

Capital Journal Salem, Oregon Established March 1, 1888 An Independent Newspaper Published Every Afternoon Except Sunday at 136 S. Commercial Street. Telephone 4681 News 4882 GEORGE PUTNAM, Editor and Publisher FULL LEASED WIRE SERVICE OF THE ASSOCIATED PRESS AND THE UNITED PRESS SUBSCRIPTION RATES By carrier—10 cents a week; 45 cents a month; \$5 a year in advance. By mail in Marion, Polk, Linn and Yamhill counties, one month 50 cents; 3 months \$1.25; 6 months \$2.25; 1 year \$4.00. Elsewhere 50 cents a month; 6 months \$2.75; \$5.00 a year in advance. The Associated Press is exclusively entitled to the use for publication of all news dispatches credited to it or not otherwise credited in this paper and also local news published herein. "With or without offense to friends or foes I sketch your world exactly as it goes."—Byron

AW, LET ME ALONE! Joe E. Brown's statement that he is the lady-killin', love-em-and-leave-em champ of the navy seems to be wavering here as voracious Thelma Todd advances on him. Will the navy retreat? Never! Joe is just planning the attack which he uses in his latest First National laugh-riot "Son of a Sailor" which opens a three day engagement at the Elsinore theater Sunday. The first showing will be in connection with the Saturday midnight matinee. The production is a comedy of navy life.

MYSTERY FILM AND WESTERNER BOTH OFFERED "Fog," one of the most popular mystery novels of the past year, has reached the talking picture screen. The Valentine Williams, Dorothy Rice Sims yarn which ran serially in the Saturday Evening Post recently, has been filmed by Columbia studios, and showing at the Capitol theater Sunday and Monday on a double bill. Laid entirely on board a trans-Atlantic liner at sea, the story starts with the murder of an eccentric millionaire. A mystic, ecstatic gazing seeress next dies, and the ship's doctor is the third to meet a like fate. There are a half dozen possible suspects, and the solving of the mystery and the apprehending of the real criminal, and his motive for the killings, form an intensely interesting and absorbing drama. In screen form, it is proving to be as entertaining as it was in print. The cast is headed by Mary Brian, Donald Cook and Reginald Denny, with a supporting roster of players that numbers over a dozen of the best character actors in Hollywood.

WAS RUDY'S TIME HER TIME? In the complaint of her suit for separate maintenance from Rudy Vallee, singer, actor and orchestra leader, his wife named Alice Faye (above), actress and member of Vallee's troupe, as one of three women with whom, she charged, Vallee had committed indiscretions. (Associated Press Photo)

PETITIONS WILL BE HURRIED IN At a meeting of the truck men last night attention was called to the fact that all those who have been circulating petitions for the repeal of the truck and bus law should turn these petitions in to Tom Wood at once as they have to be checked by the county clerk's office and filed with the secretary of state on January 16. As it requires a few days' time for the county clerk to check all names on these petitions it was requested that all petitions be turned in not later than next Monday. Speakers for the evening were Melton Tompkins and A. A. Geer of the Grange. Refreshments were served following the regular meeting and a sociable time was held. An announcement of interest to all truck men was made by Mr. Wood, district supervisor for the Association of Commercial Truck Owners, that a service station was being opened next Monday at 805 Edgewater street, West Salem, for distribution of gas to all members of that association. Arrangements are under way for the immediate construction of a main station in Salem which it is hoped to have open within a month. There are now in operation two stations in Portland with two more to be in operation by the end of this month. One station is operating at Medford and stations will be in operation at Grants Pass, Roseburg, Cottage Grove, Eugene and Corvallis within a short time. Forest Grove and The Dalles will have stations in operation within the next few days. The next meeting of the local truck men will be held at the regular meeting place, 540 Chemeketa street, Thursday, Jan. 15. Arrangements are being made to have some speakers address the meeting at that time.

