

The Oregon Statesman

"No Favor Sways Us; No Fear Shall Awe"
From First Statesman, March 23, 1851

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Hitches in AF of L-CIO Merger

Formal appeal of President Roosevelt for peace between the American Federation of Labor and the Committee for Industrial Organization is another link in the chain of evidence that the administration seeks an end to the era of bad feeling which has hampered economic revival. It ties in with Harry Hopkins' overtures to business and Secretary Morgenthau's pledge of no increased taxes.

Peace between the two labor organizations however, cannot come merely through the plea of the president to "Dear Bill" and "Dear John." Nor will the recognition of AF of L of the principle of organization on an industrial rather than a craft basis bring it. The American Federation has frequently authorized such a type of organization. In the Boeing Aircraft factory in Seattle the International Association of Machinists is the exclusive bargaining agency for workers in 22 separate crafts employed in that plant.

The basic fight which stalls merger of the two big union organizations is the fight over which group will control the pooled organization, when and if it is created. To allow 525,000 steel workers, 381,000 auto workers or 450,000 textile employees—all new union members since the AF of L-CIO split of 1935—to come back to the AF of L would permit the old bureaucrats behind William Green to be outvoted. Such men as William K. Hutcheson, powerful union leader of the carpenters and their 300,000 members, might pull out of AF of L rather than surrender control, to the larger, numerically stronger, mass unions which Lewis would want blended into the AF of L as a condition of return.

The AF of L will take back the mass-production unions—but only on terms the entrenched AF of L chiefs set up—and it is a certainty that no ratable representation on the basis of enrolled members would be permitted. The fight between the rival groups is primarily a fight for power among the leadership. Unless and until the rank-and-file members insist on peace, there is small likelihood that the executives of the rival groups can agree on a formula for merger.

As far as the public is concerned, no great harm will result if AF of L and CIO continue to go their separate ways, provided the jurisdictional issue can be settled. If the proposed peace conference would result in an allocation of the organizational rights in various industries to either the CIO or AF of L and stoppage of the paralyzing jurisdictional disputes, the public's concern for peace would be accomplished. There may be value in having two great national organizations of labor—a completely merged organization with 5,000,000 to 6,000,000 members would constitute an extremely powerful minority bloc. What is immediately needed is a division of the field between the groups and the cessation of the costly and ineffective squabbles over jurisdiction.

Protest of the Children

Oregon has a new type of picket line these days, a line of Chinese boys and girls at Astoria and Marshfield. They are parading the docks at these seacoast towns protesting against shipment of scrap iron to Japan, iron which will be made into bullets and bombs to harass a prostrate China. The children skipped school last week and trudged back and forth through the long, wet days but the authorities have stopped that. Now that the truants are back at their books, their older brothers and sisters and occasionally their mothers are taking relief assignments—voluntary policemen of protest between the loads of scrap iron and the Japanese vessels waiting for their cargo.

While any bystander can tell you there is no labor dispute involved, the longshoremen who are always squeamish about crossing any picket line have refused to go through the children's barrier. For a brief interval the iron rusts alongside ship. So the parade of the youngsters has become a major incident and the courts may hear of it. Perhaps an injunction will be necessary before the docks will be cleared and the iron can go clanging into the holds of hungry ships.

Silly sentiment, you may call it, this protest of the youngsters. Iron will be had by Japan and if it does not come from the bent rails, the castoff donkey boilers, the scrapped flywheels of the logging country, it will be picked up elsewhere to cross the Pacific for the smelters of Japan. Yet here is one instance, puny and ineffective as it may be, where the children have had a hand in checking the plans of the war-makers. The children have not had much to say when unprotested cities in China were bombed. Their protests have not been heard above the noise of the Spanish debacle where tens of thousands of these innocents paid for their lives in the fury of war. Children, soon grown to conscription age, have been marched off to war fronts without opportunity for them to state that battle was silly business with nothing certain but death. The makers of war buy the iron and speed the factories in their work of "protection"; the children are but pawns in the terrible game.

