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Chapter 7 CONGRESSIONAL HANDICAPS

Officials of FBIS discovered eventually that problems with CSC, OWI, the Bureau of the Budget, the War Department, and all other divisions of the Executive Branch of government were minor in comparison with those raised by Congress. FBIS was unique in that it was set up by Executive Order and started operating on funds provided by the President, but like other executive agencies, it could not operate for long without Congressional appropriations. Officials were convinced finally that no government service can operate adequately without the approval, understanding, and good will of individual members of Congress.

Overtime Pay Bill

The first serious blow dealt FBIS by Congress was without malice, and was acknowledged to be, theoretically, beneficial. In December 1942 Congress passed a law placing all government offices on a 48-hour week, with straight overtime to be paid over 40 hours. This amounted to a 20 percent pay raise for government employees, who admittedly were underpaid and in dire need of the raise. The difficulty was that no additional funds were provided to take care of this pay raise. The theory was that government

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employees worked 40 hours a week; therefore, if they were forced to work 48 hours, an office could continue to do the work it had been doing with 20 percent fewer employees and the same total in salary payments. In time Congress was convinced that its premises were faulty, and provided additional appropriations to cover half of the extra payments, but this relief did not come until the end of the fiscal year. FBIS, like many other offices, had to borrow from the President's fund to complete the fiscal year and repay the loan when Congress provided the funds. Also, when the overtime pay act was passed, half the fiscal year was already ended. Necessary adjustments to meet additional costs had to be made over a period of just six months.

The problem faced by FBIS was essentially the same as that faced by other government offices, but it was hit harder than some for various reasons. In trying to get its operations on an efficient basis it was in a period of massive expansion, and thought it had appropriations sufficient to meet these expansion costs. Suddenly its costs increased considerably. Another fact not taken into consideration by Congress was that many government employees already were working considerably more than 40 hours a week. This was true

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in FBIS, where most personnel were on a 44-hour week and many working considerably more than that. Goodwin Watson, explaining the predicament in a letter on 19 January 1943, said no one objected to a pay raise of 20 percent, but the Analysis Division already was working an average of 50 hours a week, so the only solution was to cut the staff.

Fortunately for FBIS, qualified personnel had been hard to find. The personnel quota envisioned in the original appropriation was 447, of which 130 were in the field and 317 in Washington, but many positions were unfilled. Still some cuts in actual staff had to be made, especially in the field. Leigh wrote Edward Rand in Puerto Rico on 3 April 1943 explaining the situation to him. Sixteen field employees had to be dropped. Since capabilities of Puerto Rico had been misjudged from the beginning, with its monitoring product of doubtful value in relation to that of the other stations, Puerto Rico would have to bear the brunt of the field reduction. Leigh wrote Rand again on 19 August 1943 in an attempt to placate him with the assurance that the necessary reduction in the Puerto Rico staff was not a reflection on his efforts or those of bureau personnel.

Eventually it was decided that no employees at all in Washington would need to be dismissed, but

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recruitment halted abruptly, even though the growing demand for monitored material made the need for expansion urgent. Many promising candidates, some already being processed, were notified that the vacancies for which they were being sought no longer existed. It was a depressing period for FBIS officials, as correspondence in the early months of 1943 clearly shows. Most of the top echelon began to consider leaving FBIS, and by the end of 1943 Graves, Grandin, and several top analysts had resigned.

Citations Against Employees

The House Un-American Activities Committee under the chairmanship of Martin Dies wasted little time in selecting certain FBIS employees as likely targets. Lloyd Free and Harold Graves considered it a major triumph when they induced Goodwin Watson of Columbia University to come to FBIS to head the Analysis Section, and were glad to publicize the appointment. Watson accepted in a letter to Free dated 22 October 1941, in which he said: "The urgency of the world crisis and the importance of the analysis of broadcasts have grown in my thinking to outweigh my doubts and reservations." Watson entered upon duty 17 November 1941, and on 18 November Martin Dies wrote Fly expressing "deep concern" over FBIS selection of a man "who has been a propagandist for communism and for the Soviet Union for many

