

Banker, Felix

1940

Box 150

PSF

Subject File "F"

Box

150

4th, Frankfurt St. 13
~~12~~ ... PSF

January 1, 1940.

1511-30th Street
Supreme Court of the United States
Washington, D. C.

Dear Frank:

Will you let me say some-
thing very personal on this
New Year's Day? Not even
you can quite feel what
this country means to a
man like me, who was
brought here as an eager,
sensitive lad of twelve -
for America has been in
your blood, as it were,
for generation upon genera-
tion. My father - who was a
small businessman - came
here, in 1893, our business
trip, and fell in love

with the Country, and parti-
cularly with the spirit
of freedom that was in
the air. And so he per-
suaded my mother to
uproot the family, and
from the moment we
landed on Manhattan
I knew, by the sure in-
stinct of a child, that
this was my native spi-
ritual home. I began
to read English avidly,
and very soon Lincoln
became my hero.

Such he has remained,
except that the years
have transformed him

into a companion. I have read those
pound pound volumes of Nicolay's
History, & all of Lincoln's State papers,
and I do not feel closer to any
living friend than I do to Lincoln.

Knowing him thus intimately -
I say so in deep humility - I feel
I know to a considerable measure
what the load of the Presidency must
be for one who has difficulties not
less grave and heavy than those that

weighed on Lincoln's ¹⁶⁵
soul, and carried ^(as he did)
them as gallantly
and with the inevitable
solitude of Lincoln's
compassion and wise,
private humor.

And so I think of you,
as he had your beginning
with its unrevealed new
tasks, not as President
but as man and friend,
and I wish you personal
solace and happiness and
strength drawn from your
deep sources, to continue
to live with fortitude and
gaiety and wisdom
+ affectionately yours
F. D. Roosevelt

BSF Felix Frankfurter - ~~July 21~~ 4p.13

January 9, 1940

Dear Marian:

Please excuse me for dictating this letter but I know that otherwise you would be greeting that new President before I have a chance to tell you of my appreciation of your sending me that book in which Felix wrote such a pleasant inscription.

Your note was sweet and I am very glad that you did say all those things.

As ever yours,

Mrs. Felix Frankfurter,
1511 Thirtieth Street,
Washington, D. C.

mal/tmb

January 9, 1940

Dear Felix:

That was an extraordinarily touch-
ing note which you sent me on New Year's Day
and I am grateful to you for it and for the
fine loyalty which you have shown me always.
It is things of this kind -- and there are
not too many -- which have helped lighten
the task of this office.

A happy New Year to you and Marian.

Faithfully and affectionately,

Mr. Justice Felix Frankfurter,
1611 Thirtieth Street,
Washington, D. C.

mal/tmb

301 THIRTIETH STREET

... (I received the
... and applause) I don't
... the White House
... to see anything
... Ever, though I shall
... in years to

... history for me that
the first President I ever knew,
I was a great deal of fun
to know at the time
happen again.
I don't know why I don't
... ever especially
... friends

Frankfurter July file Sp. 13

Supreme Court of the United States.

Memorandum.

....., 195

Dear Mr. King

I'm trouble you
to have the President
see his letter.
He knows about
the writer and may
not be interested
EAC [signature]

*file
down mail*

DEPARTMENT OF
JUSTICE FILM PRESERVATION

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

January 23, 1940

Dear Mr. President:

So little of the news of the world manages to enter these narrow, impervious confines that I learnt for the first time from your memorandum of the 17th that the responsibility for the administration of the F.B.I. has impliedly been transferred to me. Here I have been laboring under the foolish notion that somebody else is Edgar Hoover's boss! That he is under my authority opens up a vista of possibilities that I had not heretofore suspected in this job. And so I say, life begins after fifty.

Faithfully yours,
W.

The President

Correspondence on Dr. Adam Von Trott
alias Dr. Adam Von Trott su Zols of
Germany

FF
✓

March 9, 1940.

Letter from Felix Frankfurter to Miss Le Hand-undated (came to
file April 1, 1940)

The President says that this

is: Adam Von Trott and his many aliases (Dr. Adam Von Trott su Zols
of Germany) who ostensibly came to this country to
attend a conference of Institute of Pacific Relations.
Attached is letter from J. Edgar Hoover to Gen Watson of
Feb 19, 1940 and a report of Trott's activities while on
visit in this country.

See: Edgar Hoover-Drawer 1-1940

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

(Enclosure)

March 9, 1940.

Dear Felix:-

The President says that this is rather incriminating but he feels that you and Marion should know the serious danger that hangs over you!

As ever,

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

(Enclosure) Report from Edgar Hoover on the activities of Dr. Adam Von Trott zu Solz of Germany.

FF
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THE WHITE HOUSE
WASHINGTON

January 17, 1940.

MEMORANDUM FOR

F. F.

For Heaven's sake! Surely
you did not let your Trot friend
get trotted out of the country
without having him searched by
Edgar Hoover. Think of the
battleship plans and other
secrets he may be carrying back.
This is the height of indiscretion
and carelessness on your part.

F. D. R.

San Francisco

Jan 9th, 1940

Dear Justice Frankfurter,

I cannot leave this country without at least sending you a brief note of farewell. I understand and respect the reasons why it has not this time been possible to reestablish more than a purely human contact. You will not, I hope, consider my feeling of its continued existence presumptuous - since, I am afraid, there is now no more opportunity left to confirm it.

With my kindest regards to Mrs.

Frankfurter, I remain

Yours faithfully,

Adam v Trott

*file
pres and* *w*
Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

January 23, 1940

Dear Mr. President:

So little of the news of the world manages to enter these narrow, impervious confines that I learnt for the first time from your memorandum of the 17th that the responsibility for the administration of the F.B.I. has impliedly been transferred to me. Here I have been laboring under the foolish notion that somebody else is Edgar Hoover's boss! That he is under my authority opens up a vista of possibilities that I had not heretofore suspected in this job. And so I say, life begins after fifty.

Faithfully yours,

FF

The President

July File, 7.7. 1933

Supreme Court of the United States. PSF

Memorandum. Frankfurter

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Dear King

Please —

Thank you!

I find I'm not
free Tuesday &
Saturday & can't
reply. I'll write
I shall be justifiably

Supreme Court of the United States.

Memorandum.

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insured — Except
and unless perempt.
But seriously, I
nearly taught
it was time for
some irresponsible
behaviors. Yes
H

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Jan 14, 1940

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

Dear Frank:

These two letters
may interest you - con-
sidering their sources.
One is by the Chief
Justice of the Federal
Court of India (Sir
Maurice Gwyer), the
other by Lord Wright,
one of the Law Lords.

Did trouble you to have
been sent back at

your cinema.

What a lot of human
interest plays beneath
the surface of that
interesting out-
taking yesterday.
Marian rejoiced to
see you look so
fit - and she
has a blessed eye.

Ever devotedly yours
Finn Finjuel.

January 24, 1940

Dear Felix:

Thanks ever so much for letting me see those two letters. They are most interesting and I am returning them herewith.

I wish you and Marian would come in Saturday afternoon about five for a little gossip -- I think this should be done before you return to the Black Robe!

As ever yours,

Mr. Justice Felix Frankfurter,
1811 Thirtieth Street, N. W.,
Washington, D. C.

mal/tmb

Let to Justice Frankfurter 12/5/39 from Maurice Georges (?)
Chief Justice's Lodgings, New Delhi, India and one from
Joe Wright (?) Durley House, Burbage, Nr Marlborough,
Wilts, England (?) 12/28/39

Justice Stone. Sp. 13

*File
personal
FFv*

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

RSF

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

January 26, 1940

Dear Missy:

The President might perhaps be interested to read this letter of Mr. Justice Stone written to educate Jim Farley into the very important work that Ed Bruce is doing for the things that are enduring in American civilization.

We hope to see you tomorrow.

Ever yours,

FFv

Miss Marguerite A. Le Hand

981

1281

December 13, 1939

Dear Mr. Postmaster General:

The enclosures in this letter will indicate to you a little more fully, than I was then able to, what I had in mind when I spoke to you the other evening at the Gridiron Club dinner.

The enclosures are a black and white photograph of the mural recently painted and installed by Peter Hurd in the post office at Big Spring, a small city in Texas, and a letter of the postmaster giving his impressions of it.

The photograph, notwithstanding the absence of color, indicates that the mural, but its decorative quality, its beauty and its symbolism, meets to a high degree the demands of good mural painting. It is a fair example of paintings which have been placed in many public buildings in this country as the result of the highly intelligent and competent service of the Section of Fine Arts, headed by Mr. Edward Bruce. The postmaster's letter is typical of the response which these works of art have provoked throughout the country, and particularly in small communities.

In just a word I would like to indicate to you what I think has been accomplished by this government activity through the expenditure of a comparatively small amount of money:

1. Public buildings with which the great mass of the population come most in contact have become focal points of beauty for the eye of

DEPT. OF

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literally hundreds of thousands of people. The walls of post office corridors, usually drab and uninteresting, have stirred the interest and aesthetic emotions of great masses of people who have had all too little of that kind of experience in the past.

2. The artists have been given the kind of opportunity, without which there can be no real American art. The interesting thing about it is that under the inspiration of the Section of Fine Arts the artists of America are, for the first time, painting the American scene, something they know and understand, instead of the weak imitations of the work of foreign artists, chiefly Parisian, of which we have seen so much in the past. They are painting the genuine instead of the imitative or the cheap and tawdry, which is the beginning of all art.

3. Aside from all other considerations, and what perhaps is most important of all is that great numbers of the people of this country are, for the first time in the lives of many of them, being impressed with the fact that the artist finds beauty and dignity in their lives. And one of the many things that we need to be taught is that our lives, however simple or humble, may be both beautiful and dignified. What could be more impressive in this respect than the mural, photograph of which I enclose? And this is only one of many.

I congratulate you on having had a hand in so important an achievement. I wish that when I come to lay down my work I could think I had had a hand in something as worth while, and which would live as long.

With kind regards, I am,

Yours sincerely,

Harlan F. Stone.

The Honorable James A. Farley.

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file
personal

~~July 1940~~
January 30, 1940

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

PSF

FF
Sp. 13

Frankfurter

Dear Frank:

The compassionate purpose
to which our national tra-
dition has now dedicated
your birth day has a pro-
found symbolism. For, in a
way we are all crippled
children. And we are the
more poignant in our dis-
abilities than the im-
mediate beneficiaries of
your tender state man-
ship, just because we
think we are grown-up
and big and strong

unhappily in-
mate and unequal
to the tasks our times
impose on us.

This is to greet you
with our affectionate
good wishes, and to
tell you how fitting
it is that this day
has become, and will
forever remain, a
national holiday.

Respectfully,
Frederic Danjalis

Felix Frankfurter, Justice Dept, Sp. 13

PSF

*File
personal*

sent out 2/17

**En route to Pensacola
February 14, 1940**

MEMORANDUM FOR FELIX FRANKFURTER

(Dictated on the train)

That is a nice letter from Bishop Sheil. He is a grand fellow.

