

Oral History Interview
with
MICHAEL H. CARDOZO

With United States Lend-Lease and Foreign Economic Administration, 1942-45; Lend-Lease Representative in Turkey, 1943-44; with Office of Legal Adviser, Department of State, 1945-52; Assistant Legal Adviser for Economic Affairs, 1950-52.

Washington, D.C.
May 29, 1975
by Richard D. McKinzie, Harry S. Truman Library

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MCKINZIE: Mr. Cardozo, I think many historians, as they look back to people who served in Government during and after World War II, ask, "Why'd you go into that in the first place?" When you were a young man preparing for law did you anticipate a career in Government service?

CARDOZO: Well, I didn't when I was in college or law school. I didn't really know what I was

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going to do, but I assumed I was going to be in a law firm, probably in Wall Street. That's where I went after I left law school. I didn't take a course in international law at law school or anywhere else, so I didn't necessarily prepare for a Government career. It's true, though, that the atmosphere at the Yale Law School in those days was very likely to encourage somebody to get into Government. William [Orville] Douglas, Thurman [Wesley] Arnold, Charles [Edward] Clark and Walton [Hale] Hamilton were all people who, at one time or another, had a lot to do with Government. So, it wasn't surprising that a lot of us did go into it. I got into Government because one of my classmates at the Yale Law School called me one day and said that he had been made Special Counsel to an investigation by the

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SEC [Securities and Exchange Commission] and wanted to build up a staff. He asked if I would come down for a few months to help with that investigation. It was the Temporary National Economic Committee's investigation of life insurance, and Gerhardt Gesell was the Special Counsel. So, I got leave of absence from my firm to do that, and that particular job, instead of lasting a couple of months, lasted 15 months or so. Then the New Deal was in full activity here in Washington, and other jobs showed up for all of us. I was invited to go to the Tax Division of the Justice Department, which was a very interesting thing to do. I was, for two years, arguing cases on appeal in various U.S. Courts of Appeal and still on leave from the New York firm. It was while I was in

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that job that the war started, and at that point I actually got into international affairs. I went upstairs to the Justice Department, to the office of Oscar Cox, whom I knew personally. He was then General Counsel of Lend-Lease, as well as an officer of the Justice Department, and I asked what I could do to help with the war effort. He suggested going into lend-lease. For a couple of months I worked in what was then the War Department, on the relocation of the Japanese and the Italian and German restrictions. Then I went into lend-lease. That's how it came about: instead of being here for two or three months, I was here for 13 years.

MCKINZIE: How did one get assigned to a place like Turkey? Was it just a matter of doling it out or did you have some particular

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expertise of a legal or other nature?

CARDOZO: This was a remarkable quality of Oscar Cox, again. I went to the Lend-Lease Administration, in the Office of the General Counsel. The Lend-Lease Administration was a remarkable conception. Oscar Cox wrote the bill and had the idea as to how it should be run. The Office of Lend-Lease Administration was a small office where the ideas came and the central planning for the thing was handled. The actual carrying out of lend-lease was done in other agencies: Treasury Procurement, military procurement agencies, Agriculture; those organizations actually did the buying and transferring of all articles. Lend-lease was just the office where the requests came from the other countries; where they were screened, decisions were made,

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and then the action was parceled out. And it was an interesting, unusual legal staff. Not only was Oscar Cox interesting in this respect, but he also brought down the Dean of the Cornell Law School. Then we had Myres [Smith] McDougal, who had become famous in international law; Lloyd Cutler; Joe Rauh; and others that were in and out of the office. Just before I went there, Frank Kaufman (another of the young lawyers from various backgrounds; many of them were from Yale Law School) had been sent to Turkey to set up a system of screening the needs of the Turks. Now, one might ask why a lawyer? Well, it was a tricky and novel job that called for an incredible kind of mediation between the State Department, military people, and the Lend-Lease Administration. Somebody was needed who knew how government operated and who could

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get along with people like the Turks, in order to get things going there despite the doubts of all kinds of people. He had to work closely with the British who had dominated the area as far as military aid was concerned. And Oscar would say to one of his staff, "How about going to Turkey?" That's what he said to Frank Kaufman, and he said the same thing to Lloyd Cutler about North Africa. Cutler went to be the intermediary between General Patton and the civilian people furnishing lend-lease aid in North Africa. So, Frank Kaufman, who is now a judge in Baltimore, had been there for about a year, had already gone to Turkey, and his time to return had come. It was not supposed to be an indefinite assignment, and anyway, in wartime people were restless and wanted to get into

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different things, and so forth. So, they wanted someone to take his place, and I was the next one in line, sort of. Along with a number of the legal staff of lend-lease, I went out to take one of these foreign positions. There were others, Thomas Washington went to Iran and Philip Kidd and others went to various places.

MCKINZIE: Did you have a chance to talk with Mr. Kaufman before you went?

CARDOZO: No, I didn't before I went. He was there though; we were there together for several weeks and I learned some of the ropes from him.

MCKINZIE: So, before you went, you weren't in the position to judge what kind of relationship there would be between people in the

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State Department and people (such as yourself) representing lend-lease, people representing the Treasury, or people representing other agencies of U.S. Government?

CARDOZO: No, it was terra incognita as far as Washington was concerned. Only the people out in the field knew what it was. Frank Kaufman knew the problems, but he was not in a position to send messages because the State Department would probably be involved and would see them anyway.

So, nothing really had come back about the diplomatic problems of relations between the Lend-Lease Administration and the State Department. Of course, you later learn, after you've been in

Government long enough, that that kind of inter-departmental relationship is normal. Being able to make Government

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work means that somebody has to "feel" the problem.

I think that what I learned in my first year at lend-lease was to become an expert in how to get Government money spent fast and effectively. This is what all the lend-lease staff learned to do. That was why when I came back and the postwar foreign aid programs came about, I was brought into that. I theoretically knew how to set up a system that would get billions of dollars spent for the Marshall plan. So, my experience in lend-lease was very important to that and also to the intermediate programs.

MCKINZIE: As a man who was, in a sense, walking tightrope in Turkey, you had a number of clients; the Turks, the State Department, your own agency. Did you at all think about what

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was going to happen to Turkey come the end of the war?

