

Oral History Interview
with
WARNER W. GARDNER

Solicitor, U.S. Department of the Interior, 1942-43 and 1945-46, and Assistant Secretary of the Interior, 1946-47.

Washington, D.C.
June 22, 1972

by Jerry N. Hess, Harry S. Truman Library

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HESS: For the record, sir, will you give me a little of your personal background?

GARDNER: Yes, I was born in 1909 in Richmond, Indiana. My family moved about a great deal during my youth, ending up in New York City and New Rochelle, New York. I went to Westtown School, a Quaker preparatory school in Pennsylvania for five years, and then to Swarthmore College, graduating in 1930. To escape unemployment I took graduate work on a

fellowship at Rutgers University, receiving a Master of Arts Degree in 1931. From there I went to Columbia Law School, graduating in 1934.

There followed about thirteen years of Government service, starting with one year as law clerk to then Justice [Harlan Fiske] Stone on the Supreme Court; then about six years in the office of the Solicitor General at the Department of Justice, where I was an attorney and then first assistant to the Solicitor General. I served under three: Stanley Reed, Robert Jackson and Francis Biddle, and very briefly under Charles Fahy.

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I went to the Labor Department as Solicitor in the fall, I believe, of 1941, and I was there for about nine months and went over to Interior Department as Solicitor under Mr. [Harold] Ickes, where I was on duty for about a year, and then entered the intelligence service of the Army where I served for two years. During that period I was trained at Camp Richey and the Pentagon, and then assigned to the British intelligence group which was working in the Midlands in England, and by them reassigned in the summer of 1944 to the 5th Army group, under the command of General [Jacob Loucks] Devers. I was his intelligence officer in respect to the specialized intelligence which the British were producing. At the conclusion of the European hostilities I came back to the Pentagon, and as it was evident to me that I would never learn enough about the Japanese army to be of any use to anyone, I did nothing for the summer and returned to the Interior Department, again as Solicitor, about October the 1st of 1946. I found some of the same problems on my desk that I had left two years before.

HESS: They were waiting for you.

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GARDNER: Yes. I resumed service as Solicitor to Mr. Ickes. No, I believe it was in 1945 when I came back to the Interior Department. I resumed service with Mr. Ickes until his somewhat tempestuous resignation as Secretary of the Interior and became Assistant Secretary under Julius Krug who succeeded Mr. Ickes, and stayed in that position until July of 1947 when I left and came to what is now Shea and Gardner, where I've been ever since.

HESS: All right, now moving back, you mentioned the names of four very interesting men who were Solicitors General: Stanley Reed, Robert Jackson, Francis Biddle and Charles Fahy. Would you tell me a little about those four men and if you were called upon to rate them at the job of Solicitor General, their administrative ability, etc., how would you rate them?

GARDNER: The first position is very easy. Robert Jackson, who was by all odds the most satisfactory man that I have worked for. I was, I believe, his first assistant from the start or shortly after he came in, and we had an extraordinarily satisfactory working relation from my viewpoint. He left the day-to-day conduct of the office to me without interfering; and yet whenever I

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needed help, as regularly a couple of times a week I would, he was available and invariably helpful. Beyond that, he was a distinguished advocate, an outstanding lawyer all told, and my period with him was, as I say, quite the most satisfactory that I've had with any superior.

HESS: Did you ever have any conversations with him in later years about his duties at Nuremberg and the Nuremberg trials?

GARDNER: No, we were never close personally, and I am by no means clear that I even saw him after his return from Nuremberg. It was also a matter of some delicacy. If I did see him I wouldn't have mentioned it. My partner, Francis Shea had been over there as his first assistant, and had left for reasons which he has never mentioned.

HESS: And about which you have not inquired.

GARDNER: And as to which I have not inquired.

On Nuremberg, I should say that immediately after V-E Day, I began working very hard to get back to the United States, and I got as far as London by the first of June. I was told that Jackson was searching for

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me for his Nuremberg staff, which was the last thing in the world that I wanted to do, and I hid out in London leaving word where I could be found if the Air Force called me, but no one else.

HESS: Why didn't you want to become involved in that matter?

GARDNER: I had been away from home for eighteen months was the primary reason. Second, I was by no means clear that I approved and I certainly was not enthusiastic about the conduct...

HESS: About the war crimes trials? What is your view today?

GARDNER: It's about the same. It's a very dubious undertaking to make the law after the crime has been committed. In a way, it's rather worse to do it with a panoply of procedural rights and protections in due process than it would be by summary execution, which you put aside as military excess, and it didn't affect the structure of the law to the extent that papering it over with perfectly evident laws, but nonetheless made after the event.

In any case, as I was on the way back, I finally got a seat on the plane going out of Prestwick and I boarded a plane in London to go up to Prestwick. I

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saw an empty seat and noticed there was a man in civilian dress, and thought very little of it and sat down next to him. After awhile I looked up and it was Robert Jackson whom I had been hiding out from. He was, however, very considerate and I explained that I'd been away from home long enough, and he canceled the request he'd put in with my superiors in the Pentagon. So I never saw any part of Nuremberg.

HESS: How would you rate the other three gentlemen: Mr. Reed, Biddle and Fahy?

GARDNER: Reed is a very solid lawyer, a very careful workman. He wasn't a brilliant advocate, but was to my mind a very good and satisfactory man to work for.

Mr. Biddle was a completely charming man to work for. Perhaps his essence is best caught in one episode. One of our duties in the Solicitor General's office was to authorize appeals, when the Government lost a case in the district court. The Post Office had lost a case in which they banned from the mail a nudist magazine, and they had been enjoined in the district court and wished to take an appeal. I said that they couldn't and they demanded an interview with the Solicitor General before a final decision was reached, and I

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said, "Certainly." We set up an interview in which about eight people from the Post Office came over and explained that Mr. Biddle's young man did not wish to authorize an appeal here. They handed him the nudist magazine in question. For a good fifteen minutes he looked at it, turning over page by page, skipping none, and at the conclusion announced his judgment, which was, "They're pretty little girls, aren't they?"

The Post Office Department left, and I believe has never since taken an appeal from the young man in the Solicitor General's office.

They were all very capable men and it was a privilege to work for each of them.

HESS: Any comments about Mr. Fahy?

GARDNER: I didn't work with him long enough to have any very clear notion. He did not carry on the tradition of Messrs. Jackson and Biddle of allowing the first assistant to run the office.

HESS: He ran it himself?

GARDNER: He ran it himself, and ran it well. It was nevertheless a somewhat less interesting job after a working Solicitor General arrived on the scene, and accordingly

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when Miss Perkins asked me to be her Solicitor, I said, "Yes," and went over to the Labor Department for about nine months.

HESS: What are your reminiscences, recollections, about Madame Perkins?

GARDNER: She was a highly intelligent woman, very committed to social improvement. By the time I got to her she had been in Washington as Secretary of Labor for, it must have been nine years, and had been kicked around quite a bit, particularly by the Congress. It had the effect by the time I was there of making her somewhat timid about causing controversy, and with that

attitude she was less effective than I think she had been in her earlier years. Personally, I had the highest regard for her.

