FEDERAL BUREAU OF INVESTIGATION

Reporting Office	Office of Origin	Date	Investigative Period	
OKLAHOMA CITY	WASHINGTON FIELD	11/23/60	10/19 - 11/21/60	b7C

TITLE OF CASE

"CHANGED"

[redacted]

MEMBERS OF UNITED STATES SUPREME COURT - VICTIMS

[redacted]

b7C

Report made by: SA [redacted]

Typed By: jcm

CHARACTER OF CASE

EXTORTION

The title is marked changed to include Subject's middle name of [redacted] b7C

REFERENCE: Report of [redacted] 11/9/60 at Washington Field.

-RUC- b7C

Approved

Copies made:

2-Bureau (9-37931) (AM)
3-Washington Field (9-1275)
(1-USA, WDC)
1-Oklahoma City (9-2005)

Do not write in spaces below

37931-5

NOV 28 1960

EX 101

COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-USA, Washington, D. C.
(Attention: AUSA HAROLD H. TITUS, JR.)

Report of: SA [redacted] b7C Office: OKLAHOMA CITY
Date: 11/23/60

Field Office File No.: 9-2005 Bureau File No.: 9-37931

Title: [redacted] b7C
MEMBERS OF UNITED STATES SUPREME COURT - VICTIMS

Character: EXTORTION

Synopsis: Background investigation conducted on [redacted]

b7D, C

9-37931

Details:

AT OKLAHOMA CITY, OKLAHOMA

5

[redacted]

b7D, C

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

5 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☒ Deleted under exemption(s) 57C, D with no segregable material available for release to you.

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld for the following reason(s):

_____

_____

☐ For your information: _____

_____

☒ The following number is to be used for reference regarding these pages:
9-37931-5p2-6

XXXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXX

XXXXXX
XXXXXX
XXXXXX

OC 9-2005

Concerning [redacted]'s statement that she visited the FBI Office several years ago, it is noted that on June 5, 1952 [redacted] appeared at the FBI Office, Oklahoma City and spoke with SA [redacted] complained that her mail was being tampered with. She refused to give her address or give any specific instances concerning mail tampering.

b1C

9 -37931 5

FEDERAL BUREAU OF INVESTIGATION

Office	Office of Origin	Date	Investigative Period
WASHINGTON FIELD	WASHINGTON FIELD	12/30/60	12/23/60

Title of Case	Report made by	Typed By
[redacted]; b7C MEMBERS OF UNITED STATES SUPREME COURT-VICTIMS	[redacted] b7C	mjr

CHARACTER OF CASE

EXTORTION

REFERENCE b7C

Report of SA [redacted] 11/23/60 at Oklahoma City
Report of SA [redacted] 11/9/60 at Washington, D. C.

- C -

6

9 -37931 - 6

Do not write in spaces below

9-37931-6

REC-88

10 DEC 30 1960

EX-100

2 - Bureau (9-37931)
1 - WFA, Washington, D. C.
(Attn: AUSA FREDERICK G. SMITHSON)
1 - Washington Field (9-1275)

- A* -

COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: USA, Washington, D. C.
Attn: AUSA FREDERICK G. SMITHSON

Report of: JAMES J. RYAN
Date: 12/30/60

Office: Washington, D. C.

Field Office File No.: 9-1275

Bureau File No.:

Title: [redacted]
MEMBERS OF UNITED STATES
SUPREME COURT-VICTIMS
EXTORTION

b7C

Character:

Synopsis:

AUSA FREDERICK G. SMITHSON advised that from review of case that the language used in the letter and the thoughts expressed are not such as to amount to any threat but merely the expressions of a sharp tongued spinster.

- C -

DETAILS: AT WASHINGTON, D. C.

On December 23, 1960, Assistant United States Attorney FREDERICK G. SMITHSON advised that from a review of the reports submitted in this matter that the language used in the letter written by [redacted] to the United States Supreme Court and the thoughts expressed are not such as to amount to any threat. He stated the letter was merely the expressions of a sharp-tongued spinster.

b7C

9 -37931 6

FBI

LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

To: FBI, Washington Field Office (9-New) Date April 4, 1962

Re: Unsub;
(Anonymous communication addressed "U. S. Supreme Court, Washington 25, D. C.," postmarked Clarksdale, Mississippi, 3/19/62)
EXTORTION

J. Edgar Hoover
John Edgar Hoover, Director

FBI File No. ~~[illegible]~~
Lab. No. D-340785 IK

Examination requested by: Washington Field Office

Reference: Airtel 3/22/62

Examination requested: Document - Fingerprint

Remarks:

You will be separately advised regarding the result of the latent fingerprint examination and the disposition of specimens Q1 and Q2.

[redacted]

(2 Lab report)

1 - Memphis - Enclosure (Lab report)

b7C

ENCLOSURE ATTACHED

9 - 39730 -

10 APR 6 1962

9-39730-2

APR 1962

REPORT
of the

FBI
LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

FBI, Washington Field Office

April 4, 1962
~~D-~~6095 9-?
D-390785 IK

Re: Unsub;
(Anonymous communication addressed
"U. S. Supreme Court,
Washington 25, D. C.," postmarked
Clarksdale, Mississippi, 3/19/62)
EXTORTION

Specimens received 3/23/62

Q1 Envelope postmarked "CLARKSDALE MISS. MAR 19 1962 6 PM" bearing handwritten address "U. S. Supreme Court Washington 25, D. C."

Q2 Sheet of paper bearing typewriting headed "AN OPEN LETTER TO ALL COMMUNISTS AND TRAITORS EVERYWHERE!" which also contains handwriting beginning "Pass this on to all the ______"

Result of examination:

Specimens Q1 and Q2 were searched through the appropriate sections of the Anonymous Letter File without identifying them with any of the writings therein.

Photographs of specimens Q1 and Q2 have been retained.

b7C

9-39730-1

Recorded 3/29/62
sam

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

Re: Unsub;
(Anonymous communication
addressed "U. S. Supreme Court,
Washington 25, D. C.," postmarked
Clarksdale, Mississippi, 3/10/62)
EXTORTION

HQ LAB FILE
F. #
Lab. # D-390785 IK

LATENT

Examination requested by: FBS, WFO (S-Nov)

Airtel 3/22/62

Examination requested: Document - Fingerprint

Date received: 3/23/62

Result of Examination:

Examination by: [redacted]

Received in LFPS
LFPS will return 6 1 4 2 [illegible]
[illegible]
4-3-6[illegible]

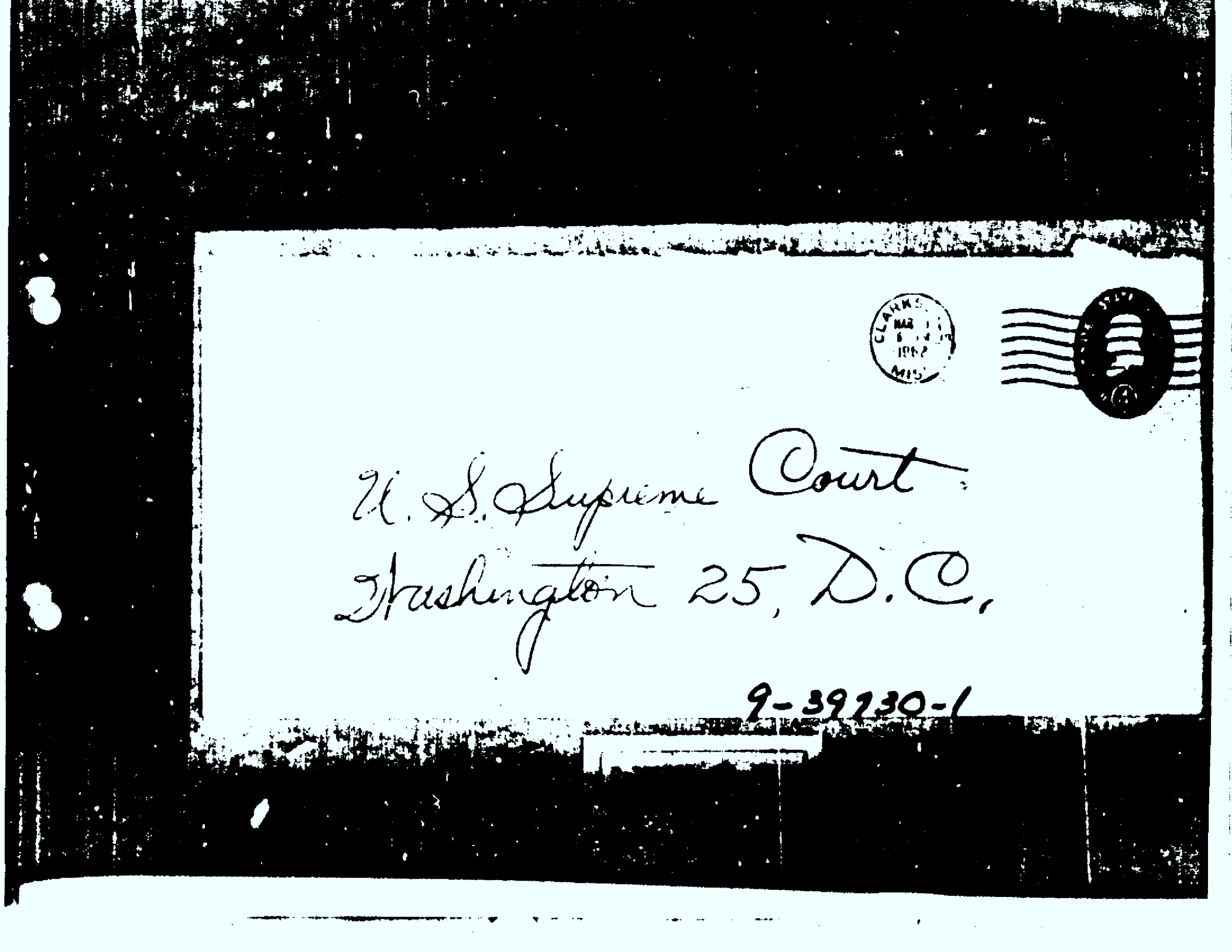
b7C

Specimens submitted for examination

Q1 Envelope postmarked "CLARKSDALE MISS. MAR 10 1962 5 PM" bearing handwritten address "U. S. Supreme Court Washington 25, D. C."

Q2 Sheet of paper bearing typewriting headed "AN OPEN LETTER TO ALL COMMUNISTS AND TRAITORS EVERYWHERE!" which also contains handwriting beginning "Pass this on to all the ———"

1990
[illegible]


CLARKS
MS
Clerk
U. S. Supreme Court
Washington 25, D. C.
9-39230-1

this one to all the filthy ... !!!

AN OPEN LETTER TO ALL COMMUNISTS AND TRAITORS EVERYWHERE

HELL!! You are caught in your own trap. Yes, you are victim to your own evil conspiracy and devices. The events unfolding before us today - are part of the living God's plan to destroy the world and the heathens who have corrupted it.

Read Isaiah 46, verses 10 and 11; Revelation 17, verse 17. Read the entire book of Revelation and you will KNOW how close you are to total destruction --- BODY and SOUL!!! Don't believe me, but you had better believe the Word of the Living God. TRUTH

Repent of your sins; seek ye the Lord; save your soul before the door closes forever!!!

If your Red buddies Stalin, Franklin Roosevelt, Lenin, Marx, Sam Rayburn etc could call from where they are, they would say - "REPENT COMRADES -- there IS a HELL"

If you DARE take God and prayer out of our schools, YOU LOSE! Every knee shall bow to GOD! Remember this.

-39750-1

[illegible] will be Done
[illegible] of [illegible]
take God and prayer [illegible]
our schools. This is God's world!

FBI

Transmit the following in

(Type in plain text or code)

Via AIRTEL

(Priority or Method of Mailing)

TO: DIRECTOR, FBI ATTENTION: FBI LABORATORY

FROM: SAC, WFO (9-New) (C)

b7C [redacted]

390785

UNSUB;
(Anonymous communication addressed "U. S. Supreme Court, Washington 25, D. C.," postmarked Clarksdale, Mississippi, 3/19/62)
E
(OO:WFO)

In connection with captioned matter there are enclosed for the Bureau six copies of a letterhead memorandum quoting an anonymous communication received in the Marshal's Office, U. S. Supreme Court, Washington, D. C., on 3/21/62, and setting out opinion of AUSA JOHN C. CONLIFF, who expressed the opinion that prosecution of the letter-writer would not be warranted.

Also enclosed herewith to the Bureau, encased in a cellophane envelope is the anonymous undated communication and envelope bearing a four cent canceled stamp addressed " U. S. Supreme Court, Washington 25, D. C.," postmarked Clarksdale, Mississippi, 6:00 p.m., 3/19/62.

b7C This letter was made available to S[redacted] on 3/21/62 by [redacted] Marshal, U. S. Supreme Court. He stated he is the only person to handle instant letter and that it was not examined or read by any of the Supreme Court Justices. He stated he does not desire the return of this letter.

ENCLOSURE

REC- 69

(5) - Bureau (Enc. 7)
1 - Memphis (Enc. 1) (Info)
1 - WFO

9-39730-2

EX-108

23 MAR 27 1962

[redacted] b7C

(6)

six to AAG MILLER BY R/S 3/30/62 BAL

AIRTEL

APR 13 1962

C. WICK

Sent ______ M Per ______

53 APR 2 1962

WFO 9-New

It is requested that the letter and envelope be processed for latent fingerprints and any prints developed should be retained for possible future reference. It is requested also that the letter be searched through the Anonymous Communications File for possible identification. In the event no identification is effected, it is suggested that appropriate specimens from the anonymous communication be included in the Anonymous Communications File for possible future reference.

In substance the letter refers to Bible verses and states from reading the book of Revelation "you will KNOW how close you are to total destruction --- BODY and SOUL!!!!" The concluding sentences in the letter are as follows: "April 3rd will be DOOMS DAY for you, if you take God and prayer from our schools. This is God's warning to you."

A copy of this communication, as well as a copy of letterhead memorandum, is designated for the information of the Memphis Office in view of the fact instant anonymous communication was mailed from Clarksdale, Mississippi.

As prosecution has been declined, no investigation is contemplated by WFO and this case will be closed with a letter to the office of the U.S. Attorney, incorporating the opinion of Assistant U. S. Attorney COKLEY.

9-38-20-2

RECEIVED

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

WASHINGTON 25, D. C.

Anonymous Communication
Addressed "U. S. Supreme Court,
Washington 25, D. C.," Postmarked
Clarksdale, Mississippi, March 19, 1962

On March 21, 1962, [redacted] Marshal, United States Supreme Court, Washington, D. C., made available an anonymous letter which was received in his office on March 21, 1962. The letter was contained in an envelope postmarked Clarksdale, Mississippi, March 19, 1962, addressed "U. S. Supreme Court, Washington 25, D. C." The anonymous letter, quoted below, appears to be mimeographed, added to which are sentences in handwriting and hand printing, with certain words written or printed with red crayon:

b7C

"AN OPEN LETTER TO ALL COMMUNISTS AND TRAITORS EVERYWHERE

"You are caught in your own trap. Yea, you are victim to your own evil conspiracy and devices. The events unfolding before us today - are part of the living God's plan to destroy the world and the heathen who have corrupted it.

"Read Isaiah 46, verses 10 and 11; Revelation 17, verse 17. Read the entire book of Revelation and you will KNOW how close you are to total destruction --- BODY and SOUL!!! Don't believe me, but you had better believe the Word of the Living God.

"Repent of your sins; seek ye the Lord; save your soul before the door closes forever!!!"

(The following section of the letter is in handwriting and hand printing):

"If your Red buddies Stalin, Franklin Roosevelt, Lenin, Marx, Sam Rayburn etc could

cc's to AAG Miller by R/S 3/30/62

9-39700-2

Anonymous Communication
Addressed "U. S. Supreme Court,
Washington 25, D. C.," Postmarked
Clarksdale, Mississippi, March 19, 1962

> call from where they are, they would say - 'REPENT COMRADES -- there is a HELL.' If you DARE take God and prayer out of our schools, YOU LOSE! Every knee shall bow to GOD! Remember this! April 3rd will be DOOMS DAY for you, if you dare take God and prayer from our schools. This is God's world!"

The words "includes Catholics" are written in pen and ink as marginal words with an arrow pointing to the printed word "TRAITORS." At the top of the communication, handwritten in pen and ink, except the name "KENNEDYS" which is printed in red crayon, is the sentence "Pass this on to all the filthy KENNEDYS."

b7C

The date April 3rd, referred to in the communication, according to [redacted], is the day on which arguments are to be heard in the United States Supreme Court in the case entitled "Steven I. Engel, Et Al, Petitioners vs. William J. Vitale, Et Al, Case Number 468 Appellate." This case has come to the United States Supreme Court from the Court of Appeals of New York as a result of a petition for Writ of Certiorari filed in the United States Supreme Court on October 3, 1961. Petitioners state therein they are opposed to daily prayer in public schools, Nassau County, New York, and that the practice of saying one specific religious prayer violates the first and 14th amendments of the Constitution.

The facts in this case were presented on March 22, 1962, to Assistant United States Attorney John C. Conliff. Mr. Conliff stated that while some of the remarks are scurrilous, the letter does not contain any direct threat against the Justices of the United States Supreme Court. He stated further that in the absence of direct threats in the letter, prosecution would not be warranted.

8-35,000-2

Anonymous Communication
Addressed "U. S. Supreme Court,
Washington 25, D. C.," Postmarked
Clarksdale, Mississippi, March 19, 1962

In view of the opinion of the Assistant United States Attorney Conliff, no investigation concerning this matter is being made.

U. S. Bureau of Investigation

Department of Justice

900 Ezra Thompson Building,
Salt Lake City, Utah
December 21, 1933.

Director,
Division of Investigation,
U.S. Department of Justice,
Washington, D.C.

Dear Sir:

I have been informed that the U.S. Supreme Court has recently handed down a decision in the case of John B. Funk -vs- U.S. treating of the competency of a wife to testify for her husband. I have not had an opportunity to read the decision, but refer the Division to the case so that it can arrange to have a study made of the decision to see if it is of any value to the field. It is my understanding that the gist of the decision is that a wife can testify for a husband. The decision does not touch upon the competency of a husband or wife to testify against each other.

I am also informed that the U.S. Supreme Court, in the case of Gregorio Chavez and Jose Maria Chavez, -vs- U.S., 242 U.S. 470-491, has handed down a decision which treats of Indian country, which defines what constitutes Indian territory. I have not had an opportunity to read this decision but refer it to the Division for study for any value it may have to the field on a subject matter which has always been more or less complex.

Very truly yours,

JOHN A. DOWD,
Special Agent in Charge.

JAD:J

RECORDED & INDEXED
JAN 11 1934

62-31367-1
DIVISION
DEC 27 1933
U. S. BUREAU OF INVESTIGATION
FILE

SUPREME COURT OF THE UNITED STATES.

No. 162.—October Term, 1933.

The United States of America, Appellant, *vs.* Gregorio Chavez and Jose Maria Chavez.	Appeal from the District Court of the United States For the District of New Mexico.

[December 11, 1933.]

Mr. Justice Van Devanter delivered the opinion of the Court.

By indictment in the federal district court for New Mexico Gregorio Chavez and Jose Maria Chavez, described as "non-Indians", were charged with the larceny, on January 3, 1932, "at and within the limits of the Pueblo of Isleta, the same being Indian Country, in the State and district of New Mexico," of certain live-stock belonging to designated Indians of that Pueblo. By a demurrer the defendants challenged the indictment as not stating an offense against the United States, and in support of the challenge asserted (1) that the Pueblo of Isleta is not Indian country within the meaning of the statutes whereon the indictment is founded, and (2) that, even if the Pueblo be Indian country, larceny committed therein by one who is not an Indian is not within those statutes. The court sustained the demurrer, dismissed the indictment and gave a certificate declaring in effect that the judgment was put entirely on the ground that when the statutes underlying the indictment are properly construed—and particularly when construed in the light of the act enabling New Mexico to become a State—they do not make larceny within the Pueblo of Isleta by one not an Indian, even of property belonging to an Indian, an offense against the United States, but leave the same to be dealt with exclusively by and under the laws of the State.

The case is here on appeal by the United States under the criminal appeals law.[1]

[1]Act of March 2, 1907, c. 2564, 34 Stat. 1246; U. S. C., § 682, Title 18, and § 345, Title 28; Acts January 31, 1928, c. 14, 45 Stat. 54, and April 26, 1928, c. 440, 45 Stat. 466.

62-30367-1

By §§ 451 and 466, Title 18, U. S. C.,[2] larceny committed in any place "under the exclusive jurisdiction of the United States" is made an offense against the United States, the punishment described varying according to the value of the property stolen; and by § 217, Title 25, U. S. C.,[3] the general laws of the United States relating to the punishment of crimes committed in any place within its exclusive jurisdiction are extended, with exceptions not material here, to "the Indian country". These are the statutes on which the present indictment is founded.