At least here in peaceful, far away Oregon, the trudging boys and girls have let a world know that they protest the assault of Japan upon China, futile as their protests may be in a world rushing to catastrophe.

Pius XII

Pope Pius XII, who until yesterday was Eugenio Cardinal Pacelli, was considered by his fellow cardinals as best suited by ecclesiastical experience to assume the tremendous present responsibility as head of the Catholic church. With the power of the church menaced by the growth of totalitarian governments which insist on shunting spiritual claims of their citizens aside, the very existence of Catholicism in such countries is menaced. Papal under-secretary 27 years and since 1930, secretary of state, Pacelli has been more close to the recent head of the Vatican and the problems he faced, than any other cardinal. The rapidity with which he was chosen, the breaking of precedent in elevating a secretary of state of the Vatican to the papacy, both speak the hurried unanimity of the cardinals' minds.

Pacelli's selection will be unpopular in Germany, for the new pope is considered anti-Nazi. Correspondingly his selection delights France. Pius XII takes office, nevertheless, with a profound understanding of German affairs. He was nuncio to the German republic for a decade. As such he negotiated the 1929 concordat between the Holy See and the German republic and after Hitler's rise, was ambassador of the church in the new treaty with the Nazis. This concordat of late has been violated, the church asserts, and Pius XII will be forced to restore it if the church is to avoid a Hitler attack almost as savage as his treatment of the Jews.

American Catholics will be pleased with the new pope because it was he who visited this country in November, 1936, making an air tour across the continent and visiting at the White House. He is the first in the long line of 262 popes ever to visit this western continent.

While the deliberations of the college of cardinals are cloaked in the utmost secrecy, one may imagine that some of the feverish discussions which would surround a comparable lay political choice prevail among the 82 men whose duty it is to name the head of the church. There can be cliques and cabals and compromise candidates. All this seems to have been avoided in the current selection, so eager were the princes of the church to show a united front to the world. If Pius XII provides leadership equal to that of his late predecessor, the Catholic world will be well pleased and the non-Catholic people satisfied. For the late pope was a palladin of peace, an international spokesman for rectitude and morality among all nations.

Bits for Breakfast

By R. J. HENDRICKS

How did southwest High and State streets, Salem, look on March 16th, 1939, when the great news came? An inquiry is indirectly relayed to this desk which is covered by the above headline. It has something to do with the proposed mural on the walls of the Oregon senate chamber, which, this writer is told by the architect of the building, is to represent the carrying of the news of statehood to Salem, the capital. And, if well carried out, this would be very appropriate. The incident was like this:

The people of Oregon had waited and waited after adopting their state constitution, for congress to act and make this a state, changing from the territorial form. The state officers had been elected for the better part of a year. The two legislatures, territorial and state, which had been elected in June before, did not know what to do, in the hiatus time between the two forms of commonwealth government.

The law admitting Oregon as a state, giving her the 33d star in the American flag, was finished by Buchanan on February 14, 1859. But slow mails conveyed the only news from coast to coast then. Even the pony express was more than a year in the future; the telegraph a few years.

The steamer Brother Jonathan brought the news of Oregon's admission to statehood, arriving at Portland a month and a day later, that is, March 15, 1859.

Stephen Senter, living just above the Willamette Falls, at Clatsop, knowing that no river boat was scheduled to leave for Salem that day from that point (the Oregon City locks being far in the future), mounted his horse and started to Salem with the news, knowing how welcome it would be.

As he galloped off he realized that the mud of the excused roads was deep and that the water in the Molalla and Pudding rivers was high and that those streams must be crossed. The rider spread the news as he went—and he covered the distance in 30 hours! Speedsters in high-powered autos make the 35-odd miles now in 30 minutes or less.

The 15th of March, 1859, was a Tuesday. So it was likely some time on Wednesday the 17th, after 30 hours of riding, wading, swimming, stopping to rest, or what not, that Senter arrived in Salem with the news.

Then how is it that the Oregon Blue Book records Governor John Whiteaker, Secretary of State L. B. Boon, and Treasurer John DeBoer, as commencing their offices on March 3, 1859, or 13 days before they knew they had a state to give them the offices, with the pay going thereafter?

