

● PSF

Justice Dept.: Francis Biddle

1944-1945

(2292)

lms

F. Riddle folder
2-44

THE WHITE HOUSE
WASHINGTON

Sent 1/3/44

January 4, 1944.

MEMORANDUM FOR

HON. JAMES F. BYRNES:

Will you be good enough to
speak to me about this?

F.D.R.

Transmitting papers which the President
received from the Attorney General, 12/31/43,
in re Japanese situation, as per copies
attached.

December 31, 1943

MEMORANDUM FOR THE PRESIDENT.

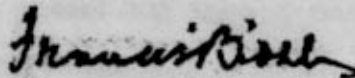
Jimmy Byrnes suggested that I send you this memorandum analyzing the Japanese situation.

I have talked to Harold Ickes about it and I think he would be willing to have W. R. A. transferred to Interior.

Jimmy Byrnes is familiar with the situation and you may wish to discuss it with him. I have also talked it over with Harold Smith who originally had a good deal to do with setting up W. R. A.

If any action is to be taken, I think it should be taken promptly as the feeling on the West Coast is very strong and is extremely critical of the Administration.

Respectfully yours,



Francis Biddle
Attorney General

December 30, 1943

MEMORANDUM FOR THE PRESIDENT

Re: War Relocation Authority Supervision of
Persons of Japanese Ancestry Evacuated
from Western Military Areas.

In response to your request for my views on the current problems involved in the relocation of citizens and aliens of Japanese ancestry evacuated from the West Coast, I advise you of the following principal considerations:

1. Detention.-- Executive Order 9102 of March 18, 1942 created the War Relocation Authority in the Office of Emergency Management to shelter and feed and to find employment for and relocate the 110,000 Japanese, two-thirds of them American citizens, evacuated by the War Department from the West Coast. These people have been detained in ten relocation camps throughout the West and Middle West pending their relocation in normal American life throughout the country. Under Director Dillon Myer, War Relocation Authority has already relocated 22,000 of these persons throughout the United States. This job has been done well and at a rapid rate in view of the natural resistance of most communities to persons of the Japanese race at this time.

2. Press Agitation.-- The Japanese race problem is seriously aggravated by influential groups of citizens of California and the Hearst press apparently for the major purpose of discrediting the Japanese minority so completely that they will be set apart permanently from the rest of the population and encouraged or forced to go to Japan after the war and discouraged or prevented from returning to California. A successful relocation program is not wanted by these groups.

because it promotes acceptance of the Japanese and will leave them free to return to California after the war. The December 30 issue of "Time" magazine contains an article which well summarizes these efforts to increase and exploit bitter feeling against the Japanese minority.

3. Segregation. - Over 15,000 of the 90,000 Japanese remaining in relocation centers, consisting of individuals or families of individuals thought likely to be disloyal, have been segregated in a special camp at Tule Lake, California, in the northeast corner of the state a few miles below the Oregon border. A disturbance in the camp between November 1 and November 4, 1943, which was grossly exaggerated in a part of the West Coast press, touched off a new and extreme wave of hysteria against all persons of Japanese ancestry. WRA was so severely criticized for alleged coddling of the Japanese-Americans that West Coast community confidence in Myer and in WRA generally was undermined. The fact that 100,000 Japanese had been held in concentration camps for over a year and a half and that only two incidents of enough importance to require the calling in of the troops occurred is generally overlooked, and the West Coast press and Congressional delegation seem unanimous in demanding a different administration at least of the Tule Lake camp.

4. Permanent Resettlement. - The most important long run problem is not the management of the Tule Lake Camp, since many of those Japanese have indicated allegiance to Japan and many probably will be repatriated after the war. The important thing is to secure the reabsorption of about 95,000 Japanese, of whom two-thirds are citizens and who give every indication of being loyal to the United States, into normal American life. The present practice of keeping loyal American citizens in concentration camps on the basis of race for longer than is absolutely necessary is dangerous and repugnant to the principles of our Government. It is

also necessary to act now so that the agitation against these citizens does not continue after the war.

5. Political Aspects of the Problem. - The amount of interest in the Japanese problem on the West Coast makes it a general political problem. A poll recently conducted by a Los Angeles paper indicated that Californians would vote ten to one against permitting the United States citizens of Japanese ancestry ever to return. Congressmen and others are tempted to make political capital by urging a harsh regulation of the Japanese in response to the public clamor which has been fostered. It is necessary to conduct the administration of the program so that the least possible ground for public sensation and such political action is available.

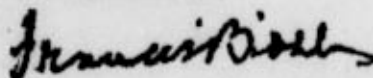
6. Administration of the Resettlement Program. - WRA, a new agency created for the purpose in the evacuation emergency, has been dealing with a job which the war against Japan makes most difficult and thankless. Some of its difficulties with the press and with some elements of Congress might be lessened if, instead of being required to meet these pressures as a small new independent agency, WRA were part of a permanent department of the Government under the supervision of a member of the Cabinet and could rely on the relations of such a department with the public and Congress. Transfer to such a department would give it the benefit of long established administrative procedures and might improve administration. The War Department has stated strongly, and the State Department has agreed, that it should not receive the job because Army supervision might lead to additional hardship for American citizens under control of the Japanese government. Moreover, the War Department should not be burdened with the job of resettlement of part of the civilian population. If WRA were to be transferred to any department it would

probably be either the Interior Department which has the experience of the Indian Service and in general has the type of jurisdiction and personnel to do the job, or the Justice Department which through the Immigration and Naturalization Service has the experience of the detention and care of alien enemies and aliens generally. From the long-term view, however, it would fit better in Interior.

7. Separation of Resettlement and Segregation. - It has been suggested that the segregated Japanese should not be handled by the same agency which handles resettlement of the loyal Japanese because of the public tendency to attribute any difficulties with the disloyal to all of the Japanese. For that reason it might be wise to place the Tule Lake segregation camp and its security problems in the Department of Justice which has primary responsibility for internal security. The remainder of the WRA could then be transferred to the Interior Department or kept as a separate agency. Such an arrangement however might involve serious administrative difficulties in operation.

8. Public Relations. - If any administrative change be made it is important that it be accompanied by a careful public statement endorsing the principle of resettlement and the excellent way in which it has been carried out by WRA. Care should be taken to make it clear that any change of administration is not a reflection upon the WRA relocation policy or administration because fairness to WRA requires this and if WRA were discredited the principle of resettlement might be discredited in the public mind and some support might be given to the erroneous idea that the great majority of Japanese-American citizens are not loyal and do not have the usual constitutional rights.

Respectfully,



Attorney General

(2391)

lmo

PSF; Justice folder
2-44

MEMORANDUM FOR THE ATTORNEY GENERAL

Biddle

1944

I understand that the House Committee that is investigating the Federal Communications Commission has asked Mr. Hoover to testify about some transactions between the Department of Justice and the Commission that relate to the internal security of the country. It is not in the public interest to have these transactions discussed publicly at this time. I do not wish Mr. Hoover or any other officer of the Department of Justice to testify as to these matters, and the correspondence relating to them should not be publicly disclosed. I gave similar directions to the Secretaries of War and Navy last summer when certain officers were asked to testify before the committee with regard to matters relating to the exercise of war powers by the Army, Navy, and F. C. C.

FRANKLIN D. ROOSEVELT

January 15, 1944

No papers accompanied the original of this memorandum to the Attorney General.

(copy of this memo filed - F.C.C. folder, 2-44)

...of Justice to testify as to these matters. I
to not in the Capitol building to these matters. I
Commission that testify as to these matters. I
want some transcriptions for the records of the
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OFFICE OF
ATTORNEY GENERAL



January 14, 1944

Miss Grace Tully
The White House
Dear Miss Tully:

Attached is the draft of a memorandum
about which I telephoned you a few moments ago.

For the reasons I gave you, I hope the
President can do this right away.

Sincerely yours,

Franklin D. Roosevelt

Attorney General

THE WHITE HOUSE
WASHINGTON

January 14, 1944.

MEMORANDUM FOR THE PRESIDENT:

The Attorney General just telephoned me to say that the House Committee investigating the P.C.C. has asked J. Edgar Hoover to appear before it. This because he had a very vigorous controversy with Chairman Fly over fingerprinting. Hoover does not wish to go up and the Attorney General does not want him to. Therefore, the Attorney General wonders if you would be willing to sign a letter similar to the ones you sent to the Secretaries of War and Navy when certain of their personnel were asked to appear before this same Committee.

G.G.T.

OFFICE OF
THE ATTORNEY GENERAL



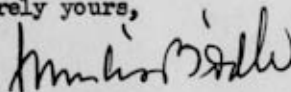
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February 2, 1944

Dear Miss Tully:

I have handled the attached letter from Senator Guffey with extreme care. Its contents and tone are such that it ought to be treated extremely confidentially. I have, therefore, made no copies of the President's memorandum and the Senator's letter for retention in our files, which ordinarily we would do.

Sincerely yours,



Francis Biddle
Attorney General

Miss Grace Tully
The White House



Office of the Attorney General
Washington, D.C.

PSF
Justice

F. Biddle folder
2-44

February 2, 1944

MEMORANDUM FOR THE PRESIDENT

We have looked into the questions about the Reader's Digest raised by your memorandum dated January 21, 1944. The best information we can get is that Reader's Digest is not being assisted in the publication of its foreign editions by any preferential treatment as to transportation. The Army has assisted the publication of certain newspapers and magazines in some theatres of operation, but apparently Reader's Digest has not been given assistance of this kind.

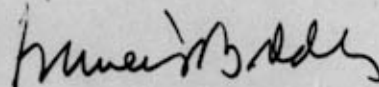
The War Production Board, which allocates the supply of newsprint, has given Reader's Digest newsprint for use in its foreign editions over and above its normal allocation for domestic use. We are informed that this "ex-quota" paper amounted to approximately 1200 tons in 1943. The War Production Board made this arrangement with Reader's Digest two or three years ago before the paper shortage became acute. Some of the competitors of Reader's Digest have complained, and I understand that the question of whether the arrangement will be continued is now being considered by the War Production Board. You may wish to speak to someone in the W.P.B. about this.

Before I got your memorandum, we had received a number of complaints charging that Reader's Digest is violating the antitrust laws. The complainants allege that Reader's Digest has made contracts with substantially all of the important weekly and monthly magazines that give it the exclusive right to publish in digest form any article that appears in these magazines. Even if Reader's Digest does not reprint an article, the contracts prevent the magazines from permitting anyone else to reprint it. The charge is that as a result of these contracts, Reader's Digest is building up a monopoly of the business of reprinting articles in digest form. We have been

investigating these complaints. If it turns out that the charges are well founded, and if you approve, we should like to handle this situation as we did the Associated Press case; that is, we would tell Reader's Digest that its arrangements are illegal, and if it did not then modify its contracts, we would bring a suit in equity to cancel the contracts and enjoin their performance.

Attached is a suggested reply to Senator Guffey's letter. We should prefer not to have the reply mention our antitrust investigation. I am returning Senator Guffey's letter.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "Homer Biddle". The signature is fluid and cursive, with a prominent "H" and "B".

Attorney General

DRAFT

Dear Joe:

I read with interest your letter of January 20, 1944, about Reader's Digest. I am told that the Army is not giving Reader's Digest any assistance in publishing its foreign editions and that the magazine is not getting any preferential treatment so far as transportation is concerned. It has been getting a certain amount of newsprint over and above its normal domestic allocation for use in its foreign editions. This arrangement was made by the War Production Board. The competitors of the Digest have complained about the arrangement and I understand the W.P.B. is now considering whether the arrangement shall be continued.

Thank you for your suggestions about this situation.

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OFFICE OF THE
Attorney General
JAN 22 1944
THE WHITE HOUSE
WASHINGTON

January 21, 1944.

MEMORANDUM FOR THE ATTORNEY GENERAL:

Will you please read this letter from Joe Guffey? At the present time the Readers' Digest is being printed in Cairo, in Brazil and in several other places. I do not think that it carries out the freedom of the press idea for our Army and Navy ships to carry the paper on which the editions are printed to Cairo, to Brazil and other places, because it creates a monopoly for this one particular magazine.

The Chicago Tribune and several other papers have wanted to issue special editions in London and other places and have wanted the Government to carry the news print over there for these special editions and I have tentatively said it cannot be done.

Let me have any other suggestions for preparing a reply to Sen. Guffey.

F.D.R.



WALTER F. GEORGE, GA., CHAIRMAN
DAVID I. WALSH, MASS.
ALLEN W. BARKLEY, KY.
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JOSHUA W. BAILEY, M. C.
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HUGH A. BUTLER, NEBR.
EUGENE D. MILLIKIN, COLO.

CHRISTIE B. KENNEDY, CLERK

United States Senate

COMMITTEE ON FINANCE

January 20, 1944

The President

The White House

My dear Mr. President:

Thank you for your letter of January 14th, concerning my speech about Senator Butler. I would have obtained better publicity except for Harry Byrd's bitter personal attack on me on the same day because of my stand on the soldier's vote legislation. Butler is reported to be preparing a further "Reader's Digest" article, and as soon as it comes out I will slap it down.

However, that does not touch the real issue of dealing with the Reader's Digest double-dealing policy of using the good offices of this Administration in order to attack the foreign policies of the United States. I suggest that DeWitt Wallace, Stanley High and that whole bunch of unreconstructed income-tax payers be harassed along the following lines:

First of all, I would issue orders that no more priorities for newsprint, etc., be given to Reader's Digest. Why should we ship paper to Cairo and use up valuable shipping-space to help them attack our foreign policy. Let them take their chance on these things along with the Police Gazette and Esquire.

Second, issue no priorities for plane transportation, passports, steamship passage, credentials, etc., for any representative of Reader's Digest or of any publication with which it has contract relations for rights to reprint articles. (I am getting a list of those magazines and will send it to you as soon as it reaches me). Give them no more and no less in the way of special facilities than are granted to the Atlantic Monthly, Harper's Magazine or True Screen Romances.

Third, arrange with, say, the Brazilian Government so that not one copy of any issue of the Portuguese Language (Brazilian) edition of Reader's Digest shall be admitted to the mails in Brazil until a copy of the issue has been submitted to the Brazilian Embassy at Washington for transmittal to the Brazilian Foreign Ministry at Rio de Janeiro to be examined in order to make sure that it contains nothing detrimental to the

#2-The President

cause of hemisphere solidarity. Hold up allocations for shipping space for Reader's Digest Spanish edition consigned to Buenos Aires and the Argentine. Get Batista to arrange a spontaneous boycott of Reader's Digest in Cuba.

Fourth, ask the Attorney General to investigate the operations of Reader's Digest as a monopoly under the anti-trust laws.

Fifth, let it be known generally throughout the Administration, including the Army, Navy, State Department, the Office of the Coordinator for Inter-American Affairs, the Office of Censorship and the O.W.I. that special attention shall be paid to every issue of Reader's Digest with a view to possible effect on the morale of our service men and our political relations with friendly powers. Perhaps an official expression of regret at some of the views expressed in the Digest would be timely, coupled, of course, with the statement that our Constitution guarantees freedom of the press and that this Government cannot control such publications. The Post Office and the Department of Justice might also be asked to watch its issues under the sedition and espionage statutes.

In other words, I would turn on the heat in every conceivable way, stop their privileges and scrutinize their actions, without taking any action which could be construed as a discrimination against them. DeWitt Wallace is reported to be quite sensitive on these points, preferring naturally to receive the cooperation of those whom he is attacking, and I think that he would be swift to appreciate the change of temperature in Washington.

Faithfully yours,

Sam F. Hughes

HHG:ga

February 2, 1944

MEMORANDUM FOR THE PRESIDENT

We have looked into the questions about the Reader's Digest raised by your memorandum dated January 21, 1944. The best information we can get is that Reader's Digest is not being assisted in the publication of its foreign editions by any preferential treatment as to transportation. The Army has assisted the publication of certain newspapers and magazines in some theatres of operation, but apparently Reader's Digest has not been given assistance of this kind.

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THE WHITE HOUSE
WASHINGTON

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Let me have any other suggestions for preparing a reply to Sen. Guffey.

F.D.R.

Ltr., 1-20-44, from Sen. Joseph Guffey, re his prev. ltr., 1-14-44 concerning his speech about Sen. Butler; also re Readers' Digest editions in foreign countries.

(In file room)
(copy filed - Senate folder, 4-44)

7-226

F. Biddle folder 2-44

THE WHITE HOUSE
WASHINGTON

PERSONAL AND CONFIDENTIAL

February 15, 1944.

MEMORANDUM FOR

THE ATTORNEY GENERAL:

A personal friend has suggested that if the new Circuit Court of Appeals bill goes through to create an additional judgeship in New Jersey and Pennsylvania that we appoint Curtis Bok. He is now a local judge and I think has an excellent record.

Keep this in mind.

F.D.R.

SR

Excerpt from Esther Lape's letter:

If Curtis Bok's affair -- his desire for the Court of Appeals (Circuit) appointment -- comes to a head while you are gone, would it be possibly to bring it to FDR's attention before you go. Of course the bill creating the new judgeship has not yet passed but I gather it is expected to go through when they are ready to have it go. I do not feel any hesitation in pressing Curtis' desire because in personal qualification and I think in all ways, he seems to be head and shoulders above the usual type of candidate for this judgeship. If Curtis did not get it it would be because Guffey found it more politically convenient to recognize some one else's claim.

*PSF
Justice*

*7 Biddle Folder
file
personal 2-44*

THE WHITE HOUSE
WASHINGTON

February 16, 1944.

MEMORANDUM FOR THE PRESIDENT:

The Attorney General just telephoned to say that Jim McGranery has been working very hard to get rid of Garey. His work has been very effective.

The Attorney General tells me that what is happening is this. They are going to announce today that all hearings on the WMCA radio case will be postponed until the Court decides it in New York.

Garey, according to the schedule planned -- and they think it will go through -- will resign either today or tomorrow.

Probably the two Republican members who did not turn up yesterday will resign. Joe Martin will probably not appoint anybody in their places.

Boy, is this good news to us!

GGT

(copy filed - 7.C.C. folder, 2-44)



file personal

Office of the Attorney General
Washington, D.C.

7 Binder folder
THE WHITE HOUSE 2-44
FEB 19 9 32 AM '44
RECEIVED

February 18, 1944

MEMORANDUM FOR THE PRESIDENT

General Watson telephoned me about the case of Pedro Albizu Campos following Congressman Marcantonio's call at the White House.

This has been a very troublesome case. Campos, as you may remember, was sentenced to serve six years for conspiracy to overthrow the Government of the United States. He began his sentence on June 4, 1937, and served the full six years; he did not obtain early release on good time allowances because of his refusal to accept the terms of conditional release for which the statute provides in such cases.

His conviction grew out of a conspiracy entered into by officers and active members of the Nationalist Party of Puerto Rico to procure, induce, incite, and encourage members of that Party and others to join in a movement to bring about the political independence of Puerto Rico by force and violence. The indictment charged the defendants with the distribution of inflammatory literature, the procuring of fire arms and military equipment, and the recruiting of military bodies. Speeches were made by Campos which were evidently intended to incite revolution against the established Government. Following his speeches and the efforts of his co-defendants, law enforcement officers and civilians were shot. Included among them was the Chief of Police of San Juan, Colonel Riggs, who was shot to death. While these things were going on, there was much unrest throughout Puerto Rico, and the lives of public officials were endangered. Attempts were made upon the life of District Judge Cooper who escaped bullets which were fired into his automobile.

Campos is now on probation, as his original sentence provided that the completion of his six year sentence on the first of the three counts of the indictment should be followed by a four year probationary period. Since he left the penitentiary, he has been confined in the Columbus Hospital in New York City. He has not signed the customary probation conditions; has made no reports to the probation officer; in short, he is in one way or another violating his probation every day. This is because of his insistence that he is not subject to the sovereign power of the United States, and any compliance with the probation requirements would be inconsistent with that attitude. The District Judge in Puerto

Rico has made repeated inquiries about the matter; as you know, it is in his power to revoke probation because of Campos' violation of its conditions. The probation officer in New York feels that he is not performing his duty when he fails to exercise over Campos the supervision which is required by law. So long as this situation continues, there is always the danger that the Judge may revoke the probation, order Campos committed to the penitentiary, and bring about a renewed charge of political persecution. Up to the present, the matter has been allowed to drag along with a view to avoiding political upheavals which we are assured would result from stern treatment of Campos.

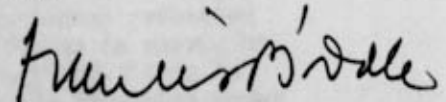
Although the medical reports show that he is suffering from a heart ailment and arteriosclerosis, confidential sources within the hospital have advised the FBI that examining physicians "have been unable to find any significant disability", and that there is really no need for his being hospitalized. The case presents a picture of martyrdom; his friends insist that his physical condition is due to tortures applied to him in the penitentiary.

Recently the suggestion has been made that he be permitted to leave the country and go to Cuba or Mexico. My first impression was that this would be a practical solution of the matter. In a discussion of the suggestion with members of my staff, I was persuaded that from a political and security standpoint this would be unwise, as his presence in Cuba or Mexico - particularly the former - would cause trouble. According to Director Hoover of the FBI, revolutionary movements which are tied in with that of Campos are quite active and potentially dangerous. In his judgment, the presence of Campos in Latin America would be harmful.

The only conclusive action which suggests itself to me, is the removal of the probation requirements by a Presidential commutation of his sentence. This could, of course, be used by Campos as a vindication of his position, and it would have the practical effect of making him free to go where he pleases and do what he wishes so long as he does not again violate the law.

Under all the circumstances, I recommend that nothing be done at present. Should anything arise, such as a revocation of probation by the Judge, requiring positive action, we can then reconsider the advisability of commutation, departure from the country, or other possibilities.

Respectfully,



Attorney General

PSP
JusticeTHE WHITE HOUSE
WASHINGTON

March 6, 1944.

CONFIDENTIAL

MEMORANDUM FOR

HON. FRANCIS BIDDLE:

Unless we get something more specific than this newspaper account, I think nothing should be done about it.

F.D.R.

Letter to the President, 3-1-44, from the Attorney General, re protests he has received re appointment of Michael Francis Doyle as a member of the Permanent Court of International Arbitration at The Hague - the protest made on grounds that the Court in Phila. in 1939, suspended Doyle from practice on ground he was unfit. Enclosures, including clippings from the Philadelphia papers describing Doyle's suspension from practice.

ams

THE WHITE HOUSE
WASHINGTON

March 29, 1944. *ly*

MEMORANDUM FOR

S.I.R.

To check up on and prepare
nice little letter.

F.D.R.

Letter from Hon. James W. Gerard, 40 Wall St.,
NYC, 3/27/44, to the President, enclosing
copy of letter which Mr. Gerard sent to
Hon. Thomas Dewey, Governor of New York,
under date of 3/21/44, in re the Coudert bills,
limiting the right of stockholders to sue
directors for fraud, mismanagement and
negligence.