By the enabling act of June 20, 1910,[4] and two subsequent joint resolutions,[5] Congress provided for the admission of New Mexico into the Union as a State "on an equal footing with the original States". Compliance with stated conditions was made a prerequisite to the admission, and these conditions were complied with. The admission became effective through a proclamation of the President on January 6, 1912.[6] One of the conditions related to Indians and Indian lands and to the respective relations thereto of the United States and the State. The provisions embodying this condition are copied in an appended note.[7]

[2]Formerly § 5356 Rev. Stat. and §§ 272 and 287 Criminal Code, Act March 4, 1909, c. 321, 35 Stat. 1088.

[3]Formerly § 25, Act June 30, 1834, c. 161, 4 Stat. 729, and § 2145, Rev. Stat.

[4]C. 310, 36 Stat. 557.

[5]February 16, 1911, 36 Stat. 1454; August 21, 1911, 37 Stat. 39.

[6]37 Stat. 1723.

[7]Section 2 of the enabling act prescribed that the convention called to form a constitution for the proposed State should provide by ordinance made a part of the constitution—

"First. That . . . the sale, barter, or giving of intoxicating liquors to Indians and the introduction of liquors into Indian country, which term shall also include all lands now owned or occupied by the Pueblo Indians of New Mexico, are forever prohibited.

"Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title . . . to all lands lying within said boundaries owned or held by any Indian or Indian tribes the right or title to which shall have been acquired through or from the United States or any prior sovereignty, and that until the title of such Indian or Indian tribes shall have been extinguished the same shall be and remain subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States; . . . but nothing herein . . . shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid or as may be granted or confirmed to any Indian or Indians under any Act of Congress, but . . . all such lands shall be exempt from taxation by said State so long and to such extent as Congress has prescribed or may hereafter prescribe.

. . . . . .

"Eighth. That whenever hereafter any of the lands contained within Indian reservations or allotments in said proposed State shall be allotted, sold, reserved, or otherwise disposed of, they shall be subject for a period of twenty-five years after such allotment, sale, reservation, or other disposal to all the laws of the United States prohibiting the introduction of liquor into the Indian country; and the terms 'Indian' and 'Indian country' shall include the Pueblo Indians of New Mexico and the lands now owned or occupied by them."

[8]See United States v. Sandoval, 231 U. S. 28, and United States v. Candelaria, 271 U. S. 432, where the matters bearing on the history, characteristics, status and past treatment of the Pueblo Indians of New Mexico are extensively stated and reviewed.

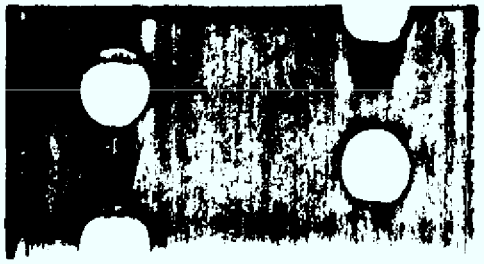
[9]Territory v. Delinquent Taxpayers, 12 New Mexico 139.

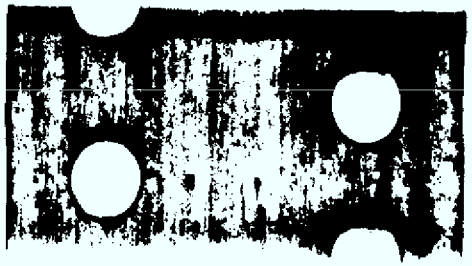
[10]Act March 3, 1905, c. 1479, 33 Stat. 1048, 1069.

The lands of the Pueblo of Isleta, like those of other pueblos of New Mexico, are held and occupied by the people of the pueblo in communal ownership under a grant which was made during the Spanish sovereignty, was recognized during the Mexican dominion and has since been confirmed by the United States.

The people of these pueblos, although sedentary rather than nomadic, and disposed to peace and industry, are Indians in race, customs and domestic government. Always living in separate communities, adhering to primitive modes of life, largely influenced by superstition and fetichism, and chiefly governed according to crude customs inherited from their ancestors, they are essentially a simple, uninformed and dependent people, easily victimized and ill-prepared to cope with the superior intelligence and cunning of others. By a uniform course of action, beginning as early as 1854 and continued up to the present time, the legislative and executive branches of the Government have regarded and treated them as dependent Indian communities requiring and entitled to its aid and protection, like other Indian tribes.[7a]

In 1904 the territorial court, finding no congressional enactment expressly declaring these people in a state of tutelage or assuming direct control of their property, held their lands taxable like the lands of others.[8] But Congress quickly forbade such taxation by providing:[9]





"That the lands now held by the various villages or pueblos of Pueblo Indians, or by individual members thereof, within Pueblo reservations or lands, in the Territory of New Mexico, and all personal property furnished said Indians by the United States, or used in cultivating said lands, and any cattle and sheep now possessed or that may hereafter be acquired by said Indians shall be free and exempt from taxation of any sort whatsoever, including taxes heretofore levied, if any, until Congress shall otherwise provide."

In 1907 the territorial court, for a like reason, held that the Pueblo Indians were not wards of the Government in the sense of the legislation forbidding the sale of intoxicating liquor to Indians and its introduction into the Indian country.[10] But that decision was soon followed by the declaration, in the enabling act of 1910, that "the terms 'Indian' and 'Indian country' shall include the Pueblo Indians of New Mexico and the lands now owned or occupied by them". And in 1924 Congress, in taking measures to protect these Indians in their land titles, expressly asserted for the United States the status and powers belonging to it "as guardian of said Pueblo Indians."[11]

In *United States* v. *Sandoval*, 231 U. S. 28, this Court, after full examination of the subject, held that the status of the Indians of the several pueblos in New Mexico is that of dependent Indian tribes under the guardianship of the United States and that by reason of this status they and their lands are subject to the legislation of Congress enacted for the protection of tribal Indians and their property. We there said (pp. 45, 46):

"Not only does the Constitution expressly authorize Congress to regulate commerce with the Indian tribes, but long continued legislative and executive usage and an unbroken current of judicial decisions have attributed to the United States as a superior and civilized nation the power and the duty of exercising a fostering care and protection over all dependent Indian communities within its borders, whether within its original territory or territory subsequently acquired, and whether within or without the limits of a State. . . ."

"Of course, it is not meant by this that Congress may bring a community or body of people within the range of this power by arbitrarily calling them an Indian tribe, but only that in respect of distinctly Indian communities the questions whether, to what extent, and for what time they shall be recognized and dealt with as dependent tribes requiring the guardianship and protection of

[10]United States v. Mares, 14 New Mexico 1.

[11]Act June 7, 1924, c. 331, 43 Stat. 636.

the United States are to be determined by Congress and not by the courts."

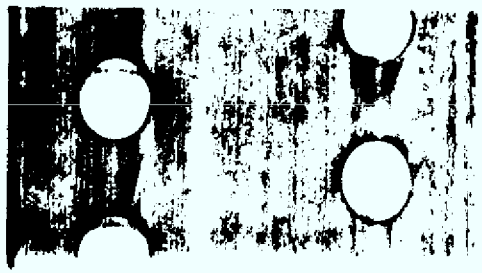
We then pointed out that neither their citizenship, if they are citizens, nor their communal ownership of the full title in fee simple is an obstacle to the exercise of such guardianship over them and their property. We also there disapproved and declined to follow the decision in the early case of *United States* v. *Joseph*, 94 U. S. 614, relating to these Indians, because it was based upon reported data which in the mean time had been found to be at variance with recognized sources of information and with the long continued action of the legislative and executive departments.

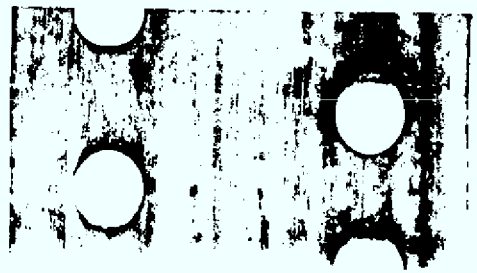
In *United States* v. *Candelaria*, 271 U. S. 432, we were called upon to determine whether the people of a pueblo in New Mexico were a "tribe of Indians" within the meaning of § 2116 of the Revised Statues, declaring that no purchase of lands "from any Indian nation or tribe of Indians" shall be of any validity unless made with specified safeguards; and the conclusion to which we came, and the reasons for it, are shown in the following excerpt from the opinion (pp. 441, 442):

"This provision was originally adopted in 1834, c. 161, sec. 12, 4 Stat. 730, and, with others 'regulating trade and intercourse with the Indian tribes,' was extended over 'the Indian tribes' of New Mexico in 1851, c. 14, sec. 7, 9 Stat. 587.

"While there is no express reference in the provision to Pueblo Indians, we think it must be taken as including them. They are plainly within its spirit and, in our opinion, fairly within its words, 'any tribe of Indians.' Although sedentary, industrious and disposed to peace, they are Indians in race, customs and domestic government, always have lived in isolated communities, and are a simple, uninformed people, ill-prepared to cope with the intelligence and greed of other races. It therefore is difficult to believe that Congress in 1851 was not intending to protect them, but only the nomadic and savage Indians then living in New Mexico. A more reasonable view is that the term 'Indian tribe' was used in the acts of 1834 and 1851 in the sense of 'a body of Indians of the same or a similar race, united in a community under one leadership or government, and inhabiting a particular though sometimes ill-defined territory.' Montoya v. United States, 180 U. S. 261, 266. In that sense the term easily includes Pueblo Indians."

Section 217 now being considered, like the section considered in that case, was originally a part of the act of 1834. One speaks of "Indian country" and the other of an "Indian nation or tribe





of Indians". The act as a whole makes it apparent that the term "Indian country" was intended to include any unceded lands owned or occupied by an Indian nation or tribe of Indians, and the term continues to have that meaning, save in instances where the context shows that a different meaning is intended.[12] Nothing in any of the statutes now being considered requires that it be given a different meaning in this instance.

It follows from what has been said that the people of the Pueblo of Isleta are Indian wards of the United States; that the lands owned and occupied by them under their ancient grant are Indian country in the sense of § 217; that the United States, in virtue of its guardianship, has full power to punish crimes committed within the limits of the pueblo lands by or against the Indians or against their property—even though, where the offense is against an Indian or his property, the offender be not an Indian[13]—and that the statutes in question, rightly construed, include the offense charged in the indictment.

There is nothing in the enabling act which makes against the views here expressed. True, it declares, in keeping with the constitutional rule, that the State shall be admitted into the Union on an equal footing with the original States. But the principle of equality is not disturbed by a legitimate exertion by the United States of its constitutional power in respect of its Indian wards and their property.[14]

As the District Court's judgment rested upon a mistaken construction of the statutes the judgment cannot stand.

Judgment reversed.

A true copy.

Test:

Clerk, Supreme Court, U. S.

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[12]Clairmont *v.* United States, 225 U. S. 551, 557, *et seq.*; Donnely *v.* United States, 228 U. S. 243, 268; United States *v.* Pelican, 232 U. S. 442, 447, *et seq.*; United States *v.* Ramsey, 271 U. S. 467, 470, *et seq.*

[13]Donnely *v.* United States, 228 U. S. 243, 271-272; United States *v.* Pelican, 232 U. S. 442, 448, 451; United States *v.* Ramsey, 271 U. S. 467, 469.

[14]United States *v.* Sandoval, 231 U. S. 28, 49.

SUPREME COURT OF THE UNITED STATES.

No. 394.—October Term, 1933.

John S. Funk, Petitioner,
vs.
The United States of America.
} On Writ of Certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

[December 11, 1933.]

Mr. Justice Sutherland delivered the opinion of the Court.

The sole inquiry to be made in this case is whether in a federal court the wife of the defendant on trial for a criminal offense is a competent witness in his behalf. Her competency to testify against him is not involved.

The petitioner was twice tried and convicted in a federal district court upon an indictment for conspiracy to violate the prohibition law. His conviction on the first trial was reversed by the circuit court of appeals upon a ground not material here. 46 F. (2) 417. Upon the second trial, as upon the first, defendant called his wife to testify in his behalf. At both trials she was excluded upon the ground of incompetency. The circuit court of appeals sustained this ruling upon the first appeal, and also upon the appeal which followed the second trial. 66 F. (2d) 70. We granted certiorari, limited to the question as to what law is applicable to the determination of the competency of the wife of the petitioner as a witness.

Both the petitioner and the government, in presenting the case here, put their chief reliance on prior decisions of this court. The government relies on *United States* v. *Reid*, 12 How. 361; *Logan* v. *United States*, 144 U. S. 263; *Hendrix* v. *United States*, 219 U. S. 79; and *Jin Fuey Moy* v. *United States*, 254 U. S. 189. Petitioner contends that these cases, if not directly contrary to the decisions in *Benson* v. *United States*, 146 U. S. 325, and *Rosen* v. *United States*, 245 U. S. 467, are so in principle. We shall first briefly review these cases, with the exception of the *Hendrix* case and the *Jin Fuey Moy* case, which we leave for consideration until a later point in this opinion.

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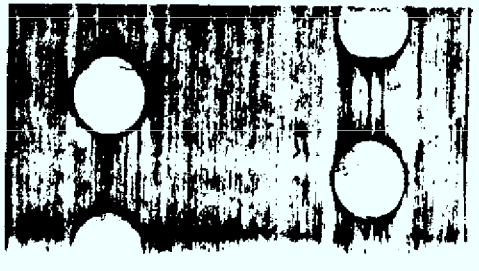
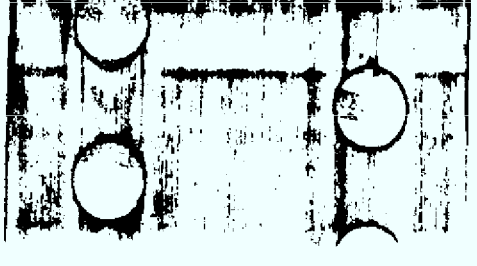
In the *Reid* case, two persons had been jointly indicted for a murder committed upon the high seas. They were tried separately, and it was held that one of them was not a competent witness in behalf of the other who was first tried. The trial was had in Virginia; and by a statute of that state passed in 1849, if applicable in a federal court, the evidence would have been competent. Section 34 of the Judiciary Act of 1789 declares that the laws of the several states, except where the Constitution, treaties or statutes of the United States otherwise provide, shall be regarded as rules of decision in trials at common law in the courts of the United States in cases where they apply; but the court said that this referred only to civil cases and did not apply in the trial of criminal offenses against the United States. It was conceded that there was no act of Congress prescribing in express words the rule by which the federal courts would be governed in the admission of testimony in criminal cases. "But," the court said (p. 363), "we think it may be found with sufficient certainty, not indeed in direct terms, but by necessary implication, in the acts of 1789 and 1790, establishing the courts of the United States, and providing for the punishment of certain offences."

The court pointed out that the Judiciary Act regulated certain proceedings to be had prior to impaneling the jury, but contained no express provision concerning the mode of conducting the trial after the jury was sworn, and prescribed no rule in respect of the testimony to be taken. Obviously however, it was said, some certain and established rule upon the subject was necessary to enable the courts to administer the criminal jurisprudence of the United States, and Congress must have intended to refer them to some known and established rule "which was supposed to be so familiar and well understood in the trial by jury that legislation upon the subject would be deemed superfluous. This is necessarily to be implied from what these acts of Congress omit, as well as from what they contain." (p. 365.) The court concluded that this could not be the common law as it existed at the time of the emigration of the colonists, or the rule which then prevailed in England, and [therefore] the only known rule which could be supposed to have been in the mind of Congress was that which was in force in the respective states when the federal courts were established by the Judiciary Act of 1789. Applying this rule, it was decided that the witness was incompetent.

In the *Logan* case it was held that the competency of a witness to testify in a federal court sitting in one state, was not affected by his conviction and sentence for felony in another state; and that the competency of another witness was not affected by his conviction of felony in a Texas state court, where the witness had since been pardoned. The indictment was for an offense committed in Texas and there tried. The decision was based not upon any statute of the United States, but upon the ground that the subject "is governed by the common law, which, as has been seen, was the law of Texas . . . at the time of the admission of Texas into the Union as a State." (p. 303.)

We next consider the two cases upon which petitioner relies. In the *Benson* case two persons were jointly indicted for murder. On motion of the government there was a severance, and Benson was first tried. His codefendant was called as a witness on behalf of the government. The *Reid* case had been cited as practically decisive of the question. But the court, after pointing out what it conceived to be distinguishing features in that case, said (p. 335), "We do not feel ourselves, therefore, precluded by that case from examining this question in the light of general authority and sound reason." The alleged incompetency of the codefendant was rested upon two reasons, first, that he was interested, and second, that he was a party to the record, the basis for the exclusion at common law being *fear of perjury*. "Nor," the court said, "were those named the only grounds of exclusion from the witness stand; conviction of crime, want of religious belief, and other matters were held sufficient. Indeed, the theory of the common law was to admit to the witness stand only those presumably honest, appreciating the sanctity of an oath, unaffected as a party by the result, and free from any of the temptations of interest. The courts were afraid to trust the intelligence of jurors. But the last fifty years have wrought a great change in these respects, and to-day the tendency is to enlarge the domain of competency and to submit to the jury for their consideration as to the credibility of the witness those matters which heretofore were ruled sufficient to justify his exclusion. This change has been wrought partially by legislation and partially by judicial construction." Attention then is called to the fact that Congress in 1864 had enacted that no witness should be excluded from testi-





fying in any civil action, with certain exceptions, because he was a party to or interested in the issue tried; and that in 1878 (c. 37, 20 Stat. 30) Congress made the defendant in any criminal case a competent witness at his own request. The opinion then continues (p. 337):

"Legislation of similar import prevails in most of the States. The spirit of this legislation has controlled the decisions of the courts, and steadily, one by one, the merely technical barriers which excluded witnesses from the stand have been removed, till now it is generally, though perhaps not universally, true that no one is excluded therefrom unless the lips of the originally adverse party are closed by death, or unless some one of those peculiarly confidential relations, like that of husband and wife, forbids the breaking of silence.

" . . . If interest and being party to the record do not exclude a defendant on trial from the witness stand, upon what reasoning can a codefendant, not on trial, be adjudged incompetent?"

That case was decided December 5, 1892. Twenty-five years later this court had before it for consideration the case of *Rosen* v. *United States, supra.* Rosen had been tried and convicted in a federal district court for conspiracy. A person jointly indicted with Rosen, who had been convicted upon his plea of guilty, was called as a witness by the government and allowed to testify over Rosen's objection. This court sustained the competency of the witness. After saying that while the decision in the *Reid* case had not been specifically overruled, its authority was seriously shaken by the decisions in both the *Logan* and *Benson* cases, the court proceeded to dispose of the question, as it had been disposed of in the *Benson* case, "in the light of general authority and sound reason."

"In the almost twenty [twenty-five] years," the court said, "which have elapsed since the decision of the *Benson Case,* the disposition of courts and of legislative bodies to remove disabilities from witnesses has continued, as that decision shows it had been going forward before, under dominance of the conviction of our time that the truth is more likely to be arrived at by hearing the testimony of all persons of competent understanding who may seem to have knowledge of the facts involved in a case, leaving the credit and weight of such testimony to be determined by the jury or by the court, rather than by rejecting witnesses as incompetent, with the result that this principle has come to be widely, almost universally, accepted in this country and in Great Britain.

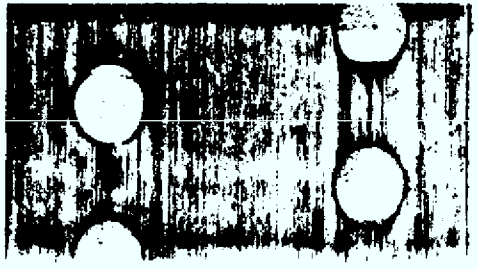
"Since the decision in the *Benson Case* we have significant

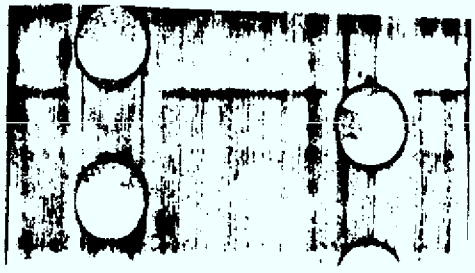
evidence of the trend of congressional opinion upon this subject in the removal of the disability of witnesses convicted of perjury, Rev. Stats., § 5392, by the enactment of the Federal Criminal Code in 1909 with this provision omitted and § 5392 repealed. This is significant, because the disability to testify, of persons convicted of perjury, survived in some jurisdictions much longer than many of the other common-law disabilities, for the reason that the offense concerns directly the giving of testimony in a court of justice, and conviction of it was accepted as showing a greater disregard for the truth than it was thought should be implied from a conviction of other crime.