HESS: And in 1942 you changed over from Solicitor of the Labor Department to a similar position with the Interior Department. What brought about that switch?

GARDNER: The man who had been Solicitor of the Interior Department for many years, Nathan Margold, had, I believe, been appointed to one of the inferior courts in the District and they needed a Solicitor. Abe

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Fortas I had known off and on for a number of years and suppose that he suggested to Mr. Ickes that I might be a suitable replacement. I had one interview with him, at which I said that I thought that he ought to know that I was not getting along too well with Frances Perkins, to which his characteristic reply was, "I wouldn't have you if you were."

HESS: He thought that was a pretty good recommendation?

GARDNER: Well, he thought it was something of a recommendation. I found a personal pleasure in the fact that during the last week I was in the Labor Department I had been examining the law of libel from a plaintiff's viewpoint. My first week at Interior I was back in the law of libel but this time from the defendant's viewpoint. By and large life is more interesting if you represent the defendant rather than the plaintiff in libel problems.

HESS: What were some of your other duties as Solicitor in the Interior Department?

GARDNER: We had a staff of about twenty or thirty, I would guess, after these years, in the Solicitor's office itself, and there were legal staffs in perhaps a half dozen of the bureaus, and I was supposed to be in charge of them. The work in the Interior Department in

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terms of volume, the legal work, was comparatively dull and I regret to say that I devoted almost no time to the supervision of the law work in what was then the General Land Office, for example, or the routine problems of the department. I should have gotten into them, should have worried about them, and am ashamed that I didn't. I let them coast along on their own, and by and large worked largely, personally, on whatever problem at the moment seemed the most important and the most interesting.

HESS: Did you work closely with Mr. Ickes, the Secretary?

GARDNER: Yes.

HESS: Tell me a little about him. How would you characterize Mr. Ickes as a man?

GARDNER: That's rather hard to do in generalities. He was a man of extraordinary courage and an equal amount of belligerence, and is one of the very few people in Washington who has ever

really managed to get control of the department to which he was appointed, and to overcome the jello-like consistency of the bureaucracy and make it do what the Secretary wanted. [Robert S.] McNamara, I understand, did that to a degree in the

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Defense Department, while he was there, but no other example comes immediately to hand where an established department was remade so that it amounted to an instrument controlled by the Secretary.

HESS: This relates to his administrative ability. Just what steps did he take to make the department come around and operate in the manner that it did?

GARDNER: With Mr. Ickes, one's mind turns more to the dramatic episodes than to any carefully-wrought judgment. Before I was there, he was in charge of the Public Works Administration as one of his duties, and at Interior the practice was to move matters requiring action up through the department with each successive official initialing the signature page. The Public Works Projects ran to about a hundred or a hundred and fifty pages of recommendations. Mr. Ickes had a secretary type out a very large segment, if not the whole part of *Alice in Wonderland* enclosed in appropriate papers, and started it on its way at about the third supervisory level. It reached him after ten initials had been added.

HESS: They were all initialing *Alice in Wonderland*?

GARDNER: Yes. If any one of those ten had a real contribution

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to offer Interior Department, I'm sure he was forgiven. If he didn't, he may have been out hunting for another job. That sort of conduct repeated often enough brings even quite large departments into a sudden stage of intimidation.

Again, something pleasant to recall, particularly in these times -- I say these times, because this town has never been more politically dominated than it has been in the last four years. This, too, was shortly before I came to the Interior Department.

Mr. Ickes had an Under Secretary named Charles West, who was a politician from, I believe, Ohio. I think he was succeeded by Mr. Fortas. The occasion of his departure was that Mr. Ickes had objected when he was appointed Under Secretary. Mr. Roosevelt had said that it was his appointment and he was going to find him useful in a lot of ways. Mr. Ickes complained from time to time that he was no use in the Interior Department, and he was told that he'd just have to get along with him and that beyond that it wasn't his business, it was the President's business.

Charlie West was out on a speaking tour, of more political than departmental import, leaving behind three large and spacious offices which were for the purpose

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of the Under Secretary. He returned to find all furniture, all drapes, all rugs, removed, except for one desk and one straight backed chair sitting in the middle of the largest room. Mr. Ickes view, either I was told or he later told me, I don't remember which, was that certainly the President did control Mr. West's appointment, but that he, Harold Ickes, was in charge of the furniture in the Interior Department. Mr. West left very shortly after his return.

One could go on quite a bit with more or less flamboyant examples of that sort, but they add up to a man of great courage, great integrity, and eternally ruthless towards those who stood in his way.

HESS: At that time, did you also work closely with Abe Fortas when he was Under Secretary?

GARDNER: Yes.

HESS: What type of a man was he?

GARDNER: Very able, very intelligent and I thought at the time possessed a remarkably good judgment.

HESS: Which might have slipped some time later?

GARDNER: Yes, I think it's rather notorious, at least there

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were one or two episodes in which his judgment, when on the Court, was slightly imperfect.

HESS: And two Assistant Secretaries were Michael W. Straus and Oscar L. Chapman. Did you work closely with those gentlemen at that time?

GARDNER: Yes. Mike Straus was First Assistant Secretary, but his major interest was the Bureau of Reclamation and the lovely dams that they put out. And he, in a sense, stepped down, and in another sense stepped up to become Commissioner of Reclamation. At that point I succeeded him. He has been a friend of mine from the time I went to Interior until his death. In some ways, as Mr. Ickes, a rather difficult person in that he was not easily intimidated and had reasonably clear ideas of where he wanted to go and was quite capable of getting there. And I discovered only as I was leaving Interior Department that what any department needs as much as a secretarial staff to fix policy, another equally large staff to be sure that policy is carried out.

The Bureau of Reclamation has always been very powerful in the Congress, exceeded by the Corps of Army Engineers, which has a goodie for every Congressman, not only those who from west of whatever the

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meridian is, I think the 100th meridian, that Bureau of Reclamation serves. Quite often I discovered we would reach in my office some, what seemed to me, enlightened agreement or compromise among the conflicting interests represented in the Interior Department, but only later

would I discover the Bureau of Reclamation had done nothing about it other than to explain to the Congress, the congressional committee involved, that the department wanted to do that, but of course a sensible person would know better.

I took some consolation from the fact that the Corps of Engineers had an even greater degree of independence from the Secretary of War, and, indeed, was quite capable of ignoring clear directions from the President, which seemed to me on the whole a little more ruggedly independent even than the Bureau of Reclamation.

Mike was a newspaperman by origin with a bent toward public relations, probably a little stronger than a bent toward administration. He was thoroughly effective in securing appropriations and congressional support for the reclamation projects, and I always liked him.

My relations with Oscar Chapman were not nearly

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so close. Is he now dead or alive?

HESS: He's living.

GARDNER: Still living. He's not practicing now is he?

