer by a threat to damage or destroy his property. This bill does not grant such privileges. I should not support it if it did.

There is a tendency for those opposed to workers' associations to point to examples of violence upon their part as evidence of their menace. Violence has not been indigenous to one side of such disputes. It has marked the actions of both sides and under the restraints and inhibitions exercised against labor, I submit there is certainly as much justification for labor to lose its "sweet reasonableness" in these circumstances as for employers to do so.

The practice of the courts in outlawing commonly inoffensive and ordinarily legal actions by injunction and making felonies of misdemeanors by the same device is indefensible. There is no right of a court to legislate for advantage of one side of an industrial dispute, even though it may usurp such authority and make its usurpation prevail. Exercise of a power does not make it a right. If it did, might would seldom be in error.

Courts have forbidden workers in wage disputes to exercise such constitutionally guaranteed rights as attendance at Divine worship.

There is only one just way for the agency of society to arbitrate such rivalries and disputes; that is, by demanding fair and open justice to both sides. The suppression of open assembly and the denial of the right of free speech and free press, surreptition and repression are not the devices of free and democratic government. That form of government can have only one instrument of judgment, and that is free discussion and arriving at agreements just to the interests of both parties to such disputes as well as to the public interest.

Mr. FERNANDEZ. Mr. Speaker, organized labor has cause for rejoicing in the passage by the Senate and the House of Representatives of the anti-injunction bill, after years of effort on their part to obtain such legislation.

For years the American working people have felt a keen sense of injustice because corporations have resorted to the wrongful use of injunctions in labor controversies, and have suffered mentally and materially through what they firmly believe was the unjust application of the injunctive process.

The right to organize is nullified when people are prohibited from exercising their economic strength and from appealing to other workers to join with them in a common cause.

Because of the injustices and the abuse of power on the part of some of the Federal judges this legislation was enacted; and if, on the other hand, labor organizations or their sympathizers will unscrupulously violate the intention of this act, they will in no uncertain terms draw the same condemnation to these practices from the great American people, so much so as the far-reaching injunctions heretofore issued and now the issue of rebuke.

Both great political parties in the last national convention took a definite stand in favor of the passage of this legislation, which would give relief from the evils and wrongs brought about by the issuance of injunctions in labor disputes.

The Republican platform said in part:

We recognize that legislative and other investigations have shown the existence of grave abuse in the issuance of injunctions in labor disputes.

The Democratic platform said:

We believe that injunctions in labor disputes have in some instances been abused and have given rise to a serious question for legislation.

It can be truthfully said that the adoption of this legislation by the Congress of the United States is a triumph for organized labor, and it will be squarely up to the working units of America to preserve that victory.

Mr. SCHNEIDER. Mr. Speaker, it is gratifying to those of us who for many years have viewed with increasing alarm the abuse of the process of injunction in labor disputes to find that a bill to curb that abuse has received the almost unanimous approval of the Senate and is now destined to receive the overwhelming support of this body.

The unanimity with which this measure is being supported not only gratifies me, but, I am frank to say, surprises and even puzzles me. When Members representing constituencies in which the elementary principles of collective bargaining are still in doubt, and in which workers find in their struggle for better conditions the employers and also frequently the agencies of government arrayed against them, enthusiastically approve this measure, I begin to wonder and to doubt whether all that the bill aims to accomplish will in fact be achieved. It has been almost a revelation to see so many of our friends from those sections hit the sawdust trail.

Let me say, at the very outset, that what is proposed by this measure regulates the abuses of which we complain, but does not abolish them. No restraining order will be granted in the future, except in exceptional cases, without notice to the defendant and a hearing in open court of the testimony of sworn witnesses on both sides. When issued without such a hearing, or notice, the court will first have to take testimony under oath rather than by affidavit, and such an order is effective for only five days. Provision is also made to remedy the abuse that has grown up of holding officers and members of unions liable for damages for the acts of other members without proof of participation or direction or ratification of such acts. There are also other desirable changes.

I would prefer the abolition of the injunctive process rather than its regulation, so far as labor disputes are concerned. The evils that have brought us face to face with the seriousness of this problem have arisen from the usurpations of judges, and since it will remain with these judges to regulate themselves I am none too confident that we shall not find as time goes on that the evils will creep in again.

To avoid that possibility a statement of policy is included, but such statements have not been very effective in controlling the judges in the past. When the Clayton Act was passed Congress thought that it had accomplished all that is sought by this measure, but in the hands of the courts we learned that our policy and theirs differed widely—and theirs prevailed.

It may be that at this stage of our efforts, and bound by restrictions that are already in the laws and decisions, we shall not be able to do better than make this attempt once more. It has been pointed out that there are only 11 States in which the issuance of injunctions in labor disputes is restricted by laws similar to the one we now have under consideration. In the rest of the States actions brought in the State courts to restrain the legitimate activities of organized labor in time of strike will still be available to the enemies of labor. And it has also been pointed out that the enactment of this bill will not take away from the Federal Government any rights which it has under existing law to seek and obtain injunctive relief where the same is deemed by Government officials to be necessary for the functioning of the Government.

In other words, a tremendous field in which the injunction can still be used effectively will remain after the enactment of this bill. We may, even under this act, be confronted with the kind of an injunction which Judge Wilkerson issued against the striking shopmen at the behest of the then Attorney General Daugherty. And that, by the way, was one of the most flagrant cases of the abuse of the injunction in many years.

The gravest danger, of course, is the construction which the courts will place on the various provisions of this measure. We know from experience that the more things are legislatively changed the more they remain judicially the same.

When the Clayton Act, intended to restrict the Federal chancellors' power along the lines we now have in mind, was enacted after many years of agitation it was referred to by the venerable president of the America Federation of Labor at that time, Samuel Gompers, as the "Magna Charta" of labor. President Wilson said that it gave to the "workingmen of America veritable emancipation." It seemed that labor had achieved its purpose to organize without interference, to strike for better living conditions, and to exercise the same rights which corporate wealth had always exercised.

Yet the number of injunctions against labor has increased since 1914, when the Clayton Act was passed. In October, 1919, at the instance of the Attorney General of the United States, Judge A. B. Anderson, of the Federal district court in Indiana, issued without opinion a remarkable decree forbidding a threatened strike, and there has been a steady flow of injunctions from Federal courts ever since.

What happened was this:

The Supreme Court of the United States, passing on section 20 of the Clayton Act, which, so far as the workers were concerned, was the meat of it, held that the act was intended to be merely declaratory of what always was the best practice. And since it changed nothing, the court proceeded then, and other courts have proceeded since, to decide cases the way they always had.

Between 1916 and 1920, in 13 cases in which opinions are reported, lower Federal courts applied section 20 of the Clayton Act. In 10 of these cases, the statute was held not to stand in the way of an injunction. This surprising result, as one noted authority has pointed out, was achieved by the courts by applying two independent and inconsistent constructions: First, that the section did not change the previous rules of law; second, that the section did create new privileges but extremely limited in scope.

I do not propose to go into these decisions at this time, but just how the law was emasculated is illustrated by the following instance, which is typical of the judicial mind: Picketing, the court held, indicated a militant purpose, inconsistent with peaceful persuasion. It would be better if the pickets were to be called, the court said, "missionaries." It does not sound as militant. Having taken the militancy out of picketing, the court proceeded to decide how many were to engage in the picketing, where they were to stand, what they were to do, and so forth.

