Adm. Asst: Eugene Casey

Subject File

PSF - Bx [redacted]

UNITED STATES
DEPARTMENT OF THE INTERIOR
Washington

ORDER NO. 1397

June 29, 1939.

Under the authority conferred upon the Secretary of the Interior by section 5 of the act of July 4, 1884 (23 Stat. 101, 5 U. S. C. 493), and Section 161 of the Revised Statutes (5 U. S. C. 22), and in the exercise of the inherent power of the Secretary of the Interior, the following regulation is hereby promulgated and ordered to be inserted between the eighth and ninth regulations heretofore promulgated on September 27, 1917 (46 L. D. 206), and in substitution of Regulation 8-a promulgated by me on March 24, 1933, in Order No. 615 (54 I. D. 194):

8-a. (1) No person shall appear before the Department or before any bureau, board, division or other agency thereof as attorney, agent or practitioner in any matter to which as an officer or employee of the United States he gave personal consideration or as to the facts of which he gained knowledge while in the Government service. No person shall knowingly (a) assist a person who has been employed by a client to represent him before the Department of the Interior in connection with any matter to which such person gave personal consideration or as to the facts of which such person gained personal knowledge while in the Government service, (b) accept assistance from any such person in connection with any such matter, or (c) share fees with any such person in connection with any such matter.

(2) No former officer, clerk or employee of the Department of the Interior shall act as attorney, agent or practitioner or as the employee of an attorney, agent or practitioner within two years after the termination of such employment with the Department in any matter pending in such Department during the period of his employment therein, unless he shall first obtain the written consent thereto of the Secretary of the Interior or his duly authorized representative. Such applicant shall file an application in the form of an affidavit to the effect that he gave no personal consideration to such matter and had no knowledge of the facts involved in such matter while he was employed in the Department, and that he is not now associated with, and will not be associated with, any former employee who has gained knowledge of the case while employed by the Department of the Interior, and his employment is not prohibited by Title 5, section 99, United States Code, or other law, or by the regulations of the Department of the Interior. The statements contained in such affidavit

shall not be sufficient if disproved by an examination of the files, records and facts pertaining to the case. Such affidavit should state the former connection of the applicant with the Department and identify the matter in which the applicant desires to appear. The application should be directed to the Secretary of the Interior. The applicant shall be promptly advised as to his privilege to appear in the particular matter, and this notice shall be filed by him in the record of the case.

Harold L. Ickes

Secretary of the Interior.

PSF
Casey

MEMORANDUM ON THE RIGHT OF FORMER EMPLOYEES OF FEDERAL AGENCIES TO PRACTICE AS ATTORNEYS BEFORE SUCH AGENCIES.

1. The general law respecting this subject matter in all of the Departments of the United States is found in Title 5, U. S. C. A., Sec. 99:

> "Ex-officers or employees not to prosecute claims in departments. It shall not be lawful for any person appointed as an officer, clerk, or employee in any of the departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said departments while he was such officer, clerk, or employee, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employee. (R. S. Sec. 190)."

2. Obviously, since the above statute is limited to "claims against the United States", it is not applicable to the many situations which do not involve the prosecution of a claim against the Government. This inadequacy has been recognized in several departments of the Government, and the spirit of the statutory provision has been effectuated by the adoption of rules or regulations governing practice in the several offices. For example, Rule 3 of the Revised Rules of the Supreme Court of the United States, provides as follows:

> "Clerks to justices not to practice. No one serving as a law clerk or secretary to a member of this court shall practice as an attorney or counsellor in any court while continuing in that position; nor shall he after separating from that position practice as an attorney or counsellor in this court until two years shall have elapsed after such separation."

Similarly, the Department of the Interior, on March 24, 1933, through Secretary Ickes, promulgated the following order No. 615:*

> "8-a. No person who has been employed or has held any office or place of trust or profit in the Department of the Interior shall be permitted to practice, appear, or act as an attorney or agent in any case, claim, contest or other proceeding before the Department or before any bureau, board, division or other agency thereof, until two years shall have elapsed after the separation of the said person from the said service; and no attorney or agent admitted to practice before the Department shall employ or retain any such person for the purpose of making any personal appearance in any such case, claim, contest or other proceeding, before the expiration of the said two-year period."

