

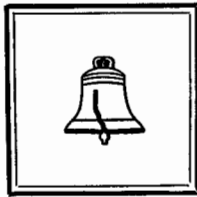


THE MAN

BEHIND THE MEN

BEHIND THE PRESIDENT





Copyright, June 1936

Price of this Pamphlet	
Single copy	\$.25
5 copies	1.00
100 copies	15.00

(Special price on larger quantities)

American Vigilant Intelligence Federation, Inc.

Order From
DEFENDER PUBLISHERS
Wichita, Kansas

PREFACE

"EUROPE has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. . . Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities."

Thus spoke the sage GEORGE WASHINGTON, Father of His Country, in his *Farewell Address to the People of the United States*, in which he declined being considered as a candidate for the Presidency, in September, 1796. (Vol. 5, Page 704 of the original edition of "*The Life of George Washington*" by John Marshall, published by C. P. Wayne, Philadelphia, 1807.)

In setting this chart for the future guidance of the *American Ship of State*, George Washington, deep student of politics and state craft, was mindful of the policies and artifices of the crafty Florentine politician *Niccolo Machiavelli* (1469-1527), counsellor of mediaeval Italian tyrants, whose book *Il Principe* ("*The Prince*") clarifies the program whereby European statecraft has always operated. In Machiavelli's scheme of things, the Prince was the State. *Louis XIV* (1638-1715) later expressed it succinctly: "*L'etat. . . c'est moi*" ("*The State. . . it is I*"). It was to avoid this revolting conception of the all-powerful ruler with subjects "Just so many cattle to stock a range," and with governments maintaining "peace" by coalitions and alliances to maintain the "balance of power," that Washington advised against "entangling alliances."

The new order set up in America by George Washington and his patriotic confreres thru the CONSTITUTION, brought new hope to the world. It was the first time in the history of the world that the rights and obligations of the individual were clearly stipulated and guaranteed in a written constitution, with a system of checks and balances that divided the responsibilities of government between the legislative, executive and judicial functions.

It was a crushing blow to the Machiavellian system of unscrupulous

political trickery, and built up the thirteen puny, impoverished colonies on the eastern fringe of the American continent, in less than a century to the richest and most puissant nation of freemen on the face of the globe. Naturally, the American Constitutional system, with its executive functions harnessed and working in conjunction with the legislative and judicial, has been an object of jealous attack by the followers of the Machiavellian school of political philosophy. To employ an epithet borrowed from the underworld by no less a distinguished personage than *Franklin Delano Roosevelt*, these "chiselers and Tories" strain at no measure to undo the grand work of *Washington and the Founding Fathers of the American Revolution*, to bring about by the deceitful pretexts of "peace" and "social security," a *Counter-Revolution in the United States* in the interest of the destruction of *American individualism* and the substitution therefore of regimented serfs under the caprice of a dictator.

It is ironic to note that this does not come as a spontaneous, nativistic American movement, but is inspired for the larger part by alien-born marplots who upon acquiring American citizenship demand all of the privileges thereof while assuming none of the responsibilities. Born into foreign systems, from whose regimentation they have never escaped, they audaciously seek to dictate to the native-born a course of political and economic conduct that would wipe out the last vestiges of the *blood-bought liberties and property-rights* for which their fathers, grandfathers and remoter sires fought in battling foreign tyrants and the forces of nature. *Does it make sense?*

In speaking of these foreign-born, who instead of accepting the obligation to defend the nation that has given them refuge, seek to destroy its ancient landmarks and institutions, the mind naturally reverts to *Stephen S. Wise*, *Daniel W. MacCormack* (commissioner of immigration and naturalization), and *Felix Frankfurter*, as typical of the aforesaid "counter-Revolutionists."

Before proceeding to an analysis of the career of the latter, let us observe how thoroly Frankfurter is indoctrinated in the Machiavellian concept of "The Prince" as opposed to the wise understanding of Washington, above quoted.

In the Spring, 1933 issue of "*The Yale Review*," Felix Frankfurter wrote an article on "*Social Issues Before the Supreme Court*." We quote from page 486:

"But because, inextricably, the Supreme Court is also an organ of statesmanship and the most powerful organ, it must have a seasoned understanding of affairs, the imagination to see the organic relations of society, above all the humility not to set up its own judgment against the conscientious efforts of those whose primary duty it is to govern.

"So wise and temperate a scholar as the late *Ernst Freund* expressed this judgment after a lifetime's study of our government: 'It is unlikely that a legislature will otherwise than thru inadvertence violate the most obvious and cardinal dictates of justice; gross miscarriages of justice are probably less frequent in legislation than they are in the judicial determination of controversies.' And the Supreme Court itself has told us that 'it must be remembered that legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts.'"

Ernst Freund, when he made the intemperate comparison between legislatures and courts, quoted by Frankfurter above, could not have anticipated the action of the 74th Congress in passing legislation favoring the N.R.A., the A.A.A. and other New Deal alphabetical set-ups, afterwards declared un-Constitutional by the U.S. Supreme Court; nor could he have prescience of the demand of Franklin D. Roosevelt that Congress pass such administration bills, even tho doubt existed in advance, that they might prove un-Constitutional. An any event, Felix Frankfurter's predilection for Freund, a foreign commentator, is of doubtful value to an aspirant to the Supreme Court bench.

Edwin C. Hill, publicist, recently expatiated upon Frankfurter's foreign mental background thus: "At the time of the Yale-Harvard boat-race last year, one of the news weeklies published an item about Prof. Felix Frankfurter going to the race as guest of the President. It quoted the professor as saying that the two books which had influenced him most in his reading were *Karl Marx's "Das Kapital"* and *Darwin's "Origin of Species."**** I do not say that Professor Frankfurter teaches Marxism at Harvard, but I do say that the school children of our cities and universities are being taught anti-capitalism by teachers whose roots are not far from alien lands and whose text-books come directly from abroad. *** The problems which the Russians, Italians, Germans and Spaniards are trying to solve today, were solved for us 150 years ago by Washington, Jefferson, Madison Franklin and the rest."

FELIX FRANKFURTER

*"The Man Behind the Men Behind the President
of the United States."*

*"To Frankfurter, by the way, will go the first vacancy
on the United States Supreme Court, provided that
this vacancy occurs as the result of the resignation of
Justice Brandeis."*

From "Strictly Confidential",
by Phineas J. Biron in
"The Sentinel",
March 26, 1936

*"FELIX FRANKFURTER is the most influential
single individual in the United States."*

General Hugh S. Johnson,
Former Head of the N.R.A.

Felix Frankfurter

"The Man Behind the Men Behind the President of the United States."

"BRAINY — and plus that — nervy. That is a two-word picture of *Felix Frankfurter*, Byrne Professor of Administrative Law at Harvard Law School, *the man behind the men behind the President of the United States.*"

This is the opening paragraph of a thumb-nail sketch in the March 1934, number of the "American Magazine," which goes on to say:

"It is said in Washington that you can't go around a corner without running smack into Frankfurter-taught bright young men. They are the former pupils of the square-jawed, quick-as-a-trigger Doctor of Laws.

"He has been for a long time on very close terms with President Roosevelt. Backed him during his governorship and worked with him during his Presidential campaign. A noted liberal in domestic affairs and referred to as 'slightly left-wing' in the legal school of thought.

"Some time ago he threw himself full-length into the fight for *Sacco and Vanzetti*. Before that, but with equal fiery interest, he helped the cause of *Mooney and Billings*, in California. He has a prodigious memory and a vitality of intellect that amazes his friends.

"At present he is the George Eastman visiting professor at Oxford, England — but it is whispered in high places that his brain is still working for his friend in the White House."

* * * * *

Both "*Who's Who in America*" and "*Who's Who in American Jewry*" list him, a composite biography reading thus:

Frankfurter, Felix, professor of law; born Vienna, Austria, Nov. 15, 1882; son of Leopold and Emma (Winter) Frankfurter; brought to U.S., 1894; A.B. College of the City of New York, 1902; LL.B.

Harvard, 1906; married Marion A. Denman of Longmeadow, Mass., Dec. 20, 1919. Admitted to Bar, 1905; Asst. U.S. Atty., Southern Dist. of N.Y., 1906-10; with firm of Winthrop & Stimson, N.Y. City, 1909-10; special asst. to Atty. Gen. 1910-11; law officer Bureau of Insular Affairs, 1911-14; prof. law, Harvard Law School; maj. and judge advocate, O.R.C.U.S.A.; asst. to Sec. of War, sec. and counsel to the President's Mediation Commn.; asst. to Sec. of Labor; chmn. War Labors Policy Board, June 1918. During *Brandeis-Mack* leadership of *American Zionist Organization*, active in its councils and in representing *Zionist cause before the Peace Conference at Paris*, 1919. *Author*: Cases Under the Interstate Commerce Act, 1914 and 1922; with *Roscoe Pound*, editor of "Cleveland Survey of Criminal Justice," 1922; *The Case of Sacco and Vanzetti*, 1927; *The Business of the Supreme Court* (with James M. Landis), 1928; *The Labor Injunction* (with Nathan Greene), 1930; *Cases on Federal Jurisdiction* (with Wilber G. Katz), 1931; *Cases on Administrative Law* (with J. Forrester Davison), 1931; "*Mr. Justice Brandeis*," 1932. George Eastman visiting professor, Oxford University, 1933-34. *Home*: Cambridge, Mass.

We have thought best to present the career of *Felix Frankfurter* as it appears in its public biographical aspect, based upon data furnished by himself to the respective publishers. But to really understand his personality and the political and economic activities that he motivates, we must read between the lines, and find the key in his writings and his comradeships and personal associations.

In passing, let us note that his antecedents and cultural background have been almost wholly international and European. His patronym suggests that his immediate ancestry came from the *Judengasse in Frankfurt-am-Main*, the Ghetto which produced *Amschel Mayer*, who founded the banking house of *Rothschild*, and the late *Jacob Schiff*, of the banking firm of *Kuhn, Loeb & Company*, who is reputed to have financed the *Bolshevik Revolution of Lenin and Trotzky*.