We think—

The court said—

that the strikers and their sympathizers engaged in the economic struggle should be limited to one representative for each point of ingress and egress in the plant or place of business * * *; that such representatives should have the right of observation, communication, and persuasion, but with special admonition that their communications, arguments, and appeals should not be abusive, libelous, or threatening, and that they shall not approach individuals together but singly * * *.

And since, in all questions that arise as to whether certain language is abusive or is actually used at all, as to whether the pickets act singly or together, whether they threaten or not, are questions of fact, all an employer needs is a sympathetic judge to determine the facts, and the strikers are enjoined.

These were some of the dents which the court made in the law. Other courts made other dents. The net result was that we were back at the same old stand, witnessing precisely the same kind of abuses in the issuance of injunctions, and suffering the same oppressions from judge-made law which we had suffered in the past.

If anything, the judges, many of them, became worse. Injunctions were issued that would deny the members of labor unions who are strikers the benefit of dues or of reserves made up of their funds which they themselves had contributed for periods of economic struggle. Officers of unions were denied the right to extend such benefit to the members who were out on strike.

There were injunctions forbidding workers to strike. There were injunctions enjoining those in sympathy with the strikers from furnishing food and medicine to babies of miners during a strike. One of those injunctions was issued by Judge Parker, whom President Hoover subsequently sought to elevate to the Supreme Court of the United States. Fortunately for the Nation and for those who work for a living, an alert group in the Senate blocked the effort.

Injunctions have been issued forbidding workers the constitutional right even to confer with each other on common questions and problems arising out of their employment. The strikers were not allowed to appeal in possession suits where they lived in company dwelling houses, and in some mining towns the company owns not only the mines but the stores from which the workers purchase their necessities, the schools in which their children obtain their education, the newspapers which the workers read, and even the ground on which stand the churches in which the workers worship.

There have been injunctions denying striking workmen the right to meet in their churches and sing hymns and join together in worship, because these places were in close proximity to the property where a strike was in progress. One Federal judge enjoined the singing by strikers of the hymn "Onward Christian Soldiers," because the feeling engendered by the singing of that hymn created a sense of solidarity and devotion to a common cause which would strengthen the determination of the strikers to continue the struggle.

Not only did the terms of these injunctions reach unbelievable proportions in their denial of elementary constitutional and civil rights but the manner in which these injunctions were issued and the proceedings which were brought for their alleged violation were equally high-handed. The judge whose order or decree had been violated, if, in fact, it had been violated—and in many such instances the violation of the decree was the only course a self-respecting American could pursue—became the prosecuting officer, the jury, and the judge all rolled up in one.

He was the complainant, he was the prosecutor, he judged the facts without a jury, convicted the accused, and sentenced him to jail for contempt of court. And these judges, setting at naught the most precious rights which ages of progress and struggle had made the heritage of all, expected the people to have anything but contempt for them and their orders.

It is possible in a civil suit involving only a few dollars to have a trial by jury, but a man could be sent to jail upon the whim of a judge without a jury trial.

What is important to observe is that the injunction in labor disputes is an American institution, pure and simple. In 1895 the Supreme Court of the United States for the first time in its history passed on the validity and scope of an injunction in a labor dispute. The next year it became one of the major political issues. "Government by injunction" was the slogan by which the Democratic platform of 1896 inveighed against the practice of issuing labor injunctions. After 1908 the Republican Party also proposed the correction of abuses due to judicial intervention in labor conflicts.

It is just 36 years since this became an issue. Every effort so far to settle it, and settle it right, has been nullified again by judicial decision and judicial legislation. I hope that we are nearer a solution to-day. Perhaps the unmistakable declaration of policy contained in this bill will help, or help more than such declarations have helped in the past.

In this measure it is proposed to deal also with a twin evil, the "yellow-dog" contract, as it has been very appropriately called. I am particularly glad that we are united in seeking to outlaw—at least to the extent that we can do so, which is in the Federal courts—this abominable product of autocracy in industry. Wisconsin in this, as in so many other fights for social and industrial reform legislation, has been a pioneer, and it was the first State to make the "yellow-dog" contract illegal and unenforceable in our State courts.

The "yellow-dog" contract usually requires the worker to agree not to join a union, or if he is already a member, to leave the union; that his employer may fire him without notice, but that he can not leave without notice to the employer. Such contracts usually provide, also, that all conditions of labor, hours and terms of employment are entirely within the determination of the employer.

If there is any difference between the conditions imposed upon a worker by such a contract and a condition of involuntary servitude or peonage, I do not know what it is.

Yet, in the Hitchman case the Supreme Court of the United States gave equitable protection to these agreements by enjoining employees who had subscribed to them, even when employed merely from day to day and not for a definite term. Assisted by this and subsequent decisions, employers have exacted from workers these agreements, and they have been pretty generally sustained.

In our efforts to outlaw these agreements, or to make them unenforceable, we shall run the danger of meeting the argument on which a good deal of judge-made law rests, namely, that there is a "liberty of contract" which is basic under our Constitution, and that in attempting to determine what contracts shall or shall not be made the Government is invading the sanctuary of our liberties.

The fact that industrial progress has made this ancient doctrine of liberty of contract a myth, so far as actual conditions are concerned, has not prevented the courts from resorting to it when social legislation was involved. Thus, in its decision nullifying the minimum wage law for women, the Supreme Court of the United States predicated its view on the same doctrine.

This doctrine presupposes that the girl who seeks a position in a department store, and the owner of that store deal with each other on terms of equality. She is free to work or not to work; he is free to employ or not to employ her.

Or, to take another illustration, that a worker seeking employment with the United States Steel Corporation and the manager, acting for the corporation, deal on terms of equality. One who still believes that will believe anything.

The fact of the matter is that the worker who needs a job—without which job he and those dependent on him are doomed to die—is not in quite the same position as the employer, who may have a thousand others ready to take the same position.

If we are to approach intelligently and act justly in the consideration of our industrial and social problems a realization of the tremendous changes that have come about and the recognition that new truths have made ancient truths uncouth are essential. To speak of "liberty of contract" in the way our forefathers did is to leave all that has intervened from their day to ours a vacuum, from which we have learned nothing and forgotten nothing.

I am confident that the House is acting with a knowledge that vast industrial changes require equally vital changes in terms that might be revered for their ancient history, but which have no application to modern conditions or modern life. If the courts, when they come to pass on our efforts, will disclose the same realization we shall not find ourselves again with this problem on our hands at some future date. At least, the problem of injunctions in labor disputes and "yellow-dog" contracts will have been removed from the arena and we can then take up other questions. I hope that the overwhelming sentiment by which we shall now declare ourselves on this public policy will not be without its effect on the courts.

COMPARATIVE PRINT OF BILL TO PROVIDE REVENUE, EQUALIZE TAXES, ETC.

Mr. STEVENSON. Mr. Speaker, I submit a privileged report from the Committee on Printing on House Concurrent Resolution No. 28 and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from South Carolina submits a privileged report, which the Clerk will report.

The Clerk read the concurrent resolution, as follows:

House Concurrent Resolution 28

Resolved by the House of Representatives (the Senate concurring), That a comparative print of the bill (H. R. 10236) entitled "To provide revenue, to equalize taxation, and for other purposes," as reported to the House by the Committee on Ways and Means on March 8, 1932, showing the changes proposed to existing law, be printed as a House document; and that 8,000 additional copies be printed for the use of the House document room, and 2,000 copies for the Senate document room.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The concurrent resolution was agreed to.

