

# Coal Mining Town Hopes Court Test Will Decide: 'Just What Is Legal Picketing?'

FAYETTEVILLE, W. Va.—A case which eventually may answer the question "When is a picket not a picket?" is about to be heard in county court here.

The case, involving validity of Fayetteville's new city picketing ordinance, will be heard on April 8, and is expected to be appealed to higher courts for a final decision. The ordinance in question prohibits picketing of a plant where a majority of employees have not indicated either membership in any union or any desire to bargain collectively.

The decision, if carried high enough into the courts, may set a precedent affecting local picketing laws throughout the country, many of which have been passed in an effort to mark a line between legal and illegal, demonstrative and coercive, rightful and wrongful picketing.

**C. I. O. Involved**  
Fayetteville, population 1750, age 102, is in the very heart of the great West Virginia bituminous coal field. That field is 100 per cent organized by the United Mine Workers, foundation stone of the C. I. O.

The Wholesale and Retail Clerks' and Employees' Union is one of the new affiliates of the C. I. O. Its method of organizing in the coal towns, where the coal miners dominate because the towns depend on their trade, brought about the present picketing test case.

Organizers for this union began approaching chambers of commerce, business clubs, or merchants direct, and presenting closed shop contracts covering all employees. Some of them were signed, after which employees had to join the union or lose their jobs.

**Some Balked**  
The plan worked fine, except that in almost every town two or three merchants refused to sign such a closed shop agreement without an expression of the wishes of their employees. Picketing by United Mine Workers' members immediately followed, with attempts to boycott. Streams of picket lines descended on the mine towns. Crowds jammed the streets to watch the demonstrations, and minor disturbances followed. Police were unable to handle the crowds.

Early in February the Clerks' Union came to Fayetteville with the same program. The Fayetteville Business Men's Club, a two-year-old organization of business and professional men and women, held long sessions and came out with this decision:

"The business firms of Fayetteville will bargain as a unit with the C. I. O. or any other union when and if more than 50 per cent of the clerks of Fayetteville signify such bargaining to be their desire, this desire to be shown first by their own affiliation with such a union."

**Passed Ordinance**  
Three evenings later the town council backed up this position with an ordinance "Forbidding the picketing of any firm—unless and until the employees of that firm have been organized under the terms of the National Labor Relations Act." Mayor Frank H. Brazie interprets this ordinance to mean that a majority of the workers must organize voluntarily before bargaining shall begin. J. R. Caldwell, president of the Business Men's Club and owner of the Fayette Food Company, put it this way: "We are offering you the apples if you want to pick them up. But we positively are not going to pick them up for you!" Picketing scheduled for February



Just 30 seconds after Howard Brown, union organizer, started picketing a Fayetteville grocery store, he was arrested, as pictured above, by Policeman Carl Ballard. The photo shows Brown with his picketing banner, at left. J. W. Ayres, manager of the store who later testified at Brown's trial, is shown at right in a white coat.

27 failed to materialize, and a test case had to be arranged. Howard Brown, organizer for the Clerks' Union, picketed the Kroger store and was immediately arrested.

**Organizer Fined**  
During the week pending his trial in mayor's court, organization efforts were made. Only three responded to a called meeting, and none signed. Protests against the ordinance flowed in from the surrounding miners. On March 8 the courtroom was crowded with 400 people. Mayor Brazie sentenced Brown to a fine of \$25 and 30 days in jail. Brown appealed and was freed on bond. Judge H. E. Dillon, Jr., West Virginia's youngest circuit jurist, elected a year ago at 32, will hear the case in Fayette County Circuit Court on April 8. From there the case undoubtedly will go to the West Virginia Supreme Court.

In the meantime there has been no picketing in Fayetteville. Threatened boycotts have failed to materialize. Other nearby cities are awaiting the decision, and will probably pass similar ordinances if this one is upheld.

