PSF
Executive Offices: Hopkins, Harry L.
of President

PSF
Subject Files "E"
Box 147
January 2, 1942

MEMORANDUM FOR THE PRESIDENT:

Justice Byrnes telephoned me and said that he had just learned that Leo Crowley intended to continue his salary of $50,000 a year as President of Standard Gas and he wondered if you had given consideration to that. That he, Byrnes, doubted that anyone should be Alien Property Custodian who is drawing a salary from a private corporation.

He doubts that Leo would take the job under these circumstances.

He further stated that there is no meeting of minds between Morgenthau and Biddle relative to the administration of the Alien Property Custodian funds.

HARRY L. HOPKINS
MEMORANDUM FOR THE PRESIDENT:

Justice Byrnes called me up and thinks:

1. That if Lindbergh is taken into the Air Corps he should not be placed in Washington. Byrnes says it is impossible for Lindbergh to keep his mouth shut and that he will be constantly dealing with legislators behind the scenes.

2. That he is 40 years or more and should not be given a combat command.

3. That he should be placed in a training unit but not in command of that.

HARRY L. HOPKINS
January 13, 1942.

MEMORANDUM FOR

HARRY HOPKINS:

To speak to me about today.

F.D.R.

Conf. letter from Knox to the Pres. 1/10/42 re allocation of something to the Dutch.
THE WHITE HOUSE
WASHINGTON

January 21, 1942.

MEMORANDUM FOR
H. L. H.

I think this suggestion of
Winston is all right. Will you
telephone Marshall and King about
it? Then you can reply to Winston
and tell him we are all agreed on
it.

F. D. R.

Secret message from the Prime
Minister to Harry Hopkins re Sir John
Dill's coming into the combined staff
as chief representative of the
British to work with our Chiefs of
Staff.
THE WHITE HOUSE
WASHINGTON

February 9, 1942.

MEMORANDUM FOR

HARRY HOPKINS:

To do the necessary. I have not signed it.

F.D.R.

THE WHITE HOUSE
WASHINGTON

March 17, 1942.

MEMORANDUM FOR
HARRY HOPKINS:

FOR PREPARATION OF REPLY.

F.D.R.

Sealed envelope from Winston Churchill to the President. Feb. 25, 1942.
MEMORANDUM FOR

HARRY HOPKINS:

Will you speak to me about these?

F.D.R.

Confidential letter from Secy. of War to the Pres. March 27th. re: his slant on plans for northern offensive.

Radiogram from London to the Pres. from Former Naval Person No. 59 and 126. with attached memo from McCrea
MEMORANDUM FOR

HARRY HOPKINS:

To read and return for secret files.

F.D.R.

Secret
Memo from Admiral King 3/25/42
Subject: Unity of Command in Sea Frontiers
Grace

I have with me:

1. Letter from Wallace to Pres. about States Dept. + new Exec. order.

2. Letter from Wallace to Pres. concerning Jones argument.

3. Letter from Admiral King to Pres. & asks me to take up with Nelson.

4. Letters of Rogan & Stevenson concerning Pres. relatives to plan for their. Leave Command - I will refer answer.

P.S.
THE WHITE HOUSE
WASHINGTON

April 23, 1942

MEMORANDUM FOR

HARRY HOPKINS:

Will you speak to me about number three?

F.D.R.
THE WHITE HOUSE
WASHINGTON

May 4, 1942.

MEMORANDUM FOR

HON. HARRY L. HOPKINS
HON. EDWARD R. STETTINIUS

I should like to have some
line on the amount bought through
Lend-Lease or the big appropriation
of $500,000,000 by the Chinese
Government. What I want a definite
check on relates to the allegation
that a very large proportion of
the goods and munitions purchased
for China never gets to China —
but not for military reasons.

Y. D. R.

DECLASSIFIED
By Deputy Archivist of the U.S.
By W. J. Stewart Date JAN 30 1973
MEMORANDUM FOR

HON. HARRY L. HOPKINS

Have you any word on this first paragraph for Hambro?

