

AIRMAIL

GOOD EVENING, EVERYBODY:

I haven't much news on the eclipse. It was cloudy up my way and I was in bed anyhow.

Ever since that spectacular airmail blow-up during the winter, a year ago, people of every sort have discussed the pro and con, the right and wrong, in that celebrated controversy. Today some grave and venerable gentlemen added their opinion, the Justices of the District of Columbia Court of Appeals. That tribunal is only one step lower than the United States Supreme Court.

In other words, there is today a judicial decision on the merits of Postmaster General Farley's action in cancelling the mail contracts with the air transport companies. And the verdict is against the government. Those Farley air mail cancellations are called - a breach of contract. And the Court rules that the air lines affected can sue the government in the Court of Claims.

But, as so often happens the decision was not one hundred per cent - not against the government in every detail. The court of Appeals upheld the lower tribunals in refusing to grant

injunctions to the air lines. These injunctions were asked at the time of the cancellation controversy, to keep the Postmaster General from putting his new policies into effect.

So it all sums up like this - the Court decides that those cancellations were a breach of contract, and tells the air line companies to go ahead and sue if they want to. However, it's refusal of the injunction is a way in saying: "Perhaps you were wronged, all right; we're not figuring that out; we're not passing on that! we're just giving you a chance to enter suit, and let the Courts decide how much injury was done to you."

The Postmaster General broke the contracts but the Court of Appeals is refraining from passing judgement on the reasons he had for doing so.

McCRACKEN

It was airmail day - also in the Supreme Court. While the lower tribunal was passing on the cancellations in general, the highest Justices were tackling one of the minor angles that cropped up in the great row and wrangle. Should or should not William P. McCracken go to jail? McCracken was Assistant Secretary of Commerce in charge of Aviation under President Hoover. He was summoned before the Senate Committee that was investigating the airmail matter. He refused to produce the data that the Senators demanded. For this he was prosecuted, charged with contempt. The District Court sentenced him to ten days in jail. He appealed to the Supreme Court and today the nine venerable Justices handed down their verdict:- the sentence stands. So Bill McCracken must serve his ten days.

AIRMAIL RECORD

While the tribunals were dealing with airmail matters, two big ships with spreading wings, were having a little airmail celebration of their own. Three million miles of flying on the air routes! Lieutenant Leslie Arnold tells me that record was established today when the "Sky Chiefs," the two big T.W.A. transports on the overnight coast-to-coast schedule, passed each other over the Cimaron River in Oklahoma. The big T.W.A. Douglas liners shuttling from Coast to Coast commonly pass each other at that point. And when they did today it chalked up the figure three million, as the combined flying miles for the airmail on that route.

## INDUSTRIES

They are trying to send somebody to the cows and chickens. Who is it? Why industry. A movement of human beings back to the land is part of the New Deal plan, which extends the idea to shops and factories also. The *plan* is to spread employment more evenly throughout the country, with a further notion that factories would get along better if they paid rural tax rates instead of the high levies in the cities.

The Business Advisory and Planning Council of the Department of Commerce has come forward with the plan to create still another government agency - this one to help industry move out among the green trees where the fresh breezes blow. The ~~xx~~ financial angle calls for the appropriation of a fund of two and a half million dollars. Yes, million is right. I myself thought it must be billion - in these days of dizzy digits, so I checked it. The two and a half million would be employed as loans to companies, just enough extra financing to enable them to make the trip and get out among the cows and chickens.

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LINDBERGH

The Hauptmann trial testimony today concerned three familiar points -- stories about Violet~~t~~ Sharpe on the kidnap night, the alibi and identification angle concerning Hauptmann, and that much-discussed kidnap ladder.

Concerning Violet~~t~~ Sharpe, the suicide maid in the household of Mrs. Lindbergh's mother, there were two lines of testimony. One <sup>was that</sup> ~~concerned the~~ story told by Peter ~~W.~~ Sommer on Friday -- that he had seen persons whom he identified to be Violet Sharpe and Isidor Fisch with a baby like the Lindbergh baby some time after midnight on the night of the kidnapping.

Sommer was cross-examined again today and his story became still more ~~vague~~. The defense produced witnesses who swore that he had told his story to the police shortly after the crime.

