

Frankfurter, Felix
1942

253

file
personal

~~Justice~~ S. Frankfurter

PSF

January 3, 1942.

Supreme Court of the United States

Washington, D.C.

Dear Frank:

You saw the meaning
of Hitlerism from the very
beginning of his accession
to the power. When others,
who should have known
better, were blinder than
bats - for they would not
see - you realized that
Hitler's treatment of the
Jews was not just another
program, but the first
stage of his warfare against
civilization. You saw
it all - and largely

in lonely statesmanship.

And so, for eight years
you had the task of
educating your country-
men - and some of your
close collaborators -
to your insight, so that
action could keep
pace with insight. It
has been a long, long trail -
and only insight com-
bined with active
patience, resourceful-
ness, faith and courage
could have achieved the
wonderful goal of the

Declaration by the late Hopkins!

What a true visioner that is
for the dedication of our lives -
our for values, and sacred losses -
but also what a harbinger of new
vitality against the forces of brutal
darkness and of hope that the future
can have possibilities of a new new
freedom and more values than all the
ever before. With deepest fond wishes,
Yours very truly,
E. R.

254

full personal *Letter* 1511-30 Thru
 January 5, 1942
 Supreme Court of the United States
 Washington, D. C.

Dear Lane: PSF *Frankfurter*
 347

"Martin, Barton and
 Fish" evokes most exciting
 memories. But that delectable
 vol. of your campaign
 & speaker does much more -
 it stirs me with fresh de-
 light. Those & speaker are
 alive even on the printed
 page. And what an opening,
 that historic speech & forum
 to Chicago in the early
 morning hour - and the
 serenity of spirit in the

My dear Sarah Talk to
your friends: the
people of the United States.

I shall treasure
that volume all my
days, and I shall treasure
it for the past, present
and future that it
carries. Not least, be-
cause it epitomizes so
beautifully and broadly
the days and years that
lie ahead:

"And I will not stop
fighting." Truly yours
Ann Randolph

~~Supreme~~ Court of the United States.
Memorandum.

-----, 194

Dear Mr. Justice

Please ———!

Thank you.

vt

101
The Court of the United States

~~Justice Felix Frankfurter~~
PSF

Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

January 13, 1942

My dear C-i-C:

Marion says that she is "relieved" by the assurances of the enclosed letter but that is not the way I feel about it. An Adjutant General who finds that what I am doing is "very important work" at this time is much too soft for my taste.

Respectfully and martially yours,

Felix Frankfurter

15
file
personal

January 16, 1942.

Dear Majors:-

This indecision on your part greatly disappoints me. As your Commander-in-Chief I want you to know that I believe you would look awfully well in uniform, for you have retained a remarkable figure considering your age. I suggest you leave this problem up to Marion. Borrow a uniform, show yourself to her in it, and let her infinitely greater wisdom decide on whether you should heed your country's call or continue your persistent evasion of the draft.

Incidentally, I need a Judge Advocate at Samoa. If you act fast you may get there just ahead of its capture by the Japs. Or, as an alternative, I will appoint you as a parachutist to drop in on Wake Island from the sky and recapture it singlehanded. Then, you could be buried in Arlington — the ultimate goal of every good soldier.

As ever yours,

Honorable Felix Frankfurter,
Supreme Court of the United States,
Washington, D. C.

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John Journal
Sully Hill, S.F. Frankfort, Ky.
January 17, 1942
Supreme Court of the United States
Washington, D.C.

Dear Laura,

Owen Roberts is as
you well know, the most
forthright of men. But
he is not only - Laura
God! - very modest. He
is also truly shy. And
so I venture to suggest
that you get him alone,
and ask with the other
members of his Board,
to tell you of things

that have no proper place
in their report - par-
ticularly on matters of
personnel pertaining
not to the past but to
what lies ahead.

York - What a truly
wonderful thing
your last address
longer was. I
have just re-read
it before filing it.
That was "On the State
of the World" - and
for all time! Blessed just
ET.

261

SF Frankfurter folder

~~July 20~~
January 20, 1942

Supreme Court of the United States
Washington, D.C.

Dear C-i-C:

file

Correspondence with
the Commander-in-Chief,
even the most beloved, is
bound to be a one-way
street. The only possible
chance for a poor Kapo,
particularly a judicial
major, is to shift the
discussion to a more
spiritual level. I
can't quite do that -
but I am eager to

shift it to a spirituous
level! But I can
do - if you will
let me.

I came in early keeping
^{really} a precious bottle, which
I am charged with
giving to you personally.
I am yours to command
any morning after
breakfast - for Court
to not now in session -
or some night when
you have time and

desire for nothing in particular.

With kindest regards,

Ever yours

W. H. P.

255

file personal ~~Supreme Court~~ *Franklin D. Roosevelt*
BF Wednesday
Supreme Court of the United States
Washington, D. C. [1-21-42]

Dear Frank:

A fellow on the Bleachers
sometimes sees a good
deal of the game. It
is not wholly out of ig-
norance that I want
to tell you how happy
your announcement
on Production has
made me - for your
personal value is
less than the Country's.

It took Lincoln
three years to discover
Grant, and you may
not have hit on your
production Grant
first crack out of the
box. But the vital
thing is that you
have created the
function - the
function of one
exclusive, "final"

delegate of your authority. It's
simply Grant - indispensable
for your conduct of the war.

Ever yours
W. T.

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~~letter~~ file personal
PSF 7. Frankfurt folder
1511-30 ¹³⁻⁴² ~~three~~ [1-28-42]
Supreme Court of the United States
Washington, D.C.

And what joy you would
have given, Dear Hank, to
T. Jefferson also in your
role of book-architect!

But if it be arrogant
to speak for Jefferson's
spirit, it is only simple
truth to tell you that
exquisite and enduring
pleasure you have given
me with that thin but
noble volume of your
devising - so wordily
giving physical per-
manence to utterances

That summarize wonderful
aspects of world history
and that will fortify
the spirit of man for all
time.

I rejoice, too, that you
joined Churchill with
you in your volume. If
we cannot absolutely be
determined to work
out the world's destiny
together with the British,
what hope can there
be of working ~~them~~ it
out not in co-operation

with them?!

Many, many thanks for your
so desired letter of your friendly
recollections of me
and your own

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Frankfurter
Folger
PSF

~~1511-30~~ 1511-30 (Theat)
January 30, 1942
Supreme Court of the United States
Washington, D. C.

Mr. Rand:

You are the Nation's
face-maker, and so I,
too, am included. But
you are my face-maker in
a special sense. For in the
race of your decade I am
also an entry - a late and
limping entry, almost
left at the post, but in
it I am. And so you
have served for me,
these weary years, as a
face-maker of hard life

should be lived - in
joy and gaiety, in
stress and sorrow, on the
side lines and at the
controls of destiny.

This is a day for thinking
of you as a fellow human
and as a friend who
has proven beyond com-
pare that to live that
rich life, life shall
begin - and life so
abundant is the gracious
gift to the world.

In simplest words, this
brings you the love of Marion
and Fred

Supreme Court of the United States.
Memorandum.

BF 4
Harkness
folder

----- 52-9 -----, 1942

Grace

This may
arrive the
President

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PERSONAL DATA		CITY	
NAME	LAST	NAME	LAST
FIRST	MIDDLE	FIRST	MIDDLE
DATE OF BIRTH	PLACE OF BIRTH	DATE OF BIRTH	PLACE OF BIRTH
EDUCATION		EDUCATION	
OCCUPATION		OCCUPATION	

Please print clearly and legibly. Do not use ink. Do not use pencil. Do not use red ink. Do not use blue ink. Do not use green ink. Do not use purple ink. Do not use brown ink. Do not use black ink. Do not use white ink. Do not use yellow ink. Do not use orange ink. Do not use pink ink. Do not use grey ink. Do not use light blue ink. Do not use light green ink. Do not use light yellow ink. Do not use light orange ink. Do not use light pink ink. Do not use light grey ink. Do not use light blue ink. Do not use light green ink. Do not use light yellow ink. Do not use light orange ink. Do not use light pink ink. Do not use light grey ink.

WESTERN UNION

1015-2

01/10/2001

A. H. WILLIAMS

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

J. G. WALLSTEN

Send the following telegram, subject to the terms on back hereof, which are hereby agreed to

February 9, 1942.

WANT A REPLY?
Answer by "WESTERN UNION"
or similar phrase may be
included without charge.

Hon. Phil A. Bennett,
House Office Building,
Washington, D. C.

Have just read of your courageous attack upon Mrs. Roosevelt, her absent sons in the service, and two of her infant grandchildren.

An sixty-two years old, but never happened in my life to run across any American possessing the qualifications and capability for an assault at once so valorous and so brilliant as that performance of yours.

Having never heard of you before, I immediately consulted my World Almanac to find out what breeding place there could be in this country for a man like you.

Feel sure that unless Missouri people are very different from the fine folks we Northerners have supposed them to be, that manly blow you struck is going to perpetuate your memory in Springfield for many generations.

Now, Bennett, from what you say, it seems clear, indeed axiomatically obvious, that if this war is to come out to suit you, the present Administration war leaders should be immediately removed by impeachment or forced resignation, and the running of the war turned over into new hands.

I suggest the following reformed war slate:

For President and Commander-in-Chief, George S. Messersmith, of New York; for Vice-President and alternate Commander-in-Chief, Clare Hoffman, of Michigan; for Secretary of War, Charles Coughlin, of Michigan; for Under Secretary of War, Gerald P. Nye, of North Dakota; for Secretary of the Navy, Emilio Aguinaldo, of Manila; for Under Secretary of the Navy, Phil A. Bennett, of Missouri; for Director of Production, John Lewis, of Virginia; for Director of the Office of Civilian Defense, William Griffin, of New York; for Director of the Office of Facts and Figures (to take office if, as and when available), George Hill, now of formerly of Washington, D.C. Will guarantee, Bennett, that with these able men at the helm of the Ship of State, we shall be out of this war, or, as the French say, hors de combat, within a fortnight.

Augustus L. Richards
30 Lenox Drive,
Greenwich, Conn.

[2-21-42]

Supreme Court of the United States.

OFFICE OF THE MARSHAL

194

Dear Sir

Mean for the
on. Sent L. to parent
National address
delivered.

It was very pleasing
to have had a glimpse
of you for today

HT

TELEPHONE		CABLE	
DAY	NIGHT	DAY	NIGHT
TELEX	TELETYPE	TELEX	TELETYPE
FAX		FAX	

Indicates service available. Mark of asterisk () indicates that the service is not available.

WESTERN UNION

1171.2-2

A. H. WILLIAMS

NEWCOMB EARLYTON

J. D. WILLEVER

Sent the following telegram, subject to the terms on back hereof, which are hereby agreed to:

WANT A REPLY?

*Answer by WESTERN UNION
of similar phones may be
included without charge.

February 21, 1942.

Hon. Hamilton Fish,
House Office Building,
Washington, D. C.

(Or if not in office try Criminal Court House)

Dear Fish:

Am shocked to read in morning papers what I am sure is gross libel of you by American press.

You are represented, of course falsely, as having in your testimony yesterday sought to curry favor with the American public by likening yourself to President Roosevelt.

These contemptible defamers of your reputation report you as stating under oath with respect to your relations with Viereck, "His acquaintance with me was the same as with Franklin D. Roosevelt."

Frankly, Fish, your friends cannot believe, despite your well known frankness, that you ever let loose such a Frankenstein as that.

Fish-Columnists the country over are in despair.

Say it ain't true, Ham.

Yours respectfully,

Augustus L. Richards
30 Lenox Drive,
Greenwich, Conn.

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*Don't
forget to send
this to [unclear]*
Felix Frankfurter
PSF 1511-30
February 10, 1942
Supreme Court of the United States
Washington, D.C.
Dear Hank: *File
personal*

You asked me to
reminiscent you of the re-
mark I made over the
phone last night that
"this is a war for demo-
cracy, not for the Demo-
cratic Party" - with
your etc.

Your return of H.P.
6269 without a response
was an added food
seed on your heavy-

Calcutta Monday.

Marion and I hope
that you have good
news of Frankie. We
send you our affec-
tionate thoughts.

It was grand to have
had a few words with
you. Ever devotedly
K.T.

259

Frankfurter folder 1511-30th Dist
PSF February 12, 1942
Supreme Court of the United States
Washington, D.C.

file
Personal

Dear C-i-C:

Please let a more
and much reserved major
tell you with what joy
I read of your design-
ation of the Dutch Ad-
miral as head Chief in
the Pacific area. I as-
sume that he is the best
equipped man for those
difficult and treacherous
waters. But it is also

a fine, concrete proof
in action that we are
United Nations, and
that the common
Cause, not national
pride or bigotry or
history, will deter-
mine the execution of
a unified strategy.

Respectfully & affectionately
R.T.

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Supreme Court of the United States
Washington, D. C.

Transferred from
13-442
February 26/42

Dr. Zane: *File personal speech material*

You ought really
to feel bucked up today.
Walter Lippie thinks
you are not "cackling
in guilt". Harve'llour!

And there are two
more communications
from Gus Richards that
you may find not without
interest. Ever decidedly
Yours

985
C O P Y

30 Lenox Drive
Greenwich, Connecticut

Saturday, Feb. 19, 8 p.m.

Dear Felix:

My wife and I have just finished listening to the "This is War" program and I want to tell you of the impression it made upon us.

I will preface my remarks with a word or two on our opinion of the President.

I don't need to tell you that I am all out for him and have been for years. You know that already. What you don't know, however, is how very highly I regard him. You may think me cracked - I don't know - but the plain fact is that after observing Roosevelt's record for the last 9 years, it is my well-considered opinion that he is the greatest president in our history, barring none. Furthermore I am of opinion that measured by his achievements to date he is the greatest man in the present-day world; and I think it quite possible that during the next decade his accomplishments and influence for good upon human society may be such as to entitle him to a standing of first place among the benefactors of mankind in secular history. And I am happy to say that my wife shares with me the views I have just expressed.

Last week we thought the war program wonderfully fine.

Tonight we turned it on expecting another half hour of similar inspiration.

For the first few minutes it was all we hoped for - exquisite - even better than last week. The Lincoln opening was superb; the McKinley part good enough; the Wilson section excellent.

There, Felix, in our opinion the program should have stopped, or at least have become impersonal. The picture had been finished; the lesson was complete. The hearts of the great audience were filled with compassion - for the living president on whose shoulders they all knew there rested a burden far greater than any that the dead presidents bore; filled too with admiration for the fortitude and the patience with which he was

meeting these customary initial reverses; and inspired with fresh courage by the promise of history that we and he would eventually emerge victorious. Every patriotic listener must have had such thoughts at this point of the program. There was no need to say more. But there was more said. I hate to tell you, Felix, but as that program went on, my wife and I looked at each other in speechless dismay. It wasn't that what was being said wasn't true. It was the gospel truth, every word of it. It was the terrifying thought of the harm that our president was suffering all over the country from the hostile, partisan thoughts that were being aroused against him and the hateful things that were being said of him. That was what paralysed us. After a few minutes my wife begged me to turn the program off, but I said no, I want to hear it out - because I must do something about it if I can.

Felix, one of the things we have most to fear in this war is Fifth Column politics. The old Republican-Democratic coalition of 1937 and 1941 is at work again. Treason and politics are once more feasting together and holding hands under the table. The Fifth Column and the Fish Column have mated again, and God only knows what the offspring will be.

Now before next November, if things are properly handled, the people are going to become well aware of this political sculduggery, and they are going to be able to distinguish between honest criticism of the war effort and the Pegler-Johnson-McCormick poison pen political stuff. And the people are going to kill politically anybody they find using this war to play politics. Trust them for that.

Furthermore the president has got to rely more and more on loyal anti-Axis Republicans to support this war. He can't depend on "regular" Democrats any more. What we want next November is to have these political playboys and their traitor friends who are fighting against the war and the president, in both parties, thrown out, and a loyal, Pro-Victory Congress, so far as possible, put in - party being of secondary consideration.

In my opinion the way for the Administration to get that result is to stick to running the war, letting the Fish Column play the politics, and get the people sore at them in consequence.

But if the people once get the idea that the Administration is itself using the war to play politics, look out! That way danger lies - defeat in the election and even perhaps defeat in the war because of defeat at the polls.

Now, Felix, that second part of the program wasn't intended as politics. But nine out of ten who heard it throughout the country (especially Republicans) got the impression that it was that and nothing more. To the sensitive and suspicious ear it had all the marks of politics.

Just imagine what the political enemies of the president are saying about it this moment and will say of it tomorrow. Can you not hear them?

"Using this war for electioneering purposes."

"Five minutes for Lincoln; fifteen minutes for Roosevelt."

Tydings will say "I told you so. He thinks he is a better naval expert than his admirals. He is overruling them."

Millions of patriotic Republicans who have been sincerely backing the president in his war policy, and are inclined to go on doing so, left that program in anger, saying "So they are still boasting about those three elections - still rubbing it in - still playing politics."

Oh, Felix, it seems to me that was a terrible psychological blunder by someone. It must not be repeated. It must be stopped.

That's all, and, I fear, much too much. I hope I haven't stepped on the toes of any of your friends. But if I have, I can't help it, and I'm sure you'll forgive me, knowing that we both have our hearts set on the same purpose - to help all we can this greatest of Americans to complete successfully the task that the world has assigned to him.

Sincerely,

Gus

The President who is too himself
looking in only on his own
future and not on the future of
the whole country.

Augustus L. Richards
30 Lenox Drive,
Greenwich, Conn.

1
file
PSF: *Frankfurter Folder*
THE WHITE HOUSE
WASHINGTON

March 17, 1942.

MEMORANDUM FOR THE PRESIDENT:

Mr. Justice Frankfurter says
Mr. Evatt, the Australian Minister,
is not due to arrive in San Francisco
until Wednesday and therefore could
not get East until Thursday. He says
it is a little difficult to put the
matter on paper and would appreciate
having a few minutes with you to tell
you about it.

What may I tell him?

G.

WASHINGTON
THE WHITE HOUSE

PSF: *Frankfurter*

THE WHITE HOUSE
WASHINGTON

March 14, 1942.

MEMORANDUM FOR THE PRESIDENT:

Mr. Justice Frankfurter called to say he is very anxious to talk with you about Mr. Evatt, Australian Minister, who is due to arrive in New York tomorrow evening. He says it will only take him 10 minutes but he would like to see you before Mr. Evatt comes *in*.

G.

Supreme Court of the United States [3-20-42]

Memorandum.

194

Dear Mr. ^{PSF} Frankfurter

When the President
referred to me
by saying "What
do you mean by
talking about the
Secretariat?" I
replied "I would
not dream of doing

Supreme Court of the United States.

Memorandum.

-----, 194

that - or care to
do it. I talked
with your lawning
Secretary !!

Yours
ET

Frankfurter ^{Folder}
March 20, 1942

Supreme Court of the United States
Washington, D. C.

Dear Frank: PSF ^{file}
Personal

Here are some notes
for a program to be
put up to Hickman &
Hillman. I feel more
and more strongly that
only by their positive
action can foolish
legislation and federal
be overcome, and that
L. kept in accordance.
It was simply grand

"yesterday." I came away
as tho I had drunk
from that '65 bottle -
and was still under
the "influence." Then
I came home in the
evening and gave
Hakim an account
of it. You seemed so
superbly fit.

And Oliver told
his sister that "Uncle
Rich says that the Pres-
dent sent all of us
his regards!!" *Ever yours*
ET

[3-20-42]

~~Intelligence~~

Frankfurter
PSF
File
Frankfurter

From those who are experienced in such matters, I get a sense of great confusion in the day-to-day relationship of labor with the government.

This confusion does not come from a lack of loyalty or devotion to the war among the workers. Nor is there wanting any confidence in your complete understanding and sympathy. Quite the contrary. Never before have the workers, and their leaders - with the one exception of Lewis - been so united as they are today under your leadership.

Yet there is a deep sense of dissatisfaction - a feeling that labor isn't yet giving its maximum contribution to the nation's effort. Labor's program is still considerably in a negative stage - that is, the labor leaders are relying on you to defend them from their enemies, rather than putting forward on the workers' behalf a positive program to help you deal with issues of inflation, wage and price policy and manpower allocation, etc.

Behind these inhibitions is primarily a conflict of two personalities, both loyal to you, both wanting passionately to win the war.

Murray, emotional, deeply devout, and somewhat mystical, is torn by inner conflicts. On the one hand, he is suspicious and jealous of Hillman, of whose position as your chosen labor representative in the government, he is deeply jealous. On the other hand, he has just broken a relationship of almost lifelong loyalty to John Lewis and the psychological effect of that relationship is etched deep in his personality.