Your old flame is right about the need for coordinating foreign relief agencies -- and she is right about Dr. Frank Kingdon. If you get a chance, will you speak to Adolf Berle about this? He is working on the subject.

I have your two sets of Obiter dicta -- the Helvering case and the FOC case and will read them on the way south and then use them as bait for sail fish. That is the highest compliment I can pay them because sail fish are notoriously discriminatory in what they swallow.

I wish to goodness you were on the trip with me. I hope your next door neighbor on the Court will rejoin you before Easter but I doubt it for I think he is doing Lenten penance.

As ever,

F. D. R.

Enclosure

fdr/tmb

Returning letter to Justice Frankfurter from Bishop Sheil, Archdiocese of Chicago, 719 No. Wabash Ave., Chicago, 1/29/40 to Hon. Felix Frankfurter in re "cleavage which was being stirred up between Catholics and Jews".

February 6, 1940

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

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

July

Dear Frank:

1. Here is a miscellany
of reading matter - the
letters from the lovely Ernesta
(formerly Bullitt) and Birdie
Sheil speak for themselves.
And so do the other Enclosures

2. You will remember
how the unglamorous hair
clipped girl felt when the
seductive Byron proposed
to her: "but it's so unexpect-
edly sudden" she said. You
must not overtake with sur-
prise a shy fellow like me
by quoting her so unexpectedly.
Byron wrote from the heart.
Ever yours
F.F.

11 GRAMERCY PARK

My dear Sir -

It has been obvious for some time that a co-ordinating bureau is necessary for the many foreign relief agencies in this country Polish, Austrian, Chinese, Finnish etc.

The best man I can think of to head this is Dr. Frank Kingdon, educator, public servant, a liberal, an able administrator & a man

of rare integrity.

I wish so much he
could be brought to
the President's notice.

The country & the
soully tried peoples
abroad would be
fortunate to have him.

While he has been
head of Newark Uni-
versity he has been
also a thorn in the
tough sides of Hague
& Hoffman. Just
now he is Director of
the Citizenship Educational
Service

11 GRAMERCY PARK

Which counts some
50 million adherents.

One seldom has a
conviction of knowing
the right man for the
right place. Kingdon
can do what Hoover
might have done.
He is less a
politician and more
humanitarian.

He is, he is not
appointed!

Love
Ernest

Dear Felix -

It has been obvious for some time that a co-ordinating bureau is necessary for the many foreign relief agencies in this country, Polish, Austrian, Chinese, Finnish, etc.

The best man I can think of to head this is Dr. Frank Kingdon, educator, public servant, a liberal, an able administrator and a man of rare integrity.

I wish so much he could be brought to the President's notice. The country and the sorely tried peoples abroad would be fortunate to have him.

While he has been head of Newark University he has been also a thorn in the tough hides of Hague and Hoffman. Just now he is director of the Citizenship Educational Service which counts some 50 million adherents.

One seldom has a conviction of honouring the right man for the right place. Kingdon can do what Hoover might have done were he less a politician and more humanitarian.

Felix, try to get him appointed!

Love

Ernesta

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~~July 22, 77~~ 4p. 13 —
4 March 1940

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

Dear Frank:

It is still true that
"the only thing we have to
fear is fear itself" —
and no less true is it
that our people respond
to your leadership of
"frankness and vigor".
That is the ultimate meaning
of democracy — faith
that in crises common
people will so respond.
God through you it's

been consistently and
superbly vindicated
for all the world that
can be reached by
reason to know -
and to take pride
in, for humanity's sake.

This is - and will
remain as long as
we remain a civilized
nation - in historic
days. God bless you.
So long Marion and
John

March 6, 1940

Dear Marion and Felix:

Thank you both so much for
your thought of me on March fourth. It is
very like you both to have done this.

Always affectionately,

FDR

Justice and Mrs. Felix Frankfurter,
1611 Thirtieth Street, N. W.,
Washington, D. C.

mal/tmb

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File Personal *Miss New Justice* *4p. 13* *Settled*
PSF May 3, 1900. ✓
Supreme Court of the United States
Washington, D. C.

Dear Frank:

It was very sweet of
you to have Harry Steinson
for lunch. He is a fine
old Roman - he is, you
know, close to 73 - and
wants to feel he is still
true to the Republic.
And he is - It has
partly for narrow par-
tisan reasons preferred
departure from its
traditional foreign

policy. You made
Stinson feel he is
of use - and gave
him fresh impulses
to go on. Many
thanks for taking
me out of my
marble prison.

I was most happy
to see you so fit
Ever yours

P.S. Will you please
tell your brother that
Marian knows some fine blends

of course please

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full
personal.

Felix Frankfurter - ~~Justice~~ No. 13

PSF 1511 - 30th Street

May 14, 1940

Supreme Court of the United States

Washington, D. C.

Dear Frank:

These are days when
one realizes the impor-
tance of things unseen,
and is sure of things not
susceptible of ordinary
proof. As I listened to
you, an hour ago, in the
chamber of the House,
how could I not be-
come absorbed by the
any other good for-
tune which has you
where you are - the
embodiment of hope

and of faith of all the
peoples of the Earth who
call for the good life as
against mere existence,
the inspiration of all
who are determined
that the precious achieve-
ments of man's spiritual
nature shall not perish
from the Earth.

And I also taught
that you, who are truly
the world's reservoir
of hope, must try to
conserve and replenish
your own energy, and
so maintain yours

July file. 40-13

Supreme Court of the United States
Memorandum.

May 17, 1940

*file
husman
FF
40 2*

Dear Missy:

*PSF
Frankfurter*

Despite, or perhaps because of, these anxious days, this report on the Holmes bequest, which carries out the President's original thought, might divert him for a few minutes, and so you might want to put it among his bedside reading matter.

F.F.

75th Congress }
3d Session }

SENATE

{ DOCUMENT
No. 197 }

**OLIVER WENDELL HOLMES
MEMORIAL FUND**

Report

OF THE
OLIVER WENDELL HOLMES DEVISE COMMITTEE

PURSUANT TO

PUBLIC RESOLUTION No. 124
(75th Congress)

SUBMITTING RECOMMENDATIONS CONCERNING THE
USE OF THE BEQUEST AND DEVISE MADE TO
THE UNITED STATES BY THE LATE
JUSTICE OLIVER WENDELL HOLMES



PRESENTED BY MR. WALSH

MAY 13 (legislative day, APRIL 24), 1940.—Ordered to be printed

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1940

REPORT PURSUANT TO PUBLIC RESOLUTION NO. 124, SEVENTY-FIFTH CONGRESS, THIRD SESSION, CH. 595, 52 STAT. 943

OLIVER WENDELL HOLMES MEMORIAL FUND

[Report pursuant to Pub. Res., 124, 75th Cong., 3d sess., ch. 595, 52 Stat. 943]

The Committee chosen pursuant to joint resolution of June 22, 1938, of the Senate and House of Representatives of the United States, Public Resolution No. 124, Seventy-fifth Congress, third session (ch. 595, 52 Stat. 943), respectfully submit its report to the Congress of the United States.

Section 3 of the joint resolution reads as follows:

Pursuant to the suggestions made in a message of the President of the United States to the Congress, dated April 25, 1935, a committee of nine members shall be constituted, three to be selected from the House of Representatives by the Speaker of the House, three to be selected from the Senate by the Vice President, and three to be selected from the Supreme Court of the United States by the Chief Justice, which committee shall make recommendations to the Congress concerning the use of the bequest and devise made to the United States by Mr. Justice Holmes.

Pursuant to the resolution the following were designated as members of the Committee: Congressmen John W. McCormack, Richard B. Wigglesworth, Kent E. Keller; Senators David I. Walsh, Tom Connally, Henry Cabot Lodge, Jr.; and Associate Justices Harlan F. Stone, Owen J. Roberts, and Felix Frankfurter.

The Committee was organized by the election of Justice Harlan F. Stone as chairman, and the appointment of Alger Hiss, Esq., of the Department of State, a former secretary of Justice Holmes, as secretary of the Committee.

Justice Holmes died on March 6, 1935. By his last will, after making various bequests and directing the sale of his Washington residence, he gave and devised the residuum of his estate to the United States Government. The Government has received under the will, and has deposited in the Treasury to the credit of the account "Donations to the United States, bequest of Oliver Wendell Holmes," the total amount of \$229,372.01. In addition, as authorized by act of Congress of June 22, 1938 (52 Stat. 943), the Government has accepted, as residuary legatee under the will, the residence of the late Justice Holmes at 1720 Eye Street NW. This property is assessed for taxation by the District at \$30,933 for the land and \$18,400 for improvements, the total assessed value being \$49,333. Its chief value is as a site for the erection of a business building.

Numerous proposals have been submitted for the establishment of a suitable memorial to the late Justice Holmes. All have received the serious consideration of the Committee, but we shall comment only on those which have commanded the greatest support or attention. They are as follows:

1. The use of Justice Holmes' bequest and devise to the United States for the acquisition and maintenance of a collection of legal literature in the Law Department of the Library of Congress, to be known as the Oliver Wendell Holmes Collection of Jurisprudence.

2. The establishment of the residence of Justice Holmes at 1720 Eye Street NW., in the city of Washington, as a permanent memorial, to be placed in suitable repair and maintained by the use of Justice Holmes' bequest to the United States.

3. The publication and distribution to public libraries in the United States of a volume or volumes of Justice Holmes' writings.

4. The establishment at some suitable place in the city of Washington of a small open space or park, to be appropriately landscaped and beautified, and dedicated as a memorial to Justice Holmes.

After a thorough consideration of these suggestions, the Committee has agreed upon and recommends adoption by the Congress of the third and fourth proposals, viz, the publication of a memorial volume, and the establishment as a permanent public memorial in Washington of a small park or garden to be known as the Oliver Wendell Holmes Garden.

While the use of the Holmes bequest for the purchase of lawbooks for the Library of Congress would accomplish a useful purpose, and while Justice Holmes gained his eminence in the law and was a profound student of the law, his appeal to the public interest and imagination was more universal. His profound insight into the thought and actions of men, his ability to clothe his thought in English of singular beauty and power, and his long and fruitful judicial service, which has stirred the popular imagination to an exceptional degree, have made his thought and memory the heritage of all men, rather than of any single class or profession. It has, therefore, seemed to the committee most fitting and desirable that the memory of Justice Holmes should be perpetuated, and his life and services symbolized, by making readily available to the public the best expressions of his thought, and by creating at the Nation's Capital, where he spent the last and most influential years of his life, a memorial to be seen of all men, which would in some measure represent the love of beauty and of the quiet open spaces of the city of Washington to which he often gave expression.

