

FEDERAL BUREAU OF INVESTIGATION
FREEDOM OF INFORMATION/PRIVACY ACTS SECTION
COVER SHEET

SUBJECT: U. S. SUPREME COURT JUSTICE
WILLIAM J. BRENNAN, JR.
FILE: 62-103501

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Belmont

DATE: September 25, 1956

FROM : [REDACTED]

SUBJECT: JUDGE WILLIAM JOSEPH BRENNAN, JR.

Summary
William Joseph Brennan Pursuant to the Director's request of 9/24/56, files were reviewed concerning captioned individual. *Mass*
 Brennan born 4/25/06; attended University of Pennsylvania and graduated Harvard with LL.B. degree. Married; three children. Admitted to New Jersey Bar 1931 and practiced from that time until 1949 in Newark with firm Pitney, Hardin, Ward, and Brennan. Appointed Superior Court Judge 1949; became Appellate Division Judge 1950 and Supreme Court Justice of State of New Jersey since 1952. Served U. S. Army as colonel during World War II. (Who's Who in America - 1956-57)

per J. C. [unclear]
 We have never investigated Judge Brennan and our files reflect no derogatory information concerning him. Of interest is fact he was invited by the Attorney General to serve as Chairman of the Third Session of the National Conference on Congestion in the Courts and Other Causes of Delays in Litigation held on 5/21 & 22, 1956, in the Department of Justice. The stated purpose, according to the Attorney General's program, of this conference was to discuss means that have been successfully employed in various jurisdictions to cut down delays and congestion by use of pre-trial practice and other procedural devices. Our files contain a written address by Judge Brennan prepared for delivery before this conference. In substance, it deals with the court structure and means whereby congestion and delay in the courts can be eliminated. (94-49529-3)

RECOMMENDATION:

This is for information.

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1-Mr. Boardman

1-Mr. Belmont

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Type of References Requested:

☐ Regular Request (Analytical Search)
☒ All References (Subversive & Nonsubversive)
☐ Subversive References Only
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☐ Main _____ References Only

Type of Search Requested:

☐ Restricted to Locality of _____
☐ Exact Name Only (On the Nose)
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☐ Check for Alphabetical Loyalty Form

Subject Cunniff, William Joseph

Birthdate & Place

Address B. 4125 106 New York, NY.

Localities Lawyer House

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FILE NUMBER	SERIAL
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100-334322	2
100-334322	3
100-334322	4
100-334322	5
100-334322	6
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FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

SEP 25 1956

TELETYPE

Mr. Tolson
Mr. Ladd
Mr. Nichols
Mr. Belmont
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Nease
Mr. Winterrowd
Tele. Room
Mr. Holloman

WA 1 FROM NEWARK

9-25-56

DIRECTOR, FBI

ATTENTION OF THE DIRECTOR

RE- WILLIAM JOSEPH BRENNAN, JR.

SPECIAL INQUIRY

RE TELEPHONE CALL SAC, FOSTER TO NEWARK OFFICE, SEPTEMBER
TWENTYFOUR LAST.

CONSIDERS JUSTICE BRENNAN AN OUTSTANDING JURIST
WHOSE REPUTATION IS ABOVE REPROACH. JUSTICE BRENNAN IS CONSIDERED
VERY STRICT ON LEGAL MATTERS IN HIS COURT, ALTHOUGH EXTREMELY
EFFICIENT AND FAIR MINDED. IN LAY CIRCLES HE IS CONSIDERED
AN ARDENT CATHOLIC.

HAS KNOWN JUSTICE BRENNAN
FOR YEARS. HE RECALLED JUSTICE BRENNAN
WAS APPOINTED TO THE NJ SUPERIOR COURT IN NINETEEN FORTYNINE
AND LATER TO THE APPELLATE DIVISION IN NINETEEN FIFTY AND
THEN IN NINETEEN FIFTY TWO TO HIS PRESENT POSITION OF
ASSOCIATE JUSTICE OF THE SUPREME COURT. ACCORDING TO

THE JUSTICE HAS EXHIBITED OUTSTANDING JUDICIAL ABILITY
AND POISE. HE IS CONSIDERED THOROUGHLY COMPETENT AS WELL AS
TRUSTWORTHY. HIS LEGAL OPINIONS ARE ERUDITE AND EVIDENCE

INDEPENDENT RESEARCH AND CLEAR THINKING WITH NO INDICATION
OF PREJUDICES. CONSIDERED JUSTICE BRENNAN'S REPUTATION

END PAGE ONE

185

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Belmont

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EX-108

PAGE TWO

AS EXCELLENT AND COULD FURNISH NOTHING OF A DEROGATORY NATURE.

HOWEVER, HE KNOWS LITTLE OF HIS SOCIAL LIFE AND PERSONAL BACKGROUND. WHILE ASSOCIATED WITH THE FIRM OF PITNEY, HARDIN, WARD AND BRENNAN, THE JUSTICE SPECIALIZED PRINCIPALLY IN CORPORATE AND LABOR RELATIONS MATTERS. [REDACTED] RECALLED THAT JUSTICE b7C

BRENNAN-S FATHER WAS A FORMER COMMISSIONER IN THE CITY OF NEWARK AND IN CHARGE OF THE DEPARTMENT OF PUBLIC SAFETY. HE WAS INTERESTED IN LABOR MOVEMENTS AND AT ONE TIME WAS REPRESENTATIVE OF A UNION AFFILIATED WITH THE BUILDING TRADES INDUSTRY.

WILLIAM BRENNAN, SR. WAS DESCRIBED AS A LABOR LEADER OF THE QUOTE OLD SCHOOL UNQUOTE WHO BELIEVED THAT LABOR-S PROBLEMS SHOULD BE WORKED OUT FOR THE BENEFIT OF THE EMPLOYEE AS WELL AS THE EMPLOYER. [REDACTED] CONSIDERED THAT HE WOULD BE SHOCKED b7C

IF BECAUSE OF JUSTICE BRENNAN-S BACKGROUND HE INDICATED ANY STRONG PREJUDICES IN HIS JUDICIAL THINKING. JUSTICE BRENNAN IS NOT KNOWN TO BE ENGAGED ACTIVELY IN POLITICAL AFFAIRS, ALTHOUGH BELIEVED TO BE A DEMOCRAT. HIS APPOINTMENT TO THE BENCH WAS MADE BY GOVERNOR ALFRED DRISCOLL, REPUBLICAN.

[REDACTED] b7C STATES THAT JUSTICE BRENNAN IS A PRACTICAL CATHOLIC, ALTHOUGH NOT CONSIDERED A CHURCH LAY LEADER. HE ADVISED JUSTICE BRENNAN HAS NOT SHOWN ANY INTEREST IN POLITICAL MATTERS AND HAS BEEN
END PAGE TWO

PAGE THREE

SO CIRCUMSPECT IN REGARD TO POLITICAL EXPRESSION THAT EVEN HIS CLOSEST FRIENDS COULD NOT STATE POSITIVELY WHETHER HE DEEMS HIMSELF TO BE A DEMOCRAT OR REPUBLICAN. HE POINTED OUT THAT JUSTICE BRENNAN-S FATHER WAS ACTIVE AS A POLITICAL LEADER AND FORMER DIRECTOR OF PUBLIC SAFETY IN THE LATE NINETEEN TWENTIES. HE CONSIDERED BRENNAN, SR. A MAN OF HIGH INTEGRITY ALTHOUGH HE CAME UNDER ATTACK BY HIS POLITICAL ADVERSARIES DURING HIS TENURE OF OFFICE. THE ATTACK STEMMED FROM ALLEGED CRAFT AND CORRUPTION IN THE NEWARK POLICE DEPARTMENT WHILE BRENNAN, SR. WAS DIRECTOR. ALTHOUGH AN INQUIRY WAS CONDUCTED BY THE PROSECUTOR OF ESSEX COUNTY, NJ, NO PRESENTMENTS OR INDICTMENTS WERE HANDED UP. DURING WORLD WAR TWO BRENNAN, JR. CEASED PRIVATE PRACTICE WITH THE FIRM OF PITNEY, HARDIN AND WARD TO ENTER THE ARMED SERVICES. HE WAS DISCHARGED AS A COLONEL. WHILE IN THE ARMY BRENNAN RECEIVED EXTENSIVE EXPERIENCE IN THE FIELD OF LABOR RELATIONS AND NEGOTIATION OF CONTRACTS. [REDACTED] CONSIDERED JUSTICE BRENNAN UNUSUALLY COMPETENT, OF EXCELLENT REPUTATION AND HIGHEST PERSONAL INTEGRITY. [REDACTED]