CARDOZO: Well, not very much. We had picked up from President Roosevelt the idea that we were now "Mr. Win the War;" that was our job. Everything was aimed at that. The British in Turkey suspected the Americans of planning a postwar situation where, because of our lend-lease shipments during the war, we would set up a dependence of the Turks on American goods. They'd always dealt with the British before and the British were terribly anxious not to let DuPont chemicals take the place of Imperial Chemicals Industries. So, in the question of deciding where the Turks would fill their needs for various kinds of things (such as tires -- Dunlop tires or Goodyear tires) there was a little bit of jockeying over the

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future, a concern for the future position of the trading nations. But on our side we were very pure. In fact, we got the rare praise from the British of being idealists. Frank Kaufman and I were characterized as the most idealistic people they had ever encountered, by the British. And idealism meant that we were there to do the job honestly and not to try to do anything that would just set things up for the future. I think that was addressed to even the commercial attaché in our Embassy, who wasn't able to do his normal kind of thing very much because he was concentrating on the war.

Now, on the other hand, of course, the lend-lease agreement contemplated that we would not ask for a repayment for debts that would cause a postwar situation that would

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be impossible for the country to fulfill. The famous Fifth Report to Congress on lend-lease was released, then withdrawn and rewritten. At first it had had the words in it, "Victory and a sure peace are the only coin in which we expect to be repaid." This caused some troubles back here, because some people thought that we should get paid in more solid coin than that for some of the things. They didn't want to commit us to not getting paid anything for the lend-lease aid. So, they

withdrew that first condition of the Fifth Report and put out the other one with those two sentences taken out.

Nonetheless, these reports to Congress on lend-lease contained all these agreements, the so-called "lend-lease agreements." They had an Article 7 which had been drafted by

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Eugene Rostow on the lend-lease legal staff. At the time he also worked for Acheson on lend-lease matters, when Acheson was in the Treasury Department. That was a remarkable section of the agreement, in which it said that "the benefit to the United States shall be such that the President deems appropriate.." I remember the Turks had quite a time in translating the words "benefit to the United States." "Does it mean payment?" "No, it doesn't mean payment." "What does it mean?" "Well, it means the things that make us happy." That was in all the lend-lease agreements.

So, we were looking for a future when the lend-lease settlements, which involved billions of dollars, were to be used in a way that would not be an economic burden on the other

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country. The lend-lease settlements of '45 and '46 were models of how to settle what could be called a debt without burdening the rest of the world, unlike the World War I days. In that sense, we were looking into the future, but not much.

MCKINZIE: In speaking with people who were in the economic sections of the State Department and in reading a lot of the recently written literature about World War II diplomacy, I can't help but have the impression that the economists, at least, had a particular hope for the postwar world. The kind of economists who came in during World War II believed in, certainly, economic integration in the postwar period, if not political integration. Was there a kind of mind set of the lawyers who came in? You mentioned that a number of

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people came in from Yale Law School. Would they have been in this internationalist predisposition?

CARDOZO: Well, it was not predisposition, but I'm sure that all of us who felt that we came in with the New Deal did have a free trade approach to it rather than protectionists; very much so. This became very much the policy of the whole State Department. Willard Thorp was the Assistant Secretary for Economic Affairs and Acheson was Secretary. As a matter of fact, all of them had that attitude, and the lawyers reflected it. I don't think that any of the lawyers had any personal predilection in favor of trade restrictions -- quite the opposite. As a matter of fact, lawyers who came in through a different route -- such as Walter Surrey and Seymour Rubin (who came in through

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the economic warfare part of the war effort), who were both my predecessors as Assistant Legal Advisor for Economic Affairs -- were architects of free trade. Rubin went through the whole

Havana agreement period trying to create a system of free trade. This period led to the gap between different types of trade later on. They were typical of the lawyers who were in the Legal Advisers office at that time. But their clients were their mentors; people like Willard Thorp, Charles Kindleberger, Isaiah Prank, Raymond Vernon and so on. Of course, today, Stanley Metzger is the lawyer who has written a great many things about trade, all carrying on this tradition of free trade. Vernon is another good example of an economist in the State Department who created this atmosphere. And the lawyers learned from them.

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MCKINZIE: I note that when lend-lease was beginning to wind down, you were then working in the FEA [Foreign Economic Administration].

CARDOZO: Yes, the FEA was created while I was in Turkey. I was a lawyer and my job was to approve lend-lease requisitions. As a matter of fact, the day that lend-lease shipments to Russia stopped was the day when I had a phone call from somebody in the Treasury Department who said to me, "Do you think we should stop these shipments or not?"

I said, "I think it's a wise thing to stop the shipments now and find out later whether you were right or wrong." And they stopped as a result of that conversation. Nobody quite knew that what was happening, was Congress was refusing the money to carry on shipments to Russia. At a certain

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point it became clear that they were not going to appropriate the continued money for the Russian shipments but would for the other countries. So, when this became clear as a matter of congressional activity, the Treasury began to worry about when they should get the word and stop. That was where I was at the time.

MCKINZIE: Among those people there seems to have been quite a number who were eminently pleased about the way planning had worked during the war; you could say that the efforts of U.S. planners had been a significant contribution to the victory. Those same people were arguing that the kind of planning which had taken place during the war, materiel allocations, industrial quotas, export-import controls, and so on, ought to continue into the first years of the peace. I wonder if there is anything to the speculation that people got so excited about the success of

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planning that they wanted to continue this on into the peacetime period?

CARDOZO: Well, there was a very strong feeling beginning right after about '45 that there should be multilateral efforts and agreements that would deal with trade. The Havana Charter was a good example. The Havana Charter never was really put into effect in its own terms, because there were always certain protectionist problems in this country, and you couldn't go as far as you wanted. I always was very interested in the development of the Marshall plan, for example, and the extent to which that had been a thought in the minds of, primarily, the State Department, but with some Treasury economists and so forth, from its very earlier stage. Of

course we were going through a period of creating the United Nations, which was a multilateral effort in the political sphere. If it had worked to

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the fullest extent, we wouldn't have had a separate Marshall plan for Europe. Originally, when General Marshall made his speech, Russia and these Iron Curtain countries were included in his proposal. So, it was to be a multilateral effort that would apply to the other regions later on, certainly the Latin-American ones. It became more of a political thing, of course, when the Russians wouldn't cooperate.