Please see amended rules, order #1397 (attached)

3. The Rules of Practice in the United States Patent Office make no reference to the subject matter herein. However, the office of the Chief Clerk of the Patent Office informed me by telephone that it is an informal rule that every examiner, before leaving the Patent Office, is required to sign a statement, which, in substance, follows R. S. Sec. 190 (above), made applicable to practice before the Patent Office only. The following is a copy of the last statement of this nature used by the Patent Office:

> "I hereby agree not to prepare or prosecute nor to aid in the preparation or prosecution of any patent application in any class or sub-class examined by me within two years from the date when I ceased to examine such class or sub-class; this shall not include any invention of my own unless it conflicts with an application on file prior to my resignation or discloses some feature of such application not otherwise open to the public."

The officials at the Patent Office say they will not register any attorney, formerly employed by the Patent Office, if, before leaving, he refused to sign the above or some similar statement.

4. The Rules of Practice Before the United States Board of Tax Appeals make no reference to this subject matter. An official at the Office of the Board said that it was the unwritten law that the said rule (R. S. Sec. 190) was carefully followed.

5. No formal rule governing the situation has been enacted by either the Interstate Commerce Commission or the Federal Trade Commission.

6. The Laws and Regulations Governing the Recognition of Attorneys, Agents, and Other Persons Representing Claimants and Others before the Treasury Department and Offices Thereof have the following sections:

> "Sec. 2. Practice - (a) No attorney or agent shall be eligible to practice before the Treasury Department unless such attorney or agent is enrolled in accordance with these or prior regulations. Any individual may appear on his own behalf; or a member of a partnership, or officer or authorized regular employee of an individual, partnership, or corporation, may appear in any matter relating to such individual, partnership, or corporation pending before the Treasury Department if he presents adequate identification to the officials of the Department, without enrollment, except that a former employee of the Treasury Department shall not be eligible to appear as an officer or employee of an individual, partnership, or corporation in connection with any matter to which he gave personal consideration or as to facts of which he gained personal knowledge while in the service of the Treasury Department, provided that this exception shall not be construed to prevent such former employee who has become a member of a partnership from appearing on its behalf if the partnership be one which falls within the provisions of section 801 (a) (3) of the Revenue Act of 1934 or the corresponding provisions of subsequent revenue statutes, and the matter on which he appears on behalf of such partnership is not identical with any which he handled as such employee."

"Sec. 7. Effect of previous connection with the Treasury Department.- (a) No enrolled attorney or agent shall be permitted to appear before the Treasury Department in connection with any matter to which such attorney or agent gave personal consideration or as to the facts of which he gained personal knowledge while in the service of the Treasury Department. Likewise no such enrolled attorney or agent shall aid or assist another in any such matter, and no attorney or agent shall receive assistance in any such matter from one formerly in the service of the Treasury Department who possesses such personal knowledge.

"(b) No former officer, clerk, or employee of the Treasury Department shall act as attorney or agent, or as the employee of an attorney or agent, in any matter or controversy pending in such Department during the period of his employment therein within 2 years after the termination of such employment unless he shall first obtain the written consent thereto of the Secretary of the Treasury or his duly authorized representative. This consent will not be granted unless it appears (1) that such employment is not prohibited by Title 5, section 99, U. S. Code, or other law, or by the regulations of the Treasury Department; (2) that the applicant was not, during the period of 2 years immediately preceding the date of application, employed in the particular section (departmental or field) in which was pending the matter or controversy, to handle which consent is sought. In the event that the applicant formerly occupied an administrative position such as head of a bureau, unit, division, or section, or was employed as a reviewer or conferee or in an advisory capacity, such applicant will be required to file an affidavit to the effect that he has no knowledge of the facts involved in such matter or controversy which was gained by him while he was employed in the Department, and that he is not now associated with, and will not be associated with any former employee who has gained knowledge of the case while employed by the Treasury Department. The statements contained in such affidavit shall not be sufficient if disapproved by an examination of the files and records pertaining to the case. Applications for consent should be directed to the secretary of the Committee on Enrollment and Disbarment on form 901 and should state the former connection with the Department of the applicant and identify the matter or controversy in which the applicant desires to appear. The applicant shall be promptly advised as to his privilege to appear in the particular matter or controversy, and this notice shall be filed by him in the record of the case."