The Committee, after giving careful consideration to the possibility of maintaining Justice Holmes' house in Eye Street as a memorial, has come to the conclusion, in which all of those most closely associated with Justice Holmes in life concur, that such a plan is not practicable. Apart from its associations with Justice and Mrs. Holmes, the Eye Street residence has little to commend it as a memorial. The house is not of attractive architecture. The neighborhood is rapidly changing from a residential to a business district, and the house will soon be surrounded by high buildings, with no open space near it. These circumstances would not in themselves dissuade the Committee from pursuing the plan to establish the house as a memorial if other conditions were favorable to such a plan. But, as directed by Justice Holmes' will, all of its contents, which were intimately associated with his life with Mrs. Holmes there, have been widely distributed, either as specific legacies, or by sale, to various purchasers, many of whom are unknown. There is now no possibility of reassembling them, or enough of them to recreate in the house even a faint suggestion of the atmosphere which characterized it during their lifetime. To maintain the house as a memorial, without some convincing reminder of its association with the daily life of Justice Holmes, would, in the opinion of the Committee, have the opposite effect from that sought and would appear to be an inadequate expression of the public desire

to symbolize in suitable manner the life and public services of the man whose memory we wish to honor.

Justice Holmes fired the imagination of his countrymen because he was that rare fusion of thinker and artist, which he revealed in his masterly prose. As long as reason holds sway over the minds of men, and the English language has power to move them, so long will what Justice Holmes wrote be cherished of men. While the major part of what came from his pen consists of opinions or technical legal discussion, his more general utterances form part of the cultural heritage of the Nation. As such, constant recourse to it should be encouraged by appropriate national recognition. The committee is of the opinion that this can best be accomplished by the publication of a selection of his writings in an attractive volume of some 250 pages, by its distribution among the public libraries of the country, and by making it available to all who care to purchase it at a modest price. The selection would include utterances giving his underlying philosophy, a few of his opinions on constitutional issues of lasting interest, choice extracts from his available correspondence, and other expressions of permanent literary value. We believe that such a publication would, in the language of the President's message to the Congress, "serve as a permanent impulse for the maintenance of the deepest tradition that Mr. Justice Holmes embodied."

The publication should not be left to private enterprise. It should be made a national expression of devotion to the memory of the man by having the Government, to which he left his fortune, itself assume the responsibility for the production, by the Government Printing Office, and the distribution of the proposed volume. By its publication the Congress would, as it were, confer upon the memory of Justice Holmes a cultural Congressional Medal of Honor. For such a volume, the Government Printing Office has submitted estimates from which it appears that an edition of 12,000 volumes, for free distribution to libraries and educational institutions throughout the country and other appropriate distributees, would cost about \$10,000. Arrangements can be made for the private distribution of additional copies at a modest cost. The editing of such a volume should, of course, be entrusted to hands specially qualified for the task.

At the request of the President, and of this Committee, the National Capital Park and Planning Commission has made a very careful study of the possibility of setting apart an open space in the city of Washington as a suitable memorial. After considering the possibilities of many existing park spaces in the city it has come to the conclusion that the proposed memorial should best be established in connection with the plans of the Government for the construction of public buildings in the near future. The Commission has for some time been of the opinion that in order to meet the need for additional public buildings the Government should acquire the two blocks lying immediately east of the Supreme Court Building, bounded on the north by Maryland Avenue and B Street, on the south by East Capitol Street, on the east by Third Street NE., and on the west by Second Street NE. It is thought that this area, which has much to commend it for the purpose, will be needed in the near future for projected public buildings, including a new courthouse for the court of appeals and the District Court of the District of Columbia, a courthouse for the Court of Claims, and other needed buildings, such,

for example, as would accommodate the invaluable library of the Surgeon General of the Army, and fulfill future needs in connection with the Library of Congress.

Suitable development of this tract will require open space for light and air, as well as for the purpose of giving the new buildings their proper setting. For these reasons it is the opinion of the Commission that this open space might properly be considered an integral part of the architectural and landscape design for the development of the whole tract and could, therefore, without additional cost to the Government, be devoted to a small park or garden in memory of Justice Holmes, in close proximity to the home of the Supreme Court, with which Justice Holmes was so long associated. They propose that it be located immediately east of the rear entrance to the Supreme Court Building, and on the axis of the east pediment of that building, with a frontage on Second Street of, say, not more than 175 feet and a depth of 330 feet.

As an initial step in carrying out this plan, the Commission proposes the immediate acquisition of approximately the northerly half of the block in the rear of the Supreme Court Building (known as square 759), consisting of a plot approximately 175 feet in width and 330 feet in length, facing on the west on Second Street the rear of the Supreme Court Building, and extending through the block to Third Street, and bounded on its northerly side by A Street NE. It is estimated that this area, with buildings now located on it, will cost approximately \$350,000. The purchase, if made, will be in contemplation of the ultimate acquisition by purchase or condemnation of the entire block in which this plot is located, and also the block immediately to the north (square 758), bounded by A Street NE., Second and Third Streets NE., and on the north by Maryland Avenue and B Street, the closing of A Street NE., within the boundaries of the two blocks, and the devotion of the two blocks together and the closed street area to a unified building plan. So much of the plot presently to be acquired as is to be devoted to the Justice Holmes memorial is to be set apart from the adjoining area when title is taken, with appropriate architectural arrangement and landscaping, which will give to the place distinctive character as a memorial and serve by its beauty and simplicity to invite the presence there of people from all walks of life, the whole to harmonize with a tablet, bas relief, or piece of sculpture—distinguished, however modest—designed to emphasize the significance of the place and to accommodate a suitable inscription commemorating Justice Holmes' service as soldier, judge, and eminent citizen. The National Capital Park and Planning Commission estimates that the minimum cost of such treatment of the space set apart for the Holmes memorial, carried out with suitable simplicity, would be the sum of \$50,000, to which an amount of, say, \$25,000 should be added to cover the cost of the sculpture. This Committee is of the opinion that the design for landscaping the memorial should be selected by competition.

The National Capital Park and Planning Commission has adopted a resolution approving the plan for the Holmes memorial as indicated, as a part of its larger general project for the development of the two blocks mentioned, and as a first step is prepared to recommend the immediate purchase of the plot approximating 175 by 330 feet (a slight excess over this amount being necessary to acquire full lots and enable the vacation of interior alleys), extending along the south

side of A Street from Second to Third Streets, and the devotion of a part of it (approximately 88 percent of the area) for the Holmes memorial. This Committee joins in that recommendation and expresses the hope that it may be possible to dedicate the memorial on March 8, 1941, the one-hundredth anniversary of Justice Holmes' birth.

This Committee also recommends to the Congress that of the bequest and devise made to the United States by Justice Holmes, the sum of \$15,000, or so much as is required for that purpose, be appropriated and used for the publication of a memorial volume of the selected writings of Justice Holmes; that the sum of \$75,000, or so much of it as is required for that purpose, be used for the landscaping and beautification of the space to be set apart as indicated as a memorial to Justice Holmes; and that the remainder of his bequest to the United States, and the proceeds of his residence when sold, be used for governmental purposes, as was his wish. The Committee recommends that the residence be sold upon condition that the house be demolished, or upon other terms which will preclude the commercial exploitation of Justice Holmes' association with it.

Justice Holmes' bequest, as has recently been said of it—
is the largest and finest unrestricted gift ever made to the United States. It reflects his unwavering faith in the dogma of the democracy for which he fought, his pride in Americanism, his confidence in the great destiny of his country, his belief that the money would be applied as it should be. He looked upon the United States as a club in which membership is an honor. His will is the capstone of a noble life.

Respectfully submitted by

Respectfully submitted by

JOHN W. McCORMACK.
RICHARD B. WIGGLESWORTH.
KENT E. KELLER.
DAVID I. WALSH.
TOM CONNALLY.
HENRY CABOT LODGE, Jr.
HARLAN F. STONE, *Chairman*.
OWEN J. ROBERTS.
FELIX FRANKFURTER.

1. PSF Frankfurter

Supreme Court of the United States.

Memorandum.

....., 198

Please, Dear Messrs,
and bless
Joe!

VF

Dilly File. Frankfurter, Sp. 13

1511-30th Street

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

May 26, 1940

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

file
just now

F.F.

Dear Frank -

This is Sunday morning, and I humbly believe that not the most pious church attendant has his thoughts more outside himself and on the ultimate destiny of mankind than I have had for weeks here in my study. It is in that mood that I am venturing to break in on you. My one excuse is that I cannot resist doing so.

You don't have to be told what thoughts you stirred in me yesterday morning about our country and your relation to it at this juncture. And these thoughts have been with me for all these weeks - hardly anything else has been. I have one very deep conviction which I want to urge on you with all my devotion.

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

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

Nothing would so clear the air,
vivify the mind and will
of our people, give that impulse
to patriotic endeavor and shame
all lesser motives which only
eloquent action can give, if
you could say something like
the following to our people to-
night:

"Appreciating as they do to the
fullest that a crisis not of our
making is confronting the
world, but one that has also
swept our beloved country into
its dangers, the patriotic citi-
zens who compose my Cabinet
have placed their resignations
in my hands so that I may be
free to deal with this new
situation unembarrassed by

~~July 13, 1957~~ July 13, 1957.

1511-30 (Three)

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

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

file
personal

PSF
Frankfurter

Dear Henry:

The enclosed has just
come to me, very confidentially,
from Harry Huisman and I
thought that the President
ought to see it. May I trouble
you to put it personally into
his hands, and return it
to me when he has seen it.

Yrs ever

F.F.

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THE WHITE HOUSE
WASHINGTON

May 27, 1940.

MEMORANDUM FOR

HON. FELIX FRANKFURTER

The President asks me to
return the enclosed to you and
thank you very much for letting
him see it.

M. A. Le Hand
PRIVATE SECRETARY

1940
WASHINGTON
THE WHITE HOUSE

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Grace:

F.P. asks in his note to Missy
if after the President has seen if she
would return it to him.

PTL

~~July 20~~, Frankfurter, Op. 13

PSF

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

File
personal
F
9

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

June 4, 1940

Dear Mr. President:

I have been doing some hard thinking since our very happy party yesterday, and the more I think the more sense Stimson and Patterson make. In the present circumstances the important thing, of course, is to forecast how an appointment will be received, not what theoretical objections may be made in anticipation of the appointment. I am sure that geographical objections would not interest the country as they would in ordinary times, and the real thing to do is to fire the imagination of the country with what a particular appointment may represent because of the assurance that the War Department would really be in effective and dependable hands. Stimson and Patterson surely are such a combination.

Stimson has been for so long associated in the public mind as a supporter of your foreign policy and he has been so completely out of sorts with his own party that no one would deem it a manifestation of the "coalition" idea. On the contrary, it would be realized that here is a man who had had outstanding experience as Secretary of War; he had himself served with distinction in the World War; and because of his work in the Philippines and as Secretary of State is particularly conversant with the relation between force and diplomacy; and as a firm supporter of your foreign policy since 1933, he could be counted on to carry the responsibility of the War Department in strict conformity with your general policy. Of his complete freedom

from partisan motives or partisan ambitions, there would be not the slightest doubt in anybody's mind. And, as I said last evening, you couldn't possibly have a more devoted aid in your Administration than he would be. The only out about him, of course, is his age. But his mind is alert and vigorous and, freed from details, you would have an extraordinarily equipped man for this vital post.