[REDACTED] HAS KNOWN JUSTICE BRENNAN MANY YEARS. THE JUSTICE WAS ADMITTED TO THE NJ BAR IN APRIL NINETEEN THIRTYTWO AS AN
END PAGE THREE

PAGE FOUR

ATTORNEY AND IN APRIL NINETEEN THIRTYFIVE AS A COUNSELLOR AT LAW. IN PRIVATE PRACTICE BRENNAN WAS ENGAGED PRINCIPALLY IN CORPORATE WORK AND IN LABOR RELATIONS REPRESENTING EMPLOYERS. HE IS CONSIDERED A VERY COMPETENT JURIST--HAS A REPUTATION IN THE COMMUNITY FOR INTEGRITY AND HONESTY. HIS LEGAL OPINIONS ARE SOUND AND WELL REASONED. [REDACTED] CONCLUDED b7c

THAT JUSTICE BRENNAN WAS APPOINTED TO THE SUPREME COURT BY GOVERNOR ALFRED BRISCOLL WITH THE APPROVAL OF CHIEF JUSTICE ARTHUR T. VANDERBILT. IT IS RUMORED, ACCORDING TO [REDACTED] b7c THAT UPON THE RETIREMENT OF CHIEF JUSTICE VANDERBILT, JUSTICE BRENNAN WOULD BE HIS CHOICE AS SUCCESSOR IN THE EVENT A DEMOCRATIC GOVERNOR WAS THEN INCUMBENT. JUSTICE BRENNAN IS NOTED FOR BEING AN EXTREMELY INTELLIGENT INDIVIDUAL AND INDUSTRIOUS. [REDACTED] b7c

[REDACTED] HAS KNOWN JUSTICE BRENNAN FOR APPROXIMATELY [REDACTED] YEARS AS A CLOSE PERSONAL FRIEND AND ASSOCIATE IN JUDICIARY CIRCLES. [REDACTED] REGARDS BRENNAN AS A JURIST OF THE HIGHEST b7c ABILITY WHOSE INTEGRITY IS UNIMPREACHABLE AND WHOSE CONCEPT OF DUTY IS BEST ILLUSTRATED BY HIS PERSONAL SACRIFICE IN RELINQUISHING HIS LAW PRACTICE TO ACCEPT APPOINTMENT TO THE SUPERIOR COURT. ACCORDING TO [REDACTED] BRENNAN-S PRACTICE HAD APPROXIMATED b7c AN INCOME OF FORTY TO FIFTY THOUSAND DOLLARS ANNUALLY. NEWARK

END PAGE FOUR b7c

PAGE FIVE

INDICES REFLECT NO UNFAVORABLE INFORMATION CONCERNING BRENNAN.

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10-19 (11-22-55)



PRESIDENT CONGRATULATES HIS SUPREME COURT CHOICE — Justice William Joseph Brennan, Jr., gets a handshake from President Eisenhower as his selection to succeed Justice Sherman Minton on the Supreme Court was announced yesterday at the White House. Associated Press Photo.

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Court Appointee Called Middle-Road Independent

By MIRIAM STERNBERG

Justice William Joseph Brennan, Jr., selected by President Eisenhower to succeed Justice Sherman Minton on the Supreme Court, last night was described by fellow jurists as a middle-of-the-road independent thinker.

Chief Justice Arthur T. Vanderbilt of the Supreme Court of New Jersey, on which Justice Brennan is an associate justice, called the selection a "wonderful appointment."

Other jurists echoed that reaction. They described him as a fine trial lawyer before he went on the bench and an outstanding judge. They predicted he would bring considerable judicial strength to the high court.

To the person who knows him best—his wife of 20 years—he is a man who enjoys and is fascinated by his work and is free of hobbies, a man with a delightful sense of humor and zest for the law.

Wife Hears the News

Mrs. Brennan said she and her husband ran through the field of conjecture when he called her from his office Friday to say he would be taking the sleeper to Washington. He managed to get to a telephone and tell her the news yesterday before it was announced to the press.

Unaware of what was in store for them, the Brennans had invited eight guests to dinner last night at their home in Rumson, N. J. "My poor underfed guests," murmured Mrs. Brennan in a flurry of answering telephone calls and greeting the press.

She said she and her husband had not even discussed yet the question of moving to Washington. She recalled that the family had lived in Chevy Chase, Md., while Justice Brennan was stationed here during the war, and the two Brennan boys attended Chevy Chase Elementary School.

When he is not reading briefs and law books at home, Mrs. Brennan said, he likes to read history. He plays some golf and has become quite a fisherman lately. The Brennans spent one week away from home on vacation last summer—a trip to Canada with friends.

Experience Is Liked

Justice Brennan's colleagues on the bench and members of the bar, his record as a practicing attorney and his varied experience on the bench are particularly important.

In recent years, he has devoted much of his time to the fight against delays in the administration of justice. He addressed the Attorney General's Conference on Court Congestion and Delay in Litigation here last May as chairman of the Committee on Pretrial and Calendar Control of the New Jersey Supreme Court.

He is the second member of the same law firm to go to the Supreme Court. The Newark firm—Pitney, Hardin, Ward and Brennan before Justice Brennan went on the bench—in an earlier day had as a partner, Mahlon Pitney, who served on the Supreme Court from 1913 to 1922.

As far as some of his colleagues can recall, he is the first State court justice to go to the Supreme Court since Justice Cardozo.

Compared to Harlan

He was described as closest in legal background and judicial attitudes to Justice Harlan than to any of the other members of the high court.

One prominent jurist rated him more conservative than Chief Justice Warren and Associate Justices Douglas and

...and his record on the bench...
...and his record on the bench...
...and his record on the bench...

A colleague described him as somewhat conservative in his views of the law, preferring to accomplish change by way of legislation rather than by way of judicial decision. Another colleague murmured somewhat at that description, saying that Justice Brennan always "wants to work out substantial justice."

Frederic E. Brown, Secretary of Labor, a fellow New Jersey resident for whom Justice Brennan worked during World War II, when Mr. Mitchell was chief of the Industrial Personnel Division of the Army Service Forces, wired his congratulations.

"From our long personal association," he telegraphed, "I am confident that with your great abilities and deep devotion to the highest principles of American jurisprudence, you will serve the people of the United States in the same exemplary way that you have served the people of New Jersey. I am sure that all our fellow citizens in New Jersey join with me in wishing you good luck and Godspeed."

Friends recalled that Justice Brennan's father was a labor leader in the early days. Later, his father became director of public safety in Newark.

216 27

Ike Names Democrat to High Court

William Brennan Of N. J. Tribunal Is First Catholic Since Murphy

(Picture on Page B3.)
By Louis Cassels
United Press

President Eisenhower yesterday chose **William Joseph Brennan Jr.**, 50-year-old New Jersey judge who is a Democrat and a Catholic, to fill an impending vacancy on the United States Supreme Court.

The White House announced that Brennan, now an Associate Justice of the New Jersey State Supreme Court, would be appointed to the Nation's highest tribunal on Oct. 15 to succeed Justice Sherman Minton who is retiring because of failing health.

The appointment will leave the court with six Democrats and three Republicans.

Brennan told newsmen after a visit with Mr. Eisenhower yesterday that he had no inkling he was under consideration until he received a telephone call from Attorney General

Robert H. Jackson. Brennan had been a member of the Catholic faith on the high bench since the death in 1954 of the late Associate Justice Frank Murphy.