Coming as an immigrant boy to New York at the age of 12, he received his education in the New York schools and finished off in the advanced high school of that city, the College of the City of New York. He completed his legal education at Harvard, during the period when it was dominated by the altruistic-minded Dr. Eliot. One of his earliest legal connections was with the firm of Winthrop & Stimson of New York City, the junior member of which was none other than *Henry Lewis Stimson*, who as Secretary of State in President Hoover's cabinet, committed the United States to many disastrous foreign policies, contrary to the Republican party policy as outlined in its platform.

Let us ponder this connection, as it is only by checking on such alliances

that straddle party lines, that the spoor of the disastrous foreign policies may be traced. Stimson, student of Harvard Law School in 1889 and 1890, is appointed to the post of U.S. Attorney for Southern District of New York, by President Theodore Roosevelt in 1906. He chooses as his assistant attorney, *Felix Frankfurter*, who remains with his chief to the duration of his term in 1909. Then President Taft makes Stimson, defeated candidate for Governor of New York State, Secretary of War (May 1911-March 5, 1913). *Frankfurter* follows him into the War Department, being appointed by Stimson to the post of law officer in the Bureau of Insular affairs in 1911, and retaining this post until 1914, in the Wilson administration. This left him "sitting pretty" at the outbreak of the World War, a key-man at a crucial time in world and national affairs.

Newton Baker, President Wilson's pacifistic Secretary of War, whom the D.A.R. officially censured for his disloyal remarks in praise of the Mexican bandit, Pancho Villa, brought *Frankfurter* back to Washington as his assistant; he was secretary and counsel to the President's Mediation Commission. Later, he was made assistant to the Secretary of Labor, and chairman of the War Labors Policy Board, positions of great responsibility and importance in handling details of our war program, during a period when the international trades and swaps were being made, preliminary to the scuttling of the Hohenzollern-Hapsburg ship of state.

In "*Fortune*" Magazine for January, 1936, is a fulsome eulogy of *Prof. Frankfurter*, from which we shall have occasion to quote further on. Probably because it is a smooth "build-up" for the Harvard professor, it was read into the *Congressional Record* of January 30, 1936 at request of "left-wing" Senator Robert M. La Follette, Jr. of Wisconsin. From this article we glean something of Felix's war-time associates. It says that he was an occupant of the "House of Truth" on Nineteenth Street, Washington, where he shared quarters with "*Robert G. Valentine*, who had been Indian Commissioner under Taft; *Loring C. Christie*, later legal adviser to the Canadian Prime Minister; and *Lord Eustace Percy* of the British Embassy, (later) a member of the Baldwin Cabinet."

The period immediately after the Armistice, found him definitely acting the role of internationalist, representing the *Zionist* organization before the Peace Conference in Paris, 1919 urging the establishment of a home land for the Jews in Palestine, and "minority representation" in all governments signatory to the Versailles treaty.

The reader well may ask, how a man of foreign birth and cultural background, advocating the principle of "extra-territoriality," and committed to the policy of building up an autonomous homeland for his own race, may be an unprejudiced champion of American national policies. The answer is plain — *he just isn't.*

Elbowing, strong-arming, chiseling (to use a term classified by recent

executive usage) his way into the inner circles of government, never by election by citizen suffrages, but always by appointment, through some political barter, *Frankfurter* is a symbol of what we should *avoid* in choosing our American mouthpieces.

Audacious characters of the *Frankfurter* pattern have no regard for ethics. They "dare and dare and dare" ("Toujours de l'audace" as *Murat* phrased it). For a time they "get away with it," their dazed opponents mistaking their "crust" for courage; but eventually they overreach themselves by their own conceit. They seem oblivious of the fact that thinking people will measure them by the homely old adages: "Actions speak more loudly than words" and "A man is judged by the company he keeps."

It is very illuminating to note that Felix Frankfurter occasionally uses an alias. Haldeman Julius in his full-page blue booklets ad-sheet says:

"W. P. Norwin is a pen-name of a prominent Harvard professor writing on Sacco-Vanzetti."

The Industrial Defense Asso., Inc., 7 Water Sta., Boston, Mass., in a Bulletin issued in November, 1926, lists a few of the subversive activities with which Felix Frankfurter is associated.

Member of the Advisory Committee of the socialist Workers Educational Bureau of America;

Counsel for the Mooney whitewashing commission and one of the self-styled National Popular Government League gotten up in the interests of Louis F. Post and the Communist-anarchist crowd, who are trying to overthrow our government;

Member of the National Committee of the *American Civil Liberties Union*;

Member of Citizen's Committee under whose auspices a free speech meeting was held;

Member of National Popular Government League;

Member of the General Administrative Council of the American Association for Labor Legislation—1925;

Member of National Committee of *Foreign Policy Association*.

Shown up in Blanton's article in Congressional Record of Jan. 4th, 1926;

Endorsed the American Committee for Relief of Russian Children;

Denounced by ex-President Theodore Roosevelt for his I. W. W. Report;

Is one of the *Labor Education Bureau* crowd under James H. Maurer;

The "Boston Post" of Feb. 11th, 1926, speaks of Frankfurter,

Lawrence G. Brooks "and others prominent in the Free Speech League," as if Brooks and Frankfurter, and possibly Roger Baldwin were in this League.

To this arraignment might be added some other items, viz:

Felix Frankfurter was a member of the International Committee for Political Prisoners; member of the National Advisory Committee of the Sacco-Vanzetti Defense Committee; member of Committee on *Cultural Relations with Latin America*; speaker for the Communist Passaic, N. J. strikers; defended *Sacco and Vanzetti* in an article in "Atlantic Monthly," March 1927, reprinted as a book by Little, Brown and Company (which we will analyze in its respective place); opposed to all labor injunctions.

In reference to the last item, it is interesting to note that the American Civil Liberties Union has found the distribution of the book "*The Labor Injunction*" by Prof. Felix Frankfurter and Nathan Greene, a rich source of revenue, propagandizing and being paid for it. It is published by the Macmillan Company, and is intended as a handbook for those who desire to use our legal machinery to the evasion of legal penalties.

The book was reviewed in the "New York Times" book review of Feb. 2, 1930:

"It was in May, 1895, that the Supreme Court of the United States passed for the first time on the scope and validity of an injunction in a labor controversy. And so was started one of the most hotly contested conflicts in the history of American labor, that has influenced politics as well as labor and has evolved a complicated legal development whose story is told in this sturdy volume by Felix Frankfurter, Professor of Administrative Law in Harvard University, and Nathan Greene of the New York bar. They deal with it comprehensively, beginning with the earliest appearance of labor organizations in law, and tracing the gradual outlining in legal procedure of the allowable area of economic conflict, noting the origin of the injunction and its application to labor disputes. But the chief purpose of the authors is to show the labor injunction in action, the proofs that must underlie it, *the procedures by which it must be applied, the scope of its power, the persons bound by it, the legal restraints upon its action, the extent of judicial correctives and the procedures by which injunctions are enforced.*"

Arthur Garfield Hays, whose legal activity in behalf of the Passaic strikers and other communist-inspired agitations engineered by the *American Civil Liberties Union*, gives him a personal interest in the book, reviewed it for the March 1930 number of "Labor Age." In his concluding paragraph he says:

"It seems needless to say that a book by these authors is comprehensive, accurate, well written and readable. *Those concerned with agitation for fair play for workers, might well base their case upon the facts and law related in this effective work.*"

It will be noted that *Felix Frankfurter* found his greatest opportunity for subversive activities as secretary and counsel of *President Wilson's Mediation Commission* in the Mooney Case. And it will be remembered *Tom Mooney*, with *W. K. Billings*, was convicted and sentenced to imprisonment in San Quentin (Calif.) Penitentiary for bombing the San Francisco Preparedness Day Parade, July 22, 1916, killing ten and injuring fifty persons. Ever since his incarceration there has been an active agitation among the communist-socialist-anarchist groups for his release, which has persisted to this very day. *Felix Frankfurter's* conceit and anxiety for publicity prompted him to invite a controversial correspondence with ex-President Theodore Roosevelt. The old Bull Moose ripped the mask from *Frankfurter's* program, and in a few trenchant paragraphs revealed its sinister mechanism.

T. R.'s letter with Frankfurter's reply was read into the Congressional Record of May 12, 1930, by complaisant *Senator Walsh* of Massachusetts, *more than a decade after the death of his famous correspondent*. We are constrained to quote therefrom:

December 19, 1917.

"My Dear Mr. Frankfurter:

I thank you for your frank letter. I answer it at length because *you have taken, and are taking, on behalf of the administration an attitude which seems to me to be fundamentally that of Trotsky and the other Bolsheviki leaders in Russia; an attitude which may be fraught with mischief to this country.* * * * * * Fremont Older and the I.W.W. and the 'direct action' anarchists and apologists for anarchy are never concerned for justice. They are concerned solely in seeking one kind of criminal-escape justice. The guiding spirits in the movement for the recall of Fickert cared not a rap whether or not Mooney and Billings were guilty; probably they believed them guilty; all they were concerned with was seeing a rebuke administered to and an evil lesson taught all public officials who might take action against crimes of violence committed by anarchists in the name of some foul and violent 'protest against social conditions.'

"The reactionaries in the past have been a great menace to this Republic; but at this moment it is the I.W.W., the Germanized socialists, the anarchists, the foolish creatures who always protest against the suppression of crime, the pacifists and the like, under the lead of the Hearsts and La Follettes and Bergers and Hillquits, the Fremont Olders and Amos Pinchots and Rudolph Spreckles, who are the really grave danger. These are the Bolsheviki of America; and *the Bolsheviki are just as bad as the Romanoffs, and are at the moment a greater menace to orderly freedom.* * * * * * I have

just received your report on the Bisbee deportation. One of the prominent leaders in that deportation was my old friend Jack Greenway, who has just been commissioned a major in the army by President Wilson. *Your report is as thoroughly misleading a document as could be written on the subject. No official, writing in behalf of the President, is to be excused for failure to know and clearly set forth that the I.W.W. is a criminal organization.*

(So sound, so sane and so excoriating is T. R.'s letter, that we know the reader will bear with us in quoting the concluding paragraph.)

