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COURT SOLUTION IS REPORTED NEAR

Rumors of Retirements From High Bench Again Revived at the Capital

LOOK NOW TO PRESIDENT

Leaders Aim to See Him Soon on Views for a Compromise—McAdoo Explains Plan

Special to THE NEW YORK TIMES. WASHINGTON, May 12.—Suggestions that the controversy raging around President Roosevelt's program for judiciary reorganization might be settled within a few weeks and that it would involve the retirement of some of the present members of the Supreme Court were revived in some circles here today.

Meanwhile, the Senate Judiciary Committee held its last session on the court bill, waiting presumably to give Mr. Roosevelt an opportunity to let his Senate leaders know whether he would accept a compromise on the measure, which they now regard as doomed to almost certain defeat if presented to the Senate in its original form after a probable unfavorable recommendation by the Judiciary Committee.

It is understood that the administration stalwarts will try to see the President soon after his return to the capital Friday to discuss the matter of a compromise. Some Senate strategists believe that a bill providing for the addition of two justices to the court would attract votes from many Senators who feel that they cannot subscribe to the principle of trying to force aged justices from the bench and permitting the addition of six new ones.

Chances of Naming Justices

Passage of a bill increasing the Supreme Court immediately to eleven members and retiring two justices would give Mr. Roosevelt the opportunity to name four judges in the near future, subject to the approval of the Senate. In the remaining period of his second term some of his friends think chances for the appointment of other justices would come through normal vacancies.

Under these circumstances, they maintain, there could be no possible danger during the remainder of his term of a deadlock on the Supreme Court bench, about which the President has complained.

Senator McAdoo explained to the Judiciary Committee today the provisions of his substitute plan, urging the members not to forget the growth of the country in their plans for the Supreme Court. He told them that the nation had a population of 38,500,000 when the size of the court was set at nine and now has 130,000,000 inhabitants.

He argued that not only did increase in population bring an increase in litigation, but also that progress in industrial and financial organization brought inevitable conflicts of interest which ultimately must be settled by the courts.

The California's proposal, which one member said that he had described as the "Hollywood plan," includes a bill to increase immediately the size of the court to fifteen. Ten members would constitute a quorum, and Mr. McAdoo envisaged an arrangement under which ten members would be sitting while five others wrote opinions. In this manner, he suggests, considerable work could be dispatched. He also urged the repeal of the act of 1925 under which the Supreme Court was permitted to reject many of the appeals brought to it from inferior courts without a hearing. He said that this act was passed at the request of the justices, who held it was needed to enable them to keep abreast of their work.

"It is not the business of Congress to restrict jurisdiction so that a group of men can keep up," Mr. McAdoo asserted.

As a companion bill, he proposed that a constitutional amendment be submitted for ratification fixing the size of the court at fifteen for the next twenty-five years. Under the terms, Congress would not be compelled to reconsider the question of the court's size at the end of that period, but if it did make any change the new status would have to endure for a further period of twenty-five years. The amendment would also provide voluntary retirement at 70 for all judges and compulsory retirement at 75.

Pennsylvania Result Hailed

The National Republican Congressional Committee issued a statement today declaring the election of Richard M. Simpson, Republican, to the vacancy in the Eighteenth Congressional District of Pennsylvania as "an emphatic repudiation of President Roosevelt's court packing plan."

The statement, given out by Representative Joseph W. Martin Jr., said:

"What this special election really means as a barometer of the trend of public sentiment against New Deal policies as represented in the court proposal is apparent when it is considered the Republican candidate carried the district by a majority of over 9,600 votes, despite the fact that the State Highway Department threw its full weight into the fight against Simpson, and other New Deal spending agencies left no effort unspared to win."

Simpson's campaign was based on his opposition to Mr. Roosevelt's court plan. This was the issue stressed throughout the campaign. Both Simpson and his opponent, L. J. Ciesler, were members of the State Legislature, and in that body Simpson voted against approval of the President's court plan, and Alexander voted for it. Both men were personally popular, so no personalities entered into the contest.

"Women workers, thoroughly aroused over the court issue, contributed much to the result. It is also significant that in the industrial counties of the district, including Millfin, Democratic stronghold, which turned in a Democratic majority of over 1,500 last November, the Republicans won majorities, as well as in the agricultural and other sections."

