

ROOSEVELT URGES SWEEPING REFORM OF FEDERAL COURTS, RIGHT TO ADD SIX JUSTICES

Proposed Measure Limits Membership of Supreme Bench To 15; Special Message to Congress Couched In Sharp Language.

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can take final, authoritative effect until it has passed through "the whole hierarchy of the courts."

He charged that the effect of this in practice was to set up the judiciary as an unofficial and extraordinary legislative arm of government.

"The judiciary," Mr. Roosevelt charged, "by postponing the effective date of acts of the Congress, is assuming an additional function and is coming more and more to constitute a scattered, loosely organized and slowly operating third house of the national legislature."

The extraordinary import of Mr. Roosevelt's message was emphasized by the manner in which it was submitted to Congress. Before the proposal was sent to Capitol Hill it was discussed in an unusual early morning assembly of Administration figures at the White House.

House Chamber Only Half Filled

When read to the House membership—many of whom did not anticipate the proposal—the chamber was only half filled. However, radio microphones were set up to carry the message broadcast to the nation.

First Congressional reaction—largely from leaders who had been previously advised as to the purport of the plan—promised thorough and probably favorable consideration of the plan.

Speaker of the House William B. Bankhead described it as a "sound principle" for judicial reform and prophesied the House would act upon the program after extensive hearings, probably with a few modifications.

In support of his legislative program for increasing the membership of the Supreme Court, Mr. Roosevelt asserted that:

"The attainment of speedier justice in the courts below will enlarge the task of the Supreme Court itself and still more work would be added by the recommendation which I make later in this message for the quicker determination of constitutional questions by the highest court."

Traces Change in Courts

He pointed out that there was nothing new about proposals for increasing the number of Supreme Court justices.

"In almost every decade," he said, "since 1789, changes have been made by the Congress whereby the numbers of judges and the duties of judges in Federal courts have been altered in one way or another."

"The Supreme Court was established with six members in 1789; it was reduced to five in 1801; it was increased to seven in 1807; it was increased to nine in 1837; it was increased to 10 in 1863; it was reduced to seven in 1866; it was increased to nine in 1869."

Mr. Roosevelt said flatly that the Supreme Court was already laboring under difficulties due to the heavy press of litigation.

"It seems clear, therefore," he said, "that the necessity of relieving present congestion extends to the enlargement of the capacity of all Federal courts."

"A part of the problem of obtaining a sufficient number of judges to dispose of cases is the capacity of judges themselves. This brings forward the question of aged or infirm judges—a subject of delicacy and yet one which requires frank discussion."

Mr. Roosevelt pointed out that in "exceptional cases, of course, judges, like other men, retain to an advanced age full mental and physical vigor. Those not so fortunate often are unable to perceive their own infirmities."

"Only by speeding up the processes of the law and thereby reducing their cost, can we eradicate the growing impression that the courts are chiefly a haven for the well-to-do."

In support of his suggestion for the addition of additional judges to Federal courts, Mr. Roosevelt said:

"If an elder judge is not in fact incapacitated, only good can come from the presence of an additional judge in the crowded state of the dockets; if the capacity of an elder judge is in fact impaired, the ap-

No Constitutional Issue

Mr. Roosevelt pointed out that no constitutional issue was raised by his program of judicial changes.

"These proposals do not raise any issue of constitutional law," he stated. "They do not suggest any form of compulsory retirement for incumbent judges."

However, he made clear that the

pointment of an additional judge is indispensable. This seems to be a truth which cannot be contradicted."

Called Cabinet Members

President Roosevelt directed last night at 7 p. m. that Cabinet members be called into a special meeting shortly after 8 o'clock (Indianapolis Time) this morning.

Also asked to attend were Senator Henry F. Ashurst (D. Ariz.), chairman of the Senate Judiciary Committee, and Rep. Hatton W. Summers (D. Tex.), head of the House Judiciary Committee.

With the group of Administration leaders set about his big mahogany desk, Mr. Roosevelt outlined his intended action. He scanned his special message, reported results of Mr. Cummings' study of the judiciary and outlined the highlights of the Reorganization Bill also sent to Capitol Hill.

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Strike Leader Meets Governor



Their faces indicating the seriousness of the problem they faced, Governor Murphy, left, is shown with Mr. Lewis, C. I. O. chief, in Detroit during negotiations to settle the strike. Governor Murphy brought Mr. Lewis and General Motors officials, headed by Executive Vice President Knudsen, face to face for the first time since the start of the strike.

Sheriff Calls for Guard To Help Evict Sit-Down Strikers in Flint Plants

Call Made to Governor Murphy Following Issuance of Writ to General Motors; Conference Halted at Detroit as Leaders Confer on Plan.

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ma a course of action. It was said reliably that the leaders were considering surrender as soon as the amount of ball was learned.

Word of the court action was flashed to Detroit union headquarters, which informed Lee Pressman, attorney for the Committee for Industrial Organization and one

of the labor representatives working with General Motors men toward a basis for peaceful settlement of the strike.