To enable him to give attention to major things, he would have to have a first-rate assistant on whom he, as well as you, could intimately rely. And Bob Patterson is really made to order. He is young, he is vigorous, he is able. He is the kind of person who combines qualities that made him the first man in his class at the Harvard Law School and also enabled him to have a distinguished war record. He is, I suppose, as able a judge as there is in the land off the Supreme Court who, because of his years and his ability would have a right to look forward to an eventual seat on the Supreme Court. It would be a stirring thing that such a man is ready to forego everything to become an Assistant Secretary of War. It is the kind of thing that also would fire the imagination of public opinion and particularly of our younger people.

He has, I believe, four children and no means, but I know of no man whose devotion to country is greater. Therefore I am confident that he would do anything you would ask him to do. In other words, I am confident that, with all his prospects, he would resign as a Circuit Judge. Stimson knows him, has confidence in him, he admires Stimson, and as a team it would have that interplay of understanding and trust which is so vital, particularly for a war administration.

Bob Patterson is not a New York City man. He lives somewhere up the Hudson and in his outlook and in antecedents he is as different from

down town New York as though he came from Iowa. Marion does not often express an opinion about public matters, but she has an uncommonly wise judgment of men. Recently after Bob Patterson was with us for an afternoon, she said, after he left, "Why isn't he the man to be Secretary of War?" He has all the brains and productive capacity that are needed for the job, but in addition he has that very rare quality of leadership that he is able to evoke not only the devotion of men but capacities that ordinarily slumber unused.

Some things click - they seem just right - and I cannot help but feel that the combination of Stimson and Patterson would take off your shoulders a very great burden and would put the War Department in charge of men on whom you could rely completely for their understanding and execution of your policies.

It was grand to see you so fit and I only pray that the heat be merciful during the Washington days and that you maintain strength and peace that seem almost impossible to achieve.

Very faithfully yours,

Felix Frankfurter
E.F.

The President.

P.S. I had to dictate this just as I was leaving town. Forgive, therefore, that I was not able to read the letter, shorten it and sign it.

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

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

June 4, 1940

Dear Missy:

1. Until further notice, my address and telephone will be

c/o Prof. Perry Miller,
10 Forest Street,
Cambridge, Mass.

Telephone - Kirkland 5849

2. Be good enough to place the enclosed letter in the President's hands.

3. I try not to trouble you or the President with my anxiety, but I must say I awoke this morning most anxious about that talk with those kids. It seems to me that even the most hopeful gain from such a talk is outweighed by the real risk of mischief. There are bound to be a few youngsters in that group who are not lacking in disinterestedness but who are other people's agents. There will be distorted accounts of what took place and nothing very good is likely to come from it. I don't see why at this period not only in our history but in the world's, such a risk should be taken and why the President of the United States should not have imperative duties tomorrow night which make it important to call off such a party. I really feel that the hours of strength and talk that he would put into meeting fifty youngsters could with immeasurably greater profit be expended one of these days in a speech to the youth of the country. I just feel it in my bones that

this is a generous scheme fraught with mischief and that the
President ought to avoid it.

Take good care of yourself.

Ever yours,

Felix Hausman
E.A.

Miss Marguerite A. Le Hand.

For the original memo of the
attached and Mr. Douglas letter
of Nov 15th which prompted this
memo to F.F.

See; Douglas-Gen corres-Drawer 2-38

Frankfurter

~~Justice Felix Frankfurter, 44-13~~
PSF

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

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

June 5, 1940

File FF
plus mail 2

Dear Mr. President:

Ideas are like men. One gets to know them after one lives with them for some time. The more I have lived with the idea of the Stimson-Patterson combination, the more right it seems - meaning by right that it fits the immediate situation. It would relieve you of a pressing problem and would arouse in the country a surge of confidence with reference to this particular situation.

About Stimson, there is nothing I can tell you, but it occurred to me that it might not be wholly useless to put on paper with more particularity what I know and believe to be the truth about Patterson. I have therefore dictated the enclosed memorandum to my secretary over the phone.

Faithfully yours,

Felix Frankfurter
CA.

The President.

Robert P. Patterson was born in Glens Falls, New York, in 1891. He graduated from Union College in 1912 and later from the Harvard Law School where he had a distinguished record and was President of the Harvard Law Review. He started practice in New York City with Root, Clark, Buckner and Ballantine, and his work in that office was of outstanding excellence.

He very early joined the 7th Regiment of the New York National Guard and went with that Regiment to the Mexican border in 1916. When the Guard was released from border duty he returned to New York and resumed practice until the entry of the United States into the World War. He served during the War first as captain and later as major in the 306th Infantry with the 77th Division.

The War Department record would show the details of his war service, and so it would suffice to say that it was distinguished both for competence and for courage. He was awarded the Distinguished Service Medal for extraordinary heroism in action. After the War he returned to practice in the Root, Clark office which he left in 1922 with Vanderbilt Webb to form the firm of Webb and Patterson. Later Morris Hadley joined them and the firm became Webb, Patterson and Hadley. In 1929 it was associated with the Milbank firm, now known as Milbank, Tweed and Hope.

In 1930 Patterson became a judge of the United States District Court for the Southern District of New York, and in 1939 he was elevated to the bench of the Circuit Court of Appeals for the Second Circuit, which office he now holds.

He married Margaret Winchester in 1920 and has four children.

So much for the dry facts. Let me now say something about his personal qualities.

On its face the record shows that Patterson is a man of unusual intelligence, but the facts go beyond the record. He has a most extraordinary clarity and rapidity of mind. It is the common testimony of lawyers that in the courtroom he is always a step ahead of counsel. He catches all the implications of what is going on before anyone else in the courtroom. He has always been extraordinarily sound in his judgment of the law and has unflagging industry and great capacity in mastering complicated facts.

With all this his mind has the uncommon quality of simplicity and directness. In spite of his outstanding scholarship, he has never shown the slightest trace of pedantry or love of mental thrill. He is never confused, baffled or tired when working overtime or when dealing with difficult or rapidly developing situations. This is partly an intellectual trait, but partly it is due to a trait of character which makes him free from the hampering doubts and inhibitions which afflict even many good men to some extent in matters carrying responsibility and calling for decision which would recoil upon the actor in case of error.

Patterson is one of those rare men to whom other men become easily attached. His colleagues on the bench, without exception, not only respect him but are personally fond of him. It is a well known fact that his troops were fond of him. They made him, even in that period just after the War when one of the popular sports was "panning" officers, the head of their regimental association. It is impossible to know him at all without getting to like him and to respect him. This is true of all manner and conditions of people.

He has another outstanding quality at which the record hints but does not fully disclose, and that is that it is hard to imagine a more unselfish person - one who is more interested in the job to be done or more oblivious of the effect on himself. In his early practice he never seemed to have

the slightest concern about what is called "getting credit". Although a man without means, he left an extremely strong and prosperous law firm at great financial sacrifice to go on the bench because he liked the idea of public service.

Brilliant and effective as his career has been, his private life has always been modest and quiet in the extreme. He lives at Garrison-on-the-Hudson on a farm which he farms himself. He takes the most whole-souled delight in the land and in the homely farming operations. All this seems part of his clear-headed, simply brave and determined character.

There is a sort of personal power about the man which has always given those who know him a conviction that whatever he put his hand to would be well done.

July 27, 1940

PSF Frankfurter
Heath, Mass.
Supreme Court of the United States
Washington, D. C. July 27, 1940.

Dear Frank:

You may have transcended the limitations of distance better than you did in the early hours of last Friday and brought yourself more persuasively into the presence of your listeners, though out of their sight, but if so I never before experienced it, nor did I know, as we did in your address to Chicago. That was a triumph - in every way, persuasive and deeply moving, giving the tone and direction to the

months that are immediately ahead for us, and confirming the hopes of all free men - looking people throughout the world.

I had better not say more - for never before were my feelings as engaged in hearing you, as they were during those thirty odd minutes of last Friday, and beyond.

The enclosed, from the Springfield Republican, speaks for itself.

I assume that you know of the skillful plan that is afoot - shared in by some

3.
I of your supporters - to have you and
Willkie come to an agreement on
"foreign policy" between now and to-
morrow! The scheme is even more
summarizing than the similar proposal
in '32, and calls for even more deft
handling. It's a pretty scare - to have it
appear (1) that there is no difference be-
tween you^{two} and (2) that W. is already shir-
ing the responsibilities of Govt. and that
you have to draw on Linn for word down in
guiding our affairs. I hope that you will
reply return to Hyde Park, for a few days

at least, as intercessors
from your confinement at
your White House
and your love & in-
fluence in your personal
oversight of the execution
of the defense program.

We shall be back at
headquarters next week
will be here in 10 Sep-
tember.

With affectionate regards
from us both,

Ever yours,
Eugene

FF

July 27, 1940.

Dear Felix:-

Thank you for letting me know about that pretty little scheme for Willkie and myself to share the foreign policy 50-50 between now and November. I had heard a similar rumor here.

I had three days of real rest at Hyde Park and hope to go back about August third and get a week. I am most anxious to have you and Marion come over for the night and will let you know.

As ever yours,

Honorable Felix Frankfurter,
Heath,
Massachusetts.

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file
personal

~~Indy~~, 9.7. 4p. 13

10 Forest Street
Cambridge, Mass

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

June 13 '40

PSF
Dear Paul: Frankfurter

If your mind is not settled as to War and Labor, the following may not be useless information:

(1) You asked me whether (Lloyd) Garrison was a good administrator. Since talking with you I have read discreet but dependable soundings which convince me that he is a smooth and very effective dispatcher of

business, and would without
a doubt quickly attain
mastery of a Department
like Labor.

(2) I've had it somewhat
on my conscience to throw
out the names of Steinson
and Patterson without
reasonable assurance
that they would be avail-
able. Here again I've
assumed myself that
they both regard their-
selves as soldiers &
you, as their commander
in chief.

If this part of the

country is all in debt to the rest of
it, our people are ready for any
call that you may make of them.

The "stab-in-the-back" was a
grand touch. We all did have
kind of moral suasion.

I hope that Washington is not
too unbearable & that, despite
all, you are keeping very fit.
I have your affectionate messages.
Sincerely yours
W.

July 13, 77. 4p. 13

New York, Conn

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

Aug. 12, 40

BF

CHAMBERS OF

JUSTICE FELIX FRANKFURTER

file
personal

40

h 2

Dear Mr. Chief

(1) The Solicitor General wanted me to send him by Tuesday hints as to time of speech next Saturday by the Supreme Court from Indiana. Here they are. Please have them copied, so that the Solicitor's eyes may be spared - not to say his temper - in trying to read any scribble.

(2) That's how good you are - that I don't care how "bad" you are! But don't you dare go off on

a. free when we are asked
to come over with "our"
children after Labor
day.

It was an altogether
joyous visit.

Affectionally yours

W. T.

817
I. Country's prosperity depends on
business prosperity - business in-
cluding farmers. Social progress
can only come through business
prosperity.

II - Excessive concentration of power
is evil - evils of excessive economic
concentration cannot be cured by
evils of excessive concentration of
power in government.