**THE WHITE HOUSE
WASHINGTON**

April 26, 1944.

MEMORANDUM FOR:

SAM ROSENMAN.

FOR PREPARATION OF REPLY.

F. D. R.

ams

THE WHITE HOUSE
WASHINGTON

April 26, 1944.

G

MEMORANDUM FOR:

SAM ROSENMAN.

FOR PREPARATION OF REPLY.

F. D. R.

Letter from James W. Gerard, 51 East 57th St.,
New York, 4-25-44, - political ideas and
reactions for the coming campaign.

file

THE WHITE HOUSE
WASHINGTON

*PSF
Justice
Biddle*

May 3, 1944.

MEMORANDUM FOR:

MR. LATTA,

PLEASE SEND A COPY OF THIS
LETTER TO BOB HANNEGAN.

F.D.R.

F.D.R.'s letter to James W. Gerard, Esq.



file personal
2-44

Office of the Attorney General
Washington, D.C.

THE WHITE HOUSE
MAY 13 8 23 AM '44
RECEIVED

May 11, 1944

MEMORANDUM FOR THE PRESIDENT

In re: Pedro Albizu Campos

In my memorandum of February 18, 1944, pointing out the difficult aspects of this case, I recommended that the matter be permitted to rest until something should arise necessitating positive action. For your convenience I enclose a copy of that memorandum.

As you know, we have sought to avoid any action which would bring about Campos' recommitment to the penitentiary and thus give rise to the charge of political persecution of Campos. In recent days District Judge Cooper of Puerto Rico has sent several telegrams to the Probation Officer in New York, demanding that he send the usual probation reports, including those documents which Campos is required to sign in acceptance of the terms of probation. In view of Campos' firm attitude that he will not submit to the authority of the United States, and Judge Cooper's insistence that he must, a revocation of probation and a recommitment to the penitentiary is not unlikely. Under the circumstances, only a Presidential commutation of the probation sentence would prevent this, and I understand that Campos' friends are urging it.

I now have before me a report from Assistant Attorney General Tom Clark of the Criminal Division, that an investigation discloses that leaders of the Nationalist Party have advocated non-compliance with the Selective Training

and Service Act, and that fifty-three Nationalist Party members have already been sentenced to prison for such violations. Included among those convicted are several of Campos' immediate assistants. On the basis of our present information, Mr. Clark expects that further investigation will establish Campos' complicity in the conspiracy.

Under the circumstances, a commutation of sentence would be out of the question for the present. Indeed, I feel that the pending investigation should be pursued to determine whether Campos is involved.

Respectfully yours,

Minister

Attorney General

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February 18, 1944

MEMORANDUM FOR THE PRESIDENT

General Watson telephoned me about the case of Pedro Albizu Campos following Congressman Marcantonio's call at the White House.

This has been a very troublesome case. Campos, as you may remember, was sentenced to serve six years for conspiracy to overthrow the Government of the United States. He began his sentence on June 4, 1937, and served the full six years; he did not obtain early release on good time allowances because of his refusal to accept the terms of conditional release for which the statute provides in such cases.

His conviction grew out of a conspiracy entered into by officers and active members of the Nationalist Party of Puerto Rico to procure, induce, incite, and encourage members of that Party and others to join in a movement to bring about the political independence of Puerto Rico by force and violence. The indictment charged the defendants with the distribution of inflammatory literature, the procuring of fire arms and military equipment, and the recruiting of military bodies. Speeches were made by Campos which were evidently intended to incite revolution against the established Government. Following his speeches and the efforts of his co-defendants, law enforcement officers and civilians were shot. Included among them was the Chief of Police of San Juan, Colonel Riggs, who was shot to death. While these things were going on, there was much unrest throughout Puerto Rico, and the lives of public officials were endangered. Attempts were made upon the life of District Judge Cooper who escaped bullets which were fired into his automobile.

Campos is now on probation, as his original sentence provided that the completion of his six year sentence on the first of the three counts of the indictment should be followed by a four year probationary period. Since he left the penitentiary, he has been confined in the Columbus Hospital in New York City. He has not signed the customary probation conditions; has made no reports to the probation officer; in short, he is in one way or another violating his probation every day. This is because of his insistence that he is not subject to the sovereign power of the United States, and any compliance with the probation requirements would be inconsistent with that attitude. The District Judge in Puerto Rico has made repeated inquiries about the matter; as you know, it is in his power to revoke probation because of Campos' violation of its conditions. The probation officer in New York feels that he is not performing his duty when he fails to exercise over Campos the supervision which is required by law. So long as this situation continues, there is always the danger that the Judge may revoke the probation, order Campos committed to the penitentiary, and bring about a renewed charge of political persecution. Up to the present, the matter has been allowed to drag along with a view to avoiding political

upheavals which we are assured would result from stern treatment of Campos.

Although the medical reports show that he is suffering from a heart ailment and arteriosclerosis, confidential sources within the hospital have advised the FBI that examining physicians "have been unable to find any significant disability", and that there is really no need for his being hospitalized. The case presents a picture of martyrdom; his friends insist that his physical condition is due to tortures applied to him in the penitentiary.

Recently the suggestion has been made that he be permitted to leave the country and go to Cuba or Mexico. My first impression was that this would be a practical solution of the matter. In a discussion of the suggestion with members of my staff, I was persuaded that from a political and security standpoint this would be unwise, as his presence in Cuba or Mexico - particularly the former - would cause trouble. According to Director Hoover of the FBI, revolutionary movements which are tied in with that of Campos are quite active and potentially dangerous. In his judgment, the presence of Campos in Latin America would be harmful.

The only conclusive action which suggests itself to me, is the removal of the probation requirements by a Presidential commutation of his sentence. This could, of course, be used by Campos as a vindication of his position, and it would have the practical effect of making him free to go where he pleases and do what he wishes so long as he does not again violate the law.

Under all the circumstances, I recommend that nothing be done at present. Should anything arise, such as a revocation of probation by the Judge, requiring positive action, we can then reconsider the advisability of commutation, departure from the country, or other possibilities.

Respectfully,

FRANCIS BIDDLE
Attorney General



Office of the Attorney General
Washington, D.C.

May 16, 1944

The President

The White House

My dear Mr. President:

On April third, you sent me the following memorandum:

"In case the Governor of New York signs these bills, please make me out a calm, cool and foolproof record removing his hair completely! It would be a good document to use for our friends."

This was accompanied by correspondence with Mr. Gerard with reference to the two bills.

The Governor signed the bills on April 11. I enclose you copies of the bills and the correspondence which you sent me. The vote was: In the House - for, 77 Republicans, 5 Democrats; against, 46 Democrats, 7 Republicans; In the Senate - for, 27 Republicans, 7 Democrats; against, 10 Democrats, 2 Republicans.

No. 1506 provides in substance that the plaintiff must be a stockholder at the time of the transaction complained of. This provision is substantially that found in the Federal Rules of Civil Procedure and has always been embodied in Federal equity practice although it could be argued that the Federal rule is designed to provide, among other things, against collusive assignment of claims to non-resident stockholders for the purpose of securing Federal jurisdiction. Nevertheless, it has also the same purpose as 1505 - to prevent "strike" suits. It seems to me if you commented unfavorably on this statute you would have to press this distinction - a

RECORDED UNCLASSIFIED

7. Biddle letter 2-44

Handwritten signatures and initials:
Biddle
PST
Justice

subtlety which would not be understood by the public.

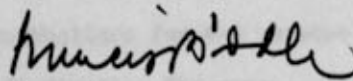
The really objectionable bill is 1506. This requires security for costs, including attorney's fees, where the holder has less than 5% of the outstanding shares of stock, unless the shares have a market value in excess of \$50,000. Undoubtedly this will exclude many stockholders who cannot afford to obtain what may prove to be very expensive and substantial security. This "class legislation" would open the bill to severe attack were it not for one consideration.

The Securities Act of 1933 and the Trust Indenture Act of 1939 contain somewhat similar provisions which in effect authorize the court to require security in similar suits under the Securities Act and in suits brought by holders of securities against trustees under the Trust Indentures Act. In both statutes, however, the Court may require security and is not, as in the New York Statute, obligated to do so.

This is, of course, a substantial difference, but nevertheless the State law does follow the general pattern of the Federal statutes (both enacted in your Administration); and again I do not believe that the difference, important as it may be in practice, could be pointed up sharply enough to make any statement by you sufficiently telling.

I enclose you copies of the Federal Rules of Civil Procedure and the two Federal Statutes to which I referred.

Respectfully,



Attorney General

THE WHITE HOUSE
WASHINGTON

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April 1, 1944

Personal

Dear Jimmy:

Thank you for sending me the copy of that letter which you sent to Governor Dewey.

I assume that you have been aware of the fact that for the last several years there has been pressure from certain quarters in New York for legislation which would hamper and restrict minority stockholders' actions so as to make them almost impossible to institute. Apparently they have at last been successful -- that is, if the Governor signs the bills.

You are perfectly right in saying that this legislation sets up a preferred class of individuals, making them practically immune from suit. If this legislation had been in effect during the last decade, practically none of the minority stockholders' suits, which have resulted in large verdicts against directors and officers or in substantial cash settlements, could have been maintained. Many corporate directors and officers, guilty of malfeasance or non-feasance, would have escaped large liability.

While minority stockholders' suits have been the subject of some abuse in some instances, chiefly in respect to settlements out of court, these abuses could be corrected without resort to this most drastic remedy which in effect abolishes stockholders' actions altogether.

Although of course I cannot make any public expression of my views or take any public stand on these bills, I hope that the Governor will veto them.

With kindest regards,

Cordially yours,

(S) FRANKLIN D. ROOSEVELT

James W. Gerard, Esq.,
40 Wall Street
New York, New York

C
O
P
Y

JAMES W. GERARD
Attorney and Counsellor at Law
40 Wall Street
New York City

March 27, 1944

The President,
The White House,
Washington, D. C.

Dear Franklin:

I enclose copy of letter sent by me
to Governor Dewey which may interest you.

Yours very sincerely,

(S) James W. Gerard

1670744

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To His Excellency,
The Governor of the State of New York March 21, 1944

March 21, 1944.
Page 2.

To His Excellency,
The Governor of the State of New York,

Sir:

I do not know whether or not the Coudert bills limiting the right of stockholders to sue directors for fraud, mismanagement and negligence, have been passed by the Legislature.

If not, read no further.

If the bills await action by you, I respectfully submit the following:

The bills introduce a new element into our jurisprudence. A particular class, namely, directors, are given certain advantages and immunities not enjoyed by their fellow citizens -- and why? If directors are innocent of wrong doing or negligence why should they fear action by a stockholder, and why should the Legislature and Governor of our State aid them to avoid the consequence of their acts.

First. Note that bill No. 1505 Senate provides that no stockholder can sue for injury to the corporation for a wrong committed before he became an owner of stock. But, a stockholder is an owner of part of the corporation, he sues for the benefit of the corporation and as part owner of the corporation is entitled to a share in all rights that the corporation possesses.

Second. As to the provision of bill 1506 Senate that a stockholder suing, unless he possesses five per cent of the stock of any class of the corporation (or stock valued at \$50,000), must file a bond in the sum of \$50,000 as security to the defendants * * *, note that five per cent of the capital stock of many corporations is an enormous sum -- 435,162 shares of the United States Steel Company, 553,288 shares of E. I. Dupont de Nemours and Co., 433,716 shares of Anaconda Copper Mining Company, 110,704 shares of Allied Chemical and Dye Corporation, 262,517 shares of Electric Bond and Share Company and 3,100 shares of the National City Bank. (all common stock and listed in Moody's Service for 1941)

To His Excellency,
The Governor of the State of New York,

March 21, 1944,
Page 2.

Why this class legislation? Why should directors be given advantages in defending actions at law not given to other classes -- automobile owners, for example, or even butchers or soda fountain owners?

Then in this bill, 1506 Senate, there is this provision that the plaintiff pay attorney fees. If this means anything, it means fees paid by directors to those attorneys for defending actions -- an imitation of Old England where plaintiffs who fail because of some technicality can be ruined if they lose -- and class legislation again for the benefit of the rich.

Note, that directors of the National City Bank paid in to the Treasury of that Bank at a stockholder's suit, a settlement of \$1,800,000, the directors of another great bank, \$2,000,000, the directors of Electric Bond and Share Company, a large sum, the directors of the New Haven Railroad, \$2,000,000, the directors of General Motors, \$4,500,000. These are only a few examples.

Respectfully submitted,

JWG:MT

C
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P
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James W. Gerard
Attorney and Counsellor at Law
40 Wall Street
New York City

March 30, 1944

The President,
The White House,
Washington, D. C.

Dear Franklin:

Referring to my recent letter re:
bills to end, practically, stockholders actions and
the copy of my letter to Dewey enclosed therewith,
these bills were passed and are now before Dewey.
If he allows them to become law, I think that
learned Justices Frankfurter and Resenman will agree
that he will be "cooked" thereby.

Yours sincerely,

James W. Gerard

STATE OF NEW YORK

No. 1506

Int. 1315

IN SENATE

February 28, 1944

Introduced by Mr. COUDERT—read twice and ordered printed,
and when printed to be committed to the Committee on the
Judiciary

AN ACT

To amend the general corporation law, in relation to security
for costs and expenses in actions against officers or directors
of corporations

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

- 1 Section 1. Chapter twenty-eight of the laws of nineteen hundred
2 nine, entitled "An act relating to corporations generally, constitut-
3 ing chapter twenty-three of the consolidated laws," as amended
4 generally by chapter six hundred fifty of the laws of nineteen hun-
5 dred twenty-nine, is hereby amended by adding thereto a new sec-
6 tion, to be section sixty-one-b, to read as follows:
- 7 *61-b. Security for expenses. In any action instituted or main-*
8 *tained in the right of any foreign or domestic corporation by the*
9 *holder or holders of less than five per centum of the outstanding*
10 *shares of any class of such corporation's stock or voting trust cer-*

EXPLANATION.—Matter in *italics* is new; matter in brackets [] is old law, to
be omitted.

1 tificates, unless the shares or voting trust certificates held by such
2 holder or holders have a market value in excess of fifty thousand
3 dollars, the corporation in whose right such action is brought shall
4 be entitled at any stage of the proceedings before final judgment
5 to require the plaintiff or plaintiffs to give security for the reason-
6 able expenses, including attorney's fees, which may be incurred
7 by it in connection with such action and by the other parties
8 defendant in connection therewith for which it may become subject
9 pursuant to section sixty-one-a of this chapter, to which the cor-
10 poration shall have recourse in such amount as the court having
11 jurisdiction shall determine upon the termination of such action.
12 The amount of such security may thereafter from time to time be
13 increased or decreased in the discretion of the court having juris-
14 diction of such action upon showing that the security provided has
15 or may become inadequate or is excessive.

16 § 2. This act shall take effect immediately.

STATE OF NEW YORK

No. 1505

Int. 1314

IN SENATE

February 28, 1944

Introduced by Mr. COUDERT—read twice and ordered printed,
and when printed to be committed to the Committee on the
Judiciary

AN ACT

To amend the general corporation law, in relation to the right to
bring actions against officers or directors of corporations

The People of the State of New York, represented in Senate and
Assembly, do enact as follows:

- 1 Section 1. Section sixty-one of chapter twenty-eight of the laws
2 of nineteen hundred nine, entitled "An act relating to corpora-
3 tions generally, constituting chapter twenty-three of the consoli-
4 dated laws," as amended by chapter six hundred fifty of the laws
5 of nineteen hundred twenty-nine, is hereby amended to read as
6 follows:
- 7 § 61. Who may bring such action. An action may be brought
8 for the relief prescribed in the last section, by the attorney-general
9 in behalf of the people of the state, or except for the relief specified
10 in the third and fourth subdivisions, by the corporation or a credi-
11 tor, receiver or trustee in bankruptcy thereof, or by a director or
12 officer of the corporation.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is old law to
be omitted.

1 Upon the application of either party the court shall make an
2 order directing the trial by jury of the issue of negligence, and for
3 that purpose the questions to be tried must be prepared and settled
4 as prescribed in section four hundred and twenty-nine of the civil
5 practice act.

6 *In any action brought by a shareholder in the right of a foreign*
7 *or domestic corporation it must be made to appear that the plaintiff*
8 *was a stockholder at the time of the transaction of which he com-*
9 *plains or that his stock thereafter devolved upon him by operation*
10 *of law.*

11 § 2. This act shall take effect immediately.

- 1 Upon the application of either party the court shall make an
- 2 order directing the trial by jury of the issue of negligence, and for
- 3 that purpose the questions to be tried shall be prepared and settled
- 4 as prescribed in section four hundred and twenty-nine of the civil
- 5 practice act.
- 6 In any action brought by a shareholder in the right of a foreign
- 7 or domestic corporation it must be made to appear that the plaintiff
- 8 was a stockholder at the time of the transaction upon which the com-
- 9 plaint is based.
- 10 of law.
- 11 § 2. This act shall take effect immediately.

DJB.

Please have a copy
made of this correspondence
to be sent to the W.B. with
this memo —

Done
4/3/44

C
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The White House

Washington

April 1, 1944

MEMORANDUM FOR THE PRESIDENT.

I know about these bills about which Jimmy Gerard writes. They are very bad, and have been enacted as a result of pressure brought by some Wall Street lawyers and large corporations who really want to abolish minority stockholders' suits. The bills will have the practical effect of abolishing them.

I have marked the attached draft of letter "personal" so that your letter will not be published.

Maybe the draft is too tough anyway. Jimmy Gerard might show it around.

S. I. R.

Securities and Trust Indentures Title 15, § 77k (e)

* * * In any suit under this or any other section of this subchapter the court may, in its discretion, require an undertaking for the payment of the costs of such suit, including reasonable attorney's fees, and if judgment shall be rendered against a party litigant, upon the motion of the other party litigant, such costs may be assessed in favor of such party litigant (whether or not such undertaking has been required) if the court believes the suit or the defense to have been without merit, in an amount sufficient to reimburse him for the reasonable expenses incurred by him, in connection with such suit, such costs to be taxed in the manner usually provided for taxing of costs in the court in which the suit was heard.

The Federal Rules of Civil Procedure, Title 28, 3(b) provides:

Secondary Action by Shareholders. In an action brought to enforce a secondary right on the part of one or more shareholders in an association, incorporated or unincorporated, because the association refuses to enforce rights which may properly be asserted by it, the complaint shall be verified by oath and shall aver (1) that the plaintiff was a shareholder at the time of the transaction of which he complains or that his share thereafter devolved on him by operation of law and (2) that the action is not a collusive one to confer on a court of the United States jurisdiction of any action of which it would not otherwise have jurisdiction. The complaint shall also set forth with particularity the efforts of the plaintiff to secure from the managing directors or trustees and, if necessary, from the shareholders such action as he desires, and the reasons for his failure to obtain such action or the reasons for not making such effort.

The Trust Indenture Act of 1939 (15 U.S.C. sec. 77000 (e))

provides:

(e) Undertaking for costs.

The indenture to be qualified may contain provisions to the effect that all parties thereto, including the indenture security holders, agree that the court may in its discretion require, in any suit for the enforcement of any right or remedy under such indenture, or in any suit against the trustee for any action taken or omitted by it as trustee, the filing by any party litigant in such suit, of an undertaking to pay the costs of such suit, and that such court may in its discretion assess reasonable costs, including reasonable attorneys' fees, against any party litigant in such suit, having due regard to the merits and good faith of the claims or defenses made by such party litigant: Provided, That the provisions of this subsection shall not apply to any suit instituted by such trustee, to any suit instituted by any indenture security holder, or group of indenture security holders, holding in the aggregate more than 10 per centum in principal amount of the indenture securities outstanding, or to any suit instituted by any indenture security holder for the enforcement of the payment of the principal of or interest on any indenture security, on or after the respective due dates expressed in such indenture security.

F. Biddle folder
2-44

THE WHITE HOUSE
WASHINGTON

PERSONAL

April 3, 1944.

MEMORANDUM FOR

THE ATTORNEY GENERAL

In case the Governor of New York signs these bills, please make me out a calm, cool and foolproof screed removing his hair completely! It would be a good document to use for our friends.

F. D. R.

PSF Justice

F. Biddle Jones
2-45-

GRACE:

PSF - Justice

TO TAKE UP WITH THE ATTORNEY

GENERAL.

F.D.R.

file

W. S. Jones

BRUCH JINWU
MOTOMIHEAW
THE WHITE HOUSE

April 1, 1944

Personal

Dear Jimmy:

Thank you for sending me the copy of that letter which you sent to Governor Dewey.

I assume that you have been aware of the fact that for the last several years there has been pressure from certain quarters in New York for legislation which would hamper and restrict minority stockholders' actions so as to make them almost impossible to institute. Apparently they have at last been successful -- that is, if the Governor signs the bills.

You are perfectly right in saying that this legislation sets up a preferred class of individuals, making them practically immune from suit. If this legislation had been in effect during the last decade, practically none of the minority stockholders' suits, which have resulted in large verdicts against directors and officers or in substantial cash settlements, could have been maintained. Many corporate directors and officers, guilty of malfeasance or non-feasance, would have escaped large liability.

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actions altogether.

Although of course I cannot make
any public expression of my views or take
any public stand on these bills, I hope that
the Governor will veto them.

With kindest regards,

Cordially yours,

FRANKLIN D. ROOSEVELT

James W. Gerard, Esq.
40 Wall Street
New York, New York

James W. Gerard

JAMES W. GERARD
ATTORNEY AND COUNSELLOR AT LAW
40 WALL STREET
NEW YORK CITY
TELEPHONE WHITERHALL 4-0010

THE WHITE HOUSE
MAR 28 11 33 AM '44
RECEIVED

March 27, 1944.

The President,
The White House,
Washington, D. C.

Dear Franklin:

I enclose copy of letter sent by me
to Governor Dewey which may interest you.

Yours very sincerely,

James W. Gerard

JWG:MT

March 21, 1944.

To His Excellency,
The Governor of the State of New York,

Sir:

I do not know whether or not the Coudert bills limiting the right of stockholders to sue directors for fraud, mismanagement and negligence, have been passed by the Legislature.

If not, read no further.

If the bills await action by you, I respectfully submit the following:

The bills introduce a new element into our jurisprudence. A particular class, namely, directors, are given certain advantages and immunities not enjoyed by their fellow citizens -- and why? If directors are innocent of wrong doing or negligence why should they fear action by a stockholder, and why should the Legislature and Governor of our State aid them to avoid the consequence of their acts.

First. Note that bill No. 1505 Senate provides that no stockholder can sue for injury to the corporation for a wrong committed before he became an owner of stock. But, a stockholder is an owner of part of the corporation, he sues for the benefit of the corporation and as part owner of the corporation is entitled to a share in all rights that the corporation possesses.