"Sec. 9. Causes for reprimand, suspension, or disbarment.- (10) Representing a client in any matter before the Department to which the attorney or agent, while in the service of the Department as an officer or employee, gave personal consideration or as to the facts of which he gained knowledge, save to the extent permitted by section 2 (a) of these regulations."

7. From the foregoing it will be observed that the Treasury Department has endeavored to supply a penalty which will aid in the enforcement of its regulations. No penalty is included in R. S. Sec. 190.

Many of the regulations above cited are of comparatively recent origin. They were made necessary by the increased importance of the activities undertaken by Federal agencies. With the growth of central regulatory powers, certain evils and abuses appeared with increasing frequency. Apparently it was not considered sound administration to permit a Government official to employ for his own personal gain, or for the benefit of a client, information gained by him while employed by the Government. Therefore, the statute quoted, and most of the regulations seek to strike at this practice.

It has been pointed out that sound reason supports a rule of the type adopted by the Supreme Court of the United States, which, in effect, prohibits any and all practice before the Court, by a former clerk of a justice, for a period of two years. Such a rule recognizes a circumstance not previously discussed herein, but almost invariably existing. Where an official leaves a Governmental agency, and appears before that agency shortly thereafter, it is impossible for his former associates and colleagues to deal with him without embarrassment to themselves. Confidences gained in the former relationship, friendships resulting from the previous intimate contact, the complete familiarity of the outgoing official with the thousand and one details usually known only to those employed in the agency, all combine to create a situation which, in the interest of fairness to all parties, should be avoided.

Obviously, the evil which may exist in any particular instance will vary from one case to another. An outgoing official who is thoroughly conscientious, and who respects the feelings of his former associates, will be led by a sound sense of the proprieties, to avoid all the evils herein discussed. It is for others, of less ethical impulses, that such rules and regulations are required.

BF Casey folder

THE WHITE HOUSE
WASHINGTON

November 26, 1941

Memorandum for the President

The 1942 elections will be lost by the Democratic Party if the straight lines of action of the ultimate aims of the all-out Defense Program are not defined at once.

More specifically, the country should be immediately informed and enlightened concerning the Victory Program.

Procurement of all supplies must be placed under civilian control and taken away from the Army and Navy to the end of better and complete coordination of planning, priorities and allocations.

If the two above subjects are successfully consummated, we may immediately begin laying the groundwork for the 1942 elections. We all agree that there is a definite connection between the Congressional elections and National Defense------ they are corollaries, one of the other-----yes, the two compose the equation.

As I move about the country in my complete objectivity, meeting and talking to all groups and classes of people, I constantly have the above philosophy dunned and hammered into me. I, therefore, can not overemphasize the vital relationship of said 1942 Congressional elections to National Defense.

We are faced with a critical, yet realistic condition, in the leadership of the Congressional Elections Committee by Chairman Patrick H. Drewry of Virginia.

Perhaps, Drewry must be retained for the purpose of window dressing and front-----although I doubt it-----but a new individual must be selected to actually carry the ball and give us aggressive, courageous, forthright and vital leadership.

I would suggest that you inspire or authorize others to plant with Speaker Rayburn, Majority Leader McCormack and other Democratic leaders, the suggestion that efforts be made to instigate a change, if necessary, in the Democratic Congressional Elections Committee chairmanship.

If the latter would not be acceptable, then reorganization must take place along other lines.

TRULY, TO WE REACH THE RUBICON IN NOVEMBER, 1942.