Carried still higher, beyond the state field and into the national courts, the Fayetteville picketing case might well set a precedent in defining the somewhat hazy field of the legal rights of pickets.

## 4-H CLUB PLANS REORGANIZATION

4-H Club boys and girls of the Rayne township community will meet at the Kellysburg hall Friday evening, April 8, at 8:00. County Agent Warner will discuss 4-H club projects and enrollment for the club will be taken by the club leader, O. B. Washington.

For the past few years the Home club has taken up potatoes and rapans, sponsored by the Indiana Kiwanis Club.

A similar meeting is being held Thursday evening, April 7, at the Flora Dale Grange Hall for the formation of a 4-H Club in that community, sponsored by the Flora Dale Grange. Elmer Brackel has been the very active club leader for the Flora Dale Club.

It is believed that a 4-H dairy club will be formed at Flora Dale.

## Czechs Prepare for 'the Worst'



Strange looking traffic cop, this policeman in Prague, Czechoslovakia. But he has a very definite purpose in donning that gas mask, for the nation never knows when it may be forced to defend itself against Nazi invasion. This picture was taken as Prague, its nerves on edge since Hitler's Austrian coup, staged the greatest anti-air raid exercises in the history of the beleaguered democracy.

## New Dress For Senior Girl Scouts



Senior Girl Scouts now have this official new dress that was designed especially for them and approved by the national organization. Of deep forest green acetate, the one piece dress is made on princess lines, with a flared skirt, zippered blouse, small rolled collar and short, slightly puffed sleeves. The dress, which is for the fourteen to eighteen year olds in Girl Scouting exclusively, was shown for the first time at a recent fashion show in the Engineering Woman's Club in New York City.

## NEWSPAPERS PROUD OF CLUB

Phila. News Agency Boasts of Aptitude for Public Officials

PHILADELPHIA, April 5.—(AP)—Every newspaper is proud of its club reporters who "went places" in the business, but a 66-year-old Philadelphia news agency boasts an aptitude for producing public officials.

The court news combination, which "covers" all the courts in Philadelphia, has turned out two who reached Congress, one of them becoming U. S. Solicitor General.

It hasn't solicited "presidential timber" yet, but you never can tell. J. Hampton Moore, who served fourteen years in Congress, once worked for the agency as a \$3-a-week messenger boy. He also was a reporter, city treasurer and twice mayor of Philadelphia.

The late James M. Beck studied law while writing court news. He became a U. S. district attorney, solicitor general and a congressman.

Another "honor grad," George W. Norris, came to be governor of the Federal Reserve Bank of Philadelphia. Thomas Robins was appointed prothonotary to the Pennsylvania Supreme Court.

The late Lewis B. Fife, a son of the founder of the news agency, jumped from its ranks to the indictment attorneyship of the grand jury.

Some of the agency "alumni" of course, have risen high in newspaper work. Horace B. Fife, present manager, has lost track of those who left the city.

It's the knowledge and experience gained from contact with judges, lawyers and public officials, daily attendance in court and the study of intricacies of the law that qualify newspapermen for government posts, Fife says.

In the old days reporting made a

## HILLSDALE

Rev. Shockey of Cherry Tree, Rev. Ivan Fetterman of Wilgus and Rev. Straw of East Mahoning Church, attended the Young People's meeting Monday evening here at the Wesleyan Methodist Church.

A large crowd was in attendance and the program was enjoyed by everyone. The next meeting will be held the last Monday evening in April, at the Montgomery Brethren Church.

Mr. and Mrs. Frank Spicher of Bowdowntown were callers here Monday.

Mr. and Mrs. N. A. Ralrigh spent Thursday evening at C. Cassidy's.

A number of folks attended the Felix Trimble golden wedding at Cookport Saturday.

Mrs. John McMillen of DuBois is reported some better at this time.

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Jesus said unto him, I am the Way, the Truth, and the Life; no man cometh unto the Father, but by Me.—John 14-6. Adv.

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