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But the tale still remains shaky. <sup>it</sup> The Violet Sharpe theme entered from another angle when Mrs. Bohnsteel testified, a plump matron with ~~pink~~ gleaming ear-rings. Mrs. ~~xx~~ Bohnsteel is obviously a lady who ~~xx~~ believes in speaking her mind. And sometimes it sounded as if the cross-examining prosecutor were getting a scolding from ~~Mama~~ Mamma. Mrs. Bohnsteel told her story and

stuck to it with great determination -~~e~~ that in the restaurant she keeps in Yonkers she had seen Violet Sharpe on the night of the kidnapping some time between seven-thirty and eight-forty-five. Her identification wobbled a little bit when she was shown a photograph and wasn't any too sure whether it was a picture of Violet Sharpe or not. She thought it wasn't and then she thought it might be. In fact, it was.

Attorney General ~~Wilrent~~ Wilentz didn't fail to point out that in Sommer's story of the man, woman and baby, the scene was the 42nd Street ferry in New York and the time one-thirty in the morning, while in Mrs. Bohnsteel's account, ~~Y~~ Violet Sharpe was placed on a Yonkers ferry somewhere around eight o'clock in the evening, about five hours earlier. The timing is not impossible, but it is a long way from ~~that~~<sup>at</sup> 42nd Street Ferry to Yonkers.

Along the identification and alibi line, the defense produced one of its most ineffective and also one of its strongest witnesses. The Princeton student, Lupica, related his story of how he had seen an automobile with a man and a

ladder  
~~led~~  
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inside, at the time of the kidnapping. He declared

that the man was not Hauptmann. <sup>The</sup> ~~^~~ Attorney General's cross-

examination robbed the story of any great importance to the

defense, when <sup>Wilentz</sup> ~~his~~ questions drew from Lupica the statement --  
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that the man with the ladder looked like Hauptmann.

The stronger witness was Hans Kloeppenburg, who gave direct corroboration to Hauptmann's claim that on the night when the ransom money was paid he was at home with a party of musical friends. Kloeppenburg swore he was at that party and that Hauptmann was at home all evening.

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That was point number one in the testimony. Point number two was that he was also at the farewell party ~~to~~ to Fisch at Hauptmann's house, when, so Hauptmann claims, Fisch brought the shoe box full of ransom money. Kloeppenburg testified that when Fisch arrived he had a package like the shoe box under his arm.

Concerning the always important matter of being certain about dates: Kloeppenburg wasn't certain about dates except in one case. He could <sup>not</sup> ~~not~~ tell the day of the farewell party to <sup>Fisch.</sup> ~~Fisch.~~  
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He said 1932 was too long ago to remember precise dates. But he was positive about the musical party. The ransom money was paid over the night of April second. Kloeppenburg was certain that that was the date of the musical ~~party~~<sup>fest</sup>, because it was right after April ~~first~~ first, when they played jokes.

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The ladder came into prominence once more when the defense surprised everybody by putting Colonel Schwartzkopf of the New Jersey State police on the witness stand. Colonel Schwartzkopf was in charge of the police work at the time of the crime. The ~~xxx~~ purpose of the Colonel's testimony was perfectly apparent when defense questions drew from him the fact that the State police had built a duplicate of the kidnap ladder for purposes of experimenting. They found that the duplicate ladder broke under the weight of one hundred and eighty pounds. This ties to the prosecution's contention that Baby Lindbergh was killed when the ladder broke. As for the breaking point of one hundred and eighty pounds, Hauptmann doesn't seem to weigh that much, but the testimony showed that ~~the~~ the baby lindbergh weighed thirty pounds.

The defense scored a point when it was shown that the Hudson fingerprint process when applied to the ladder had brought out a number of fingerprints on the wood. These had not been visible before. None of the fingerprints were Hauptmann's.

And today was Colonel Lindbergh's 33rd birthday -- a mere 33 years for the Lone Eagle who has done so much and suffered so much. He sat in court as usual, attending the proceedings that endlessly renewed his melancholy tragedy.

## TREATY

That treaty negotiated between England and France certainly seems clever and deft. But will Germany accept it?

It is as if Britain and France were saying: "We grant you the principle that is outlined in the Treaty but at the same time we keep the Treaty inviolate." And that bit of mental jugglery is calculated to be quite irresistible.

It works out something like this: The Berlin government is invited to enter an alliance in which armament is a factor, Germany on a perfectly equal basis. But let's observe what kind of armament is involved - airplanes. The amount of guns and soldiers and warships that Germany can have is limited by treaty. But in theory Germany has no warlike sky fleet at all. Of course there is the unofficial flying corps known as "Goering's Blue Boys." But theoretically they do not exist as

a branch of war machinery. So, ~~in allowing Germany the principle~~  
~~equality in a treaty concerning aviation, England and France steer~~  
~~clear of the vexed problem of German armament in general.~~

$\pi$  This new equality for Berlin is contained by inference  
in the proposal that England, France, Belgium and Germany should  
sign an air security pact, according to which each nation would  
come to the help of another in case of attack - but only do the  
helping by air. Each would send a sky fleet to help the other.

