● PSF Samuel I. Rosenman Subject File Box 1611

[1933]

444 CENTRAL PARK WEST
NEW YORK

PSF: Roosevelt

Monday

Dear Governor —

Your fine letter touched me most deeply. Coming, as it did, at a time when you were beset with the most distressing of problems, when demands on your time and attention must have been almost beyond endurance, it was an expression of understanding friendship which will be cherished by me in the years to come.

It made me feel quite homesick last week to be away from you while you were formulating and pushing through

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NEW YORK

a legislative program. There are memories - countless and priceless - of other days in Albany when I could sit by and see you do it. The same skill and courage and action which I could watch then from across the desk, I can still see from miles away.

"Boss" you are doing a swell job - and the whole world says so.

It was very much like you to mention what I did in the campaign. It was little enough. Often I feel regret that

444 CENTRAL PARK WEST
NEW YORK

I had gone on the bench, because it was taking so much time that could have been devoted to the cause. The regret in part still lingers, because it has separated me from you. However, that is past — and one thing which I have learned from you is not to worry about what has been decided upon and is beyond recall.

You know, I hope, that you can always call on me for any service which I can render at any time. This is not patriotism - it is just the selfish joy that there is in working with you.

444 CENTRAL PARK WEST
NEW YORK

It was really grand to see
you yesterday and to
learn just how that you
had not changed a bit.

Devotedly
Sam.

PSF: Rosenman

Gen - R - Dinners 2-31

April 25, 1936.

Dear Sam:-

Thank you very much for your awfully nice letter about Louis. I feel, however, that it was a release for which he was undoubtedly grateful. He had had a long siege with no real hope of a recovery. I feel, too, that he died at a time when there was a decided upswing in the sentiment toward the Administration and that, of course, would make him happy.

I do hope you are taking care of yourself. I do not like the idea of the attacks recurring but I suppose the Doctors are doing everything they can to help.

I shall only be in New York from the time of the dinner until ten o'clock Sunday morning, when I leave for Hyde Park.

I hope you and Dorothy will come down for a trip on the "Potomac" before you go away for the summer, if you feel up to it.

As ever yours,

Honorable Samuel I. Rosenman,
444 Central Park West,
New York City,
New York.

NTRAL PARK WEST
NEW YORK

Monday

Dear Missy

Altho' I am sure that the Boss must be deluged with letters about Louis, I wish you would give him this word from me.

I really feel that I should like to come down for the services if I felt any better than I do. I am home to-day with that same old ear trouble, and a little "groggy". Otherwise I should want to pay respect to Louis by being there.

With best wishes

Cordially

Sam.

PSF: Roosevelt

ENTRAL PARK WEST,
NEW YORK

Press
to prepare a
reply

Monday.

Dear Mr. President

Now that the seemingly unconquerable spirit of Louis Lee has succumbed, I wish you to have this word of sympathy from me who understands what his passing really means to you.

The newspapers refer to Louis as your "old secretary and adviser". I know, as not many others do, that he has been much more than that to you. His great devotion was not so much to your cause as to you yourself. In the field of politics, where friendships so often and so quickly dissolve under the heat of selfishness, his constant attachment to you during a quarter of a century has been the topic of wide-spread comment and admiration.

ENTRAL PARK WEST
NEW YORK

I know also the warmth of close
friendship which you have felt for
Louis for so many years, and how
keenly you must feel this impending
deprivation from one whom you so trusted
and cherished. It is comforting to know
that he lived to see the fulfillment of the
wish which so completely dominated his
life and every thought. Only those of us
who have been privileged to watch Louis at
work during the years before November 1
1932 can understand and appreciate
the great satisfaction which came to him
in the culmination of his life's work.
Seldom has a lifetime of effort been so
completely successful.

I feel a deep sympathy for you in
this loss. I hope that all the important
things you have to do will help soon to
heal the pain in memories.

Affectionately yours
Irma.

PSF
Rosenman
Gen. R. Davis 2-36

May 20, 1936.

Dear Sam:-

I thought that you and Ben Grey were at least foster-brothers! His ideas about campaign material seem even vaguer to me than they did to you. Privately and confidentially I would put it into the hindmost cell of your brain and let it stay there.

As ever yours,

Honorable Samuel I. Rosenman,
444 Central Park West,
New York City,
New York.

444 CENTRAL PARK WEST
NEW YORK

Saturday

Dear Mr. President—

Ben Grey spoke with me yesterday, and stated that he had been down to see you, and that he had had a long talk with you about some campaign plans. He said that it was your wish that we work together with a small group whose personnel he had taken up with you, on campaign material in somewhat similar fashion to 1932.

It was somewhat vague as to details. I, of course, did not want to do anything about it unless I heard reliably that he was accurately reporting your views, and it is for that reason that I am writing you. If you wish us to do anything, I should be glad to fly down there anytime and get your instructions as to the work to be done and the people to do it. I would feel much more confident that your wishes were being

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NEW YORK

carried out if I could learn from you exactly what they are.

Ben Grey has spoken to me several times about various things in Washington. He seems to be well-informed, and a keen observer. He talks and writes interestingly; and he appears to be able to think straight and formulate more or less original ideas.

Outside of that I do not know anything at all about him and his past — either good or bad. I was first introduced to him by you at the White House, last New Years Eve. He seems to represent a few interests in Washington as a public relations counsel; and he tells me that he has disclosed to you such clients as he has who are interested in Federal matters. I do not know whether you have investigated him or not. I am just a little apprehensive, as a result of what he tells me of your last conference

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NEW YORK

with him, that he may have given you some impression that he and I were old friends and that I could vouch for him on the basis of a long acquaintanceship. I really do believe that he could be very useful during a campaign, especially in co-operation with some other people, if you have checked him up and are satisfied with him in other respects. Beyond that, I cannot go.

I should be glad to work with him if you wish, and to come down any time you say, to get a clear picture of what you want to be done.

With all best wishes.

Cordially

Samuel I. Rosenman

PSF: Rosenman

file
Ben Cohen

Gen - P - Democratic - 1936

Hyde Park, N. Y.,
May 23, 1936.

Dear Sammy:-

Thank you ever so much for that most interesting letter in regard to the political situation. I quite agree with you.

I want to see you soon. Why don't you and Dorothy come down to Washington on Friday, May twenty-ninth, and spend the weekend on the POTOMAC with me? It will be peaceful and we shall have a real chance to talk.

I am sorry that you are still having those attacks and hope to goodness they will soon be over.

My love to the family,

As ever yours,

Honorable Samuel I. Rosenman,
444 Central Park West,
New York City,
New York.

444 CENTRAL PARK WEST
NEW YORK

Dear Missy -

I got a very mysterious phone message the other day from a gentleman who said he wished to come down to deliver for you a very confidential message to me from the President. I was all excited. An appointment was made. The confidential message turned out to be the bust of the Boss which you were kind enough to send me. Thanks a lot. It is really very good, and looks fine on my desk. I hope he looks as well as the bust shows him to be.

Do you remember Ben Grey whom I met down there when I was last down. It was the first time I had met him; but since then he has come to talk to me about various things. He now tells me that he has a commission from the Boss that he and I get a group together for the campaign as I did in 1932. Of course, I know nothing at all about him or his past. I think he is very nice and pleasant to work with. I do not

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NEW YORK

know whether the President was serious or not, or indeed whether he was being accurately quoted. Accordingly I have written him a letter which I wish you would read and deliver to him for me. Many thanks - and I should also like to get your views as to what you think of Mr. Grey. He was first brought into the picture, I suppose you know, by Mrs. Edward Roosevelt. She may have learned something about him. I don't want to give the impression that I am in any way suspicious of him. But on the other hand, I do want to make it clear that I cannot vouch for him.

Hope you are well and happy.

Regards

Cordially

Sam.

PSF: Rosenman [1936]

Supreme Court
of the
State of New York

SAMUEL I. ROSENMAN
JUSTICE

JUSTICES CHAMBERS
NEW YORK COUNTY COURT HOUSE
NEW YORK, N.Y.

Sunday.

Dear Mr. President

Again my thanks for a grand week of fun. I haven't had as good a time since Convention Week of 1932. And I certainly learned something of Washington politics.

The speech came over the air in perfect style — clear and forceful and still simple and not rhetorical. It was an historic

Supreme Court
of the
State of New York

SAMUEL I. ROSENMAN
JUSTICE

JUSTICES CHAMBERS
NEW YORK COUNTY COURT HOUSE
NEW YORK, N.Y.

occasion.

I hope you get a few days of comparative rest. I know that you probably won't look at a radio for a month.

May I repeat that I am anxious to be of any service at all during the months ahead.

With renewed thanks and love from Dorothy (who still refuses to rock Ray's hand) Yours.

Sam.

[1936]

File
Personal

PSF; SAMUEL I. ROSENMAN
60 CENTRE STREET
NEW YORK, N.Y.

Thursday

Dear Mr. President

Here is a draft which Bill, Stanley and I have prepared. As you can see, it is in rather rough shape. Lubin of the Labor Department has been with us constantly. One virtue which the speech has is that every figure which appears in it has been very carefully checked and rechecked from published reports and by telephonic reference to Washington.

With scrupulous regard for the truth we have tried to paint as good a picture as possible. Perhaps some of the figures are not as favorable as you thought they

SAMUEL I. ROSENMAN
60 CENTRE STREET
NEW YORK, N.Y.

should be. Burr Gill says that he is sure you would rather be right than be President so we have used the conch figures. We all urge most strongly that if you decide to use figures of commodities or percentages not included, that the figures be very carefully checked by Lubin.

We are all going to work on this draft some more so that we may have more suggestions.

Cordially yours

Sam.

PSF: Rosenman

Gen - R - Dec 2 - 36.

Supreme Court
of the
State of New York

SAMUEL I. ROSENMAN
JUSTICE

"file personal"

[1936]

JUSTICES CHAMBERS
NEW YORK COUNTY COURT HOUSE
NEW YORK, N.Y.

Dear Mr. President—

Thanks very much for your thoughtfulness on my birthday. I appreciate it so much. I know you've got one or two other things to think about.

They gave me a surprise party, which, strange to say, was a surprise as well as a party. In accordance with social traditions and precedents laid down by the Head of the Government of the United States and the Commander-in-Chief of the Army and Navy, we all played poker. Herbert Lehman was there. He said he had not played poker in Albany since you left. So you begin to realize the void created in Albany by your de-

Supreme Court
of the
State of New York

SAMUEL I. ROSENMAN
JUSTICE

JUSTICES CHAMBERS
NEW YORK COUNTY COURT HOUSE
NEW YORK, N.Y.

Partner:

The more I talk with people about Smith's speech, the more convinced I am that it is generally understood that he made quite a fool of himself.

With kindest regards

Yours.
Sam.

PSF: Roosevelt

File Personal

June 23, 1937.

Dear Mr President,

The calm of the Oval Room was so delightful, and we enjoyed ourselves so thoroughly. The stories were delightful and the telling of

them even more so.

I've a new story. I heard today that the very rich are no longer being able to run their large houses. They are being forced to close them, and the example given was the closing of the Rockefeller home in New York, and the removal of the Rockefellers to an apartment. Isn't it lovely? - instead.

Thank you for having us with you

over the week end. It is a privilege that always gives so much joy.

Affectionately,

Dorothy Freeman.

PSF: Rosenman

S/R.

March 1, 1938.

Dear Sam:-

In accordance with the procedure we outlined, I am putting $4,500 -- my share of the first payment from Rye into the special account for the "Public Government Purpose."

Today I have received a second check for $9,000 from Mr. Rye. In accordance with the supplementary agreement with Random House Press for additional sales campaign on the volumes, I am deducting from the $9,000 the sum of $4,500 and am enclosing my check for this sum for you to give to Random House Press.

This leaves a balance of $4,500, and I am enclosing my check for $2,250 to you to put into your special account.

The balance of $2,250 I am retaining and placing in my special account.

As ever yours,

Honorable Samuel I. Rosenman,
135 Central Park West,
New York, N. Y.

(Enclosures)

PSF: Rosenman

P F

SAMUEL I. ROSENMAN
60 CENTRE STREET
NEW YORK, N.Y.

Friday

Dear Mr. President,

That letter inclosing your check for $4500.00 was quite the funniest I have ever received. I am sure that if the letter were ever put on the auction block, it would bring more than its inclosure.

Instead of an income tax which you remind me of, I should pay a windfall tax, for I certainly never thought that the books would ever result in any substantial sum of money. The work itself was so interesting and, at times, thrilling, that it was going to be pay enough in itself; until you got that brilliant (though Dutch) idea about magazines and newspapers.

Thank you so much for

SAMUEL I. ROSENMAN
60 CENTRE STREET
NEW YORK, N.Y.

the check. I know that you are overgenerous in the division.

I am going to feel quite sad and lonesome when the books are finally out. They are all coming along on schedule, and I don't think I shall have to bother you again until the final bindings and dummies are ready for your last look-over and approval.

With kindest regards and renewed thanks,

Cordially yours
Sam.

PSF: Rosenman

TELEGRAM

The White House
Washington

19 WU JM 12 1140am

New York, March 19, 1938.

Miss Marguerite Le Hand:

Can you get any word for me as to Professor Carleton Hayes.?

Samuel I. Rosenman.

PSF: Rosenman

October 31, 1938.

Dear Sam:-

You are right. Two hundred dollars an acre for one open field and a lot of cut-over woodland is much too high.

I hope you will see the place north of Dorothy Backer and also look at the Garrigue place. I do not know if the latter is for sale but it is a beautiful location.

See you soon.

As ever yours,

Honorable Samuel I. Rosenman,
135 Central Park West,
New York City,
New York.

Supreme Court
of the
State of New York

SAMUEL I. ROSENMAN
JUSTICE

JUSTICES CHAMBERS
NEW YORK COUNTY COURT HOUSE
NEW YORK, N.Y.

October 28, 1938.

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

Dear Mr. President:

I am enclosing a copy of a letter which I received this morning from Henry Hackett. I think that Mr. Rohan is way out of line as to his price, not only of the woodland but also of the open land. Furthermore, as you said the other day, there is no necessity of buying all of his woodland, particularly at that price. What do you think?

I am going to run up to see the place north of Mrs. Backer as soon as I get a chance.

With kindest regards,

Very sincerely yours,

Sam

Enc.

HENRY T. HACKETT
Attorney & Counsellor at Law
226 Union Street
Poughkeepsie New York

October 26th, 1938.

Hon. Samuel I. Rosenman,
60 Centre Street
New York City, N Y.

My dear Judge Rosenman:

Mr. Peter C. Rohan says that he will sell the open land at $200. an acre and all of the wood land at the same price per acre, together with a right of way in from Cream Street. This includes some of the wood land to the east which is owned by his father. He insists that he will not sell part, but must sell all of the wood land.

Very truly yours,

(signed) Henry T. Hackett.

PSF: Rosenman [1939]

Supreme Court
of the
State of New York

SAMUEL I. ROSENMAN
JUSTICE

JUSTICES CHAMBERS
NEW YORK COUNTY COURT HOUSE
NEW YORK, N.Y.

Monday

Dear Mr. President,

It was grand to say "hello" to you last night.

I know how much these very trying days have meant to you personally, and how much of yourself you have given to the task before you. With your intense hatred of war and all that comes before it and after it, the present state of the world must cut deeply. In spite of what has come, humanity and world opinion will be grateful for all your courageous and unremitting

Supreme Court
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SAMUEL I. ROSENMAN
JUSTICE

JUSTICES CHAMBERS
NEW YORK COUNTY COURT HOUSE
NEW YORK, N.Y.

efforts to preserve peace for the world.

Even more difficult days lie ahead. The steadfastness of spirit and purpose in your speech last night was a great comfort to the millions of peace-lovers who heard. I know it will be adhered to, as only you can.

With most cordial regards

Yours

Sam

file PSF Rosenman

444 CENTRAL PARK WEST
NEW YORK

Saturday.

Dear Mr. President—

Many thanks for sending me the bound copy of the veto message and the very generous inscription in it. "Sammy the rose" calls up many memories indeed! It was great fun to have been around while it was being done. I wish much that I might be helpful on other occasions. If you think that I can, please do not hesitate to call on me. Court closes up in a week and if I can assist in any way here or in Washington, it would be a great privilege.

With kindest regards

Cordially,

Sam.

PSF
Rosenman

SAMUEL I. ROSENMAN
60 CENTRE STREET
NEW YORK, N.Y.

Wednesday

Dear Mr. President,

If you have some idea that you had anything to do with making yourself President, you should read the attached modest, self-effacing account of the process by one Raymond Moley. He now emerges in a new role, a master of — fiction!

With kindest regards

Cordially

Sam.