"Here, again, you are engaged in excusing men precisely like the Bolsheviki in Russia, who are murderers and the encouragers of murder, who are traitors to their allies, to democracy, and to civilization, as well as to the United States, and whose acts are nevertheless apologized for on grounds, my dear Mr. Frankfurter, substantially like those which you allege. In times of danger nothing is more common and nothing more dangerous to the Republic than for men — often ordinarily well-meaning men — to avoid condemning the criminals who are really public enemies by making their entire assault on the shortcomings of the good citizens who have been the victims or opponents of the criminals. This was done not only by Danton and Robespierre, but by many of their ordinarily honest associates in connection with, for instance, the 'September massacres.' It is not the kind of thing I care to see well-meaning men do in this country. •

Sincerely yours,

THEODORE ROOSEVELT."

In *Felix Frankfurter's* reply, he devotes much space to criticism of T. R.'s "dogmatism," and attributes to "the clash of economic forces" the troubles in the copper mines at Bisbee, Arizona. He prates of "social justice" in behalf of those workmen and miners who were duped into committing sabotage at the instigation of German agents, so that the Allies might not have the copper for shells to prosecute the war. His attitude indicated that he either was bereft of a proper sense of proportion, or sympathetic to the cause of the enemy. Theodore Roosevelt had no illusions as to fitting *Frankfurter* into his exact category. It is doubtful, however, whether *Frankfurter* in his inability to plumb the American psychology, knew that he was thus measured. Otherwise, it is scarcely probable that he would have evinced such anxiety to have his political associate, resurrect the correspondence.

One paragraph especially stands out, as typical of the position to which *Frankfurter* even then was committed — the supplanting of the *American system of government, the Republic under the Constitution, by a foreign-made plan.* Let us quote him:

"If we do not bestir ourselves to rectify grave and accumulating evils, we shall find the disintegrating forces in our country gaining ground. May I commend to you the recent reports made to Lloyd George by the commissions of inquiry into industrial unrest in England? * * * * *What they say of England is true of this country, namely, that we need a new set of ideas as to industrial relationships and that uncorrected industrial grievances are the most fertile soil for extreme propaganda.*"

Something of the philosophy and methods of reasoning pursued by *Felix Frankfurter* are revealed in his book "The Case of Sacco and Vanzetti A Critical Analysis for Lawyers and Laymen," published by Little, Brown & Co., 1927. His analyses seem to be directed toward creating a sentiment among his readers, by hook or crook, adverse to the decisions of the Massachusetts courts in that controversy. His review of the testimony of certain obscure witnesses, seems to favor the Pelzers and Kurlanskys at the expense of the Lola Andrewes (pp. 18-20). He knows the technique of the "red herring." He accuses Judge Thayer of employing it, when the Judge suggests that Kurlansky, an ignorant small shopkeeper, be informed as to police tactics used in selecting witnesses. He says the Judge's motive was to discredit Kurlansky in the eyes of the jury (page 21).

(*Frankfurter* seems oblivious to the duties that devolved on residence as well as citizenship in America, among those of alien birth. *They are eager to accept all the privileges, while assuming none of the responsibilities.* This is the crux of the entire situation, with regard to our assimilation of these elements of discord.)

On page 43, *Frankfurter* admits that "Sacco-Vanzetti were notorious Reds. They were associates of leading radicals. They had for some time been on the list of suspects of the Department of Justice, and were especially obnoxious because they were draft-dodgers. * * * * Deportation, they knew, meant not merely expulsion and uprooting from home. * * * * Among Vanzetti's radical group in Boston, the arrest of the New York radical Salsedo, and his detention incommunicado by the Department of Justice, had been for some weeks a source of great concern. Vanzetti was sent to New York by this group to confer with the Italian Defense Committee having charge of the case of Salsedo and all the other Italian political prisoners."

(*Felix Frankfurter* in his anxiety to make a case for Vanzetti, thus proves him "a criminal syndicalist" and puts him, by all rulings of equity, as "outside the pale" of the laws which he would invoke for his protection. It is an amazing example of the twisted reasoning of agitators of his class. Coming from an aspirant to a position on the bench of the Supreme Court, it may well be designated *obscene.*)

On pages 68 and 69, *Frankfurter* makes much of the "affidavits of two former officers of the Government, one of whom served as post-office inspector for twenty-five years, and both of whom are now in honorable civil employment," who stated that "the arrest of Sacco and Vanzetti * * * furnished the agents of the Department of Justice their opportunity," for a "conviction of Sacco and Vanzetti for murder would be one way of disposing of these two men." He further alleged that they installed a spy in a cell adjoining Sacco's, with a view to "obtaining whatever incriminating evidence he could * * * after winning confidence" * * * tactics that are regarded as intelligent opportunism when employed by his group, but diabolical when employed by the government.

After following the case through the trial and conviction, and the subsequent appeal through the Supreme Judicial Court, wherein Judge Thayer was sustained, *Felix Frankfurter*, "impartial observer," "rests his case" by an appeal to the reader to "Let him judge for himself."

But he can not forego the "last word," which he administers in two extra chapters and two Appendices, in which he endeavors to plant further doubts in his readers' mind by citing various "miscarriages of justice" in England and America, and an alleged and since discredited "confession" of a Portuguese gunman in Providence, R. I. These tactics are of a pattern that have since been employed futilely in the Scottsboro and similar cases agitated by the *American Civil Liberties Union* crowd, and are recognized as a part of their "strategy" for the discrediting of our courts.

His championship of the Sacco-Vanzetti Case, gave *Frankfurter* full opportunity to revel in the publicity that his soul seems to crave. Frank A. Goodwin, then head of the motor-vehicle department of Massachusetts delivered a speech that was quoted from one end of the nation to the other on "Sacco-Vanzetti and the Red Peril." He made it before the Kiwanis Club of Lawrence, Mass., June 30, 1927, and it was circulated as a 15-page booklet. With documentary evidence to sustain every step of his address, he showed the hook-up between the *American Civil Liberties Union* and the *Communist and Socialist parties*, with Sacco-Vanzetti, as the pretext, and overturn of the American form of government as the goal. He said in part:

"It is an impressive fact that the nearer we get to the scene of this murder, the more convinced are the people that these men are guilty. The citizens of Norfolk County know these people are guilty. On the other hand, in those domains where foreign and un-American principles are in vogue, such as Russia, Harvard, Argentine, Wellesley, China and Smith, they are sure these men are innocent. * * * Who is responsible for this national and even international agitation and disturbance about these two unknown criminals? Who pressed the button or pulled the strings that unloosed this deluge of petitions and threats? * * * The answer

to the question was not difficult to find, after a brief investigation.
* * * * The leader of the movement to set these two murderers free is *Felix Frankfurter*, professor at Harvard College, who in 1917 was rebuked by Theodore Roosevelt for trying to set free Mooney and Billings, the red murderers who blew up and killed and injured many people in a Preparedness Day parade."

The Atlantic Monthly article (which afterwards was reprinted as *Frankfurter's* book "The Case of Sacco and Vanzetti") was subjected to a grilling analysis by Dean John H. Wigmore of Northwestern University Law School and one of the leading legal authorities of this country. This appeared in the "Boston Evening Transcript" of April 27, 1927. Step by step, line for line, Dean Wigmore dissected *Frankfurter's* article, giving it consideration far beyond its native merit but necessary in order to show up its brazen misstatements of fact. He said in part:

"Now all this palaver seeking to make the reader believe that the judge and the prosecutor thrust the defendant's Reddism into the case, and then illegally and unfairly exploited it — *all this palaver is a consummate misrepresentation.* * * These facts are so demonstrative of the cruel and libellous falsity of the whole tenor of the plausible pundit's article, that a moment may be spent in verifying them."

(For those who would see how cheaply earned is *Felix Frankfurter's* reputation for erudition we heartily recommend Dean Wigmore's article which has been reprinted in popular form and is obtainable from the American Vigilant Intelligence Federation.)

As before intimated, *Felix Frankfurter* has never held public office conferred by the free franchise of the citizenry. All of his jobs have been appointive, and have come from Republican and Democratic politicians alike. As a political strategist, or schemer, if you dislike the euphemism, he has few equals. He has an uncanny faculty of always landing right-side up — that is nearly always. Twice he has been slated for important appointive positions, and twice has the clamor from all quarters been so great that he has receded back of the screen, where, however, he has continued to manipulate the wires.

An A. P. News despatch in the "Chicago Tribune" of June 23, 1932, from Boston, Mass. says:

"Prof. *Felix Frankfurter*, champion of Nicola Sacco and Bartolomeo Vanzetti, radicals, whose death sentences and executions for murder had reverberations throughout the world, today was nominated by Gov. Joseph B. Ely for a place on the Massachusetts Supreme Court Bench.

"The nomination required the approval of the executive council which probably will act on it next week.

"Prof. *Frankfurter*, widely known as a liberal and legal authority, was appointed to fill the vacancy created by the death of Justice George A. Sanderson.

"Gov. Ely said after the nomination was made public that Prof. *Frankfurter* had the indorsement of such high members of the judiciary as *Oliver Wendell Holmes*, *Louis Brandeis*, and *Benjamin N. Cardozo*."

(In passing, let us note that *Frankfurter* had ingratiated himself with "Mr. Justice Holmes" by writing a laudatory book of that title in 1931.)