HESS: He still has his offices over on Pennsylvania Avenue.

GARDNER: I haven't run into him for about five years. I discover if I haven't seen someone my age for about five years...

HESS: The natural assumption is that they're no longer living?

GARDNER: One friend of mine I was convinced had died, by the name of Gardner Jackson, I met in the middle of 14th Street, and I was so astounded that I stopped and threw my arms around him, figuratively at least, at great hazard to him and me in terms of traffic.

But Oscar and I were not close.

HESS: Did you leave the department about the time that he came in as Secretary when Mr. Krug was leaving?

GARDNER: I left a little before.

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HESS: Mr. Krug was still Secretary when you left?

GARDNER: He was still Secretary when I left, and I left without regard to either Mr. Krug or Mr. Chapman. I was just getting a little tired of administrative work, for which I have no great hunger and was anxious to get back to the profession of the law.

HESS: What are your earliest recollections of Mr. Truman?

GARDNER: I don't have too many. I wasn't too close to him, and I take it you want personal recollections, not my recollections of what newspapers said about him, and so on.

HESS: What is the first time that he came to your attention, let's put it that way?

GARDNER: Oh, apart from just routine attention that any Senator produces, he was in charge of some Senate committee investigating, possibly, railroads.

HESS: He served on that committee, that's quite right. That was one of the subcommittees of the Senate Interstate Commerce Committee. Burton Wheeler was the chairman of that Committee.

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GARDNER: I rather think that a friend of mine by the name of Telford Taylor, who is now teaching at Columbia, was counsel for that committee, and had a high regard for Mr. Truman's conduct of the investigation. I don't believe that before the war I had any contact, direct or indirect, with him.

HESS: In 1941 Mr. Truman caused to be established the Committee for the Investigation of the National Defense Program, which came to be known as the Truman Committee, as you know. Do you recall anything about his handling of that Committee?

GARDNER: Nothing at all. I had no contact with it at any point. I knew it was in existence; I knew it had a good reputation.

HESS: You were out of the country during the war, during much of this period of time anyway, correct?

GARDNER: I left the Interior Department in September of '43, as I recall, and left the country about December and was engrossed in military training before then.

The first time Mr. Truman came vividly to my personal, though indirect, attention, was when I got back during the summer of 1945. I went around to

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visit Francis Biddle who was then Attorney General and we had some vague talk about perhaps starting up a law firm. He'd had vague talk with three or four people. I indicated that I thought he'd stay on as Attorney General and he said no, that he was leaving, and then gave a delightful account to the manner of his leaving. He had had a telephone call from one of the President's assistants, perhaps Matt Connelly, who indicated that the President would be sorry to see Mr. Biddle go, but he'd be pleased if he would resign his position as Attorney General. Mr. Biddle, who was mainline Philadelphia, and so far as I know, intimidated by no one, told Mr. Connelly that it was his view that the proper etiquette was for Mr. Truman to tell himself that he wanted

him to go, that he was at Mr. Truman's service any time that he, Connelly, could arrange an appointment, that he would not accept such advice from Connelly.

In due course he went over to see Mr. Truman who told him that he wanted his own man as Attorney General, and I gather was polite but firm about it, and Biddle said, I'm sure accurately, when he got up to go, he leaned over and patted him on the shoulder and said, "Now, Harry, that wasn't so bad, was it?"

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HESS: Going back one year further than that, in the summer of 1944 Mr. Truman was nominated for the second spot on the Democratic ticket to serve as the vice-presidential candidate for Mr. Roosevelt. Just what did you know about Mr. Truman at that time?

GARDNER: I doubt that I even knew that he was nominated for Vice President. I was either in Caserta or Corsica trying to get the intelligence transmission working prior to the invasion of Southern France. Nothing was farther from my mind or interest.

HESS: Where were you on April 12, 1945 when Mr. Roosevelt died?

GARDNER: I know exactly where I was. We were in Heidelberg. We'd moved our headquarters to Heidelberg, and the announcement of the President's death was transmitted by whoever the man is who is in charge of personnel in the Army (I forget his title now). The headquarters group was assembled in the courtyard of the University of Heidelberg where we were stationed, and the announcement was read to us. The courtyard was enclosed by a wrought iron fence, and it was interesting to me that the citizens of Heidelberg were gathered outside the

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fence in quite a large number, and were as moved and as sad as the American Army personnel itself. I also remember it because General Devers who read the quite eloquent announcement to the Armed Forces overseas, and, being a somewhat literal-minded man, kept on going, including all the telegraphic transmissions at the end. That had a somewhat anticlimactic effect.

HESS: What did you know about Mr. Truman at that time, very much?

GARDNER: No, other than the general impression that he had an impossible job, and it was generally understood that he had not been either close to Roosevelt or in any way a party to the decisions that were being made, which I believe is the universal situation of Vice Presidents.

HESS: Even more so back in that day than perhaps it is today?

GARDNER: I don't know what the situation is today, but I would suppose that Kennedy and Johnson came closer to having some degree of a working relationship than most Presidents and Vice Presidents in my time, certainly throughout the Roosevelt administration. I'm quite

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sure he could have given the name of the Vice President at any given moment, but I'd also be surprised beyond measure if there had ever been a serious consultation with a Vice President as to any matter of Governmental policy or problem. I hope that's the case now.

HESS: What are your recollections concerning the resignation of Mr. Ickes?

GARDNER: Quite vivid. By way of background, Mr. Ickes was the most belligerently anti-political Cabinet officer that's been in the town during my lifetime. I told you of the episode of the West furniture.

On another occasion, a man by the name of [Welburn] Mayock, who was general counsel of the Democratic National Committee, had a practice which involved some land affairs. This was during my time. He went to the lawyers working on the file, they were called examiners, I think they were members of the bar, but that was about their only legal attainment; and in the course of discussing this case advised them that he, Mayock, was general counsel of the Democratic National Committee, which was reported in due course and reached Mr. Ickes' ears, who addressed himself a

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memorandum to the guards of the Interior Department saying that under no circumstances ever in the future was Mr. Mayock to be allowed entrance into the Interior Department, and sent a copy to Mr. Mayock. I'm sure there are dozens of other examples, but he had a very firm commitment to particularly non-political administration of not only the Interior Department but, insofar as it lay within his power, of the Government as a whole.

Ed Pauley was an oil man of considerable wealth, well-known and variously regarded throughout the Government and throughout the oil industry generally. Mr. Ickes was convinced, and I wasn't present at the episode, though I was in the Department at the time, that Mr. Pauley had asked him to enter some decision on some matter of moment, presumably connected with the oil industry, and he had in return offered to make, in the event of such a decision, either personally or through his clients, I cannot recall, a very sizable contribution to the Democratic National Committee. In contrast to our present Attorney General, Mr. Ickes immediately recognized that as being improper and very close to a bribe, and needless to say, I'm sure with a considerable drama, ushered Mr. Pauley out of his

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office.