MCKINZIE: Did you think at the time that they would, though?

CARDOZO: I certainly wasn't surprised that they didn't, but I think, equally, I would not have been surprised if they had. We were then in the midst of negotiating the lend-lease settlement, a settlement that has now been made after twenty years of negotiating. The

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principles aren't different from what they were then. We were stuck on minor parts of it which they would not concede, chiefly, returning some ships which they called "junk" and which we seemed to think they ought to return, and paying a larger sum of cash for the things that were leftover. We couldn't get together on that, but on the principle of the lend-lease settlement we had no difficulty with them. So, if they had come into any aspect of the Marshall plan, it wouldn't have surprised me.

I did negotiate with the Russians in Turkey over some hazelnuts that they wanted. We had bought them under pre-emptive purchasing to keep the Germans from getting them, and the Russians needed them for vegetable oils, very important to them. We, in due course, sent them to Russia, through Iran or somewhere, as

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a lend-lease transaction. We had bought them from the Turkish peasants, who picked them off the ground, so the Germans wouldn't get them, and turned them over to the Russians. I remember a Russian in Turkey saying to me, "I'll bet you're going to ask us for gold for those things when the war is over."

I then said, "No, read the agreement. We're not going to ask for that kind of thing." I was prepared to say, although I couldn't commit us to this, that anything that was used up we never would ask them to pay for. Later we had a terrific argument over the difference between "used up" and "used." They translated the agreement into Russian using the word that we would have called "used," that is, not new.

So, when we got into negotiations with them and said that they must return some

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things which were not "used up," they thought we were using the word "used." Therefore, they said, "Well, these have been used."

It wasn't until [Charles] Bohlen was in negotiations, and heard the Russian word that he turned to our side and said, "You know, you're not using the same word."

Then he got the agreement out and found that the translation was wrong. The word "used" was in there instead of "used up." "Consumed" was our word; "lost, consumed or destroyed." "Consumed" was translated to them as "used." This was one of the minor stumbling points of the negotiations that caused a long delay.

MCKINZIE: Do you recall when this conversation took place?

CARDOZO: My conversation with the Russians was in

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'44, but the argument over the settlement thing would have been in '46 or '47, a later one. When we were negotiating the settlement, it went in waves. I went through two separate periods of negotiating the lend-lease settlement, I don't remember the exact dates now. Only last year, they finally signed the settlement agreement with the Russians.

MCKINZIE: To what extent were those settlements determined or achieved with political goals in mind? Obviously, a difficult settlement could affect a nation's future, and it would also be possible to give (on a few points) and therefore give that nation some money for reconstruction or for postwar development.

CARDOZO: Well, I think every country was really

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treated very much the same in this respect. Our political aims were not to burden the other countries with economic burdens of any kind that would cause them trouble. We were to enable them to get from us the material they needed for reconstruction. After lend-lease ended, somewhat abruptly, we then quickly had to draft another act, which I think was called the Relief and Rehabilitation Act. Then we quickly had to get the Marshall plan thing going so that we could continue what really could have been done as a matter of lend-lease, if we hadn't had to make the gesture of stopping the wartime aid. But our assistance after the war -- and as a matter of fact, by 1949 and '50, of course, it even had military elements in it -- all had the main purpose of not creating burdens, but of creating situations where there would be

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free trade. As I remember, the lend-lease agreements had in them the provision that the postwar world would be a world of free trade, which was a political motive, I suppose, or possibly economic. They're so mixed up that you can't separate them.

I don't recall that there were any cases where we put in special provisions for political reasons or left them out. Now, I could be wrong. For example, we were negotiating with Yugoslavia. Yugoslavia was a lend-lease country, of course, and this was a settlement of the lend-lease account. But they also had come under the influence of the Soviet Union. Now, we had a pile of

gold over here in the name of Yugoslavia, which they wanted back. It was gold that had been hidden somewhere, and our people had gotten hold of it and had brought it over here for safekeeping. There was no

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question that it was theirs, but there were certain obligations that we wanted them to pay for. The Yugoslavs, and also the Czechs, owed us some money for the claims of the American companies for confiscated things; in the Iron Curtain countries they had nationalization and expropriation. We wanted them to pay our people, and we held onto the gold; it just didn't move. They were very anxious to get it and they came through with a settlement that we found acceptable. We did a little self-help of that kind sometimes in conjunction with negotiations over lend-lease, but it wasn't really a part of the lend-lease thing, it was just at the same time. I wouldn't say we were using the lend-lease settlement as a political weapon. For example, South Africa was a lend-lease country. It was semi-independent from the British at that time, and they got lend-lease aid but on what was called "cash

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reimbursement lend-lease." That meant they were going to pay for it, because all the gold in the world seemed to be coming from South Africa, and they could pay. It was the countries that lacked gold or dollars that needed lend-lease aid, because they couldn't pay for it. South Africa paid us, in one part of the settlement, a hundred million dollars. I remember when the checks came in, two separate checks; I had on my desk a check for fifty million dollars written in longhand. We passed it around so everyone could see it. But that wasn't really political; it was just an economic reality that they could afford it. It just wasn't going to cause them any economic hardship or anything. If we'd asked the French or the British to pay anything like that relatively, it would have been a definite burden.

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MCKINZIE: Mr. Cardozo, you indicated in your recent book that the requirements of American diplomacy are now so complex that it requires an entirely different kind of individual than it required, say, before World War II. I wonder if I might use the Office of the Legal Adviser as a case in point? You can use your own career, in short, to illustrate the major theme in your book.