Second. As to the provision of bill 1506 Senate that a stockholder suing, unless he possesses five per cent of the stock of any class of the corporation (or stock valued at \$50,000), must file a bond in the sum of \$50,000 as security to the defendants * * *, note that five per cent of the capital stock of many corporations is an enormous sum -- 435,162 shares of the United States Steel Company, 553,288 shares of E. I. Dupont de Nemours and Co., 433,716 shares of Anaconda Copper Mining Company, 110,704 shares of Allied Chemical and Dye Corporation, 262,517 shares of Electric Bond and Share Company and 3,100 shares of the National City Bank. (all common stock and listed in Moody's Service for 1941)

To His Excellency,
The Governor of the State of New York,

March 21, 1944,
Page 2.

Why this class legislation? Why should directors be given advantages in defending actions at law not given to other classes -- automobile owners, for example, or even butchers or soda fountain owners?

Then in this bill, 1506 Senate, there is this provision that the plaintiff pay attorney fees. If this means anything, it means fees paid by directors to those attorneys for defending actions -- an imitation of Old England where plaintiffs who fail because of some technicality can be ruined if they lose -- and class legislation again for the benefit of the rich.

Note, that directors of the National City Bank paid in to the Treasury of that Bank at a stockholder's suit, a settlement of \$1,800,000, the directors of another great bank, \$2,000,000, the directors of Electric Bond and Share Company, a large sum, the directors of the New Haven Railroad, \$2,000,000, the directors of General Motors, \$4,500,000. These are only a few examples.

Respectfully submitted,

JWG:MT

JAMES W. GERARD
ATTORNEY AND COUNSELLOR AT LAW
40 WALL STREET
NEW YORK CITY
TELEPHONE WHITEHALL 4-0010

THE WHITE HOUSE
MAR 31 8 26 AM '44
RECEIVED

March 30, 1944.

The President,
The White House,
Washington, D. C.

Dear Franklin:

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bills to end, practically, stockholders actions and
the copy of my letter to Dewey enclosed therewith,
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If he allows them to become law, I think that
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Yours sincerely,

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JWG:MT

THE WHITE HOUSE
WASHINGTON

April 1, 1944

MEMORANDUM FOR THE PRESIDENT.

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I have marked the attached draft of letter "personal" so that your letter will not be published.

Maybe the draft is too tough anyway. Jimmy Gerard might show it around.

Am

S. I. R.

May 5, 1944

Dear Bob:

These are the copies of the letters
I spoke to you about on the phone today.

Please note that they are personal
letters and, therefore, cannot be quoted in
any way.

With kindest regards,

Very sincerely,

SAMUEL I. ROSENMAN

Honorable Robert E. Hannegan,
Chairman, Democratic National Committee,
Hotel Mayflower,
Washington, D. C.

Enclosures

sir/tmb

Exchange of letters between the President and Hon. James W.
Gerard, 51 East 57th Street, New York 22, New York 3/27/44;
4/1/44; 4/25/44; 5/3/44 re legislation passed and signed
by Gov. Dewey relating to the limitation of the right of
stockholders to sue directors for fraud, mismanagement
and negligence - Coudert bills.

James W. Gerard
40 Wall St
New York, New York

March 27, 1944.

The President
The White House
Washington, D. C.

Dear Franklin:

I enclose copy of letter sent by
me to Governor Dewey which may interest you.

Yours very sincerely,

(signed) JAMES W. GERARD

March 21, 1944

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The Governor of the State of New York,

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Respectfully submitted,

JWG:MT

April 1, 1944

Personal

Dear Jimmy:

Thank you for sending me the copy of that letter which you sent to Governor Dewey.

I assume that you have been aware of the fact that for the last several years there has been pressure from certain quarters in New York for legislation which would hamper and restrict minority stockholders' actions so as to make them almost impossible to institute. Apparently they have at last been successful -- that is, if the Governor signs the bills.

You are perfectly right in saying that this legislation sets up a preferred class of individuals, making them practically immune from suit. If this legislation had been in effect during the last decade, practically none of the minority stockholders' suits, which have resulted in large verdicts against directors and officers or in substantial cash settlements, could have been maintained. Many corporate directors and officers, guilty of malfeasance or non-feasance, would have escaped large liability.

While minority stockholders' suits have been the subject of some abuse in some instances, chiefly in respect to settlements out of court, these abuses could be corrected

without resort to this most drastic remedy
which in effect abolishes stockholders'
actions altogether.

Although of course I cannot make
any public expression of my views or take
any public stand on these bills, I hope that
the Governor will veto them.

With kindest regards,

Cordially yours,

(signed) FRANKLIN D. ROOSEVELT

James W. Gerard, Esq.,
40 Wall Street,
New York, New York.

OFF
James W. Gerard
51 East 57th St.
New York City 22

April 25, 1944

The President,
The White House
Washington, D. C.

Dear Franklin:

Congratulations on your firm action re:
Montgomery Ward.

Governor Dewey signed the Republican bills practically ending actions by stockholders against misbehaving directors. The Republicans forget that this election will be decided by women and that women form the majority of stockholders in this country.

Wall Street control of government can be made a great issue in the campaign - especially in the Middle West.

I am a delegate-at-large - unpledged - and at the dinner to the untterrified Democrats given by Colonel Patterson I did not, as incorrectly stated by the "Times", endorse a fourth term, but it was not worth while to deny this. Enclosed is a copy of my speech which the "boys" seemed to like.

I spoke also at a dinner to the women delegates from the Americas. These ladies told me that they regarded non-recognition of the legally created government of a state as an interference with its affairs.

I have many ideas for the coming campaign.

With the hope that your voyage to the sun has put you in your usual fighting form,

Yours ever,

(signed) JAMES W. GERARD

COPI

May 3, 1944

PERSONAL

Dear Jimmy:

Thanks for your letter of
April twenty-fifth.

It seems strange that so little
public reaction has been seen with respect
to the enactment of those bills which prac-
tically prohibit stockholders' suits against
directors and officers of corporations.
Although it is true, as you write, that
there are a great many stockholders in this
country, their apathy with respect to this
kind of legislation seems remarkable. I
hope you will keep on "hiring" this.

I enjoyed reading the trans-
cript of your remarks at the dinner.

I am feeling much better as
a result of my holiday.

With kindest regards,

Very sincerely yours,

(signed) FRANKLIN D. ROOSEVELT SIR:G

James W. Gerard, Esq.
51 East 57th Street
New York 22, New York.

THE WHITE HOUSE
WASHINGTON

May 3, 1944.

MEMORANDUM FOR:

MR. LATTA.

PLEASE SEND A COPY OF THIS
LETTER TO BOB HANNEGAN.

F.D.R.

Personal

May 3, 1944

Dear Jimmy:

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April twenty-fifth.

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with SR's
hand

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With kindest regards,

Very sincerely yours,

SIR:G

James W. Gerard, Esq.
51 East 57th Street
New York 22, New York

JAMES W. GERARD
ATTORNEY AND COUNSELLOR AT LAW
51 EAST FIFTY-SEVENTH STREET
NEW YORK CITY 22
TELEPHONE PLAZA 9-3200

THE WHITE HOUSE
APR 26 8 22 AM '44
RECEIVED

April 25, 1944.

The President,
The White House,
Washington, D. C.

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I have many ideas for the coming campaign.

With the hope that your voyage to the sun has put you in your usual fighting form,

Yours ever,

James W. Gerard.

In the first place, I am sure that I speak for all of us here tonight in thanking Colonel Patterson for bringing us together. He is a great executive, a skilled administrator and his connection with any movement means success.

The great advantage of living on borrowed time, as I do, is that age brings a certain independence: -- As a European statesman once said, "He had reached an age when he did not have either to fear the vengeance or seek the favor of any one."

Fortunately, we live in a country where democracy still exists and it is our task to see that the lamp of liberty and democracy shall never fail.

We here tonight represent the Democratic party in the greatest city of the world. For many years I have had a hand in the affairs of that party.

In the days of that splendid leader, Charles F. Murphy, I was chairman of the local campaign committee, and, as I recall, once chairman of the County committee. I look back with regret on those days and as one of his pall bearers, I stood at the grave of Charles F. Murphy and from the cemetery hill looked over at the great city which he had ruled for so many years. I felt that not only the party, but the community

had suffered a great loss.

In 1920, I was chairman of the Finance Committee of the National Democratic Party; in 1924, I was the Treasurer; in 1928, both beginning as Treasurer and when Lehman left to run for Lieutenant Governor, taking over the task of raising money as well as the complicated duties of Treasurer. In 1932, I was in a hospital during the campaign but was a heavy contributor and had contributed to the Roosevelt before Convention campaign - taking over Louis Howe's payroll whenever he needed the money, and in 1936 I was again called in to be chairman of the Finance Committee and keep the party going. In 1936 and 1940, I was honorary chairman, in '36 giving my efforts to the so-called Good Neighbor League which had a great part in switching the colored vote. Even in 1941, I was chairman of the Finance Committee of that good candidate O'Dwyer *working with George C. Wallace.*

I give you that personal history to show you that I have had some experience on the practical side of politics, and, such as it is, it is at your service.

There have been great changes since the old days when I and fellow workers ate steaks in the street in front of the Anawanda Club at dawn on Election Day. The radio, for example, has restored the power of individual oratory. A newspaper of large circulation reaches, perhaps, six hundred thousand, but *at Nathan Straus' symposium to the air,* on the air, speaking into the mike alone in a little room, I can reach the millions from coast to coast.

In politics as in every relation of life, there are mutual obligations, mutual burdens. We are in a country where party government exists. It is the duty of the lesser parts of a great political organization to preserve unity, and, above all, to see to it that fit persons are named as local candidates and that no improper influences have a hand in their nomination. And on the part of the head of a party, if he takes office, there is an obligation to see that those who gave their best efforts to the party are recognized.

In a Country where sometimes almost half those entitled to vote do not avail themselves of their right, party organization and party contentment mean much and are necessary elements of success.

I am glad to see two old friends, personal and political, here tonight - Senator Wagner and James A. Farley.

I hope that Senator Wagner will not fail to continue his splendid patriotic career by seeking election next Autumn. He cannot leave us now. We need him now as never before.

And to Jim Farley I pay a tribute to one who is patriotic in the highest sense of the word, who is known and admired from one end of the country to the other, who never broke a promise or deserted a friend. Long life to him.

~~And to the great leaders of the Democratic Party, who~~

~~always stand for good government and common sense, independent leadership.~~

And to the new leader on this side of the river, Edward V. Loughlin, we wish all success. He carries a heavy responsibility. It is up to him to see that no reproach can attack our party. The lines are being drawn. The Communists have won control of the Labor Party.

There must be no appeasement on our part, no traffic with Communism, no adoption of communistic doctrine, and our party here must stand, as it has ever stood, for religion, Christian or Jewish, for the right of private property, for the protection of the Bill of Rights and for the Constitution of these United States.

Never before, in all history, have the flames of war reached at once every quarter of the globe. Never before has the threat of cruel conquest loomed so darkly on the horizon. That we and the civilized world did not succumb, that we and the world at last see the light of the dawn of victory, is due in no small part to the one man who has led us out of the valley of shadows, our President, Franklin D. Roosevelt.

F. Biddle folder
2-44

May 17, 1944-

Dear Francis:

Rumor hath it that you probably
will be going up on the Hill this week. Don't
let the boys get you down! Good luck to you.

Bite 'em. As ever,

s/ Franklin D. Roosevelt

Honorable Francis Biddle,
The Attorney General,
Washington, D. C.

(3355)

Ans

F. Biddle folder 2-44

THE WHITE HOUSE
WASHINGTON

*PSF
Justice*

August 21, 1944.

MEMORANDUM FOR
THE ATTORNEY GENERAL

I think it would be a good
idea for you to see Jimmy Gerard
at your convenience. If you
prefer, you could ask Fahy or
somebody else, in your confidence,
to see him."

"F.D.R."

F. D. R.

Note from Hon. James W. Gerard, The Monmouth,
Spring Lake, N.J., 8/17/44, to the President,
with typewritten letter of 8/18/44 from Mr.
Gerard, in re U.S. Steel and the Coudert bills
which were passed by a Republican Legislature
and signed by Gov. Dewey, after he had refused
a public hearing.

August 21, 1944.

Dear Jimmy:-

That is an interesting letter of yours of August eighteenth. I am asking Francis Biddle, the Attorney General, or one of his trusted people to see you and talk it over.

My best to you.

Always sincerely,

W.D.R.

Honorable James W. Gerard,
The Monmouth,
Spring Lake,
New Jersey.

(Copy of memo + ltr. filed - Gen Corres "G", 3-44)

file

THE WHITE HOUSE
WASHINGTON

August 24, 1944

MEMORANDUM FOR

E. R.

To read and return for my
files.

F. D. R.

Enclosure

Let Pearl Buck get



Office of the Attorney General
Washington, D.C.

August 22, 1944

7. Binda folder
2-44

THE WHITE HOUSE
AUG 22 1 06 PM '44
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*PSF
Justice*

MEMORANDUM FOR THE PRESIDENT

In re: Pedro Albizu Campos

Last February 18th and May 11th the Attorney General sent to you memoranda about Mr. Campos, copies of which are attached. There is a current rumor that Judge Cooper, the United States Judge in Puerto Rico, is about to have Mr. Campos returned to Puerto Rico from New York because of his noncompliance with applicable probation regulations. The Attorney General is being urged to request the President, by the exercise of clemency, to prevent such return. None of the federal officials in New York, however, has received any word from Judge Cooper, nor has the Department of Justice in Washington. It may be that the rumor is not well-founded.

Mr. Campos has consistently refused either to apply for clemency or to comply with the usual probation regulations, such as the making of reports. He will not even cooperate to regularize his residence in New York by signing the requisite papers for transfer of jurisdiction over his probation to the proper officials in New York. He takes the position that any action by him in conformance with the laws of the United States or the orders of a United States court would be inconsistent with his determination in no way to recognize the authority of the United States over himself or over Puerto Rico.

Mr. Campos has a heart ailment and resides in the hospital in New York City. He is not bedridden. It appears that he is not seriously ill but that he should not overexert himself.

I talked with the Attorney General over the telephone yesterday and he desires that I send word to you urging that there is no occasion for intervention. Mr. Campos is in long-

-2-

continued defiance of court authority; and if it be true that the Judge is now moved to take action the circumstances do not seem to call for Presidential action by commutation.

Respectfully,

Charles Fahy
Acting Attorney General

Enclosures

COPY

February 18, 1944

MEMORANDUM FOR THE PRESIDENT

General Watson telephoned me about the case of Pedro Albizu Campos following Congressman Marcentonio's call at the White House.

This has been a very troublesome case. Campos, as you may remember, was sentenced to serve six years for conspiracy to overthrow the Government of the United States. He began his sentence on June 4, 1937, and served the full six years; he did not obtain early release on good time allowances because of his refusal to accept the terms of conditional release for which the statute provides in such cases.

His conviction grew out of a conspiracy entered into by officers and active members of the Nationalist Party of Puerto Rico to procure, induce, incite, and encourage members of that Party and others to join in a movement to bring about the political independence of Puerto Rico by force and violence. The indictment charged the Defendants with the distribution of inflammatory literature, the procuring of fire arms and military equipment, and the recruiting of military bodies. Speeches were made by Campos which were evidently intended to incite revolution against the established Government. Following his speeches and the efforts of his co-defendants, law enforcement officers and civilians were shot. Included among them was the Chief of Police of San Juan, Colonel Riggs, who was shot to death. While these things were going on, there was much unrest throughout Puerto Rico, and the lives of public officials were endangered. Attempts were made upon the life of District Judge Cooper who escaped bullets which were fired into his automobile.

Campos is now on probation, as his original sentence provided that the completion of his six year sentence on the first of the three counts of the indictment should be followed by a four year probationary period. Since he left the penitentiary, he has been confined in the Columbus Hospital in New York City. He has not signed the customary probation conditions; has made no reports to the probation officer; in short, he is in one way or another violating his probation every day. This is because of his insistence that he is not subject to the sovereign power of the United States, and any compliance with the probation requirements would be inconsistent with that attitude. The District Judge in Puerto

Rico has made repeated inquiries about the matter; as you know, it is in his power to revoke probation because of Campos' violation of its conditions. The probation officer in New York feels that he is not performing his duty when he fails to exercise over Campos the supervision which is required by law. So long as this situation continues, there is always the danger that the Judge may revoke the probation, order Campos committed to the penitentiary, and bring about a renewed charge of political persecution. Up to the present, the matter has been allowed to drag along with a view to avoiding political upheavals which we are assured would result from stern treatment of Campos.

Although the medical reports show that he is suffering from a heart ailment and arteriosclerosis, confidential sources within the hospital have advised the FBI that examining physicians "have been unable to find any significant disability", and that there is really no need for his being hospitalized. The case presents a picture of martyrdom; his friends insist that his physical condition is due to tortures applied to him in the penitentiary.

Recently the suggestion has been made that he be permitted to leave the country and go to Cuba or Mexico. My first impression was that this would be a practical solution of the matter. In a discussion of the suggestion with members of my staff, I was persuaded that from a political and security standpoint this would be unwise, as his presence in Cuba or Mexico - particularly the former - would cause trouble. According to Director Hoover of the FBI, revolutionary movements which are tied in with that of Campos are quite active and potentially dangerous. In his judgment, the presence of Campos in Latin America would be harmful.

The only conclusive action which suggests itself to me, is the removal of the probation requirements by a Presidential commutation of his sentence. This could, of course, be used by Campos as a vindication of his position, and it would have the practical effect of making him free to go where he pleases and do what he wishes so long as he does not again violate the law.

Under all the circumstances, I recommend that nothing be done at present. Should anything arise, such as a revocation of probation by the Judge, requiring positive action, we can then reconsider the advisability of commutation, departure from the country, or other possibilities.

Respectfully,

/s/ Francis Biddle

Attorney General

COPY

May 11, 1944

MEMORANDUM FOR THE PRESIDENT

In re: Pedro Albizu Campos

In my memorandum of February 18, 1944, pointing out the difficult aspects of this case, I recommended that the matter be permitted to rest until something should arise necessitating positive action. For your convenience I enclose a copy of that memorandum.

As you know, we have sought to avoid any action which would bring about Campos' recommitment to the penitentiary and thus give rise to the charge of political persecution of Campos. In recent days District Judge Cooper of Puerto Rico has sent several telegrams to the Probation Officer in New York, demanding that he send the usual probation reports, including those documents which Campos is required to sign in acceptance of the terms of probation. In view of Campos' firm attitude that he will not submit to the authority of the United States, and Judge Cooper's insistence that he must, a revocation of probation and a recommitment to the penitentiary is not unlikely. Under the circumstances, only a Presidential commutation of the probation sentence would prevent this, and I understand that Campos' friends are urging it.

I now have before me a report from Assistant Attorney General Tom Clark of the Criminal Division, that an investigation discloses that leaders of the Nationalist Party have advocated non-compliance with the Selective Training

2.

and Service Act, and that fifty-three Nationalist Party members have already been sentenced to prison for such violations. Included among those convicted are several of Campos' immediate assistants. On the basis of our present information, Mr. Clark expects that further investigation will establish Campos' complicity in the conspiracy.

Under the circumstances, a commutation of sentence would be out of the question for the present. Indeed, I feel that the pending investigation should be pursued to determine whether Campos is involved.

Respectfully yours,

Attorney General

3645 THE WHITE HOUSE
WASHINGTON

August 24, 1944

MEMORANDUM FOR

E. R. *xpp72*

To read and return for my
files.

F. D. R.

Enclosure

Memorandum for the President from the the *x10*
Acting Attorney General, 8/22/44, with enclosures,
in re Padro Albizu Campos. Carbons of papers
retained for our files. ~~2~~

August 22, 1944

MEMORANDUM FOR THE PRESIDENT

In re: Pedro Albizu Campos

Last February 18th and May 11th the Attorney General sent to you memoranda about Mr. Campos, copies of which are attached. There is a current rumor that Judge Cooper, the United States Judge in Puerto Rico, is about to have Mr. Campos returned to Puerto Rico from New York because of his noncompliance with applicable probation regulations. The Attorney General is being urged to request the President, by the exercise of clemency, to prevent such return. None of the federal officials in New York, however, has received any word from Judge Cooper, nor has the Department of Justice in Washington. It may be that the rumor is not well-founded.

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Respectfully,

(s) *Charles J. Fahy*

Acting Attorney General

Enclosures

*PSF
Justice*

*F. Biddle folder
2-44*

THE WHITE HOUSE
WASHINGTON

~~PERSONAL~~

November 2, 1944.

MEMORANDUM FOR
THE ATTORNEY GENERAL

Please look into this
bank advertisement. I think
it is wholly illegal. We should,
of course, take no action until
after Election.

F. D. R.

Campaign folder against
the Administration gotten out
by The University Bank of Kansas
City, Missouri.

PSF Justice

F. Biddle junior 2-44

File Personal

Department of Justice

Washington

November 27, 1944

NORMAN M. LITTELL
ASSISTANT ATTORNEY GENERAL

Dear Mr. President:

Thank you for sending to me a copy of your memorandum of November 26 to the Attorney General.

My position in the controversy with Attorney General Biddle is so very simple that I join with you heartily in regretting that wholly extraneous matters seem to have come into it.

I concur wholly with the message you sent to me through Anna on the 24th that, as Under Secretary of the Navy during the last war, you would have resigned instantly if any difficulties of opinion in policy had arisen between you and your Chief, Josephus Daniels. I also agree that "personal incompatibility" is adequate grounds in itself to require the junior of two officials to resign. These are both elementary rules of administration in private as well as in public organizations, but neither applies in this case.

Unhappily, I do not have as my superior a great public servant like my very dear and deeply respected friend, Josephus Daniels; and there is not involved here mere "personal incompatibility" - unless one is content to describe superficially that personal estrangement which results when the junior will not condone or cooperate with conduct violative of basic principles of integrity and good government. The fact that the Attorney General, in asking for my resignation, said that he "lacked personal confidence" in me, is simply an aggravation and not a cause. We are not for one moment dealing with a case of "hurt" feelings. My answer to the Attorney General when he said he was sure I would not wish to remain in view of his lack of confidence, goes to the heart of the matter. I said "If you assume a hypothetical case in which I do not have confidence in the Attorney General, I might well consider it my public duty to remain" - at least, until otherwise removed.

Of course, the Chief Executive has the absolute authority to remove me from office, as the Attorney General so forcibly reminded me on Wednesday, November 22, when he said he would have the President "fire" me if I did not resign in two hours. It is equally



apparent to me that with the grave and world-wide responsibilities which rest on you as President of the Republic in time of war, you cannot possibly go into the details of the matter to see that individual justice is done, or to see whether or not fundamental principles of good government are really involved, even though in normal times, under ordinary administrative practice, in either private or public organizations, personnel issues do sometimes boil up to a point where for principle's sake they must intrude among major matters and require consideration.

What happens to me as an individual is of no possible consequence, nor have I the slightest interest in "other Government work" when there is an "available opportunity". I came to Washington upon persuasion (after first having declined to accept this position) solely to serve you because I believed in you and in what this Administration has stood for in the life of the country. In taking my present position, I am serving precisely those same objectives.