"Satisfied as we are that the legislation and the very great weight of judicial authority which have developed in support of this modern rule, especially as applied to the competency of witnesses convicted of crime, proceed upon sound principle, we conclude that the dead hand of the common-law rule of 1789 should no longer be applied to such cases as we have here, and that the ruling of the lower courts on this first claim of error should be approved."

It is well to pause at this point to state a little more concisely what was held in these cases. It will be noted, in the first place, that the decision in the *Reid* case was not based upon any express statutory provision. The court found from what the congressional legislation omitted to say, as well as from what it actually said, that in establishing the federal courts in 1789 some definite rule in respect of the testimony to be taken in criminal cases must have been in the mind of Congress; and the rule which the court thought was in the mind of that body was that of the common law as it existed in the thirteen original states in 1789. The *Logan* case in part rejected that view and held that the controlling rule was that of the common law in force at the time of the admission of the state in which the particular trial was had. Taking the two cases together, it is plain enough that the ultimate doctrine announced is that in the taking of testimony in criminal cases, the federal courts are bound by the rules of the common law as they existed at a definitely specified time in the respective states, unless Congress has otherwise provided.

With the conclusion that the controlling rule is that of the common law, the *Benson* case and the *Rosen* case do not conflict; but both cases reject the notion, which the two earlier ones seem to accept, that the courts, in the face of greatly changed conditions, are still chained to the ancient formulae and are powerless to declare and enforce modifications deemed to have been wrought in





the common law itself by force of these changed conditions. Thus, as we have seen, the court in the *Benson* case pointed to the tendency during the preceding years to enlarge the domain of competency, significantly saying that the changes had been wrought not only by legislation but also "partially by judicial construction"; and that it was the *spirit* (not the *letter* be it observed) of this legislation which had controlled the decisions of the courts and steadily removed the merely technical barriers in respect of incompetency, until generally no one was excluded from giving testimony, except under certain peculiar conditions which are set forth. It seems difficult to escape the conclusion that the specific ground upon which the court there rested its determination as to the competency of a codefendant was that, since the defendant had been rendered competent, the competency of the codefendant followed as a natural consequence.

This view of the matter is made more positive by the decision in the *Rosen* case. The question of the testimonial competency of a person jointly indicted with the defendant was disposed of, as the question had been in the *Benson* case, "in the light of general authority and sound reason." The conclusion which the court reached was based not upon any definite act of legislation, but upon the trend of congressional opinion and of legislation (that is to say of legislation generally), and upon the great weight of judicial authority which, since the earlier decisions, had developed in support of a more modern rule. In both cases the court necessarily proceeded upon the theory that the resultant modification which these important considerations had wrought in the rules of the old common law was within the power of the courts to declare and make operative.

That the present case falls within the principles of the *Benson* and *Rosen* cases, and especially of the latter, we think does not reasonably admit of doubt.

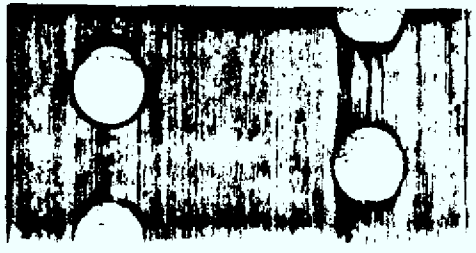
The rules of the common law which disqualified as witnesses persons having an interest long since in the main have been abolished both in England and in this country; and what was once regarded as a sufficient ground for excluding the testimony of such persons altogether has come to be uniformly and more sensibly regarded as affecting the credit of the witness only. Whatever was the danger that an interested witness would not speak

the truth—and the danger never was as great as claimed—its effect has been minimized almost to the vanishing point by the test of cross-examination, the increased intelligence of jurors, and perhaps other circumstances. The modern rule which has removed the disqualification from persons accused of crime gradually came into force after the middle of the last century, and is today universally accepted. The exclusion of the husband or wife is said by this court to be based upon his or her interest in the event. ***Jin Fuey Moy*** v. *United States, supra.* And whether by this is meant a practical interest in the result of the prosecution or merely a sentimental interest because of the marital relationship, makes little difference. In either case, a refusal to permit the wife upon the ground of interest to testify in behalf of her husband, while permitting him, who has the greater interest, to testify for himself, presents a manifest incongruity.

Nor can the exclusion of the wife's testimony, in the face of the broad and liberal extension of the rules in respect of the competency of witnesses generally, be any longer justified, if it ever was justified, on any ground of public policy. It has been said that to admit such testimony is against public policy because it would endanger the harmony and confidence of marital relations, and, moreover, would subject the witness to the temptation to commit perjury. Modern legislation, in making either spouse competent to testify in behalf of the other in criminal cases, has definitely rejected these notions, and in the light of such legislation and of modern thought they seem to be altogether fanciful. The public policy of one generation may not, under changed conditions, be the public policy of another. *Patton* v. *United States,* 281 U. S. 276, 306.

The fundamental basis upon which all rules of evidence must rest—if they are to rest upon reason—is their adaptation to the successful development of the truth. And since experience is of all teachers the most dependable, and since experience also is a continuous process, it follows that a rule of evidence at one time thought necessary to the ascertainment of truth should yield to the experience of a succeeding generation whenever that experience has clearly demonstrated the fallacy or unwisdom of the old rule.

It may be said that the court should continue to enforce the old rule, however contrary to modern experience and thought, and



however opposed, in principle, to the general current of legislation and of judicial opinion, it may have become, leaving to Congress the responsibility of changing it. Of course, Congress has that power; but if Congress fail to act, as it has failed in respect of the matter now under review, and the court be called upon to decide the question, is it not the duty of the court, if it possess the power, to decide it in accordance with present day standards of wisdom and justice rather than in accordance with some outworn and antiquated rule of the past? That this court has the power to do so is necessarily implicit in the opinions delivered in deciding the *Benson* and *Rosen* cases. And that implication, we think, rests upon substantial ground. The rule of the common law which denies the competency of one spouse to testify in behalf of the other in a criminal prosecution has not been modified by congressional legislation; nor has Congress directed the federal courts to follow state law upon that subject, as it has in respect of some other subjects. That this court and the other federal courts, in this situation and by right of their own powers, may decline to enforce the ancient rule of the common law under conditions as they now exist we think is not fairly open to doubt.

In *Hurtado* v. *California,* 110 U. S. 516, 530, this court, after suggesting that it was better not to go too far back into antiquity for the best securities of our liberties, said:

"It is more consonant to the true philosophy of our historical legal institutions to say that the spirit of personal liberty and individual right, which they embodied, was preserved and developed by a progressive growth and wise adaptation to new circumstances and situations of the forms and processes found fit to give, from time to time, new expression and greater effect to modern ideas of self-government.

"This flexibility and capacity for growth and adaptation is the peculiar boast and excellence of the common law.

" . . . . . .

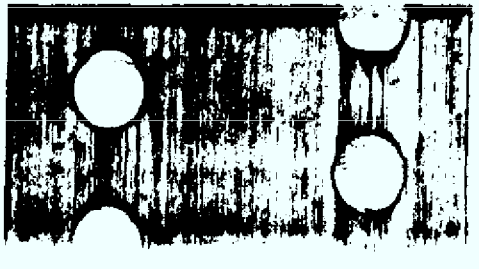
" . . . and as it was the characteristic principle of the common law to draw its inspiration from every fountain of justice, we are not to assume that the sources of its supply have been exhausted. On the contrary, we should expect that the new and various experiences of our own situation and system will mould and shape it into new and not less useful forms."

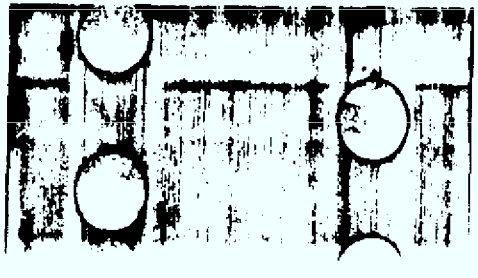
Compare *Holden* v. *Hardy,* 169 U. S. 366, 385-387.

To concede this capacity for growth and change in the common law by drawing "its inspiration from every fountain of justice," and at the same time to say that the courts of this country are forever bound to perpetuate such of its rules as, by every reasonable test, are found to be neither wise nor just, because we have once adopted them as suited to our situation and institutions at a particular time, is to deny to the common law in the place of its adoption a "flexibility and capacity for growth and adaptation" which was "the peculiar boast and excellence" of the system in the place of its origin.

The final question to which we are thus brought is not that of the power of the federal courts to amend or repeal any given rule or principle of the common law, for they neither have nor claim that power, but it is the question of the power of these courts, in the complete absence of congressional legislation on the subject, to declare and effectuate, upon common law principles, what is the present rule upon a given subject in the light of fundamentally altered conditions, without regard to what has previously been declared and practiced. It has been said so often as to have become axiomatic that the common law is not immutable but flexible, and by its own principles adapts itself to varying conditions. In *Ketelsen* v. *Stilz,* 184 Ind. 702, the supreme court of that state, after pointing out that the common law of England was based upon usages, customs and institutions of the English people as declared from time to time by the courts, said (p. 707):

"The rules so deduced from this system, however, were continually changing and expanding with the progress of society in the application of this system to more diversified circumstances and under more advanced periods. The common law by its own principles adapted itself to varying conditions and modified its own rules so as to serve the ends of justice as prompted by a course of reasoning which was guided by these generally accepted truths. One of its oldest maxims was that where the reason of a rule ceased, the rule also ceased, and it logically followed that when it occurred to the courts that a particular rule had never been founded upon reason, and that no reason existed in support thereof, that rule likewise ceased, and perhaps another sprang up in its place which was based upon reason and justice as then conceived. No rule of the common law could survive the reason on which it was founded. It needed no statute to change it but abrogated itself."





That court then refers to the settled doctrine that an adoption of the common law in general terms does not require, without regard to local circumstances, an unqualified application of all its rules; that the rules, as declared by the English courts at one period or another, have been controlling in this country only so far as they were suited to and in harmony with the genius, spirit and objects of American institutions; and that the rules of the common law considered proper in the eighteenth century are not necessarily so considered in the twentieth. "Since courts have had an existence in America," that court said (p. 708), "they have never hesitated to take upon themselves the responsibility of saying what are the proper rules of the common law."

And the Virginia Supreme Court of Appeals, in *Hanriot* v. *Sherwood,* 82 Va. 1, 15, after pointing to the fact that the common law of England is the law of that commonwealth except so far as it has been altered by statute, or so far as its principles are inapplicable to the state of the country, and that the rules of the common law had undergone modification in the courts of England, notes with obvious approval that "the rules of evidence have been in the courts of this country undergoing such modification and changes, according to the circumstances of the country and the manner and genius of the people."

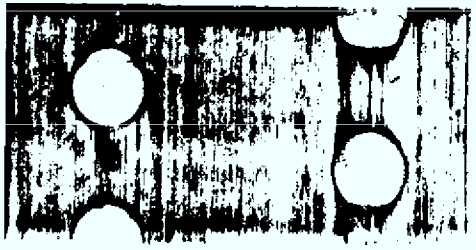
The supreme court of Connecticut, in *Beardsley* v. *City of Hartford,* 50 Conn. 529, 541-542, after quoting the maxim of the common law, *cessante ratione legis, cessat ipsa lex,* said:

"This means that no law can survive the reasons on which it is founded. It needs no statute to change it; it abrogates itself. If the reasons on which a law rests are overborne by opposing reasons, which in the progress of society gain a controlling force, the old law, though still good as an abstract principle, and good in its application to some circumstances, must cease to apply as a controlling principle to the new circumstances."

The same thought is expressed in *People* v. *Randolph,* 2 Park. Cr. Rep. (N. Y.) 174, 177:

"Its rules [the rules of the common law] are modified upon its own principles and not in violation of them. Those rules being founded in reason, one of its oldest maxims is, that where the reason of the rule ceases the rule also ceases."

It was in virtue of this maxim of the common law that the supreme court of Nevada, in *Reno Smelting Works* v. *Stevenson,* 20



Nev. 269, in a well reasoned opinion, held that the common law doctrine of riparian rights was unsuited to conditions prevailing in the arid land states and territories of the west, and therefore was without force in Nevada; and that, in respect of the use of water, the applicable rule was based upon the doctrine of prior appropriation for a beneficial use.

In Illinois it was held at an early day that the rule of the common law which required an owner of cattle to keep them upon his own land was not in force in that state, notwithstanding its adoption of the common law of England, being unsuited to conditions there in view of the extensive areas of land which had been left open and unfenced and devoted to grazing purposes. *Seeley* v. *Peters,* 5 Gil. (Ill.) 130.

Numerous additional state decisions to the same effect might be cited; but it seems unnecessary to pursue the matter at greater length.

It results from the foregoing that the decision of the court below, in holding the wife incompetent, is erroneous. But that decision was based primarily upon *Hendrix* v. *United States* and *Jin Fuey Moy* v. *United States, supra,* and in fairness to the lower court it should be said that its decision was fully supported by those cases.

In the *Hendrix* case the opinion does not discuss the point; it simply recites the assignment of error to the effect that the wife of Hendrix had not been allowed to testify in his behalf, and dismisses the matter by the laconic statement, "The ruling was not error." In the *Jin Fuey Moy* case it was conceded at the bar that the wife was not a competent witness for all purposes, but it was contended that her testimony was admissible in that instance because she was offered not in behalf of her husband, that is not to prove his innocence, but simply to contradict the testimony of government witnesses who had testified to certain matters as having transpired in her presence. The court held the distinction to be without substance, as clearly it was, and thereupon disposed of the question by saying that the rule which excludes a wife from testifying for her husband is based upon her interest in the event and applies without regard to the kind of testimony she might give. The point does not seem to have been considered by the lower court to which the writ of error was addressed (253

Fed. 213); nor, as plainly appears, was the real point as it is here involved presented in this court. The matter was disposed of as one "hardly requiring mention." Evidently the point most in the mind of the court was the distinction relied upon, and not the basic rule which was not contested. Both the *Hendrix* and *Jin Fuey Moy* cases are out of harmony with the *Rosen* and *Benson* cases and with the views which we have here expressed. In respect of the question here under review, both are now overruled.

Judgment reversed.

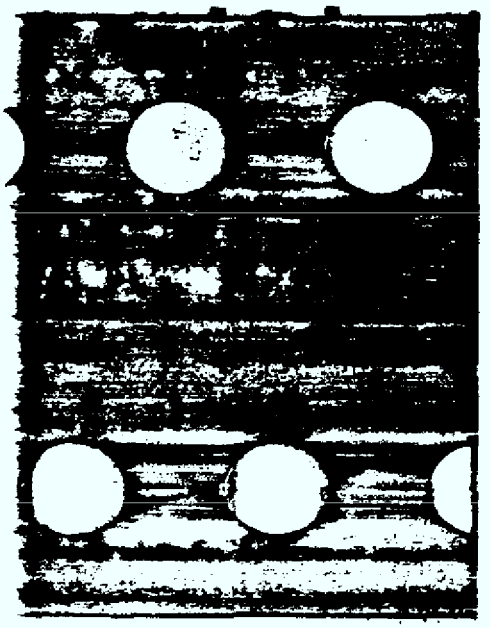
Mr. Justice CARDOZO concurs in the result.

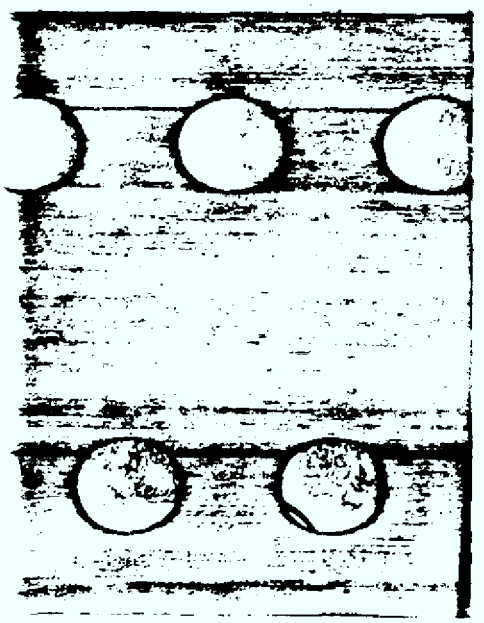
Mr. Justice MCREYNOLDS and Mr. Justice BUTLER are of opinion that the judgment of the court below is right and should be affirmed.

A true copy.

Test:

Clerk, Supreme Court, U. S.





JOHN EDGAR HOOVER
DIRECTOR

Division of Investigation

U. S. Department of Justice

Washington, D. C.

TFB:GAJ

January 9, 1934.

MEMORANDUM FOR MR. NATHAN

Reference is made to the attached letter from Special Agent in Charge Dowd of Salt Lake City, relative to two recent decisions in the United States Supreme Court, i.e., the cases of John S. Funk v. United States, treating of the competency of a wife to testify for her husband, and of Gregorio Chavez and Jose Maria Chavez v. United States, holding that the Pueblo of Isleta in the State of New Mexico is Indian country.

I have secured copies of the referred to decisions and find that the case of John S. Funk v. United States holds that previous cases relating that a wife is not a competent witness to testify in behalf of her husband are overruled and a wife hereafter may testify for her husband in a criminal case in which he is charged with an offense under the laws of the United States. She, however, cannot be compelled to testify against her husband.

The other case, i.e., Gregorio Chavez and Jose Maria Chavez v. United States, merely holds that the Pueblo Indians are Indian tribes within the intent of the statutes prohibiting certain acts committed within the "Indian country", and accordingly that these acts are punishable in the Federal courts rather than in the State courts.

Respectfully,

T. F. Baughman.

4-750 (Rev. 4-17-85)

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

7 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☐ Deleted under exemption(s) _____ with no segregable material available for release to you.

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☒ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you. (NAVY)

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld for the following reason(s):

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☐ For your information: _____

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☒ The following number is to be used for reference regarding these pages:
65-0-376 (A)

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FBI/DO

Sit-Down Strike Illegal, Supreme Court Declares; NLRB Loses Three Tests

Justices Black and Reed Dissent; Orders to Rehire Workers Dissolved

By CHESLY MANLY
Chicago Tribune Press Service

The United States Supreme Court yesterday dealt the National Labor Relations Board three smashing blows in the most far-reaching series of Wagner act rulings since the law itself was upheld in April, 1937.

In an opinion by Chief Justice Charles Evans Hughes, the court delivered its first condemnation of the sitdown strike and set aside an order of the board requiring the Fansteel Metallurgical Corporation, of North Chicago, to reinstate with back pay 92 C.I.O. union members who participated in the seizure of the company's plants in February, 1937.

'High-Handed Proceeding'

The court denounced the sitdown strike as "a high-handed proceeding without shadow of legal right." Such conduct on the part of the strikers, the court held, was ample cause for their discharge.

"To justify such conduct because of the existence of a labor dispute or of an unfair labor practice," said the court, "would be to put a premium on resort to force instead of legal remedies and to subvert the principles of law and order which lie at the foundations of society."

After thus repudiating the labor board's condonation of violence, the court refused to review a criminal case growing out of the C.I.O. sitdown strike in the Fansteel plants.

6-0-41X3

37 to Go to Jail

Thirty-seven of the 92 strikers whom the labor board ordered reinstated were convicted of contempt of court in defying an injunction to evacuate the plants and sentenced to jail terms ranging from 10 to 180 days. Their last legal resort having been exhausted, they now must serve the sentences.

In the other two Wagner act cases, the court held that there was no evidence to sustain the board's finding that the Columbian Enameling and Stamping Company, of Terre Haute, Ind., and the Sands Manufacturing Company, of Cleveland, Ohio, refused to bargain collectively with their employes.

It upheld decisions setting aside the board's orders to reinstate discharged employes with back pay.

Five Straight Losses

Including these decisions, the labor board has lost five major cases in a row at the present term of the Supreme Court. In the Consolidated Edison Company case (New York) the Court condemned as arbitrary and unlawful the board's attempt to abrogate an American Federation of Labor contract for the purpose of installing a C. I. O. union. In refusing to review the Peninsular and Occidental Steamship Company case (Florida) the Court thwarted efforts of the labor board to reinstate, with back pay, C. I. O. seamen who engaged in mutinous sitdown strikes.

(Continued on Page 2, Col. 2)

Black, Reed Dissent

The Supreme Court divided five to two in each of the three Labor Board cases decided yesterday. Neither Justice Louis D. Brandeis, who retired two weeks ago, nor Justice Felix Frankfurter, who took his seat on the bench a month ago took part in the consideration or decision of the cases. Justices Hugo L. Black and Stanley F. Reed, both Roosevelt appointees, dissented in all three cases, holding in effect that the majority opinions nullified the purposes of the Wagner act.