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years," and had written "numerous articles in praise of the Soviet way of life." Dies named 13 organizations, all of which he called communist front groups, and said Watson belonged to all of them. Fly's reply assured Dies that he had been misinformed. Watson had been thoroughly investigated and in fact belonged to only one of the 13 organizations Dies named-- Consumers Union, a respected research organ. Fly further noted that of 200 published articles by Watson, only two or three showed any concern with the Soviet Union, which Watson had visited as a member of an educational study committee, and they were objective studies, not "propaganda praising the Soviet way of life." The publicity given Dies' charges and Fly's reply brought a mass of letters and telegrams denouncing Dies and praising Watson. Graves noted in a letter to Free in London on 27 November 1941 that Dies seemed to be getting a very bad press on the issue. For example, the Washington EVENING STAR gave Fly's reply good position on Page 2, while Dies' charges appeared on Page 8.

A bad press did not deter the Dies Committee. Names of two other FBIS employees were added, along with names of several Interior Department employees, and a rider was attached to an appropriation bill denying the use of any appropriated funds to pay salaries

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of these men. The other two FBIS men were Frederick Schumann, another analyst, and William E. Dodd, Jr., son of a former Ambassador to Germany, who had been hired as an editor in December 1941. The House passed the bill with the rider, but the Senate Appropriations Committee deleted the rider. Watson was called to testify before the Senate committee on 4 February 1942. Writing about his experience on 10 February, he noted that none of the senators charged that he was a communist or a fellow traveler, but there was "considerable hostility" because some of his writings had reflected "socialistic views." "If a person holding socialistic views was to be ruled unfit for federal employment," Watson remarked, "this must be considered a 'new standard'."

All three men continued to work for FBIS. Watson was reclassified at a higher grade and was sent to London to help set up analysis work there. In November 1942 it was decided to transfer Dodd to London, but an application for a passport brought a rejection. Leigh's query to the Passport Division failed to produce a satisfactory explanation.

Dies bided his time during 1942, but when the new Congress met in 1943 the subject was reopened. In a House speech on 1 February 1943 he listed 39 "communists" he said were in government departments, and at the head

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of the list were Dodd, Watson, and Schumann. A rider immediately was attached to a House Post Office and Treasury appropriations bill denying payment of salary to any employee on the list. The press reacted at once -- unfavorably. It was pointed out that only one employee on the list, William Pickens, worked for either the Post Office or the Treasury. Pickens was a Negro, in charge of the war bond drive among Negroes, and had earlier been exonerated in an attack by the Dies Committee. The outcry was so great that many Congressmen questioned the wisdom of the Dies rider. Much was said about the right of the men charged to have "their day in court." As a result, a special subcommittee under the chairmanship of Congressman Kerr was named by the Un-American Activities Committee to investigate the 39 employees and take testimony from them.

The Kerr subcommittee started hearings on 2 April 1943 and made its report on 21 April. It called all three FBIS employees to testify -- in executive session. The subcommittee adopted its own very general and obscure definition of subversion and was later accused of having its final report prepared before the men were called to testify. Most of the 39 names were dropped, but three were found guilty of "subversive activity" and pronounced "unfit" to be employed by

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the U.S. Government. The three were Dodd, Watson, and an Interior Department official named Lovett. It was made clear that the employing agencies should fire these three men at once, which FCC and the Interior Department refused to do.* The Kerr hearings and report got much publicity, and the critical public response encouraged FBIS and FCC officials to remain defiant. In May 1943 alone the files show 81 letters written or signed by Fly in answer to letters protesting the Kerr subcommittee action and urging FCC to remain firm.

Angered by the defiance of executives, the House approved by a large majority a rider forbidding payment of salaries from federal funds to the three men. The Senate rejected the rider, but House members on the conference committee were adamant and kept it in. Four times the Senate voted against the rider, but finally bowed to House insistence and approved it 48 to 32. As the attachment was on a very urgent appropriation bill, the President signed the bill, at the same time denouncing the rider and declaring it

* For more complete discussion of the Dies and Kerr hearings and demands, see article by Robert E. Sushman of Cornell, "The Purge of Federal Employees Accused of Disloyalty," PUBLIC ADMINISTRATION REVIEW, Volume III, Number 4, autumn 1943. Also article by Robert D. Leigh, "Politicians versus Bureaucrats," HARPER'S MAGAZINE for January 1945.

