

The Oregon Statesman

"No Favor Sways Us; No Fear Shall Awe"
From First Statesman, March 28, 1851

CHARLES A. SPRAGUE - Editor and Publisher

THE STATESMAN PUBLISHING CO.

Charles A. Sprague, Pres. Sheldon F. Sackett, Secy.

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Decisions on the Wagner Act

THE final effective answer to Pres. Roosevelt and the agitators for increasing the supreme court's size in order to pack it with liberals was made by the court itself in its decisions in Wagner act cases Monday. It might be asserted that "friendly" decisions may be obtained by raising a hue and clamor (as southerners did when they hired a band to play "Dixie" outside the courthouse where a negro was on trial), and that if a sufficient commotion is raised, accompanied by threats, the court will "come through." But it surely is no longer necessary to inflate its size by appointing ditto-marks to the executive in order to get legislation approved as to constitutionality.

While the first popular reaction to the Wagner law decisions will relate them to the pending controversy over the court itself, the truth is that the law and the decisions made yesterday are of far-reaching importance in their own substance. The ground which the supreme court broke into, in giving a broad interpretation to the commerce clause, may make unnecessary even an amendment to the constitution. In appearing before the senate judiciary committee last week James Truslow Adams, eminent historian, said the supreme court had done a good job of "wangling" new meanings from the constitution to take account of modern conditions, but that it had reached a point where it could not wangle any more without the aid of a constitutional amendment. Mr. Adams might revise his opinion as to the elasticity of the wangling in the light of the Monday decisions.

What were the issues involved? First the Wagner act guarantees to employes the right to organize and to be represented for collective bargaining by persons of their own choosing. The act made its own application to industrial relations directly affecting interstate commerce. There can scarcely be any question as to the right of the congress to enact such legislation. The moot point is whether in specific instances interstate commerce is affected. The bus company, one of the litigants, admitted it was in interstate commerce, so the court held by unanimous vote, that the company came under the Wagner act. In the case of a steel company, a trailer company and a clothing company the court by a five-to-four decision, ruled that their activities directly affected interstate commerce. This appears to be virtually a reversal of its rulings in the NRA and Guffey coal cases. Justice McReynolds in his dissent quoted from one of these decisions: "The local character of mining, of manufacturing and of crop growing is a fact, and remains a fact, whatever may be done with the products."

Justice Hughes, in the steel company case, said yesterday: "The steel industry is one of the great basic industries of the United States, with ramifying activities affecting interstate commerce at every point." Very true; but the description fits the soft coal industry with equal accuracy. One hesitates to charge inconsistency, but the superficial view is that the two decisions do not harmonize. The implication of the latest decision is that the congress may go farther in legislating respecting working conditions in basic industries.

The remaining case was the Associated Press case. Here the defense asserted that the Wagner act was an invasion of the rights of a free press, because it restricted the AP in the selection of its employes and so might result in a coloring of the news from lack of control over the employes. The court decided that the Associated Press is not immune from regulation. Justice Roberts cited other laws which the press must conform to: the law of libel, taxation, punishment for contempt of court. As far as coloring of news is concerned Justice Roberts made it clear that the authority of the management was not infringed in this regard.

"The act does not compel the petitioner to employ anyone; it does not require that the petitioner retain in its employ an incompetent editor or one who fails faithfully to edit the news to reflect the facts without bias or prejudice."

"The act permits a discharge for any reason other than union activity or agitation for collective bargaining with employes."

The Statesman believes that Justice Roberts has interpreted the law correctly. It believes that newspapers are not entitled to immunity from general laws merely by virtue of the guarantees of the first amendment.

While the court has upheld the Wagner act and sustained the government in the cases at issue, it made it clear that each case would have to be considered on its own statement of facts. This probably means that industries primarily local in character will not be held bound by the terms of the act. But so closely integrated is all commerce now the practical effect of the law and of the decisions will be to put all industrial workers into labor unions.

The victory for organized labor is tremendous. It lines the government, through the national labor relations board, on the side of the labor organizer. Henry Ford may defy the CIO, but he can hardly win from the government of the United States plus the supreme court. The justice of collective bargaining is one which enlightened students of modern industry have long conceded. The Wagner act, however, is distinctly one-sided. In effect it creates a labor monopoly and opens the way to the Dave Becks who become labor oligarchs as dangerous to the public weal as industrial oligarchs. Eventually the labor union must submit to regulation itself; or it will become everywhere, as it is now in some places, the de facto government.