Therefore

I - had business-like approach to
government, and so

- (1) must not have a attitude of defeatism
about business development
- (2) must not have "hate business"
attitude, treating business as
an inferior category in Nat.
- (3) Tax policy must not discourage
business initiative
- (4) Spending programme must aim

primarily to generate opportunities
for private enterprises

(1) long-term policy of budget-
balancing, like Swedish system

II - Government must be a limited
federal system, respecting
local-state powers and avoiding
personal government, through
excessive, capricious grant of
power in agencies

As to foreign policies

I - U.S. should be strong, but her
dent should not be provocative

II - Administration that "Latter"
business - has no business
approach to govt. or with Com-
petent to ensure defense

There will also be attacks on
(1) "indispensability" & (2) "city" barrier

file
Personal
~~Justice~~, 7.7. 1940
Sept. 13
New Orleans, La
R. F. Frankfurter
Sept. 12, 1940
Supreme Court of the United States
Washington, D. C.

Dear Frank:

My wire yesterday went
to you immediately after
I heard the flash over the
radio announcing the
base-destroyers agree-
ment, and before I had
heard or seen the text
of your message to Congress.
Now that I have read
the message I write this
note with pride and
humility - humility

that I should have made
the comparison of your
performance with that
of Jefferson's in securing
the Louisiana Purchase. When
it was contained in
your message; pride,
that I should have had
the same thought side-
by side.

And the morning
after, the achievement
assumes even and ever
bigger significance.
The unponderable effects
on Latin America, the

and oscillating opinions of
France, Spain and Greece and
Egypt and even Russia,
on the practical and moral
for the English-speaking
be bound to be enormous.
He phoned me today
"has to share his enthusiasm
me who could really under-
stand be felt". He was simply

dithyrambic. He spoke of '80
"That feller Willie" -
being great & heroic,
coming from that grand
pirate - with score.
I told him what you
know how he felt -
he said he didn't want
"to be like little a senile
old man". I assured
him that expressing
the right kind of En-
thusiasm was the sign
of youth.

So make Bob Jackson
deal with the falsehood in
that S. E. P. article - especially
since W. W. left it out of his book!

H.P.
Stuck
National

July 20th, 7.7 4p.13 Labor Day

held at Ford's

Supreme Court of the United States ' 1940
Washington, D. C.

PSF Frankfurter

Ben Zand:

They were admirably
and admirably non-partisan,
speeches. It was good to
have them done - tail, and
on this day and for these
times. I shan't particula-
rize the grounds of any
appreciation - they gave
such a luminous sense
of sentiment and sound,
of historic appeal and
spur to future effort -
but I cannot forbear

rejoicing over your rebuke
of those who in a noble & true
and petty spirit had looked
at ideals... Since when
have selfishness and
materialism been synony-
mous with Americanism?
Since when have we re-
fused to sympathize with
efforts any where on be-
half of liberty, and re-
garded the gains of
tyranny any where as
incidental to us? Cer-
tainly the great names in
our history never pursued
such low views.

Since I'm used a prisoner on the
bench I've taken to ancient history,
present politics being verboten. And
so I've been reading in Sandburg
about "The Fierce Fall Campaign of '64".
It's surprisingly interesting! Some-
times I wonder if Sandburg is slightly
stopping in something immediately
current. For instance, John Bright
wrote Greeley that English liberals wanted
Lincoln re-elected because, "transport to

world" it would keep
their faith in republican in-
stitutions. He went on saying:

"It is not because they
believe Mr. Lincoln to be
wiser or better than all
other men on your con-
tinent, but they think
they have observed in his
career a grand simplicity
of purpose... regarding
his presidential path with the
calm judgment which belongs
rather to history than to the
present time." The chapter is
full of good things.

Herford at the U. of Penn
towards you will remind
them of some strange things
B. Franklin said, long long
ago! Our affectionate regards.
BT

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7.7. ~~July 20~~, 1943

J. W. ~~W.~~ Howard Clifford, Conn

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

PSF Frankfurter 1940

Dear Raoul:

The following is quoted
from a letter that has
just come from Brazil:

"F. D.'s address to the
Constitution is noble and
convincing. Wallace
as a human being is far
the best of all in sight. No
wonder that F. D. turned
to him."

I sent word to Wallace
that Carl Lundy's book

an Capitalism, which
W.W. has underwritten,
should afford him fine
ammunition for his
acceptance speech. It
reveals W.W.'s cloven
hoof.

I hope the heat
will let up for you.
I'm glad to see your
baggy pants with
Kerry. I assume
there will soon be Army
inspections with H.H.S.
and LaRocca. Ever faithfully
VT

PTV
file
personal
PSF FF
Frankfurter

September 8, 1940.

Dear Felix:-

Ever so many thanks. I like that John Bright letter and will use it through somebody, who, regardless of Hatch, can still talk.

Incidentally, great minds still think alike about the Louisiana Purchase, the Monroe Doctrine announcement, and the Emancipation Proclamation. Probably legalists held all three unconstitutional -- but the combination of the three of them has helped to build and maintain America.

As ever yours,

Honorable Felix Frankfurter,
New Milford,
Connecticut.

1. ~~Justice~~ 77, Ep. 13

New Milford, Conn.

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

Sept. 12, 1940

PSF

CHAMBERS OF

JUSTICE FELIX FRANKFURTER

File personal FF
✓

Dear Frank:

You got out of your "quandary" very well, by throwing yourself on the "indulgence" of the radio commentators and on that of the American public. But where does that leave me with my poor quandary? For history is judicial meat, but politics is - or are - judicial poison; and so, while I am entitled to praise a disquisition on history, I must hold my tongue and piece men about the most Lincolnian - Gladstonian political utterance. But how am I to know which is what, or what is which? There is only one way out - to follow the

2

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

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

part I always pursue when I
encounter a new problem, &
that it, to follow precedent.
My very distinguished prece-
dent is, happily, furnished
generously by yourself - I
shall throw myself in your
indulgence! Please consider
this a word of hearty approval
of your views and sentiments,
in your Transvaal speech, and
admiration for the deftness
with which you inserted a good
deal of poison into it,
provided, it was an historical
address and not a political

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

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

speech. If, by chance, you decide that it was a political speech then, of course, you will treat it above as tho it had not been written.

This business of being a friend on the bench means all sorts of difficult problems. This, I assume, is ^{even} desirable for a judge who is interested in education but not in political journalism. And so, I hope that you will agree with my conclusion that in leaving helped me to keep going by counselling from time to

4
Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

181
time with Ralph Bognert. I
have been merely showing
an active interest in federal
educational agencies!

Before long, the judicial
halter will be upon me.

I hope you are keeping
fresh and re-freshed. I am
told that even Long Island
is troubled down with
Ballantyne grass roots.

Sue part,
v/v

file
personal

~~Justice~~ 77 1/2¹³ Street,
1517-30¹³

PSF
Frankfurter Sept. 21, 1940
Supreme Court of the United States
Washington, D. C. PSF

Dear Frank: Frankfurter

Maxim and I rode Fri-
day morning through the
rich farming country of
Chester County, Pa., with
its white houses glistening
in the sun, and our
spirits greatly cheered by
the Gallup figures in the
morning papers. But in
the afternoon we were even
more cheered as the radio
transported us to the U. S. P.
Exercises in Philadelphia. The
extraordinary enthusiasm

with which you were welcomed,
and which was sustained throu-
out your speech and headed
a crescendo at its close,
^{was} ~~was~~ even more significant
and revealing than the
cold statistics of Gallie.

And your speech came
off as did your Harvard
Tercentenary address, —
I cannot say more — ex-
cept that your good
humor and Sancy touch
were even more infectious
than they were in the staid
atmosphere of Cambridge.
You ought to make add-

resses at universities or other halls are

of your professional wide-view —

you see so it is good and pertinent

at these. Yes — every thing you said

at McLeod Hall on September 20, 1920

was the best I ever just as appropriate

and effective had to be. I remember you

on September 20, 1920. But Starbuck

said — and you remember how

old time "it's hard to be said" —

the hard way to say it! — "hard way" —

shingly pat, "appropriate
and felicitous," in the 182
Historical Society of
Sept. 20, 1940. "Evidently
a good time was had
by all - or almost
all. Certainly your
enjoyment clearly
crackled over the radio.

Here I am soon to
begin again my ju-
dicial serenade -
to be lightened this year
by the diverting sounds
of children's voices happily
away from the scene of marriage.
Warmest regards to all
affectionate regards. J. W. W.

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~~Justice~~ ~~Site~~, 77, Sp. 13

BF Frankfurter 1511-30th Street

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

Later day
[10-12-40]

Dear Frank:

Only a President
in the grip of the awful
challenge of our time
to all that free men
cherish, could have said
what we have just heard
you say, and could have
spoken as you spoke.
By expressing the de-
mocratic faith with
such grace and power
you have drawn upon
the inarticulate Congress

of millions upon millions
of anonymous men and
women, and thereby you
nourished their souls
and steeled their wills
for the task for which
you so nobly summoned
them. They will not
fail in that call - as
you have not failed
them.

This Dayton address
now belongs to the
annals of history in
man's unending struggle
for liberty. Gratefully & devotedly,
Fair Transcripts

~~2nd~~ 2nd, Sep. 13
7.7.

[11-40]p
1511-30 Recd

Supreme Court of the United States
Washington, D. C. Friday
PSF Frankfurter
CHAMBERS OF
JUSTICE FELIX FRANKFURTER

Missy
to think
file

Dear Mary -

Not in from a letter
by Helen Williams, Nation's
oldest voter and a very lovely
person. What she says of
the President at the Garden
meeting so moved me; that
I added Nation's permission
and it began. It was
interesting to President -
in certainly with you.

And you know where
Nations and my thoughts
and prayers are these
days. Every good wish.
For you

~~July 27~~ 1511-30 ^{14p 13} ~~1940~~

November 3 '40

Supreme Court of the United States

Washington, D. C.

PSF

F. Frankfurter

Dear Frank:

This brings you our affectionate non-political and political good wishes. Ruth & I - Marion and I - have had full time jobs here part-time fields, and Mrs. W. make three children happy, has been fuller and better. And both of us have been having a hard time to attend to our jobs, so absorbed have our thoughts and

feelings been in the effort to make our beloved country continue to be effective and aggressive on the side of civilization for that's the ultimate meaning of your role in history - that's the real issue of yesterday's election. All the rest is cooked-up stuff - copy-writer's Erst.

Tom two, who for these years have been, as it were, outside insiders,

it has been quite, for long, as well as to anyone, to understand the vocal, sincere, historically sound, purposes to which all your heresies and measures, your plans and experiments have been devoted. And that's the decisive thing - the goal toward which your weights and banks, your faith and fears, have been directed. For this cause,

inarticulate, Communions
 folk be wared over;
 your re-lections
 will bring new
 hopes and confirmations
 of old faiths.

We would for the
 world's sake, for the
 sake of the Communion
 lot of mankind,
 our fervent prayers
 and our deepest wishes
 to you personally
 we say - God bless you.
 Faithfully yours
 W. H. C.

FF
2.

November 8, 1940

Dear Felix:

A very brief note to thank you and
Marian for that grand letter of congratulations.

I want to thank you for all you
personally have done during these months and
for all the help you have given me and those
who were working with me, who always felt that
they could call on you at any time for advice
and help.

