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STATEMENT

OF THE

ATTORNEY GENERAL

Before the

Subcommittee of the Committee on Education and Labor

of the

UNITED STATES SENATE

on the

OPPRESSIVE LABOR PRACTICES ACT

Friday

June 2, 1939

As requested by the chairman of the Senate Committee on Education and Labor, I have examined S. 1970 with care and interest, and am heartily in accord with the aims sought to be achieved by this enlightened measure, and hope that favorable action will be taken on the legislation.

In a democracy the maintenance and preservation of civil liberties is of fundamental importance, and especially is this true at this time when democracy is fighting for its life in other countries. My personal experience and observation had led me to the belief that the Federal Government has a definite role to play in the preservation of civil liberties. It was in an effort to translate this conviction into action that, promptly after taking office as Attorney General, I established a special Civil Liberties Unit in the Department of Justice.

The bill that you have under consideration this morning bears vitally on the question of civil liberties. One of its chief objectives is to prevent the invasion of civil rights by private interests.

For many years past there has grown up in many industrial areas a practice on the part of some large industrial corporations of usurping the function of policing, which belongs to the public authorities, by organizing groups of privately paid guards equipped with arms and munitions, likewise privately owned. One of the purposes of the present bill is to restore the police power exclusively to the public authorities where it belongs. Thus it may well be said that the bill takes its place in the line of legislation defensive of the civil rights guaranteed by the Constitution.

Among other things the bill is aimed at labor espionage, commercialized strikebreaking, the use of company police off company property, and the possession and use of arms and munitions by industrial concerns. I am

particularly interested in those provisions of the bill which deal with the use of armed men away from the property of the company which hires them, and the provision that deals with the use of firearms and munitions owned by industrial corporations. The bill seeks to ban the use of privately paid armed guards away from the premises or place of business of the employer. It also seeks to ban the possession and use of munitions on the part of any employer in or about the place of employment, as well as the furnishing of munitions by employers to any person whatsoever.

Without going into details, I might perhaps mention in passing the little steel strike in the city of Monroe, Michigan, and the outbreak of violence that accompanied it, as an illuminating illustration of the need for such legislation as is being discussed this morning. This is only one instance of many that can be cited and which were recounted in detail at the hearings held before the La Follette committee. The use of private police and the private use of firearms in industrial disputes should be prohibited. The function of policing rightly belongs to the public authorities.

It must be borne in mind that this bill does not prevent the use of guards on the employers' premises. It merely prohibits the employers from permitting those guards to operate away from the premises.

I shall not discuss other features of the bill except to commend the measure to your favorable consideration.

There are two provisions which are not of major importance, but which affect the work of the Department of Justice, and that, in my opinion, require some further consideration.

A provision in section 3 would require the Federal Bureau of Investigation of the Department of Justice to make available records of conviction

of any person employed or proposed to be employed as a private guard or police officer. From the standpoint of the Department of Justice, there is a point that I would like to bring to your attention.

It is our policy that the identification records of the Federal Bureau of Investigation should be confidential, and that the information contained therein should not be open to any private individual. To change this policy would be detrimental to the best interests of law enforcement. I therefore request that this policy be kept in mind as you give consideration to section 3.

I also should like to direct attention to the provisions of section 8 (a) and section 8 (b), which would repose in the Secretary of Labor the authority to bring civil suits for the enforcement of the act. It has been the general policy to centralize all Government litigation in the Department of Justice. This course is in the interests of efficiency and economy. I suggest that these provisions should be amended accordingly.