

producers could not 'secure justice or equity from the courts of the land, so that they must needs rely upon the chief magistrate of the state to exercise the supreme executive power' Governor Murray is said to have called forth the militia a score of times during his term of office: to prevent the foreclosure of farm mortgages, to enforce a bank holiday, to deliver from jail one committed for non-payment of alimony, to take charge of ticket sales at the football game between the state's two institutions of higher learning, and for similar v:eighty causes.

"Occasionally the governor declares 'martial law' as a trump card in some contest with political rivals. In 1935 Governor Johnson of South Carolina tried to get rid of the highway commissioners by declaring them to be insurgents—only to be restrained by the State supreme court. Governor Quinn of Rhode Island, seeking to tap the strength of a political opponent who was also proprietor of the Narragansett Race Track, established 'martial law' over the track. When Senator Huey Long was at war with Mayor Walmsley for control of the New Orleans police board, Governor Allen, acting from the Senator's hotel suite, obligingly called the troops and instituted an extraordinary regime which he described by the alliterative title of 'partial martial law.' In 1934, Governor Rivers of Georgia proclaimed 'martial law' around the highway department's building as a device for excluding the chairman whom he had already been enjoined from removing, and later expanded his proclamation to protect his military agents from punishment for their contempt—all of which was brought to naught by the state supreme and

federal district courts.

"Military control by state authorities during labor disputes has seldom been administered with an even hand. Generally, the strikers are branded as insurgents, and the open shop is enforced [T]here have been instances where a governor has thrown the troops on the workers' side. Thus . . . Governor Olson of Minnesota, after a protracted truck strike in 1934, prevented the movement of trucks owned by employers who would not accept a compromise recommended by the federal conciliators. In injunction procedures the federal courts declined to interfere. Later when the . . . Company was struck, the governor prevented the owner from operating with strike breakers. The district court . . . granted an injunction.

". . . [W]e have had two instances where a governor has declared 'martial law' as a direct attack upon the operations of the United States Government. In 1938, Governor Kruschele of Iowa sought by this method to drive out an NLRB examiner inquiring into a dispute . . . , but the Board declined to be ousted Governor Phillips of Oklahoma proclaimed 'martial law' at the site of the Grand River Dam, which the United States had financed by grant and loan, with a view to stopping construction until the United States would pay the governor's claim for the flooding of roads within the dam area. The Federal Government took the orderly course of securing an injunction against the high-handed military interference." (Footnotes omitted)

The above catalogue of uses and bizarre misuses of the militia must be