I want to see you both and also the
three children some time very soon -- as soon
as I get caught up on some sleep!

As ever yours,

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

P. S. I am returning that extraordinarily
nice letter which you sent me.

FDR.

mal/tmb

Enclosure

Second page of a letter apparently addressed to the Justice
signed "Helen".

200

Op. 13 ~~July 1940~~ 99 November 7, 1940
PSF
Frankfurter
Supreme Court of the United States
Washington, D. C.

File
personal
FF

Prof. Frank:

Ever since I met Kirk, we
have seen growth in the stature
of Man through the behavior of
our fellow-men in Britain.
And now the common people
of our country have demon-
strated the same essential
qualities of manliness. Con-
fronted by the massed power
of fear and obfuscation, they
responded with clarity and
courage. Thereby they not
only averted a real men-
ace to the nation. They

have given me new and
strong confidence in human
nature.

I know enough to know
how much of literal truth
there was in your half-sarcastic
remark that you "will
have to bear the cross" of
a tired nation. And
the people have insisted
that you must bear the
cross of another. For
partly, indeed, it is a
cross - but, thank God, the
people would be on that
cross!

And so I wish you to

strong and steady of yourself for
ourselves. The little dogs are a hindrance -
and the more so for you. I know you
are you have been. Be quiet, and let
the spirit of the people in you will find you
alone and refreshment. I wish you
to give strong and to some of the people.

To you, personally, the Father of your
power and the peace of your nation's life.
Don't offend the spirit of the people in that.
I wish you to be strong and steady.

~~Frankfurter~~

Sp. 13

93

BF Frankfurter

1511 - 30th Street

Supreme Court of the United States

Washington, D. C.

Nov. 8, 1944

Dear Raoul:

A kind of Newells is pursuing Willkie in his persistence to challenge comparison with you. But it is good for the country. For he is a bad man - being a man with appetites and without convictions - who needs not only to be defeated but to be destroyed. And he will destroy himself.

Newsweek Day will help. I hope that you will

to speak more than a mi-
nute or two - speak
for ten or fifteen mi-
nutes in the course and
sleeper of your stay
last Monday night
talk, with Mr. Kingston,
where are buried men
who gave their very
names to their country,
as the back ground for
your appeal to our
Common Humanity
and our Common
free men's, devotion

to Sunday. Give them the story
and our appeal of Justice
and it is my business that night.

Ever yours
W. J. Foster

Washington, D. C.

October 10, 1940

Thirty days after date I promise to pay to FELIX FRANKFURTER,
in the legal tender of Conversational Currency, an account of
Latin B.

F. D. Custer
USN

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Kp. 13 ~~July 7th~~ 7.7 1511-30 ~~Sheet~~
PSF Frankfurter November 11^A
Supreme Court of the United States [1948]
Washington, D. C.

Sen. Raul -

If you have not
seen the full text
of the Joe Kennedy
in yesterday's Boston
Globe you will want
to. But what is
printed watered down
some of the things Joe
said: they were so
hard the Globe did
not want to print

them. hope of this when
I see you.

Ever yours

K-C

184

~~July 7th~~, 9.7. Sp. 13

Justice Day
Nov 11 [1940]

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

PF Frankfurter

Dear Paul -

Simply swell -
in substance and form
and delivery. The
whole of it was just
right - and not to
least, your bartinning
of the denigrators of
our world war partici-
pation. Faithfully yours
F.F.

199

~~Justice File~~ 7.7. 1511-30 (Hand)

Nov. 17 '40

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

PSF Frankfurter

File
personal
FF
2

Ben Zane:

Knowing your ge-
nerous tough values
about your friends, I
should have picked a
birthday that would not
have interfered even
for a brief moment
with your quest for fish
and sleep. I do hope
that you got a good

involvement of both.

It was very sweet
of you to remember
my day - or, rather,
my mother's - and you
greatly cheered me
with your message
and your flowers.

Truly yours

~~Justice~~ 77. 4p. 13

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

PSF
Frankfurter

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

November 29, 1940

Dear Mr. President:

The special circumstances of Finland's needs and their relation to the blockade will doubtless still further be urged upon you. It may, not, therefore, be a waste of your time - however much I feel like a culprit to draw upon any of it - for you to see a copy of my letter to Lothian as well as the enclosures to which my letter refers.

Faithfully yours,

Felix Frankfurter

The President

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November 27, 1940

Dear Philip:

You know what I think about the uncompromisable importance of maintaining the blockade, and therefore you know what I think about various efforts to allow food to go to the occupied territories. On the other hand, I know you will agree that because of the surface humane appeal of proposals like those of the Friends and of Mr. Hoover, and the lack of adequate appreciation of the role of the blockade in the present conflict, the denial of such appeals is more and more likely to be mischievously misunderstood on this side of the ocean. Therefore, nothing should be left undone to minimize the danger of a situation which I think will increasingly develop as the winter comes on.

The enclosed documents and some explorations of my own have lead me to believe that the case that can be made for putting Finland in a class by itself is very impressive. The writer of one of the letters is an old friend of mine, Mrs. Samuel Barlow, the former wife of Bullitt.

I know the stupendous burdens that rest on you these days and the almost supernatural effort that is called from you. Nevertheless, I hope you can make an independent study of the facts underlying these documents. You will know best how to pursue the matter effectively and quickly if they warrant the conclusion that at least experimental action should be taken which would inevitably be on so small a scale that, should the experiment turn out to be unfeasible, no harm really will have been done and Britain will be able to put her case so far as Finland is concerned on the basis of proof instead of that of abstract assumption. It has thus far been possible to postpone public appeal of Finland's cause by a very influential group.

From the point of view of American public opinion, I deem this matter very important.

Ever yours,

His Excellency
The Most Hon. The Marquess of Lothian, G.H.

507
GOFI

11 Graneroy Park

Dear Felix:

I do not know if you are aware that the Finns are in dire need this winter. If they were not as heroic as we believed them to be last year they would have cried aloud from the housetops for all the world to hear. They lack grain, cotton, fats - the greatest need of all in this arctic country - warm clothing and blankets. Without immediate supplies of these things many thousand of these gallant folk will not survive. The first three things are our greatest surpluses.

I believe in the British blockade of occupied countries. But Finland to date is not occupied. She is still, to her own astonishment, under her own management. Until the situation changes it seems an unnecessary cruelty to withhold the navicerts which will enable the Finns to carry to Petsamo, unescorted in their own twenty-seven available small tankers, these vital supplies. The Germans let the Finnish boats go unmolested from New York to Petsamo. We can, through Red Cross representatives or anyone else the British ask for keep a check on all distribution. The British have their own inspector in Petsamo now. The moment there is any evidence that either Russia or Germany are benefiting either directly or indirectly by the entry of these supplies, the supply can and should stop. The Finnish tankers are so small, the port facilities of Petsamo so meager, distribution so difficult owing to gasoline and truck shortage that they can only take care of very small quantities at a time. There is no possibility of laying up great stores for capture. Finland would be fed through an eyedropper, but fed she would be and saved from misery.

I think public opinion is awakening here to the plight of their last year's

502
here. There are plans for petitions to the President of names that will make news, campaigns for editorials in the newspapers, hot words from the columnists. I would, for the sake of the British, avoid this publicity. I don't think the distinction between occupied and unoccupied territory is an obvious one for the general public. If the Finns are fed there will be no outcry and people will accept what is already done. Couldn't this be done by quietly letting the Finnish slip out from the U.S.? I feel it would be a useful blockade weapon in British hands to say "We are not just pig-headed ornery mules who make a rule and then stick to it no matter what. When we have proof that supplies are not strengthening our enemies we allow them to pass." Incidentally they may find it expedient to allow token shipments to reach Norway in order to keep the Norwegian fleet sailing for Great Britain, but I'm not arguing that point. I am too wholeheartedly pro British to want to hamper their great fight in any way but I do not think we need humor their distress so far as to refuse to ask their reasonable consideration of a matter such as this. They are, to their eternal credit, humane as well as stubborn. Might not a more liberal naviocert policy for unoccupied Finland also be a weapon against the Hoover campaign?

The Finns need 3,500,000 bushels of grain and 17,000 tons of fats. These are subsistence rations for themselves only and include no provisions for saving their livestock and poultry. Procope is pleading for raw cotton as another vital necessity, but if the British balk on that we know one can't eat it for breakfast anyway. The estimated cost of grain, fats and clothing is six to eight millions. Only the President has access to the \$50,000,000 appropriated by Congress, only he can instruct the Red Cross to spend so large a sum, only the President can send for Lord Lothian and say such a policy would further popularize the British cause here.

With much affection to you always, Mrs. Gustaf Barlow

(signed) Ernesta

10

MEMORANDUM ON FINNISH CONDITIONS AND THE BRITISH BLOCKADE

Question A. That they (i.e. the relief supplies to be forwarded to a neutral country) are within the amounts regarded as reasonable for that country's domestic requirements, allowance being made for the extra needs of refugees.

ANSWER. Finland's foreign trade has since the autumn of 1939 been curtailed, particularly since the occupation of Norway last Spring. There is therefore in Finland complete lack or scarcity as far as a lot of most important commodities are concerned.

Edible fats. In normal years Finland used to import about 20,000 tons of margarine and other edible fats. The quantity now requested for imports during the winter months is 17,000 tons. It is further to be noted that the production of dairy fats in the country has decreased by 35 - 45 per cent.

Cereals. The quantity of 85,000 tons is somewhat over 10 per cent of the estimated total yearly consumption in the country. Finland has through the peace lost 10 - 12 per cent of her arable land and furthermore the harvest last summer was exceedingly poor.

Cotton. Finland's yearly import of raw cotton has been between 75,000 and 90,000 bales. This year the total import from this country has been about 25,000 bales. Owing to the war and to the extraordinary situation in Finland the consumption of cotton goods has been particularly heavy. On the other hand the rather important import of cotton cloth from abroad has since the war been practically cut off.

Gasoline. Finland's monthly consumption in normal times is 7,000 - 8,000 tons a month. Russia has promised to deliver during the period of one year only 8,000 tons. As all commodities imported from the Western world have to pass

from Petsamo to Rovaniemi by highway (270 miles) and as the distribution of commodities in the country only partly can be done by railroad transportation, gasoline and other oil products constitute a vital need to the country.

Question B. That there are effective guarantees that neither these relief supplies nor any similar goods in the neutral country concerned are exported to enemy territory or to territories occupied or controlled by the enemy.

Answer. There is in Finland such scarcity and lack of the commodities in question and of similar goods that every export of such supplies is excluded. Without doubt the Finnish Government will give appropriate guarantees. Furthermore the American Red Cross has their own representative in Finland, Mr. Thelms, who can control how the imported commodities are used.

May it in this respect be emphasized that the present distribution of fats is only about $1\frac{3}{4}$ lbs per person and month and that if help cannot be had from abroad also this infinitesimal distribution has to be discontinued in December. The imported goods will practically be distributed at once, which is the most eloquent guarantee against re-exportation.

