85TH CONGRESS
1ST SESSION

S. 2646

IN THE SENATE OF THE UNITED STATES

JULY 26 (legislative day, JULY 8), 1957

Mr. JENNER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To limit the appellate jurisdiction of the Supreme Court in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 81 of title 28 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1258. Limitation on appellate jurisdiction of the Supreme Court

"Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter, the Supreme Court shall have no jurisdiction to review, either by appeal, writ of certiorari,

or otherwise, any case where there is drawn into question the validity of—

"(1) any function or practice of, or the jurisdiction of, any committee or subcommittee of the United States Congress, or any action or proceeding against a witness charged with contempt of Congress;

"(2) any action, function, or practice of, or the jurisdiction of, any officer or agency of the executive branch of the Federal Government in the administration of any program established pursuant to an Act of Congress or otherwise for the elimination from service as employees in the executive branch of individuals whose retention may impair the security of the United States Government;

"(3) any statute or executive regulation of any State the general purpose of which is to control subversive activities within such State;

"(4) any rule, bylaw, or regulation adopted by a school board, board of education, board of trustees, or similar body, concerning subversive activities in its teaching body; and

"(5) any law, rule, or regulation of any State, or of any board of bar examiners, or similar body, or of any action or proceeding taken pursuant to any such

law, rule, or regulation pertaining to the admission of persons to the practice of law within such State."

(b) The analysis of such chapter is amended by adding at the end thereof the following new item:

"1258. Limitation on the appellate jurisdiction of the Supreme Court."

85TH CONGRESS
1ST SESSION

S. 2646

A BILL

To limit the appellate jurisdiction of the Supreme Court in certain cases.

By Mr. JENNER

JULY 26 (legislative day, JULY 8), 1957
Read twice and referred to the Committee on the Judiciary

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Belmont

DATE: August 12, 1957

FROM : L. B. Nichols

SUBJECT: INTERNAL SECURITY SUBCOMMITTEE TESTIMONY S. 2646, TO LIMIT APPELLATE JURISDICTION OF SUPREME COURT OF THE UNITED STATES IN CERTAIN [redacted] CASES

The following volume of testimony has been received from the Committee and has been forwarded to Mr. Joseph Sizoo in the Domestic Intelligence Division for appropriate handling and return to my office for return to the Committee:

Photostat made & original transcript returned to Mr. Nichols 8/13/57 jss

Volume 131, at Washington, D. C., August 7, 1957.

Testimony of Honorable William E. Jenner, in Public Session.

cc-Mr Sizoo

LBN:icd
(4)

62-27585-

NOT RECORDED
176 AUG 23 1957

ORIGINAL FILED IN

Mr. Boardman
Mr. Belmont
Mr. Baumgardner
[redacted]

August 14, 1957

Honorable James T. Patterson
House of Representatives
Washington, D. C.

My dear Congressman:

I am in receipt of your letter of August 10, 1957, with which were enclosed a letter from Senator William E. Jenner dated August 2, 1957, and a copy of S.2646.

Your thoughtfulness in forwarding this material to me is indeed appreciated.

While I would like to be of assistance to you in this matter, the policy of this Bureau over the years has been to refrain from commenting upon matters pertaining to legislation inasmuch as these matters are within the purview of the United States Congress. I am sure you will appreciate the reasons for this policy.

The enclosures to your letter are being returned herewith for the completion of your files.

Sincerely yours,

J. Edgar Hoover

MAILED 9
AUG 16 1957
COMM-FBI

8/14/57
SENT DIRECTOR
FOR APPROVAL

Enclosures (2)

NOTE ON YELLOW ONLY:

Congressman Patterson was first elected to Congress 11-5-46 and has served since that time.

[redacted]

(Continued on page 2)

SEE MEMO FROM BELMONT TO BOARDMAN DATED 8-15-57
CAPTIONED "LEGISLATIVE MATTERS, S.2646"

Tolson
Nichols
Boardman
Belmont
Mohr
Parsons
Rosen
Tamm
Trotter
Nease
Tele. Room
Holloman
Gandy

MAIL ROOM

65 AUG 22 1957

FBI
AUG 14 3 55 PM
RECD

Honorable James T. Patterson

b6,
b7C

[redacted]. He has received cordial correspondence since February, 1947. Copies of returned enclosures retained for completion of Bufiles.

Office Memorandum • UNITED STATES GOVERNMENT

TO : TOLSON

DATE: 8-14-57

FROM : J. P. Mohr

SUBJECT: CONGRESSIONAL COMMITTEE MEETINGS

85th Congress

The Senate Internal Security Subcommittee will meet today at 9:30 a.m., Room 457 Senate Office Building, in open session to hold hearings on S. 2646, a bill to limit the appellate jurisdiction of the Supreme Court in certain cases. Miss Stephanie Horvath, Bureau of Special Police, New York City, will be heard.

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ORIGINAL COPY FILED IN

cc-Mr. Nichols
Mr. Boardman

[redacted] (4)

b6
b7C

10 AUG 15 1957

THREE

62-27585-

[redacted]-104162-

NOT RECORDED
47 AUG 16 1957

70 SEP 9 1957

[redacted]

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN 8/19/57

DATE: August 14, 1957

FROM : MR. A. H. BELMONT

1 - Mr. Boardman
Mr. Belmont
Mr. Baumgardner

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SUBJECT: LEGISLATIVE MATTERS
S.2646

Congressman James T. Patterson (R), Connecticut, by letter dated 8-10-57, received 8-12-57, enclosed a letter to him from Senator William E. Jenner (R), Indiana, dated 8-2-57 and a copy of S.2646 introduced in the Senate on 7-26-57. Congressman Patterson requested the Director's comments and advice regarding this bill.

S.2646 seeks to abolish the appellate jurisdiction of the Supreme Court in connection with (1) the functions of congressional committees; (2) programs dealing with subversion in the executive branch of the Government; (3) state laws which deal with subversives within the state; (4) rules adopted by school boards or similar bodies dealing with subversive activities among teaching bodies; and (5) laws, rules and regulations of any State Board of Bar Examiners or similar bodies with regard to action taken pertaining to admission of persons to practice law within a state.

This proposed legislation is entirely regulatory in nature and does not affect the Bureau's jurisdiction.

b7C b6 Patterson has been a Congressman since 11-5-46. [redacted] He has received cordial correspondence since February, 1947.

RECOMMENDATION:

It is recommended that Congressman Patterson be advised that since his letter deals with legislative matters which are solely within the purview of Congress, we must refrain from furnishing our comments. If you agree, there is attached an appropriate reply to Congressman Patterson.

62-27585-82X4
62-104162-5

RECORDED 18 AUG 22 1957

8/14/57 SENT DIRECTOR FOR APPROVAL

Enclosure

b6 [redacted] (3)
b7C

AUG 28 1957

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Roach

DATE: August 21, 1957

FROM : [redacted] b7C

SUBJECT: PUBLIC HEARING
SENATE INTERNAL SECURITY SUBCOMMITTEE ON
LEGISLATION TO LIMIT APPELLATE JURISDICTION
OF U.S. SUPREME COURT, 8/7/57
62-[illegible]

Tolson
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Tele. Room
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Gandy

Enclosed is a Photostat of Volume 131 of public proceedings before captioned Subcommittee, 8/7/57, together with a copy of S.2646, 85th Congress, first session. Proceedings consisted of statement of Senator Jenner, member of Subcommittee introducing above bill.

Purpose of bill is to deprive U.S. Supreme Court of appellate jurisdiction in 5 types of litigation: (1) involving Congressional committees, (2) security of U.S. Government employees, (3) state statutes or regulations regarding subversive matters, (4) local regulations regarding subversive activities of school teachers, (5) rules of state bar examiners regarding subversive affiliations of prospective attorneys at law.

Senator Jenner explained that recent Supreme Court decisions in the security field disclosed, in his opinion, the need for the above legislation.

ACTION:

File enclosures for information, no indexing necessary.

[redacted] (3) b6
Enclosures b7C
1-Liaison Section
1-[redacted]

62-27585-
1 [illegible]
NOT RECORDED
176 AUG 23 1957

EX-[illegible]

AUG 23 1957

57 SEP 12 1957

best copy available

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO: Mr. Tolson

DATE: 8-2-57

FROM: L. B. Nichols

SUBJECT: Supreme Court

Tolson
Nichols
Boardman
Belmont
Parsons
Rosen
Tamm
Trotter
Nease
Tele Room
Holloman
Gandy

In connection with the American Bar Association Convention in London, Mr. Cimperman, pursuant to my instructions, made arrangements to hire a car for the use of the Attorney General. We went down to Southampton to meet the Queen Mary on its arrival on the evening of July 22. The State Department sent cars down for the Chief Justice and Justices Harlan and Clark. The Attorney General was most appreciative. We got him off the boat about 10:30 p.m. and got him back to London shortly after midnight. The other Justices followed shortly thereafter although some of the people did not get back to London until Tuesday morning.

Tuesday afternoon we learned that the Chief Justice and the Associate Justices had no transportation and considerable confusion had developed as a result. I told Cimperman that we had better try to get three extra cars for them in the event they did not have transportation. That evening the Attorney General went to the theater and on the way asked the driver to call us and say the Chief Justice did not have transportation and request that we endeavor to arrange something for him. This we were already doing. By this time cars were hard to get and Cimperman did succeed in getting three cars which he hired and we called the Justices and told them about the cars. The Chief Justice was most appreciative as were Clark and Harlan.

NOT RECORDED
133 AUG 1 1957

On Wednesday morning we told the Attorney General we had done this and he inquired if we had gotten his message and I told him we had and had taken steps before we got his message. He stated he was glad because the Embassy had fallen down and under the circumstances he didn't see that there was anything else we could do. The Justices were most appreciative and on several occasions commented on their appreciation and that they couldn't understand why the State Department had not made arrangements. We later learned that on Thursday night, July 25, the Embassy had called the British Law Society and stated they had now secured authority to hire cars for the Justices. The Law Society stated that they had gotten some cars for the American Bar Association officials and this was not a matter for the Law Society. It, of course, is atrocious that the State Department fell down. I think our action will pay dividends.

AUG 14 1957

cc - Mr. Mohr

LBN:nl
(3)

SENT DIRECTOR
64 AUG 14 1957

INDEXED

I do not, of course, know how much the bill will be. The cars cost 9 pounds ($25.20 a day) if the car is used all day. Otherwise it is on an hourly basis. At the most we will probably get a bill for between two to three hundred dollars for each of the Justices. I told Cimperman to go ahead and pay for the cars and include it in his expense account. The three Justices asked that their deepest appreciation be expressed to the Director for the courtesies extended to them. The Attorney General commented on it on several occasions during the period we were there.

The day the Attorney General left he told us that the Chief Justice had talked to him about the alertness of the Bureau and how much he appreciated our taking care of him. No services were extended to others although the Departmental crowd did want Cimperman to make appointments with British officials for them. I told Cimperman to tell them this was an Embassy function and to take it up with the Embassy.

There was absolutely no justification for hiring cars for anyone but the A.G. & Mr. Rogers have no authority for [illegible] which to pay it

(ONLY FOR PAPERS PURCHASING LEWIS COLUMN. OTHERS MUST NOT USE.)

(CAUTION: ADVANCE LEWIS COLUMN FOR RELEASE WEDNESDAY, JULY 31, A.M. AND P.M. PAPERS. MUST NOT BE PUBLISHED BEFORE THAT DATE.)

WASHINGTON REPORT

BY FULTON LEWIS,JR.

file 4/mm 62-27585

Mr. Tolson
Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Nease
Tele. Room
Mr. Holloman
Miss Gandy

WASHINGTON, JULY 30--President Eisenhower has more reason for concern about the Supreme Court than appears on the surface, because the trend of decisions is not accidental. It is part of an established pattern which can be expected to continue -- as demonstrated by a recent Washington dinner conversation.

The lady in question must remain anonymous, but she is the wife of a top-drawer presidential adviser. The affair was formal. Chief Justice Earl Warren was seated at her right. In voluble mood, he reminisced about his service in Washington. When he and Mrs. Warren first arrived from California, he said, they were desperately lonely. They found Washington a cold place.

As Chief Justice, he was unfamiliar with his job. It was a long time since he had had direct contact with law practice. He was groping to get his feet on the ground, and desperate to get his teeth into his work.

One man, alone, befriended and took him in,and to that man, he said, he feels an undying and unrepayable gratitude.

The lady listened as he built the story with dramatic romanticism --how they had philosophized together, socialized together, studied cases together. There had been a stimulating meeting of the minds. Finally, he reached the climax:

62-27585-4
NOT RECORDED
141 AUG 15 1957

"That man is Felix Frankfurter."

To this, add the failure of Attorney General Brownell to adequately screen the background of William J.Brennan of New Jersey, and Ike has his answer. Two of his four appointments have soured on him. With Frankfurter, Hugo Black and William Douglas already on the other side, he has provided himself with an opposition court.

And there is no relief in sight. Frankfurter was talking retirement several years ago, but his health has picked up and the talk is no more. Black is as chipper as when he was appointed 20 years ago. Douglas has the constitution of an ox.

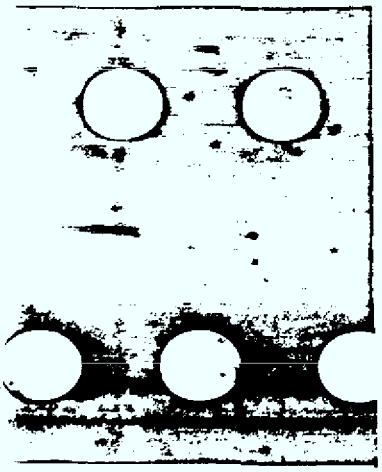
52 AUG 15 1957

SENT DIRECTOR 7/29/57

(MORE)

Warren's appointment was, of course, in repayment of a political debt. He delivered the California delegation to Ike at the Chicago Convention of 1952, and thus clinched the Eisenhower nomination. Attorney General Herbert Brownell, as floor manager, had agreed to let Warren name his own reward. The California Governor sat comfortably in his Scaramento palace until the vacancy occurred,then claimed it.

But by the time the Brennan vacancy came along, Brownell should have learned. Warren was already demonstrating the ill wisdom of political appointments to the supreme bench, and Mr. Eisenhower already was muttering to friends that Warren was far too left to suit him.



Brownell says now that he picked William J. Brennan because he wanted a Roman Catholic Democrat from New Jersey. The reason for these specifications is obscure. In any event, Deputy Attorney General William Rogers came up with Brennan's name, and said he was highly recommended by the late Chief Justice Arthur Vanderbilt of the New Jersey Supreme Court, one of the most respected figures of the American bar.

Actually, Vanderbilt had recommended Brennan not for a judgeship but for a position on Rogers' study commission on speeding up procedures in the Federal courts, on which subject Brennan had made an outstanding contribution in the New Jersey Courts. Rogers found him personable, hardworking, and helpful so far as the study was concerned.

As to Brennan's political and social philosophy, he made no inquiries. A simple reading of the man's past speeches and statements would have identified him, implacably, for what he turned out to be. They blueprinted the whole story.

This explains the series of "modernist" decisions, wrecking the existing structure of court procedures, threatening the effectiveness of the FBI, imperiling every informant who ever contributed to FBI files, and paralyzing the investigative processes of the Congress.

Brownell frantically asks for legislative corrections, with one house of Congress tied up in filibuster and the other eager to go home. Assistant FBI director Louis Nichols is dispatched to London to get the American Bar Association on helpful record.

But the real trouble cannot be undone: two political appointments.

######

(fk)

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 8/8/57

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages A6406-A6407 Congressman Smith, (R) California, extended his remarks to include two editorials which appeared in the Los Angeles Evening Herald Express dealing with recent decisions of the Supreme Court. This was set forth in an earlier memorandum inasmuch as the editorials contained references to Mr. Hoover and the FBI in connection with the release of Bureau records.

Original filed in:

62-22588
NOT RECORDED
141 AUG 28 1957

In the original of a memorandum captioned and dated as above, the Congressional Record for was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

63 AUG 27 1957

5-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 8/6/57

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages A6351 A6353 Senator Cotton, (R) New Hampshire, extended his remarks to include excerpts from an address delivered by Honorable Louis C. Wyman, attorney general of the State of New Hampshire and president of the National Association of Attorneys General, before the national convention of the association on June 24, 1957, at Sun Valley, Idaho, on the subject of the recent Supreme Court decisions relating to Communists. References to the FBI, in connection with decision releasing Bureau records, have been noted.

Original filed in:

NOT RECORDED
141 AUG 26 1957

INITIALS ON ORIGINAL

57 SEP 13 1957

In the original of a memorandum captioned and dated as above, the Congressional Record for [illegible] was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

4

5-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 8/15/57

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Page A6645-A6646 Senator Goldwater, (R) Arizona, extended his remarks to include an article written by Mr. Terrence A. Carson which appeared in the Arizona Republic of August 10, 1957, concerning recent decisions of the Supreme Court. The reference to the FBI, contained in the article, was set forth in a memorandum written earlier this date.

Original filed in:

62-27585-1
NOT RECORDED
141 AUG 20 1957

In the original of a memorandum captioned and dated as above, the Congressional Record for [redacted] was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

SEP 4 1957 F-34

5-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 8-22-57

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages A6873-A6874 Senator Thurmond, (D) South Carolina, requested to have printed in the Record an article written by David Lawrence entitled "Red Spies and Naive Americans -- New Revelations of Soviet Activities Cited as Proving Menace Is Real" which appeared in the Washington Evening Star of August 20, 1957. The references to the FBI were set forth in an earlier memorandum.

1412

Original filed in:

62-27565-V
NOT RECORDED
141 AUG 29 1957

INITIALS ON ORIGINAL

In the original of a memorandum captioned and dated as above, the Congressional Record for [illegible] was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

1957 #72

4-572 (9-29-55)

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 8/23/57

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages A6855-A6865

Congressman Davis, (D) Georgia, extended his remarks to include the column written by Tom Anderson which appeared in the August 1957 issue and the September 1957 issue of the Farm and Ranch magazine on the recent decisions of the Supreme Court on the civil rights bill. The references to the FBI were set forth in a memorandum written earlier this date.

Original filed in: 62-173

62-27585-
NOT RECORDED
141 SEP 9 1957

In the original of a memorandum captioned and dated as above, the Congressional Record for Thursday 8/22/57 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

63 SEP 12 1957

A-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 8/30/57

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages A7279-A7280 Senator Neuberger, (D) Oregon, extended his remarks to include excerpts from an editorial entitled "A Rebirth of Freedom" which appeared in the Progressive magazine of August, 1957. The references to the FBI contained in this editorial were set forth in a previous memorandum.

Original filed in: 94-4-16

NOT RECORDED
141 SEP 13 1957

In the original of a memorandum captioned and dated as above, the Congressional Record for [illegible] was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

63 SEP 23 1957

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

XXXXXX
XXXXXX
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FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

_____ 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.

_____ 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: This serial was previously released to you regarding another matter - John Marshall Harlan on 5/20/88

☒ The following number is to be used for reference regarding these pages:
62-27585-83

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

XXXXXX
XXXXXX
XXXXXX

FBI/DOJ

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 9-4-57

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Page A7350 Congressman Ray, (R) New York, extended his remarks concerning recent decisions of the Supreme Court. He stated "Six of those decisions must be attributed to ommissions or defective action on the part of Congress. Another, the Jencks case, involved unwise tactics by the prosecution in a criminal case in a Federal court - and 2, Dremen and Zucca, involved improper actions of 2 bureaus of the Department of Justice." He went on to state "The Jencks, Kremen, and Zucca results can be avoided in the future by adequate action in the department concerned."

Original filed in:

INDEXED - 14

NOT RECORDED
141 SEP 13 1957

INITIALS ON ORIGINAL

F413

57 SEP 18 1957

In the original of a memorandum captioned and dated as above, the Congressional Record for [illegible] was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 9/16/57

FROM : L. B. Nichols

SUBJECT: SUPREME COURT

Tolson
Boardman
Belmont
Mohr
Parsons
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Nease
Tele. Room
Holloman
Gandy

You will recall that late in August Justice Harlan's messenger, Emerson R. Parker, was found dead. Harlan got exercised over this and I ascertained the preliminary facts through SAC Laughlin in the Washington Field Office and called Harlan. [redacted]

On September 12, SAC Laughlin advised that [redacted]. I, of course, did not call Harlan and have taken no further action.

LBN:hpf
(2)

RECORDED - 99

INDEXED 99

EX-131

21 SEP 17 1957

62-27015-85

68 SEP 20 1957

CRIM. REC.