Well, that is explained by the fact that congress, March 3, 1859, extended the laws and judicial system of the United States over Oregon as a state.

The state officers had been in the air since June of 1858, when they were elected, without drawing any salary—unless in the case of Boon, who was territorial treasurer when he was elected state treasurer, and thus had only to turn over his office to himself. And state officers, the governor and secretary, got only \$1,000 a year, as did the treasurer, and the treasurer only \$800.

It is necessary to inform only the uninitiated that soon they were seeing to it that they got more. How? Well, the state treasurer was expected to loan what ever idle money was on hand, and put the interest in his pocket. This went on for a long time, and most early state treasurers got rich.

And ways were found to give the governor and secretary of state more, by paying them \$250 a year each as members of boards, like the asylum board, reform school board, etc., etc.

But now we get down to the inquiry. Why does one want to know what the southwest corner of State and High streets looked like on March 16th, 1859? The person making the inquiry for the person painting the mural of the Stephen Senter ride with the news of admission must have an idea that he (Senter) passed that point, going east or west, or turning the corner to the west: there he came from the north—turning the corner at the famous Bennett House, which stood at the northwest High street corner, the Masonic building is now. It may be the last named supposition is correct.

Oregon had no capitol then. The territorial capitol, standing on the ground occupied by the present capitol, was burned the night of December 29-30, 1855. Some territorial and state offices were in the Bennett House, notably the surveyor's and the supreme court rooms.

But more were in the Holman building, situated on Ferry and Commercial streets, still standing—a treasurer, secretary of state, Indian commissioner, the two houses of the legislature, etc.

(Continued tomorrow.)

PTA Meet Slated

INDEPENDENCE—The next meeting of the Parent Teachers association will be held in the training school auditorium Monday at 3 p.m. The supervising teachers will act as hostesses. The program will consist of songs by children of the eighth grade and a lecture by Floyd H. DeCamp, state director of dental health, who will also show pictures illustrating his talk. Parents of pre-school children are urged to attend this meeting.

Accident Victim

SILVERTON—Mrs. George Jensen of near Monitor is being treated at the local hospital for "trauma" and nervous shock as the result of a car accident Wednesday about 10 p.m. The Jensen car skidded off the road on the return trip to the home from Silverton.

Babies Perish While Sleeping in LA Garage



Two babies, sleeping in a Los Angeles garage when it burst into flames, perished recently as their mother, great-grandmother and an aunt screamed in terror, unable to break the wall of flame to rescue the little victims. Firemen and investigators are pictured clearing charred wreckage of the structure. —IN photo.

On the Record

By DOROTHY THOMPSON

The Supreme Court Decision: A Liberal Document

In its Monday decision the Supreme Court outlawed the unique collaboration of the National Labor Relations Board with the trade unions to prevent employees guilty of breaking the law from suffering the penalty of discharge.

It did not outlaw the sit-down strike, because a use of the illegality of the sit-down strike did not come into question and was not challenged by the National Labor Relations Board.

The employees who seized the corporation's plant were evicted by the sheriff, tried in the courts and most of them fined or sentenced to jail. Nobody, including the National Labor Relations Board, contested the justice of the fine or the sentences. But the board held that notwithstanding the fact that the employees had committed a criminal act against the company, the company was obliged to re-employ them with back pay.

The Supreme Court decision supports the company's refusal to do so. Actually, in fact, the company did re-employ most of the strikers. But it reserved its right not to take back others, and that right is upheld.

The decision is of great importance, because the National Labor Relations Board has, by its attitude, protected employees from suffering the full and logical consequences of their criminal acts. And this attitude of the board has been one of the reasons for industry's distrust of it.

The Supreme Court made its decision in spite of the fact that it sustained the board's ruling that the company must re-employ the strikers, but it refused to do so.

The court's decision indicates, however that unfair labor practices on the part of an employer are not in themselves a justification for illegal practices on the part of the workers. The employer must desist from illegality and change his ways. The employees must desist from illegality and bear the consequences of discharge if they do not.

There are numerous illuminating statements in the decision that have an important bearing on the conduct of labor under the protection of the act.