CARDOZO: Well, the Office of the Legal Adviser before the end of World War II was a place where there were scholars in public international law, who dealt with questions of public international law, such as extradition claims and things like that. They really only dealt with questions that other people recognized as involving legal matters. In 1945 or '46 Greene Hackworth, and old-time

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type legal adviser, retired. I think Charles Fahy was the first new one, and then there was Ernest Gross, Adrian Fisher, and people more like that. These lawyers, who had been involved in the political process in one way or another had a different view of the function of the lawyer in the State Department. They felt that his function was to give advice as a lawyer on any matter that came up. And the difference between what I had been doing and what Hackworth and his staff had been doing was exemplified by the day after lend-lease had been merged into the State

Department itself. He was the top lawyer, instead of the General Counsel of Lend-Lease. I had a document that had to be signed by the lawyer, and then the Secretary of State, allocating appropriated funds under the lend-lease appropriation to, let's say, the

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Treasury Department. It would then spend the money by buying things and sending them out. I took this document, called an allocation letter, which had been flowing through the Lend-Lease Administration without any trouble for years, to get Mr. Hackworth to sign it. Well, he had no conception of that function of a lawyer, to sign a document saying that this allocation is legal, is authorized under the Lend-Lease Act. The Lend-Lease Act merely said that the President may transfer defense articles to governments that he had found to be important to the defense of the United States. We could allocate, say, a billion dollars to the Treasury Department to spend for a multitude of different kinds of things. The reason the lawyers were in on it was because they theoretically knew what Congress intended to be done under the act. When the lawyer

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signed this document he was saying that this is within the intentions of Congress in passing this act. And the kind of question you had was not the transfer of guns or fighting plane or something, but the transfer, for example, of fertilizer to make wine in France. Take something like lipstick. You have the question of whether it is within the act; if lipstick could be used to mark casts on wounded soldiers, it might be the best thing to use for it, and for that purpose it would be a "defense article." But to put on lips, it might not be. Anyway, this was the kind of thing that the lawyers had to look into, and they were quite a different kind of lawyer: people who knew the processes of appropriation and legislation, how to draft them and how to get them through Congress. The very reason that the

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Lend-Lease Administration had been set up, instead of having it administered in the State Department, was because the State Department just didn't consider itself and the people in it as an administrative agency that could carry out a program of that kind. The Foreign Service officers and the typical office of the State Department just had no conception of that part of Government activity. The lend-lease people all became experts in how to draft legislation; how to get it before the right committees, how to convince the committees to report it, and how to get it through Congress. We spent many hours writing, helping the staff to write reports to give the legislative history helpful for administration. This kind of thing was a wholly different job.

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MCKINZIE: The point you make is a strong point. The State Department did not want to become an administrative agency, nor did it wish to become an operating agency. It did not wish to have operatives in the field; it didn't wish to become the operating agency for the occupation of Germany after some of the military problems were resolved; nor did it wish to operate the foreign aid program, Point IV, which President Truman had wanted them to do. Now, would these kinds of people you're talking about have been willing and eager to have gone further than getting the bill through Congress? Would they have been willing and eager to have implemented it in the field or to have overseen it?

CARDOZO: Yes, and they were not unwilling to; they were the people who did it. In a proper

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relationship with the State Department, people abroad or here, there was a close collaboration. Some of the Foreign Service officers worked closely with the different people in the aid programs, very effectively, so that they were able to help see that the proper foreign policy of the United States was being carried out by these programs. This, of course, was the only justification for doing them. A country like Turkey is a very interesting one in this respect. During the war when we were applying lend-lease in Turkey, what is it we were doing? What were we trying to get Turkey to do? This was a diplomatic relationship, as to what we were trying to get them to do. But the aid program, the lend-lease program and all the other activities going on there were to carry out that. We had, of course, a Board of Economic

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Warfare activity in Turkey, parallel with the lend-lease program. It was economic warfare aimed at trying to get the Turks to help us keep the Germans from getting important materials from Turkey, such as copper, chrome, nuts of various kinds for oils and tanning materials, and all those kind of stuff. Turkey was helping us to get them, as long as we pretended we wanted them. The Turks were also the best source of opiates for medical purposes, opium. We depended on getting a good deal of that from them. So, that was economic warfare, and lend-lease was sent to Turkey in order to make the Turks feel able to resist the German pressures. Turkey was neutral during almost the whole time, and it was a see-saw battle between the two sides to influence the Turks. Now, they probably wanted our side to win all

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the time. They weren't always sure we were going to, but when they were fairly sure of it they helped us in all kinds of ways, in this economic warfare. But in order to make them feel that we were trying to support them, if they got in trouble with the Germans, we sent these arms under lend-lease to them.

The question of how to influence the Turks and how to get them to be on our side was a question of foreign relations, where the diplomats should have been the ones best able to do that. As a matter of fact, in the case of Turkey we had at least one Foreign Service officer in the State Department who knew Turkey very well. [George, Jr.] Lewis Jones was in the State Department back here and sat in on all the planning sessions about what we should do about Turkey. He

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could tell what the reactions of the Turks would be. This is where a diplomat is important, when people like me are sent out there, never having spoken to a Turk before in my life. I didn't even have a little understanding of their history. I read a good deal of their history after I got out there, but I needed the advice of experts on whether to recommend certain kinds of things. We had control over what went into Turkey from our side, from the British and American side, and that's what I was there for, to work with the British and decide what should come into Turkey. Well, what would their reaction be?

Now, for instance, malaria was always a big problem in Turkey, and the Turks put in many requests for quinine. Quinine was in very short supply -- we had need of it all over the world -- but atabrine had been discovered

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as a substitute for quinine, and worked very well. The Turks kept saying, "Well, don't give us atabrine; we want quinine."

A lot of people would say, "Well, they're just being sticky. Why do they insist on quinine instead of atabrine?"

A Foreign Service officer who knows the Turks and knows something about Turkish peasants could tell us that the trouble is that atabrine is yellow and quinine is white. A Turkish peasant is accustomed to taking a white pill for malaria, and you can't get him to change and take a yellow pill all of a sudden. This is where the State Department, with its knowledge of the background of places, is very important for the aid program people, the newcomers to these things. Of course, it's also where anthropologists and sociologists

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who know these other countries very well are important. I always felt that we never used them enough.

And that's the new kind of operation. This knowledge in the State Department hadn't really been put to work before. It was very interesting to me that old line Foreign Service officers were in Turkey who could answer this kind of question; but you had to ask it. They weren't doing this job. I can remember a number of them who just seemed to be not helping very much. The trouble was that we didn't always know how to involve them. Of course, the old-fashioned Foreign Service officer, at that time, didn't even learn the language, and we had no Foreign Service officers who could speak Turkish in the Embassy. We had some staff people who could. We had an assistant naval

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attaché brought in from archaeology who could speak Turkish fluently, and we had two assistant military attachés, brothers, who had been born in Turkey and who were fluent. But no Foreign Service officers could, so, they couldn't go out into the hinterland and find out anything. Today, you have lots of Foreign Service officers who speak Turkish and every other language, because that's one of the things they do now. That's a new kind of world.

