

When the stately and august Supreme Court of the United States unbends so far as to spring a surprise upon the country that's news. During the continued illness of Mr. Justice Harlan Stone, Washington observers did not expect any important decisions from the Court. So when only eight justices took their places on the bench this morning, nobody anticipated any ruling on a major case.

All the more surprising were the first words uttered today by Chief Justice Hughes. At first the audience hardly realized how significant they were. The Justice declared that New York State's Employment Insurance Law is upheld as constitutional.

It was a four to four tie vote in the Supreme Court on that insurance law. But it's a tradition that when the justices are evenly divided, the ruling of the lower court is upheld. That's what happened in the case of New York's Employment Insurance Law. The Appellate Division of the N. Y. Supreme Court and the Court of Appeals, the highest in the state, had pronounced it constitutional. And now it's confirmed by the court of courts.

The news was received with cheers by officials of the New Deal administration. They see in that decision a favorable omen for the fate of the Roosevelt Social Security Program.

Here's the decision. It reads:

"The American Federation of Labor should suspend the committee for industrial organization and its member unions."

Such was the recommendation by the resolutions committee of the A. F. of L. made to the ^{Tampa} convention this afternoon.

~~You will observe that it is~~ Not as drastic as it

might have been, and by no means final. I mean, that even if the recommendation were adopted by the convention it would not definitely sever relations between the federation and John L. Lewis's industrial type unions. It would merely bar them from any share in federation activities until Lewis and his colleagues decided to give up their aggressive ways and say "uncle."

So the fireworks everybody expected at Tampa did not go off today ~~The big setpiece is due to be touched off to~~

— that is not in full blast.

~~Next~~ Lewis's defenders are planning an outspoken, two-fisted

~~Due tomorrow.~~ defense. There will be no roll call because, as the convention

stands now the insurgents are outnumbered. The delegates from the ten rebel unions are not present at Tampa. If they were, said one of the leaders, they would have a majority.

It seems pretty sure the proceedings will be

49

50
spectacular tomorrow. One of ^{John} Lewis's chief champions is Charles Howard, president of the formidable and powerful Typographical Union. ~~actually it~~ ^{his} union is not one of the ten insurgent bodies. But Howard himself is secretary of the C. I. O. ~~That puts a strong ally on Lewis's side, since Howard~~ ^{And, he} has threatened to lead the typographers in a walkout from the A. F. of L. if the Lewis unions are not taken back into the fold.

VAN SWERINGEN

The railroad world has lost one of its most spectacular figures. O.P. Van Sweringen of Cleveland, second of the famous Van Sweringen brothers of Cleveland, died suddenly in his private car at Hoboken, New Jersey, at noon today. — *after a small train accident.*

Another Horatio Alger story:- He was one of those *O.P. + M.J.* two boys who came off an Ohio farm and, two brothers who ~~lived~~ climbed to the control of American railroads valued at some three billion dollars. O.P. was thirty-seven and his brother thirty-five, when they left real estate and went into the railroad business on a dizzy scale.

At the Waldorf during the auto show, O.P. Van Sweringen told me how when he was a boy he wanted to be a street car motor man - even as you and I. But he was told he couldn't get a job on a trolley unless he grew a big walrus mustache. That discouraged him - so he grew up and bought a street car and railroad empire.

51

PATENT

From Washington the information is that before the century is out, we shall be wearing clothes made of glass. Then watch the boys throw rocks at the gals.

Uncle Sam's patent examiners, the men who have to scrutinize every invention to find out whether it's really new or not, were putting on a big show in Washington this afternoon. It was in celebration of the Hundredth Anniversary of the founding of the American Patent System. The show was called a research parade, new scientific wonders that have been perfected but not yet in use: rubber made of gas, motor car headlights with the glare eliminated, machines that can run whole factories by the power of the sun, rats that can be developed to the size of bulldogs, trees that grow tomatoes.

The scientific parade is followed by an odd banquet tonight, with Boss Kettering of General Motors as toastmaster. At ten thirty tonight, Eastern Standard Time, the banquet will be broadcast by the N.B.C.

ROOSEVELT

While all this is going on at home President Roosevelt from all accounts, is having a grand time fishing. It's been several months since he's had the opportunity to try his luck with hook and line. And he's overjoyed at having a go at his favorite sport once more.

That's what Bill Murray, Fox Movietone Cameraman, cables me from Port of Spain, Trinidad. And Bill adds that he nearly lost a perfectly good camera overboard when he was trying to follow the President in a small boat.

James Roosevelt contributed an unexpected bit of drama and showmanship to the voyage of the cruiser INDIANAPOLIS. To the astonishment of the correspondents and cameramen he appeared suddenly amongst them all dressed up in uniform. A colonel's uniform. Everybody wondered: "What's this? Has the President's son done a Roscoe Turner?" An inquiry to Col. Marvin McIntyre brought to light that Colonel James Roosevelt is a colonel in the Marine Reserves, hence the brass hat leatherneck regalia.

The President's only official act today was in his capacity of senior pollywog as the Indianapolis nears the Equator. He

ordered a detail posted to keep watch for the appearance of Davey Jones, ambassador extraordinary and envoy plenipotentiary of His Majesty, King Neptune. For F. D. R has been notified he's to be put on trial before King Neptune somewhere off Brazil. The charge against the President will be gross incompetence -- for failing to carry Maine and Vermont in the national election.

SULTANS

Today's news from the Philippines concerns the Sultan of Sulou, the Mohammedan potentate made famous by George Aide in the early days of this century.