THE SATURDAY EVENING POST

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INTERNATIONAL NEWS

The candidate and the author, when Mr. Moley was Prime Minister of Mr. Roosevelt's Privy Council.

MR. ROOSEVELT SETS HIS CAP

By RAYMOND MOLEY

THE governor gave an empty dish on his desk a restless push, looked at me earnestly and said: "Make no mistake about it. I don't know why anyone would want to be President, with things in the shape they are now."

This was January, 1932, at Albany. I had provoked that remark by reference to the governor's presidential candidacy. Familiarity with the curious reticences and evasions of politicians should have prepared me for the answer. But, even so, I could hardly resist a smile. Whatever Roosevelt thought or said, Fate, fortune and the travels of Jim Farley were working to make him the leading candidate.

Prudence dictated my reply. It may seem a *non sequitur* in type, but it was the retort courteous in the language of polities. I said that I should be delighted to help in any way I could.

Governor Roosevelt nodded approvingly.

And so our luncheon talk resolved itself—momentously for me.

It had been a curious conversation, that wandered, with apparent casualness, from the immediate occasion for my visit, the work of the Commission on the Administration of Justice, of which I was the governor's ranking member, to the Samuel Seabury investigation, to the case of Sheriff Thomas M. ("wonderful tin box") Farley, of Tammany Hall, and on to national polities. Roosevelt had been guarded, indefinite, reserved. It would, of course, have been the grossest impropriety for him to discuss the political implications of the Sheriff Farley case, since he was going to act in a quasi-judicial capacity on the issue of Farley's removal. But Roosevelt did say, ruminatively, that Sheriff Farley was an idol to his people, and he was obviously pleased with my quiet offer of service.

Nothing more had to be said. Both of us realized what a spot the inexorable Seabury had selected for Roosevelt and what might come later, should Seabury carry his investigation to a point where the issue of Mayor James J. Walker's removal was put to Roosevelt. On the one side was an already outraged political machine which would control most of New York's ninety-four votes in the national convention. On the other side was the reformer, Seabury, most of the New York press and "good" citizens, an army of them throughout the nation, whose support a presidential candidate would most assuredly need. All this had been understood.

I couldn't help but be pleased with the way things had gone as I rode back to New York. Looking out at the river and the hills that were to become so familiar in the months ahead, I could permit myself a bit of speculation on what might come of that visit to Albany. It seemed to me that Roosevelt had intimated, in a way peculiarly his own, that he might let me move in from the outer reaches of his circle pretty close to center. At any rate, I'd probably be called in on the Farley case. There'd been no express commitment, naturally. But then, my earliest associations with Roosevelt had led me not to expect that.

I had first met him on an autumn day in 1928 when Louie Howe, with elaborate offhandedness, took me into Democratic headquarters "just to have you meet 'The Boss.'" Roosevelt, a big, handsome man with the shoulders of a wrestler, was sitting at his desk sorting out letters. He looked up, smiled and then explained, to my surprise and to Louie's dismay, that my visit wasn't at all unexpected. He wanted to simplify the administration of justice in the state. He wanted to say something about it in his campaign. Louie had suggested that I might "shape out" some ideas he could use—perhaps dig

ACME

The climax moment of the mad, steaming Chicago Convention, the moment of wild cheering while William Gibbs McAdoo, right, waited to announce what most every delegate knew — that California was giving her forty-four votes to Roosevelt. Texas then followed with her forty-six.

up some vivid examples of cases that had dragged on in the courts.

I was pleased. A memorandum from me was transformed into a speech made in the Bronx a few days later. Apparently Mr. Roosevelt was pleased too.

Ensued, in the next three years, a number of similar assignments and two bigger ones: membership on a committee that drafted a plan for a model state-parole system, and appointment to a commission to improve the administration of justice in the state.

This last provided the opening for a demonstration that I could be trusted to handle awkward political situations with a reasonable amount of sense. There was, for instance, an embarrassing misunderstanding between the governor and the Republican leader of the Senate concerning the organization of the commission. I was told the governor was delighted with the maneuverings which dissipated that issue so that he didn't have to meet it head-on.

In any case, by the time he'd asked me to visit with him, in January, 1932, he seemed to feel that I could be useful.

It would be idle to pretend that I wasn't excited that afternoon, as the train rattled on toward New York in the gathering darkness. Since October, 1928, I'd believed Roosevelt would be elected President in 1932. I had no political ambitions. But I did want to see and know intimately what went on at the heart of politics, for politics had been the absorbing interest of my life. It had dictated my choice of courses in the small college from which I graduated. The next year, 1907, it led me through a successful campaign for village clerk in my Ohio town. It moved me to the inevitable study of law, under difficulties, at night in Cleveland; to the decision to study and teach politics, after a two years' siege of TB in New Mexico and Colorado had summarily blasted my law studies; to a brief return to local politics as mayor of an Ohio town when I was able to come back East; to graduate study in politics at Columbia; to a teaching job on the Mark Hanna Foundation in Western Reserve University; to the directorship of Americanization activities under Governor Cox during the war; to four years as director of a research foundation in Cleveland; to a return to New York and Columbia—there to build up a department of government in Barnard College—the happiest job I've ever had; to ten years of intensive professional investigation of the seamy sides of criminal-law administration in Ohio, Missouri, Illinois, Virginia, Pennsylvania, California and New York; to the writing of three books and many articles on the relationship of politics and criminal justice, the preparation of which carried me to twenty states and to Canada; and, finally, to a year with Judge Seabury and his investigations.

In all these diversified years I'd been no professional reformer. I felt deeply that such a role, like that of the professional officeholder, operates as a subtle intellectual opiate on anyone who wants to understand what politics is about. We needed the professional reformer, just as David Harum's dog needed fleas. But I had a horror of the humorlessness, the intentness and the intolerance of most reformers. Besides, it had seemed to me reform needn't come through reformers alone. It could be organically associated with the normal process of politics. Government failed vastly more often through ignorance than through sin.

First Meetings of the Brains Trust

THE older I'd grown the more I'd come to believe that effective political change was achieved by mutual understanding and consent, not by denunciation and recrimination from without. At ten, I was stirred by Bryan—romantically, emotionally. I wept when he was defeated in 1896. But the solid reforms of the practical Tom Johnson during his nine years as mayor of Cleveland suggested the vanity of tears. Johnson's technique was educational. His cosmos wasn't a befuddled miracle play where good men fought with bad. He believed that people, enlightened, would save themselves. I knew him only as a public figure. But he gave my interest in politics point and direction. It was from him and from his brilliant protégé, Newton Baker, under whom I sat briefly as a law student in Cleveland, that I learned something of the evolutionary improvement of political and economic life.

As the thoughtlessness and aimlessness of the 20's became more and more apparent, I'd grown convinced that someone must be found who could do on a national scale what Tom Johnson had done in Cleveland. By January, 1932, it seemed to me that the buoyant, likable man in Albany was the only hope.

I was, at my age, no longer a creature of impulse. But, as I saw it, in the hours after my first vague approach to an intimate talk with Roosevelt, an opportunity was about to offer itself—an opportunity to satisfy my desire for a wider experience in politics and, at the same time, to help, in a small way, in the realization of old and time-tested concepts of political evolution.

I was on the eve of a great adventure, if I had the wit to go through with it. I could look forward with security to a lifetime of being called in by governors, mayors, special investigators and citizens' committees to study the local administration of justice. Or I could throw everything I had into the pursuit of my interest in the wider field of politics. And I wanted passionately to do the second.

The thing happened very quickly. In mid-February, I was helping to draft the definition of policy on the basis of which Tom Farley was removed. In early March, I spent some time in Albany working on a speech on judicial reform which the governor delivered at the New York City Bar Association on the twelfth. By the first week in April, I was at work in Albany assisting with the document which came to be known as the Forgotten Man speech, and the first meetings of what later was called the "brains trust" had already taken place.

Observe these dates. In early March, my sphere of activity still seemed to be limited to questions of law administration. By early April, I had entered the promised land of national politics.

How did it happen?

The popular story has it that one night in March, Samuel I. Rosenman, counsel to the governor, was chatting with the governor after dinner and took the opportunity to suggest the need for advisers competent

Above—at the candidate's left, the late Louie Howe, the wizened, gnarled gnome who made Mr. Roosevelt's political fortunes his own life's breath.

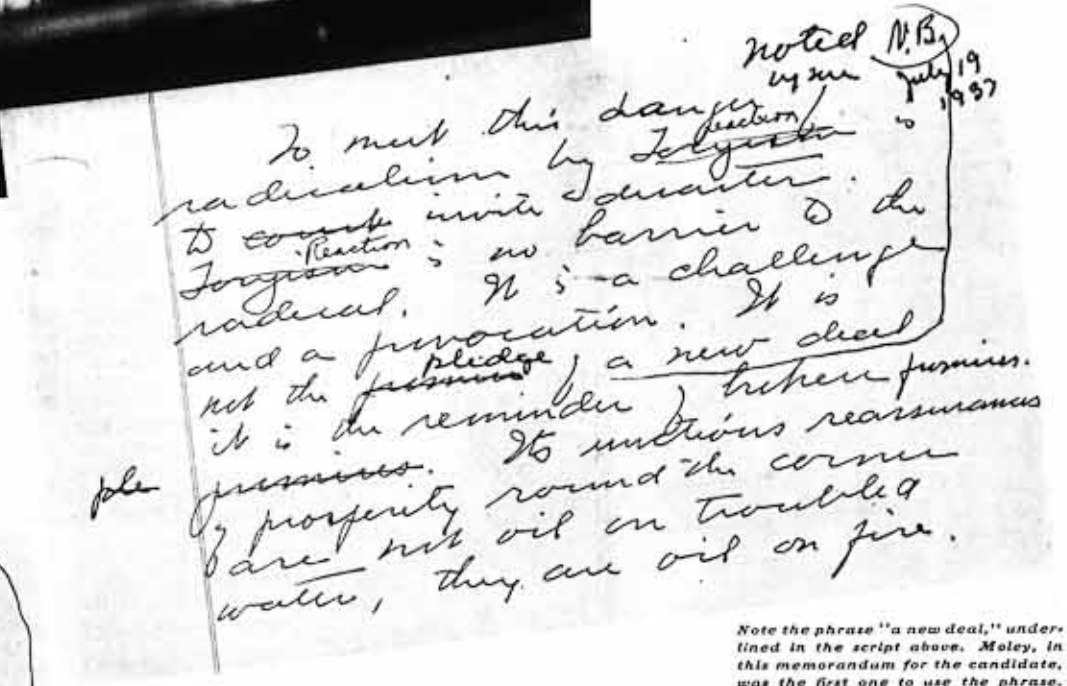
Here, on "Doc" O'Connor's stationery, is the germ of the Brain Trust. Moley listed these subjects for Roosevelt's campaign, and suggested names of experts to gather material on them.

Myers, former Prof. Milo R. Maltbie and, I may add, with me, in constructing his state policies. But I do question the implication that such a conversation was anything more than an incident in a development wholly unrelated to Sam Rosenman's planning or imagination. Sometimes the lady who smacks the champagne bottle against the ship's prow has the illusion that she is causing the ship to slide down the ways.

A Man Who Needed Help, and Lots of It

THE process was smooth, unspasmodic, almost inevitable.

First, March was a dreadful month for the governor. Before leaving Albany, the state legislature had dumped on his desk literally scores of bills that had to be studied and analyzed before he could decide whether to sign or veto them. It took hour after hour, day after day, to handle these. At the same time Roosevelt was obliged to direct what had now become an intensive drive for delegates to the national convention. As though this were not enough, he was attempting not only to anticipate the plays of Seabury, who was creating new embarrassments, but to



Note the phrase "a new deal," underlined in the script above. Moley, in this memorandum for the candidate, was the first one to use the phrase.

to prepare a national program for him. Rosenman is supposed to have argued that "the usual programmers of presidential candidates—business fat cats and political bosses—had been discredited by the Hoover debacle." He's said to have climaxed his remarks with the question, "Why don't you try the universities for a change?" And on the basis of one of Roosevelt's "smiling assents, which may mean anything or nothing," Rosenman is supposed to have invited me in to organize the group that became the "brains trust."*

I do not doubt the fact that some such conversation as this may have taken place, although it seems very queer indeed that a man who had been closely associated with Roosevelt for two years should say, "Why don't you try the universities for a change?" to a governor who had habitually consulted with Professors Robert Murray Haig, James Bonbright, Frank A. Pearson, William I. Myers, Milo R. Maltbie and, I may add, with me, in constructing his state policies.

*See, for example, Men Around the President, by Joseph Alsop and Robert Kintner; Doubleday, Doran & Co., Inc.; New York, 1939; pp. 19 and 20.

keep an eye on Al Smith, who was fighting him tooth and nail. Finally, he was desperately trying—and failing—to make time to prepare some speeches he was scheduled to deliver in April—speeches critical to his nomination. No one knew better than he that he needed all the help he could get. He spoke of that to me early in March when we were at work on the Bar Association speech, and took occasion to add that, while Sam Rosenman had been of the greatest assistance to him in state business, he did not, in fact, know very much about national affairs.

Second, Rosenman was thoroughly aware of his own limitations and aware of the governor's awareness of them. He was no fool. He was smart enough to realize that his own tenure as close adviser in the months ahead would depend upon his ability to associate himself swiftly with those who could supply what he lacked.

Third, my performance was evidently satisfactory. The Sheriff Farley removal order had lent itself to favorable quotation throughout the country. The speech on judicial reform, delivered before a sophisticated audience of lawyers, had been exceedingly well received. But more than (Continued on Page 89)

an injury is done to him of whom a reproachful thing is said."

"What did I tell you?" said Mr. Kaplan triumphantly to Mr. Claremore.

Mr. Claremore took a grip on himself. "That's all very well, Miss Bly, but you seem to forget that I asked your help with Mrs. Turget's case, and you agreed, tacitly at least, to do what you could toward persuading her to accept a reasonable settlement. Following your own quaint process of reasoning, I consider you guilty of violation of contract in failing to do so."

"Oh, but I didn't fail," said Dorrit. "I may have been a little slow about it, due to circumstances beyond my control, including the opening of a new supermarket and an act of God, but I did get her to agree to a settlement. Whether you'd consider it reasonable or not is another matter, since you're so unreasonable yourself about some things. Mr. Harris thought it was very reasonable."

"Who?" said Mr. Claremore, goggling at her.

"Mr. Harris, the B. C. adjuster. I called him at his home and got him to come down and take care of the detail work, after Mrs. Turget and I had come to terms. She agreed to accept recovery for medical services, three dollars, and for one week's loss of services as a housewife, fifteen dollars, total, eighteen dollars. That's quite a reduction from the ten thousand she was going to ask."

Mr. Kaplan spoke, eying her almost reverently—Mr. Claremore was unable to speak. "How in the world did you persuade her to accept a settlement like that? You must have hypnotized her!"

"No, that wouldn't have been legal. I knew before I ever left here that I could settle it. You'd understand why, if you were a woman. Mr. Claremore said she fell downstairs while going to answer the telephone, and probably never got to answer it; and right then I knew what was wrong with her. Any woman would be a nervous wreck if her telephone rang and something happened so that she never found out who called. She'd get to brooding over it, and imagining all sorts of things, just like Mrs. Turget. Naturally, her work and her health would suffer, and it would be easy for a slick shyster like Orberg to make her think she was really injured mentally, and ought to sue for damages. I cleared everything up just by telling her who called."

"How did you know who called?" said Mr. Kaplan.

"I didn't. I just told her it was me, calling to ask her middle initial for my files."

Mr. Kaplan was still a moment while he comprehended the classic simplicity, the magnificent effectiveness of that ruse. Then he howled with delighted laughter, and fell to whopping Mr. Claremore upon the back.

"How about that box of cigars?" he roared.

"Wait a minute." Mr. Claremore spoke weakly, but he was recovering. He wasn't willing to concede defeat yet.

He followed Dorrit into her little office between his and Mr. Kaplan's. "Miss Bly, I wish to congratulate you upon your settlement of a matter which, I admit, I found very troublesome. Your solution showed an ingenuity which ought to be rewarded. It is unfortunate that, instead, I must deduct most of your pay for yesterday. Much as it pains me, it is my duty under the law."

Dorrit faced around sharply. "What law?"

"The law you quoted in excusing your absence: *Idem non esse et non apparere*. You see, Miss Bly, you, too, failed to appear at the office yesterday, except for a few minutes in the morning, so for most of the day you, too, didn't exist. I couldn't pay someone who didn't exist, could I?" She looked so stricken that he relented, and said kindly, "Don't take it so hard. There'll be a few dollars extra in your pay envelope hereafter, which should more than make up for the loss. I only wanted to impress you with a truth we are all too apt to forget: That there are two sides to every case."