This is the formula that permits the inclusion of Germany and the  
possibility of German military action. If it specified military  
assistance in general, with regiments and warships, why German

regiments and warships would naturally be involved. But it  
concerns only aviation.  $\pi$  And so ~~by~~ inference <sup>it</sup> admits the principle

of German equality only in the battlefield of the sky.  $\pi$  Italy is

taking part in the discussions, but only by courtesy, for the

Treaty concerns the Channel area, within easy reach of <sup>the</sup> sky fleets  
of England, France, Belgium and Germany. The next logical step

would be a similar pact for the Mediterranean region.

In the proposal now being considered by Berlin, one  
provision calls for Germany's entrance into the League of Nations.  
They say Hitler's government is likely to shy ~~at~~ this. The Nazis  
haven't so much faith in the League.

## GOLF

At Toronto, an entire floor of the Royal York Hotel has been taken by a ~~function~~ convention that is determined to put an end finally to the chinch bug. That pestiferous insect has long been a destructive problem in the grain fields of the west. But it is not any grain growers organization that is meeting. It is the National Association of Greenkeepers of America. The greenkeepers are the men behind the golf scene, who make the links something you can play on. I suppose the chinch bug could get away with it, when the critter was merely destroying the wheat fields. But when old boy chinch started to fool around with the golf greens - that was too much.

For the past two years many an acre of the turf on the links has been ruined and turned black by those small insects that look something like the head of a burned match. They suck the juices out of the grass. The greenkeepers called upon the aid of the scientists ~~and have~~ been successfully fighting the chinch. Now they are planning for the final push, so that there won't be any more chinch on golf links, except in the chinchilla the members' wives wear.

## PIRATE

Down in Florida they are hanging Gasparilla, the Pirate. They're hanging him with festive ceremony. It's all a bit of a semi-tropical carnival at Tampa. It is many a long year since the black hearted Gasparilla paid the just desserts of his foul deeds, but he is still a vivid memory at Tampa. They keep him alive by hanging him every year, to phrase it paradoxically.

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Anyway, the festive <sup>right now</sup> hanging of Gasparilla is on at Tampa, and it gives us a peg on which to hang a gaudy pirate story of the bad old buccaneering days.

Gasparilla, a Spanish Captain Kidd, had a kingdom of the black flag on an island south of Tampa, a bit of land now called Pirate Island. Legend relates that he kept a harem there, of beauties seized on pirate-captured ships. Not content with that, ~~then~~ wicked villain used to raid the town of Tampa, looting and destroying, and he would pick out the Tampa girl who suited his fancy and carry her away to his harem on Pirate Island. This continued until finally Gasparilla captured the most beautiful and highborn senorita of those parts. She was the fiancée of a young Don who was as brave as he was highborn. He gathered a

party, took a ship, and sailed to Pirate Island. And there, with great valor, he not only rescued the proud Castellán beauty, but also put the quietus on the entire pirate band. Every buccaneer was killed or captured. Gasparilla was captured and they took him to Tampa and hanged him with due formality.

That's the event they're celebrating at Tampa tonight - with a pirate carnival week. A young business man takes the part of Gasparilla. With his infamous crew, he captures the town, ~~he~~ seizes the present day Tampa beauties and makes one of them his queen. Then he throws parties all over the place. He is the king of the Carnival Week, which ends with the downfall of Gasparilla. He is captured, taken to the solemn lugubrious gallows and hanged. And the feast is ended.

## BOB RECORDS

Winter sports enthusiasts are saying today it certainly looks like the Stevens brothers for the next Olympics! The official try-outs for the bob sled events won't be held until the coming weekend at Lake Placid. But look what they've already done:- Yesterday, Curtis Stevens, one of the four sliding brothers, broke the record for the four-men bob sled run. He flashed down that thrilling Lake Placid bob sled mountain faster than anyone has ever done it before. And the big chap, Hubert Stevens, has been breaking records for several days. He did it again today.

The Stevens brothers for years have been the world's premier bob sled whiz-wham-and-there-they-go - boys. And from the form they are showing, they seem likely to be the American representatives when the winter sport Olympics get going next year at Garmish-Partenkirchen near Oberammergau Ober der. And, ober here - it's,

SO LONG UNTIL TOMORROW.