

Sokolosky.

May 19, 1937.

46

Excitement over Justice Van Devanter's bombshell which exploded when he resigned from the Supreme Court yesterday continues. Combined with the rejection of the President's proposal by the Senate Judiciary Committee by a ten-to-eight vote, this resignation served to make the Supreme Court the boiling pot of politics.

The question is asked: Will other justices resign?

Justice Van Devanter is seventy-eight years old, but is ~~not~~ not the oldest judge on the bench. That honor goes to Justice Louis D. Brandeis. Justice Van Devanter is a Conservative and strict constructionist; Justice Brandeis is a Liberal. The resignation of Justice Van Devanter will increase the Liberal membership on the bench. On the other hand, Justice Sutherland has steadily supported the Conservative position and it is suggested that he also may resign.

The President's bill will now be debated in the Senate, with the principal orators on both sides joining in the debate. Up to this time the Supreme Court issue has been a

47

Democratic question, with Senator Ashurst leading those who supported the President, and Senator Wheeler leading the opposition. Now that the bill comes before the Senate itself, Republican Senators are bound to have their say in order that the record will be made. It is likely to be an excited discussion and may last a month -- or even more.

48
Meanwhile the House of Representatives remains silent on the subject. It leaves the present grief to the Senators. If any court bill is passed by the Senate, then it will be time enough for the Representatives to have ~~their~~ their inning. Meanwhile every ear in both houses ~~is~~ is close to the ground.

Up to now the President has taken the attitude that there would be no compromise and that his Bill would have to be passed. Today some of the President's supporters were talking ~~compromise~~ compromise. But the President is silent. And the opponents of the President's Bill don't want to compromise. They feel that they have the bill licked.

Senator Robinson seems to lead ~~in~~ in the current guessing

Legal technicians are pointing out that there's one objection which might bar any senator, in fact any congressman, now sitting from promotion to the Supreme Court. The Constitution distinctly says that no member of Congress shall be appointed to any office that was created during his term or to any office whose emoluments have been increased during his term. In other words, a congressman cannot benefit by legislation that he has had any share in passing. If this assumption is followed and the appointment is made after some Court Bill is passed, it is doubtful whether any senators can be appointed to the new court which he helped to create.

51
George Creel, writing in the forthcoming issue of COLLIER'S, says that Charles Fahy, Chief Counsel of the National Labor Relations Board, Judge John J. Burns of the Maritime Commission, and Judge Sam A. ^{Brattan}~~Bretton~~ of the Tenth Circuit Court of Appeals are among those who have been mentioned as possible candidates in the inner councils of the administration. There's one curious coincidence about them. They're all young men.

Mr. Fahy is forty-four; Judge Burns is thirty-six; Judge ^{Bretton}~~Bretton~~ is forty-eight. And Judge Bretton actually comes from The Circuit district made vacant by the resignation of Justice Van Devanter.

Well, you see what a mix-up this is becoming. Many ardent jurists hope that the lightning will strike them - but nobody can tell really who is to receive this highest judicial honor - nobody but Franklin D. Roosevelt who does the appointing. And maybe even he has not made up his mind, yet.

CHIANG

52
From China comes the report that 510 students of the Northeastern University staged a sit-down in favor of Chang Hsueh-liang, one-time warlord of Manchuria and now prisoner-guest of Chiang Kai-shek.

I use the phrase prisoner-guest advisedly and I should like to explain to you what it means. In China, when a great man gets into trouble, the law of the land rarely operates. They don't take him into court, before a judge and jury and try him. That's a waste of time, from the Chinese standpoint.

You see, he knows that the jig is up. So he resigns whatever position he holds and writes a letter saying what a small potato he is and what a great man his erstwhile enemy is. Then, maybe they appoint him ambassador to some country or send him on a mission around the world to investigate this or that. It all isn't very important, but it saves everybody's face and no harm comes of it.

53
When, however, the man is one like Chang Hsueh-liang, who is a first-rate plotter, it is best to make him a prisoner. But it would never do to put him in a jail. So they either put a

guard around his house and a censor on his telephone or they invite him to a great man's house and keep him prisoner there.

Chang Hsueh-liang recently kidnapped Chiang Kai-shek but he failed to get away with the plot. So Chiang Kai-shek is still the head of the government and Chang Hsueh-liang is a prisoner in the country residence of the man whom he tried to kidnap. Nobody lost face but Chang lost his freedom.