It is true that I have hit hard against those things which were wrong, but in each and every instance I was proved right in principle and in results obtained. No one who knows me well would think for one moment that I was then or am now in search of a "cause celebre".

My motives are very simple. Men are giving their lives to preserve Democratic Government. Our men are not dying to preserve poor government but to preserve good government - faithful to the public interest, conducted for the benefit of all the people. My most humble offering, as one too old to be at the front, is to fight for good government at home in those matters which cross my desk. I would happily risk my life in doing so. Therefore, you can readily see how entirely trivial is the risk of being "fired", when I know that you who have my unswerving devotion would have me follow the same course if in possession of all the facts.

Lest you accept the official statement that my appearances before Congressional Committees have had nothing to do with the matter, I enclose a copy of a memorandum of August 21, 1944, to Acting Attorney General Fehy who was then in touch by long distance telephone with the Attorney General, written immediately after my testimony before the Mead Committee regarding policies in the disposal of surplus realty. A fundamental issue of Government is involved. This is, however, not my only issue with the Attorney General.

Naturally, I hope you will not see fit to revoke my appointment pursuant to the Attorney General's recommendation, because as the matter stands, the Senators, Congressmen and interested public do not hold you in the slightest degree responsible for whatever Francis Biddle in his widely recognized incompetence has done, and my loyalty to you is such that I hope you will not take sides in the matter to a point where you will share this responsibility.

In deciding the matter, I hope you will consider the fact that I have served under three preceding Attorneys General whose confidence and respect I had and still have, that I have worked happily and effectively with my staff in the largest Division of the Department of Justice and with my colleagues in the Department, that I have enjoyed the firm confidence of the Bureau of the Budget, of other personnel in land acquisition work throughout the Government, and of both Houses of Congress, especially the Appropriations Committees which have consistently expressed appreciation in the efficiency of my work and voted their confidence by approving my annual budgets. Even the present Attorney General, in requesting my resignation, said that I had done a most commendable job.

Respectfully,

Norman M. Littell

NORMAN M. LITTELL
Assistant Attorney General

The President of the United States,
The White House,
Washington, D. C.

August 21, 1944

mjb

MEMORANDUM FOR MR. CHARLES FAHY
ACTING ATTORNEY GENERAL

I have given considerable thought to your severe reprimand of Friday morning, the 18th, in regard to my testifying before the Truman Committee (Special Committee to Investigate the National Defense Program) on the 17th, concerning the disposal of surplus real property. It seems to me wholly unjustified, and I wish to say why.

The charge that I "deceived" you is unsupportable and most objectionable to me. I had no contact whatsoever with the Truman Committee up to the time when its counsel telephoned and asked me to appear to discuss disposal of surplus as I had done before the Manasco Committee on Public Buildings and Grounds, the record of which has since been well circulated. I advised that the matter must be taken up with you as Acting Attorney General. Thereafter, a telephone call from you advised that you had approved my appearing before the Committee.

While I had shown to you a memorandum regarding the repurchase rights of prior owners, intended for the Manasco Committee on Expenditures in Executive Departments which was then considering H.R. 5125, and for delivery to the Senate Military Affairs Committee then considering S. 2065, it never for one moment occurred to me that you might be confused as to the different functions of these committees and the "Truman Committee". This latter Committee is not a legislative committee but an investigational committee. It was reasonable to assume, and I did assume, that you not only understood this but had ascertained from counsel for the Committee the subject matter of the inquiry.

You pointed out that this is the "third time" that a similar incident had occurred when the Attorney General was out of town -

first, in the Elk Hills-Naval Petroleum Reserve matter; second, in the Breakers Hotel case, and now in the disposal of surplus, - that this "didn't just happen", and that it has now "happened once too often" as far as you are concerned, and that you "didn't care to consider the merits".

I have no regrets and no apologies whatsoever for any of these incidents. The public interest was served in every case. While I regret any personal embarrassment that you may have suffered as Acting Attorney General, I see no real grounds for your having suffered any. The results would have been the same whether the Attorney General had been in town or not, in my opinion, for you certainly must realize that I would be subject to a subpoena to testify before the Committee and would be in contempt should I refuse to answer, regardless of whose instructions I might be following in that refusal. It was very natural that the congressional committees of investigation in the three matters to which you refer should request the presence of one who would have the most testimonial knowledge of the subject matter. Having lived very close to land acquisition work for over five years, with the Lands Division doing the condemnation and title work for all agencies (with two exceptions), it was quite natural that the Manasco Committee first, and the Truman Committee now, should have called me to testify.

The President's letter and order of July 15, 1943, to which you referred in our conversation, to the various agencies of departments of Government in regard to not airing their differences of opinion until they had endeavored to reconcile them, expressly excepted furnishing information to congressional committees. The President's instructions could, under no circumstances, apply in the instant case.

In dealing with a man of the high-handed character of Mr. Clayton in a matter so profoundly affecting the public welfare throughout the United States, I considered it most fortunate that the Truman Committee happened to explore recent developments in the disposal of surplus property. Mr. Clayton had overruled not only his own Advisory Committee, but also the Secretary of the Interior, and the Secretary of Agriculture who was rudely cut off by Mr. Clayton with the statement that the matter was closed and the lands had been assigned. Quite apart from this, you must surely realize that the Congressional Committee had the power to investigate these matters at any stage. Except for yourself and the Attorney General, the feeling is quite unanimous throughout the Government that the inquiry was most timely

and fortunate and that the public interests were well served. Both the Secretary of Agriculture and the Acting Secretary of the Interior have called me to extend congratulations and thanks for the public service rendered in laying the facts before the Truman Committee.

All of this demonstrates that it is quite impossible to avoid considering the merits.

I am constrained to submit that the objections made in the past in regard to the above three matters have been on a too highly personalized basis. It is quite enough to expend all of one's energies in the public service without being baited and harassed in my own Department of Government, upon which the handling of each of the above matters has reflected credit.

NORMAN M. LITTELL
Assistant Attorney General



PSF - Justice

I Biddle for an
in the White House

Nov 30 3 40 PM '44

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Office of the Attorney General

Washington, D.C. 25

November 30, 1944

file
personal

My dear Mr. President:

I am enclosing you a report on the
Littell situation, and a copy of the Press Release
which I issued today after I got your telegram
and which I cleared first with Jimmy Byrnes and
Tom Blake (in Steve Early's absence).

Sincerely yours,

Francis Biddle

Francis Biddle

The President

The White House



Office of the Attorney General

Washington, D.C. 25

November 30, 1944

The President
The White House

My dear Mr. President:

Before the election I told you that I thought I should get Norman Littell to resign on account of his disloyalty to me; and on November 15 and 21, sent you memoranda, in the latter suggesting that he was going to play up a case of "suppression" in the papers and on the Hill, and sent you a removal order which I could use in case he did not resign.

Littell at once went to the Mead Committee and told Kilgore and Ferguson that I had asked him to resign because he had testified before the Committee against my wishes. This charge was given to the newspapers with the statement that the Mead Committee would consider investigating the situation.

On November 26 you sent me a memorandum (and a copy to Littell) indicating that he was hurt because I had said I had "lost confidence in his integrity"; and expressing the hope that he would leave the office without any fuss. Day before yesterday there appeared this paragraph in the Washington Post, evidently inspired by Littell: "President Roosevelt might attempt to solve the issue by giving him a big job in another department".

When I asked Norman to resign I put it solely on the ground that he was disloyal to me and that I had lost confidence in him. I said nothing about his integrity, and told him that I thought he had run his office with competence but that our personal relationship made it such that I did not think he would wish to continue.

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This was not all a matter of "incompatibility". For a long time he has been making smear statements about me behind my back. This is confirmed on all sides. He has been saying that I am anti-Semitic and that, therefore, the Department would never "protect" Jews; that I had helped the oil interests during the investigation of the oil contract; that I did not dare to fire him; that he expected to be made Attorney General; and that I was running the Department against the public interests. These statements were made to United States Attorneys, to members of my staff, and to many other persons who have reported them to me.

Jim Rowe, over a year ago, wanted me to have Littell removed, and the Solicitor General and other members of my staff have been urging me for some time to talk to you about it.

Littell has been continually causing rows with other Departments. I list briefly four of these situations.

1. When the Navy signed the contract with Standard Oil Company of California, Abe Fortas sent you a note to the effect that it was probably illegal and against the public interest, and you referred the contract to me for examination. After Littell had made a study of the contract, he persuaded the Lands Committee of the House to give him a hearing. I was away at the time. Littell testified that the contract looked like another Teapot Dome case. The inference, of course, was obvious, and you promptly canceled the contract. This caused violent criticism of the administration in the newspapers. Jimmy Byrnes told me then that he thought Littell should be fired. The contract was redrawn after extended conferences and approved. I saw to it that Littell sat in on all of the conferences and that he finally appeared with the rest of us before the Naval Affairs Committee.

2. Last spring Littell objected to the Army abandoning the Breakers Hotel in Palm Beach as a hospital, and asked the Solicitor General if as Acting Attorney General he would be willing to send to the Secretary of War a memorandum setting out the views that he had already expressed to General Somervell. No objection was raised and the Solicitor General wrote the Secretary enclosing this confidential memorandum. Littell took a copy of the memorandum to the Truman Committee before the Secretary had even seen it, and the Truman Committee subpoenaed it. I told the Committee that they ought to get it from the Secretary, that it was a confidential statement to him and accordingly General Somervell sent it down to the Committee.

3. I have a rule in the Department, common in all Departments, that nobody shall testify before a Congressional Committee without my prior approval. When I was away Littell asked the Solicitor General, who was Acting Attorney General, whether he could testify before the Committee considering the Surplus Property Bill, and the Solicitor General approved. He had cleared with the Solicitor General certain proposed amendments but did not testify about them; on the contrary he went before the Truman Committee and testified that Will Clayton's arrangement for R.F.C. to sell lands was against the public interest. This amounted to a perfectly unwarranted attack on Clayton.

4. The Army have recently condemned large tracts of land in California for the Dupont Company to develop a secret process with which you are familiar. The owners of some of the tracts obtained substantial verdicts against the Government, Littell's division representing the Government in the cases. Littell in open court made a long statement to the effect that the Army appraisers had appraised the lands too low, the inference being that they were not competent to appraise them; and stated that he would have reappraisals made before trying

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any more cases. Bob Patterson wrote me a vigorous letter of protest, a copy of which I sent you.

I wrote to Senator Mead on November 27, that I had asked Littell to resign because for sometime our relationship had been such that I no longer reposed in him the kind of confidence that was essential for the best interests of the Department of Justice and I thought, under the circumstances, he would prefer to resign. I added that I had never objected to Littell's testifying before his Committee or any other Committee of the Congress; but the action I had taken was in no way connected with any testimony that he had given.

On Monday night Littell filed a twenty-six page statement with the Committee. The Washington Post, Baltimore Sun, New York Times and Tribune carried excerpts from the statement yesterday morning. Mrs. Littell gave the statement to the Associated Press night before last before members of the Committee had seen it. In substance the statement is to the effect that I have not been running the office for the public interest; and charges that I have kept him from testifying before various committees. This is untrue. Much of the statement talks about Tommy Corcoran's "shocking influence" in the Department of Justice. It says: "I have been asked many times in recent years 'What has Tommy Corcoran got on Biddle' . . . Was it disloyal to answer such a question by saying I did not know when such an answer was the plain truth?" The statement is grossly inaccurate and untruthful.

The chief complaint in the statement deals with the Savannah Shipyards condemnation suit, and that I tried to get it settled because of my relation to Tom, who represented the company. In essence, on Littell's own statement, Tom offered to settle for \$1,000,000. I urged consideration of the offer. Littell believed

The President

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Yesterday the Mead Committee met all the afternoon and announced that the case was not closed. Mead is giving Littell's statement to the press.

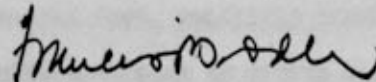
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Under the circumstances, it seems to me that it would be against the public interest for the Government to employ Littell in any capacity.

I enclose copies of my memoranda to you; and a copy of Littell's statement.

Respectfully yours,



Attorney General

Encl.

November 30, 1944

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Therefore, on November 25, a week after I asked Littell to resign, he wrote me that he would not make up his mind until the Mead Committee had acted.

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Under the circumstances, it seems to me that it would be against the public interest for the Government to employ Littell in any capacity.

I enclose copies of my memoranda to you; and a copy of Littell's statement.

Respectfully yours,

Frank B. Rowell

Attorney General

Encl.

November 21, 1944

My dear Mr. President:

You will remember that after Cabinet last week I told you it was necessary to get rid of Norman Littell, the head of the Lands Division. He has been a constant trouble maker, particularly with other Departments and is thoroughly disloyal to me. I suggested to him on Saturday that he would have to resign. He is to make up his mind and let me know on Wednesday.

I think he is going to play up a case of "suppression" on the Hill and in some of the papers. He has, however, no political backing or strength; and he will collapse when he knows you are backing me.

I should appreciate, therefore, if you would be good enough to sign the enclosed removal, which I shall use only in case of necessity.

Respectfully yours,

Francis Biddle
Attorney General

The President

The White House

DECLASSIFIED

By Authority of Justice

Dept letter 12-13-61

By J Date 2-25-72

DEPARTMENT OF JUSTICE

November 30, 1944

Attorney General Francis Biddle today made the following statement:

I have read Norman Littell's statement filed with the Mead Committee before the Committee had determined whether or not it should hold any investigation.

I do not propose to discuss Mr. Littell's reckless and unfounded statements, or to enter into any controversy with him in the public press. As the head of the Department of Justice I must take responsibility for its operation, and will not tolerate such serious disloyalty or insubordination from any member of the Department even if he thinks that it is his public duty to remain in office after he has been asked to resign.

As I wrote to Senator Mead on November 27, I asked Mr. Littell to resign because for some time our relationship had been such that I no longer reposed in him the kind of confidence that was essential for the best interests of the Department of Justice, and I thought under the circumstances he would prefer to resign. I added that I had never objected to Mr. Littell's testifying before the Mead Committee or any other Committee of the Congress; and that the action I have taken was in no way connected with any testimony that he had given.

The President has today made the following statement:

"When statements made by Norman Littell first appeared in the papers I wrote to him that it was primarily an executive matter; and that I hoped for his own career he would resign. Since then he has volunteered a long statement, thus substantiating what the Attorney General had said about his insubordination. This is inexcusable; and under the circumstances my only alternative is to remove him from office, which I have done today."

November 15, 1944

MEMORANDUM FOR THE PRESIDENT

A few weeks before the election I told you that I thought I could not go on very much longer with Norman Littell, the Assistant Attorney General in charge of the Lands Division of this Department, as he has created trouble with other Departments constantly - with the Navy by suggesting that the proposed oil leases were like the Teapot Dome scandal; with the Army on two or three occasions, and most recently with Bob Patterson as shown by his attached letter. He is disloyal to me personally and has been neglecting his work. You agreed that he should go but asked me to wait until after election.

Presently I shall ask him to resign, but before doing so I should like to have your backing - that is that you will fire him (he is a Presidential appointment) if he won't resign. He has no political backing.

Respectfully yours,

Francis Biddle
Attorney General

Encl.

DECLASSIFIED

By Authority of Justice
Dept letter 12-13-61

By JS Date 2-25-72

November 27, 1944

MEMORANDUM FOR THE SENATE WAR INVESTIGATING COMMITTEE

RE:

Issues between Attorney General Francis Biddle and Assistant Attorney General Norman M. Littell leading to the Attorney General's request for the latter's resignation.

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Submitted by

NORMAN M. LITTELL
Assistant Attorney General

I. COMMENTS OF THE ATTORNEY GENERAL UPON REQUESTING RESIGNATION

On Saturday, November 18, the Attorney General called me to his office and requested my resignation as Assistant Attorney General on the grounds of "personal differences" between us. He said that I was "not loyal" to him and that I had not gotten on with his staff since the days when Jim Rowe was the Assistant to the Attorney General. He said that he lacked "personal confidence" in me but declined to state facts or reasons therefor. On the contrary, in the same conversation, he said that I had done a "very commendable job" in running the Lands Division.

The Attorney General said that he assumed that I would not care to remain in the Department in view of his lack of confidence in me, to which I replied that this was not by any means certain. I told him to "assume a hypothetical case in which I do not have confidence in the Attorney General. I might well consider it my public duty to remain". I advised that I wished time to think the matter over. He asked for my resignation by Wednesday, November 22, and that I be out of the Department by January 1, 1945.

On Wednesday, November 22, at 3:00 p.m., the Attorney General sent for me again to demand my answer and when I said that I preferred to state my case in writing, and that I would be able to give him my conclusions and my statement when completed in another day or two, he advised that I confronted "the difference between resigning and being fired." When I said, be that as it may, I would still make my answer in writing and hand it to him when it was completed, he said that I must make my answer in two hours or he would have the President "fire" me.

While I expressed astonishment that the Attorney General should assume to command the President's acquiescence in such arbitrary and unjust procedure after almost six years of effective public service on my part, which he had personally commended, I said again that he would have to follow whatever course he saw fit - that my answer would be placed in his hands as soon as I had reached a conclusion and reduced it to writing.

It subsequently appeared that the Attorney General did, on the same day, November 22, request the President to revoke my appointment as Assistant Attorney General, but the President did not do so. Thereafter, this Committee took jurisdiction of the matter and after requesting a statement from the Attorney General as to his reasons for asking for my resignation, requested that I submit this statement of the issues between the Attorney General and myself. For that reason, I advised the

Attorney General by letter on Saturday, November 25 that my answer would be deferred pending consideration of the matter by this Committee.

Let me recognize at once what every executive in private or public organizations knows, that conflicts of personalities can in themselves be so great as to require the withdrawal of one of the two personalities wholly without reference to the issues between them. I also recognize that the junior in rank is usually the one to go, regardless of their respective capacities. However, I submit to the Committee that this is more than a problem of "personal incompatibility." I have served under three preceding Attorneys General whose confidence and respect I had and still have. Attorney General Biddle had my full and complete loyalty and firm support in the efficient administration of the Lands Division at the outset of his administration as Attorney General and I then had his full cooperation - for example, in accomplishing the reorganization of the Navy Real Estate Section pursuant to my recommendations to Secretary Knox immediately after Pearl Harbor, just as I had effected a reorganization of the Army Real Estate Section in February, 1941.

It was only when sharp differences on matters of principle in the conduct of Government business within the Department developed between us that our relations deteriorated. I do not consider that such differences can be classified as "personal incompatibility" when the estrangement resulted from my refusal to cooperate with conduct of the Attorney General which was contrary to basic principles of good government. Such matters cannot be classified as mere differences of opinion on matters of policy.

Hereinafter are reviewed the principal incidents which gave rise to conflicts between myself and the Attorney General, stated as briefly as possible in respect to his participation in them, each matter or case being far too complex in substance to review completely here.

II. PRINCIPAL INCIDENTS LEADING TO REQUEST FOR RESIGNATION.

1. Urging settlement in United States v. Savannah Shipyards, subsidiary of Empire Ordnance, represented by Tommy Corcoran. At the request of the Maritime Commission, condemnation proceedings were filed through my office to acquire the properties of the Savannah Shipyards Company, subsidiary of the Empire Ordnance, because of the failures and notorious incompetence of the defendant company in establishing a going concern. The piling fell over into the water, the mold loft sank out of

line to an unusable degree, the cranes would not clear between columns and a very large portion of the machine shop having defective piling and support, settled and broke so that a substantial area of it had to be dismantled. All of these facts which I witnessed in personal inspection of the premises would greatly depress the value to be paid by the Government.

Tommy Corcoran represented the Empire Ordnance Company and its subsidiary, the Savannah Shipyards Company. As the Empire Ordnance Company of Frank Cohen was then under investigation for fraud in the manufacture of munitions after skyrocketing from a shoestring investment of Mr. Frank Cohen of \$5,000 (See Truman Committee Report, Part 10, Dec. 18, 1941, p. 3971) to a vast network of subsidiaries including the Savannah Shipyards Company, every effort was being made by Tommy Corcoran on behalf of his client to keep this particular case from being exposed at trial. The cooperation of the Attorney General and Jim Rowe, the Assistant to the Attorney General, are sufficiently reflected in the following principal incidents:

(a) On May 13, 1942, Jim Rowe telephoned to me at the Attorney General's instructions, because Dempsey and Koplovitz, composing Tommy Corcoran's "front" law firm, had taken up with the Attorney General the matter of effecting a settlement. When I said that as a matter of principle we should not settle the case unless the defendants were willing to accept the Government's estimate of the value of the property when appraisals were completed, because of the grossly defective construction work, he asked if I would please tell the Attorney General that personally. The Attorney General telephoned to me at 5:00 p.m. on May 14 to ask about settling this case and I said that it was unusual to have settlement negotiations initiated from the top down - that they usually came from the bottom up in the form of recommendations for settlement from me to the Attorney General. (In fact, out of thousands of condemnation cases this was the only settlement about which the Attorney General ever called me.) That was fairly straight between the eyes and from the irritated tone of his voice, he did not like it. Our relationship suffered a very sharp deterioration at that point.

(b) On Saturday, May 22, 1942, the Attorney General gave a cocktail party at his house for Jim Rowe at which Jim took me aside in his study to ask "What are we going to do about settlement of the Savannah Shipyards case", to which I replied that the case was "a hot potato" and a good thing for him to let alone. After referring to the fact that Tommy Corcoran represented the defendant company through Dempsey and Koplovitz, he replied that he had to do something, that "these fellows are our friends" - that "the Attorney General has told me to handle the

of the Government's engineers). ^{1/} The case was set for trial on July 6. I went to a conference with the Attorney General and Jim Rowe in the Attorney General's office determined to warn the Attorney General of the danger of trying to settle the case and the scandal which would ensue because of his intimate connection with Tommy Corcoran. Following so soon on the settlement of the Sterling Products anti-trust case (one of Tommy Corcoran's brothers is Vice-President of Sterling Products representing them in Mexico and South America) in which Corcoran was counsel for the defendant company, a scandal could not possibly be avoided. If the Attorney General still persisted in trying to reach a settlement, I was determined to send the files up to him, as the Lands Division had been as clean as a hound's tooth and I was determined that it should remain that way. I would have nothing to do with any settlement other than at the level of the Government's own estimates of value, with due deductions for defective construction work. I knew that this was much too low a figure - \$985,165.

On the way to the Attorney General's office, one of his principal advisers stopped me in the corridor to ask me to "hold my own" against him in the settlement of this case - that "Tommy Corcoran had been in and out of the Attorney General's office in the Department of Justice every day for days," that the settlement of the case "would be a scandal for the Department and for the Attorney General", and that for "the protection of the Attorney General" I had to stand fast on it. I did.