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 9/27/57

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 14581-14585 Congressman Davis, (D) Georgia, spoke concerning recent decisions of the Supreme Court. He made reference to the FBI in connection with the Jencks case. Mr. Davis stated "What the Supreme Court has said in this long chain of decisions involving Communists and matters of national security is in effect that Congress over a period of 40 years, that the lower trial and supreme courts of the several States, that State legislatures and investigating committees, the Federal and State prosecutors, that the FBI and all over Government security agencies, that the Subversive Activities Control Board and Federal Loyalty Review Boards, that State bar examiners and other State and municipal boards of education, as well as literally thousands of experts on communism, including former members of the Communist conspiracy, who publicly testified under oath, all were wrong....A handful of six or seven Supreme Court justices have set aside and declared null and void all the labor and the vast sum total of knowledge, study, and experience of literally thousands of legislators, FBI experts, and other authorities. The very audacity of this assumption of sole knowledge and wisdom is stunning and shocking."

Original filed in: 14-28

NOT RECORDED
141 SEP 18 1957

In the original of a memorandum captioned and dated as above, the Congressional Record for [illegible] was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

68 SEP 25 1957

5-572 (9-29-55)

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 8-16-57

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Page A5708 Congressman Davis, (D) Georgia, extended his remarks to include an article which appeared in the September 1957, issue of the Methodist Challenge entitled "A Subversive Court." The references to the FBI were set forth in a memorandum prepared earlier this date.

Supreme Court

Original filed in: 66-1721-1123

62-275-85

NOT RECORDED
44 SEP 19 1957

INITIALS ON ORIG.

173

71 SEP 26 1957

In the original of a memorandum captioned and dated as above, the Congressional Record for Aug. 15, 1957 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 8-26-57

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages A6989-A6991 — Congressman Williams, (D) Mississippi, extended his remarks in regard to decisions by the Supreme Court. He stated "the people of the United States are becoming more and more alarmed over the current trend on the part of the Supreme Court to decide cases, not on what the law is, but rather on what they think the law should be." He included with his remarks an article written by Maj. Frederick Sullens which appeared in the August 19, 1957, issue of the Jackson (Mississippi) Daily News entitled "Political Opinion Believed Swaying United States Appeals Courts -- Long-Drawn-Out Goldsby Case Is Cited as Glaring Example." The article makes a reference to the Supreme Court's decision releasing FBI files.

Pages 14357-14358 — Senator McNamara, (D) Michigan, spoke concerning the Sacco-Vanzetti case and the Supreme Court's decision in the Jencks case. He stated "The Supreme Court has acted in the cause of individual liberty. As I have said previously on this floor, I believe the earlier misapprehensions and misunderstandings of the meaning of the Jencks decision are rapidly being cleared away by our Federal judges." He goes on to state "The Supreme Court decision, I feel, was a sound one. The interpretation is working itself out."

INDEXED-18
EX.-137

NOT RECORDED
141 SEP 19 1957

86

In the original of a memorandum captioned and dated as above, the Congressional Record for was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

68 SEP 25 1957

5-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 8/28/57

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 14711 14712 — Congressman Metcalf, (D) Montana, spoke concerning the Jencks decision and legislation to clarify such ruling. Mr. Metcalf stated "Actually, as I read the case, the decision of the Supreme Court was a very correct one and one that was on a narrow issue." The reference to the FBI was set forth in a memorandum prepared earlier this date.

Pages 14712-14713 — Congressman O'Hara, (D) Illinois, commented on legislation to protect the files of the FBI. He pointed out that "It was never the contention of the Supreme Court of the United States, as I read its words, that the files of the FBI should be opened for all the world to see." This was set forth in an earlier memorandum.

Pages 14739-14740 — Congressman Philbin, (D) Massachusetts, spoke concerning legislation to clarify recent decisions of the Supreme Court. He stated "I think it would be most unfortunate, indeed it could be disastrous in some respects, if Congress were to adjourn without enacting pending legislation designed to correct and adjust the effects of several recent Supreme Court decisions." He made reference to decision releasing FBI files.

1426

ORIGINAL COPY FILED IN

NOT RECORDED
141 SEP 23 1957

INITIALS ON ORIGINAL

In the original of a memorandum captioned and dated as above, the Congressional Record for / / / was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

7 2 SEP 26 1957 17

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: September 3, 1957

FROM : L. B. Nichols

SUBJECT:

Tolson
Nichols
Boardman
Belmont
Mohr
Parsons
Rosen
Tamm
Trotter
Nease
Tele. Room
Holloman
Gandy

The Director has instructed that hereafter when we receive requests from the Supreme Court no action is to be taken thereon until the matter has been presented to the Director and he personally rules on the request.

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Rosen

LBN:rm
(8)

EX-105

RECORDED - 33

26 SEP 24 1957

LIAISON

390

7 2 OCT 9 1957

4-11 (Rev. 9-3-57)

FEDERAL BUREAU OF INVE[illegible]GATION

_____, 1957

TO:

- ___ Director
- ___ Mr. Tolson, 5744
- ___ Mr. Boardman, 5736
- ___ Mr. Belmont, 1742
- ___ Mr. Mohr, 5517
- ___ Mr. Parsons, 7621
- ___ Mr. Rosen, 5706
- ___ Mr. Tamm, 5256
- ___ Mr. Trotter, 4130 IB
- ___ Mr. Sizoo, 1742

- ___ Mr. Nichols, 5640
- ___ Mr. McGuire, 5642
- ___ Mr. Wick, 5634
- ___ Mr. DeLoach, 5636
- ___ Mr. Morgan, 5625
- ___ Mr. Jones, 4236
- ___ Mr. Leonard, 6222 IB
- ___ Mr. Walkart, 7204
- ___ Mr. Eames, 7206
- ___ Mr. Wherry, 5537

- ___ See Me
- ___ For Your Info
- ___ For appropriate action

- ___ Mr. Nease, 5744
- ___ Miss Gandy, 5633
- ___ Mr. Holloman, 5633

- ___ Records Branch
- ___ Pers. Records, 6631
- ___ Reading Room, 5533
- ___ Courier Service, 1541
- ___ Mail Room, 5531
- ___ Teletype, 5644
- ___ Code Room, 4642
- ___ Mechanical, B-110
- ___ Supply Room, B-216
- ___ Tour Room, 5625
- ___ Stop Desk, 7712

- ___ Miss Lurz
- ___ Mrs. Faber
- ___ Miss McCord
- ___ Miss Rogers
- ___ Miss Padgett
- ___ Mrs. Dillon

_____

- ___ Note & Return

no ack —

L. B. Nichols
Room 5640, Ext. 691

"T[illegible]ountry Governs Best That Gove[illegible]st"

[redacted] 62-116401

SAFER WAYS ASSOCIATION

For Safer Ways to Walk and Drive and Safer Ways to Drive On

Octagon Building, Lake Carmel
Box 42, Carmel, New York

A voluntary, non-profit, non-partisan, national organization to prevent traffic accidents and the social welfare problems which they cause. The program will become effective through the initiative and cooperation of its affiliated autonomous state and local associations which will control the national organization.

COMMITTEE ON ORGANIZATION

September 25, 1957

Mr. Tolson
Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Nease
Tele. Room
Mr. Holloman
Miss Gandy

J. Edgar Hoover, Esq., Director
Federal Bureau of Investigation
Ninth & Pennsylvania Avenues, N.W.
Washington 25, D.C.

Dear Mr. Hoover:

Enclosed is sent to you for what it may be worth. On the off-chance that you may wish to discover whether members of the Supreme Court use tranquilizer pills, possibly through the efforts of communists, I shall regard this memo as being confidential until I hear from you.

I have had no occasion to communicate with Judge Hugo Black since I left Birmingham in 1917, but have known him since shortly after he graduated from the University of Alabama and became Judge of the Recorder's Court in Birmingham. He was sponsored by the K.K.K. when he succeeded Sen. Oscar W. Underwood who had refused to run under the aegis of that organization. Black was very active in church work. Who ever heard of a member of the Klu Klux favoring integration?

It is my understanding that Black and Judge Frankfurter have rarely agreed on Court decisions, but they did agree on the integration question. I am unable to think of any rational explanation for his conduct in voting for the integration of negroes and whites in the public schools.

RECORDED - 64 62-37585-8E

These and other considerations indicated herewith have caused me to suspect that Black and other members of the Supreme Court are victims of tranquilizer pills. We are assured by competent physicians that they should not be used by anyone occupying important positions. But they are being taken by important executives of large organizations to combat nervous tension and high blood pressure.

64 · GEXED INDEXED 3 SEP 27 1957

Do you have any information concerning amphetamine as a cause of juvenile delinquency? We are working in cooperation with the Food & Drug Administration and the N.Y. Academy of Medicine. I am sending you data on this subject under separate cover.

62-116401-66, 67

Sincerely,

[redacted]

1 ENCLOSURE

"All Real Reform Must Be Self-imposed"

60 OCT 14 1957 F492

EX-FILE SEP 27 1957

TRANQUILIZERS - A Valuable Weapon in Chemical Warfare

Are Supreme Court Judges victims of a Communistic plot? Scientists have recently discovered through research that some tranquilizers reduce users to a state of complacent stupidity. This was illustrated recently in the conduct of an important executive of a large corporation. He took a tranquilizing pill before writing an important address he was scheduled to make to his board of directors, but the speech was a complete flop and the board decided to find a new man for his job.

How do we know that agents of the Russian government are not slipping a few pills into the food or beverages of members of the Supreme Court or that Russian agents have not found ways to get members of the Court to take the pills while they are in the process of deciding what action should be taken on important issues? Tranquilizers are being used by millions of people in the U.S.; they are guaranteed to relieve the users of anxiety and tension when they are confronted by serious problems, some of which may involve their welfare and reputations. At such times, anxiety causes most normal people to face their problems and do their best to solve them.

Use of tranquilizers by members of the Supreme Court might very well account for the decision that enables lawyers representing Communists to examine confidential records of the F.B.I. and thereby secure acquittal of their clients and possibly endanger the lives of those who have given confidential information to the F.B.I. Numerous lawyers have been unable to discover a rational explanation for the ruling of the Court on this matter.

I was reared in the South and have lived in the North for 40 years. I think I am able to see the viewpoints of the people in

62-27585-88
ENCLOSURE

both sections on this question of sending negro and white children to the same schools. The ruling of the U.S. Supreme Court to terminate segregation is now being enforced in some places and has reached a showdown stage in all communities. We are told that the objective is to provide equal rights for all citizens. The following considerations suggest there must be something wrong with our Constitution or with the interpretation made of its provisions by the Court.

It is safe to say that the men who argued over every word and phrase in the Constitution and Bill of Rights and finally agreed on their phraseology were determined to protect the rights of all citizens and at the same time make it possible for the citizens of the U.S. to establish and maintain a government that would be able to function without violating fundamental principles of Christianity as made known to the world by statements attributed to Jesus and published in the Bible. He is quoted as having said, "Suffer the little children to come unto me and forbid them not for of such is the Kingdom of Heaven."

The ruling of the Supreme Court and its enforcement has created a condition in the South that is causing white and negro children to think and behave in a most un-Christian manner. Prior to the ruling, racial and class prejudice prevailed throughout the South. It is an inherent characteristic of humanity and cannot be eliminated by court rulings or laws. The ruling, in this case, is creating race hatred - and that is a more serious problem than prejudice, for the hatred is being developed in the minds and hearts of little children. That will have a serious and far-reaching effect and is being caused by a Court that presumes to decide how people should feel toward each other.

Hatred leads to murder and we are now confronted by the fact that a great army of little children and teen-agers will grow up with childhood memories that will be infinitely harmful to white and negro citi-

zens. It will dwarf their spiritual and intellectual development. Should the people of the South allow themselves to be intimidated by a Supreme Court ruling guaranteed to cause juvenile delinquency?

Is it possible for a white boy to injure seriously or kill a colored child without having this event color his thinking and attitude toward negroes during the remaining years of his life? Is a colored boy who sees one of his race injured by several white boys likely to become a loyal employee of one of them when he grows up? The ruling of the Supreme Court is creating hatreds that will affect the lives and cause the death of whites and negroes in the South during each of many years to come.

Intimate daily association between white and negro children cannot exist until such time as the parents of the white children overcome their present prejudice against having mulattoes as grandchildren. The racial problem in the South is being solved by the Mendel law which is rapidly eliminating the negro. Its operation, however, is not approved by a majority of the whites, yet there are, few if any real negroes living in the South. The whites are violently opposed to any sudden change in social relationship between the two races that promotes miscegenation - a criminal offense in Southern states.

The so-called negroes might do well to follow the example of the Indians in Canada. Laws were adopted providing for the education of their children in white schools; but the Indians repudiated this arrangement, demanding separate schools for their children. They do not want their race to vanish, but it is hard to find a colored citizen in the South who would not prefer to be white.

What started all this trouble? Is it not a fact that representatives of Communism have for years past promoted racial conflict in the South? Is it not true that this is one of the weapons advocated

by Karl Marx as a means of creating dissension between citizens of capitalistic nations? Are we not justified in suspecting that the Supreme Court is the cat's-paw of the Moscow Committee on Ideological Warfare? Is it not in the interest of all citizens of the U.S. for our Government in Washington to know whether rabble-rouser Frederick J. Kasper is on the payroll of the Moscow government?

What could be more pleasing to the Russians than to see things reach a stage where there is armed conflict between citizens of the South and armed intervention by our National Government? Is there a remote possibility that Judge Felix Frankfurter is at heart a fellow traveler? He raised this suspicion in the minds of many people when he testified for Alger Hiss. Is it not true that the people of the U.S. are entitled to know whether he was a leader in advocating to his associates the ruling adopted by the Court?

On October 18, 1956, physicians who had done research on tranquilizers at the University of Michigan and elsewhere reported their findings at a meeting of the New York Academy of Sciences. Aldous Huxley was present and is quoted as saying:

> "The next few years will see the development of many chemicals capable of changing the quality of human consciousness. This development, he said, will be far more revolutionary than achievements in nuclear physics. Eventually, ethics and religion must be re-examined in the light of availability of drugs that can alter human behavior."

6741
66

[redacted]

SAFER WAYS ASSOCIATION
Box 42, Carmel, New York

FEDERAL BUREAU OF I[illegible]STI[illegible]

Room 5744, [illegible]

Mr. Tolson	✓
Mr. Nichols	
Mr. Boardman	
Mr. Belmont	
Mr. Mohr	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Trotter	
Mr. Nease	
Tele. Room	
Mr. Holloman	
Miss Gandy	

TO:

___Director
___Mr. Nichols
___Mr. Boardman
___Mr. Belmont
___Mr. Mohr
___Mr. Rosen
___Mr. Tamm
___Mr. Trotter
___Mr. Parsons
___Mr. Nease
___Mr. Holloman
___Miss Gandy
___Personnel Files Section
___Records Section
___Mrs. Skillman
___Mrs. Brown

See Me — For appropriate action

Send File — Note and Return

Clyde Tolson

Supreme Court of the United States
Washington 25, D. C.

CHAMBERS OF
JUSTICE JOHN M. HARLAN

September 17, 1957.

My dear Mr. Nichols:

I want to thank you for your trouble and courtesy a few weeks ago in passing along the information regarding the circumstances of the death of my late messenger, Emerson Parker.

I appreciate very much, indeed, the promptness with which you acted.

Sincerely yours,

RECORDED-89
INDEXED-89

John M. Harlan

-89

Louis B. Nichols, Esquire,
Assistant to the Director,
Federal Bureau of Investigation,
Department of Justice,
Washington 25, D.C.

OCT 10 1957

CRIME REC.

Ltr to Harlan
9-30-57

September 30, 1957

RECORDED-89

62-27585-89

Honorable John M. Harlan
Associate Justice of the
Supreme Court of the United States
Washington 25, D. C.

My dear Mr. Justice:

It was very kind of you to write as you did on September 17 and I was happy we could be of some assistance. I did not call you after we had received the report of the coroner's findings as I assumed by then you also had been assured of the ultimate outcome.

Sincerely,

L. B. Nichols

LBN:jmr
(3)

Tolson
Nichols
Boardman
Belmont
Mohr
Parsons
Rosen
Tamm
Trotter
Nease
Winterrowd
Holloman
Sandy

mailed 5

62 OCT 17 1957

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: October 7, 1957

FROM : Mr. A. H. Belmont

1 - Mr. Nichols
1 - Mr. Boardman
1 - Mr. Belmont

SUBJECT: ALLEGATION OF COMMUNIST AFFILIATION OF FATHER OF LAW CLERK TO [redacted]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 7/2/18 BY [redacted]

Our Chicago Office advised on September 25, 1957, it received a letter from [redacted] Pennsylvania, [redacted]'s letter stated that in August, 1957 [redacted] spoke with [redacted] Illinois. During the conversation [redacted] had stated that one of the newly appointed law clerks to [redacted] was the son of [redacted] The father was known to [redacted] as a communist when he, [redacted] was in the Party or the father was known as a communist to [redacted] by reputation, [redacted] could not remember which. [redacted] stated [redacted] had told him the name of the father, but could not remember.

Chicago has acknowledged receipt of [redacted]'s letter. That office, because of the background of [redacted] is of the opinion no credence should be given to his remarks to [redacted] and recommends no further action.

[redacted] was interviewed at the Bureau on [redacted], at which time he expressed extremely anticommunist views. He proposed a Department of Political Warfare in the United States Government; the scope of such agency would include the mission of psychological defense and psychological initiative against the communist threat. This agency would in no way interfere with the functions of the FBI. Since September, 1952, [redacted] has furnished to various field offices information concerning alleged communists and communist activity in various parts of the United States. Agents in those various offices have considered [redacted] somewhat psychopathic, emotionally upset and unstable. [redacted] had admitted he had previously suffered a mental illness. [redacted]

[redacted] is a self-admitted former member of the Communist Party 1945-1947, has made many accusations against personnel of the Chicago Office, all of which have been found to be pure falsehoods. Information furnished by him concerning other individuals has been found to be unreliable. He is attempting to [redacted]

Enclosure.

[redacted]

(5) SENT DIRECTOR FOR APPROVAL 10-9-57

INT. SEC. OCT 16 1957

ORIGINAL COPY FILED IN [redacted]

Memorandum to Mr. Boardman
RE: ALLEGATION OF COMMUNIST AFFILIATION
OF FATHER OF LAW CLERK TO
[redacted]

b7C

[redacted] A review of [redacted]'s case file reflects no information furnished by him previously concerning [redacted]

OBSERVATIONS:

Information previously furnished by [redacted] has been unreliable, and he has made numerous false accusations concerning Bureau Agents. Therefore, it is believed no credence should be given to his remarks to [redacted] has been reported as having a mental condition in the past and has been characterized by Bureau Agents as somewhat psychopathic. Therefore, information received from him should be taken at a limited value. In view of backgrounds of [redacted] and [redacted] they should not be interviewed concerning this matter. However, Washington Field Office should be requested to discreetly ascertain the identity of newly appointed law clerks to [redacted] and upon receipt of same, Bufiles will be checked concerning them.

b7C

RECOMMENDATIONS:

1. That [redacted] or [redacted] not be interviewed to ascertain the identity of law clerk or his father because of their backgrounds.

b7C

2. That attached airtel to Washington Field Office requesting it to discreetly ascertain identities of newly appointed law clerks to [redacted] be approved.

b7C

1 - Mr. Nichols
1 - Mr. Boardman
1 - Mr. Belmont
1 - [redacted]

b7C

October 9, 1957

AIRTEL

SAC, Washington Field

ALLEGATION OF COMMUNIST AFFILIATION
OF FATHER OF LAW CLERK TO [redacted]

b7C

Enclosed are two copies of a letter dated 9-25-57 received from the Chicago Office concerning the above-captioned matter.

Because of information appearing in Bufiles concerning [redacted] and [redacted], no attempt is being made to interview them concerning the identity of the law clerk or his father.

b7C

You are requested to ascertain, in a most discreet manner, the identities and available background of all newly appointed law clerks to [redacted]

The above should be handled promptly, under appropriate caption, making reference to this letter.

Hoover

Enclosures (2)

MAILED 2
OCT 11 1957
COMM-FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/7/88 BY SP2 [illegible] #207,548

SEE MEMO MR. BELMONT TO MR. BOARDMAN DATED OCTOBER 7, 1957, SAME CAPTION [redacted]

b7C

(7) [redacted]

b7C

Tele
Nichols
Boardman
Belmont
Mohr
Parsons
Rosen
Tamm
Trotter
Nease
Tele

SENT DIRECTLY
FOR APPROVAL
10-9-57

7-1 OCT 23 1957

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: October 16, 1957

FROM : R. R. ROACH

SUBJECT: UNITED STATES SUPREME COURT LAW CLERKS

Tolson
Nichols
Boardman
Belmont
Mohr
Parsons
Rosen
Tamm
Trotter
Nease
Tele. Room
Holloman
Gandy

Mr. Nichols' memorandum to Mr. Tolson dated October 8, 1957, had as an attachment a 1957 list of employees of the Supreme Court by each individual Justice, by the Clerk's Office, by the Marshal's Office, and by other miscellaneous offices of the Court.

On June 4, 1957, a memorandum, titled as in caption, from you to Mr. Boardman stated that a check of our files had been made concerning the law clerks of the various Supreme Court Justices. An identical list to that attached to Mr. Nichols' memorandum was obtained by the Washington Field Office and has been made a part of the file 62-27585-62. This latter-mentioned memorandum was predicated upon information received from [redacted] concerning the possible presence of a group of "left wing" law clerks assisting the U.S. Supreme Court Justices.