JOINT CONFERENCE ON UNEMPLOYMENT

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks to include a declaration of principles announced by the unemployment conference in St. Louis.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the declaration of principles of the Joint Conference on Unemployment held in St. Louis, Mo., March 1, 1932. The matter referred to above is as follows:

A reversal of policy by the President and the Congress in dealing with the unemployment problem is hereby recommended, after a careful study of the facts, by the Joint Conference on Unemployment, in session Tuesday, March 1, 1932, at the Hotel Statler, St. Louis.

The relief measures so far sponsored by the President and adopted by the Seventy-second Congress show a tendency on the part of the present administration to attack the crisis by giving relief at the top strata, that of big business, rather than at the bottom strata, where are millions of unemployed men and women.

Only by beginning the relief work at the bottom, we believe, can the gross injustices of the machine age be terminated and this country be restored to a reasonably permanent state of prosperity with employment for all.

Let us keep in mind that the unemployment problem, while intensified by the economic depression now in its third year, existed long before that depression; that in those years of the Coolidge administration chronicled as the most prosperous years in the history of this country between 1,000,000 and 2,000,000 workers were involuntarily idle.

We hold that the first rights in this country are human rights—the rights of its approximately 120,000,000 people—and that those rights must be protected by the capitalistic system if it is to endure. Greed has developed the erroneous idea that people have little excuse for living except in so far as they can serve business. Business must learn that it properly is the servant and not the master of the people, and that the welfare of the people must come first and profits, if any, later.

The founders of our country dedicated the Stars and Stripes to liberty and justice—to the idea that all men are created with equal rights and consequently that upon all territory under that flag there shall be so nearly as possible equal opportunities for all and special privileges for none.

Yet machinery, which should have lightened the burden of men and women generally, has had the effect of throwing an alarmingly large percentage of them out of employment and of concentrating most of the wealth of the country in the hands of a few people.

Several governments previously thought stable have been overthrown, largely if not entirely through economic adversity reflected from the present world depression; which depression, in the opinion of many nations, began in the United States. While our Government may not be in any immediate danger, we believe that depressions so destructive in their nature are inexcusable, if it is humanly possible to prevent them.

Even when confined entirely or largely to one country, such as the United States, depression with its business failures, lost savings, lost jobs, broken family ties, starvation, disease, and death impresses us as a greater plague in many respects than war.

Distribution in the form of a shorter work week—perhaps five days of six hours each—of such employment as there is in a machine age appears to us to be the only sound way to start the machines and keep them running, so must eventually come, we believe, for selfish if not altruistic reasons. Thus we feel all the power of greed can not prevent machinery from ultimately lightening man's burden—giving him more leisure for public affairs, advancement in arts and sciences, spiritual development, and recreation.

But it required more than a decade of bitter warfare in industry to cut the work day from 10 or 9 to 8 hours. It seems probable that the severe depression of the early nineties could have been averted had the 8-hour day then been in effect. Only by action of the Federal Government can the urgently needed reduction in the work week be accomplished in time to serve in the present emergency. Let us have this adjustment quickly and peaceably rather than by further delay in the matter invite a starving and undernourished multitude to resort to force.

An amendment to the Constitution empowering the Congress to regulate the work day and the work week and establish a minimum wage would pave the way for the solution of the unemployment problem in the United States. It is obvious that, no matter to what extent the work week may be shortened, the pay of the worker must be sufficient for the support of himself and his dependents. Otherwise, too, he and his dependents can not consume their fair share of the products of machinery and so help to guard against another surplus of manufactured goods, and, consequently, another period of unemployment and depression.

Even without awaiting the enactment and ratification of a constitutional amendment, the Congress could provide a shorter work week (perhaps five days of six hours each) for all Government employees, without reduction in salaries and wages. Such action would serve as an example which many business concerns would be certain to follow. Already several large corporations have the 6-hour day in operation.

Then there should be a safety valve, or safety valves, to take up the slack. Such a valve might be:

1. Unemployment insurance.
2. A Government program of national improvements.

With employment for most of the people most of the time unemployment insurance could function on a sound basis, just as do life, fire, and casualty insurance. The insolvency of unemployment-insurance funds in England resulted from an excess of unemployment all the time.

A Government program of national improvements could include reforestation; waterway, water-power, road, and park development; drainage and irrigation projects; and construction of public buildings, bridges, viaducts, etc., and provide employment for all comers at a moderate wage per day; such program to be carried out in a leisurely way, over a long period—perhaps 20 to 50 years.

It would not be necessary to limit the selection to one plan. There could be two or more safety valves, affording a man or woman out of a job a choice of avenues of unemployment relief.

Any such plan or plans would require Government financing and direction. The simplest and most equitable means of such financing, and even of meeting Government deficits such as the present, would be the issuance of bonds redeemable out of inheritance and gift taxes and heavier surtaxes on very large incomes. Such practice, while securing the necessary revenue, would solve the problem of concentrated wealth.

The inheritance tax should be greatly increased and the gift tax should be revived, it to equal the inheritance tax and be surrounded with ample safeguards, including a provision whereby any sum paid for property or service beyond a reasonable valuation thereof should be held to be a gift.

Old-age, disability, and mothers' pensions are needed, as are means of providing employment for able-bodied men and women dependent upon themselves, who are being refused employment by large corporations because of the age limit for employment, which is apt to be any where from 40 to 45 years, and in some instances is as low as 35 years. Perhaps the Government could favor the older men and women in allotting jobs and use its influence to have State, county, and city governments do likewise. The sources of revenue above suggested could yield the Government sufficient income to pension the aged and the disabled.

The employment in the United States of children under 16 should be prohibited by law.

We believe that prompt action by the President and the Congress along the lines herein suggested will enable the capitalistic system to serve all the people, or at least most of them, instead of merely a few of them.

REPORT FROM COMMITTEE ON THE POST OFFICE AND POST ROADS

Mr. MEAD. Mr. Speaker, I ask unanimous consent that the Committee on the Post Office and Post Roads have until 12 o'clock to-night to file two reports on bills.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. STAFFORD. Reserving the right to object, will the gentleman inform the House what bills the gentleman refers to, so that the Members may know what bills are about to be reported?

Mr. MEAD. They are two or three bills recommended by the Postmaster General raising revenue, which will be on the calendar to-morrow.

Mr. STAFFORD. But can not the gentleman give us the number of the bills, so that we can have them to-night and examine them before the session to-morrow?

Mr. MEAD. I will be glad to give the entire list of bills to the gentleman, but I do not have it here.

Mr. STAFFORD. Only these two bills?

Mr. MEAD. Offhand, I can not recall the numbers.

Mr. SNELL. Does the gentleman expect to take up the full afternoon to-morrow?

Mr. MEAD. We hope to get through as soon as possible. It will be determined by the activity of the Members in indulging in debate.

Mr. SNELL. I would like to ask the majority leader what he expects to take up later, if the Committee on the Post Office and Post Roads only takes a small part of the time to-morrow afternoon?

Mr. RAINEY. If the next committee is not prepared to go ahead, I think it might be advisable to take up the rule on the irrigation bill.

Mr. SNELL. What I am anxious to find out is whether the Committee on the Public Lands will be called to-morrow; and if so, whether that committee expects to bring in the bill establishing a national park in the Everglades of Florida?

The SPEAKER. The Chair is not able to answer that question. Is there objection to the request of the gentleman from New York?

There was no objection.