Each step is haunted by the fear that somehow Lewis will be able successfully to say that by following you and supporting the war, he has obtained less for labor than Lewis would have got by fighting you and sabotaging the war. This explains, for instance, Murray's passionate unwillingness to deal with the little steel wage controversy as anything more than an individual

dispute. He fears that Lewis may be able to say that the miners got one dollar a day wage increase under his leadership, while Murray was only able to get a pittance for the steel workers.

It is only when fear of Lewis reduces him to the last extremity, as in the case of the peace negotiations, that Murray turns to Hillman for help and attempts to cooperate with him. On other occasions, he snipes at Hillman and simply thinks of him in the same terms as Lewis thinks of Hillman.

On the other hand, Hillman has faults to which Murray can point in justification for his criticism. Unquestionably, his leadership during the past two years has not been so bold as the times required. This, however, is understandable. When he first went on to the Defense Commission, neither wing of labor was wholeheartedly back of your foreign policy. John L. Lewis, still the dominant figure in the CIO, devoted his entire energy to the destruction of Hillman, whom he characterized as "the President's stooge in the labor movement." There is no question but that these constant attacks have exasperated Hillman's inferiority complexes and produced in him an unfortunately timidity and ineptitude, deriving basically from lack of self-confidence.

Consequently, the government's whole dealing with labor is shot throughout with intrigue and petty political maneuvering.

A typical case is that of the Detroit Tool Makers. One of the severest labor bottlenecks in Detroit was that of tool and die makers and an intensive upgrading program was necessary. If this was to be achieved, it was necessary to have a wage stabilization agreement, so as to equalize wages in the various jobs and prevent the piracy of labor by one employer from another. Hillman went to Detroit and negotiated an agreement by which certain "captive shops" agreed to raise their wages to a level equal to that paid in the other

shops. On the other hand, the workers agreed not to ask for further wage increases. The employers accepted this arrangement only on condition that these increases not be used as a precedent by other groups of workers in the industry in seeking for wage increases.

In direct violation of this agreement a group of workers in the same union persuaded the Secretary of Labor to call a similar conference in Detroit to effect a stabilization agreement for the maintenance workers. As a result of this action by the Secretary of Labor, the employers walked out on Hillman, and upgrading of tool makers was delayed for nearly a month until he could work out a new agreement.

The same thing has happened with the question of double time for Sundays and holidays. Almost immediately after Pearl Harbor, Hillman worked out an agreement in the shipyards by which double time was eliminated unless the worker actually worked seven successive days. He planned to extend this to other industries. Meanwhile, the Secretary of Labor, acting at the instance of the Navy Department, called separate conferences to abrogate such overtime on a nation-wide basis, and as a result neither Hillman nor the Secretary of Labor was able to handle the problem which was tossed into the lap of the War Labor Board, where it still remains.

There is one promising solution. That is for you to call Hillman and Murray together privately and to knock their heads together. If labor is to play its roll in this war, then these two men must be brought into cooperation. Only you, whom they both respect and to whom they are both devoted, can accomplish this. So far as the mass of workers are concerned, you are the only leader of the labor movement in the United States today. The strength and power of every labor leader is conditioned by your support and blessing. Only

you, in a direct, intimate conference with these two men, can force them to overcome their petty inhibitions and small suspicions so that together they may lead labor effectively in cooperation with the Administration.

~~Friday~~

[3-31-42]

Tuesday

Supreme Court of the United States
Washington, D. C.

PSF

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

file
personal

Mr. Rank

The attached letter
was written yesterday
to await your return.
Altho your action on
the Australian Council
has "killed" it, I send
it as a way of expressing
my happiness over your
action.

Wherever you can run
off for a few days to Hyde
Park its good for the Nation.

Ever devotedly
JS

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Frankfurter Folder
3-42

Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

March 30, 1942

Dear Mr. President:

To use Churchill's phrase to Curtin in the reverse, I am not courting a rebuke in venturing to say a word about Evatt's mission.

You know how sensitive poor relations are - and the Australians feel like poor relations. What is needed is to satisfy them psychologically. In giving them the status of recognized and regularized participation in the process of making decisions that they deem vital to themselves, it seems relevant to recall Balfour's remark that equality of status does not mean equality of function. I really think you would be less troubled by some regular opportunity for Australia to have its views enter into ultimate decisions than to have irritations kept alive and intermittently renewed. As Holmes used to say when a particularly difficult case was up, "Surely a form of words can be found."

It is perfectly plain that Evatt is most eager to play ball and has a fair perspective of the total situation. He said a poignantly moving thing the other night at a private dinner given him by the Council on Foreign Relations in New York, at which I presided. After stating the special situation of Australia, he said, very quietly, "Please, gentlemen, don't misunderstand me. If I have to choose between my country going under and England going under, I should want my country to go under. For England is the bastion of us all." And that is really his deep conviction, as I know from intimate talks with him on the basis of old friendship.

Needless to say, neither Evatt nor anyone else has the slightest notion that I am writing this to you, or will know that I have written.

Faithfully yours,

V-1

The President

CLASS OF SERVICE DESIRED	
TELEGRAM	DAY LETTER
TELEGRAM	FULL RATE
DAY LETTER	DEFERRED
NIGHT MESSAGE	CABLE LETTER
NIGHT LETTER	WEEK END LETTER

WESTERN UNION

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEYER, FIRST VICE-PRESIDENT

NO.	CASH OR CRED.
CHECK	
TIME FILED	

Send the following message, subject to the terms on back hereof, which are hereby agreed to

April 6, 1942.

General Hugh Johnson,
Washington, D. C.

Regret to report Pal Pelley has ratted.

Today's Times quotes him as stating just after arrest "There hasn't been a damn thing in the magazine that Boake Carter, Iron Pants Johnson, Father Coughlin and many others haven't also said."

Idiot! - As if it took a ghost come from the dead to tell us that!

And, by the way, General, have you heard the one going round here - about what the well-dressed Fifth Columnist will wear - Silver shirt, Iron pants, and Hemp necktie?

Seriously, young man, Pelley has put you on the spot, and you should fade out at once. Stick your head in the sand for a couple of weeks. Disguise yourself. Change your name and that of your column. For the latter, my suggestion "I Will Be Hanged!"

Augustus L. Richards,
30 Lenox Drive
Greenwich, Conn.

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file personal ~~BF~~ Frankfurter folder
1511 - 30 (Huet) D-42
Supreme Court of the United States
Washington, D.C. Sunday

Dear Saul:

I should like to put
something to you - having
nothing to do with Court
or conduct of the war. I'm
sorry, but I'm not the
author of any plan or
"How to win the war and
make friends".

Since we're not in session
this week, I'm not doing
much in the warble period,
and could see you at

Your convenience - if
you can sandwich me
in on your awful schedule.

Yours truly,
J. L.

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~~Washington~~ Frankfurt

BSF Friday

Supreme Court of the United States
Washington, D. C.

[4-14-42]

Dear Frank

Your Pan-American
address beautifully
suited the words & your
thoughts, and the thought
had the gravity and power
of action. I am deeply
grateful to you for the
speech, and to God for
you.

Ever yours
W. T.

~~Supreme Court~~
Supreme Court of the United States
Washington, D. C.

16 April 1942

Frankfurter
PSF JH

Dear Rank:

You put an idea into
my head and now I want
to put it to you.

I remember vividly my
experience in learning, while
in England in July 1936,
your speech in French at
Lille. What do you say
to your now speaking
in French to the people
of France - not mentioning
Vichy or Laval or any-
thing explicitly political
but speaking to the people

of France out of the heart,
out of the cherished me-
mories of past comrades-
hips of our two peoples,
and with assurance of
collaboration in the
future among free
peoples, merchants
there, explaining, perhaps,
that bondsmen may be,
are, instruments of
their deliverance,
speaking to them, that
is, as friend to friend,
a German being, that is
to symbol of hope for

all liberally-loving peoples, to his
beloved human beings, above all
the old and new meanings of poli-
ticians. The minister of justice, his
kindly friendly letter - as in former
as to your letter last fall last
summer on the good, informative letter
to the law. Quercian's letter today.

Really since that summer
thing has passed, he could and

repeated again and
again might have
far-reaching influence

Anyhow, it has seemed
worth while to put to
you what your noble
French remarks stirred
in me as important
for the present situation

Ever yours
E. J.

PSF: *Wiley* *Franklin*

Change to the account of

Mr. Tolson	Mr. Clegg	Mr. Glavin	Mr. Ladd	Mr. Nichols	Mr. Rosen	Mr. Tracy	Mr. Carson	Mr. Egan	Mr. Gurnea	Mr. Hendon	Mr. Pennington	Mr. Quinn	Mr. Nease	Mr. Gandy
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WESTERN UNION

1211-B

NAME
ACCOUNTING INFORMATION
TIME FILED

A. N. WILLIAMS
PRESIDENT

NEWCOMB DARLTON
MANAGER OF THE BOARD

J. H. WALKER
FIRST VICE-PRESIDENT

Send the following telegram, subject to the terms on back hereof, which are hereby agreed to

New York Times,
Times Square,
New York City.

April 19, 1942.

WANT A REPLY?
Answer by WESTERN UNION
or other means may be
included without charge.

One of the most important parts of Donald Nelson's Friday night speech was the part reported in yesterday's Herald-Tribune, beginning on page one as follows:

"A second request was made of the press at dinner by Donald H. Nelson, chairman of the War Production Board, who asked newspapers to 'fight up public misconceptions and take pains to set them straight' in order to prevent misguided public wrath which might delay the war effort."

"Taking as an example the recent furor about the forty-hour week, Mr. Nelson took 'some papers' to task because he said they 'fought this issue out on a partisan basis rather than by presenting all of the facts on both sides and giving the public a chance to decide.'"

"The whole unfortunate issue might have been prevented, Mr. Nelson said, if all newspapers had made certain that all their readers knew that the forty-hour law fixes overtime pay but does not forbid men to work more than forty hours a week."

"Some newspapers did not present all of the facts on both sides of the recent forty-hour-week issue, and the public anger which was generated did no good to the war effort, he said. He asserted that some newspapers in the last few months have done all in their power to convince the American people that the selfishness of organized labor was bringing us close to defeat, or that big business was responsible for all our woes."

In your reporting of the Nelson speech you deliberately suppressed that vital portion of it.

You deliberately suppressed it because you yourself are one of the papers which has been trying to deceive the public on the forty-hour week and thereby create dissension among us.

And you didn't want the public to hear the truth from Nelson.

For over thirty-five years I have read The Times as regularly as I have eaten my breakfast.

Lately I have not enjoyed, as once I did, your editorial page.

TELEVISION	ADVERTISING
DAY	NIGHT
SEMI	DEFERRED
COMMITMENT	NO
DATE	DATE
TIME	TIME

Please detach along lines of service and return to the station to be contacted by your representative.

WESTERN UNION

1991-2

Cell

ACKNOWLEDGMENTS

TIME PLACED

A. H. WILLIAMS

NEWCOMB CARLTON

J. D. WILLIAMS

Send the following telegram, subject to the terms on back hereof, which are hereby agreed to

WANT A REPLY?

*Answer by WESTERN UNION or similar phrases may be included without charge.

New York Times - page 8.

But that did not break my Times habit.

Well, what of it? said E. Roosevelt-baiting, Labor-baiting and
Kreuch-creaking though the editorial page may be, at least the news columns
are still accurate, fair and honest.

That's what I thought but think no more.

Good-bye "Times." After this I'll breakfast with the Tribune.

Augustus L. Richards
30 Luman Drive,
Greenwich, Conn.

PSF: Frankfurter

April 21, 1942

My dear Mr. President:

In reply to the inquiry contained in your memorandum of April 20, with which you sent me the letter addressed to you by Justice Frankfurter under date of April 16, may I remind you of my letter to you of April 16 with which I enclosed a copy of a letter I had received from Hamilton Fish Armstrong.

In his letter Mr. Armstrong made the same suggestion as that contained in Justice Frankfurter's letter to you.

With regard to this suggestion, in my letter to you of April 16 I said, "So long as we maintain even nominal relations with the French Government in Vichy you would, naturally, not wish to do what Mr. Armstrong suggests, but it might be that if relations are completely severed later on you would wish to give further thought to his suggestion."

I still feel that that would be the wiser course for you to take. If a complete severance of relations

The President,

The White House.

LAUNCH OF "BURY NO" WITH OTHER NON-SENT MEETS

IN LONDON TO THE INDUSTRIAL CONFERENCE IN LONDON

BY GEN. MR. PRESIDENT:

MAY 11 1943

-2-

becomes necessary, then I think the suggestion of a
broadcast from you to the French people would be well
worth considering.

Believe me

Faithfully yours,

SUMNER WELLES

Enc.

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Part 1-2
~~2-2-2~~
file
Personal 1511-30 (sheet)
April 22, 1942
Supreme Court of the United States
Washington, D. C.
PSF
Frankfurter

PSF
Frankfurter

You have doubtless heard of the reported in-
surrection of Laval to broad-
cast to this country in
the near future. One's
first thought - at least
mine was - to wait
and see "what he has to
say. But my own se-
cond and more satis-
fying thought is that
psychologically it is
much better to beat
him to it and put him

on the defensive with
his own and other
people. I know how
much you have on your
mind these days - and
how exigent these other
matters are - but I
really feel confident
down the bottom of my
insights, that a speech
by you in French the
next few days, and
then repeatedly broad-
cast through recording
in the various languages.

would really help the "releasing"
process for the effort and the
heart & head of us.

Ever sincerely,
Yours

W.C.

Supreme Court of the United States.

Memorandum.

4/27 1942
PSF
Frankfurter

Please, Grace -
and thank you.

vt.

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file
personal

Supreme Court of the United States
Washington, D. C.

Transmitted fully
1511-30
April 28 1942

Dear Frank:

Especially welcome
part of your message
yesterday would
T.H. have said "bully"
to 25,000 limit. That
goes way beyond his
old horizon - but
he would see its
symbolic significance,
its demonstration
that it is "a people's

war". The historians
of 1992 will find
that proposal an
epitome of much
that was and perhaps
even more that will
be. Good luck —
and I too dare
say "bully".

Long has you liked
the Cambridge —
upstate New York!
But, please, don't

spend time as "counting
things" of mine.

To-night we shall hear
and cheer for

Everlast

W. H.

~~1571-30 Thel~~
1571-30 Thel
Supreme Court of the United States
Washington, D. C.

Dear Frank; Frankfurter

And now that I have
read the speech in the
cold grey morning
after it still warms
the heart and engages
the head; I know how
foolish it is to tell
an artist that a parti-
cular performance is
especially fine, and
yet I venture to say

That last night's broadcast was one of your very best. It was simple, direct, comprehensible and compelling. Its wide range was not diffusive - and it evoked the right words in the right audience for whom it was intended, here and every where. And your simplicity

Told taller than the Soviet and Communism the thousands you made of you as all, and the other hopes that you shared.

And then I don't say any sentiments. There is a very loose circle - I am sure,

Can be done and let the other party. The circle of speech is accurate - and thought it was that is what I am sure. It

*file
personal*

May 1, 1942

Dear Felix:

That was a mighty nice note of yours. It was a hard speech to prepare particularly because newspaper men and newspaper owners, just like most citizens, are human and the little detail of dividends, government bond coupons, wages of the hired man and prices of wheat and artichokes sometimes loom larger than turning out ships, planes and anti-aircraft guns. Those stories at the end were the result of Harry Hopkins' stroke of genius: he thought of it while the final draft was being prepared.

What worries me is that there are dozens of stories just like those in the War and Navy Departments and they have not been adequately used. I am thinking of resigning this job and taking on the job of Public Relations man for the Government.

Incidentally, I could do a swell job with Supreme Court decisions. There is a heart throb in most of them and I could get lots of back-ground from you in regard to this. Seriously, I am not joking at all about the need for dramatization of the decisions of the Court. Newspaper men do not know dramatics when they see it. Why don't you all hire Bob Sherwood? Happy thought!

As ever,

Honorable Felix Frankfurter,
1611 Thirtieth Street, N. W.,
Washington, D. C.

fdr/tmb

27/

~~Frankfurter~~ *Frankfurter* *Tobacco* - 30 *Thru*
P.S.F. *May 18, 1942*
Supreme Court of the United States
Washington, D.C.

Dear Rank:

You have, I know, a bigger
load of visiting presidents
and prime ministers than
is good for a twenty-four-hour
day in time of war to carry,
and yet ——— might
it not help in the Congress
if Curtin were to spend
two or three days or a
week in Washington. The
trip of Ewart has been
very educational, for the
general cause. It made
him, largely, a United
Nationser instead of

merely an empty lie!
And even if Curtiss
could not leave his
country, an invitation
from you would in itself
do much.

I dare say you have
thought of all this, but
I feel it so strongly
that it insisted in
being written.

Ever devotedly yours
V.T.

The Browder pardon was
of course dead right.

file P.D. 7
Frankfurter
THE WHITE HOUSE
WASHINGTON

May 21, 1942.

PENDING FOLDER

Give the President the attached memorandum for the Secretary of State and Mr. Justice Frankfurter's letter when Dr. Evatt comes back from London.

G. G. T.

Under these circumstances you may wish to postpone consideration of Mr. Evatt's visit until a later date.

CH

FOR THE SECRETARY OF STATE
BY THE ASSISTANT SECRETARY
GENERAL

WASHINGTON
THE WHITE HOUSE

DEPARTMENT OF STATE

THE SECRETARY

MEMORANDUM FOR THE PRESIDENT

May 20, 1942

I heartily concur in the suggestion that Mr. Curtin should visit Washington.

It is a question of timing.

I understand the new Minister from Australia, Sir Owen Dixon, is already on his way and due to arrive here in the early days of June. It is further reported that Mr. Evatt will return here from London in the course of the next ten days and be leaving shortly thereafter for Australia.

Under these circumstances you may wish to postpone consideration of Mr. Curtin's visit till a later date.

CH

NOTE
FROM: Mr. Tolson
TO: Mr. E. A. Tamm
SUBJECT: The new Attorney General
I have a question of timing.
Mr. Clegg should staff Washington.
I would like to see the suggestion.

MEMORANDUM FOR THE SECRETARY

MAY 20, 1942

THE SECRETARY

DEPARTMENT OF STATE

THE WHITE HOUSE
WASHINGTON

PRIVATE AND
CONFIDENTIAL

May 19, 1942.

MEMORANDUM FOR
THE SECRETARY OF STATE

What do you think?

F. D. R.

Letter to the President from
Mr. Charles E. Smith, dated
May 19, 1942, regarding the
President's letter to Prime Minister
of Australia on this subject.

P. S. F.

Frankfurter Folder

THE WHITE HOUSE
WASHINGTON

**PRIVATE AND
CONFIDENTIAL**

May 19, 1942.

MEMORANDUM FOR

THE SECRETARY OF STATE

What do you think?

F. D. R.

Letter to the President from
Mr. Justice Frankfurter, dated
May 18, 1942, suggesting that the
President invite the Prime Minister
of Australia to this country.

1. ~~July 2nd~~ *Frankfurter* *July 2nd, 1924* *Requies*

Supreme Court of the United States
Washington, D.C.

[1924]

Dear Frank:

I ought to answer the
letter of Clipp's, and of course
I shall give him weekly
my own notions regarding
his inquiring. But it would
help him immensely if you could
spare me a few minutes
in the near future. Now
that Court isn't sitting
(except for conferences &
for Monday opinions)
I am free to come at any
time.
Ever faithfully
F. C.

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PSF: *Frankfurter*

THE WHITE HOUSE
WASHINGTON

May 22, 1942

REMINDER FOR G.G.T.

Mr. Justice Frankfurter will
come in on Tuesday morning at 9:30.

Notify Roberta Barrows and the
Usher.

PSF: Frankfurter

May 26, 1942.

Dear Mr. Justice:

I am returning herewith the
letter from Sir Stafford Cripps which
you sent to the President.

Very sincerely yours,

Grace G. Tully

Justice Felix Frankfurter,
The Supreme Court,
Washington, D. C.

Enclosure.

Supreme Court of the United States
Washington, D. C.

PSF
Frankfurter

Dear Frank:

Because I know that
the Battle of the Atlantic
Seaboard is constantly
on your mind, I venture
to make a suggestion which
it will take you only a
minute to find either
foolish or deserving of
further consideration.

What everyone on the
outside is asking is
whether all the skill and
resourcefulness of which
our people are capable
are being exerted and

employed in the fight
against the U-boat.
Is there a better, stronger
more a lot in the way of
inquiring for your own
information than
Sir and Byrnes? He
has, of course, very con-
siderable knowledge of
naval affairs from his
long experience as Chair-
man of the Appropriations
Com^{tee} for Naval
But may be and very
technical knowledge -
I now know, after a
year's close observation

of him, that he has a razor-sharp
mind, an acute sharp and tough, and
a real capacity for getting at the
case of a complicated problem,
piecing things and imaginative. He
is wise - and direct in his answers.
I really respect him as a con-
siderable eye and persistence for
himself long, I have not
said a word to him as anyone else
about this.
I have

Supreme Court of the United States.

