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What's the difference between "resign" and "retire?"

That subtle question is at the bottom of the striking declaration that Senator Borah made in the Senate today. He argued that the President could not appoint a Justice to fill ~~the~~ vacancy in the ~~Supreme~~ Supreme Court, because there was no vacancy. The retirement of Justice Van Devanter had left no vacancy to be filled -- so argued the Senator from Idaho, one of the most brilliant authorities on Constitutional Law.

(Justice Van Devanter retired from the Court, taking advantage of the law Congress passed granting full pay to any Justice who retired after the age of seventy.) But that wasn't resignation, reasoned Senator Borah -- because when you resign you step out for good, while that very Congressional law provides that the Chief Justice can call upon a retired Justice to serve in the Court once more. So he would still be a Justice -- though in retirement. Meaning -- a sort of temporary retirement. The Constitution provides that a Justice holds his place until removed by death, impeachment or resignation. So therefore Justice Van Devanter is still a member of the Court -- legally.

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A reply to this was made by Senator Ashurst,
an Administration leader. And he agreed with Senator Borah --
that Mr. Van Devanter, in retirement, is still a Justice. *But*
he argued that even so, the President could appoint a new
member of the Court to succeed him.

"Suppose," argued Senator Ashurst, "that all nine
Justices were to retire under ^{the} Congressional law. Then, if
the President were not allowed to appoint any to succeed them --
we'd have no Supreme Court at all." That does point to a

In contrast to
dilemma. ~~to conclude~~, this Senator Ashurst reasons that the
President must necessarily have the power to appoint successors
to retired Justices. Maybe he's thinking of the fact that the
Constitution does not specify any set number of Justices.
Constitutionally there could be nine or ninety.

If the President goes ahead and makes a Court appoint^{ment,}
as he undoubtedly will, and, if Justice Van Devanter is still
considered as legally a member of the Supreme Court -- why then
the number of Justices will theoretically be raised to ten.

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That's one interesting twister provided by the Congressional law. It would mean, in a technical sense, Court enlargement -- even after all the bitter battle that defeated the Presidential proposal to increase the Court.

LABOR

Sometimes you will find a singular contrast between something that's done and the one who does it. The man hardly seem^{ing} to fit the action. That's the case of Caleb Lipscomb of Springfield, Missouri. He's known far and wide as a Socialist. For a large proportion of his seventy-eight years he has been voting the Socialist ticket and campaigning for Radical candidates. His life-long study has been ~~xx~~ the history and philosophy of labor movements. His sympathies, long and loudly expressed, are for the workers.

And what part do we find Caleb Lipscomb playing in the latest Missouri episode of strike violence? He is the ^{employer} ~~employer~~ who, with strike pickets threatening his mill, ~~ix~~ opened fire and shot one of the insurgent workers. Ten days ago he was prepared to retire from business, when the strike broke. ^{But} ~~he~~ he kept on, in ~~the~~ control, to deal with the labor trouble -- and when the pickets became threatening and violent, he grabbed his shotgun and blazed away. The striker hit was not seriously wounded.

Today Caleb Lipscomb was questioned by the County Prosecutr. He explained his viewpoint. He's still a Socialist, he says, still an apostle of the rights of the workers. "But," says he, "they're not entitled to get as rough as they've been doing."

So there you have the contrast of the man and the deed -- the Socialist ^{who} ~~and the~~ shoot^s ~~ing~~ of a strike picket.

PLANE

There were conflicting reports today about the lost airliner in the Panama Canal area. There were lingering hopes that some of the crew and passengers may have survived. But ~~the~~ hope seems to be at an end tonight.

At first reports were fragmentary, brief, almost enigmatic. They came from searching planes. These reported that they had sighted the lost liner on the ocean, a wreck. Now it turns out that it was mere bits of wreckage that was spied, the passenger plane shattered in some obscure accident. There were nine persons, six passengers and a crew of three aboard.

~~Disasters have been exceedingly rare~~
~~this, I believe, is the first disaster that has occurred~~
air routes between North and South America.
on the great ~~South American air service~~

CHINA

This evening a major war between China and Japan seems more inevitable than ever. And not only because of military developments. The diplomatic phase is ominous too. The Chinese are advancing at many points against the Japanese. And the significant thing is that the Nanking Government seems to be moving with all the military power it can muster.

It looks as if Chiang Kai-Shek may have decided to take the conclusive gamble of formal war with Japan.

In diplomacy the central factor is that the Chinese apparently expect Soviet Russia to make strong moves against Japan. Moscow is said to be ready to use military measures, if Tokyo does not give satisfaction for the attack on the Soviet Consulate at Tientsin. The Chinese believe that Red Dictator Stalin will press the point relentlessly on the ground that Japan's trouble with China is Russia's opportunity. Moscow is said to see a chance now to get back its control of North Manchuria and its railroad which Japan took over. Likewise, Moscow is said to believe that Japanese domination of North China will wreck

Russia's power in Mongolia. The time of action for the Soviets is now!