Shortly after that, whether a month or a year I do not know, Pauley was nominated to be either Secretary or Under Secretary of the Navy.

HESS: Under Secretary.

GARDNER: Under Secretary of the Navy. Mr. Ickes objected to the nomination chiefly on the basis of this episode. His objections, again, were not heeded in the White House, and he agonized over what he ought to do. I think I knew at the time, but I cannot now remember,

whether he was independently asked by the chairman of whatever committee had jurisdiction, whether it was the Naval Affairs Committee in those days, or whether it was the Armed Forces or Armed Services, if he would testify. It is possible that Mr. Ickes procured that invitation. My recollection is not clear. It leans a little on the fact that he did not procure it, and the issue was whether he should refuse to respond to it. It was not a subpoena, it was just a request. It's coming back now that that's the way it was. I'm sure that Mr. Ickes' distaste for Mr. Pauley, and possibly some part of its foundation was gossiped about through the town, and undoubtedly led to the

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somewhat unusual request of having Mr. Ickes' views.

He and I discussed it. Abe Fortas had left, Abe having on the whole a more cautionary frame of mind than Mr. Ickes, or than I. I was comparatively young at the time. He and I worried about it, and on the ground that technically he could not refuse to appear because a subpoena could issue and require his attendance; and more essentially on the ground that it was not in the nature of Mr. Ickes to refuse an entertaining combat that was offered him, nor in his nature by silence to condone what he thought was improper, and which he felt, I believe accurately, lay within his power to stop.

So, we prepared his testimony. I assume that I prepared it, though I can't remember definitely, and marched up and explained the reasons why Mr. Pauley was not in the view of Mr. Ickes fit to be confirmed as Under Secretary. I do not know, I may have at the time, but certainly do not now, whether Mr. Ickes proceeded to resign on his own volition or whether it was suggested by Mr. Truman. I do not even know the time sequence. I have a vague feeling that his resignation followed very quickly and was, in a sense,

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his own volition, though I would expect also if he didn't take action, very probably he'd be asked to leave. Mr. Truman ran a somewhat tighter ship in terms of personal adherence, personal conduct, than Mr. Roosevelt did. I'm fairly clear that when Charlie West found his furniture gone, Roosevelt just laughed.

HESS: Some historians say that in taking Mr. Pauley's side in the disagreement with Mr. Ickes, that Mr. Truman was taking the wrong side. What is your view?

GARDNER: Obviously I am a partisan in that controversy, so my view is not worth very much. I was Mr. Ickes' principal adviser and assistant at the time, on that sort of an issue.

HESS: What is your general opinion, why would Mr. Truman come down on that side of the fence in an argument such as this?

GARDNER: I cannot give an answer that has any foundation other than general newspaper understanding.

Mr. Truman was a politician who had worked his way up through Kansas City politics into the Senate and he had a lively appreciation of the compromises

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that go to make a political system, if you're going to make it work. I am by no means convinced that his position was wrong in the sense that our Government is founded on politics and works that way and always has, and one may hope always will, because with all its defects it's a little better than other ways of approaching the government.

Mr. Ickes was not possessed of a similar background. He was, in a sense, outrageously upright and he did love a fight. I was convinced then and am now that on that controversy we certainly were on the right side. I'm not sure that at this point I would have advised him to go down to the Senate and to make his views known. Now that my arteries have hardened I would have said, "He's done all anyone can expect a man to do to prevent the appointment, but he's not in charge of the Navy Department, nor the White House."

HESS: Have you ever heard the story that Roosevelt had promised Pauley the position and Mr. Truman felt that he was just carrying on through with a request or a promise that had been made by the previous administration?

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GARDNER: I can't say that I've never heard it. I can't recall it now. It seems to me highly likely, in view of the timing, that that would be the case.

HESS: Also since Mr. Pauley is an oil man it brings up the subject of tidelands oil. Did you get involved in matters of tidelands oil at the time that you were in the Interior Department, and the political ramifications of that thorny subject?

GARDNER: To a degree. It had come to a head in terms of the law work while I was in the Army. I came back and picked up, either for the first time, or for the first intensive time, the legal problems involved. I remember very vividly going out to Wichita, I believe it was, in the fall of 1946, in order to address the annual meeting of the, I believe they were called Interstate Oil Commissioners. It was completely an industry group, and I believe that some of them held state positions in one form or another. I explained to them why the offshore oil really belonged to the Federal Government rather than the states, and I convinced one person in the audience -- me. The other three hundred were fighting for the floor in order to be able more loudly than their neighbor to denounce me. Governor [Andrew]

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Schoeppel, he was later Senator, was then Governor, and at the meeting, and I was never clear whether it was an act of courtesy or an act of permitting me to escape the town, but he turned over his car and chauffeur...

HESS: For your getaway.

GARDNER: ...for my getaway to the railroad, which I also remember, because I had had the forethought to bring some whiskey with me and was looking forward to a nice, leisurely dinner and I observed with urban tolerance the farm family next to me which was opening a basket of

food. Well, it developed the dining car developed a flat wheel and there was no food until about 1 o'clock the next afternoon on that train.

I seem to recall a fair amount of communications back and forth with the Justice Department on it. Throughout that period, of course, Mr. Truman and the Justice Department and Interior were united in attempting to establish Federal title to the offshore oil.

HESS: Moving on, Mr. Julius Krug was selected as the next Secretary of the Interior. Do you know why he was selected? Tell me a little about his background?

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GARDNER: I did not know him, had never met him until he was Secretary of the Interior. He had been first, I believe, Executive Director and then Chairman of the War Production Board, and the general understanding was that he had done an exceedingly effective job, and in the circumstances would be a natural man to turn to with the Cabinet vacancy, particularly since I should suppose Mr. Truman's interest in the War Production Board, growing out of his chairmanship of the Senate committee, had been fairly marked, and I have no doubt that he had many times run into Mr. Krug.

HESS: What is your general evaluation of his handling of the department?

GARDNER: I don't think he did handle the department. He was a very intelligent man, and he could take effective action, would take effective action, when the crisis built up so that he was forced into a corner and it had to be solved. I liked him, and found him a satisfactory man to work for, but his administration of the department was certainly a much more passive one than that of Mr. Ickes.

HESS: If he didn't run the department, who did?

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GARDNER: I'm probably one in half a dozen people, each of whom thinks that he did. I was, in effect, first assistant secretary.

HESS: Here is a copy of a page from the *Official Register* of 1947. It shows Oscar Chapman as Under Secretary and then yourself as Assistant Secretary.

GARDNER: I was Assistant Secretary with department-wide jurisdiction and all the mail for the Secretaries, all the problems, came through me. I was young and active.

HESS: And then the other Assistant Secretary in 1947 was C. Girard Davidson. Did you work often with him?

GARDNER: Often and I'm not at this point at all clear of the jurisdictional division. I had insisted that before I became Assistant Secretary that I not be subjected to whacking up the bureaus. I'd been spoiled as Solicitor with department-wide interests. It was my belief that Jebby and I divided things up more or less on ad hoc assignments.

