Small Southern Industry Defice NRA and Throws Whole Act Into Supreme Court to Decide Its Constitutionality.

By WILLIAM C. UTLEY

HE immediate future of inc trial America and the entire status of national recovery hangs on the decision in a fight be-tween a small town industry and the Blue Eagle of the MD: the Blue Eagle of the NRA.

Down in a little Alabama town there is an old sawmill, not a very hig sawmill, which has been smoking away in the monotonous drone of its buzz-saw teeth as they bit their way through logs of southern pine year after year, singing a ringing song that even the natives hardly noticed above the murmur of the town's business, for the simple reason that it was never any different from the song of countless other sawmills in the South, and indeed in the entire nation.

Only a few months ago, one might have imagined William A. Beicher, the proprietor, as he walked about his mill, superintending the work of the handful of men who tolled and sweat as they guided the logs to their whindestruction. When it was late in the day, one might imagine the men, and Mr. Belcher, too, drawing selves up to a momentary halt at the sound of a whistle in one of the town's few other industrial

The men under that whistle quit earlier, worked less, although they were paid higher hourly wages. Their employers operated under the banner of the Blue Eagle.

#### Flew No Blue Engle.

The Belcher employees returned to their jobs at the screeching saw. Mr. Belcher flew no Blue Eagle. He couldn't afford it, His men were thankful that they had jobs and were in sympathy with Mr. Belcher's stand, although they earned but 10 to 15 cents an hour, while they would have made 24 cents an hour under the NRA code. They ate as long as Mr. Belcher could afford to let his saws screech

Now that screech has so multi-plied in volume and has so height-ened its pitch that are of these not far distant days it was be heard from South to North, from East to West, throughout the land, For now it is a screech of protest, and the ruling on that protest is to decide the entire future of the Blue Eagle

that refused to approve it.

The case of the United States vs. Beicher in the Supreme court will lay open for discussion the vitals lay open for discussion the vitals of the entire NRA experiment. Openly Mr. Belcher and his mill has defied the NRA code. He has made no bones about the fact that he paid his employees, on the average, about half the code scale, and worked them as long as there was

The \*NRA and the authorities who enforce its more than 700 accepted codes tried for half a year to induce Belcher to conform to their dictates. Despairing of bringing him around, they had film indicted on six charges of code violation last spring.

In October he came up for trial in the United States District court before Judge W. I. Grubb, Birming-ham's federal judge, whose name

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A Little Plant Like This Menaces Future of NRA.

has been news trequently during the last few months in connection with adverse decisions he has rendered on the TVA and other projects of the New Deal. Beicher defended his position with the counter-charge that the whole recover act was unconstitutional. He named four grounds in support whether or not the NRA was constitutional.

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tion.

4. The NRA takes property without due process of law.

Offic a Perfect Test.

Right here in a nutshell are practically all of the constitutional objections that might be raised against the NRA, and that is what makes the Belcher case so perfect a test. There are many other cases where one or two of the individual counts might be called, but in this one they are all brought to the judicial attention of the Supreme court at one time. It should be a case of life or death for the Shu Engle.

Unusual in Itself is the clear-cut, open and above-board manner in which the case comes to the nation's first judicial body. It will

The Belcher case is not the only one involving the NRA which come up before the Supreme court close in spring term. There are severa



Gen, Hugh Johnson and Marvin McIntyre Reading Messages Pledging Support to Preside

determine with certain definitene the prime issues of the New Deal. It goes directly from the District court to the United States Supreme court, without even a hearing in a Circuit Court of Appeals, with that court's opinion making one more target for the attack of opposing attorneys. Judge Grubb's decision was made without even a written opinion. The only point of issue is the Constitution of the United States.

The NRA will, indeed, as Gen. Hugh S. Johnson put it, be "dead as the dodo," if the Belcher case stands up. If the codes of the act are not permitted to control the minimum wages and the maximum working hours of those engaged in

alleged benedit to labor. The observance of its labor provisions are entirely dependent upon trade prac-tice provision of codes. And this

The government's defense in the Beicher case will be carefully planned, for several reasons, al-though of course its detail will not be revealed until the argument be-

Future of NRA.

What is to become of the NRA will must likely be left to the end of the present semion of coogress; it may even be passed to the next by deciding upon a continuation of the necessary and if, of course, it is

others, but they do not strike so definitely at the heart of the whole structure.