These are described as the reasons behind the wholesale forward march of the armies of China. If that march keeps pushing on a formal open war between China and Japan is certain. And if the Chinese are right about Russia, it might turn into a three cornered battle with all the Far East ablaze.

But the Chinese may be a bit optimistic about the bold determination of the Soviets.

GYPSY

The other night we had a curious story of the coronation of a gypsy king in Poland, a monarch enthroned to rule ~~for~~ over the world-scattered tribes of Bohemia. Today comes word which makes that royal event of gypsydom still more curious. Trouble and a scandal ~~are~~ swarming around the throne of ~~Poland~~ ^{Romany,} There's an accusation -- that King Janusz did a bit of chiseling with the funds set aside for his coronation. He is accused of having misappropriated three hundred and twenty-five dollars out of the money for the coronation robes. The charge is made by the dowager queen of the gypsies, wife of the former monarch. And now King Janusz is ~~in~~ suing the dowager in the Polish courts for defamation of character.

It's revealed moreover that the coronation regalia included ~~the~~ ^{the} the royal gypsy crown, was hired from the stage properties of the Warsaw Municipal Theatre. The royal crown, ancient and traditional of the tribes of Bohemia, couldn't be found -- it was missing. An investigation shows that it disappeared sometime ago in Italy. Maybe it was sold or pawned.

The Christian clergy of Poland is up in arms because

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the gypsies in crowning their king used a ritual of the Greek Orthodox Church. That, says the clergy was a sacrilege because the gypsies are heathens, pagans. ^TOn top of it all comes a ~~gx~~ tragedy -- the suicide of the royal gypsy prince who was a claimant for the throne, but lost out. He claimed he was defrauded of his rights, a victim of intrigue and conspiracy.

So there's trouble and sedition at the court of Romany royalty.

DUCHESS

Well the Duchess and the Countess could hardly keep from meeting -- America's two most renowned noblewomen. They were at the beach on the Lido in Venice. Their bath houses ~~are~~ only five feet apart. They were returning from the tennis court with their husbands, were walking to their cabanas, when they recognized each other -- Her Grace the Duchess of Windsor, and Her Highness, the Countess ~~Von Haugwitz~~ Reventlow. They smiled. They stepped toward each other and shook hands. The Duke and the Count bowed with formal courtesy.

So they all sat down to tea together, and now they are fast friends in Venice -- Wally of Baltimore for whom a king gave up his throne to make her a Duchess, and Barbara, the heiress of the five and ten who is a Countess of Denmark.

DUCHIN

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The first thing that followed the wedding of Marjorie Oelrichs was -- she was dropped from the Social Register. Two years ago the news of the day was telling us of the romance of the society girl and the jazz orchestra leader. Marjor^{ie}~~y~~, of the blue-blood clan of ~~the~~ Oelrichs -- and Eddie Duchin who, with his troop of saxaphones and trumpets, was a favorite entertainer of society. ~~The~~ one-time pharmacist destined for a drugstore^{was}, nightly ^paplauded and acclaimed, petted and pampered when he serenaded the exclusive rich. But when ~~he~~ one of their debutante daughters listened to his tuneful strumming, became entranced and married him -- she was out of the Social Register.

But all of ~~this~~ becomes trivial and petty when we hear of the latest ~~romance~~ event in the romance of the society girl and the jazz man -- latest and last -- birth and death. Marjor^{ie}~~y~~ Oelrichs has died because of complications that followed the birth of a baby boy. ^{TP} She was talented in the decorative arts and in music. She lived her own life, but didn't live it long.

YACHT

The two yachts in the Cup race were on dry land today. Challenger Sopwith, after the eighteen-minute beating his boat took yesterday, asked for a day of grace, which was granted. So they had Endeavor II hauled into drydock to take a look at her hull -- to see what was holding her back yesterday. Sopwith thought that the Endeavor made such a slow showing, because she had snagged a lobster ^{got} ~~in~~ ~~pot~~, ~~caught~~ her center board or rudder tangled with one of those traps that fishermen set for the big-clawed crustaceans. Or, maybe the British yacht had picked up some barnacles, or maybe a drifting log, or almost anything that would slow her down -- for slow she was. *Today when they examined her, they found nothing -- not a lobster pot.*

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Skipper Vanderbilt was willing to race today, but he took advantage of the Sopwith day of grace to haul his own boat on dry land and take a look. Maybe the Ranger had picked up a lobster pot or some barnacles or other debris. And if so -- how fast would the Ranger go without any impediment?

