

L. T. - SUNOCO, WEDNESDAY, OCT. 9, 1935

GOOD EVENING EVERYBODY:

The Mills of Gods are grinding smaller and smaller for a man who has been waiting eight months in the death house of the penitentiary at Trenton, New Jersey. Bruno Richard Hauptmann advanced one stage closer to the electric chair today. The judges of the New Jersey Court of Errors and Appeals decided against him.

All fourteen members of the Court, nine professional judges and five laymen, were unanimous. His trial was fair, they say; his conviction justified and there was no error in law on the part of Mr. Justice Trenchard. Not a jot of evidence admitted against the man that should or might reasonably have changed that Flemington jury's verdict says the higher court.

So there will be no second trial for Convict Number Seventeen Thousand, Four Hundred, as he is known in the grim house on South Broad Street in Trenton. That is, unless the Supreme Court of the United States intervenes.

This puts a quietus on much painful argument. Despite the emphatic verdict of guilty brought in by that jury of Hunterdon

County, New Jersey, a lot of people have been dissatisfied. <sup>Even</sup> ~~Some~~  
~~even~~ of <sup>the Flemington jurors'</sup> ~~that jury's~~ neighbors have expressed themselves as un-  
convinced. Their attitude is that Hauptmann undoubtedly had the  
Fifty thousand Dollar ransom paid over by Dr. Jafsie Condon,  
acting for Colonel Lindbergh. But, they say, they cannot believe  
that he, alone and unaided, climbed into the Lindbergh house near  
Hopewell on that frail ladder. <sup>That he</sup> ~~and~~ unaided snatched the child from  
his little bed. <sup>¶</sup> Such has been the burthen of conversations I have  
heard and overheard every time I've been anywhere near Flemington  
since that sensational and fantastic trial. And only recently  
Hauptmann's former leading counsel, Edward J. Reilly, wrote an  
article for LIBERTY, in which he restated his belief that the man  
who used to be his client was at least innocent of the murder.

But it becomes difficult for any doubts to survive  
in the face of this decision by the Court of Errors and Appeals.  
New Jersey, with rare wisdom, includes five laymen in the  
membership of that important tribunal. This is designed to  
minimize the chances of decisions on purely technical, legal  
hair-splitting grounds. <sup>¶</sup> Furthermore, the judges of that Court have

given the utmost thought and time to their decision. The case was first presented to them in June. They had a complete record of the trial, more than a million and a half words.

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Actually, Hauptmann has three more chances for his life. His counsel might appeal on the ground that new evidence has been discovered. Or else they could appeal to the United States Supreme Court. For that they will have to show that Hauptmann's constitutional rights were violated at the trial in Flemington. And this is what the present leader of his defense, Lloyd Fisher, intends to do. So he said, after listening to the Court's decision. That, of course, will prolong this grievous case for many more months.

The question whether Hauptmann's constitutional rights were violated at the trial was among those put up to the New Jersey Court of Errors and Appeals. As we have seen, it was answered with a decided "No". If the Justices of the United States Supreme Court return the same answer - and they may, indeed decline to review the case - the last resort will be to the New Jersey Court of Pardons. However, six members of that Court are also members of the Court of Errors and Appeals. And the best they can do will be to commute

the death sentence to imprisonment for life. Observers have pointed out that this has seldom been done.

The iron face self-controlled German was not present when today's decision was read out. The news was conveyed to him in the death house by Lloyd Fischer. From all accounts, he received it with the same rigid lack of expression that marked his behavior throughout the trial, ~~except for two outbursts of passion.~~

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no returns and paid no taxes on a sum of nine-hundred-and-twenty-eight thousand dollars that he made from 1929 to 1931. If he's convicted he

can get eleven years in one of Uncle Sam's prisons, plus a fine of one-hundred-thousand-dollars. That's almost as severe as the

penalty that his once notorious colleague, Max Baer, was awarded two years ago.

At present Mr. Fischelstein is out on fifty thousand dollars bail. There's an action pending to bring him back from

New Jersey, where he was arrested, to New York.

SCHULTZ

We thought we'd heard the last of Mr. Arthur Flegenheimer, popularly known as Dutch Schultz. But we thought wrong. Though one jury disagreed about him, and another acquitted him, Uncle Sam is still determined to get that former Bronx beer baron's scalp. A new indictment was returned against him this afternoon by another Federal Grand Jury, and Dutch will have to stand trial again.