Francis Ralston Welsh in a broadside of June 24, 1932 on *Felix Frankfurter's Nomination*" stated:

"Governor Ely has smirched the fair name of Massachusetts in his effort to cater to the self-styled progressives who in reality are socialistic reactionaries who scrap the teachings of experience. He has nominated *Felix Frankfurter* of the *American Civil Liberties Union* National Committee, the *National Popular Government League* and associate of radicals who are trying to overthrow our government by force and violence, for Justice of the Supreme Court of Massachusetts. * * * The 'Boston Transcript' of June 20, 1932, states that the influence of William G. Thompson is seen in the *Frankfurter* appointment. He is a friend of Governor Ely's and campaigned for him. Thompson was counsel for Sacco and Vanzetti. He made the obviously false statement that they were convicted as radicals and the murder issue was not involved. He turned their trial into Communist propaganda and played the Communist game throughout. The radicals raised for him a retaining fee of \$25,000, which it is said was later increased to \$75,000. Governor Fuller's investigating committee virtually branded Thompson as a liar. * * * * Justice Brandeis has always been regarded by Communists as a friend, and it was to him that they appealed to help their cause in the Sacco-Vanzetti case, obviously thinking that he was prejudiced in their favor. The aged ex-Justice Holmes has of late years made quite a number of mistakes of fact, and has been largely influenced by Justice Brandeis."

The "Boston Transcript" of June 28, 1932 in an interview with Joseph W. Keith of Brockton, who was deputy district attorney of the Southeastern District under Judge Harold P. Williams, during the early stages of the Sacco-Vanzetti case stated:

"I then believed and still believe that *Frankfurter* and men of his type are a menace to the country and to American institutions."

The protests against the confirmation of Governor Ely's appointment of Prof. *Frankfurter* as Judge of the Supreme Judicial Court of Massachusetts were so vigorous and widespread that a light seemed to dawn upon the Harvard professor. He found that he was "completely unprepared," and in a letter to Gov. Ely on the eve of the hearing of the petition of over 500,000 names in opposition, he declared that to quit teaching now "would be desertion." The Governor's Council was 6 to 2 against him, yet Gov. Ely softened the blow by announcing that "Mr. *Frankfurter* will not accept * * * * It may be said that I should not have sent in his name without positive assurance of his acceptance." *Frankfurter's* letter to Gov. Ely as quoted in the "New York Times" of July 13, 1932, says in part:

"Your confidence in me, confirmed by the widest expression of professional opinion, makes any words of gratitude seem feeble and irrelevant. But I have other responsibilities to the law which, after much anguish of mind, I feel I ought not now to sever. As against the opportunities for immediate achievement on the bench, the long-term effects of legal education make their claims."

At one time *Felix Frankfurter* was being touted as a possible member of President Franklin D. Roosevelt's cabinet. The "New York Times" of Dec. 23, 1932, states that his visit to the Executive Mansion at Albany had revived reports that the President-elect might consider him for the future Attorney-General of the United States. This plum, however, was given to Senator Walsh of Montana, who later died before assuming office. *Frankfurter's* friends then urged him for the post of Solicitor General under Senator Walsh in the Department of Justice, a pivotal position, albeit a secondary one, but nothing came of this either.

The Passaic Textile strike of 1926 found *Frankfurter* exhorting the strikers at a mass-meeting to remain on strike until such time as they gained their demands. He also appeared before Vice Chancellor Bentley at Jersey City as representing the *United Front Committee* fighting an injunction granted against the committee by the Court of Chancery.

The strike was abetted by the *American Civil Liberties Union* and its interlocking organizations. Reference has been made to *Frankfurter's* prominent position in its councils and his authorship of "*The Labor Injunction*," the agitator's handbook. He was a member of the National Committee in 1926, along with such known subversive individuals as Clarence Darrow, Eugene V. Debs, Robert W. Dunn, Elizabeth Gurley Flynn, William Z. Foster, Ernest Freund, Norman Hapgood, Arthur Garfield Hayes, Morris Hillquit, John Haynes Holmes, Scott Nearing, Rose Scheiderman, Norman M. Thomas, and Oswald Garrison Villard, among others.

Most of the above mentioned names are to be found as his fellow-directors on the International Committee for Political Prisoners, the objects for which it stands sufficient to condemn it in the opinion of every genuine American.

Under the caption "Americans Appeal for Polish Politicals," the official organ of the Socialist Party, the "New Leader" of May 21, 1917, says:

"A stirring appeal to the Polish Government from a group of influential Americans, revealing a wholesale disregard of political, religious and personal rights in that country and asking for their restoration, was received by Jan Ciechanowski, Polish Minister in the United States. "The memorial was presented to the Minister at the Hotel Ambassador, New York City, and is being studied by him prior to being forwarded to Warsaw. The revelations are made by a group of Americans (*scarcely* 99 and 44-100ths per cent pure . . . Editor), including Dr. John Haynes Holmes, Clarence Darrow, Sherwood Eddy, *Felix Frankfurter*, Norman Hapgood, David Starr Jordan, William Allen White, Paul U. Kellogg and thirty-eight others, organized under the name of International Committee for Political Prisoners, 2 West 13th Street, New York.

"Six thousand individuals, according to this committee, are imprisoned in Poland today for political reasons and wholesale brutality and torture are visited upon them by the authorities."

(The audacities of this group know no bounds. There seems to be no law whereby they may be reached for thus usurping the functions of our State Department, if it be a function of that department to demand fair treatment for conspirators against the security of a friendly sister-nation.)

The letter-head of this outfit gives the names of the members of the General Committee as follows:

Roger N. Baldwin, chairman; Anna W. Davis, secretary-treasurer; Jane Addams, Luigi Antonini, Louis D. Boudin, Max D. Danish, Clarence Darrow, Jerome Davis, W. F. B. Du Bois, Sherwood Eddy, John Lovejoy Elliott, Nathalie D. Ells, Charles H. Ervin, John G. Forbath, *Felix Frankfurter*, Lewis Gannett, Elizabeth Gilman, Alice Hamilton, Arthur Garfield Hays, Norman Hapgood, John Haynes Holmes, Oscar Jaszi, Paul Jones, David Starr Jordan, Frances Fisher Kane, Paul U. Kellogg, Harry Kelly, Emil Longyel, E. C. Lindeman, Harry S. Linfield, Robert Morss Lovett, Julian W. Mack, James H. Maurer, David Mithany, S. E. Morison, Fremont Older, John A. Ryan, John Nevin Sayre, Alexander S. Tardos, Graham R. Taylor, Norman Thomas, Wilbur K. Thomas, Carlo Tresca, Girolamo Valenti, B. Charney Vladek and Olin D. Wannamaker.

How closely this set-up approximates the Sacco-Vanzetti National Ad-

visory Committee of which *Felix Frankfurter* also was a member, may be seen by a comparison with the list of August 15, 1927 — Hunter Memorandum — which follows:

Luigi Antonini, secretary Italian Dress Makers and Waistmakers Union;
Roger Baldwin, director, *American Civil Liberties Union*;
August Bellanca, member, General Executive Board, Amalgamated
Clothing Workers of America;

Abraham Brownstein, manager, Joint Board, Furriers' National Union;
Arturo Giovannitti, secretary, Italian Chamber of Labor;
Bishop Paul Jones, *Fellowship of Reconciliation*;
Freda Kirchwey, managing editor, "The Nation";
Salvatore Ninfo, 1st V. P. International Ladies Garment Workers;
Joseph Slossberg, sec-treas., Amalgamated Workers of America;
Helen Phelps Stokes, Norman Thomas, *League for Industrial Democracy*.
Other Committees of *Sacco-Vanzetti New Trial League*, 43 Tremont
St., Boston, Mass.:

Mr. G. Flynn; Elizabeth Donovan (formerly employed as stenographer for the Commonwealth); Felix Guadagni and Amato Fabry, 84 Hanover Street; John F. Moore, attorney, 111 Devonshire St., and *Felix Frankfurter*.

Felix Frankfurter's associates on the National Committee of the "Committee on Cultural Relations with Latin America," 307 East 17th Street, New York City, is revealing, as just another turn of the kaleidoscope that brings the "old guard" out in a new alignment, for its traditional policy of having "a finger in the pie" of world events. Among them we find *Rabbi Stephen S. Wise*, Julian W. Mack, Paul H. Douglas, *Robert M. Hutchins*, Paul U. Kellogg, Harry W. Laidler, *John Dewey*, Raymond L. Buell, Waldo Frank, Lewis S. Gannett, Karl Reilant, Bruce Bliven, and Catherine Waugh McCulloch.

"Reds in America" (Beckwith Press, New York City, 1924) reveals some further activities of *Frankfurter* within the American Civil Liberties Group. We quote therefrom:
(page 216)

"A certain group of lawyers, not always the same personnel, but invariably with many of the same individuals, seems always to be seeking ways to embarrass the Government and interfere with its functioning when it attacks radicalism in any of its forms. These lawyers do not seem to care as to the merits of their case, as was shown when they brought charges of illegal practice against the Department of Justice, charges which were quickly shown to be utterly without foundation, a fact that the veriest tyro would have known upon cursory examination of the 'evidence' they presented.

The makeup of this particular group of lawyers, whose activities seem to have been directed to hindering instead of helping the government in its fight, a right inherent in every Government, to protect itself, is interesting. * * * * This self-appointed committee of lawyers, which signed the charges against the Department of Justice, included *Felix Frankfurter*, Ernst Freund and Frank P. Walsh, who were identified with the American Civil Liberties Union, * * * * Frank P. Walsh is the lawyer who, on his return from Moscow, was reported in Communist circles to have been retained for a fee of \$50,000 to defend the Bridgman conspirators." (Communists, acting under the Third International, who were raided by State and Federal agents at the hamlet of Bridgman, Mich., Aug. 22, 1922. William Z. Foster was one of the conspirators seized.) * * * Zecharia Chafee, Jr. a colleague of *Frankfurter's* at Harvard, the man who advocated in print and in public declaration that there should be no law against sedition and anarchy, was also one of the lawyer signers of these charges. * * * * Swinburne Hale, of New York, who resigned as captain in the Army in the Military Intelligence Section, when official information was sought regarding *Ludwig C. A. K. Martens*, the 'Bolshevik Ambassador,' was one of the signers."

Persistently and periodically Prof. *Frankfurter* returns to the Mooney case, as an activity for dull moments. His latest essay at it is mentioned thus in the "New York Times" of April 1, 1933:

"San Francisco, March 31. John Finerty of Washington and *Felix Frankfurter*, Professor of Law at Harvard University, are included among the legal minds being organized as an advisory council for Thomas J. Mooney, it was announced today, by the molders' defense committee. In further preparation of the scheduled trial of Mooney April 25 on an old indictment charging murder in connection with the Preparedness Day bombing, the committee announced that President Roosevelt has been requested to use his influence in support of the trial.