"Heavy Sunshine"

IN his booklet "Come to Oregon" Charley Wilson, manager of the chamber of commerce, tries to clear up the false story about so much rain in the Willamette valley. He quotes rainfall statistics to show that Salem's average annual rainfall of 36.13 inches is less than that of Springfield, Ill., (36.45), Kansas City, Mo., (37.11), Boston, (40.14), Washington, D. C., (42.16). To further emphasize the harmlessness of the Oregon rain "Come to Oregon" says "It rains so gently that the stranger isn't quite sure whether it is dew-drops or raindrops or just heavy sunshine."

Oregon has a hard time defending itself against geographical and climatic falsification. There are those who persist in locating Crater lake in California and draining the Columbia river into Puget Sound. The habit of traducing the Oregon climate must have been started by Parson Fletcher, who accompanied Francis Drake on the voyage described Sunday in this column. On the same expedition in 1570, when Drake planted his brass plate claiming California for Queen Elizabeth as Nova Albion, he pushed his ship, "The Golden Hind," farther north, some say to lat. 43, opposite central Oregon, others (Fletcher) to lat. 48 degrees, opposite the Olympic peninsula. The weather was so cloudy they couldn't take observations. But Parson Fletcher wrote that when they reached lat. 43 on June 3

"we found alterations of heat, into extreme and nipping cold, that our men in general did grievously complain thereof, some of them feeling their health much impaired thereby . . ."

"Besides that the pitching and biting air was nothing altered, the very ropes of our ship were stiff, and the rain which fell was an unnatural concealed and frozen substance so that we seemed to be rather in the frozen zone than anywhere so near unto the sun or those hotter climates . . ."

"Our meat as soon as it was removed from the fire, would

Bits for Breakfast

By R. J. HENDRICKS

Covered wagon days 4-13-37 did not end with the driving of the last spike, and pioneering goes on yet:

Mrs. Mariah F. Robertson, whose comfortable home is at 1598 Court street, Salem, celebrated an anniversary on Tuesday last, the 6th.

On that day of April, 1875, she with her people started from Knoxville, Marion county, Iowa, 36 miles southeast of Des Moines, capital of that state, on their way to Oregon, and they settled in another Marion county.

They left the state about the meaning of whose name there is much dispute, but which probably signifies "sleepy ones," and which has more ways of being spelled than any commonwealth of the sisterhood, the number being 106.

They came to the state concerning both the origin and the meaning of the name of which there has been doubt from the time it was first used. Here they chose a home still closer to the state capital. They located near the Rickey school, where they remained for two years. It is now the Brownell place.

Then they went to a place right next to the famous and pioneer Pringle school. There the five children in the family attended school.

No, they did not come with covered wagons, though covered wagons in trains and singly persisted long after the last (golden) spike joining the Union and Central Pacific railroads was in 1869 driven at Promontory Point at the north end of the Great Salt Lake, thus linking the two great oceans by steel rails in bonds of commercial intimacy.

George W. Mothorn was the father of Mrs. Robertson, and her mother had been Elizabeth Darr. Of the five Mothorn children only two are now living. Mrs. Robertson and her brother Jim, who makes his home with her.

She was born April 30, 1881, to James N. Robertson, who was a farmer, his place a mile south of the Pringle school, where they lived 21 years. They were together 40 years less four days, the final summons overtaking him on April 15. They had quit the farm two years before, and moved to their Salem home.

The Mothorn family, leaving Iowa April 6 had arrived here April 21. They came by train from their Iowa home, were obliged to remain over at Omaha for about a week, the travel westward in 1875 being so heavy that railroad coaches with cushions for families were not available for that length of time. It was either wait or take a train with only hard board seats.

The family was taken by train to Sacramento, Cal., by river boat to San Francisco, and there they boarded the famous steamer Oriflamme, one of the crack vessels of the day. However, in the heyday of his career as a railroad and steamship magnate, the Oriflamme brought them to Portland, and Holladay's Oregon & California railroad (now Southern Pacific) carried them to Salem. That was one of the last trips of the Oriflamme. She was wrecked soon after. Ben Holladay's railroad got as far as Roseburg in 1872, and that was the railroad for 10 years.

Three children came to the Robertson home. Clarence H. died in 1917. Ollie Hillmore lives at 515 S. 21st street, Salem, and she has six children, all married but one. Grace Robertson lives with her mother.

It was stated above that the Mothorns did not come from Iowa in covered wagons. However, in 1883, they took a covered wagon train, in a train of three wagons, that lasted three years.

