

GOOD EVENING EVERYBODY:

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I wonder what all of you are thinking tonight, about the President's surprise declaration today! I wish I could fathom the immediate ^{national} reaction to the proposal to alter the federal courts, including the Supreme Court. It's one of the most significant decisions ever put before the American people.

~~First, let's think for a minute about~~ (The most sensational of the half a dozen proposals that emanate from the White House ^{is} _^ the one about the Supreme Court. This would give the President the power to appoint a new member to the court for every justice who is over seventy ^{and who} _^ ~~and~~ shows no signs of retiring. ~~But~~ Such appointments ~~shall~~ ^{to} _^ not increase the number of the court to more than fifteen.)

From a constitutional viewpoint, there's nothing so startling about that. The Constitution doesn't provide for any set number of Supreme Court justices. The tribunal in fact has varied in number from time to time. When it was established in SeventeenEighty-Nine, it had six members. It had only five members in Eighteen One. Seven in Eighteen Seven. It reached its present number of nine inEighteen Thirty-Seven. But it was increased to ten in Eighteen Sixty-Three, reduced to seven inEighteen Sixty-Six. Went back to Nine in Eighteen Sixty-Nine, and has stayed nine ever since. So it's obvious that there's nothing dog^matic in American history about the number of Supreme Court justices. In fact, it has been recognized repeatedly that the government could add more members to the court, as it saw fit.

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The President approaches the court problem from the viewpoint of age - the burden of years. He emphasizes the fact that there's no intention of having a compulsory retirement time for the judges. They were appointed for life, and that stands. The President refers to the possibility of a judge being

incapacitated because of age. So, if he doesn't retire, a new man ^{would} ~~man will~~ be placed along with him, and ^{that would} ~~will~~ be a help ^{says} Mr. Roosevelt.

^{Who then} argues that even if a judge at seventy is in the fullness of his powers, an addition of another judge won't do any harm.

In a broader sense, he holds that it would be a good thing to put new blood in the Supreme Court.

Yet of course the inferences ^{go} ~~go~~ a long way beyond mere questions of age and efficiency. The ^{plan presented} ~~law important~~ ^{would give the President} ~~giving~~ the power to appoint new justices right away, appoint them

to the limit in fact. Right now six of the nine judges are seventy or more. Six plus nine is fifteen, and that's the full and final number which President Roosevelt proposes. ^{So he} ~~he~~ could put the number up to fifteen right away.

We can't help thinking about the political possibilities of all this. (The addition of six New Deal members would radically change the complexion of the court with reference to liberalism and conservatism, pro-New Deal and anti-New Deal. The phrase inevitably suggests itself - packing the court.) And all of this is sharpened by the fact that the high tribunal

is soon to give its verdict of one of the basic Roosevelt policies - the Wagner Labor Act. ^{Many lawyers are sure} ~~Maybe the President is sure~~ the nine justices will say - "unconstitutional." Now, the court is confronted with this new proposal, which ^{would} ~~it~~ affect it so profoundly.

Thus we see that in addition to the old age and greater efficiency angle - the immediate political aspect is ~~almost~~ startling.

The other proposals the President makes mostly concern lower federal courts, the ones below the supreme tribunal.

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These proposals have one general meaning:- The President says ^{our} ~~the~~ ^{Federal} present ^{judicial} system is much too slow. It takes too long for cases to pass up the line from the lowest court to the Supreme. He points out that laws passed by Congress have to run the long complicated gauntlet, before ~~they're finally~~ they are finally affirmed. He says laws can't ^{properly} go into effect right away ^{if} if months and months go by before anybody knows whether they are finally declared constitutional or not. Thus the legislative function of Congress cannot be swiftly effective, if everything

it does has to drag through the courts like that.

To remedy this the President proposes several things!~

One, ~~is~~ that no federal court shall be allowed to decide whether a law is constitutional or not, without giving the government ample notice - time to prepare its case. Another thing - cases that concern the constitutionality of ^{any} law shall have the right of way. They'd be rushed right to the Supreme Court, letting other kinds of cases ahead of them wait.

Then - there's a proviso for the shifting of federal judges from one district to another, shifts that would promote speed and efficiency. Furthermore, ^{he proposes} a proctor, a new kind of officer in the service of the Supreme Court, an official whose duty it would be to watch the lower courts and see to getting things done. By the appointment of this proctor, the Supreme Court would be able to speed up the lower federal courts and keep things moving. ^H Mr. Roosevelt summarized the whole thing by saying that if the ^{alterations he} ~~changes~~ ^s ~~he~~ suggested ~~ed~~ were made, ^{that} ~~it~~ would eliminate any need of a constitutional amendment. With this judicial change, he'd have no idea of a constitutional change.