"Those addressing a letter to the President in Mooney's behalf, the committee said, include H. G. Wells, Maxim Gorky (*Member of the Presidium of the Third International*), Henry Barbusse, Romaine Rolland, Heinrich Mann, Valle-Inclan, Paul Langevin and Gunnar Fant (*Mayor of Stockholm, Sweden*)."

As Dodge lecturer at Yale University, and Visiting Professor of Government at Yale, Prof. *Frankfurter* delivered four lectures at New Haven, Conn., in 1930, on the general subject of "Public Administration and the Public." The subjects were as follows:

- April 10: "The Demands of Modern Society upon Government";
 April 16: "Does Law Obstruct Government?"
 April 23: "Public Services and the Public";
 May 2: "Expert Administration and Democracy."

In his second lecture of this series, *Prof. Frankfurter* directed his attention to the Constitution. The "New York Times" of April 17, 1930 quotes him as follows:

"Genuine respect for the document, now the basis of one of the oldest governments in the world, with general acquiescence, *even attachment*, is felt, and there is no general demand that the Constitution be revised." (Janus faced *Prof. Frankfurter*, addresses Yale thus, and Passaic in reverse.)

"In no single respect has the expectation of the framers of the Constitution been more completely frustrated by history than through the popular election of presidents. Yet the forms of the Constitution have been retained and through them, in conjunction with the machinery devised by our political parties, are registered those very democratic forces to which the constitutional scheme was directed.

"In simple truth, the difficulties that government encounters do not inhere in the Constitution. They are due to the judges who interpret it. For, in the language of the present Chief Justice, spoken when he was Governor of New York, 'The Constitution is what the judges say it is'."

(This attempt to read into a private expression of Chief Justice Hughes a hidden meaning, is characteristic of the *Frankfurter* mental acrobatics. The function of the United States Supreme Court is to interpret the laws under the Constitution. The judges, as the third wing of the government, along with the Congress and the President, can only interpret these laws in consonance with the spirit of the Constitution, under which they derive their powers. . . . Editor)

About a month after the delivery of this lecture, *Prof. Frankfurter* expatiated upon the thought he there set forth, in an article in the May 1930, issue of "Current History," published by the "New York Times." A review in the "New York Times" of April 27, 1930, says:

"Ultimately what the Supreme Court requires is a group of men adequately equipped 'to wield the people's power,' according to *Felix Frankfurter* of the Harvard Law School, who writes in May Current History that 'the crucial criticism of the court is that it is putting constitutional authority behind the personal opinion of its members'. The importance of the choice of men, he says, lies in the fact that the judges have 'ultimate authority over Legislature

and executive, and through their vote may determine the well-being of millions and affect the country's future.' Mr. *Frankfurter* holds that 'the Supreme Court is the Constitution.' He goes on in view of the controversies over recent appointments to trace the history of the court's opinions molding the Constitution."

In a two-column article in the "New York Times" of Nov. 13, 1932, entitled "A Notable Decision — The Supreme Court Writes a Chapter on Man's Rights", *Felix Frankfurter* reviews the Scottsboro Decision. It will be recalled that the Alabama courts found seven negro youths guilty of rape, and imposed the death sentence. The *American Civil Liberties Union* capitalized the situation by raising a fund for their defense, and put into execution the strategy employed in the Sacco-Vanzetti and Mooney-Billings cases. Mass-meetings and demonstrations were held by Communist and radical groups thruout the nation, with the intent to stir up race-antagonism that would work in the interest of social upheaval. Funds were provided whereby the case was carried up to the Alabama State Court of Appeals, and eventually to the Supreme Court of the United States. That distinguished body ruled that there had been certain judicial errors committed in the original trial, and remanded it back to Alabama for a new trial. *Frankfurter* said in part:

"The Scottsboro case announces the doctrine that to every defendant must be assured the minimum conditions for an ordered and reasoned investigation of the charges against him — a proper and heartening guarantee of fundamental law. The history of liberty, Mr. Justice Brandeis has reminded us, cannot be dissociated from the history of procedural observances. In no sense is the Supreme Court a general tribunal for the correction of criminal errors, such as the Court of Criminal Appeal in England. * * * * But the court, though it will continue to act with hesitation, will not suffer, in its own scathing phrase, 'judicial murder.' Here lies perhaps the deepest significance of the case. Thus the judgment of the court transcends the fate of the seven pitiful defendants concerned. It leaves that fate ultimately untouched. Upon the question of guilt or innocence it bears not even remotely. That question remains to be determined in normal cause by the constituted tribunals of Alabama."

The Survey Associates are a Socialist-cum-Communist group, of which Lucius R. Eastman is president. They held their twentieth annual meeting on February 1st, 1933, at the auditorium of the New School for Social Research at 66 West Twelfth Street, New York City. Paul U. Kellogg, editor of "The Survey Graphic" and "The Midmonthly Survey," was one of the speakers. The distinguished speaker of the evening however, was *Felix Frankfurter*, Byrne Professor of Administrative Law at Harvard

University. In this socialistic atmosphere, he sounded a different note from that expressed in the halls of Yale. His speech as recorded in the "New York Herald Tribune" of Feb. 2, 1933 made an impassioned plea for a public works program, such as that proposed by Senator Robert S. Wagner, and cast general doubts on the efficiency of the capitalistic system. Enlarging on this theme he said:

"A good part of our past is dead. To hope for its revival is tragic illusion. New circumstances condition the nation's wealth-making; how they are met will determine the national welfare. The road to yesterday's prosperity is largely barred."

(He said a mouthful as ex-Mayor Hylan of New York once so chastely expressed it. With the Soviet set-up, with the League of Nations, the World Court, the various international wiles and pitfalls menacing us, we might well agree that the way to old-time prosperity is beset with hazards that can only be met by a united Constitutional front of the American people. . . .Editor.)

"Recovery, too much pursued by incantation, must deal with factors which in their combination certainly create a new situation. They constitute a decisively different environment, both economic and psychologic, from the slough out of which past depressions have moved."

He enumerated these factors, and concluded "The way out lies in bold and laborious grappling with the basic forces of our economic situation. * * * * Moreover, the function of political leadership is to lead, and not to allow action to be distracted because generalized public opinion is confused and distracted." (Words that stripped of verbiage, mean only one thing — advocacy of the strong arm and mailed fist — of dictatorship itself!)

Some international affiliations of *Frankfurter* that serve to vivify the picture as to his larger allegiances outside America, are revealed in an A. P. despatch from Boston, printed in the "New York Herald-Tribune" of Sept. 25, 1933. It is so important that we are constrained to quote it in its entirety:

"Professor *Felix Frankfurter*, Harvard liberal, and regarded as one of the unofficial advisers of President Roosevelt, sailed for Europe today (Sept. 24) aboard the *Britannic*.

"Ostensibly Professor *Frankfurter* will be an exchange professor at Oxford University, but advices from Washington indicate he also is on an unofficial Presidential mission, assisting the Chief Executive in keeping abreast of affairs, particularly financial matters, all over the world.

"Professor *Frankfurter* declined to be interviewed or to make any comment on the reasons for his trip. He goes to Oxford as the third American professor to lecture under the professorship established in 1929 by the *Association of American Rhodes Scholars* through the generosity of the late George Eastman. Professor Wesley Clair Mitchell, of Columbia, was his predecessor, Professor *Frankfurter* is Byrne Professor of Administrative Law at Harvard Law School. He recently declined an appointment to the Massachusetts Supreme Court."

The Kiplinger Washington News-letter of December 2, 1933, a private service to business clients, shows more of this alleged "*Frankfurter* influence."

"More and more the influence of Prof. *Frankfurter* of Harvard is noted in selecting brilliant, young liberals for key positions as legal advisers. By intellectual standards *Frankfurter* and Justice Brandeis are almost synonymous. It is a fact therefore, that a respected Supreme Court Justice is influential within the executive branch of the government under this administration."

Variously designated as the "Hot Dog Boys," the "Wiener Wursts," and the "Frankfurter Boys," from their long association with, and identification as proteges of Prof. *Felix Frankfurter*, a new group of bureaucrats is engaging the badinage of the Washington newspaper boys.

Ex-Congressman *Fred A. Britten* called them "scarlet fever boys, a swarm of *Felix Frankfurter* disciples, all under the domination of young, free-thinking collegians of no practical experience, whose theories have only been partially tried in Russia, and who, without constructive opposition, will surely work irreparable damage to rich and poor alike. * * * The young brain-trusters wanted legislation to reduce crops, cattle, pigs and other farm products. They got it and immediately killed millions of young pigs while entire families were starving in Chicago and other metropolitan centers. Russia itself never dared to do anything so destructive of nature's demands."

(Chicago Daily News, July 17, 1934)

Paul Mallon in his "Washington Notebook," reported in the "Chicago Daily News" of Feb. 27, 1934, says of them:

"The brain trust has been superseded on the inside by the young *Anthony Advocates*.

"They are all lawyers, much smarter than the average Wall Street lawyer and congressman. They burn with youthful zeal to remake the world, and have done very well so far. You never heard of

them, because they are shy about publicity and keep in the background, but if you look behind most of the major policies, you will find their finger prints. *They are the real powers behind the throne.*

"The latest spectacular inside job they did was on the stock exchange reform bill. It is called the Fletcher-Rayburn bill, but neither Senator Fletcher nor Representative Rayburn ever saw it before it was handed to them by the *Anthony Advocates*.

"The smart boys worked on it for weeks in hiding before one of their number submitted copies to Mr. Roosevelt. Their handiwork was so clever that all the lawyers in Wall Street have been sitting up nights ever since trying to figure out a way to tear it down. They made it appear to be very innocent and legally logical. No shrewder bill was ever proposed. *You have to read between the lines to get its hidden importance.* It says 'on the one hand' and then 'on the other,' but between the two you find Wall Street is made into a government reservation.