He will serve under a special appointment until January when the President will submit a formal nomination to the Senate.

Brennan has had a distinguished legal career although largely unknown to the Nation at large. A graduate of Harvard Law School, he practiced law in Newark from 1931 to 1939 when he became a State Superior Court judge. He moved up to New Jersey's Appellate Court Division in 1950 and to the State Supreme Court in 1952.

Mr. Eisenhower's previous appointees were Republicans—Chief Justice Earl Warren and Associate Justice John Marshall Harlan.

One clue to Brennan's selection was provided by White House news secretary James F. Hagerty. He said Chief Justice Arthur T. Vanderbilt of the New Jersey Supreme Court gave Brennan "the highest of recommendations."

Judge Vanderbilt is one of the Nation's most respected jurists and undoubtedly would have been a leading prospect for the vacancy himself were he not already nearing retirement age. Judge Vanderbilt is 87.

Brennan will be the youngest member of the Court by a margin of seven years.

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Brennan Is Regarded As Moderate Liberal
The new Associate Justice is generally regarded as a moderate liberal with a record on the New Jersey high tribunal of endorsing civil rights. Page B3

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New Leader _____

Date SEP 30 1956

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Brennan, Son of Irish Immigrant, Is Known as Moderate Liberal

Appointment story on Page 1)
NEWARK, N. J., Sept. 28 — William J. Brennan Jr., who is one of the newest and youngest United States Supreme Court Associate Justices, is the son of an Irish immigrant who can also be cited as an example of the American dream of success from humble origins.

The new Justice goes to the Nation's highest bench after seven years on New Jersey's Superior Court and Supreme Court.

Born 36 years ago in Newark, he is the son of the late William J. Brennan Sr., who came here from Ireland in 1890 to become a widely respected labor union leader and a member of Newark's City Commission. His mother, the former Agnes McDermott, was a County Roscommon girl who came here about the turn of the century, and met and married William Sr.

The mother, now 78, has lived to see her son achieve one of the Nation's highest honors. She lives in East Orange.

One of 8 Children

When the Justice's parents met, his father was a stationary engineer. William Jr. was the second of eight children.

In his teens, young Bill delivered milk and had a job making change for trolley riders. In his twenties he was graduated from Harvard Law School and joined a leading Newark law firm. In the thirties he traveled around the country as a Army manpower trouble shooter. In his forties he had ascended to the New Jersey Superior Court bench.

The United States Supreme Court Justice-designate lives presently in Conover lane, Rumson. He is a member of the Church of Nativity in Fair Haven and is the first Catholic to sit on the highest Federal



Associated Press
WILLIAM J. BRENNAN JR.
... named to high court

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Wash. News
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N. Y. Herald Tribune
N. Y. Mirror
N. Y. Daily News
Daily Worker
The Worker
New Leader

Date SEP 30 1956

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Just since Justice Frank Murphy died in 1949.

He is married to the former Marjorie Leonard. They have three children. William III, 23, is a second lieutenant with the Marines, and a graduate of Salgate. Hugh Leonard Brennan, 20, is married and lives on Red Bank. Their daughter Nancy, is 7.

Old Moderate Liberal

A life-long Democrat, Justice Brennan is generally regarded as a moderate liberal. He has a record on the judiciary of defending civil rights.

New Jersey's high court has long been admired as among the best in the Nation. It has achieved a remarkable record under Chief Justice Arthur T. Vanderbilt, clearing up Court calendars and virtually ending the law's delays.

In this work Brennan has taken a leading part. He was named by Vanderbilt to head the Supreme Court's Committee on Calendar Control and Pre-Trial Conference Procedure. In that capacity he played a vital role in carrying out the Court reforms. At one point, he told lawyers he didn't think the courts were being criticized sufficiently, and urged the bar to voice "free and outspoken constructive criticism."

He has a consistent record of defending the rights of citizens, though there has been no sensational or controversial case before the New Jersey Supreme Court since he joined it.

...the weaker the State's defense, the more the State's defense is the prosecuting attorney's job. He may win or lose, but any man he convicted is guilty. Brennan said the number of convictions Justice Brennan wrote should determine the status of a prosecutor.

In some public addresses Brennan made it clear where he stands on the subject of witch hunts and McCarthyism. In March, 1954, he told the anniversary meeting of the Charitable Irish Society in Boston that "there are some practices in the contemporary American scene which are reminiscent of Salem witch hunts." Denouncing communism, he emphasized that "we need not panic," that we can preserve our Nation "without the sacrifice of any of the guarantees of justice and fair play and simple human dignity which have made it what it is."

Eight months later, at a New Jersey meeting of lawyers and accountants, he said that whatever the outcome of the Senate motion to censure McCarthy—then pending—there is reason for "pure joy and relief that our collective conscience has sickened of excesses and is demanding adoption of permanent and lasting reforms to curb abuses of the investigative power."

Backed Fifth Amendment

He defended the Fifth Amendment as a desirable and integral part of the Constitution. Acknowledging that use of the Amendment more often than not is resorted to by the guilty, he nevertheless emphasized the importance of the protection against self-incrimination, dating back to Magna Carta. And he added:

"Abuse of individual rights today takes on modern dress—put the sack and the screw, but the distorted press release with the distorted version of what happens at secret sessions; the heaped epithet at the hapless and helpless victim."

"There are hopeful signs that as a civilized and decent people, have in the midst of these become victims of persecution for the 'parliament' which has marked proceedings at some hearings."

At Barringer High School in Newark, young Bill, all the time working to earn his keep.

...was numerous years. At the University of Pennsylvania, he won a degree with honors and a scholarship to Harvard Law School. He was graduated from the Law School in 1921 in the top tenth of his class. That was three years after his marriage. He was offered a job by the old Newark law firm of Pittney, Hardin and Ginter and accepted. Seven years later he became a partner.

The last New Jerseyan on the U. S. Supreme Court, Mahlon Pittney, had also been in this firm.

During the war he was with the Army in Washington as an expert in labor law. He rose to colonel and was coordinator of Army Air Force efforts to remedy a critical West Coast manpower shortage in the aircraft industry. Before the war ended, an order went out naming Brennan chief of personnel in the Western Pacific area but it was countermanded by Gen. Breckon Somervell on the ground that Brennan was too valuable at home to be sent overseas.

Brennan for the Co

The selection of William Joseph Brennan as Associate Justice of the Supreme Court has attracted a good deal of attention because he is a Democrat and a Catholic. It is something of a novelty to have a Republican President name a Democrat to the highest court in the land. Although President Hoover nominated the late Justice Cardozo, a Democrat, and President Truman appointed Justice Burton, a Republican, and President Taft and Franklin Roosevelt advanced to the Chief Justiceship judges of the opposing political party who were already on the Supreme Bench. The emphasis on Judge Brennan's religion stems largely from the fact that he will be the first Justice of the Catholic faith since the death of Frank Murphy in 1949. Actually, however, both these facts about Judge Brennan's background are incidental. The major consideration is that he is an experienced judge with an excellent record.

President Eisenhower told his press conference last week that he was scanning the records of the judges in top state courts as well as those on the Federal bench. This screening put Judge Brennan in a very favorable position. A graduate of Harvard Law School, he made a brilliant record in the practice of law in Newark. Since 1949 he has had experience in all three branches of the New Jersey courts, first as a trial judge, then in the appellate division and on the New Jersey Supreme Court. Incidentally, he was twice appointed to the state bench by a Republican Governor, Alfred E. Driscoll, without regard for his political affiliation.

One other factor that weighed heavily in Judge Brennan's favor was his age. At 50, he has the prospect of at least 20 years of service on the Supreme Court. This gave him a notable advantage over various other distinguished judges who are better known than he—such men as Chief Judge John J. Parker of the United States Court of Appeals, Fourth Judicial Circuit, and Chief Justice Arthur T. Vanderbilt of the New Jersey Supreme Court, who are much nearer to retirement age. It is interesting to note that Chief Justice Vanderbilt speaks in terms of high praise for the new nominee.