Furthermore it is to be noted that the quantities Finland hopes to get in the next 5 - 10 months will not be shipped at one time, but in small instalments, 12,000 - 15,000 tons a month. As a comparison it may be mentioned for instance Germany's daily consumption of foodstuffs is estimated to be 45,000 - 50,000 tons.

Question C. That the supplies can be forwarded without risk of capture by the enemy.

Answer. Up to now no shipments from America to Petsamo have been captured by the Germans. If this should happen, the question about further shipments has to be considered on its merits in each case. The possibility of discontinuation and even of ordering steamers on way to return always exists.

file
this
mail

1511 - 30th Nov

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

Friday

PSF - Frankfurter
2-40 [11-29-40]

Dear Frank:

Just a word to
express deep joy over
the way you solved the
torny problem of
defense reorganization.
It was, of course, essential
to symbolize the equal
status of labor with
management as the
partners and co -

responsible for pro-
duction. The way
you did it - by
putting Rodney on
the directing board -
was best.

As you know, since
election a vacuum
was created - and I
partly suspect by
your wise design - and
some poisonous
vapour (the Elm. board

and the Soc. Sec. Secs. and the
Ray Howard and the Sec. Sec.
taicers) have tried to fill it
with their poison. They know
your service a extra and
on nothing and in comparing
with the filling the
mind and purpose of our

203
people to the reali-
zation of the ob-
jections which
you represent,
and for which
they summoned
you for four more,
albeit very hard,
years.

It was a pleasure to
see you look so
refreshed on Tuesday.
Ever yours
E. C.

~~July 11~~ 27
pp. 13

Supreme Court of the United States.

Memorandum.

-----, 193

Dear Miss

Please —

I am glad that
in the crowd of
"wonderful people"
(Quoting from Miss
LeHand) at the Judicial
Reception I found you!

H.F. Frankfurter

THE WHITE HOUSE
WASHINGTON

PSF

December 2, 1940.

*J. H. 13
Frankfurter
2-40*

MEMORANDUM FOR MISSY:

To say on telephone to Frank-
furter:

"The President read the memorandum to Lothian about Finland and that my general thought is that we should send a little food to the children for American distribution and make as much noise about it as if we were sending a full ship-load of food once a week".

He will understand.

F.D.R.

*Michael
12/5*

Apr. 13

~~Sub~~ 77

File

Supreme Court of the United States.

Memorandum.

PSF Frankfurter

Sumner
Frankfurter
194 2-40

That → hope that
you, Dick, Henry,
had some refreshing
days. Ever yours
FD

December 17, 1940

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

Dear Paul:

I cannot think of a
better way to greet you
on your return and
to send you cheer for
your accumulating
^{tasks} than to let you
see this letter, which
has just come over.

Salvadori, according
to the late Archie holidays,
is as distinguished
a European historian

as lived when the Fascists
came to power. After
Lair-breadth escapes
from Mussolini's de-
signs on his life - be-
cause of Salvemini's
uncompromising op-
position to Fascism -
Salvemini came here,
and through Ruth
Draper's generosity
found a scholar's
home at Harvard.
He is a truly great

man. The other day he became
an American citizen and I
sent him a word of praise in
congratulating him on a felicitous occasion.
And this is his reply:

With a respectful thanks,

copy

Gaetano Salvemini
Leverett House
Harvard University
Cambridge, Mass.

December 15, 1940

Dear Felix:

Your telegram moved me deeply. There is in this country a wider area of generosity than in any other country - at least in Europe. It is this feeling that one is at home here that conquers you little by little. And one fine day you feel that you are no longer an exile but a citizen in your own country. When I took my oath I felt that really I was performing a grand function. I was throwing away not my intellectual and moral but my juristic past. I threw it away without any regret. The Ethiopian war, the rape of Albania, the Spanish crime, and this last idiotic crime, had really broken my connection with sovereigns, potentates and all those ugly things which are enumerated in the formula of the oath. It is a wonderful formula. Your pledges are only juridical and political. You are asked to sever your connection with the government of your former country, not with the people and the civilization of your former country. And you are asked to give allegiance to the Constitution of your adopted country, that is, to an ideal of life.

Thus I took my oath with a joyous heart, and I am sure I will keep it with the whole of my heart as long as I am alive. I only was sorry that I am sixty-seven years old. I can give my adopted country only my love! My blood had been already sucked by the other one.

A good Christmas and - well, I do not dare to say - a Happy New Year to you and Marion.

Ever yours,

Justice, Op. 13, 77

BSF Frankfurter

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

2-4-40
Frank-
2-40

December 19, 1940

Dear Mr. President:

The considerations advanced in the enclosed memorandum seem to me very important. While doubtless not new to you, their source may lend desirable confirmation to your own thinking. They come to me from a "free" Frenchman of proved sagacity, extraordinarily well-informed about French currents of opinion, and with reliable recent information regarding the special situation in Northern Africa. He is a man in whose understanding and discretion I have complete confidence.

It is because of my special relations with him that he sent me these notes, of which he has said not a word to another soul.

Faithfully yours,

Frankfurter

The President

I. In his last statement to the Press the President gave practical expression to what has so far been called the "help to Britain policy". He declared that the U.S.A. would see that the weapons necessary to England would be supplied to her and that no financial difficulties would be allowed to stand in the way. But what is as important as this decision itself is the reason on which the President bases it: he linked definitely the security of the U.S.A. to the capacity of England to continue the fight and eventually win.

II. This very important announcement will likely be implemented in a further statement by the President, this time speaking to the American people and to the world.

The occasion of this statement is of very great moment at this time and may greatly influence the course of the war: indeed, the whole world had been awaiting with anxiety the result of the Presidential Election. To the democracies outside of the U.S.A., the name of President Roosevelt had become a symbol. His election has consolidated the hope that the sentiments of the people of the U.S.A. are those for which President Roosevelt's name was the symbol. Since the election they have been anxiously waiting to hear from him. So far he has not spoken. When he next speaks one cannot exaggerate the importance of his statements and the repercussion that they will have not only in this country, but in England, in the countries of the Axis, and especially in France.

III. France is now subjected to the greatest possible pressure by the Germans, who are relentlessly pursuing their settled policy - namely, obtaining from France -

her willing adherence to the new "European Order";
her giving up of the Northern African bases and of
the remainder of her Fleet.

So far the Germans have failed to obtain these results essential to them. Petain has refused, supported and probably guided by two forces of resistance in France - French public opinion which is more and more opposed to "co-operation" with Germany, and Weygand and other authorities in Northern Africa who have stated they will resist any foreign intrusion into any part of the French North African Empire.

These two forces are of course encouraged by the British resistance, but in the last analysis they look to the U.S.A. for final hope and guidance.

What is the attitude of the U.S.A. and of President Roosevelt, not only towards helping England but towards Europe as a whole and, therefore, towards France, that vital part of Europe? This is the question that the French men and women and General Weygand are surely asking themselves.

If the President's next statement was made without providing the reply a great harm would be done. If he gives that reply a great hope will be created and the power of France and Northern Africa to resist the German pressure greatly strengthened.

IV.

The answer is partly given by the statement that the security of the U.S.A. is now linked to Great Britain's resistance and survival and that the U.S.A. will provide Great Britain with weapons. But it should be completed by a statement of the U.S.A.'s position towards what Hitler is now trying to force on Europe - "the new totalitarian order"; the "New Order" intended to present to the world a "United Europe", brought about by coercion, fear and terror.

Without French acquiescence no "new" European order can be created. The French people are now resisting this pressure. How long, however, will the French Government still resist? - only so long as French public opinion and Northern Africa possibly compel it to do so. Therefore, if, on the occasion of his statement, the President linked together

the/

security of the U.S.A., the providing of weapons to Great Britain, and the refusal of the U.S.A. to recognise any "New Order" forced on Europe, he would very likely galvanise the forces of resistance which in France and in Europe are now making it impossible for Hitler to achieve the first part of his goal.

18th December, 1940

~~July 13~~, 44.13
7.7.

1511-30 (enc)

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

Re. 24 '60

1940

Dear Frank:

After talking with
the author of the memo -
Randall, I thought that
the best way to get this very
important story before you is
to have the facts put on
paper for your perusal.
I need only add that I
have seen the originals
of the documents referred
to, and the principal in
this amazing story is
subject to your will.
Ever yours
Eugene

PSF
Frankfurter

THE STORY OF A SECRET NEGOTIATION

(absolutely confidential)

I. The State of Mind at Vichy around July 10

On my arrival at Vichy about July 10, I was struck by the "wishful thinking" which prevailed there. The military men explained that England would be beaten before the end of the month, and that Reynaud's plan for an uprising in the Empire had therefore no point. The men of the world and the industrialists wanted England to be defeated as quickly as possible, because they regarded it as inevitable and because the end of hostilities would mean the end of the blockade, and the return to normal life and to business. Petain and Baudouin developed a mystic theory about the armistice: Frenchmen had given way to the spirit of pleasure; the defeat was a just punishment for easy going politics and lax morals; they could only hope for salvation through their own moral regeneration. The people felt that they had been betrayed by their leaders, morally abandoned by England, whose military effort had been too late, and by the great American democracy, which had severely criticised the Munich peace, but had given them no help or support beyond the "cash and carry" clause. There was therefore no other course but to come to an understanding with Germany in order to put an end to continual invasions which made the French people the perpetual defenders of democracies which were always too late to help them. The German peace was painted by the friends of Laval and Bonnet in the most laughable colors: a United States of Europe; a France aggrandized by the annexation of Walloon Belgium and Latin Switzerland; on September 1, with magnificent celebrations, Hitler

would proclaim the unity of Europe and the "pax germanica" in Paris.

II. Laval's First Maneuver: the "parti unique francais"

In order to assure France of an "honorable" place in the reconstruction of Europe under German hegemony, Laval thought that the best plan would be to align France on the side of the Axis in the war against England so that she would be treated as an ally and not as a defeated nation. The affair of Mers-el-Kebir had aroused French opinion because the government had consented to tremendous sacrifices at Wiesbaden in order not to give up the fleet. To succeed in his plans, Laval launched the idea of the "parti unique", which was presented as the French national party.

The leaders of the party were to be Déat, Bergery, Doriot, Tixier-Vignancourt, Montigny, and Chateau under the titular presidency of Pétain and the real presidency of Laval. They held their secret conferences at the Queen's Hotel where I was staying. Their secret plans were, once powerfully endowed and organized, to take power with the aid of the occupying power, on the pretext that the government of the "old man" was definitely not revolutionary enough, and immediately to declare war on England. They were waiting during the course of the week for the decree-law which would establish the "parti unique".

III. My Intervention with Weygand

I decided to intervene with Weygand. I showed him the parallel between the Nazi party and the French party. The former was

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founded on the stubborn rejection of the "Diktat" of Versailles; the latter would be founded on the unconditional acceptance of the defeat and its consequences. The Nazi party, on the myth of Germany's innocence in the war of 1914; the French party on the myth of the unilateral responsibility of France and England in the war of 1939. The former, on a racist theory which it forgot every time it was to its interest to do so, when organising the betrayal of the white man in the Far East; the latter, on an authentic racial theory, forgetting that France was an imperial nation including colored inhabitants who had shed their blood for the French flag. . . . The General asked me brusquely to put all this in writing, in order that he might read it the next day to the Council of Ministers. Two days later, Pétain sent for Doriot, Déat and Bergery and gave them missions in the occupied zone and told Laval that he rejected the "parti unique".