"An even better example of their cleverness is in the securities act. That is the law which requires all corporations to give the Federal Trade Commission a full financial accounting of new financing and threatens corporation officers with jail if they make a mistake.

"The young *Anthony Advocates* who were in on that job includes: Ben Cohen, P.W.A.; Tom Corcoran, R.F.C.; Max Lowenthal, Pecora Committee and Jam Landis, Federal Trade Commission. All are about 35 to 40 years old and learned the practical side of law fighting Wall Street in New York.

"Others prominent in the group are Herman Oliphant, Morgenthau's legal adviser; Jerome Frank, A.A.A., and Nathan Margold, solicitor of the Interior Department. It was Oliphant who discovered the legal loop hole on which the gold policy first was based.

"There are a dozen or so others hidden in the N.R.A., C.W.A. and elsewhere. *They have several common meeting places at the home of friends and at a house where a few of them are living together.* If they set out to repeal the law of gravity legally, they probably could do it."

A syndicated article in the "Chicago Times" of March 19, 1934, page 2, gives a slightly different version of the same situation:

"INTERNECINE: The behind-the-scenes story of the stock market bill discloses the most bitter fight of the New Deal. One fight was known to everyone — that between Wall Street and the authors of the bill. The other fight, not generally known, is within the administration, between treasury conservatives and the

Frankfurter brain trust. The President and Henry Morgenthau sat on the side lines, took little part in the battle.

“Original authors of the bill were Jim Landis, midnight-oil-burning member of the Federal Trade Commission; Tom Corcoran, the brains of the R.F.C.; Ben Cohen, attorney for the F.T.C.; and Ferdinand Pecora, counsel for the Senate Banking Committee — all but the latter appointees recommended by *Felix Frankfurter* of the Harvard Law School. After drafting the bill, they took it to Roosevelt, went over it section by section. He approved.”

Donald Richberg, former law partner of Harold Leclair Ickes, one-time general counsel for the defunct N.R.A., is a graduate of Harvard Law School, 1904, at which time *Felix Frankfurter* was an undergraduate of the same institution. For this reason he is sometimes dubbed one of the “Frankfurter Boys”, but is not to be included in the group above discussed, although he is an active apologist for it. He has been a target for some of the fire of Dr. Wirt’s associates, which is probably the determining reason for his composition of the following gem of poesy, reported by the “Chicago Tribune” in a Miami, Fla. despatch of April 10th, 1934:

“Cuttle-fish squirt,
Nobody hurt;
That is the end
Of Dr. Wirt.”

(This illustrates the mental limitations of these “built-up” braintrusters — trying* to meet logical evidence by denials and ribald jest.)

The best fortified and most painstaking analysis of the character of *Frankfurter*, and his relationship to the personnel and policies of the Roosevelt administration is given in “THE NEW DEALERS” (Simon and Schuster, New York, 1934). The third section of the tenth chapter, entitled “Privy Councillors” (page 317 et seq.) states:

“By a curious paradox, the long-range technique of breaking down the Brandeis antipathy to the New Deal has been applied by another Jew, *Professor Felix Frankfurter*, or *Felix*, as he is affectionately known thruout the length and breadth of the New Deal legal batteries.

“Franklin D. Roosevelt has been heard to say that *the only man in the world who can give him mental indigestion is Frankfurter*. He has the acute problems of the world at his fingertips and can cover more ground in three hours than the average ‘superior intellect’ can cover in a day. He is a tireless talker and an inexhaustible letter-writer. If Brandeis is a prophet, *Frankfurter* is a

trainer of prophets who has made the Harvard Law School a sort of racing stable for liberal lawyers.

"One of our greatest teachers of youth, he also has the tact and ability to teach governors and Presidents. He has a keen mind and there are few men in America who can talk more enticingly. Unlike that other great Jew, *Bernard M. Baruch*, who after making a fortune in speculation, has mastered the text-book maxims of old-line economics and aspires to be known as the *perpetual adviser to all Presidents of all parties at all times and upon all subjects* *Frankfurter* usually has something to say which is worth hearing.

"Unlike Baruch and Brandeis, *Felix* is a comparatively young man, about six months younger than Roosevelt, and he has the same youthful zest and sense of humor which are hard to reconcile with the fulsome fifties. *Felix more than any other one person is the legal master-mind of the New Deal*, altho he is in large part only the *transmitter of the apostolic succession of Louis D. Brandeis*. Like Brandeis, he cannot watch the game without putting his hands on the board. * * * * He is the city-bred as opposed to the country-bred Jew. * * * * He is another Brandeis who wears plus-fours instead of the conventional prophet's robe. * * * *

"His intimacy with Roosevelt dates back to the Wilson Administration when *Frankfurter's* work on the War Labor Policies Board brought him in frequent contact with the Navy. Both being of the type who 'keep in touch' they have continued their association ever since. * * * Franklin frequently invited *Felix* to come to Albany for a general gabble and incidental diagnosis of that ever-interesting patient known as the state of the nation. And *Felix* urged in letters to his friends and in conversation Roosevelt's nomination for the Presidency, being *one of the few liberal intellectuals who saw that Roosevelt was THEIR MAN*. Most of the others dashed off like greyhounds after the mechanical rabbit of the 'liberalism' of Newton Baker, Owen Young and Al. Smith, which is sufficient commentary on their liberalism.

"After the nomination, *Frankfurter* organized the *Progressives for Roosevelt* movement in New England, which succeeded in keeping a few college professors from voting for Norman Thomas, and *he drummed up a lot of support for the appointment of Frances Perkins as Secretary of Labor, which Roosevelt welcomed, as he had decided to appoint her in any case.* * *

"*Frankfurter* recommended *Dean G. Acheson*, Brandeis' protege, for high legal office, preferably the post of Solicitor General. Subsequently, *Lew Douglas*, who was an intimate friend of Acheson,

proposed him for Under-Secretary of the Treasury. As Frankfurter's endorsement was considered proof of Acheson's liberalism, he got the Treasury job, but no one could have been more amazed by this appointment than *Frankfurter* himself. He had not recommended Acheson as a financial expert or economist, only as a good lawyer.

"When Wallace and Tugwell planned their new farm administration, they asked *Frankfurter* to recommend a Solicitor for the Department of Agriculture. He suggested *Jerome N. Frank*, a liberal Jewish Lawyer of Chicago. Jim Farley claimed the job for a deserving Democrat, being entirely oblivious of the fact that the great agricultural experiments of the Roosevelt Administration would require the highest type of legal brains, so Frank was shifted to the post of General Counsel to the Agricultural Adjustment Administration, where he promptly became *a tack on the chair of Mr. George N. Peek*.

"When the first draft of the Securities Bill prepared by Huston Thompson was practically wrecked, Moley sent for *Frankfurter* to rewrite it. *Felix* brought down Professor Landis, a younger protege named Ben Cohen, and borrowed still another of his proteges, Thomas G. Corcoran, from the Reconstruction Finance Corporation. * * * * When the Tennessee Valley Authority was organized and needed a smart lawyer, *Frankfurter* produced David Lilienthal, whom he had been farming out in Wisconsin in training for just such a job. Lilienthal knew public utilities and the laws governing them from right to left. For Secretary Ickes, *Frankfurter* produced Nathan R. Margold; for Miss Perkins, he produced Charles E. Wyzanski, Jr.; and Secretary Hull found waiting for him in the State Department another *Frankfurter* economic protege in the shape of Herbert Feis.

"Thus there are *Frankfurter* men established in key posts thruout the Administration. Most of them are young and brilliant heirs to the tradition of Holmes, Brandeis and Cardozo, transmitted through the Harvard Law School under Professor *Felix Frankfurter*. There is one conspicuous exception. *There are none in the Department of Justice. Jim Farley got there first.* "Most of the *Frankfurter* products brought their own rolls and mustard along to Washington, until there are now between seventy-five to a hundred men in the Administration who studied under *Frankfurter*, although many of them were not specifically recommended by him. Some Departments and emergency organizations won't accept any lawyer who is not on the *Frankfurter* white list. The fact that so many liberal lawyers are Jews has succeeded in giving an acci-

dentally Semitic cast of countenance to the legal front of the New Deal, which has produced ominous mutterings in the political hinterland and which in part precipitated the quarrel between Peek and Tugwell in the Department of Agriculture, Peek having raised the racial issue by the assertion that visiting farmers and business men from the West and South complained about the Jewish lawyers they had to deal with. * * * Roosevelt has discovered what the English have known since the day of Disraeli, that *the Jew is a bad servant and a bad master, but a superb partner in any bold enterprise.*

"So *Frankfurter's* part in the New Deal was not confined to the provision of its legal personnel. He was an active though detached member of the Brain Trust until he left to lecture at Oxford and he advised the Administration on its main strategy with regard to the Supreme Court. He urged against allowing any of the revolutionary legislation to come before the Court until Congress had reaffirmed its intent by re-enacting the emergency measures. *This strategy would also allow the Grim Reaper to do his stuff on some of the conservative dodos on the bench.* So *Frankfurter* advised the Administration to 'go slow' and that was his parting word to almost every one of his lieutenants in each of the experimental wings of the Roosevelt Revolution.

"Accordingly, he will continue to be a powerful factor in the New Deal and some day, when Brandeis retires, he will probably be appointed to the Supreme Court. If he were not a Jew and came from the West or South, he would get the first vacancy, *but he is committed by race and residence, as well as by social outlook, to succeed Brandeis.*"

Robert Stone in "The Sentinel. . . The American Jewish Weekly" of Chicago, issue of April 19, 1934, gives a Jewish estimate of "The New Dealers," and seeks to attribute its authorship to Jay Franklin, a bit of strategy calculated to "take the heat" off the author's sometimes fulsome praise of the Administration Jews. Our individual opinion is that it is a subtle composite of many journalistic minds.

The review is introduced by the editorial comment: "Men and not principles make a government," Morganthau once said, "It is as true in democratic America as in Fascist Italy and Germany."