MCKINZIE: How did the old line Foreign Service officers look upon you and the people who came after you who were lawyers and had a different approach to these kinds of problems? Did you find those people particularly cordial to you and to what you had to offer?

CARDOZO: No, they were not very cordial. I thought

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they were able people, but they were tied up with their traditions too much. They were not imbued with the philosophy that came from the lend-lease people and other parts of the Government in wartime; "Get it done, somehow, get it done." And I could cite a number of instances in my own case, in Frank Kaufman's case, and, of course, in the case of the economic warfare people where we did vary on the usual things. For example, there was a typhus scare in Turkey, and we arranged to bring in a lot of typhus vaccine, partly for an experiment to test it but partly to use for the top Turkish people to make them feel safer and better. Well, we were going to get crates of typhus vaccine, but it had to be kept under refrigeration. I was told that it was coming in on a certain plane (I was involved in it, because it was only typical

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that I would be because of lend-lease) and to be sure that there was a refrigerator to hold it. Well, I bought the biggest refrigerator in Ankara from a restaurant. They were getting a new one, I discovered, so we got a truck and moved the refrigerator up to the garage of the Embassy annex. It was an icebox for which you had to get ice all the time to put in it. I remember that Christmas Day was when we moved that thing from the truck into the garage. Ambassador [Laurence A.] Steinhardt; the counselor of the Embassy; and all the other people around were carrying this enormous thing, each on a corner of it, into the garage. The vaccine was very valuable stuff; it was life and death, they felt.

Then when the time came to pay for it, the man in charge of the Embassy accounts said, "You can't buy an ice box without competitive

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bids." And this again was where the lawyer part of it helped. I knew that the Lend-Lease Act said, "Notwithstanding any other law, the President may spend this money."

And I said, "Whatever statute you have in mind that says you have to get competitive bids to buy an icebox, the Lend-Lease Act will take care of it and we're buying it out of lend-lease funds."

Whether we really could buy it out of lend-lease funds without having gone through the process was another question, but I assumed that we had ingenious people back in the lend-lease office who would be able to take care of it. We were constantly fighting with the General Accounting Office over this kind of thing, too. We won all the battles in the end, but we had to fight a lot. This is what I mean by using ingenuity, and

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the State Department was always kind of putting up roadblocks. For example, they had told Frank Kaufman, and then later me, that we couldn't be on the diplomatic list. This became important, because this was the only way we could get to the different dinners and parties where we would be able to talk to people informally and find out what they were really thinking about. Our work called for this kind of informal contact. The right attitude among State Department people would have been to say, "We'll help you to do your job by somehow working it out so that you'll be on the diplomatic list." Instead of that, I went to the nephew of the Foreign Minister and got him to get the Foreign Minister to ask the Ambassador what my status was. And the Ambassador couldn't say anything at that

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point other than that I was alright to be on the diplomatic list. Otherwise, I couldn't have been invited to these affairs. So, they were not helpful, and I think there's still an atmosphere in the Foreign Service that's something like this. You run into some who are quite different, but they get so imbued with the need for dealing with the top political people of the country where they are that they tend to forget these other aspects of American relations with the country. It's a long, complicated story.

MCKINZIE: After Mr. Hackworth left the Office of Legal Adviser, did you have a feeling that the people who worked in it felt that they were having a larger voice in the affairs of the Department?

CARDOZO: Well, there's no doubt about it. Some

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of them had to be dragged screaming into the postwar era, the ones who had been there before. But you have to remember that with the new legal adviser came new people. Some of them merged in from other agencies, some were new appointments, and it was a great expansion of the office. It became a much bigger office. Some of the traditional things that had been going on, went on, like the drafting of the *Digest of International Law* that Marjorie Whiteman had worked on under Greene Hackworth. She continued to do that. It was a great contribution to scholarship in the field and so forth, but it wasn't the new kind of work at the Legal Adviser's office. I think that some of the assistant legal advisers and other staff people who had been there before were somewhat reluctant to get

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involved. The newer people were not. They wouldn't have gotten the newer people in there if it hadn't been that kind of a thing.

As a matter of fact, my own experience is interesting in this respect. When the war started I was in the Justice Department. All of us had re-employment rights after the war in the agencies where we had been before the war, so I had re-employment rights in the Justice Department. One of the most interesting legal offices in the Government was then called "Assistant Solicitor General." It was a position that Oscar Cox had had, and at the end of the war, a man named George Washington was in the position (he later became Judge George Washington). Charles Fahy had become the legal adviser in the State Department, and I was debating whether to exercise my re-employment rights (this was in '45-'46) at the

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Justice Department in that very interesting legal office. It's now called the Office of Legal Counsel, and it still has the greatest variety of legal problems. I also had the choice of staying in the Legal Advisers office of the State Department. Charles Fahy won me over by saying, "This is the place where there is the 'New Deal of today' for a lawyer. This is going to be the most interesting place for a lawyer to be." I think he was right for that period of time. My job, my section, became the office of the Assistant Legal Adviser for Economic Affairs. We had the

economic matters, trade, shipping, and fisheries of all the world, plus all the foreign aid programs, the military assistance programs, and so forth, again worldwide. So, it was the most, I guess, interesting part of the Legal Adviser's Office and it has helped to further careers.

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For example, Seymour Rubin, who was the first Assistant Legal Adviser for Economic Affairs in '45, is now Executive Director of the American Society of International Law. He has had a very distinguished career in various kinds of posts and private practice. Surrey was his successor, and he's now the senior partner in a law firm. Metzger succeeded me. And, of course, the staff was filled up with all new people, new after the Hackworth era. So, of course, they felt as though they were involved in everything important, and it was very interesting.

MCKINZIE: You mentioned that Dean Acheson, particularly, used the office differently. Could you amplify on that?