Wallace Sees Weather Aiding the Court Plan

By The Associated Press. WASHINGTON, May 12.—Secretary Wallace said today that the weather was helping President Roosevelt's attempt to alter the Supreme Court.

His argument was that good weather might result in large crops, and that farmers feared prices would slump. The farmers, Mr. Wallace added, have "no assurance" that effective Federal action to remedy such a situation could get by the present Supreme Court.

One reporter at the Secretary's press conference asked why some Senators from farm areas were opposing the President's court proposal.

"If that is so," Mr. Wallace said, "I attribute it to contacts with lawyers."

EPISCOPALIANS PUT COURT ISSUE ASIDE

New York Diocese Votes 'No Action' on Sending Roosevelt a Message of Protest

The Episcopal Diocese of New York voted to take "no action" on the question of the proposed enlargement of the Supreme Court at the closing session of its 154th convention yesterday in the Synod House of the Cathedral of St. John the Divine. The convention opened Tuesday morning.

The convention followed the recommendation of its committee on miscellaneous business, presented by its chairman, the Rev. Dr. George Paul T. Sargent, rector of St. Bartholomew's Church.

On Tuesday the Rev. John R. Atkinson, rector of Christ Church, had presented three resolutions on the subject. One of these asked that the convention "support and commend" Bishop William T. Manning for his protest, made in two addresses, against the court proposal of President Roosevelt. Another was that the convention "earnestly pray that the Bishop's protest may prevail to protect the interests of the citizens of this country." The last was that a copy of the resolutions be sent to the President with expression of "respect, admiration and esteem."

Women Again Are Barred

The convention voted about two to one against a resolution that parishes be permitted to elect women as vestrymen. This resolution had been introduced on Tuesday by Charles C. Burlingham, a warden in St. George's Church, for the sixth successive year. It was referred to the committee on canon law, of which the chairman was the Rev. Dr. Randolph Ray, rector of the Church of the Transfiguration, known as "The Little Church Around the Corner."

For the first time the committee reported in favor of permitting women to be members of vestries. A brief but spirited debate followed, with Mr. Burlingham championing the cause of women vestrymen.

The ballot showed 103 clergymen against the proposal and 51 for it. The lay vote was 62½ against and 20½ for. The lay delegates vote by the Australian system, in which the parish is a unit and each parish is entitled to three lay delegates.

The convention adopted unanimously, and with applause, a resolution felicitating Bishop Manning on his birthday. The resolution, presented by the Rev. Oliver Shaw Newell, rector of St. John's Church, Yonkers, N. Y., proposed that "the convention congratulate the Bishop on his birthday and hope that he may continue to bless us with the same fairness, kindness and brotherly love as in the past."

Historic Gavel Presented

A historic gavel was presented to Bishop Manning for the diocese by the Rev. Dr. Henry Darlington, rector of the Church of the Heavenly Rest in the name of his two brothers, both of whom are clergymen, and his two sisters. He said the gift was in memory of their father, the late Right Rev. James Henry Darlington, Bishop of Harrisburg, Pa., to whom the gavel had belonged.

The head of the gavel is made out of the wood of the frigate Constitution, affectionately known as "Old Ironsides," and the handle is made of wood from the Admiral Lord Nelson flagship Victory," Dr. Darlington explained.

The Bishop, in thanking the Darlington family, said he would use the gavel to "protect the Constitution," and hoped it would be a "harbinger of victory."

Three trustees of the cathedral whose terms had expired were re-elected. They are Dr. Nicholas Murray Butler, president of Columbia University; Supreme Court Justice Edward R. Finch, a vestryman in St. Bartholomew's Church, and the Rev. Dr. Frederic S. Fleming, rector of Trinity Parish. The term of President Roosevelt, who is one of the trustees, will expire in 1939.

A telegram of felicitation to Bishop Manning from the Diocese of New Jersey, which was in session at Trenton, was read to the convention.

DODD IS DENOUNCED BY COURT BILL FOES

Borah Terms the Ambassador 'a Disgrace to His Country' and a 'Scandal Monger'

HIS RECALL IS DEMANDED

'Not Proper' for Envoy, Says King—Nye Wants Name of 'Billionaire' Backing Dictator

Special to THE NEW YORK TIMES. WASHINGTON, May 12.—Sharp criticism of Ambassador Dodd and demands for his recall from Germany were expressed today by some Senators opposed to the President's court bill, who interpreted Mr. Dodd's recent letter to some of their colleagues as an effort to frighten members into voting for court reorganization by representing fascism as the only alternative.