Respectfully submitted,

Gene

Eugene Casey

EC:mj

File Eugene Casey folder 2-43

THE WHITE HOUSE
WASHINGTON

December 22, 1943

Memorandum to the President

The attached summary of the New York political situation has been handed me by Mr. Ernest Cuneo, one of your devoted admirers, a most astute politician, brilliant lawyer and confidante of Dubinsky and other leaders in the Labor Party in New York State.

I have already discussed the subject with Mr. Walker and while there is probably nothing too new in the subject to you, it is presented in such an excellent, cogent and correlated manner that it fully merits your reading.

Personally, I believe that conditions are sufficiently serious to delegate someone in the investigation of the entire subject with an end to solving the problem while it still remains in that realm.

Sincerely yours,

Gene

Eugene Casey
Executive Assistant
to the President

SUMMARY - NEW YORK POLITICAL SITUATION

1. The democratic and the liberal forces in New York are disorganized and they shortly will be demoralized completely.
2. Unless intervention comes from Washington the situation in New York is completely hopeless.

(a) Some weeks ago it was indicated to me that Senator Wagner was backing Mike Kennedy very strongly and that Mike Kennedy was now thoroughly acceptable to Washington. I met with Kennedy. There was no explanation of the Costello affair and he stated that he was persona grata with General Walker and Washington generally. I told him that the position of the Democratic Party in New York was critical and getting worse. General Walker subsequently told me that he had not see Kennedy in several months. At this time the President was outside of the country. Kennedy told me that the Irish Catholics were irretrievably lost to the Democratic Party and, indeed, his office and his house had been picketed because of his support of Roosevelt. Kennedy is concerned chiefly with his assembly districts in the redistricting. He has no idea of how public opinion is against him, or at any rate he is determined to weather the storm.

Conclusion

1. Kennedy does not have the support of the majority of the Tammany leaders.
2. Every newspaper in New York is against him.
3. Unless a new face is put upon Tammany the campaign will be handicapped by discussions of the old gangster-politician hook-up. That is to say, a liberal-international view is going to be smeared by mentioning its local adherents. This is hardly a new tactic, but the plain fact of the matter

is that the Costello case is as dramatic as the Seabury investigation, and Governor Dewey intends to exploit it to the fullest.

4. The public of New York is as disgusted with Tammany as it was during the Walker Administration.

5. American labor party right wing is about to dissolve. Most of the old-line Tammany Democrats in New York favor this on the theory that they would vote the Democratic ticket anyway. This is a great mistake; they will vote for Roosevelt but not necessarily the Democratic ticket and their contributions to the campaign in the past have totaled over a million dollars. Further, it will dissolve in a labor fight which will divide the international unions. It will denounce the left wing, publicly, as Communists, loyal only to Moscow. This will hurt the President. Dubinsky continues to feel badly treated by the White House and Alex Rose feels that the President threw his support against him in his fight with the left wing. The right wing American liberal party believes that it can continue only after the White House has ordered the left wing to cease its attacks upon it. It is my understanding that a request for assistance will be made to Washington shortly. LaGuardia is deeply worried. He will call a meeting in order to preserve the party this week. Reason: He will have no party behind him in 1945, following a formal denunciation of him by Curran, the Republican leader, at the insistence of Governor Dewey.

6. The labor situation: The Hillman Committee is, of course, a necessary factor for victory, but if it is exclusively handling labor matters it can only end in disaster. Particularly offensive to the American Federation of Labor and to the American Labor Party was his appointment of Lee Pressman as his counsel. Pressman is regarded as principal advisor of the Communist

Party in America. He is brilliant, able, forceful, and his help is a considerable factor but it should not be controlling. The Hillman Committee is also regarded with grave suspicion by the old line Democrats who see it as an elite corps in the forces supporting the President with the superior call on patronage.

Final Conclusion

Unless the strongest steps are taken at one to settle state disputes and to strike a common denominator for labor generally in the United States, and in New York in particular, an almost insurmountable hazard will have crystallized in a short time.

file personal

THE POSTMASTER GENERAL

January 19, 1944.

TO: Miss Grace Tully, The White House.

FROM: Frank C. Walker.

As requested in memorandum of December 24, 1943, the attached file is returned to the President.