He reverted to Mr. Kaplan. "Now, what were you saying about a box of cigars?"

MR. ROOSEVELT SETS HIS CAP

(Continued from Page 7)

that, I think, the work on those two jobs illustrated a technique no one else then around Roosevelt possessed. It seemed to help crystallize his own ideas and inclinations, reflect them accurately, extend them where necessary and present them congruously—in brief, to relieve him of a good deal of personal drudgery. As April drew on, and with it the moment for preparing and projecting a national program, what more natural than that he should employ it again? I moved into a vacuum in his scheme of things.

Finally, I was able to achieve almost the impossible—the maintenance of friendly relations with both Louie Howe and Sam Rosenman—and the unmitigated hatred of these two men for each other was the single factor that might have disrupted the logical course of events. Howe's jealousy of Rosenman was exceeded only by Rosenman's jealousy of Howe. Howe was forever trying to humiliate Rosenman. I remember well Rosenman's blazing fury when, during the campaign, Howe attempted to assign him to a routine job at headquarters which Sam considered menial. Rosenman never overlooked an opportunity to warn me against Howe; again and again he used a phrase of Basil O'Connor's—"Louie'll 'give you the foot' if you don't watch out." If either Howe or Rosenman had suspected that I was more than politely friendly with the other, if either had been given the slightest reason to resent any association of mine with Roosevelt at that brucial time, he would not have hesitated for a moment to block me off completely. It was lamentable, but true, that no one, regardless of the contribution that he might have been able to make to Franklin Roosevelt, could have become a member of his entourage without appeasing these implacable foes.

I had already learned the melancholy fact that such antagonists are quite capable of imperiling the best interests of those they profess to be serving, and I was destined to expose myself to some of its bitter corollaries in the months to come. But at the moment, in March, I was taking no chances.

Louie was then working at Roosevelt headquarters on Madison Avenue. The

governor, who was deeply devoted to Louie, was characteristically careless about keeping in touch with Louie as often as Louie's insatiable interest, curiosity and affection would have dictated. This wizened, gnarled little Nibelung had watched his Siegfried grow to hero's size and now he lived in an agony of apprehension that "someone"—meaning Rosenman—would smash all his well-laid plans. Louie was constantly torn between the *idées fixes* that his preconvention work in New York was indispensable and that, in his absence from Albany, "someone" would "give Franklin bad advice or let his impulses run away with him."

I had a room across the street from Louie's, in the offices of the Commission on the Administration of Justice, and I went to see him frequently during February and March, as indeed I had been doing for years. I kept him informed of the developments that were taking place in my relations with Roosevelt—of the trips to Albany, the telephone calls, the correspondence—and I continued to do so thereafter. In some way, this seemed to assuage Louie's fears, and it became clear from his conversation that he firmly believed that he had "planted" me in Albany to see that "someone" made no mistakes and to sound the sirens so that he could hurl himself into the breach if anything threatened his "Franklin's" availability. I confess that I did nothing to dislodge this unlovely idea from Louie's head. It comforted him. It minimized his potential opposition to the adoption of the kind of program I hoped to see Roosevelt champion. And it stamped his visa on my passport for the time being, at any rate.

The appeasement of Rosenman was more easily achieved. Sam had come up from New York City's district politics. The leader of his district was James J. Hines. Sam had been well educated, and, by dint of hard work before, during and after his service in the state legislature, had acquired an admirably detailed knowledge of state business. He was essentially an "inside" worker. Often brusque, patently on the smug side, a trifle obsequious if you were "important," a shade highhanded if you weren't, this capable, conscientious man could obviously never look forward to the kind of political career Al Smith or Bob Wagner had shaped out of the same beginnings as his, and he had shrewdly cut his ambition to fit his cloth.

Sam's one desire was to be appointed to New York's Supreme Court before Roosevelt left the governorship.

The fact that he was able to serve Roosevelt as well as he did during the pulling and hauling of Seabury and Tammany, though he knew his ambition could not be realized without the tacit assent of the Tammany leaders, was a tribute to his own devotion to Roosevelt and to his own tact. And Louie was merciless in holding him responsible for the worst blunder made in that process—the governor's truculent reply to the charges filed against Mayor Walker by Rabbi Stephen Wise and the Reverend John Haynes Holmes.

WILLIAM HOBART—NEVADA SHERIFF

By MARTHA KELLER

TELL me a tale of the West, grandfather.
Tell me a tale of the western plains,
Rustlers gone to their rest, forever,
Gold and fever and wagon trains.

Twelve I was, or a trifle younger,
When I followed the oxcart trail, my son.
I drank of thirst. And I ate of hunger.
But I carried my first real hunting gun.
Father and I set out together.
Long was the road that stretched ahead.
My hunting knife had a sheath of leather.
I made my bullets of melted lead.

Many a mile from Westport Landing,
Far and away when our food ran low,
I leaned my gun on a wheel, and, standing,
Shot me a big, bull buffalo.

The dust was thick as a Pawnee blanket.
The wind, it blew. And it never ceased.
We rationed water before we drank it,
Backs to the long road running East.
Rustlers raided our pinto ponies.
Three we shot. But we missed the rest.
Our throats were dry as a dead Shoshoni's,
Over the long road running West.

Fever sickened eleven miners.
Father, he was a parson then.
He sent me on with the forty-niners,
And stayed and buried the mountain men.

The oxen drank—though we tried to stop it—
Alkali. And the oxen died.
The gun was heavy. I had to drop it.
I lay that night in the dark and cried.
Then, so never a Sioux should use it,
Bent the barrel and smashed the butt.
Left it there for the sand to lose it.
Left it lying along a rut.

Left the rifle, and more's the pity,
Left my heart with the broken gun.
Till I was Sheriff of Carson City,
I never carried another one.

Sam's very weaknesses smoothed the way. As early as February he had asked me to write to the governor urging his appointment to a vacancy on the Supreme Court. This friendly gesture I was able to make with a good conscience, for I was certain he would become the fine judge he has since proved to be. Moreover, as I have suggested, the governor's awareness of his need for assistance on national affairs was evident by early March, and Sam was not the man to stand in the way of the inevitable. Sam also loved Columbia University in a boyish and rather touching way, and the fact that I taught there was a point in my favor.

Finally, when Sam announced one mid-March evening, with the air of one who makes a tremendous discovery, that Roosevelt needed expert professional advice on national issues and that we ought to get some people together to assist him, he made it easy for me to encourage the notion that he was the originator of this happy idea. To have said that it had occupied my thoughts every waking hour since Roosevelt's pre-Bar-Association-speech remarks to me would have been unkind and stupid.

And so Sam, too, was won—convinced, with the passing of time, that he had plucked me from academic obscurity.

The rest followed naturally.

Sam, Basil (Doc) O'Connor, Roosevelt's law partner, and I made a list of possible topics upon which Roosevelt's campaign might touch. As we jotted them down, I suggested the names of individuals who had expert knowledge about each.

Thus was the "brains trust" born, thus my personal Jordan crossed.

All this seems unadulteratedly cold-blooded. It wasn't, actually. I was no tinpot Bacon—cunning, dispassionate, intellectual. If, say, I had been presented with the same opportunity to take part in the Hoover campaign, I could not have availed myself of it. Doubtless this was a weakness that would have made me an abominable lawyer, but I was constitutionally incapable of espousing any cause in which I did not believe. Worse than that, my beliefs, decisions, judgments were not arrived at by an orderly process of thought. They rose up, willy-nilly, out of a sea of feelings, senses, hunches, to confront, grapple with, and finally take possession of me.

I liked Franklin Roosevelt for the same elemental reasons that millions of others were soon to like him—for his vibrant aliveness, his warmth, his sympathy, his activism. I had faith in him. The rest did not precede, it followed those bare facts.

Now, people who used only their heads could and did tell me that I was utterly mistaken. People who were merely "intellectual" were almost unanimous on the subject of Roosevelt's inadequacy in the spring of 1932; he was a "weakling," they said, an "opportunist," "an amiable gentleman who wants to be President." I must have written a dozen argumentative letters in March and April to nervous friends who ventured the opinion that "This shilly-shallying with Tammany doesn't promise well," or "Your candidate seems to be just any politician

on the make," or—from a newspaper editor in a Midwestern city—"Waddya mean—'progressive'? The guy just doesn't seem to have any stuff." Yet it wasn't a question that you could settle with words. It was, in essence, a matter of belief, of faith.

The fullest and far and away the frankest description of my feelings about Roosevelt in those days is contained in a letter to my sister. I think it warrants inclusion here, rough and incomplete though it is, because it is a record of what I felt at the time rather than an attempt to recapture those first sensations. It is dated Tuesday, April 12, 1932, and reads:

Dear Nell: Thanks for writing me about the Gov.'s speech last wk. Your reaction is important in getting an idea of how it struck the country—especially since the speech got so much hell from the conservative papers—Republican and Democratic. The Governor is quite indifferent to these attacks—in fact rather likes them because they show that he is being taken seriously—and he realizes that the alienation of some stand-patters is necessary if the campaign is to seem to the rank and file . . . something other than the usual campaign futilitarianism.

You ask what he is like and that isn't easy to answer because I haven't had the chance to confirm a lot of fleeting impressions. One thing is sure—that the idea people get from his charming manner—that he is soft or flabby in disposition and character—is far from true. When he wants something a lot he can be formidable—when crossed he is hard, stubborn, resourceful, relentless. I used to think on the basis of casual observation that his amiability was "lord-of-the-manor"—"good-to-the-peasants" stuff. It isn't that at all. He seems quite naturally warm and friendly, less because he genuinely likes many of the people to whom he is pleasant (altho' he does like a lot of people of all sorts and varieties) than because he just enjoys the pleasant and engaging role, as a charming woman does. And being a born politician he measures such qualities in himself by the effect they produce on others. He is wholly conscious of his ability to send callers away happy and glowing and in agreement with him and his ideas. And he particularly enjoys sending people away who have completely forgotten (under his spell) the thing they came to say or ask. On the whole his cordiality and his interest in people is, to all appearances, unfeigned.

The stories about his illness and its effect upon him are the bunk. Nobody in public life since T. R. has been so robust, so buoyantly and blatantly healthy as this fellow. He is full of animal spirits and keeps himself and the people around him in a rare good humor with a lot of horseplay that reminds me of the old days in Olmsted Falls. Remember John Bonsey and Scowley Folk and the resin strings and the cabbages we threw at doors? Well, a good many cabbages will be thrown by this man at many respectable doors—not because he feels it is an act of justice but because it is so much fun. He likes to do it on a parlor scale; broad, never really witty (you couldn't call it witty) and seldom even funny, but bold and cheerful and exuberant. Sam Rosenman is "Sammy the Rose" and Morgenthau, Jr., "Henry the Morgue." There is teasing and loud laughing at teatime, which is a rite he follows, but which is quite strange to my Ohio sensibility.

The man's energy and vitality are astonishing. I've been amazed with his interest in things. It skips and bounces through seemingly intricate subjects and maybe it is my academic training that makes me feel that no one could possibly learn much in such a hit-or-miss fashion. I don't find that he has read much about economic subjects. What he gets is from talking to people and when he stores away the net of a conversation he never knows what part of what he has kept is what he said himself or what his visitor said. There is a lot of auto-intoxication of the intelligence that we shall have to watch. But he gets a lot from talking with people who come in. A typical approach to a big problem is "So-and-So was telling me yesterday." Another is "now we found in dealing with the state so-and-so that we had to deal with such-and-such."

This quality seems to give Tugwell some worries because he wants people to show familiarity with pretty elementary ideas. But I believe that his (Roosevelt's) complete freedom from dogmatism is a virtue at this stage of the game. He will stick to ideas after he has expressed them, I believe and hope. Heaven knows, Hoover is full of information and dogmas, but he has been imprisoned by his knowledge, and God save us from four more years of that! If we can't get a President with a fluid mind we shall have some bad times ahead.

The frightening aspect of his methods is F. D. R.'s great receptivity. So far as I know, he makes no effort to check up on anything that I or anyone else has told him. I wonder what would happen if we should selfishly try to put things over on him. He would find out—but it would be too late. This means a hell of a responsibility on me.

As I look back at what I have scribbled here, I see I haven't conveyed any sense of gallantry, his political sophistication, his lack of the offensive traits of men who have a bloated sense of personal destiny. But then I know you get that from the speech. When I was working on it with him I was trying to suggest the ideas, words and phrases that would make that picture of him over the radio and would fix the image in the public consciousness. He was trying to reach the underdog and I scraped from my memory an old phrase "The Forgotten Man," which has haunted me for years.

If you had asked me what he stood for rather than what he is I could tell you more accurately. But that can keep.

I got to Cleveland that week end and toward midnight of April sixteenth, was routed out by a telephone call from Albany, asking me to board the governor's train in Detroit the next morning. The news that the Insull empire was cracking seemed to call for some last-minute additions to the speech Roosevelt was to deliver in St. Paul on the eighteenth, and so I crawled out of bed and made for the railroad station.

It was, perhaps, just as well that the moment passed without any exposition of the Roosevelt program of April, 1932.

As I understood it from talks and from fairly close study of his policies and utterances as governor, it went something as follows:

F. D. R. had a fairly concrete power policy. This was a subject to which he had given more painstaking study than to any other.

His power policy was, in a sense, part of a larger policy which included the conservation of both land and water. Roosevelt had advocated reforestation, land utilization, the relief of the farmers from an inequitable tax burden and the curative possibilities of diversifying our industrial life by sending a proportion of it into the rural districts. The central problem of agriculture—the paradox of scarcity in the midst of plenty—he saw as a problem of conservation. In so far as he had any national policy on agriculture, he had expressed it in what seemed like a vague endorsement of the McNary-Haugen plan.

He was, in theory, a low-tariff man. "It is time," he had said, "for us to sit down with other nations and say to them: 'This tariff-fence business, on our part and on yours, is preventing world trade. Let us see if we can work out reciprocal methods by which we can start the actual interchange of goods.'"

He was, as Woodrow Wilson said of Jefferson, a "patron" of labor. In

the state he had fought for legislation regulating the issuance of injunctions in labor controversies, the extension and more rigid application of the eight-hour day on public work, improvement of the workmen's-compensation law and of factory inspections and a variety of other labor measures.

He was concerned with the poignant plight of the unemployed and had championed a relief and public works program with national implications. New York had been, in fact, the first state to appropriate money for relief. His program was peculiarly interesting in that its administration was highly decentralized. Such aspects of unemployment as the difficulty those over forty found in getting jobs seemed particularly vivid in his mind.

He was searching for a "workable" unemployment-insurance program and was a firm believer in the benefits that would flow from the establishment of the old-age-pension system which he had initiated in New York.

He had talked indignantly about the "usurious" interest rates that small borrowers had to pay and had expressed a determination to prevent mergers and consolidations in industry which were made solely for the purpose of selling watered stock.

These policies, near-policies and mere leanings we have since been told are the roots of Mr. Roosevelt's national program. Yet I confess that I saw them as only the soil in which such roots might flourish if they were planted there.

Ernest K. Lindley, the best historian of the Roosevelt regime to date, has pointed out that "Mr. Roosevelt did not recruit his professorial advisers to provide him with a point of view; he drew them to him because their point of view was akin to his own." That is perfectly true. It is also true that "Mr. Roosevelt had developed his political philosophy long before the depression began and long before he met any member of his brains trust . . . (that) long before the presidential campaign of 1932 Mr. Roosevelt had emerged as the leading Democratic exponent of a modern liberalism of which the kernel was readiness to use the power of political government to redress the balance of the economic world."

But if that readiness in itself constituted a national program, then a man's intention to build a house constitutes the work of the architect, of the contractor and of the carpenters.

Roosevelt's Political Philosophy

This is not to deny that Roosevelt had a political philosophy. He believed that government not only could but should achieve the subordination of private interests to collective interests, substitute co-operation for selfish individualism. He had a profound feeling for the underdog, a very keen awareness that political democracy could not exist side by side with economic plutocracy.

But this realization that the democratic program was still unfulfilled and this desire to carry it forward were not enough for a man to bring to the Presidency of the United States. They might have been in 1912, or even in 1924. By 1932, long neglect had made the chronic ills of our society acute and dangerous. A President could no longer approach them in leisurely fashion, with merely a humane outlook and a fragmentary understanding of what was wrong. He had to know how the philosophy of progressivism had been enlarged, documented and made explicit. He had to decide how and where to apply it. He needed a specific program.

And in April that program had yet to be devised.

"Agriculture," which, in our list, we included under "Conservation," came first—and not because we were taking up things alphabetically. The obvious beginning of our discontents in this country was the persistence of the delusion that the nation could prosper while its farmers went begging.