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unconstitutional.*

The Dies Committee victims were not the only FBIS employees charged by certain Congressmen with being subversives. Peter Rhodes, Audrey Menefee, and Hans Speier were subjected to attack in the House. FBIS was somewhat concerned over statements critical of Mrs. Menefee, for her husband, a writer for the Washington POST, had been dropped from COI following charges that he was a member of communist front organizations. Later he was exonerated, but did not return to government employment. FBIS officials obtained the FBI file on Mrs. Menefee. Graves gave it a careful study and reported on 31 May 1943 that one informant accused Mrs. Menefee of engaging in a Seattle contest for subscriptions to the DAILY WORKER, a charge which she was able to disprove. Fly reported in a letter to J. Edgar Hoover on 28 April 1942 that the investigative record showed one informant calling the New York school where analyst Hans Speier taught a "refuge for exiled European communists." This was countered by the report of another informant that the

* The action eventually was ruled unconstitutional, but long after Dodd and Watson had left FBIS. The effective date of the cutoff was 21 November 1943. Both men worked a few days after that to establish a court case and then resigned. Schumann already had resigned and returned to his teaching post at Williams College. The Berlin and Vichy radios made propaganda of the affair, pretending to accept the Dies charges as accurate and lambasting Roosevelt and Henry Wallace as supporters of communism. FBIS distributed the broadcasts, sending special copies to the White House. FBIS Records, National Archives.

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school was "a nest of pro-Nazi activities." Leigh himself wrote a memorandum for FCC on 12 August 1943 replying at length to a charge by an "unnamed source" that he had belonged to subversive organizations.

In January 1943 CSC reported to FBIS that unfavorable reports had appeared regarding Helen and Lois Nanbara, Japanese monitors at Portland. It was recommended that they be dropped. As the sisters had worked faithfully for FBIS for two years and Japanese monitors were hard to find, their case was appealed. They continued to work until the end of the war.

On 8 April 1943 an OWI employee in San Francisco sent Leigh a clipping from the Chicago newspaper PM quoting charges that Spencer Williams was guilty of "anti-Soviet bias," along with an OWI defense of Williams as an objective and loyal worker. Leigh replied on 17 April expressing appreciation for the letter and displaying considerable grim amusement at the charge.*

* Leigh said he considered Williams a first-rate newsman who would not allow his personal prejudice to interfere with his work, adding that it was a little refreshing to hear such charges, in view of the current difficulty caused by Dies Committee action against "communists" in FBIS. FBIS Records, National Archives.

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Cox Committee Investigation

The most serious and difficult confrontation FBIS had with Congress paralleled efforts of the Dies Committee to force FBIS employees off the payroll, and no doubt the two developments were somewhat inter-related. About the time the war started a Georgia Congressman named Eugene Cox, previously an enthusiastic supporter of FCC, ran afoul of the law in connection with representation before FCC of an Atlanta radio station applying for a license. Instead of ignoring the doubtful legal position of the Congressman, FCC under Fly's direction turned the case over to the Justice Department and made clear that it would urge prosecution. In retaliation, Cox prepared a bill calling for a Congressional investigation of activities of FCC. For about a year he held the proposed investigation as a threat, but at the start of 1943, when it became clear that Fly would not back down, Cox angrily demanded that Congress approve the investigation. The House obliged, and named Cox chairman of a special investigating committee, with a majority of its membership from the Republican-Southern Conservative coalition of the House. Cox immediately named as special investigator a New York lawyer named Eugene Garey, described by press and

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radio commentators as an uncompromising and sometimes unethical investigator.