In the Fansteel case, the Supreme Court upheld the labor board's order in so far as it required the company to cease and desist from interfering with the right of its employes to organize and bargain collectively.

Partially Upheld

It upheld that part of the board's order requiring the company to withdraw recognition from the Rare Metal Workers of America, Local No. 1, which was formed after the C.I.O. sitdown strike. The opinion held that there was evidence to support the board's contention that the company promoted the formation of this union, in violation of the Wagner Act.

The court, however, did not uphold the board's order in so far as it required the company to bargain collectively with Lodge 66 of the Amalgamated Association of Iron, Steel & Tin Workers, the C.I.O. union.

Election Ordered

"In view of the change in the situation by reason of the valid discharge of the 'sitdown' strikers and the filling of positions with new men, we see no basis for a conclusion that after the resumption of work Lodge 66 was the choice of a majority of respondent's employes for the purpose of collective bargaining," said the opinion by Chief Justice Hughes.

Whether the Rare Metal Workers of America, Local No. 1, or the C.I.O. union, represents a majority of the employes is a question which the board must determine by means of an election, the court held.

But the court found that the company violated the Wagner act by refusing to bargain collectively with the C.I.O. union prior to the sitdown strike, which began on February 17, 1937.

Other Cases

In the Columbian case, Justice Stone, delivering the majority finding, said that the court could not find substantial evidence to sustain the board's finding that the enameling company had refused to bargain collectively.

Justice Owen J. Roberts, handing down the majority opinion in the Sands case, held that there was not a "scintilla" of evidence to show that the company's unfair labor practices precipitated trouble at its plant. On the contrary, he found that the company had dealt "freely and candidly" with the Mechanics Educational Society of America.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: December 14, 1953

FROM : L. B. Nichols

SUBJECT: GENERAL

Jim Donovan of United Press called to request the reason as to why twenty-one Bureau Agents would seek admission to the Supreme Court today. They have had two or three inquiries from clients as to the significance of this. I told Donovan that there was no significance; that they were Agents who were eligible to seek admission to the Supreme Court and that since admissions are moved only at periodic intervals, this obviously was an accumulation.

I think it might be well to watch this in the future and seek to discourage such large groups as this seeking admission.

RECORDED - 84

cc - Mr. Glavin

LBN:ptm

I can't see any objection to this

67-[illegible]-8457

Searched

Numbered 121

11 DEC 17 1953

FEDERAL BUREAU OF INVESTIGATION

17 DEC 22 1953

THREE

CLASSIFYING

FROM
DI[illegible]ECTOR OF PUBLIC INFORMATI[illegible]N

OFFICE OF THE ATTORNEY GENERAL
to
Official indicated below by check mark

Mr. Tolson ✓
Mr. Ladd
Mr. Nichols
Mr. Belmont
Mr. Clegg
Mr. Glavin
Mr. Harbo
Mr. Rosen
Mr. Tracy
Mr. Mohr
Mr. Trotter
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

Attorney General	
Deputy Attorney General	
Solicitor General	✓
Executive Assistant to the Attorney General	
Assistant Attorney General, Anti-Trust	
Assistant Attorney General, Tax	
Assistant Attorney General, Civil	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal	
Assistant Attorney General, Office of Legal Counsel	
Administrative Assistant Attorney General	
Accounts Branch	
Records Administration Branch	
Personnel Branch	
Procurement Section	
Transcription Section	
Director, FBI	
Assistant to the Director - Room 5640	
Director of Prisons	
Director, Office of Alien Property	
Commissioner, Immigration and Naturalization	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
[illegible]	
[illegible] McCarthy	
[illegible]	
[illegible]	
[illegible] White	

MEMORANDUM

To Mr Hoover From RLS

To Mr. Hoover
From
R. L. S.
(R.L. Stern)

"GENERAL"

Write Stern a note & thank him for [illegible] the admission

62-8[illegible]

DEC 28 1953

[illegible] DEC [illegible]

FEDERAL BUREAU [illegible]

CLASSIFYING

'm. Stern

TWENTY-ONE SPECIAL AGENTS OF THE FBI WERE ADMITTED TODAY TO PRACTICE BEFORE THE SUPREME COURT.

THE AGENTS, WHO ARE MEMBERS OF THE BAR OF THE HIGHEST COURTS IN 13 STATES AND THE DISTRICT OF COLUMBIA, WERE PRESENTED BY ACTING SOLICITOR GENERAL ROBERT L. STERN.

12/14--EG1225P

let to Stern
12/16/53
[redacted] bnc

67-0-8459

ENCLOSURE

December 16, 1953

Mr. Robert L. Stern
Acting Solicitor General
United States Department of Justice
Washington 25, D. C.

CONFIDENTIAL

Dear Mr. Stern:

I did want to send you this personal note of thanks for presenting twenty-one of our Special Agents to the United States Supreme Court on December 14, 1953.

All of them appreciate as much as I do your taking time to present them for practice before this court.

Sincerely yours,

J. Edgar Hoover

RECEIVED - DIRECTOR
U.S. DEPT. OF JUSTICE
DEC 16 3 00 PM '53

MAILED
DEC 16 1953
COMM-FBI

RECORDED-86

67-0-8460

NOTE: Address and salutation per reading room.

DEC 17 1953
FEDERAL BUREAU OF INVESTIGATION

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Miss Gandy

DEC 23 1953

[redacted] 67C

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Ladd

DATE: December 11, 1953

FROM : Mr. Rosen

SUBJECT: MISCELLANEOUS INFORMATION CONCERNING GROUP OF SPECIAL AGENTS DESIRING ADMISSION TO PRACTICE BEFORE THE U. S. SUPREME COURT

You were advised on December 2, 1953, that a group of Special Agents (approximately 20) were in the process of obtaining the necessary papers for admission to practice before the U. S. Supreme Court. The agents were desirous of having the Acting Solicitor General, Robert L. Stern, as their sponsor and to have him move for their admission to the U. S. Supreme Court. To culminate this, it was recommended that Special Agent [redacted] informally contact the secretary of the Acting Solicitor General to determine his desires on sponsoring the agents.

On Tuesday, December 8, 1953, Special Agent [redacted] contacted [redacted] in the absence of [redacted] also being a secretary of Mr. Stern, and she advised she would be glad to ask Mr. Stern whether he would so honor the agents by acting as their sponsor.

On Thursday, December 10, 1953, [redacted] advised Mr. Stern would be glad to sponsor the agents and set Monday, December 14, 1953, at 11:30 A.M., as the date and time he would sponsor the group.

RECOMMENDATION:

None. This is for your information. You will be advised of the names of the Special Agents who are admitted and sufficient copies of this memorandum advising you of their admission will be made for each Special Agent's personnel file.

61-0-8463
Searched
Numbered
11 DEC 22 1953
FEDERAL BUREAU OF INVESTIGATION

JDR/jeg

RECORDED-29

Personnel file [redacted]

20 JAN 11 1954

DEC 22

The following is a list of Special Agents who are to be admitted to practice before the United States Supreme Court on December 14, 1953:

NAME	STATE ADMITTED TO PRACTISE
[redacted]	Missouri
	District of Columbia
	District of Columbia
(New York Office)	North Carolina
	North Carolina
(Washington Field Office)	New York
	Missouri
(Washington Field Office)	Washington
	Nebraska
	Rhode Island
	Missouri
	District of Columbia
	New York
	Indiana
(Washington Field Office)	Florida
(Washington Field Office)	Ohio
	Ohio
(Washington Field Office)	Arizona
	Idaho
	Wisconsin
	Georgia

Unless otherwise indicated the above Special Agents are all assigned to the Bureau.

b7C

67-0-8463

ENCLOSURE

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Ladd

DATE: December 11, 19

FROM : Mr. Rosen

GENERAL

SUBJECT: MISCELLANEOUS INFORMATION CONCERNING GROUP OF SPECIAL AGENTS DESIRING ADMISSION TO PRACTICE BEFORE THE U. S. SUPREME COURT

A group of twenty-one Special Agents will be admitted to practice before the U. S. Supreme Court on Monday, December 14, 1953, on or about 11:30 A.M. Acting Solicitor General, Robert L. Stern, has kindly consented to act as this group's sponsor and move for its admission.

The Special Agents being admitted have indicated a desire, if at all possible, to have a group picture taken with the Director. If such can be arranged in the already busy schedule of Mr. Hoover, the group will be greatly honored and most appreciative. The ceremonies at the U. S. Supreme Court will be concluded about 1:30 P.M., and the Agents involved should be available any time after 2:00 P.M., on Monday, December 14, 1953.

RECOMMENDATION:

That it be determined whether or not Mr. Hoover's schedule will permit him to have his picture taken with the group.

RECORDED

67- 0-8464

Searched

Numbered 158

JDR:nem

I shall be glad to at 3:20 P.M. Mon

11 DEC 1953

FEDERAL BUREAU OF INVESTIGATION

17 JAN 5 1954

ANONYMOUS COMMUNICATION
KEEP ENVELOPE ATTACHED

North East, Md.
15 August 1957

Mr. J. Edgar Hoover, Chief
Federal Bureau of Investigation
Washington, D. C.

Internal Security - Communist

Dear Sir:

Am inclosing clipping which appeared in the Evening Sun of Baltimore about two days ago.

The "Henry Nordin", signer of first letter is quite active. Within two weeks or so following the Un-American Activities hearing in Baltimore in the spring, he wrote a letter of unmitigated castigation for the Committee, its power to interfere with personal activities of citizens and indicated very clearly that he thought groups should have the right to meet, criticize our Constitution and, if according to their personal ideas there should be a new form of Government they should have the uninterrupted pleasure of conspiring to bring such into being by hook or crook. Search of files of the Sun-paper office will prove my assertion regarding the above. The moment I saw his name to the later letter I recalled the incident following the hearings. It rung the Bell.

It being obvious that Bethlehem Steel at Sparrows Point, place of employment for many in the Essex area, is a hot-bed of Communists, it is not too far-fetched to assume that he is active in same place.

I am quite sure that my son was the most American student in the high school here, having been thoroughly indoctrinated by me, a Virginian of generations going back before Revolutionary War. He often reported to me thought-to-be subtle little injections for indoctrination-by some instructers. During an interview between part of faculty and me an accusation was directed that he was radical. I, in no uncertain terms, gave them to understand that he was a true product of old dyed-in-the-wool Americanism, a replica of me and my family; that no antipathy was to be directed at him but that they should battle with me on any issue-a more capable opponent.

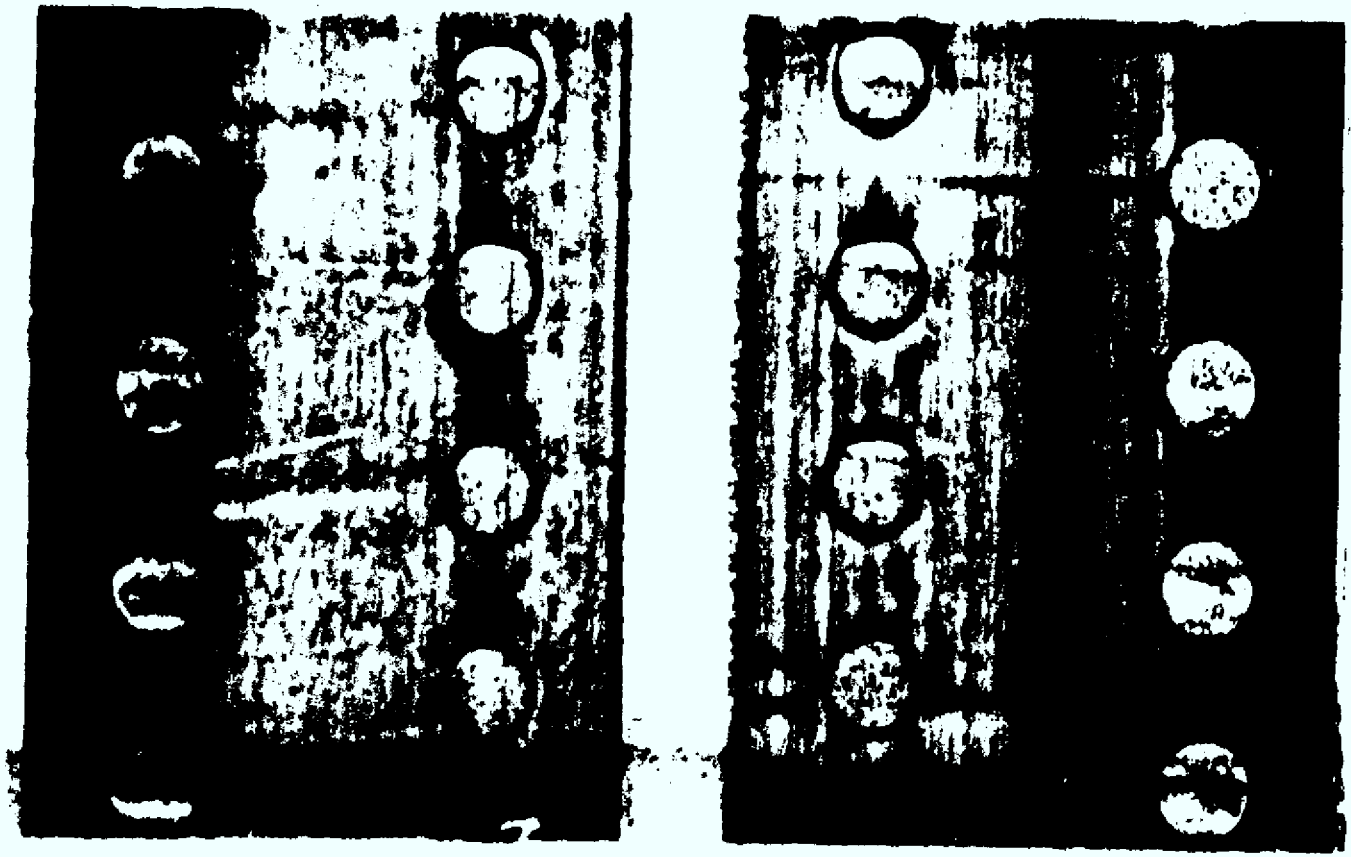
ENCLOSURE

INDEXED - 73 RECORDED - 73 100-0-31668

Do you not think it lamentable that our Senate has been subordinated to a body having no Power to enact Laws, that they are now being affronted by the dirty Gangster arrogance; that they have the pleasure of constantly calling "Uncle, uncle" (meaning Supreme Court) and, that the thousands of hoodlums and Antis in this country may chuckle with assurance that our Congress is no longer the ruling Body of this Nation?

70 SEP 3 1957

Most Sincerely
Best

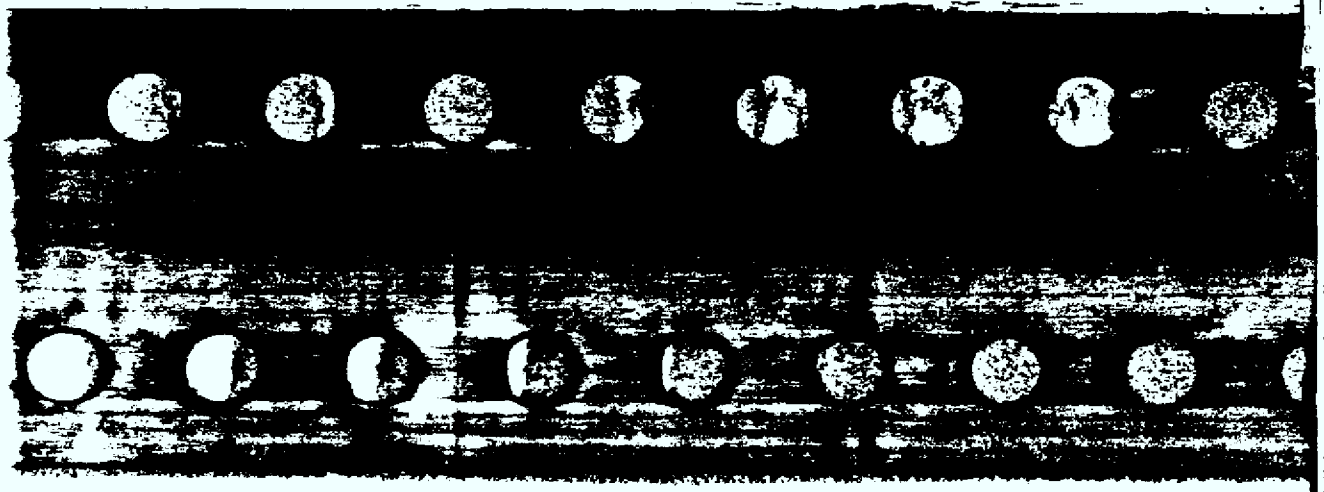


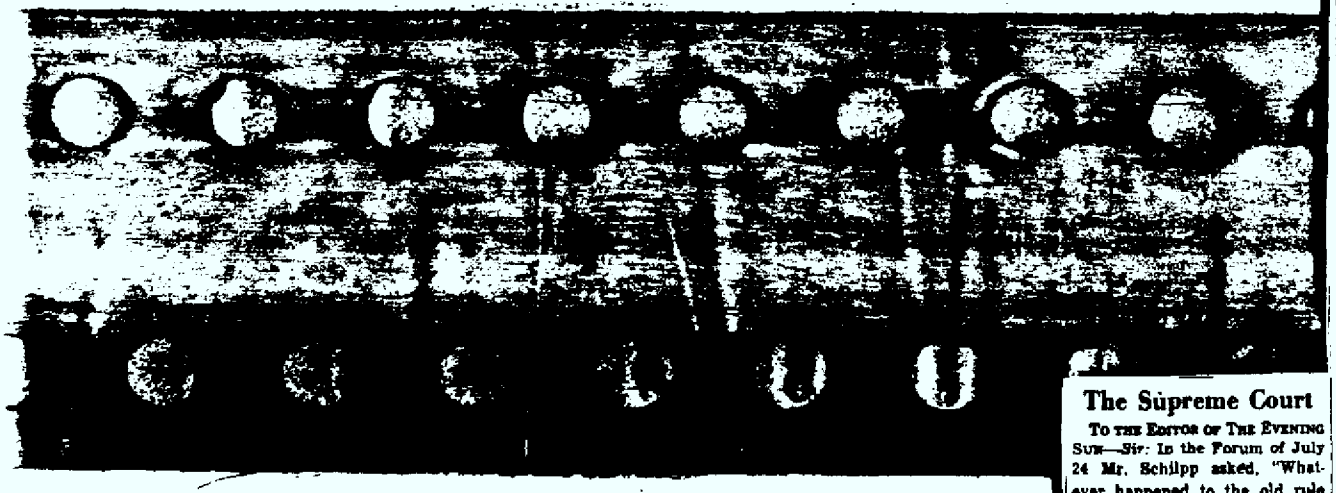
PERSONAL

Mr. J. Edgar Hoover, Chief
Federal Bureau of Investigation
Washington, D. C.

PERSONAL

CERTIFIED REQUEST





The Supreme Court

To the Editor of The Evening Sun—Sir: In the Forum of July 24 Mr. Schilpp asked, "Whatever happened to the old rule that previous decisions are to be followed whenever possible and legal and established precedent is to govern when the facts and circumstances are similar?"

These times bring to mind some fascinating thoughts. It is probable that future historians will write of these times as another revolutionary age. Aside from the fact that we have entered the time of nuclear power, which in itself is a revolution, there is a sociological revolution taking place over this wide world that may in the end prove itself to be of far more importance than the new

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Essex, July 31.

Teaching Commun In Schools

To the Editor of The Ev

Sun—Sir: In the July 24 F

Florence D. Watkins stat

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Baltimore, July 31.

100-C-31668

DAVID LAWRENCE

A Blow Against Communists

Five Justices' Decision Lauded In Freedom of Speech Case

It seems incredible that, with a "cold war" going on and with billions of dollars being spent by the Soviet government to infiltrate every democratic country in the world, there should be issued by four members of the Supreme Court of the United States—Chief Justice Warren, Justices Black, Douglas and Brennan—an opinion which appears to brush aside the Communist menace.

Fortunately, five other members of the court—Justices Stewart, Clark, Frankfurter, Harlan and Whittaker—see the Communist menace in its realistic form. By their latest decision, they make it clear that the empty claim to protection of "free speech" will not save suspected Communists in the United States from investigation by an authorized congressional committee.

The four dissenting justices insist that witnesses, when asked by a congressional committee whether they are Communists, need not even take the Fifth Amendment but can refuse to answer on the ground that their rights of free speech under the First Amendment are being transgressed.

The argument solemnly proclaimed by the four dissenting justices is that no agency of the Federal Government, be it legislative, executive or judicial, may "harass or punish people for their beliefs, or for their speech about, or public criticism of, laws and public officials."