*copy
281-1000*

1/ Summary of the case: As appears by its amended and substituted answer and the opening statement of its counsel, the owner claimed \$2,187,000. Dempsey and Koplovitz talked of \$1,900,000. At the trial, the expert witnesses offered by the owner, including Admiral Bakenhus, U.S.N. (Ret.) contended for \$1,751,067, whereas the Government's valuation experts contended that the market value after deducting for the defective construction herein referred to and likewise described in detail in their testimony was \$985,169. The owners finally made an offer of settlement on the eve of trial of \$1,085,000 which was refused. The jury verdict was \$1,285,000 which represented a compromise but is actually within \$5.00 of the net audited cost established by certified public accountants employed by me, which audit necessarily did not take into account the defective construction. I am reliably informed that the majority of the jurors favored a verdict of approximately \$1,000,000 and after many hours of deliberation gave way to the two or three jurors who were insisting upon a much higher figure in the neighborhood of the gross audit cost approximating \$1,600,000. On appeal to the Circuit Court several errors were found in the admission of numerous items of cost accounting such as intercorporate charges, promotion charges, legal fees and travel expenses, but the Circuit Court held that these were not prejudicial errors justifying reversal. Petition for certiorari to the Supreme Court was recommended by me but was not approved in the Department.

20 I told the Attorney General very plainly that because of his intimate connection with Tommy Corcoran, a settlement by him at anything above the Government's figures of \$985,665 would break wide open into a public scandal. After some thought and further discussion in which I made it quite clear that I would not go along with settlement, the Attorney General turned to Jim Rowe and said that I was right; "it would be another Sterling Products case."

The meeting broke up. The Attorney General at last realized that he, Corcoran and Rowe would get no place. For the first time, I was to have complete charge of the case. Up to that point, the Attorney General's intervention to effect settlement had been repeatedly capitalized by trial counsel in Savannah for the opposition who advised the Maritime Commission that settlement negotiations had been lifted from my hands by the Attorney General and the Assistant to the Attorney General - Jim Rowe, and who said to my representative both publicly and privately that the matter had been taken over by the Attorney General, that I had been "summoned" to a conference in the office of the Attorney General, and that my representative in Savannah would "receive his instructions" pursuant to that conference. Counsel for the Defense would have been reckless indeed to speak with such confident assurance as to what the Attorney General was doing unless there were reassuring contacts between the Attorney General and the Washington representatives of the Savannah Shipyards - Tommy Corcoran, Dempsey & Koplovitz.

The constant attempts of the Attorney General to settle this case at the insistence of his friend, Tommy Corcoran, was one of the most difficult hazards I had to overcome in the proper handling of this litigation for the benefit of the Government. With this relationship overhanging the case, there could be none of the usual leeway for negotiation and settlement of this case if the integrity of the Department of Justice was to be protected.

3 (e) There was one concluding incident in the Savannah Shipyards matter as an incident of perfecting the Government's appeal. One of the Government's counsel appeared before Judge Lovett who had tried the case at Savannah and upon being advised that an appeal was to be taken, the Judge expressed considerable "surprise", saying that the Attorney General had been in Savannah recently and had complimented him on the excellence of his charge to the jury in the Savannah Shipyards case and had informed him that "no appeal would be taken".

The Judge also said that he was surprised at the familiarity of the Attorney General with the details of a case pending in the district court. Appeals, like proposed settlements, follow a fixed routine in the Department of Justice. Recommendations for or against appeal are

made to the Solicitor General and not to the Attorney General and at the time of the Attorney General's visit to Judge Lovett, this procedure had not as yet been completed. The Attorney General has accused me of not being loyal to him. I could have told the Judge myself exactly why the Attorney General was so conversant with this particular case. Attorneys on both sides knew why.

The legal fees of attorneys for the Savannah Shipyards included \$14,000 for Dempsey and Koplovits, all legal fees being charged, among other things, for "many, many" conferences. All of these fees were allowed and paid to the Savannah Shipyards Company in the cost accounting approved by the District Court. Undoubtedly the fees of Dempsey and Koplovits were for services in negotiating with the Attorney General of the United States and Jim Rome, the Assistant to the Attorney General, for the actual handling of the lawsuit was divided between New York lawyers and Savannah lawyers for the Company.

On appeal of the case to the Circuit Court, it was held that the allowance of these legal fees together with other matters such as intercorporate charges by one subsidiary of the Empire Ordnance to another, and promotion charges in an unsuccessful effort to launch a bond issue, - all totaling about \$125,000, were held to have been erroneously allowed, but unfortunately (with one justice dissenting when we petitioned for reargument), the error was held not prejudicial and therefore did not justify reversal. On the grounds of conflict with *McCandless v. U.S.*, 298 U.S. 342, a petition for a writ of certiorari in the Supreme Court of the United States was recommended by me and associate counsel in the Lands Division to the Solicitor General, but the recommendation was not allowed. It is ironical indeed that the taxpayers of the United States should have footed the bill for the legal services of Dempsey and Koplovits because they had access to the Attorney General of the United States.

2. Refusal of information from SEC because of Tommy Corcoran's influence in Justice Department: During all of this time the investigation of the Empire Ordnance, parent company of the Savannah Shipyards Company, was being carried on by the SEC. In preparing our condemnation case for trial it would have been most helpful to the Government's case to have the Savannah Shipyards Company investigated first and to secure from SEC all of the material information which might reveal transactions between other subsidiaries of the Empire Ordnance and the SEC in order to determine whether there was a "write-up" in the price of materials or machinery furnished from one subsidiary to another. I had had the Maritime Commission appoint myself and two associates counsel in the Lands Division as members of the Maritime Commission staff pro tem in order to have full investigational powers as created by the War Powers

Act to an agency having a war contract, in order that we could conduct these investigations, but upon the SEC being ordered to make an entire investigation I abandoned such plans because it seemed unfair to harass the defendant company by such a dual investigation and also because it seemed a needless duplication of work.

Promises had been repeatedly made to me by Mr. Ganson Purcell, Chairman of the SEC, to see that all facts relating to the Savannah Shipyards case were turned over to me, for I had received express instructions to him from the White House to give me such information.

Atticus Purcell
Three days before the SEC was ordered to make an entire investigation of the Savannah Shipyards case, I had written Mr. Ganson Purcell, Chairman of the SEC, to see that all facts relating to the Savannah Shipyards case were turned over to me, for I had received express instructions to him from the White House to give me such information. At the time the SEC was ordered to make an entire investigation of the Savannah Shipyards case, I had written Mr. Ganson Purcell, Chairman of the SEC, to see that all facts relating to the Savannah Shipyards case were turned over to me, for I had received express instructions to him from the White House to give me such information. At the time the SEC was ordered to make an entire investigation of the Savannah Shipyards case, I had written Mr. Ganson Purcell, Chairman of the SEC, to see that all facts relating to the Savannah Shipyards case were turned over to me, for I had received express instructions to him from the White House to give me such information.

I will remember having one appointment in Mr. Riddle's office just before he became Attorney General, when a telephone call came from his son Tommy Carston. I had written him or later days to see Mr. Riddle who was then Solicitor General as a matter of urgent Government business but it was apparent from the conversation that Tommy wanted to see him and Mr. Riddle's features were about like mine.

"Hello Tommy. - He - you don't need to come over here. I'll come there if you wish. You can come here, or I'll come to your apartment, whichever suits your convenience."

It was clear that he preferred to have the Attorney General go there. My appointment was not short and Mr. Riddle departed in about five minutes. As I had admired Riddle's promotion from Solicitor General to Attorney General because I believed in Departmental promotion wherever possible, I felt grave misgivings. These were confirmed a few days later when he invited me to lunch and expressed his confidence so that Tommy Carston ought to be appointed Solicitor General of the United States, the post vacated by Riddle. This was before Mr. Fahy's appointment. The Attorney General urged my support in

Nevertheless, there were repeated delays. The needed information was never forthcoming, first for one reason and then for another until in exasperation I took the matter up again with the White House, and again with Mr. Ganson Purcell. Only in the last few days before trial were members of my staff permitted to see a limited and selected portion of the records in respect to the Savannah Shipyards case. The investigation of the latter company by SEC was not completed by the time the case went to trial on July 6 and only one item of utility was received - the write-up of a keel bender transferred from one subsidiary to the Savannah Shipyards Company at an increase of \$12,000 or \$15,000. We never knew how much might have been revealed by a completed investigation.

Three days before departing for Savannah for the trial of this case, it was admitted by one of the counsel for the SEC that the real reason why they had consistently evaded providing full information to the Department of Justice was that they did not trust the Department of Justice because of Tommy Corcoran's known intimacy with the Attorney General and Jim Rowe. They felt that the information, if given to the Department of Justice would "pass right through to Tommy Corcoran." As the information was wanted for the subsequent indictment of Frank Cohen and others, SEC wished to protect it. This fact was admitted in the presence of the Attorney General by Ganson Purcell a year later in the Attorney General's office in connection with another matter mentioned hereinafter. The Attorney General made no comment on this admission and he made no effort to dispel this opinion by the Chairman of the SEC. He could not.

I well remember having one appointment in Mr. Biddle's office just before he became Attorney General, when a telephone call came to him from Tommy Corcoran. I had waited two or three days to see Mr. Biddle who was then Solicitor General on a matter of urgent Government business but it was apparent from the conversation that Tommy wanted to see him and Mr. Biddle's remarks were about like this:

"Hello Tommy. - No - you don't need to come over here. I'll come there if you wish. You can come here, or I'll come to your apartment, whichever suits your convenience."

It was clear that he preferred to have the Attorney General go there. My appointment was cut short and Mr. Biddle departed in about five minutes. As I had endorsed Biddle's promotion from Solicitor General to Attorney General because I believed in departmental promotions wherever possible, I felt grave misgivings. These were confirmed not long afterwards when he invited me to lunch and endeavored to convince me that Tommy Corcoran ought to be appointed Solicitor General of the United States, the post vacated by Biddle. This was before Mr. Fahy's appointment. The Attorney General urged my support in

that matter. I advised him that I was quite sure he would not be confirmed.

The Attorney General was also quite interested in the possibility of promoting one of Tommy Corcoran's brothers who was an attorney in the office of the United States District Attorney, Mat Correa, in New York City. When I returned from a trip to Alaska in connection with land acquisition work there in September, 1942, advising the Attorney General that the commissioner system there needed complete overhauling and reporting scandalous overcrowding and lack of sanitation in the housing of prisoners by the Department of Justice at Kodiak and Dutch Harbor, I secured the Attorney General's interest in these matters and he finally decided to send someone there to go into these matters more thoroughly than I had time to do because of absorption in my own work in Alaska. When he finally sent Mat Correa, the very able United States Attorney from New York City, the Attorney General said that Correa's absence would give Tommy Corcoran's brother a chance to direct the office as the ranking lawyer in it so that he could see whether he had capacity to become United States District Attorney there when Mat Correa left for military service. The mere possibility of bringing under Tommy Corcoran's influence the greatest law enforcement office outside of Washington, D. C., in the Department of Justice, was shocking indeed. I have been asked many times in recent years - "What has Tommy Corcoran got on Biddle?" The Attorney General charges that I am disloyal and have made disloyal remarks. Was it disloyal to answer such a question by saying "I do not know" when such an answer was the plain truth?

As to my own relations with Tommy Corcoran, I was perhaps the first of the group of younger men in the administration to express lack of confidence in him. This was as far back as 1939-'40 before he had left the Government employ. I knew that he tried later to persuade Mr. Justice Murphy, when the latter was Attorney General, to dismiss me, but these efforts were then in vain. A new effort was to be made and that brings me to the next point.

3. Attempted retaliation for my refusal to settle Savannah Shipyards condemnation case; Rowe's memorandum: This incident is too significant to omit and almost too trivial to relate. On January 25, 1943, Jim Rowe sent a memorandum to the Attorney General saying that Ganson Purcell, Chairman of the SEC, had telephoned him, to the effect that Mark Childs had telephoned a lawyer, Wells, in the SEC conducting the investigation of the Empire Ordnance Company and had stated an alleged remark of mine at a dinner party to the effect that "when the SEC report was turned over to the Department of Justice for criminal prosecution, it would be suppressed." The matter was brought to the attention of the Attorney General "for whatever action you may wish to take," Mr. Rowe expressing deep concern "for the reputation of the

Department and yourself as Attorney General".

A memorandum received from the Attorney General while I was in Los Angeles enclosing Rowe's memorandum said to see him on my return - that my remarks reflected on the Department. There was no inquiry about the truth or falsity of the statement. The Attorney General and Jim Rowe undertook a virtual trial of myself - right in the middle of their wartime duties, with pressing matters unconcluded, such as the vitally significant conflict between civil and military government in Hawaii, with complaints unanswered from United States Attorneys as to administrative failures of the Department in the handling of the day-to-day transactions in their work, with complaints from most of us in the Department regarding the incompetence of Jim Rowe, whom the Attorney General had skyrocketed to increased powers of "overall supervision and administrative management of the Department of Justice" (see powers described in Congressional Directory of May 1943, in contrast to previous jurisdictions of the Assistants to the Attorney General in earlier Directories), in spite of the fact that Rowe had never been in a law firm or practiced law in his life and was by experience unqualified to assist in directing management of the largest law firm in the world.

While I and others in the Department could not reach Jim Rowe for weeks at a time on the telephone (I could get appointments with Cabinet members easier than I could talk to Rowe, and others said the same), the Attorney General and Jim Rowe found time for conference after conference on what I had said or not said the preceding December at a dinner party!

Instead of disposing of the matter as a piece of idle gossip, particularly after Marquis Childs repeatedly said that Jim's statement of Purcell's statement of Wells' statement of Childs' statement of my statement at a dinner party the preceding December, was "perfectly cockeyed", the Attorney General went right along with Jim's evident desire to convict. Even Childs said there was evidently real "animus" in the situation.

At the final conflagration in the Attorney General's office, Mark Childs, Jim Rowe, Ganson Purcell, Chairman of SEC, and I were all present, and when I interrogated the witnesses and demanded the memorandum of the SEC lawyer to Purcell, I discovered that it was not only dated a month after my alleged conversation with Mark Childs but was, in Childs' opinion as well as mine, a completely untrue representation of my remarks and his.

The whole incident blew up in the Attorney General's face as he was then compelled to admit. In fact, it backfired on him, for

I brought out from questioning Purcell, as long as he was in the Attorney General's presence, a fact much more vital to the public interest, namely apprehensions of his staff regarding the influence of Tommy Corcoran over the Attorney General of the United States. Purcell admitted that his men had evaded giving me and my staff information regarding the Savannah Shipyards, subsidiary of the Empire Ordnance Company, because of Tommy Corcoran's intimacy with the Attorney General and the fear that the "information would pass right through" - as related above.

4. Elk Hills Naval Petroleum Reserve controversy: Public Lands Committee hearings: This incident illustrates perfectly not only the Attorney General's confusion of mind in approaching a complex problem, but also an absence of appreciation of the Constitutional right of Congress to have full access to facts necessary to forming a clear understanding of matters vital to proper legislation.

The principal points in this story may be chronologically related as follows:

Two weeks before I handed to the Attorney General a copy of my study of the now notorious contract of November 20, 1942, between Standard Oil Company of California and the Navy Department, I telephoned to advise him of the delay in completing it due to the highly complex character of the entire instrument. He then said: "Take all of the time you want. When you are through I will write a blistering memorandum".

I handed the Attorney General the first draft of my Elk Hills report on June 11, 1943. However, after preliminary study of the instrument before my memorandum could possibly be completed, I felt sure that the contract was invalid and illegal as a matter of law and strongly opposed to the public interest as a matter of policy. With the approval of Mr. Fahy, Acting Attorney General, I had gone to Mr. Justice Byrnes on April 14 and asked him to have Secretary Knox withdraw the contract from the Appropriations Committee so there was no chance of its being confirmed in Congress, pending further investigation.

When the matter became public on Saturday, June 12, when I was in Asheville, North Carolina, and an attack was made on the contract and on the President in the Senate, I telephoned to Mr. Justice Byrnes, being unable to reach the Attorney General, and suggested a counter-statement from the White House to the effect that the contract had already been withdrawn from the Appropriations Committee by orders from the White House.

On Monday the 14th, I met with the Attorney General and representatives of the Navy and Interior Departments in his office at 2:30 p.m., to consider my report which he had had since the 11th. The Attorney General endeavored to lead the discussion but had obviously not mastered it. It was much too complicated a transaction to pick up quickly and he was in a hurry because he was leaving that night for a vacation. Gross defects in the contract were admitted by the representatives of the Navy and the Interior when I pointed them out, and copies of my report were to be given to them immediately for study.

The Attorney General went off while the matter was seething on the Hill and public interest was getting hotter every day. The Chairman of the Public Lands Committee summoned me there on June 17 to bring all papers and documents.

The Public Lands Committee in the House having jurisdiction of the matter by reason of a proposed bill transferring additional lands to the jurisdiction of the Secretary of the Navy in the Elk Hills Naval Petroleum Reserve, was naturally eager to go into the entire matter and to have copies of my report. The Acting Attorney General instructed me to withhold the report from the Committee, which I asked the Committee's permission to do pending further study of the report by the Attorney General and possible consideration of it by the President. I stated merely my personal conclusion that the contract was illegal. That night cancellation of the contract was announced by the President of the Standard Oil Company and the Secretary of the Navy.

Upon returning to Washington from his vacation the Attorney General reviewed this matter with me and was obviously exasperated at the publicity which had occurred. Although he had anticipated with pleasure filing a "blistering memorandum" himself, and although he had been quick to claim to the press on Saturday, June 12, after the attack on the contract in the Senate that he had "persuaded Secretary of the Navy, Frank Knox, to withdraw a \$1,748,000 appropriation request" intended to finance this contract in the Navy (thereby appropriating to himself action which Mr. Justice Byrnes had already taken on April 14, two months before, and adopting by inference my conclusions that the contract was illegal), the Attorney General's attitude was quite different after I, by force of circumstances, rather than the Attorney General, had become identified as the author of the report which was the center of public interest.

The Attorney General's change of attitude toward the whole subject was shown in the following incidents:

a. At our first conference following the return of the Attorney General from vacation, he was extremely irritated about my having testified before the Public Lands Committee and said, "I doubt whether the contract is illegal. It might be a bad contract, but I doubt whether it is illegal". Thereupon I asked him whether he had read the cases, saying, "There are only two of them - the Elk Hills case and the Teapot Dome case" (holding illegal the leases of Secretary Fall in the Harding administration). He admitted that he had not read them. How could he possibly have had any opinion on the legality of this contract without reading these two Supreme Court cases?

I was to encounter this superficiality of mind many, many times in the transaction of official business with the Attorney General, to the prejudice of the public interest.

In the end, the Attorney General wrote a letter to the Secretary of the Navy concurring with my opinion. No able thorough lawyer could escape from the conclusions stated.

b. On Monday evening, June 21, the Attorney General telephoned to me when I was out of Washington in Pennsylvania in regard to the next Committee hearing to be held on June 22 saying that the Navy Department had requested that we not go into details in regard to the contract until the Navy had a more thorough chance to study my report. I did not know then that the Attorney General had already authorized giving copies of my report to Standard Oil Company lawyers, or my answer would have been much stronger, but I did say that it would be extremely difficult in view of the fact that "the Committee was considerably disturbed in not getting my report the last time" and that there was "a point beyond which the Department should not trespass" in dealing with a Committee of Congress. The Attorney General replied in regard to the Committee, "I think they were just disappointed because they expected to find something and didn't". The Attorney General also did not wish me to say anything critical of the Navy Department. How could anyone possibly give honest answers to the Committee's questions about the contract without inferentially reflecting on the good judgment and legal capacities of those who had prepared it and recommended its execution? The repudiated contract speaks for itself.

I was instructed to confine the discussion strictly to the bare "legality" of the contract, leaving out the multiple questions of policy affecting the public interest.

This Navy Committee was also

c. On June 22 the Public Lands Committee refused the Attorney General's request to postpone the hearings and continued them on the 24th. It was after the hearings on the 24th before that Committee that I first learned that on Saturday, June 19, the Attorney General had authorized copies of the report to be handed to the Standard Oil Company lawyers and I immediately called Mr. Fahy's attention and that of the Attorney General to the impropriety of furnishing Standard Oil Company with copies of the report while he was refusing copies to an important Committee of Congress. The following morning the Attorney General personally took copies to the Chairman of the Committee and authorized the release of the report at the hearings of June 24, when copies were distributed to Committee members.

d. The Attorney General took up with me the matter of my appearing before the Committee on June 24. He was obviously quite irritated with the whole matter and instructed me that there was no need for me "to do anything but submit a copy" of my report. I asked what I was to do if the Committee demanded explanation, which would be quite natural without amplifying illustrations and explanations of the highly complex subject matter - the Attorney General repeated again "just read your report".

While this entire matter was completely and wholly within the jurisdiction of the Public Lands Committee, was a subject about which there was no possible military secrecy, and was one which vitally concerned the public welfare and deeply affected the future operations of the Navy in the Pacific, still the Attorney General's attitude as clearly expressed was one of exasperation and irritation. He wished to limit and circumscribe my testimony.

So complete was my confusion as to how I could comply with the instructions of the Attorney General and still testify frankly and honestly before the Committee that I telephoned to him the day before reappearing before the Committee, and being unable to reach him, wrote a memorandum to the effect that I saw no alternative but to testify honestly and frankly before

the Committee. Otherwise I would prefer not to appear. Before the memorandum went up to the Attorney General, he telephoned at 6:45 p.m., and in answer to my request for clarifying his instructions, he only added further uncertainties by replying: "You will have to use your own discretion, but you know what I want you to do". I was compelled to reply, "No, I do not, Mr. Attorney General", and so I sent the memorandum to the Attorney General.

The next morning, upon receiving no further advice in reply, I assumed that my memorandum was acceptable to the Attorney General and I testified on the basis laid down in it.

e. Having announced rescission of the contract on June 17, the Standard Oil Company and the Navy Department were most anxious to have the hearings before the Public Lands Committee dropped. However, the Committee was most interested in pursuing the analysis through one complex step after another referred to in my report as "The Effects of the Agreement Analyzed", such as the projected loss of millions of dollars by giving up competitive bidding for the Navy's fuel oil business while Standard furnished the needed oil at its own posted prices.

I obviously incurred the great displeasure of the Attorney General because after testifying before the Committee I was removed from all conferences between the Navy Department representatives and representatives of the Department of Justice, notwithstanding the fact - and I say it in all humility, that I had the greatest familiarity with the entire matter due to months of study. These negotiations were for the purpose of considering a new proposed contract which the Navy submitted in the hope of drafting one which would be approved as legal by the Department of Justice. For one month and a half after I testified on June 17th, I was asked to attend none of these conferences - even though it was fairly well demonstrated by the end of that time that my report was unrefuted in any fundamental respect by the Standard Oil Company of California with all of its legal and technical talent.

Drafts of new proposed contracts submitted to the Attorney General and Charles Fahy were in each instance finally submitted to me and I returned my critical comment in memorandum form, finding that the new proposals repeated many of the same defects inherent in the original contract.

