

H. R. 7962

68TH CONGRESS } HOUSE OF REPRESENTATIVES { REPT. 467
1st Session } } PART 2

DISTRICT OF COLUMBIA RENTS ACT

APRIL 11, 1924.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. UNDERHILL, from the Committee on the District of Columbia, submitted the following

MINORITY REPORT

[To accompany H. R. 7962]

We respectfully dissent from the majority report favorably reporting H. R. 7962 and will as tersely as possible state reasons:

1. Such a law as this is utterly incompatible with and destructive of the liberty of contract. It carries Government intrusion into and control over purely private affairs to the point of intolerance. If persisted in and insisted on as a fixed principle in our polity, it means a Government paternalism that bespeaks the end of business freedom.

2. Even the most that its advocates ever claimed for it is that it was made necessary by the exigencies of the late war. Such was the reason assigned in the majority opinion of the Supreme Court sustaining the original law. (256 U. S. 135; 10 L. R. A. 165; 41 Sup. Ct. Rep. 458.) The Government was under the necessity of housing an unprecedented number of new emergency employees necessary to do the Government business in the carrying on of the war. Such was the condition which for the moment impressed rental property in Washington with a public interest. With the passing of the war passed all possible reason or justification for such a law.

The vigorous dissenting opinion of Mr. Justice McKenna and his three associates, including the Chief Justice, clearly demonstrated the fallacy of the majority opinion, and that necessity, however great, can never justify the appropriation of private property except through the agency of eminent domain which legally implies proper compensation.

The dissenting opinion also maintains to the satisfaction of the candid mind that the so-called police power can never be exercised against an individual or his property in the teeth of express constitutional prohibitions.

Only two members of the court participating in the majority opinion are now on the bench. Three of the four dissenting judges

are fortunately still in the judicial service of the Nation. The new judges who have mounted the bench since that opinion was handed down, if one may judge by their previous professional connections, are not likely to align themselves with the pronouncement of Mr. Justice Holmes, but may be expected to support the sane American principles enunciated by Mr. Justice McKenna. We confidently assert that the present court will repudiate the opinion of Mr. Justice Holmes at the very first opportunity and relieve the community of the baneful effects which ensued and still exist as a result of that judicial pronouncement.

3. Such principles as are found in this act and find expression in the majority opinion referred to above are abhorrent to any lover of American liberty. They should not receive the further deliberate sanction of the legislative assembly. We should emancipate business, not further enslave it.

CHARLES L. UNDERHILL.
HENRY L. JOST.

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