F. D. R.

Letter from Mr. C. J. Hambro,
65 Stockton Street, Princeton, N. J., re celebrating King Haakon's 70th Birthday, and also suggesting that the President arrange to see the Prime Minister of Norway alone when he comes to Washington.
THE WHITE HOUSE
WASHINGTON

May 7, 1942.

MEMORANDUM FOR
H. H.

Will you check on this and
speak to me about it?

F. D. R.

Memorandum to the President,
dated May 7, 1942, from the Secretary
of War and the Chief of Staff, re
"Analysis of Air Transportation
Requirements for the war program."
May 16, 1942.

MEMORANDUM FOR

HARRY HOPKINS:

Will you speak to me about this?

F.D.R.

Handwritten note of the President's

Ben Cohen
Counsel in Chungking for
Lend-Lease - Red Cross, etc.
THE WHITE HOUSE
WASHINGTON

May 18, 1942.

MEMORANDUM FOR
HARRY HOPKINS

Will you answer Sumner Welles?

F.D.R.

Letter personal and secret from S. Welles to H.H. May 13, 1942 enclosing copy of a letter which the Canadian Minister handed Welles.
THE WHITE HOUSE
WASHINGTON

June 8, 1942.

MEMORANDUM FOR

H.H.

To read and return for my confidential file.

F.D.R.

Letter from Donald Nelson, 6/1/42 enclosing copy of letter D. Nelson wrote to Lt. Gen. Brehon Somervell, Services of Supply under date of May 21 re "Report on Certain Features of The Organizational Problems Involved In Developing Resources To Meet Strategic Requirements".
Dear Mr President -

Harry and I will never forget the lovely day of our wedding, nor will we ever be able to thank you enough. It was all so perfect, and your speech was wonderful.

Sincerely,

[Signature]

Mrs Hopkins

[Handwritten note on the right side]
We are having a quiet and wonderful time. Try not to send for Harry too soon, but you know I'll understand, if you must.

With many, many sincere thanks for everything.

Affectionately,
THE WHITE HOUSE
WASHINGTON

November 20, 1942

MEMORANDUM FOR

HON. HARRY L. HOPKINS

To speak to me about.

F. D. R.

Enclosure

Mr. President,

This business of the Madame is pretty serious.

I have arranged to see Song at 9.

I am going in with Marshall. There is also a final meeting of the 3rd Russian Protocol at 11 and I would like to be there.

Max would like to come with me.
THE WHITE HOUSE
WASHINGTON

March 17, 1943.

MEMORANDUM FOR
HON. HARRY L. HOPKINS

Will you speak to me
about this?

F.D.R.

Memo 3-13-43 for Adm. Leahy from Brig. Gen. J.E. Hull, Chief, Theater Group, War Dept., Subject: Paper on State Dept. Policies, which sets forth views of the State Dept. on organization of military and political govt. for Husky. Also attached is memo, 3-10-43 to Gen. Eisenhower from Maj. Gen. T.T. Handy, Gen. Staff, Chief, Operations Division, War Dept., Subject: State Dept. Policy, encl. memo prepared by State re military govt. and political and economic affairs which should be applicable both to Sicily and other parts of Italy.
THE WHITE HOUSE
WASHINGTON

March 26, 1943

MEMORANDUM FOR MISS GRACE TULLY

SUBJECT: Berle letter of Mar 25th re Presidential power

Dear Grace:

I discussed this with the President and he wants it in his file.

Harry L. Hopkins
encl.
March 25, 1943

My dear Harry:

I reply to your letter of March 23 asking an opinion as to the power of the President to agree to the creation of an independent state, say Austria. The following appears to be the situation.