In one conference with Mr. Fahy alone, when I stated my honest opinion as a matter of law that the Secretary of the Navy had no power to develop Elk Hills unless Congress amended the Act of June 30, 1938, Mr. Fahy irritably described that conclusion as "perfectly ridiculous" and made other remarks clearly reflecting his exasperation at my opposition. As I was only stating my opinion as a lawyer and had no intention of changing it, I left that fruitless discussion.

However, at the end of July when in a private conference with Mr. Fahy over one of the proposed drafts of a new contract submitted by the Navy, after I had corrected a misapprehension for lack of information on Mr. Fahy's part in regard to the subject matter with which he could not possibly be as familiar as I was in view of his other duties, he announced that henceforth he was not going to have any conferences without me present. He was quite right in adopting that policy, but a little late!

While I reserved my basic opinion that there could be no development of Elk Hills without authority from Congress by amending the Act of June 30, 1938, I cooperated fully, nevertheless, endeavoring to work out the legal provisions of a contract for development of the Reserve.

In considering successive drafts of a proposed agreement submitted by the Navy Department lawyers, I was undoubtedly considered an obstructionist in my views, but as successive legal and technical problems arose in adequately protecting the Government's interest in such a contract, my position became more understandable. When I finally refused to approve personally any form of permanent contract, on the grounds that our efforts had completely demonstrated the futility of endeavoring to do so without more exhaustive study than was possible in a short time, then the proposal for a permanent contract dropped. Attention was then focused on drafting a temporary operating agreement pending submission of the entire matter to Congress in the following Fall.

(f) There was one crowning and concluding incident illustrative of the Attorney General's desire to limit testimony before Committees of Congress, no matter at what cost to the public interest. There was to be a joint operating agreement, and not condemnation of Standard's sections. The Naval Affairs Committees in both the House and the Senate were holding their final hearings on the proposed new contract which would commit the Elk Hills Reserve to this joint operation of the properties. I was en route from Los Angeles to Washington. The day before I arrived in Washington on June 2, 1944, the Naval Affairs Committee in the House had requested my appearance but the Attorney General had sent a substitute, one of the lawyers in my Division. The Attorney General first called him up to his office and limited the scope of his testimony, after telling him at length

of my testimony and of his disapproval of it before the Public Lands Committee, and also spoke critically of my report as to the Breakers Hotel, hereinafter referred to.

When I arrived the next day, I was met at the train by my General Assistant with specific instructions directly from the Attorney General not to communicate with any Congressmen or Senators and to make no statement whatsoever in regard to the Elk Hills matter.

I had naturally accumulated considerable information on the subject of the Elk Hills Naval Petroleum Reserve, some of it from confidential sources which had been compiled over a considerable period of time, showing that there were other available resources of oil - principally those of the Standard Oil Company of California. With all of the cry about war needs, a question might fairly have been raised - was the nation to keep intact its last remaining oil reserve or was the Standard Oil Company of California to preserve its private reserve? I was never asked by the Attorney General whether I had material information for either Committee. The Attorney General never offered my services to either Committee. On the contrary, the hearings were closed and the information which I had was sealed off by the Attorney General's peremptory instructions to communicate with no one about the Elk Hills Naval Petroleum Reserve.

At no time during this long fight to protect the Naval Petroleum Reserve from exploitation to which it would most certainly have been subjected under the original contract of November 22, 1942, did the Attorney General ever show the slightest zeal in fighting for the sweeping revision which my study of the contract had accomplished, nor did he express at any time the slightest appreciation for the exhausting work I had done in my exposure of contractual provisions inimical to the public interest. On the contrary, his attitude throughout was one of resentment and petulant resistance.

5. The Breakers Hotel case, Palm Beach, Florida; Truman Committee hearings: A leasehold interest in the famous Breakers Hotel at Palm Beach, Florida, was acquired by the Army from December 11, 1942 to June 30, 1944, and it was converted into the Ream General Hospital, but the War Department had tried in vain to settle the value of the leasehold interest. The negotiations were

turned over to the Lands Division in February, 1944, to effect settlement with the owners or prepare for trial.

The proposed closing of the well-established General Hospital on the eve of the second front raised not only a question of policy for the War Department, but a question of valuation for this Department and the War Department. With a great investment already in the property, in addition to rental to be paid, would it be better to buy the property outright and use it until after the war, recapturing most of the investment on later sale? General Somervell asked me to make a special report on that matter in March of 1944 when I was in Florida on this and other matters of business.

I submitted a report to General Somervell on March 14, 1944, recommending outright acquisition of the hotel for economic reasons, in view of the great investment already made in the property.

The Truman Committee had investigated the Florida hotel acquisitions including the Breakers Hotel, representatives of the Committee having personally visited the Breakers Hotel. Having the Breakers Hotel case actively under consideration, the Truman Committee requested a copy of my report which I gave to them as a matter of course, involving as it did a summary of the appraisal factors, the history of the acquisition and an analysis of the economics of outright acquisition. This was on March 30, 1944, but suddenly realizing that because of his great sensitivity in these matters, this might conceivably be construed as "testifying" in violation of the Attorney General's rule requiring advance consultation, I went to Acting Attorney General Fahy (the Attorney was in Florida on vacation) reporting what I had done and stating if Mr. Fahy considered so minor an accommodation to the Committee as an infraction of the Attorney General's rule, I could get the report back immediately. He did so consider it. I therefore went to Rudolph Halley, the General Counsel of this Committee, and recovered the report, although this was the merest formality because, of course, the Committee had the power of subpoena, - and the knowledge of my visit to the Breakers with expert appraisers, and the making of a report to Somervell was well known.

Mr. Halley promptly wrote a formal request to the Attorney General on Thursday, March 30, for the report, saying that the danger of closing the hotel on April 30 necessitated getting the report immediately for such help as it afforded the Committee.

The Attorney General returned from out of the City the next day, Friday, March 31, and Fahy turned the entire matter over to him. On Saturday, Ugo Carusi telephoned the Attorney General's

instructions to my office that I should "take no further action whatsoever in the Breakers case", that "the Attorney General has taken the matter entirely in his own hands" and that I "should write no more letters or do anything else about it."

There was no inquiry as to the status of the case itself. If the Attorney General had inquired, he could have discovered that Government appraisers employed by members of my staff were in the middle of resolving the differences of opinion between property owners and the War Department as to reconstruction costs - work which had to be done in any event, and could have gone right on, but the whole transaction was stopped in its tracks subservient to his order. He did nothing about moving on with the case.

This is the only case which was ever taken out of my hands and I leave it to the subsequent record whether the Attorney General's handling of the matter was designed to serve the public interest or to serve his personal vanity. Let me summarize his conduct as follows:

a. He did not comply with the request of this Committee and send a copy of my report. As the existence of my report was a matter of common knowledge, and the subject of the Breakers Hotel was a matter of public controversy, the Attorney General's failure to furnish the report only focused attention on it and invited criticism. On April 10, the Attorney General was attacked in the press for refusing to submit the report to the Committee.

The Attorney General failed to recognize a great public issue on the merits; he sought merely to suppress my report (thereby merely exaggerating the importance of it - the facts would have been developed anyway by this Committee). Embarrassed by the attack in the press on his cavalier treatment of a Senate Committee, the Attorney General sought a devious way of answering the press criticism. He had Charles Fahy call the Counsel for this Committee asking him to withdraw the Committee's request for my report at that time. Then the Attorney General could and did blandly issue a statement on Tuesday, April 11, that the reason he had not furnished the Truman Committee a copy of the report was because the "Truman Committee had never requested a copy of the report."

b. Senator Truman, rightly indignant over such a misstatement by the Attorney General, promptly subpoenaed the report from him on

April 14. I was not in town at the time, but the subpoena before going into the Department files was routed to the Lands Division in moral course and reached my office marked in the Attorney General's handwriting on the top "Cancelled on 'phone - 4-14-44".

Again the Attorney General sought a devious method of saving face. It was a Don Quixote windmill attack on a Senate Committee. It must have been most humiliating for the Attorney General of the United States to have a Committee of the Senate issue a subpoena on so comparatively trivial a matter, for a report to which they were obviously entitled. The notation was not true.

Here is what actually happened: When the Attorney General received the subpoena, he telephoned Senator Truman and said he did not have a copy of the report. This was not true. He did have copies as I had sent them up to Solicitor General Fahy who had given them to him. In any event, there were plenty of other copies in my office which the Attorney General well knew. He said that the report was "confidential" and that General Somervell had it.

Senator Truman advised the Attorney General in perfectly clear terms that the subpoena had been served upon him, that he would send a messenger for it to any Department he suggested but that he expected the Attorney General to produce the report. He did.

6. There is one final and conclusive act on the Attorney General's part in the suppression of material information which this Senate Committee was entitled to and which would have assisted in the proper disposition of this vital problem of caring for wounded veterans returning from the front, of preventing if justified, the evacuation of those having medical care in this ideal location. On Saturday, April 15, the Attorney General received a letter from General Somervell inviting him to send me or any other representative of the Department of Justice to attend a meeting of an advisory Committee which he had appointed to review the Breakers matter, and determine whether the hospital should be closed, the meeting to be held on Monday, April 17. I was in New York and could easily have returned to Washington to attend this meeting, but he replied to the letter that this was a matter of War Department business, and that there was no need for the Department of Justice to send me or anyone else to the meeting. He there

referred to my report as my "personal report" and used that as a reason for Justice Department not sending a representative to the meeting. On the other hand he had denied the report to Senator Truman on the grounds that it was "confidential".

In refusing to send to the War Department the only source of information outside the War Department having a disinterested viewpoint, his actions here were definitely contrary to the public interest. Naturally a body of officers convened to consider the matter, no matter how strong the individual convictions of some of them might be in favor of retaining the hospital, would be inclined to follow General Somervell's pronounced wishes to close the hospital and restore the property to its former owners as a hotel. There were undoubtedly fair-minded men in that group of officers who would have had open minds to follow a disinterested viewpoint.

The Truman Committee found as a fact that "the Surgeon General was misinformed * * * when he was told that on a purchase basis the property would cost over \$5,460 per bed" (or a total cost of \$4,737,432) - whereas the cost would have been approximately \$3,490. The War Department was therefore \$1,247,432 too high as the Advisory Board should have been and could have been informed.

At this meeting, the War Department submitted figures that were mere estimates, whereas the figures which would have been available from the Lands Division were based upon actual independent appraisals by experts employed by this Department which show (Truman Committee Report, p. 9, Part 19, No. 10) that for two years' occupancy of the hotel including the cost of converting to a station hospital and the cost of converting from a hospital to a hotel totaled \$1,410,200 for two years, or a cost of approximately \$700,000 per year for the two years.

It could have been demonstrated that upon taking the property in fee and retaining it for five years, the total cost based upon Department of Justice figures would have been about \$703,800 or approximately \$140,000 per year instead of \$700,000 per year. All of these factors could have been pointed out to the Advisory Committee had anyone been present who was able and willing to point them out - and also the fact, subsequently stated by this committee, that priorities for telephones, linens, wiring and other materials would have to be granted to this luxury property to restore it as a resort hotel for only three months of the year while citizens need the same materials the year around.

Not to have made this information available to the War Department Advisory Committee was definitely contrary to the public interest on the Attorney General's part, and he thereby participated in inducing an erroneous decision to close that general hospital, shutting down a fine going concern with a splendidly organized staff of physicians, costing a thousand wounded men and depriving thousands of wounded

veterans now streaming back from Europe of the splendid environment and rehabilitating features of this great hospital.

6. Surplus Property Disposal; Mead Committee hearings:

In accordance with the Executive Order establishing a Surplus Property Disposal Policy Board, Will H. Clayton was appointed Administrator of Surplus Property in February, 1944. When I returned from a trip to the Pacific Coast on June 2, 1944, I found that he had set up an Advisory Committee consisting of the heads of land acquiring agencies throughout the Government - all except the Lands Division of the Department of Justice, the one agency which has an over-all view of all other land acquiring agencies because it conducts condemnation proceedings and writes opinions approving the validity of title. It has intimate knowledge of valuation problems litigated in hundreds of cases in all the states and territories.

I, therefore, called Mr. Clayton's attention to the fact that the Lands Division might be helpful to him and learned that he "did not know there was a Lands Division over there in the Department of Justice". While the Chairman of Clayton's Advisory Committee, Col. J. J. O'Brien, thereafter invited me to send a representative of the Lands Division to sit on the Committee, I found in the meantime that by the middle of June, basic policies had already been settled as to the great body of land not assigned to any agency of Government for disposal purposes by Mr. Clayton's previous orders - namely agricultural, forest, grazing, mineral and miscellaneous lands.

I found that Clayton had ignored the advice of his own Advisory Committee to assign agricultural and forest lands to the Department of Agriculture and mineral and grazing lands to the Department of the Interior, and on the basis of his subsequent interpretation of the report of the Committee, assigned them to R.F.C. Everyone with experience in the Government's business in lands knew that R.F.C. had no qualifications whatever for the disposal of agricultural or mineral lands - in fact, its 22 field offices were in industrial and financial centers.

I declined to serve on the Advisory Committee on the grounds that this decision represented not only bad government but bad business management. The exchange of correspondence between Mr. Clayton and myself was most revealing as to Clayton's predetermination to assign lands to R.F.C. irrespective of his Committee's advice.

These facts were generally known around the various agencies of government and it was not surprising that the Truman Committee asked for them. Also the fact that official hierarchy of the National Association of Real Estate Boards had acquired great influence and dominance of at least two key positions in Clayton's office needed to be pointed out in the interests of the public welfare. My testimony

on this score nipped in the bud a great potential scandal which could have reflected gravely upon this Administration.

I was castigated by Acting Attorney General Fahy the next morning who was in touch with the Attorney General by long distance telephone from the Pacific Coast. He pointed out quite frankly that this was "the third time this has happened" (i.e. testifying before a Committee), - once in the Elk Hills Petroleum Reserve matter, next in the Breakers Hotel case, and now in Surplus Property, - that as far as he was concerned, it has "happened once too often" and that he "didn't care to consider the merits". The Attorney General's views as expressed to Acting Attorney General Fahy over long distance telephone and to Will H. Clayton, were made perfectly clear. In view of the statement issued at the direction of the Attorney General that my testifying before Congressional committees had nothing to do with the issues between us, I attach a copy of a memorandum of August 21st to Mr. Fahy, Acting Attorney General, concerning this interview.

Here again was the Attorney General's familiar reaction to any testimony in Congressional hearings. No question as to the public interest or the merits troubled his mind, or of the right of a Congressional committee to vital facts at a time when the Senate was in the process of drafting a surplus property disposal bill. The following events reflect this attitude:

(a) I was summoned to Mr. Fahy's office on August 22 to review a letter to be sent to Mr. Clayton in response to one from him objecting to my testimony, and asking if it expressed my personal views or the views of the Department. The Attorney General had instructed Acting Attorney General Fahy as to the contents of the reply to Mr. Clayton including a line that the views expressed were my "personal" views only".

Had his instructions been literally carried out, the Department of Justice would have in effect disowned a body of valuable facts accumulated by one of its Assistant Attorney Generals in the performance of his public duties - facts which ought to have been submitted to the Legislative Branch of the Government for its assistance in the drafting of the Surplus Property Disposal Law - facts which did in fact influence the course of that legislation and which will subsequently help place any administrative staff on the Surplus Property Disposal Board on its guard. This is the type of service the Department of Justice ought to render to the public, but the Attorney General sought to disown it.

It was of course immaterial to me whether he stated that the views were my "personal views only". Mere words could not disassociate the views of an Assistant Attorney General from his accumulated experience in land acquisition.

In consultation over the drafting of the letter written pursuant to the Attorney General's instructions, a member of the staff in the Department insisted upon striking out the line that my testimony represented "personal views only" - with which I of course concurred, not wishing to see the great Department of Justice placed in such a weak position.

When I called for a carbon copy of the letter the next day for my files, I learned there had been a further delay as Mr. Fahy had written that line back into the letter and had to be again persuaded to take it out. This was most fortunate for the Attorney General, for the letter was weak enough as it was, and was strongly attacked by members of the Committee.

Mr. Clayton must have been quite disappointed when the Attorney General's letter failed to include these stricken words for Clayton's defense was based largely on them. He even sought to supply the missing line himself by saying that my testimony represented only my "personal views".

There was only one real issue for both the Attorney General and Clayton: Were the facts true?

The differences between the Attorney General and myself are nowhere better illustrated than in this surplus property issue, for while the Secretary of Agriculture, the Acting Secretary of the Interior and other high-ranking officials of the Government called to congratulate me upon the public service rendered in giving that testimony, and the press comment was most favorable showing a healthy public reaction, the Attorney General and the Solicitor General, Fahy, were featured only in the lobby sheets of the National Association of Real Estate Boards where the Attorney General's letter to Clayton was duly appreciated. I am sure Clayton felt that the Attorney General had let him down a little in not including the line regarding my testimony being my "personal views" only but he endeavored to supply this in his own testimony. The Senators then made it quite clear that I was summoned before them in my official capacity as Assistant Attorney General who had been in charge of the Lands Division for a number of years.

(b) While the Attorney General was making an inspection tour on the West Coast, a major reform had been accomplished by my recommendation to the Senate Military Affairs Committee which had asked my views as to certain features of the surplus property bill, and the bill for the first time in American history provided for the issuance of warranty deeds, thereby making possible a saving of millions of dollars of the taxpayers' money in the difference between the sale of warranted property

with warrantee of title and the sale of quitclaimed property. Buyers of realty from the Government would also save several millions of dollars as surplus realty is disposed of as the purchase of title evidence would in the issuance of warranties be unnecessary.

Upon learning of this provision in the first staff meeting following the Attorney General's return, without reading the Act, without knowing the reasons or inquiring into the reasons for it - in fact, he did not even know that this provision was the law until staff meeting, he instantly condemned it and so did his assistant, Jim McGranery, both "curbstoning"; the Attorney General reproached me for not consulting him before proposing it. Mr. Fahy, as Acting Attorney General, had gone into the matter and Assistant Solicitor General Cox had also, and my men in the Lands Division - the most familiar with the subject matter of any men in the Department of Justice, had gone into it carefully, and still he ventured to "curbstone" on the subject and summarily condemned the warranty deed provision without knowing anything about the subject.

III. CONCLUSION

The foregoing review of principal issues between Attorney General Biddle and myself are submitted to establish that our differences do not arise merely from "personal incompatibility" but from differences of viewpoint as to basic principles of integrity in the conduct of government business, and differences of opinion as to making available to Congressional committees material facts having a vital bearing upon legislative problems and the public welfare.

The Committee should not assume that all of our differences are reviewed in this memorandum. There are innumerable other instances of petty, personal animosity on the part of the Attorney General, which stem from his frustration in the foregoing major issues. These are not related here.

Of course I have been tempted to resign and leave an atmosphere deliberately made unpleasant at every possible opportunity. Certainly my own economic interests would have been better served by doing so, but where did my public duty lie? The answer seemed very clear. I had to remain - at least until I had completed my job in running the largest Division in the Department of Justice through the war period, conducting over 7,000 condemnation cases in acquiring sites for war purposes and about 2,000 other cases, and dispensing many millions of dollars to property owners throughout the country and the territories. Moreover, my estrangement from the Attorney General, while unpleasant, was actually beneficial to the public interest not only for reasons demonstrated in this memorandum, but because as a result of the issues between us, the Attorney General left me alone in basic matters of administration in my Division which is widely recognized as one of the most efficient in the Department of Justice.

My motives throughout have been and are very simple. We are at war to preserve democratic government. Our men are not dying to preserve poor government but to preserve good government - faithful to the public interest, conducted for the benefit of all of the people. As one too old to be at the front, my humble offering in this time of war is to fight for good government at home in all those matters which cross my desk. I would happily risk my life in doing so and, therefore, it must be apparent how entirely trivial is the risk of being "fired" as threatened by the Attorney General. What happens to me as an individual is of no possible consequence; basic principles of integrity and good government are at issue here. These principles must be of constant and enduring concern to every citizen but especially to those of us charged with public duties if the Republic is to endure.

Respectfully,

(s) NORMAN M. LITTELL

NORMAN M. LITTELL
Assistant Attorney General

August 21, 1944

MEMORANDUM FOR MR. CHARLES FAHY
ACTING ATTORNEY GENERAL

I have given considerable thought to your severe reprimand of Friday morning, the 18th, in regard to my testifying before the Truman Committee (Special Committee to Investigate the National Defense Program) on the 17th, concerning the disposal of surplus real property. It seems to me wholly unjustified, and I wish to say why.

The charge that I "deceived" you is unsupportable and most objectionable to me. I had no contact whatsoever with the Truman Committee up to the time when its counsel telephoned and asked me to appear to discuss disposal of surplus as I had done before the Manasco Committee on Public Buildings and Grounds, the record of which has since been well circulated. I advised that the matter must be taken up with you as Acting Attorney General. Thereafter, a telephone call from you advised that you had approved my appearing before the Committee.

While I had shown to you a memorandum regarding the repurchase rights of prior owners, intended for the Manasco Committee on Expenditures in Executive Departments which was then considering H. R. 5125, and for delivery to the Senate Military Affairs Committee then considering S. 2065, it never for one moment occurred to me that you might be confused as to the different functions of these committees and the "Truman Committee". This latter Committee is not a legislative committee but an investigational committee. It was reasonable to assume, and I did assume, that you not only understood this but had ascertained from counsel for the Committee the subject matter of the inquiry.

You pointed out that this is the "third time" that a similar incident had occurred when the Attorney General was out of town -

first, in the Elk Hills-Naval Petroleum Reserve matter; second, in the Breakers Hotel case, and now in the disposal of surplus, - that this "didn't just happen", and that it has now "happened once too often" as far as you are concerned, and that you "didn't care to consider the merits".

I have no regrets and no apologies whatsoever for any of these incidents. The public interest was served in every case. While I regret any personal embarrassment that you may have suffered as Acting Attorney General, I see no real grounds for your having suffered any. The results would have been the same whether the Attorney General had been in town or not, in my opinion, for you certainly must realize that I would be subject to a subpoena to testify before the Committee and would be in contempt should I refuse to answer, regardless of whose instructions I might be following in that refusal. It was very natural that the congressional committees of investigation in the three matters to which you refer should request the presence of one who would have the most testimonial knowledge of the subject matter. Having lived very close to land acquisition work for over five years, with the Lands Division doing the condemnation and title work for all agencies (with two exceptions), it was quite natural that the Manasco Committee first, and the Truman Committee now, should have called me to testify.

The President's letter and order of July 15, 1943, to which you referred in our conversation, to the various agencies of departments of Government in regard to not airing their differences of opinion until they had endeavored to reconcile them, expressly excepted furnishing information to congressional committees. The President's instructions could, under no circumstances, apply in the instant case.