It was reported here that Mr. Pressman gave Governor Murphy first information of the writ.

1500 at Work in Anderson

Times Special

ANDERSON, Ind., Feb. 5.—Frank L. Burke, Guide Lamp Co. general manager, announced today that approximately 1500 workers now are being given part-time employment.

He said that as many as possible of the employees will be given as much work as possible so long as the plant is operating on a curtailed schedule.

Peaceful picketing continued at the plant, with between 75 and 90 picketers parading along the roadway in front of the offices.

Conference Halted as Leaders Study Writ

By United Press

DETROIT, Feb. 5.—Peace conferences between representatives of General Motors Corp. and the Committee for Industrial Organization were interrupted today by word from Flint that the Sheriff of Genesee County had been ordered to arrest 15 union leaders and throw 120 sitdown strikers out of Fisher Body Plants 1 and 2.

The sixth meeting between William Knudsen, executive vice president of G. M. C. and John L. Lewis, chief of the C. I. O., was one hour and 11 minutes old when the news came from Flint that Judge Paul V. Gadola had signed the eviction writ.

Lee Pressman, C. I. O. counsel and one of the conferees, rushed out of the meeting to plan legal defense.

Governor Frank Murphy, special mediator for President Roosevelt, remained in the chamber with other negotiators for some time.

It was the second time in this strike that conciliation had been interrupted by an eleventh hour incident. On the eve of collective bargaining talks last month, the union canceled evacuation of the plants because it learned General Motors had agreed to bargain collectively with nonunion workers in the Flint Alliance.

Governor Murphy had painstakingly reconstructed the fabric of negotiations until—pressed by President Roosevelt for a settlement—it had appeared that conditions were favorable for a compromise today.

"In the uncertain state of the law, it is not difficult for the ingenious to devise novel reasons for attacking the validity of new legislation or its application. . . . Government by injunction lays a heavy hand upon normal processes."

Refugees to Injunctions

By United Press

"It is well to remember," he said, "that during these long processes the normal operations of society and government are handicapped in many cases by differing and divided opinions in the lower courts and by the lack of any clear guide for the dispatch of business. Thereby our legal system is fast losing another essential of justice—certainty."

He strongly attacked use of injunctions to hamper law enforcement—"sometimes," he noted, "even without notice to the Government and not infrequently in clear violation of the principle of equity that injunctions should be granted only in those rare cases of manifest illegality and irreparable damage against which the ordinary course of the law offers no protection."

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Senator M. M. Neely (D. W. Va.) and Lieut. Gov. Thomas Kennedy of Pennsylvania, secretary-treasurer of the United Mine Workers of America, appeared as witnesses before the committee as it considered whether to recommend the investigation.

Senator Frank Murphy (D. Ida.) and Rep. Hatton W. Summers (D. Tex.), head of the House Judiciary Committee.

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SOAKED STORES ARE REOPENED AT NEW ALBANY

Cleanup Work Started as Governor Arrives on Inspection Tour.

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workers to clean up flooded communities in accordance with a plan outlined by Harry Hopkins, Federal Relief Administrator, in Evansville late yesterday.

Governor Townsend, Mr. Hopkins, Indiana National Guard, State Health Board, WPA and Evansville officials conferred on flood relief and sanitation yesterday.

MATERIALS MAY BE FURNISHED

WPA will furnish labor and materials if necessary to speed the work of sanitation, and later will employ all flood victims in need, State Director Coy said.

The Red Cross is to bear the cost of rehabilitation on a basis of individual needs, and the Federal Housing Authority and the Reconstruction Finance Corp. may formulate a program of loans to flood victims.

Mr. Hopkins urged that refugees be forbidden to return to their homes until the water supply is absolutely safe and praised the efficiency of the Indiana flood organization.

He said the two Indiana cities which would need the most aid were Evansville with 30,000 persons homeless, and Jeffersonville, which was 90 per cent under water.

20,000 NEED AID

It was estimated that 20,000 Indiana flood refugees would require outside aid and that 2000 farm families were effected seriously by the flood.

Mr. Coy indicated that the Reconstruction Finance Corp. might rehabilitate farmers in need.

Members of the President's Flood Commission who accompanied Mr. Hopkins were Dr. Thomas Parran, U. S. Public Health Service Surgeon General; Maj. Gen. E. M. Markham, chief of the U. S. Army Engineers; Col. F. S. Harrington, Chief WPA Engineer; and James Flesher, American Red Cross vice chairman.

Military law was lifted from all the inundated sections of Evansville yesterday.

STATES ARE CRITICIZED

Maj. Gen. Markham at the Evansville conference vigorously criticized Ohio Valley states for failure to make use of a seven-year survey made by the Army engineer on flood control.

"In the event of another catastrophe," he said, "the Ohio Valley should seriously consider the Army survey."

Although a foot of water still remained in the Bonneville water supply pump house, a daily analysis reported water