An important ancillary fact was Judge Brennan's interest in speeding up the often sluggish processes of justice. Last May he made an impressive speech at a conference in Washington devoted to the problem of congestion in the courts. It did not go unnoticed. Though he will not be directly concerned with lower court congestion as a member of the Supreme Bench, his influence on the subject will doubtless be felt in judicial circles.

On the whole, this forthcoming recess appointment merits high commendation. President Eisenhower has taken seriously his responsibility of combing the Nation for judicial talent when a Supreme Court vacancy occurs. The naming of Judge Brennan is a fine example of the great tradition of a qualified and independent judiciary.

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Brennan for the Court

The selection of William Joseph Brennan to succeed Justice Minton as an Associate Justice of the Supreme Court has attracted a good deal of attention because he is a Democrat and a Catholic. It is something of a novelty to have a Republican President name a Democrat to the highest court in the land. Although President Hoover nominated the late Justice Cardozo, a Democrat, and President Truman appointed Justice Burton, a Republican, and Presidents Taft and Franklin Roosevelt advanced to the Chief Justiceship judges of the opposing political party who were already on the Supreme Bench. The emphasis on Judge Brennan's religion stems largely from the fact that he will be the first Justice of the Catholic faith since the death of Frank Murphy in 1949. Actually, however, both these facts about Judge Brennan's background are incidental. The major consideration is that he is an experienced judge with an excellent record.

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One other factor that weighed heavily in Judge Brennan's favor was his age. At 62, he has the prospect of at least 20 years of service on the Supreme Court. This gave him a notable advantage over just his other distinguished judges who are better known than he—such men as Chief Justice Earl Warren of the United States Court of Appeals, Fourth Judicial Circuit, and Chief Justice Arthur T. Vanderbilt of the New Jersey Supreme Court, who are much nearer to retirement age. It is interesting to note that Chief Justice Vanderbilt speaks in terms of high praise for the new nominee.

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Justice Brennan to the Supreme Court

President Eisenhower, in appointing Associate Justice William J. Brennan Jr. to the New Jersey Supreme Court for promotion to the United States Supreme Court, has picked according to carefully stated criteria.

As Mr. Eisenhower explained in two recent news conferences, he was looking for a jurist of "reasonable age," of "experience," of "standing in the community" and "standing among lawyers." Specifically, the President said, "We must never appoint a man who doesn't have the recognition of the American Bar Association, of all his fellows. He must be a man of unimpeachable character and accomplishment."

Justice Brennan fills these qualifications admirably. He is fifty, seven years younger than any sitting Justice. His standing in every particular is excellent. He has made a good record in New Jersey and is highly recommended by Chief Justice Arthur T. Vanderbilt of that state. The President, having had the field canvassed and taking expert counsel of bench and bar, has clearly found the man he believes to be best qualified.

Since the Supreme Court already consists of six Democrats and three Republicans, there had been considerable

speculation and no doubt some hopes that Mr. Eisenhower would name a Republican. But here the President surprised many: Justice Brennan is a Democrat, although not a conspicuous partisan. It is worth noting that a Republican, former Governor DeSoto of New Jersey, appointed him twice.

The Supreme Court obviously stands in a special relationship to the President who appoints its members and the Senate that confirms them. The general rule that applies to both party organization and party responsibility in the United States is that the party in power selects from within its own ranks those best qualified for appointive office; going outside only in particular cases, in which the opposition can supply a better man. The President has been careful to point out the broad standards he proposed to use in filling the Supreme Court vacancy; it would be well if he would, now that the appointment has been made, explain that it is in keeping with his responsibilities as head of the party as well as President of the United States; that it was made with full understanding of party needs as well as of the overriding demands of the national interest.

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cc - Boardman
Belmont
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THE ATTORNEY GENERAL

Liaison

September 25, 1956

DIRECTOR, FBI

- JUSTICE WILLIAM JOSEPH BRENNAN, JR.

In accordance with your request a discreet inquiry has been conducted by our Newark Field Division today concerning Justice William Joseph Brennan, Jr.; and the following information was obtained concerning him.

considers Justice Brennan an outstanding jurist whose reputation is above reproach. He is considered to be very strict on legal matters in his court but extremely efficient and fair minded. He considered Justice Brennan an ardent Catholic in lay circles.

has known Justice Brennan for years. He recalled his appointment to the New Jersey Superior Court in 1949, later to the Appellate Division, and in 1958 to his present position as Associate Justice of the Supreme Court of New Jersey. indicated that Justice Brennan has exhibited outstanding judicial ability and poise. He considers him thoroughly competent and trustworthy. His legal opinions are erudite and give evidence of independent research and clear thinking with no indication of prejudices. He indicated that Justice Brennan's reputation is excellent and he was unable to furnish anything of a derogatory nature concerning him. added that he knew little of Justice Brennan's social life and personal background but knew that while he had been associated with the law firm of Pitney, Hardin, Ford and Brennan, the Justice had specialized principally in corporate and labor relations matters. recalled that Justice Brennan's father was a former Commissioner in the City of Newark, New Jersey, and in charge of the Department of Public Safety. Mr. Brennan, Sr., was interested in labor movements and at one time was a representative of a union affiliated with the Building Trades

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16 OCT 2 1956
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Attorney General By
SUPERVISOR

9:35 PM 9-25-56

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Memorandum for THE ATTORNEY GENERAL

industry. He felt that Mr. Brennan, Sr., could be described as a labor leader of the "old school" who believed that labor's problems should be worked out for the benefit of the employee as well as the employer. [redacted] added that he would be shocked if because of Justice Brennan's background he indicated any strong prejudices in his judicial thinking. Justice Brennan was not known to [redacted] to be engaged actively in political affairs although he believed him to be a Democrat. Justice Brennan's appointment to the bench was made by Governor Alfred Driscoll, Republican.

b7c [redacted] advised that Justice Brennan is a practical Catholic although not considered a church lay leader. He indicated that Justice Brennan has not shown any interest in political matters and has been so circumspect in regard to political expressions that even his closest friends could not state positively whether he deems himself to be a Democrat or a Republican. [redacted] pointed out that Justice Brennan's father was active in the late 1920s as a political leader and was a former Director of Public Safety in Newark. He considered Mr. Brennan, Sr., a man of high integrity although he had come under attack by his political adversaries during his tenure in office because of allegations of graft and corruption in the Newark Police Department while he was Director. In this regard, an inquiry was conducted by the Prosecutor of Essex County, New Jersey; however, no presentments or indictments were forthcoming. During World War II Justice Brennan served in the armed services being discharged as a colonel. While in the Army he received extensive experience in the field of labor relations and negotiation of contracts. [redacted] concluded by saying that he considered Justice Brennan unusually competent, of excellent reputation and highest personal integrity.

[redacted] indicated that he has known Justice Brennan for many years. He stated that while in private practice Justice Brennan was engaged principally in corporate work and in labor relations representing employers. He considers

Memorandum for THE ATTORNEY GENERAL

Justice Brennan to be a very competent jurist with a reputation in the community for integrity and honesty. He considered his legal opinions to be sound and well reasoned. He indicated that he had heard rumors that upon the retirement of Chief Justice Vanderbilt, New Jersey Supreme Court, Justice Brennan would be his, Justice Vanderbilt's, choice as a successor in the event a Democratic governor was then incumbent.

b7C [REDACTED] indicated a close personal friendship with Justice Brennan for [REDACTED] years. He regarded Justice Brennan as a jurist of the highest ability whose integrity is unimpeachable and whose concept of duty is best illustrated by his personal sacrifice in relinquishing a law practice which had an approximate income of \$40,000 to \$50,000 annually to accept an appointment on the Superior Court.

cc - Mr. William P. Rogers
Deputy Attorney General

The Nation

The Immigrant Background of the New Justice

WASHINGTON, Oct. 10.—The President found a man not for membership on the Supreme Court with an unusual number of qualifications for the office.