1. The recognition of a newly created state is a purely executive act and does not depend upon treaty or other executive action. If, after surrender and before a peace treaty, the President determines that a specific territory is so separated as to have become independent, he can recognize its existence by recognizing its government, either provisionally or definitively, and by sending a minister or officer having diplomatic powers to represent the United States interests near its government. No congressional action is needed in the first instance. Conceivably, when the post of minister was formalized, the Senate could decline to confirm a nominee to the post, or the Congress could decline appropriations to maintain it. But neither of these issues need be raised if the President chose to appoint an army officer or civilian representative as, say, High Commissioner, with the rank and powers of a minister or ambassador; or if the State Department agreed to receive in Washington a delegate or diplomatic representative from that country.

Ultimately, of course, treaties of friendship, commerce, and so forth, would have to be negotiated and they could be defeated in the Senate; but this is hardly likely, if sufficient time elapsed so that the new state was actually in existence.

2. The

The Honorable
Harry L. Hopkins,
The White House.
2. The handling of the military forces of the United States could be so managed as to foster, in fact, the setting up of an independent state or states; for the military authorities could accept, deal with, and guide the organization of the local authorities to a point where they could be recognized as the government of the country — assuming that the population of the country was prepared to accept such a government.

3. In my judgment, the President could not enter into an agreement, in advance, with the government of a third power — say, Britain — to take any of the foregoing steps, in a fashion which would bind his successors. He could merely make a pledge as to the policy he would carry out. A successor could decline to be bound by such an agreement, and the government, as such, would not be bound. But —

4. In my judgment the President could, as commander-in-chief and under his war power, enter into military agreements in the nature of staff agreements, with the commander-in-chief of a third power as to military action and policy. Included in this could be an agreement for the handling of the military forces looking toward the creation of an independent state or states, especially if these were part of enemy or quasi-enemy territory. The precise binding quality of staff agreements has never been fully ascertained under our practice; but it is fairly arguable that agreements of this sort, so far as they related to military policy, are binding to a large extent even on a successor, since a commander-in-chief, having the power to lay and carry out campaigns, must be deemed to have the power necessary to make agreements reasonably appropriate to carrying out such campaigns. In this view, the President has the power, by military agreement, to create a situation in which all of the characteristics of an independent state will be created except that of recognition by this government.

I hope this answers your question, which is not as simple as it looks. Since this is personal, and not official, I am sending it by safe hand — in this case,
my brother, Captain Berle, of Military Intelligence,—rather than through State Department channels.

Faithfully,

[Signature]
WASHINGTON

April 13, 1943.

A BRILLIANT SUGGESTION FOR HARRY HOPKINS:

Would you be willing to undertake, as my Ambassador, to break the news to Jim Curley while I am away?

F.D.R.

April 13, 1943

The Honorable James M. Curley,
House of Representatives,
Washington, D.C.

My dear Congressman:

The President asked me to write you a note about the Bigley tank. You will recall you left the attached letter with the President.

The question of whether one tank is or is not superior to another is, of course, always a matter of opinion.

We have an ample production of light tanks to meet the needs of China if and when the Burma Road is opened. The Army is quite sure that when the time comes they will have an adequate supply of light tanks without entering now into the production of a new tank. I don't know whether the War Department would change their minds about this but their present position is quite positive against the building of a new tank at this time.

Very sincerely yours,

encl.                        HARRY L. HOPKINS
MEMORANDUM FOR MR. HOPKINS:

Subject: Bigley Tank

1. I do not believe it would be advisable to place the Bigley Tank in production for China, not only because of the unsatisfactory characteristics of the tank but also due to the availability of better equipment if and when transportation becomes available.

2. The Bigley Tank is a tracked vehicle with a thin metal superstructure which as now designed has no turret, very light armor and very few basic combat essentials. Its only apparent advantage over our present light tank is in its weight of 17,495 pounds unloaded as against 31,000 pounds weight of our light tank with combat load. However, the combat loading of the Bigley tank would use up a substantial portion of this advantage in weight.

