

L.T. SUNOCO. MONDAY APRIL 12, 1937.

GOOD EVENING EVERYBODY:

( So the Supreme Court has spoken at last. That long awaited decision on the Wagner Labor Act is now before the public; employers and employees know where they stand. ) Not since the historic Dred Scott case some 75 years ago has any ruling of the Supreme Court been so anxiously awaited. Few rulings from the bench have had such far reaching consequences. For it dominates both American industry and the future of the court itself, the form and substance of American government.

( The Wagner Act stands! It's not unconstitutional! And it's here to stay -- unless a future Congress should choose to repeal it. Henceforth the National Labor Board is established solidly as a part of the machinery of the United States government. )

Five separate cases were involved, five different bodies of employers had appealed. In four of those cases, the vote

of the nine justices was five to four. The dissenters were the usual quartet: Justices McReynolds, Van Deventer, Butler and Sutherland. In just one of the five the decision was unanimous, in an appeal brought up by the Washington, Virginia and Maryland Coach Company. You can tell from its name that this company is engaged in interstate transportation. And today's decisions were based on the interstate commerce clause of the constitution.

The most spectacular of those four cases, was the one involving the Associated Press. Since it affected the entire body of the American newspaper business, it was the one that had received the most publicity. You may recall that the A.P. had fired one of its men, Morris Watson, from its New York editorial staff. Watson appealed to the National Labor Relations Board. He claimed that he was fired not for incompetence or because he did his job badly, but because he had been active in the Newspaper Guild, the reporters' and editors' union. The Labor Board agreed with Watson, ordered the A.P. to take him back. The A.P. declined, and appealed its case, and said the

48

Wagner Act, as applied to newspapers, infringed on the right of freedom of speech.

The majority opinion in that case was read by Mr. Justice Roberts, the same justice who made the New Deal victory possible a few weeks ago by changing his opinion about the ~~Minx~~ Minimum Wage Law in the State of Washington.

It so happens that tomorrow's edition of the SATURDAY EVENING POST has an article by Drew Pierson and Bob Allen, authors of the "Washington Merry-Go-Round." Their article is entitled: "How the Supreme Court Works." Mr. Justice Roberts, say Pierson and Allen, is the only member of the Court whose reading of an opinion is a masterpiece not only of delivery but of memory. His colleagues, they write, with the exception of Chief Justice Hughes, mumble into their papers. Justice Roberts, on the other hand, looks straight at the crowded courtroom, not once referring to his notes. And today he looked straighter than ever as he declared: "The business of the Associated Press is not immune from regulation because it is an agency of the press. The publisher of a newspaper has no special privilege

49  
to invade the rights and liberties of others."

To this Mr. Justice Sutherland dissented emphatically. Mr. Sutherland, with his handsome, finely chiseled face, is considered the best looking of the nine. It was he who read the ~~ix~~ opinions of his three conservative colleagues. He agreed with the A.P.'s complaint that the Wagner Act, as applied to newspapers, violated the freedom of the press.

The other three cases decided by the Supreme Court today affect three industries -- steel, automobiles, clothing. In each of those it was a five to four vote. The decisions were read by the dignified Chief Justice himself. It so happened that he had this dramatic duty to perform on the day after becoming seventy-five years old. His words were grave, clear and emphatic. In the Jones and Laughlin Steel Company case he said: "The steel industry is one of the great basic ~~industries~~ industries of the United States, with ramifying activities affecting interstate commerce at every point. "Employees", he went on, "have as clear a right to organize and select their representatives for lawful purposes as the steel company has to

organize its business and elect its own officers."

The employees in question had charged the company with discriminating against members of the union, with coercion and intimidating them, trying to discourage the union.

The dissenting opinion was read by the veteran Justice McReynolds. It was just as ~~em~~ emphatic as that of the Chief Justice. Said Mr. McReynolds: "A private owner is deprived of power to manage his own property by freely selecting those to whom his manufacturing operations are to be entrusted."

## FOLLOW SUPREME COURT

The question discussed everywhere tonight is -- what effect will these five decision have? That question has two angles -- what effect will they have on the President's Supreme Court proposal, and what effect on the strike situation?