There was another reason why "Agriculture" came first. The scene of Mr. Roosevelt's first political victory was the rural districts of Dutchess County, and from that day forward it was Louie Howe's cardinal principle to concentrate on farmers in planning a campaign.

At any rate, "Agriculture" suggested Rex Tugwell to me, and so Rex was the first person I asked in to meet Sam and "Doc" O'Connor.

Tugwell, the First Recruit

Rex, I knew, had done a study on the subject for Al Smith in the 1928 campaign and had carried on his researches for the four years that followed. He wasn't a close friend, yet I knew him well enough to be sure he would get along beautifully with Roosevelt. He was ignorant of politics. But he was a first-rate economist who had pushed on beyond the frontiers of stiff classicism, and his original and speculative turn of mind made him an enormously exhilarating companion. Rex was like a cocktail: his conversation picked you up and made your brain race along. At the same time there was a rich vein of melancholy in his temperament, frequently finding expression in the doubt that any politician could or would take steps to relieve the paralysis creeping over our economic system.

"Doc" O'Connor, whose dearest friends could hardly call him either impressionable or progressive, reacted startlingly to the experimental meeting with him in March. When Tugwell had left, after an exposition of his beliefs about what had to be done for agriculture, O'Connor turned to me and remarked with something akin to awe, "He's a pretty profound fellow, isn't he?" Rosenman guessed he'd do, too, in more prosaic language. And so the decision was made to take him to see the governor.

The second recruit was Lindsay Rogers, also of Columbia. But his career in this connection was tumultuous and short-lived. Rogers had advised on tariff during the Smith campaign in much the same way that Rex had advised on agriculture. The governor's St. Paul speech had to contain a short statement on tariff that would not later stand in the way of any farm policies that might be adopted. I therefore asked Rogers to send me a memorandum on the tariff which I could show the governor and which might be used in the writing of the governor's speech, and I received one from him on April second. So innocently began an episode so nightmarish that I still get gooseflesh when I think back to it.

On Friday, April fifteenth, I called Rogers on the long-distance telephone and spoke to him for eighteen minutes, explaining that three sentences on the effects of the Hawley-Smoot tariff were being taken verbatim from his memorandum and put into the speech Roosevelt was to make at St. Paul on the

following Monday. Then, because I wanted to avoid any slip-up, I read him the entire passage from the speech relating to the tariff, including his sentences, and asked for his comment or criticism. There was none.

The speech, including this passage, was duly delivered by Roosevelt. Picture, then, my dismay when I opened the New York Evening Post on April twenty-second and was confronted by the following item, which appeared under the bold-face title, A DEADLY PARALLEL.

We quote below two extracts from political speeches of the moment. One is from the speech made by ex-Governor Alfred E. Smith at the Jefferson dinner in Washington on April 13; the other is from the speech of Governor Franklin D. Roosevelt at St. Paul on April 18:

SMITH

The consequences of the Hawley-Smoot bill have been tremendous, both directly and indirectly. Directly, American foreign trade has been steadily dwindling. . . . Indirectly, the high schedules of the Hawley-Smoot bill caused European nations to raise their own tariff walls not only against us but against each other.

ROOSEVELT

The consequences of the Hawley-Smoot bill have been tremendous, both directly and indirectly. Directly, American foreign trade has been steadily dwindling. Indirectly, the high schedules of the Hawley-Smoot bill caused European nations to raise their own tariff walls, and these walls were raised not only against us but against each other.

Smith apparently said it first. Did Roosevelt copy it from him? If so, how and why? Or did some "ghost writer" get mixed up? Or did both Smith and Roosevelt take the words from some Democratic campaign book? . . .

There it was—simple, incontrovertible, stupefying—like one of those dreadful dreams in which you suddenly discover that you have appeared in a ballroom without your trousers.

The next afternoon Rogers came to my office and explained. It seemed that when he had given me the memorandum on April second he had forgotten to mention that he had submitted an identical statement to Al Smith for use in a speech scheduled for March thirty-first. This hadn't been mentioned, because Smith had failed to use any part of the memorandum then. It seemed further that, on April eleventh, Rogers had dictated in the office of Mrs. Henry Moskowitz, a page of discussion on the tariff for Smith's use in his Jefferson Day speech, and had had before him, while dictating this page, the original memorandum he had sent to both Roosevelt and Smith. It appeared, finally, that Rogers had forgotten to tell me, at the time I made the long-distance call to him, that Smith had used parts of the memorandum he had given me. Rogers claimed that I had not read him the particular passage in question when I spoke to him on the telephone—a point that it would have been bootless to argue. He added that he was, of course, "terribly sorry" about the whole mix-up.

Waiting for the Ax

Al Smith had meanwhile told the papers that he himself had written the sentences used by Roosevelt. Papers all over the country picked up the story. Cartoonists went to town about it. And for three days everybody except Roosevelt and his staff had a good belly laugh.

Actually, the duplication was of no particular importance; the tariff policies of Roosevelt and Smith, as set forth after the three controverted sentences, differed in both form and substance. It would have been easy to show that Smith had been mistaken when he claimed the Rogers sentences as his own. But to have attempted any rebuttal would simply have prolonged the life of the story.

I felt that, being responsible for the introduction of Rogers' material and having failed to note myself that Smith had used it, I was also responsible for the embarrassment that it caused. I should not have blamed Roosevelt for a minute if he had said good-by to me and my works at that point. In fact, there was a stinging feeling around my neck while I calmly waited for the ax to fall.

I did not know my man. He did not ask for, but he got, a full explanation. He heard it in silence, smiled ruefully, and said he supposed we'd better put the incident out of our minds. So I came to know one of the loveliest facets of Roosevelt's character: he stood by his people when they got into a jam—sometimes even when they got him into a jam. (I had yet to learn that this endearing virtue in a man could be a failing in a President.) We resumed precisely as though the episode had never been.

But minus Rogers. He was consulted several times in the summer and autumn of the year and was always helpful, but his relationship to the Roosevelt candidacy was never intimate again.

The Columbia Draft

Meanwhile, even before Rogers began to fade out, Adolf A. Berle, Jr., had been initiated. Berle had had a whirlwind career as an infant prodigy in Harvard College and Law School. Someone has been so unkind as to suggest that he continued to be an infant long after he had ceased to be a prodigy. But I always found the slightly youthful cockiness to which this referred was more than compensated by the toughness of his mind, his quickness, his energy and his ability to organize material well.

He had already done some distinguished work on the subject of corporate finance, and was then engaged, with Gardiner C. Means, an economist, in an extensive piece of research on the nature and control of corporations in the United States.

When I asked him to join us, he bluntly replied that he had "another candidate for President." I did not press him to tell me whom he had in mind and, as a matter of fact, never did find out. It was his technical assistance that was wanted, not his political support, which carried not the slightest weight in any case, I remarked. He nodded energetically, laughed and enlisted.

There were other recruits in those first few weeks—among them Prof. Joseph D. McGoldrick, James W. Angell, Schuyler Wallace and Howard Lee McBain—all, it has been wryly noted, members of Columbia's faculty.

Possibly there was a trace of provincialism in this circumstance. But, in the main, it was the result of very practical considerations. What was being done in those early April days was wholly experimental. It might or it might not prove to be what Roosevelt needed. It was going to require the outlay of time and money by each man invited to serve, and

there was to be no recompense or hope of recompense for any of them. I could not very well expect mere acquaintances to take part in such a venture.

There is one point here that I think deserves further emphasis. When I asked Rex, Adolf and the others to serve, I also asked them to refuse if they had any hope of getting even their expenses paid, much less of getting a fee of any kind. I wanted to avoid the slightest taint of jobship in this affair. I wanted our independence, our honesty, our interest in ideas to be above the faintest suspicion, protected, even against ourselves, at a material cost most of us could ill afford. Only one person demurred at this condition and, needless to say, the invitation to serve was at once withdrawn.

The rule was broken in my case alone before the election. But not until September, 1932, when Roosevelt asked me to accompany him on his campaign trip to the Far West. By that time the drain of long-distance telephone charges, of railroad fares, of extra clerical assistance throughout the spring and summer had so depleted my modest resources that I was compelled to let the Democratic National Committee pay for my railroad tickets and Pullman accommodations.

It would be futile to trace the processes of selection, natural and otherwise, that brought some of the original group I had tentatively named to Sam Rosenman into increasingly intimate contact with Roosevelt and that relegated others to indirect contribution through me. Three or four of the men were too busy on other things to give much time to the work. One or two didn't get on well with all the others. One proved to be unexpectedly pedantic, and once he had spoken his piece, could only repeat it with variations. Another's stuffy manner obviously annoyed the governor. Several, though they were experts in their own fields and were helpful on specific questions, could add almost nothing to the general give and take of ideas or to the shaping of a broad, coherent program.

All this was discovered by a system of trial and error—a system not nearly so wasteful as it sounds, because Sam and I took no one to Albany who wasn't worth at least one evening's intensive pumping. And the amount of intellectual ransacking that Roosevelt could crowd into one evening was a source of constant astonishment to me.

Albany Night School

Sam, "Doc" and I would take one or two men on the late-afternoon train, arriving in time for dinner. The talk at table would be pleasant, casual. But once we had moved out of the dining room to the study which adjoined it—a room which I considered the most hideous in the dingily baroque Governor's Mansion—random talk came to an end. Roosevelt, Sam or I would throw a question at the visitor, and we were off at an exciting and exhausting clip.

The governor was at once a student, a cross-examiner and a judge. He would listen with rapt attention for a few minutes and then break in with a question whose sharpness was characteristically blurred by an anecdotal introduction or an air of sympathetic agreement with the speaker. Sooner or later, we would all have at the visitor, of course. But those darting questions of Roosevelt were the ticks of the evening's metronome. The intervals between them would grow shorter. The questions themselves would become meatier, more informed—the infallible index to the amount he was picking up in the evening's course.

I watched the governor, noted his reactions and supplemented his questions to make sure that every idea or bit of information worth using was hammered home. I was trying to avoid, more than any other single thing, a synthetic education. The stuff had to become part of Roosevelt's equipment. Otherwise, somewhere, sometime, the thing that every politician fears like death would happen—a bad break in the exposition of fact or policy in extemporaneous remarks. Otherwise the process would be nothing more than a glorified cram course designed to get him by the test of the election and forgotten thereafter.

By midnight, when the time came to dash for the train to New York, Sam, "Doc" and I would be done in; the visitor—who would not realize for some days, in most cases, that he had been squeezed dry—would look a trifle wilted; and the governor, scorning

"That? Oh, it scares road hogs!"

further questions, would be making vigorous pronouncements on the subject we had been discussing, waving his cigarette holder to emphasize his points.

This performance was repeated again and again through the spring and summer. We took dozens of people up to Albany or Hyde Park, sometimes with the idea that they were good for only one shot, and sometimes, as in the case of Ralph Robey—an economist-journalist of great ability and independence—because we felt they could be consistently helpful in advising us and hoped that they would become more or less attached to the little general staff that had meanwhile taken shape.

That development—the close association of Tugwell, Berle, Rosenman, O'Connor and myself—was formally acknowledged late in April. Just before he left for the conference of governors in Richmond, Roosevelt asked me to serve as chairman of this group. We were in his little sitting room at his house on 65th Street, and he was giving occasional directions about the packing of his things to McDuffie, his colored valet, arranging some papers on a small table before him and talking politically. Which makes you chairman, I guess, of my privy council."

Either the phrase, "privy council," particularly struck his fancy or my involuntary reaction to it—a wince at the thought of what an unfriendly newspaperman might do with it—made Roosevelt decide that he had struck good teasing ground. At any rate, he repeated it, shaking with laughter. And—now the baleless secret is out—thereafter referred to us as the "privy council" until September, when Jimmy Kieran, the New York Times man covering him, coined the name "Brains Trust." By that time the private joke had worn a little thin, and he gladly switched to the newer label.

The day after Roosevelt left for the South, Rex, Adolf and I met in my office at the university and laid out the work of the next three weeks. It was an ambitious program.

We would each take the responsibility of preparing memoranda on a number of topics. Some of these we would farm out to other men, some we would prepare ourselves, but in every case we would be responsible for the accuracy of the material, whether it came from ourselves or from others. We would meet and discuss what we were doing while the work was in progress. Meanwhile, besides, I would prepare a broad philosophic statement—perhaps in the form of a draft speech from which paragraphs might later be taken and expanded for use in particular speeches—to precede the detailed and specific memoranda on agriculture, tariff, banking, finance, money, international debts, power, relief, railroads, governmental economy and presidential powers.

Wild days and nights of work ensued. Berle got in Louis Faulkner and a number of other young men he knew downtown to work with him on the problem of how to loosen frozen credit and scale down the intolerable burden of accumulated debt. Tugwell went to work on the tariff and on an analysis of farm remedies proposed in the '20's. With Henry Morgenthau, Jr., who was then chairman of Governor Roosevelt's Agricultural Advisory Commission, he also prepared some elaborate "notes" for a farm program. Frederick C. Mills and Jimmy Angell contributed ideas on prices and money. McGoldrick and McBain prepared a memorandum on presidential war powers—we already foresaw the possible need for the exercise of emergency powers by the President. Fred Telford, recommended to me by Mark Graves, Roosevelt's state budget director, undertook to prepare a preliminary study of the Federal budget. So it went. There were conferences, drafts, redrafts, editings and co-ordinatings.

The Birth of a Phrase

By May nineteenth, the day that Sam Rosenman was to leave for a visit to Warm Springs, we had by no means all the data we had planned to gather, but a very respectable amount of it was ready. It was clipped together and dispatched to Roosevelt via Sam.

It may easily be argued that this material foreshadowed not only most of the campaign speeches but much of the New Deal itself. But that isn't accurate. What its preparation really did was to make us pull ourselves together and put down on paper a good many of the notions that we had been batting around in conversation with the governor. It gave our thinking, to date, a local habitation and a name. The phrase "a New Deal" which was publicly introduced in the speech of acceptance, I first used in the general philosophical statement that prefaced this series of memoranda, thus: "Unlike most depressions this one has as yet produced only a few of the disorderly manifestations usually attendant upon such times. Wild radicalism has made few converts. This is due to an orderly and hopeful spirit on the part of people who, nevertheless . . . want a change. To fail to offer real change is not only to betray their hopes but misunderstand their patience. . . . Reaction is no barrier to the radical. It is a challenge and a provocation. It is not the pledge of *a new deal* (italics mine); it is the reminder of broken promises. Its unctuous reassurances of prosperity round the corner are not oil on troubled waters; they are oil on fire. . . ."

At last we could see, in black and white, the outlines of the national program that we had been sketching out in talk. We could take note of the holes in our thinking and get to work filling some of them up. What was taking shape was distinctive in three respects.

First, we proceeded on the assumption that the causes of our ills were

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domestic, internal, and that the remedies would have to be internal too. How unorthodox this was at the time may be judged by the amount of bitterness with which we were called "nationalists" by older economists.

Second, was the belief that there was need not only for an extension of the Government's regulatory power to prevent abuses but for the development of controls to stimulate and stabilize economic activity. The former, designed to curb economic power and special privilege, did not depart in principle from the lines of policy laid down in the administrations of Theodore Roosevelt and Woodrow Wilson. But the latter carried us pretty far from ancient moorings.

Third, was the rejection of the traditional Wilson-Brandeis philosophy that if America could once more become a nation of small proprietors, of corner grocers and smithies under spreading chestnut trees, we should have solved the problems of American life. We agreed that the heart of our difficulty was the anarchy of concentrated economic power which, like a cannon loose on a frigate's deck, tore from one side to another, crushing those in its path. But we felt that any attempt to atomize big business must destroy America's greatest contribution to a higher standard of living for the body of its citizenry—the development of mass production. We agreed that equality of opportunity must be preserved. But we recognized that competition, as such, was not inherently virtuous; that competition—when it was embodied in an employer who survived only by sweating his labor, for example—created as many abuses as it prevented. So we turned from the nostalgic philosophy of the trust-busters toward the solution first broached in modern times by Charles Richard Van Hise's Concentration and Control. (1912.)

I doubt that Roosevelt did more than glance through the memoranda of May nineteenth at Warm Springs. He was at work putting the finishing touches on a fine speech that Ernest Lindley had drafted for him—that speech which was to call for "bold, persistent experimentation"—and three short days after he had delivered it at Oglethorpe University he left Warm Springs for New York. But he was to become familiar enough with the substance of our memoranda in the weeks after his return.

Economic Jam Sessions

The excursions to Albany and Hyde Park were resumed late in May. Now "Doc," who was busy with his law practice, could no longer always accompany us, and sometimes Sam's new duties as a justice of the New York Supreme Court limited, to a small degree, the amount of time he could give to political activity.