The court points out that the workers themselves failed throughout the controversy with the employers to appeal to the NLRB. Thus, in the summer and fall of 1936, prior to the sit-down, the union could have immediately complained to the board that union activities were being interfered with, and that they were spied upon, and they could again have complained in February, when the corporation refused collective bargaining with the union that had a majority. But they preferred to force the issue by a sit-down strike.

This observation of the court as to the union's failure to take advantage of the protection of the act brings out one of the weaknesses of the act as a means for promoting industrial peace.

For if we are really to have peaceful settlements of disputes and the adjustment of labor-employer controversies through a government agency, we ought to provide for arbitration of disputes in advance of a strike or

lockout, while reserving to workers the right to strike if the arbitration is not satisfactory.

The appeal to arbitration ought to be open both to employers and employees. Arrangements for arbitration in advance of a strike are part of the statutes of both Sweden and Great Britain. The Swedish law creates an obligation on the part of both employers and employees to attend conferences for the purpose of collective bargaining, if either party demands it, and in Great Britain, although there is no legal compulsion in the matter, agreements between unions and employers invariably provide for arbitration of disputes in advance of a strike or lockout.

Most interesting was the supreme court's third finding. The board based part of its contention on the general authority conferred upon it by the act to require the employer to take such affirmative action as will "effectuate the policies of the act," and argued that such action may embrace requirement of re-employment.

The court holds that while the board's authority is broad, it is not unlimited, and referred to its decision in the Consolidated Edison case, where it ruled that the board could not inflict on the employer any penalty it chose for unfair labor practices.

The court holds that the power of the board to compel affirmative action is remedial and not punitive, and it reminds the board that "there is not a line in the statute to warrant the conclusion that it is any part of the policies of the act to encourage employees to resort to force and violence in defiance of the law of the land."

This recall to the limitation of scope of power is a healthy rebuke to more government agencies than the NLRB.

Another very important part of the court's finding is that it does not uphold the board's conclusion that the employer, following an illegal strike and the lawful dismissal of the peopie engaged in it, must continue to bargain with the union which called it.

The employer has not the right to punish the union as such, but the act points out that when the illegal strikers had been dismissed.

Call Board

ELSINORE
Today—Double bill, Jack Benny in "Artist and Models Abroad" with Joan Bennett and "Pride of the Navy" with James Dunn and Rochelle Hudson.

CAPITOL
Today—Double bill, "Ambush" with Lloyd Nolan and Gladys Swarthout and "Jed Bull's Millions" with "The Terror of Tinytown."

STATE
Today—Shirley Temple in "Just Around the Corner" and "Sharpshooter" with Brian Donlevy and Lynn Bari.

HOLLYWOOD
Today—Double bill, Laurel and Hardy in "Blockheads" with Patricia Ellis and "Prison Break" with Barton MacLane and Glenda Farrell.

GRAND
Today—Double bill, Gracie Fields in "Smiling Along" and "Paradise on a Plate" with Michael Whalen and Lynn Bari.

Today—Jane Withers and Lee Carrolle in "The Arizona Wildcat."

charged and new men hired, there ceased to be a basis for the conclusion that the union was still the choice of the majority of employees.

The court therefore called attention to what critics of the act, among them this column, have several times pointed out as a weakness: namely, that once a union had gotten a majority it is assumed that this majority is permanent, and no procedure exists whereby dissidents can challenge the majority. This is contrary to basic democratic principles, which are that the minority may at any time become the majority. It is in this way that in the realm of politics we provide for change and reform.

The concept of the majority which becomes permanent and is the sole agency through which the collective will may function, is the concept of the totalitarian states in the field of politics. Given the closed shop and the check-off, the union has a permanent mandate, and if this is democracy then Hitler is no democrat. Moreover, there is no compulsion of democracy inside the ruling trade union.

Senator Thomas has called for hearings on the act before the education and labor committee, and it is to be hoped that this committee will take the opportunity to go into the history of labor relations in other countries, particularly in Great Britain and Sweden.