Opponents of the President's Court plan are jumping right in saying it all proves that the Supreme Court doesn't need any change. Because today's decisions show that the justices are not throwing out all liberal legislation.

What has the New Deal side to say about it? President Roosevelt spoke up this afternoon: "It's a pretty good day for all of us," said he. Attorney General Cummings added that the upholding of the Wagner Act would help the President's plan. He didn't give his reasons \*\* but one point is that the New Deal chiefs may feel that the President's proposal has had an effect on the court has brought the justices to terms, more or less. Some are supposing tonight that the President may now not push so hard with his court change plan, may let it delay and drag on -- maybe holding it like something of a club over the court's head.

Now about the strike situation. John Lewis chuckled when he heard that the Wagner Act had been upheld. Homer Martin, the auto strike leader, is quoted as saying that if the labor law had been okayed as constitutional some time ago, there would have been none of these strikes, no sit-downs.

I consulted Casey Hogate, editor of the WALL STREET JOURNAL, who is in close touch with industrial opinion throughout the country, and he said employers felt that under the Wagner Law a vote of the workers must be held only when the union demands it. The company can't call for the vote. That means, said he, that a union trying to organize workers does not have to bring about an election. If it is not supported by a majority, but only by a minority, it might go ahead with strike and sit-down tactics, instead of calling for a vote. Therefore, the chief effect on the strike situation might be psychological, emotional -- on the state of mind of the workers.

Union men are receiving the Wagner-Law decision with cheers -- perhaps the most dramatic decision in the history of the Supreme Court.

FORD

What about Henry Ford in all this? That most renowned of American industrialists stands, a dramatic figure in the wave of labor dispute -- declaring repeatedly and emphatically that he will have no dealings with any Union. People have been saying -- wait till John Lewis and the C.I.O. come up against Henry Ford, what a fight that'll be! Tonight we hear nothing from Ford. He's not quoted as having anything to say about today's Supreme Court decision. But liberal leaders are loud in declaring it will not be illegal for Henry Ford to refuse to have anything to do with Unions. And, labor organizers declare jubilantly that they will now start unionizing the Ford factories right away.

## MEMPHIS

Right here in the good old U.S.A., the slogan is being raised, "Why go to London for a coronation when there's a bigger and better show at Memphis, Tennessee?"

That's what the Memphians are saying. They mean, of course their annual cotton carnival, one of the most picturesque festivals in America. They've selected May the Eleventh for their opening date, enabling them to say, "We're ahead of London."

George and Elizabeth will be crowned King and Queen of England on May Twelfth. But on May Eleventh, Richard Leatherman and Frances Chapman will be crowned King and Queen of the Cotton Carnival. The Memphites are telling us this now, just to give folks a chance to cancel their steamer reservations for London.

KING

54

"Stop the coronation!" was a cry raised in England today. It was addressed to two prime British potentates, His Grace, the Archbishop of Canterbury, and His Grace, the Duke of Norfolk, Hereditary Earl Marshal of England. The order was set forth in a thoroughly legalistic document, adorned with many words of many syllables, or should one say, marred with words of many syllables? One phrase of it was: "Reports have it that you propose taking part in the coronation of one Albert Edward Wettin in Westminster Abbey. Therefore, we, Anthony, rightful heir to the throne, send you this our injunction that you take no part in any such coronation proceedings."

Who on earth, you may say, is Anthony? His name as listed in the British post office directly is Anthony Hall. His rightful title is Anthony, the First, of Great Britain and the Dominions beyond the Seas, King, Emperor of India, Defender of the Faith," and so forth, and so on. That's what he says.

How did he get that way? King Anthony's story is that King James the Sixth of Scotland, who became King James the First of England, was really a base born changling, a commoner, a

55

substitute. The real King James the Sixth of Scotland died while still an infant, at Holyrood Castle in Edinburgh. To prevent the usual Scottish squabble about the succession, a low born child of the same age was substituted, and became known in history as the first of the Stuart kings of Great Britain. Such is the romance of a decidedly Alexander Dumas flavor, that "king Anthony the First" weaves to substantiate his claim to the British crown.