Thus, more often than not, it was Tugwell, Berle and I who would make the journey, either by ourselves or with an expert in tow.

The economic jam sessions took place once or twice a week. But I would frequently be asked to stay over for the day following one of them or, if my own work made that impossible, to come up separately on another day.

These private conferences between Roosevelt and me were for two purposes—to begin putting together an acceptance speech and to advise on a political situation that was swiftly becoming a major threat to Roosevelt's nomination, the Walker affair.

Judge Seabury's investigations into the administration of New York City had brought out certain facts pertaining to Mayor Walker which were the signal for renewed demands that Roosevelt remove Walker. But the investigation closed on June first without a formal request from Seabury that Roosevelt take action and, until such a request was made, the governor could legally take no steps.

For two days the press howled for Walker's head. For two days we pondered on how best to act. Then the governor challenged Seabury "to stop talking and do something." . . . On June eighth Seabury sent the evidence against Walker and a demand for his removal to Albany. And Roosevelt, as he had with Sheriff Farley, asked Walker to reply to the accusations against him.

A Political Coup

This bold course—the only possible course ethically and politically, though it cost Roosevelt many votes in the New York State delegation—was shaped, it is important to remember, amid the distraction and the tenseness of the pre-convention month. And I am only less proud of the small part I played in it than I am of the fact that it was at my suggestion that Roosevelt asked Martin Conboy, a New York City lawyer, to act as his counsel in the Walker hearings of August. The choice of Conboy, who was, like Walker, an Irish Catholic and a member of Tammany, and who, unlike Walker, had been grieved and outspoken about the goings-on of the Hall, was a political coup. (I think I finally lost all traces of amateur standing at that point.) This was wholly aside from the fact that Conboy was to do a superlative job in coaching Roosevelt in the facts and law of the case before and during the hearings.

But in early June it was impossible to foresee that things would pan out well, and the days that we spent were harried beyond imagining. The time, consumed by worry, by political jockeying and by the amenities a candidate must observe toward his visitors, was only less conducive to the preparation of a statesmanlike acceptance speech than it was to a wise, just handling of the Walker affair.

Nevertheless, a speech had to be written and, somehow, that, too, had to be squeezed in.

It had been the governor's intention for a long time to accept the nomination before the convention itself, instead of awaiting the customary formal notice at his summer residence. His plan offered two great advantages. He could begin at an early date the ambitious task of selling to the people a political program involving much that was unorthodox and, equally important, he could at once dramatize himself as a breaker of custom, a daring, resolute champion of action, establishing a bold contrast with the country's picture of Hoover as timid, hesitant, irresolute. The idea of a plane ride was born of necessity. He could not very well keep the convention waiting until he got from Albany to Chicago by rail.

But a speech of acceptance was an important utterance in the life of a candidate—perhaps the most important. It was not to be dashed off at the last minute. Hence, immediately after his return from Warm Springs, the two of us began a conversational review of the ideas that had been presented to him in the meetings at Albany and in the memoranda of May nineteenth. From these two or three talks I was

able to get a general notion of what ideas he wanted to emphasize and what to play down. Then, because it was obviously impossible for him to find a quiet moment to dictate a draft speech, and because I knew his preferences, he asked me, early in June, to prepare a speech memorandum containing an exposition of the ideas he wished to make his own—a statement couched in the language of speechmaking rather than of economic discourse.

The result was nine thousand words long. While it was taking shape, I consulted him frequently. I also showed parts of it to Rex, Adolf, Sam and Louie, asking for their advice on one point or another. But the physical job of writing, I understood from Roosevelt's procedure in separating it from the general meetings, he did not wish me to share with the others, and I was scrupulously careful to respect his wishes.

I finished in the third week of June. The governor read it with care, making penciled corrections and indicating, in the margins, points that he wanted to strengthen—passages to "boil," as he phrased it—and things that should be omitted for the sake of brevity. This draft I took back to New York, where I revised it in accordance with his instructions.

When I took it to Albany on my last trip before the convention, Roosevelt asked whether I hadn't planned to go on to Chicago to see the "show" there. I told him that I had, that I was really eager to go, but that I should be only too glad to stay in the East if I could be of the slightest service to him.

"No, no," he said. "You go ahead. Sam and I can work this over now." It was agreed that probably the best thing I could do then was to go West and get Louie and some of the other boys used to what the speech was going to say.

The center of the convention, for me, was 1702 at the Congress Hotel—Louie Howe's suite. True, there were hours spent in the convention hall itself and in the room at the Drake that Jesse Straus had made available to Rex Tugwell and me. There were talks with Straus, his son Bob, with Harry Hopkins, who was chairman of the New York State Temporary Emergency Relief Administration, and with dozens of others who wandered in and out of the Straus suite. But most of the time was spent in Louie's corner apartment at the Congress.

Howe Pulls the Strings

I don't believe that Louie set foot outside his rooms during the entire period of the convention. There, in the confusion that washes over every outpost of a political convention, the doughty little man worked, worried, suffered, triumphed. Except that he threw his coat aside occasionally when he took a nap, I don't think that he had his clothes off during the entire week. It was a moment when his fondest ambitions, the fruits of a lifetime of labor, hung in the balance. And his nerves were raw with the strain, his body racked by illness.

The most vivid picture that I have of those days is that of Louie at the moment Roosevelt's name was put in nomination. The convention was in an uproar. Over the radio came sounds of singing, marching delegates, blaring bands and the futile poundings of Sen. Thomas J. Walsh's gavel. Louie was lying on his bed, doubled up with suffering from his chronic asthma. For hours he had been sending directions to the Roosevelt stage manager at the convention hall through his faithful and competent secretary, Margaret Durand, whom he always playfully called "Rabbit." Looking at that moment of victory like a man to whom happiness could never come and whose wasted body could hardly be expected to harbor the breath of life much longer, he groaned out between coughs, "Tell them to repeat Happy Days are Here Again."

I never knew whether Louie's intense activity was especially important. Jim Farley, after all, was the field marshal. Probably Louie's chief contribution was made in keeping in touch with such party leaders as Senators Hull, Wheeler, Byrnes, and in counseling with Farley and Ed Flynn—Boss of the Bronx and political adviser to Roosevelt and Farley. For the rest, the milling about that went on in his apartment seemed to have little enough to do with the actual political management of the convention. Yet that was the place for me because it afforded contact with Farley and Flynn—including almost hourly bulletins about the progress of their negotiations—and contact, by direct wire, with Roosevelt and Rosenman in Albany.

Getting the Acceptance Accepted

Through the first, I was able to follow the story of the attempt to win over the delegations indispensable to Roosevelt's nomination.

Through the second, I was able to learn what was being done with the copy of the draft acceptance speech I had left in Albany. When Roosevelt and Rosenman had finished their work on it, Rosenman telephoned it to me and I had a stenographer take it down. I was enormously relieved when I saw the text. My one fear had been that it would be transformed beyond recognition into the usual meaningless generalities. But there had merely been a reduction in length. The substance remained. The peroration—that is, the last five paragraphs—was new, but it had been and remained customary for me to make no attempt to draft a peroration for any speech of Roosevelt's. He always preferred to do that part of a speech in longhand, by himself.

During the agonizing six days of the convention, my chief job was to get Louie to approve this speech. As I have suggested elsewhere, I had seen Louie constantly during May and June, kept him informed of what I was doing in Albany and, in general, explained the shape our thoughts were taking. From those talks he had grown reasonably familiar with the ideas expressed in the acceptance speech, and, contrary to the impression of political wiseacres, he had no objection to them.

But though he admittedly did not demur at the philosophy of the speech, to my amazement he rasped that the speech wouldn't do, simply wasn't appropriate to such an occasion. There followed, then, a fearful tirade which reached a crescendo with the shout, "Good God, do I have to do everything myself? I see Sam Rosenman in every paragraph of this mess."

So he spit it out at last—the thing he really felt. It wasn't jealousy, solely, though clearly he resented not only Sam but the rest of us who were gathering around his "Franklin." It was the simple, primitive desire to play a major role in the crowning oratorical triumph of his idol's career.

It was difficult, despite a long friendship with Louie, to do very much with him. I explained that Rosenman had

really had very little to do with the writing of the speech, but to that Louie bitterly replied that he knew better, that he had too much respect for my judgment to believe that I could have "perpetrated" this speech. "I don't expect Sam to understand, but you'd know it would go fine under the trees at Hyde Park and be a complete flop at a convention," he snapped. I argued that, convention or no convention, it was essential that a measured, comprehensive statement go to a country wallowing in the depths of a depression. But it was impossible to make Louie abandon the pretenses *(a)* that the speech was unsuitable and *(b)* that it was unsuitable because Sam had worked on it. And it would have been dangerous to press the matter too insistently, because then all his unspoken resentment against me would have flared up. I could merely keep my fingers crossed while, over and over again, he threatened to write "a whole new speech" himself, and the hours whirled by without his making a move to begin. So things went along.

On the morning of July first, we all turned into bed, worn out by the all-night session of the convention. There was no joy in the Roosevelt camp that day. It seemed probable that when the convention was resumed a pretty general crack-up of the Roosevelt forces would occur. There was no great liking for the Roosevelt movement on the part of a good many state leaders, and at the first sign of weakness, it would vanish. Louisiana, Minnesota and Mississippi were expected to lead an exodus from the Roosevelt ranks.

In the Shadow of Defeat

There was nothing I could do in that sector, and after a few hours' sleep, I returned to the Congress. Rex and I found the place full of hell and desperation. We first went to "Doc" O'Connor's rooms. The air was blue with cursing at the New York delegation. Tammany was more confident than ever of the defeat of Roosevelt. "Doc" was frankly pessimistic. He said, "Well, we'll have the governorship six months more anyhow and, boy, will we make those —— —— Tammany fellows wish they hadn't played this game!" Gloom reigned in Howe's room too. I could not even suggest that Louie think of an acceptance speech to be delivered by a man whose nomination, at that moment, seemed highly doubtful.

Rex, Harry Hopkins—whom we picked up at Louie's—and I started for the convention. Rex and Harry both felt that the case was hopeless. We did not take a taxi at the Congress, but walked to Wabash Avenue and proceeded in a northerly direction two or three blocks. As we passed a newsstand I picked up a paper in which appeared the one column that is probably the best known of Heywood Broun's many—and probably the one that he would like most not to have written. I was still boiling with indignation over Broun's reference to Roosevelt as "the corkscrew candidate of a convoluting convention" when we got to the Stadium.

The tenseness of the scene we found there is almost indescribable. The Chicago politicians had apparently been planting great numbers of leather-throated mugs in the galleries for the purpose of shouting down the Roosevelt defenders on the floor. The night before, the flotsam and jetsam of this mob had trickled down from the gallery into the box seats beside the arena and now they had boldly pre-empted some of these places. One almost had a sense of impending physical violence as these ugly personages unflinchingly outstared one.

On the floor, the delegates were red-eyed, haggard, taut, as McAdoo rose dramatically to announce that California was giving her forty-four votes to Roosevelt and as Texas followed with her forty-six.

I have heard many accounts of the circumstances back of this break, but, after matching together all the fragments, I am convinced that the two persons who deserve more credit for the negotiations than anyone else were Sam Rayburn, of Texas, and Tom Storke, of Santa Barbara, California.

As soon as we could get out of the post-nomination bedlam of the auditorium, we returned to the Congress, where we joined up with "Doc" and perhaps fifty other celebrants. But in the midst of the jollification, I bethought me of Louie and his threats. I dashed to his apartment and, sure enough, found that he was already making good on them. He had actually summoned enough energy out of the crannies of his frail anatomy to set to work dictating an entirely new acceptance speech. And there was no stopping him.

Now was my moment for black despair—not because I had any vested interest in the text that had come from Albany, but because I honestly believed that no mere political gibberish designed to sweep the weary delegates to their feet would do.

"This is our engineers' answer to the World's Fair guest problem!"

I left and, after a sleepless few hours, returned to Louie's. He would not let me look at his speech, but, having got it out of his system, he felt more affable and so consented to give me a vague idea of what was in it.

I gathered that it was little more than an elaboration of the party platform the convention had adopted, with a few banal sentences spun around each section.

While he was talking to me, B. M. Baruch and Gen. Hugh Johnson appeared and, after a cursory introduction, Louie whisked them into another room and banged the door shut.

Who Johnson was, I had no idea. Nor had I met Baruch before. But I knew that he had been among the supporters of Al Smith and had also been friendly with Governor Ritchie, of Maryland. I was, I regret to say, in no frame of mind to admit at that moment that his appearance at Louie's headquarters that morning was a gesture of loyalty to the party ticket, that it had not the slightest character of selfishness, that it was the act of a good sport. I was suspicious of Baruch's motives, his philosophy—about which I had accumulated a fine store of misinformation—and his possible influence. I saw visions of party compromise and expediency flowing in to engulf the work of building a new party faith around the successful candidate.

Weighing Words

It was at this unhappy moment that Jesse Straus tapped me on the shoulder and said: "Can we let Baruch see the acceptance speech? We want to be nice to him, because he can contribute a good deal to the campaign."

All the pent-up feelings of the past seventy-two hours broke loose then. I turned on poor Jesse, yanked the speech out of my pocket, flung it at him with the words, "Please do! It wouldn't be a regulation campaign, would it, if the nominee didn't tack and trim to suit the fat cats? This happens to be what Franklin Roosevelt believes and wants to say. But I'm sure he wouldn't be the first man to cave in under pressure."

Straus simply looked bewildered—he told me later that these remarks were quite incomprehensible to him—and disappeared into the room into which Louie and the others had gone. Perhaps twenty minutes later Baruch emerged, beaming, and held out his hand. He had read both speeches, he said, and infinitely preferred the Albany text. In fact, he thought it was magnificent.

I could have wept for surprise and relief. And when he asked whether I would go and show the speech to a good friend of his, sheer gratitude led me to say yes.

It was thus that I met Herbert Bayard Swope, whose friendship was to be one of the warmest and happiest relationships of my life. At the moment that I first saw him, this colorful man

was seated majestically in a brilliant bathrobe eating one of his notoriously late breakfasts. Joe Kennedy and Hugh Johnson were looking on languidly.

I explained why I had come, sat down and read the speech to them. When I finished, Kennedy spoke up and said, "I think it is a very bullish speech. What do you think of it, Herbert?"

Thereupon Herbert rose from the table and paced up and down the room nervously. He said, "It is a typical Roosevelt speech—liberal in tone, catching, forceful. But it has ungenerous characteristics. It doesn't so much as mention the people in the party who have been consistently loyal Democrats. It isn't calculated to start the governor off with the good will of a united party."

I knew that Swope was speaking out of the disappointment he felt over the defeat of his friend, Al Smith, and that he was particularly anxious that there be some mention of Al. I explained that a number of party leaders had been mentioned in the draft and that their names had been dropped out in the course of the revision of the speech—whether by Rosenman or Roosevelt or both, I did not know. But I was reasonably sure that this had been done only to avoid the hurt feelings that would inevitably be caused by omissions.

This seemed to satisfy Swope, and when I left him and the others, I was really more cheerful. It was heartening to know that now four people in Chicago, outside of Rex and myself, liked the speech.

But that still left me with the problem of Louie and his speech. I tried desperately to get Louie to talk to me about it, but he flatly refused. He was too busy, he said.

Pretty disconsolately, then, I went out to the airport to meet the plane in which the governor's party was arriving. There I found Louie with his draft, as evasive as ever. In the midst of the tumult that surrounded the plane after it landed, I got to Rosenman and told him what was up. He said that the governor had a copy of the speech as finally revised, in very minor degree, on the plane, and that he would try to get word to him to make no changes. Meanwhile, Louie got into Roosevelt's car, sharing, as he had every right to, the triumph of that trip from the airport to the Stadium. The rest of us followed.

But Louie had no chance to confer with Roosevelt in the car. Its path led through screaming, shouting, deafening crowds, and the governor was so happy and so busy waving at his admirers that Louie could not engage him in talk. Apparently, therefore, Louie decided on one of the most desperate and, it seems to me, foolish courses that I have ever known. He undertook to get Roosevelt to accept his speech sight unseen at the very moment before he delivered it to the convention. I have heard this story more than once from F. D. R. himself and its purport is this:

After the chairman had introduced Roosevelt, Louie handed Roosevelt his draft of an acceptance speech. Roosevelt, thoroughly aware of what the moment meant to Louie, took the document, extracted the other from his own pocket and laid the two beside each other. While the convention was cheering madly, he glanced over the first pages of the two speeches, removed the first page from his own draft, replaced it with Louie's and began to read.