Action Seems Necessary

Dissatisfaction of industry with the codes of NRA has risen until of late the administration has seen the But in America. necessity of action upon the future of the recovery program as soon as possible. Publicity of articles by General Johnson and other fac-tors have impressed the idea that public opinion has placed the administration as abandoning the NRA. In contradiction of what might be called an undercurrent of public opinion, Donald R. Richberg, the administrator of the NRA, has committed himself as in favor of its continuation without altera-tion for the time being at least.

Object of some national attention Liberty league as to the future of called "a blend of straight whis-NRA. It agrees that NRA must be kies" if the distillers so dealed. but lays down six "guiding principles" under which the continuance must be administered. They are:

1. Continuance of nousual executive authority should be only for a limited period, with ne attempt to enact permanent legislation now.

2. Congress should "guard zealously its prerogative under our plan
of government in which there are
three co-ordinate branches, the legislative, the executive and the ju-

ereignty of the states should be avoided.

4. Self-government in industry should be the goal in promoting re-

5. Rights of employers as well as employees, should be preserved, with hours and wages not "to impose excessive burdens upon industry."

6. Emergency legislation should not be a vehicle for "experiment-ation with untried theories." "The American people are will-

"The American people are will-ing to confer emergency powers upon the Executive," says the league. "But they hesitate to write them into permanent laws. . . . It was perhaps well that the Ex-ecutive had a free hand at the

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restanding of the ice, Irish whisky is cotch whisky is not a ruling of Choste ruling of Cho

a certain flavor or

quality.

This is not actually an objection—to one who knows his whisky. In fact, until the Scotch began "blendtside Scotland. It was a little too ngent for the English taste, for ele. At a hearing before the commission, several years before the World war, it was testi-fied that not a drop of straight Scotch had been sold commercially for years—in fact, not slice just before 1805, except once at a the Despite heavy advertising and boosting, the English did not like the straight Scotch, and continued to buy the blended brand they were used to.

But in America, due to Doctor Wiley and to prejudices built up during prohibition against the addi-tion of alcohol, "entting," etc., the word "straight" has come to be a

word "straight" has come to be a very real selling argument.

The Irish distillers wanted to take advantage of this, and were doing so in their advertising in this country last spring and summer. Then came the ruling they could not label their whisky "straight."

"Trish whisky is not straight." Choate insisted to the writer. "Every Irish distiller mixes products of different years."
In short, Irish whisky could be

But not "straight"

But meantime, due to some of the atrocious tasting "blends of straight whiskies" marketed in America, a prejudice against this term had grown up. In fact, two big whisky concerns capitalised that and by making blends of actually aged whisky with neutral spirits, with no new whisky to rain the taste, had run away with the market.

### To Settle Feud

Inside information is that President Roosevelt will settle the feud over stimulating exports between Cordeli Hull, secretary of state, and George Peak, "special advisor to the President," in favor of Hull.

President," in favor of Hull.

This will break the log jam which has been bogging down the reciprocal trade agreements on which Hull pinned so much hope. Hull has favored reciprocal trade agreements, retaining the "most favored nation" clabse. Peak has favored direct barter agreements between governments.

There is not the slightest sign of an ending to the tend. Both men are determined and stubborn. Neither is giving any sign whatshever of yielding. Peak still stands firmly for barter, with government, of both imports and exports. Hull still stands strongly for the reciprocal trade agreements, which would give equal advantages to all foreign nations not discriminating against the United States, and for permitting trade to flow naturally, through normal channels, with no reciprocation, or other way.

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e Hull Vict

centage of all German imports.

So the blocked marks on the market are selling at a very sharp discount. Germany in deliberately encouraging this discount, figuring that the profit which would accrue to anyone using them to buy German goods for some other country will eventually break through the deadlock. Purchase by the United States government, under the Peak agreement now on the President's desk, of some forty million dollars' worth of blocked marks, in addition to those already for sale, would accentuate this situation sharply.

Foreign Trade

Thuminating the generally une timated value of foreign trade American workers, a computation that no less than 12,000,000 American last year were dependent of American exports has been propared by one of the experts woring on the problem of how to grome activity in the apparently active negotiations for more relative negotiations.

"Btarting off with the sutomotive negotiations of the house, were some 350,000 cars, trucks at busses exported from America."

"Fabrication of parts purch "Fabrication of parts purchased from outside factories, the pro-duction of basic raw materials and other processes are additional, the total of which may be guessed as doubling the work done in the su-tomotive factories. Adding a modest amount to cover transportation, both during and after fabrication, and such other things as sales force, executive supervisions, ac-counting, bank clearances, etc., the estimate of 500 hours per automoest amount to cover trans tive.