They have a new sultan in Sulou, His Highness Esmail Kiran. Kiran was a school teacher before he became a sultan. He succeeded to the throne on the death of his father, Sultan Wasit -- not Whosit -- Wasit. And today we learn that there's a distinct cloud in Jolo, the capital of Sulou -- it's about the succession ceremony. Nasty reports are flying around. Carping critics are hinting aloud that Sultan Wasit did not die a natural death. And they demand to know loudly: "Who was it who poisoned Wasit?"

Uneasy, therefore, lies the head of the ex-school teacher now wearing the crown. There are plenty who would like to take the throne away from him, among them a lady, the Princess Dyang Dyang whom I mentioned a few months ago. She was the niece and adopted daughter of a previous sultan. Upon his death she seized the throne and got away with it for a while. Only a few months ago, Sultan Wasit gently but firmly removed the lady Dying Dying. The men of Sulu warlike gentry, declared that by Allah, it was not mete that grown men entitled to wear ~~two~~ swords in their sashes, should be ruled by a woman.

SPAIN

The Spanish war began to affect Uncle Sam today. The American Embassy in Madrid is to be closed. During the last few weeks it has been in charge of Eric Wendelin, the Third Secretary. Today he notified Washington that he had received word from the Spanish government that it could no longer guarantee protection to any foreign diplomat. Secretary Wendelin accordingly is now getting ready to evacuate and expects to leave Madrid Wednesday. With his staff he will go to Valencia, still held by the left wing government. There he will establish a temporary embassy.

That will throw a hundred and fifty United States citizens on their own, if they decide to take a chance of remaining in Madrid. Heretofore the embassy has been their haven of refuge.

Another storm of shells and bombs was rained upon the Spanish capital today. (Madrid has been comparatively quiet for four days, owing to rain, snow and cloudy weather. But the skies cleared this morning, so once again the thunder of artillery and the crash of bombs dropping from airplanes, deafened the defenders.) One bomb fell plumb in the middle of the Spanish

Ministry of War. Civilians are continuing to flee. Some
three hundred thousand Madrilenos are homeless today.

EUROPE FOLLOW SPAIN

John Bull will protect his merchant vessels if he has to use his warships to do it. That's the warning that was uttered in the British Parliament today by Foreign Secretary Anthony Eden.

Last week we ~~were rather astonished by~~ ^{had} the news that Britain had decided to recognize both the Spanish government and the Rebels as belligerents. But that does not go so far as the high seas are concerned. So says Captain Eden. The British fleet will convoy merchant vessels outside the three mile limit.

At the same time John Bull's government will make sure that no ugly awkward incidents occur. The convoy for merchant vessels doesn't mean that they will be allowed to land munitions in Spain. "British ships may not carry war materials from any foreign port to any port in Spain", declared the Foreign Secretary. To which he added: "The government intends to introduce legislation immediately declaring illegal the carrying of Spanish arms by British ships. The government ^{policy} ~~also~~ is to take no part in the Spanish war and give no assistance to either side."

DUEL

"Pistols for two, coffee for one" - that used to be the formula for a duel. The motto for Budapest tomorrow will be, "Sabres for ten, coffee for one." The much advertised duels between the diminutive Dr. Franz Sarga and his nine opponents have been postponed by a Court of Honor in Hungary's capital.

Considering his size, the little doctor has made a large contribution to the gayety of nations. ~~He is so~~ He is so small in stature that some correspondents described him as a midget. For all that, he has broad shoulders and a heavy chest. And he is going to fight the whole nine of 'em, come one, come all, to avenge the honor of his beautiful young heiress wife. As for the lady, (who is about to add to Hungary's population,) she exhibits neither qualms nor fears. "Go to death or go to glory", is her valedictory to her fire-eating little husband.

57

On the fact~~2~~ of it, those nine ^{duels} ~~duelists~~ would seem to be no joke. They won't be fought with foils but with cavalry sabres, sharp, slashing weapons such as are used by dueling students of the famous drinking and fighting brotherhoods in German universities. You can't run a man through with them,

but you can slice off a nose or an ear, and, if you slash hard enough, an arm. In German university duels, the fighters are protected by heavy padding around the arm, shoulder and neck. But Hungarian duelists are no sissies. They will appear on the field of honor protected by nothing but a silk cloth around the *throat,* ~~neck~~ affording somewhat tenderous protection to the jugular vein.

However, that doesn't seem to make the ~~duel~~ ^{duels} fatal. Little Dr. Sarga has come away without being either maimed or scarred from seventeen previous ~~duels~~ ^{encounters}. The only casualties he sustained were to his spectacles, which have been smashed frequently.

8

The comic opera element in this diverting bit of news lies in the fact that the postponement of those nine duels was not due to any activity by the Budapest chief of police. Theoretically, duelling is as unlawful in Budapest as it is in Boston. At the same time, it's a good old Hungarian custom for the head of the politzei to shut one eye at such rumors and, like Lord Nelson at Copenhagen, put his telescope to the blind eye saying: "I see nothing." But even a European gendarme would have to be not only blind but dumb, deaf and paralyzed, to be in

95'ix

ignorance about the little doctor and his nine duels. All Budapest is talking about him. He cannot walk along the embankment of the Danube River without being stopped every five yards by enthusiastic admirers who reach down and pat him on the shoulder and say: "Be brave!"

He'll certainly have to be brave - or something.

59
The Court of Honor has decreed that he must fight the first six of those nine duels tomorrow. The postponement was ~~caused~~ because the twenty seconds involved were unable to agree.

59 1/4
For my part, I feel like echoing the sentiment of the beautiful bride, Madame Magda Sarga, who said to her belligerent groom, in the best Magyar: "Give it to him, honey", and -- SO LONG UNTIL TOMORROW.