Foremost among these, with respect to the judicial function, are that the new appointee is an experienced judge whose work has been generally applauded by the bar, with an outstanding trial lawyer and is only 50 years old. But it is also an important proof of democracy when a Supreme Court justice is representative of what an American man, with honor and industry, achieves without the birthright of social and economic privilege.

William Joseph Brennan Jr. shared the general circumstances of most immigrants when he came to New Jersey from Ireland a generation and a half ago. He labored with his hands; he had little education; he spoke throughout his life with the brogue that marked him a "foreigner." But he had character, and abilities that advanced him to the leadership of his labor union. He was determined his son should have all of the opportunities the father had been denied and were open to the American boy who could show he deserved them.

William Joseph Brennan Jr. made this deserving very clear. He was at or near the top of his classes in grade and high school, in college and at Harvard Law. On entering practice he was invited to join a Newark law firm which is among the most distinguished in the United States. There he made a specialty of labor law, acting successfully in that field to resolve difficult management-employee problems. By the time he entered the Army, where his wartime contribution is gratefully remembered, he was an outstanding member of the New Jersey bar.

When William Joseph Brennan Jr. returned to practice, his reputation began to materialize in the pleasant form of large earnings. But his services as a specialist in labor law were in such great demand that the physical strain upon him was what a friend described today as "hard." So when Governor Driscoll asked him to take a judgeship on the Superior Court, considerations of his health, and the chance to resume a normal family life, induced him to accept. On this bench Brennan attracted the favorable notice of the eminent Arthur T. Vanderbilt, Chief Justice of the New Jersey Supreme Court, on whose recommendation he was promoted to that tribunal and who then enthusiastically certified him to the President for membership on the highest tribunal of the nation.

But I suspect his appointment will be quite as historic as the fact that some Republicans seem to think.

Bernard Shanley, the President's appointment secretary, was a close mate and a close friend of Brennan. He and Secretary Mitchell are reliably reported to have brought the new justice to the attention of the President and Attorney General.

Shanley said the numerous good arguments for his case. While Brennan is a skilled trial lawyer, and supported the Department of Justice in its effort to relieve the congestion in the Federal courts, he was certain in advance of a good reception there. Moreover, the Attorney General has not become so absorbed in the work of the Government's lawyer as to forget that he is also a politician. And the appointment to the Supreme Court of a Catholic to succeed retiring Justice Minton was not only service to a fine American tradition; it was obviously good politics as well.

"They don't come this way," said Shanley today with something finer in his emotion than the pride of discovery. "This is the American saga, the American dream. Under New Jersey's Constitution of 1847, and the magnificent leadership of Chief Justice Vanderbilt, our Supreme Court is the best state court in this country, and Brennan was a worthy member of it."

"He is extraordinarily brilliant; he has a tremendous personality; and he is genuine from top to toe—a quality that stands out in him as it does in the President. Also, his appointment at 50 carried out the President's promise to seek qualified young men for high offices."

Lawyers here who practice before the Supreme Court were particularly pleased with Brennan's experience and standing as a trial lawyer. "The court stands another in need of that experience," said one. "A trial lawyer knows all the ins and outs of litigation. He doesn't just make the law; he knows it."

And he is the most intelligent and effective use of the law's delay. "Brennan's appointment was expressed to say that if doing so, Brennan is a good President and may not say point Brennan and expressed that the Senate will not confirm him. This would put in question whatever part he had taken in the country's affairs. In view of the new justice's qualifications, this is a great improvement."

Mr. Brennan is a man of great ability and a man of great character. He is a man who has achieved great things in his life and who is now being given the opportunity to serve the country in the highest office of the land.

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N. Y. TIMES

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ice Memorandum • UNITED STATES GOVERNMENT

Mr. Nichols

DATE: October 8, 1956

FROM :

M. A. Jones

SUBJECT:

WILLIAM J. BRENNAN, JR.
NOMINEE AS ASSOCIATE JUSTICE
OF THE SUPREME COURT

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Upon the recent nomination by the President of captioned individual to succeed Honorable Sherman Minton as an Associate Justice of the U. S. Supreme Court, a review of Bufiles was made to determine the extent of past contact with him.

The only information located concerning Brennan is a copy of an address delivered by him before the National Conference on Congestion in the Courts in the Great Hall of the Department of Justice on May 22, 1956. Brennan was at that time Associate Justice of the Supreme Court of New Jersey. (94-49529-3) There has been no correspondence with him.

Brennan's father, who is now deceased, was formerly Director of Public Safety in Newark, New Jersey. There had likewise been no contact between the Director and him.

RECOMMENDATION:

None. For information.

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EX-120

64 OCT 11 1956

The Judge and His Political Record

By WESTBROOK FEGLER

WILLIAM J. BRENNAN, the nominee for the Minton seat on the Supreme Court, easily might improve that bench even though he is an alumnus of Felix Frankfurter's classes which prepared Alger Hiss and others like him for their careers.

Frankfurter is the only nominee who ever needed a mouthpiece during hearings on his fitness. Dean Acheson appeared at his elbow. In that gummy language which is his own patois Frankfurter seemed to say that his remarks were not testimony, but, in the same paragraph, added that he was only the second nominee in history to testify for himself. He was not sworn.

His confirmation was a foregone political conclusion and he went on to a clandestine political career concurrent with his judicial work. His testimony for Hiss in the first trial was revealing. He had inducted both Alger and Donald Hiss and many other proteges as bad as Alger into the government web. His alumni included flagrant Communists. Alger begged the House Committee on Un-American Activities not to make him squeal on Frankfurter, but Congressman Dick Nixon insisted. Hiss then named Frankfurter. This dogged insistence and Nixon's disclosure of many other spies was the sole reason for the conspiracy to dump Nixon off the Republican ticket a few weeks ago.

Evasions Proved Vexing

Frankfurter's evasions so vexed the late Senator Pat McCarran that when Frankfurter finally said he "most assuredly" did believe in the Constitution, McCarran exclaimed, "I am glad to get that positive answer from you."

McCarran had shown him a roster of the Civil Liberties Union in which his name appeared with that of William Z. Foster, a Communist candidate for President, and asked, "Did you notice that you were on that committee with Mr. Foster?"

Frankfurter replied: "I believe Mr. Foster was, at one time, a member of that committee. I do not know whether he is at this time or not."

He also referred, in his name-dropping way, to his distinguished friend, Henry L. Stimson. A few years later, Harold Ickes, in one of his pot-boilers for the Saturday Evening Post, disclosed that Felix planted Stimson in the job of Secretary of War. Politics became a major concern of the War Department.

Turns Up in Diaries

The inspection of Henry Morgenthau's sensitive diaries by the Eastland Committee turns up Frankfurter's name scores of times. He was poking his snout into everything all the time. One phone conversation is reported in which Felix claimed "credit" for the appointment of John G. Winant to the London embassy. Winant became the instrument for official approval of the Truman Administration of the abandonment of Germany to Soviet Russia and the waiver of access to Berlin.

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In another Morgenthau diary, Stimson also stated that Felix was the one who invited him to be Secretary of War. In a memo of a phone conversation, Morgenthau reported that Frankfurter boasted that he helped dictate the appointment of Lord Lothian to be British Ambassador to Washington. Again, Stimson intimated that Frankfurter was the intermediary for Sidney Hillman, who is historically credited with inflicting the Truman presidency on the country.

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(BRENNAN) ¹ WILLIAM J. BRENNAN JR. OF NEW JERSEY WAS SWORN IN AS A U.S. SUPREME COURT JUSTICE TODAY AT A COURTROOM CEREMONY ATTENDED BY DIGNITARIES AND MEMBERS OF HIS FAMILY.

EARLIER, THE 39-YEAR-OLD JURIST HAD TAKEN THE CONSTITUTIONAL OATH, ADMINISTERED BY CHIEF JUSTICE EARL WARREN IN THE PRIVACY OF THE SUPREME COURT CONFERENCE ROOM. BRENNAN, A ROMAN CATHOLIC AND A DEMOCRAT, WAS FORMERLY A JUSTICE OF THE NEW JERSEY STATE SUPREME COURT.