Meanwhile, I had pushed my way through the mob to the back of the hall and taken out my copy of the speech. As Roosevelt's high, clear voice began to pronounce the words, I followed anxiously. The ideas were those of the Albany draft; the phrasing was unfamiliar. Louie, the little devil, had merely rephrased the introduction of the other text—which, of course, was what made it possible for Roosevelt to substitute Louie's first page for his. After a minute or two, I began to hear the familiar sentences of the Albany text. So the speech went to the country—one page of Louie's redraft, and the remainder the draft I had carried around all week.

As the speech drew to a close, I was poignantly aware of what was happening. The philosophy developed by the little group that I had brought together was now, in substance, the official policy of the standard bearer of the party. In the American system, the pronouncements of the party nominee rank equally with the party platform. In fact, whenever there is a conflict, the nominee's version of party orthodoxy prevails. The die was cast. The doctrine of a potentially great political movement had been proclaimed. Come what might, so far as I was concerned, not even Louie's anger could blot out this moment.

Editor's Note: The inside story of the feverish 1932 campaign, as it unreeled at Roosevelt headquarters, is detailed by Mr. Moley in next week's Post.

—AND THEN THERE WERE NONE

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Philip said: "You know, I don't relish the idea of tinned tongue particularly. I'll stay here with Miss Claythorne."

Blore hesitated.

Vera said: "I shall be quite all right. I don't think he'll shoot me as soon as your back is turned, if that's what you're afraid of."

Blore said: "It's all right, if you say so. But we agreed we ought not to separate."

Philip Lombard said: "You're the one who wants to go into the lion's den, Blore. I'll come with you, if you like."

"No, you won't," said Blore. "You'll stay here."

Philip laughed. "So you're still afraid of me? Why, I could shoot you both this very minute if I liked."

Blore said: "Yes, but that wouldn't be according to plan. It's one at a time, and it's got to be done in a certain way."

"Well," said Philip, "you seem to know all about it."

"Of course," said Blore, "it's a bit jumpy, going up to the house alone."

Philip said softly: "And therefore, will I lend you my revolver? Answer: No, I will not! Not quite so simple as that, thank you."

Blore shrugged his shoulders and began to make his way up the steep slope to the house.

PSF: Rosenman

October 26, 1939.

Dear Sam:-

We are all glad you liked your set of the "Public Papers" and we have decided to let you have them at a very good price -- $11.25.

My best to you and Dorothy and the boys.

As ever,

Hon. Samuel I. Rosenman,
60 Centre Street,
New York, N. Y.

PSF: SAMUEL I. ROSENMAN
60 CENTRE STREET
NEW YORK, N.Y.

Dear Missy

Will you please give the President the attached letter of thanks for the exclusive set of "Public Papers". You know how beautiful they are!

Also please do not forget to send me the bill for the cost of the binding.

With my best

Yours

Sam

✓ Sam Rosenman PSF

Upset over House debate on the FDR Library. Hopes the P. will make statement again regarding use of funds collected for the newspaper and magazine publication of the "Public Papers".

Yte
Rosenman
Sam F

For Letter
See-F.D.R. Library folder
Drawer 2 - 1939

PSF: Rosenman

January 9, 1940

Dear Dorothy:

That is a lovely pottery jar which you sent me and it is going up to the cottage with my other treasures. Thank you and Sam.

It was grand having Sam down here to help. I only wish you and the children could have been here too. However, I do appreciate your letting me borrow him although, I fear, I am not as good at keeping down the waistline as you are!

A very happy New Year to all of you and I hope I shall see you soon.

As ever,

Mrs. Samuel I. Rosenman,
135 Central Park West,
New York, New York.

mäl/tmb

PSF:

THE WHITE HOUSE
WASHINGTON

3/27/40

MEMO FOR MISSY

Thank him very much. I have been delighted to read this and that I want them for my files.

F. D. R.

PSF: SAMUEL I. ROSENMAN
60 CENTRE STREET
NEW YORK, N.Y.

March 25, 1940

Miss Marguerite A. LeHand
The White House
Washington, D. C.

Dear Missy:

Would you please put the enclosed documents in the President's basket for a reading? I think you will find them very interesting yourself.

With kindest regards,

Cordially yours,

Sam.

Encls.

SAMUEL I. ROSENMAN
60 CENTRE STREET
NEW YORK, N.Y.

March 25, 1940

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

Dear Mr. President:

I have come to know fairly well one Jakob Goldschmidt, who in 1933 was one of the leading industrialists of Germany. He was a member of the Board of Directors of the Krupp Works, the Thyssen Works, the Reichsbank, the A. E. G., which is the German company of the General Electric Company, the North German Lloyd, the Hamburg-American Line, and a great many other leading industrial corporations. He served on several boards with Dr. Schacht, Thyssen and the other bankers and industrialists of Germany. He holds an honorary degree from Heidelberg. I understand he was one of the richest men in Germany, and was a particular target of the National Socialist Party for years before the accession of Hitler to power.

He had enough foresight to leave Germany in November of 1933. He is now a resident of New York and will become an American citizen next year. Partially through the assistance of Thyssen, I understand, he was enabled to get out of Germany a portion of his art collection and, I imagine, other wealth. He has exhibited some of his pictures at the World's Fair in San Francisco and in New York. He was apparently a very close friend of Thyssen, and knew intimately several of the present leading industrialists and bankers of Nazi Germany.

He has given me translations of several letters which were sent by Thyssen to Hitler, Goering, et al., after Thyssen's flight into Switzerland, copies of which letters were sent by Thyssen to him here in New York. Goldschmidt has written an introduction to these documents. Apparently the present thought is that Thyssen at some time in the near future is to publish these letters, together with the preface written by Goldschmidt.

SAMUEL I. ROSENMAN
60 CENTRE STREET
NEW YORK, N.Y.

I understand that the Crowell-Collier Publications are interested in publishing them and that Mr. William Hillman, who is the European representative of that concern, is going to discuss with Thyssen in a week or so the publication of them. I am informed that Thyssen will follow Goldschmidt's advice rather closely on the question of whether or not they should be published, as well as other matters concerning Thyssen's future activity.

I thought you might be interested in reading not only the letters of Thyssen, but also Goldschmidt's introduction to them, both of which are inclosed.

These letters are very illuminating. They start with August 31, 1939, when Thyssen got his instruction to appear at the Reichstag meeting which was to declare war the next day. One of the most interesting items in the letters is Thyssen's statement that on September 1st, when the Reichstag voted for war, there were approximately one hundred members absent, whose seats were taken by party hacks. I do not know whether you knew this.

My own interest in this whole episode is that Thyssen appears to be the perfect example of what might happen to financial and industrial leaders who seek to block the kind of social progress which should come by orderly, legitimate stages, who fail to read the times correctly, and who in their efforts to thwart measures of social reform find themselves thrown out by forces which they thought they could use for their own benefit.

In other words, Thyssen is a perfect example for some of our own leading industrialists and bankers who would be willing to accept almost anyone who would promise to stop the trend in American government since March 4, 1933, with the confident hope that they would be the ones really in control. Thyssen is the perfect answer to their hopes.

SAMUEL I. ROSENMAN
60 CENTRE STREET
NEW YORK, N.Y.

It seems to me most ironical that, as appears from page 11 of the dossier of letters, the decree under which Thyssen's property was confiscated is a decree "concerning the confiscation of Communistic property".

I think that this introduction by Goldschmidt really acknowledges this fact; but it is a little euphemistic, coming from one who was associated with Thyssen for many years and who was befriended by him in time of need.

I know these letters will be very interesting to you.

With kindest regards,

Very cordially yours,

Samuel I. Rosenman

P. S.--From my conversations with Goldschmidt, I am sure that he appreciates the situation fully; that he sees the resemblance between Thyssen and some of our American business magnates; and that he has so expressed himself to bankers and industrialists in this country. He was present at the recent Economics Club Dinner, where Ickes and Weir debated. He tells me that Weir's speech was exactly the same sort of speech that he had heard time and again from comparable persons in Germany before Hitler came to power.

PSF: Roosevelt

JAKOB GOLDSCHMIDT

FRITZ THYSSEN authorized me to use the contents of the dossier attached hereto in any way I might deem fit. The dossier consists of telegrams and letters addressed by Thyssen to Hermann Goering and Adolf Hitler at the time of the outbreak of war and during the subsequent two months, September and October of last year. In deciding to submit these letters to a small group of responsible people, I am guided by considerations of a twofold nature: Firstly, these letters contain a number of perfectly new or little known facts which in an interesting way elucidate occurrences and their background in national-socialist Germany. In this respect I want to point particularly to the protest voiced by Thyssen, the Catholic and "Aryan", against the persecution of the Christian Church and of the Jews, to his passionate rejection of an alliance with communist Russia, to his express reference to the extremely anti-Russian program of Kepler, Hitler's trusted economist (in 1939!) and to his statement that hundred members of the German Reichstag had absented themselves from the fateful session of last September, their places and votes being filled by organs of the Party.

Beyond this direct interest, however, the letters seem to be of a much greater significance in general respect, a

significance not only touching upon Germany but also upon the United States. The focal point of this interest is the author of the letters himself, Fritz Thyssen.

Fritz Thyssen may rightfully be considered one of the typical representatives of the German Bourgeoisie and German capitalism. He is heir to one of the largest fortunes of industrialism in Germany. He was conscious of the great responsibility in economic and political respect such position entailed. In relation to this he was heir to the best tradition of German bourgeoisie. His aim was not to elevate himself and his own interests above those of the commonwealth and the State but his primary objective was to serve the nation and the country as best he could. His outstanding patriotism was proven to the whole world by the manly stand he took in 1923 at the time of the French invasion into the Ruhr district. He was well aware of the fact that as an aftermath of the war far reaching changes in the social structure of life within Germany would take place, and he realised in time the strong tensions present in the country with their dangerously revolutionary currents. He was convinced of the fact that a solution of the social problem should in the first place be looked for in the sphere of economics in order to prevent the fluctuating economic situation from increasing the already existing difficulties in the political field. He had an absolutely correct conception of, and perfect willingness to do his part in, the fundamental changes which were to do justice to the well-to-do classes as well as to the poor among the nation. This however is the point where his failure becomes manifest. A failure in which shares not only Fritz Thyssen himself but his entire generation of

the German bourgeoisie. Just as incapable as that generation was in adapting itself to the new democratic form of government, was the Weimar Government in the question of how to draw the creative forces of the well-to-do and nationalistic classes into the gigantic process of reconstruction of new Germany. The gap between these groups was, on the one hand, the result of the nationalistic point of view that the German Republic had been irreparably discredited from the start by the fact that its first act had to be the signing of the Treaty of Versailles. Fritz Thyssen, on the other hand, and all those of his rank, though fully appreciating a government based upon democratic principles, were adverse to leadership by the social-democratic party with its socialistic ideas and practices. Mindful of the radical events and the resulting measures which had been the inevitable consequence of the overthrow of the government at the close of the World War, in particular the industrialists feared that the Have-nots in Germany, the "mob", would take over the reigns of government and that ultimately the complete overthrow of the existing social and economic order would result. This fear always flared up anew whenever, on account of impending economic crises, the socialist parties gained ground which heavily weighed down upon the ever unstable scale of power within the German Republic. Fritz Thyssen, and with him numerous leaders in German industry were "conservative" and, according to their interpretation, "conservative" meant a form of government based upon authority and tradition, and a social structure built on hierarchy. Fritz

Thyssen, however, along with other leaders of German economy, though willingly recognizing the necessity of structural changes in the social order of the country and even wanting to hasten their course, they were too deeply rooted in the tradition of their antiquated thoughts and conceptions, to find among their own class the man and the idea who would have been capable of finding, by way of evolution, the synthesis, combining old and new forces for the establishment of a better order of things in the future. And just at the decisive moments when there would have been a chance for them to overcome critical periods through some constructive idea, they were ever again paralyzed by the one great fear that finally, with the aid of Russia, Bolshevism would be the victor in the struggle of these opposing trends.

Such was the situation when Hitler made his appearance. In the namd his party had adopted, the two leading trends of the present time were combined: Nationalistic and socialistic. He promised -- in his book "The State of the Future" which is based upon the Fuehrer principle -- that he would espouse the two causes to making it one. Fritz Thyssen who for a great many years had been trying to find a solution of theproblem was fascinated by this novel association of two most strongly contrasting movements -- in combination with the Fuehrer principle. It was perfectly clear to him that he as one of the "Haves" would have to make great sacrifices also for the new State of Herr Hitler, but he was convinced to have found in Hitler and in his ideas the instrument through

which in an evolutionary way a new and better order could be established in Germany. The gift denied to him and his equals, Hitler seemed to possess: He spoke the language of the masses which the upper social layer no longer knew. Thus it appeared possible to gain through Hitler, the personification of the amorphous masses, access to these very masses and, moreover, to govern those masses through him. This is how the alliance between the representative of the conservatives with the demagogue was concluded. The real Hitler, the nihilistic, revolutionary Hitler, who despised all existing values and ideas, these conservatives neither could, nor wanted to,see. The "outgrowths", which in many respects became apparent already during the development of the national-socialist movement and which manifested themselves primarily in a hostile attitude toward the clergy, in antisemitism, and in a radical socialism, were explained by Hitler again and again as mere propaganda, as the necessary means for attaining the goal of carrying off the power: Sugar for the masses. During discussions in smaller or larger private assemblies, Hitler constantly renewed his most forceful and most binding promises and assurances that after taking over power all these outgrowths of radicalism of a personal nature, or otherwise, would be eliminated. Finally, those conservative politicians and economists believed that his solemn promise was firmly grounded upon their alliance with him and that the grouping within the government and the upholding of the Constitution were guaranteed forever. The governing groups, as is known, showed a strong majo ity of the conservative and middle class parties

at the time.

Fritz Thyssen, an idealist in a class by himself believed also in Hitler's idealism and in the power of his personality. He thought that Hitler would prove to be the man who could master any situation presenting itself, and that he would be able to reunite the self-dissolving forces of the masses in a superior entity. Beyond this, he believed that he and the exponents of wealth and learning represented by him, would have it in their power to rule Hitler in turn. This belief proved to be erroneous. In the alliance between the conservative and the revolutionary, the revolutionary proved to be stronger.

Fritz Thyssen recognized his mistake only when it was too late. It is an easy thing to blame him and to condemn him. Before doing so, however, one should make it plain to oneself that on the same grounds most of the statesmen of the great European nations outside of Germany were to be condemned. All of them thought that through negotiations and conclusion of treaties with Adolf Hitler, they would avoid a horrible end, whereas in fact their policy led to an endless horror.

In a fateful development of events as those before our eyes, it is idle to deliberate on the question of guilt or, moreover, to decide on it. Fritz Thyssen himself is fully aware of his mistakes and false steps. In contrast to the numerous

"opportunists" among the bourgeoisie he started the path of opposition immediately upon Hitler's coming into power, even though he confessed to the world his change of heart only as late as in the latter part of 1939, through his departure from Germany. At that time there was nothing that could induce him to remain in, or to return to, Germany, notwithstanding the fact that by doing so he could have saved his property and his position. For as great a German patriot as he was, it certainly was a hard thing to leave his country just at the moment when war was declared, and to publicly avow his standpoint.

Fritz Thyssen is conscious of his difficult position in facing world opinion. The thought uppermost in his mind today is the strong desire to help freeing his country from Hitler and his clan, and to do his share in bringing about peace and peaceful cooperation among the great nations of Europe and of theworld. He believes that the explanations and the significant points he is able to furnish may be helpful in attaining that goal and that they will be of great benefit also to developments in other countries. In such respect his services may be particularly valuable for the United States in my view, as the volume of his positive knowledge and experience and, possibly, still more the lesson taught by his mistakes, may be most fruitful in this country.

New York, March 12,1940.

Jacob Gould Schurman

to which we have to submit. Victory, however, will ultimately always be on the side of the good and not of the evil.

New York, ...

Fritz Thyssen

Copies of the Thyssen letters

On August 31st, 1939, the following urgent telegram was sent by me from Badgastein, Germany, to Fieldmarshal Goering:

'Received order from Gauleitung (District Leadership) Essen to keep ready for airplane flight to Berlin stop I cannot comply with this order because of unsatisfactory condition of health stop in my view a kind of armistice ought to be possible to gain time for negotiations I am against the war a war will make Germany dependent also in the matter of raw materials and thereby she will lose her position as a world power.

Greetings Thyssen.'

MEMORANDUM by FRITZ THYSSEN, Member of the Reichstag, dispatched by messenger to Fieldmarshal Goering on September 20, 1939:

1) On August 31, at 9 p.m. I sent the following urgent telegram to Fieldmarshal Goering (see above)

2) On September 1st, Mr. Hitler said during the session of the Reichstag: "Anyone who is not with me is a traitor and will be treated as such."