We ought to be able to take advantage of the enormous body of existing experience in this field. It is to be hoped that the committee will hear not only labor and industry but disinterested and impartial students and experts.

For if we could bring some real order into labor-employer relationships we would bring about one of the first essentials to real economic recovery in this country.

The labor relations act has fulfilled a function in establishing without question the right of workers to organize in independent trade unions and it has been responsible for a very healthy airing of the stupid and reactionary policies of some of our industries. But it is inadequate as a means of fulfilling its avowed purpose, which is to bring about industrial peace.

Radical peace industrial strife certainly requires independent labor organizations, but it requires more. It requires good will on the part of employers, and that good will is only forthcoming—since employers are also human beings and no better than the rest of us—if they feel that the state, when it intervenes in the relations between themselves and their employees, is intervening in a just spirit. It requires that there be a mechanism for the arbitration and conciliation of disputes to which both sides can appeal. It requires the establishment of standards for both labor and industry by which the validity of these disputes may be judged. It requires that there shall be some contracts that contracts entered into shall be kept.

The Swedish law, for instance, makes illegal all strikes, lockouts, blockades, boycotts or other hostile actions of like nature for the purpose of changing the terms of a contract during the term for which it is signed. And another statute establishing a special labor court to adjudicate questions arising under the law of collective contracts. Its seven members are appointed with a view of achieving a really judicial spirit, two representing employers, two from a trade-union panel and three neutral. The chairman and vice-chairman must have had experience as court judges.

The matter of labor employer relations must, in a democracy, be judged primarily from the viewpoint of promoting the peace.

Radio Programs

- 11:45—Radio Review
- 12:00—Meditation
- 12:15—Dept. Agriculture
- 12:30—Organ Concert
- 12:45—Hints to Housewives
- 1:00—News
- 1:15—Market Reports
- 1:30—Club Matinee
- 1:45—Bobby McInnis
- 2:00—Financial and Grain
- 2:15—Orchestra
- 2:30—Lauri Trio
- 2:45—Carbonte Quis
- 3:00—Orchestra
- 3:15—Alma Kitchell
- 3:30—Dorothy Rochelle
- 3:45—News
- 4:00—Marlow & Lynn
- 4:15—Orchestra
- 4:30—Charles Sears
- 4:45—Orchestra
- 5:00—Oscar Shumsky
- 5:15—Trio Time
- 5:30—Musical Story
- 5:45—Hints to Housewives
- 6:00—Keyboard Chats
- 6:15—Planting Party
- 6:30—Legislature Party
- 6:45—Freshest Thing in Town
- 7:00—Dorothy McInnis
- 7:15—Bert Lyell
- 7:30—News
- 7:45—Water Sports
- 8:00—Waltz Interlude
- 8:15—Orchestra
- 8:30—Melody Remains
- 8:45—Voice of Hawaii
- 9:00—Orchestra
- 9:15—Bill Sabransky
- 9:30—News

- EGW—FRIDAY—530 Kc.
- 7:00—The Story of the Month
- 7:15—Trail Blazers
- 7:30—The O'Sheas
- 7:45—Viennese Ensemble
- 8:00—Stars of Today
- 8:15—Musical Comedy
- 8:30—Sonia Parker
- 8:45—John's Other Wife
- 9:00—Just Plain Bill
- 9:15—Musical Comedy
- 9:30—Dr. Kate
- 9:45—Betty and Bob
- 10:00—Musical Comedy
- 10:15—Yallant Lady
- 10:30—Betty Crocker
- 10:45—Musical Comedy
- 11:00—Ma Perkins
- 11:15—Pepper Young's Family
- 11:30—Backstage Wife
- 11:45—Stella Dallas
- 12:00—Vic and Sada
- 12:15—Girl Arlene
- 12:30—Homebush Hannah
- 12:45—Musical Comedy
- 1:00—Dance Hour
- 1:15—Edward Duvoy
- 1:30—News
- 1:45—I Love a Mystery
- 2:00—Musical Comedy
- 2:15—Orchestra
- 2:30—Criminal Case Histories
- 2:45—Govt. at Your Service
- 3:00—Orchestra
- 3:15—Waltz Time
- 3:30—March of Time
- 3:45—Orchestra
- 4:00—Uncle Ezra
- 4:15—Jimmy Fidler
- 4:30—Amos 'n' Andy
- 4:45—Melody Time
- 5:00—Death Valley Day
- 5:15—Circus
- 5:30—Morning Tonight
- 5:45—News Flash
- 6:00—The Good Mellow
- 6:15—Orchestra

