

Editorial

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opinions solicited.



SEES KRUG AT FAULT FOR COAL MINE STOPPAGES

Responsibility for the soft coal dispute was pinned squarely upon Secretary of the Interior J. A. Krug by AFL President William Green, in an editorial which he prepared for the American Federationist, monthly AFL publication. "The Secretary," Mr. Green asserted, "obviously relied upon the theory that the Krug-Lewis contract was not a contract, but an executive mandate. He persuaded the Administration that in operating production properties, the Government carries into business an attribute of sovereignty that puts it above the law."

Citing the provisions of the Norris-La Guardia Act designed to protect labor, Mr. Green added:

"The principle involved is vitally important. When the government undertakes to operate production facilities or services—activities quite apart from governmental functions—should the government conform to the standards and procedures found suitable for other employers? If the government is free to reject principles established as best practice to assure justice for all concerned, do we as citizens of a democracy wish legislation that permits government representatives to compete with private enterprise and operate without regard to the legal rights of employers and employees?"

"Determination of work processes by the injunction process makes workers an underprivileged 'class'—denied equal opportunity and subject to judge-made laws. The Administration has reverted to discredited methods.

"The American Federation of Labor convinced Congress that such abuse of the equity process was unjust and should not be permitted to deny organized workers their rights. The Administration now makes it necessary to convince Congress that the same law should apply to all employers—public or private.

"There always follows in the wage-of-war terrific impact of conflicting interests, increased because of opportunity for change. Social and political upheavals have frequently occurred in these transitional periods.

"Against the conflict of opposing conceptions of a way of life in the United Nations which we are witnessing, we have a similar conflict in our domestic economy. We had made great progress before the war in extending opportunities for economic betterment to all groups and in establishing the idea that workers as well as those managing business had a right to negotiate a contract stipulating terms under which work was performed.

"The reactionaries now seek to establish arbitrary instead of democratic government for workers. The permanent trends in history are for greater freedom for more people. Neither political nor economic despots can permanently stop development toward this end. But whether progress is constructive or bloody depends upon how deeply there is imbedded in the minds and hearts of all an appreciation of the dignity of every human person as well as responsibility for honesty in all our dealings.

"We face a future beset with serious dangers. The elements of reaction are doing all possible to destroy labor's gains. Labor must strive to conserve the ideals of freedom and opportunity that are our rich heritage. Honest devotion to these ideals will see our nation through this crisis."

"LEA ACT DECLARED UNCONSTITUTIONAL

The United States District Court in Chicago this week handed down a decision holding as unconstitutional the Lea Act, frequently referred to as the "anti-Petrillo law," and exonerated James C. Petrillo, president of the American Federation of Musicians (AFL), of criminal charges filed against him under that statute.

In declaring the law invalid, a goal long sought by Petrillo in his consistent battle to erase this act from the books, Judge Walter J. La Buy ruled out an information which charged Petrillo with violation of the statute by calling a strike of his musicians at a Chicago radio station.

Rep. Lea of California, House sponsor of the act, strongly intimated that he would press at the next session of Congress for a tightening of the law to bring it in line with the Constitution. U. S. Attorney J. Albert Woll announced his intention of carrying an appeal to the Supreme Court.

Judge La Buy asserted that, in his opinion, the Lea Act was a violation of the First, Fifth and Thirteenth Amendments to the Constitution.

Conceding that Congress is not powerless to act "or that the objectives of this act are beyond the reach of Federal legislative control," the court ruled, nevertheless, that the legislation concerned in the test case sought to make musicians "a class separate and apart from all other employees" throughout the country.

The test case began May 28, when Petrillo sought to have three additional record librarians employed by Station WAAF. Two weeks later the Government filed a criminal information against him.

During the trial, Petrillo contended that the Lea law was "onesided and discriminatory" because its sponsors "purposely and intentionally framed it" to discriminate against radio stations and to protect the profits of stations.

The court found that under the Lea legislation broadcasting employes have not the same rights and privileges as other employes; they are penalized and prohibited in the contractual negotiations, while other employes enjoy the right which is denied them.

"The Fifth Amendment," Judge La Buy held, "imposes a restriction upon Congress, not specific, but equally effective as to arbitrary classification.

"The guarantee of peaceful picketing is found in the specific guarantee of freedom of speech by the First Amendment; the guarantee of freedom to withdraw from employment or refuse to accept employment is found in the specific guarantees of the Fifth and Thirteenth Amendments.

"This statute could be used to deprive the members of the musicians' union of the right to quit work collectively as a means of enforcing their demands with reference to the making of a new contract. All other employes of this country have the right to quit work collectively in order to use their bargaining power; they have the right to strike in order to enforce their demands."

Informed of the court's ruling, Petrillo declared: "Thank God for the Federal courts, where they preach and practice democracy, where they say that the Constitution applies to musicians as well as to the National Association of Broadcasters, and where they say Congress cannot discriminate against 200,000 musicians."

LABOR—U. S. A.

The twenty-first edition of the American Federationist of the Air, broadcast on the "Labor, USA" program over the American Broadcasting Company network, included the following outstanding feature articles to supplement the news:

THE COAL CRISIS

By Boris Shishkin
AFL Economist

The mining of bituminous coal in the United States has stopped, although no strike has been called. The miners have individually and voluntarily refused to work without a contract prescribing and safeguarding the standards of their employment, in accordance with their long-established tradition.