ACTION:

None. This is for information purposes only.

1 - Mr. Nichols
1 - Mr. Belmont
1 - Liaison Section
1 - [redacted]

[redacted] (5)

RECORDED-46

EX-131

62-27585-90

21 OCT 25 1957

52 OCT 31 1957

CRIME

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: October 8, 1957

FROM : L. B. Nichols

SUBJECT:

Tolson
Nichols
Boardman
Belmont
Mohr
Parsons
Rosen
Tamm
Trotter
Nease
Tele. Room
Holloman
Gandy

I am attaching hereto a list of 1957 employees of the Supreme Court by each individual Justice, by the Clerk's Office, by the Marshal's Office, and by other miscellaneous offices of the Court.

Enclosure

LBN:rm
(2)

62-21524-91

RECORDED-46

EX-131

21 OCT 25 1957

INDEXED-46

65 NOV 4 1957

213 WARREN, C. J., Sheraton-Park Hotel----------CO 5-2000
481 McHugh, Mrs. M. K., 9807 E. Bexhill Dr., Kensington-----OL 7-2818
212 Bryan, Margaret A., 2601 Woodley Pl., Apt. 502----------AD 2-4333
217 Allen, William H., 8656 Piney Br. Rd., Silver Spring----JU 5-8707
215 Richman, Martin F., 2900 Adams Mill Rd.----------AD 4-6892
216 Reitz, Curtis R., 1613 Fitzgerald Lane, Alex.----------OV 3-4162
218 Rosencrance, Mrs. Barbara W., 215 Const. Ave.,N.E.------LI 6-2384
219 Dodson, George A., 1510 Crittendon----------TU 2-8120

221 BLACK, J., 619 S. Lee, Alex.----------
222 DeMeritte, Mrs. E. S., 2044 Fort Davis Dr., S.E.--------LU 2-1383
223 Freeman, George C., Jr., 1810 Corcoran----------HU 3-8581
224 Girard, Robert A., 619 N. Jordan, Alex. ----------
222 Campbell, Spencer, 1507 4th, Apt. 2----------NO 7-0640

231 FRANKFURTER, J., 3018 Dumbarton Ave. ----------
232 Douglas, Mrs. Elsie L., 4201 Mass. Ave., Apt. 8092W-----WO 6-7627
233 Kaufman, Andrew, 2132 R----------HO 2-6309
234 Cohen, Jerome A., 3760 Gunston Rd., Alex.----------OV 3-3916
232 Beasley, Thomas, 320 Const. Ave., N.E., Apt. 5---------LI 6-9334

235 DOUGLAS, J., 4852 Hutchins Pl. ----------
236 Allen, Mrs. Edith W., 4629 34th S., Arl.----------KI 8-7214
238 Aull, Mrs. Fay, 22 9th, N.E. ----------LI 6-0435
237 Cohen, William, 4309 2d R. N., Arl. ----------JA 2-7202
236 Mitchell, C. T., 1214 Morse, N.E.----------LI 7-3629

255 Burton, J., Dodge Hotel ----------NA 8-5460
255 Cheatham, Mrs. Tess H., 8404 Farrell Dr., Ch. Ch.,Md.---JU 8-3607
257 Wagoner, David E., 2722 S. Troy, Arl.----------OT 4-9541
258 Cramton, Roger C., 3762 Gunston Rd., Alex.----------KI 8-4441
255 Mitchell, Charles H., 2420 3d N.E.----------HO 2-1724

241 CLARK, J., 2101 Connecticut Ave.----------DF 2-2101
241 O'Donnell, Alice L., 2480 16th ----------HO 2-4470
243 Hobson, Harry L., 2233 N. Burlington, Arl.----------JA 5-8120
244 Crown, John J., 2600 S.Fort Scott Dr., Arl.----------OT 4-9293
241 Bethea, Oscar B., 4368 F, S.E.----------LU 4-9893

246 HARLAN, J., 1677 31st ----------
246 McCall, Mrs. Ethel C., 2116 F----------RE 7-7976
248 Bator, Paul M., 2512 Q----------AD 4-8381
249 Schlei, Norbert A., 3748 Jason Ave., Alex.----------KI 8-6051
246 Parker, Emerson R., 1020 Quebec----------RA 6-6047

251 BRENNAN, J., 4000 Cathedral Ave.----------
252 Connell, Alice, Methodist Bldg.----------LI 3-7091
253 Szuch, Clyde A., 1650 Harvard----------AD 4-7400
253 Rhodes, Richard H., 1608 Ripon Pl., Alex.----------KI 9-7958
252 Hood, Olyus F., 1906 C, N.E.----------LI 7-7335

62-27585-91

(1957)

225 WHITTAKER, J., The Fairfax Hotel----------HO 2-4480
226 Barrett, Celia J., 3040 Idaho Ave.----------EM 2-7445
227 Hudson, Manley O., Jr., 3204 Highland Pl.----------EM 3-0156

394 REED, J., The Mayflower Hotel----------DI 7-3000
395 MINTON, J., Silver Hills, New Albany, Indiana---------- 5-5407
393 Gaylord, Helen K., 4842 Albermarle----------WO 6-8260
393 Ross, Gerald D., 603 Rock Creek Church R.----------RA 6-4277

CLERK'S OFFICE:

261 Fey, John T., Clerk, 2921 Cathedral Ave.---------- CO 5-3980
272 Blanchard, R. J., Deputy, 427 St. Lawrence Dr., S.S.---------- JU 9-9139
264 Cullinan, E. P., Deputy, 4823 Reservoir Rd.----------WO 6-4813
265 Allison, W. M., 4904 Jamestown Rd., Wash 16----------OL 2-8391
266 Fowler, Mary W., 305 Livingston Ter., S.E., Apt. D----------JO 2-9871
277 Linestrong, Mrs. Evelyn R., 322 N. Thomas, Arl.----------JA 8-6177
274 Longhran, Mrs. Helen K., 4801 Conn. Ave., Apt. 412----------EM 2-0630
263 Lyddane, Eugene T., 3068 Q ----------NO 7-3434
262 Pike, Mrs. Jane R., 4630 New Hampshire Ave.----------TA 9-5058
273 Rodak, Michael Jr., 6311 Joslyn Pl., Cheverly, Md.----------UN 4-0207
268 Schade, Edward C., 1572 41st St., S.E.----------LU 1-8090
276 Schreiber, Mrs. Olga E., 5700 Glenwood Rd., Bethesda----------OL 4-2269
267 Waggaman, R. deB, 800 S. Pitt, Alex.----------TE 6-4983
275 Williams, Tracy E., 2700 Conn. Ave.----------HO 2-6490
269 Butler, Lester S., 620 55th N.E.----------LU 2-9258
269 Jackson, Leo, 1808 New Jersey Ave.----------CO 5-5730
279 Simmons, John, Jr., 2121 1st----------
279 Warner, John G., 2628 Nichols Ave., S.E.----------JO 2-3734

MARSHAL'S OFFICE:

284 Lippitt, T. Perry, 6004 Corbin Rd., Wash. 16
283 Harding, R. E., 307 Livingston Ter., S.E., Apt. D
259 Hutchinson, George E., 5031 Fulton
283 Zucconi, Dina R., 419 Decatur
281 Buck, Charles F., 4638 15th N., Arl.
281 Yost, Mrs. Jean M., 1715 Gridley Lane, Silver Spring
350 Bryant, Mrs. Raydell F., 2310A Randolph Ave., Alex.
302 Bumgardner, Eleanor M., 2232 Q
335 Whittington, B. E. (press) 1005 N. Larrimore, Arl.
219 Wright, Alvin, 239 14th S. E.
343 Joice, W. Harold, 1027 Park Rd.
320 Rollins, Shackelford C., 6503 16th N., Arl.
320 Burke, Paul L., 1775 California, Apt. 1
320 Harrison, Hansford, 4454 E, S. E.
320 Pittman, Westley J., 1429 W.
281 Johnson, Henry H., 424 55th, N. E.
281 Boston, Russell, 1116½ Princess, Alex.
293 Lamb, Mrs. Frances M., 3427 Woodcliff Court, S. S.

(1957)

LIBRARY

301 Newman, Helen, 126 3d S. E.
314 Hallam, Charles, 113 Normandy Dr., Silver Spring
311 Lally, Helen, 3200 16th
311 Houston, Geo. R., 6212 Madawaska Rd., Wash. 16
311 Emmons, George A., Jr., 4450 Alton Pl.
316 Hudon, Edward G., 3235 23d S. E., Apt. 23
303 Sartwell, Jean, 11028 Ardwick Dr., Rockville
305 Manning, Martin J., 210 Webster N. E.
303 Crowder, Virginia E., 3246 Arcadia Place
309 Hayes, Vivian E., 2601 Woodley Pl.
305 Higbie, Robert E., 3006 Collins Ave., Silver Spring
316 Ruf, Edward G., 3826 2d S. E., Apt. 1
311 Saunders, Frederick J., 3212 13th
311 Tucci, Harry J., 1630 Irving

REPORTER'S OFFICE:

321 Wyatt, Walter, 1702 Kalmia Rd
323 Gayaut, Philip U., 5205 Belvoir Dr., Wash. 16
325 Collins, Randolph S., 2108 16th N., Apt. 845, Arl.
324 Taylor, Ralph A., 1405 Jonathan Pl., Falls Church
322 Kite, Mary G., 1760 Euclid, Apt. 203
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(1957)

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[redacted]

THE COMMISSIONER OF NARCOTICS

WASHINGTON

October 22, 1957

Mr. Tolson
Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Nease
Tele. Room
Mr. Holloman
Miss Gandy

Honorable John Edgar Hoover
Director
Federal Bureau of Investigation
Department of Justice
Washington, D. C.

Dear Edgar:

You will be interested in the attached anglysis by Judge Elias Dec 1896 Shamon.

Sincerely yours,

H. J. Anslinger
Commissioner of Narcotics

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OCT 23 1957

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The American people have always accepted the decisions of the United States Supreme Court as the law of the land. We look with suspicion upon anyone who criticizes the Court. The theory that once the Supreme Court has spoken there is no right to criticize, is misleading and a myth. Within the Court itself, dissenting judges write their own opinions and in vigorous language, criticize the action of their associates.

Under the leadership of Chief Justice Earl Warren, the Court has been captured by the "liberal bloc" and this bloc is in complete command, particularly in cases involving civil liberties. The Court's rulings in such cases, together with its earlier decisions in anti-trust regulation and military law, cleraly indicate its philosophical trend. In the "civil liberties" decision, the majority was Chief Justice Warren, Hugo L. Black, William O. Douglas Harlan and Brennan. This quintet has been vigorously criticized by the legal fraternity and by prominent men in high office. No critic of the civil liberties decisions has been more caustic than one of the members of the Court: Justice Clark. The universal uproar stems from the fact that its rulings have made it difficult and probably impossible for the government to prosecute communists, subversives and those persons plotting to overthrow the government by violent means, while giving defendants more freedom of action and protection never dreamed of even by the accused themselves. What are some of these decisions? What is the explanation for this attitude of our highest Court? What will be the result of this avuncular immunity to subversives? What will be the effect upon those charged with the apprehension and the prosecution of such criminals?

To what extent is the rampant liberalism and the materialistic, and secularistic philosophy, evidences of which have infiltrated our educational institutions, particularly the academic colleges and our law schools, responsible for the dilution of our law and common sense, and productive of the loose sentimentalism lately saturating the decisions under the Smith Act, the Watkins case, the Jencks case and others?

Is there the right to criticize Supreme Court decisions? Recently, in an address before the American Bar Association, Senator Javits of New York "begged" the lawyers to defend against criticizing "the authority and effectiveness of the United States Supreme Court". He warned the American Bar, that the Court "stands in jeopardy of a seriously adverse public reaction" because of some

recent rulings involving Congressional authority, internal subversion and international affairs. He concluded by holding that lawyers ought to back the Court "whether they agreed with the decisions or not."

That the opinion of Senator Javits is not shared by many is far from the truth. Liberals, Communist sympathizers and many well meaning Americans, who have traditionally looked upon the Court's decisions as sacrosanct, are in agreement with him.

Senator Javits' position is preposterous. Though the Court is practically a law unto itself, it is composed of nine men who make mistakes as do lawyers, congressmen and human beings in general. The nine men represent every shade of background, religion, politics and philosophy. The thought that no one should differ with the Supreme Court is dangerous. To remain silent regardless of the Court's decisions, even though error is suspected or discovered would make it impossible that the wrong can be corrected. The Court would not, under such circumstances, be the Supreme Court, but the Government. The nine justices would not be judges but dictators in a judicial oligarchy.

The reaction to Senator Javits' entreaties to the lawyers was summarized by the retiring President of the American Bar Association, who accused the Court of exercising "superstate powers" when it ruled that a man could not be denied a license to practise law on the ground he was a former Communist. Suffice it to say that the American Bar Association refused even to entertain the Javits' resolution decrying "contemptuous" criticism of the Supreme Court.

The Supreme Court does not always agree with the Supreme Court. In 1956 it decided that soldiers' wives must answer to Military Courts Martial overseas; in 1957 it decided otherwise, freeing two wives for the murder of their soldier husbands after conviction by Military Courts Martial thus releasing two convicted murderesses who can never be prosecuted for their crime.

In the past, members of the Court, and even Presidents, have been outspoken in criticizing the majority opinions. Justice Owen J. Roberts, who wrote the dissenting opinion in the case of Smith v. Allwright, wherein the Supreme Court reversed prior decisions of the court, had this to say: "I have expressed my views with respect to the present policy of the Court freely to disregard and to overrule considered decisions and the rules of law announced in them. This tendency, it seems to me, indicates an

h conscientiously and delibera y ncluded, and involves an assumption that knowledge and wisdom reside in us which was denied our predecessors."

In the Dred Scott Case, Abraham Lincoln criticized the Court, declaring the decision erroneous and pledging the Republican Party to "do what we can to have it overruled."

Franklin D. Roosevelt on March 9, 1937, commenting on a decision of the Supreme Court, said: "The Court in addition to the proper use of its judicial functions has improperly set itself up as a third house of the Congress - a super-legislature, as one of the justices called it - reading into the Constitution, words and implications which are not there.

"We have, therefore, reached the point as a nation where we must take action to save the Constitution from the Court and the Court from itself ----.

"Our difficulty with the Court today rises not from the Court as an institution but from the human beings within it."

In the case of Pennsylvania v. Steve Nelson, decided April 2, 1956, the Supreme Court declared invalid the laws of forty-two states prohibiting the knowing advocacy of the overthrow of the Government of the United States by violence, as long as there is a federal law against sedition. The argument of the Justice Department that the State laws did not interfere with the enforcement of the federal statute was of no avail. Justices Reed, Burton and Minton vigorously dissented.

On April 9, 1956, the same Justices Reed, Burton and Minton again vigorously dissented when the majority declared unconstitutional, a provision of the Charter of New York City under which one Professor Slochower, an employee of the City of New York, was dismissed for failure to answer a question in an authorized inquiry, on the ground that his answer might incriminate him.

In a similar case, involving Professor Paul M. Sweezy, who had refused to answer questions about his beliefs and political activities asked him during a hearing conducted by an authorized committee appointed by the New Hampshire legislature, the Court reversed a contempt conviction. Justices Clark and Burton again vigorously dissented.

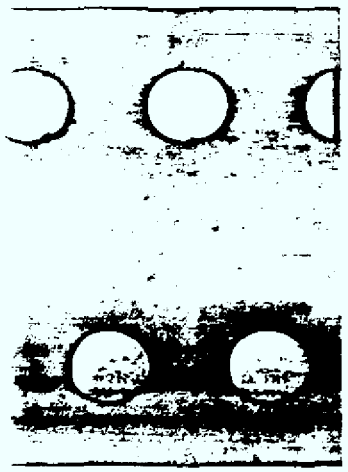
In announcing the decision of the majority in the case of Professor Sweezy, Chief Justice Warren said: "We believe that there unquestionably was an invasion of petitioners (Sweezy's)

liberties in the areas of academic and political expression - areas ... which government should be e... ...y reticent to tread ---- we do not now conceive of any circumstances wherein a state interest would justify infringement of rights in these fields."

Justice Frankfurter, in an opinion concurring with the result in the Sweezy case, stated that "In the political realm, as in the academic, thought and action are presumptively immune from inquisition by political authority,"

Justice Harlan agreed with Frankfurter. Justices Black, Douglas and Brennan agreed with Chief Justice Warren. Justices Clark and Burton dissented, saying that the Supreme Court had no right to invalidate the action of the State of New Hampshire.

On June 17, 1957, the Court reversed the conviction of 14 California Communists found guilty under the 1940 Smith Act, freeing five and ordering a new trial for the other nine. This was the same Smith Act under which, in a long and tumultuous trial before Justice Medina, eleven top Communist leaders were convicted. The Court upheld the latter conviction but its membership was not constituted as now. Chief Justice Warren, Harlan, Whittiker and Brennan were not members of the Court when the eleven Communist case was argued.

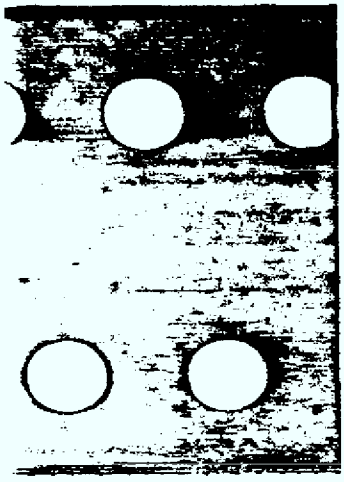


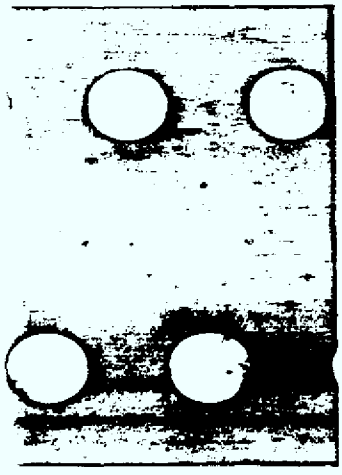
The majority opinion (6-1) in the California Communist conviction reversal was delivered by Justice John N. Harlan. It held that the trial judge had failed to make clear a distinction between "teaching of forcible overthrow (of the government) as an abstract principle" and any "effort to instigate action to that end that while the Smith Act bars "organizing" a group for the overthr... of the government, the Communist Party had been "organized" in 19... long enough for the Statute of Limitations to have run out. Justi... Harlan said that "preaching abstractly" the forcible overthrow of the Government was not a crime under the law.

In the Watkins Case, the Court reversed the conviction of labor leader John T. Watkins for contempt of Congress. Watkins, who was at some time in the past, an official of a Communist-dominated Union testified in 1954 before the House Un-American Activities Committee. His conviction was based on his refusal to identify his former Communist associates. The Court's majority (6-1) opinion, delivered by Chief Justice Warren, held that the committee's authority was "vague" and that it had no right to ask the defendant the questions upon which he was cited for contempt of Congress; that Watkins rights under the First Amendment had been violated. Justice Clark vigorously dissented.

In the Watkins Case, the majority held that witnesses must be given a fair opportunity to know whether they are within their legal rights in refusing to answer questions; that Watkins had been denied his constitutional right of due process of law; that the question under inquiry at the time Watkins testified was obscure and that the system of interrogation used by the Committee did not adequately safeguard the right of free speech.

In the Jencks Case, the Court ordered a new trial for a labor leader in New Mexico, convicted of lying when he signed a non-Communist oath. Its decision was based on the ruling that Jencks had the right to inspect the secret F.B.I. files, which had been denied to him. The decision was a 6-2-1 opinion. Five members of the Court, Warren, Black, Douglas, Frankfurter and Brennan who wrote the opinion, ruled that the defendant had the right of inspection of confidential files, without any screening of their relevancy, or possible danger to security, by the trial judge. Justices Harlan and Burton concurred in ordering a new trial, but only on the ground that the trial judge had made a mistake in defining Communist Party membership to the jury. It is noteworthy that Justices Harlan and Burton insisted that confidential information in security cases must be submitted for inspection by the trial judge, for his decision as to relevancy and security before being handed to the defense. (This has been the custom in Federal Courts for a long time.) Justice Clark was the lone dissenter and his opposition was vigorous.





Criticism not only has come from laymen and lawyers but from Judges of courts throughout the country. It is never considered good taste for judges publicly to criticize the decisions of other courts, least of all, those of our highest Court. It is therefore significant to read the resolution offered by Chief Justice Norman F. Arterburn of the Supreme Court of Indiana, at a conference of Chief Justices of the highest courts of the forty-eight states, which reads:

"Be it resolved, that it is our opinion the Supreme Court has transgressed sound legal principles. In particular, it has usurped fact finding functions in weighing the evidence in the cases of Konigsberg v. State Bar of California and Schware v. Board of Bar Examiners of New York.