Memorandum.

-----, 194

Revere, Inc.,
and others,
Personally and directly
to

272

Supreme Court of the United States
Washington, D. C.

The President

Kieserling
Grace

May 26, 1944

Dear Lane:

Here is something for you
to try your 'pretire' hand at
putting Supreme Court jargon
into French.

It was a joyful joy breeze.
 Jaws were than proper Dull
 - affectionately, Vt.

SUPREME COURT OF THE UNITED STATES.

No. 649.—OCTOBER TERM, 1941.

Mishawaka Rubber and Woolen Manu- facturing Company, Petitioner, vs. S. S. Kresge Company.	} On Writ of Certiorari to the United States Cir- cuit Court of Appeals for the Sixth Circuit.
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[May 4, 1942.]

Mr. Justice FRANKFURTER delivered the opinion of the Court.

The petitioner, which manufactures and sells shoes and rubber heels, employs a trade-mark, registered under the Trade-Mark Act of 1905, 33 Stat. 724, 15 U. S. C. § 81 *et seq.*, consisting of a red circular plug embedded in the center of a heel. The heels were not sold separately, but were attached to shoes made by the petitioner. It has spent considerable sums of money in seeking to gain the favor of the consuming public by promoting the mark as assurance of a desirable product. The respondent sold heels not made by the petitioner but bearing a mark described by the District Court as "a circular plug of red or reddish color so closely resembling that of the plaintiff [petitioner] that it is difficult to distinguish the products sold by the defendant from the plaintiff's products." The heels sold by the respondent were inferior in quality to those made by the petitioner, and "this tended to destroy the good will created by the plaintiff in the manufacture of its superior product." Although there was no evidence that particular purchasers were actually deceived into believing that the heels sold by the respondent were manufactured by the petitioner, the District Court found that there was a "reasonable likelihood" that some purchases might have been induced by the purchaser's belief that he was obtaining the petitioner's product. "The ordinary purchaser, having become familiar with the plaintiff's trade-mark, would naturally be led to believe that the heels marketed by the defendant were the product of the plaintiff company." Concluding that the petitioner's mark had thus been infringed, the Court enjoined future infringement and also ordered that the respondent account to the petitioner for profits made from sales "to purchasers who

2 *Michawaka Rubber and Woolen Mfg. Co. vs. Kresge Co.*

were induced to buy because they believed the heels to be those of plaintiff and which sales plaintiff would otherwise have made."

Complaining of this criterion for determining the profits that improperly accrued to the respondent by reason of the infringement, the petitioner appealed to the Circuit Court of Appeals for the Sixth Circuit, which affirmed the decree. 119 F. 2d 316. Deeming the matter to present an important question under the Trade-Mark Act, we brought the case here, 315 U. S. —, solely to review the provisions of the decree dealing with the measure of profits and damages for the infringement found by the two lower courts. Whether there was such an infringement as to entitle the petitioner to the remedies provided by the federal trade-mark laws is therefore not open here.

The protection of trade-marks is the law's recognition of the psychological function of symbols. If it is true that we live by symbols, it is no less true that we purchase goods by them. A trade-mark is a merchandising short-cut which induces a purchaser to select what he wants, or what he has been led to believe he wants. The owner of a mark exploits this human propensity by making every effort to impregnate the atmosphere of the market with the drawing power of a congenial symbol. Whatever the means employed, the aim is the same—to convey through the mark, in the minds of potential customers, the desirability of the commodity upon which it appears. Once this is attained, the trade-mark owner has something of value. If another poaches upon the commercial magnetism of the symbol he has created, the owner can obtain legal redress. And in this case we are called upon to ascertain the extent of the redress afforded for infringement of a mark registered under the Trade-Mark Act of 1906.

The "right to be protected against an unwarranted use of the registered mark has been made a statutory right" by that Act. *Thaddens Davids Co. v. Davids*, 233 U. S. 461, 471. Section 19 of the Act provides that "upon a decree being rendered in any such case for wrongful use of a trade-mark the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction . . .; and in assessing profits the plaintiff shall be required to prove defendant's sales only;

SUPREME COURT OF THE UNITED STATES.

No. 649.—OCTOBER TERM, 1941.

Mishawaka Rubber and Woolen Manufacturing Company, Petitioner, vs. S. S. Kresge Company.	} On Writ of Certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.
--	---

[May 4, 1942.]

Mr. Justice BLACK, dissenting, with whom Mr. Justice DOUGLAS
and Mr. Justice MURPHY concur.

Mishawaka does not sell detached rubber heels. The heels bearing its mark are attached to the rubber boots and shoes it manufactures, and reach the market only as parts of these larger products. Kresge, on the other hand, sells in its retail stores detached rubber heels manufactured by others. Hence, like the courts below, I find it difficult to conclude that there were substantial probabilities of deception and that Kresge's sales took away business that might otherwise have gone to Mishawaka. In any event, the economic rivalry, if it existed at all, was so remote and indirect that an injunction alone would seem to have afforded ample relief against the infringement, found by both courts below to have been without fraudulent intent.

Moreover, upon the extensive evidence introduced by both parties, the trial court concluded that there was "no direct proof of any ordinary purchaser being misled into believing that heels marketed by the defendant were products of the plaintiff company." The Circuit Court of Appeals reached a similar conclusion: "No justification is found in the record for an inference that any one appears to have been deceived by appellee's trade-mark into purchasing its shoe heels and lifts in the belief that he was purchasing shoe heels produced by appellant." 119 F. 2d 316, 324.

If the respondent had wilfully palmed off the heels it sold as products of the petitioner, and if it had been shown that the peti-

2 *Mishawaka Rubber and Woolen Mfg. Co. vs. Kresge Co.*

tioner had suffered any injury, I should agree to a decision resolving doubts about the measure of damages in favor of the petitioner. But under the circumstances of this case, I believe the effect of the decision handed down is to grant a windfall to the petitioner and to impose a penalty upon the respondent, neither of which is deserved. Finding nothing in the Trade-Mark Act of 1905 which compels such a result, I can see no abuse of discretion in the decree of the trial court which the Circuit Court of Appeals affirmed. *Sazlehner v. Siegel-Cooper Co.*, 179 U. S. 42. Cf. *Straus v. Notaseme Co.*, 240 U. S. 179, 182-183.

defendant must prove all elements of cost which are claimed."¹ 33 Stat. 724, 729; 15 U. S. C. § 99. Infringement and damage having been found, the Act requires the trade-mark owner to prove only the sales of articles bearing the infringing mark. Although the award of profits is designed to make the plaintiff whole for losses which the infringer has caused by taking what did not belong to him, Congress did not put upon the despoiled the burden—as often as not impossible to sustain—of showing that but for the defendant's unlawful use of the mark, particular customers would have purchased the plaintiff's goods.

If it can be shown that the infringement had no relation to profits made by the defendant, that some purchasers bought goods bearing the infringing mark because of the defendant's recommendation or his reputation or for any reason other than a response to the diffused appeal of the plaintiff's symbol, the burden of showing this is upon the poacher. The plaintiff of course is not entitled to profits demonstrably not attributable to the unlawful use of his mark. Cf. *Straus v. Notaseme Co.*, 240 U. S. 179, 183; compare *Sheldon v. Metro-Goldwyn Corp.*, 309 U. S. 390; *Westinghouse Co. v. Wagner Mfg. Co.*, 225 U. S. 604. The burden is the infringer's to prove that his infringement had no cash value in sales made by him. If he does not do so, the profits made on sales of goods bearing the infringing mark properly belong to the owner of the mark. *Hamilton-Brown Shoe Co. v. Wolf Bros.*, 240 U. S. 251. There may well be a windfall to the trade-mark owner where it is impossible to isolate the profits which are attributable to the use of the infringing mark. But to hold otherwise would give the windfall to the wrongdoer. In the absence of his proving the contrary, it promotes honesty and comports with experience to assume that the wrongdoer who makes profits from the sales of goods bearing a mark belonging to another was enabled to do so

¹ The committee reports upon the bill which became the 1906 Act make these observations on § 19: "By section 19 provision is made for proceedings in equity against the infringer of a registered trade-mark. This section corresponds in terms with section 4921 of the Revised Statutes relating to patent cases, except that it specially provides the manner in which profits shall be ascertained. Under existing rules it is necessary for the complainant to prove sales and costs with entire and absolute accuracy. The only persons having knowledge of making the sales are the defendant or some one in his employ. It has seemed, therefore, only fair and just that if the complainant proves the sales, the defendant should be required to produce evidence of the expenses he was put to in making such sales as an offset against the sales proven by the complainant." Sen. Rep. No. 3278, 58th Cong., 3d Sess., p. 10; H. Rep. No. 3147, 58th Cong., 3d Sess., p. 2.

4 *Mishawaka Rubber and Woolen Mfg. Co. vs. Kresge Co.*

because he was drawing upon the good will generated by that mark. And one who makes profits derived from the unlawful appropriation of a mark belonging to another cannot relieve himself of his obligation to restore the profits to their rightful owner merely by showing that the latter did not choose to use the mark in the particular manner employed by the wrongdoer.

The starting point of the case before us is respondent's infringement of the petitioner's trade-mark in violation of the federal Act. The decree is assailed by the petitioner because, upon its reading of the decree, it is awarded only those profits which it can affirmatively prove to have resulted from sales "to purchasers who were induced to buy because they believed the heels to be those of plaintiff, and which sales plaintiff would otherwise have made." We are not prepared to say that such is not a sensible reading of the language in which the decree was cast, the purpose of which was to recover profits that came to the respondent through its infringement and that in good conscience belong to the petitioner. The decree in effect requires the petitioner to prove by a procession of witnesses that when they bought heels from the infringer they had a clear, well-focused consciousness that they were buying the petitioner's heels and that otherwise they would not have bought them. But the shoe is on the other foot. The creation of a market through an established symbol implies that people float on a psychological current engendered by the various advertising devices which give a trade-mark its potency. It is that which the Trade-Mark Act of 1905 protects. We therefore vacate the decree in order that the cause be remanded to the District Court for the entry of a decree in conformity with this opinion. If the petitioner suffered damages beyond the loss of profits the decree should provide for the assessment of such damages.

Reversed.

The CHIEF JUSTICE and Mr. Justice ROBERTS took no part in the consideration or decision of this case.

A true copy.

Test:

Clerk, Supreme Court, U. S.

July 9, 1942

Supreme Court of the United States
Washington, D.C.

PS - file
Bureau
Frankfurter

Dear Frank:

You may be interested in the letter I am sending to Stafford Cripps.

You cannot take too many days away from Washington - for the country's good. We need your utmost presence &

body and spirit -
and that means as
much freedom as
possible from the
trammels of
needless details.

We both need you
and love.

Ever yours
R.T.

ETS

July 9, 1942

My dear Stafford:

The question you raise in your letter of April 24th about Anglo-American relations concerning which you say you have had "unsatisfactory accounts", is not well suited for a letter - it needs talk. And since Graham Spry had hopes of returning to Washington before he went back I left your letter unacknowledged in the expectation of sending what views I had through Spry. But he now writes that he must leave for England without another visit here. Before I think out loud about Anglo-American relations, let me thank you warmly for letting me hear from Spry the full story of your Indian Mission.

I shall not bore you with a repetition of all the tittle-tattle and the petty stories of alleged grievances and irritations which you must have heard ~~ad nauseam~~ as explanations of the bad state of American feeling toward England. I refrain from doing so, because, in the first place, the dominant underlying feeling is not bad, and, secondly, these episodes and incidents do not seem to me to touch the core of the real difficulty. You also know that the tide of feeling is greatly influenced by the fortunes of war. Victory, or an epic retreat like Dunkirk, or the unostentatious endurance of the unendurable, dissipates attention to the petty bickerings and frictions inevitable in human relations and taps the deep communities between our peoples.

But there is a central difficulty. It is, as I see it, a lack of continuing consciousness of comradeship between the two peoples - comradeship not only in staving off an enemy that threatens everything we hold dear, but comradeship in achieving a common society having essentially the same gracious and civilized ends. These are big words. But I am convinced that all talk about good Anglo-American relations, as an indispensable prerequisite to a decent world order, is shallow unless the feeling permeates both our peoples that the United States and Great Britain care essentially for the same things - that is, to

give dignity and scope to Lincoln's "common people".

The real blocks to a more vigorous and persistent consciousness of the common-cause between the two peoples are ignorance and distrust which derives from ignorance. Too many Americans are yet unaware that England is not fighting this war for the maintenance of a system of privileges and an imperialistic order but that the English people are a democracy and are toiling, suffering, and dying for a decent social order. Too many Americans still assume that England is ruled by a class of incorrigible Tories whose conversion to the ideals of a social and economic democracy is as temporary as it was tardy.

The problem would be easy if it were true that these distorting sentiments were largely generated by the Goughins and the McCormacks. As a matter of fact, they are the deposit of history and reflect memories too easily brought to life. The American Revolution, the Boston Tea Party, the War of 1812, the policy of England during the Civil War, the miserable history of the debts, are events of the past whose consequences still endure. The intense anti-British feeling of Americans of Irish descent has fanned the flames. And then there is India. The enormous complexity of the Indian problem has doubtless been illuminated by your Mission. But the ultimate fact remains that to the simple understanding of the American masses Great Britain is the historic oppressor of India - particularly when compared with what they believe to be the relevant principle that has dominated our policy toward the Philippines.

All that I am saying is, I know, commonplace. But Anglo-American relations is an occasion for applying Holmes' wisdom that what we need is education in the obvious and not investigation of the obscure. Of course I shan't pretend to sketch a detailed program, but what seems to be inescapably clear is that the problem of Anglo-American relations is a problem in mass education. That is essential is a more vivid realization by Americans of the actual makeup of the English people, the reality of their democracy, and secondly, a realization that the aims of the British people in waging this war are substantially our aims - instinctively enough felt however vaguely they may be formulated. Americans do not

feel estranged from coal-miners, steel workers, cotton workers, or the rest of England's industrial millions. There is sympathy with the teeming multitudes who have created the cooperative movement, developed unionism, waged and won a hard fight for the building of a political party. *Levy*, the entrepreneur, is the sort of Englishman (to be sure adopted) who has played to the heart of this nation. Americans are at home with *Levy's* cartoons. But until the right spokesman are found for this hand-worker England - I put to one side Churchill as the embodiment of resistance to Hitler - on whose production the struggle is being sustained, there will remain in too many American minds a featureless blur of dingy, underpaid hordes who are being strangled by the old school tie. The real democratic England needs exactly the same sort of elucidation as enlightened Americans wanted in the years 1914-1918. Graham Wallas, Keynes, Macdonald, Hobson, H. G. Wells, Drellerford, Norman Angell, and a dozen others did this job during the last war.

Realization of the actual England for the American mind has to be honestly constructed out of real stuff. There must be a fresh, singular, passionately sincere projection of the motives now evolved and the perceptions now arrived at, to assure a deep conversion to English purposes. For nothing less is needed than a full realization by us that it is not just survival that is concerning England. France was caught in that snare. English destiny has to be conceived afresh by the men who are creating it. That is what will revivify Anglo-American relations. Let England face her adjustments publicly. Singapore was not a disaster. It was an adjustment. France lost Canada on the eve of its magnificent nineteenth century. Britain's new century will hardly be a naval century. But it will be a release of thirty million under-educated, under-developed, under-advanced Britains into the exercises and adventures of a better social structure.

In other words, England and America must work to come together for an understanding of the system at which they are aiming in the world order, so that nationalism and democracy can fall into the place that a decent order - revolted by the despicable East and Japanese systems - must suitably provide.

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875
- 4 -

I speak my deepest conviction when I say that what is needed is to enlighten America on the inner magnificence of the English spirit.

From which it is a natural step for me to say that I wish you might come here. I have some realization of the burdens that are carried by a member of the War Cabinet who is also the Leader of the House. But I wish it might be possible for you to spend if only a fortnight here. I do not have to tell you what a warm welcome would meet you - equally warm from the people and their President. You would, I know, immensely further the process of spiritual cross-fertilisation between our two peoples.

We both send cordial regards to all the Grippes.

Ever yours,

New Milford, Conn.
Supreme Court of the United States.

Memorandum.

Aug 3

194

Dear Grace

all
passed

And his, too,
may amuse the
President. Yrs.
W.

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Tully Tice

Frankfurter, F.H.
PSF

July 25, 1942.

Dear David:

I enclose a little gadget which I invented for the purpose of playing a practical joke on my Conservative (so-called) friends. You may have some in mind you can use it on.

Simple directions for use are as follows:

First you get the prospect to talking about Roosevelt, and particularly his attitude toward labor. Then you show him memorandum No. 1. In nine cases out of ten this will touch him off on an anti-Roosevelt tantrum. When this has progressed to point where prospect rolls on floor, foaming at mouth or kicking, biting, scratching or screaming, as case may be, then you slyly substitute memorandum #2 for #1, suggesting to prospect that in his excitement he has misread the name of the man who said these things about labor - and who in fact was the founder of that eminently "conservative" organization known as the Republican Party.

There is no patent or copyright on this novelty so you are free, if you like it, to copy and circulate same among your Liberal friends. The quotations are taken from Sandburg's Life of Lincoln, Volume IV of "The War Years," page 374.

Sincerely,

Augustus L. Richards

Honorable David Blackshear,
1314 Massachusetts Avenue, N. W.,
Washington, D. C.

SOCIALISTIC STATEMENTS BY FRANKLIN D. ROOSEVELT.

"Capital is the fruit of labor, and could never have existed if labor had not first existed."

"Working-men are the basis of all governments."

"Labor is prior to, and independent of, capital."

"The strongest bond of human sympathy, outside of the family relation, should be one uniting all working people, of all nations, and tongues, and kindreds."

"I feel that the time is coming when the sun shall shine, the rain fall, on no man who shall go forth to unrequited toil."

"Thank God we live in a country where workingmen have the right to strike."

SOCIALISTIC STATEMENTS

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SOCIALISTIC STATEMENTS BY ABRAHAM LINCOLN

"Capital is the fruit of labor, and could never have existed if labor had not first existed."

"Working-men are the basis of all governments."

"Labor is prior to, and independent of, capital."

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"Thank God we live in a country where workingmen have the right to strike."

275

file personal ~~Aug 20~~ *Transcripter Gold*
PSF New York, Conn
Supreme Court of the United States
Washington, D.C. Sept. 8, 1942

Mr. Zane:

Merely because some
of the matters dealt with in
your Fireside last night
were outside my area of
free opinion, is no reason
why I should not tell you
how very much I liked
them as to which I have
no judicial lockjaw.
That opening with the
Powers - and the moral
low performance has

for us all - and the
Exposition of the four
interdependent States
of war were especially
superb.

I hope that you are
as fit as the last
two speeches sounded
well.

Ever affectionate
regards. *Yours faithfully*
R. B.

276

file personal *Frankfurter folder*
3-42
PSF Saturday
Supreme Court of the United States [9-30-42]
Washington, D.C.

Dear Frank:

Let me tell you what
I said to Louis - for
the first time in my life
something very good for my
country, it very bad for me!

You will know best
of all people how deeply
accurate I am in saying
that I am sadly happy
that you have put Louis
Rogers where you and the
war should have been.

He has that very rare faculty - sagacity, down-right wordiness. Still rarer, his sagacity is never obstructed by the irrelevances of self. And he lubricates the inevitable drudgeries and difficulties of life with gay and un-
ingorating humor and good humor. For good measure, he loads them in a smoothly working brain. Oh - how we need him here. But with you - in

these smothering days so interesting to you - in his place. First things, first!

And so - my gratitude to you for depriving me of my sweet companion's face

Ever yours

277

file personal *San Francisco folder*
 PSF 1511-30 *Sheet 3-42*
 Supreme Court of the United States *Sunday*
 Washington, D. C. [9-30-42]

Dear Frank:

You know how rigorously
 I have abstained from vo-
 lunteering suggestions for
 nominations by you. But
 I ought not to be more of a
 damn fool than I call
 myself being. And so, a word
 about the vacancy - I feel
 like saying the emptiness -
 created by Mr. Byrnes's
 going.

Naturally, Mr. and I talked
 about the effect of his going
 on the Court. He and I agree,

I believe, that you again
have a chance to do some-
thing for Court and Country
comparable to what you
did when you made Stone
the C. J. And I have good
reason for believing that
Stone would agree with
the notion that I and
I have on this matter.