The Mothorns, father, mother, two brothers and one sister, and the Robertsons, who worked on the farms of that section, and some of the women worked, too, for employment was plentiful—both men and women were needed in vineyards, for in that period great areas were being put to grapes in that section of California.

Mrs. Robertson recalls that the travelers, taking four weeks to make the long and arduous journey, were working on the railroad, then being extended to California from Roseburg—especially she recalls the tunnel workers. That was the biggest job in extending the line through southern Oregon and northern California; so many tunnels were required, and modern methods were not yet discovered. It would be easier now, and shorter in time required.

They were six weeks in returning, for they came by way of Big Valley, the lake country, including Lakeview and Linkville (now Klamath Falls) and way points.

James N. Robertson was born in Pittsburgh in 1850, when that present great manufacturing city and metropolis of western Pennsylvania was comparatively new and small.

Mrs. Robertson says that when they were contemplating moving to Salem, her husband, having resided in country places most of his life, wanted to get a home close in. They came very near to selecting the lot where the telephone building stands now. The one they bought is in a fine residence district, not far from the capitol group.

Nancy Jane Mothorn was married to Jacob Stahly in 1876, and she died the 19th of December last, in Portland. That Stahly family was a prominent pioneer one of Salem. They had the first chair factory here.

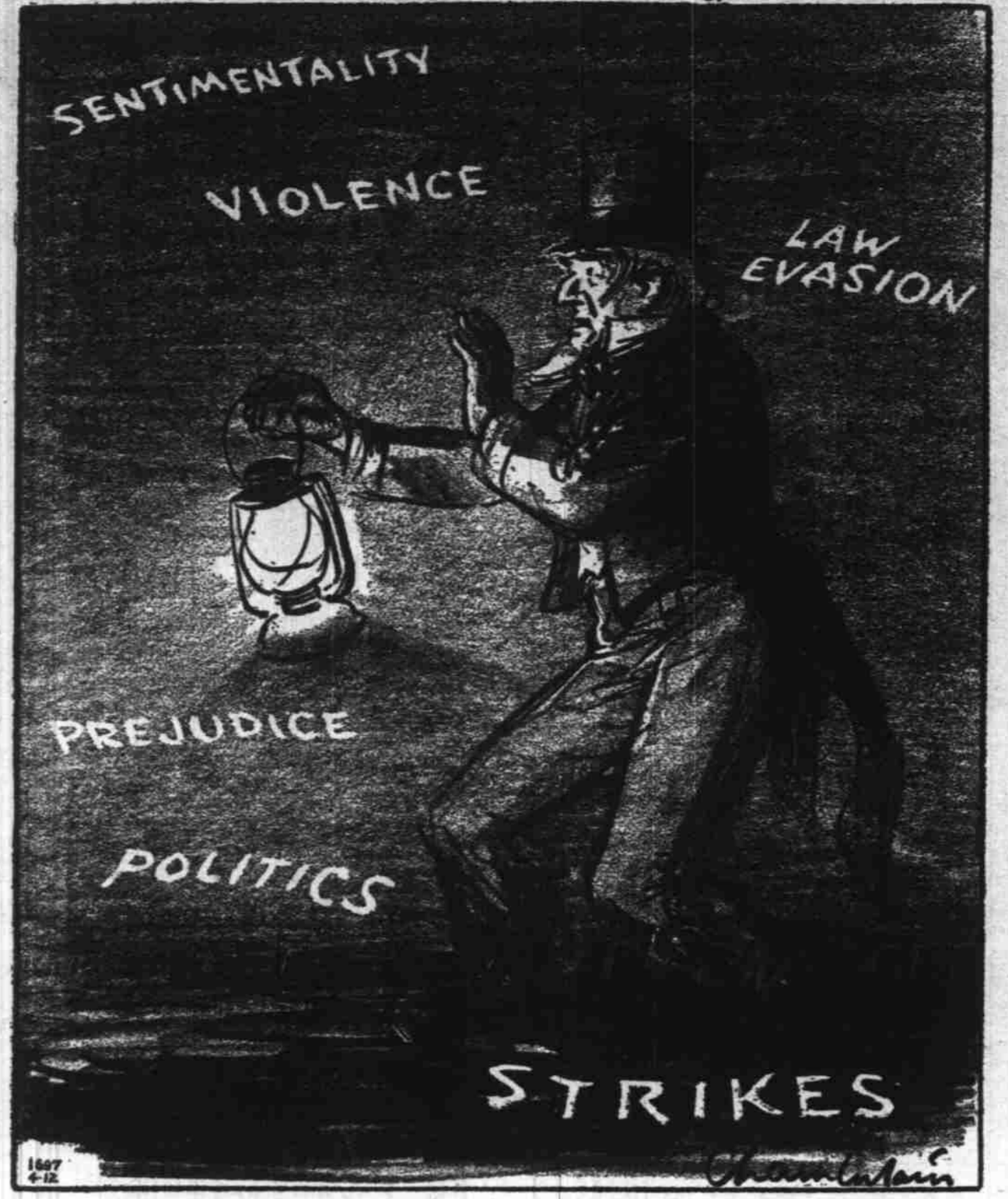
Pioneering days in Oregon are not over yet. Witness the large number of families coming from the great "dust bowl" east of the Rockies. They will not be over until the resources of this state shall have been fully developed. That will mean 20 million and more people, where only about one million live now.