3. We have ample production of light tanks to meet the needs of China if and when transportation becomes available. In point of fact, we have had to cut back drastically the production of light tanks as the Russians have recently indicated no further need for this tank during the present year. Hence, if and when the time comes to provide combat vehicles for China, I am convinced that we should supply our present light tank.

4. I do not believe it is an appropriate time as yet to start stock piling for China. As you know, our projected delivery by the Air Transport Command is now approximately 3,500 tons per month and this figure cannot be expected to exceed more than 10,000 or 11,000 tons per month this year. While some consideration has been given to the use of the Northern Route into China, the capacity of this route would not permit the delivery of many combat vehicles in view of the imperative need by China of other materials. I am sure that we can maintain a production rate in light tanks which will enable us to provide a reasonable supply for the Chinese Army if and when transportation becomes available without entering now into the production of a new tank which we believe decidedly inferior to our present model.

5. I am inclosing herewith for your information a comparison of the characteristics of our present M3A1 light tank and the Bigley Tank.

BREHON SOMERVILLE,
Lieutenant General, Commanding.
<table>
<thead>
<tr>
<th>Characteristics</th>
<th>MSAL</th>
<th>Bigley Tank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length</td>
<td>14'2 3/8&quot;</td>
<td>18' 11&quot;</td>
</tr>
<tr>
<td>Height</td>
<td>7' 6 1/2&quot;</td>
<td>5' 2&quot;</td>
</tr>
<tr>
<td>Width</td>
<td>7' 6 1/2&quot;</td>
<td>7' 6&quot;</td>
</tr>
<tr>
<td>Weight</td>
<td>31,000 lbs.</td>
<td>17,475 lbs.</td>
</tr>
<tr>
<td>Maximum road speed</td>
<td>40 MPH</td>
<td>Unloaded</td>
</tr>
<tr>
<td></td>
<td></td>
<td>30 MPH</td>
</tr>
<tr>
<td>Armor Basis</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hull</td>
<td>2 - 2 1/2&quot;</td>
<td>1/4&quot; steel plate</td>
</tr>
<tr>
<td>Sides</td>
<td>1 1/8&quot;</td>
<td>1/2&quot; steel plate</td>
</tr>
<tr>
<td>Rear</td>
<td>1&quot;</td>
<td>3/16&quot; steel plate</td>
</tr>
<tr>
<td>Bottom</td>
<td>3/8 - 3/4&quot;</td>
<td>1/2&quot; steel plate</td>
</tr>
<tr>
<td>Turret</td>
<td></td>
<td>The Bigley Tank has no turret.</td>
</tr>
<tr>
<td>Front</td>
<td>2&quot;</td>
<td>The Bigley Tank has no provision for armament of any type.</td>
</tr>
<tr>
<td>Sides</td>
<td>1/2&quot;</td>
<td></td>
</tr>
<tr>
<td>Top</td>
<td>3/8&quot;</td>
<td></td>
</tr>
<tr>
<td>Armament</td>
<td>One (1) 37mm Gun</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Three (3) .30 Cal.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Machine Guns</td>
<td></td>
</tr>
</tbody>
</table>

Franklin D. Roosevelt Library

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DOD DIR. 5200.9 (9/27/58)

Date- 3-14-59
Signature- Carl J. Spack
THE WHITE HOUSE
WASHINGTON

March 24, 1943.

MEMORANDUM FOR
HON. HARRY HOPKINS

Will you speak to
me about this?

F.D.R.
March 11, 1943

Hon. James M. Curley,
New House Office Bldg.,
Washington, D. C.

My Dear Governor:

Leading authorities of the Ordnance Division representing
the Chinese Government informed me that due to the condi-
tions of the terrain in China, the limited capacity of
all bridges, few of which are able to sustain a weight
greater than ten ton, that it is vital to the successful
conduct of the campaign against Japan that the type of
tank which we have constructed be utilized.