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COMMUNISTS

The American Federation of Labor has made a sharp retort to the boasts of the Comintern, the Communist Internationale. You may remember that in August there was a Communist Congress in Moscow. Red delegates from the United States were bragging of the progress they ~~made~~ had made over here and of the methods by which they were "boring from within," especially within the American Labor Unions.

The reply of the A.F. of L. was to kick out a Communist delegate. E. M. Curry, President of the International Brotherhood of Foundry workers was formally expelled today at the A.F. of L. convention in Atlantic City. The Labor chiefs say this expulsion is the first of a series. They are going to purge their <sup>rank</sup>~~side~~ of all Red members and sympathizers. Mr. Curry has made no bones about his Red <sup>opinions - beliefs.</sup>~~profession.~~ He ran for Congress on the Communist ticket in 1932.

GENEVA

Mussolini won a victory today and it wasn't in Africa. It was at Geneva in the Assembly of the League of Nations; no less. Incidentally, it was ~~xxxxx~~ a pailful of cold water in the faces of John Bull and France.

The delegates of two countries stood right up and said: "Count us out in this sanctions-against-Italy <sup>business."</sup> ~~game~~ Those two countries were Austria and Hungary. To be sure, their sympathy for Italy doesn't mean what it would have meant twenty years ago. At the same time, it does mean that there are two lands close to Italy from whom the Duce can obtain supplies.

It was a dramatic moment at Geneva. The hall was jammed to the doors. The Czechoslovakian, Dr. Benes, President of the Assembly, had opened the proceedings by reading the report of the Council, the report which called for the imposing of sanctions upon Italy. Dr. Benes then invited discussion, and ~~he~~ got it. He had hardly finished before Baron Pflugl arose to throw that bombshell into the midst of the other delegates. ~~He~~ "Austria", he said, "cannot concur." ~~Then he~~ added: "We are loyal to the League, but we cannot forget that at a crucial moment in Austria's history

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it was Italy who did most to preserve our integrity." He meant, of course, the prompt action of the Duce when the Nazis assassinated Chancellor Dolfuss and tried to capture Vienna. The Duce, as you will recall, swiftly moved a strong force of troops to the southern border of Austria, ready to take instant action in case it was necessary. <sup>R</sup>

Baron Pflugl was followed shortly by the delegate from Hungary, who echoed his neighbor's sentiments in somewhat milder

terms. <sup>R</sup> Back home in Vienna it was admitted that the Austrian

Government had authorized this step not without considerable

misgivings. Italy put Austria in an awkward and politically

embarrassing situation. However, that situation was embarrassing

to begin with. For one thing, Italy buys more Austrian products

than any other country. And it's pretty tough to be required to

vote against somebody who has not only stood by you in a crisis,

but is also your best customer.

However, this will not materially alter the outcome of tomorrow's voting. It is manifest that the League in full

assembly will adopt the report of its Council by an overwhelming

majority. Nevertheless, the unexpected and ~~courageous~~ stand made



by Austria and Hungary promises to make the proceedings exceedingly lively and theatrical. Baron Aloisè, the Duce's representative at Geneva, has announced his intention of speaking up for his country. Today he confined himself to protesting against the process of railroading <sup>through</sup> the Council's report. He objected to the silent vote and claimed that every delegate who voted should get up and speak his mind. He certainly intends to speak his, which means —  
the Duce's.

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As to the African front, there's not much change. ~~Mussolini's~~ Mussolini's generals are bringing up more troops from Eritrea. They are now fighting on a wider front, and perfecting the ~~xxx~~ process known as consolidating their gains. General DeBono, the Commander-in-Chief, went up to the front lines in person to inspect his advancing divisions. Communications from the scene of war indicate that Italy's armies are moving with a measured pace, but <sup>with</sup> <sup>the</sup> irresistible force of a steam-roller <sup>toward</sup> ~~on~~ the Ethiopians' holy city of Axum.. As fast as the advance guard captures a new strip of territory, the engineer battalions follow them, building roads and bridges. Swift movements between Aduwa and Axum are impossible,

as there is just one lofty mountain pass after another.

We've been having the report that they had already occupied Axum; not confirmed by Rome. But, they are bombing the sole railway line to Addis Ababa.

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Earlier in the day we heard reports of a sudden dash by an Ethiopian division, which was supposed to have captured Adigrat. The truth, however, seems to be that this attack was repulsed by a withering fire from Italian machine guns.

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Apparently American manufacturers don't intend to let President Roosevelt's neutrality proclamation cost them their market in Italy. They have announced that they are prepared to sell to either Italy or Ethiopia, provided those governments will pay cash and arrange for delivery. As though in response to this, the Secretary of the Navy made an announcement today. Mr. Swanson says that Uncle Sam's neutrality in this situation will be backed up by his warships. We'll fight to keep out of a fight if necessary- I guess.