"Now, if you multiply 500 ho by the \$50,000 units exported last year, we have at least 175,000,000 hours of labor, which, at 35 hours a week, makes 5,000,000 weeks or 100,000 years. And bear in mind that this is direct labor.

## Overseas Car Sales

"But this is only the beginning. Overseas sales of automotive products other than new cars and trucks are large, embracing parts, accessories and garage equipment (spark plugs storage batteries, tires, brake lining, gears, pistons, rings, valves, carburctors, etc.) required in expanding volume to service the automobiles in current operation in other countries. No practical method exists for estimating the labor time involved in such exports in 1984, but I would guess it as 20,000 years. Thus, we credit the export section of the automotive industry with having supplied an equivalent of 120,000 years of work to American workers in 1984.

"Automotive exports are a tenth "But this is only the beginning

the enemy's line. As the gun coared, two of them dropped dead and the third was seriously wounded.

Champlain could not have realised it then, but his was truly a "shot of destiny." For this was the first contact of the Iroquois with the French and their hatred for these white men dated from that day. It made them allies of the English and made them allies of the England and in the long struggle between England and France for domination of North America, the aid of such wariors, perhaps the most ferocious of the continent, played a declaive partial favor of Great Britain.

### "ON TO RICHMONDP"

EARLY in June, 1861, the editorial column in the New York Tribune declared "THE NATION'S WAR CRY: Forward to Richmond! Forward to Richmond! The Rebel congress must not be allowed to meet there on the 20th of July. By that date the place must be held by the National away."

Composed by Fitz-Henry Warren of the Tribune staff, it was run by order of Charles A. Dana, then managing editor. But every one believed that Horace Greeley had originated it.

insted it.

Day after day it appeared. Soon the whole North had taken up the ery, "On to Richmond!" By July the government could disregard it

o longer. Gen. Irvin McDowell was order

Gen, Irvin McDowell was ordered to advance with his raw, untrained troops. The result was the battle of Bull Run on July 21 when the Union forces were utterly routed with a loss of nearly 8,000 killed, wounded and missing.

The disaster was a terrible blow to the North. Greeky published a signed statement disclaiming responsibility for the defeat. But he was biamed for it, nevertheless, His bitter anemy, James Gordon Beanest of the Herald, said that the Tribune editor should be tried for murder

of the Hersid, said that the Tribune editor should be tried for murder because he had sent all those brave young boys to their death. Greeley was so overwheimed by it all that he was prostrated for six weeks with an attack of brain fever.

Later he rose to heights of editorial influence perhaps never equaled by any other man. But by many Americans he is still remembered as the editor whose slogan pracipitated a great disaster to our arms and to our pride.

# A LITTLE MORE GRAPE

ON FEBRUARY 20, 1847, Gen. Santa Anna's Mexicans broke through the lines of Gen. Zachary Taylor's American army at Buena. Vists and were about to cut of one mask. Then a little battery and a few Kentucky volunteers, commanded by Capts. William Tecumseh Sherman and Braxton Braze, swung into action. For a few precious moments they beld up the Mexican advance.

ments they beld up the Mexican advance.

General Taylor, coming on to the field, saw what they were doing. Yanking off his old straw hat which he (the most unmillitary of heroes) wore, he awing it over his head and shouted:

"Glyw 'em h.—!, Captain Bragg!"

A few hours later Santa Anna's hosts were in retreat. Soon the Uplied States was ringing with the praises of Gen. Zachary Taylor, 'The Hero of Busch Vista.' The next year the Whigs selected him as their candidate for President. They needed a good alogum for the campaign and his ramark to Captain Bragg provided it.

"Heganical of language was considered vary lopportant in that squambals era. True, Taylor was known as "Old Bough and Reado" to his soldiers, but the Whigs were a bit dublous about the use of "h.—!" in their slogan. So the parliam nempapare edited his remark on that faitoric occasios. They missipped "a little more grape" to that questionship want meaning that Captain Bragg should blugt the



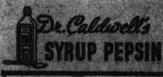


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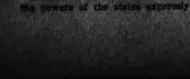
iquid laxative, at any drug store.



Emotions are far nearer to the prings of action than are thoughts.







with adverse decisions he has rendered on the TVA and other projects of the New Deal. Beicher defended his position with the counter-charge that the whole recovers act was unconstitutional. He named four grounds in support of his ciaim. The judge lost little time in susiaining these grounds and dismissing the indictment.