The responsibility for this halt in coal mining which vitally affects every industry and every family in the nation rests squarely upon the government. It is the result of a calculated and deliberate imposition of arbitrary compulsion upon a group of American workers who are required to do the toughest and dirtiest job in the nation's industry. For such work their perennial reward has been poverty, insecurity, accident and sudden death.

I am not free to discuss the merits of the issues involved in the coal crisis. The War Labor Disputes Act denies to me and to you and to any other person the right of free speech regarding a work stoppage in a plant or mine seized and operated by the Government. It imposes a criminal penalty upon anyone who utters words that may be interpreted as an encouragement to workers who refuse to subject themselves to involuntary servitude.

I will tell you, however, some of the facts at the heart of the coal problem. The scheduled workweek in all the mines calls for 54 hours a week, or nine hours a day every day of the week except Sunday. The average miner goes down in the shaft when it is still dark and comes out of the mine after nightfall.

While working underground he is in constant danger, not only to his health, but also his life. But even if he escapes such hazards his strength is sapped and his life is shortened because he works in the dark without fresh air, inhaling dangerous gasses and literally eating coal dust. He can see sunshine only on Sundays. But the sun does not always shine on Sundays.

The labor cost per ton of coal is about \$2. The price of coal mined and delivered to the railroad yard averages \$3.75 a ton. The retail price for the same ton of soft coal paid by the average American family this fall was over \$12. So you see, the coal miner gets only about one-sixth, or 17 per cent, of what you pay for your coal.

The average hourly straight-time pay of the coal miner is \$1.18 1-2 cents an hour. The comparable base pay in automobile manufacturing today is \$1.35 an hour for lighter and much less dangerous work.

Coal mining is a sick industry. Its economic problem is a chronic one. It exists not only in America but in every nation where coal is mined. England and France and Belgium have recurring coal crises, too.

We will never solve the coal crisis by the unrealistic method of trying to place the blame on any particular individual or union. Not a single ton of coal can be mined by bayonets or court injunctions. We have to dig deeper than that for the basic solution. We have to establish conditions which will give the coal miners, the industry and the nation's consumers industrial peace and economic security.

THE HIGH COST OF GIVING

By Berniece Heffner, Secretary-Treasurer of the Government Employees

With prices still going up and the cost of living continuing to mount, the hard-pressed wage earners of the nation are now

confronted with a new problem—the high cost of giving.

Never before have the prices of Christmas gifts been set so wickedly high. Anyone who has tried to do some early Christmas shopping, as I have done will be able to confirm that statement from personal experience.

Especially is this situation true with regard to gifts for the children. Good quality clothing for kids is too expensive for most budgets—and low-priced clothes have disappeared from the store shelves. Toys have also felt the effects of inflation. It takes a good-sized chunk out of a week's pay to buy a doll. As for a toy train for junior, it's almost necessary to float a railroad loan to purchase one.

Now people are naturally inclined to be generous at Christmas time. Even ordinarily careful shoppers don't like to look at price tags when it comes to gifts for those they love. But the heavy tide of holiday buying at exorbitant prices is bound to become part of an inflationary sweep which will effect the cost of everything all of us need in our daily lives.

So you will be doing yourself and the entire country a favor if you don't buy luxury gifts this year. Competitive bidding for scarce articles will only push prices higher. I am not advocating a buyer's strike—but I do think it will be wise to buy only useful and economical presents this year.

And I might add that it will pay you to look for the union label before you buy. The union label guarantees that the article is made in America by skilled workers under decent and sanitary conditions.

There is one gift that is always appreciated and which has not gone up in price, a gift which will increase in value as the years go by. I refer to United States Savings Bonds. That kind of giving does not add to the cost of living.

FALSE ECONOMY

By Frank Fenton, AFL National Organization Director
The Department of Labor announced the other day that forty men will have to be dropped from the staff of the United States Conciliation Service before the end of the year for economy reasons.

This is one of the worst examples of false economy in the Government service which has ever come to my attention and I am certain that the American people will agree with me.

At this moment, the nation faces a period of serious labor unrest. The reasons for it are obvious. When prices for the necessities of life keep going up, workers are forced to seek higher wages. It is not my purpose here to argue the merits of the disputes which are looming between labor and management in many fields. I merely want to emphasize that such differences are bound to arise unless conditions change suddenly in the months ahead.

The American Federation of Labor believes that disputes over wages and other labor-management problems can and should be settled by collective bargaining without resort to strikes. But frequently collective bargaining is thwarted and cannot even begin to operate for various reasons—including the best, normally generated by a dispute. That is where the Conciliation Service steps in.

As a neutral party, with the prestige of the United States Government behind him, the Department of Labor conciliator can almost always prevail upon the employer and the union representatives to sit down together and listen to reason. The Conciliation Service has a magnificent record in avoiding strikes. It also has a good record in bringing about prompt settlement of strikes that otherwise might have become seriously prolonged.

Under these circumstances, it

becomes evident that to cripple the staff of the Conciliation Service at this time would be a tragic mistake.

As a member of the labor-management advisory committee to the Conciliation Service, I have consistently urged that the number of conciliators be increased and that their standards be improved so that the highest type of men and women can be attracted to these vitally important jobs.

It is high time that Congress stopped treating the Department of Labor as a step-child and provided ample funds for its efficient operation. Then the nation would be far better equipped to establish and to preserve industrial peace.



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