FCC immediately offered to cooperate with the committee by allowing access to its files, but it soon was obvious that the investigators did not want cooperation. With no warning, the committee requisitioned FBIS files and sent a truck early in the morning to get them. As Dr. Leigh reports, the truck took away three-fourths of FBIS personnel files, for which there were no duplicates, and held them for more than a year.* There were no known charges against FBIS, but as part of FCC it was suspect in the eyes of Cox Committee investigators. Using the requisitioned files to ferret out leads, the investigators then began calling up employees to testify.** Ten FBIS employees were subpoenaed at 8:00 a.m. after working all night, and subjected to hours of grilling.

After months of such operations the committee

* Robert D. Leigh article, "Politicians versus Bureaucrats," HARPERS MAGAZINE, January 1945. Leigh explains that the investigators wanted the files for a "fishing expedition." They were seeking clues to any irregularities, or, barring that, facts which could be twisted to serve as the basis for charges.

** This second phase of the investigation Leigh refers to as the "Star Chamber testimony." There was no limit on the questions asked the employees, with timid ones being threatened and disgruntled ones utilized to the fullest. Their statements were all recorded, and often taken out of context in hearings.

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investigators were able to gather sufficient material to levy a few specific charges against FCC, and to build a much greater array of indirect accusation and innuendo. As for FBIS, only one actual irregularity was found. In one shift of night clerical workers it was discovered that a woman who was ill and had no accumulated sick leave was allowed to draw her pay with no record of absence. Others on the shift alternated in working for her on their own days off and marked her present each night. The supervisor had approved the procedure. As soon as this irregularity was discovered, FBIS allowed the supervisor to resign and made necessary corrections, but not before the Cox Committee publicized the case.* The investigators found it possible to make public various other spurious accusations against FBIS. It was accused of "masquerading" as a war agency; of using "intelligence" in its name to misrepresent its operations; of being no more than a "glorified news gathering agency" serving the press and radio; of

* Testimony of Chester Teitgen, the supervisor, runs to 21 pages, dated 11 September 1943. Leigh, Shepherd, and Horace W. Schmahl queried Teitgen and made a complete record. Other affidavits include one by Edith Anderman taken 10 September 1943 and one by Lulu Martin Adderley taken 9 September. Job 49-24, CIA Records Center.

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being of no value to war activities; of being illegally established; of duplicating the work of OWI; of operating overseas illegally; of spending money for unauthorized purposes; of operating illegally at a deficit; of fraudulently obtaining supplemental appropriations; of monopolizing scarce manpower for useless operations and obtaining unwarranted deferments; of employing 15 to 20 subversive and dangerous persons; of illegally charging other government agencies for its services; of hiring inexperienced and poorly informed analysts; and of forcing its "useless and unwanted publications" on other offices.

As all of these accusations were duly publicized, FBIS officials asked permission to testify, to answer the charges, but were continually put off. By accident FCC got hold of a paper giving instructions to the committee staff. This showed clearly that the investigators were after headlines, not facts. A strategy meeting was called and FCC decided to play the same game, competing for headlines. This strategy succeeded. The Press began to expose the investigating committee, especially Chief Investigator Garey. The Washington POST ran a series of 16 editorials critical of the

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aims and methods of the committee. Public reaction was so strong that one FCC member who usually opposed Fly's views and was sympathetic toward Cox, agreed to petition the Speaker of the House to dismiss Cox as chairman of the investigating committee. Cox resigned, after an emotional speech and the plaudits of many Congressmen. Congressman Lea of California was named to head the committee. He fired Garey and promised FCC a fair hearing and an opportunity to testify in open meetings.

Officials of FBIS, along with heads of other FCC departments, spent a great deal of 1943 preparing rebuttals to Cox Committee accusations. The complete FBIS testimony was ready in November, but it was many months before officials were given a chance to present it. The work of preparing statements for the hearings was divided among the staff, and of course handicapped considerably the regular work of FBIS. The actual testimony was given in May 1944. Leigh made a lengthy statement covering much of the work of FBIS and giving replies to publicized accusations. Stewart Hensley described work of the Wire Service, Ellis G. Porter the Publications Section, and Harold Graves, who

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had left FBIS by then and was a Naval officer, described work of the Analysis Division. Each one was questioned at length by committee members and the Chief Investigator.* The Lea Committee submitted its final report on 2 January 1945. It cleared FBIS of any charges of wrongdoing and stated clearly that it had proved it was rendering an efficient and worthwhile service. Two members of the Committee, Congressmen Miller and Wigglesworth, filed a dissenting minority report expressing "grave doubt" as to the value of FBIS materials.**