The president announced this most unexpected plan of

court revision to a meeting of the Cabinet and the Judicial Committees of both Houses of Congress. And no sooner had the news hit the headlines than the argument was in full blast.

Senators and Congressmen say ^{ing:} "Yes, we are in favor of it."

Other legislators shake ^{ing} their heads emphatically - "No, we are against it." The cleavage of opinion splits ~~right~~ ^{across} ~~through~~ party lines, with some Democrats disagreeing as violently as Republicans.

Those in favor say the plan will make the whole business of government work a lot better. Those against, concentrate on the

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contention that there ^{must} ~~should~~ be no pampering with the Supreme Court, *tossing the high tribunal into politics.*

Today's presidential proposal provides material for one of the hottest debates Congress has ever seen, and also - a debate throughout the nation.

STRIKE

Once more the news from Detroit is -- still in conference. The peace parley between General Motors and the Union is going on right now. There's no word about what is being accomplished. All we can say is that that series of conferences, one after another, shows all signs of a stubborn determination on both sides to arrive at a settlement.

Dramatic possibilities were opened today, when (Sheriff Walcott at Flint called for soldiers -- soldiers to turn the sit-down strikers out of the plant. The court gave the Sheriff an order to force the men out, and the Sheriff in turn has called upon Governor Murphy for the National Guard.) The Governor hasn't taken any action yet -- on that demand to have the National Guardsmen march against the men who are sitting down.

RUSSIA

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Ever since that latest Communist trial and the executions of the old Bolsheviks, there have been rumors about strange doings in Soviet Russia. Most reports of the sort can be discounted, coming as they do from Warsaw or Riga - ~~some~~ places out of Russia. But these latest rumors have been peculiarly insistent - especially today, when we have a whole crop. One states that there has been insurrection and a flaming outbreak of arson in Moscow. This comes from Poland. Paris publishes the news of the arrest of a prominent Red Commissar, Vorokine by name. And Berlin Nazi newspapers tell of students parading through Moscow and shouting - "Down with Stalin!" This rumor adds that the Ogpu, the dreaded secret police, opened fire on the students, killed fifteen and wounded forty.

But most interesting of all is a story ^{from} ~~printed in~~ London - a report that ^{puts the} ~~brings a beam into the~~ limelight on a forceful middle-aged figure, short but formidable, only five feet five in stature - but everyone of those inches a soldier. Voroshilov, Commander of the Red Army. He's a Cossack by origin, born a member of one of those wild riding communities of the

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Russian Steppe. ^{Very} ~~so~~ little education, learned to read and write at twelve - then immediately became a Socialist. He and Stalin were fellow conspirators, working together in their youth, plotting for the revolution. After the triumph of Bolshevism, he was a predominant figure in the building of the Red Army - second only to the Red Warlord, Trotsky. Under the dictatorship of Stalin, Voroshilov became Red Army Commander, and he's known in Russia as Stalin's right hand man. It is known, however, that from time to time he has disagreed with the Man of Steel on military questions. ~~He had~~ clashes of opinion, with Voroshilov, speaking plainly and asserting his will.

Recently, I've had occasion to get a visual, eyesight impression of Voroshilov's importance in the Soviet regime. At ~~the~~ ^{on Movietone} newsreel ^{studio,} in connection with the Soviet trials and executions, we went over a series of pictures covering the last twenty years - films of Soviet leaders. One thing was particularly noticeable: ~~and I talked with Truman Talley, Chief of Movietone,~~

~~about it.~~ ^{In} The old pictures of the days of Lenin, you could always see the dominant place taken by the old political chiefs of Bolshevism - Trotsky, now in exile, Zinoviev, ^{H. Menell} ~~Kaplanov,~~ and ~~others~~

others since executed. Always the Communist politicians were in the foreground, civilians. But as the pictures ran down into the Stalin dictatorship - a striking change was noticed. In the foreground now, you saw the Red Dictator surrounded, not by political leaders, not by civilians - but by officers. The chiefs of the Red Army ⁱⁿ ~~took~~ the commanding place, ^{giving a} ~~which gave a~~ strong ^{tone. - uniforms.} military ^{impression.} The news reel pictures seem ^{ad} to tell a story of how the Soviet regime is turning military, the dominance of ~~Red~~ the Red Army. And always ^{there} ~~in the foreground~~ with ^{- Just behind him -} Stalin - ^V Voroshilov, the Red master of war.

All of this provides a suggestive background for the scene described ^{from} ~~in the~~ London ^{today} newspaper. It tells of a parade of Red soldiers before the Kremlin. And they were shouting ^{loud} ~~a lot of~~ cheers - cheers for Voroshilov. No, not for Stalin, not a bit of acclaim for the Red Dictator. He was completely ignored in the cheering march of the Red battalions.