However, if you've engaged reservations in London for the coronation, I wouldn't cancel them on King Anthony's account if I were you. Formerly, the English used to take royal pretenders seriously and give them the bum's rush. Today they don't take the trouble to do that. They don't even have them arrested. This is not the first time King Anthony has made news. He used to address communications to the present King's Father, George the Fifth, and invite him to get off that throne and make room for him, King Anthony. But George never did.

LONDON

54  
The most baffling and contradictory reports have been coming from London. They concern the latest phase of the Spanish problem: Will John Bull allow his merchant vessels to be kept out of Bilbao by ~~the General~~ Franco's warships? H.M.S. HOOD, the pride of <sup>the King's</sup> ~~John Bull's~~ navy, the most powerful and the fastest battleship afloat, was ~~promptly~~ sent to those waters with the orders: "Protect British shipping." When the orders were first issued, it was intimated that any Rebel man-o-war that meddled with freighters flying the British flag, would ~~probably~~ be blown out of the water.

Steaming at full speed, which is about forty miles an hour, ~~some speed for a vessel of that weight and size,~~ the HOOD arrived ~~at the French port~~ near Bilbao today, ~~but she~~ arrived to find the situation ~~considerably~~ altered.

One story from London this morning told us that the Baldwin Cabinet had decided to back down, that it had decided to recognize the blockade although it had not recognized the Spanish Rebels as belligerents. It was pointed out at the time that this was a cockeyed position for any government to take.

57

A statement in the House of Commons this afternoon explained things a trifle more deftly. It came from the mouth of Prime Minister Stanley Baldwin himself. "His Majesty's government," he told the Commons, "have decided that they cannot tolerate interference with British ships at sea. At the same time, "he added, "the government have warned British shipping to refrain from entering Bilbao as long as dangerous conditions prevail."

We refuse to recognize the Spanish blockade, but, we'll keep our ships away so that we won't be embarrassed by recognizing it! That seems to be a ~~the~~ Gilbert and Sullivan way out.

ADD SPAIN

From Spain itself the latest advices are that the inhabitants of beleaguered Bilboa are on the verge of starvation. This apparently fills the rebels with hope and impels General Franco to enforce his blockade at all costs and prevent new food from reaching the besieged people.

*28*  
Elsewhere <sup>*in Spain*</sup> the fortunes of war appear to have switched over to the Nationalist side. The rebel forces claim to have mowed down three thousand government troops in a merciless cross-fire of rifles and machine guns west of Madrid. Insurgent headquarters claims this to be one of the greatest victories <sup>*so far*</sup> ~~so far~~ in the civil war. <sup>*#*</sup> The Left Wingers are attacking. It's a deadlock at Madrid.

ENDING

When I first went to Jerusalem some twenty years ago,  
after Allenby had captured it, ~~one of the first men I met was~~ <sup>I met one</sup>  
~~Sir~~ Ronald Storrs . He was the British Governor, ~~of Palestine,~~  
the Twentieth Century successor to ~~the job once held by~~  
Pontius Pilate. <sup>And</sup> It <sup>first</sup> was he who introduced me to T. E. Lawrence,  
~~Colonel~~ Lawrence of Arabia, with the words: <sup>"I want you</sup> Meet the uncrowned  
King of Arabia."

Sir Ronald Storrs has <sup>now</sup> written his memoirs, including his  
exceedingly personal memories of T.E. Lawrence. In them is one  
anecdote I wish I had known when I was <sup>my book</sup> writing about Lawrence.

Storrs and Lawrence were standing outside a hotel in  
Cairo, when a rather pompous British lady came up to them. She  
hadn't anything to say but she wanted to be seen talking to  
Lawrence. It was an exceedingly hot Egyptian day and the lady  
came up, waving a palm leaf fan, and said: "Just think,  
Colonel Lawrence, ninety-two, ninety-two!" The lady was  
referring to the thermometer. - But Lawrence, deliberately  
misunderstanding, bowed and said: "Many happy returns of the  
day!" And - SO LONG UNTIL TOMORROW.

58 1/2

59

59 1/4