HESS: Nothing cut and dried, but you handled problems as they would arise, is that right?

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GARDNER: I'm sure there was more form to it than that, but I can't remember it now.

HESS: Did you work closely with Oscar Chapman at this time when he was Under Secretary?

HESS: He was from Colorado, and I understand that he worked

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as an advance man for some of the President's trips when the President would go to the western part of the United States.

GARDNER: Yes.

HESS: Do you think that cut into the effective administration of his job in Interior?

GARDNER: No. His talents and his contributions to the Interior Department could be given without working full time at it.

HESS: Let's discuss briefly some of the other units of the Department of Interior. We have mentioned the Bureau of Reclamations, but did you work closely with the office of Indian Affairs? At that time William A. Brophy was Commissioner?

GARDNER: Yes, I worked reasonably closely with all the department bureaus and depending, by and large, with those who had a particular problem of importance at the time. Brophy I was very fond of; I have not seen him since he left Washington but we were quite friendly when he was here, to the point of -- once or twice he dined with us, which is not a very frequent intermixture

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of my Government or professional activities and home life. He was an Irishman, highly intelligent, very dedicated, charming man.

HESS: What is your general opinion of the handling of Indian Affairs matters during the Truman administration, and then up to the current time? Has the United States Government handled this problem in a correct manner?

GARDNER: I should think obviously not. The Bureau of Indian Affairs when I was there was not quite as unimaginative and lethargic of bureaucracy as what was then called the General Land Office, but it was pretty close to that condition.

There was, on the part of John Collier, who was Commissioner when I was there, and most especially on the part of my distinguished associate, Solicitor Felix Cohen, a very real compassion for and highly talented efforts to improve the lot of the Indian. But, from my

observations, which did not reach very far below the top I'm sorry to say, the general impression that I have was that it was a slothful and lethargic bureaucracy, which had no active animus against the Indians, but was incapable of effective

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action. One small episode: For a period of a month or two I surreptitiously ran a time check on all of the mail that was prepared in the department for the signature of the Secretary or an Assistant or Under Secretary, and at the end of the month we had a department meeting and I delivered myself a number of thoroughly unkind remarks. I can still remember the prize example of that lot which indicates my lack of admiration for the Indian office as I then knew it.

By some historical accident, one of the tribes, perhaps even many, required an approval of the Secretary, personally, in order to spend the money of the tribe members which were held in trust. We fixed up some delegations after this month's experiment, but at that time, no matter how trifling, it had to reach the Secretary. One little Indian girl had asked approval of spending money in order to buy a heifer calf, which had been approved by every official along the way. She got the approval three years after she'd made the request. The heifer calf was no longer a calf, and that is, of course, an extreme example, but the fact that it can happen at all indicates the grave reservations I had.

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Just last week or two weeks ago, I'm fairly active in the Administrative Conference of the United States, and one of the recommendations was to set up an independent Indian trust authority to represent the Indians against the United States in case of conflicting natural resource claims. I was forced to go back and think why it was that I had never been troubled about it when I was in Interior, and I searched my recollection to explain "Why not," although I strongly supported the proposal once it was called to my attention. I concluded that the reason was that the Interior Department is a very curious department in the sense that it is custodian of about fifty separate and almost invariably conflicting interests, and I really can't say that it never occurred to me, but after twenty-five years I can't remember focusing on the fact that the guardianship of Indian affairs was a much more strong commitment, being as it was a fiduciary commitment, than the Governmental commitment to miners, fishermen, bird lovers, etc. More or less, my own attitude, speaking with the enlightenment I gained two or three weeks ago, my wrong attitude was that it was just another damn

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problem, that you couldn't help the Indian in many respects without hurting somebody else. And that was the focus in which I as an Assistant Secretary would find myself, if there were no inter-bureau conflict, it was rather rare that I would get too deeply into a problem. So I don't know too much about the administration of the Indian office. I just had a lively skepticism of the people who are dealing with it, short of the top. Collier and Brophy were good.

HESS: Would a lack of ideas being pumped into the Bureau of Indian Affairs, and the lack of action of the Bureau of Indian Affairs, show somewhat of a dereliction of duty on Mr. Truman's part?

GARDNER: No, Mr. Truman had global problems and national problems to the point that I'd be surprised if he gave much attention at all to the Interior Department as a whole, and certainly not to the work of any bureau.

HESS: He expected the people he appointed to that department to run that department, correct?

GARDNER: That would be the natural explanation, or if you will, speaking as an old bureaucrat, rationalization.

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I didn't know what went on in the Land Office. You can say that I expected the people in charge to run it, but in fact I didn't think about it.

HESS: You hoped that somebody over there knew what was going on.

GARDNER: Yes, when I thought about it.

HESS: Did you become involved in the operations of the territory and the island possessions? That also came under the Department of Interior.

GARDNER: Yes.

HESS: In Alaska, Ernest Gruening at that time was Governor, correct?

GARDNER: That's correct.

HESS: Any thoughts on Alaska or were there any particular occasions you may have worked with Mr. Gruening?

GARDNER: I was plunged into Alaska on the salmon fishing controversy, which was a three-sided battle between the then territory and its seine fishermen, the local fishermen, the salmon packers and the Indian claims. Mr. Ickes had called a hearing before him in order to

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consider a regulation, some form of which I can't recall, and he pulled out tempestuously about a week before that hearing was to meet, and I carried it on, and I was waist deep in Alaskan problems all the time after that, as they affected the conflicts.

Krug and I went up to Alaska on a ten-day trip with, as I recall, a fair number of staff people, he was the first Secretary that had ever been in Alaska and it was considered very good. He took one day to go fishing, and I went over to Cordova in his place to attend the lunch and speak. At the end of the lunch the mayor introduced me, and virtually the entire adult population of Cordova was there, and he explained I was the third high dignitary from Washington that they had had the honor of giving lunch to. He said, "Who knows, some good may come of this one."

HESS: Nothing had come from the other two?

GARDNER: And oddly enough, what they wanted, I told them then they couldn't have.

HESS: What did they want?

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GARDNER: They wanted the Copper River railroad paved over, the old Copper River road. There had been a railroad bringing down mine material, and they wanted road access to the interior of Alaska, and it didn't seem to me that it began to warrant the expenses involved. But it's my understanding that very shortly after Mr. Eisenhower came in office on an economy program, the Copper River railroad project was carried forward, although we heavy spenders endangered my reception in Cordova by saying it was out of the question.

HESS: The problems between the salmon canneries, the seine fishermen and the people who would like to have the fish go back up the river to their spawning grounds still remain, do they not?

GARDNER: It's much better controlled.

HESS: Is it now?