Needless to say, I am
writing this solely on
my own, and without
anyone's knowledge.
Ever yours
W.T.

file
personal

~~Early 8th~~

8-11/14/42

Stem 2 - Especially on the score of po-
litics, L. Hand is the only ^{for you} ~~last~~ who
will create no headaches - or, if you
will, break us eggs. He is the one
choice who will arouse universal
acclaim in the press - and the only
one who won't make the adherents of
other aspirants say "Why in hell
was X chosen and not my man? War
is just as good as X." L. H. would

Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

not rub old wounds - quite the
contrary. He would prove that
the past is past. His youth - his
non-hardening of the social and
modern veins, is established. By
virtue of his work he has, as it
were, been on the Court for years.
This would only make it known
of all men. Really - you could
have a pleasant smile, beat
others to the smile, and tell
the Nation what a great thing
you are doing for the Nation. Every
other person would divide feeling
and opinion, not to speak of other
considerations. I never was more sure
of anything - as a matter of Politics.
Item 3 - It was - and remains -
truly grand to see you. Ever fondly
Yours

At. This Team, Arrive at 724, leaving at his
eye, Vivian's letter of 8/1 Arrive - all right of the train
has the team business

~~Frankfurter folder~~
SF 6 November 1942

Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

file
personal

Dear Rank:

You may care to have
these two pamphlets for the
Franklin D. Roosevelt Library.

And in good time you will
have a Note on the Book of
Be it be him.

Henry is's head - put on
by you was so long that
pulled it over the phone.
Jim - his poor old man must
be all bewildered that he
should be discovered as the
father of the Elder of Zion.
Ever affectionately
JF

278

875

Rensselaer, N. Y.,
November 4, 1942.

James Aloysius Farley, LL.D; D.C.L.,
Hotel Biltmore,
New York City.

My dear Dr. Farley:

Recalling your recent announcement that you staked your reputation upon the election of Mr. Bennett, I hasten to congratulate you that notwithstanding the heavy damage suffered yesterday by your party, state, and nation through the election of Dewey, your personal loss was so trifling.

Very truly yours,

Augustus L. Richards

285

~~PSF~~ PSF 7. Transmitted
1511-30 (Reel)
November 10 '42
Supreme Court of the United States
Washington, D.C.
Blumenthal

Dear Frank:

For a mere professor,
one of the strangest aspects
of the war is the mad de-
mand of our press for
"spot" news about mili-
tary events. Newspapers
whip up their readers, by
all the familiar arts they
excite in constant ap-
petite for news, news,
news - and then they
invest that hot
copy in speech material.

"a people's war" and
the people must have
knowledge of events to
come, and immediate
news of their happening.
Well - I don't know
much about war,
but I have yet to
learn that a ^{military} principle of ^{the} science
and, especially, for
beating Hitler, is
open warfare openly
arrived at.

The beautiful and

Effective organization of the
people ought to make sure the
greedy Jews beg his - and help the
people to understand - that something
and in war the most important,
cannot be told the they can be
told! It's very good words.

I've heard a lot of kind words
from you - and heard of you and how
kindly to me of him in the last war
remembering you. ^{Heavens} ^{you}

185

F. Frankfurter folder
3-42

Have, perhaps
once put this
in the President's
basket
November 18, 1942.

file

PSF

x

J. P. Lewis,
c/o PM,
27 Sixth Avenue,
Brooklyn, N. Y.

Delighted to read your nine-word editorial as follows:

"Anyone who sells President Roosevelt short
is a sucker."

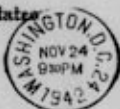
Boy, you said a mouthful!

Hope this means honorable name PM has now disappeared forever from
that sucker list.

Augustus L. Richards
420 Lexington Avenue,
New York City.

Room 131

Supreme Court of the United States
Washington, D. C.



Miss Grace Tully
The White House

RUN / STOP 28

282

file
personal

PSF ^{Frankfurter paper}
1511-30 ¹²⁻⁴² Thru

Thanksgiving Day
Supreme Court of the United States
Washington, D. C. 1942

Dear Rachel:

That was an exquisite
thought of yours - to have
such a Thanksgiving
Service in the White House
and to make the whole
Nation part of it and,
for the time being, part
of your family. It was
finely simple and quietly
austere, as befits the
Thanksgiving. Sincerely

next time, I hope you
will also be the
choir master.

We are having a
house full of young
lads - one of them
just back from the
Solomon - and we
all drank your
health and gave you
a gay and grateful
place of pride in
our bands giving.

Wishing I could join
our love Yours

283

Supreme Court of the United States
Washington, D. C.

1511-30 Thurt
November 3, 1842
PSF
Frankfurter

Dear Frank:

If you have decided
on John Byrnes' successor
do not waste your time
reading the rest of this.
But if not, truth and de-
votion to you compel me
to say the following.

Knowledge of what greatness
has done for Court and
Country - and surely Holmes,
Brandeis and Cardozo were
the only truly great judges
here since the Civil War -
makes me covet for you

that you give to the history
of your Presidency the
only man worthy to rank
with Holmes, Brandeis
and Cardozo. Were you
to name Learned Hand,
five winters after the
USSR flashed to the country,
all considerations of
age, geography and the
like will be seen to have
had no relevance. If
only for a few years, Hand
could not but bring
distinction ^{to the Court} and new
lustre to the President who
made it possible. Sincerely yours
E. A. Tamm

283

7 Transferring file.
3-42

file
personal

THE WHITE HOUSE
WASHINGTON

December 4, 1942.

MEMORANDUM FOR

F. F.

The words "prayerful consideration" rarely mean what they say. In the present case they do. In the same way "the exception proves the rule" -- but one of the requisites for the exception is the very important element of timing.

Sometimes a fellow gets estopped by his own words and his own deeds -- and it is no fun for the fellow himself when that happens.

F. D. R.

file
personal PSF 7. Frankfurter folder
3-42
December 7, 1942
Supreme Court of the United States
Washington, D. C.

Dear Hank:

Your "private" note
of December 4th, which
has just come, was a
most generous thing for
you to send me. I deeply
cherish it. How it surely
reminds me to say that
I think I appreciate the
travail through which
you have passed, and
therefore feel for you.
Devotedly,
F. F.

286

~~Indy file~~ PSF 7 transfer folder 3-42

8 December 1942

Supreme Court of the United States
Washington, D. C.

Dear Frank:

file
personal

Just a year ago this hour, in the presence of the people's representatives, you called the Nation to war. That awful and anguished experience will be the last to fade from our memories. Youth was asked to forfeit their lives - with all their promises - and the rest of us to give whatever may be required so that

what gives life more
than breath signifi-
cance may survive,
so that civilization
may become still more
gracious and good and
not be destroyed.

It was only a year
ago — but how far
you have led us in
that short year and
how gladly the people
heard you, and bear
you whenever you summon
to high endeavor. Bless you.
et.

265

Frankfurter ^{Justice} ~~Justice~~ ^{file}
PSF ~~Wednesday~~ ^{Thursday} 9, 1942
[12-9542]
Supreme Court of the United States
Washington, D. C.

Dear Lane:

file
personal

The photograph has
just come - and I
keep looking at it, as
Harrison will. When I
bring it home tonight.
It's most satisfying -
it conveys as much as
we can expect a photo-
graph to convey, and to
rest our combined
affectionate imagina-
tion, especially Harrison's,
will fill in. For Lane

hoarse soprano voice!

Our dearest Paul
 R. H.

good to take time to
 describe it - and we
 shall cherish it all
 our days.

You certainly have
 taken to Rusty Lion
 into port. Doc Pratt
 went off to Canada
 like a kitten that
 had wallowed in
 cream. I am arguing
 him to go to Randome
 soon.

Red Samaine was
 lyric after leaving you.
 "How does he do it?" he
 kept chanting, in his

CLASS OF SERVICE DESIRED	
MESSAGE	CABLE
TELEGRAM	FULL RATE
DAY LETTER	DEFERRED
NIGHT MESSAGE	CABLE LETTER
NIGHT LETTER	WEEK END LETTER

Patrons should please note that deferred and night messages will be transmitted as a full-rate communication.

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, FIRST VICE-PRESIDENT

WESTERN UNION

NO.	CARRION CHG.
CHECK	
TIME FILED	

Send the following message, subject to the terms on back hereof, which are hereby agreed to

April 6, 1942.

General Hugh Johnson,
Washington, D. C.

Regret to report Pal Pelley has ratted.

Today's Times quotes him as stating just after arrest "There hasn't been a damn thing in the magazine that Boake Carter, Iron Pants Johnson, Father Coughlin and many others haven't also said."

Idiot! - As if it took a ghost come from the dead to tell us that!

And, by the way, General, have you heard the one going round here - about what the well-dressed Fifth Columnist will wear - Silver shirt, Iron pants, and Hemp necktie?

Seriously, young man, Pelley has put you on the spot, and you should fade out at once. Stick your head in the sand for a couple of weeks. Disguise yourself. Change your name and that of your column. For the latter, my suggestion "I Will Be Hanged!"

Augustus L. Richards,
20 Lenox Drive
Greenwich, Conn.

Buty hole
~~Supreme Court of the United States~~
~~Washington, D. C.~~
File
Person

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

December 28, 1942

PSF
Frankfurter

Dear Mr. President:

The historians of your Administration might well find considerable interest in the enclosed document - and not the less so in that it was written by one who was a partner of Charles Evans Hughes before the latter became Chief Justice. You might, therefore, deem the Franklin D. Roosevelt Library an appropriate place for it.

Faithfully yours,

Felix Frankfurter

The President

"TIME"

OUT OF JOINT

by

Augustus L. Richards

In demonstration of the influence of "subsidy"
advertising upon the American Press,
and including

A Study of Five Recent Wrecks of "TIME"

Videlicet

Numbers of August 31, September 7, 14, 21 and
28, 1942.

Rensselaer, N. Y.,
October 6, 1942.

Editors of Time,
Time & Life Building,
New York, N. Y.

Dear Sirs:

I must tell you of a conversation I had recently with a friend of mine in the advertising business.

We had before us the August 31 issue of TIME, and I had read to him from TIME's abusive treatment of the President on pages 17, 18 and 21.

Like the great majority of Americans, my friend and I admire and respect the President; believe his administration is doing a splendid war job; feel grateful to those who give him help and encouragement; are roused to anger when his enemies, foreign or domestic, insult and revile him -- seeking thus to sap his energy, break his spirit, and destroy public confidence in him, thereby undermining our national morale.

We studied together the repulsive picture presented by TIME of this great man -- agreed that even the DAILY NEWS had rarely dealt him a fouler blow -- presenting him as a contemptible cad who, to save his craven face, would "let his press conference believe" that Mr. Willkie was going to Russia and the Middle East merely as "a Presidential errand boy," when in fact Willkie was going "because he wanted to go" to ascertain conditions there and "report to the people." Not only that, but TIME says that the President depicted Mr. Willkie as under his (the President's) orders to report to Russia falsely (according to TIME) that "production was booming and strikes were negligible" in this country.

Even more atrocious seemed to us the five columns headed "Politics," in which TIME, commenting on the President's support of Senator Nead's candidacy for Governor of the President's home state, charged the President in effect with neglecting his war duties while engaged in the promotion of a

personal ambition for a fourth term -- the gratification of which, TIME infers, "would mean ultimately the establishment in this country of a monarchy upon the ruins of our present republican form of government." In furtherance of this treasonable design TIME avers the President had recently installed in the White House a "swarthy, soft-voiced political flatterer and fixer extraordinary."

Yes, TIME, that made us mad, my friend and me -- as it no doubt did thousands of others of your readers who have faith in the President.

A few weeks ago my friend and I had read to our ineffable astonishment and horror an editorial in the SUNDAY NEWS of August 2, entitled "A Fourth Term For Caesar," in which the President's career and ambitions had been likened to those of Julius Caesar, and the suggestion plainly signalled to three million readers that inasmuch as it seemed impossible to rid ourselves of Roosevelt through the ballot-box the services of some patriotic Brutus might now be in order.

Shocked and enraged though we had been by this editorial (worse than any stab at Lincoln ever dared by the Copperhead press of his day), considering its source, it was understandable. But now to find an effusion of it between the familiar pages of TIME our favorite magazine! You could have knocked both of us down with one feather.

"In God's name," cried I to my friend, "what has happened to our TIME? What evil spirit has entered into it? Why, it seems only a few months ago when you and I were singing the praises of TIME -- chiefly for its courage in standing up with Roosevelt to fight the powerful combination of isolationism and reaction represented by men like Hamilton Fish, Robert F. Rich, George H. Pinckney, Robert R. Reynolds, Martin Dies, Burton K. Wheeler and Ellison D. Smith, who under the leadership of the Hearst-Patterson-McCormack press and the Hoover-Taft wing of Republican politics are straining every nerve to gain control of Congress in the coming election. Remember our talk on that?"

"Indeed, I do," said my friend sadly.

"And do you remember," I continued, "how you said that as an advertising man you could particularly appreciate the courage it took for a magazine like TIME to side with Roosevelt in that fight?"

"Yes," replied my friend, "I remember I told you that in these days TIME is dependent for its prosperity, and in fact for its very existence, on the good will of the big industrialists of the country, and that considering that our Captains of Industry, so-called -- not all, but most of them -- are bitter against the President because of his domestic policies and are intent upon his political destruction; and in this campaign are joining hands with all haters of Roosevelt to effect his destruction by turning Congress into the control of his enemies -- I told you that considering that situation, TIME was entitled to great credit for its bravery in standing up with the President and in attacking his isolationist and reactionary foes, and supporting him in his effort to secure a Congress friendly to the War Administration and zealous to cooperate with him for an all-out victory of the United Nations."

"Correct," said I, "you told me that; but I doubt if I fully understood you then or do now. What is there about these times different from any other times that makes a magazine of this kind particularly dependent upon the favor of the big industries? Haven't they always been primarily dependent upon them for their advertising revenue?"

"To a large extent, yes," my friend answered, "but never as completely and absolutely as today. Let me explain why. If you will examine an issue of TIME put out in, say, 1939, you will find that nearly all the advertisements deal with things (merchandise or services) which at that time were for sale, and were of such a character as would appeal to readers of TIME, as prospective customers, to buy. These may be called "bona fide advertisements."

[My later investigations confirmed this statement. In TIME of April 17, 1939 (94 pages), out of about ninety-five advertisements about ninety were of this bona fide variety -- promoting the sale of such articles as motor cars (nine makes), rubber products like raincoats, tires, etc. (5 ads), building materials, household, garden or farm utensils and equipment, such as iron firemen, electric refrigerators, lawn-mowers, metal fences, asbestos shingles, etc., or services, including those of eleven hotels. Advertising space averaged about sixty pages (about 64% of total page space), of which about fifty-seven pages (95%) were "bona fide" ads.]

"So what?" I remarked. "Isn't TIME still richly upholstered with bona fide advertisements? Certainly I haven't

noticed any change."

My friend shook his head. "Not at all," said he. "That's just the point I am trying to make, you see. And do you really mean to tell me you haven't noticed any difference since 1939 in TIME's advertising display? Well, I am surprised. I didn't suppose you had to be in the advertising business to get on to anything so obvious as that. Well, let's now look at this issue of August 31 of TIME and I'll show you."

My friend then opened the magazine to page 18 and pointed to a full page advertisement which concluded with the legend in large type, "THIS PAGE SPONSORED BY A GROUP OF 74 ELECTRIC COMPANIES UNDER AMERICAN BUSINESS MANAGEMENT." (Names not listed for "lack of space.") Below the legend in small type was "Invest in America. Buy War Bonds and Stamps." Above the legend, nearly filling the page, was a lecture on the efficiency of the private operation of utilities, called "The American Way," as compared with "political management," called "state slavery" or the "Hitler system." Do you call that a bona fide advertisement?" my friend inquired.

"Certainly not," said I, "at least as you have defined it. That is obviously a political advertisement, inserted in TIME by the Power Trust in its fight against the public ownership of utilities. It is propaganda."

"Splendid!" exclaimed my friend. "That gives you a mental age of at least 15. Now let me try another."

He turned to page 35, containing a full-page advertisement of the Boeing Flying Fortresses, announcing the award to the Boeing Aircraft Company of the Joint Army-Navy award for production. "How about that for a 'bona fide' ad?" he inquired.

"Of course," I replied, "that's not one either. No reader of TIME wants to buy a Flying Fortress nor could get one if he wanted to. The Boeing Company sells only to the Government. And now that I think of it, I can't quite figure out what economic inducement there might be to the Boeing Company to spend all that money for a page in TIME."

"We'll come to that later," said my friend.

He then showed me page after page of the same number of TIME taken up with "advertisements" of things that were not for private sale - certainly not for sale to TIME readers - such as

anti-aircraft guns (made by General Motors), locomotives, rubber tires for planes or automobiles, pneumatic tools, bearings, dust control equipment for naval vessels, Cannon connectors, self-locking nuts, abrasive products, plastics for munitions, aircraft engines and parts, bronze bushings, etc., metal fences, wire ropes — articles all manufactured by the great industries, and most of which in normal times would be advertised, if at all, in trade journals.

"I'll be hornswoggled!" I cried as the series unfolded — "to think I never noticed this before!"

"Well," replied my friend, "now that you have the point, suppose sometime you take this August 31 number of TIME and compare the advertising in it with that of a 1939 number. You may call this new kind of advertising I have been showing you 'subsidy advertising,' and unless I am greatly mistaken you will be amazed to see to what extent the 'bona fide' advertising of 1939 has disappeared and been replaced by 'subsidy advertising' at the present time."

[I have since compared the issues of April 17, 1939 and August 31, 1942 with the following results:

The 1942 issue has 105 pages with about 80 ads, as compared with 94 pages and about 95 ads in 1939. Aggregate advertising space about the same in both issues, i. e., about 60 pages. But the 1942 issue had only about 24 pages of "bona fide" ads as compared with about 57 pages in the 1939 issue; while the "subsidy" ads increased from about three pages in 1939 to about 36 pages in 1942. In other words, the comparative percentages of "bona fide" ads and "subsidy" ads were respectively 95% and 5% in 1939 and 41% and 59% in 1942.]

"That word 'subsidy' puzzles me," I remarked. "Usually you think of a subsidy as meaning public money paid to a privately owned enterprise, often with the purpose of keeping it off the rocks of bankruptcy. How do you justify the use of such a word in this case?"

"That's an easy one," laughed my friend. "The word is exactly appropriate according to your own definition. These 'subsidy' ads are necessary to keep TIME off the rocks of bankruptcy and the money TIME is paid for them is nearly all public funds."

"Come, come," said I, "stop talking in riddles. How can you mention the wealthy and prosperous TIME in the same breath with bankruptcy? And what is this foolishness about public money?"

"I'll explain," my friend replied. "First about the bankruptcy. TIME's principal source of revenue is from advertising. Without it TIME could not exist. The larger TIME's circulation gets the greater is its overhead and the more advertising revenue it needs to keep afloat. Now the advertising business has for some time been on the skids, and is getting worse every day. Already 40% of our production is in war work; soon it will be 60%. That detracts just so much from the production of things to sell by advertising. Furthermore there are priorities which have dried up the supply of raw materials out of which many kinds of consumer goods are made. And finally there is the necessity of cutting down on spending to prevent inflation. Under all these burdens the advertising business is fast sinking out of sight. That of course means eventual ruin for TIME and other like magazines unless someone comes to the rescue."

"And someone has?" I timidly inquired.

"Someone has, indeed," said my friend. "In fact quite a collection of someones." And then added in a whisper, "Don't jump now, or faint, and please look the other way; but did you ever hear of the National Association of Manufacturers?"

"Lawk-a-mercy!" I gasped. "I see a great light. Quick, Watson, the needle!"

I had barely escaped a fatal heart attack, and when I had recovered sufficiently to be audible my first whispered words were "N.A.M. — the public funds — tell me the worst!"

"Relax," soothed my friend. "All I meant was this. For the year 1948, as you may know, we shall have a corporate excess profits tax that is a wow. It will take nearly all excess profits — certainly 90%, probably more. In computing excess profits you of course deduct corporate expenses. These include advertising. Practically every one of these 'subsidy' advertisers of the N. A. M. is engaged in war work and will have large excess profits. In computing the excess profits, they will deduct what they pay TIME for the 'subsidy' advertisements. If it were not for this 'advertising,' their excess profits taxes payable to the Government would be increased by at

least 90% of the cost of the 'advertising.' Hence in practical effect, what they pay to TIME for this 'advertising,' or nearly all of it, comes out of the public treasury. Do you savvy?"