NRA Labor Relations

There is a general misunderstanding of the relations of the employer and employees under the National Industrial Recovery Act which is now the law of the land, save among those who have studied the law and its official interpretations, but there is no question but that while employees have the right to organize, they cannot enforce closed shop conditions, nor can a union compel the discharge of any person not desiring to join the union, unless a contract was in force before the law went into effect. Sections 7 (A) of the N. I. R. A. reads as follows:

Every code of fair competition, agreement and license approved, prescribed or issued under this title shall contain the following conditions: (1) That employees should have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the president.

Because of various misunderstandings and misinterpretations President Roosevelt in a letter to Administrator Johnson, October 19, 1933, made the following statement:

Because it is evident that the insertion of any interpretation of Section 7 (a) in a code of fair competition leads only to further controversy and confusion, no such interpretation should be incorporated in any code. While there is nothing in the provisions of Sections 7 (a) to interfere with the bonafide exercise of the right of an employer to select, retain or advance employees on the basis of individual merit, Section 7 (a) does clearly prohibit the pretended exercise of this right by an employer simply as a device for compelling employees to refrain from exercising the rights of self-organization, designation of representatives and collective bargaining, which are guaranteed to all employees in said Section 7 (a).

According to the opinion of eminent lawyers the recovery act does not require, but does give every employee the right to bargain either individually or collectively, and if collectively, through such representatives as he may choose. Minorities, therefore, are as much entitled to bargain with management as are majorities. Management must therefore receive representatives of any employee or group of employees when such representatives are duly accredited. Nothing in the law prohibits full and free discussion on such matters between employers and employees, unless such discussion results in interference, restraint or coercion.

It is also held that the law specifically requires collective bargaining when desired and in these cases the spirit of the law would seem to be fully met if an employer would ask the selected representatives of the trade union or unions to meet him in the presence of one or more members of the group who did not care for collective bargaining. If an agreement satisfactory to the employer and to the various groups of his employees can be reached, well and good. If they cannot, then the employer must decide with which group, all things being considered, it is most desirable for him to deal. The right of collective bargaining does not mean that an agreement will be reached with all or with any group. It simply means that a sincere effort must be made to agree.

The employer must recognize any representative actually selected by the employees, the recognition of him is in his capacity as a representative of the employees and not as a representative of the union. There is, therefore, no sound legal reason why the employer should sign any agreement with the unions as such, and an agreement with the union shop, would be illegal.

In a decision rendered October 13 in Poughkeepsie, N. Y., Justice Witschief of the New York supreme court ruled on the right of an employer to discharge an employee. The decision reads:

The court of appeals in exchange, Baker & Restaurant, Inc., vs. Rifkin 245 N. Y. 269, held that an employer may hire and discharge men, where and when he chooses, and for any reason. By proper persuasion an employer may induce employees to resign from their unions, using lawful means for that purpose, not threats, not false statements, and not violence or intimidation. The provisions of the National Industrial Recovery act have made no change in the law as thus declared by the court of appeals. The only provision of that act which possibly affects the law as stated by the court of appeals, is the provision that "no employee... refrain from joining... a labor organization of his own choosing." If that means that an employer may not discharge an employee for any reason, or for no reason, and in the case of any man discharged must be prepared to show good cause for the discharge other than the union affiliations of the man discharged, all employees who are union members have been transferred to a status equivalent to that of the civil service, a result which could not have been intended. Whatever the rule of the unions may be, that is not the law of the land.

Nearly all the codes adopted and approved as well as those submitted for approval provide that controversies concerning hours, wages and conditions of employment shall be adjusted locally if possible, by arbitration and pending decision neither party shall change conditions existing or utilize coercive or retaliatory measures. In case of controversy over the selection of representatives of the employees, the national control board shall investigate and determine. Appeals from decisions are permitted to the national conciliation board and their ruling binding on both parties. Requirements of the code must be observed except where compliance would violate a contract now in effect which cannot be revised except by mutual consent. But in the absence of a closed shop contract, under the recovery act, an agreement with the union, which provided for a closed shop contract, would be illegal. The law was designed to protect both employer and employees from coercion, intimidation, and boycott and insure both a square deal with every employee a voice in collective bargaining.