Moreover, the Supreme Court has encroached upon the jurisdiction of the state courts in holding bar applicants in the states of California and New Mexico may refuse to answer questions about their past connections.

"We declare past acts do reflect directly upon applicants' character and fitness and are matters relevant for consideration. Whether or not one who went through a long economic depression should have had the character to withstand the emotional appeals of Communists is relevant in the analysis and determination of the character of such individuals.

"The Supreme Court is wrong in holding such acts are of no value in such determination.

"Decisions which are not founded on sound legal principle or common sense tend to undermine confidence in the judicial system and respect for the courts.

"One who is unwilling to give all information regarding his history casts doubts upon his moral character in any state of this union. Such refusal is a relevant factor to be weighted and considered by a fact finding body on character and fitness.

"We further declare that although the Supreme Court has authority to fix its own standards of character to practise, we do not recognize it may do so for all the courts."

This resolution was favored by a near majority but a number of the justices who favored it felt the matter should be subject to a further report.

The Konisberg Case referred to in the resolution was decided by a 6-3 vote. Justice Harlan, who was one of the dissenters, stated: "For me, today's decision represents an unacceptable intrusion into a matter of state concern."

What is the meaning of the reversal of the conviction in the Watkins Case, in the Jencks case and in the reversal of the 195 conviction of fourteen California Communists under the Smith Act, as well as the reversal of the 1954 contempt conviction of Professo Sweezy of the University of New Hampshire?

The Government will be powerless to stop the organizatior of secret Communist cells and to expose the widespread subversive conspiracy. It will also be impossible to keep secret the integri of F.B.I. files and their sources of information and to keep Communists out of sensitive Federal employment.

In a recent case, after the ruling by the Supreme Court, that the F.B.I. must make its files available to the defense in a prosecution in Court, Federal Judge MacSwingord at Bowling Green, Kentucky, at the call of the defendant, one Hall, being prosecuted for filing false statements in an attempt to defraud the governmen ordered an F.B.I. agent, one Wallace, to hand over his files.

Wallace refused stating that his superior, the Attorney General of United States, had directed to do so. The Judge then found Wallace guilty of contempt and fined him $1,000. The Judge's words in imposing this fine are significant. He said, "I frankly hate to hand down such a fine, but I must be guided by the recent Supreme Court decision relating to your Agency." The Watkins decision in effect puts it into the hands of any witness without ever mentioning the 5th amendment to decide what is relevant for him to answer. The 5th amendment according to the Watkins decision, justifies a witness in claiming its immunity if he decides that he has no confidence in the Committee interrogating him.

Since the Watkins case, subversives, traitors, Communist conspirators are having a field day, jeering at investigators and Congressional Committees and celebrating their "victory" in the crisis brought about by the Court's decisions in the civil liberty cases.

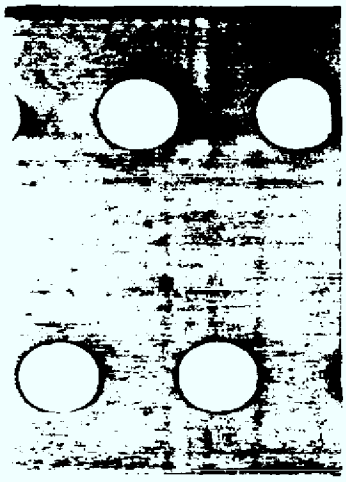
What consideration did the Court give to the safety and security of the country when deliberating the cases of the 14 Communists, the Watkins and Jencks cases? Did it consider that the F.B.I. methods are shrouded in the utmost secrecy, that criminals should never know how it secures its information and that its investigations are never revealed to the press which hears only that an arrest has been made without disclosing how it was made?

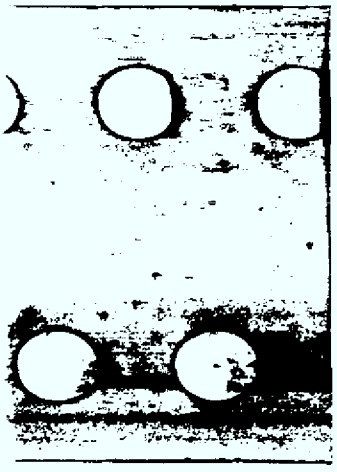
If the files must be handed over, then subversives, criminals, dope pedlars, and gangsters can learn from them the names of informers, witnesses and others, who may be used in court in present or future prosecutions. Such persons will then be marked for intimidation, death, bribery and make months and years of work by trained and veteran government investigators, ineffective and useless.

That there has been a Communist revival is evident on all sides. In California, a sub-committee of the House Un-American Activities Committee, was conducting an investigation when the Watki decision was handed down. Congressman Gordon H. Scherer of the Committee states that when the news of the Court's action became known, the chairman of the Communist party of California said that this "will mark a rejuvenation of the Party in America ---- we are on our way." Communists packed the hearing room. The members of th Committee were insulted, being subjected to derisive innuendo and open mockery. When the hearings opened, the lawyer for a witness armed with the Watkins decision, and before the witness was permit-

to testify, demanded that the ub committee set forth in detail the nature and object of its investigation and explain to the satisfaction of the witness, how each question was pertinent to the subject of the investigation.

Recently, the F.B.I. announced the arrest of Col. Rudolf Ivanovich Abel of the Soviet secret police. In the indictment against him he was charged with being the master spy of a Soviet atomic spy ring which fed top secret information to Moscow. The charge could bring Abel the death penalty.

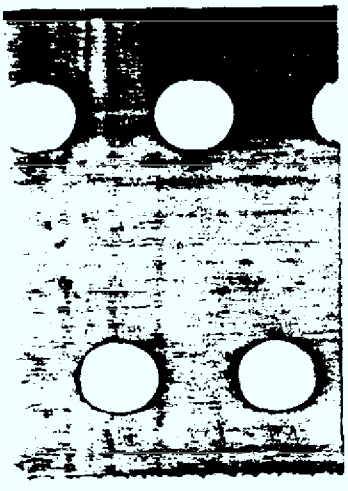


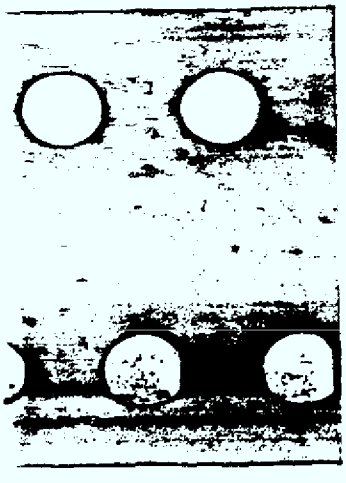


On the same day, August 9, 1957, in Manhattan Federal Court, two confessed Soviet spies, Mrs. Myra Soble, 53 years old, and Jacob Albam, 65, were sentenced to prison terms of 5½ years for conspiring with high ranking Soviet officials to obtain vital defense documents, photographs and writings for transmission to the Soviet Union. Their cooperation with the F.B.I. saved them a heavier sentence upon their guilty plea. Jack Soble, husband of Myra, was not sentenced with his wife, as he is "cooperating" with the F B.I. to complete an investigation of a web of intrigue and espionage spun from New York to Paris, Geneva, Lausanne, Vienna, and Moscow. He will be sentenced September 18, 1957. Related to the Soble case, is the case of Mrs. Stern, the daughter of the late William E. Dodd, former ambassador to Germany, who, together with her husband, Alfred Stern, have been revealed as being spies for the Soviets for the last ten years. This latest disclosure shocked the country for here we have in the very seat of our government in Washington, a spy case in which the daughter of a former representative of our government securing secrets for the Communists and attempting to penetrate busi concerns to serve as covers for espionage work. The Communists through Mrs. Stern and her husband planned to plant an agent in the office of Cardinal Spellman of New York and getting "compromising information" on President Eisenhower, Gen. Lucius D. Clay and other prominent Americans. This latest spy case was broken by Boris Morro a United States Intelligence agent in Germany, who narrowly escaped capture by the Soviets in Moscow when Mrs. Stern became suspicious o him. Morros, acting his part, took his orders from Soviet spies who included a chairman of the former four power Allied Control Commissi in Vienna, a Soviet Ambassador to Switzerland and a secretary in the Soviet Embassy in Washington. Mrs. Stern and her husband, Alfred Stern, recently left Mexico to which country they went after liquidating more than $1,000,000 worth of assets when they realized that they were the subject of an investigation by American authorities

sians by a "prominent" Ameri[illegible]n as a counter spy in Moscow. According to Morros, Mrs. Stern had written a "derogatory report to her superiors" in which she questioned Morros' loyalty to the Soviet spy system. Mrs. Stern and her husband have refused to come to the United States for questioning by a grand jury.

Meanwhile, the F.B.I. may not be able to proceed with the trial of the Master Spy, Col. Abel, since under the decision of the Supreme Court in the Jencks case, the government's secret files would have to be turned over to the defendant's lawyers. Thus, unless Congress acts on the F.B.I. bill proposed by Congressman Kenneth B. Keating, of New York, the biggest spy case ever disclosed by the justice department may have to be abandoned, and Abel would walk out of court a free man. It is submitted that Mrs. Soble and Jacob Albam, if they had not pleaded guilty, might also stand the same chance of freedom by the reluctance of the F.B.I. to release its confidential files to their attorneys. It is inconceivable that Congress will fail to act on the Keating bill, so that the effects of the Jencks decision will no longer frustrate the F.B.I. in tracking down and prosecuting the widespread network of Communist spies and traitors.



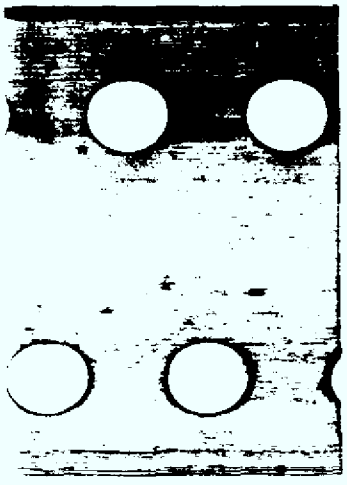


Despite the denials of the Liberals, the theorists, the naive intellectuals, egg heads, the casuists and the "erudite" profe sors in the universities and the law schools, who have applauded the Jencks case decision, these apostles of the Fifth Amendment defendants, most of whom, if not all, never having entered a courtroom as practising lawyers, the Jencks case decision is disastrous to the work of the F.B.I. These liberal law professors, whether they be deans or just plain teachers of law, seem to betray even the foggies knowledge of Marx and Engels, and the objects of atheistic communism. It is questionable whether they have read the Communist Manifesto. Their scholarship is either shallow or so confused with perverted philosophical and sociological clap trap, that they go all out to defend individuals who seek the protection of the very constitution they seek to overthrow. These naive people associate immunity from self-incrimination with human rights, and fail or do not want to see the dangers to our form of government being plotted by these subversives. They have evidently never read that Justice Cardozo once declared that "justice would not perish if the accused were subject to a duty to respond to orderly inquiry." The Fifth Amendment defendant does not symbolize the "expression of the moral striving of the community .... a symbol of the America that stirs our hearts" as was stated by a dean of a prominent law school

'ending those who resort to t' F' h Amendment.

These defenders of the decision in the Jencks case deny that it would affect the F.B.I. in its investigations. It is significant that their denials have been disproved so soon after the court's revolutionary decision. The results of the reversal in the Jencks case are alarming and these cases which follow tell thei own story.

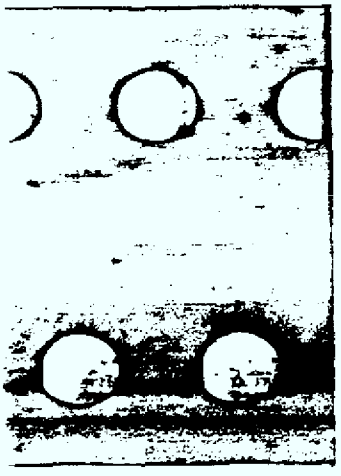
Six government cases have been discontinued and others dismissed by lower court judges who have interpreted the Jencks cas in favor of the defendants.



Case #1. - In a bank embezzlement case, a United States attorney on his own motion asked the judge to dismiss the case rather than to turn over his investigation to the defense.

Case #2. - A government attorney appealed the order of a District Court judge, to turn over, four days in advance of trial, "any and all oral and written statements of witnesses, physical objects or exhibits" in a prosecution involving a foreign agent's registration case.

Case #3. - A New Orleans case involving interstate transportation of stolen goods in which the judge ordered all F.B.I. reports turned over to the defense.



Case #4. - A Kentucky case in which the judge ordered an F.B.I. agent to turn over in advance of trial of a fraud indictment under the Federal Housing Administration Act, all information on prospective government witnesses. When the government witness refused to comply with the court's order on instructions from the Attorney General of the United States, he was fined $1,000 for contempt of court. This same judge, who ruled similarly in another case, also ruled the same way in a case involving interstate transportation of a stolen car.

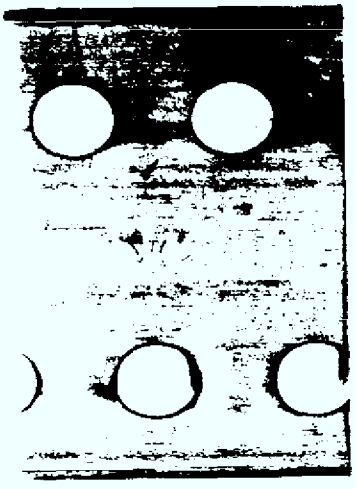
Case #5. - In a New Orleans case involving kidnapping in stolen car, the judge ordered the government to produce in advance a list of its witnesses unknown to the defense, and all F.B.I. and all other reports within thirty days.

Case #6. - In a Seattle case involving four defendants indicted for conspiracy, bribery and fraud against the government in an alleged payoff to Navy Procurement officers, the judge ruled before the trial started, that the defense was entitled to all "relevant" F.B.I. reports and other government material. The U. S. Attorney refused. The judge dismissed the case.

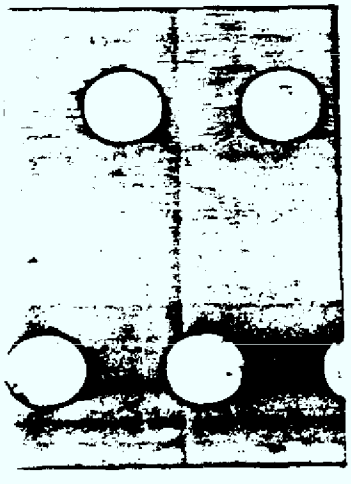
Case #7. - In another Seattle case, the defendant who

v being tried as a draft evader w[illegible] in a pre-trial hearing, that the F.B.I. produce its reports before trial. This motion was denied, but the judge ordered their production during the course of the trial. The District Attorney refused. The judge dismissed the case.

Case #8. - In a Norfolk, Va. case, the defendant was being tried for a liquor conspiracy in which the F.B.I. was not involved. The judge granted a defense motion for pre-examination by defense counsel of all government investigations. The government refused. The judge directed an acquittal even though no witness had been presented and no evidence taken. This case became res judicata and no new indictment can be brought on the same facts against the defendant.



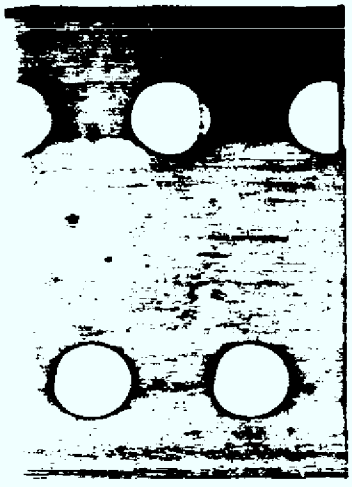
Case #9. - In Philadelphia, before the Jencks case decision, a defendant was convicted in the Federal District Court of inte state transportation of stolen property. After the Jencks decision, on appeal, the Circuit Court granted a new trial and ordered the production of the minutes of the Grand Jury which indicted him. This latter case upset the tradition and judicial precedent of our Federal Courts, that Grand Jury minutes are secret and inviolate, which have stood for 160 years.



Earlier in this arti le, the question was asked, "What is the explanation for this attitude of our highest court?"

For the answer we must review some of the decisions in which only some of the present justices were concerned, and analyze the thinking and philosophy which prompted them. The same philosophy and social thinking responsible for the earlier decisions, still saturate the veterans of the court, and has gripped the newcomers and has made them fall into line as men following a leader. The Supreme Court leader and strong willed philosopher behind whom the members fall in line has gripped them with his philosophy and social sophistication. How important, then, is the philosophy of the justices of our highest court, their social views, their liberalism, their views on life and religion. We can learn what these are from their utterances and their decisions.

The manner in which close or marginal cases are determine may well depend on their philosophical beliefs. The granting of certiorari is within the discretion of the Court; also, questions involvi life, liberty, and property, may well be decided in accordance with the philosophical beliefs of the human beings sitting on the Court and their decisions are <u>final</u>. Close cases then in determining this philosophical belief of the justices, may be more vital from this



spect than the decision of the specific case itself. Mr. Justice Frankfurter has said: "The waters of the law are unwontedly alive. New winds are blowing on old doctrines. The critical spirit infiltrates traditional formulas; philosophic inquiry is pursued with apology as it becomes clearer that decisions are functions of some juristic philosophy." - Frankfurter, the Early Writings of O. W. Holmes, Jr. (1931), 44 Harvard Law Review, 717. Is it a coinciden with this view that a former Chief Justice definitely implied the same view when he asserted that the "meaning of the Constitution i: what the men of the Supreme Court decide."

That there has been widespread materialistic and secul: istic thinking and action in all phases of our social, economic, a: educational life cannot be denied. Only the naive can fail to perceive this trend, for it touches all our activity; it has penetrat: our courts, and saturated many decisions, which have evoked widespread criticism from all classes of our population.

The secularistic trend of legal opinions of our highest court has increased and begins with the case of McCollum v. Board of Education, 333 U.S. 203 (1948) in which the Court held invalid statute, the effect of which was to aid religious groups, Catholic, Protestant and Jewish, by permitting the use of public school facilities for religious instruction. This case popularly referred as the McCollum atheist case arrayed the whole influence of our ta: supported system of public education on the side of the godless. approved the cardinal tenet of secularism by banishing all religio: from our systems of public education.

The effect of this decision upon the minds of the Americ: people who understood its implications and who feared its effects, evoked much criticism by intelligent men of all religious beliefs. Dean Weigle, formerly of the Yale Divinity School called it "a mischievous decision." The American Bar Association Journal expressed outspoken disagreement with it. The Catholic press has pointed out the un-American secularistic implications of the decision.

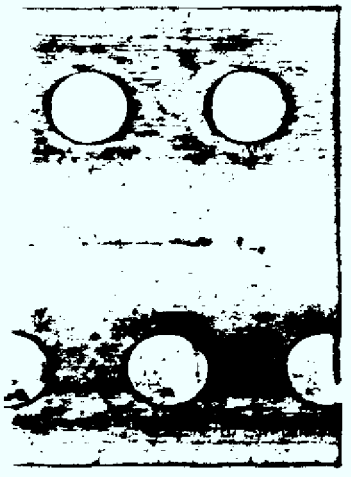
This trend is the culmination of secularistic thinking and the exclusion of God and religion from our life, and is result ing in a progressive impairment of our traditional American philosophy of law and its religious foundation, the principles of the Natural Law, so painstakingly and clearly set forth in the preambl of our Declaration of Independence. It is a radical departure fro: the Blackstonian fundamentals, that the jurisdical order rests on

the moral order. Blackstone believed that "upon these two foundations, the law of nature and the law of revelation, depend all human laws - that is to say, no human laws should be suffered to contradic these."

Another example of secularistic legal thinking is found in the decision of the Supreme Court in the so-called eleven Communist case prosecution under the Smith Act. Sacher v. U.S. 343 U.S. 1, and Dennis v. U.S. 341 U.S. 494. These cases were appeals from the conviction by a Jury presided over by Judge Medina in New York Federal Court. The Supreme Court sustained the convictions (unlike its action in the 14 California Communist cases under the same Smith Act). Its upholdings of these decisions of the lower court was justified. However, the late Chief Justice Vinson, in announcing the decision of the majority of the court, had this to say, "Nothing is mo certain than that there are no absolute concepts; that all concepts are relative." This is nothing but secularism, for it attacks and rejects the philosophical and religious foundation of our system of government, which is plainly stated in the preamble of the Declarati of Independence. It is inconsistent with the thoughts and beliefs of our founding fathers, who expressed their faith with deliberation and deep religious feeling when they wrote in the preamble of the Declara tion of Independence, "We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, government are instituted among men, deriving their just powers from the consent of the governed." These are all absolute concepts. But to hold, as the late Chief Justice has stated, in the eleven Communist case, that there are no absolute concepts, would be tantamount to declaring, that the concept of God is relative, that the concept of Truth is relative. It is nothing different than a restatement of the secularistic doctrine which proclaims that "Truth is the majority vote of that nation which can lick all the rest." It is the totalitarian doc trine that might makes right. It is nothing short of a return to the pagan concept of government which is wrecking the lives of so many millions behind the Iron and Bamboo curtains today.