ORDER OF BUSINESS

The SPEAKER. May the Chair suggest to the gentleman from Illinois and the gentleman from New York that if they hope to pass the rule referred to to-morrow, to-morrow being Calendar Wednesday, they ask unanimous consent now that at some time to-morrow it may be in order to offer that rule.

Mr. RAINEY. Mr. Speaker, I make that request.

The SPEAKER. The gentleman from Illinois asks unanimous consent that at some time to-morrow it may be in order to take up the rule providing for a moratorium in connection with certain irrigation payments. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, it would seem to me that would be rather bad policy unless it is definitely understood that some of the other committees do not want to go forward with their work. If, after the completion of the bills brought in by the Committee on the Post Office and Post Roads, no other committee desires to go forward with its work, I should not have any objection to the taking up of that bill.

The SPEAKER. If unanimous consent is granted, of course, it would be within the discretion of the Chair to determine when the Chair would recognize the chairman of the Committee on Rules to take up that particular bill.

Mr. MEAD. Mr. Speaker, would the granting of the unanimous-consent request as put by the Speaker take the Committee on the Post Office and Post Roads off the floor some time during the middle of the afternoon, before the completion of its business?

The SPEAKER. The Chair would not be inclined to take the Committee on the Post Office and Post Roads off the floor.

Mr. SNELL. As I understand, this bill would be taken up if there were plenty of time after the Committee on the Post Office and Post Roads had finished its business.

The SPEAKER. That would depend upon the action of the House to-morrow. Of course, if that committee should run until late in the afternoon the Chair would hesitate to recognize anyone for that purpose. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LIMITATION OF INJUNCTIONS

Mrs. PRATT. Mr. Speaker, I was not in the Chamber at the time the vote was taken on the anti-injunction bill. If I had been here, I would have voted "yea."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HARE (at the request of Mr. MCMILLAN), for one week, on account of important business.

To Mr. MURPHY (at the request of Mr. CABLE), for an indefinite period, on account of sickness.

To Mr. ROMJUE (at the request of Mr. FULBRIGHT), on account of death in his family.

To Mrs. KAHN (at the request of Mr. CURRY), for three days, on account of illness.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1861. An act authorizing the George Washington Bicentennial Commission to print and distribute additional sets of the writings of George Washington;

S. 2985. An act granting the consent of Congress to the Connecticut River State Bridge Commission, a statutory commission of the State of Connecticut created and existing under the provisions of special Act No. 496 of the General Assembly of the State of Connecticut, 1931 session, to construct, maintain, and operate a bridge across the Connecticut River; and

S. 3132. An act to extend the times for the commencement and completion of the bridge of the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, across the Red River of the North on the boundary line between said States.

ADJOURNMENT

Mr. RAINEY.. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 42 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 9, 1932, at 12 o'clock noon.

MOTION TO DISCHARGE COMMITTEE

February 23, 1932.

To the Clerk of the House of Representatives:

Pursuant to clause 4 of Rule XXVI, I, ROBERT S. HALL, chairman Committee on Irrigation and Reclamation, move to discharge the Committee on Rules from the consideration of House Resolution 117, entitled "A resolution providing for consideration of H. R. 4650, a bill to provide for the aiding of farmers in any State by the making of loans to drainage districts, levee districts, levee and drainage districts, counties, boards of supervisors, and/or other political subdivisions and legal entities, and for other purposes," which was referred to said committee January 20, 1932, in support of which motion the undersigned Members of the House of Representatives affix their signatures, to wit:

1. Robert S. Hall.
2. Numa Montet.
3. John H. Overton.
4. D. D. Glover.
5. W. J. Driver.
6. René DeRouen.
7. Phil D. Swing.
8. Effiegene Wingo.
9. Wall Doxey.
10. Samuel S. Arentz.
11. J. O. Fernandez.
12. Clarence Cannon.
13. Paul H. Maloney.
14. Homer C. Parker.
15. Claude A. Fuller.
16. Heartsill Ragon.
17. Gordon Browning.
18. H. P. Fulmer.
19. John E. Rankin.
20. John E. Miller.
21. Herbert J. Drane.
22. J. F. Fulbright.
23. Robert D. Johnson.
24. Wesley E. Disney.
25. W. W. Hastings.
26. M. A. Romjue.
27. W. F. Kopp.
28. C. C. Dickinson.
29. Charles Adkins.
30. Robert R. Butler.
31. Oscar De Priest.
32. Richard Yates.
33. Charles A. Karch.
34. John J. Cochran.
35. J. P. Wolcott.
36. Clyde Williams.
37. W. E. Barton.
38. A. H. Gasque.
39. Sam B. Hill.
40. F. B. Swank.
41. Wilburn Cartwright.
42. W. C. Hawley.
43. C. H. Martin.
44. Riley J. Wilson.
45. Harold Knutson.
46. James T. Igoe.
47. John C. Allen.
48. Addison T. Smith.
49. Tilman B. Parks.
50. Luther A. Johnson.
51. Paul J. Kvale.
52. David Hopkins.
53. F. C. Loofbourow.
54. Charles Finley.
55. Dennis Chavez.
56. Tom D. McKeown.
57. Claude V. Parsons.
58. S. H. Person.
59. W. C. Lankford.
60. Robert H. Clancy.
61. Tom A. Yon.
62. Vincent Carter.
63. Bolivar E. Kemp.
64. Ralph Horr.
65. E. H. Crump.
66. Wright Patman.
67. Ruth Bryan Owen.
68. H. L. Englebright.
69. C. F. Curry.
70. William E. Hull.
71. J. V. McClintic.
72. Thomas Amlie.
73. G. R. Withrow.
74. H. E. Barbour.
75. W. E. Evans.
76. R. J. Welch.
77. Joe Crail.
78. Florence P. Kahn.
79. Glenn Griswold.
80. R. F. Lozier.
81. L. C. Dyer.
82. George J. Schneider.
83. G. J. Boileau.
84. Edgar Howard.
85. Joe J. Manlove.
86. Kent E. Keller.
87. W. L. Nelson.
88. Homer W. Hall.
89. Burton L. French.
90. W. R. Johnson.

91. Fred A. Britten.
92. J. E. Major.
93. W. P. Lambertson.
94. R. A. Green.
95. W. V. Gregory.
96. C. R. Carden.
97. John W. Moore.
98. Glover H. Cary.
99. Brent Spence.
100. H. H. Peavey.
101. Albert E. Carter.
102. W. W. Arnold.
103. Morgan G. Sanders.
104. U. S. Guyer.
105. J. B. Shannon.
106. J. H. Sinclair.
107. Conrad G. Selvig.
108. John W. Summers.
109. W. W. Larsen.
110. Jere Cooper.
111. Jed Johnson.
112. W. F. Stevenson.
113. John M. Evans.
114. Royal C. Johnson.
115. H. F. Niedringhaus.
116. A. M. Free.
117. Jeff Busby.
118. Victor Christgau.
119. M. J. Maas.
120. Godfrey G. Goodwin.
121. Butler B. Hare.
122. Frank Clague.
123. Grant E. Mouser, jr.
124. W. H. Dieterich.
125. Edward A. Kelly.
126. William P. Holaday.
127. H. P. Beam.
128. J. T. Buckbee.
129. P. J. Boland.
130. Ed. B. Almon.
131. Thomas S. McMillan.
132. J. N. Norton.
133. L. W. Schuetz.
134. Peter C. Granata.
135. Guinn Williams.
136. Clarence F. Lea.
137. W. M. Whittington.
138. Scott Leavitt.
139. R. E. Thomason.
140. Martin Dies.
141. Albert Johnson.
142. Lindley H. Hadley.
143. Edward T. Taylor.
144. Don B. Colton.
145. James G. Polk.