Figures given by the National Industrial conference board show that in 3,314 manufacturing and mining concerns, employing 2,585,740 wage earners, the proportionate number of employees bargaining through unions is 9.3 percent, through employee organizations 45 percent, and individually 45.3 percent. Which proves clearly enough that individual bargaining and company union (like the 4L's) bargaining have not in any way been eliminated by the recovery act.



(Copyright, 1933, by Paul Mellon)

Washington, Jan. 12.—The congressional rush to get right with the president is virtually a stampede now. Take the house appropriations committee, for example. Most of the 35 congressmen on that committee wanted to restore government wages. Apparently the only strong dissenter was Boylan of New York. The rest were eager to abolish the 15 per cent wage cut. It was the politic thing to do. It meant more purchasing power for themselves as well as their friends in public office. Mr. Roosevelt was informed of the sentiment in the committee and asked members to drop in to see him. They did, and immediately became converted to a 5 per cent instead of a 15 per cent restoration.

Present—The converts even went so far as to make their report appear to be unanimous. Some who could not bring themselves around to supporting the president chose to vote "present" instead of voting "nay."

That kind of voting is becoming popular for the first time at this session. The practice is frequently resorted to when items of administration legislation come up in committee. It permits congressmen to avoid definite approval or disapproval of policies without being placed in the position of actually trying to block those policies. In fact, you might say congress is just voting "present" now for Mr. Roosevelt on nearly everything.

Language—The stampede has gone so far that the house ways and means committee also has let the White House know it does NOT want to be mislead on taxes. Some of its members have informed the president that they will drop their own tax plans and take the treasury recommendations if Mr. Roosevelt really wants them.

Such underlying sentiment makes this session of congress different from any recent sessions. There appear to be an amazing absence of individual assertion. It cannot be suppressed forever, but for the present, at least, the congressmen appear to be quite willing to let Mr. Roosevelt run the country.

Individual bills have not been introduced by carload lots as usual. They suggest everywhere from a twenty billion dollar public works program to payment of 50-cent claims against the government. But no one pays much attention to these bills—not even the congressmen who introduce them. They seem to take it for granted that they will not get anywhere with their individual schemes and are content to rest on the publicity they get back home for introducing the ideas.

Work—The puppet (unrecognized) state of Manchoukou has opened up an unofficial embassy here. From a hotel suite the unofficial ambassador hands out ideas for those who care to accept them. The purpose apparently is to dis-

pel the popular impression that the Japanese rule Manchoukou. That is a difficult task. Even more difficult is the secondary hope that the United States might recognize Manchoukou. The state department can hardly be dissuaded from its impression that the Manchoukouans are really Japanese in Manchoukou clothing.

Rules—Some people teach things that they cannot learn themselves. Apparently that is the explanation for the mishap to a Georgia ex-congressman who visited the house the other day.

When he was in congress he conducted a school for beginners in politics. He held classes and taught congressmen how to get re-elected. His fundamental rules were: (a) Never run against an old man (b) never run against a young man (c) never run against a cripple (d) never commit yourself.

His rules have not been held in high esteem since he failed to get re-elected himself last time.

Notes—Treasury profits to be expected from 50-cent dollar devaluation were computed wrongly in a recent column. Profit would be more than four billion instead of two billion. It emphasizes further the point that Mr. Roosevelt's budget melancholia can be almost completely cured by devaluation.

Continuation of— Delzell Slated

Delzell, democratic candidate for congress from the first Oregon district four years ago and a contestant for the same nomination in 1932, and Henry B. Crawford, long-time democrat and candidate of that party for county judge in 1928. August Hueckstein, who held the job during the Wilson administration, is also among those mentioned to those who have been watching developments from the sidelines. Delzell appears to have the inside track, notwithstanding the fact that he has already received preferment from the Roosevelt administration. He is at present serving as chief of the field force operating out of the Portland office of the internal revenue bureau, but this job is understood to be a temporary stop-gap to last until the local postmasterhip is open.

Aside from his active participation in party affairs ever since coming to Oregon, Delzell's chief strength is considered to lie in his close personal and political association with Congressman Walter M. Pierce whose endorsement for the appointment he is said to have. Delzell served as private secretary to Pierce when the latter was governor and was later appointed a member of the industrial accident commission. Reports from Washington say that through Pierce and General Chas. H. Martin he secured promise of appointment from James Farley, postmaster general, during a visit to Washington last spring.