The Chief Justice's opinion with such sweeping philosophic assertions, was approved by Justices Reed, Burton and Minton. Justic Frankfurter and the late Justice Jackson concurred in separate opinions. Justices Black and Douglas dissented. Justice Clark took no part in the case.

This philosophical doctrine was not original with Chief Justice Vinson. It was a re-echoing of the philosophy of Holmes, Dewey, Hobbes, Hitler, and Stalin, and of the positivist school, which excludes faith in favor of objective phenomena and demonstrable facts. To say, "There are no absolutes", and that "all concepts are relative" is to affirm that there is no limit to the power of the state; that there is no free enterprise as opposed to regimentation; that all decrees shall be subject to the whims of the totalitarian sovereignty in political control. Such a doctrine would make Habeas Corpus, trial by jury, right to counsel, certiorari, and inalienable rights, subject to the will of the political entity in office, and to be dispensed with if inconvenient to it and at its will.



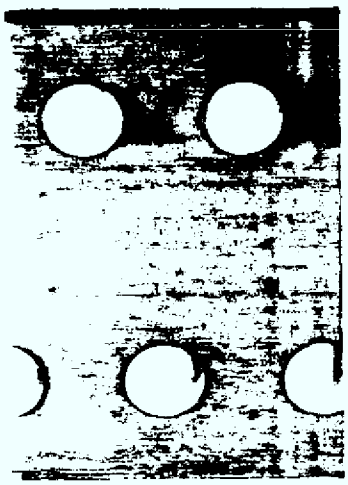
The secularists in education are outlawing religion and furthering the materialistic concept of life as they saturate the minds of youth in schools and colleges. Rabbi Schultz of New York states that, "There are 3,000 college professors who are congenital joiners of Red fronts." It is significant that a recent poll of the American Sociological Society, members of whom are professors in our colleges and universities, showed the following results:

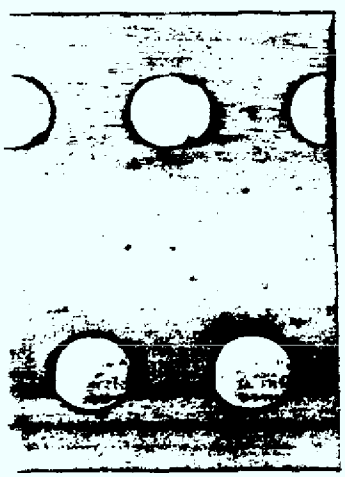
Of the 954 members polled by post card on which was contained the questions, "Do you believe in a Divine God? Do you believe in the Darwinian theory of life?" The answers showed that 276 believed in God as a Personal Being; 334 as an impersonal force; 171 believe in no God and 173 did not know whether God existed (agnostics). The same group voted on social Darwinism as follows: 352 accepted the theory, 380 denied it, and 189 had no comment. Thus, we see that the concept of God as an impersonal force is held by the highest percentage, with believers in God as a Personal Force being next. Over 2/3 of the responses actually indicated no belief in a Personal Being.

Another example of secularistic thinking is clearly illustrated by the language of Mr. Justice Douglas and Mr. Justice Black in the Tidelands case - U.S. v. Texas 339 U.S. 707 and modified in 340 U.S. 848, in which the Supreme Court decided against the claim of the State of Texas to title to lands surrounding its shores. These two justices in a 4 to 3 decision, expounded the totalitarian principle that "what an administration of government believes to be necessary at a given time is ipso facto right." This view is Nazism, Stalinism and certainly not Americanism. It is exactly the view propounded by a former justice of the Supreme Court, now long gone to his eternal reward, that the law as a function of the power

c [illegible] State was free of moral do [illegible] any kind.

The views of Justices Douglas and Black rule out the guarantees of the Declaration of Independence and the Constitution of the United States which protect the individual's inalienable rights and the jurisdiction of the states. The philosophy of these two justices ignores such guarantees on the assumption that the necessities of the government are paramount. In both the Texas and California cases involving the title to Tidelands, the Court upheld this doctrine without defining what are the necessities of the government. The language of these justices using such phrases as, "bare legal title", or, "mere property ownership" indicates their juridical philosophy.





The exact language of Justice Douglas is, "Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign....." The conception of property rights in our country has always been based on their existence by right of law and not by the Fiat of the particular which happens to be in power. If this were not true, then succeeding administrations could by Fiat change the titles to property held by their political opponents. This is the method in vogue in Totalitarian countries to deprive people of their property.

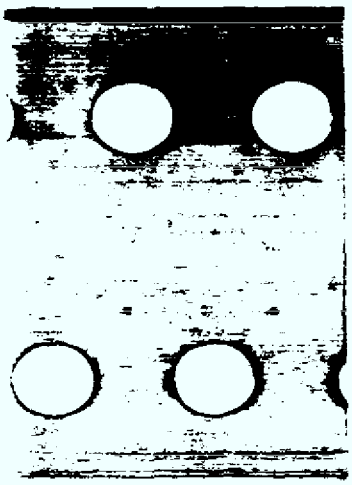
Our economy, our social life, is organized on "legal titles". Persons have title to their home, personal property, and other things needed in everyday life. This legal title is the sole right to this ownership without fear of dispossession by government Fiat.

In the absolute State countries, "legal title" exists only in the government, and in these lands, the government divests the individual of his possessions because title is socially vested in the state. This is Marxian philosophy practised in Communist lands.

Hence: when a justice of the Supreme Court describes "legal title" by using such an adjective as "bare" he is propounding a dangerous doctrine which upholds a cardinal tenet of Marxian Socialism and which is a principal dogma of Communism. These ideas expressed by such wide sweeping language of the justices, transcend all other considerations in the Tidelands cases, for here we have an issue which penetrates to the very foundation of our American philosophy of law and life as we know it, and attacks the fundamental rights so expressly guaranteed to us by the Declaration of Independence and the Constitution of the United States, and which are described as

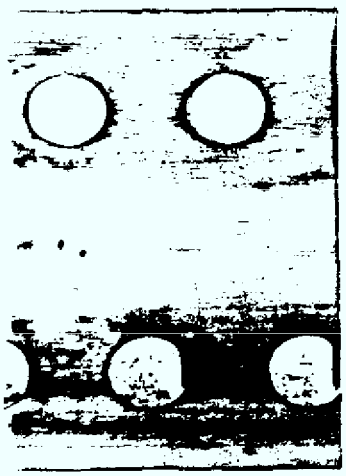
Inalienable" and by such phrases as "self evident truths" and "endowed by their Creator" as well as "the right to life, liberty, and the pursuit of happiness".

Another very recent example of secularistic thinking and lack of appreciation of the importance of religion in our lives and in our schools, is the case of Doremus v. Board of Education, 342 U.S. 429. In this case, a state statute providing for the reading of Bible verses at the opening of each public school day was attacked as violating the First Amendment, in an action brought in the state courts by a taxpayer and by a parent of a pupil, who, however, had graduated before an appeal was taken to the Supreme Court from the judgment of the highest state court upholding the statute as valid.



Without reaching the merits of the controversy, six members of the Supreme Court, in an opinion by Justice Jackson, held that neither the parent nor the taxpayer had a standing to raise the Constitutional question before the Supreme Court, or, as expressed in the opinion, that in view of the lack of such standing, no "case or controversy" was presented upon which the court could act.

Justice Douglas, with the concurrence of Justices Reed and Burton, dissented, saying that the case deserved a decision on the merits.



In this case, the State of New Jersey waived its defense that the plaintiff had no standing, and acquiesced in an effort to determine the broad constitutional question involved. But the majority opinion held that the case could be heard on its merits only when it presents a "case or controversy" showing it is "a good faith pocketbook" action seeking to litigate a direct and particular financial injury. The court refused to heed the argument that since the case "is substantial and of great public concern" and that the court should take jurisdiction and decide the case on the merits, despite the technical objection that the status of one of the plaintiffs had changed during the course of the litigation.

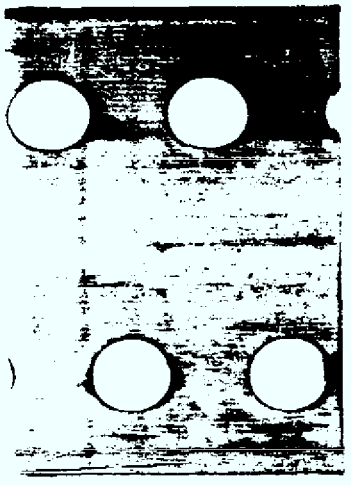
It is significant to note that appearances of attorneys were filed in this case as amicus curiae (friend of the court) for the American Jewish Congress, and the American Civil Liberties Union

Here was an opportunity for the court, despite the fact that the question to be decided was "moot", to decide the case on the merits, since the statute to be construed was most substantial and in the words of the dissenting Justices Jackson, Reed and Burton, "deserved a decision on the merits". But observing technical precedents seemed to be more important to the majority than deciding wheth

tatute permitting the reading [illegible]le verses at the opening of school classes. The court apparently forgot the words of Lord Coke who said, "Stare Decisis is mighty in the law, but reason and commor sense is mightier."

Here was a case where the United States Supreme Court could have announced to the world that we are a religiously inspirec Democracy and that the words on our silver coins, "In God We Trust" mean what they purport.

Congress has the Constitutional power to limit the jurisdiction of the Supreme Court. It can narrow the kind of causes to be heard by the Court. Congress can also enact legislation to reverse its rulings. It can also nullify the effects of decisions already decided as it did in the Tidelands cases, in which the Court decided that title to offshore lands belonged to the Federal government. By legislation Congress restored these off-shore lands to the states in which title always stood before the Tidelands decision.



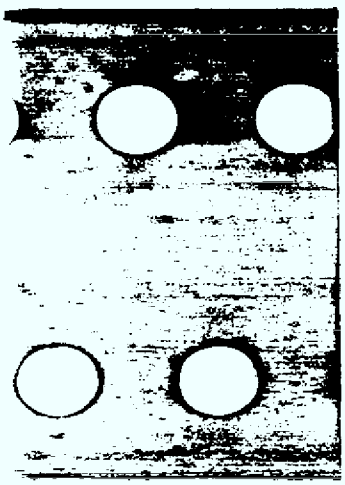
The importance of the Court's decisions is far'reaching. They become precedents in the Federal jurisdiction and lawyers cite them in the state courts. They are also cited in cases before Congressional Committees and even before state boards. It would have been more orderly in doubtful cases, particularly those involving the security of the country, to resolve these doubts in favor of the United States. Chief Justice John Marshall, when beset by doubts, always resolved them in favor of the United States. In the 14 Communist cases, it would have been better for the court to have upheld the convictions instead of holding as it did, that force and violence must be accompanied by a plan detailing how the violenc was to be committed. It is naive to imagine that the force and violence which the 14 Communists were preaching, were only academic discussions. Any American layman conversant with the aims of Communism, especially if he had read the "Communist Manifesto", "Political Affairs", "Mainstream", the "National Guardian", the "Daily Worker" and many other liberal and left wing pamphlets, could have supplied the Court with copious material defining what the Communists mean by "force and violance".

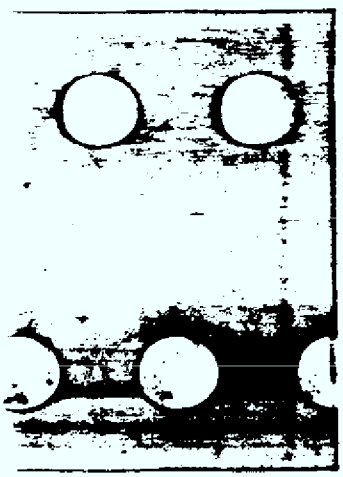
The program of the Communists is to wreck all world governments which do not absorb the tenets of Marx and Engels. Particularly singling out the United States as the prize conquest of their program, the wrecking of the American system of government will mark the end of their world wide conspiracy to subjugate all free peoples to their totalitarian philosophy.

The Supreme Court must sto[illegible]g the Communist program easier to succeed and the fight of our F.B I. and other anti-Red agencies more difficult.

It cannot be stressed too strongly that the Supreme Court has no power to amend the Constitution, but only to interpret it. The decisions of the Supreme Court must be accepted by the Federal and State courts, but not by the court of public opinion. The people created the Court. The people are not the creatures of the Court.

Where do we go from here?



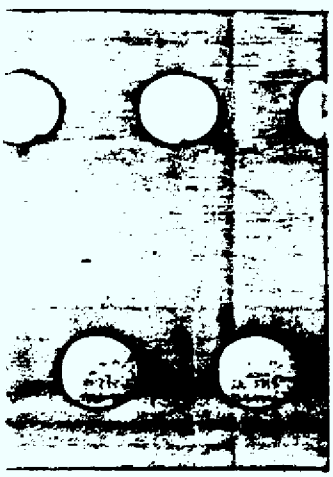


Our form of government is clearly set forth under the Constitution as being based on three divisions: the Legislative, Executive and the Judicial. All of these branches shall always be kept separate. The Judicial must not legislate but shall confine its activities to the interpretation of the Constitution and the laws.

The Supreme Court decisions in all of the civil liberties cases have raised very important questions. The problems of subversion and enforcement of the criminal laws have rendered the Justice Department inarticulate. The traditional power of Congress to investigate, unquestioned since the birth of our Republic, is directly challenged, and has resulted in numerous bills being filed to limit the jurisdiction of the Supreme Court. All of these Congressional moves have been engendered in a wave of outraged indignation due to the civil liberties decisions. How can Congress proceed with its present program of investigation, which it is constitutionally authorized to do and perform its duties, not only in cases of subversion, but in anti-trust cases, labor racketeering, and numerous other types of criminal activity, all of which affect the security, business and welfare of the American people.

All of these considerations are indeed weighty, and they have been projected into our midst by the present Court's decisions in the civil liberties cases. The people must resolve them in a way which will leave no doubt that the security of the Nation must be the first consideration in our minds. It has been said that the Supreme Court follows the election returns, but we do not need an election under the present atmosphere of American indignity to impress the Supreme Court. The nation-wide revolt against the Supreme Court decisions has been led by judges, members of Congress, and a representative cross-section of the American people. This revolt must command the court's attention to follow the example of

the greatest Chief Justice in American judicial history, Chief Justice John Marshall, who said, "when doubts beset him, he resolved them in favor of the security of the nation."



RECORDED-18 62-215855

INDEXED-18

October 25, 1957

Honorable H. J. Anslinger
Commissioner
Bureau of Narcotics
Treasury Department
Washington 25, D. C.

Dear Harry:

The interest prompting your letter of October 22, 1957, is indeed appreciated. I was glad to have the opportunity to review the analysis of recent Supreme Court decisions prepared by Judge Elias Shamon.

Sincerely,

Edgar

NOTE: The enclosure appears to have been delivered as an address prior to the passage of the legislation affecting the Jencks decision. It is a mature and thoughtful analysis of recent developments in constitutional law and appears to be favorably disposed toward the interests of the Bureau. According to "Martindale-Hubbell Law Directory" Judge Shamon was born in 1896 and practiced law in the Boston area for many years before being appointed as Judge of the Municipal Court. He wrote the Director in March, 1942, recommending a young man of his acquaintance for employment as a Bureau translator. This individual did not subsequently submit an application. (67-325029-1) There is no derogatory information in Bufiles identifiable with Judge Shamon.

SALU ER MAILING LIST.

EX-116

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Belmont
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OCT 25 1957
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STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. NEASE 9/E 66/ 67C

DATE: 12-11-57

FROM : [redacted]

SUBJECT: SUPREME COURT
BUFILE 62-27585
Limitation of Appellate Jurisdiction of the United States Supreme Court
Hearing 8-7-57
Senate Internal Security Subcommittee

Tolson
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Gandy

We have received from your office for filing three copies of a hearing captioned and dated as above and four copies of appendix to that hearing.

RECOMMENDATION:

That enclosed be filed in captioned file with this memorandum.

66/ 67C

[redacted]

Enclosures - 7

Enclosures (7) Inserted in file 12-12-57

1 ENCLOSURE

RECORDED 62-27585-93
NG

INDEXED
NG

12 DEC 12 1957

4-9/E

DEC 17 1957

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FEDERAL BUREAU OF INVESTIGATION

FOIPA DELETED PAGE INFORMATION SHEET

_____ 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.

_____ 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: The enclosures were not duplicated as they are copies of the bearing serial previously processed. These copies are a total of 337 pages.

☒ The following number is to be used for reference regarding these pages:
62-97585-93 enclosures

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

12/17/57

The Attorney General asked the Solicitor General to brief the staff upon the decisions rendered by the Supreme Court yesterday and Mr. Rankin did so. The significant point was that yesterday was the first time that the new Justice, Justice Whittaker, had participated in opinions and in doing so he had sided with the so-called liberal bloc in the Green case.

NOT RECORDED
191 DEC 19 1957

51 DEC 20 1957

Mr. Tolson
Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Nease
Tele. Room
Mr. Hollomon
Miss Gandy

[redacted]

born 1921

UP91

(COURT-MOORE)

THE SUPREME COURT TODAY GRANTED A NEW TRIAL TO WILLIE B. MOORE, NEGRO SERVING A LIFE TERM FOR THE MURDER 19 YEARS AGO OF MRS. JOSIE ZEEDYKE IN KALAMAZOO, MICH.

JUSTICE WILLIAM J. BRENNAN JR., SPEAKING FOR A FIVE-MAN MAJORITY, SAID "MOB VIOLENCE" INFLUENCED MOORE -- THEN 17 YEARS OLD -- TO PLEAD GUILTY. HE HAS BEEN CONFINED IN JACKSON (MICH.) PRISON.

JUSTICES HAROLD H. BURTON, FELIX FRANKFURTER, TOM C. CLARK AND JOHN M. HARLAN DISSENTED.

MOORE ASKED FOR A NEW TRIAL IN 1949 ON THE GROUND THAT HIS PLEA WAS INDUCED BY THREATS AND THAT HE MADE IT WITHOUT CONFERRING WITH FRIENDS, RELATIVES OR COUNSEL. HE SAID HE WAS NOT INFORMED OF HIS RIGHT TO TRIAL BY JURY.

THE KALAMAZOO COUNTY COURT DENIED HIM A NEW TRIAL ON THE MURDER CHARGE AND THE MICHIGAN SUPREME COURT AFFIRMED THIS RULING ON DEC. 4, 1955.

BUT TODAY THE U.S. SUPREME COURT MAJORITY SAID:

"WE BELIEVE THAT THE EXPECTATION OF MOB VIOLENCE, PLANTED BY THE SHERIFF IN THE MIND OF THIS THEN 17-YEAR-OLD NEGRO YOUTH, RAISES AN INFERENCE OF FACT THAT HIS REFUSAL OF COUNSEL WAS MOTIVATED TO A SIGNIFICANT EXTENT BY THE DESIRE TO BE REMOVED FROM THE KALAMAZOO JAIL AT THE EARLIEST POSSIBLE MOMENT...A REJECTION OF FEDERAL CONSTITUTIONAL RIGHTS MOTIVATED BY FEAR CANNOT, IN THE CIRCUMSTANCES OF THIS CASE, CONSTITUTE AN INTELLIGENT WAIVER."

12/9-P121P

62-275894

RECORDED-46
INDEXED-46

3 DEC 19 1957

EX-147

76 DEC 27 1957

WASHINGTON CITY NEWS SERVICE

[redacted]

GL 12

Routing Slip
FD-4 (Rev. 6-14-56)

Date 12/11/57

To

- [ ] Director
- [ ] Asst. Director Rosen
- [ ] All
- [ ] SAC
- [ ] ASAC
- [ ] Supv.
- [x] Agent
- [ ] SE
- [ ] CC
- [ ]
- [ ]

FILE #

Title

Re: U.S. Supreme Court

[redacted]

ACTION DESIRED

- [ ] Acknowledge
- [ ] Assign ..... Reassign
- [ ] Bring file
- [ ] Call me
- [ ] Correct
- [ ] Deadline .....
- [ ] Deadline passed
- [ ] Delinquent
- [ ] Expedite
- [ ] File
- [ ] Initial & return
- [ ] Leads need attention
- [ ] Open Case
- [ ] Return with explanation or notation as to action taken
- [ ] Prepare lead cards
- [ ] Prepare tickler
- [ ] Recharge serials
- [ ] Return assignment
- [ ] Return file
- [ ] Return serials
- [ ] Search and return
- [ ] See me
- [ ] Send Serials .....
  to 27585
- [ ] Submit new charge-out
- [ ] Submit report by .....
- [ ] Type

COPIES ORDERED
16 DEC 27 1957

ENCLOSURE
Attached are two photostats each of two Editorials from Southwest American, Ft. Smith, Ark.

- [ ] See reverse side

SAC [redacted]

Office Little Rock

61 JAN 2 1958 F-340

OFF THE RECORD

By C. F. Byrns

Nine Communist leaders in California who were convicted more than five years ago on charges of conspiracy to advocate violent overthrow of the government were freed in a California federal district court Monday.