presently in a manner be frozen up, and our ropes and tackling in a few days were grown to that stiffness. . . . Trees without leaves, and the ground without greens in these months of June and July.

"Hence comes the general squalidness and barrenness of the country; hence comes it that in the midst of their summer, the snow hardly departeth from their hills at all; hence come those thick mists and most stinking fogs, which increase so much more, by now much higher the pole is raised."

Parson Fletcher's reputation for veracity is no better than that of Parson Weems; and one time Drake pinned an inscription around his neck which read: "Falshest knave that liveth." But Parson Fletcher set the style; and now Charley Wilson has to resort to the poetry of "heavy sunshine" to defend the reputation of the Oregon coast. We may owe Parson Fletcher a debt however. Perhaps they did strike a spell of foul weather, and in their disgust the sailors refused to land and plant a plate claiming Oregon as part of the dominion of Queen Elizabeth.

Wanted—A Labor Policy



Interpreting the News

By MARK SULLIVAN

WASHINGTON, April 12—President Roosevelt's remark about prices of steel and copper being too high continues to cause agitation a week after it was made. Rumors dart throughout the whole world hinting portentous official action by the administration. One especially active rumor says the president, in order to restrain prices, is going to do something about gold. That, if true, would interest every country. This story, newspaper men in Washington are unable to verify. Another rumor says the administration may proceed vigorously against business combinations, monopolies or what not, which raise prices artificially. For this surmise there is some faint evidence. The president himself, at his last two press conferences, has not amplified his original statement.

It may be the president's early statement was given more weight than it was meant to have. To one who was at the press conference when Mr. Roosevelt spoke, it did not seem that his statement had any portentous intent. It seemed off-hand. Some one had asked him something about WPA. He replied that under present conditions WPA ought not to direct much of its expenditures into buildings and bridges which consume heavy materials, because the heavy industries are already prosperous enough. He said WPA at this time should concentrate on projects in which most of the money goes to labor, rather than materials. This would stimulate the so-called "consumer goods" industries. In short, Mr. Roosevelt's statement was comparatively new and small.

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Teachers Hired, Mill City School

Health Clinic Slated for Younger Children at 1:30 P. M. Today

MILL CITY, April 12.—The teachers for the coming year have been hired with the exception of one high school teacher to replace Miss Marie Hildeman, who has resigned. Those returning are Miss Ethel Hickey as superintendent; Miss Marion Allen, Mrs. Harry Mason, Miss Louise Fletcher and Frank Smith.

Mrs. Virginia Foran and Vivian Albert have resigned from the grade school and have been replaced by Miss Alice Smith, daughter of Mr. and Mrs. J. P. Smith of this city, and Miss Pratt of Ashland. Other grade teachers are Miss Pauline Morris, Miss Gwendolyn Martin and Everett Gauthery.

A pre-school clinic will be held in the high school Tuesday at 1:30 p.m. Dr. Guslie Niles of Salem will be in charge.

Mrs. C. E. Rogers and son Clyde spent the weekend in Philomath at the home of Mrs. Rogers' mother, Mrs. Herriman.

A first aid class, a project of the WPA, is being held in the grade school auditorium every Saturday at 7:30 p.m. This is free for everyone and is in charge of Russel Hagy.

Lois Anderson was elected by school board as head coach to succeed Hollis Huntington, resigned. He will also be physical director and Luke Gill, assistant coach.

Governor Patterson will pitch the first ball at opening game of Pacific Coast League in Portland today. Mayor Baker will be stationed behind bat.

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Ten Years Ago

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