CARDOZO: Well, he insisted on having, as a legal adviser, a lawyer whose ability as a lawyer

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and whose judgment in politics and statesmanship could be greatly respected. He got Adrian Fisher for that, and he involved him in all of the political and other activities that he himself was involved in. The Secretary of State always is involved in a lot of controversial things, and here we had the McCarthy era, the attack on the whole concept of Foreign Service and the State Department, and a terrific controversy over what to do about China, who had "lost China." Fisher was always at Acheson's right hand when he was dealing with other people about these things. Wherever he went, Fisher's office was backstopping him, getting all the necessary background information so he'd be prepared for any kind of question that came up. Of course, Acheson's own approach to being Secretary of State was

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such that when you took an agreement to him to be signed, his chief question was "By what authority do I sign this?" And whoever brought it to him to get it signed, had to be ready with the answer that would satisfy a lawyer -- "by what legal authority" -- as well as what it provides and so forth.

MCKINZIE: This must have put people in the office in the position of having to be personally very knowledgeable about a wide range of foreign policy issues.

CARDOZO: Well, yes, but here we were helped by the rest of the State Department. For instance, the day after General Marshall made his speech at Harvard on the Marshall plan, Surrey and I were called in by the legal adviser, who said, "Will you, by next Monday, when so and so is going to Europe to talk to

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the other countries, come up with a memorandum or something on what we have to do -- what we have to get through Congress and so forth -- in order to carry out this plan?"

Well, that meant we had to understand the plan somewhat, and in order to do that we had Charles Kindleberger, who was an able economist. He sat with us to draft the outline as to what we were going to have to do in order to carry out what General Marshall was supposed to have said.

That was one example. In connection with China, as another, we were dealing with the group of airplanes that'd been the property of Chinese National Airways Corporation. They were flown to Hong Kong, and then the crews defected and wanted to take them back to Communist China (this was in this period of 1950 or so when China was changing). And the question was

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who was going to get those planes? They were very important in war and economics. There we had the Chinese experts; they hadn't been exiled yet. Robert Barnett was still around town and there was [O. Edmund] Clubb, and Tony Freeman; these people were old China hands, could speak Chinese and really knew everything about China. They were around to give us advice on the politics of it. So, we learned a lot, but we never became the real experts, the people that were sitting on the political desks and so forth. This is where collaboration was very important.

MCKINZIE: Are you being modest about all this? Weren't there a few cases where you were able to say to the people in the positions of policy, "Look, the legalities of this are such and such and unless you want to change them,

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it will be necessary for you to do the following things?"

CARDOZO: Oh, well, I don't think it's a question of being too modest. There are not too many cases where we were at odds with the people there. In the fisheries, for example, it was always the question of the extent to which we were going to let other countries fish in waters so many miles off our shore. Now, the fisheries people were restrictive trade people as distinguished from the free trade kind. They were an anomaly in the State Department, and the fisheries industry had, in effect, gotten their representatives in the fisheries part of the State Department. The aviation people were a little bit that way, but not so much, because it was to the interest of the American airlines to be freer

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around the world. But these two parts of the State Department represented industries that had a certain amount of restrictive attitude, and we did have some differences with them as to how to carry out general policy. Similarly, in connection with trade with Morocco, we got into the International Court of Justice because of it. I think that the lawyers would have said, "The way to carry out the real will of Congress is not to let the American traders in Morocco import anything they want regardless of the effect on the economy of Morocco and France." It was hurting that part of the program. Still, certain politicians -- and they got the Congressmen involved in this too -- were trying to help these Americans, who seemed to be the victims of violation of an ancient 18th century treaty with the Sultan of Morocco.

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Well, I always felt that in the Legal Adviser's Office we were, let's say, ingenious. We wanted to get this before a court, and let a court decide. We got it into the International Court of Justice that way. We felt that the American policy of helping these few American ex-GI's in Morocco would undermine all that we were trying to do with the Marshall plan by letting goods go in freely into that area when they couldn't go into France. That would be bad policy, and bad law. So, there were some cases where the Legal Adviser's Office might have differences with the political officers in some way or another, but not very often. We usually worked together very well. The only difference usually is in the question of how to do something. I think that is what happened in the Chinese airplanes case, which was somewhat ingenious

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again, but one that I don't think that the Foreign Service officers would have even undertaken. I think that the trouble is that the Foreign officer's mind doesn't want to get into a wrangle with the other countries if they can avoid it. We asked the British, that is, the United States finally did, to have the Privy Council order the court in Hong Kong to decide in a certain way, in effect, in our favor. It was sort of an unheard of process and something that we might not want anybody to tell our courts to do, but it worked; the planes didn't go to the Chinese Communists. Well, it's that kind of thing, such as asking the British to do something that is a little bit shocking, that they might not want to do. It's like the time the U.S. Foreign Service officers in Turkey said that there was no way to get a visa for

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a medical officer in our armed forces. He wanted to get a few dozen eggs, experimentally inoculated with typhus vaccine, to Cairo within 24 hours, because they wouldn't be effective otherwise. They said that the foreign office was closed, it was after 5 and there was no way to get a visa that night so that he could get to Cairo in time. But there was a way. Again, I called a friend at the foreign office, a relative of the Foreign Minister (which is typical in places like Turkey), and he said, "Meet me in the foreign office in 15 minutes." He had a key and a flashlight, found a desk with a rubber stamp and stamped the officer's passport with an exit visa, and off he went. I don't think to this day that the State Department Foreign Service officer can believe that it happened. It would never occur to

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them to ask anybody. But I wouldn't hesitate here. I do ask people to do things like that when it's worth it, and that's the difference between the kind of people who were in the Legal Adviser's Office and the kind of people who had been involved in the State Department before. A lot of Foreign Service officers, of course, have done ingenious things like that, too. It is just that the mass of them give the impression that they don't. There are a lot of them who are able. I suspect that when they get in a situation like what they just did in Vietnam, they're doing heroic things.

MCKINZIE: You say in your book that you believe that there comes a point when a man has, in a sense, used himself up in a particular assignment. You implied at one point that you thought that frequent rotation of post was a

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good idea. Am I misinterpreting that statement a little bit?

CARDOZO: People in Foreign Service tend to get either so involved with the people of the country where they are that they are too much of their advocates, or they get to dislike the people so much that they tend to be too much opposed to them. I think you have to watch out for that. Again using Turkey as an example, it was an exasperation for Americans to feel right about the Turkish system of doing things. This is true of many countries, of course, where they're not nearly as efficient as we are. They can't do things quickly and it's just unheard of to call up and say, "Can I come up and see you right now?"