This motion was entered upon the Journal, entered in the CONGRESSIONAL RECORD, with signatures thereto, and referred to the Calendar of Motions to Discharge Committees March 8, 1932.

COMMITTEE HEARINGS

Mr. RAINEY submitted the following tentative list of committee hearings scheduled for Wednesday, March 9, 1932, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

General legislation.

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

Port Washington.

COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES

(10 a. m.)

Depressed value of silver (H. Res. 72).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

Bills dealing with general suspension, restriction, further restriction, and prohibition of immigration into the United States.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

475. A letter from the Secretary of War, transmitting report dated March 3, 1932, from the Chief of Engineers, United States Army, on preliminary examination and survey of, and review of reports on, Ogdensburg Harbor, N. Y. (H. Doc. No. 266); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

476. A letter from the Secretary of War, transmitting letter quoting a resolution relative to Philippine independence adopted by the convention of municipal presidents of Pangasinan, P. I.; to the Committee on Insular Affairs.

477. A letter from the Secretary of War, transmitting request that the certain draft of a bill be introduced and enacted into law; to the Committee on Military Affairs.

478. A letter from the vice chairman of national legislative committee, American Legion, transmitting the financial statement of the American Legion as of December 31, 1931; to the Committee on World War Veterans' Legislation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CRISP: Committee on Ways and Means. H. R. 10236. A bill to provide revenue, equalize taxation, and for other purposes; without amendment (Rept. No. 708). Referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of North Carolina: Committee on the District of Columbia. S. 1769. An act to authorize pay patients to be admitted to the contagious-disease ward of the Gallinger Municipal Hospital; without amendment (Rept. No. 709). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUTLER: Committee on the Public Lands. H. R. 8548. A bill authorizing the adjustment of the boundaries of the Siuslaw National Forest, in the State of Oregon, and for other purposes; with amendment (Rept. No. 710). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROMJUE: Committee on the Post Office and Post Roads. H. R. 4602. A bill granting equipment allowance to third-class postmasters; with amendment (Rept. No. 711). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROMJUE: Committee on the Post Office and Post Roads. H. R. 4719. A bill granting leaves of absence with pay to substitutes in the Postal Service; without amendment (Rept. No. 712). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWEENEY: Committee on the Post Office and Post Roads. H. R. 9636. A bill to authorize the Postmaster General to permit railroad and electric-car companies to provide mail transportation by motor vehicle in lieu of service by train; without amendment (Rept. No. 713). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROMJUE: Committee on the Post Office and Post Roads. H. R. 6305. A bill to amend the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes; with amendment (Rept. No. 740). Referred to the Committee of the Whole House on the state of the Union.

Mr. FULMER: Committee on Agriculture. H. R. 8559. A bill to provide for the use of net weights in interstate and foreign commerce transactions in cotton, to provide for the standardization of bale covering for cotton, and for other purposes; without amendment (Rept. No. 741). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOOD of Georgia: Committee on the Post Office and Post Roads. H. R. 9262. A bill to amend section 321 of title 18 of the United States Code; with amendment (Rept. No. 742). Referred to the House Calendar.

Mr. STEVENSON: Committee on Printing. H. Con. Res. 28. A concurrent resolution to publish a comparative print of the bill (H. R. 10236) entitled "The revenue bill for 1932," as reported to the House, showing the changes to existing law, as a House document (Rept. No. 745). Ordered to be printed.

Mr. MEAD: Committee on the Post Office and Post Roads. H. R. 278. A bill to compensate the Post Office Department for the extra work caused by the payment of money orders at offices other than those on which the orders are drawn; with amendment (Rept. No. 746). Referred to the Committee of the Whole House on the state of the Union.

Mr. MEAD: Committee on the Post Office and Post Roads. H. R. 10244. A bill fixing the fees and limits of indemnity for domestic registered mail based upon actual value and length of haul, and for other purposes; without amendment (Rept. No. 747). Referred to the Committee of the Whole House on the state of the Union.

Mr. MEAD: Committee on the Post Office and Post Roads. H. R. 10246. A bill to fix the fees to be charged for the issue of domestic money orders; without amendment (Rept. No. 748). Referred to the Committee of the Whole House on the state of the Union.

Mr. MEAD: Committee on the Post Office and Post Roads. H. R. 10247. A bill prescribing fees and corresponding in-

demnities for domestic insured and collect-on-delivery mail of the third and fourth classes, and for other purposes; without amendment (Rept. No. 749). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SCHAFER: Committee on Claims. H. R. 549. A bill for the relief of the Neill Grocery Co.; with amendment (Rept. No. 714). Referred to the Committee of the Whole House.

Mr. BRUMM: Committee on Claims. H. R. 755. A bill for the relief of Rosa E. Plummer; with amendment (Rept. No. 715). Referred to the Committee of the Whole House.

Mr. DICKSTEIN: Committee on Claims. H. R. 1203. A bill for the relief of Edward J. O'Neil; without amendment (Rept. No. 716). Referred to the Committee of the Whole House.

Mr. DICKSTEIN: Committee on Claims. H. R. 1206. A bill for the relief of George Beier; without amendment (Rept. No. 717). Referred to the Committee of the Whole House.

Mr. MILLER: Committee on Claims. H. R. 1289. A bill for the relief of William Dalton; with amendment (Rept. No. 718). Referred to the Committee of the Whole House.

Mr. MILLER: Committee on Claims. H. R. 2530. A bill for the relief of George Dacas; without amendment (Rept. No. 719). Referred to the Committee of the Whole House.

Mr. MILLER: Committee on Claims. H. R. 2534. A bill for the relief of J. B. Hudson; without amendment (Rept. No. 720). Referred to the Committee of the Whole House.

Mr. CLARK of North Carolina: Committee on Claims. H. R. 7668. A bill for the relief of the Columbia Casualty Co.; with amendment (Rept. No. 721). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 157. An act for the relief of Sarah Ann Coe; without amendment (Rept. No. 722). Referred to the Committee of the Whole House.

Mr. HARLAN: Committee on Claims. S. 217. An act authorizing adjustment of the claim of J. G. Shelton; without amendment (Rept. No. 723.) Referred to the Committee of the Whole House.

Mr. MILLER: Committee on Claims. S. 224. An act authorizing adjustment of the claim of Lewis Semler; without amendment (Rept. No. 724). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 236. An act for the relief of Hunter P. Mulford; without amendment (Rept. No. 725). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 241. An act for the relief of Donald K. Warner; without amendment (Rept. No. 726). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 248. An act authorizing adjustment of the claim of the David Gordon Building & Construction Co.; without amendment (Rept. No. 727). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 258. An act authorizing adjustment of the claim of H. E. Hurley; without amendment (Rept. No. 728). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 260. An act authorizing adjustment of the claim of the Potomac Electric Power Co., of Washington, D. C.; without amendment (Rept. No. 729). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on Claims. S. 409. An act for the relief of Guy Clatterbuck; without amendment (Rept. No. 730). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 477. An act for the relief of Walter J. Bryson Paving Co.; without amendment (Rept. No. 731). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 478. An act for the relief of Cicero A. Hilliard; without amendment (Rept. No. 732). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 551. An act for the relief of Blanch Broomfield; without amendment (Rept. No. 733). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 565. An act for the relief of the B. & O. Manufacturing Co.; without amendment (Rept. No. 734). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 942. An act authorizing the Secretary of the Treasury of the United States to refund to the Farmers' Grain Co., of Omaha, Nebr., income taxes illegally paid to the United States Treasurer; without amendment (Rept. No. 735). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 943. An act for the relief of John Herink; without amendment (Rept. No. 736). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 1028. An act for the relief of W. Stanley Gorsuch; without amendment (Rept. No. 737). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on Claims. S. 1216. An act for the relief of the owner of the barge *Mary M;* without amendment (Rept. No. 738). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 1280. An act for the relief of National Ben Franklin Fire Insurance Co.; without amendment (Rept. No. 739). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. H. R. 7330. A bill for the relief of the American-La France & Foamite Corporation of New York; without amendment (Rept. No. 743). Referred to the Committee of the Whole House.