In the tests against some fourteen other vehicles at the
Aberdeen Proving Grounds and elsewhere, the Bigley Tank
was the only one that met every test and in view of the
fact that the tank was constructed with no cost to the
Government and in the opinion as expressed privately,
both in and out of the Army Service, it is one of the
best fighting weapons that has ever been developed both
from the standpoint of speed, of operation and low cost
of construction, it is entitled to further development
either by the Army direct or by the Army and myself jointly.

The decision reached by the Army Tank Board is not in con-
formity with the tests that took place and if their decision
is permitted to be final, it precludes the possibility of
marketing the tanks in countries where their use is vital,
since the only place where a tank weighing over ten ton can
be operated with safety is in a capital city where the high-
ways are constructed of either concrete or granite and where
bridges are constructed of stone, concrete or steel.
The fact is that the Ordnance Division of the Chinese Government, after an exhaustive study and survey by their best engineers, are of the opinion that it is ideal for operation in China and yet it is impossible for them, under the Lend-Lease Act, to make direct purchases of the tanks from the Bigley Company without the approval of the Ordnance Division of the War Department.

Kindly awaiting your suggestions, I remain

Sincerely,

(s) Wm. Bigley Jr.
WASHINGTON

June 24, 1943.

CONFIDENTIAL

MEMORANDUM FOR THE ATTORNEY GENERAL:

What is the status?

F.D.R.

Memorandum for the President, 6-22-43, from Harry Hopkins saying that Allred of Texas has no intention of withdrawing his name, and he doesn't have a chance of being confirmed. Also re move to promote Dawkins. States also that Maestri is sponsoring Caillouet.
THE WHITE HOUSE
WASHINGTON
July 2, 1943

MEMORANDUM FOR
MISS GRACE TULLY

I wonder if you could have someone get the papers to show the names of American citizens who received decorations from Hitler prior to the outbreak of the war.

I think the State Department sent that information to the President and believe it will be in our own files.

H.L.H.
MEMORANDUM FOR
THE PRESIDENT

Mr. President:

Archie MacLeish tells me you cannot copyright the poem in Rudyard Kipling's own hand which you have. Furthermore, Archie says there is no necessity for your doing so — that possession of the document itself gives you ample protection.

I have, therefore, returned the manuscript to Miss Suckley at the Library.

H.L.H.
Dear Margaret:

Here is an excerpt from a letter I got from Lord Beaverbrook:

"Would you please look up in the President's Library, probably at Hyde Park, for a volume of Poems of Currys Ellis and Acton Bell? And will you please let me know the name of the publisher of that volume? It is either Aylott & Jones, or Smith Elder."

"The reason I write is because I will have some advice to give after I know which issue the President possesses.

"Would you please advise the President to copyright the manuscript poem by Kipling, which he holds? It is bound in a red case, and embossed in gold are the words "Cherikley Court by Rudyard Kipling" - if I remember rightly.

"The copyright should be set up at once in order to prevent exploitation and in the President's name or in the name of his Foundation."

If you can get me the information on the name of the publisher and send me the manuscript that he refers to, I will have the manuscript copyrighted in the President's name. I am sure it should be done that way rather than in the name of the library because the President can decide later what he wants to do about it.

Cordially yours,

Miss Margaret Suckley,
Franklin Delano Roosevelt Library,
Hyde Park, N. Y.  

HARRY L. HOPKINS
Franklin D. Roosevelt Library
Hyde Park, N. Y.

July 26, 1943

Dear Harry:

Your letter of the 23rd has just come in. The volume of Poems of Currer Bell and Acton Bell is published by Smith Elder & Co., 65 Cornhill, 1846, and herewith is the Kipling Manuscript you ask for.

Drew Pearson is a little ahead on his news of Yala's family!

Best wishes to you and Louise.

/8/ Margaret L. Suckley

P.S. Give my love to The President.
For poem referred to see Grp. 7: Historical Mes
THE WHITE HOUSE
WASHINGTON

October 27, 1943.