They'd say, "A week from Thursday," or something like that.

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Then there's this inefficiency. They lose papers, they attach papers together which shouldn't be, or something like that. There were certain kinds of inefficiencies that create frustrations in Americans, so that the diplomats tend to get sarcastic about people that they're supposed to be friendly to and helping, making better relations. That happens sometimes.

And the reverse can happen, where people get to like the people of the country too much. I think sometimes you see this in particular kinds of countries where there's struggling and so forth, like India, Israel, and sometimes in Ireland. They are so much the friends of those people that they forget that they represent the interests of the United States. I don't think they really forget, but it's hard for them to be as effective

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as they might. That's what I had in mind.

I don't think that this is particularly relevant to my own experience in Turkey, but I must say that there was mighty little affection for the Turks, it seems to me, among our Embassy people. The Turks and various things about Turkey irritated our Foreign Service people, and all the others there, to an extreme. Still, some of us got to find them very good company, very pleasant people, and even today the friends I made among them are still very good friends. I don't see them very much, but a certain amount of affection still exists. So, it's nothing in the people themselves, but something in the society that's different from ours that can create bad feelings.

MCKINZIE: After World War II, there seemed to be a lot more emphasis on something called "compliance

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control" in foreign affairs. A lot of people were concerned about whether or not they were "covered" by the regulations or whether or not, in fact, they were entitled to undertake some action under the regulations. Does the higher visibility of the Office of the Legal Adviser have anything to do with that phenomenon among Foreign Service people, their preoccupation with the regulations and being covered by them?

CARDOZO: I don't think so. There are two kinds of regulations that you might be talking about. One is regulations concerning what the individual American officer does or may do, and how he

must do things in carrying out his duties. I don't notice any change from what there was before. Through all the years we've had the General Accounting Office looking over everybody's shoulder and so forth,

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and I don't think there was any change. If anything, the Legal Adviser's Office would have contained the kind of people who tended to go in the other direction.

But there was another kind of compliance. That was in the aid program, the compliance with the requirements of Congress that the other countries use the materials and services they were getting in the way the Congress intended, that they not do things that we considered wrong in other respects. For example, we're giving a country a certain amount of aid, and they nationalize the property of an American business interest there. Constantly, Congress has tried to write into the acts various provisions saying that aid must be cut off if they don't pay compensation for expropriated goods. Also, the Turks recently seemed to be misusing the arms we

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were sending them, in connection with Cyprus. Therefore, aid was cut off to Turkey.

I was imbued with the feeling that that method of doing something was wrong, and I'd even written a piece on the impropriety in using aid as a means of coercing other countries to do things that are not directly relevant to that aid. It's in a new book called *Intervention*, of which I was one of four or five contributors. It has a tricky title; I can't even remember it offhand, myself. It was published in Ohio State. At any rate, I argued there -- and it's been picked up by people from time to time and cited for this point -- that it's improper for us to threaten to or actually cut off aid in the form of food, advice, Point IV kinds of things, or even sending building equipment

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because a country, for example, is refusing to let people emigrate to Israel. (I think that, of course, in the case of Russia, it wasn't aid to Russia but it was just mere trade that we were cutting out.) In the first place, this is not effective and it doesn't do the job; it creates ill will. But the more important thing is that we give aid, so-called, to another country not to help that country, primarily, but to help ourselves. We wanted the European countries to be strong after World War II, so we created a Marshall plan. Even under lend-lease we wanted our allies to have weapons to kill the common enemy with, and therefore we provided the weapons to them without charge, if necessary. So, it isn't just aid to the other countries, it's in our interest. And if it isn't in our

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interest, it's not constitutional. We can't spend American money under the Constitution to help other people; we do it to help ourselves. Therefore, this question of compliance with the restrictions that Congress writes in is something that has plagued the programs all along. We've created a comptroller's office and people like that to watch over compliance in this respect. And it's perfectly proper if you're trying to see whether trucks that are sent to move agricultural goods are really being used to move agricultural goods instead of moving military goods or something

like that. That kind of compliance is directly relevant. We feel it's in our interest for them to move goods around the country so that the people will be fed, the people will be strong and not go Communist, or whatever it is. But if

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you impose the other kind of condition and say they mustn't prevent emigration and must obey human rights -- important as human rights are -- it's wrong. We should use other kinds of influences. We're not sending aid there primarily for human rights (sometimes it is, of course, in order to get them to have a better atmosphere), and to cut it off is counterproductive. If you want them to feel better about you, you do the wrong thing when you cut off aid. When they're denying human rights and you want to get them to listen to you, you don't accomplish that if you cut off their aid.

MCKINZIE: Can you shed any light on why the European Recovery Program contained provisions for counterpart funds? Did you have anything to do with setting up the operational procedures

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for counterpart funds? Historians talk glibly about it and rarely understand it.

CARDOZO: When lend-lease aid was being given to other countries, we did not concern ourselves with counterpart funds primarily, because most lend-lease aid was military and things that were not re-sold in the other countries. But in England we sent a lot of food. The food went from this country into the hands of the Government of the United Kingdom, they would sell it to grocery stores, and then grocery stores would sell it to the public. The British Government put aside the money it got and used it in an intelligent way, to prevent the kind of damage that might otherwise occur. When we got into massive civilian aid in the relief and rehabilitation program -- UNRRA [United Nations Relief and

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Rehabilitation Administration] had started it -- we were sending clothes, food, and fuel that were being sold to individuals in the other countries. Everybody perceived that if you gave this to the people so they didn't have to buy the food, the clothing, the fuel, and so forth, the money that they would have used for that would be used for other things, luxuries, causing an enormous inflation. If you required the consumer to pay for it at the store but didn't require the store to turn that money over to the Government, then it would have an enormous inflationary effect. So, if you, on the other hand, had the store turn it over to the Government and then the Government used it for uneconomic things, that is, for buying more consumer goods instead of doing capital investments with it, again you would create inflation. So, any misuse of the

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counterpart, the funds that were developed as a result of the aid that we gave, could cause terrific inflation, really the old type of inflation after World War I. It was early realized by the people in the State Department who were creating the UNRRA program and others that the way to avoid that was to get the recipient country to agree to immobilize those funds into a counterpart account. The only part I played in this was in helping to draft the agreements under which those

counterpart funds were put aside and their use restricted to purposes to be agreed between us and, later in the Marshall plan, by the OEEC, the Organization for European Economic Cooperation, and its successor. In other words, it became a multilateral operation, not just a bilateral operation, as to what could be done with the counterpart funds that were

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collected. It was very important to prevent inflation and, of course, it had to be part of the budget of the other country in a very limited way. They were only allowed to put a small part into their regular budget. It could be used for construction and recovery purposes of a capital kind, with the approval of the United States or of a multilateral group.