GARDNER: I had worked out with salmon packers a compromise, or rather with the man who was speaking for them, a splendid fellow by the name of Phil [Philip Douglas] Macbride, one of the leading attorneys in Washington who was also chairman of Pacific-American Fisheries,

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which is one of the larger packers. He and I worked out a compromise that made sense to us, it still makes sense to me, by which the fish traps, which was a major bone of contention, the structures that caught the salmon as they were coming in, would be phased out over a ten-year period so that the packers' investment would, if not be recovered, would be amortized, and there would be an end to it. I think the salmon packing industries refused to accept what Macbride negotiated on their behalf and the Congress refused to pass the bill, which had industry opposition, and on the other hand, the opposition of a splendid fellow, Delegate [Edward Lewis] Bartlett, who thought ten years was too long. So poor Macbride and I were left in the usual position of those who compromise without adequate control of their constituents, as many union leaders have found themselves in recent days.

HESS: And Governor [Ingram M.] Stainback was in Hawaii. Did you have any dealings with Hawaii?

GARDNER: Again, quite a number -- no, I guess only one transaction, but it was fairly protracted and reached a typical level of acrimony that had to do with martial law in Hawaii.

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Stainback and his attorney general, Garner Anthony, came into Interior Department and Mr. Ickes summoned a major meeting starting with [Chester William] Nimitz and whoever the

corresponding man was in the Army (I forget now). I recall sitting around his table, and the meeting convened at 10 a.m., and he surveyed people over the top of his glasses, and said, "Gentlemen, the agenda today has only one item: The liberation of Hawaii." And we carried on a battle for, oh, about three months, I guess. Stainback didn't stay, but Garner Anthony did. He was a very able and very courageous attorney in Hawaii, a leader of the bar there for twenty or thirty years, I guess. Abe Fortas worked on it very closely, and I suppose I did most of the actual work. I'd say it was a good fight, which I think we won in the end, as I recall -- yes, we did.

HESS: Governor [Jesus T.] Pinero was down in Puerto Rico.

GARDNER: I didn't know him at all. I had virtually nothing to do with Puerto Rico for one accident or another.

HESS: How about the Virgin Islands where Judge William Hastie was? Did you have anything to do with that area?

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GARDNER: Not very much with the Islands. I think it was his appointment -- yes, it would have been his appointment to the Virgin Islands. He had been nominated while Mr. Ickes was there. His confirmation hearing was scheduled when Mr. Krug had come, and Mr. Krug did what Mr. Ickes would never have done, allowed such a dramatic opportunity to pass by, and sent me down to testify in behalf of Hastie. It wasn't too bad. Senator [Ralph Owen] Brewster had been on the *Harvard Law Review* with Hastie, and so his color was less prominent than it would have been if Senator Brewster had gone to another school.

HESS: Was there some objection from some of the southern Senators?

GARDNER: There was a terrible lot of covert objection. I don't recall any overt, but there may have been.

HESS: During the time you were working on these and any other matters, did you ever call upon the assistance of any of the people who served on the White House staff: Mr. Truman's Special Counsel, Clark Clifford, for instance?

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GARDNER: No. The traditions of Interior Department under Mr. Ickes, and as Mr. Krug was not one to disturb any established tradition, why, the less help we had from the White House, the better. We thought we could do our own work.

I suppose the two times I had White House contact I should mention here.

Before I had marched off to war, we had on one occasion taken over the coal mines because of the strike, and I noticed when I came back that the regulations that I and an assistant had drafted from 5 p.m. to 8 a.m. the next morning were still in effect, unchanged. Nobody in all the years had bothered even to improve the somewhat awkward phrasing that comes about 4 o'clock in the

morning. It was the only time I was in the Interior Department on time and I discovered there was a bell that rang at 8:15.

HESS: That's the only time you heard the bell?

GARDNER: That's right. It took Mr. Ickes a little while to learn that he couldn't be sure of getting me before 9:30, but he gave into it.

HESS: What other occasions did you work with the White House?

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GARDNER: I was just leading up to that. When I came back, we had another coal strike, and I think this overlapped also Ickes and Krug. We seized the mines and a very capable Navy captain by the name of Harvey Collisson who was later president of Olin [Olin Mathieson Chemical Corporation], I believe, and he's now dead, came over to run them in a highly technical sense. We had labor negotiations with [John L.] Lewis, There was some major controversy with -- no, I'm trying to keep them separate, because I was mixed up in three coal seizures altogether. I think our major controversy with -- no, we had a controversy with Tom Clark, of rather formidable proportions, in which I went over and had lunch with him once, and that afternoon the newspapers had the content of our discussions, and he had what I later discovered to be a justifiable grievance. I thought he'd done it; and he thought I'd done it.

HESS: Who did?

GARDNER: Oscar.

HESS: Oscar Chapman?

GARDNER: Yes.

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HESS: Why?

GARDNER: Ours was the right and proper side, and it was a discreet leak to the newspapers in the best governmental tradition. It took me about a week or two to discover that. I was furious when I did.

But in the course of it, we finally got the matter settled with the help of an injunction that the Justice Department had gotten. I went over with Krug to report to Truman on it.

We had a pleasant half hour in which he was congratulating us and talking quite at ease, and I believe enough time has now passed so that I can mention what he then said. This was shortly after he had appointed [Fred] Vinson, I believe, as Chief Justice, or had just sent his name up, which was, more or less, contemporaneous. Shortly before the rigors in Nuremberg had eaten too deeply into Bob Jackson and he issued some wildly indiscreet denunciation of [Hugo] Black, in what connection I don't know, but it was an extraordinary thing to have done and most ill-

advised. In the course of the conversation Truman said (and he did not always speak with measured and stately eloquence), that if Jackson hadn't "pooped off in Nuremberg, he would have

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been Chief Justice now," which, I think, was both an accurate statement of his frame of mind and what then seemed to have been a sound judgment.

When he got back to the stability of this country, the Jackson conduct was always impeccable thereafter. What happened in Nuremberg I have no idea.

Another time, or two, I was over in the White House in connection with the Taft-Hartley Bill, the issue being whether to veto it or not. It's my recollection, which is terribly dim after twenty-five years, that, first, Truman did veto it and it was passed over his veto, and that he did so over the advice of the clear majority of his departments. I recall at that meeting that only the Labor Department and I for the Interior Department recommended the veto. I'm not sure, I don't know whether Clark Clifford was there or not, but whoever the White House Counsel was.

HESS: He was.

GARDNER: It was more or less undecided but leaning more to the veto than placating the Congress and industry.

HESS: But your recommendation for a veto was the only one coming from the Department of the Interior, is that

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correct?

GARDNER: I'm sure so, I was sent over to represent them, and I'm sure also I would have talked it over with Krug before. I wouldn't have been sent under Ickes. He would have either been there himself or sent Abe Fortas. It's also true I wasn't Assistant Secretary under him, but nevertheless, Krug delegated authority with...

HESS: Far more often than Ickes would do, is that right?