Mr. Stone says:

"While the Dr. Wirts of the nation confuse the issue for both conservatives and radicals, the Administration baffles the vision of those who recognize the contrast between the conservative *internationalist Cordell Hull* and the *liberal nationalist Raymond Moley*

and between the *moderate* Leo Wolman and the *progressive* Rexford Tugwell.

(We are constrained to observe that despite these confusing labels, applied by Mr. Stone, these four individuals are definitely international in their attitudes, as regards American nationalism under the Constitution. These men and all others in the public eye must be judged, not by "labels" but by their affiliations, and their written and spoken utterances).

"* * * * That Roosevelt and his truest friends aim to wrench the country away from the cupidinous capitalism of the past seems a certainty. Whether their goal is a commonwealth like Russia (*sic*), or a totalitarian state like Germany, it is difficult to say at the moment.

(Of course, the possibility that there could be a third course, that of Constitutional American nationalism, under which our country has made its great progress, would not suggest itself to any of these internationally minded bureaucrats of their chroniclers.)

"Despite the charges of the Steel Trust (probably meaning Dr. Wirt, the inference being that the recently muzzled charges, were instigated by 'the Steel Trust'), President Roosevelt has not yet done anything to prove his sympathy with the program of the Third International.

(This is of course, an invitation to profitless argument, as is also the sentence following, most illogically and pointlessly presented):

"In comparison with the record and the principles of previous administrations, Roosevelt's program is luminous with its warm social spirit. * * * * The personalities revealed in 'The New Dealers' are a more attractive and brilliant group of men than any administration has ever possessed. All of those who have any important place in the President's confidence are equipped with a social conscience. * * * * The patience with which the author discovers Jewishness of every 'brain Truster,' the promiscuity with which he lumps his Jews would seem to be the result of design and not chance. (A thought that will present itself to any reader.) * * * * It would be amusing if the Jews were to be charged, at first subtly as 'The Unofficial Observer' has done, and then overtly, with being prime movers in the Washington revolution, when they are merely small cogs objecting because the greater wheels revolve too swiftly for their comfort."

(Robert Stone's protestations can not obscure the facts in the case as previously presented. . . . Editor.)

"Fortune" Magazine (published by *Time, Inc.*) has twice lent its pages to the building up of *Felix Frankfurter*. In April, 1934, it devotes space to an article: "Critique of the Administration. . . Mr. Roosevelt's Men" giving further information about Frankfurter's satellites, who are there designated as "Dollar-a-Day Boys":

"The characteristic phenomenon of the new Washington is the dollar-a-day boy, the youngster recently out of Harvard or Yale or Columbia Law School who serves equally gladly the New Deal for a remuneration accepted by the *Baruchs* and *Swoopes* (during the War). The War was a crisis for the entire national economy.

The New Deal is a crisis for the hopes of a younger generation. It is only natural that the young men and not their elders should have received and accepted the call to defend it.

"The young men are roughly of three categories: the political appointees (and political appointees are still political appointees whatever their age), the young lawyers and the like out of large New York offices or important industries, and the liberals. Many of the second group are important, *but it is the third or liberal subdivision* which really gives color to the scene.

"The greater number of these youngsters — their ages run from twenty-five to thirty-five with the majority around thirty — *are selections, directly or indirectly of Felix Frankfurter*, intimate adviser of the President, Professor at Harvard Law School, and one of the great teachers of our time — a man whose influence over his students does not end with the awarding of an LL.B. degree. *They therefore share Mr. Frankfurter's point of view.* Which is to say that they are pretty largely old-school liberals since *Mr. Frankfurter* in spite of the epithets hurled at him from Lower Manhattan, is precisely that; a defender of democracy, a believer in the possibility of capitalistic reform, and a convinced individualist.

(Methinks the writer doth protest too much. We will let the reader, in the light of *Mr. Frankfurter's* background and previous record, as shown in the evidence here offered, judge for himself, as to whether the "Fortune" writer honestly evaluates him. . . *Editor.*)

"Only in the small minority headed by *James Landis* (co-author with *Frankfurter* of "The Business of the Supreme Court," 1922), and *Thomas Corcoran* of counsel for the R.F.C. are the young men *economic radicals*. The rest, general opinion to the contrary notwithstanding, disciples of *Thomas Jefferson*. (More unconvincing protestation, insulting to the intelligence of the reader. . . *Editor.*)

"And general opinion to the contrary notwithstanding, no over-

whelming majority are Jews. *It is true that about a third of the sixty or seventy Frankfurter appointees in the Administration are members of that race.* But of the seventy-three junior counsel in the A.A.A. under Counsel Jerome Frank, himself a Frankfurter man, only nine are Jews. In both categories the Jews have proved themselves as devoted as their Gentile colleagues — and not infrequently more able. What is striking about the Frankfurter group of young men is their loyalty to each other and to their ideas. They live together in groups — the Rousseau house in Georgetown, for example (designated by Congressman Fred Britten as ‘the little Red House’) — as Frankfurter and Walter Lippmann (unremitting propagandist for the concellation of the “war debts” at the expense of the American taxpayer. . . .Editor) and other young men of the war period lived in the House of Truth near Dupont circle. They work together in teams, so that a harassed official who has asked for a rush job may find his office filled in the small hours of the night with a group of *totally unknown young men* tearing into his work as though it were their own. They frequent the same dinner tables. *And they talk the same language.* (We reserve comment. . . .Editor.) The result is a seed-bed of ideas which grow up to bear fruit in older minds. The young men do not so much draft the legislation (though they are responsible in large part for such measures as the Securities Act, the Stock Exchange Bill, the *Russian bank bill*, etc. This parenthesis belongs in the “Fortune” article. . . .Editor.) as suggest legislation *which they believe ought to be drafted.”*

“Fortune” Magazine, again, in its issue of January, 1936, covered the activities of Frankfurter in the Roosevelt Administration, the article being read into the Congressional Record at the request of Senator Robert M. La Follete, Jr. of Wisconsin, on January 30, 1936. From it we learn that Frankfurter’s opinion was asked by President Franklin Delano Roosevelt on such of his friends or former pupils as:

Prof. O. M. W. Sprague, who advised the administration on financial matters from the fulness of his experience with the Bank of England;

John Dickinson, now Assistant Attorney General;

Assistant Attorney General Harold Stephens, now a Judge of the District of Columbia Court of Appeals;

Dr. Leo Wolman, who with *Nicholas Kelley* (son of the late *Florence Kelley-Wischnewetsky*, one-time amenuensis for the financial sponsor of *Karl Marx, Friederich Engels*) had the deciding vote in the Roosevelt Automobile Mediation Board;

Lloyd Garrison, formerly chairman of the Labor Board; and John G. Winant, Chairman of the Social Security Board.

Apologizing for the *Frankfurter* influence, the article goes on to say:

"Only upon the charge that *Mr. Frankfurter* has packed the administration with his 'boys' can the light be thrown. When so illuminated, it appears that *Mr. Frankfurter* has done little more to place intelligent lawyers in contemporary Washington than he has been doing for the past 25 years. * * * * He was the man you went to if you wanted a good young Harvard lawyer. * * * * Both in his capacity as member of the *Federal Reserve Board* and in his capacity as *Hoover's* chairman of the *R.F.C.* *Mr. Eugene Meyer*, to take one example, asked for the Harvard brand of legal product."

(*Mr. Meyer*, be it remembered, is a member of the European banking firm of *Lazard Freres*, and the especial *bete noir* of *Former Congressman Louis T. McFadden* of Pennsylvania, who publicly pilloried him in Congress as "the man who caused the depression." . . . *Editor.*)

In the same number of "Fortune" with this "build-up," is an article from the pen of *Frankfurter*, called "*The Young Men Go To Washington.*" It is an auto-apology, nicely worded, to indicate "why he believes a democracy needs youth and brains." We will cull some of the "weazle-words" to illustrate how he "damns with faint praise" the American scene:

"We have been nauseated by 'purges' both in Berlin and Moscow, and we have recalled — what we had too quickly forgotten — the brutalities and violence which followed the march on Rome. As a result, our democratic faith has been invigorated.

"Doubts about the validity of our great past, though still vigorous, are by no means universal. (A slur that he may well have spared. No American expects his jealous international critics to "build him up." Methinks Felix has outsmarted himself. . . *Editor.*) * * *

"Nothing has more vindicated democracy than the unhampered exercise of freedom of discussion, however hostile and misrepresentative, during three years of gigantic effort to meet the greatest economic and social crisis within the framework of the traditional American political system. * * * * Rugged individualism as a theory of political non-action, and as a practice of hands off by government has been dead in England since the days of *Gladstone* and *Disraeli*, and in this country was buried by *Theodore Roosevelt* beyond resurrection even by *Harding* and *Coolidge*. * * * * Party slogans, are one thing party actions quite another. * * * * Alphabetical agencies will continue or alphabetical agencies will take their place."

(In other words, we'll *make* you like it! As cynical an epigrammatist as *George Bernard Shaw*, to whom *Felix* shows many points of resemblance, especially in his sacrifice of the verities to turn a rhetorical phrase. . . . *Editor.*)

"Fortune" Magazine for August, 1933, contained an article: "*Federal Securities Act. . . The Social Implications of This Revolution.*" The affiliated publication "Time" in its issue of July 24, 1933 carried an advertisement announcing it as from the pen of "*Professor Felix Frankfurter, consultant to the House Committee which drafted it.*" ("Old school liberal," forsooth!)

Arthur Sears Henning, Washington correspondent of the "Chicago Tribune" in an article bearing date of Dec. 22, 1935, says:

"Many of the 'happy hot dogs' got into the administration thru the very corridors of the Supreme Court which has begun to resist the New Deal philosophy.

For years *Associate Justice Louis Brandeis* and the late *Associate Justice Oliver Wendell Holmes* made it a practice to take as their secretaries the two *Harvard law school* graduates who stood at the head of their class, or for other reasons were recommended by *Prof. Frankfurter*. There was a strong bond of friendship between *Prof. Frankfurter* and the two justices most noted for their liberal philosophies. *Mr. Justice Holmes* cherished it to his dying day, literally, and the strong bond still exists between *Mr. Justice Brandeis* and the professor. For the young *Harvard* graduates who became associated with *Supreme Court* justices as a result of this relationship, it was the opening of opportunity. As new secretaries came along, the old ones usually moved into responsible positions. Many of them found their way into high places of the government when the *New Deal* arrived."