MEMORANDUM FOR
H.L.H.

Will you speak to me about this?

F.D.R.
THE WHITE HOUSE
WASHINGTON

October 22, 1943.

CONFIDENTIAL

MEMORANDUM FOR HARRY HOPKINS:

What would you think of putting
Jim Farley into the place of Governor
Lehman -- head of American Relief --
when Lehman goes up as Director of the
International organization?

F.D.R.

Penned Notation:

"To The President

In view of the fact that this
come under Do Crowley -- I do not
believe Jim would consider it very
important. Harry"
MEMORANDUM FOR
THE DIRECTOR OF THE BUDGET

Back in 1942 I clearly directed, as per enclosed memorandum, that Harry Hopkins' salary be raised to $15,000, in view of the fact that I so greatly depended on him for the coordination of the requirements of the United Nations. You wrote to him on December 10, 1942 that you could not reduce his salary, as he had requested, to $10,000.

It seems to me that an injustice has been done. I, therefore, suggest that his salary be raised to $12,000 a year, and that it be dated back to the beginning of this fiscal year, i.e., to July 1, 1943.

Can you do this?

F. D. R.
Dear Grace:

Here is the correspondence I referred to last night. Now I need the money and if it could be dated from the beginning for this fiscal year - July 1, 1934 - I should like it. But I want nothing done about it if the President feels it will be embarrassing. If he decides affirmatively will you get it put there for me. Many thanks.
EXECUTIVE OFFICE OF THE PRESIDENT  
BUREAU OF THE BUDGET  
WASHINGTON, D.C.  

OFFICE OF THE DIRECTOR  

December 10, 1942  

Personal  

Dear Harry:  

It seems that it is much easier to get a salary raised in the Government than it is to get one reduced. Thus far I have been unable to deliver on your request that I see to it that your salary stays at $10,000 and is not raised to $15,000 as directed by the President.  

Rudolph Forster says that the President has given instructions to have your salary raised to $15,000, and he will enter into no side agreements with us to stop the raise from going through — despite the fact that you want it that way. He says that you are going to have to make your peace with the President. In short, I admit failure.  

Sincerely yours,  

[Signature]  

Director  

Honorable Harry Hopkins  

The White House
COPY (Original filed with memoranda in FDR's handwriting)

My dear Mr. Hopkins:

On March 27, 1941 I designated you to advise and assist me in carrying out the responsibilities placed upon me by the act of March 11, 1941 entitled "An Act to Promote the Defense of the United States." Almost from the beginning of your service in this connection, I have utilized you for many other special duties. Your services have evolved to the point where you have become an integral part of the staff of the Commander-in-Chief and I now depend upon you to a very large extent for the coordination of the requirements of the United Nations.

Because of your increased responsibilities I am fixing your compensation at the annual rate of $15,000 effective November 15, 1942.

Very sincerely yours,

(Signed) Franklin D. Roosevelt

Honorable Harry L. Hopkins

The White House
March 27, 1942.

My dear Mr. Hopkins:

I hereby designate you to advise and assist me in carrying out the responsibilities placed upon me by the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." In this capacity, you will receive compensation at an annual rate of $10,000.

Yours sincerely,

(Signed) Franklin D. Roosevelt

Mr. Harry Hopkins
Washington, D. C.
Feb 17
Miami Beach
1944

Dear Mr. President:

I received your message on the train—the first news of Stephens' death. There is but little more to say to each other, for I will know that you understand completely. We, with millions of other fathers, have been in the shadows of this for months.

Stephan, I am sure this bravely and gallantly—end them the short span of his life lived with great glad and happiness. These compensations will in time be enough.

I am gaining weight and strength—and the sun seems to have healing qualities for my body and spirit.

Thank you so much for thinking of me and Stephan as family.

As ever,

Harry
March 15, 1944.