GARDNER: Yes, and would not follow the formulation of the policy nearly as closely. In fact, I once got good and angry at Ickes. He took to writing a newspaper column after he left Government, and he didn't like -- I forget whether it was the salmon compromise or the Alaskan timber business that I worked on also, to try to get the timber resources opened up to use. They were issues Ickes didn't like, and it represented -- it was the salmon thing, I had spent about a year on it, and finally hammered out what seemed to me then and seems to me now, a good compromise. Everybody would have been better off. Ickes devoted either one or two columns denouncing Krug for it and saying that among

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his sins that he had coerced an otherwise reputable young man named Gardner into supporting it. Krug didn't know what the damned policy was.

HESS: It was what you had done anyway. You weren't coerced into doing it at all.

GARDNER: I was more than a little irritated at Ickes.

HESS: At the time of the meeting regarding Taft-Hartley, do you recall what President Truman's attitude was, what his reactions were to the advice that was being given to him?

GARDNER: No, I just don't recall.

HESS: You did sit in on the meeting though, is that right?

GARDNER: Yes.

HESS: With the others.

GARDNER: Yes. My vague recollection is that Truman was there only for...

HESS: It is quite correct though, that most of the departments recommended that he not veto the bill, that is correct, and then he did veto it and it was passed

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over his veto.

GARDNER: Yes. There were two or three other rather grim, semi-social occasions when I ran into him.

With me as with the world generally, Truman grows in stature as you look back. He seemed at the moment a very ordinary man, with responsibilities far exceeding those which any man ought to be asked to bear. But as you look back, he bore them remarkably well. I was not by any means enchanted by him at the time.

There are a couple of small episodes. One Christmas he called together all of the under and assistant secretaries of the departments and they marched over to the White House at Christmastime, it wasn't Christmas day. I'm sure everyone had what he thought was an urgent problem that he thought he ought to be spending his time on. As we gathered around -- I forget which room -- in a nice little semicircle, waited for twenty minutes, Truman came in, wished us all a Merry Christmas. I was standing next to Dean Acheson, who was a semi-friend of mine for many, many years. My only consolation was that if Acheson could be subjected to that indignity, so could I.

HESS: You were in good company.

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GARDNER: Yes. On some other occasion, he came over to Interior Department for a dinner. I suppose somebody was visiting, I don't know what, but he bestowed autographed menus on everybody, which again, for an eastern unobtrusive Quaker, seemed to me not in the very best of taste, but he was quite right. I suppose everyone's child or children was happy to have one. It didn't appeal to me.

HESS: On what other occasions did you work with the White House on matters of substance, other than the Taft-Hartley matter?

GARDNER: The coal seizure, and there was a recurrent consultation on the annual messages. I'd go over and quarrel with them about not striking a paragraph or putting something in. I don't recall.

HESS: Just how was that handled? Were you, as Assistant Secretary, requested to send to the White House a complete message or a section of the message that you would like to have included?

GARDNER: It would be the section relating to the Interior Department.

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HESS: Relating to Interior.

GARDNER: Some other time, I can't recall, I was there through most of the night with somebody, it may have been Clark Clifford, it may have been somebody else, working on a, I believe, a speech that the President was making on something that came in reasonably close to the Interior Department concerns. It was fairly frustrating, but I can't recall the occasion or, indeed, the man.

HESS: Were there times when a speech was being formulated when you found that part of what you and your department wanted to be included was not in the speech, would you go over to the White House and try to get it put back in or argue your point?

GARDNER: I guess so. I don't recall the mechanics. I just know that's inevitable with any White House message.

HESS: That's just the way it's done.

GARDNER: It has to be. If you allowed every department to say what it wanted, you'd have...

HESS: You'd have a complete speech for each department,

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would you not?

GARDNER: That's right, five volumes of contradictory...

HESS: You returned to private practice before the 1948 election?

GARDNER: Yes.

HESS: But I'd like to ask you just a little about that anyway. Do you recall anything about the role that may have been played, or may have not been played, by Secretary Krug in the events of 1948?

GARDNER: I do not recall that at all. I can offer you instead a rather charming account.

I do not recall if I ever knew, what, if any, role Mr. Krug played in the 1948 election campaign. I do recall, however, being told by Mike Straus that Mr. Ickes had asked him to come and see him. He had done so, and Mr. Ickes, an old campaigner who loved it, particularly because it gave him such unrivaled opportunity to denounce the opposition, said, "Mike, I'm going to campaign. I haven't decided yet whether it ought to be Truman or Dewey. What do you think?"

HESS: He knew he was going to campaign for someone.

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GARDNER: He was not going to let that election campaign go by without adding his comments. He ended up campaigning for Mr. Truman.

HESS: There was quite some time, was there not, when he was taking the Republican side and speaking and writing in opposition to Mr. Truman? This was after his retirement, and before 1948.

GARDNER: He was certainly not fond of Mr. Truman, and was undoubtedly critical of him.

HESS: I could be wrong, but I thought he supported Dewey.

GARDNER: No, I'm quite clear that it was Mr. Truman.

HESS: Good, I'm glad you are, because I am probably wrong on that.

Have you ever heard anything about Mr. Krug being considered for the vice-presidential spot on the Democratic ticket in 1948?

GARDNER: Never heard a word of it. I should add that I was always quite remote from politics. I went through Government refusing to be a member of either party, thereby creating quite a large number of problems.

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HESS: Why did you take that stand and what were the principal problems that it caused?

GARDNER: I took that stand because I was very young, and had notions about Government that no political party could really conform to.

I was very fond of Homer Cummings, with whom I'd worked closely on one project or another, but he irritated me, though it wasn't my affair and why I was so concerned I cannot now recall, by refusing to prosecute some rather notorious crooks in New Orleans who happened to be prominent in the Democratic Party. That is the chief episode that remained in my mind. I think more than anything it was youthful idealism, that I was here to serve the Government with a capital G, or the people with a capital P.

The problems it caused were whenever I was nominated and had to be confirmed. Somebody, Jim [James J., Jr.] Rowe, I know, loused up one job with the Labor Department. Oscar Chapman did a rather better one with the Interior Department. They had to go down and make their peace with the appropriate Senators to let this odd youngster be confirmed.

HESS: You say Mr. Chapman "loused up" a confirmation?

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GARDNER: No, Jim Rowe did. Jim Rowe is an old friend of mine.

HESS: And he loused up a job that you were in line for?

GARDNER: No, he loused up the confirmation by putting my name in with about fifty postmasters who were being appointed, it got in by mistake before Jim had gone down and made his peace.

HESS: Was that at the time when he was one of President Roosevelt's administrative assistants?

GARDNER: Yes, that was under Roosevelt. And I've never let him forget it, he's never let me forget it, and he always adds that he went around to the old gentleman who was in charge of White House mail, had been for twenty or fifty years, and for whom Jim had a great respect, and told him what a terrible thing he'd done and explained it at length. I think his name was Hassell - I'm not sure, but something like that -- he looked at him and said, "Young man, you'd be astonished to know how little difference that makes to me."

HESS: Was that Bill Hassett?

GARDNER: Hassett, yes.

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HESS: He was the Correspondence Secretary.

