

BAR GROUP IS SPLIT ON CURB OF U. S. COURTS

Two Members of Committee Refuse to Back Fight on Legislation.

BY RUTH FINNEY
Times Staff Writer

WASHINGTON, Oct. 14.—Two members of the American Bar Association committee on jurisprudence and law reform have refused to approve recommendations of the committee that the association continue its fight against legislation designed to curb the power of the federal courts.

The two were Charles E. Clark, dean of the Yale school of law, and Joseph F. O'Connell, prominent Boston lawyer and educator.

Discussing in a majority report the opposition of other committee members to bills destroying federal jurisdiction in controversies between citizens of different states, and also taking from federal courts the right to interfere by injunction with orders of state utility commissions, Clark and O'Connell urged acceptance of a compromise measure proposed by Attorney-General William Mitchell.

Sign Majority Report

This would require litigation corporations to be considered citizens of the states in which they do business, rather than those in which they are incorporated.

This would take from corporations a method of evading the courts of the state in which they operate.

The majority report was signed by thirteen members of the bar association, including Federal Judge J. J. Parker, recently refused confirmation when President Herbert Hoover attempted to appoint him to the United States supreme court.

Parker reserved judgment on a section of the committee report expressing "extreme doubt" as to the constitutionality of the anti-injunction law. It was because of injunctions issued by him that labor conducted its successful fight against his confirmation.

Cite Attorneys' Incomes

Clark and O'Connell in their minority report also "questioned the wisdom of fighting all parts of a bill, so strongly supported in public opinion as was that which now has become the anti-injunction statute."

The senate judiciary committee called attention to the bar association's position last year in reporting favorably the measure to take from federal courts jurisdiction in controversies between citizens of different states.

The report to the senate, made unanimously, said: "If this bill should become a law it would affect the financial income of many of these attorneys. Their fees in federal courts being higher than the fees in the state courts, would have a direct effect upon their financial returns. Their business likewise would be somewhat curtailed."

New Tax Bill Predicted

It is only fair to take this matter into consideration when we find that a large majority of the members of the bar opposing this legislation are in fact only attorneys for corporations and wealthy individuals, who would lose the right to choose between courts in their litigated matters, but who would likewise lose a portion, at least, of their most valuable professional work."

Paul Howland, Cleveland attorney, and chairman of the bar association committee, declared in the majority report that "95 per cent of the membership would be somewhat surprised to learn that they are, for the most part, attorneys for great corporations and wealthy individuals." The report made no further comment on the statement of other committee members.

Another committee of the bar association, on federal taxation, reported that congress probably will have to write a new tax bill this winter because "the revenue act of 1932, in the opinion of many, is unlikely to accomplish its purpose of balancing the federal budget."

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