Senator Borah, who was singled out in the letter as one who failed to recognize the meaning of anti-democratic judicial and Senate minority vetoes "in that he led the fight against the 'Wilson peace plan' in 1919, was particularly outspoken.

"I haven't read Professor Dodd's statement," he said. "I have been told he indulged in attacks upon the integrity and honor of some of the Revolutionary fathers."

"I do not propose to descend to the level of reacting such irresponsible scandal mongers. I regard him as a disgrace to his country. I have an idea his supposed dictatorship is the figment of a disturbed mind."

Senator Van Nye, a Democratic opponent of the President's court bill, resented the implication that he and men in his party who thought as he did on this issue were potentially champions of dictatorship. He said that if Mr. Dodd had knowledge of a Fascist plot in the United States he ought to place that information before Congress.

Holds Letter 'Ill-Timed'

"The Ambassador has overstepped the boundaries of his official position," said Mr. Van Nye. "His letter was ill-timed and out of character with his function as an Ambassador."

Mr. Van Nye was among those who advocated the Ambassador's recall.

Senator King, also a Democrat and foe of the court bill, held that Mr. Dodd was "not a proper man to represent this country in Germany," and expressed the opinion that the Ambassador had been "impaired with the ideas of dictatorship through his sojourn in Germany."

"There is no possibility of a dictatorship in America at any time," said Senator O'Mahoney, an opponent of the court bill though usually a strong supporter of the administration.

Senator Bulkley, one of the Senators to whom Mr. Dodd wrote, was of the same opinion.

Senator Nye said that if the Ambassador knew a billionaire who was willing to finance a dictatorship he "should make his name known so that Congress can undertake investigation." He said he would introduce a resolution calling on the State Department to cable Mr. Dodd for the name.

Representative O'Connor, chairman of the House Rules Committee, promised to dispose of any dictator.

"When anybody sets himself up as a dictator in this country, I give my guarantee that I will personally throw him out," he said.

There have been reports for some time that Ambassador Dodd intended to retire from diplomacy, and there has been considerable speculation in State Department circles as to his possible successor.

His letter followed the line of argument which the Court Bill's proponents have advanced that the Supreme Court has been frustrating the wishes of the people of the country.

Dodd Amplifies His Views

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with public discussion of the views he expressed in personal letters to United States Senators, Ambassador Dodd issued today a statement expressing belief that political developments in America now paralleled precedents of earlier periods, which then also demonstrated dangers of defeat of the will of popular majorities through activities of an intransigent minority.

His statement read as follows:

"In my letter to Senator Bulkley of March 11 I reviewed the critical moments of our history and indicated results of judicial vetoes, party splits and filibusters; defeat of Jefferson's gradual abolition plan, of Lincoln's reconstruction ideas, Cleveland's free trade program, Theodore Roosevelt's reforms of 1905 to 1909, and Woodrow Wilson's world peace hopes.

"These represent great issues for which large majorities of people had voted. In every case the will of the people was defeated.

"Now we are on the eve of a similar and even more important series of popular decisions. It is the most critical moment in our history since the Civil War. A people with a hundred billions invested in securities, many billions invested in foreign countries, aside from government debts, and compelled to sell crop surpluses abroad will surely suffer another depression if a world war starts and almost as great a one if speculation is let loose.

"The President was re-elected to complete his vast recovery plan, all States but two having voted for him. To defeat him as his predecessors were defeated would be far more dangerous than the defeat of Theodore Roosevelt. Under our Senate rules the minority might do this.

"This is what I tried to make plain; and to divide our leading parties now and invite solid front radicals and conservative organizations would be to invite dictatorship.

"Several influential men said to me when I was in the United States in 1935 and 1936 that certain great millionaires favored such an outcome. This information was entirely confidential. What I said in concluding my appeal for the common good was not due to European opinions. I have studied our history for forty years and I thought some Senators might be interested in what the results seem to be.

"What was reported in Paris about references to Germany and my son's activities was entirely untrue. The son is working for the League of Nations and the World Peace Institute, of which Lord Cecil is president.

"There is no chance of my being in Washington before later in the Summer."

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