Mr. BALDRIGE: Committee on Claims. H. R. 6410. A bill for the relief of Nell Mullen; without amendment (Rept. No. 744). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLACK: A bill (H. R. 10273) to establish a board of indeterminate sentence and parole for the District of Columbia and to determine its functions, and for other purposes; to the Committee on the District of Columbia.

By Mr. DICKSTEIN: A bill (H. R. 10274) to amend the act approved March 2, 1929, entitled "An act to supplement the naturalization laws, and for other purposes (45 Stat. 1512); to the Committee on Immigration and Naturalization.

By Mr. McLEOD: A bill (H. R. 10275) to authorize the Commissioners of the District of Columbia to close Quintana Place between Seventh Street and Seventh Place NW.; to the Committee on the District of Columbia.

By Mr. DAVIS: A bill (H. R. 10276) to amend an act to regulate navigation on the Great Lakes and their connecting and tributary waters, approved February 8, 1895 (U. S. C., title 33, ch. 4, sec. 252, par. (a)); to the Committee on Merchant Marine, Radio, and Fisheries.

Also, a bill (H. R. 10277) to transfer Lincoln County from the Columbia division to the Winchester division of the middle Tennessee judicial district; to the Committee on the Judiciary.

By Mr. DOUGLAS of Arizona: A bill (H. R. 10278) authorizing expenditures from Colorado River tribal funds for reimbursable loans; to the Committee on Indian Affairs.

By Mr. UNDERWOOD: A bill (H. R. 10279) to amend section 4 of the legislative and judicial appropriation act, passed and approved February 26, 1907, as amended, relating to the compensation of Members and Delegates to Congress; to the Committee on Expenditures in the Executive Departments.

By Mr. STRONG of Kansas: A bill (H. R. 10280) to amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote and maintain, so far as such purpose may be

accomplished by monetary and credit policy, a stable purchasing power of the dollar at approximately the wholesale commodity price level of the year 1926; to direct the governor of the Federal Reserve Board to make public any change in its policies; and for other purposes; to the Committee on Banking and Currency.

By Mr. MARTIN of Oregon: A bill (H. R. 10281) to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved January 11, 1929; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Washington: A bill (H. R. 10282) to authorize the Secretary of War to transfer to the Navy Department a tract of land at Fort Lewis, in the State of Washington, for use as an auxiliary landing field for naval aircraft; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: A bill (H. R. 10283) to provide for the appointment and promotion of substitute postal employees; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: A bill (H. R. 10284) to authorize the acquisition of additional land in the city of Medford, Oreg., for use in connection with the administration of the Crater Lake National Park; to the Committee on the Public Lands.

By Mr. CRISP: Concurrent resolution (H. Con. Res. 28) to publish the bill (H. R. 10236) entitled "The revenue bill for 1932," as reported to the House, showing the changes to existing law, as a House document; to the Committee on Printing.

By Mr. PEAVEY: Resolution (H. Res. 168) authorizing the appointment of a committee who are members of the Committee on Indian Affairs to investigate and study the health, education, and social welfare of the Indians of the United States; to the Committee on Rules.

By Mr. BYRNS: Resolution (H. Res. 169) authorizing the economy committee to make its report any time during this session of Congress; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 10285) granting an increase of pension to Eliza Queen; to the Committee on Invalid Pensions.

By Mr. BEEDY: A bill (H. R. 10286) granting a pension to Clarence L. Hopkins; to the Committee on Pensions.

By Mr. BLACK: A bill (H. R. 10287) for the relief of L. E. Geary; to the Committee on Claims.

Also, a bill (H. R. 10288) to authorize the settlement of individual claims of military personnel for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army; to the Committee on Claims.

By Mr. BUCKBEE: A bill (H. R. 10289) granting a pension to Nora O. Smith; to the Committee on Pensions.

By Mr. BURDICK: A bill (H. R. 10290) granting a pension to Herman W. Morie; to the Committee on Pensions.

By Mr. BUTLER: A bill (H. R. 10291) granting a pension to Lesta Miller; to the Committee on Pensions.

By Mr. COLE of Maryland: A bill (H. R. 10292) for the relief of Edward Albert Vanik; to the Committee on Claims.

Also, a bill (H. R. 10293) for the relief of Capt. Jacob M. Pearce, United States Marine Corps; to the Committee on Naval Affairs.

By Mr. COLLIER: A bill (H. R. 10294) to authorize the Secretary of War to pay to R. B. Baugh, M. D., certain money due him for services rendered as a member of the local board of Smith County, Miss., operating during the World War; to the Committee on Claims.

Also, a bill (H. R. 10295) for the relief of Albert Mitchell; to the Committee on Naval Affairs.

By Mr. DRANE: A bill (H. R. 10296) for the relief of Arthur L. Stroud; to the Committee on Military Affairs.

Also, a bill (H. R. 10297) granting an increase of pension to Henrietta S. Henderson; to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 10298) granting an increase of pension to Elijah Spurlock; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 10299) to afford permanent protection to the watershed and water supply of the city of Coquille, Coos County, Oreg.; to the Committee on the Public Lands.

Also, a bill (H. R. 10300) for the relief of the city of Bandon, Coos County, Oreg.; to the Committee on Claims.

Also, a bill (H. R. 10301) granting an increase of pension to Martha J. Mills; to the Committee on Pensions.

By Mr. HALL of North Dakota: A bill (H. R. 10302) to provide for the transfer of certain school lands in North Dakota to the International Peace Garden (Inc.); to the Committee on the Public Lands.

By Mr. HOLADAY: A bill (H. R. 10303) granting a pension to Luther McCoy; to the Committee on Pensions.

By Mr. HORNOR: A bill (H. R. 10304) granting an increase of pension to Mary E. Crites; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 10305) granting a pension to Nellie Meigs; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 10306) granting a pension to Ella Lesser; to the Committee on Invalid Pensions.

By Mr. KELLY of Illinois: A bill (H. R. 10307) for the relief of John Moss; to the Committee on Military Affairs.

Also, a bill (H. R. 10308) for the relief of George Kusner; to the Committee on Naval Affairs.

By Mr. KNIFFIN: A bill (H. R. 10309) granting an increase of pension to Margaret I. Reider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10310) granting an increase of pension to Charlotte Perry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10311) granting an increase of pension to Abbie Davison; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 10312) for the relief of Lieut. H. W. Taylor, United States Navy; to the Committee on Naval Affairs.

By Mr. McKEOWN: A bill (H. R. 10313) for the relief of Skelton Mack McCray; to the Committee on Claims.

By Mr. McSWAIN: A bill (H. R. 10314) granting a pension to Patten L. Turner; to the Committee on Pensions.