These nine were among the 14 whose convictions were reversed by the supreme court last summer. Five were freed by the high court. The cases of the remaining nine were remanded to the trial court for new trials. But no new trials were held, because the federal prosecuting attorneys said they could not convict them under the decision of the supreme court. So 14 Communists are free to go and sin some more against the people of the United States.

BYRNS

This bizarre result is the direct fruit of the supreme court decision. The court held in substance that it is no crime to advocate violent destruction of this country's form of government unless some overt act is done to carry out the destruction.

Since that decision, which stirred up quite a furor at the time, other cases involving the same principle have been dismissed in other courts, not because the judges of those courts wanted to dismiss them, but because the courts were bound by the high court's decision.

★

In another opinion about the same time, the supreme court held that state laws dealing with espionage cannot be enforced because that field belongs to the federal government. Therefore, following again the instructions of the supreme court, no state court can try these Communists or others charged with plotting or actually carrying out plots against the American people.

These court decisions have taken away the state's right to defend itself against spies and saboteurs. At the same time, the federal authorities are materially restricted in their power to do anything about a conspiracy unless some overt act is committed.

This is one example of the destruction of states' rights, which is occupying the attention of so many people. There are many others.

★ ★ ★

People who are in favor of concentrating all power in the federal government and narrowing the field of states' rights often try to make it appear that restoration of states' rights will wipe out federal funds for many activities and leave the states facing impossible money problems. Some have hinted at withdrawal of highway funds, water resource development money, social security benefits, farm aid and other programs in which the federal government necessarily must share.

These are national problems related quite distantly if at all to the rights of states which are rapidly being eroded—the rights to operate our own state and local institutions in accordance with the wishes of the *state's own people. Preserving* those rights is a vital necessity if we are to maintain a democratic rather than a totalitarian government.

RE: UNITED STATES SUPREME COURT

FORT SMITH TIMES RECORD
SOUTHWEST AMERICAN —
SOUTHWEST-TIMES RECORD —
FORT SMITH, ARKANSAS
DATE 12-4-57
PAGE 1

62-27555-

As We See It

About Those Threats Against Ike —

Four prisoners in the federal reformatory at El Reno, Okla., were indicted on charges they had threatened to kill President Eisenhower and Vice President Nixon. Two of them were accused of "conspiring with" the others to make the threats.

Now a question occurs to us: Will the prosecution of persons making such threats —which are illegal, of course—be hindered by a new principle laid down recently by the supreme court of the U. S.?

Several alleged communists had been convicted of conspiring to teach the overthrow of the U. S. government by force. The charges were under a law known as the Smith act—which makes the alleged acts a crime.

The supreme court ruled, in general, that conviction isn't justified by proof the defendants advocated such an idea or urged such an idea or action.

There must, the court held, be some concrete move against the government—in others words, an actual action toward overthrow of the government. Otherwise, such defendants could not be convicted.

Now most of the defendants in these "threats against the president" cases aren't accused of actually doing anything about it—most of them have simply been accused of making the threats.

That's true in the four cases in Oklahoma—they not only were NOT accused of making any attempt on anyone's life—naturally, they COULDN'T do it, since they were in prison.

Now we wonder - - -

Is the principle that a man can't be convicted for merely advocating [illegible] or threatening it going to hamper prosecutions in such cases?

That's another issue which has a long way to go before final decision - - -

But it seems to us it's logical to believe the "overt act" ruling eventually may effect the "threats" charges and also many other cases in which legislators have outlawed one thing, [illegible] in itself, because—they hold—it definitely [illegible] intent to do another.

RE: UNITED STATES SUPREME COURT

FORT SMITH TIMES RECORD ✓
SOUTHWEST AMERICAN
SOUTHWEST-TIMES RECORD
FORT SMITH, ARKANSAS
DATE 12-2-57
PAGE 4

62-27585-

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Mohr

DATE: 12/20/57

FROM : [redacted]

SUBJECT: PROCEDURE FOR ADMITTANCE TO PRACTICE BEFORE THE UNITED STATES SUPREME COURT

Tolson
Nichols
Boardman
Belmont
Mohr
Parsons
Rosen
Tamm
Trotter
Nease
Tele. Room
Holloman
Gandy

From time to time we have Special Agents who are desirous of being admitted to practice before the United States Supreme Court. Pursuant to your instructions, these matters will hereafter be handled in my office as regards the setting up of the necessary mechanics for the agents' admission [redacted].

For the information of all concerned, the following is the procedure.

1. The Special Agent must first execute and file admission papers at the office of the Clerk of the United States Supreme Court. The Clerk will advise the agent when his papers are in proper order to proceed with the admission.

2. The Office of the Solicitor General (J. Lee Rankin) in the Department will be pleased to have any representative of the office move the admission of the agent on the day when admissions are being received by the Court.

3. [redacted] Secretary to Mr. Rankin (Code 197, Ext. 2), advised me that admissions are usually received by the Court on Mondays. If we contact [redacted] in sufficient time prior to the desired Monday, she will advise whether any representative of the Solicitor General's Office will be in Court on that morning.

4. [redacted] is interested in having the full name of the applicant for admission, the name of the state of which he is now a member of the bar, and whether or not that is his native state.

5. On the scheduled day of admission, the applicant should appear at Room 105 of the Supreme Court Building not later than 11:00 a. m. and give the admission clerk the name of the attorney who is to move for his admission.

RECORDED - 63
INDEXED - 63

EX-135

18 JAN 8 1958

(3)
1 - [redacted] (After noting this, please route to the other agents in the Personnel Section).

57 JAN 14 1958

Any inquiries from the field or from agents at the Seat of Government desiring to be set up for admission to the Supreme Court should be furnished to me for handling.

[redacted] 66, 67C

OK
[illegible]
1/23

From the Desk of [redacted]

Cincinnati 8, Ohio
Dec. 31, 1957

Mr. Tolson
Mr. Boardman
Mr. Belmont
Mr. Mohr
Mr. Nease
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Clayton
Tele. Room
Mr. Holloman
Miss Gandy

Dear Mr. Hoover:-

In a letter to my four Congressmen stating my views re:action in the 1958 session, I am saying:

"The 'Supreme' Court--Kruschef's blessing upon this 'all-wise' body whose recent decisions seem to have usurped the powers of the Congress which we elected, and which seems to regard the Constitution as so much Kleenex, I wouldn't trade one J. Edgar Hoover for the entire court, including Burton, whose judgement once was good."

Strong language...yes. But I mean it. And I want our representatives in Washington to know that I do. My statement is not intended as a compliment to you; rather, it is your rightful due.

Please do not reply--you have more important work to do. And keep it up...as you have done for more than 30 years.

Sincerely,

[redacted]

[redacted]
Cincinnati 8, Ohio

RECORDED - 88

62-27515

FX-108

20 JAN 14 1958

EX-PRO

JAN 2 1958

January 8, 1958

[redacted]

Cincinnati 8, Ohio

Dear [redacted]

Your letter of December 31, 1957, has been received, and I appreciate the interest which prompted your writing. Your support of the FBI is indeed encouraging, and my associates and I are grateful for your generous remarks.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover
Director

NOTE: Correspondent has written on two prior occasions to congratulate the Director on the work of the Bureau. There is no derogatory data in the Bureau files.

62-27585-96

INDEXED - 88

RECORDED - 88

EX-108

Tolson
Nichols
Boardman
Belmont
Mohr
Parsons
Rosen
Tamm
Trotter
Nease
Tele. Room
Holloman
Gandy

MAIL ROOM

COMM — FBI
JAN 8 1958
MAILED 31

FBI

5-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: Jan. 15, 1958

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages A218-A227, Congressman Gathings, (D) Arkansas, extended his remarks to include an article written by the Honorable H. Ralph Burton entitled "Integration and Its Ultimate Effect." Mr. Burton in commenting on authorities cited by the Supreme Court in handing down certain decisions stated "Among those so-called modern authorities on psychology cited by the Court as its authority to change and destroy the constitutional guarantees of the people of the United States are a number of individuals whose public expressions and activities show clearly the influence of Communist contacts and reflect sympathy with that ideology..... No attempt is here made to give details about those whose names appear as authorities of the books cited by the Court as such data is available in the files of the Un-American Activities Committee, of the FBI, and numerous other public records, ..." Mr. Burton made reference to the NAACP and the Communist associations of its members. He included excerpts from the Congressional Record of February 23, 1956, as follows: "Mr. Gathings. Mr. Speaker, on February 3 the Memphis Commercial Appeal carried an article written by Paul Malloy quoting from an interview with Thurgood Marshall, Negro special counsel for the National Association for the Advancement of Colored People. In the article it was stated—and I quote: 'The meeting sponsored by the Memphis NAACP chapter heard Marshall angrily deny claims his organization is Communist tainted. Marshall said: "Edgar Hoover, boss of the FBI, says we are not subversive. Our conventions have been addressed by Harry Truman and President Eisenhower and Vice President Richard Nixon."'"

Original filed in: 62-27585-2

62-275852

RECORDED
47 JAN 24 1958

10
63 JAN 31 1958

In the original of a memorandum captioned and dated as above, the Congressional Record for 1-14-58 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

[redacted]

b6, b7C

SANTA ROSA, CALIFORNIA

January 9, 1958.

J. Edgar Hoover
Federal Bureau of Investigation
Washington, 25, D.C.

Dear sir:

This letter is to inform you that I have written to Senator Knowland and Representative Scudder to the effect that the Supreme Court should be curbed by a constitutional amendment which makes all Supreme Court decisions subject to further review by Congress.

You are intelligent enough to know the motivation of its recent series of decisions. However, do you realize that Communism is not really an economic theory or economic belief at all but rather the shape given to a religious, or should we say, anti-Christian, movement ? With that in mind, you will understand many things that might have been hard to explain up to now.

If there is anything more that I could do besides write to my senator and representative, please let me know.

I don't think that taking the final decision on legal questions from the Supreme Court will void it as an institution, but will merely make it more responsible, particularly if its size is reduced to perhaps three justices, which would concentrate the responsibility for decisions, and cause voluntary resignations of justices who are out of step.

I told both Scudder and Knowland that without this amendment to the Constitution we are done for.

Yours very truly,

[redacted]

mrd
ack 1-16-58
yp

b6,
b7C

62-27585-97

RECORDED - 88

JAN 20 1958

CRIME REC

RECORDED - 88
INDEXED - 88
62-27585-97

EX - 146

January 16, 1958

[redacted]
Santa Rosa, California

b6,
b7C

Dear [redacted]

I have received your letter postmarked January 9, 1958, and the interest which prompted you to write is sincerely appreciated.

As a matter of long-standing policy, I have consistently declined to comment on judicial or legislative matters, and I am sure you will understand my position in this regard.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover
Director

JAN 16 5 36 PM '58
REC'D-READING ROOM
FBI

NOTE: Bufiles contain no reference identifiable with correspondent.

[redacted] (3)

b6,
b7C

COMM - FBI
JAN 16 1958
MAILED 31

RW

Tolson
Nichols
Boardman
Belmont
Mohr
Parsons
Rosen
Tamm
Trotter
Nease
Tele. Room
Holloman
Gandy

MAIL ROOM

67 JAN 24 1958

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 1-29-58

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages A747-A749

Congressman Tuck, (D) Virginia, extended his remarks to include an address by Congressman Smith, (D) Virginia, before the joint session of the General Assembly of Virginia at Williamsburg on January 25, 1958. Mr. Smith spoke concerning recent decisions of the Supreme Court. He stated "For as sure as we stand upon this hallowed ground, if the Supreme Court of the United States has the power to write the law of the land and the President conceives it his duty to enforce those decisions, then we are drifting into a dictatorship of the Judiciary as powerful and as terrifying as any now existing in foreign lands."

A748

Original filed in: 66-1731-1434

62-27585-

NOT RECORDED
47 FEB 5 1958

65 FEB 10 1958 F-340

In the original of a memorandum captioned and dated as above, the Congressional Record for 1-28-58 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

January 31, 1958

Honorable George Smathers
United States Senate
Washington, D. C.

Dear Senator Smathers:

I am enclosing some clippings from newspapers and magazines of the recent decisions of the Supreme Court of the United States.

At the present time we are in grave danger due to the unwise decisions of our military advisors, but we have come out of very grave situations from our enemies before, and probably we will overcome our deficiencies in this case.

However, our Country is being weakened not only from without, but we are in grave danger from within our Country, due to the almost unbelievable decisions from our Supreme Court.

Why is is that the good, loyal people of our Country have to put up with such irresponsibility as these men have shown? Are their feelings more important than the safety of our Nation? When is something concrete going to be done to stop the irresponsibility in our Supreme Court. Must we wait until we are on the brink of another crisis, this time from within, before their destructiveness is halted?

Very truly yours,

b6, b7C

[redacted]
Orlando, Florida

cc: Attorney General of the United States
Mr. J. Edgar Hoover

C O P Y

copy
no ack
file rec

62-...85-98

REC-37

FEB 12 1958

EX. - 131

CRIME REC.

58 FEB 13 1958

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 2-4-58

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages A957-A960, Congressman Cramer, (R) Florida, extended his remarks to include an address by Congressman Willis, (D) Louisiana, before the Associated General Contractors in Memphis, Tennessee, on January 31, 1958. Mr. Willis commented on recent decisions of the Supreme Court. He stated "The trend of the decisions which I will now discuss indicates that the Supreme Court is fast becoming the dominant branch of our Government. This is something that has never happened before. Peculiar circumstances require special action. And so for the first time in our history, a special subcommittee was appointed to study the questions raised by recent decisions of the Supreme Court, with authority to make legislative recommendations, and I have the privilege to serve as chairman of that subcommittee. The action taken by the Congress last year, on the recommendation of my subcommittee, in correcting the decision of the Supreme Court in the famous Jencks case, proves that if we have the will to do it something can be done in this broad field of judicial encroachment on the legislative and executive branches of the Government." References to the FBI in connection with the Jencks case have been noted. Mr. Willis also commented on the Mallory, Watkins, and Yates decisions. He went on to state "I think I have cited enough cases to show that we are drafting farther and farther away from the moorings of our Constitution. This is a challenge not only to Members of Congress but to all men of goodwill who believe in our form of government and democratic institutions. We must not only stem the tide of Federal supremacy. We must return to fundamental constitutional principles. We must repair whatever damage that has been done to the constitutional walls separating the powers of our Government into three dignified branches. And then we must restore to our people the system of government devised by our forefathers."

Original filed in: 62-17511-1439

62-27585-V

F-1 VD

6 8 FEB 14 1958

In the original of a memorandum captioned and dated as above, the Congressional Record for 2-3-58 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

INITIAL ON ORIGINAL

FROM THE SENATE INTERN. SECURITY SUBCOMMITTEE FEBRUARY 6, 1958

Mr. Tolson
Mr. Boardman
Mr. Belmont
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Clayton
Tele. Room
Mr. Holloman
Miss Gandy

NOTICE OF HEARING ON SENATE BILL 2646
TO LIMIT APPELLATE JURISDICTION OF SUPREME COURT

Mr. Eastland. Pursuant to resolution of the Committee on the Judiciary approved Monday, February 3, intensive hearings are to be held on the bill S. 2646 to limit the appellate jurisdiction of the Supreme Court in certain cases. This bill, introduced by Senator Jenner, would withdraw from the Supreme Court of the United States appellate jurisdiction in certain specified fields, namely, first, with respect to the investigative functions of the Congress; second, with respect to the security program of the executive branch of the Federal Government; third, with respect to State antisubversive legislation; fourth, with respect to home rule over local schools; and, fifth, with respect to the admission of persons to the practice of law within individual States.

All persons interested in testifying either for or against this bill or any of its provisions should immediately communicate their desire in this regard to me, to the chief clerk of the Committee on the Judiciary, or to the counsel of the Internal Security Subcommittee. Dates will be scheduled for these hearings so as to take care of all who wish to be heard; but, since the committee explicitly directed that the hearings be concluded in time to report the bill back to the full committee for action on March 10, it will be necessary for all persons who wish to appear and testify to make their wishes known promptly in order that time may be assigned to them.

Attention is called to the provisions of the Senate rule requiring each witness who intends to present a statement before the committee to furnish the committee with a copy of such statement at least 24 hours before the time of his scheduled testimony. (from the Congressional Record, Feb. 3, 1958)

Following is the text of the bill:

S. 2646--To limit the appellate jurisdiction of the Supreme Court in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 81 of title 28 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1258. Limitation on appellate jurisdiction of the Supreme Court

"Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter, the Supreme Court shall have no jurisdiction to review, either by appeal, writ of certiorari, or otherwise, any case where there is drawn into question the validity of--

62-27585-
RECORDED
FEB 17 1958

52 FEB 19 1958

"(1) any function or practice of, or the jurisdiction of, any committee or subcommittee of the United States Congress, or any action or proceeding against a witness charged with contempt of Congress;

"(2) any action, function, or practice of, or the jurisdiction of, any officer or agency of the executive branch of the Federal Government in the administration of any program established pursuant to an Act of Congress or otherwise for the elimination from service as employees in the executive branch of individuals whose retention may impair the security of the United States Government;

"(3) any statute or executive regulation of any State the general purpose of which is to control subversive activities within such State;

"(4) any rule, bylaw, or regulation adopted by a school board, board of education, board of trustees, or similar body, concerning subversive activities in its teaching body; and

"(5) any law, rule, or regulation of any State, or of any board of bar examiners, or similar body, or of any action or proceeding taken pursuant to any such law, rule, or regulation pertaining to the admission of persons to the practice of law within such State."

(b) The analysis of such chapter is amended by adding at the end thereof the following new item:

"1258. Limitation on the appellate jurisdiction of the Supreme Court."

[redacted]
Burbank, California

b7C
b6

INTERNAL SECURITY AMENDMENTS ACT OF 1958

The Un-American Activities Committee
Francis E. Walter, Chairman
House of Representatives
Washington 25, D. C.

Gentlemen:

The headlines that "The United States Court of Appeals' Ruling Saves the Communist Party" is, to our judgment, the most alarming news printed in the press today.

Sputnic, missiles, or what-have-you does not concern us nearly as much as does the fact that our United States Supreme Court is destroying our personal freedom at home while protecting that of the Communist Party in America. We ask you, "What is all the furor about armaments for security so long as Communists are given a free hand to infiltrate, call the policy and function of our very lives through the men on the high court bench?" What happened to loyal Americans' rights and freedoms? Do we all have to join the detested subversive groups before we are permitted protection? Perhaps this is the intent of the Supreme Court. At any rate, our Congress had better legislate laws to protect loyal citizens of the U.S. before the Supreme Court helps Communists destroy the FBI, Un-American Activities Committee and, finally, the Congress itself.

Garbed in the robes of justice, the Supreme Court continues to twist our National laws, and the Constitution, to the benefit of the Communist Party. The U.S. Constitution still says that Congress legislates the laws - the Supreme Court is supposed to only interpret them.

We implore our leaders in Congress, as well as the legal minds of this nation, who have sworn to uphold the freedom of the individual, our City, State and National Legislators, our clergymen and leaders to join hands with the citizens of this nation to protect that which rightfully belongs to us and not the Communists. We believe they will. Americans are not the 'spineless creatures' some would have us believe. They will fight to protect that which is a God-given and Constitutional right.

There is only one kind of freedom, FREEDOM FROM GOVERNMENT. It appears that every acquisition of power by the Supreme Court, under any pretext, has been at the expense of loyalty to this great country. It's up to Congress to put a stop to this encroachment of Congressional jurisdiction. THE INTERNAL SECURITY AMENDMENTS ACT OF 1958 should be acted upon immediately so that it becomes the law of the land in the very near future.

1-2 21 25

Sincerely yours,

[redacted]

NOT RECORDED
14 FEB 14 1958

INITIALED ORIGINAL

b6
b7C

76 FEB 19 1958

cc: Committee Members
All U.S. Senators & Representatives.

ORIGINAL COPY FILED IN

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 2-7-58

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 1564-1565, Senator Wiley, (R) Wisconsin, spoke concerning the Constitution of the United States. He commented on the duties of the Supreme Court, Congress and congressional committees. He stated "Let us go extremely slow in any legislation which would impair the constitutional process. Let there be the most thorough and exhaustive hearings on the variety of bills now pending before the Senate Judiciary Committee. Let the greatest legal scholars and constitutional minds of this Nation be called upon. Let them be asked to present their comprehensive briefs as to any bill which would chip away at the rights of the Supreme Court. Let us not proceed with ill-considered haste, because of the passions of the moment, and because the pendulum has temporarily swung one way or another." Mr. Wiley included with his remarks a column by Arthur Krock which appeared in the New York Times of February 6, 1958, and an editorial from the September 28, 1957, issue of the Christian Science Monitor. It is stated in the editorial "Most Americans are similarly aware that the Supreme Court plays an equally indispensable role in their system of government. This awareness was strongly expressed 20 years ago to halt the famous Court-packing plan. In the previous 3 years the Court had thrown out 12 major pieces of legislation desired by Congress and the President. Popular annoyance with the umpire was sharp. But wise counsel rejected a plan that would have allowed the executive and legislative departments to curtail his independence. We trust that similar considerations will bring rejection of the spate of bills recently offered by various Congressmen to curtail the Court's authority..... The authors of most of these proposals know they have no chance of becoming law; they are taking this way of letting off steam or satisfying constituents. (Like the baseball fan shouting at the umpire.) These new attacks on the Court arise out of a series of decisions, beginning with the school desegregation ruling and including recent decisions touching the FBI files and setting up other safeguards for individuals against reckless methods used by some officials in Communist hunting. Congress has already taken action to modify the Court's ruling on FBI files. * * * This record upsets the charge too often heard these days that the Supreme Court is a dictatorship, irresponsible and uncontrollable by the people,....."