3) In this remark I see not only a threat but also an encroachment upon my constitutional rights as a Member of the Reichstag.

4) I am not only entitled but even obliged to speak up, particularly in a case where I feel convinced that Germany is being led into grave disaster. Mr. Hitler has no right to threaten me when I give expression to my thoughts.

5) Now as before I am against the war. As the war has started meanwhile, Germany ought to try to put an end to it as early as possible, for the longer it lasts, the less favorable will be the peace terms for Germany.

6) It is not Poland that broke the pact with Germany, that pact Mr. Hitler himself formerly repeatedly referred to as a guaranty of peace. In this respect I also refer to Hitler's speech on September 26, 1938.

7) In order to achieve peace, it will be necessary that Germany returns to a status which in every respect conforms to the laws of the Constitution. Where the Constitution of the country is not respected, there in the end will be anarchy. The oath of allegiance taken by the individual is valid only if also the leaders live up to their oaths.

8) In the meeting of the Reichstag on September 1st, approximately 100 members were absent. Their seats were taken by party organs. I see in this fact a mockery of the Constitution against which I raise my voice in protest.

9) I demand that the German public be informed of the fact that in my capacity as Member of the Reichstag I have voted

against the war. Should there be any more members who voted as I did, their votes too are to be made public.

10) On August 31st, shortly before the above mentioned telegram was dispatched, the news were wired to me that a Mr. von Remnitz had suddenly died at Dachau. Mr. von Remnitz was the son-in-law of my sister, the Baroness von Berg, residing at Munich. Mr. von Remnitz had been interned right after the Anschluss of Austria, because of his alleged activities as a Legitimist prior to the Anschluss. Immediately upon his arrest I had written to District Leader Buerckel of Vienna but without even being favored with any reply at all, which is characteristic of conditions in Germany. I demand that I be informed whether Mr. von Remnitz died of natural causes or whether his death was due to other causes. In the latter event I reserve to myself the right of taking further steps.

Only three copies were taken of this Memorandum which are all certified. No other copies exist. The copies are still in my possession at this moment and are in safe keeping.

Letter to Fieldmarshal Goering, dated October 1, 1939.

- - - -

Dear Fieldmarshal General,

I refer to my letter to you of September 22nd, 1939 together with enclosure which was handed over by messenger to Mr. Terboven, District Leader, to be forwarded to you. (With that

explanatory letter the Memorandum of September 20th, 1939 was sent to Mr. Goering).

Thereupon I received from the District Leader the following statement:

'1) I declare in the name of the Fieldmarshal that neither a telegram nor a letter came into his hands; it was established, moreover, that the Fieldmarshal's Office did not receive said telegram or letter either.

2) From this fact it appears that the closing sentence in the speech of the Fuehrer could in no way have been aimed at any particular person.

3) In the event of your prompt return, the Field-marshal guarantees that no consequences whatsoever of a personal or economic nature will result to you. '

To this I wish to state as follows:

1) It is quite impossible that my urgent telegram of August 31st, from Badgastein, did not arrive. It is to be hoped that in Germany a telegram addressed to the Fieldmarshal will always arrive. Also my letter dated September 22nd must have arrived, for otherwise the District District Leader could not have expressed his position as defined above.

2) It may be that my telegram did not arrive in time although it had been dispatched by me immediately upon receipt of the order to

keep ready for the meeting of the Reichstag. If therefore the possibility is to be admitted that the speech of the Reichkanzler was not influenced by it, I was nevertheless entitled to presume that such was the case in view of the situation, the more so, as I was convinced that I had been the only one of all the members of the Reichstag who dared to voice his dissenting opinion.

3) I had never asked you to spare me from personal or economic consequences resulting from my political actions. I do not comprehend how the thought of it could have entered your mind. It is true, I have given my support to the party ever since 1923, first upon the request of General Ludendorff, afterwards I have fully complied, for which there is proof, with all of your wishes, and of those of Mr. Hitler and Mr. Hess, and also of others, but I have never discussed with you or with anyone else any wishes of an economic nature concerning myself. I addressed myself to you only threetimes - much too rarely , I am sorry to say --, namely:

1) When Mr. Weitzel, the Police Chief of Duesseldorf, whom you promoted to the rank of State's Counsel, distributed a more than vulgar pamphlet against the Catholic Church whom I shall always keep faith, and now even more so than ever before. To this no answer from you was forthcoming!

2) When on November 9th, 1938, the Jews were robbed and tortured in the most cowardly and brutal manner, when the Government Chief of Duesseldorf whom you had appointed yourself, was almost killed and driven away. There again was no answer! As a sign of

my protest I resigned at that time my post as State's Counsel; I asked the Prussian Minister of Finance to stop paying my salary as State's Counsel. There was no answer! The payments , however, which were made in disregard of my request, are now standing on a blocked account with the Thyssen Bank waiting for disposal.

3) When the greatest of misfortunes happened and Germany was once more plunged into a war,without the opinion of Parliament or of the State's Council even being asked. I declare with all clearness that I am against this policy, and always shall be against it, even at the risk of being branded as a traitor. In view of the fact that in 1923, though unarmed and not protected by armaments worth 90 billions, I called into existence the Passive Resistance on territory occupied by the enemy and in this way (way) saved Rhein and Ruhr, such accusation sounds almost as grotesque as the fact that national socialism suddenly abandoned its teachings and its mysticism for concluding a pact with communism. But even from the viewpoint of a policy purely realistic, this new policy means suicide, for its sole benefactor will be the Nazi arch-enemy of yesterday, though Nazifriend of today: Russia! The same Russia in regard to which Mr. Keppler, the intimate adviser of the Fuehrer, said only a few months ago, on the occasion of a meeting of the Central Committee of the Reichsbank, that it must become German as far as the borders of the Ural.

I can but address the urgent appeal to you and to the Fuehrer to cease pursuing a policy which at best will drive

Germany into the arms of Communism, or otherwise will mean the finis germaniae. Please try to find out under cover the terms by which it would be possible to still prevent a catastrophy. It will be necessary, of course, that Germany returns to constitutional conditions so that contracts and agreements will once more have a meaning.

In closing I wish to express my regret about having to write to you from abroad in order to be able to openly express my opinion. You will understand, however, that it would be sheer idiocy on my part to do otherwise, in view of the examples of 1934 showing how political opponents - to which I too now belong - were treated. That these methods have not changed is proven, deplorably enough, by the case of Mr. von Remnitz who, as stated in the enclosure to my letter of September 22nd, died, true to Dachau methods, allegedly without any visible cause. Novel only is the fact that Mr. von Ribbentrop did not shrink from taking possession of the dead man's property.

Accept the expression of my high esteem

signed Fritz Thyssen, M.d.R.

Obviously with a view to that letter, the following circular letter was sent out to every Bank in Germany but was not allowed to be mentioned in the press.

"By virtue of a letter addressed to me by the Secret State Police, State Police District Berlin, dated October 13th, I give notice to our members for their attention, of the following Decree issued by the State Police District Duesseldorf:

'In compliance with an order given by Fieldmarshal General Goering to Mr. Terboven, District Leader and President in Chief, Commissioner of the Reich's Defence, Defence Unit 4, the total property of Fritz Thyssen, Dr. jur. hon. c., Muelheim-Ruhr, Speldorf, is confiscated by the State Police according to section 1 of the Law concerning the Secret State Police. It is Mr. Terboven, Commissioner of the Reich's Defence, District Leader and President in Chief, appointed Trustee by Fieldmarshal General Goering, wo is exclusively authorized to dispose of the property.

'As it was not possible to accurately establish the extent of the property of Fritz Thyssen, Dr. jur. h.c., or of his wife, I request that all banks be instructed by a confidential circular letter to report without delay and within five days to the State Police at Duesseldorf, attention of Dr. Haselbacher, Government Chief Counsel, or his substitute in the Office, all accounts, deposits and

safes carried by them in the names of either Fritz Thyssen, Dr. jur. hon. c., or of his wife, Amelie Thyssen, née zur Helle, born in Muelheim-Rhein on December 9, 1877.

Heil Hitler

The Director of the Economy Group of Private Banking-
Central Union of German Banking Firms and Bankers

signed Reinhart
Director of the Kommerz- and Privatbank Berlin."

Mr. Terboven, Commissioner of the Reich's Defence, District Leader and President in Chief, conferred this office of Trustee upon Baron Kurt von Schroeder, proprietor of the banking firm of I.H.Stein, Cologne who accepted the appointment.

The crime of which Mr. Fritz Thyssen is accused (it does not appear of which crime Mrs. Thyssen is accused) cannot have been very grave for there is the following note in his files dated October 1st, 1939:

"When on September 26, 1939, Mr. A.Voegler, Dortmund, delivered to me District Leader Terboven's written declaration mentioned in the letter to Goering of October 1st, 1939, Mr. Voegler added verbally that on my return I should take along all the certified copies in my possession of my Memorandum dated September 20, 1939, and that they then would be destroyed together with the original.

"This would have meant, in fact, that I would

have sacrificed my political creed in exchange for being granted personal and economic freedom. I refused to do so and, instead, sent the letter of October 1, 1939 to Goering whereupon the confiscation of my entire property was decreed.

"Subsequently a notice appeard in the "Reichs-anzeiger" which again was not to be published by the press and which is quoted in the following letter of mine:

Dr. Fritz Thyssen, Member of the Reichstag, Muelheim-Ruhr, Speldorf.

Luzern, December 28,1939.

Mr. Adolf Hitler, Chancellor of the German Reich,
Berlin.

Mr. Chancellor of the Reich!

In the German Reichsanzeiger Nr. 293 of December 13,1939, I read the following notice:

"In view of the Law of May 26, 1933, concerning the confiscation of communistic property (sic) (Legislation of the Reich, Issue 1, page 293), in conjunction with section 1 of the Decree of May 31, 1933 (law No. 39), and the law of July 14, 1933,regarding the seizure of property of individuals hostile to the People and the State(Legislation, Issue 1, p.479), the entire movable property of Dr. Fritz Thyssen, formerly of Muelheim Ruhr, at present abroad, and

also the real estate owned by him, is confiscated in favor of the Prussian State, with the effect that in making this decree publicly known by inserting it in the German Reichsanzeiger and in the Prussian Staatsanzeiger, the property indicated above passes into the ownership of the Prussian State.

No appeal against this decree is legally admissible.

Duesseldorf, December 11, 1939

The Government President, Heeder."

A statement as to the reasons of this measure is lacking. I state herewith that no procedure whatsoever of Court or Administration has been instituted against me. To this day I have never received any communication from the Government of the German Reich; except the one, Dr. A. Voegler by order of the District Leader at Essen handed over to me in which it was said that I should withdraw a political Memorandum I had filed in my capacity of Member of the Reichstag and also should destroy the copy of it, and that thereupon no political or economic consequences would result to me. As pointed out, I declined this "peace offer" on the ground that being a member of the Reichstag my political creed was not for sale. Moreover, I have never been called upon to account in any way for my personal or political attitude. Your Ministry of Propaganda even denied that any action

against me was pending. The confiscation of my property as promulgated in the Reichsanzeiger is an undisguised and brutal violation of law, a measure contrary to the Constitution, to Law, and to Rights. I protest most vigorously against this measure and declare the Reich as well as particularly all persons aiding in this confiscation now or in the future, among them especially Baron von Schroeder, Cologne, the appointed Trustee, as personally responsible to me. The time will come when my rights will irrvocably be restored to me. I specially warn of touching any of my wife's property, or that of my children, the Count and Countess Zichy, or my father's bequest, August Thyssen, to whom, among others, Germany owes in the first place the greatness of her industry.

My conscience is clear. I feel free of any guilt. My sole error was that I believed in you, Adolf Hitler, as the Fuehrer, and in the movement you led; believed with all the ardor of one passionately German. Since 1923 I have indorsed the national-socialistic movement notwithstanding the heavy sacrifices that were required of me; I solicited membership for the movement and fought for it, without ever wanting anything for myself or asking for anything, always filled with the hope that our unfortunate German people would be helped. When the national-socialistic regime came into power, the initial developments seemed to justify my belief, at least as long as Mr. von Papen to whom, after all, you owe your appointment as Chancellor by Mr. von Hindenburg , President of the Reich, was still Vice-Chancellor. It was he

before whom you took a solemn oath in a sacred place - the Church of the Garrison of Potsdam - to uphold the Constitution. Don't forget that your rise was not the result of some great revolutionary deed but was owing to the country's liberal constitution to which you are bound by your oath.

In the course of time however a disastrous change took place. At an early stage already I felt it necessary to voice my protest against the persecution of christianity in taking brutal measures against its priests, and in insulting its churches. I did so for instance when the Police President of Duesseldorf distributed a more than vulgar pamphlet against the Catholic Church. I voiced my protest in a letter to Fieldmarshal Goering, using the strongest language. But without result.

When on November 9th, 1938, the Jews were robbed and tortued in the most cowardly and most brutal manner, and their synagogues destroyed all over Germany, I protested once more. As an outward sign of my protest I resigned my post as Counsel of the State. This too brought no answer.

Now you have concluded a pact with Communism. Your Propaganda Ministry even dares to say that the good Germans who gave you their votes as the professed opponent of Communism are, in essence, identical with the Russians, those bloody revolutionaries who have plungedRussia into such misfortune and whom you yourself called "bloodstained common criminals" ("Mein Kampf", page 750).

When the greatest of all disasters occurred, that is, when Germany was once more plunged into a war, without Parliament or the State Council even being asked their opinion, I declared with all clearness that I most vigorously reject this policy.

Being a member of the Reichstag, it is my duty to express my view and also to stand for it. It is a crime against the German nation if their men and particularly their delegates behind whom you seek protection from world opinion, are no longer allowed to openly speak their minds. I do not submit to such force. I refuse to cover your actions with my name -- even though you declared in the Reichstag Session of September 1st, 1939: "He who is not with me is a traitor and will be treated as such."

I refuse to indorse the policy adopted of late and in particular as regards this war into which the German nation has been plunged so frivolously and for the horrors of which you and your advisers will be held responsible. As to the accusation of being a traitor, I am immune to it in view of my past life. In 1923, unarmed and not paying heed to the dangers threatening my life, I called into existence the Passive Resistance on territory occupied by the enemy, and thus saved the Rhein and the Ruhr. I stood before an enemy Court Martial and openly spoke my mind as a German. Now it is just this adherence to my belief that makes it impossible for me to abandon the true ideals and the original teachings of national socialism which as you pronounced yourself when you were at my house, was to lead back to the monarchy -- leaderhsip by the Germans and

monarchy, in their essence, are identical -- and through social justice to permanent peace within the country. I may remind you that with such object in mind you charged me with erecting at Duesseldorf the Institute of the Guilds though, one year later, you completely relinquished the idea and you even permitted that the Chief of the Institute who had been appointed by me and in agreement with your Mr. Hess, was interned in your notorious concentration camp at Dachau. It was that same Dachau where my nephew had died suddenly. Of his castle, Fuschl near Salzburg, you made a present to Mr. von Ribbentrop who was not ashamed of himself to receive there the Foreign Minister of Italy's King and envoy of Mussolini.

I want to call to your mind also the fact that you surely did not delegate your Mr. Goering when calling in Rome on the Holy Father and at Doorn on the Kaiser , to get them both prepared for your impending alliance with communism. And yet you suddenly entered into this alliance and thus committed an act that nobody would have condemned more strongly than you did in your book "Mein Kampf", older edition, pages740 - 750. There you said: "Thus in the fact of an alliance with Russia the directions for the start of the next war are already indicated. Its outcome would be the end of Germany!" Or: "The men at present in power in Russia do not even think of honestly entering into an alliance and even less do they think of adhering to it." Or: "One does not however conclude a contract with a partner whose sole interest is the annihilation of

the other one. "

Your present policy is equal to suicide. Its beneficiary will be the Nazi arch-enemy of yesterday who is the Nazi friend of today -- unless the valiant Finns with their trust in God reverse all prophecies -- namely Bolshevist Russia; the same Russia in respect to which your intimate adviser, Mr. Keppler, Secretary of State in the Foreign Office and outstanding diplomat, said as late as May 1939, on the occasion of a session of the Central Committee of the Reichsbank that she must become German as far as the borders of the Ural. I do hope that these words so openly expressed by that trusted diplomat will not tend to weaken the strong impression your so sincerely meant birthday cable must have made upon your new friend Stalin.