Pierce, as democratic national committeeman, is expected to dictate the appointment, which is usually the patronage privilege of the congressman from the district involved, because the first district has no democratic congressman. During the Wilson administration Delzell served as postmaster at Klamath Falls.

Crawford has been drawn into the race through the urgings of friends among local businessmen, who are known to be backing him strongly and who have requested Senator Charles McNary to intercede in his behalf. He has become widely known throughout the central valley during his long association with the Ladd & Bush bank.

The change in the local office is expected to take place June 1. Prior to his appointment by President Harding the retiring postmaster served 16 years as chief assistant in the local office and before that was employed as carrier and clerk.

City Receives \$100 From Boxing Board

The charity fund of the city of Salem was \$100 richer Saturday as the result of receiving a check for that amount from the Salem Boxing commission. The \$100 was the city's share of the receipts derived from wrestling shows held in the armory during recent months.

KIWANIANS BEAR BURKE Dallas—At the Kiwanis club weekly luncheon Friday Rev. K. E. Burke spoke to the members on "Marriage and Divorce."

4 BOUTS PLANNED FOR TUESDAY EVE

Four bouts of wrestling will constitute the regular show at the armory next Tuesday night, instead of the customary three. Don Sugal, local Japanese sonnenberg artist, and Swede Johnson of Astoria will open preceding with a 30 minute engagement. This will be followed by an encounter between "Bulldog" Jackson and Tommy Heins. The balance of the cards calls for matches between Bobby Sampson and Jack Curtis, and between Art Perkins and Mickey McGuire.

The Heinz-Jackson affair is expected to be one of the roughest in weeks since both grapplers specialize in antics calculated to draw the largest amount of noise from the spectators.

The Fireside Pulpit

REV. E. S. HAMMOND

And there was great joy in the city. Acts 8:8.

The city was Samaria and the occasion of the joy is told in a preceding statement which informs us that Philip had gone there and "preached Christ unto them." When Christ is proclaimed to the will of Christ the joy comes with the "peace that flows as a river."

In my boyhood I once heard Moore Dimick tell the story of his conversion. At the time I heard him he was a local preacher, greatly loved and respected all through this region, where he was well known, and where many of his people still reside. He told us he had tried to be an unbeliever and he was a gambler and horse-racer. But he had a faithful, praying wife. In some way he dropped into a religious meeting where God's truth pierced through the shallow armor of his doubts. After the meeting he started for home, but became more and more wretched and dissatisfied as he journeyed. Finally he tied his horse to a tree and going into the woods knelt down to pray. This was not at all for him an accustomed exercise, but he used the prayer that other doubters have often used: "O God, if I've got a God, save my soul, if I've got a soul." He soon discovered there was a God, who answers the cry of the man who feels his need. He told us his joy was so great that he rode home shouting. And why not? The greatest blessing of life had come to him.

Continuation of— Religious Rebellion

not only forbade controversial discussion of church topics but sought to annual all church laws passed last year so that Mueller could proclaim new ones.

Both Hitler and President Paul von Hindenburg are in an embarrassing position. Hindenburg, deeply religious, is understood to be opposed to Bishop Mueller's methods. Hitler hesitates to intervene openly in a church fight. The alternative to early settlement seemed that Hitler would be forced to step in and solve the problem. Liberal pastors were willing to concede nothing, and Rev. E. L. Von Rabenau, leader of the emergency league, intimated to the United Press that they might even demand Mueller's replacement by the anti-Nazi Bishop Friedrich Bodelschwingh, whom he supplanted last summer.

Valley Motor Rally Defeats Kay Mill

With Pay Griffith staging a routing last period rally, the Valley Motor quint of the City-Y league nosed out the Kay Mill squad on Willamette university field Friday evening, 24-21. The motorists were trailing badly but with a few minutes to go their sparkplugs became clear of carbon and they went ahead to win. The lineup:

Table with 2 columns: Driver Name, Points. Valley Motor 24, Kay Mill 21. Griffith 13, Hendrie 10, Gleason 3, Speck 3, Lemmon 4.