62-27285-V

In the original of a memorandum captioned and dated as above, the Congressional Record for 2-6-58 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

5-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 2-18-58

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Original filed in: 66-14421-1443

Supreme Court

Senator Thurmond, (D) South Carolina, requested to have printed in the Record an article entitled "The Supreme Court on Security - The Record of 19 Months" which appeared in the February 15 issue of the National Review. The article makes reference to such cases as the Nelson case, John S. Service case, Jencks, Watkins, etc. The references to the FBI, contained in this article, were set forth in a memorandum written earlier this date.

62-27585-✓

RECORDED
FEB 18 1958

Fyi

63 MAR 10 1958

In the original of a memorandum captioned and dated as above, the Congressional Record for 2-17-58 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 2-20-58

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Page A1533 Congressman Kearney, (R) New York, extended his remarks to include an article which appeared in the New York Herald Tribune of February 16, 1958, entitled "After High Court Ruling - Smith Act Losing Teeth; United States Drops More Cases." It is stated in the article "The 1940 Smith Act, under which top United States Communist leaders went to prison, is losing its teeth. ----- The Government is dropping cases not yet brought to trial. And no new prosecutions have been brought since the Supreme Court decision June 17 is what is known as the Yates case. In that decision ----- the high court ruled that preaching abstractly the forcible overthrow of the Government is not a crime under the Smith Act." The article goes on to state "Appeals from Smith Act convictions still are pending in the United States Courts of Appeals in Cincinnati and St. Louis, and the Justice Department is hopeful those courts may view the impact of the Yates decision more favorably to the Government. The Justice Department meanwhile says for the record that each Smith Act case will be examined separately on its merits in light of the Yates decision."

Original filed in: 66-1731-1452

62-27585-

47 MAR 6 1958

INITIALS ON ORIG

In the original of a memorandum captioned and dated as above, the Congressional Record for 2-19-58 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

6 0 MAR 12 1958 F39

What Excuse Now?

It will be interesting to see what the Supreme Court does with the case of JUNIUS SCALES, convicted Communist leader, if it reaches it on appeal.

SCALES was the Communist Party's leader in North Carolina and Tennessee and was arrested in Memphis by the FBI for violation of the Smith Act. He was convicted in 1955 and sentenced to six years imprisonment. When the Supreme Court made its security-damaging JENCKS Case decision, the SCALES verdict was set aside.

The JENCKS decision, it will be recalled, requires that certain FBI files be made available to defendants. SCALES was retried, some files were made available to him and again he was convicted. Last Friday he was resentenced to six years imprisonment, but gave notice of appeal and will remain free on bond until there is final determination in the case.

It is one of the paradoxes of Federal law enforcement, especially that related to internal security, that the Supreme Court would uphold the Smith Act which makes it a felony to teach or advocate violent overthrow of the Government and then follow that action with a series of decisions which give all the breaks to defendants tried under its provisions.

That the Government obtained a conviction a second time and after SCALES had taken advantage of the JENCKS decision testifies to the meticulous manner in which the FBI accumulated its evidence as well as to SCALES' undeniable guilt.

Mr. Tolson
Mr. Boardman
Mr. [illegible]
Mr. Nease
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Clayton
Tele. Room
Mr. Holloman
Miss Gandy

9-1

THE COMMERCIAL APPEAL
MEMPHIS, TENNESSEE
DATE 2-24-58

Send copy to A.G. & Rockefeller

NOT RECORDED
126 MAR 12 1958

10 MAR 11 1958

SEARCHED ..... INDEXED .....
SERIALIZED ..... FILED .....
FEB 24 1958
FBI - MEMPHIS

[redacted]
CHICAGO 3, ILLINOIS

b7C
b6

Writer, Lecturer, Publisher
"Meeting Mutual Competition"
"The United States
as a Satellite Nation"

February 28, 1958

CAPITAL STOCK INSURANCE
Personal & Corporate
Fire — Casualty — Surety
FRanklin 2-7300

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

b7C, b6 [redacted]

Dear Mr. Hoover:

Tuesday morning, March 4th, I am to testify before the Senate Internal Security Sub-Committee regarding Senate Bill #2646.

In correspondence with Senator Eastland I mentioned it would be useless for me to testify regarding this bill unless I could explain the ramifications and political influence of the cooperative-labor movement in the United States, which is one of forty-one tentacles of an international conspiracy to reduce our government to that of a Satellite Nation.

I am enclosing a copy of my statement and because of the seriousness of the accusations I am going to make and the documentation I will have with me to prove my case, do you believe it would be in the interests of national security that this documentation receive some form of protection from the F.B.I. - until such time as the material contained in these documents becomes a part of the official records of the Committee.

I am not concerned as relates to any repercussions that may affect me personally, but I have spent eighteen years piecing this information together and I would like to get it into the records and free myself of any further responsibility or knowledge that I might be the only person in the United States who can talk fluently regarding this plot and prove my case.

I hope this is going to be my opportunity to pass this responsibility to persons in Government who have the facilities and authority to take proper action so as to protect our national security.

62-27585-
NOT RECORDED
145 MAR 11 1958

Sincerely yours,

[redacted]

ENCLOSURE

b7C b6 [redacted]

Enc.

64 MAR 13 1958

b7C b6

EX-PROC.

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 3-4-58

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Senator Talmadge, (D) Georgia, extended his remarks to include an editorial written by David Lawrence entitled "Famous Judge Rebukes Supreme Court." The editorial appeared in the March 7, 1958, issue of the U. S. News & World Report. Mr. Talmadge pointed out that "Judge Hand raised his voice in a series of three lectures delivered recently at Harvard Law School - lectures which have just been published by Harvard University Press. A reading of these lectures reveals them to constitute one of the most stern and devastating rebukes of the Supreme Court and its arrogant arrogation of legislative power yet delivered."

Original filed in: 62-27585-1331-1290

62-27585-
NOT RECORDED
47 MAR 31 1958

1331
390

52 APR 2 1958

In the original of a memorandum captioned and dated as above, the Congressional Record for 3-3-58 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

The Attorney General

March 5, 1958

Director, FBI

62-27585-✓

EDITORIAL, "WHAT EXCUSE NOW"
"THE COMMERCIAL APPEAL"
MEMPHIS, TENNESSEE
FEBRUARY 24, 1958

I am enclosing a Photostat of an editorial entitled "What Excuse Now" which appeared in "The Commercial Appeal," Memphis, Tennessee, on February 24, 1958, and which I thought might be of interest to you.

Enclosure

cc - Mr. Lawrence E. Walsh
Deputy Attorney General (Enclosure)

NOTE: In regard to this editorial, the Director noted, "Send copy to A. G. and Walsh."

b7C

(6)

MAILED 2
MAR 5 1958
COMM-FBI

Tolson
Nichols
Boardman
Parsons
Rosen
Tamm
Trotter
Nease
Tele. Room
Holloman

MAIL ROOM

7 6 MAR 13 1958

FBI

ORIGINAL FILED IN

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. Rosen

DATE: March 10, 1958

FROM : [redacted] b7C, 66

SUBJECT: [redacted] b7C, 66

SUPREME COURT NAME CHECK REQUEST

Tolson
Nichols
Boardman
Belmont
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Mohr
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Winterrowd
Tele. Room
Holloman
Gandy

[redacted], born [redacted] is the subject of a name check request received in the Name Check Section on 3/10/58 from [redacted] Marshal, Supreme Court of the United States. The incoming Form 57 reflects [redacted] to be an applicant for a position with the Supreme Court.

b6, b7C

Bufiles contain no information re [redacted]

Memorandum Nichols to Tolson dated 9/3/57 reflects that the Director has instructed that no action be taken concerning any request received from the Supreme Court until the matter has been presented to him and he personally rules on the request.

RECOMMENDATION:

That if approved by the Director, the Form 57 be stamped "No Derogatory Data" by the Name Check Section, Investigative Division, and returned to the Office of the Marshal, Supreme Court of the United States.

Form 57 returned to Supr. Court with "No derog. data" as approved 3-11-58

62-27585-99

REC-78

16 MAR 11 1958

b6, b7C

[redacted] (4)

ENCLOSURE

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 3-6-58

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Original filed in:

Pages A2069-A2070, Congressman Abbitt, (D) Virginia, extended his remarks to include the statement of the Honorable William Old, judge of the circuit court of Chesterfield County, Virginia, before the Senate Judiciary Committee on February 26, 1958, in support of S. 2646, the bill to limit the appellate jurisdiction of the Supreme Court in certain specified fields. Judge Old cites several recent decisions of the Supreme Court such as the Nelson, Mallory, Girard College, Jencks, etc. He stated in connection with the Jencks decision, "The Jencks case encroached upon the constitutional powers of the executive branch of the Federal Government and struck a mortal blow at the ability of the FBI to deal with the subversive and criminal elements of this country. So destructive was this blow that Attorney General Brownell came before Congress beseeching relief against the Supreme Court's decision."

6 8 MAR 21 1958

REC- 98 100-27525-10

NOT RECORDED
117 MAR 19 1958

In the original of a memorandum captioned and dated as above, the Congressional Record for [illegible] was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

STANDARD FORM NO. 64

REC-42

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. Rosen

DATE: March 26, 1958

FROM : [redacted] b7C 166

SUBJECT: [redacted] b7C 166
SUPREME COURT NAME CHECK REQUEST

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Gandy

[redacted] born [redacted], is subject of name check request received in Name Check Section on 3/25/58 from [redacted] Marshal, Supreme Court of the United States. The incoming Form 57 reflects [redacted] to be applicant for security guard position with Supreme Court.

b6, b7C

b7C 166 Bufiles contain no information re [redacted]

Memorandum Nichols to Tolson dated 9/3/57 reflects the Director has instructed that no action be taken concerning any requests received from the Supreme Court until the matter has been presented to him and he personally rules on the request.

RECOMMENDATION:

That if approved by the Director, the Form 57 be stamped "No Derogatory Data" by the Name Check Section, Investigative Division, and returned to the Office of the Marshal, Supreme Court of the United States.

Supreme Court 3-27-58

REC-42

[redacted] b7C 166

(4)

14 MAR 27 1958

52 APR 1 1958

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 3-7-58

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Page A2136 Congressman Abbitt, (D) Virginia, extended his remarks concerning action of the Supreme Court. He stated "many of us who are interested in preserving our form of government realize that if we are to retain constitutional government in America we must curb the United States Supreme Court from its all-out effort to usurp power and authority it does not have. The Court is determined to remake and remold our country and take from the people rights and privileges that they have had since the founding of our Nation. He included with his remarks an editorial from the Richmond News Leader of March 3, 1958, entitled "Curbing the High Court.

Original filed in:

NOT RECORDED
191 APR 7 1958

7331

In the original of a memorandum captioned and dated as above, the Congressional Record for / / was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and filed in appropriate Bureau case or subject matter files.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. Rosen

DATE: March 21, 1958

FROM : [redacted] b7C 10-

SUBJECT: [redacted] b7C -0-

SUPREME COURT NAME CHECK REQUEST

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Gandy

In [redacted] born [redacted] is subject of name check request received in Name Check Section on 3/20/58 from [redacted] Marshal, Supreme Court of the United States. The incoming Form 57 reflects [redacted] to be an applicant for a position of chauffeur with the Supreme Court.

b7C
b6

Bufiles contain no information re [redacted]

Memorandum Nichols to Tolson dated 9/3/57 reflects that the Director has instructed that no action be taken concerning any requests received from the Supreme Court until the matter has been presented to him and he personally rules on the request.

RECOMMENDATION:

That if approved by the Director, the Form 57 be stamped "No Derogatory Data" by the Name Check Section, Investigative Division, and returned to the Office of the Marshal, Supreme Court of the United States. — Stamped & returned to Supreme Court 3-24-58

[redacted] (4)

b7C
b6

REC- 42

62-27585-102

[redacted]

b7C
b6

EX-128

16 MAR 28 1958

6 0 APR 15 1958

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 3/27/58

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages A2887-A2891, Congressman Matthews, (D) Florida, requested to have printed in the Record an address by the Honorable Hugh G. Grant, former State Department official and United States Minister to Albania and Thailand, at Gainesville, Florida, on March 13, 1958. The subject of the address was The United States of America at the Crossroads—Which Road America ' Mr. Grant in commenting on recent decisions of the Supreme Court stated 'Since May 17, 1954, the Supreme Court has handed down a series of far-reaching decisions which have put to a new test the fundamental principles of our constitutional form of government. These decisions have served to jolt out of their complacency many eminent legal authorities, State governors, and attorneys general, bar associations, and many forums of free opinion. At last the Supreme Court is under serious scrutiny. Congress has reacted. A number of bills have been introduced designed to curb the Court. Mr. Grant listed decisions such as the Mallory, Nelson, Yates, Jencks, etc. He stated In the Jencks case the Court rules that Jencks, a union official and a Communist, found guilty of perjury, would have to be turned loose unless the confidential FBI reports were exhibited. Mr. Grant goes on to state The progressive scrapping of our traditional foreign policy of no entangling alliances has resulted in great waste of our manpower and material resources and has placed us on the direct path to world government, which would mark the end of the United States of America..... The Director of the Federal Bureau of Investigation (FBI) J. Edgar Hoover, has warned the American people repeatedly that the greatest threat to the United States is from within. The hour is late. If we would save ourselves from destruction we must first put our own house in order—and speedily. Mr. Grant also pointed out that We must return to our constitutional form of Government. The proper relationship among the three divisions of the Federal Government, the executive, legislative, and judicial, and the proper relationship between the Federal and State Governments as provided by the Constitution must be maintained. There is no place in our American constitutional Republic for a Federal police state, operating pursuant to so-called Federal civil-rights laws, designed to interfere with the rights of the people under their respective State governments in the management of their local affairs such as the operation of the schools, parks, playgrounds, transportation systems, and in the determination of qualifications for the suffrage.

REC- 31 62-97585-10

... the original of a memorandum captioned and dated as above, has been ... Record for was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

NOT RECORDED
191 APR 3 1958

INITIALS ON ORIGINAL

50 APR 10

April 2, 1958

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. ROSEN
MR. NEASE

Yesterday I attended the Attorney General's staff meeting presided over by the Attorney General. The Attorney General opened the meeting by stating that he was particularly pleased with the decisions handed down by the Supreme Court on Monday of this week. He was referring particularly to the Gilbert Green and Henry Winston decision and the Stefens Brown decision. He stated that he thought that these decisions indicated that there was a healthy trend developing in the Court in that Justice Charles Whittaker, the most newly-appointed Justice, had joined with the majority and that Justice Frankfurter had also joined with the majority and he, the Attorney General, believed there was a possibility that Justice Brennan might eventually break away from the minority which holds the more extreme views. Solicitor General Rankin likewise joined in this view of the Attorney General.

There was also some discussion by the Attorney General of the necessity for greater care in the selection of cases to be carried up on appeal so that the strongest possible cases could be presented to the Supreme Court and not weak ones which would enable such Justices as Black and Douglas to make quite an issue of the facts rather than of the law.

U.S. Supreme Court

April 2, 1958

MEMORANDUM FOR ~~MR. TOLSON~~
MR. BOARDMAN
MR. BELMONT
MR. ROSEN

On Friday, March 28, 1958, Mr. John C. Airhart, who has been in the Criminal Division of the Department and who is leaving to take up his duties in the Administrative Office of the United States Courts, called to pay his respects and to say goodbye.

Mr. Airhart commented upon the fact of how pleasant his association with representatives of this Bureau had been, particularly on the relocation programs upon which he worked while in the Department.

Mr. Airhart then stated that he had already spent some time at the Supreme Court since he was going to be working under Mr. Olney in his new assignment and that there had been some discussion between Mr. Olney and himself as to the desirability and need for having all personnel employed by the Federal Judiciary investigated first by the FBI. He stated he believed that the Chief Justice of the United States Supreme Court would share this view. He stated that he realized that Mr. Olney and I had had some differences while Mr. Olney was in the Department but he, Mr. Airhart, wanted to explore the matter with me informally.

I told Mr. Airhart that insofar as Mr. Olney was concerned it was true that we had had some marked differences and that I believed that Mr. Olney thoroughly understood my position in such matters and that I was expressing what were my honest views even though they might differ markedly from those held by Mr. Olney in various situations which had arisen.

I told Mr. Airhart that insofar as investigating employees of the Federal Judiciary was concerned, this obviously was a matter to be decided at a higher level and that if the Chief Justice thought well of this idea which Mr. Olney and Mr. Airhart were exploring, the Chief Justice should take the matter up with the Attorney General. I did say, however, that I certainly would be opposed to any such procedure unless there was

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63 APR 7 1958

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SENT FROM D. O.
TIME 3:35 PM
DATE 4-3-58
BY

REC 28 EX-126

62-27585-104

6 APR 7 1958

a unanimous request made by all of the Justices of the Supreme Court and that personally I doubted whether three of the present Justices, namely, Justices Black, Douglas and Brennan, would ever concur in any such request. I stated, however, this was entirely a matter up to Mr. Olney and Mr. Airhart to explore with the Chief Justice, but that if my views should be sought by the Attorney General, while I could see some merit in the suggestion, I could also see some disadvantages, but I would be willing to approach the matter objectively, provided as I had indicated that all nine of the Justices of the Supreme Court would be unanimous in making the request.

I don't think we will have to face up to this issue because I doubt whether they could ever obtain a unanimous vote on anything in the United States Supreme Court.

Very truly yours,

John Edgar Hoover
Director

[redacted]

Last summer Congress fought for weeks over the use of juries in criminal contempt cases and finally compromised. Now the Supreme Court has wrestled with the same issue and divided five to four. These isolated facts accurately measure the highly controversial nature of the issue. Yet it seems to us that the majority of the Court has come up with the best answer from the viewpoints of history, law and orderly processes of government.

The Court has adhered to the concept of the contempt power that has been written into the law since the country was founded and which has been repeatedly upheld by the Court itself. Consequently it found no fault in the sentencing of Gilbert Green and Henry Winston, Smith Act convicts, to three years in prison (in addition to their five-year sentences under the Smith Act) for contempt of court. Their contempt consisted of disappearing for 4½ years after they had been ordered to be present for sentencing.

Were the sentences unduly severe? Justice Harlan, writing for the Court, answered "no" because the contempt was a "most egregious one." The sentences were shorter by a year than that imposed on one other Communist fugitive in the Smith Act case. Congress has since provided a five-year maximum penalty for bail-jumping.

Why were not the fugitives indicted and prosecuted for bail-jumping with a trial by jury? Nearly everyone seems to agree that this would have been the more satisfactory procedure. At the time the offenses were committed, however, bail-jumping was not a Federal crime. This fact would not, of course, justify the courts in resorting to arbitrary procedure. But it certainly left the door open for application of the contempt power in the same manner in which it has been used for a century and a half.

Justice Black's sweeping dissent, in which Chief Justice Warren and Justice Douglas joined, would outlaw this use of the contempt power as a violation of the Bill of Rights. In other words, these three dissenters (Justice Brennan stood on other ground) insisted that the defendants were entitled "to be tried by a jury after indictment by a grand jury and in full accordance with all the procedural safeguards required by the Constitution for all criminal prosecutions." Justice Black hammered vehemently on his thesis that the Court has [redacted]

[redacted] gation to [redacted]

To this Justice Frankfurter replied in a concurring opinion that the power to punish summarily for contempt "has been accepted without question" by the Supreme Court in at least 40 cases. By way of making his point more effective he called the roll of 53 justices who have participated in these decisions, including Marshall, Story, Bradley, Holmes, Hughes, Brandeis, Stone, Cardozo and Jackson. Mr. Frankfurter cut close to the heart of the issue when he wrote:

> To be sure, it is never too late for this Court to correct a misconception in an occasional decision, even on a rare occasion, to change a rule of law that may have long persisted but also have long been questioned and only fluctuatingly applied. To say that everybody on the Court has been wrong for 150 years and that that which has been deemed a part of the bone and sinew of the law should now be extirpated is quite another thing. Decision-making is not a mechanical process, but neither is this Court an originating lawmaker. The admonition of Mr. Justice Brandeis that we are not a third branch of the legislature should never be disregarded.