Dear Harry:

The Prime Minister has just had the enclosed delivered to us for forwarding to you. I am wondering if you would like to return it to us and we could have it photostated so that a copy could go to Stephen's Mother, his brothers, Diana and perhaps you would like an extra one. I also would like to have a copy.

I am delighted that you made the trip so well to Rochester and Steve tells me that he talked with you and that you are feeling very well. Continue to take it easy and do let me hear from you when you have a chance.

Affectionately,

Honorable Harry L. Hopkins,
St. Mary's Hospital,
Rochester, Minnesota.

Inscription re Stephen's death
THE WHITE HOUSE
WASHINGTON

March 15, 1944.

TO THE PRIME MINISTER
FROM THE PRESIDENT

Inscription for Harry received
and forwarded to Rochester.

ROOSEVELT
MR. LATTA:

Mr. Sanderson's office says that Miss Krauss advises that she has just talked with Mr. Harry Hopkins, regarding the matter of his request for discontinuance of retirement deductions and refund of those already made.

He now asks that the whole matter be dropped.

W. J. H.
THE WHITE HOUSE
WASHINGTON

March 8, 1944.

MEMORANDUM FOR THE PRESIDENT:

Miss Krauss called to say Mr. Hopkins wishes to take out the amount of money he has in the retirement fund. Also, in the future he would like to make arrangements so that the money would not be taken out of his checks. Attached herewith is a memorandum on the subject from the Department of Justice.

G.G.T.
March 8, 1944

MEMORANDUM FOR MISS GRACE TULLY:

I am enclosing herewith copy of the letter relative to the retirement fund deductions.

I am told that Public Law 411, 77th Congress, Jan. 24, 1942, is that which brought these people under the operation of this retirement act.

The last paragraph of this letter is the pertinent one to the case I outlined to you over the phone.

D.H. Evans
Sdy. to H.L.H.

encl.
MEMORANDUM FOR MR. CARUSI

In your memorandum of February 8, annexed, you inquire whether members of the White House staff who are paid from the "Emergency Fund for the President" fall under the mandatory provisions of the retirement law.

Executive Order No. 3315 of August 3, 1920, which is mentioned in your memorandum, does not now bear upon the question.

Section 3 of the Civil Service Retirement Act was amended by section 3 of the Act of January 24, 1942 (56 Stat. 13, 15), and further amended by the act of March 7, 1942 (56 Stat. 143, 147), so that it now reads as follows:

"This act shall apply to all officers and employees in or under the executive, judicial, and legislative branches of the United States Government *** except elective officers and heads of executive departments ***."

There are some further exceptions, relating to employees of the legislative branch and employees subject to another retirement system. Subsection (b), gives the President a limited power to exclude persons from the operation of the act. That subsection provides:

"(b) The President shall have power, in his discretion, to exclude from the operation of this act any officer or employee or group of officers or employees in the executive branch of the service whose tenure of office or employment is intermittent or of uncertain duration."

The fact that an employee is paid from the President's emergency fund enters into the question only so far as it may bear upon the status of the employment as intermittent or of uncertain duration. If the position is dependent upon appropriations of emergency funds and therefore will not extend beyond the duration of the emergency, it may be regarded as of uncertain duration and subject to the discretion vested in the President. This accords with the conclusion in the Attorney General's opinion of December 30, 1941, that positions which are "temporary for the duration of the emergency" are "temporary positions" within the meaning of the Selective Training and Service Act of 1940.
Under the Civil Service Regulations, prescribed by the President, definite periods have been established for determining whether an appointment is temporary or permanent, for particular purposes under those regulations. These periods are arbitrary and subject to change. As indicated in the opinion of December 30, 1941, a position may be "permanent" under these regulations by "temporary" within the meaning of the word as used in a statute.

It is within the authority of the President to prescribe an arbitrary period for classifying employment as of "uncertain duration" under section 3 (b) of the Retirement Act. In effect, he has already done so. Executive Order No. 9154 of May 1, 1942 (7 F.R. 3275), excludes from application of the Retirement Act.