WHEN THE COURT CONVENED FOR A PUBLIC SITTING AT NOON, MR. WARREN PAID TRIBUTE TO JUSTICE SHERMAN MINTON WHOM BRENNAN IS SUCCEEDING. MINTON HIMSELF WAS SEATED AMONG THE SPECTATORS. MR. WARREN SAID THE COURT IS RECONCILED TO MINTON'S RETIREMENT ONLY BECAUSE IT IS IN THE INTERESTS OF HIS HEALTH.

MR. WARREN THEN WELCOMED BRENNAN TO THE HIGH TRIBUNAL. AFTER READING THE JUDICIAL OATH, BRENNAN WAS ESCORTED TO A VACANT CHAIR AT MR. WARREN'S FAR LEFT, WHERE THE MOST JUNIOR JUSTICE ALWAYS SITS. JUSTICE TOM C. CLARK, WHO OCCUPIES THE NEXT CHAIR, SHOOK HANDS WITH BRENNAN GENUINELY AND SPOKE SOME WELCOMING WORDS AS THE NEW JUSTICE TOOK HIS SEAT.

GOVERNMENT OFFICIALS WHO CAME TO SEE BRENNAN SWORN IN INCLUDED ATTORNEY GENERAL HERBERT BROOKHUIS JR., SOLICITOR GENERAL J. LEE BARKER, DEPUTY ATTORNEY GENERAL WILLIAM P. ROGERS, SECRETARY OF LABOR JAMES P. MITCHELL AND MRS. MITCHELL, BERNARD SHANLEY, PRESIDENT EISENHOWER'S COUNSEL, AND MRS. SHANLEY, CYRUS CHING, OF THE FEDERAL MEDIATION SERVICE AND MRS. CHING.

EARLIER BRENNAN POSED WITH HIS FAMILY--HIS WIFE, TWO SONS AND DAUGHTER--FOR NEWS PHOTOGRAPHERS. HIS MOTHER, MRS. WILLIAM J. BRENNAN OF ORANGE N.J., WAS ALSO PRESENT.

THE CAMERAMAN WANTED A SHOT OF SEVEN-YEAR-OLD DAUGHTER NANCY KISSING HER FATHER BUT THE JUSTICE DENVERED AT THAT.

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WASHINGTON CITY NEWS SERVICE

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Johnston Plans Inquiry Into Brennan's Record

Sen. Otto Johnston (D-S. C.), a leading congressional advocate of segregation, said yesterday he will examine "with a fine-tooth comb" the record of Supreme Court Justice William Brennan Jr.

Brennan, a New Jersey Democrat regarded as a moderate liberal on civil rights matters, was given an interim appointment to the High Court by President Eisenhower last September. The nomination must be confirmed by the Senate after Congress convenes in January.

Senate aides said that hearings on the Brennan appointment by the Judiciary Committee were unlikely to begin earlier than February after the work of organizing the chamber is completed.

Johnston, a high-ranking member of the Judiciary Committee, told a newsmen:

"As a member of the Committee, I would like to look into Mr. Brennan's background and check on some of his beliefs and disbeliefs with a fine-tooth comb before taking a stand on his nomination."

Fought Sobeloff Nomination

The Senator took an active part in the fight against confirmation of former Solicitor General Simon Sobeloff for a Federal judgeship earlier this year.

Opposing Sobeloff chiefly for his pro-integration views, Johnston and other Southern Democrats led by Judiciary Chairman James O. Eastland (Miss.), fought a delaying action which held up approval of the nominee until late in the session.

Sen. A. Willis Robertson (D-Va.) said he did not "not anticipate any difficulties" in the way of Brennan's confirmation.

While stressing that he was not committing himself, Robertson said: "All the private reports I have had on Justice Brennan seemed to have been favorable."

Eastland has so far maintained public silence on the new appointee.

Brennan, a life-long Democrat and Catholic, was sworn in as an associate justice Oct.

16 to replace Sherman Minton, who retired. He took no part in any opinions handed down this fall, but joined the Court in its Montgomery, Ala. bus segregation ruling last week.

This action affirmed a previous ruling which outlawed segregation in city and other intra-state public transportation.

Brennan served seven years on New Jersey's Superior Court and Supreme Court, where he won a reputation as a defender of civil liberties.

Some Senators may feel cool toward him for his public statements against what he termed "abuses" and "excesses" of congressional investigations.

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Speed Is Urged On New Justice

By the Associated Press

Senator Clifford Case, Republican of New Jersey, says there should be no "undue delay" next year in Senate action on confirmation of William J. Brennan, Jr., as a Supreme Court Justice. Senator Case made his comment in a statement yesterday after Senator Olin D. Johnston, Democrat of South Carolina, had said he believed the Brennan nomination should be scrutinized carefully.

But Senator Johnston emphasized to a reporter he had nothing against Justice Brennan and only meant that he felt all selections to the high court should be given a close look.

Justice Brennan, a Democrat and former member of the New Jersey Supreme Court, was nominated to the top United States court by President Eisenhower in September. His appointment must be sent to the Senate for confirmation in January.

Justice Brennan came to Washington with a reputation as a liberal in civil rights cases. He joined the eight other justices last week in a unanimous decision outlawing segregation on local public transportation systems.

Senator Johnston serves on the Senate Judiciary Committee, which passes on Federal judgeship nominations. During the last session he led an unsuccessful fight to prevent confirmation of Solicitor General Simon Sobell as a member of the Fourth Circuit Court of Appeals.

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Fine Comb or Muckrake?

No one will object if Senator Johnston of South Carolina employs his "fine-tooth comb" with rigor and good judgment in examining the record of Supreme Court Justice William J. Brennan Jr. The Senate, especially its Judiciary Committee, has an obligation to make certain that Justice Brennan is a man of integrity, capacity and judicial-mindedness. Hearings for this purpose are in order in the case of any appointment to the Supreme Court. Senator Johnston's announcement has an ominous ring only because of the widespread suspicion that he intends to use a muckrake instead of his fine-tooth comb.

Senator Johnston and some of his colleagues sought the nomination of Judge Simon Sobeloff to the Circuit Court of Appeals for a year because he was unsympathetic toward racial segregation. In their eyes, acceptance to the Supreme Court's decisions against segregation, even though they be unanimous, seems to disqualify a new appointee for service on the bench. Despite the fact that he will need senatorial confirmation after Congress meets in January, Justice Brennan courageously joined in the Court's ruling against segregation in the Montgomery (Ala.) bus case last week. It is especially significant that Senator Johnston began talking about his fine-tooth comb after this ruling was handed down.

The undesirability of senatorial sniping at a Supreme Court Justice serving a recess appointment must be obvious to everyone. We do not think that Justice Brennan will be swayed from any convictions by the warning that his record will be raked over by the segregationists. But in the light of recent history the warning itself is a form of pressure that should not be felt by any judge. The Senate can relieve this pressure only by fairly examining Justice Brennan's record and promptly confirming his nomination shortly after the new session meets.

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Wash. Post and Times Herald **A-1**
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 The Worker _____
 New Leader _____

Date NOV 21 1956

60 NOV 29 1956

Brennan Will Be Opposed by McCarthy

Sen. Joseph R. McCarthy (R-Wis.) said today he will oppose President Eisenhower's nomination of William Joseph Brennan to be a Supreme Court justice.

Sen. McCarthy acknowledged that Mr. Brennan appears to "have the votes" to win confirmation by the Senate. But he said he would be "derelict" in his duty if he failed to call the Senate's attention to speeches in which, he said, Mr. Brennan criticized Congressional committees exposing communists.



Justice Brennan

"While he makes fine speeches against communism," Mr. McCarthy said, "he has been waging a guerilla war against committees that pick up individual communists by the scruff of the neck and expose them."

Sen. McCarthy said Mr. Brennan had used his former position as a New Jersey Supreme Court Justice as a "sounding board" to label the work of communist investigating committees as "witch hunts."