This doctrine would make it possible for any citizen to decline to tell an investigating committee about rackets, monopolies, payola, or any irregularities in human behavior on which it might be desirable to pass remedial laws. The witness could merely claim that the congressional committee was "harassing" him for his criticisms of the committee and was trying to punish him for his "beliefs." Congressional efforts to get information on which to base regulatory laws could thus be frustrated.

In the latest opinion—the case of Frank Wilkinson, who refused to give even his place of residence to the House Committee on Un-American Activities—the majority of the justices repeated a statement from a previous decision which said:

"To suggest that because the Communist Party may also sponsor peaceable political reforms the constitutional issues before us should now be judged as if that party were just an ordinary political party from the standpoint of national security, is to ask this court to blind itself to world affairs which have determined the whole course of our national policy since the close of World War II."

What the majority of the court says is supposed to be "the law of the land," but it is being scorned—in the companion case of Carl Braden—by Justice Black, with Chief Justice Warren and Justice Douglas agreeing. In this dissenting opinion these words of defiance are issued:

"The founders of this Nation were not then willing to trust the definition of First Amendment freedoms to Congress or this court, nor am I now."

But to accept the idea that Congress cannot investigate or that the Supreme Court cannot rule on the case of a man who may be serving or helping a hostile government—an enemy—is to deprive the Nation of any power of self-preservation. The purpose of these congressional investigations is to expose the espionage and subversive activities of the whole Communist apparatus in the United States. Loyal American citizens are expected to co-operate with their own Government in all its branches. The Communists have stolen atomic secrets. They have at times infiltrated the departments in Washington. The Supreme Court in the past has taken the view that it isn't a "right of free speech" falsely to cry "Fire!" in a crowded theater. Nor does the "free speech" clause of the Constitution give anyone immunity from an investigation to determine whether he belongs to a party that is financed by, instigated by, and often directed by a foreign government which is seeking to damage the United States and possibly to bring on a war.

Justice Black argues that editors and newsmen who have criticized a congressional committee now could be brought before that same committee and punished for refusing to answer questions. But whenever there is basis for suspecting that a newspaperman is paid by or working for an enemy government, he shouldn't be able to claim immunity under the First Amendment, either.

The House Committee on Un-American Activities is under attack these days by so-called "liberals" who will be encouraged now by the dissenting opinions of the Supreme Court to carry on their campaign to curtail, if not abolish, the work of the House committee and also of the Senate Internal Security Subcommittee. But the defenders of America's safety against the Communist enemy will find an irrefutable argument in the two opinions rendered this week by Justices Stewart, Clark, Frankfurter, Harlan and Whittaker.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: March 31, 1970

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Gallagher
1 - Mr. Bishop
1 - Mr. Casper
1 - Mr. Sullivan

FROM : A. Rosen

SUBJECT: STATE OF ILLINOIS
VS. WILLIAM ALLEN

b7C

SA [redacted], Washington Field Office, advised that this morning the United States Supreme Court in an eight to nothing decision writt by Mr. Justice Black ruled that a man can lose his right to remain in court if his conduct is such that it disrupts the court.

The ruling was handed down in a State of Illinois case involving William Allen, who had been convicted for armed robbery and sentenced to ten to thirty years. During his trial, Allen was abusive toward the judge and was warned that his conduct would result in his being removed from the court. Wh he persisted, he was removed but allowed back if he would behave himself. When he continued his abuse, he was removed from the courtroom during his trial.

He filed a writ of habeas corpus in the United States District Court alleging he had been denied his right to remain in the courtroom during his trial. The United States District Court denied his writ, and the United States 7th Circuit Court of Appeals reversed the District Court. The case was then remanded to the United States Supreme Court.

This morning the United States Supreme Court, as mentioned above by an eight to nothing decision ruled that a man can lose his right to remain in court during his trial if his conduct is such that it disrupts the court.

ACTION: This is for information.

REC-26 63-C-26873

RJG:jny
(9)

10 APR 6 1970

The Supreme Ct is beginning to see the light of day.

51 APR 10 1970

32

SIX

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 10/2/70

FROM : SAC, WFO (52-11670) (C)

SUBJECT: UNSUB; Theft of Victor Calculator
SN 234-6-157, From Administrative Offices
Of U.S. Supreme Court, 2/70
TGP
(OO:WFO)

Re WFO airtel to Baltimore, 6/17/70 (IO)
WFO let to Baltimore, 8/19/70 (IO)
BA let to WFO, 8/26/70 (IO)
BA airtel to WFO, 8/31/70 (IO)

ADMINISTRATIVE DATA:

b2, b7D

[redacted]

b7D

[redacted]

b7D

[redacted]

1 - (2) Bureau
2-WFO
b7D (1 - [redacted]
[redacted] b7C
(4)

REC-15 52-0-13694

OCT 8 1970

SIX

STAT SENT

66 NOV 3 1970

8010-106-01

b7D [redacted]

On March 11, 1970, a check with the Victor Corporation revealed Victor Adding machine 234-6-157 was sold to the United States Office, Administrative Division, United States Courts, WDC, on June 3, 1965. It was assigned to the Legal Aid Division, WDC.

b7C On April 23, 1970, [redacted] Legal Aid Division, WDC, advised that the Victor Calculator machine 234-6-157 was stolen sometime in February, 1970. He stated he was not able to put a specific date of loss since the office was in the process of moving from one building to another, but did know that this machine was one of several stolen in February, 1970.

b7D [redacted]

b7C [redacted]

[redacted] Supreme Court, Washington, D.C., advised captioned machine purchased under purchase order 28288, dated June 7, 1965, and is valued at $500. Captioned machine, according to [redacted] would not have been sold by his branch since it is still considered a fairly new machine.

b7C

A lead was set forth to interview [redacted] at his home, however, the Baltimore Division advised that [redacted] as of August 26, 1970, was [redacted]

b7C

[redacted]

b7C
D

On September 28, 1970, [redacted] Attorney, telephonically requested SA [redacted] to come to his office and recover a Victor Calculator, SN 234-6-157, which his client, [redacted] had brought to his office to be returned to the FBI. The machine was examined and found to be identical with the stolen Government machine. [redacted] was furnished a receipt for the machine.

On the same date, the facts of this case were discussed with AUSA JAMES FLANIGAN, WDC. Mr. FLANIGAN advised that since Legal Aid could not put a definite date of loss on the machine, and since it could not be proven that [redacted] knew it to be stolen Government Property, he would decline prosecution in this matter. Opinion confirmed.

b7C

On October 2, 1970, the machine was returned to Legal Aid Division of the U.S. Courts, WDC.

Bureau is requested to credit WFO with recover value of $500 for the captioned machine.

FD-36 (Rev. 5-22-78)

FBI

TRANSMIT VIA:	PRECEDENCE:	CLASSIFICATION:
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ Airtel	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS

Date 1/14/83

TO: DIRECTOR, FBI

FROM: ADIC, NEW YORK (9A-8833) (C) (M-9)

SUBJECT: UNSUB; THREAT AGAINST UNITED STATES SUPREME COURT
EXTORTION
(OO:NEW YORK)

Re WFO teletype to New York dated 6/23/82 and WFO airtel to NY dated 12/20/82.

For information of the Bureau and WFO, all logical investigation has been conducted in an effort to develop the identity of UNSUB with negative results. Furthermore the results of the latent fingerprint examination was also negative.

Due to the above facts this matter has been closed within the New York office.

Armed and dangerous.

DE-117 9 0-26683

23 JAN 17 1983

2-Bureau
2-Washington Field
1-New York
(3) [redacted] b7C

[redacted] b7C

Approved: [redacted] Transmitted _____ (Number) (Time)

Per _____

U.S. GOVERNMENT PRINTING OFFICE: 1982 O - 369-895

FD-36 (Rev. 8-26-82)

FBI

TRANSMIT VIA:
- ☐ Teletype
- ☐ Facsimile
- ☐ Airtel

PRECEDENCE:
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION:
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

Date 3/8/85

TO: DIRECTOR, FBI
ATTN: PERSONAL CRIMES UNIT

FROM: SAC, WASHINGTON FIELD OFFICE (9-0) (C-4)

UNSUB;
ANONYMOUS MENACING LETTER
RECEIVED AT UNITED STATES SUPREME COURT;
OO:NEW YORK

Enclosed for the Bureau are three copies of an envelope and letter that were received at the United States Supreme Court on February 19, 1985. Enclosed for New York are the original letter and envelope.

b7C

On February 24, 1985, [redacted] UNITED STATES SUPREME COURT POLICE DEPARTMENT (USSCPD), advised that the enclosed letter was received at the Supreme Court on February 19, 1985 and was opened some time that week.

The letter and envelope are both typewritten in upper case letters and the envelope bears a postmark which reads, Western Nassua GMF, NY, 115, February 15, 1985. The letter is dated February 15, 1985 and begins, "Ladies and Gentlemen: In August of 1960 I was attacked at the parade grounds of Fort Dix by three blacks and I was never paid for the ugly and permanent injuries sustained..." The letter goes on to state that the writer lost his job with one of the city agencies of the city of New York and received no compensation, and further that he was sent to prison in 1976. The letter concludes with, "Jewish Bank Executives cried when they proved to me that you succeeded in every possible way to ruin my life. However, I have yet to figure out why they gave me your home addresses. See you at the Bank."

DE-216 9-0-12132

ENCLOSURE V-214

2-Bureau (Enc. 6)
2-New York (Enc. 2)
1-Washington Field Office

[redacted] b7C
(5)

1 - Rm 5D42 ... copy ...

MAR 14 1985

Approved: ______ Transmitted ______ (Number) (Time) Per ______

53 MAY 13 1985

[redacted] explained that while the home addresses of the Supreme Court Justices are not routinely given out, there have been many articles in various magazines about all of the justices and these articles usually include home addresses. [redacted] advised that all of the Justices will be alerted to note any unusual activity or persons around their residences. [redacted] added that he could not recall receiving any similar letters at the Supreme Court in recent months.

Inasmuch as no threats are made in the enclosed letter, any laboratory analysis is left to the disgression of the office of origin, and the above is provided for information and indexing.

FEBRUARY 15, 1985

LADIES AND GENTLEMEN:

IN AUGUST OF 1960 I WAS ATTACKED AT THE PARADE GROUNDS OF FORT DIX BY THREE BLACKS AND I WAS NEVER PAID FOR THE UGLY AND PERMANENT INJURIES SUSTAINED.

IN 1966 I LOST MY JOB AT ONE OF THE CITY AGENCIES OF THE CITY OF NEW YORK AND THIS WAS FOLLOWED BY NO ASSISTANCE EVER IN THE FORM OF WELFARE, SOCIAL SECURITY, UNEMPLOYMENT INSURANCE, PENSION OR FOOD STAMPS.

IN 1976 I WAS SENT TO PRISON AS THE RESULT OF YOUR SICK AND UNDYING LOVE FOR NELSON ROCKEFELLER.

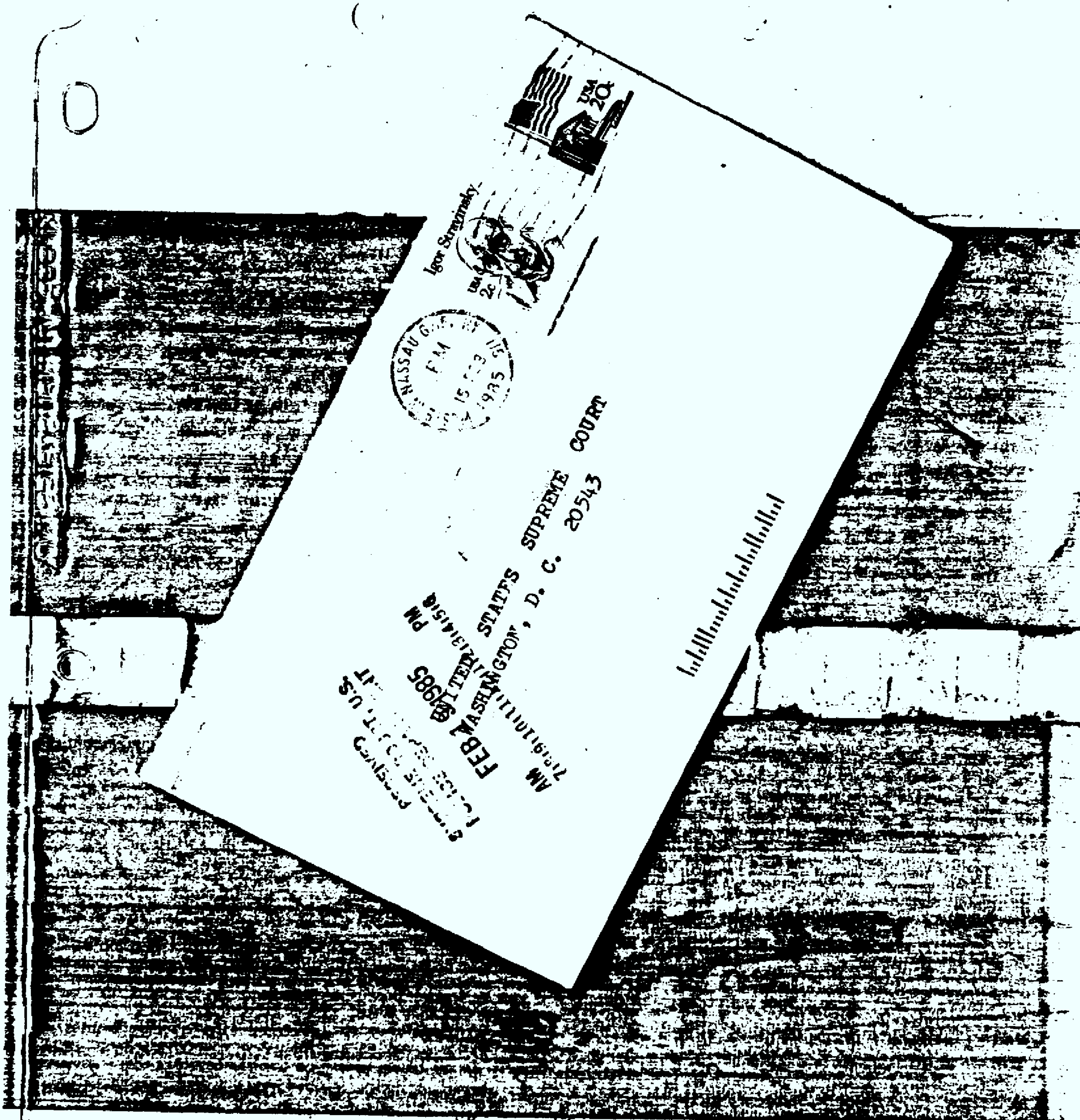
JEWISH BANK EXECUTIVES CRIED WHEN THEY PROVED TO ME THAT YOU SUCCEEDED IN EVERY POSSIBLE WAY TO RUIN MY LIFE. HOWEVER, I HAVE YET TO FIGURE OUT WHY THEY GAVE ME YOUR HOME ADDRESSES.

SEE YOU AT THE BANK

1-Unsub

[illegible]-27132

ENCLOSURE



1-Rm 504

1- -27132

ENCLOS

Federal Bureau of Investigation

U. S. Department of Justice
Washington Field Office, Room 4244,
Washington, D.C.

October 9, 1936.

PERSONAL AND CONFIDENTIAL

Director,
Federal Bureau of Investigation,
Washington, D.C.

DECLASSIFICATION ON 6/8/88
BY [redacted] 284,948

Dear Sir:

On October 9, 1936 [redacted] Marshal for the Supreme Court of the United States appeared at the Washington Field Office with the following information:

Marshal [redacted] stated that [redacted]

Marshal [redacted] stated he did not wish to duly alarm the Chief Justice without first making some inquiries to substantiate or disprove the information thus received, and proceeded to interview [redacted] who informed him as follows:

[redacted]

COPIES DESTROYED
83 OCT 15 1964

RECORDED & INDEXED

OCT 15 1936

62-46240-1
FEDERAL BUREAU OF INVESTIGATION
OCT 9 1936 P. M.

Mr. Tolson
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

Memo A.H.
cc Keenan
Sat 10/11/36

[redacted]

Marshal [redacted] also talked with [redacted] who furnished in substance, the same facts as [redacted]

[redacted]

b7C, D

In addition to his conversations with [redacted] and Marshal [redacted] also interviewed [redacted]

[redacted]

Marshal [redacted] next asked [redacted]

[redacted]

At this point, Marsha[redacted] sought our help. He was informed that because of the delicacy of the problem presented, no action would be taken by this Office unless and until authority therefor was received from the Department.

Very truly yours,

J. M. KEITH,
Special Agent in Charge.

JMK:MBL

EAT:RP
62-46240—1

October 10, 1936

RECORDED & INDEXED

MEMORANDUM FOR THE ATTORNEY GENERAL

PERSONAL AND CONFIDENTIAL

The following information has been received from [redacted] Marshal for the Supreme Court of the United States:

[redacted]

67C, D

Marshal [redacted] advised that before reporting this matter to the Court, he believed it desirable to make some inquiries to substantiate or disprove the information obtained and, accordingly, he interviewed [redacted]

Mr. Nathan
Mr. Tolson
Mr. Berkhuman
Mr. Clegg
Mr. Coffey
Mr. Dalsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn

COMMUNICATIONS SECTION
MAILED
OCT 12 1936

DECLASSIFICATION BY 4/8/88
287 348

[redacted]

Marshal [redacted] advises that he talked with [redacted] who furnished in substance the same facts as did [redacted]

[redacted]

b7C
D

Marshal [redacted] stated that through inquiries conducted of [redacted]

[redacted]

[redacted]

Marshal [redacted] upon reaching this point in his inquiries, decided that the matter was one requiring the attention of this Bureau and, accordingly, he has submitted the facts to the Bureau. I would appreciate being advised whether you desire the Bureau to initiate investigation into this situation.

I am transmitting a copy of this memorandum to Mr. Keenan for his information.

Respectfully,

John Edgar Hoover,
Director.

EAT:RP
62-46240

October 10, 1936

MEMORANDUM FOR THE ASSISTANT TO THE ATTORNEY GENERAL,
MR. JOSEPH B. KEENAN.

PERSONAL AND CONFIDENTIAL

For your information I am attaching hereto a copy of a memorandum which I have today addressed to the Attorney General relative to [redacted]

b7C

[redacted]

DECLASSIFICATION ON: 6/8/88
BY Spmac/tlf
287,548

Very truly yours,

John Edgar Hoover,
Director.

Enclosure #863483

Mr. Nathan .....
Mr. Tolson .....
Mr. Baughman .....
Mr. Clegg .....
Mr. Coffey .....
Mr. Dawsey .....
Mr. Egan .....
Mr. Foxworth .....
Mr. Clarke .....
Mr. Harbo .....
Mr. Joseph .....
Mr. Lester .....
Mr. Nichols .....
Mr. Quinn .....
Mr. Tamm .....
Mr. Trainor .....
Miss Gandy .....

COMMUNICATIONS SECTION
MAILED
OCT 12 1936
FBI
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

RECORDED

62-46240-2

FEDERAL BUREAU OF INVESTIGATION
OCT 13 1936 P.M.
DEPARTMENT OF JUSTICE

FILE

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice
Washington, D. C.
October 13, 1936

b7C [redacted]

10:50 A.M.
2:35 P.M.

MEMORANDUM FOR MR. TAMM

RE: Complaint relating to receipt of advance information from Supreme Court.

While Supervisor [redacted] was discussing another case with Mr. McGuire, an attorney in the Department, Mr. McGuire stated that there had been referred to him a personal and confidential memorandum sent to the Attorney General by the Bureau relating to information furnished by [redacted] of the Marshal's Office concerning the receipt of advance information from the Supreme Court. Mr. McGuire stated the Department would desire an investigation but would like to know whether the Supreme Court has been informed of this information, and if not the Department would do so.

I am informed that [redacted] discussed the above subject matter with you and he was advised to contact Mr. McGuire and inform him that the Bureau would like to have a memorandum from the Department outlining just what action should be taken. Mr. McGuire was contacted by Supervisor [redacted] and was informed that what the Department desired to know is whether the Supreme Court had been advised by [redacted] or anyone else of the information that advance notice was being received from the court as to their decisions. He was informed that so far as the Bureau is aware, the court has not been informed and, at least, the Bureau has not done so. Mr. McGuire stated that the Department was inclined to the view that the complainant in this case should have immediately gone to the Supreme Court and advised it of the information received, and also brought the same to the attention of the Bureau, but at any rate Mr. Keenan will desire an immediate investigation by the Bureau. Mr. McGuire was informed that the Bureau would like to have a memorandum from the Department setting forth just what is desired, and that no action will be taken until the receipt of such memorandum. McGuire said that the Department would write a letter to the court and advise the members of the substance of the complaint and would send a memorandum to the Bureau requesting an investigation. He stated that these communications would leave the Department in the immediate future.