"I do, indeed," said I. "It not only comes out of the public treasury, but it comes out of my pocket! For the less taxes the N. A. M. members pay, the more I have to be taxed to raise the required war revenue. And here I have been in my innocence supposing that all I paid for TIME was 15 cents a copy!"

"Innocence, is right," said my advertising friend. "You and your fellow citizens, whether or not you read TIME, are not only digging down in your pockets to support (and enrich) TIME, but you are actually footing the bill for that Hearst-Patterson-McCormick anti-Roosevelt venom which you and I abhor and all the rest of the electioneering claptrap that TIME (or rather the N. A. M., which is now the political manager of TIME) is putting out for the purpose of turning the next House into a joint convention of the America First Committee, the U. S. Chamber of Commerce, the I. R. A., and the Ku Klux Klan."

"Ye gods! What a prospect!" I exclaimed. "And what a tragedy too for our old friend TIME. Why, it was only a few months ago that TIME was fighting this outfit tooth and nail — devoting the best of its great genius to their extermination; had the country roaring with laughter at their discomfiture; had them on the run with TIME in hot pursuit. Now the tables are turned. The Army of Isolation, Reaction, Defeatism, Obstruction and Appeasement is back again, but this time pushing on to victory, jubilantly predicting that election night will find the Capital in their hands; Roosevelt completely subjugated; his policies, foreign and domestic, blocked, blitzed, and blasted out of action for the next two years; Ham Fish in the saddle, and the band playing 'Onward Christian Frontiers'. And, Horror of Horrors! What thing is this I see? Poor old TIME, no more in pursuit, but now a captive, led as a slave behind the Hearst-Patterson-McCormick chariot, with Clarence Budington Kelland as charioteer! Oh, the pity of it!"

"Dry your tears," snorted my hard-boiled advertising friend, "and come down to earth while I tell you what really happened to silence the voice of TIME. As you say, it was but a few months ago that TIME's campaign against the Sixth Column Press and their cohorts in Congress reached its climax — on May 25, to be exact — when TIME delivered its famous barrage

of devastation at thirty-two members of Congress up for reelection this fall (mostly W. A. W. kennel-bred favorites like 'Curley' Brooks, Cotton Ed Smith and Leland Ford), with photographs of each and a write-up that became the talk of the country from Maine to California. The public was delighted with it, and its popularity gave TIME's circulation the best boost of the year. But in Congress, on the silk-stocking and Nordic side of both houses, there was only rage and consternation, gnashing of teeth and curses, both loud and deep. Soon the Congressional Record was hissing and rattling with angry recrimination. TIME was branded along with THE NEW REPUBLIC, PM, THE NATION, and the DAILY WORKER as a 'Communist' publication, hell-bent to K. O. Democracy, Private Enterprise, and the American Way of life. Action quickly followed. Telephone lines out of Washington soon became jammed, and Captains of Industry all over the land were hauled out of their golf games by day and their beds by night to listen to long-distance yelps from the Kennels. The response was as immediate and effective as patriotism could desire. Was not the Constitution in jeopardy, and the Four Freedoms, particularly the freedom of the Patterson-Pegler-Fanser Press? The remedy was obvious and was applied without delay. At the very next dark of the moon, on the stroke of midnight, a group of white-hooded and night-shirted serenadeurs appeared under TIME's bedroom window. They sang a song with this refrain 'You gotta stop Rinkin' our dogs around.' It was a delegation from the W. A. W. and the U. S. C. C.'s

"Well," continued my friend, "you can imagine what followed; and you can now understand why TIME is still prosperous but why in all matters political TIME's voice is heard no more. As I just now told you, the hand is the hand of TIME, but the voice is the voice of the National Association of Manufacturers."

"Well now," said I, "suppose you take your own advice and come down to earth and brass tacks yourself, and talk in the plain language of figures that never lie, and tell me this: During the period since May 25, when this sharp reversal in TIME's political policies has taken place, has there been any corresponding change in the complexion of TIME's advertising? Has there been an increase, for instance, in the 'subsidy' ad contributions to TIME by Big Industry?"

"Of course there has," replied my friend. "My guess would be that such 'advertising' has just about doubled to keep pace with the decline in 'Bama Kid's' advertising. Get out your

TIME file when you go home and calculate it for yourself."

[I have done so. A hasty count shows roughly: "Bona fide" ads in May 25 TIME, about 33 pages; shrunk in August 31 TIME to about 24 pages. "Subsidy" ads in May 25 TIME, about 19 pages; increased in August 31 TIME to about 27 pages.]

"What about other magazines?" I then inquired of my advertising friend. "Has this 'subsidy' advertising racket been put to work on them also?"

"Sorry," he replied, "but the lecture hour in this advertising course is nearly over. Furthermore, it is time for you to do some laboratory work on your own account. I assign you for research the following questions: Whether the N. A. M. (under its present reactionary and isolationist control), having multi-millions of dollars of Government Funds at its disposal for political propaganda uses (disguised as 'advertising') and believing (or so professing) that the salvation of this country depends upon the extinction, root and branch, of Franklin Delano Roosevelt and all his works, is during this pre-election period distributing those funds impartially among advertising publications in this country, without regard to political affiliations, or is using the money to compensate the objects of its bounty for publishing anti-Roosevelt propaganda. I suggest that you make a comparative study of the 'subsidy' advertising carried in recent issues of several of our leading magazines"; and my friend then named a list of publications which he recommended for investigation in this connection.

[These were: TIME, NEWSWEEK, SATURDAY EVENING POST, COLLIER and LIBERTY.]

Since our conversation I have examined these magazines and noted the following as to political complexion and "subsidy" advertising.

1. TIME.

Formerly supporting Roosevelt in condemnation of Hearst-Patterson-McCormack Press and in opposition to Fish-Brooks-Smith-Rankin, etc. coalition in Congress; now supporting Hearst-Patterson-McCormack Press in condemnation of Roosevelt and supporting Fish-Brooks-Smith-Rankin coalition in opposition to Roosevelt. Attacks on President and War Administration more virulent than in any other publication in list.

"Subsidy" ads in issue of September 21, 50% of advertising.

2. NEWSWEEK.

Although lacking the punch and savagery of TIME this magazine is as 100% Old Guard Republican in presentation of political news as Clarence Budington Kelland and might be mistaken for a propaganda leaflet of the Republican National Committee.

"Subsidy" ads in issue of September 2, 62% of advertising.

3. SATURDAY EVENING POST.

Prior to its recent change of editors, the POST was brought to point of financial ruin through stubborn persistence in isolationism and abuse of Roosevelt. Under Hibbs, the new editor, there was a surface reform, followed, however, by back-sliding now in rapid progress.

"Subsidy" ads in issue of September 26, 42% of advertising.

4. COLLIER'S.

Recently showed courage in publishing anti-isolationist articles, but suffered for it in advertising and is now trying to toe the M. A. M. mark to avoid starvation.

"Subsidy" ads in issue of September 26, 29% of advertising.

5. LIBERTY.

Strong of late for Roosevelt and his policies. Now publishing life of President.

"Subsidy" ads in issue of September 26, 0% of advertising.]

Milions of Time

11.

A few days after this study, my friend and I continued our conversation.

"Are you familiar," said he, "with the Hearst-Patterson-McCormick line¹ of propaganda, which Congressman Holland has charged follows the Axis pattern?"

"Very much so," I replied. "I have made it a point to read every editorial in Patterson's DAILY NEWS since Pearl Harbor, and with minor variations the Patterson line is known to be typical of that of his fellow-travelers McCormick, Cissy Patterson and Hearst."

"What can you say," pursued my friend, "as to the general character of the DAILY NEWS propaganda and in what respects, if at all, do you find this propaganda similar to that approved by the W. A. W. and appearing in those publications now dependent upon W. A. W. subsidies for their existence?"

"Well," said I, "that is a big enough question to require volumes for a detailed answer. General speaking, however, this is how it shapes up to me:

"DAILY NEWS propaganda is Axis propaganda in a red, white and blue package. The similarity between the two when unwrapped is unmistakable. Whether this is due, as Mr. Holland has asserted, to conscious collaboration by the NEWS with the Axis, or whether, as PW believes, the similarity is merely the incidental by-product of a hate-Roosevelt complex on the part of Patterson, is here immaterial.

"As Archibald MacLellan has made clear, the principle underlying most Axis propaganda is the principle of 'Divide and Conquer.' Axis propaganda seeks to destroy Axis enemies by inciting them to fight each other. Obviously the United Nations are susceptible to two kinds of dissension -- international and intra-national. The Axis plays for both; might achieve victory through both or either.

"If through international dissension the Axis could bring about the withdrawal of either England, Russia or the United States from the Allied Union, the war would be as good as won for the Axis, or at least the defeat of the Axis made impossible.

"Of if through intra-national dissension (politics) the Axis could bring about a civil war in any one of the Allies, England, Russia, or the United States, or the ouster of its war

administration and the substitution of an anti-war or defeatist party in control, the same salvation of the Axis might well be attained.

It follows that from the point of view of the Axis, the propaganda war is as important as the war on the physical battlefronts, and indeed more so, since it now seems unlikely that so long as the United Nations hold together and fight their best the Axis can ever win by arms alone."

"Well, of course, everybody knows," my friend interrupted, "that the Axis is trying to stir up these international and political squabbles among us. But how about the Daily News? Do you find that paper also trying to foment discord among and within the United Nations? Take the subject of Russia, for example."

"All right," said I, "let's take Russia. That country supplies the DAILY NEWS with one of its most prolific sources of propaganda. The NEWS (like the Axis) uses Russia to promote both international and intra-national (political) dissension.

"International dissension is aroused by NEWS editorials picturing the Russians as a cruel semi-civilized race of orientals who hate America and Americans and our 'way of life' and intend, if they win the war, to bolshevize the world. According to this 'line' of propaganda, we are suckers to be aiding 'Bloody Joe', and Roosevelt (switching the point to political propaganda) and his New Dealers who favor aiding Russia are Communists at heart and should be expelled from power. Then in its next editorial breath the NEWS reverses itself and (to promote both international and political dissension) condemns England for not setting up a second front to aid poor Russia, and charges that England is waiting for Americans to get over there to send them to the slaughter of a second front while the English remain at home. Inferentially (a point political) Roosevelt is reviled for conspiring with Churchill in this vicious plan. Then, finally (September 25), the NEWS flops back again and abuses the Russians and American Communists for their impudence in demanding a second front when it is clear that Britain and America are doing their best on various other fronts and will invade the continent whenever it is feasible to do so. This taking of opposite and inconsistent positions to promote quarrels between one nation, race, or party and another is, of course, typical of Axis propaganda technique."

"And how does TIME treat Russia," asked my friend, "that is, since the H. A. H. took over the management?"

"Practically the same as the NEWS," I said. "No issue of TIME is complete without a crack at the Russian people and their form of government. For example, in the current issue (September 26) Lieutenant Lyudmila Pavlichenko, the nation's Russian guest, is so described as to hold her up to hatred, ridicule and contempt. (This will serve to remind reactionary voters that 'Communist Roosevelt' must be destroyed.) But in other parts of the same issue, as well as that of September 14, TIME commemorates the brave Russians, whose 'faith' in Roosevelt and Churchill had been 'battered' and who seemed to be 'accusing the Churchill and Roosevelt Governments of outrageous lying on the subject of the second front'; and TIME opines that the 'logical' thing for Stalin to do might be to make a separate peace with Germany and Japan. (This should suggest to liberal voters that Roosevelt and Churchill are purposely refraining from launching a second front in order to effect the defeat and surrender of Russia in the interests of Fascists and appeasers in England and America.)"

"How about England? What treatment does she get from the DAILY NEWS?" my friend next asked me.

"You can guess that without asking," I replied. "You know, of course, that England is the original Axis enemy No. 1 — England and Churchill. For many months before June, 1941, when Russia entered the war, England and Churchill were all that stood between Hitler and a conquered world. The hate of Hitler for England and Churchill is a fiendish hate, exceeded only by his hate of Roosevelt; and so is the hate of the DAILY NEWS. Consequently both Goebbels and the NEWS specialize in pounding England and Churchill. Both realize that one of the weakest links in the chain of solidarity of the United Nations is the American prejudice against Englishmen, particularly English aristocrats like Churchill. Hence both Goebbels and the NEWS lose no occasion to appeal to that prejudice. Another weak spot in England's armor is India. Consequently Axis propaganda works overtime trying to stir up trouble in India. So does the propaganda of the DAILY NEWS."

"What of the propaganda of the H.A.H. on England and Churchill as put out by TIME and other publications under H.A.H. control?" my friend inquired.

"Same as the NEWS," said I. "Churchill is linked with Roosevelt in the public mind, and a blow at one is considered a blow at the other. TIME rarely speaks well now of Churchill."

I am thinking particularly now of the contrast presented in TIME's issue of August 31 between TIME's descriptions of the German general von Rundstedt (pp. 30-33) and Mr. Churchill (pp. 36-40). Von Rundstedt is presented as a monarchist of the 'Hohenzollern-made class'. The N. A. M. has a penchant for the German monarchists; might like to see them put in control of Germany at the end of the war; prefers them to the English, whom the N. A. M. distrusts as headed toward Socialism. So TIME gives a flattering description of von Rundstedt. He is Germany's 'most respected soldier,' her 'soundest staff officer'; 'the carefully cultivated flower of the old German military system.' He is the son of 'an aristocrat and a general,' of a family which had 'glorified the sword and service to the Fatherland.' At the age of sixty-six he is 'straight-backed' and 'austere' — 'impersonally affable' and 'consciously superior,' 'with a fine soldier's brain.' He stands 'slim' and 'immaculate' (glamour picture on cover) at his headquarters at Sedan where 'France's shame had been twice compounded,' his tunic gleaming with 'bright ribbons won in that and many another triumph.' Like the 'spirit of the great Fritz Todt,' he stands beside his 'hard-eyed German gunners' who 'talk of home, of furloughs and women, of comrades on other fields.' He is indeed a glorious figure compared to the dandified old British aristocrat, Churchill; Roosevelt's friend (funny photos, p. 39), who 'loves fine clothes, silk underwear, cream-colored pajamas, soft linen handkerchiefs, gray suede gloves, chimney-pot hats, and lounge suits with a sly pin stripe' (p. 36). (All Irish voters, infers N. A. M., must consider whether they will support a man who is the enemy of the noble von Rundstedt and the friend of this dude Englishman.)

But TIME's specialty on anti-British propaganda is India. On this subject it puts the DAILY NEWS to shame. It openly takes sides with Gandhi, and depicts India as a down-trodden victim of British greed and cruelty. No leaflet dropped in India by an Axis plane could do more damage to Anglo-Indian relations than any single issue of TIME. (The election effect of this propaganda on American liberals who sympathize with Gandhi and condemn the Roosevelt Administration for not taking the rebels' part against England should be prodigious.)"

"Well," said my friend, "here we are back again to where we started — on the subject of anti-Roosevelt propaganda in the United States and the use of it right now for building up an anti-Roosevelt Congress next year. You have already said that the DAILY NEWS specializes on this propaganda — even to the point of suggesting the assassination of the President."

"Yes," I replied, "and in so doing the NEWS, of course, expresses one of the wishes which is closest to Hitler's heart. Of all men on earth -- even including Stalin -- Hitler hates and fears Roosevelt most. And well he may. For had it not been for Roosevelt and his followers (and Roosevelt in the White House) in 1940 and 1941, there would have been no conscription (opposed by House Republicans 112 to 52) and no lease-lend law for saving England (opposed by House Republicans 135 to 24). Pearl Harbor would have found us a friendless, helpless nation, with no army or air force to speak of and our fleet outnumbered 4 to 1. By this time, in all probability, Germans and Japs would be swarming over our hemisphere, our coast cities would be under bombardment, and their population fleeing inland for their lives. When Hitler thinks of what 'might have been' is it any wonder that he hates Roosevelt? Any wonder that there is little on earth that could afford him the pleasure he would derive from seeing Roosevelt beaten at the polls this fall, shorn of his power and chained like Sampson, with control over the United States committed to the hands of the very politicians who fought for years to put the country at the Fuehrer's mercy, and who still share his hate for Roosevelt? What would not Hitler give to see that happen? Hitler has always (according to Rauschnig) believed that America could best be destroyed through internal strife, has been consequently directing his propaganda against us with this end in view, and would regard the defeat of Roosevelt and his followers as the greatest Axis triumph to date in the propaganda field. He is so keen for it that he may well be planning, with the Japs, a military or naval program designed and timed to help beat Roosevelt in the coming election. (And I fear we should be shocked beyond measure if we could see into the hearts of Roosevelt-haters in this country and find what a considerable number of them there are who would welcome some disaster to our armed forces before November if only they could be sure that it would cause the defeat of the Roosevelt Administration.)"

"No doubt," said my friend, "but what of the DAILY NEWS campaign against Roosevelt?"

"Goebbels himself could not do a better job," said I. "I suppose that of the three hundred or so editorials in the DAILY and SUNDAY NEWS since Pearl Harbor at least 90% contain propaganda against Roosevelt, the Roosevelt Administration, or what the NEWS has sometimes called the Roosevelt War. These targets are shot at by the NEWS from every conceivable angle. It would take a good sized book adequately to describe and analyze this Copperhead campaign."

"How does this propaganda compare with anti-Roosevelt electioneering material put out by TIME and other N. A. M. controlled publications?" my friend inquired.

"In points of punch and pungency, malevolence and unwavering persistence there is nothing (since the suppression of SOCIAL JUSTICE) that can compare with the Patterson-McCormick product. It is also conspicuous at once for its daring and for its acrobatic skill in 'adroitly skirting the verge of treason.' The N. A. M. publications, like TIME, while following the same propaganda 'lines' as the NEWS, are much more discreet in the presentation of it, and perhaps for that very reason more effective."

"How tragic a thing it is," remarked my friend, "that TIME, which owes so much to Roosevelt, should be thus forced to turn against him!"

"Yes, indeed," I replied. "TIME's enormous increase in circulation and prosperity during the past decade has been largely due to the widespread distribution of wealth in this country brought about by the Roosevelt domestic policies — the New Deal. And of course TIME's debt to the President — like the debt of all of us — for saving our country through his foreign policies from Axis domination is of a magnitude to surpass the imagination."

"And then to think," continued my friend, "of the shocking change in the character of TIME which has occurred. The publishers and editors must be heartbroken over it."

"No doubt," said I. "For more years than I like to count I have been a devotee of TIME — in some years a subscriber to it, in others buying it on the newsstands. It was a 'news magazine' pure and simple — no editorials, no 'literary' articles, no lectures or homilies (as in the OUTLOOK which we used to take, and the CHRISTIAN UNION before it). Just News; interesting news on every subject; news honestly, fairly, truthfully presented, and in a style so colorful, clever and entertaining that you were always sorry when you reached the last page of it. And now look at poor TIME. Practically spoiled — most of it — at least for people like you and me. Converted by the N. A. M. bloc into a kind of house organ for the Old Guard faction of the Republican Party."

"Do you know," reflected my advertising friend, "I find myself taking a professional interest in this thing. How

can a magazine like that, with no editorials, but just news items to report, be made to function as a medium for political propaganda? How can you change news into propaganda?"

Chiefly by the way you present it, of course," I replied. "How do the HEARST papers do it or the NEW YORK SUN? Everybody knows that those papers belong to a different class from papers like the TIMES, which takes pride in the honest composition of its news columns, and that they 'doctor' their news to give it a complexion to suit the political, economic, and social predilections of their publishers. There is a standard technique for this — including a variety of tricks of the trade — in the selection of subjects and the presentation of the news, such as by coloration, exaggeration, belittlement, over and under emphasis, concealment, suppression, etc. TIME now resorts to all of these devices for propaganda purposes."

"Do you mean that TIME has actually suppressed material items of news in the interests of GOP politics?" my friend inquired.

"Not the real TIME," I said, "the TIME we formerly knew and found such pleasure in. I never once detected any distortion or suppression of news by our old friend. But since TIME became a victim of this subsidy racket there has indeed been suppression of news — plenty of it. Take these three recent instances:

(1) On September 7, 1942 there occurred on the floor of the Senate a very important and highly sensational event. There had just been read the President's message to Congress requesting legislation fixing price ceilings for farm products, and in which the President stated that unless Congress passed such legislation by October 1 he, the President, would exercise his powers under the Constitution and under Congressional Acts himself to fix such ceilings in order 'to avert a disaster which would interfere with the winning of the war.' Thereupon Senator Taft rose and made a speech denying the Constitutional power of the President to take this action, and concluding with a warning to the President as follows:

'If those powers should be assumed without legislation, I should not hesitate to advise any man that it would be his patriotic duty to refuse obedience to any order issued under them — just as I should refuse to leave my duties in Washington if the President should attempt to suspend Congress for the period of the war, for the effect of this principle is the same.'