Mr. Brennan, a Democrat, has been serving on the U. S. court since last fall under a recess appointment made by Mr. Eisenhower. His nomination was officially received by the Senate yesterday.

Mr. Brennan is the first Catholic to serve on the high court since Justice Frank Murphy who died in 1949. Sen. McCarthy also is a Catholic.

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62-103501-A
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JAN 24 1957

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Daily Worker _____
The Worker _____
New Leader _____

Date JAN 15 1957

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

SP9
 (BRENNAN)
 SEN. JOSEPH R. MCCARTHY (R-WIS.) SAID HE WILL OPPOSE PRESIDENT EISENHOWER'S NOMINATION OF WILLIAM JOSEPH BRENNAN TO BE A SUPREME COURT JUSTICE.

MCCARTHY ACKNOWLEDGED THAT BRENNAN APPEARS TO "HAVE THE VOTES" TO WIN CONFIRMATION BY THE SENATE. BUT HE SAID HE WOULD BE "DERELICT" IN HIS DUTY IF HE FAILED TO CALL THE SENATE'S ATTENTION TO SPEECHES IN WHICH, HE SAID, BRENNAN CRITICIZED CONGRESSIONAL COMMITTEES FOR EXPOSING COMMUNISTS.

"WHILE HE MAKES FINE SPEECHES AGAINST COMMUNISM," MCCARTHY SAID, "HE HAS BEEN WAGING A GUERRILLA WAR AGAINST COMMITTEES THAT PICK UP INDIVIDUAL COMMUNISTS BY THE SCRUFF OF THE NECK AND EXPOSE THEM."

MCCARTHY SAID BRENNAN HAD USED HIS FORMER POSITION AS A NEW JERSEY SUPREME COURT JUSTICE AS A "SOUNDING BOARD" TO LAEL THE WORK OF COMMUNIST INVESTIGATING COMMITTEES AS "WITCH HUNTS."

BRENNAN, A DEMOCRAT, HAS BEEN SERVING ON THE U.S. COURT SINCE LAST FALL UNDER A RECESS APPOINTMENT MADE BY MR. EISENHOWER. HIS NOMINATION WAS OFFICIALLY RECEIVED BY THE SENATE YESTERDAY.

IT APPEARED LIKELY THAT SOUTHERN DEMOCRATS, ACUTELY AWARE OF THE SUPREME COURT'S RECENT RULINGS IN CIVIL RIGHTS CASES, WILL DEMAND THAT BRENNAN'S QUALIFICATIONS BE EXAMINED CLOSELY. ONE SUCH DEMAND ALREADY HAS BEEN MADE BY SEN. CLIF D. JENNISON (D-S.C.), A JUDICIARY COMMITTEE MEMBER.

INFORMED SOURCES SAID THAT NO SUBSTANTIAL OPPOSITION TO BRENNAN HAS BEEN EXPRESSED IN THE SPRINKLING OF CORRESPONDENCE THE JUDICIARY COMMITTEE HAS RECEIVED ON HIS NOMINATION THIS FAR.

8/15--GE917A

162-108501-A
 NOT RECORDED
 126 JAN 24 1957

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 1-15-57

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Page 476

The Senate received the following executive nominations: William Joseph Brennan, Jr., of New Jersey, to be an Associate Justice of the Supreme Court. J. Lee Rankin, of Nebraska, to be Solicitor General. Dorothy McCullough Lee, of Oregon, to be a member of the Subversive Activities Control Board. Eva Kelly Bowring, of Nebraska, to be a member of the Board of Parole. M. Hepburn Many, of Louisiana, Albert M. Morgan, of West Virginia, and Chester A. Weidenburner, of New Jersey, to be United States Attorneys.

Original filed in:

(1 ENCLOSURE
filed with
original)

62-103501-✓
NOT RECORDED
191 JAN 22 1957

In the original of a memorandum captioned and dated as above, the Congressional Record for Jan 14, 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.

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McC TO FIGHT BRENNAN'S HIGH COURT APPOINTMENT

WASHINGTON, Jan. 15.—Sen. Joseph R. McCarthy (R-Wis) said today he will oppose President Eisenhower's nomination of William Joseph Brennan to be a U.S. Supreme Court justice, because, he said, Brennan criticized Congressional witchhunt committees.

While he makes fine speeches against communism," McCarthy said, "he has been waging a guerrilla war against committees that pick up individual Communists by the scruff of the neck and expose them."

McCarthy said Brennan had used his former position as a New Jersey Supreme Court justice as a "sounding board" to label the work of Communist investigating committees as "witchhunts."

Brennan, a Democrat, has been serving on the U.S. court since last fall under a recess appointment by Eisenhower.

Brennan's appointment must be passed on by the Senate Judiciary Committee before it is sent to the full Senate for approval or rejection.

A demand has been made by Sen. Olin D. Johnston (D-SC), a Judiciary committee member, that Brennan's qualifications be studied.

Among other nominations sent to the Senate by the President yesterday was that of Brig. Gen. Ralph W. Zwicker, for promotion to the rank of major general. McCarthy once charged that the general was "not fit to wear the U.S. army uniform," when Zwicker refused to tell him who ordered an honorable discharge for former Army Maj. Irving Peress, an Army dentist that McCarthy had called a "Fifth Amendment Communist."

McCarthy said yesterday he would ask the Senate Armed Services Committee to find out from the Justice Department what action was taken on material submitted for what McCarthy called "a possible perjury indictment" against the general growing out of the Peress case.

[REDACTED]

b7c

file 99-6
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 New Leader _____

INDEXED - 84

162-103501 Date 1/16/52

NOT RECORDED

191 JAN 22 1957

66 830 E117

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: February 11, 1957

FROM : L. B. Nichols

SUBJECT: JUSTICE BRENNAN

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b7C [redacted] of the Deputy's office told me that Justice Brennan was going before the Judiciary Committee on February 18, for a hearing and that Rogers wanted to get everything together on Brennan. I told [redacted] that we had done a very fast investigation prior to Brennan's appointment and that I was certain everything we had had been sent to the Department. He stated he would check it.

b7C William J. Brennan Jr.

LBN:
(2)

RECORDED-127

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FEB 14 1957

64 FEB 20 1957

a file check & a very expedite & limited in quantity was made on Brennan & the memo relative thereto was personally delivered to the A. J. at his residence.

Mr. Tolson _____
 Mr. Nichols _____
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 Mr. Mohr _____
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 Mr. Trotter _____
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 Mr. Holloman _____

NDCA

(BRENNAN)

SEN. JOSEPH R. MCCARTHY (R-WIS.) SAID HE WANTS TO CROSS-EXAMINE SUPREME COURT JUSTICE WILLIAM J. BRENNAN JR. WHEN THE SENATE JUDICIARY COMMITTEE CONSIDERS THE NEW JERSEY DEMOCRAT'S NOMINATION TUESDAY.

BRENNAN, LIKE MCCARTHY, A CATHOLIC, ONCE SAID HARD WORDS ABOUT THE SENATOR AND THE TYPE OF CONGRESSIONAL INVESTIGATIONS OF COMMUNISM WHICH BECAME KNOWN AS "MCCARTHYISM."

BRENNAN NOW HOLDS HIS COURT SEAT UNDER A RECESS APPOINTMENT WHICH MUST BE CONFIRMED BY THE SENATE. HE WAS A MEMBER OF THE NEW JERSEY SUPREME COURT WHEN PRESIDENT EISENHOWER NAMED HIM TO THE NATION'S HIGHEST BENCH LAST SEPT. 21. HE WAS SWORN IN OCT. 16.

MCCARTHY IS NOT A MEMBER OF THE JUDICIARY COMMITTEE. HE TOLD A UP-REPORTER, HOWEVER, THAT HE WOULD ASK CHAIRMAN JAMES O. EASTLAND (D-MISS.) TO LET HIM QUESTION BRENNAN.