By Mr. MURPHY: A bill (H. R. 10315) granting a pension to Mary C. Regula; to the Committee on Pensions.

By Mr. SIROVICH: A bill (H. R. 10316) for the relief of John Joseph Defeo; to the Committee on Naval Affairs.

By Mr. SUMNERS of Texas: A bill (H. R. 10317) for the relief of John C. Larkin; to the Committee on Military Affairs.

By Mr. SWING: A bill (H. R. 10318) for the relief of Cornelius Philip Cassin; to the Committee on Naval Affairs.

Also, a bill (H. R. 10319) for the relief of Ray A. White; to the Committee on Military Affairs.

By Mr. THOMASON: A bill (H. R. 10320) granting a pension to Edmund W. King; to the Committee on Pensions.

By Mr. WATSON: A bill (H. R. 10321) for the relief of James Mullen; to the Committee on Military Affairs.

Also, a bill (H. R. 10322) granting a pension to James Mullen; to the Committee on Pensions.

By Mr. WICKERSHAM: A bill (H. R. 10323) authorizing examination and survey of Grantley Harbor, Alaska; to the Committee on Rivers and Harbors.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3834. By Mr. BOYLAN: Letter from the International Association of Marble, Stone, and Slate Polishers, Rubbers and Sawyers, Tile and Marble Setters Helpers, Local No. 5, of New York City, favoring the passage of the anti-injunction bill; to the Committee on the Judiciary.

3835. Also, letter from the Central Trades and Labor Council of Greater New York, New York City, N. Y., favoring the passage of the injunction relief bill; to the Committee on the Judiciary.

3836. Also, petition signed by citizens of Bayridge, Brooklyn, N. Y., opposing Senate bill 1202 and House bill 8092, a bill providing for the closing of barber shops on Sunday in the District of Columbia, or any other compulsory religious measures that have been or shall be introduced; to the Committee on the District of Columbia.

3837. Also, letter from Mr. Green, president of the American Federation of Labor, Washington, D. C., favoring the passage of the Norris-LaGuardia injunction relief bill; to the Committee on the Judiciary.

3838. Also, resolution adopted at the regular monthly meeting of the Community Councils of the City of New York, favoring the Connery old-age pension bill; to the Committee on Labor.

3839. Also, resolution adopted by the Association of One Hundred Per Cent United States Women of New York City, urging the Committee on the Judiciary to report out House bill 8549; to the Committee on the Judiciary.

3840. Also, letter from the New York Local Union No. 119 of the International Brotherhood of Bookbinders, New York City, N. Y., favoring the passage of House bill 8576, to regulate the manufacture and sale of stamped envelopes; to the Committee on Printing.

3841. Also, letter from Shoe and Slipper Workers' Union of America, of Brooklyn, N. Y., favoring the passage of the Norris anti-injunction bill; to the Committee on the Judiciary.

3842. Also, letter from the Merchants' Association of New York, New York City, opposing House bill 7233, to grant independence to the Philippine Islands; to the Committee on Insular Affairs.

3843. By Mr. BRITTEN: Petition of 101 citizens of the State of Illinois, favoring passage of House bills 8549 and 1967; to the Committee on the Judiciary.

3844. By Mr. CAMPBELL of Iowa: Petition of Guthrie Post, No. 470, of the Amercian Legion, Melvin, Iowa, favoring the full cash payment of the adjusted-service certificates at this session of Congress; to the Committee on World War Veterans' Legislation.

3845. Also, petition of 32 voters of Early, Sac County, Iowa, in favor of the maintenance of the prohibition law and its enforcement, and in opposition to its modification, resubmission to the States, or repeal; to the Committee on the Judiciary.

3846. By Mr. CARTER of California: Petition of the East Oakland Woman's Christian Temperance Union, representing 75 people of East Oakland, Calif., protesting against the resubmission of the eighteenth amendment; to the Committee on the Judiciary.

3847. Also, petition of Woman's Progressive Bible Class, representing 50 people, Berkeley, Calif., protesting against the resubmission of the eighteenth amendment; to the Committee on the Judiciary.

3848. Also, petition of Henry H. Hassard and 38 others of Alameda County, Calif., protesting against the curtailment of any activities of any of our national defense units; to the Committee on Appropriations.

3849. By Mr. COCHRAN of Pennsylvania: Petition submitted by Alfred E. Brakeman, of Franklin, Pa., and signed by 42 ex-service men of Franklin and vicinity, urging the immediate cash payment at full-face value of adjusted-compensation certificates; to the Committee on Ways and Means.

3850. By Mr. COLE of Iowa: Petition of Sarah Keese, 536 North Third Street, Marshalltown, Iowa, and 35 other ladies, all residents of Marshalltown, Iowa, in favor of the maintenance of the prohibition law and its enforcement, and against any measure looking toward its modification, resubmission, or repeal; to the Committee on the Judiciary.

3851. By Mr. CONDON: Petition of Loretta Beaulieu and 12 other citizens of Rhode Island, in favor of House Joint Resolution 197, providing for equal rights for men and women; to the Committee on the Judiciary.

3852. By Mr. CULLEN: Memorial of the Legislature of the State of New York, memoralizing and petitioning the Congress of the United States to enact legislation providing for substantial increase in the rates of the Federal estate tax and for the continuance in force, with respect to any increases in the Federal estate tax, of the present law which permits credits against the Federal tax for State death duties paid to the extent of 80 per cent of the Federal tax; to the Committee on Ways and Means.

3853. Also, memorial of the Legislature of the State of New York, petitioning Congress to enact legislation amending section 5219 of the United States Revised Statutes in such manner that, as so amended, it will (a) relieve the several States of the necessity of imposing a tax upon savings and loan associations of the purely mutual type, (b) and to grant the State freedom to tax national banks as businesses to the same extent and in the same manner as it taxes other property, and to tax the shareholders in national banks on their property or income to the same extent and in the same manner as it taxes shareholders in other corporations on their property or income; to the Committee on Ways and Means.

3854. By Mr. DAVIS: Petition of the Tullahoma (Tenn.) Chapter of the Woman's Christian Temperance Union, stating that they are opposed to the resubmission of the eighteenth amendment, and favoring adequate appropriations for law enforcement and for education in law observance; to the Committee on the Judiciary.

3855. By Mr. DE PRIEST: Petition of 95 ex-service men and citizens of the United States, etc., asking for full cash payment of the soldiers' adjusted-service certificates (H. R. 1); to the Committee on Ways and Means.

3856. By Mr. FITZPATRICK: Memorial of the Legislature of the State of New York, petitioning the Congress of the United States to enact legislation amending section 5219 of the United States Revised Statutes in such a manner that as so amended it will (a) relieve the several States of the necessity of imposing a tax upon savings and loan associations of the purely mutual type, being a tax which under present conditions the State must impose if it is not to endanger the validity of the tax on national banks, and (b) to grant the State freedom to tax national banks as businesses to the same extent and in the same manner as it taxes other businesses, to tax the property of national banks to the same extent and in the same manner as it taxes other property, and to tax the shareholders in national banks on their property or income to the same extent and in the same manner as it taxes shareholders in other corporations on their property or their income; to the Committee on Ways and Means.

3857. Also, memorial of the Legislature of the State of New York, petitioning the Congress of the United States to enact legislation providing for substantial increase in the rates of the Federal estate tax and for the continuance in force, with respect to any increases in the Federal estate tax, of the present law which permits credits against the Federal tax for State death duties paid to the extent of 80 per cent of the Federal tax; to the Committee on Ways and Means.