Mr. Henning names a partial list of "key Frankfurters," conspicuously:

Dean G. Acheson (*Brandeis* protege), undersecretary of the treasury until he dissented from the administration's gold purchase device to raise prices.

Thomas Corcoran, co-drafter (with *Prof. James M. Landis* and *Benjamin V. Cohen*) of the utilities holding company bill and much other legislation, whose official post is on the legal staff of the *Public Works Administration*.

James M. Landis, new head of the *Securities and Exchange Commission* (SEC); co-author with *Prof. Frankfurter* of "The Business of the Supreme Court," a book on labor law.

Alger Hiss, right hand man of *Solicitor General Stanley Reed* of the *Department of Justice*.

Paul Freund, also of the legal staff of the *Department of Justice*.

All of these except Mr. Hiss have been in turn, secretaries to *Associate Justice Brandeis*. Hiss was secretary to the late *Associate Justice Holmes*.

Other "Frankfurters" in key places are:

Benjamin V. Cohen, co-drafter of the utilities holding company act and much other legislation, *altho on the payroll as a member of the PWA legal staff*.

Jerome Frank, Chicago "liberal" lawyer, ousted by *Chester Davis* as general counsel of the *Agricultural Adjustment Administration*; had ample influence to land in another prominent New Deal job, as *railroad reorganization counsel* for the *RFC*.

Charles E. Wyzanski, solicitor of the *Department of Labor* under *Frances Perkins*.

Thomas Elliott (28 years old), former associate solicitor of the *Department of Labor*, now general counsel for the new *Social Security* organization.

Another "Hot Dog," not so happy now since his ouster as *assistant consumers' counsel* in the *Chester Davis* purge of the AAA, is *Gardiner Jackson* intimate personal friend of Felix and actively associated with him in the *Sacco-Vanzetti Defense Committee* in Massachusetts in 1926-27.

Another Frankfurter solicitor in the AAA was *Lee Pressman*, who won the ire of *Senator Borah* by advising that AAA could not force sugar processors to sign contracts with producers. Miscellaneous links are *Herman Oliphant*, legal adviser to the *Treasury Department*; *David Lilienthal* of the *Tennessee Valley Authority* (groomed in Wisconsin for the job); *Nathan R. Margold*, solicitor of the *Department of the Interior*; *Herbert Feis*, in *Cordell Hull's Department of State*; and *Max Lowenthal* of the *Pecora Senate Banking Committee*.

From his extensive experience as a journalist in Berlin, London and New York, before, during and after the World War, *Frederic William Wile* now writing for the "*Washington Star*," is close to sources of accurate information. Writing under date of Sept. 5, 1934, he said: "An unofficial estimate has it that no fewer than four-fifths of the young lawyers in key places at Washington at this time, owe their appointments to Dr. Frankfurter's recommendations."

The late Senator from Minnesota, *Thomas D. Schall*, whose tragic death last December removed from the Congressional lists a valiant champion of *American Constitutionalism*, regarded Frankfurter as a pernicious influence in American politics. He said. "Professor 'Karl Marx' Felix Frankfurter

lives at the White House and writes every important speech and message delivered by Roosevelt as his close confidant and adviser." (From *Congressional Record*, September 10, 1935.)

To the same end, *Paul Mallon* in "Chicago Daily News," June 22, 1935, says:

"The spare figure of *Prof. Felix Frankfurter*, liberal lawyer-economist, darted in and out of the White House unnoticed on several occasions, just before President Roosevelt sent his wealth-sharing tax proposals to Congress. This same Harvard counselor paid several visits earlier to Hyde Park while the president was there, altho none noted his presence except the sparrows in the trees. Also unrecorded were simultaneous calls at both places of *Prof. Ray Moley*, the weekly Boswell of the New Deal viewpoint."

Paul R. Leach in "Chicago Daily News," Aug. 5, 1935, says:

"*Prof. Frankfurter* and Mr. Moley's names never appear on the White House calling lists, as they are personal callers, come and go at will."

Mr. Leach adds an illuminating side-light on the audacity of the "Hot Dogs":

"*Benjamin V. Cohen*, attorney for PWA, upset the conference meetings on the utilities bill by the unprecedented gall of insisting, supported by the Leftist *Senator Wheeler* of Montana upon sitting in the conferences. . . . These meetings are traditionally executive sessions, with none but conferees present."

W. M. Kiplinger writing in "*Nation's Business*" for August 1935, says: "*Frankfurter*, originally drawn into the solar system by *Moley*, is now a major influence with the President. — *Felix Frankfurter* is professor of law at Harvard. He has no government position, and he seldom appears in the flesh in Washington. When he visits here, he visits with Justice *Brandeis*, and then he goes around to visit with the President. He carries to the Presidential flower the pollen of *Brandeis* social and economic philosophy. * * * * *Frankfurter* would allow business more latitude to make profits, but would take the excess away by taxation. *Taxation of Bigness in Business is a Frankfurter idea.*"

In addressing Congress on January 4, 1935, *President Roosevelt* said: "We have undertaken a new order of things." Expatriating on this text, in the "Chicago American" of Nov. 2, 1935, *James T. Williams, Jr.* points out that:

"This so-called 'new order of things' was set forth in a book by

an English radical who completed it in one month to the day before the administration took office.

"The name of the radical English professor is *Dennis W. Brogan*. The foreword to his program for the so-called 'new order of things' was written by another radical English professor — *Harold J. Laski*, who praises Brogan as highly as Brogan praises the radical professor at Harvard University — *Felix Frankfurter*, whom Hugh S. Johnson has declared in the Saturday Evening Post to be 'the most influential single individual in the United States.'

"The reason Professor *Frankfurter* is so powerful, as given by Gen. Johnson in his illuminating article, is because Professor *Frankfurter's* 'boys have been insinuated into obscure but key positions in every vital department' of the government at Washington."

Mr. Williams goes on to point out that one of *Frankfurter's* radical colleagues in Harvard commends the Brogan book as a preferred guide in the study of government, for future *Frankfurters* to whom (quoting Gen. Johnson) "the Constitution is just a foil for clever fencing." He takes pains to show that the English radical's book is the inspiration of the New Deal attempts to Europeanize the American system and overthrow the representative form of Government for which the *American Constitution* provides.

The steps the English radical would take, he quotes as follows:

First — More Power for the President of the United States.

"He should be freed from the necessity of Senatorial confirmation of appointments. He should have greater positive and negative financial powers.

"He should have an absolute veto over constitutional amendments proposed by Congress and *the right to propose his own direct legislation for the country, whether or not Congress approve.*"

Second — *Less power for the Supreme Court of the United States.* Mr. Williams says that "what Radical Brogan means by this is clearly set forth in Radical Laski's foreword, in which he commends Brogan's advocacy of changes in the American system that will establish "the definite supremacy of the legislature over the judiciary'."

The nauseating incongruity of two radical aliens, one an *English Jew* and the other presumably an *Anglo-Irishman*, discussing a political system for *America*, which in the very nature of their heredity they fear and would destroy! ! !

It is only exceeded in presumption by the Austrian Ghetto-born termite and those who lend him their ears to advance policies that totter on the brink of Treason!

Are the ethics of *Macchiavelli*, of the poison cup and the poniard, or the wisdom of *Washington, Franklin, Madison and Marshall* to prevail in America?

As a summation of this brochure, we can do no better than to quote the brilliant editorial from the pen of *Mr. Tompkins* that appeared in *William Randolph Hearst's "New York American"* of November 7, 1935, under the caption: THE "HAPPY HOT DOGS":

Felix Frankfurter, Professor of Law in the Harvard Law School, holds no public office, either elective or appointive, in this country.

He cannot be President of the United States because he was born in Vienna, Austria.

Yet this man, who holds no Government position, who is unknown to most people, who lives far away from practical life in the recesses of a college law library, who is a foreigner by birth, "*is the most influential single individual in the United States,*" according to General Hugh Johnson, who, because of his former close relations with the Administration, knows whereof he speaks.

* * * * *

This Frankfurter — this silent man, brought up in his early years, at least, in an atmosphere where political liberty and the ideals of Jeffersonian democracy were regarded as criminal — is the doctrinaire ear-whisperer, the *Iago*, of this Administration.

It is from *Frankfurter*, who has lived for days in the White House, that the Socialistic ideas that guide this Administration emanate.

The Administration today is surrounded by a ring of linked Frankfurters who are known as "the Happy Hot Dogs." Their tails wave madly when they hear the word "Moscow." Frankfurter apparently brought with him to this country, through pre-natal necessity, an anti-Democratic, an anti-individualistic, a definitely European, mental and emotional set-up.

He is an active member of the Communistic American Civil Liberties Union.

And yet not only is that man generally credited with being the chief secret advisor of the President of the United States.

He is the author of many of the suffocating laws that have been thrust upon us.

In General Johnson's positive words, he is "*the most influential single individual in the United States!*"

But Frankfurter is not only all those things. He is also, without a doubt, the man who has *dictated* scores of influential "key" jobs in the present Government at Washington.

Some of these "Happy Hot Dogs" are Alger Hiss, Paul Freund, Ben Cohen, Charles E. Wyzanski, Thomas Elliott and Jerome Frank.

That a man of Felix Frankfurter's makeup, whose formative years were passed among click-heels and goose-steppers, should want to dominate the United States of America is quite understandable.

Quite naturally, these Administration "Happy Hot Dogs," under the guidance of their alien-minded mentor from Vienna, look on us, as General Johnson says, as "*the nucleus of a vast collectivism in which business or any private enterprise are just elements to be absorbed.*"

But that such a state of affairs could come to pass in the hundred and fifty-ninth year of the Republic with a President of old American stock in the White House is *neither understandable nor natural.*

FINIS