Respectfully,

62-46240-3

INDEXED

OCT 16 1936

OCT 14 1936 P. M.

P. E. Foxworth.

TAMM

JOSEPH B. KEENAN
THE ASSISTANT TO THE ATTORNEY GENERAL

Department of Justice
Washington

Mr. Nathan ...
Mr. Tolson ...
Mr. Baughma
Mr. Clegg ...
Mr. Coffey ...
Mr. Dawsey ...
Mr. Egan ...
Mr. Foxworth
Mr. Glavin ...
Mr. Harbo ...
Mr. Joseph ...
Mr. Lester ...
Mr. Nichols ...
Mr. Quinn ...
Mr. Schilder ...
Mr. Tamm ...
Mr. Tracy ...
Miss Gandy ...

October 12
1 9 3 6

PERSONAL AND CONFIDENTIAL

MEMORANDUM FOR MR. J. EDGAR HOOVER

DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

This will acknowledge the receipt of your memorandum of October 10, 1936, attaching therewith a copy of the memorandum which you under that date, addressed to the Attorney General, relative to [redacted]

This is a matter of extreme importance and one that should be immediately investigated for the purpose of obtaining all the facts. Needless to say, the investigation should be conducted with your usual tact and good judgment.

The Chief Justice has been advised of this reference.

Joseph B. Keenan,
The Assistant to the Attorney General.

RECORDED
&
INDEXED

OCT 26 1936

62-46240-4

FEDERAL BUREAU OF INVESTIGATION
OCT 17 1936
U.S. DEPARTMENT OF JUSTICE
FILE

Mr. Nathan
Mr. Tolson
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Kleinkauf
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Miss Gandy

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Record of Telephone Call of Visitor.

October 15, 1936.

Time 5:30 pm

Name Miss Berard tele.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6/8/88 BY SP/mac/thc
#287548

Referred to

Details:

Miss Berard referred to the request of Mr. McGuire that someone interview the Chief Justice of the Supreme Court in connection with reports that an employee of the Court is getting advance information concerning Supreme Court decisions. She stated that the Chief Justice is very much interested and he wants an agent to come to his house tomorrow morning or to be at the Supreme Court. She said she wants to make sure that the Chief Justice will be seen somewhere tomorrow morning. He has indicated that he wishes someone who knows about the case to be at his home tomorrow morning.

OCT 26 1936

Mr. Tamm is taking care of this matter and which has submitted a memorandum recommending that agents [redacted] and Rosen be assigned to this case.

1 ENCL W RECORDED
hwg

62-46210-4

FEDERAL BUREAU OF INVESTIGATION
TAMM OCT 17 1936

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

EAT:RP

October 15, 1936

Mr. Nathan ...
Mr. Tolson ...
Mr. Baughma
Mr. Clegg ....
Mr. Coffey ...
Mr. Dawsey ..
Mr. Egan ....
Mr. Foxworth
Mr. Glavin ...
Mr. Harbo ...
Mr. Joseph ...
Mr. Lester ...
Mr. Nichols ..
Mr. Quinn ...
Mr. Schilder
Mr. Tamm ...
Mr. Tracy .....
Miss Gandy ....

MEMORANDUM FOR THE DIRECTOR

RE: Alleged Irregularity on part of Employee of Supreme Court

Mr. McGuire in the Department called and advised that he has recontacted the Chief Justice of the Supreme Court and informed him that this matter was being referred to the Bureau for investigation and that the direction of the investigation would hereafter be in your hands. Chief Justice Hughes requested that the Agent who is going to conduct this investigation contact him at his home, 2223 R Street, tomorrow morning at 9:30 A. M., in order that the Chief Justice can indicate his views in the situation.

The case is not particularly involved and should not require more than two days to complete. I believe that it would be well, however, for two men to jointly conduct all interviews in the case, and recommend that Agents [redacted] and A. Rosen of the Field Office be designated for this assignment. If you approve this selection, they will be instructed to contact the Chief Justice at his residence tomorrow morning and will be furnished with the basic facts in the situation meanwhile.

Respectfully,

E. A. Tamm.

62-46240-4

RECORDED

INVESTIGATION

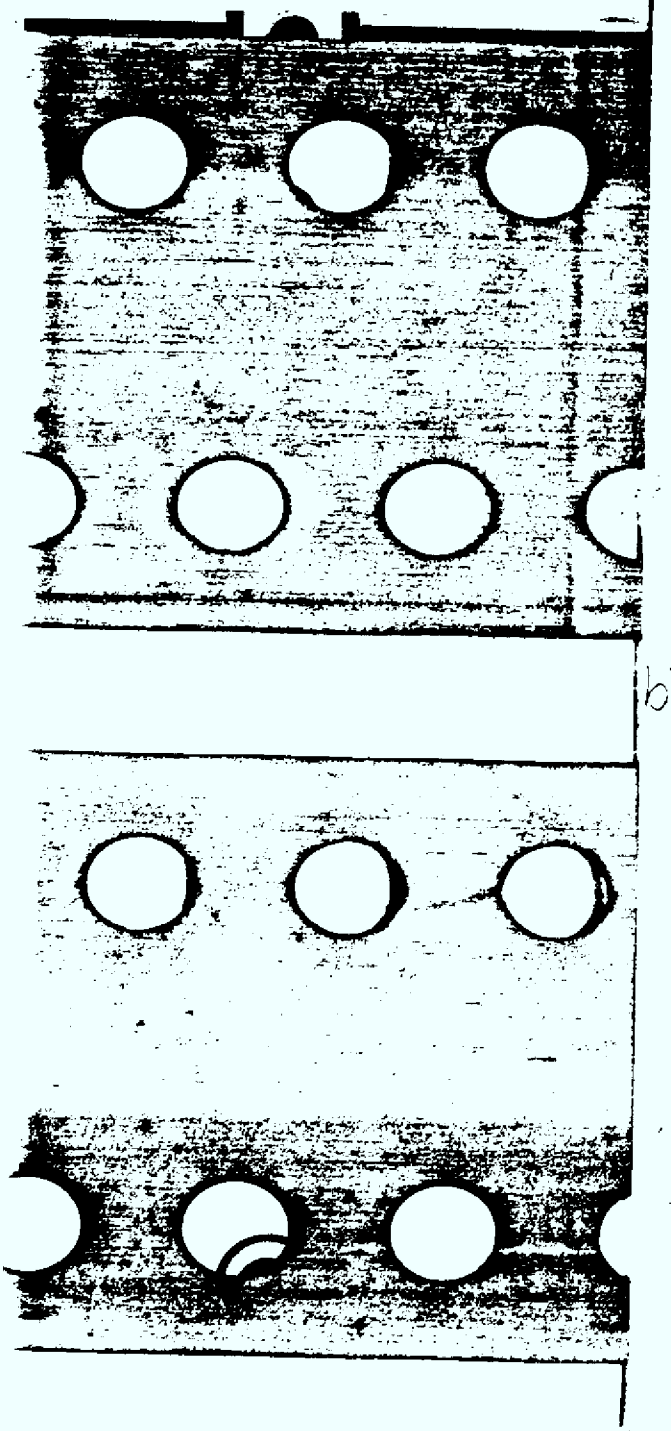
OCT 17 1936 A. M.

U. S. DEPARTMENT OF JUSTICE

FILE

1 ENCL W

OCT 26 1936



OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

[redacted]

October 16, 1936.

12:15 pm

Mr. Maguire in the office of Mr. Keenan telephoned to ask if the matter Miss Berard called about last night had been taken care of. (This was the Supreme Court matter.)

Mr. Maguire was advised that Miss Berard's mess had been given to Mr. Tamm as he is supervising the matter.

Mr. Maguire said he wished to be kept advised o developments and was assured that this also wou be conveyed to Mr. Tamm.

hwg

Paper all to Director

OCT 26 1936

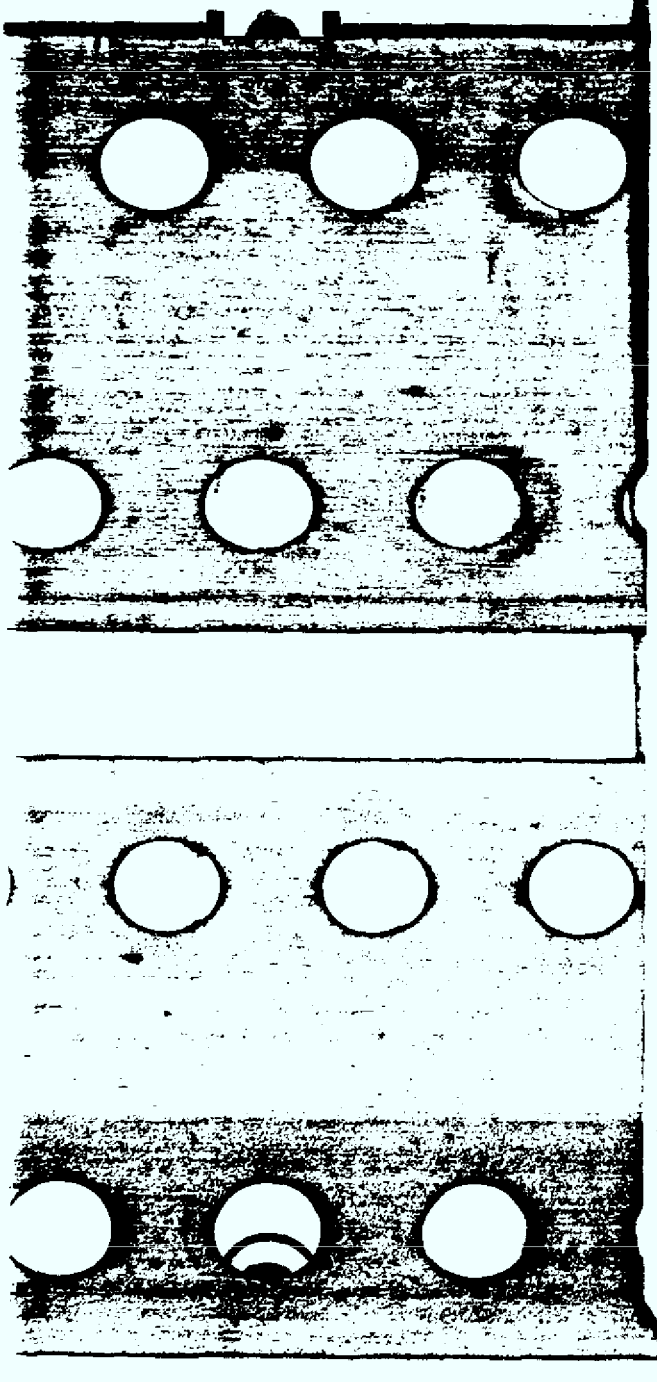
RECORDED 62-46240-5

FEDERAL BUREAU OF INVESTIGATION

OCT 17 1936

U.S.

TAMM



FEDERAL BUREAU OF INVESTIGATION

_____ 1936.

TO

____Director	____Files Section
____Mr. Nathan	____Personnel Files
____Mr. Tolson	____Chief Clerk's Office
____Mr. Quinn	____Identification Division
____Mr. Clegg	____Technical Laboratory
____Mr. Foxworth	____Mechanical Section

____Division Two

SUPERVISORS

____Mr. Fletcher	____Mr. Spear
____Mr. McDade	____Mr. Suran
____Mr. McIntire	____Mr. Vincent
____Mr. Smith	____Mr. Wyly

* * *

____Miss Gandy	____See Me
____Mrs. Fisher	____Send File
____Mr. Ward	____Call me regarding this
____Miss Conlon	____Correct
____Typists - 5230	____Note and Return
____M R Daly	____Search, serialize and ro

Hall for Director

E. A. TAMM - 5742.

Personal and Confidential

Washington Field Office, Room 4244,
Washington, D. C.

October 24, 1936.

MEMORANDUM FOR THE DIRECTOR

Re: [redacted] b7C
Alleged Attempt to Sell Advance Opinions of the U. S. Supreme Court

DECLASSIFICATION ON 6/8/82
BY SPM/ac/ttc
287,548

A copy of [redacted] was exhibited to Chief Justice Hughes, and he requested that he be allowed to retain the copy, which was permitted.

The Chief Justice, upon reading the memorandum [redacted] was visibly moved and stated that it was a most serious and extraordinary development, inasmuch as [redacted] has been a trusted employee of the U. S. Supreme Court since 1897.

Due to the developments in this case, Agents [redacted] and Rosen will hereafter contact the Chief Justice at his home, 2223 R St., N. W., and will not appear at any time in the future in the Supreme Court Building. The Chief Justice requested the unlisted telephone number of the Washington Field Office, and in addition thereto requested that the contents of the aforementioned conversation between Agent [redacted] not be given to the Department of Justice. He was informed that the contents of this conversation are known only to the Director of this Bureau and the three Agents working on the case.

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[redacted]

b7C
E

62- 46240 - 57

RECORDED

NOV 19 1936 M.

U. S. DEPARTMENT OF JUSTICE

FILE

COPIES DESTROYED
83 OCT 15 1984

[redacted]

On the afternoon of October 23, information was obtained from [redacted] at the Supreme Court that [redacted]

[redacted]

Respectfully,

E. A. Tamm.

EKT:MC

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

JAS:RP

October 16, 1936

Mr. Nathan
Mr. Tolson
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

MEMORANDUM FOR THE DIRECTOR

b7C

Pursuant to your instructions, Agents Rosen and [redacted] were authorized to see Chief Justice Hughes at 4:30 P.M. today in connection with the case involving certain irregularities on the part of an employee of the Supreme Court. A memorandum will be prepared tonight on the developments to date, and information will be transmitted to you daily relative to the progress made.

Respectfully,

J. A. Smith, Jr.

RECORDED & INDEXED

62-46240-6

OCT 21 1936

OCT 21 1936

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation
U. S. Department of Justice
Washington, D. C.

October 17, 1936

[redacted]

MEMORANDUM FOR THE DIRECTOR

Re: [redacted] Alleged Attempt to Sell Advance Opinions of the Supreme Court of the United States.

The following investigation was conducted on October 17, 1936 by Special Agents [redacted] and A. Rosen and the results furnished to [redacted]

A signed statement was secured from [redacted]

A personnel file on [redacted] was examined at the Federal Land Bank, Washington, D. C., but nothing of value was secured therefrom. It was ascertained that he has no war record or record in the Civil Service

62-46240-7

RECORDED & INDEXED

OCT 22 1936

COPIES DESTROYED
83 OCT 15 1964

Commission. The investigation is being continued.

b7D
C

[redacted]

Respectfully,

E. A. Tamm

E. A. Tamm.

JOHN EDGAR HOOVER
DIRECTOR

EAT:CDW

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 15, 1936.

Mr. Nathan
Mr. Tolson
Mr. Baugh
Mr. Clegg
Mr. Coffey
Mr. Dawse
Mr. Egan
Mr. Forwe
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tracy
Miss Gandy

MEMORANDUM FOR THE DIRECTOR

Some days ago, United States Marshal [redacted] of the Supreme Court of the United States called at the Washington Field Office and advised Mr. Keith concerning alleged irregularities on the part of a clerk of the Supreme Court of the United States, who endeavored to perfect some arrangement wit[redacted] could presumably make money on his advance information concerning decisions handed down by the Supreme Court. The substance of this information was furnished to the Attorney General in a personal and confidential memorandum, with the request that the Bureau be advised if an investigation was authorized, it being noted that the Justices of the Supreme Court did not know of this occurrence. The Attorney General evidently referred the matter to Mr. Keenan, who in turn referred it to the Criminal Division, and Mr. McGuire of the Criminal Division called me about one o'clock today to advise that pursuant to a request from the Chief Justice of the Supreme Court to discuss this matter with someone who was familiar with the facts, he, McGuire, had gone to the Supreme Court this morning and laid the facts before Chief Justice Hughes, pointing out that he knew the facts only secondarily.

McGuire said that upon his return to his own office, he found a note of a call from Chief Justice Hughes expressing a desire to discuss the matter further with someone intimately acquainted with the details. McGuire said he had informed the Chief Justice that he, McGuire, would instruct the Special Agent who had initiated the investigation of this matter to report to the Supreme Court at 4:30 this afternoon to discuss the matter further with the Chief Justice.

I informed McGuire that the Bureau had not initiated any investigation into this matter since we were awaiting Departmental instructions; that consequently, there was no Agent available who was intimately in possession of all the facts. I told McGuire that it would appear the logical thing to have done in the beginning would be to have called upon the Director of the Bureau, or someone designated by him, to present the facts to the Chief Justice, and that since McGuire had already presented the facts to the Chief Justice and since the Bureau did not have authority to conduct any investigation, there would not appear to be anyone in the Bureau who could carry out McGuire's so-called "instructions" in this matter; that since he, McGuire,

COPIES DESTROYED
83 OCT 15 1964

RECORDED & INDEXED.

62-46240-8

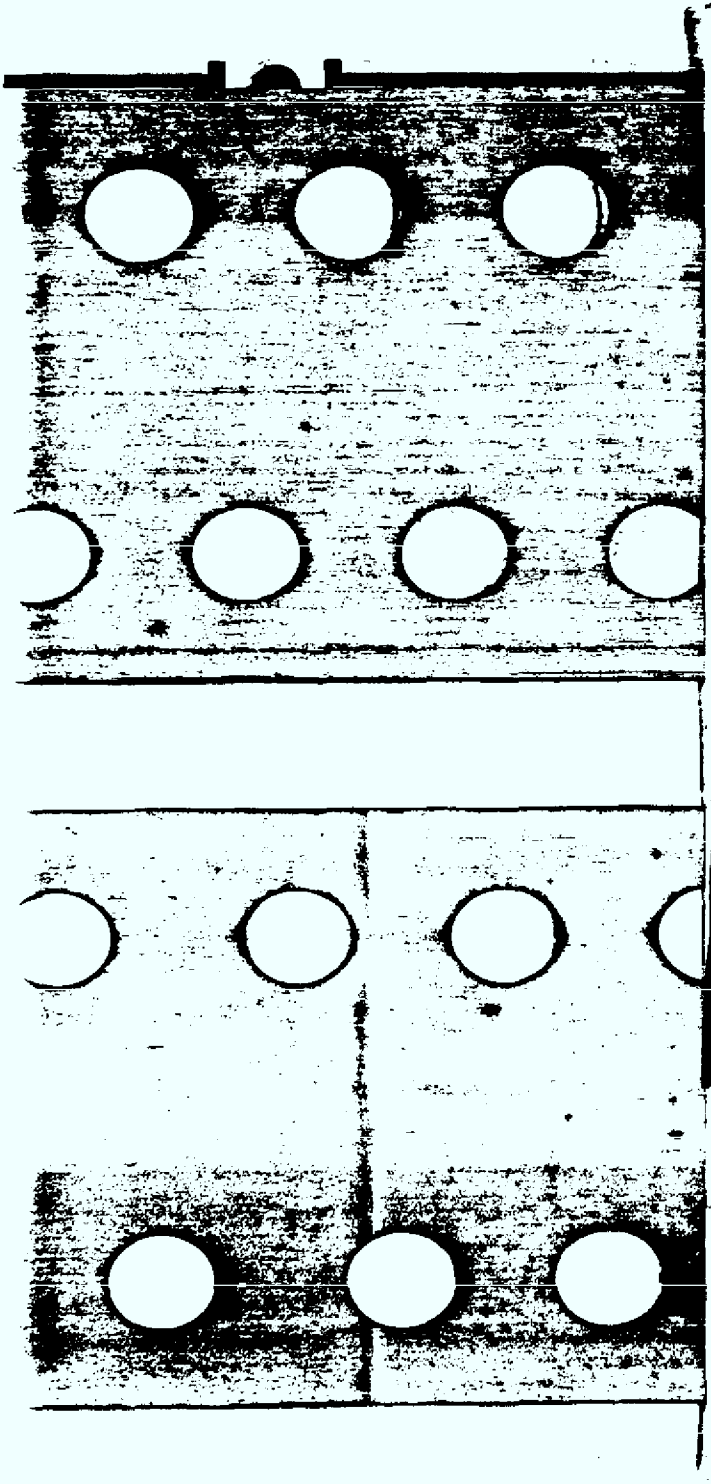
OCT 26 1936

had handled the matter thus far, he might notify the secretary to Justice Hughes that the Department had no information other than that which he had previously been furnished.

The impression I obtained from talking with McGuire is that he had "big timed" himself to the Chief Justice this morning, and had announced what he would instruct the Director of the Bureau to do. Consequently, I believe that until the Bureau receives some written authorization from the Department to conduct this investigation, we should let McGuire get himself out of the situation into which he has placed himself.

Respectfully,

E. A. TAMM.



...ICE OF DIRECTOR
...EAU OF INVESTIGATION
...S DEPARTMENT OF JUSTICE

Mr. Nathan
Mr. Tolson
Mr. Ekhardt
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Kleinhaut
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

Record of Telephone Call of Visitor.