MCKINZIE: Do you remember the discussions about that? Were there fears that this had to be carefully done or that that could be abused?

CARDOZO: You mean our consents on it?

MCKINZIE: Didn't the United States have the prerogative of spending 5 percent counterpart for vital or strategic materials available...

CARDOZO: Oh, yes, they were used for a great

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many things, including Congressmen's travels, for example. Some of them were also used for the expenses of our aid missions. I have had a meal at the finest restaurant in the world, Le Grand Vefour, in Paris, on counterpart funds. I was on a trip to Paris with others and somebody said, "This meal is on counterpart funds."

I wouldn't say that that's an abuse, because that's a very small amount of it. They were used for the expenses of American officials traveling in the interest of the program, and the aid missions did get financed out of that to a certain extent. Congress would say, "Why can't we use some of these funds to save our taxpayers money?" And since that, of course, wouldn't have a significant impact on the economy of other countries, that was easily agreed by both

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countries. There was always a lot of negotiating as to what to do with it. Again, I was on the periphery of it, helping to draft the agreements, with the economists at the table telling us what it is that must be done and what kind of restrictions must be put on it so that we could put it in the language. You'll find in all these agreements that there were these restrictions on how it could be used. I can remember discussions of these in meetings of the OEEC people in Paris. At various times, I participated in some of those discussions. I don't think I had anything to do with the counterpart funds, but I did on the tax agreements. We were not permitted by Congress to use any of our aid money to pay taxes. That's another part of the picture; we were always going backwards a step after going ahead two steps,

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and this tax thing was an example. Congress said that none of our aid money may be used to pay taxes in the other countries. So, when we were buying food and material for our military people in Europe and the other military people in different countries, we had to sort out the tax element in what we were paying for these things and not pay it. And finding out the tax structure of the other country was a very complex thing.

Part of the purpose of these aid programs was to get those other countries to have enough goods that they had to pay for with dollars. If we were to buy something in the other country, giving them dollars for it would help eliminate the need for aid and get back to trade. So, what we were doing with this tax thing was reducing the price of what we were paying so they would get less dollars, and then we'd have

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more aid to give them. We were constantly trying to satisfy one aim of Congress and the American people while trying to satisfy the needs of the countries.

MCKINZIE: Did you find that any of the Secretaries of State during that period ever got impatient with the legal division?

CARDOZO: Acheson was, interestingly enough, more suspicious of legalistic approaches to international affairs. He didn't think international law had any real reality.

Still, we never ran into impatience among top people at all. Of course, this is a reflection of the kinds of people who were involved. The legal advisers were, during the period that I was there, wise, statesmanlike, diplomatic people who were greatly trusted by the Secretaries of State, the Assistant Secretaries and so forth.

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Sometimes we had to make a little more effort to be sure that they didn't forget to bring us into the picture, but usually there was no problem. In dealing with General [George] Marshall, who was a terrific figure of a human being and so impressive a person, he wanted things to come to him with a single page memorandum explaining it. Well, lawyers should be able to put into a single page a full description of a complex thing, so, there was a good deal of drafting of that kind of thing in that period.

I guess I judge people a good deal by whether they seem to have ulterior motives, are very outgoing and clear as to what they want, or seem to have political motives beyond their immediate jobs, looking ahead. When we were dealing with General Marshall and Dean Acheson, they struck me as people

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who were terrifically secure. They didn't expect to be President, weren't anxious about their position, and if they lost their job, it wouldn't hurt them at all. That kind of person is great to work for. When you're working for someone who has his eye on the next job of some kind, you have to wangle things and figure out how to get them. This is true in all governments, of course.

But during my period in the State Department both the legal advisers, who were my immediate bosses, and the Secretaries of State were great people to work for.

MCKINZIE: So, why did you leave?

CARDOZO: I left because I got an invitation to go to teach at Cornell Law School at a time when I had 13 years in the exciting things of Government and didn't feel that I had to

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go on forever with them. Another kind of career in the law was very tempting to me, and I have no regret about that, any more than I have because after 10 or 11 years at Cornell I accepted the job as Executive Director down here. It simply looked like a fascinating job, and it turned out to be. I changed jobs every 10 years or so and I don't regret that. I've been happy in all of them and I don't regret making changes.

There wasn't a notable change from working in foreign affairs or in Government under Roosevelt to that under Truman. Still, when Roosevelt was in we had all the people in the White House, like Harry Hopkins, Sam Rosenman and that kind of person. Ideas kept coming from the White House to the rest of us to carry out. The ideas of how things should be done and what should be done, policies

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and so forth -- on big things, of course, but on smaller things too -- kept coming from the White House. That was the focus of ideas. Adlai Stevenson was around there during the war, and there were many people turning up ideas. After, when Truman came in, you got the feeling that, to a certain extent, it stopped. He didn't surround himself with imaginative people with all kinds of ideas to be fed out to other people. He wanted the ideas to come in to him from everywhere, and he knew which ones to accept. One of the great things about him was his acceptance of policies which, I think, were the right ones, on smaller things as well as big things. You got a feeling that the rest of us out there had more responsibility to think up how to do things and send them in. So many ideas had been coming out of Roosevelt's entourage that there wasn't much

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room for anyone else. This is an interesting difference between Truman and Roosevelt. You can visualize Roosevelt thinking, "Why don't we do this, why don't we do that?" On the other hand, Truman listened to all of these things and said, "All right, we'll do that, we'll do that." He wasn't the kind of person who seemed to be originating everything.

MCKINZIE: Mr. Cardozo, we thank you very much.

CARDOZO: Well, it was fun to talk about myself.

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