The Eng^{ish} ~~and~~ newspaper continues with the statement that Voroshilov and Stalin have quarrelled, because of the arrest of ~~Red Army officers~~ ten Red army officers in connection with those

Trotsky plots. Voroshilov demanded their release, and told Stalin that this suspicion of high officers was an insult to the army. The rumor concludes that Stalin has bowed to the military demand and has released the ten officers who were arrested.

All of these reports are denied by Moscow with special denials coming from Comrade Troyanovsky, the Soviet Ambassador in Washington. But they still persist.

KING

Word from London suggests the possibility of an interesting home-coming, an exile returning to his native land. The Duke, who was a king and before that a prince. Yes, the Duke of Windsor. They say he may return for two different occasions - both splendid with the pomp and state of royalty.

One - the coronation. Today's London dispatch gives us the report that King George the Sixth will invite his exiled elder brother to attend the ceremony of the crowning of the New King and Queen. The man who was Edward the Eighth - a guest, a visitor, a spectator, at the coronation which he himself renounced! I suppose it will be just as well, because the Ex-King will be at the coronation anyway - as a memory, a thought in everyone's mind, an unseen presence, a ghost.

There's a report too that Edward has been invited to attend a second pageant of royalty, one second only to the coronation itself in gold and glitter. This is - the Garter Service. It will be staged in the summer - that solemn convocation of the Knights of the Garter at St. George's Chapel, Windsor. They say King George wants his once kingly brother to come to London and take a part in deciding some tricky points about garters the etiquette

of the Garter Service. Tradition presents no similar case to go by - where a king gave up his throne -- and kept his Garter.

What place should the Duke of Windsor now be entitled to? That's the point which King George is said to want to discuss with the crownless Edward.

TOSCANINI

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Today's news brings an important message for all lovers of music. The message says - (Toscanini will return. The prince of orchestra conductors will come back to the United States next year - to lead an orchestra. But it won't be New York's Philharmonic, which he directed so long and with such glory. It won't be any public concert hall orchestra. It will be something still more public - for the radio public.) Right now the arrangements are being completed in Italy, with Samuel Chotzinoff, music critic on the NEW YORK EVENING POST, acting as a representative of David Sarnoff, President of the Radio Corporation of America. (They have persuaded Toscanini to return ~~and~~ in his seventieth year to take charge of a new ~~radio~~ N.B.C. symphony orchestra.)

This is made final and definite by a statement

I have here, an announcement by President Sarnoff of RCA. Here's the way it reads:-

"On behalf of the National Broadcasting Company and the other members of the RCA family, I invited Maestro Arturo Toscanini, the world's greatest conductor, to return to America and broadcast a series of symphonic concerts with the National

Broadcasting Company Symphony Orchestra.

"A contract has been signed covering the exclusive services of the Maestro in America for these radio concerts.

"This series of non-commercial programs will be given the widest possible distribution over the air, and will be presented to the listening public as sustained broadcasts of the National Broadcasting Company."

WEATHER

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And now -- let's not talk about the weather. It may be an interesting topic tonight, but I won't say a word about it. In fact, I tremble to think about it. On various occasions in times past I have had mocking letters from radio listeners, pointing out how I had passed along weather forecasts, which ~~were~~ ^{were} all wrong. I had said the weather would be fair, when it rurned out to be wet. I had repeated the forecast that it would ~~rain~~ ^{snow} and then it was sunshiny and dry, ~~which~~ ^{— d} was all wet.

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Now these recollections give me a qualm as I pass on to this next bit of news. It's about a man named Dangerfield, and he's in danger. He's a meteorologist out in California whose job is to tell the farmers when it's going to rain, or snow, and that doesn't sound so dangerous for Dangerfield. But today that California weather prophet went to the G-men and turned a letter over to them for investigation and prosecution. The threatening missive informed him that if he predicted rain ^{or snow} once more and it didn't rain, ^{or snow,} his life wouldn't be worth a nickel. He had better get ^{his weather} ~~rain~~ ^{right the} prophecy ~~the~~ next time, or he'd wake up in

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heaven. The ominous epistle ended with this signature: "A
Farmer Who Can't Stand Being Fooled All The Time." Tonight
weather prophet Dangerfield, having just made another ^{wet}~~weather~~
prediction, is praying for rain or snow.

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All of which leads me to repeat again that tonight I'm
not talking about the weather. ^{If I said snow there}
~~might be a heat wave~~ — and I might wake up
in Heaven. So-SOLONG UNTIL MONDAY.