- KOAC—FRIDAY—550 Kc.
- 9:03—Homemakers' Hour
- 9:18—Neighbor Reynolds
- 9:33—Jacqueline Brier
- 9:48—Story for Adults
- 10:03—Today's News
- 10:18—Stores of Industry
- 10:33—Trailer Travel
- 10:48—News
- 11:03—State Dept. Agri.
- 11:18—Market, Crop Reports
- 11:33—Pest Control
- 11:48—Variety
- 12:03—Club Women Half Hour
- 12:18—Guard Your Health
- 12:33—Travel
- 12:48—Monte Viera the News
- 1:03—Symphonic Hall Hour
- 1:18—Stories for Boys and Girls
- 1:33—The Campuses
- 1:48—Vespera
- 2:03—News
- 2:18—Market Reports
- 2:33—E. L. Potter
- 2:48—University Round Table
- 3:03—Business Hour
- 3:18—OSU Round Table
- 3:33—Household Medicine Cabinet

20 Years Ago

Salem high school band has received a souapbone, delivered by Professor O. P. Thayer, director, through generosity of D. B. Jarman.

The Junior class won the annual Freshmen Glee contest staged at Willamette last night and sophomores placed second.

Large residential property on South High street owned by Frank Hughes has been sold to D. B. Jarman who will erect a California style house.

Blind Student Talks
INDEPENDENCE—The children of the Independence training school had a special privilege on Tuesday, when Kenneth Monfils, a blind student from Willamette university, appeared at an assembly with his dog Kap, his "Seeing Eye" dog. Mr. Monfils secured his dog from the "Seeing Eye" school in Morristown, New Jersey, last June and has found him an invaluable companion.

Barrows Has Article in Zoology Magazine
MONMOUTH—Dr. E. F. Barrows, staff instructor in biology at Oregon Normal school, authored an article in the current issue of the Journal of Experimental Zoology, dealing with inheritance of color differences in mice.

MRS. FURRUE IMPROVES
EVENS VALLEY—Mrs. Ben Furrue, who was confined to the hospital recently, is now being cared for at the home of Mr. Furrue's mother, Mrs. K. Furrue, here.

prosperty and security of all of the people and the whole of the economy. The supreme court's majority opinion, with the concurring opinion of Mr. Justice Stone, is a call to a return to true liberalism—the liberalism that means limitation of scope in the granting of powers, orderly procedure and methods, and recognition of the mutuality of rights and obligations.

In that spirit the United States can meet its major problems without class cleavage and civil strife and remain a people "indivisible, with liberty and justice for all."

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SHIRLEY TEMPLE
JUST AROUND THE CORNER
15c
NEW STATE

ELSINORE
Today and Saturday
2 Major Features
VIVE LA FORT VIVE LA BEUTE
ARTISTS AND MODELS ABROAD
Plus Hit No. 3
"Pride of the Navy"
James Dunn
Plus Poppy Curtson

PARDON OUR NERVE
LAST DAY
GRACIE FIELDS
SMILING ALONG
GRAND
HIT NO. 2
"The Terror of Tiny Town"

CAPITOL
Tonight and Saturday
2 Ace Features
BUSH
HIT NO. 2
"The Terror of Tiny Town"

HOLLYWOOD 15
TODAY SATURDAY SUNDAY
LAUREL AND HARDY
BLOCKHEADS
AND SECOND FEATURE
PRISON BREAK
MaCLANE FARRELL
Also News, Our Gang Comedy, "Party Fever," and Chap. 12 of Serial, "Flaming Frontiers."
STARTS SUNDAY
The Grandest Role of His Career!
BOB BURNS
THE ARKANSAS TRAVELER