(2207)
hmo

PSF Casey folder 2-43

THE WHITE HOUSE

WASHINGTON

CONFIDENTIAL

December 24, 1943.

MEMORANDUM FOR

HON. FRANK WALKER:

TO READ AND RETURN.

F.D.R.

Memorandum for the President from Hon. Eugene Casey, 12/23/43, attaching summary of the New York political situation, which was handed to Mr. Casey by Ernest Cuneo.

Amo.

PSF Eugene Casey folder 2.44

C
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P
Y

THE WHITE HOUSE
WASHINGTON

January 17, 1944

Dear Gene:

I want to thank you for your memorandum of January 11th. I think you have taken the proper position.

It is essential that we have as harmonious a meeting as possible on the 22nd. Lack of unity in our Party only tends to cause disunity in the Nation. Some would like to encourage this disunity, but I know all my friends will do everything possible to bring about harmony.

It is too far in advance to make definite committments for appointments but I hope I may see the members of the National Committee when they are in Washington for the meeting.

"F.D.R."

THE WHITE HOUSE
WASHINGTON

January 13, 1944.

MEMORANDUM FOR

JIM BARNES:

FOR PREPARATION OF REPLY
FOR MY SIGNATURE.

F.D.R.

January 11, 1944

Memorandum to the President

I am deeply distressed and embarrassed by the persistent notices in the local press, as well as national magazines and the periodicals of other cities, which mention me as the popular candidate of the National Committeemen and National Committeewomen to succeed the Honorable Frank C. Walker as National Chairman.

It is quite obvious that these stories are being inspired in the middle and far West and the deep South. I have answered all that have queried me by letter, telegram, telephone and in person with the same reply: to wit, that I am not a candidate, that I am being put in an unhappy and untenable position, and that if elected, I cannot serve.

I think that it is best that you know my attitude directly from me so that there may be no misunderstanding whatever the outcome of the National Committee meeting.

All anticipate that the membership is entirely unpredictable. As for me, you will remember that some two weeks ago I wrote you that in all likelihood barring the acceptance of my recommendation concerning two appointments, that "political chaos, turmoil, and confusion" would inevitably ensue.

Please know, Mr. President, that I, as always, am ready to serve in any capacity whatever in behalf of my Country, my Party and my President. You have always been my leader and you always will be; in fact, in heart and in mind.

May I recommend before it is too late that you meet with a cross-section of the National Committee so that you will be advised of their true feelings and intentions.

Respectfully submitted,

Gene

Eugene Casey

THE WHITE HOUSE

WASHINGTON

January 13, 1944.

MEMORANDUM FOR

JIM BARNES:

FOR PREPARATION OF REPLY

FOR MY SIGNATURE.

F.D.R.

Memorandum to the President, 1-11-44, from Eugene Casey, re magazine articles mentioning him as popular candidate of the Natl. Committee to succeed Frank Walker as Natl. Chairman.

1-BF Casey folder 2-44

Telegram

THE WHITE HOUSE
WASHINGTON

March 3, 1944

Memorandum to the President

I have it on excellent authority that David J. Lewis, who is living in the city at the George Washington Inn is very interested and in fact quite eager to carry the banner in the forthcoming Congressional election in the Sixth District of Maryland which, incidentally, is my district.

"Little Davey" is in his seventies now but is still mentally alert and vigorous for his years. He stated to his caller Monday that nothing would please him more than to get back in the "old blacksmith's shop." As a matter of fact he is as close to it now as a man could be as he lives next door to it, as above stated, in the George Washington Inn.

My purpose in writing you is to consult with you on the advisability of Davey filing; and if you believe it to be a good thing that you authorize me to say to Davey very privately and confidentially that you would be happy to know that he was putting on political armor again, in fact, encouraged him to do so.

I might say that the district is now represented by Republican Glen Bell, the ugliest of reactionaries, and the only possible chance to wrest it from him would be through the candidacy of David J. Lewis. I am confident I could get the county leaders to agree on "Little Davey."

Respectfully submitted,

Gene

Eugene Casey