These students who are trying a sit-down for Chang Hsueh-liang are using a good old Chinese method. As far back as history goes, when the Chinese don't like what the government does, they just quit work and sit-down where they are.

54
And students always lead in these demonstrations. For centuries, there has been a running feud between government and scholars in China -- particularly university students. I was once in a sit-down of that kind, when the students objected to China signing the Versailles Treaty and I agreed with them, and they made me an advisor. So the students and workers and shop-keepers all got together and staged probably the biggest sit-down in human history. Nothing, except man, moved in China for about

ten days until the President of that country, announced that there would be no signing of the Treaty. Then there was a celebration and everybody went back to work.

STRIKE

Strike news was as exciting today as it was yesterday when Henry Ford and the Independent steel companies went to the bat with the C.I.O.

55 Still, in Aliquippa, Pennsylvania, great excitement is developing over the National Labor Board elections in the Jones and Laughlin plants which are to take place tomorrow. Already both sides are issuing statements accusing the other of coercion and intimidation.

The independent steel companies are taking a strong stand against signing an agreement with the C.I.O.

The main reason for objecting to signing, according to the independents, is that all present agreements are preliminary, that next Winter when the United States Steel Corporation agreement is to be renewed, the union will demand new agreements which are to include the closed shop and the check-off. They say that no steel company wants to agree to those conditions and therefore they would rather fight it out now.

The phrase closed-shop, everybody understands. But

56
"check-off" needs some definition. The ~~the~~ "check-off" is a system by which the employer agrees to collect union dues, fees, and assessments out of the wages of the worker. The employer then hands the lump sum to the union. Usually, the individual worker has nothing to say in the matter, although in some instances, the employer requires that the individual worker give him a legal receipt.

The attitude of the independent steel companies is that they will not undertake to become collecting agencies for the union. Of course, the steel union has not made the check-off ^a ~~a~~ *principal demand in current negotiations* ~~condition in an agreement.~~ But the independents say that [^] is to come later.

BERLIN

Over in Berlin the Nazis are on the rampage again.

57
Once more it is a speech made by an American that has them infuriated. It was only to be expected that the address of Chicago's Cardinal Mundelein would enrage the Swastika rulers. For he not only referred to Fuehrer Hitler as an Austrian paperhanger, but applied the adjective "crooked." to Propaganda Minister Goebbels. The Cardinal bitterly attacked Nazi stories concerning immorality rampant in religious institutions, which he denounces as worse than ^{wartime} ~~wartime~~ atrocity stories.

This time, however, it isn't to Washington that the Nazis look for an apology. They call upon the Vatican to rebuke Cardinal Mundelein. And Goebbels' own newspaper DER ANGRIFF, went so far as to demand that Catholic bishops in Germany should retort to the Chicago prelate and defend the Nazi ~~ix~~ regime.

DAVIS CUP

12

There is one Davis Cup Team that is going in for training.

~~For~~ Every member of the Australian delegation has been given a fifty page booklet of do's and don'ts by the team trainer.

58

First for the musts - they are required to sip orange juice on getting up; sip lemon juice just before a game; drink six glasses of water a day and a glass of barley water half an hour before lunch; sleep in a dark room with the windows open, and with a small pillow or none; eat slowly, plenty of fruits and vegetables.

As for the don'ts - all meats that are eaten must be cooked twice; they cannot smoke within a half hour of a meal; cannot overeat; they cannot eat if they are very tired; and must eliminate hot buttered toast from their menu, cakes, muffins, crumpets, pastry, lobsters and oysters; also all drinks with their meals. What a life!

58 1/2

And, by the way, the Davis Cup Committee has xx just finished making the big decision. Who will represent the honor and glory of Uncle Sam on the Tennis Courts? to play against the Australian team at Forrest Hills on the last three days of this month? Here they are: Bryan, popularly known as Bitsey Grant; Donald Budge, Gene Mako and Frank Parker.

WEATHER

Here is a new wrinkle in weather forecasting. And advanced by no less an authority than Dr. Harold U. Sverdrud, Director of the Squibbs Institution of Oceanography at Lajolla, California.

The idea is to search not the sky but the depths of the ocean. That's the safest way for weather men to escape indignation when a sudden storm spoils a family picnic or rains on a baseball game.