Anyway, the next installment of the race will be sailed tomorrow, if the wind is right. Although -- the yachting

fraternity is saying that the race is over. The winner is already established, and the other two heats will be just so much sailing in a pleasant breeze.

of a woman, silver-haired and frail. What's she doing among all these muscular stalwarts? It's at Columbia University, a class in baseball. They've just started to teach the science of the diamond as a ~~most~~ scientific course. The instructors are Big League players who propound the intricacies of the hook slide and the double steal. Yesterday the students were lectured by Ethan Allen, the hard-hitting outfielder of the Yankees. He told about taking a toe-hold at the plate, and hitting them where they ain't. Today the Professor was "Bump" Hadley of the Yankees. Bump is a pitcher, so his theme was a hop on the fast ball and the fadeaway of the knuckle ball. The

pupils are college baseball coaches and ~~some~~ athletic instructors including an old buddy of mine - Lou Mahoney - all save the little white-haired lady. Is she interested in

baseball? Is she a fan? Not at all. She saw only one Big League game in her life, and even didn't know what it was all about.

BASEBALL

Here's a schoolroom oddity, a class picture with one touch of surprise. The pupils are a hundred husky ^{lads,} broad-shouldered and brawny. But among them is a tiny wisp of a woman, silver-haired and frail. What's she doing among all those muscular stalwarts? It's at Columbia University, a class in baseball. They've just started to teach the science of the diamond as a ~~school~~ scholastic course. The instructors are Big League players who propound the intricacies of the hook slide and the double steal. Yesterday the students were lectured by Ethan Allen, the hard-hitting outfielder of the Yankees. He told about taking a toe-hold at the plate, and hitting them where they ain't. ^(I'd like to find out how to hit 'em where they ain't.) Today the Professor was "Bump" Hadley of the ~~Yankees~~ ^{S.} Yankees. Bump is a pitcher, so his theme was a hop on the fast ball and the fadeaway of the knuckle ball. ^{TR} The pupils are college baseball coaches and ~~some~~ athletic instructors -- ^{including an old buddy of mine - Lou Mahoney -} all save the little white-haired lady. Is she interested in baseball? Is she a fan? Not at all. She saw only one Big League game in her ~~life~~ life, and then didn't know what it was all about.

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That's just it -- she's Miss Lucy Smooth, Principal of a Kansas City school. She's in charge of a group of Eighth Grade boys. And she doesn't know what they're talking about. She's mystified when she hears them discussing two-base hits and the squeeze play. Their hero is Dizzy Dean. So Miss Lucy Smooth has come to school in New York, taking the Columbia course in baseball, just to find out what the boys in her class are talking about.

GEHRIG

(The Iron Horse celebrated his nineteen hundredth game today -- and how did he do it? Lou Gehrig hasn't missed a ball game since June first, 1925. That's twelve years ago. Long ^{since} ~~ago~~ he broke the record for consecutive playing, the one ^(Yankee) ~~the well-known~~ remarkable record made by Infielder Everett Scott. 1307 consecutive games was Scott's apparently miraculous string. But Gehrig is 595 games ahead of that now.

There was a big celebration for him today at the Polo Grounds when the Yankees played a double header with the Chicago White Sox. But how did the Iron Horse himself celebrate? He got a big hand as he came to bat the first time. Two men were on base. And Gehrig did his celebrating by hitting a home run. Not so bad, starting his nineteen hundredth game.

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What's the scientific secret of the endurance of the Iron Horse? The electro-cardiograph says that Gehrig has an exceedingly small heart. That's the explanation say the doctors. Athletes with big hearts fade out early and die young. The tireless Paavo ^{of} ~~and~~ Murmi ^{the} cinder track had a remarkably small pumper in his chest. And such is the case with Clarence Mar, the never tiring, the never retiring Methusalh of that ordeal of endurance -- the marathon.

FOLLOW BASEBALL

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Other basebaall features today were a home run by
Tony Lazzeri in that Yankee White Sox double header w-- but
that wasn't so significant. ^{The} One for the attention of the fans
was Joe Di Maggio's four base smack. ^{JOE} lined ^{out} his 32nd
home run ~~in~~ in his nip and tuck race with Babe Ruth's great
record in the days when the Babe was King. With ~~one~~ Number
32 Di Maggio ^{is homerunning at} ~~at~~ an even faster clip than the Babe ^{in the year} when the
Mighty string of 60 Ruthian homers was compiled. The fans can
hardly believe that anybody might ever exceed the Bambino's
record -- but Di Maggio is making them wonder.

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^{However,} after all, the baseball occasion today was Lou
Gehrig's 1900th game in his remarkable endurance record ^{of} ~~per~~
consecutive games. Which reminds me that I am not making an
endurance record for consecutive talking, and --

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SO LONG UNTIL TOMORROW