MCCARTHY SAID BRENNAN "HAS A REPUTATION OF MAKING FINE SPEECHES AGAINST COMMUNISM BUT CONDUCTING A BACK-FENCE SMILING CAMPAIGN AGAINST ANYONE WHO DARES EXPOSE COMMUNISTS. HE HAS CALLED THIS INVESTIGATIONS 'SALEM WITCH HUNTS.'"

IN MARCH, 1954, AT THE PEAK OF MCCARTHY'S POWER IN THE SENATE, BRENNAN TOLD THE CHARITABLE IRISH SOCIETY IN BOSTON: "THERE ARE SOME PRACTICES IN THE CONTEMPORARY AMERICAN SCENE WHICH ARE REMINISCENT OF SALEM WITCH HUNTS." HE DENOUNCED COMMUNISM BUT SAID AMERICA COULD BE PRESERVED "WITHOUT SACRIFICING ANY OF THE GUARANTEES OF JUSTICE AND FAIR PLAY AND SIMPLE HUMAN DIGNITY."

MCCARTHY SAID TODAY: "I'D LIKE TO KNOW WHAT BRENNAN HAS IN MIND. I'D LIKE HIM TO EXPLAIN HIS EXTREMELY HYPOCRITICAL ATTITUDE. HE SAYS HE IS AGAINST COMMUNISM BUT HAS USED THE NEW JERSEY SUPREME COURT AS A PRIVILEGED SANCTUARY FROM WHICH HE WAGED GUERRILLA WARFARE AGAINST THOSE WHO PICK UP COMMUNISTS BY THE SCRUFF OF THE NECK."

IN THE FALL OF 1954, WHEN THE SENATE WAS IN SPECIAL SESSION ON A MOTION TO CENSURE MCCARTHY, BRENNAN TOLD A MEETING OF NEW JERSEY LAWYERS AND ACCOUNTANTS THAT, REGARDLESS OF THE OUTCOME, HE FOUND OCCASION FOR "PURE JOY AND RELIEF THAT OUR COLLECTIVE CONSCIENCE HAS SICKENED OF EXCESSES AND IS DEMANDING ADOPTION OF PERMANENT AND LASTING REFORMS TO CURB ABUSES OF THE INVESTIGATIVE POWER."

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INDEXED - 34

INDEXED - 34

162-103501-7

NOT RECORDED

128 FEB 26 1957

OCT 1957

173

WILLIAM J. BRENNAN, JR.
NOMINEE AS ASSOCIATE JUSTICE
OF THE SUPREME COURT

No active investigation conducted by Bureau but at request of Attorney General discreet inquiry made by Newark Division September 1956, concerning Brennan. No derogatory information developed and Attorney General so advised.

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(BRENNAN)

A HEARING ON THE NOMINATION OF WILLIAM JOSEPH BRENNAN TO THE SUPREME COURT JUSTICE, ORIGINALLY SCHEDULED FOR TOMORROW, WAS CANCELLED TODAY.

CHAIRMAN JAMES O. EASTLAND (D-MISS.) OF THE SENATE JUDICIARY COMMITTEE SAID THE HEARING WAS POSTPONED UNTIL "LATER IN THE WEEK" TO SUIT "THE CONVENIENCE OF A WITNESS."

EASTLAND SAID THE POSTPONEMENT HAD "NOT A THING IN THE WORLD" TO DO WITH TODAY'S ACTION IN WHICH A JUDICIARY SUBCOMMITTEE OVERRODE THE OBJECTIONS OF SOUTHERN DEMOCRATS TO PUT A MARCH 3 DEADLINE ON CURRENT CIVIL RIGHTS HEARINGS.

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WASHINGTON CITY NEWS SERVICE

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Brennan Choice Waits on Later Senate Hearing

Associated Press

The Senate Judiciary Committee yesterday postponed for a few days today's scheduled public hearings on the nomination as Supreme Court Justice of William Brennan Jr. Chairman James O. Eastland (D-Miss) said the postponement was ordered to "accommodate a witness" whom he declined to identify. He said a new date for the hearing has not been set.

Sen. Joseph R. McCarthy (R-Wis) had announced he would oppose confirmation of Brennan, and might ask for an opportunity to testify at the hearing on the nomination. A reporter's efforts to reach McCarthy for further comment were unavailing.

Brennan, 50 years old, is the youngest Supreme Court Justice, serving now under a recess appointment from President Eisenhower. He formerly served on the New Jersey State Supreme bench.

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 N. Y. Times _____
 Daily Worker _____
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INDEXED - 34

138 FEB 26 1957

INDEXED - 34

EX-173

61 MAR 7 1957

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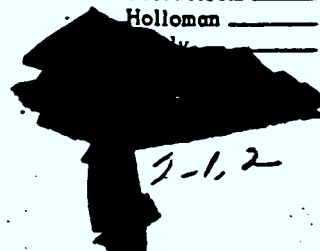
BRENNAN HEARS WITNESSES—William J. Brennan, Jr., nominated by President Eisenhower for the Supreme Court, listens to witnesses appearing on his appointment today before the Senate Judiciary Committee. (Story on Page A-8.)—AP Photo.

**WILLIAM JOSEPH BRENNAN, JR.
SUPREME COURT JUSTICE**

Brennan never investigated by Bureau but discreet inquiry by Newark Office as set forth their letter 9-25-56, reflected Brennan's reputation above reproach.

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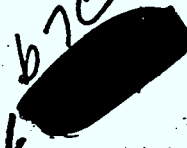
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52 MAR 5 1957

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Red Probe Power Vital Brennan Says at Quiz

William J. Brennan, Jr., said today at a Senate hearing on his nomination to the Supreme Court that the congressional investigating power is "vital," particularly in the field of communism.

Justice Brennan gave that response when asked by Senator McCarthy, Republican of Wisconsin, the only Senator known to be opposing his nomination, if he approved of congressional investigations and "exposure of the Communist conspiracy."

Justice Brennan, 50, a New Jersey Democrat, already is sitting on the Nation's highest judicial tribunal under a recess appointment from President Eisenhower.

He accepted an invitation to a Senate Judiciary Committee hearing on his nomination, and sat at the committee table three places away from Senator McCarthy, who is not a committee member. The small hearing room was crowded with spectators.

Smith and Case in Favor

The first witnesses were New Jersey's two Republican Senators, H. Alexander Smith and Clifford Case. Both highly praised Justice Brennan, a former New Jersey Supreme Court Justice.

Senator McCarthy, the next witness, read a brief statement saying he believed that Justice Brennan had "demonstrated an underlying hostility to congressional attempts to expose the Communist conspiracy."

"I can only conclude," he said, "that his decisions on the Supreme Court are likely to harm our efforts to fight communism."

However, Senator McCarthy

said he was appearing "merely to keep the record straight" and not because he held "any high hopes of being successful in opposition to the nomination."

"I greatly fear," he said, "that the left-wing Democrats and the so-called moderate Republicans will roll over and play dead and approve this nomination."

'Witch-hunt' Epithet Claimed

Senator McCarthy said he would vote against Justice Brennan's confirmation unless the jurist "is able to persuade me today that I am not in possession of the true facts with respect to his views."

Senator McCarthy said he had evidence that Justice Brennan, in public speeches, had referred to congressional investigations of communism as "Balem witch-hunts" and "inquisitions" and had accused congressional investigating committees of "barbarism."

The Senator said that in his opinion such views "reflect an utterly superficial understanding of the Communist threat to our liberties as well as an underlying contempt of the Congress of the United States."

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BRENNAN
 Supreme Court Justice William J. Brennan Jr. denied today he had referred to an investigation of communism by Sen. Joseph R. McCarthy (R-Wis.) as a Salem witch hunt. Under questioning by Sen. Mc

Carthy, Justice Brennan agreed with the Senator that "communism is a conspiracy against the U. S." Sen. McCarthy's questioning of the Justice, whose nomination is pending before the Senate, marked his return after a long absence to use of a congressional committee hearing as a forum for his fight against Reds or against those he considers soft toward communism. (AP)

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TOP CLIPPING

DATED 2-26-57

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130 MAR 4 1957

Wash. Post and Times Herald _____
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