Oct. 15 1936.

Time 12:03

Name Mr. McGuire in Mr. Keenan's Office tele.

Referred to

Details:

Stated he had been unable to get in touch with Mr. Tamm and he would like to speak with the Director. When informed the Director was out he stated that what he wanted to ask the Director was to have him send the Agent who is investigating the matter at the Supreme Court, up to see the Chief Justice of the Supreme Court at 4:30 PM this afternoon. Mr.McGuire stated that he had been up to see the Chief Justice and the latter stated he desired to see the Agent who is working on the matter and who is familiar with the facts, this afternoon at 4:30. Mr. McGuire stated that arrangements for the appointment could be made thru Mr. Hogue, Law Clerk to the Chief Justice, at National 5321, but that Mr.McGuire would like to have Mr. Tamm call when Mr.Tamm returned. This message was left with Mr.Smith in Mr. Tamm's office. cek

RECORDED 62-46240-9

OCT 26 1936

OCT 1936

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice
Washington, D. C.
October 17, 1936

Mr. Nathan	
Mr. Tolson	✓
Mr. Baughman	
Mr. Clegg	
Mr. Coffey	
Mr. Dawsey	
Mr. Egan	
Mr. Forworth	
Mr. Glavin	
Mr. Harbo	
Mr. Joseph	
Mr. Lester	
Mr. Nichols	
Mr. Quinn	
Mr. Schilder	
Mr. Tamm	
Mr. Tracy	
Miss Gandy	

b7C

MEMORANDUM FOR THE DIRECTOR

RE: [redacted] b7C
Alleged Attempt to Sell Advance Opinions of the Supreme Court of the United States.

The following investigation was conducted on October 16, 1936, by Special Agents [redacted] and A. Rosen:

[redacted], under whose supervision [redacted] works, exhibited [redacted] personnel file, which reflects that [redacted] was born in Mississippi on November 30, 1880, and was engaged in [redacted] business for approximately fifteen years. From August 20, 1928 to August 20, 1933, he was employed as [redacted] On January 2, 1935, he was appointed to his present position as the [redacted] for the Supreme Court Building at an annual salary of $1800.

It was ascertained that [redacted]

b7C

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62-46240-10

FEDERAL BUREAU OF INVESTIGATION
OCT 20 1936
U. S. DEPARTMENT OF JUSTICE

TOLSON
TAMM

FILE

OCT 21 1936

b7D, C [redacted]

The Chief Justice has been fully advised as to the progress of the investigation to date. The Chief Justice suggested the possibility that a microphone might be concealed in the conference rooms of the Supreme Court, and requested that before the investigation is completed, the Agents make a thorough search of the conference rooms.

This information was secured from Agents Rosen and [redacted]

b7C by [redacted]

Respectfully,

E. A. Tamm.

E. A. Tamm.

Federal Bureau of Investigation
U. S. Department of Justice

Washington, D. C.

October 21, 1936.

MEMORANDUM FOR THE DIRECTOR

Re: [redacted] Alleged attempt to sell advance opinions of U. S. Supreme Court.

[redacted]

Respectfully,

E.A.T.

E. A. Tamm.

AR:EB

62-46240-11

RECORDED
&
INDEXED

OCT 25 1936

Mr. Nathan
Mr. Tolson
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

TOLSON

RECORDED COPY FILED IN 62-12114-453

Washington Field Office, Room 4244,
Washington, D. C.

October 22, 1936

b7C

MEMORANDUM FOR THE DIRECTOR
Re: [redacted]
Attempting to Sell Advance
Opinions of the U. S. Supreme
Court

[redacted]

b7D
C

b7E

b7E

62-46240-12

RECORDED
&
INDEXED

OCT 24 1936

OCT 1936

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83 OCT 15 1964

OLSON
EAMM

b7E

[redacted]

b7E

[redacted]

In talking with Agent Rosen yesterday afternoon, Chief Justice Hughes informed him that he did not wish the arrangements to reach a point where there would be an actual delivery of one of the advance opinions of the Supreme Court.

Respectfully,

E. A. Tamm.

[redacted]

b7C

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 16, 1936

Mr. Nathan .....
Mr. Tolson .....
Mr. Baughman .....
Mr. Clegg .....
Mr. Coffey .....
Mr. Dawsey .....
Mr. Egan .....
Mr. Foxworth .....
Mr. Glavin .....
Mr. Harbo .....
Mr. Joseph .....
Mr. Lester .....
Mr. Nichols .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Tamm .....
Mr. Tracy .....
Miss Gandy .....

MEMORANDUM FOR THE DIRECTOR

Pursuant to your instructions, Special Agents [redacted] and A. Rosen interviewed Chief Justice Charles Evans Hughes at his residence, 2223 R Street, N.W., at 9:30 this morning with reference to the alleged leak in the Supreme Court whereby advance notice of the opinions to be handed down would be furnished by [redacted] an employee in the Supreme Court Building, to members of [redacted]

The Chief Justice furnished no additional information other than that possessed at the present time by the Bureau, but indicated that he desired two points in particular to be stressed in the investigation, first, if, in fact, [redacted] made any overtures to [redacted] or to any individuals relative to selling or making use of advance information of Supreme Court decisions, and second, that inasmuch as [redacted] was not in a position from his employment to secure this information, who, if any, person or persons were acting in collusion with him, the second person being in a position to secure advance copies of the decisions to be handed down.

The Chief Justice requested that the two Agents keep him informed from day to day of the progress of the investigation, and he indicated that he was quite concerned about the matter as it reflected upon the integrity of the Court and its employees. He particularly desired to be informed this day at 4:30 P.M. of the results of the investigation to date. The Chief Justice further informed the Agents that [redacted] had spoken to him last evening; that the Chief Justice had also spoken to Marshal [redacted] of the Supreme Court relative to this matter, and the conclusion drawn was to the effect that [redacted] in his capacity in [redacted] in the Supreme Court Building, could not be in a position to obtain any information concerning the opinions to be rendered by the Court; that the only possibility for obtaining such information would arise through collusion with some other employee of the Supreme Court. Due to the rules of recording all visits to any part of

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62-46240-13

OCT 28 1936

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83 OCT 15 1964

TOLSON
TAMM

b7C

the Supreme Court Building by persons employed in the building or outsiders, it is the opinion of [redacted] and the Chief Justice that no one could have obtained information in advance of the decisions of the Court. Unless otherwise instructed, Agents will orally report to the Chief Justice each day as to the progress of the investigation.

b7C

This information was secured by [redacted] from Agents Rosen and [redacted]

Respectfully,

E. A. Tamm

E. A. Tamm HHS

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice
Washington, D. C.

October 23, 1936.

Mr. Nathan
Mr. Tolson
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

MEMORANDUM FOR THE DIRECTOR

b7C

Re: [redacted]
Alleged Attempt to Sell Advance Opinions of the United States Supreme Court.

With reference to my memorandum of even date in the above entitled matter, it has been discreetly ascertained that the name of [redacted] alleged associate in the Supreme Court building is [redacted] has been [redacted] at the United States Supreme Court. [redacted]

b7C

[redacted]

b7C

It was also ascertained that although [redacted] is listed as [redacted] at the United States Supreme Court, his principal duty is [redacted]

b7C

Respectfully,

E. A. TAMM.

[redacted]

b7C

RECORDED & INDEXED
OCT 24 1936

62-46240-14
FEDERAL BUREAU OF INVESTIGATION
OCT. 24 1936
U. S. DEPARTMENT OF JUSTICE

T.O.L. [illegible]	FILE

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 23, 1936.

PERSONAL AND CONFIDENTIAL

MEMORANDUM FOR THE DIRECTOR

Re: [redacted] b7C

Alleged Attempt to Sell Advance Opinions of the United States Supreme Court.

[redacted]

b7C, D, E

Inasmuch as it appears that [redacted] it would be advisable to present the case as it now stands to the Chief Justice prior to conducting any further investigation which might involve other trusted employees of the Supreme Court.

b7C

RECORDED & INDEXED.

62-46240-15

FEDERAL BUREAU OF INVESTIGATION
OCT 24 1936
U. S. DEPARTMENT OF JUSTICE

TOLSON | FILE

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83 OCT 15 1964

b7c

The Chief Justice will be interviewed today at 4:30 P.M. by Agents [redacted] and Rosen, and the matter presented to him in its entirety for his decision.

Respectfully,

E. A. TAMM.

AR:LJ

RADIOGRAM

Mackay Radio

THE INTERNATIONAL SYSTEM

Commercial Cables | Postal | Telegraph | All America Cables

CLASS OF SERVICE DESIRED			
DOMESTIC		FOREIGN	
RUSH MESSAGE	✓	FULL RATE	
SERIAL SERVICE		CODE RATE (CDE)	
DAY LETTER		URGENT	
NIGHT MESSAGE		DEFERRED (LCO)	
NIGHT LETTER		RADIO LETTER (NLT)	
		SHIP RADIOGRAM	

CHECK	
RECEIVER'S NUMBER	
TIME FILED	

DOMESTIC SERVICES } 15 WORDS FOR THE USUAL PRICE OF

DCC-8 NO

RLT:aw
5:10 p.m.
cc-Bureau

Send the following radiogram "VIA MACKAY RADIO" subject to the terms on back hereof, which are hereby agreed to:

NEW ORLEANS,
October 21, 1936.

DECODED COPY OF MESSAGE:

J. M. KEITH
FEDERAL BUREAU OF INVESTIGATI N
U. S. DEPARTMENT OF JUSTICE
4244 U. S. Department of Justice
Washington, D. C.

[redacted] STOP FURNISH [redacted] ADDRESS IF [redacted] INFORMATION CONCERNING [redacted] INACTIVE FILE CAN BE EXAMINED TOMORROW POSSIBLE TO ASSIST IDENTIFYING

b7C, D

TOLLETT

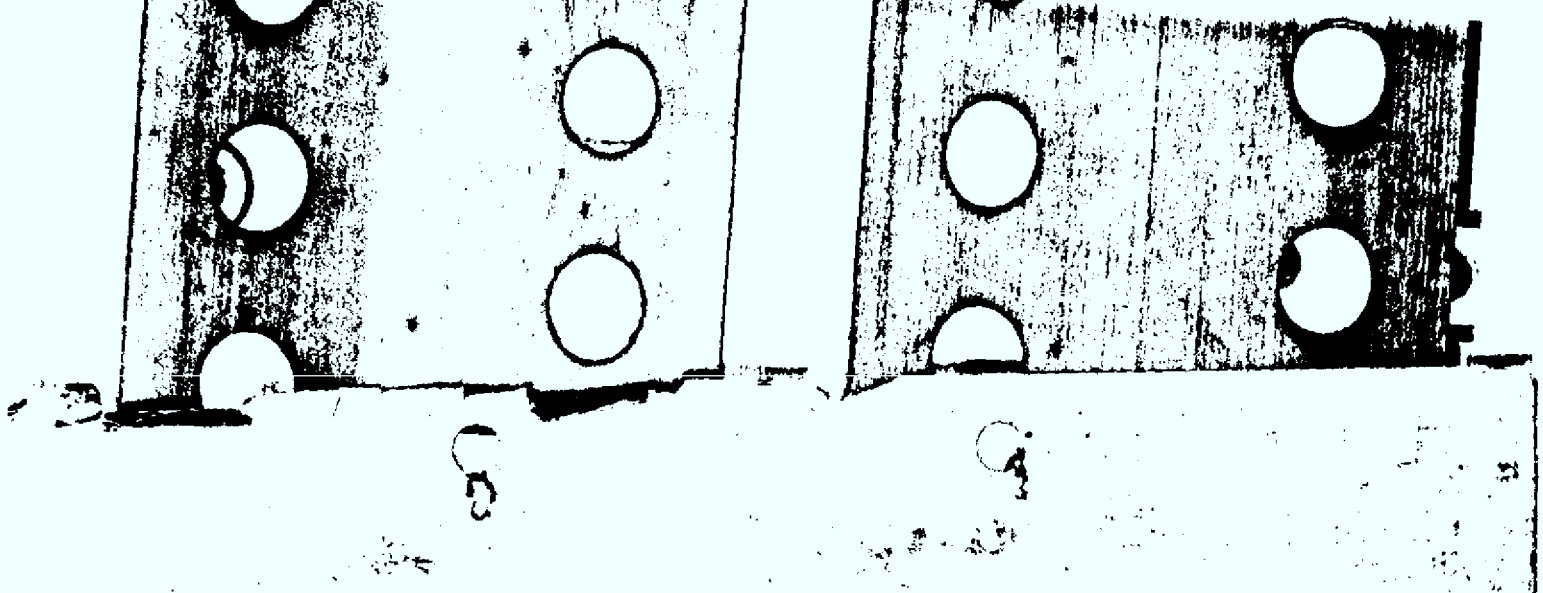
62-46240

FEDERAL BUREAU OF INVESTIGATION
OCT 22 1936 A. M.
U. S. DEPARTMENT OF JUSTICE

FILE

TELEGRAPH OFFICE.
POSTAL CALL BOX.

... OR ANY POSTAL ... RING



THE MACKAY RADIO AND TELEGRAPH COMPANY TRANSMITS AND DELIVERS THE WITHIN MESSAGE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS

To guard against mistakes or delays, the sender of a message should order it REPEATED; that is, telegraphed back to the originating office for comparison. For this, one-half the unrepeated-message rate is charged in addition. Unless otherwise indicated on its face, THIS IS AN UNREPEATED MESSAGE AND PAID FOR AS SUCH, in consideration whereof it is agreed between the sender of the message and this Company as follows:

1. The Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the UNREPEATED-MESSAGE rate, whether caused by the negligence of its servants or otherwise, beyond the sum of FIVE HUNDRED DOLLARS; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the REPEATED-MESSAGE rate, beyond the sum of FIVE THOUSAND DOLLARS; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the SPECIALLY VALUED MESSAGE rate, beyond the sum at which such message shall be valued, in writing by the sender thereof when tendered for transmission and for which payment is made or agreed to be made of an amount in excess of the repeated-message rate and an additional charge equal to one-tenth of one per cent of the amount so valued. Such written valuation shall exceed five thousand dollars; nor in any case for delays arising from unavoidable interruption in the working of its lines, or for errors in cipher or obscure messages.

2. The Company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other Company when necessary to reach its destination.

3. Messages will be delivered free within one-half mile from the Company's office in towns of 5,000 population or less, and within one mile of such office in other cities or towns. Beyond these limits the Company does not undertake to make delivery, but will, without liability, at the sender's request, as his agent and at his expense, endeavor to contract for him for such delivery at a reasonable price.

4. No responsibility attaches to this Company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.

5. The Company shall not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

6. It is agreed that prompt and correct transmission and delivery of this message shall be presumed in any action for recovery of tolls therefor, subject, however, to rebuttal by competent evidence.

7. NO EMPLOYEE OF THIS COMPANY IS AUTHORIZED TO VARY THE FOREGOING.

MACKAY RADIO AND TELEGRAPH COMPANY.

GH:MBL

ERAL BUREAU OF INVESTI
S. DEPARTMENT OF JUS

ER 21 1936

To: COMMUNICATIONS SECTION.

Transmit the following message to:

NEWORLEANS

[redacted] INFORMATION CONCERNING DISCREETLY ASCERTAIN AT [redacted]

[redacted] NEWORLEANS IF [redacted] IN THAT

CONCERN AT ANY TIME IF SO WIRE EXTENT AND [redacted]

KEITH GH

cc-BUREAU ✓

code underlined words, please.

62-46240

FEDERAL BUREAU OF INVESTIGATION
OCT 21 1936
U.S. DEPARTMENT OF JUSTICE

FILE

SENT VIA _____ M Per _____

EXT:MEL

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

OCTOBER 22 1936

To: COMMUNICATIONS SECTION.

Transmit the following message to:

NEWORLEANS

[redacted] INFORMATION CONCERNING [redacted] HAS LIVED FOLLOWING PLACES IN TEXAS [redacted] TO [redacted] HOUSTON

b7C

KEITH CBB

CC-Bureau

(code underlined words please)

62-46240

FEDERAL BUREAU OF INVESTIGATION
OCT 22 1936 P.M.

SENT VIA _____ _____M Per _____

Personal and
Confidential

Washington Field Office, Room 4244,
Washington, D. C.

October 19, 1936

DECLASSIFICATION ON 6/8/88
BY SP3 MLC/AG 247,528

MEMORANDUM FOR THE DIRECTOR
Re: [redacted] Attempting to
Self Advance Opinions of
the U. S. Supreme Court

In a conversation with Special Agents [redacted] and A. Rosen on Saturday afternoon, Chief Justice Hughes indicated to the Agents that he desired that an effort be made to ascertain the identity of some acquaintances of [redacted], having in mind that one of his acquaintances might be the person with whom he is acting in collusion in an attempt to secure advance opinions of the United States Supreme Court.

[redacted]

RECORDED & INDEXED
Respectfully,

E. A. Tamm.

[redacted]

62-46240-16
FEDERAL BUREAU OF INVESTIGATION
OCT 28 1936 A. M.
U. S. DEPARTMENT OF JUSTICE

OCT 29 1936

RECORDED COPY FILED IN 62-12114-857

WAG:GW.

DECODED COPY

FBI DEPT OF JUSTICE WASHINGTON DC 0711

FBI NEW ORLEANS 10-23-36 GW

SAC WASHINGTON FIELD

PHONE. [redacted] INFORMATION CONCERNING. [redacted] ADDRESS

[redacted], TEXAS. [redacted]

[redacted]

TOLLEY

END

62-462407

FEDERAL BUREAU OF INVESTIGATION

OCT 21 1936 A. M.

U. S. DEPARTMENT OF JUSTICE

FILE

cc-
Bureau

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 26, 1936.

MEMORANDUM FOR THE DIRECTOR:

b7C Re: [redacted]

ALLEGED ATTEMPT TO SELL ADVANCE OPINIONS OF THE UNITED STATES SUPREME COURT.

[redacted]

b7C, D, E

[redacted]

b7D

[redacted]

b7C, D

62-46240-17

RECORDED & INDEXED.

OCT 31 1936

U. S. DEPARTMENT OF JUSTICE

TAMM | FILE

RECORDED COPY FILED IN 62-46240-17

b7C

[redacted]

Respectfully,

E. A. Tamm

[redacted]

b7C

FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT Washington, D. C. FILE NO. 62-767. [redacted]

REPORT MADE AT	DATE WHEN MADE	PERIOD FOR WHICH MADE	REPORT MADE BY
New Orleans, Louisiana	10/26/36	10/21,22 & 25/36	[redacted] b7C

TITLE	CHARACTER OF CASE
[redacted] b7C	INFORMATION CONCERNING

SYNOPSIS OF FACTS: [redacted] b7C, D

R. U. C.

REFERENCE: Teletype message from Washington Field dated October 21, 1936.

DETAILS: This investigation is predicated upon reference teletype received October 21, 1936 from the Washington Field Office, which message requested that it be discreetly ascertained if [redacted] b7E

On October 21, 1936, Special Agent in Charge R. L. Tollett of the New Orleans Office contacted [redacted] b7C

The Washington Field Office was requested by wire on October 22, 1936 to furnish the New Orleans Office with [redacted] address. The Washington Field Office advised by wire on October 22, 1936 that [redacted] lived in the follow-

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
R. L. Tollett		62-46240-18 OCT 30 1936

COPIES OF THIS REPORT
3-Bureau
2-Washington Field (encl.)
2-New Orleans.

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OCT 15 1964

NOV 2 1936

U. S. GOVERNMENT PRINTING OFFICE 7—2084

b7C

ing towns in Texas during [redacted]

[redacted]

b7C
D

No further information concerning this individual was available [redacted]

The Washington Field Office was advised of the substance of the foregoing information concerning [redacted] by teletypewriter on October 23, 1936.

b7C

REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

AR:IJ

October 30, 1936.

Mr. Nathan
Mr. Tolson
Mr. Brigham
Mr. Clegg
Mr. Coffey
Mr. Dem
Mr. Ey
Mr. Fo th
Mr. Glavin
Mr. Ha
Mr. Jo
Mr. L
Mr. Nichols
Mr. Quinn
Mr. Schil
Mr. Ta
Mr. Tracy
Miss Gandy

MEMORANDUM FOR THE DIRECTOR

Re: Alleged Attempt to Sell Advance Opinions of the Supreme Court of the United States.

[redacted]

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83 OCT 15 1964

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62- 46240 -

FEDERAL BUREAU OF INVESTIGATION
NOV 20 1936 .M.
U. S. DEPARTMENT OF JUSTICE

TOLSON
TAMM

FILE

b7C, D, E

[redacted]

Respectfully,

E. A. TAMM.

Federal Bureau of Investigation

U. S. Department of Justice

AR:EB

Washington, D. C.
October 28, 1936.