(Cong. Rec., September 7, p. 7288.)

"This amounted to a threat on the part of Taft not only himself to refuse to comply with a national war measure, but to incite others to like rebellion against it. So far as I know, nothing like this has happened in Congress since the seditious conduct of Congressman Vallandigham in the Civil War. It was a threat to stir up a civil insurrection against this government in time of war, and if Taft should carry it out he would probably become liable to arrest and imprisonment for the duration.

"In its issue of September 14 TIME undertook to describe the President's message and its delivery to Congress and its reception by Congress. No mention was made of Senator Taft's sensational threat of sedition. Without a doubt the effect of such mention upon TIME readers would have been to arouse their resentment against Taft and hurt the GOP in the coming election.

"[NEWSWEEK (also a heavy beneficiary of 'subsidy' ads) was guilty of the same suppression. It quoted Taft (September 14 number) as saying, 'If he can change the price law, he can draft men in violation of the Selective Service Act; he can impose taxes by executive order.' After which NEWSWEEK continued, 'Taft added that if the President acted as indicated, the November elections might as well be suspended — Congress would become a shell of a legislative body.' But NEWSWEEK deliberately omitted Taft's threat to advise civil resistance to this phase of the war effort.]

"(2) In the Senate of the United States on September 3, Senator Gurney (R), of South Dakota, made a speech in which he stated that he had just completed a 7,000 mile tour of the army camps of the country and he was convinced that 'our present Army and Navy is efficient to the nth degree,' and that 'our high command is of the best.' He spoke in admiration and amazement of the wonderful progress we have made in the short period since we began our preparation. He said:

"We have done in two years in the way of production, what our enemies have taken twenty years to do. Our output is tremendous, colossal. Use any of those adjectives, or others, and you could not describe it. That is the part of the battle that our people cannot see, but I know that our enemies know of it, and tremble in anticipation of what they know is coming."

"He then went on to recommend the induction for training of men 'at younger ages than we have been, stating that

'Hitler started training the youth of Germany twenty years ago,' and 'two or three years is not too much' to train our soldiers, and offering a bill for the drafting of such younger men. (Cong. Rec., September 3, p. 7257.)

"In the September 14 issue of TIME, nearly half a page was devoted to a report of Gurney's speech, and the speech was dressed up as political propaganda designed to make the point that the President was conspiring with Congress to postpone the drafting of boys of 18 and 19, since they 'decided it was politically safer to stall until after the November elections.' TIME (or rather the N. A. M. controlling TIME) suppressed the important portion of the speech above quoted. They suppressed it because they are trying to convince the people for election purposes that the war effort under the present administration is a failure, and that men like Clare Hoffman and Ham Fish, if in control of Congress, could do a better job. TIME also misquoted Gurney, representing him as using these words (which TIME puts in quotation marks) "the American people want to win the war in the shortest possible fashion and will do what it takes to accomplish that." According to the Congressional Record, the Senator did not utter the sentence quoted, or any part of it.

"(3) Late in August, Leon Henderson, issued a statement stressing the need of legislative action to check inflation. In it he pointed out that farm incomes would exceed those of 1939 by nearly 75%, wage earners would get 70% more than in that year, while corporate profits before taxes for 1942 would be nearly four times what they were in 1939. TIME in its issue of August 31, quoted Henderson's figures on farm incomes and wages, but suppressed his figures on corporate profits. When charged by a reader with this suppression, TIME replied in its issue of September 28 that Henderson's statement was 'not merely misleading, but plainly untrue,' because actual profits means profits after taxes. A puzzling answer in view of the fact that TIME had no hesitation in publishing Henderson's figures on farm income and wages, which were also presumably before taxes.

"The foregoing are merely three instances of suppression which I stumbled upon in a hasty reading of five numbers of TIME (August 31, September 7, 14, 21 and 28). No doubt there are many others which would be obvious to readers familiar with all the facts underlying the news items in this small collection of issues under examination."

"Let's go over those five numbers," said my friend, "and make a casual study of the lines of propaganda we find in them and the devices employed in their presentation."

This we did, and a summary of our "findings of fact," as the lawyers say, and some of our conclusions is as follows:

N. A. M.-TIME attitude toward Roosevelt and the War Administration.

The war plank of the Republican platform is all that patriotism and unity could desire.

The gist of it: "Loyal support of the President in the war effort until victory is won, without neglect, however, of the duty of constructive criticism."

Nothing less in singleness of purpose and purity of public spirit would satisfy the rank and file of the Republican Party, most of whom are high-minded Americans who put patriotism above partisanship.

Unfortunately the same cannot be said of many of the Old Guard machine politicians who represent the Republican Party in Congress and who often seem to be more concerned with retaining their offices and restoring their party to power than they are in winning the war.

Before Pearl Harbor these politicians had a rare opportunity to prove the efficacy of democracy by "loyally supporting" the President in presenting a united front against the greatest menace democracy has ever faced — Nazi and Fascist aggression. But "loyal support" was the last thing these men desired. Instead of supporting the President, they formed a powerful party cabal which up to the moment of the attack on Pearl Harbor devoted itself to the obstruction of the President in substantially every move he made for our protection.

And not only did they themselves refuse the President all "support" but they frowned upon men of their own party, like Wadsworth and Gurney, who loyally supported the President in his foreign policies; and when — as in the cases of Knox and Stimson — such Republicans had the effrontery to carry the "loyal support" to the point of joining the Administration to lend the President a hand in his defense of the nation in the perilous crisis, the cabal turned upon them with savage fury and flayed them as traitors to their party.

These cabaleers usually sought to justify their conduct on the ground that they were of the "isolationist" faith and hence conscientious objectors to warmongering." A few of them doubtless were sincere isolationists, but most of them were simulating the role for political reasons. If the President

had been of their own party and the aggressor nation had been Russia instead of Germany, these pseudo-isolationists would have been the first to advocate intervention.

Perhaps the clearest proof of their insincerity is the attitude they have taken since Pearl Harbor, not only toward the President but toward Republican interventionists supporting him. They profess in most cases to have been cured of their isolationism by Pearl Harbor. If isolationism had been their trouble before Pearl Harbor and they were cured of it by Pearl Harbor, their attitude toward their fellow-Republican interventionists like Messrs. Knox and Stimson would, of course, have been changed by Pearl Harbor to one of cordiality, not to say admiration. But nothing of the sort happened. These pseudo-isolationists are just as hostile as ever to Secretaries Knox and Stimson. And as soon as Mr. Wilkie made it clear that he intended "loyally to support the President and the War Administration, he became an object of hatred and scorn among orthodox Republican politicians who (notwithstanding their platform pledge of "loyal support") invariably resent such loyal support by Republicans and intend to continue to obstruct the President in every way they dare, even at the expense of the war effort.

A good illustration of this is the recent action of the cabal in the House, when on the House amendment designed to raise farm prices in opposition to the President's request for farm ceilings to prevent further inflation. Although about 7 to 1 of our people favored the President's position, as shown by a Gallup poll, this anti-Roosevelt Republican cabal voted against the President 99 to 55, thus combining with the farm bloc in sufficient numbers to pass the amendment.

The primary interest of the cabal at present is not war but politics; the main object of their activities in Congress is not to "support" the President in winning the war, but to beat him in the coming election, by which they mean to oust from Congress that group of the President's party who stood most solidly by him in his struggle for our defense before Pearl Harbor, and who, because they agree with the President's domestic policies, are called New Dealers. According to these pseudo-isolationist politicians the important goal to achieve in the election is not to fortify the President by electing to Congress men like Republican Wilkie and Democrats Lucas and Pepper, who will cooperate 100 % with the Administration in the war effort, but to place in control of Congress their own anti-Roosevelt cabal. The real issue, they say, is not the destruction of the New Order, but the destruction of the New Deal.

As Ham Fish has well expressed it:

"The New Deal is the issue in this campaign * * *. Mr. Speaker, if a Republican majority is elected to the House of Representatives, I expect to be Chairman of the Rules Committee, the most powerful committee in either the House or Senate, and in a position to stop the mad rush [not of Hitler, be it noted, but] to collectivism and communism in America * * *." (Cong. Rec., Sept. 22, p. A3589.)

Mr. Fish's political sentiments above expressed are in exact accord with those of the pseudo-isolationist bloc of politicians above referred to and of a small minority of the electorate of the nation which supports that bloc. Prominent in this minority are certain powerful groups, typified by the National Association of Manufacturers and the U. S. Chamber of Commerce. A majority of the leaders of these groups hate Roosevelt and his New Deal, and they are moving heaven and earth to destroy both in this election. Although they know that Roosevelt above all others in America can be relied on to insist upon the all-out victory against the Axis (which they say they desire), and although they know that the New Deal bloc in Congress can be relied on better than any other group for loyally supporting Roosevelt in his struggle for such a victory (which loyal support they also profess to desire), they are bent upon eliminating such New Deal support and turning Congress over to the Old Guard, which has never supported Roosevelt in anything, unless forced to it, and never will. So much do these men hate and fear Roosevelt more than they hate and fear Hitler.

In the anti-Roosevelt campaign they are now conducting, no holds are barred. Support is welcomed from all Roosevelt-hating, war-hating elements — with no questions asked. The country is gorged with propaganda calculated, like the propaganda of Hitler, to penetrate into every nook and cranny of possible disaffection or dissatisfaction in the land — bait for Britain-haters, Russia-haters and labor-haters; appeals to Fascists that Roosevelt is a Communist and in league with Stalin; appeals to Communists that he is a Fascist and therefore opposes a second front; appeals to liberals that he is against freedom for India; appeals to patriots that he is against freedom for America — a Caesar in disguise.

The five issues of TIME under examination present a fairly representative cross-section of N. A. M. anti-Roosevelt election propaganda. Some salient features are below noted:

"Loyal support of the President. BUT."

Bearing in mind that the GOP Roosevelt plank calls for "loyal support" of the President "but" subject to "constructive" criticism, we set out in our examination of the five TIME issues to take note of outstanding examples of both parts of the plank, that is, the loyal support part and the but part.

The Loyal Support Part.

"Loyal support," in ordinary parlance, is a friendly phrase. It connotes good will. When you "loyally support" someone who is working his head off for you, you expect at least to give him your encouragement - such as by a pat on the back now and then when he does a good job.

After concluding the reading of about 500 pages of TIME (in the five above-mentioned N.A.M. numbers), we regret to say that we have been unable to find therein a single indication of "loyal support." This is amazing. Roosevelt, during the two years preceding Pearl Harbor, had preserved the United States (including the N. A. M.) from destruction just as much as Lincoln preserved the Union from destruction in 1861-1865. And since Pearl Harbor, the President has been carrying on his shoulders for us (N.A.M. included) the burden of performance of a task so gigantic as to be almost beyond the compass of the human mind. So far the task has been superbly, wonderfully done. Yet in five weeks of it he has not received from N. A. M.-TIME even one pat on the back, one friendly gesture, or a single word of encouragement!

Shades of Abraham Lincoln and the CHICAGO TIMES! Listen! What bumbling is this we hear? Oh, pshaw! Why, of course. 'Tis old man History repeating himself.

The BUT Part.

The initial ("support") part of our search having proved a failure, we then tackled the BUT end of it.

Here we found pay dirt in plenty, in fact a veritable gold mine.

To describe in detail all the BUTS we found would (again to quote the lawyers) unduly prolong this memorandum. So

* We have not overlooked the passage on page 17 of the September 28 issue where the President is referred to as "freedom-loving." We assume, however, that this is a clerical error or was overlooked by the N.A.M. censor. For certainly the N.A.M. could hardly character-

Our report will be limited to a few of the main ones.

(1) We loyally support the President. BUT:

He is a contemptible cad, a fraud and a liar (N.A.M.-TIME, August 31, pp. 17-18);

A traitor at heart who is plotting to become dictator and thus ultimately (in the words of one of his best friends) establish in this country "a monarchy upon the ruins of our present republican form of government." (N.A.M.-TIME, August 31, pp. 20-21.)

(2) We loyally support the President. BUT:

Thank God that "Big Jim Farley soundly, roundly trounced him," gave him a "terrible shellacking," one of "the worst defeats in his thirty-two years of politicking" (N.A.M.-TIME, August 31, p. 17).

And we drink to the health of the man who "licked Franklin Roosevelt" (N.A.M.-TIME, August 31, p. 21).

(3) We loyally support the President. BUT:

Gloat at his defeat in the New York primaries;

Gloat at the defeat of the "Pinkos" who "tried to smear Bennett," and at the chagrin of Roosevelt's friend, "PM, the tabloid";

Gloat at the prospect of Roosevelt's defeat in the election (N.A.M.-TIME, August 31, pp. 21-22).

Comments:

So gloated Goebbels on the short-wave radio.

So gloated the DAILY NEWS.

So gloated Ham Fish, who said of the Bennett nomination: "I rejoice in the victory against the New Deal" (Cong. Rec., September 22, p. A2589).

(4) We loyally support the President. BUT:

He sabotages the war effort in order to play politics;

Postpones "decisions vital to the war" in order to "mend fences" in the political field (subsidy ad of Warner & Swasey - Turret Lathes, TIME, September 7, p. 43), as for example:

is as "freedom-loving" a man who had set his heart upon becoming a dictator of the United States (N.A.M.-TIME, August 31, p. 21).

Conspiring with Congress to "stall until after the November elections" the calling of 18-19 year-old soldiers (N.A.M.-TIME, September 14, p. 18); signalling to Congress to hold off as if he were saying "We are all politicians together." (N.A.M.-TIME, September 21, p. 16.)

Playing New York politics for a Fourth Term while the war waits (N.A.M.-TIME, August 31, p. 21).

Comments:

A very serious charge against a Commander-in-Chief -- one which, if true, would call for court martial proceedings against him.

The N.A.M. (through TIME) uses it to frighten its readers and madden them against the President.

Thus Corporal Green writes TIME:

"This 'Politics-before-war' attitude scares me a plenty. Is this what we are fighting for? I hope the last issue of TIME I read before sailing for combat duty leaves me in better spirits than the recent ones * * *." (TIME, September 7, p. 11.)

And one Mullen writes of the "widespread public indignation toward the Administration's too great concern for its political neck as well as its slovenly handling of matters pertaining to war-effort production * * *." (Time, September 7, pp. 11-12.)

This is one of the regulation Old Guard lines of attack on the President (as well as a favorite theme of the DAILY NEWS).

On September 17 Congressman Bradley of Pennsylvania quoted Clarence Budington Kelland of the Republican National Committee as stating:

"There seems to be a disposition on the part of the powers that be to postpone an all-out war effort with the sacrifices it entails by the public until after election."

Upon this Congressman Dingell commented:

"If that is true, then the President, the Chief of Staff, and the Chief of Naval operations are guilty of treason; if not true, Mr. Kelland is guilty of treason."

And Mr. Bradley continued:

"When he makes a sweeping assertion of that kind he attempts to indict not only the President of the United States but also General Marshall, Admiral King, and every other responsible military and naval official in this country * * *. Honest criticism is always constructive and to be desired. But when someone is doing the same kind of work that Hitler and Tojo and Mussolini and the heads of the Axis governments and their propaganda departments are doing, then I say that comes so close to treason that I cannot define the difference." (Cong. Rec., September 17, pp. 7437-7438.)

It is interesting to note in this connection that before Pearl Harbor Kelland was a leading Roosevelt-hating "isolationist" whose group called Roosevelt a warmonger and worked like beavers playing politics in an effort to prevent conscription and lease-lend aid to Britain and Russia. The political sabotage efforts of this cabal before Pearl Harbor will go down in history as one of the blackest and ugliest chapters in the story of democracy. If Kelland were an honest man he would now spend some time on his knees each day thanking God for the Roosevelt who saved him from destruction. But instead he falsely accuses Roosevelt of doing the same thing which he and his gang did before Pearl Harbor, trying to gain political power at the expense of national safety.

The plain fact is that the President has been so absorbed in the war that he has neglected the political duties he owes the country. It is because of this that Farley was able to nominate Bennett. Roosevelt long ago announced that he did not care whether Congressmen elected this year were Democrats or Republicans so long as they were and had been zealous to defend this country against the Axis. In the New York campaign he expressed the opinion (probably correct) that no Democratic candidate could defeat Dewey (an ex-isolationist distrusted by Roosevelt) unless he had the endorsement of the American Labor Party. This was clearly the President's duty to the nation.

The N.A.A.-TIME attack on the President for political purposes is unpatriotic in the highest degree, not only because it maligns and tends to discourage the man upon whom we are most relying to win the war but because it impairs the morale of our own people and gives comfort to our enemies. This is illustrated by a letter from one Waugh printed in TIME of August 31 (p. 6), referring to this line of criticism in which the writer says in part:

"I have just finished reading TIME, August 3, and I am sick at heart * * * and fighting mad * * *. It must make Hitler as happy as it makes me despondent to know that our Key Administration officials are more concerned about perpetuating their own power and political spheres than they are about winning the war."

TIME's (N.A.M.) reply to this is:

"Let Reader Waugh not despair — but keep on being fighting mad."

(5) We loyally support the President. BUT:

What a pity that we have to join hands with Communists who hate us to fight noble creatures like General von Rundstedt! (N.A.M.-TIME, August 21, pp. 28-32, September 28, p. 60); and

Listen, NEW REPUBLIC and PM — do you realize that Roosevelt and Churchill are refusing Russia a second front because they are Fascists and want to see Russia destroyed? (N.A.M.-TIME, September 21, pp. 22-23); and

Attention, Freda Kirchwey and Norman Thomas! — What have we in common with British Imperialism under Tory Churchill and its enslaved millions in India? (N.A.M.-TIME, August 31, p. 40; September 14, pp. 26-27); and

You Coughlinites and Christian Fronters, how do you like the idea of shedding your blood for a British aristocrat in cream-colored pajamas? (N.A.M.-TIME, August, 31, p. 36).

Comment

All standard stuff for German short-wave radio and DAILY NEWS.

The Zeesen Nazi radio at 6:45 P.M. September 25 and at 9:15 A.M. September 27 specialized on Stalin's demand for a second front, the latter quoting "the world-famous newspaper, "Daily News" as condemning the demand.

(6) We loyally support the President. BUT:

Our Army Air Force Chief Arnold is a liar when he boasts our fighter planes. They are undergunned, under armored, inferior to Jap Zeros and so inferior to British Spitfires that our pilots prefer to fly the latter in England. The superior

combat records of our fighters are due to the skill of our pilots (N.A.M.-TIME, August 31, p. 75);

Our Secretary of the Navy is a joke. Read our twenty-seven clever paragraphs about him and laugh your head off. Never mind the little sentence in the little paragraph at the end that says that Secretary Knox "is doing as well as any Secretary could" (N.A.M.-TIME, September 7, pp. 24-26).

"Loyal support" of the President requires us to suppress the important speech of Ace Flier Captain Rickenbacker (R) at San Francisco on September 9, in which he explains that the reason why Spitfires are often used by American pilots is of no consequence in comparing the merits of Spitfires and our fighters, and avers that our fighter planes are "the toughest things afloat" and best suited to our strategic situation, and give our pilots "full confidence in themselves and their planes"; and in which he gives the lie to the charge that "American fighter planes are inferior to those of Japan," and as an expert flier assures us that mere superiority in pilots could not account for our fighter planes knocking Jap Zeros out of the skies at the present rate of three or four to one (Cong. Rec., September 15, pp. A3529-3530).

"Loyal support" of the President also forbids us to praise our Navy for its brilliant work in reducing submarine sinkings to a minimum and transporting huge armies abroad without the loss of a man; forbids us also to quote the well-considered opinion of Senator Gurney (R) that "our present Army and Navy is efficient to the nth degree" and that "our high command is of the best" (Cong. Rec., September 3, p. 7257).

(7) We loyally support the President. BUT:

Mr. Taxpayer, when you pay these big taxes, don't forget that their size is due to the New Deal's "pet phobia" of a general sales tax; and thank the Lord that the Senate Finance Committee will not stand for the fool taxation proposals made by Roosevelt's Secretary of the Treasury Morgenthau or his silly experts like Robert E. Paul (N.A.M.-TIME, September 7, p. 94; September 14, p. 19).

Comments

We may indeed be thankful -- not as the N.A.M. would have us, but thankful that this war is not being financed, as the Civil War was, by a Secretary of the Treasury with the economic philosophy of Secretary Chase. This Republican statesman,

of the old school, regarded the Government as dependent for war funds upon being able to induce its citizens of means to purchase Government bonds carrying high rates of interest, and was ready to quit the war whenever the national debt got big enough to frighten away such prospective lenders. In the spring of 1864 Chase was asked, "What is the national debt now in round numbers?" He replied that it was about \$2,500,000,000.