"Employees whose services will be for brief periods but not to exceed one year."

Under another provision of the order the Civil Service Commission is authorized to determine the applicability of this exemption to specific officers and employees or groups of officers and employees. This Executive Order, of course, does not exhaust the President's authority.

My conclusion is that the President has the authority to exclude from the application of the Retirement Act any member of the White House staff who is paid from the emergency fund and whose employment the President deems to be of uncertain duration. I have made inquiry of the legal staff of the Civil Service Commission and am informed that the Civil Service Commission would not question the President's power in this respect but that if their views should be requested on the policy involved they would probably submit an unfavorable report.

Respectfully,

(signed) H. B. C.

Hugh B. Cox
MEMORANDUM FOR

DR. McINTIRE

Would you mind preparing an answer to Dr. Rivers? I wish he would write English!

F. D. R.

Letter to the President, dated May 9, 1944, giving a report on Harry Hopkins.
May 16, 1944.

Dear Harrys—

It is grand to get the reports of how well you are getting on at White Sulphur Springs, and I have had a mighty nice letter from Rivers — couched mostly in medical terms — which, however, I have had translated!

The main things I get from it are two. First, that it is a good thing to connect up the plumbing and put your sewerage system into operating condition. The second is (and this comes from others in authority) that you have got to lead not the life of an invalid but the life of common or garden sense.

I, too, over one hundred years older than you are, have come to the same realization and I have cut my drinks down to one and a half cocktails per evening and nothing else — not even complimentary highball or night cap. Also, I have cut my cigarettes down from twenty or thirty a day to five or six a day. Luckily they still taste rotten but it can be done.

The main gist of this is to plead with you to stay away until the middle of June at the earliest. I don't want you back until then. If you do come back before then you will be extremely unpopular in Washington, with the exception of Cissy Patterson who wants to kill you off as soon as possible — just as she does me.
My plans — my medical laboratory work not being finished — are to be here about three days a week and to spend the other four days a week at Hyde Park, Shangri-La or on the Potomac. For later in the Summer I have various hams sitting but I don't know when they will hatch out.

I had a really grand time down at Bernie's — slept twelve hours out of the twenty-four, sat in the sun, never lost my temper, and decided to let the world go hang. The interesting thing is the world didn't hang.

I have a terrible pile in my basket but most of the stuff has answered itself anyway.

I am off to Hyde Park to stay until Tuesday or Wednesday next.

Lot of love to you both. Tell Louise to use the old-fashioned hatpin if you don't behave!

Affectionately,

Honorable Harry L. Hopkins,
Ashford General Hospital,
White Sulphur Springs,
West Virginia.
THE WHITE HOUSE
WASHINGTON

CONFIDENTIAL
August 5th
1944

My dear Mr. President:

I have had a long talk with Jimmy and, if it will ease your mind any, he is not too unhappy about what happened to him in Chicago. He is certainly carrying on his work here vigorously and gave no indication when I talked with him yesterday of resigning. In fact, I sense that he has a renewed interest in his job, but I may be wrong about this. I fancy, under any circumstances, he will stay through the election.

While the oil business was settled, it indicated to me how difficult it is to hold a formal economic conference with Great Britain on any single subject at this particular time. Beaverbrook's proposal was clearly untenable if used as a pattern for other agreements. Max, himself, was quite unhappy, not so much because he did not have his way about the agreement, but because he claims he senses a good deal of hostility here. I think he will probably leave the country before you return but he is thinking of making a quick trip to California.

I am working none too hard and feel ever so much better. You surely escaped some scorching days here.

One of our present difficulties is that everybody thinks the war is over. I hope, if you decide to speak on the radio from Seattle, that you will scoff this. I think the American people have no idea of the severe tests we have ahead of us, particularly in the complete defeat of Japan.

As ever,

HARRY L. HOPKINS

The Honorable Franklin D. Roosevelt
President of the United States