FBIS officials got a lesson in the necessity of obtaining the good will of Congressmen. Limited FBIS reproduction facilities made it impracticable to send Daily Reports, for example, to all members

* The Report of the Committee, "Hearings of the Special House Committee Investigating the FCC," GPO 1944, is in three volumes numbering more than 4,000 pages. Testimony of FBIS officials starts in Volume III, Page 3439, and fills most of the remaining pages of the volume.

** ON THE BEAM of 3 February 1945 quotes the following passage from the majority report: "Obviously the United States could not conduct an intelligent program for counteracting enemy propaganda without a reasonably accurate knowledge of that propaganda. Monitoring of foreign broadcasts is the only way in which such knowledge can be obtained fully and promptly, and it was perfectly logical and natural that FCC was selected to do this job." FBIS Records, National Archives.

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of the House and Senate. This was early recognized, and a solution sought. The practice had been adopted of sending copies to the Speaker of the House and the Vice President, and five copies each to the Chairman of the Foreign Relations Committee of the Senate and Chairman of the Foreign Affairs Committee of the House. From time to time a Congressman wrote asking FBIS for copies of its publications. The practice was to refer the petitioner to his Committee Chairman. He was told that if he could not obtain a copy in this way, then FBIS would reconsider its refusal. No doubt some resented these refusals, and Garey attempted to play upon this resentment, charging that FBIS officials did not want Congressmen to see the books.

Fly complained in a letter to the Washington EVENING STAR on 31 December 1943 that a STAR writer, Helen Lombard, had tried to "smear" FBIS by saying that apparently FBIS officials thought their product "unfit for the innocent ears of Congress."

A series of letters between Leigh and Congressman George Dondero from November 1943 to January 1944 illustrates the attitude of some Congressmen. When told to consult the Chairman of the Foreign Affairs Committee, Dondero indignantly refused and demanded that copies be sent to him at once, pointing out that

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no "military secrets" were involved, so there was no reason why he could not get his own books without argument. He was placed on the Daily Report distribution list, and in two months wrote asking that the books be stopped, as they did not "give me what I want, which is the undeleted, undiluted, and unexpurgated copy of the broadcasts as you receive them from abroad." Leigh patiently explained that it would be impracticable to send him actual transcripts of broadcasts, and denied that editing for publication involved any censorship, dilution, or deletion. On 18 October 1943 Leigh suggested to Fly the possibility of changing the method of distributing publications to Congressmen, but after considering the various angles, Fly advised no change. After 1943, however, it was standard procedure to send books immediately to Congressmen who directly requested them.

Charles Hyneman faced another problem on 7 March 1945. It had become the practice to send immediately to Congressmen copies of broadcasts mentioning their names. Hyneman asked Fly if he thought this practice should be followed when the broadcast statement "would be distasteful" to the individual Congressman. Apparently the new FBIS Director had been impressed with the importance of pleasing Congressmen.

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Punishment for FCC Defiance

While the fight with the Cox Committee was still under way, and long before FBIS officials had a chance to testify -- while the House-Senate conference still was arguing the Dodd-Watson-Lovett rider -- the FBIS appropriation for fiscal 1944-45 came before the House. Following the Overtime Pay Bill setback, FBIS had been able to obtain a moderately satisfactory appropriation for 1943-44 and had started once again to build an organization capable of meeting the demands for expanded monitoring. The table of organization provided for slightly more than 500 employees, a modest increase of about 15 percent. Of course vacancies accounted for part of that 500; the working staff was not that large.

The House Appropriations Committee, apparently with little internal dissent, recommended a cut of 25 percent for each department of FCC, including FBIS. In preparing his 1944-45 budget estimates, Leigh had taken what he considered to be a realistic approach and requested practically no increase. Bureau of the Budget approval was quick. Difficulty in the House Appropriations Committee had been expected, so its recommendation was only a slight shock. Leigh fully expected to get relief from the Senate.