Greater London now covers an area of 2,000 square miles, with a circumference of more than 130 miles.

Mt Crest Abbey SALEM'S COMMUNITY MAUSOLEUM The Better Way

Phone Call Records Win Vallee Right To Seek Mexican Divorce

New York, Jan. 13 (AP)—Lifeless wax like that which the voice of Rudy Vallee so often has creased with songs of love, spoke another story for him today. On evidence provided by transcriptions of telephone conversations between his wife and others—one of whom was Garfield Leon, an adagio dancer—Vallee won the right yesterday to sue for divorce wherever he chooses.

The specific ruling was a refusal by the appellate court to grant a petition of Mrs. Fay Webb Vallee by which she sought to enjoin the soft-singing maestro from seeking a Mexican divorce.

The transcriptions, obtained by "a very simple device attached to a telephone extension and without the necessity of wire tapping," led Vallee to tell the court (in his affidavit) that:

"My wife carried on her affair with Leon right under my roof, with shocking callousness." (Last night on the west coast, where the principals of the action are located at present, denials of misconduct were made on the part of both Mrs. Vallee and Leon).

One of the phone conversations cut into wax by Vallee's telephone device was described in the affidavit as follows: Mrs. Vallee: Rudy is leaving at 10 o'clock to go to Philadelphia and I told him I would come to the station. Leon: All right.

Mrs. Vallee: Listen, we have to be awful careful, Garfield. I mean there are a lot of spies around watching us. But my chauffeur is my chauffeur, see? So would you get in a taxi and meet me in the park some place and we can ride around the park? Leon: Oh, that sounds kind of mysterious.

Mrs. Vallee: I want to see you so badly. It sounds nice, doesn't it? Leon: Yes, well, all right.

The date of that conversation, Vallee's affidavit said, was March 23, 1933, and took place from his home.

Hollywood, Calif., Jan. 13 (AP)—Rudy Vallee's present marital troubles may make a new chapter in a book he is writing.

The title is "Headaches and Heartaches of a celebrity." "I began writing the book several years ago," the singer said today, "and it will not be finished until I retire."

"At present I have done little more than make a sketchy outline of chapters to include events up to date.

"It will not be an autobiography. In many cases I will be a minor character drawn into dramatic events, as any one might who has a degree of prominence or money. I want to show the problems of a person who has to depend upon his popularity with the public for a living."

The municipal bank of Birmingham, England, has nearly 228,000 depositors.

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Continuation of— County Agent

the government advances \$3400 to assist in the work and the government will not advance the money unless the agent is approved by the college authorities. College authorities stated it was not absolutely necessary for the agent to be a graduate of the state college but he must have certain qualifications and whether he has these or not is a matter for the college authorities to decide.

A number of names have already been mentioned as possibilities, including W. H. Baillie of Woodburn, former head of the state school for boys, former 4-H leader at a Marion county and well known here. He is now in Klamath county on government work and whether he would be available is not known definitely. The name of Earl Pearly, state college graduate and well known in fruit circles, also has been mentioned as that of Ivan Stewart, for some time agricultural agent of the old Charles R. Archer-Edmunt company but for the past few years in charge of a seed business in the north end of the county. Another name advanced has been that of Warren E. Crabtree, agricultural teacher in Silverton high schools and nationally known for his work in that line. He has been very active in agricultural projects and boys and girls club work. Whether or not any of these would serve is problematical, but their names have been mentioned as possibilities and as all probably having qualifications agreeable to state college authorities.

Just what the salary will be will be fixed after decision is made as to the man. The project is to be financed by \$1000 from the wheat control committee, \$1000 from the hog control, \$500 from dairy control, \$2400 from the government and perhaps a little more from state college funds. The county court has been assured that there will be no cost to taxpayers.

Hasel Green—Ross Miles, who resides on the old John Van Cleave farm had a narrow escape from death recently when the motorcycle he was riding ran into the edge of a hayrack on Will Williamson's wagon. Miles was catapulted into a deep ditch which saved him from serious injury.

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