3858. By Mr. GAVAGAN: Memorial of the Legislature of the State of New York, memorializing Congress to pass legislation that will relieve the several States of the necessity of imposing a tax on savings and loan associations of the purely mutual type; to the Committee on the Judiciary.

3859. By Mr. GOLDSBOROUGH: Petition of Denton, Md., Woman's Christian Temperance Union containing names of members and others who are not members in support of the maintenance of the prohibition law and its enforcement, and against any measure looking toward its modification, resubmission to the States, or repeal; to the Committee on the Judiciary.

3860. By Mr. HOPKINS: Petition headed by S. G. Skinner, of 2209 Union Street, St. Joseph, Mo., and signed by 42 citizens of St. Joseph, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

3861. By Mr. WILLIAM E. HULL: Petition of Frank B. Sajdak, president; Anton Podowier, secretary; and Ton Mivriel, treasurer, of Group No. 158 of the Polish National Alliance of the United States of North America, directing the President of the United States of America to proclaim October 11 of each year as General Pulaski's Memorial Day,

for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

3862. Also, petition of Lucy Hopkins and other members of the Walnut (Ill.) Chapter of the Woman's Christian Temperance Union, asking for maintenance of the prohibition law and its enforcement and against any measure looking toward its modification, resubmission to the States, or repeal; to the Committee on the Judiciary.

3863. Also, petition of Herman Herren and 25 other citizens of Pekin, Ill., asking for passage of House bill 7230, a bill granting uniform pensions to widows, children, and dependent parents of veterans of the various wars in which the United States has participated; to the Committee on Pensions.

3864. By Mr. JOHNSON of Texas: Petition of Beauford H. Jester, of Corsicana, Tex., and Messrs. Doyle & Woods, of Teague, Tex., favoring Federal legislation to regulate interstate freight by motor trucks; to the Committee on Interstate and Foreign Commerce.

3865. Also, petition of Charlie Allen and Earnest Soloman, of Oakwood, Tex., favoring immediate cash payment of the adjusted-service certificates; to the Committee on Ways and Means.

3866. By Mr. KELLER: Petition of Ezra J. Miller Post, No. 604, American Legion, Tamaroa, Ill., urging the passage of the Gasque bill, and any other legislation favorable to the immediate payment of the bonus; to the Committee on Ways and Means.

3867. Also, petition of the Illinois Petroleum Marketers Association, of Springfield, Ill., urging the passage of a bill levying a tariff on the importation of petroleum products into this country; to the Committee on Ways and Means.

3868. By Mr. KENNEDY: Petition of the Legislature of the State of New York, memorializing Congress to enact legislation amending section 5219 of the United States Revised Statutes; to the Committee on the Judiciary.

3869. Also, petition of the Legislature of the State of New York, memorializing Congress to enact legislation providing for substantial increase in the rates of the Federal estate tax; to the Committee on Ways and Means.

3870. By Mr. RUDD: Petition of Raymond T. Rich, director, American Committee on the Far Eastern Cities, and sundry citizens of the United States; to the Committee on Foreign Affairs.

3871. Also, petition of the Merchants Association of New York, opposing the passage of House bill 7233; to the Committee on Insular Affairs.

3872. Also, petition of F. H. Sexauer, president Dairymen's League, opposing any reduction in budgets for agriculture; to the Committee on Appropriations.

3873. Also, petition of World Trade League of the United States, New York section, favoring reciprocal tariff agreements, preferably along nonpartisan lines and confined to the reciprocity issue to permit prompt passage; to the Committee on Ways and Means.

3874. Also, petition of Central Trades and Labor Council of Greater New York and vicinity, favoring the passage of the Norris-LaGuardia injunction relief bill; to the Committee on the Judiciary.

3875. By Mr. SINCLAIR: Petition of A. M. Engeberg and 71 residents of Tolley, N. Dak., and vicinity, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3876. By Mr. SUMMERS of Washington: Petition signed by Mrs. Claudine Knight and 24 other adult residents of Harper, Wash., protesting against the enactment of the compulsory Sunday observance bill (S. 1202); to the Committee on the District of Columbia.

3877. By Mr. THOMASON: Petition from officers and directors of Texas Livestock Marketing Association, protesting cut in appropriations for Federal Farm Board and any action on part of Congress that would cripple the board in carrying out purposes of the agricultural marketing act; to the Committee on Agriculture.

3878. Also, resolution of the City Council of El Paso, Tex., urging Congress to pass reasonable and adequate laws regulating interstate traffic of motor busses and trucks operating as common carriers; to the Committee on Interstate and Foreign Commerce.

3879. Also, petition of the Hon. C. B. Metcalfe, of San Angelo, Tex., on the status of the Federal Farm Board; to the Committee on Agriculture.

3880. By Mr. THURSTON: Petition signed by 35 citizens of Clarke County, Iowa, opposing the passage of Senate bill 1202, Sunday observance bill, providing for the closing of barber shops on Sunday in the District of Columbia; to the Committee on the District of Columbia.

3881. By Mr. TIMBERLAKE: Petition of Young Woman's Missionary Society of Loveland, Colo., protesting against submitting the eighteenth amendment to the States for a referendum vote; to the Committee on the Judiciary.

3882. Also, petition of Atwood Woman's Christian Temperance Union, Atwood, Colo., protesting against submission of the eighteenth amendment to the States for a referendum vote; to the Committee on the Judiciary.

3883. By Mr. WELCH of California: Petition of Board of Supervisors of the City and County of San Francisco, opposing reductions in Army appropriations bill; to the Committee on Appropriations.

3884. Also, memorial of Board of Supervisors of the City and County of San Francisco, asking Congress to take immediate steps to provide sufficient funds to adequately man San Francisco Bay and other cities of the Pacific coast fortifications; to the Committee on Appropriations.

3885. By Mr. WIGGLESWORTH: Petition of Bessie N. Pettengill, secretary, Wollaston, Mass., Woman's Christian Temperance Union, and sundry citizens of Quincy, Mass., urging the maintenance of the prohibition law and its enforcement and opposing any measure looking forward toward its modification, resubmission to the States, or repeal; to the Committee on the Judiciary.

3886. By Mr. WILLIAMS of Texas: Petition of R. E. Bell and 200 others, against consideration of resolution to refer eighteenth amendment; to the Committee on the Judiciary.

3887. By the SPEAKER: Petition of the clerk of board of supervisors, San Francisco, Calif., opposing reductions in Army appropriation bill before present session of Congress; to the Committee on Appropriations.

SENATE

WEDNESDAY, MARCH 9, 1932

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, Thou infinite source of life and love, who art perfect in holiness, yet boundless in mercy; forgive our manifold transgressions of Thy righteous law which Thou hast written in our hearts and bathe the soul of this Nation in the dew of Thy grace as in the renewing fountains of the eternal dawn. Remove the cloud of sorrow that overshadows us with poignancy of grief and grant that the Nation's sympathy may comfort those who keep love's holy vigil in anguished hours of waiting, till in Thy love and mercy the blessed child is restored once more to the loving hearts and aching arms of those in whose behalf we offer up united prayers.

Comfort all who mourn and are oppressed, raise up all who are fallen, heal and restore the sick, pierce with Thy love every lingering hate, that evil may be done away and that we, Thy children, may live the true life of to-day, unwounded by the arrows of unhappy yesterdays, looking unto Thee in perfect trust for to-morrow's golden peace. We ask it in the name of Jesus Christ our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the calendar days of Monday, March 7, and