"And how much more can the country stand?" was further asked, Chase replying, "If we do not suppress the rebellion when it reaches three billion dollars, we shall have to give it up" (Sandburg's Abraham Lincoln, War Years, Volume II, p. 622).

At the time Chase spoke the country was sparkling with the lavish display of the wealth of war profiteers, men who had piled up huge fortunes on army contracts (some of them furnishing the soldiers with "shoddy" uniforms, glued together, which would fall to pieces in the first rain), or by trading with the enemy (buying cotton from them cheap or selling them merchandise at exorbitant prices -- often running the blockade to do it), or in stock gambling or speculating on food and clothing in a rapidly rising market. Such men, it is said, "buttoned their waistcoats with diamonds", while their women powdered their hair with gold and silver dust at \$15 a head, and bought peaches at \$24 a basket. Meantime the "slums and alleys were full of squalid misery" and a soldier's widow in Columbus, Ohio, died "lacking food and the decencies of life." (*Ibid.*, pp. 618-620)

In the only other war fought under Republican auspices -- the Spanish-American War -- our principal casualties were from "embalmed beefs" furnished the army by profiteering tycoons* whose pet phobia was W. J. Bryan -- then trying to destroy the American Way of life with free silver and the income tax.

Secretary of the Treasury was Lyman J. Gage. Sometimes when W. A. W. feels particularly despondent over the futility of Mr. Morgenthau as a tax-gatherer perhaps we may hope to see in TIME (under "TAXATION") a snappy little item of "constructive criticism" entitled "What Would Lyman Gage

(8) We feverishly support the President. BUT!

We want to impress on every American we can reach that Roosevelt's Bungling Bureaucracy has butchered production for the war effort;

* One of TIME's contributions to colloquial English; now, alas! banned as disphemisms.

That the War Production Board is in a state of "hopeless" (note that word Hitler and cheer up) confusion; that it has been admitted by a "high" but anonymous "official" of the Board that "you could take the entire WPB personnel — stenographers, clerks and brass hats — line them up single file and fire every other one indiscriminately, and come out with a better organization." (Ain't it awful, Habel?) (N.A.M.-TIME, August 31, p. 19.)

That the Board is strangling production with a "hopelessly confusing" priority system and is rotten with "deadwood" to such an extent that even with the addition to the Board of Investment Banker Eberstadt and Charlie Wilson of G. E.'s "engineering aristocracy," it is problematical whether these "top-drawer executives" can "get Washington's huge bureaucracy to function — or will be able to put up temperamentally with its futility" (N.A.M.-TIME, September 28, p. 18).

[This impending collapse of production owing to "bureaucracy" seems to have appealed particularly to Goebbels, who on the Zeesen radio of September 25, at 9:15 A.M. (the day after TIME of the 28th came out), quoted TIME of the 28th as deploring the expansion of Washington's "huge bureaucracy". Of late the Axis propaganda bureau has taken N. A. M.-TIME MAGAZINE to its heart. On September 25 TIME (honored by inclusion in the high brackets with the DAILY NEWS) is quoted once and misquoted twice on the Zeesen broadcast.]

That the Government's handling of the rubber shortage was a "horror," a "chaotic scandal" (Berlin radio please copy), particularly the fact that rubber officials had ignored the priceless advice of Russian technicians who had ten years experience in making synthetic rubber" (N.A.M.-TIME, September 21, p. 15; September 28, p. 71);

That "can't-do-it experts" of WPB were first "chilly" then "cold" and never more than "lukewarm" to "fabulous" Harry J. Kaiser (also persecuted by the Government by false charges of being a "scofflaw"), and his "sure-we'll-do-it" partner, "enormously wealthy, enormously successful Howard Hughes, speed flyer, technician, designer, builder, young man of vision, and a hard-headed business man" as well as "a rich man's son"; and merely because "Kaiser had no engineers seriously at work on cargo planes," and "no detailed plans" for same, gave him an order for only three prototype planes instead of for 5,000 as he requested. (N.A.M.-TIME, August 31, pp. 19-20; September 7, p. 89; September 21, p. 17.)

He can see no reason for boring our readers or spoiling Hitler's sleep by publishing such tommy-rot as the following from an address by the plane expert and ace flyer Capt. E. V. Rickenbacker:

" * * I am speaking to the unholy three: Mr. Hitler in Berlin, Mr. Mussolini in Rome, and Mr. Tojo in Tokio.

" I bring you news, gentlemen. Mighty bad news for the three of you.

" Chances are that you may have found some consolation in certain press and radio reports from the United States to the effect that * * American plane production is being slowed up by bottlenecks of one kind or another, delays that range from shortage of raw materials to disunity among American workmen.

" You have heard those things. But don't you believe them.

* * * *

" American men and women, working in aircraft factories, are now turning out planes, and most of these are combat planes, at the rate of 4,000 a month, and we have only just begun.

* * * *

" * * That is a plane every 10 minutes. Not bad. But that is not all. Soon we'll be rolling the planes off the assembly lines at the rate of one every 4 minutes. Just think of that. A plane every 4 minutes. It is more than twice what all three of you can produce together. And you have passed your peak of production. We are only well started." (Cong. Rec., September 15, 1942, p. A5583)

Or the recent statement (above quoted) by Senator Armerney that we have done in two years in the way of production what our enemies have taken twenty years to do (Cong. Rec., September 3, p. 7267).

Or the following testimony of Senator Truman, who on the basis of the long and thorough investigation made by his committee of the record of war production by American industries, found the President's defense program primarily responsible for the marvelous progress we have made, and said we should have done even better but for the delays and derelictions of businessmen indiscreetly entrusted by the OPM with the converting of their

plants to war production:

"We can be thankful that our great President had sufficient vision to adopt a vast defense program before we became engaged in the war, and we owe much to those who advocated and forced the adoption of that program. Without it we would have been lost.

As a result of that program we have accomplished what for any other nation would have been miracles. In nearly every basic material we are producing at a rate exceeding the best that we have done before, and there is a large and steadily growing stream of finished goods.

However, we have lost much by the failure to convert sooner and faster. Business as a whole cannot be held responsible for that, although of course there were many individual businessmen who fought conversion to the last ditch, stocked huge inventories and hastily processed parts so as to have a basis for being permitted to continue the manufacture of civilian goods. But the duty to force conversion was primarily a duty of Government, a duty which the Government in turn had entrusted to businessmen through the Office of Production Management. I am sorry to say that I don't think they performed that duty well. Industry is largely, although not completely, converted now, but that conversion was forced by the shortage of materials becoming acute and cannot be said to be the result of an orderly plan for conversion." (Cong. Rec., September 24, p. A2665.)

Comments

Of course all this talk about production being strangled by Bureaucracy is just so much monkeydoodle — the old-fashioned political pre-election bunkum of tycoonery.

The overnight transformation of 120,000,000 peaceful civilians into a nation of fighters in a global war is a task compared to which the labors of Hercules, handicapped by the lagues of Egypt and the trials of Job, would be a lead-pipe inch.

The expedition and efficiency with which our Government and people are performing this task will go down in history as one of the monumental feats of human achievement.

Of course there have been mistakes, and there will be more — without supernatural intervention mistakes are inevitable — but they are minor mistakes, and compared with our record in

former wars, they seem no more than scarcely discernible specks upon a surface of perfection.

To revert, in illustration, to our two "Republican" wars:

In the Civil War, particularly in the early part of it, Washington was a veritable Babel of inefficiency and confusion. For example. As late as July, 1862, a central New York regiment bound for the front, arriving by boat at Jersey City in a famished condition, found that no provision had been made to feed them, and thought themselves lucky even to get water to drink — furnished by the populace at two cents a glass! The men were so lacking in training and unused to firearms that they had to be relieved of their revolvers to prevent accident. Arriving in Washington they were forced to march to their camp nine miles away on empty stomachs in torrid heat and so heavily burdened with equipment that many fell in their tracks from exhaustion. At the camp they found no tents or sleeping accommodations awaiting them, and so spent the night on the ground in an open field. Throughout the war dysentery, malaria and general neglect played havoc with their health. Their casualties — in large part from disease — were enormous, only about 50% of them returning home. (History of the 117th Regiment, N. Y. Vols. by J. A. Mowris, Case, Lockwood & Co., 1866.)

The Spanish-American War, considering its size, made a record for inefficiency probably worse than that of the Civil War. Confusion, ignorance, incompetency and greed ruled the roost in Republican Washington. Admiral Dewey's victory in Manila Bay was primarily attributable, it has been said, to the Admiral's success in cutting himself loose from interference by Washington. Colonel Roosevelt's Rough Riders, arriving at the Tampa docks for embarkation to Cuba, found themselves unprovided with transportation, and rather than attempting to swim them across, the Colonel, by means of a clever ruse, got his men aboard a boat intended for some other purpose, and so reached Cuba in time for the fighting. The food supply was a joke. Even embalmed beef was at a premium. As to ~~that~~ the Colonel says: "One lesson early impressed on me was that if I wanted anything to eat, it was wise to carry it with me; and if a new war should arise, I would earnestly advise the men of every volunteer organization always to proceed upon the belief that their supplies will not turn up, and to take every opportunity to get food for themselves." On one occasion when the Colonel found himself without food for supper, two soldiers shared their sandwiches with him to tide him over until the next morning, when the Colonel's colored "body-servant" appeared with a suitable repast. Trained efficiency was, of course, lacking in the volunteer

rank. During a battle, the Colonel personally charged the enemy, supposing his regiment was behind him, but finding himself followed by only four men (three of whom were killed) he returned, only to discover that his order (fortunately, it seems) had not been heard by the rest. After the fighting was over, the army, under General Snafter, found itself lying around with nothing to do except to care for the casualties caused by malaria, yellow fever and deceived food. Apparently Washington had inadvertently mislaid their address. Accordingly General Snafter got the Colonel to get up a "round-robin" letter for public consumption (the General felt a bit timid about doing it himself), describing their whereabouts, condition, and desire to go home. (Auto-biography of Theodore Roosevelt, Chap. VII.)

This, we presume, is what certain of our Republican critics mean by fighting a "tough" war.

(9) We loyally support the President. BUT

Hold in contempt his "New Deal Labor Board" which only of late has "got up its courage" to admit the existence of "bad, irresponsible unions"; while "businessmen all over the U. S. gave a sigh of relief" in the hope that the Labor Board might stick to its decision, with the result that "the day of reckless, hell-raiding, rabble-rousing labor leaders is over." But we fear their hopes are vain; that the decision of the Board is merely "a verbal whitewash to cover a nasty situation" involving a "smart red-haired" fellow on "CIO's potent executive board" who "started unioneering after a trip to" (where do you think, now? Don't breathe it, will you, but between you and me, that's one thing Hitler is dead right on!) Russia, by crying! Yes, indeed! and he was "named in Dies Committee reports," too; and they do say was the cause of all those "union drives, union lawsuits, strikes, riots, marching pickets, yelping organizers and busy leaflet distributors" out in Cleveland (W.A.M.-TIME, August 31, pp. 84-85).

Held in contempt this "little American Labor Party" whose continued existence has been made possible by that man Roosevelt, and whose opinions are often voiced by "PM, the tabloid." This little group of Rooseveltians claims to hold the balance of political power in New York and has been desperately scrambling for a candidate for Governor. After being turned down "of course" by important people like Russell, Beile, Wilkie, LaGuardia and Dorothy Thompson, they finally settled on "unconfined, bespectacled Dean Alfrange" who was once "an unsuccessful Tammany candidate for Congress" but now identifies himself as a "New Deal Democrat." For months this Labor Party had been

attacking Farley and his candidate John Bennett as "threats to labor and to Roosevelt," while "pinkos had tried to smear Bennett as a Fascist by labelling him pre-Franco in the Spanish Civil War" (N.A.M.-TIME, August 31, p. 22).

These "New Rich" favorites of the White House -- the "flush war workers" -- are too disgusting for words. To think of it! What are we coming to? The good old-fashioned rich "normally" consume over three times as much meat as the poor, or about 2-1/2 pounds per week a person, as against about 3/4 of a pound by the poor. Then in 1941 the poor began to hog it on meat; made an all-time high on gluttony; upped their consumption to 1-1/2 pounds per week for incomes of less than \$500, and to 2-1/4 pounds for incomes under \$2,000. But that was just a starter. In 1942, believe it or not, these common laborers, with their scandalous wages, in cheap imitation of their betters, are literally gorging themselves with meat -- not only at home but swarms of them in "honky-tonks" and even "swanky Manhattan clubs" -- ordering meat, eating meat, always meat. Result, the swine are already nearly up to the 2-1/2 pounds of the rich, and meat has got to be rationed! Plain Communism! Next thing you know they will be cutting N. A. M. salaries to \$25,000 a year! (N.A.M.-TIME, September 7, p. 28; September 14, p. 78; September 21, p. 84.)

These "social reforms" of the New Deal (of which high wages is an awful example) are one of the greatest drags upon the war effort. "If you think you can keep your social gains, your profits, your ease, your comfort -- if you think this can be somebody else's war, you're right -- it will be Hitler's war." ("Subsidy" ad of Warner & Swasey, N.A.M.-TIME, September 7, p. 43.)

Comments

The labor policy of the oldtime GOP religion is simple -- never pay labor more than you have to. During good times hire as many laborers as you can as cheap as you can and stack away the profits. In bad times, fire as many laborers as you can, and live on your fat until good times return.

That was the policy prevailing during the Civil War, with the result that "the year 1864 saw more strikes than all previous years in American history," says Sandburg. "Prices of food and clothing soared upward while wages stood still or rose slowly." Shirts which cost five cents in labor to make sold from \$2.00 to \$4.00 apiece. Working women earned "from \$1.50 to \$2 per week at sewing." Strikers all over the country demanded higher wages -- railroad men (paid \$75 per month) struck for \$90;

bricklayers for a raise from \$2.50 to \$3.12-1/2 a day; hotel waiters for \$20 per month. The word "strike" first came into common American use during this war. (Sandburg's Abraham Lincoln, The War Years, Vol. II, pp. 619-621.) In the meantime luxury among the rich was rampant. So was corruption in Washington — fraud on both sides of government transactions. According to THE SPRINGFIELD REPUBLICAN of that time "The government cheated in contracts, and openly robbed its employees. * * * Washington was never quite so villainously corrupt as at the present time." Sandburg says "A special investigator for Stanton inspected many bureaus, examined thousands of witnesses, and reported his deliberate conviction that at least 20%, if not 25%, of government expenditures during the war were tainted with fraud." (Ibid, p. 622.)

Almost as bad, it seems, as N. A. M. Republican Washington of the Harding era.

Labor conditions in the Spanish American War are clearly within the memory of now elderly people — who often heard it said in the 90's that a dollar a day was enough for any working man.

Common decency demands that the laborers upon whom we rely for our war production, and who in years past have in many cases been unemployed and underfed and lacking in the necessities of life, should be liberally compensated now for their services.

Cold-blooded expediency also demands it. When you are confronted with a big construction job that has to be finished in double-quick time, you issue a call for laborers at the highest price you can afford to pay.

And in normal peace times, as well, under modern conditions, it seems axiomatic that since industry cannot prosper without customers who are prosperous, and since labor is the best customer of industry, the latter from purely selfish reasons should see to it that labor is kept as prosperous as possible. But this the N. A. M. philosophy is apparently too blind to see.

(10) We loyally support the President. BUT:

He is personally a third-rater, a weak president; occasionally has a "bright idea", or you might say, a "blithe idea" (September 7, p. 27); occasionally shows "signs of willingness to face the nation's problems" (September 28, p. 24), but

most of the time he is behind the public; moves "like a reluctant avalanche" (September 7, p. 23), "talks a tough war but fights a soft one" (September 21, p. 19). From his record, the chances of his success in controlling inflation are "not much." (September 7, p. 23) Yet he has never publicly admitted a mistake except about Thanksgiving (September 21, p. 38).

[N.A.M.-TIME forgets that in its issue of September 7 the President was reported as admitting that "the Price Control Act had proved a flop."]

His supporters, the New Dealers and their Press, are a shabby lot; his opponents the salt of the earth. Compare, for example, the "sober, wise Wall Street Journal" with the "croaking, liberal New Republic" (September 28, p. 19). And compare rock-ribbed Nordics of nobility like Republicans Leverett, Saltonstall and Henry Cabot Lodge and that conservative Democrat E. L. Putnam (one or all "blue-bloods, honest, wealthy, smart, handsome, energetic, of proud name, descended from Lowells, products of Back-Bay boyhood, and a Boston private day school, members of Harvard's best social clubs") — compare them with "New Dealing," "Irish-Catholic" Joseph E. Casey, or the "ex-laundryman," and "Irish-Catholic" Francis E. Kelley or the "one-time Irish-Catholic Governor James M. Curley."

We rejoice that the people are at last getting on to the President and his New Deal and next November, thank God, is likely to see the grand old party of Harding and Fish back in the saddle on Capitol Hill (N.A.M.-TIME, September 14, p. 17).

Comments

We are now witnessing the sixth of a series of election campaigns under the sponsorship of N. A. M. politics (1932, 1934, 1936, 1938, 1940, 1942) to break the back of one of the greatest statesmen in American History (or for that matter in World History), a leader to whom, more than to any other living man, this country owes the preservation to this hour of its government and institutions during ten of the most perilous years of our history; and without whose guidance we should today be in an international predicament of unspeakable frightfulness. In each of these campaigns nearly 80% of the American Press has been at the disposal of the anti-Roosevelt forces, and every instrument and device known to politics has been brought to bear upon the voters to destroy their confidence in Mr. Roosevelt. But so far each campaign has failed. If this one succeeds, its success will be due to the fact that the American people as a whole are in a hectic frame of mind about the war — frantic for all-out victory in it — and have been persuaded by the powerful

propaganda of the M. A. M. Cabaleers, disseminated by their controlled press, that the Roosevelt Administration is incompetent to run the war, and is losing it, and that control should be turned over to the Cabaleers. This propaganda is thoroughly false, vicious in the highest degree, and not only unpatriotic but, if successful, will be found covertly charged with the dynamite of appeasement. These Cabaleers, or many of them, who now promise the people an all-out victory over the Axis, are the same people who before Pearl Harbor preferred the Axis to the Allies,* particularly Britain and Russia, and who in many cases today would rejoice secretly or openly at the defeat of those two hated nations.

* "Certainly the American people do not wish to enter the war on the side of Britain to defeat Germany." Stephen A. Day (R) (Cong. Rec., July 18, 1941.)

"If Germany wins, her wage scale and buying power will go up and she will buy more of our products, and if she loses, her wage scale will go down." Hamilton Fish (R) (Cong. Rec., August 20, 1941).

"Now we are linked to * * * a ruthless, murderous Stalin. * * * So that's our ally. Do you think you want to team up with that kind of monster? Do you want your country to spend its substance in a fight to make the world safe for Communism? That's what we would do by coming to the aid of Russia." Anton Johnson (R) (Cong. Rec., October 15, 1941).

"I voted for the declaration of war. Nobody would have told me that I would on 6th of December, but I did. We were maneuvered into it." William Lambertson (R) (Cong. Rec., February 17, 1942).

"I was opposed to getting into this war — get me right there — and we could have stayed out of it if we had run things in the right way." Robert Rich (R) (Cong. Rec., March 24, 1942).

"It was Great Britain and France who declared war upon the German Reich after being clearly forewarned by Col. Lindbergh that it would be utterly impossible for them to compete with Germany's air force." Dewey Short (R) (Cong. Rec., May 29, 1941).

"War is even worse than a German victory." Robert A. Taft (R) (Cong. Rec., March 9, 1941).

"You Democrats gave Mr. Willkie to us and we gave him back to you. * * * But after some of us got rid of him, did not your

(11) We loyally support the President. BUT:

WE ARE LOSING THE WAR (N.A.M.-TIME, September 7, pp. 30-31).

Loyal support of the President compels us to publish this awful truth to all readers of TIME - at home and abroad - to readers in America to set them shivering and doubting; to readers in England to humiliate, anger and discourage them; to readers in the conquered lands (via German radio) to kill hope in their hearts and courage to resist; to readers in the Argentine to fortify them in their adherence to the Axis; and above all, to every American voter whom TIME's message may reach, to fire them with distrust and aversion against the man who got us into this mess - Franklin D. Roosevelt.

Loyal support of the President requires us to add that this doleful wail of defeatism came from one of the President's most trusted military aids, Lieut. General Brehon B. Somervell (see cover-page and special write-up in recent number of TIME).

If you ask us why we are losing the war, loyal support of the President permits us to disclose that it is because of the foolish strategy pursued by the "High Commands" of the British and the American forces - dictated, we presume, by Roosevelt, the Washington politician, in conjunction with his pal, a cream-colored pajamarite called Winston Churchill.