IV. The British Blockade and My First Journey to Geneva

On July 30, Churchill had announced in the House of Commons the blockade of France and her colonies. Baudouin, whose secretly anglophile feelings were wounded each time England did something impolitic in giving good reasons to the partisans of war against England, felt obliged to deliver a sensational speech in which he announced to the French people, that, if they must suffer from famine, it was the fault of the British.

I obtained the authorisation to go to Switzerland from Weygand. I asked the British Consul to allow me to send a coded telegram to

Robbins, Professor of Political Economy at the London School of Economics, who was working on the blockade. I explained to him that the food blockade had ceased to be an effectual military weapon after so many countries were being exploited by Germany; that it should be used as a psychological and political weapon; that, for the moment, it was necessary to conciliate French opinion toward England by showing liberality and allowing the colonial produce from French West Africa, Morocco and North Africa to come by sea to Marseilles. The psychological benefits gained by lifting the blockade would largely compensate for the breach in the blockade.

I received a reply from Robbins in the form of a telegram: "Suggestions extremely interesting; but in order to discuss them properly, it would be necessary for you to come to London".

V. My Return to Vichy and My Mission to London

Armed with my telegram, I went back to Vichy. I could say to Baudouin: "The British are not intransigent, look at their telegram. Let me go to London to negotiate with them." Baudouin, wishing to pass himself off to me as an anglophile, told me that he could see nothing but advantages in the plan. I went to see Weygand again, and he said to me, "Explain to the British that they must not try to arouse North Africa, because we could not defend our possessions against the Spanish divisions full of Germans, which are massed in Spanish Morocco". Finally I saw Pétain who said my idea was excellent, assured me that he did not wish the British ill, and gave me a note accrediting me with "une mission officieuse".

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to the British: "Why should we, French Equatorial Africa will be

VI. Negotiations with the British Ministers before the Laval-Hitler and Pétain-Hitler Meetings.

Arriving in London on October 21, I negotiated with Churchill and Lord Halifax on three points:

1. The Blockade. In reply to the arguments I had already given Robbins, the British ministers agreed to regard the transfer of colonial produce from French ports to French ports as coastal trade which would not come under the blockade, that is to say the transfer of produce from Dakar, Casablanca, Oran, Algiers and Tunis to Marseilles. I had been assured by Admiral Moreau, Commander in Chief of the Navy and Merchant Marine at Marseilles, that the Germans would not take any of the produce landed at Marseilles. The British agreed to authorize Spain to pay for her purchase of Moroccan phosphates in sugar and green tea, the basic food of the inhabitants, and to allow pharmaceutical and para-medical products through.

2. Radio. I persuaded the British government not to treat the Vichy government as a bloc. I persuaded them to hold the person of Pétain above criticism, since he had become an emblem to the French people, and to reserve their denunciations for the Germans and for Laval.

3. Colonies. I told the British ministers the news of Laval's attempt to involve France in the war. Laval had persuaded Darlan to send the fleet to recapture French Equatorial Africa. This would have provoked a naval battle which would have established a state of war between France and England. I proposed the following "modus vivendi"

to the British: "they should keep French Equatorial Africa until the end of hostilities, since it is indispensable for attacking Italian Lybia from the south; but, in return, they should abstain in the future from all attempts to arouse the North African colonies". They accepted my proposal.

VII. Negotiations after the Laval, Pétain - Hitler Meetings

The British ministers recalled me to the Foreign Office after these meetings. They were extremely upset, believing that the bases would be ceded. Churchill wanted nothing less than to send the British Air Force to bomb the Vichy Government. I reassured them to the best of my ability: "A new agreement with Germany could only improve the armistice if it was to be a success with the Vichy government. To cede the bases would mean ceding the Empire, that is to say losing the last diplomatic and military card." The ministers told me that there would be no confidence until the day they saw Laval go. Churchill suggested to me in addition that a meeting be arranged in Tangier between a French officer and a British officer to discuss immediate assistance in materials to Weygand if, after the bases were ceded, he would think the time had come to arouse the Empire.

VIII. Return via North Africa: Conversation with Weygand

I returned via North Africa in order to meet Weygand. At the very moment I began my talk with him, an officer brought him a letter from Churchill, which Churchill had written without telling me after I had

left. Churchill was inciting Weygand to raise the standard of revolt, assuring him of immediate aid from the Empire and renewing his proposal of a meeting of officers in Tangier. Weygand was annoyed. Such a meeting would not escape the German spies, and Hitler would demand his recall. He only knew one set of instructions: that of defending the Empire against everybody. For this he was endeavoring to rebuild a little army in Africa. If the bases were to be ceded, he would not be able to prevent the uprising of the Empire, but he did not believe they would be ceded. His civilian associates, and his son, a captain, who was serving as his secretary, seemed to me to be much more decided: "the French Empire should participate in the British victory at the opportune moment, but that moment has not yet arrived." In particular, that is the opinion of Monick, General Secretary of the Residence in Morocco, and of Chatel, General Secretary of Weygand's mission.

IX. Return to Vichy: Understanding with Pétain

On my return to Vichy, in the second week of November, I found public opinion completely transformed. Nobody believed any longer in the constructive German peace. Everybody hoped that Britain would win. France was becoming anglophile again as fast as she was again becoming germanophobe.

I learned that Pétain had not ceded a single base and that "the

principle of collaboration" with Germany was a formal principle empty of content. Unfortunately Hitler had convinced Pétain during the course of the conversations that England would be defeated.

It was at this time that three influences changed Pétain's opinion. On November 9 a report from a Frenchman in Dublin who had gone to London came through Lisbon into Baudouin's hands: it drew a picture of the effects of bombardment and of the British morale which my account was to confirm. On the 10th, Colonel Fonk, the hero of aviation during the war of 1914-18, made an analysis to Pétain, using purely theoretical and technical reasoning, in which he showed him that it was impossible for Germany to crush British resistance by aerial attack. Finally, having seen Baudouin on the 10th, I had a two hour conversation with Pétain on November 11th.

I convinced him of three things:

1) the decision of the British people to fight to the death and not to make a peace through compromise.

2) the necessity of accepting the "modus vivendi" on the question of the colonies which I had proposed to the British ministers: ~~the~~ French Equatorial Africa remaining for the duration of the war under the rule of General de Gaulle, French West Africa, Morocco and North Africa remaining under Weygand's rule.

3) the necessity of "liquidating" Laval.

I learned through Fonk, and later through Admiral Fernet who

had been present at my conversation with Pétain, that on the afternoon of Monday, November 11, Pétain had telegraphed to Samuel Hoare that he would never abandon the fleet or cede any of the bases; that, in return, he demanded that the British cease their attempts at promoting an uprising in North Africa. In addition, I learned that he had decided to "liquidate" Laval as soon as his "Garde de Protection" was strong enough.

Thus, the danger of war between France and England was definitely eliminated. About November 25th, I found a telegram in Geneva from the Foreign Office which summarized the whole negotiation and confirmed the results.

X. The Policy America Should Follow.

The naming of an American ambassador to Vichy, and the return of the ambassador from Rome give the State Department a chance to inaugurate a great diplomatic maneuver.

I ^{SHOULD} ~~shall~~ like the opportunity to explain orally to the State Department how it will now be best to proceed: 1) as regards Weygand and Nogués; 2) as regards Pétain; 3) as regards the Vatican, the Italian monarchist, military and industrial circles. For all that is too complicated to be put in writing.

MP13

1511-30 That

December 20 '40

Supreme Court of the United States

Washington, D. C.

PSF

Dear Frank:

Frankfurter

Great utterances in
the course of history are
those which gather up the
diffused and confused
feelings of a troubled
people and give them
coherent and courageous
direction. That's what
you did last night -
and not merely for our
own people. Such a
speech is in itself high
action - because it

... the indispensable
prudence and untiring
power to all further,
detailed actions. And
so, in common with
millions upon mil-
lions, I am grateful.

In view of your re-
ference to Ireland's
position, I send you
the enclosed memoran-
dum which came to
me a few days ago
from the wisest Irish-
American I know.

I did not want to show the pre-
sident your last year speech of 36 for
fear. It is the analysis of a man
who knows the land and its
leaders well and, I believe, very
wisely.

Again for thyself and
with affectionate regards

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THE WHITE HOUSE
WASHINGTON

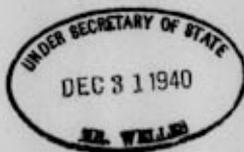
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confidential*

December 31, 1940

MEMORANDUM FOR SUMNER WELLES:

To speak to me about.

F.D.R.



PSF: State De
ref: 1940

CONCERNING IRELAND

One thing is certain: if Germany wins this war, Ireland is bound to be brought under German influence.

The domination of Ireland, in this event, would be a military necessity. The British lifeline could be threatened by Germany's holding naval bases in Ireland. Germany would choose to lie athwart the route from the U. S. A. to Britain, and also to hold the coast across from Wales.

There is a political party in Ireland that would support this. In 1918 there was a party that, in the words of Eoin McNeill, "went whoring with Germany". At the present moment there are Irish "Quislings" only too anxious to be put into power with the support of Germany. These are the Irish Republicans, some of whom de Valera has imprisoned but some of whom are still free and in touch with Berlin.

To oust de Valera and to set up this "Irish" government would be an obvious German move. A military agreement would follow. The men who installed the Shannon Scheme in Ireland have, beyond doubt, wound themselves into the Irish Republican programme. This group of Germans has been 15 years in Ireland.

To provide against this conquest by Germany, de Valera cannot, in the nature of things, invite protection from Britain. His conception of Irish sovereignty is absolute and fatalistic. He has no plan against occupation, any more than Denmark had. He relies solely on neutrality.

Ireland's fate depends, therefore, on the respect for this

neutrality that is clamped on Germany by the British navy. Take away the British navy, and Germany must give its "protection" to Ireland. Ireland may protest, but only the British army in Northern Ireland is properly equipped to offer resistance. This resistance, in turn, requires the support of the navy.

Under these circumstances, granted Ireland's neutrality, Ireland has only one realistic course to pursue. That is, to seek an arrangement with other neutrals. And it is to the interest of the U. S. A. to make such an arrangement.

Where it is impossible for Ireland to yield naval bases to Britain, it is perfectly possible for a navy-less Ireland to yield them to the U. S. A.

Such an agreement would turn Ireland to the West, toward the Power where the majority of the Irish race have found haven and redemption. It would be an agreement of import beyond the present. Raising no legal objection, since Ireland is just as free as Canada to make its military alliances, an agreement for defence of this kind would open up a practical plan for the future security of the Atlantic. American naval bases in Ireland would assure Ireland its sovereignty as no other measure could assure it. All parties in Ireland, north and south, would welcome this solution. Britain would welcome it. And when peace comes to Europe, this protectorate would commit the U. S. A. to nothing beyond maintaining bases at the outer frontier.