In dealing with a man of the high-handed character of Mr. Clayton in a matter so profoundly affecting the public welfare throughout the United States, I considered it most fortunate that the Truman Committee happened to explore recent developments in the disposal of surplus property. Mr. Clayton had overruled not only his own Advisory Committee, but also the Secretary of the Interior, and the Secretary of Agriculture who was rudely cut off by Mr. Clayton with the statement that the matter was closed and the lands had been assigned. Quite apart from this, you must surely realize that the Congressional Committee had the power to investigate these matters at any stage. Except for yourself and the Attorney General, the feeling is quite unanimous throughout the Government that the inquiry was most timely

and fortunate and that the public interests were well served. Both the Secretary of Agriculture and the Acting Secretary of the Interior have called me to extend congratulations and thanks for the public service rendered in laying the facts before the Truman Committee.

All of this demonstrates that it is quite impossible to avoid considering the merits.

I am constrained to submit that the objections made in the past in regard to the above three matters have been on too highly personalized basis. It is quite enough to expend all of one's energies in the public service without being baited and harassed in my own Department of Government, upon which the handling of each of the above matters has reflected credit.

NORMAN M. LITTELL
Assistant Attorney General

3754

hms

PSF Justice F. Biddle for me
2-44

THE WHITE HOUSE

WASHINGTON

PERSONAL AND
[REDACTED]

December 1, 1944.

MEMORANDUM FOR

THE ATTORNEY GENERAL

**Will you speak to me
about this?**

F. D. R.

Memorandum for the President from Mrs. Roosevelt,
11/30/44, quoting portion of letter from
Esther Lape in re desire of "Curtis" for
the new judgeship in the Circuit Court of
Appeals recently created.

DECLASSIFIED

By Deputy Archivist of the U.S.

By W. J. Stewart Date 2-25-72

3834

hms

F. Middle Jordan
2-44

THE WHITE HOUSE
WASHINGTON

PSF
Justice

December 9, 1944.

~~PERSONAL~~

MEMORANDUM FOR

THE ATTORNEY GENERAL:

Please speak with Jimmy Byrnes about
the possibility of Walter Armstrong
to fill Littell's place. I will talk
to you about it when I get back.

F.D.R.

Returning memorandum which the Attorney General
sent to the President under date of 12/6/44,
a carbon of which has been retained for our
files.

December 6, 1944

MEMORANDUM FOR THE PRESIDENT

I think it would be highly advisable to fill Norman Littell's place immediately by someone whose name would be universally acceptable.

I have in mind Walter P. Armstrong, of Memphis, a former President of the American Bar Association who served on the Board of Legal Examiners, which was later known as the Committee on Legal Personnel. In that connection I saw a great deal of his work and believe that he would be a first rate administrator.

I am not at all sure that Mr. Armstrong could be persuaded to take the position - say for a year. He is an intimate friend of Senator McKellar and the offer of the appointment would please McKellar very much. I should, however, not like to approach Armstrong without the assurance of your approval.

The Littell case has quieted down. I do not propose now to make any statement; but may file a statement with the Mead Committee, which I shall not do without talking to Jimmy Byrnes first.

Respectfully yours,

Attorney General

WALTER P. ARMSTRONG

Lawyer. B. Pittsboro, Miss. Oct. 26, 1884; s. George Wells and May (Cruthirds) A.; student Webb School, Bell Buckle, Tenn. 1898-1901, U. of Miss. 1901-02; A.B. Yale U. 1906, LL. B. magna cum laude, 1908; Hon. LL. D. Boston University, 1942, Southwestern College, 1943; m. Irma Waddell, Nov. 12, 1912; 1 son, Walter Preston. Admitted to Tenn. bar 1908, and began practice at Memphis; city atty., Memphis, 1920-24; Special Asst. to Attorney General Of U. S. under Selective Service Act; member Federal Board of Legal Examiners; mem. Armstrong, McCadden, Allen, Braden & Goodman. Member general council American Bar Association, 1929-31, member House of Delegates since 1939, mem. exec. com. 1931-34, mem. budget com., 1931-34, chmn. same com. 1933-34; chmn. com. on jurisprudence and law reform, 1935-41, mem. bd. editors Am. Bar Assn. Jour. 1934-41 (ex-officio 1941-42), mem. council of legal edn. and admissions to the bar, 1939-41, pres. 1941-42; mem. Shelby County Bar Assn. (pres. 1932-33), Tenn. Bar Assn. (pres. 1936), Am. Law Inst. (mem. council), Acad. of Polit. and Social Science, Acad. Polit. Science, Assn. of Bar City of New York, Sigma Chi, Phi Delta Phi; honorary member Canadian Bar Association, Mem. Commrs. on Uniform State Laws of Tennessee. Independent Democrat. Methodist. Clubs: University, Memphis country (Memphis); Lotos (New York). Contbr. to law journs. Home: 1219 E. Parkway So. Office: Commerce Title Bldg. Memphis, Tenn.

3836

hms

F Biddle from
2-44

THE WHITE HOUSE
WASHINGTON

PSF
Justice

December 9, 1944.

MEMORANDUM FOR

THE ATTORNEY GENERAL:

Please speak to me about
this when I return. I am still
inclined toward Curtis Bok.

F.D.R.

Returning memorandum which the President
received from the Attorney General, 12/6/44,
a carbon of which has been retained for
our files.

December 6, 1944

MEMORANDUM FOR THE PRESIDENT

I return your memorandum about Curtis Bok with the extract from Miss Lape's letter to Mrs. Roosevelt.

There will presently be two vacancies on the U. S. Circuit Court for the Third Circuit, one is created by a new bill which has just been passed; the other by Charley Jones, who is now on the Court, being elected to the Supreme Court of Pennsylvania. Jones will presumably not take his seat until January.

This circuit is one of the best in the United States. Presently it consists of John Biggs, Albert Maris (who is also on the Price Court), Charley Jones, Herbert Goodrich (who was formerly Dean of the Pennsylvania Law School), and Gerald McLaughlin, who took Willie Clark's place. As it is my old court I am, of course, very much interested in keeping up its standards.

A few weeks ago I suggested to you Jim McGranery of Philadelphia, who was formerly one of the leaders of the Liberal bloc in Congress and is now Assistant to the Attorney General. Jim was always a very strong and loyal supporter of yours and I believe, if you suggested his name to Joe Guffey, he would not encounter opposition. He is not eligible to the vacancy created by the new bill, but would have to succeed Jones.

As to the other vacancy:

Curtis Bok is a very able Judge, now on the Common Pleas of Philadelphia. If he resigned to go to the Circuit Court, however, the

The President

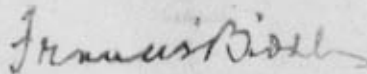
December 6, 1944

vacancy would be filled by a Republican.

David Stern is pushing Harry Kalodner, now a District Judge. I do not think that Kalodner is in the class with McGranery, Bok, or William H. Kirkpatrick.

Kirkpatrick, a Republican, is now on the District bench. His elevation to the Circuit should certainly be considered. He is a first rate man.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Francis Biddle".

Francis Biddle
Attorney General

file

~~SECRET~~

WAR DEPARTMENT
OFFICE OF THE UNDER SECRETARY
WASHINGTON, D. C.

F. Biddle Jordan
2-44

PSF
Justice

9 December 1944.

MEMORANDUM FOR THE PRESIDENT.

The attached copy of letter which I sent
to the Attorney General on November 7, 1944, has to do
with the Littell matter.

RPP

Robert P. Patterson
Under Secretary of War.

RPP:er

Enclosure

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 3-18-59

Signature- *Carl L. Spicer*

SECRET

~~SECRET~~

NOV 7 1944

The Honorable
The Attorney General,
Washington, D. C.

Dear Mr. Attorney General:

One of the most important industrial activities conducted by the War Department is the Hanford Engineer Works, located in eastern Washington. The project is of a highly secret nature, undertaken by the War Department at the direction of the President. While the nature of the work cannot be revealed, its importance is indicated by the fact that it has been accorded top priority for labor, materials, and all needed facilities, outranking all other programs.

One of the many problems presented by this difficult project is the acquisition of the real estate required. The War Department, for reasons connected with military security, has been most anxious that the condemnation proceedings be expedited and the funds distributed to the former owners, and also that there be no unnecessary publicity. The Department of Justice has been advised of this urgent necessity.

Although the declarations of taking on the majority of these parcels were filed during the summer of 1943, reports up to a short time ago show that only 514 final and 335 partial distributions have been made on the 1394 tracts taken. It is evident that there has been a great delay in carrying the proceedings forward and consequent complaints by those entitled to distribution, thus endangering the security of the project.

Mr. Littell, on several previous occasions, stated that the lack of progress must be attributed to faulty War Department appraisals. Our evaluation policies had received the prior approval of Mr. Bernard N. Ramsey, your special assistant in charge of the cases. The same group of appraisers appraised several other rural agricultural acquisitions in Oregon which proved highly successful. Since one-third of the ownerships acquired in fee and nearly 90% of the leased areas were acquired on the basis of the original appraisals, it does not seem reasonable to attribute the present situation to the appraisals.

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DOD DIR. 5200.9 (9/27/58)

Date- 3-18-59

Signature- Carl L. Spicer

~~SECRET~~

SECRET

However, to meet the desires of the Department of Justice, the appraisals were revised upward. Thereafter, when the situation nevertheless appeared to have reached an impasse, General Somervell arranged a meeting between Major General L. R. Groves and Colonel John J. O'Brien and Mr. Littell at Yakima last April. At this meeting the prior appraisals were considered and we agreed to and adopted all of Mr. Littell's recommendations as to revised appraisals and methods of procedure. To eliminate delays, our representatives acquiesced in Mr. Littell's suggestion that the top limit of settlements be increased and that the representatives on the ground be given necessary authority. A memorandum of understanding, in its final form drafted by Mr. Littell, was exchanged as a result of the April meeting to serve as a general guide or statement of policies. The memorandum acknowledged that there would be special problems for which the guide would be inadequate and it was stated that "such special problems should be the subject of further conferences and special consideration."

We hoped that the understanding reached at this meeting would result in accelerated progress in settling the cases and that any additional problems arising would be resolved through joint consultation. Our hope, however, was not realized.

On October 13, six months after the April meeting, Mr. Littell, without preliminary consultation with us, appeared in the United States District Court at Yakima and submitted a statement in which he reviewed the history of the acquisition, criticized the War Department's handling thereof, and stated that our appraisals were so far below the actual values that he could not continue to try the cases until he had re-examined the appraisals on each of the 721 cases remaining. In the statement he also attacked the juries for passion and prejudice and partisan political bias. This action was obviously incompatible with essential military security, the need for which had been carefully explained to him. His statement to the court has resulted in a considerable amount of undesirable publicity concerning a project which the President has personally directed should be blanketed with the utmost secrecy. In addition, the attempt to discredit the War Department's appraisal policies and acquisition methods has increased the public impression that the two departments are at odds on land purchases.

While Mr. Littell's action may now lead to settlements at increased prices, there seems no reason why this result could not have been accomplished expeditiously and without publicity during the last six months in conference with us. Last April

SECRET

~~SECRET~~

we had agreed to all the points submitted by the Department of Justice and we would have been more than willing to review the appraisals again at any time.

I am constrained to protest the methods and publicity resorted to by Mr. Littell as I believe the objective we had in mind of a prompt settlement of the cases could have been obtained through cooperation, instead of by a public airing of alleged differences between the Departments in contravention of expressed executive policy. In light of our agreement of last April, this would have been uncalled for in any case, but because of security considerations in the present instance is particularly unfortunate.

Yours sincerely,

(Signed) ROBERT P. PATTERSON

Robert P. Patterson
Under Secretary of War

Incl:

Memo of Agreement 4/24/44

~~SECRET~~

Miss Turner:

Will you place
in your personal &
conf. files please?

R B

O'Dwyer gen. w.m.,

THE WHITE HOUSE
WASHINGTON

December 17, 1944.

MEMORANDUM FOR
GENERAL WATSON:

Will you arrange an appointment for the Attorney General and Bill O'Dwyer to see me?

F.D.R.

*never arranged
filed 4-13-45*

Page 4.

THE WHITE HOUSE
WASHINGTON

21. ✓ Do you wish to have the appointment for the Attorney General and General O'Dwyer? You wanted to see them re Dubinsky and Liberal Party, and general situation in New York.
2. *rept* You sent up word you wished to see the Attorney General and General O'Dwyer, re N.Y. situation. Would you care to see them this week?

12-20-44



Office of the Attorney General
Washington, D.C. 25

December 11, 1944

Write Dec 12
Jan. 2
THE WHITE HOUSE

DEC 12 12 58 PM '44

RECEIVED

MEMORANDUM FOR THE PRESIDENT

*PST
Justice
Beddle*

I have your memorandum about David Dubinsky's letter, which I return. Samuel Shore and Alex Rose, both leaders of Dubinsky's Liberal Party, came to see me to suggest Alfange the other day.

I don't think Alfange would do. I feel very strongly, however, that the Liberal Party should have representation in the office. We must be careful to avoid a fight with Sidney Hillman's group and I think Alfange would be a red rag to the Labor Party.

I discussed the matter at length the other day with Bill O'Dwyer. He thinks that Tammany is pretty well washed up, with nothing left but a shell; that you, or someone representing you, should send for all the groups and tell them they ought to get together on patronage - that the only question was the question of the liberal approach in New York for the next few years.

Bob Wagner and Jim Mead are both pressing me to appoint McGohey, who was Jim McNally's assistant, and who is now Acting United States Attorney. McGohey is a good man without much imagination, and would be acceptable but not outstanding.

Ed Ennis, who used to be in the office and who is now with me, would be acceptable to both elements, I think.

We might also think of Epstein formerly Solicitor General of New York State who is talked about for Mayor or Governor.

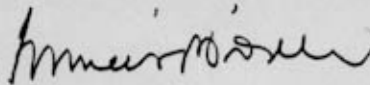
Memorandum for the President

December 11, 1944

When Woolsey resigned from the District Court in New York the place could not be filled under the terms of the Statute. Bob Wagner will introduce a bill creating a new Judge in the next session. This court is weak and I think we should put in a really first rate man.

I should like to discuss this with you on your return; and perhaps bring Bill O'Dwyer along, if you would like this.

Respectfully yours,



Francis Biddle
Attorney General



THE WIN

DEC 12 1

INTERNATIONAL REC

LADIES' GARMENT WORKERS' UNION

ILGWU BUILDING
1710 BROADWAY, NEW YORK 19, N.Y.

DAVID DUBINSKY,
President

November 25, 1944.

The President,
Franklin D. Roosevelt,
The White House,
Washington, D.C.

Dear Mr. President:

I am addressing this letter to you from New Orleans, where I am attending the annual convention of the American Federation of Labor, at the request of the leaders of the Liberal Party of New York.

The history of our young party, its contribution to the recent campaign, and its plans and hopes for the future are, doubtless, well-known to you, Mr. President. We want to consolidate the political means by which those great benefits with which you have endowed the plain people of America will be protected and enhanced.

This representative group of organized liberals and laborites, we believe, are entitled to consideration and encouragement that would enhance their standing and prestige. With this thought in mind, the leaders of our party have requested me to submit to you the name of Mr. Dean Alfange as their suggestion for the office of United States Attorney for the Southern District of New York, an assignment which I gladly and cheerfully perform.

Mr. Alfange is known to you, Mr. President. He was a Democratic candidate for Congress, with your support, in 1941, and our candidate for Governor in New York in 1942. His book on the Supreme Court of the United States received the Theodore Roosevelt Award. He is an outstanding liberal and an eminent jurist.

I sincerely hope, Mr. President, that you will consider this suggestion. I may add that I already spoke to Senator Wagner concerning it and I am confident of his support.

Very respectfully yours,

David Dubinsky



PSF Justice *J. Biddle folder 2-44*
THE WHITE HOUSE
DEC 22 4 15 PM '44
RECEIVED
PSF Justice

Office of the Attorney General
Washington, D.C. 25
December 22, 1944

MEMORANDUM FOR THE PRESIDENT

On August 31st, you wrote me that Ed Loughlin had recommended Edward J. Ennis for McNally's place as United States Attorney for New York, and on October 24th and 25th, you again suggested Ennis, saying you had heard well of him. I am returning your memoranda.

Ennis is really first rate. He is young, active, and was trained under John Cahill in the office. Since then he has worked for me. You will note Harold Ickes' enclosed memorandum to you in which he states "he is an excellent lawyer and a man of fine character. He is an intelligent liberal."

I called Learned Hand yesterday and he told me that he considered Ennis had unusual ability and complete integrity. I believe that the Liberal group would be pleased with his appointment. I know that the ALP had something to do with Loughlin's endorsement. I think he would be acceptable to LaGuardia. Ed Flynn raised an objection when he heard that Ennis was being considered on the ground that Ennis lived in East Orange. This is not the fact. His family used to live there, but for many years he has been living and voting in Manhattan.

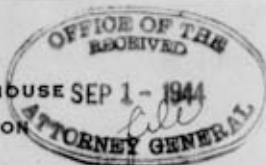
Bob Wagner has formally endorsed John F. McGohey, the present First Assistant. In my opinion McGohey does not compare to Ennis. Moreover, I am informed that he lives in Long Island, though he may have some technical residence in New York.

I should like to send Ennis' name to the next Congress as soon as possible after it convenes.

Respectfully yours,

Wm. J. Biddle
Attorney General

THE WHITE HOUSE SEP 1 - 1944
WASHINGTON



August 31, 1944

MEMORANDUM FOR

THE ATTORNEY GENERAL

Ed Loughlin today recommended Edward J. Ennis for McNally's place. He is not an organization Democrat, but they tell me he is young and active and has worked for you under John Cahill. You might talk to me about it some day.

F. D. R.

WASHINGTON
OCTOBER 25 1944
THE WHITE HOUSE
RECEIVED
OCT 25 1944

THE WHITE HOUSE
WASHINGTON

October 24, 1944.

MEMORANDUM FOR

THE ATTORNEY GENERAL:

Will you speak to me about
this?

F.D.R.



COPY

August 30, 1944

MEMORANDUM FOR THE PRESIDENT

I understand that Edward Loughlin, the New York Tammany Boss, has an appointment to see you tomorrow and that he will talk to you about the coming vacancy in the office of the United States Attorney in New York.

Jim McNally, the present United States Attorney - an excellent man - is to be nominated for one of the State Supreme Court vacancies. This is the result of pressure from the American Labor Party. Laughlin will probably suggest as McNally's successor, John F. X. McGohey, McNally's First Assistant. However, this has not been cleared with Ed Flynn who is at present in California or with the American Labor Party who may kick if they are not consulted.

I suggest therefore, that you listen to Loughlin but do not agree to his candidate until I have had an opportunity of discussing the appointment with you. It is, of course, a very important appointment and A.L.P. hold the balance of power in New York State.

Respectfully yours,

Francis B. Biddle

Attorney General

THE WHITE HOUSE

WASHINGTON OCT 26 1944

October 25, 1944

MEMORANDUM FOR

THE ATTORNEY GENERAL:

Several people have suggested to me the name of Edward Ennis for the U. S. Attorney vacancy in New York. I hear he is a very good man. Will you let me know what you think?

F.D.R.



THE SECRETARY OF THE INTERIOR
WASHINGTON

THE WHITE HOUSE
SEP 6 2 50 PM '44
RECEIVED
SEP - 6 1944

MEMORANDUM for the President.

I am told that the New York State Democratic organization has recommended Mr. Edward Ennis for appointment as United States Attorney for the Southern District of New York. Mr. Ennis has worked with officials of this Department on a number of war problems, including the martial law situation in Hawaii and the Japanese evacuation matters. He is an excellent lawyer and a man of fine character. He is an intelligent liberal.

Harold L. Ickes
Secretary of the Interior.

Edward J. Ennis, born December 4, 1907, age 36.

Family: Mother and Father, Mr. & Mrs. Patrick J. Ennis and brother, William M. Ennis, now residing at 122 Holland Road, South Orange, N.J., Irish, Roman Catholic.

Residence: 28 West 11th Street, Manhattan, 10th Assembly District, Registered Democrat, now living temporarily at 2121 Virginia Avenue, N.W., Washington, D.C. while in Washington with the Government.

Education: Columbia University Law School, LL.B. 1932; Seton Hall College, B.S., 1929.

Professional Experience:

1934-1937 - Assistant United States Attorney, Southern District of New York, appointed by United States Attorney Martin Conboy.

1937-1939 - Attorney in Office of Solicitors General Stanley Reed and Robert H. Jackson (now Associate Justices of the United States Supreme Court) engaged in arguing cases in the United States Supreme Court.

1939-July 1941 - Assistant United States Attorney for the Southern District of New York in charge of the Civil Division and Administrative Assistant under United States Attorney John T. Cahill.

July 1941 - December 1941 - General Counsel, Immigration & Naturalization Service of the Department of Justice in Washington, D.C., appointed by Attorney General Francis Biddle.

December 1941 to present time - Director of Alien Enemy Control and Administrator of Foreign Travel Control in the War Division of the Department of Justice in charge of internment, parole, repatriation and other control of alien enemies and other internal security procedures.

1942-1944 - Special Assistant to the Attorney General representing the War Department and the Commanding Generals in the conduct of litigation in Hawaii and on the West Coast involving the constitutionality of martial law in Hawaii and the evacuation of the Japanese from the West Coast.

May 1944-July 1944 - Acting Head of War Division, Department of Justice, Washington, D.C.

Other activities and associations:

1941-1943 - Professor of Constitutional Law, Catholic University, Washington, D.C.

Member of American Society of International Law; American Academy of Political and Social Science; American Council for Democracy.

THE WHITE HOUSE
WASHINGTON

October 25, 1944.

MEMORANDUM FOR

THE ATTORNEY GENERAL:

Several people have suggested to me the name of Edward Egan for the U. S. Attorney vacancy in New York. I hear he is a very good man. Will you let me know what you think?

F.D.R.

11 October 1944

Dear Mr. President,

If I had not served my "time" under your tutelage, I would begin by saying that I hated to bother you about such a matter in "times like these"...and then go right on. But I know people will nonetheless bother you about the wrong kind of appointments, so I will just go ahead, saying I really do hate to do it, but...!

In politics as everywhere else the incredible occasionally happens. If my "hot dope" is right, the incredible has happened with reference to the U.S. Attorney vacancy in New York (McNally is going on the bench), but the "usual" is about to foul up the incredible. In brief Tammany has endorsed a candidate that is just right down your alley. I don't pretend to know why Tammany did..it still has my mouth open...but he is a "natural" for the job. He should please the judges, the New Dealers, certainly the Attorney General, and above all the lawyers. Seemingly he pleases the politicians. He is ace-high with Sidney Hillman who once endorsed him for Wage-Hour Administrator. I should know..I checked him for you but he didn't have any interest in the job.