The trouble with the strategy of this amateur pair of silk-hat soldiers is that they allow "the enemy, dispersed across the world," "to hold the Allies "pinned down on too many fronts." In other words, they disperse the Allied forces to meet the enemy at the various points of enemy dispersal, thus permitting

President pick him up and send him over there? First to England, then to Russia, and now China? If you want him to kiss barmaids, as you said he did, why do you not send him where the barmaids are good looking and more numerous? You are the ones who are showing ingratitude. We gave this orator back to you and now you are using him. And yet you complain because of where he goes and of what he does and says. Does he not follow your President's instructions?" Clare Hoffman (R) (Cong. Rec., September 30, 1942).

"the Axis General Staffs to determine the grand strategy of the war" (which should never be done).

We ask careful inspection of the photograph on page 30 showing Roosevelt's friend Churchill "losing the war" for us — a picture, taken by the Japs, entitled by us "A Swatch From the Fabric of Disaster; Some of the 70,000 British Troops Captured at Singapore." That was seven months ago, but election is approaching and we must not forget that this "great naval base at Singapore fell in one of the most humiliating defeats in military history" (vote early, please), nor that it was due to "bumble-witted planning, feckless leadership and tactical myopia," (The Booth is this way. Remember to vote for Clare. Clare what? Why, Hoffman, of course.) "which had left basically good troops without a shred of glory in defeat." Oh, that man in the White House and his terrible friends! Poor Singapore!

What of our affairs now? Look at Rommel, "rested and reinforced, and about to launch the drive for Egypt, Suez, and mastery of the Mediterranean"! Look at "the Germans pressing through Egypt and the Caucasus"! Look at "Britain and the U. S. compelled to begin, hurriedly and too late, the building of a preventative army in Iraq and Persia," under the British general "Jumbo Wilson"! Look at India! Think of those poor Americans "beset" there, with the Jap invasion forces in Burma awaiting "only the end of the monsoon rains this month". (Don't forget Sam Fish who tried to save you from all this.) Listen to Hitler! Hear him hinting that "Japan will soon attack Russia"! And they do say that under the Tripartite Pact Japan "promised Germany to attack Siberia when the German army reached the Volga"! (Whatever you do, don't split the ticket.) Worst of all, consider our feeble efforts under Roosevelt, Knox and Stimson — "driving a tiny dent into Japan's Pacific wall," and now faced with the problem "to find the men, the ships and the planes to breach the wall." (Taft was right. A victory by Germany would be preferable to war.) Eheu! Eheu! "WE ARE LOSING THE WAR."

Comments

This item "We are losing the war" is one of the most reprehensible in the series of TIME numbers under study.

If in Russia or any of the other warring countries, except our own, on either side, a citizen in his right mind should broadcast to the world (for that is what TIME is in effect doing here) the statement "We are losing the war", accompanied by a recital of the reverses suffered by the armed forces of the broadcaster's country, he would be promptly arrested as a Fifth Columnist. His

conduct would be regarded as prima facie evidence of a treasonable intent. This because the inevitable effect of his act would be to spread panic in his own and Allied countries and correspondingly give aid and comfort to the enemy — indeed, to invite a renewal of enemy aggression. Nor would it be considered an acceptable excuse that the broadcaster belonged to a political party opposed to the War Administration and seeking to supplant it, and was making his broadcast as propaganda to create public dissatisfaction to that end.

But in this country, unfortunately, it has been the uniform custom in all of our wars, beginning with the Revolution, for the anti-war or anti-administration political party to capitalise upon the impatience of the people for a speedy victory and a return to peace by charging (always without warrant as it proved) that their rivals were "losing the war."

In the Civil War the opposition (Democratic) party never ceased during the entire four years of the struggle to din in the ears of the people the great Copperhead chorus of defeatism. "We are losing the war." This false accusation and prediction was one of the greatest obstacles Lincoln had to contend with, and in the end its pressure became so powerful as almost to fulfill its own prophecy and in reality lose us the war.

The Democratic platform of 1864 (issued in late August) contained a war plank stating that the "experiment of war" had resulted in "four years of failure," while meantime under the "pretense of a military necessity, or war-power higher than the Constitution, the Constitution had been disregarded in every part, and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired." (Sandburg's Abraham Lincoln, The War Years, Vol. III, p. 227.) As a matter of fact the war was at that time on the point of being won. Yet such had been the depressing effect of this Copperhead propaganda upon the Morale of the people of the North that only a few weeks before the election of 1864 it was the prevailing opinion in Administration circles that McClellan would be elected. Lincoln himself signed a paper on August 23, 1864 containing these words:

"This morning, as for some days past, it seems exceedingly probable that this administration will not be reelected. Then it will be my duty to so cooperate with the President-elect as to save the Union between the election and the inauguration; as he will have secured his election on such ground that he cannot possibly save it afterward." (Ibid., Vol. III, p. 573.)

If the election had been held in August, Lincoln would probably have been beaten. What saved him was Sherman's capture of Atlanta, the news of which arrived September 8. But it was a narrow escape the Union had -- from defeat by propaganda. Lincoln received only about 55% of the popular vote. A shift to McClellan of about 86,000 votes in New York, Pennsylvania and Ohio, and a similar change of result in two or three other states would have elected McClellan and probably ended the Civil War, destroyed the United States, and restored slavery. (*Ibid.* Vol. III, p. 568.)

In the Congressional election of 1862 also, the propaganda of defeatism and obstruction had taken a heavy toll of the War Administration. The number of Democratic Congressmen had been increased by the election from 44 to 75. Republicans lost fourteen Congressional seats in Ohio, eight in Indiana. Illinois, New York and Pennsylvania went Democratic. Only the ballots of six western states saved control of Congress for the war party. Among the causes of this setback were said to be "want of confidence" in the President (N.Y. Times), lack of "adequate returns" from "gigantic preparations and sacrifices," a "huge debt" without "greater military results" (N.Y. Evening Post). In point of fact, as we now know, the lack of military results had been largely due to the incompetency of McClellan, then being groomed by the opposition as candidate for President, but critics on both sides at that time laid the blame primarily on Lincoln. The pre-election contest had been one of the bitterest strife. Young John Pike wrote a friend:

"I hear treason and nothing else talked all the time. If Lincoln would hang the leaders of the Democratic party and kick McClellan out of the army, it would be well; but such a result is too much to be hoped for." (*Ibid.*, Vol. I, pp. 591, 610-611.)

Lincoln well understood the powerful appeal which the defeatist propaganda of Copperhead politics was constantly making to a patriotic and peace-loving people. Sandburg relates of him that in the disastrous winter of 1862-1863 Lincoln read aloud to his friend Browning from a pamphlet by Charles J. Stille, entitled "How a Free People Conduct a Long War", containing a series of parallels between the American Civil War and a number of wars which England had passed through and commenting upon the peculiar susceptibility of the people of a warring democracy to the propaganda of unscrupulous and unpatriotic politicians. Lincoln described the pamphlet as "the best thing he had seen on the subject."

"War is always entered upon amidst a vast deal of popular enthusiasm, which is utterly unreasoning," read Lincoln. "It is the universal voice of history, that such enthusiasm is wholly unreliable in supporting the prolonged and manifold burdens inseparable from every war waged on an extensive scale, and for a long period. The popular idea of war is a speedy and decisive victory and an immediate occupation of the enemy's capital, followed by a treaty of peace. Nothing is revealed to the excited passions of the multitude but dazzling visions of national glory, purchased by small privations, and the early and complete subjugation of their enemies."

"At the first reverses they yield to depression, blame the government and the armies; the unreasoning abuse then matches the original enthusiasm: 'Experience has taught the English people that the progress of a war never fulfils the popular expectations . . . during the continuance of a long war, there can be no well-founded hope of a uniform and constant series of brilliant triumphs in the field, illustrating the profound wisdom of the policy of the Cabinet; that, on the contrary, all war, even that which is most successful in the end, consists rather in checkered fortunes, of alternations of victory and disaster.* * *

* * * * *

"Lincoln found it interesting that in the Napoleonic and the Peninsular wars, humanity had performed in England much the same as in America in the 1860's. During the war with Spain 'that hideous moral leprosy, which seems to be the sad but invariable attendant upon all political discussions in a free government, corrupting the very sources of public life, breeding only the base spirit of faction, had taken complete possession of the opposition, and in its sordid calculations, the dishonor of the country, or the danger of the army, was as nothing provided the office, the power and the patronage of the Government were secured in their hands. It was of little concern to them, provided they could drive the Ministry from office, whether its downfall was brought about by blunders in Spain, or by the King's obstinacy about Catholic Emancipation, or by an obscure quarrel about the influence of the Lords of the bed-chamber.'" (*Ibid.*, Vol. II, pp. 202-204.)

But to return now to the immediate subject of these comments — General Somervell's "We are losing the War" and N.A.W.—
TIME's use of it for political propaganda purposes.

We have never read the full text of the General's statement from which this five-word excerpt was taken, and consequently do not know what point he intended to make by it. But from what we know of the General we are sure that he never intended to have his words construed as a criticism of the strategy of our own High Command (including President Roosevelt) or that of any ally, or as a reflection upon their competency, bravery, or honor.

When we read this item in TIME of September 7, we were so shocked by the quotation of General Somervell that one of us sent the General a telegram of inquiry about it, in which it was suggested that if the General had made the statement that we were losing the war, he issue a public explanation specifying "what and where are the defects and weaknesses which have caused you to believe we are losing the war and what if anything can and should be done in your opinion to rescue us from the defeat which you see impending." To this the General replied on September 11, stating that it was true that he had said we were losing the war, but that he was "very confident that this condition would correct itself in the very near future."

Later, on September 28, General Somervell, in a speech at St. Louis, made very clear what he had in mind in warning us that we were losing the war; emphasized that he had no fault to find with England's part in the war, but only praise for her; gave the lie to anyone who used his statement to criticize the work of our forces or their Commander-in-Chief; branded as Nazi propagandists those who seek to drive a wedge between us and our allies; and after repeating that we must wake up to the fact that the war has been going badly with us, warned us that if we hope to win it, we must stop fighting among ourselves and follow our Commander-in-Chief. Said he:

"We're all in the same boat. It's a good, stout boat. It has weathered many a wild storm. But it's not going to weather this one unless we're all good sailors. It's going to go down unless we quit fighting about who is to row the boat and who is going to steer. We've named our helmsman. We've done it the good old-fashioned American way. He's our Commander in Chief. For all our sakes let's take orders, take them without argument or reservation and do our best to live up to them. That way and only that way will we win."

* * * * *

"Let us not forget that we aren't in this war alone. Hitler's sneaking agents among us are forever stirring up the story that our allies are letting us down. And any one who repeats that sort of talk isn't only a poor American; he's a liar as well!"

"I know the English. I know what they are doing.
I know how they stood up alone, after the fall of France
and fought our battle for us.

"We and the British are in this thing together.
We'll stick together and we'll fight together. If you give
us the backing on the home front that Britons are giving their
army . . . together we'll beat Hitler and the Japs.

"And what of our other allies? For eight long years
China has performed magnificently against odds. China's
magnificent.

"And Russia. I can sum up Russia for you in one word.
It stands for heroism, for supreme self-sacrifice, for
devotion, for the most gallant qualities man can possess. The
word is "Stalingrad."

"Whenever any one whispers to you about Britain's
not doing her part, or when any one asks why we help Russia,
remind him that he's talking Hitler-talk." (N.Y. Herald-
Tribune, September 29, 1942.)

We commend the foregoing to N.A.A.-TIME and we express
our surprise and regret that the misrepresentation by them of
General Somervell's position has never been corrected.

A speech in a somewhat similar vein was made by Ralph
A. Bard, an Assistant Secretary of the Navy before the Union of
Marine and Shipbuilding Workers of America (Cong. Rec., September
28, p. A2699), in which Mr. Bard, after stating that "we are still
losing the war," and "we damn well mean it," went on to deplore
the wrangling that is going on among us between economic groups
and their lobbyists, each trying to gain advantages at the expense
of others — such as, tax lobbyists, farm blocs, business blocs,
labor leaders, and "anti-union employers who sabotage production
committees for fear that industry will be sovietized."

Mr. Bard's purpose in stating that we are losing the war
was obviously the same as that of General Somervell — to bring
sharply to our minds by sensational language, to which we (and
incidentally the Radio and the Press) would pay attention, the fact
that we have a very difficult task before us, and that we should
stop fighting among ourselves and stand shoulder to shoulder to
fight the enemy; that there are too many of us fighting Roosevelt
and not enough fighting Hitler.

We have but one fault to find with the Somervell and Bard speeches —
they were indiscreet. The intentions of these speakers were of
the best. Where they erred was in lack of caution. Where they
made their mistake was in forgetting the existence in this country

of the thing called in the Stille pamphlet "moral leprosy." What they overlooked when they said "We are losing the war" was that there were political propagandists listening in — sordid seekers after the power of office — who would take those words out of their speeches and make dishonest use of them for political purposes, without explaining what the words meant and the lessons which Somervell and Bard sought to impart thereby.

They forgot that there were men in Congress like Clare Hoffman, who in the House on October 2, after quoting Bard and Somervell merely to the effect that we had taken a "terrible shellacking all around the globe" and "are still losing the war" and leaving out the rest of the speeches, proceeded in effect to represent those officials as purveyors of anti-Roosevelt political propaganda by adding:

"Losing the war is not the result of a lack of fighting ability, of endurance, or of courage on the part of our fighting men. It is due to the incompetency, to the muddling, to the playing of politics by this administration. The losing of the war is not due to the lack of willingness of our people to make sacrifices or to follow administrative requests. The only thing that we the people and Members of Congress can do to change the fact that we are losing the war to a situation where we can truthfully say that we are winning the war, is to oust from the legislative halls and from the executive departments of our Government those who believe in the overthrow of our form of Government either by force or by subterfuge, drive out of their places in our Government those who are impractical, those who continue willfully to disregard the operation of nature's laws, who appear to believe that crops can be planted, cultivated and harvested, that armies can be created, equipped, and maintained by the making of a fireside chat, a patriotic oration, the passing of a law or the issuance of an Executive order, directive, or regulation.

"Let those who are in authority return to the despised horse and buggy days, where sound, common sense guided our actions, where industry, thrift, and determination carried us to success.

"Let the people of the several congressional districts and the States see to it now that in November they send to Washington patriotic, realistic representatives who believe in America, in her future, and in the soundness of those principles which for 150 years pointed the way toward freedom, prosperity, and opportunity." (Cong. Rec., October 2, p. 7995.)

Yes, Bard and Somervell were indiscreet in forgetting that there were men in this country like Hoffman. And also in

forgetting that there were N.A.M. publications in this country like TIME. They were also guilty of indiscretion in using language easily lending itself in hostile hands to an unpatriotic interpretation. All they meant, of course, by saying that we are losing the war was that at this point of the war-game the enemy's score is better than ours. What they said, in the sense they meant it, could have been truthfully said during any of our former major wars and at almost any stage of them up to the last. We were always "losing" those wars, but never lost one. But, of course, there are those who might like to construe the words otherwise — as meaning "We are about to lose the war — the situation is hopeless." Hence we agree with the President that the choice of words of the speakers was unfortunate.

Much more aptly descriptive of our present situation in the war was the language of patriotic Senator Gurney (R), of South Dakota, who told the Senate on September 3:

"In any war, and especially the present serious conflict, the military and naval forces must be in command, and we do not want to say or do anything that would in any way give valuable information to the enemy; so we have censorship of the newspapers, of the radio, and of our very tongues. This is as it should be. Therefore, from the information that our people get, they can at times be forgiven for having the feeling that we are losing the war.

"We have been thrown back in some territories, but we have won great battles.

"We have caused a great many more casualties among our enemies than we have received. We have done in 2 years, in the way of production, what our enemies have taken 20 years to do. Our output is tremendous, colossal, and wonderful. Use any of these adjectives, or others, and you could not describe it. That is the part of the battle that our people cannot see, but I know that our enemies know of it, and tremble in anticipation of what they know is coming." (Cong. Rec., September 3, p. 7257.)

More restrained, but no less genuine, is the following estimate of our position in the war by one of the best informed men in Congress on military subjects, Congressman James W. Wadsworth, of New York. Mr. Wadsworth is usually in complete disagreement with the President on domestic policies, but upon issues between his country and foreign foes he puts patriotism above partisanship:

"It must be apparent to every thoughtful person — and more and more Americans are becoming thoughtful these days — that we are in for a long, grueling contest. We have placed

our feet upon the lower slopes, down near the bottom, of a high hill. We must climb to the top before we can see victory. Every step of the way will be difficult. Indeed, we may be pushed back occasionally, but we shall keep on climbing. We have been in this war almost 9 months, and, to be frank about it, we haven't climbed very far. Most of our efforts have been devoted to preparing for the climb. * * * We are growing stronger every day in men and material. There can be no doubt about that. But we must continue to grow, else we cannot climb the hill. Despite some disappointments here and there, despite some confusion, our munitions program is moving ahead toward ever larger dimensions. The same may be said of our ship-building program, both of naval vessels and cargo vessels. As for the ship program, we have not yet secured the safe control of all the seas. That, alone, is an enormous undertaking, but we must succeed, cost what it may in time and effort." (Cong. Rec., October 1, p. 7331.)

Thus ended the "findings" prepared by my advertising friend and me.

"Do you know," I said to my friend as we met for our final conference on the subject, "when I read stuff such as we have been wading through in these N.A.M. propaganda issues of TIME, I can't help wondering if we are not mistaken about what kind of a war we are in. Could it be that while in form it is a war against foreign foes, in reality it is a kind of Civil War?"

"I don't wonder you ask," replied my friend. "Except in our two civil wars (for the Revolution was really a civil war) I don't believe there were ever such savage attacks made right here in the country, and in the open, upon the Commander-in-Chief of our forces as are now being made by publications like the DAILY NEWS and the CHICAGO TRIBUNE and this magazine TIME since it has been in heck to the N. A. M."

"Do you suppose," I asked, "that the publishers of TIME realize what the effect on this war is going to be if their propaganda campaign succeeds and House control of the war is turned over to the political machine that is fighting to elect Ham Fish (to be head of the Rules Committee) and Hoffman, who has advocated the impeachment of the President, and "Curley" Brooks, under the leadership of men like Taft, who is prepared to incite our people to insurrection against war orders issued by the President if he doesn't approve of them? Can they be aware of what they are headed for?"

"Of course they are aware of it," said my friend.

"Is it possible," I continued, "that they appreciate the terrible damage they are doing to the morale of the country by destroying public confidence in the President, upon whose shoulders there will rest the burden of conducting the war for the next two years? And then what of the effect upon our armed forces? How keen are they going to feel about fighting after what they read in TIME? Can TIME have thought of that?"

"You can jolly well bet TIME has thought of it," said my friend, "and knows all about it from letters it receives from soldiers and sailors who read TIME and believe what TIME puts out, and are enraged by it — not only against their Commander-in-Chief and the War Administration, but against the whole country. TIME not only knows what it is doing in the Army and Navy, but TIME even boasts of it — by publishing samples of such letters from the front. Look at what this one says:

"Dear Dad:

What is going on there? Yesterday, my July 18 issue of TIME arrived. Today, as I read it, it makes me sick and bitter, and fills my mind with unanswerable questions. The drive for scrap rubber is a 'disappointing failure'; the sale of war bonds is \$200,000,000 per month below Government expectations; aggressive war must wait until after the November elections; steel laborers seek a dollar-a-day increase in wages.

What kind of a game is this that is being played in those United States? Is that our invincible, our proud country? While all over the world men are being shot to pieces, other men — the steel, the aluminum, the textile, the rubber workers — are quibbling about dollars, and Washington is still activated by politicians.

* * * * *

Personally, I think we shall win this war but only after tens of thousands of people have been needlessly killed * * *.

* * *The President speaks of more & more sacrifices. Sacrifices — hell! Is it a sacrifice to defend one's self against impending disaster? What a ludicrous and tragic situation that soldiers must beg, actually beg, for arms to defend people who, by their very actions, don't seem to give a damn. * * *

* * * * *

But who will listen? Who will want to listen to a solitary soldier crying out for justice? Who is interested in mere words when big money can be made — and the boys are dying in the Pacific?" (N.A.M.-TIME, October 12, p. 4.)

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"That makes my heart ache," said I. "There's
TIME-made bitterness for you.' And note this, that the boy says,
'Who is interested in mere words when big money can be made?'
How true! And what a text for a sermon to TIME itself!"

My friend shrugged his shoulders. "TIME must live,"
said he.

Very truly yours,

Augustus L. Richards