Congress may require jury trials in contempt cases when that seems appropriate, as it has sometimes done in the past. But when Congress has repeatedly given the courts power of summary punishment for contempt and when the country's ablest judges over a long period have found no barrier in the Constitution, it would be drastic indeed for a few justices to sweep away the whole structure. There is still much wisdom in judicial restrain[redacted]

It is hard to believe the U.S.S.C. would get an endorsement from the Post for such an opinion.

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Wash. Post and Times Herald
Wash. News
Wash. Star
N. Y. Herald Tribune
N. Y. Journal-American
N. Y. Mirror
N. Y. Daily News
N. Y. Times
Daily Worker
The Worker
New Leader

Date

REC-29 62-27585-103

12 APR 8 1958

7 APR 10 1958

UNRECORDED COPY FILED IN

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 4-17-58

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages A3403-A3405, Congressman Cannon, (D) Missouri, extended his remarks to include an article written by Ross A. Collins entitled The Supreme Court of the United States, which appeared in the March edition of the Mississippi Law Journal. Mr. Collins included in the article short statements concerning several of the great justices of the Supreme Court. In connection with H. Harlan Stone, Mr. Collins stated Stone was an appointee on the Court in 1925 after serving a year as United States Attorney General. There he appointed J. Edgar Hoover as head of the FBI and instituted noteworthy antitrust litigation.

Original filed in:

NOT RECORDED
44 APR 22 1958

INITIALS ON ORIGINAL

57 APR 25 1958

In the original of a memorandum captioned and dated as above, the Congressional Record for was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: May 2, 1958

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 7056-7061, Senator Johnston, (D) South Carolina, spoke concerning the Supreme Court. He stated "A constitutional crisis is in the making as the Supreme Court, in decision after decision, makes a shambles of established, ingrained law. So abusive has the Court become of the traditional separation of powers structure in our Government that one of America's most eminent jurists, for years hailed as an outstanding liberal, has declared the Supreme Court is assuming the functions of a third legislative chamber." Mr. Johnston went on to state 'Mr. President, let us take a look at what the Supreme Court has done in cases affecting criminal offenses, bearing in mind that FBI figures show that since 1950 crimes have increased nearly four times as fast as the population. He listed the Mallory decision as an example. Mr. Johnston also commented on the Jencks case. He stated "In the Jencks case, the Supreme Court struck down in one decision what had long been the rule of law and practice in all our Federal courts, that the reports and notes of the investigative officers of the Federal Government were removed from the pillage and search of criminals in an effort to avoid and evade conviction for a crime. It gave the Communists a free rein to go through all the prosecutor's files and papers without first providing that the judge should have power to separate the wheat from the chaff, the relevant from the irrelevant. The effectiveness of reports of detectives, police officers, and members of the FBI has been placed at the mercy of all criminals so far as preliminary detection, arrest, and final conviction are concerned. Prosecution in many cases had to be dropped." He requested to have printed in the Record part of a report made by former Senator Herbert R. O'Conor to the American Bar Association in England last July. Mr. Johnston pointed out that 'In his report, Senator O'Conor included 15 cases decided by the United States Supreme Court which 'directly affect the right of the United States of America to protect itself from Communist subversion.'

62-27055-1

NOT RECORDED
44 MAY 13 1958
INITIALS ON ORIGINAL

Original filed in: 62-27055-14

In the original of a memorandum captioned and dated as above, the Congressional Record for ( ) was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

66 MAY 20 1958

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 4-25-58

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 6449-6452, Senator Jenner, (R) Indiana, spoke concerning an editorial which appeared in the Washington Post on April 9, 1958, attacking the Senate Internal Security Subcommittee and S. 2646, the bill to limit the appellate jurisdiction of the Supreme Court. Mr. Jenner included excerpts from the hearings on S. 2646. Among these were excerpts from the statement of Clarence Manion, former dean of the Law School of Notre Dame University, and from a letter by C. V. Stinchecum of Duncan, Oklahoma. Dean Manion stated "The proponents of the Communist conspiracy are seldom, if ever, wrong when they appeal to the Supreme Court asking protection for Communist agents and punishment for the enemies of communism. When these enemies of the Communist conspiracy appeal to the Supreme Court for protection, a different construction of civil liberties is in order..... In none of the enumerated 15 cases involving communism do the majority members of the Court give any indication that they are informed on the subject of communism, or that they have in any way studied either the writings of the Communist leaders, the numerous exposures of the Communist conspiracy from the inside which began with Ben Gitlow's I Confess, or the authoritative reports on Communist espionage and subversion written by congressional committees and by the head of the FBI, and including the reports of this committee, the subcommittee before whom we are this morning." Mr. Stinchecum stated "As to the Smith Act and FBI decisions, the Court has played directly into the hands of the Communists, and the ability of our country to defend itself has been practically destroyed."

Original filed in:

1 - 11 - 85 - 1

NOT RECORDED
44 MAY 2 1958

In the original of a memorandum captioned and dated as above, the Congressional Record for was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

52 MAY 7 1958

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Butler Court Bill

In a letter to Senator Wiley, Republican member of the Judiciary Committee, Deputy Attorney General Walsh, speaking for the Eisenhower administration, objects to the Butler substitute bill and undertakes to defend the decisions of the Supreme Court in the Watkins, Cole, Nelson and Konigsberg cases. The notorious Watkins case is a judicial declaration of how Congress should proceed in its own business of legislating, of which it is, by Article 1 of the Constitution, made the sole repository. Since 1821, until this decision, the right of Congress itself to decide whether and how investigations were related to the legislative process had never been questioned.

The Steve Nelson decision struck down anti-sedition laws which had been on the books of 42 States for decades and the sponsor of the Smith Act (at issue in the Nelson case) himself expressed, on the floor of Congress, the explicit understanding that the Act would not supersede State laws in the same field. This was the first and only court decision in the Nation's history which suggested that sedition was not properly a State concern.

The Cole case limits Government dismissal of employes as security risks, although, in 1789, James Madison, "Father of the Constitution," declared an unqualified removal power to be solely "an executive power," which view prevailed unchallenged until the Cole case. This principle was extended by Congress in 1946 and gave to agency heads the right to fire persons whose continued service, in their absolute discretion, was contrary to the national interest.

Mr. Walsh also defends the arrogant and intolerable unsurpation of the Konigsberg decision (singled out as the primary issue in the Butler substitute) which dictates to the States the terms on which lawyers should be admitted to State bars, so that "State sovereignty" no longer has any meaning and the Tenth Amendment becomes a nullity.

Finally, if the administration objections to the Butler substitute bill are sound, why did half of the large Judiciary Committee, all of whose members are experienced lawyers, many with judicial service, approve the Jenner bill, which is much more restrictive? The Walsh letter indisputably shows that this administration no longer travels in the "middle of the road" but has moved, with the Warren court, far to the left. Oh, the land of the free; isn't it just grand!

Old Reactionary

Send copy to A.G.

ENCLOSURE

REC 93 62-27585-106

EX-130

Wash. Post and Times Herald
Wash. News
Wash. Star
N. Y. Herald Tribune
N. Y. Journal-American
N. Y. Mirror
N. Y. Daily News
N. Y. Times
Daily Worker
The Worker
New Leader

Date MAY 5 1958

The Attorney General

May 6, 1958

Director, FBI

ANONYMOUS LETTER PUBLISHED IN "THE EVENING STAR"

I am enclosing a Photostat of a letter to the editor of "The Evening Star" of Washington, D. C., which was published in the May 5, 1958, issue of that newspaper. I thought you would be interested in seeing this.

Enclosure

1 - Mr. Lawrence E. Walsh (Enclosure)
Deputy Attorney General

REC- 93

27585-10

17 MAY 8 1958

EX-135

ENCLOSURE

MAILED 9

MAY 6 - 1958

COMM-FBI

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MAIL ROOM

6 C MAY 9 1958

EXCERPTS FROM:

May 7, 1958

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. ROSEN
MR. MEASE

The Solicitor General, Mr. Rankin, then discussed the opinions which had been handed down by the Supreme Court on Monday of this week and there was some quite critical discussion of the Court's decision in the Yates case. The consensus of opinion as expressed by the Attorney General, the Deputy Attorney General and others was that it seemed certainly unusual for the Court to give its important time and efforts to argue about whether a Communist found guilty of contempt in a District Court should get twelve months or seven months as the majority of the Supreme Court finally did. MAY 12 1958

Tolson
Boardman
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The Attorney General asked me for my opinion upon this matter and I told him that irrespective of what individuals in Washington may think, I sensed a growing concern throughout the United States as to the arrogance of the Supreme Court and its usurpation of certain powers which basically it does not have. I stated that in Washington the tendency to defend the Court and all of its opinions was not the attitude as I saw it throughout the country. I stated that I felt that the Court as an institution, of course, should not be attacked but that when its opinions are at variance with common sense and the preservation of law and order, then I thought there were grounds for honest criticism.

62-27837-74

ENCLOSURE ATTACHED

NOT RECORDED
117 MAY 14 1958

52 MAY 16 1958

Best Copy Available

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 5-1-58

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 6901-6907 — Senator Hennings, (D) Missouri, spoke concerning S. 2646, a bill to limit the appellate jurisdiction of the Supreme Court. He included with his remarks several communications he has received concerning this legislation. The reference to the FBI, contained in one of the letters, was set forth in a memorandum written earlier today.

Original filed in:

NOT RECORDED
199 MAY 6 1958

In the original of a memorandum captioned and dated as above, the Congressional Record for was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

70 MAY 12 1958

9:37 AM

May 8, 1958

MEMORANDUM FOR MR. TOLSON
MR. NEASE

While talking to the Attorney General on another matter this morning he mentioned the David Lawrence column which appeared in the New York Herald Tribune today and was a little critical of the Attorney General's stand on the bills being considered to curb the Supreme Court. Mr. Rogers stated that David Lawrence had misconstrued the statement he, Rogers, had made on "Law Day," that he just wanted to get across that he was concerned with Congress in taking away jurisdiction from the courts, as such; but, on the other hand, he had no objection to correcting bad decisions by legislation; that about three out of four provide all that and only one carves out legislation. I commented that it would be good for him to get this across, for I had heard rumors that he was against the clarification of decisions by the Supreme Court, while actually he was only against taking away jurisdiction from the courts. I told the Attorney General that I would be very glad to speak to David Lawrence about this matter.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

1 ENCLOSURE

57C-66

cc [redacted]

1 ENCLOSURE

JEH:EM (6)

NOT RECORDED
191 MAY 14 1958

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52 MAY 15 1958

MAY 8 - 1958

Today in National Affairs

Congress Urged to Check On Supreme Court Clerks

By DAVID LAWRENCE

WASHINGTON, May 4.—Attorney General William P. Rogers had his baseball metaphors mixed up. He says the bills being considered in Congress to curb the excesses of the Supreme Court are the result of the same sort of outcry heard from spectators at a baseball game who shout, "Kill the umpire!"

But what the critics of the Supreme Court really want is for the "umpire" to stick to his job of watching the ball and abiding by the rules. They don't think it's the umpire's duty to make new rules or to tell the manager of the club, for instance, just when he can put in a different pitcher. They don't like to see an umpire deciding that, when a ball drops outside the foul line, it is a foul for one team, but when the other team hits the ball into exactly the same spot it isn't a foul at all. In other words, the fans don't want to see the umpire moving the foul line around to suit himself.

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That's essentially what the dispute is about as the Supreme Court ignores the rules of the game repeatedly and makes up its own rules that are then proclaimed as binding on everybody—even to the point of telling Congress what questions may be asked in formal hearings through which its committees seek to get information to guide them in writing new laws.

Also, in a baseball game everybody knows who the umpire is. He appears in full uniform and he has a rule book to go by. In the Supreme Court's work it isn't always possible to know who the umpire happens to be.

Thus every justice has two law clerks, and the chief justice has four. These assistants don't have to be confirmed by the Senate. They are not supposed to be judges. Yet they perform some of the work of the Supreme Court justices, especially in connection with what are known as "writs of certiorari." These are petitions to the Supreme Court to grant an appeal from the lower courts. If the writ is denied, there's no appeal. It means a final judicial decision so far as the citizen is concerned. The justice himself signs the denial of the writ, but the basic judgment which has preceded it often comes from a young law clerk imbued with all sorts of ideas as to the role of the Supreme Court in the nation today.

Just a week ago, "The New York Times," in its Sunday magazine, had an article by a former law clerk to a Supreme Court justice who discussed very frankly the role played by these law clerks, many of whom come from the law schools imbued with the viewpoint of the so-called "intellectuals." The article said:

"Law clerks, then, generally assist their respective justices in searching the law books and other sources for materials relevant to the decision of cases before the court. . . .

"The clerks often present the fruits of their searches to their justices along with their recommendations. They go over drafts of opinions and may suggest changes. They tend to see a lot of their justices, and talk a great deal with them. And the talk is mostly about law and cases. . . .

"What is more important, the way to the justice's mind was always open. There was always someone—fresh from the immersion in ideas that marks a law-school and law-review career—poised at the justice's elbow, willing and able to do intellectual combat."

In baseball, anybody making decisions on the field of play must appear in uniform as an umpire and has to be seen. There are no invisible umpires.

Certainly when a lawyer has argued his case and submitted it to the Supreme Court justices, he ought to have a right of rebuttal against any new points raised by "law clerks," especially some of those remarkable "footnotes" in Supreme Court opinions [illegible] constitutional law material of a controversial nature never brought up when the case itself was argued.

Another former law clerk to a Supreme Court justice, writing last December in "U. S. News & World Report," said:

"After conceding a wide diversity of opinion among the clerks themselves, and further conceding the difficulties and possible inaccuracies inherent in political pataloguing of people, it is nonetheless fair to say that the political cast of the clerks as a group was to the 'left' of either the nation or the court.

"Some of the tenets of the 'liberal' point of view which commanded the sympathy of a majority of the clerks I knew were: extreme solicitude for the claims of Communists and other criminal defendants, expansion of Federal power at the expense of state power, great sympathy toward any government regulation of business—in short, the political philosophy now espoused by the court under Chief Justice Earl Warren."

Surely the Senate of the United States ought to examine the whole law-clerk system to determine whether perhaps these "clerks" should be given "umpire status," or at least classified as "assistant justices." Perhaps, instead of letting them change from year to year, Congress should provide permanent assistants to the justices and require that among their qualifications should be actual experience on the bench in trial courts. For if the "law clerks" play such a vital part in the making of the "supreme law of the land," something more ought to be known by the Senate Judiciary Committee as to the method of their selection and the limits of their "judicial" activities.

ENCLOSURE

Tolson
Boardman
Belmont
Mohr
Nease
Parsons
Rosen
Tamm
Trotter
Clayton
Tele. Room
Holloman
Gandy

Wash. Post and Times Herald
Wash. News
Wash. Star
N. Y. Herald Tribune
N. Y. Journal-American
N. Y. Mirror
N. Y. Daily News
N. Y. Times
Daily Worker
The Worker
New Leader

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Editorials

Lawmaking Isn't the Supreme Court's Job

Senator Hennings, of Missouri, was doubtless right in feeling that Congress ought to do a lot of thinking before adopting anything like Sen. William Jenner's bill to restrict the jurisdiction of the Supreme Court over certain selected matters. However, it ought not to require too much study to convince Congress that some action is necessary if it is to retain its position as a supposedly equal partner in our tripartite Federal system. The reason why congressional action to curb the court is even mentioned is that the court is setting itself up as a sort of third legislative chamber, and, as such, has felt free to impose its ideas upon the other branches of the Government.

Judge Learned Hand, formerly of the United States Court of Appeals, in his recent lectures at Harvard, declared that "if we do need a third chamber it should appear for what it is, and not as the interpreter of inscrutable principles." He added that for him "it would be most irksome to be ruled by a bevy of Platonic Guardians, even if I knew how to select them, which I assuredly do not. If they were in charge I should miss the stimulus of living in a society where I have, at least theoretically, some part in the direction of public affairs."

The Platonic Guardians have attempted to tell a committee of Congress how it may not interrogate a witness, a ruling which has seriously hampered necessary investigatory procedure. They have decreed that a state may not pass a law to deal with subversives because the Federal Government is presumed to have a monopoly in the field. According to them, a state must admit to the practice of law an applicant who refuses to tell the bar examiners whether or not he is or has been a member of a Communist conspiracy. And they have turned loose convicted Reds on narrow technical grounds.

Surely the legislature is bound to consider how to restore balance to the Federal system of "checks and balances." For, as Abraham Lincoln warned in his first inaugural address, "if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court . . . the people will have ceased to be their own rulers."

To limit the court's jurisdiction may not be the way to restore Congress to its rightful and constitutional authority, but there can be no doubt of the right of Congress to do so if it pleases. The late Justice Owen Roberts many years ago raised the question: "What is there to prevent Congress taking away, bit by bit, all the appellate jurisdiction of the Supreme Court of the United States? I can see nothing . . . in view of the language of the third article of the Constitution."

The third article of the Constitution defines the jurisdiction of the court, both original and appellate, and adds this very important qualification: "with such exceptions and under such regulations as the Congress shall make." If any branch of the Government yearns for the role of Platonic Guardian, the Constitution says it should be Congress!

This is a constitutional question which should—but probably won't—be debated without reference to one's feelings about investigations or "civil rights." Judge Hand hesitates to prescribe a remedy for the trouble. He rightly dreads the confusion that would arise if a final decision on the constitutionality of statutes could not be made by anybody. But the learned judge, who might well be on the higher court himself, plainly regards the errors of lawmakers and of the people as less menacing than the rise of judicial dictatorship, however benign. So should we all.

Our Farm Surplus Could be an Asset in the Cold War

Since 1950 almost $10,000,000,000 of taxpayers' money has been spent in fruitless efforts to prop up farm prices and to shrink the size of our increasingly productive agriculture—all this at a time when much of the world has been hungry and ill-clothed.

The simple truth, of course, is that the best answer to the farm problem lies in finding more customers for the fine products that the American farmer grows with such efficiency. We can't help wondering what would have happened to the "burdensome surpluses" we hear so much about if the $10,000,000,000 had been applied in a bold way to the building of bigger and better markets around the world.

There's more to it than just selling our products at bargain prices. These great stocks of wheat, cotton, vegetable oils, dairy products and the like represent useful, much-needed capital, if put in the right place. They can be used as powerful weapons in the cold war. They can be used as investments to stimulate the progress of backward nations.

We can, if we will, make full use of this obvious truth that one man's surplus is another man's capital. We can do it by "lending" our surpluses to needy countries. And we can, in the long run, expect good returns from such loans.

The mechanism for such a program is in existence. It is the Agricultural Trade Development Act of 1954, Public Law 480, under which the United States Department of Agriculture can sell surpluses to foreign nations for their own currency. The receipts of such sales then can be lent back to the countries in question to finance development projects. The P.L. 480 program has been a highly successful one. To date, it has lent more than $1,650,000,000 worth of surpluses to thirty-five nations. That is just a drop in the bucket.

The program needs to be expanded on a bold front, particularly but not exclusively in areas where Soviet Russia is offering to underwrite development work. It might not be a bad idea to divert some of the billions now being spent in negative efforts at production control into this positive plan for building more and better customers.

Courses for Foreign Leaders Worked Well for the U.S.A.

It is now ten years since the passage of the law which enables the State Department to bring to this country for study or research "leaders" from various foreign nations. The law, officially entitled The U.S. Information and Educational Exchange Act, is more popularly known as the Smith-Mundt Act.

This program appears to be one of our happier ventures in what critics of such efforts call "do-goodism." Grantees have returned to their homelands after absorbing American instruction in various spheres of governmental techniques. The cabinets of several European nations contain a number of these "leader grantees" who had visited the United States as State Department guests. There is, for instance, Premier Felix Gaillard, of France. Sweden's cabinet includes two former leader grantees: Ragnar Edenman, Minister of Education and Ecclesiastical Affairs, and Gosta Netzen, Minister of Agriculture.

In West Germany, six members of Chancellor Adenauer's cabinet are alumni of the program: Heinrich von Brentano, Minister of Foreign Affairs; Franz Joseph Strauss, Minister of Defense; Gerhard Schröder, Minister of the Interior; Theodor Blank, Minister of Labor; Richard Stuecklen, Minister of Posts and Telecommunications; and Hans-Joachim von Merkatz, Minister of Bundesrat Affairs. The President of the Bundestag, Eugen Gerstenmaier, and two of the vice presidents of the Bundestag are also former U.S.A. leader grantees.

Other alumni, selected at random, include high officials of Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Ceylon, Chile, Cuba, Egypt, Ghana, Greece, Honduras, Iceland, India, Iran, Iraq, Italy, Japan, Korea, Laos, Lebanon, Libya, Malaya, Morocco, New Zealand, Norway, Pakistan, Peru, the Philippines, San Marino, Thailand, Turkey, the Union of South Africa, the United Kingdom and Venezuela.

There is, of course, no effort to "indoctrinate" these visitors or to sell them anything beyond instruction in the techniques which they came to receive. Perhaps this is the reason why so many of these leader grantees have become friends of America just by residing and working among us.