This paragon, this Daniel come to judgement (he really is, as a matter of fact) is Edward Ennis, now in the Department of Justice. He is a graduate of Catholic Schools and of your old Law School, Columbia. He was good enough to be selected as Judge Manton's secretary, and like others of Manton's secretaries, picked up none of his boss's foibles. He then went into the U.S. Attorney's office and spent many years there, ending up as Administrative Assistant. His appointment would be a "Knockout" in terms of the morale of the office. He spent some time in the Solicitor General's office, arguing Supreme Court cases, was General Counsel of the Immigration and Naturalization Office. Since the war he has been Director of Alien Enemy Control, doing the job on Japs, Germans, etc.

He is a Catholic and an Irishman, but above all, he is a top-notch lawyer, a cut above the gentlemen who have held down the office the past few years, and that is not idle praise because they have been good. Most important of all, it would stop a fight between the Department of Justice and the politicians (I assume those still go on, even though I have left; hope so, anyway). I don't know what the A.G.'s point of view is. I assume he has been knocking down the door to General Watson's office trying to get you to go along with Tammany. If he hasn't, he's just so used to fighting Tammany, like us good liberals do, that he hasn't stopped to see what he is fighting about.

This is the first time in a year and a half I have tried to "sell you" a bill of goods. It is really worth it. It is probably a violation of the constitution for lowly Lt. (jg) to write the Commander-in-Chief about political appointments but I'll have to take that chance.

The war still goes well and should go better shortly out here. This is the inside word in case you're not getting it from Jim Forrestal.

Good luck in your coming date with the Man in the Blue Serge Suit. I am so far away I can't get a good picture of what is going on. The "Fala" defense plea made a great hit out here. I rather wish Thomas E. Dewey were a more colorful character so he would get the people all excited because if they get excited they vote and if they vote they vote for you.

I devoutly hope that you are the man to make the peace. This stems as much from my distrust in the Prosecutor as it does in my devotion to you. I should think Stalin and the Prime Minister would gobble him in two bites.

Respectfully,

Jim Rowl

F. Biddle folder

2-44

THE WHITE HOUSE
WASHINGTON

December 26, 1944.

MEMORANDUM FOR
THE ATTORNEY GENERAL:
FOR YOUR INFORMATION.
F.D.R.

David Brady was born in Durham, North Carolina, on July 16, 1897. In spite of his Irish name he is a Jew.

He received his A.B. degree from Trinity College (now Duke University) in June, 1917.

He was graduated from Columbia University Law School in June of 1921 and during the period 1920-21 he served on the Board of Editors of the Columbia Law Review.

He was admitted to the Bar of the State of New York and the Federal Courts in November of 1921 and is now a member in good standing of the American Bar Association, New York State Bar Association, New York County Lawyers Association and the Bar Association of the City of New York.

During the period of 1921-32 Brady served first as a law clerk in the office of Lamar Hardy, then as an associate to Martin W. Littleton and Lamar Hardy and finally as a member of the firm of Hardy & Hardy.

During the period 1932-38 Brady practiced alone under his own name.

In 1938 he became the active head of the firm of Simpson, Brady, Noonan and Kaufman, of which firm he is still a member.

In 1942 he was commissioned a Major, AUS, Chief of the Occupational Division in the New York City Headquarters of Selective Service. In this capacity he served as the right hand man of Colonel Arthur V. McDermott, the head of the Selective Service Organization in New York City, and in November, 1943 he was advanced to the rank of Lieutenant Colonel and made the executive officer of the New York City office of Selective Service.

Brady has an unusual personality, combining the charm acquired from his southern background with a dynamic drive for getting things done. Both in the practice of law and in the administration of his present duties he has earned a reputation for outstanding fairness in his dealings with people and he is universally liked by members of the Bar as well as by members of the Judiciary.

207
DO NOT pass
along

Five man for fed attorney Ro. Don't my
This can now go to a few - The office
has been held under you by 3 Catholics
and 1 Protestant

David Brady was born in Durham, North Carolina, on July 16, 1897. In spite of his Irish name he is a Jew.

He received his A.B. degree from Trinity College (now Duke University) in June, 1917.

In World War I he served as Seaman 2/c in the United States Naval Reserve.

He was graduated from Columbia University Law School in June of 1921 and during the period 1920-21 he served on the Board of Editors of the Columbia Law Review.

He was admitted to the Bar of the State of New York and the Federal Courts in November of 1921 and is now a member in good standing of the American Bar Association, New York State Bar Association, New York County Lawyers Association and the Bar Association of the City of New York.

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Boe

12/18/4

3948

F. Biddle folder

2-45

THE WHITE HOUSE
WASHINGTON

*PSF
Justice*

January 1, 1945.

MEMORANDUM FOR
THE ATTORNEY GENERAL

I think this is O.K.

Will you clear him in the usual
way and send the nomination to
me?

F. D. R.

Transmitting memorandum which the President
received from the Attorney General on 12/26/44,
the carbon of which has been retained for our
files.

December 26, 1944

MEMORANDUM FOR THE PRESIDENT

On December 6, I sent you a memorandum suggesting that you appoint Walter Armstrong, of Memphis, a former President of the American Bar Association, to take Norman Littell's place, and you returned it to me with the suggestion that I speak to Jimmy Byrnes and that you talk about it when you return.

I have talked to Jimmy Byrnes and he thinks Armstrong would be first rate.

I think it would be a healthy thing to send up the name as soon as Congress convenes. Of course, Armstrong may not be willing to take it.

I return you your memorandum.

Respectfully yours,

Francis Biddle
Attorney General

PSF Justice Biddle folder 2-44

THE WHITE HOUSE
WASHINGTON

January 4, 1945.

MEMORANDUM FOR THE PRESIDENT:

Littell is demanding of the Attorney General the formal removal of office order signed by you. It is attached with this file. Do you wish to sign it for him?

G.G.T.

Formal ~~removal~~ sent to
Mr. Carusi in the
Attorney General's office
1/5/45
2094.

THE WHITE HOUSE
WASHINGTON

November 29, 1944.

Honorable Norman M. Littell
Assistant Attorney General
Washington, D. C.

Sir:

You are hereby removed from the office of Assistant Attorney
General of the United States.

FRANKLIN D. ROOSEVELT

Through the Attorney General.

10W12
935
nov 30
BW

TELEGRAM

OFFICIAL BUSINESS—GOVERNMENT RATES

DUPE AND CORRECTED COPY

HON NORMAN M LITTELL
DEPARTMENT OF JUSTICE
WASHINGTON D C

FROM

The White House
Washington

Nov. 29, 1944.

I REGRET TO HEAR THAT YOU HAVE DECLINED TO RESIGN AS REQUESTED BY YOUR
SUPERIOR OFFICER, THE ATTORNEY GENERAL OF THE UNITED STATES. UNDER THE
CIRCUMSTANCES I AM COMPELLED TO REMOVE YOU AS ASSISTANT ATTORNEY GENERAL.
PERSONALLY, I AM SORRY TO HAVE TO DO THIS IN VIEW OF YOUR LONG SERVICE
TO THE GOVERNMENT.

FRANKLIN D ROOSEVELT.

November 26, 1944.

MEMORANDUM FOR

THE ATTORNEY GENERAL

I am distressed that this matter of Norman Littell seems to have got into an impasse. Many wholly extraneous matters seem to have come into it.

I do not intend to go into them, and I am told that Littell would have been wholly willing to resign if given a little time. Also, I think he is hurt because you said something to him about not having any confidence in his integrity.

Frankly, I think the matter is one of incompatibility between you and him. It would be a pity to have Congressional investigations, reports, etc., as this is primarily an executive matter.

I am sure that Norman knows that the head of a Department has always been sustained by whoever was President, and if you can make Norman understand that you are doing nothing to hurt his future but that you, as Attorney General, have a perfect right to make recommendations in regard to the Assistant Attorney General under you, he will realize this cannot in common sense be made a cause célèbre by any Committee in the Congress. As Chief Executive I have, of course, an absolute right to act as such.

I hope for Norman's own career and his future that he will leave your office without any fuss. You can tell him that I would be glad to put him back in some other Government work as soon as there is an available opportunity.

I am sending a copy of this to Norman.

F. D. R.

November 25, 1944

The Honorable Francis Biddle
The Attorney General
Washington, D. C.

Dear Mr. Attorney General:

On Saturday, November 18, when you requested my resignation and asked for an immediate decision, I advised you that I would have to think the matter over and would let you know as soon as I had made up my mind. You gave me until Wednesday, November 22, to let you know, subject however to an extension of time if that were necessary, but on that day you demanded an immediate answer, the alternative being that you would call the President and have me "fired".

I again advised you that while you would have to pursue whatever course you saw fit, I would give you my answer only when I had reached a conclusion and had made a written statement of it. Since then the situation has changed somewhat.

I have been officially notified by the Head Committee to the effect that you have been asked to provide a statement of your reasons for requesting my resignation and I, on the other hand, have been requested to submit a statement in regard to the issues between us.

In these circumstances it seems desirable to defer making a decision in respect to your request for my resignation at this time.

Sincerely yours,

NORMAN M. LITTELL
Assistant Attorney General



Office of the Attorney General
Washington, D.C.

November 21, 1944

My dear Mr. President:

You will remember that after Cabinet last week I told you it was necessary to get rid of Norman Littell, the head of the Lands Division. He has been a constant trouble maker, particularly with other Departments and is thoroughly disloyal to me. I suggested to him on Saturday that he would have to resign. He is to make up his mind and let me know on Wednesday.

I think he is going to play up a case of "suppression" on the Hill and in some of the papers. He has, however, no political backing or strength; and he will collapse when he knows you are backing me.

I should appreciate, therefore, if you would be good enough to sign the enclosed removal, which I shall use only in case of necessity.

Respectfully yours,

Francis Biddle

Francis Biddle
Attorney General

The President
The White House

DECLASSIFIED
By Authority of Justice
Dept letter of 12-13-61
By RAH Date 2-25-72



Office of the Attorney General

Washington, D.C. 25

November 15, 1944

DECLASSIFIED

By Authority of Dept of

Justice letter 12-13-61

By WPK Date 2-25-70

file

MEMORANDUM FOR THE PRESIDENT

A few weeks before the election I told you that I thought I could not go on very much longer with Norman Littell, the Assistant Attorney General in charge of the Lands Division of this Department, as he has created trouble with other Departments constantly - with the Navy by suggesting that the proposed oil leases were like the Teapot Dome scandal; with the Army on two or three occasions, and most recently with Bob Patterson as shown by his attached letter. He is disloyal to me personally and has been neglecting his work. You agreed that he should go but asked me to wait until after election.

Presently I shall ask him to resign, but before doing so I should like to have your backing - that is that you will fire him (he is a Presidential appointment) if he won't resign. He has no political backing.

Respectfully yours,

Francis Biddle
Attorney General

Encl.

WAR DEPARTMENT

OFFICE OF THE UNDER SECRETARY

Washington, D.C.

November 7, 1944

The Honorable

The Attorney General,
Washington, D. C.

Dear Mr. Attorney General:

One of the most important industrial activities conducted by the War Department is the Hanford Engineer Works, located in eastern Washington. The project is of a highly secret nature, undertaken by the War Department at the direction of the President. While the nature of the work cannot be revealed, its importance is indicated by the fact that it has been accorded top priority for labor, materials, and all needed facilities, outranking all other programs.

One of the many problems presented by this difficult project is the acquisition of the real estate required. The War Department, for reasons connected with military security, has been most anxious that the condemnation proceedings be expedited and the funds distributed to the former owners, and also that there be no unnecessary publicity. The Department of Justice has been advised of this urgent necessity.

Although the declarations of taking on the majority of these parcels were filed during the summer of 1943, reports up to a short time ago show that only 514 final and 335 partial distributions have been made on the 1394 tracts taken. It is evident that there has been a great delay in carrying the proceedings forward and consequent complaints by those entitled to distribution, thus endangering the security of the project.

Mr. Littell, on several previous occasions, stated that the lack of progress must be attributed to faulty War Department appraisals. Our evaluation policies had received the prior approval of Mr. Bernard N. Ramsey, your special assistant in charge of the cases. The same group of appraisers appraised several other rural agricultural acquisitions in Oregon which proved highly successful. Since one-third of the ownerships acquired in fee and nearly 90% of the leased areas were acquired on the basis of the original appraisals, it does not seem reasonable to attribute the present situation to the appraisals.

Franklin D. Roosevelt Library

DECLASSIFIED

DDO DIR. 5200.9 (9/27/88)

Date- 2-25-72

Signature- R. H. H. S.

However, to meet the desires of the Department of Justice, the appraisals were revised upward. Thereafter, when the situation nevertheless appeared to have reached an impasse, General Somervell arranged a meeting between Major General L. R. Groves and Colonel John J. O'Brien and Mr. Littell at Yakima last April. At this meeting the prior appraisals were considered and we agreed to and adopted all of Mr. Littell's recommendations as to revised appraisals and methods of procedure. To eliminate delays, our representatives acquiesced in Mr. Littell's suggestion that the top limit of settlements be increased and that the representatives on the ground be given necessary authority. A memorandum of understanding, in its final form drafted by Mr. Littell, was exchanged as a result of the April meeting to serve as a general guide or statement of policies. The memorandum acknowledged that there would be special problems for which the guide would be inadequate and it was stated that "such special problems should be the subject of further conferences and special consideration."

We hoped that the understanding reached at this meeting would result in accelerated progress in settling the cases and that any additional problems arising would be resolved through joint consultation. Our hope, however, was not realized.

On October 13, six months after the April meeting, Mr. Littell, without preliminary consultation with us, appeared in the United States District Court at Yakima and submitted a statement in which he reviewed the history of the acquisition, criticized the War Department's handling thereof, and stated that our appraisals were so far below the actual values that he could not continue to try the cases until he had re-examined the appraisals on each of the 721 cases remaining. In the statement he also attacked the juries for passion and prejudice and partisan political bias. This action was obviously incompatible with essential military security, the need for which had been carefully explained to him. His statement to the court has resulted in a considerable amount of undesirable publicity concerning a project which the President has personally directed should be blanketed with the utmost secrecy. In addition, the attempt to discredit the War Department's appraisal policies and acquisition methods has increased the public impression that the two departments are at odds on land purchases.

While Mr. Littell's action may now lead to settlements at increased prices, there seems no reason why this result could not have been accomplished expeditiously and without publicity during the last six months in conference with us. Last April

John D. Roosevelt Library

CLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2-25-72

Signature- R.H.P.

[REDACTED]

we had agreed to all the points submitted by the Department of Justice and we would have been more than willing to review the appraisals again at any time.

I am constrained to protest the methods and publicity resorted to by Mr. Littell as I believe the objective we had in mind of a prompt settlement of the cases could have been obtained through cooperation, instead of by a public airing of alleged differences between the Departments in contravention of expressed executive policy. In light of our agreement of last April, this would have been uncalled for in any case, but because of security considerations in the present instance is particularly unfortunate.

Yours sincerely,

S/ Robert P. Patterson
Under Secretary of War

Incl:
Memo of Agreement 4-24-44

Franklin D. Roosevelt Library
DECLASSIFIED
DOD DIR. 5200.9 (9/27/58)

Date- 2-25-72

Signature- [Signature]

[REDACTED]

THE WHITE HOUSE
WASHINGTON

January 5, 1945.

MEMORANDUM FOR THE ATTORNEY GENERAL:

I have received the following
from a good friend of mine:

"A man you could safely pick
for Federal District Attorney in
Brooklyn is Frank Parker, who has been
in that office for at least ten years.
He is a good, clean, able young man
and could do that job very well.
Although he may not be the Kelly's
first or second choice, he would not
in any sense be persona non grata to
Kelly."

This for your information.

F.D.R.

January 3, 1945.

MEMORANDUM FOR THE PRESIDENT

This is free information --

A man you could safely pick for Federal District Attorney in Brooklyn is Frank Parker, who has been in that office for at least ten years. He is a good, clean, able young man and could do that job very well. Although he may not be the great Kelly's first or second choice, he would not in any sense be persona non grata to Kelly --> since Kelly wouldn't know what that meant anyway!

— PSF-Justice F. Biddle order 2-45-

THE WHITE HOUSE

WASHINGTON

WASHINGTON

PSF
Justice

For the President
to take up with the
Attorney General after
Cabinet meeting today.
1-5-45(?)

WASHINGTON
THE WHITE HOUSE

Cabins

THE WHITE HOUSE
WASHINGTON

December 20, 1944.

MEMORANDUM FOR THE PRESIDENT:

This is a reminder to speak to the Attorney General who in turn will speak to Mike Ross about not holding hearings on the Capital Transit Company.

Dave Niles spoke to you about this yesterday but Dave says the Attorney General should not mention it to Mike Ross that you have taken it up with him. In other words, the A.G. according to Dave, should just tell him he thinks it is best not to hold any hearings now and not to put it on you.

G.G.T.

THE WHITE HOUSE
WASHINGTON

December 21, 1944

MEMORANDUM FOR THE PRESIDENT.

I hope that at cabinet meeting you will talk with the Attorney General about the appointment of McGohey as United States Attorney for the Southern District of New York. He wants to talk with you before sending it over, on the question of representation of the American Labor Party and the Liberal Party in that United States Attorney's office.

Everyone seems agreed on McGohey, and I think it could be taken care of by the Attorney General stating to McGohey that places will have to be reserved for the two labor groups.

When Ed Flynn called me last about this, he said that the delay is causing a great deal of pressure from other candidates.

Am

S. I. R.

THE WHITE HOUSE
WASHINGTON

Hold

January 19, 1945.

MEMORANDUM FOR THE PRESIDENT:

T.G.C. says that a judge in Utah is about to die. It has been rumored that Senator Abe Murdock is going to ask for that judgeship. It is suggested that the Attorney General make a trade with the Senator, if he is to get the judgeship, that he, Murdock, tell the Governor that you want to appoint say Bob Hinckley to that vacancy in the Senate. Otherwise, T.G.C. thinks that one of our Senators should not leave the Senate until you are sure who is to replace him.

G.G.T.

*PSF Justice**F. Biddle folder
2-45*THE WHITE HOUSE
WASHINGTON

January 22, 1945.

*PSF**Justice*~~HIGHLY CONFIDENTIAL~~

MEMORANDUM FOR

THE ATTORNEY GENERAL:

If you have any urgent messages which you wish to get to me, I suggest you send them through the White House Map Room. However, only absolutely urgent messages should be sent via the Map Room. May I ask that you make them as brief as possible in order not to tie up communications. If you have very lengthy messages the Map Room officer will have to exercise his discretion as to whether it is physically possible to send them by radio or whether they will have to be sent by pouch.

F.D.R.

(Identical memos sent to all Cabinet Members & memo, 1/19/45, from Adm. Brown re this is filed - Adm. Brown folder, 2-45)

PSF Justice

F. Biadie folder

2-45-

THE WHITE HOUSE
WASHINGTON

PSF Justice

file

March 10, 1945.

MEMORANDUM FOR THE PRESIDENT:

This is a reminder to see
the Attorney General as soon as
possible to discuss the Harry Bridges
case with him.

G.G.T.

PSF Justice

*F. Biddle folder
2-45*

THE WHITE HOUSE
WASHINGTON

*PSF
Justice*

PRIVATE

March 20, 1945.

filed
MEMORANDUM FOR

THE ATTORNEY GENERAL

I understand that there are only a few weeks left for arguments before this term of the Supreme Court and that the briefs, etc., and arguments have all been parceled out to members of the Solicitor General's staff.

I hear a rumor that Dean Acheson feels he ought to go back sometime soon to his firm, as Ned Burling and George Rublee are past seventy-five years old.

What would you think of Dean for Solicitor General? He would have the definite liking of the Court.

F. D. R.

*(copy of this memo filed with FDR ltr. to Justice
Frankfurter, 3/20/45 - Supreme Court folder, 4-45)*



file

Justice *[Biddle]* folder 2-45
THE WHITE HOUSE
APR 11 10 55 AM '45
RECEIVED

Office of the Attorney General
Washington, D.C. 25

April 10, 1945

The President
The White House

My dear Mr. President:

On April 4th, you sent me a memorandum to look up and speak to you about Nicholas M. Schenck's letter to you of April second, concerning his brother Joe, which I am returning.

Joseph Schenck was convicted in the U. S. District Court for the Southern District of New York for violation of the income tax laws and was sentenced to imprisonment for three years and to pay a fine of \$20,000. During the income tax proceedings he made false answers under oath to inquiries about the notorious Willie Bioff and George E. Browne, part of the ring which was engaged in the extortion of large sums of money from high ranking executives of the moving picture world.

After his conviction, Schenck told the United States Attorney's Office the story about the extortion racket. Browne and Bioff were indicted, and the men, whose names Schenck had given, were used as witnesses against them. Schenck did not testify.

After the trial Schenck pleaded guilty to a charge of perjury and was sentenced, on May 2, 1942, to imprisonment for a year and a day. Execution of the sentence on the income tax fraud was suspended and Schenck was placed on probation for three years, which will expire on May 1st of this year. He was released from the Federal Correctional Institution at Danbury on September 7, 1942, and discharged from parole on May 6, 1943.

The President

April 10, 1945

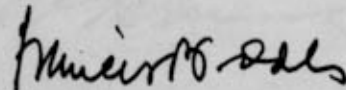
I do not think that the circumstances warrant an exception to the rule which provides that an application for pardon for the purpose of restoring civil rights will not be considered until the applicant has been discharged from parole or probation not less than four years. Schenck was discharged from parole about two years ago but has not yet been discharged from probation.

There was no question of Schenck's guilt.

Assistant United States Attorney Kostelanetz, who had charge of the prosecution, stated that Schenck's disclosure of the names of prospective witnesses had been responsible for the success of the prosecutions. After Bioff and Browne had been convicted they testified for the Government against a group of Chicago racketeers, subsequently convicted; and, as a result of their testifying, Judge Knox of the U. S. District Court of New York modified their sentence (he had kept the term open presumably for this purpose) and they were recently released.

I recommend against any pardon at this time.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "Tom C. Clegg", written in a cursive style.

Attorney General

NICHOLAS M. SCHENCK
1540 BROADWAY
NEW YORK

THE WHITE HOUSE
APR 3 8 28 AM '45
RECEIVED

April
2nd
1945.

Dear President Roosevelt:

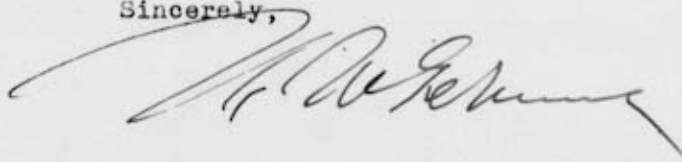
At your very kind suggestion, may I presume to remind you of a matter of vital interest to me, concerning my brother, Joe.

I have been most reluctant to write you of this, through a long period of time, when I have been so aware of the burden of stress and pressure of affairs to which you have given so much of yourself.

I need not tell you how important to my happiness is this matter, and I know you will bear with me, as I express the hope that you will take care of it real soon.

My deepest thanks and every good wish.

Sincerely,



President Franklin D. Roosevelt
The White House
Washington, D.C.