Your new policy, Mr, Hitler, is driving Germany into an abyss and will result in the destruction of the German nation. Turn back as long as this is still possible. Your policy in its final stage will be a "finis germaniae." Think of the oath you have taken at Potsdam. Give back to the Reich a free Parliament, give back to the German nation freedom of conscience, freedom of thought, and freedom of speech. Procure the guarantees necessary for restoring their meaning to right and to law, and for laying the foundation upon which treaties and agreements can be built again and be trusted. Then it will certainly still be possible for Germany, if only further disaster is prevented, and useless bloodshed is stopped, to conclude an honorable peace that will save its unity.

World public opinion presses for an explanation of the reasons that prompted me to leave Germany. I have not spoken as yet. All the documents and writings produced during a struggle of more than 15 years will be kept secret. I do not intend, at a time when my fatherland is struggling so hard, to furnish the enemy with moral weapons. I am, and always shall be, German with all my heart, with all my thoughts and endeavors. I profess proudly and loudly my German nationality and shall continue to do so to my last breath. Just because I am German, I neither want, nor have a right at this moment when my people are in deepest distress, to speak up in public, though this might be the thing to do some day , for the sake of truth. But in my call I want you to hear the voice of the tormented German nation that cries out to you: "Turn back, let freedom, right and humanity rise again in the German Reich."

I shall keep silent, I shall wait to see what you are going to do; making it a condition however, that this letter will not be kept from the German people. I am waiting. Should the German nation however be kept in ignorance of my words, which are the words of a free and upright German, then I shall call upon the conscience of the world and shall let the world pass judgment. I am waiting.

"Heil Germany"

Fritz Thyssen

P.S. I am going to hand this letter over to the German Legation at Berne to forward it to you and, in addition, am sending a copy

by registered mail to the Chancellery of the Reich at Berlin and another copy to your personal address at Obersalzberg near Berchtesgaden. I am forced to take such measures because it has been officially stated that my letters and telegrams addressed to Fieldmarshal Goering never reached him.

Copies will be received also by:
Fieldmarshal Goering, and Government President Reeder of Duesseldorf who decreed that my property be confiscated. Baron Kurt von Schroeder of Cologne, allegedly the present administrator of my property, will receive copy of the first paragraph of this letter.

PSF: Roosevelt

April 17, 1940

Dear Sam:

Just a line to thank you ever so much for your awfully nice letter. That was a lovely peaceful Sunday and such fun to have you and Dorothy at Hyde Park with me. We must do it again soon.

My best to you all.

As ever,

Honorable Samuel I. Rosenman,
135 Central Park West,
New York, New York.

mal/tmb

PSF: Rosenman

PS
Prepare note
Nov 9 Thanks

Supreme Court
of the
State of New York

SAMUEL I. ROSENMAN
JUSTICE

JUSTICES CHAMBERS
NEW YORK COUNTY COURT HOUSE
NEW YORK, N.Y.

Tuesday

Dear Mr. President —

Thanks for a lovely day,
last Sunday, going through the Library
and also through the hills and woods
at Hyde Park. The Library is so charming,
and is going to be a source of such
genuine pleasure for all who have
worked with you during these twelve years.

The day was much like
the olden days at Albany when we came
down used to drive down from Albany
to take picnic lunch on the floor of the
big room next to the fire — no crowds, no
newspaper men, no rushing. In a way,
it was perhaps anticipatory of the
quieter days to come for you and those

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Supreme Court
of the
State of New York

SAMUEL I. ROSENMAN
JUSTICE

JUSTICES CHAMBERS
NEW YORK COUNTY COURT HOUSE
NEW YORK, N.Y.

close to you, to be spent in the Hudson River Valley. It was especially prophetic of the less strenuous years ahead, because of your statements about the next National Convention. You know, of course, how distressing to those who love democracy and liberal government, will be a decision by you not to be a candidate again. It would be silly for me to attempt to urge any point of view upon you, who have given the question your best prolonged thought, and who have had the benefit of suggestions and advice, solicited and unsolicited, since the election of 1936.

If, however, the name of F.D.R. is among those seventeen or eighteen which

Supreme Court
of the
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SAMUEL I. ROSENMAN
JUSTICE

JUSTICES CHAMBERS
NEW YORK COUNTY COURT HOUSE
NEW YORK, N.Y.

you have placed away in that imaginary and mysterious upper right hand desk drawer, it is my thought that what will probably happen is this: While the others, to use your own metaphor, are "diving off the bridge to rescue the child," the American people will themselves pick the child out of the water and place it in your lap — especially since the European events of yesterday. Maybe that is only wishful thinking!

Whatever your final choice, I know that it will be based upon your conception of the best interests of the people of the United States from the long range point of view, rather than upon personal convenience and comfort, and not even upon the attractions of life at Hyde Park. In

Supreme Court
of the
State of New York

SAMUEL I. ROSENMAN
JUSTICE

JUSTICES CHAMBERS
NEW YORK COUNTY COURT HOUSE
NEW YORK, N.Y.

that choice, your friends, even though they do not agree with the wisdom of it, will accept it as your best judgment as to the ultimate welfare of the country.

Again, thanks for a lovely day at Hyde Park.

Cordially yours
Sam

THE WHITE HOUSE
WASHINGTON

file personal

November 25, 1940

MEMORANDUM FOR

HON. EDWARD J FLYNN

To speak to me about after
you get back.

F. D. R.

Enclosures

PSF
Rosenman

Supreme Court
of the
State of New York

SAMUEL I. ROSENMAN
JUSTICE

JUSTICES CHAMBERS
NEW YORK COUNTY COURT HOUSE
NEW YORK, N.Y.

November 18, 1940.

Miss Malvina Thompson,
White House,
Washington, D. C.

Dear Malvina:

I do not know what to say about this enclosed file which you sent me. Judge Lewis while he was on the bench had a fair reputation. He was denied renomination at the end of his term; but I do not know the facts. He ran independently but was defeated by the regular nominee. At the time he ran the Bar Associations and the Citizens' Union endorsed his candidacy. I do not think that Mrs. Roosevelt would be making any mistake in trying to help this man but I am really at a loss as to what to suggest she might do.

With kindest regards,

Yours very sincerely,

Sam

SEP 17 1940

September 16th, 1940.

Dear Mrs. Roosevelt:-

Your kindness is deeply felt. The enclosed tells the story. It is well known at the bar.

My husband worked a life time to get on the Municipal Court bench. He was elected in 1927. He served a full term of ten years. He made a " most able, useful, impartial and distinguished record ".

At the end of his term the local district leaders (under the control of a man since indicted and convicted; but then the most powerful district leader in our community- James Hines) told my husband to his face that he would have to get off the bench because he would not take contracts from the district leaders.

So ----" BECAUSE OF HIS REFUSAL TO BE SUBSERVIENT TO DEMANDS OF POLITICIANS HE WAS REFUSED REDESIGNATION BY THE POLITICAL POWERS.

THIS CHALLENGE TO THE INDEPENDENCE OF THE JUDICIARY CALLS FOR CONCERTED ACTION BY AN ENLIGHTENED BAR." (N. Y. County Lawyers' AssN.)

This same group of local district leaders are still in control of our section (Washington Heights). Consequently my husband one of the longest serving democrats in the community cannot get their backing. And it seems so far as his party is concerned recognition by anyone from the President down is impossible without such sponsorship.

You will find that my husband has the the endorsement of every recognized authority for character ability and reputation. But if a local leader does not give you an O. K. the County leader will not endorse you; and if the County

leader will not submit your name you cant get recognition.

That has been the actual experience of my husband. The facts are all available.

Now unless my husband gets back into public office within five years of 1937 he cannot save his small retirement rights.

Just now for example there is a vacancy in our own district on the very bench from which my husband was exited. It is acknowledged that he is the most qualified man in the district for this very short appointment. Indeed by every token of Democracy he should be the candidate. And if you want to see how politicians are manipulating nominations for this "Poor Man's Court, just look into this situation.

Well men like Charle E. Hughes Jr., George Z Medalie and the Mayor's former partner and personel counsel-Judge Sicher have asked the Mayor to do something to redress the injustice to my husband. But we dont know what the Mayor will do. Notwithstanding the Walker appointment. And there is adred about bothering the Mayor about these things; EVEN ON THE RECORD OF A MAN.

I know you are most busy and hesitate to go into imprtant details. But I do hope you have some one verify my husband's experience.

When men like Judge Knox, upon whose affection my husband has no claim, tell him that he is the only living example of virtue being its own reward you will get some notion of how I feel.

I cannot believe that if the President knows this case (particularly in view of his note in 1930 to Hon. Henry

Morgenthau Sr.) he would not find some apointment for which my husband is qualified. Please dont think I am presumptous- but there must be a way of getting the truth before a fearless and fairminded leader.

Now if my husband gets back- aside from any vindication - he will then be in a position to pay up some $9,000.00 in arrears on his pension contributuions, and become entitled to a City pension of $2100.00. He could borrow from the pension fund some $5800.00 anf get a pension pf $1700.00. But regardless of the great difficulty in raising the money he has to get back to at least be in a position to save the City's contribution to his pension, which we are told is worth $15000.00.

Please be good enough to call on me for any further facts. Of course you will observe that the Governor or the Mayor also have the opportunity to do something. And some outstanding men- not- politicians- have also written strong recommendation to the Governor? You know more about how these things work however than I do.

Had I the slightest doubt about the disgraceful treatment a fine man received as the punishment for plain honesty I would not dare to write you.

Again thanking you; and asking for your early consideration, believe me

Sincerely

Mrs. David C. Lewis

P.S. Will you please return the citizens union and N.Y. County Lawyers letters so I took them from my husbands campaign records.

CITIZENS UNION OF THE CITY OF NEW YORK

A UNION OF CITIZENS, WITHOUT REGARD TO PARTY, FOR THE PURPOSE OF SECURING THE HONEST AND EFFICIENT GOVERNMENT OF THE CITY OF NEW YORK

41 PARK ROW, NEW YORK

TELEPHONE BARCLAY 7-0342

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September 14, 1937

Honorable David C. Lewis,
427 Fort Washington Avenue,
New York City

Dear Judge Lewis:

I take pleasure in informing you that the Citizens Union is supporting your candidacy in the Democratic primary contest for Justice of the Municipal Court in the Seventh District, Manhattan. The Union is giving out the following statement of its position for publication in Wednesday's newspapers:

MUNICIPAL COURT

Seventh District, Manhattan, Democratic Primary

"DAVID C. LEWIS strongly recommended. In respect of character, personality and legal ability, Judge Lewis is one of the outstanding judges on the Municipal Court bench. His uprightness and independence have apparently disqualified him in the eyes of the local Democratic machine, which has denied him a renomination. This presents an issue of the first importance for the decent Democratic voters of the 7th district, the issue of clubhouse control of the courts. The machine will win if the decision of this issue is left to the clubhouse vote; it is bound to lose if the larger body of independent voters does its duty by going to the polls on primary day. The voters of this district have an opportunity by renominating Judge Lewis to strike a blow for good government and for the integrity of the courts which will redound to the benefit of the entire city."

Very sincerely yours,

George H Hallett Jr
Secretary

GHH:O

NEW YORK COUNTY LAWYERS' ASSOCIATION

October 4th, 1937.

Dear Member:

The Honorable David C. Lewis during his term on the Bench has proven himself to be a most capable and competent jurist. He has earned a reputation for unimpeachable integrity. Because of his refusal to be subservient to demands of politicians he was refused redesignation by the political powers. This challenge to the independence of the judiciary calls for concerted action by an enlightened Bar.

This letter is a non-partisan solicitation to join those now active in sponsoring the re-election of Justice Lewis to the Municipal Court, Seventh District of the Borough of Manhattan, as an independent candidate.

Your cooperation is necessary to successfully meet the challenge that is ours; a challenge to the ideals and principles that we cherish. Justice Lewis needs volunteers to forward his campaign. He needs contributions for campaign purposes.

With the authority of the officers of this Association, we earnestly request your offers of personal help and contributions to Justice Lewis' Campaign Committee, of which John M. Keating is Treasurer. These may be forwarded to the undersigned at 11 Park Place, Manhattan; but checks should be made payable to John M. Keating, Treasurer.

Yours for the Independence of the Judiciary,

A. ALAN LANE,

Chairman, Committee on the Municipal Court.

Report of Charles E. Hughes, Jr.
President N.Y. Co. Lawyers Ass'n.
1938

"In connection with the last election the Association took an unusual step, feeling that unusual circumstances demanded it, in making a non-partisan campaign for one of the candidates for election to the Municipal Court. Justice David C. Lewis had completed a full elective term as Justice of that court. He was known among members of the Bar to have a fine legal mind and had been most conscientious in the discharge of his duties. He was not renominated by his own party. Mr. Justice Lewis publicly stated that the reason he was not renominated was that he declined to discuss pending cases with district leaders, and this was not denied. Our Committee on the Municipal Court concluded that the fact as stated by Mr. Justice Lewis was clearly established. It reported:

> "His independent attitude toward political ~~influence~~ interference has caused his failure to be redesignated. The committee can find no reason and no merit for such refusal to re-designate him. The situation is apparently due to a reprehensible attitude of party politicians, threatening the independence of our judiciary. Justice Lewis is running an independent campaign for re-election and the committee is rendering active support. He is an excellent justice and he deserves active support for re-election."

The officers of the Association, feeling that this case raised questions going to the integrity of the judicial function and the independence of the judiciary from political influence, concluded that ~~x~~ the full power of the Association should be marshalled behind the effort which the Committee on the Municipal Court had already undertaken and authorized the Chairman of that Committee to address a letter to the entire membership asking active support in the form of voluntary service as campaign workers, watchers, etc., in behalf of Mr. Justice Lewis and in soliciting contributions to his campaign fund. That action was ratified by the Board of Directors and many members of the Association participated actively in or made contributions to that campaign. The odds were too heavy and the effort was not successful; but it was a worthy effort and we may entertain strong hope that its effect will outlive the immediate occasion. This is not the first time that the organized Bar has risen in denunciation of political interference with judicial functions; nor, political conditions being what they are, is it likely to be the last. Some of its past efforts have succeeded; others have failed. What is important is that the reaction of the Bar to any such attempt be instant and vigorous; that not a single instance of this sort be permitted to pass unresisted. In time the lesson will sink in."

The Annual Reports of Officers and Standing Committees
Report of the President - Charles E. Hughes, Jr.
Presented at the Annual Meeting - May 19, 1938.
Pages 126-127.

Supreme Court
of the
State of New York

Justices Chambers
New York County Court House
New York, N. Y.

Bernard L. Shientag
Justice

August 30th, 1937

Hon. David C. Lewis
Justice of the Municipal Court
9 Reade Street
New York City

Dear Judge Lewis:

I have always felt that a sitting Judge should not participate in any political controversies, and it has been my policy to refrain from doing so. The question here involved, however, is not at all political in character. I do not even know who your opponent is. All I know is that I am familiar with your fine record as a Judge. When I sat in the Appellate Term of the Supreme Court for several years I had occasion to review a number of your decisions. As a result of my personal familiarity with your work, I can say without hesitation that you rendered most able, useful impartial and distinguished service on the bench, and I believe that in the interests of an independent judiciary both parties should have joined in renominating you. I sincerely hope that your judicial career will not be ended.

With kindest personal regards, I am

Very sincerely yours,

(signed) Bernard L. Shientag

Last Fall, a Justice of the Municipal Court of the City of New York, who for ten years had tried to demonstrate that justice obligated the man on the Bench to decide his cases "under the law and the Constitution UNINFLUENCED BY ANY OTHER CONSIDERATION" (address of Chief Judge Crane, N.Y. State Constitutional Convention), was abruptly informed that he had to get off the Bench because he had refused to take orders from Hines, Torrens, Kelly, et al.

The Association of the Bar of the City of New York broadcast their declaration:

> "The obligation of our association in safeguarding and maintaining the highest traditions of the Bench does not and should not end with such endorsement."

The Citizens Union published their call in which they announced:

> "His uprightness and independence have apparently disqualified him in the eyes of the local democratic machine which has denied him a re-nomination."

The New York County Lawyers Association denounced this attack by these district leaders as

> "A CHALLENGE TO THE IDEALS AND PRINCIPLES THAT WE CHERISH" -

and they called upon the entire Bar to meet the challenge.

The entire press also added its protest and support.

Thus, the Judge who thought he had a right to be loyal to these principles which Judge Crane declares essential to democracy, was exited from the Court; and Hines, Torrens, Kelly, et al. walked in.

This is not a personal matter. The individual does not count. But what happened last November must not happen again.

This brings up the issue of making the judiciary a career instead of a political campaign. Here again we are reminded of the plain pronouncement of Chief Judge Crane to the Constitutional Convention:

> "We believe in the freedom of the judiciary and its independence."

It follows that there is a duty on the part of those of us who believe in these principles, to see that justice is done to the one man who had the courage and character to continuously refuse to allow political influence to enter his mind.