MEMORANDUM FOR THE DIRECTOR

Re: [redacted]
Alleged Attempt to Sell Advance
Opinions of the Supreme Court

Investigation is being continued and arrangements will be made this evening to contact [redacted] and have [redacted] (Agent [redacted]) interview [redacted] relative to the delivery of an opinion in either the A. and P. Chain Store case or the Iowa Chain Store Tax case. Both of these cases will be decided upon by the Supreme Court and opinions delivered during the next convening of the Court, which will take place on November 9, 1936.

Arrangements have also been made to have Chief Justice Hughes place identifying marks on the copies of the opinion in the above-named cases which will be delivered to the Justices. It is contemplated that a test run will be made and that [redacted] in an effort to show that he is able to deliver opinions in advance of the opinion day, will obtain one of the copies which have been circulated among the Justices.

Respectfully,

E. A. Tamm.

RECORDED & INDEXED

62-46270-19

FEDERAL BUREAU OF INVESTIGATION
OCT 30 1936
U. S. DEPARTMENT OF JUSTICE

TAMM FILE

Washington Field Office, Room 4244,
Washington, D. C.
October 31, 1936

MEMORANDUM FOR THE DIRECTOR

Re: [redacted]
Attempt to Sell Advance
Opinions of the U. S.
Supreme Court

No further developments are anticipated during the next few days, inasmuch as the conference had between [redacted] (Agent [redacted]) and [redacted] in the fixing of a definite meeting on November 5, at 3 p.m., in the Washington Hotel, at which place [redacted] will deliver to [redacted] a written opinion of the Supreme Court, with the name of the Justice rendering the opinion attached thereto, which opinion will serve as proof that [redacted] is in a position to deliver an opinion of note.

This so-called test run and the delivery thereof of an opinion will not affect the stock market in any way.

Chief Justice Hughes is being informed of developments daily. He has expressed great surprise and indicated his pleasure at the manner in which the investigation has so far been conducted. Although he has not expressly stated, it appears that the Chief Justice will spare no one in this investigation.

Very truly yours,

E. A. Tamm.

AR:MC

62-46240-197
FEDERAL BUREAU OF INVESTIGATION
NOV 19 1936
U. S. DEPARTMENT OF JUSTICE
TO LS TAMM | FILE

COPIES DESTROYED
88 OCT 15 1964

JOHN EDGAR HOOVER
DIRECTOR

EAT:CDW

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

November 6, 1936.

Time - 3:40 P.M.

MEMORANDUM FOR THE DIRECTOR

b7C

With reference to the Supreme Court matter, Mr. Hottel telephoned me and said that Subject [redacted] failed to show up for an appointment which he had with Agent [redacted] at the Washington Hotel at three o'clock this afternoon.

They are going to try to get in touch with him tonight.

Respectfully,

E. A. TAMM.

Mr. Nathan
Mr. Tolson
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

62-46240-20

NOV 10 1936

JOHN EDGAR HOOVER
DIRECTOR

[redacted]

Federal Bureau of Investigation
U. S. Department of Justice
Washington, D. C.

November 4, 1936.

Mr. Nathan
Mr. Tolson
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

MEMORANDUM FOR MR. NATHAN

Re: Taking of photographs by
Special Agents [redacted] and Rosen.

On October 29, 1936 the Laboratory furnished Special Agents [redacted] and Rosen of the Washington Field office Leica cameras for use in photographing suspects in a confidential investigation.

Your attention is called to the excellent results obtained by Agent [redacted] with the aid of telephoto lens equipment and a Leica camera furnished by the Laboratory. The attached photographs which depict the subjects in question were taken without their knowledge at distances ranging from fifty to one hundred and fifty feet.

At the same time motion pictures were also taken by [redacted] of the Laboratory depicting these same subjects in conversation with each other.

Respectfully,

E. P. Coffey

E. P. Coffey.

ENCLOSURE ATTACHED

RECORDED & INDEXED

62-46240-20X

FEDERAL BUREAU OF INVESTIGATION

FILE

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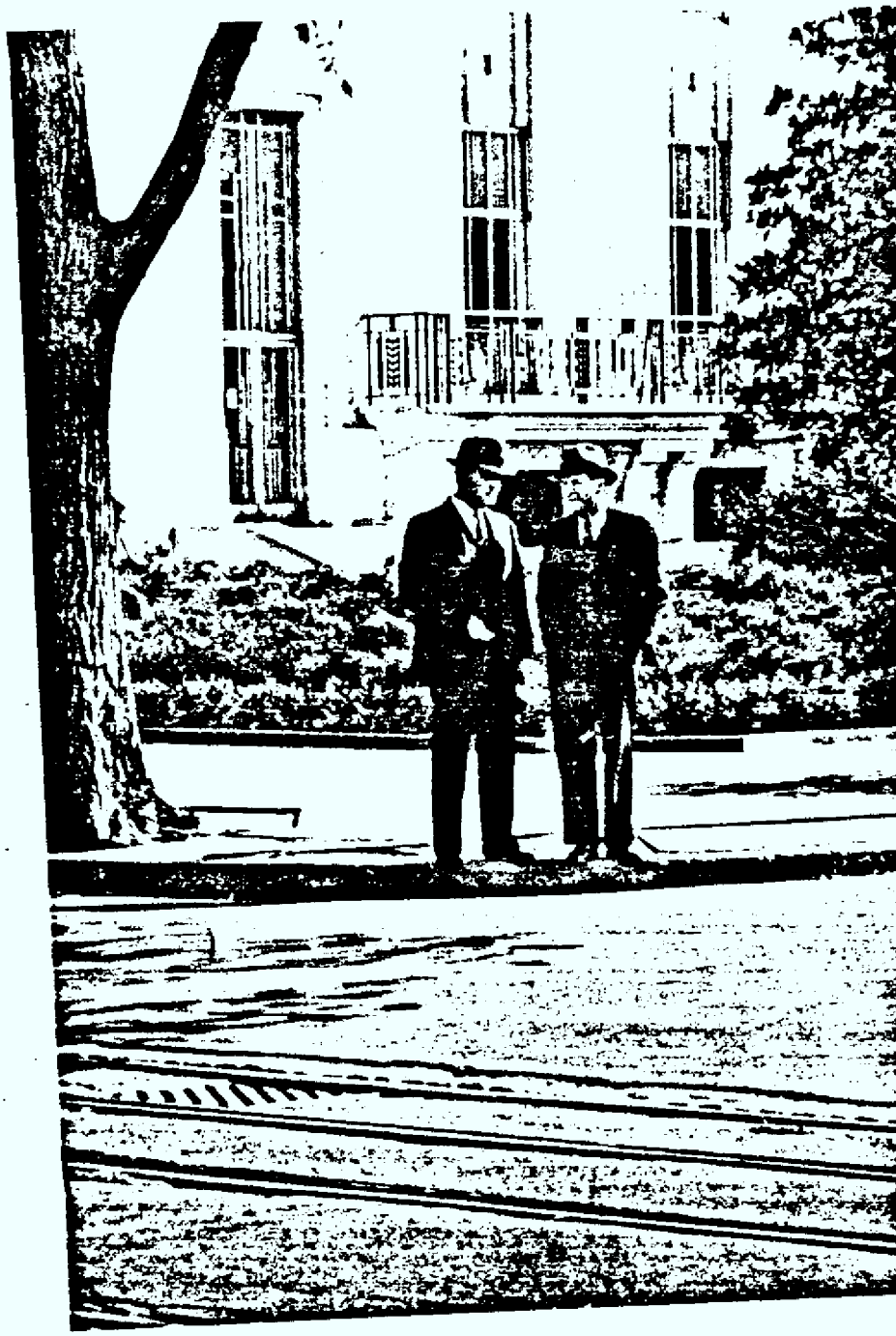
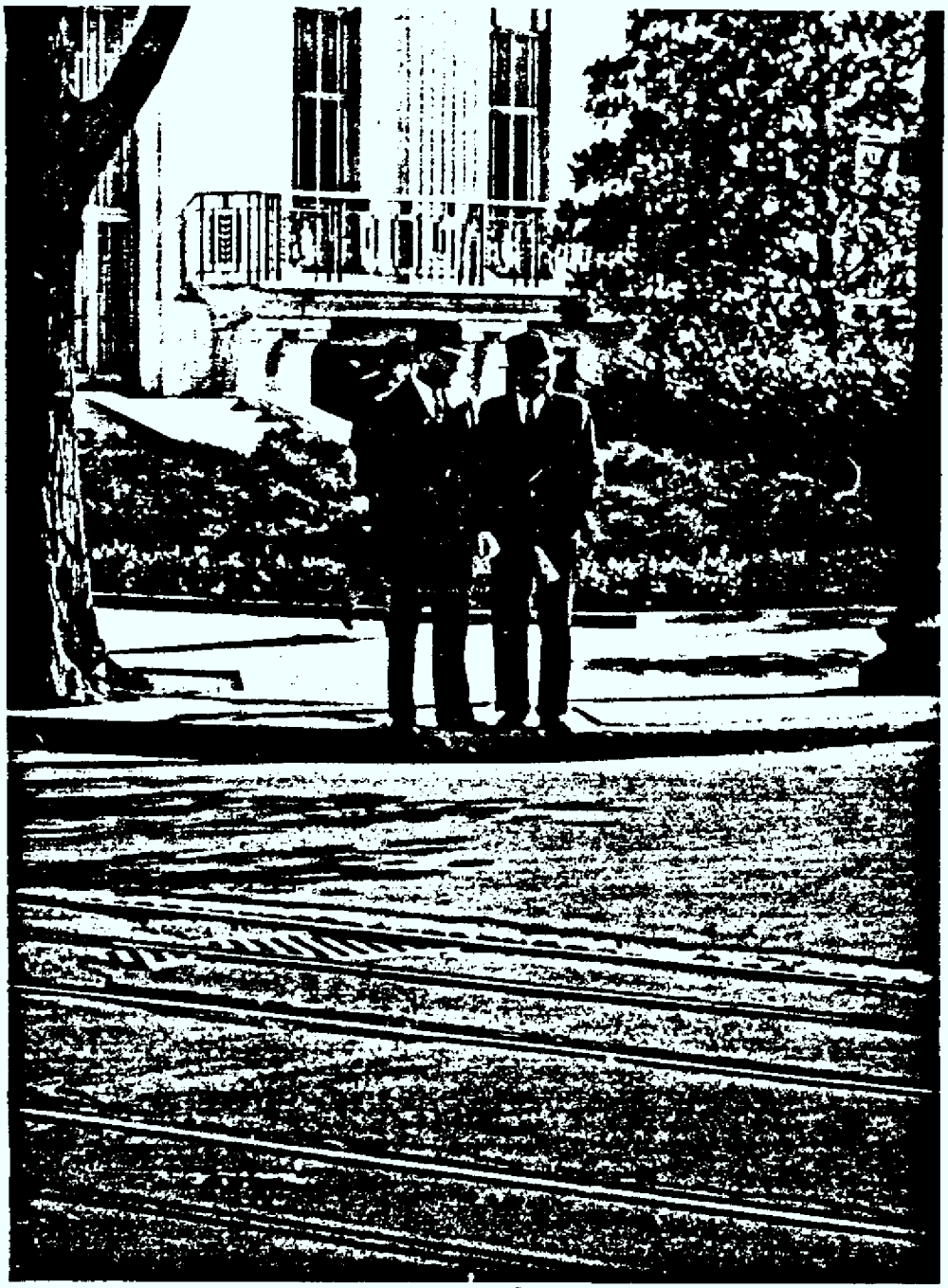
62-46 -75
66-36-2777

DEC 1 1936

TOLSON CLEGG





Office of the Attorney General
Washington, D.C.

October 13, 1936.

MEMORANDUM FOR MR. HOOVER.

I have your memorandum of October 10, with reference to [redacted] I note also that you have sent a copy of the memorandum to Mr. Keenan.

I would suggest that you confer personally with Mr. Keenan and determine upon a course of action. Your memorandum does not clearly indicate whether or not the Chief Justice has yet been advised by Marshal [redacted] of the developments referred to. It rather strikes me that it would be best for Mr. [redacted] to submit the matter to the Chief Justice and that thereafter the F.B.I. should follow a course approved by the Chief Justice.

If you and Mr. Keenan take this view, I would be glad if you would proceed along the lines suggested.

H.S.C.
A.G.

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83 OCT 15 1964

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RECORDED & INDEXED

61-46240-21
FEDERAL BUREAU OF INVESTIGATION
NOV 10 1936 A.M.
U.S. DEPT. OF JUSTICE

[redacted]

[redacted] Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 10, 1936

OCT 12 1936

ATTORNEY GENERAL

MEMORANDUM FOR THE ATTORNEY GENERAL

PERSONAL AND CONFIDENTIAL

The following information has been received from [redacted] Marshal for the Supreme Court of the United States:

[redacted]

Marshal [redacted] advised that before reporting this matter to the Court, he believed it desirable to make some inquiries to substantiate or disprove the information obtained and, accordingly, he interviewed

Marshal advises that he talked with who furnished in substance the same facts as did

Marshal stated that through inquiries conducted of

Marshal , upon reaching this point in his inquiries, decided that the matter was one requiring the attention of this Bureau and, accordingly, he has submitted the facts to the Bureau. I would appreciate being advised whether you desire the Bureau to initiate investigation into this situation.

I am transmitting a copy of this memorandum to Mr. Keenan for his information.

Respectfully,

J. Edgar Hoover

John Edgar Hoover,
Director.

Federal Bureau of Investigation

United States Department of Justice

Mr. Nathan
Mr. Tolson
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Gurnea
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

AR:EB

Washington, D. C.,
November 12, 1936.

MEMORANDUM FOR THE DIRECTOR.

Re: [redacted]
Alleged Attempt to Sell Opinions of the Supreme Court in Advance.

[redacted] who was originally approached by [redacted] with reference to the sale of opinions, has informed Special Agents Rosen and [redacted] who are assigned to this case, that [redacted] You will recall that on November 5, 1936, [redacted] met [redacted] in the lobby of the Washington Hotel and stated [redacted] You will recall that he also was given the opportunity to deliver a test case on the day subsequent but that he did not appear at such time. The developments to date have been related to Chief Justice Hughes who informed Agents Rosen and [redacted] that inasmuch as [redacted] so far was unable to deliver any opinions after having been given ample time prior to opinion day, which was on November 9, 1936, it appeared that [redacted] had fabricated his representation that he was in the position to obtain opinions of the Court in advance.

With this thought in mind it was believed desirable to arrange one more meeting between [redacted] and [redacted] However, the information which has been obtained today simplifies the situation as far as the future meeting is concerned and it has been arranged to have [redacted] meet [redacted] in the lobby of the Mayflower Hotel at 3 P.M. on Friday, November 13th.

Respectfully,

E. A. Tamm.

62-46240-2

RECORDED
&
INDEXED

NOV 13 1936

TOLSON
TAMM
FILE

Federal Bureau of Investigation

United States Department of Justice
Washington Field Division, Rm. 4244,
Washington, D. C.

November 13, 1936.

Mr. Nathan	
Mr. Tolson	✓
Mr. Baughman	
Mr. Clegg	
Mr. Coffey	
Mr. Dawsey	
Mr. Egan	
Mr. Foxworth	
Mr. Glavin	
Mr. Harbo	
Mr. Joseph	
Mr. Lester	
Mr. Nichols	
Mr. Quinn	
Mr. Schilder	
Mr. Tamm	
Mr. Tracy	
Miss Gandy	

MEMORANDUM FOR THE DIRECTOR.

RE: [redacted]
ALLEGED ATTEMPT TO SELL OPINIONS OF THE U. S. SUPREME COURT IN ADVANCE.

Pursuant to previous arrangements, [redacted] (Agent [redacted] met [redacted] at the Mayflower Hotel at 3 p.m. this date, having previously been prepared to receive an opinion of the Supreme Court from [redacted] who stated on Thursday, November 12, 1936, that he had something to deliver to [redacted]. At this meeting, [redacted] stated [redacted]

It was [redacted]'s impression that [redacted] is unable to obtain any opinions of the Supreme Court, and [redacted] was informed by [redacted] that until such time as [redacted] is able to get an opinion, no further negotiations or meetings would be had relative to this matter.

Respectfully,

E. A. Tamm.

AR:JGM

62- 46240-23

RECORDED & INDEXED

NOV 17 1936

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigat
United States Department of Justice
Washington, D. C.

EAT:TMF

November 19, 1936

MEMORANDUM FOR THE DIRECTOR

b7C

With reference to the case involving the alleged leak in the Supreme Court, you are advised that Agents Rosen and [redacted] obtained from [redacted] last evening a signed statement in which he admits his participation in this entire project in his efforts to sell advanced copies of Supreme Court decisions. [redacted] contact is [redacted] was acquainted and was dealing in this proposition [redacted] has been interviewed and a signed statement taken from him outlining in detail his part in the affair. [redacted] and an interview and interrogation of him is the next step. Since the interrogation of [redacted] extends the possibility of some leak getting out concerning the investigation the facts will be discussed this afternoon with the Chief Justice, by the investigating Agents to ascertain whether he will permit going further into the investigation.

Respectfully,

E. A. Tamm

RECORDED
&
INDEXED

62-46240-24

NOV 23 1936

NOV 20 1936

FULSON TAMM

Mr. Nathan
Mr. Tolson
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tracy
Mr. Gandy

JOHN EDGAR HOOVER
DIRECTOR

...eral Bureau of Investigation
United States Department of Justic.
Washington, D. C.

EAT:RP

November 20, 1936

MEMORANDUM FOR THE DIRECTOR

Agents Rosen and [redacted] interviewed [redacted] mentioned in my memorandum of yesterday, [redacted] who was believed to be associated with [redacted] and [redacted] in the alleged obtaining of advance copies of Supreme Court decisions. A signed statement was obtained from [redacted] which, together with other facts developed, indicates that he regarded this whole matter as something of a hoax or a practical joke being played by or on someone. [redacted] statement sets forth that it would be virtually impossible for any person under the setup in the Supreme Court to obtain advance copies of decisions, and the Bureau's investigation substantiates this condition.

The Chief Justice has been furnished with the facts orally in this matter and copies of the signed statements have been displayed to him. He expressed himself as highly pleased with both the results of the investigation and the manner in which it was conducted, and requested the investigating Agents to personally convey to you his commendation for the handling of this matter.

A complete report on the entire investigation will be prepared which will take several days to get out, and I will also have prepared a personal and confidential letter for your signature to the Chief Justice furnishing him with the general facts disclosed by the investigation.

Respectfully,

E. A. Tamm.

62-46240-25

RECORDED
&
INDEXED.

NOV 27 1936

b7C [redacted]

November 27, 1936.

Honorable Charles Evans Hughes,
Chief Justice of the Supreme Court
of the United States,
2223 R Street, N. W.,
Washington, D. C.

My dear Mr. Chief Justice:

With reference to the investigation which was conducted of [redacted] an employee in the U. S. Supreme Court Building, who, it was alleged, was endeavoring to dispose of, for a monetary consideration, opinions of the Court in advance of their being delivered, it has been determined that [redacted] was not only unable to produce an opinion, but that such an eventuality is highly improbable.

I have been informed by the Special Agents who were engaged in this investigation that a meeting took place on October 22, 1936, between [redacted] and an Agent of this Bureau, who represented himself to be [redacted]

At a second meeting between Messrs. [redacted] and [redacted] on the night of October 29, 1936 [redacted] named [redacted] in the Supreme Court Building, as his associate. In addition thereto, an appointment was made by [redacted] to deliver to [redacted] an opinion at 5 p.m. on November 5th in the lobby of the Washington Hotel. This appointment was kept, but [redacted] failed to make the expected delivery. However, he stated that if he could secure an opinion during the interim, he would meet [redacted] the following day. [redacted] failed to keep this appointment.

The final meeting occurred in the lobby of the Mayflower Hotel on November 13, 1936, at which time [redacted] confessed his inability to perform his part of the agreement.

INDEXED. 62-46240-2

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83 OCT 15 1964

In view of the developments, it was deemed advisable to confront both Messrs. [redacted] and [redacted] with the evidence which had been secured and signed statements were obtained from both. These statements, copies of

Original delivered by Agent Rosen & Chief Justice - EOY 11/26/36.

which have been furnished to you, establish that [redacted]

b7C, D [redacted] in his statement, related [redacted]

A written statement secured from [redacted] disclosed that

b7C, D [redacted]

b7C, D [redacted]

b7C [redacted] who was referred to by [redacted] in his conversation with [redacted] was in no way cognizant of the activities of Messrs. [redacted] and [redacted]

I was gratified to learn that [redacted] was unable to make a delivery, and in compliance with your request, no further inquiries will be made unless you so desire..

With kind personal regards, I am

Sincerely yours,

John Edgar Hoover,
Director.

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

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