GARDNER: That's right, and some how the nomination got in the wrong basket.

HESS: He'd been there for years and years.

GARDNER: So not only was I not a Democrat, the nomination hadn't even been mentioned.

So I became a Democrat for much the same reasons that I had refused to become. I went through storm, lightning, and high winds in order to register as a Democrat in Rockville, because Mr. [Herbert] Brownell was prosecuting people, it seemed to me, because they were Democrats. It's a little hard to articulate the difference, but there's a world of difference between not prosecuting someone because of political considerations and prosecuting them.

HESS: Then it turns into persecution, does it not?

GARDNER: It does indeed. I thought that was a sorry position.

HESS: That was during the Eisenhower administration, obviously.

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GARDNER: Yes.

HESS: As a man who was an independent during the Truman administration and held high positions, what is your opinion of the weight that Mr. Truman would give to political considerations before he would take an action?

GARDNER: I don't know. I wasn't that close to him on actions which involved political considerations.

HESS: Just what was your general impression?

GARDNER: My general impression was that he was a good practicing politician. Also, my general and concrete impression was that never in the thirteen years that I was in Government did we have to consider the political affiliation of anyone who was being selected for appointment, and there was no thought of it during Mr. Truman's time, whether they were Democrat or Republican, even for positions of considerable magnitude.

HESS: Do you think he was more interested in getting the best man rather than the best Democrat?

GARDNER: If I had to put together the indirect knowledge I had, the newspaper business and so on, I would say

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obviously he was more interested in getting the best man; if it produced a political problem of consequence, that the interest in having the best man could be overcome, which is about all you can ask of a President.

HESS: Did you think Mr. Truman was going to win in 1948?

GARDNER: No. I didn't, a position shared by quite a number of people.

HESS: You were in the majority, that's right.

GARDNER: Very clear majority, except for those who voted.

HESS: Why did you think Mr. Dewey was going to win?

GARDNER: Just reading the damn newspapers.

HESS: Just what you read in the papers.

GARDNER: Yes.

HESS: Did it come as quite a surprise in November of '48 when Mr. Truman won?

GARDNER: A surprise, and a very pleasant one.

HESS: And then not too long after that, in the year following, Mr. Krug left and was replaced by Oscar Chapman. Why,

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in your opinion, did Mr. Krug leave the Department of the Interior?

GARDNER: I don't know.

HESS: Any opinions?

GARDNER: Well, it could have been either of two things: He got himself into some trouble with Howard Hughes (I think it was Howard Hughes), and starlets out on the west coast which was public and which would not make any President feel happy with his Cabinet member. Krug also had a quite lively eye out to his business future. I don't know which it was, it could have been either. It could have been a suggestion that on the whole it would be nice if he took up something else, or it could have been his own decision, that he saw a good opportunity and wanted to take it.

HESS: Oscar Chapman was chosen as his replacement. Why, in your opinion, was Mr. Chapman the next Secretary of the Interior?

GARDNER: One, he was Under Secretary; two, he was a good politician who had been very useful to Mr. Truman. Any other selection would have been quite out of the question I would have thought.

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HESS: You mentioned that Mr. Truman had a good many problems on his mind and had international considerations to look out for. What's your opinion, do you think that he should have given more attention to domestic matters and to the operation of the departments concerned with domestic affairs?

GARDNER: No. I think every bit of attention he gave to international problems was required, and particularly in terms of the Marshall plan, one of the more sensational successes in recent centuries, in the plural. I can well recall that it looked almost hopeless at the time. Coming down on the train I ran into Gary [Gerhard] Gesell who is not a district judge, each of us lawyers of modest competence, and in our wisdom we decided that the Marshall plan couldn't possibly work, things were too far gone to be helped.

HESS: Was this about the time it started, in '47?

GARDNER: Yes.

HESS: Or when it got underway?

GARDNER: Just getting underway. From this viewpoint I am far from enchanted with the Acheson-Truman policy of

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containment, which I think now is a mistake but I didn't at the time.

HESS: Do you think it was the correct thing to do at the time?

GARDNER: No, let's say that at the time I thought it was the correct thing to do.

HESS: What should we have done?

GARDNER: I don't know. I'm sure it's produced both in our own mentality and in international relations a great deal of harm. What I'm really complaining about is that it should have been stopped long ago, not that it was bad when it started.

HESS: You mean our international involvement?

GARDNER: Our international effort to contain communism, reaching its flower...

HESS: Should we have tried to seek greater accommodation with the Soviets?

GARDNER: I just don't know enough about that. At this point I rather wish we'd tried it, as we're trying it now.

HESS: Just a couple of questions about the "Little Cabinet,"

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and you've mentioned the time that you gathered around the Christmas tree.

GARDNER: That was the only "Little Cabinet" meeting that I ever experienced.

HESS: Do you think that was evidence or a demonstration of the absence of good administrative policy? Would it have helped if "Little Cabinet" meetings had been held, the assistant secretaries of Interior, and the assistant secretaries of Commerce and the...

GARDNER: I don't believe it would have contributed anything to the conduct of Government. It would have been a social occasion, but no one was sufficiently posted on the problems of another to make a general systematic meeting of any utility. When interacting or conflicting problems arose, why, there would be ad hoc committees.

HESS: In your opinion, what did Mr. Truman regard as the proper role of his Cabinet members? Just how did he see this organization?

GARDNER: I can't really characterize it.

HESS: Approximately how many times did you either meet with

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or see President Truman during the period of time you served in his administration?

GARDNER: Probably about half a dozen times.

HESS: What is your opinion of the level of Mr. Truman's administrative ability during the period of time he was President?

GARDNER: I had too little contact with President Truman to have a reliable first-hand judgment. So far as I can now recall, the White House did not interfere with the administration of or the appointments in the Interior Department; that non-interference we of course considered good administration.

HESS: In your opinion, what were President Truman's major accomplishments, and what were his major failings?

GARDNER: I am reasonably clear that the formulation and execution of the Marshall plan, which was the indispensable foundation of the European free governments and economic prosperity, was the major accomplishment of President Truman. At the time I thought his vigorous actions in respect of Greece and Korea were well-conceived and of first importance to the world. I am

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somewhat less confident now about the whole program of "containing communism," and can wonder as to the course of history if we had relied more on the course of evolution in place of armed resistance.

I would consider his greatest "failure" is found in what he did not attempt. Even in what now appears to be the halcyon year of 1946 there were a number of things in our Government and society calling for drastic and innovative action. These domestic matters received little or no

attention, in part because of a generally mediocre level of appointments to office and in related part because by and large the Government was not attracting the fresh young talent that it had in pre-war days. The distinguished appointments of Marshall and Acheson, and the resulting initiative in foreign policy, illustrates my point by contrast.

HESS: In your opinion, what will be President Truman's place in history?

GARDNER: My guess at the verdict of history is not worth much, but I should suppose that President Truman will be ranked somewhat below the giants and well above the average.

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HESS: Thank you very much.

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