It soon became apparent that the Senate Appropriations

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Committee, under the chairmanship of Senator McKellar, could not be depended upon automatically to restore the cut. McKellar demanded proof that the FBIS product was of sufficient importance to merit the funds requested, and suggested to Leigh that he get testimony from important users. Leigh argued that it was more appropriate for the Committee to seek information from FBIS subscribers; their statements would carry more weight if they were not solicited by FBIS. McKellar dismissed this idea with the statement that his committee had no facilities or staff for such an investigation, and it was up to FBIS. Leigh had no choice. He wrote many important users, informed them that the FBIS appropriation was in the balance, and asked their support.* The response was quite satisfactory. Some users replied to Leigh, but others followed his suggestion and wrote directly to the Senate Appropriations Committee. Elmer Davis wrote the Committee on 27 January 1944 explaining that OWI depended heavily upon FBIS, that the appropriations cut proposed by the House would "seriously

* In a letter to recipients of the A Wire dated 18 February 1944 Leigh said: "Because of our close connection day-to-day with our wire users, we have never made any written inquiry as to the importance or the kind of use you make of our service. On the other hand, the only valid proof of our usefulness as a service agency is evidence of the value which our users find in our product." FBIS Records, National Archives.

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impair the efficiency of some of our operations," and would very likely force OWI to engage in monitoring operations at much greater cost to the government.

The Senate committee gave full hearings to the FBIS appeal, spending a day and a half taking testimony from FBIS officials. Leigh reported that there seemed to be little opposition to a full restoration of FBIS funds.* Therefore it was a considerable shock, ten days later, when the Senate Appropriations Committee recommended a cut of \$500,000 in the FBIS appropriation, only slightly less than the House had approved. Of course both houses approved the committee recommendation, and FBIS was forced into a drastic retrenchment program for the second time.

Leigh was understandably bitter, and there is slight wonder that he resigned within two months after completing the FBIS case before the Lea Committee. Explaining the budget cut in ON THE BEAM for 1 April 1944, Leigh declared that he could not give his own analysis of the reason for the cut "without overstepping the bounds of discussion proper" to such a house organ. Writing on 19 April 1944 to explain a reduction in publications,

* Leigh article in HARPERS MAGAZINE for January 1945, "Politicians vs Bureaucrats."

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Leigh stated that he could write a seven-page letter on the matter, but it would be "within the realm of political discussion" rather than administrative correspondence. Answering a request from Senator Burton Wheeler for an FBIS analytical publication, Leigh wrote on 4 May 1944 that it was "most unfortunate" that the request should come just as the publication was being discontinued because of Congressional action. He noted that Wheeler had tried to prevent the cut.

Leigh and Fly pointed out several times that neither the House nor Senate Committees had given any reason for the FBIS cut, except that House records made vague reference to unsupported and inaccurate charges of Cox Committee investigators. In his HARPERS article written soon after he left FBIS, Leigh noted that the real reason for the FBIS cut was never given in any Congressional statement, and when Fly attempted to cite the reason before the Senate Appropriations Committee he immediately was ruled out of order. Actually, it was a punitive cut, made to punish Fly and FCC for defiance of Congress and for Fly's effrontery in asking the Department of Justice to prosecute Eugene Cox, a member of Congress. FBIS was punished simply because it was

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part of FCC and was supported by Fly. The intrinsic value of FBIS and its work, or the lack of it, had absolutely nothing to do with the matter.*

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- * Leigh quotes one member of Congress, speaking privately: "Surely it was a punitive cut. Larry Fly has been defiant of Congress for a long time. He has been openly defiant. Now his chickens have come home to roost." Leigh agreed that it was a punitive cut, but added reflectively that it was not exactly clear as to who was punished -- perhaps the war agencies depending upon FBIS, but not FCC. Leigh reflected further on the merits of the case: "If the essence of politics is compromise, were we not playing an impossible role in adhering resolutely to fair play and principle? What is the proper relationship of bureaucrats to politicians, of administrators to the legislature?" Article, "Politicians vs Bureaucrats," HARPERS MAGAZINE for January 1945.

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