At the same time, we learn that more British ships have arrived in the Mediterranean and that two of John Bull's destroyers have just cast anchor outside Athens - at Pireaus.

Then again we hear about movements of troops in the Sudan. John Bull rushing more soldiers, supplies and ammunitions to the Libyan frontier, right up to the border of Italian territory in North Africa.

ETHIOPIAN

Haile Selassie's army will get a reenforcement if a gentleman now in California has his way. This gentleman is a subject of the King of Kings, born in Ethiopia. His name is Corporal Johnny Wilson. ~~He was born in Ethiopia, to be exact~~ <sup>Born</sup> in Harrar, Haile Selassie's own home town. He earned the rank of corporal by serving with Uncle Sam's army in the World War. But after the war was over, to use his own words, he had a little difficulty with the Government. So the part of California in which he is residing is ~~at~~ San Quentin.

Corporal Johnny has written a letter to the Ethiopian Consul in New York. He wants to do or die for dear old Ethiopia. He is willing to serve either in the army or the air corps. So far as the Department of Justice is concerned, it's all right with Uncle Sam. Johnny can go back to Ethiopia and fight if somebody will pay his fare.

REINHARDT

A great event in show business will take place tonight, the first performance of a Shakespeare play in the spoken cinema. Under the auspices of the English-Speaking Union, Max Reinhardt's production of "A Midsummer Night's Dream," will be shown to the public simultaneously in the Hollywood Theatre, New York, ~~xx~~ the Adelphi in London, like ~~xx~~ in Vienna, Paris, and Sydney, Australia.

~~There's no cause for astonishment in the great excitement that's been aroused over all these world premieres.~~ I understand that in New York, first-night seats are selling for fifteen dollars apiece. Never in the history of the theatre have people paid that much to see a Shakespearian performance, *so far as I know.* To Shakespeare fans in general, and to people of the show <sup>world</sup> ~~business~~ in particular, this production will afford an especially interesting test. For all that we profess to love Shakespeare, our love has been pretty much dissembled when it came to shelling out money at the box office. And "The Dream," as it is known among theatrical folk, has always been <sup>a</sup> notoriously ~~x~~ poor money-maker.

Some twenty years ago Max Reinhardt showed America his production of "A Midsummer Night's Dream" on the spoken stage.

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The unanimity of the critics in praising it was equalled only by the unanimity of the public in staying away. However, all the newspaper people who've seen previews of this spoken film version are almost lyrical in their enthusiasm for it. Not only newspaper men, but all others who have seen it. They say that it is given as Shakespeare wrote it, plus the full score composed by Mendelssohn. So, we shall see what we shall see.

The producer has just been welcomed to America at a great banquet at the Waldorf by the City of New York. Mayor La Guardia, Dr. Albert Einstein, and Max Reinhardt himself, spoke. Dr. Reinhardt took occasion to announce that he is becoming an American citizen, also that he is going to move his famous annual Salzburg festival to America; and he told me this afternoon that he may stage it on the outskirts of New York. Once again, as in the case of Dr. Einstein, we can thank Hitler for making us a present of a new and distinguished citizen.

## HESPERUS

Here's the most curious case I've ever heard, of history repeating itself. Some will remember the famous Longfellow poem of which one stanza went as follows:

"And fast through the midnight dark and drear,  
Through the whistling sleet and snow,  
Like a sheeted ghost, the vessel swept  
Towards the reef of Norman's Woe."

Yes, from that famous old Third Reader poem, "The Wreck of the Hesperus". And, last night that drama was enacted all over again; and, here's the curious part of it, on that very same part of the Massachusetts coast. The "Hesperus", a Gloucester schooner, ran aground off North Truro, near the Highland light. All night and all day she was pounded by the heavy seas whipped up by a fifty mile gale. Her seams parted, her hold filled, her auxiliary engine was crippled. Once again, it seemed, the "Hesperus" was doomed to perish with all on board.

But this time there is a happier ending to the affair. Other schooners of the Gloucester Fishing Fleet came up in time and rescued all of the wrecked vessel's crew of twenty-seven.

And the long arm of coincidence entered in another

detail. The home port of this HESPERUS is only a few miles from Norman's Woe, the reef mentioned in Longfellow's poem.

And I'll look like the wreck of the Hesperus if I don't hurry and say --

SO LONG UNTIL TOMORROW.