

Mr. Mark Lynch  
122 Maryland Ave., NE  
Washington, D.W. 20002

1/19/85

Dear Mark,

Relax! This has nothing to do with the litigation. Ordinarily I do not see the Times but this story on Joe Rauh has a quote in which he summarizes some of what I told you very well. I've marked it, and suggested that perhaps he understated in saying no more than that we thought we were saving the country. I think that in fact, at least in spirit, we did. The "we" not referring to lawyers only, although it is, I think, likely that they did more than most and put in more overtime than most. It also, as I think about it, does not refer to the pre-FDR government employees. Those I recall were a stodgy, uncaring, timeclock-watching lot. But this may be unfair because, after all, I never met most of them.

I have to rest for a while, so I'll recall a little more for you. I can sit and type when I can do nothing else except read.

I began in the Agricultural Adjustment Administration, ridiculed by the Reagans of the day and I suppose most Republican's as practising birth control for pigs. Also for corn, wheat, barley, etc. It was headquartered at the Old Post Office Building, recently refurbished. The bosses of my part were located there and I can't remember anyone of the people I worked with ever working overtime. And we had a bad lot of bosses, one I recall better than the others a hardbitten, bitter retired military man, probably an officer. But then my section was transferred to what had been a small apartment house on the south side of Independence Ave., just west of 7th, facing the oldest Smithsonian buildings. I'm not clear on how many others did, but I'm pretty sure a few worked overtime, unpaid, if not as much as I did, so we could straighten out a godawful mess in the files so that poor, and mostly very, very poor, farmers could get paid. (There were a few large recipients of "birthcontrol" money, and my clearest recollection is of corporate garbage collectors, especially in the New York City area, who fed the garbage to pigs and may have had the country's largest hograising operations.)

My pay was \$30 a week as a clerk and I sent \$10 of it home. My room cost about \$4.00 a week, a clean, decent room in a nice house, formerly a fine town house, on 19th, NW (and later other places). I've forgotten how much more board was but although it was reasonable I couldn't afford it. Max Gordon had a decent and inexpensive restaurant on the north side of G NW next to the Washington building. For 20¢ I got 2 eggs, 2 strips of bacon, 2 slices of ~~toast~~ toast, and all the coffee I wanted. Most often as long as I lived in that area, that was my day's first food. When I ~~was~~ was on Independence Ave we'd take turns going to a momandpop grocery at 7th and I guess Virginia lunchtime, get a loaf of bread and some sliced balogna and that was lunch for our group. I doubt if four or five of us spent more than 15¢ for lunch. When at the Old P.O. there was an inexpensive cafeteria in what was then the main office of the Post Office apartment, only problem long lines, as well as one I do not remember clearly, in the old P.O. Later I shared a room in an apartment where GW hospital now is with a fellow named Hornsby Crockett. Then I'd be walking east on Penna. Ave and passed a place run by Bernarr McFadden, a physical culture buff and I think reactionary publisher of the old Liberty magazine. Some of the simple and nourishing dishes cost as little as 2¢, believe it or not, made of grains. And when I wanted to splurge, a little to the east, same side of Penna. Ave, probably between 18 and 19, there was a really great chili joint. Served chili and not much else, except hotdogs, etc. A big bowl of the best chili I've ever had was 15¢. I'm not sure but I think they also had a 10¢ size. And, by living the way I did, it was not long before I'd saved enough to buy a car, a 1929 Ford roadster, with rumble seat (what later generations missed when they weren't made any more, young people, anyway!)

for \$75, the asking price. I didn't haggle, and it was a great car, except that in the intertime the openness and the poor fit of the thin closures made it rough. After I was detailed to the Senate, about 1 1/2-2 years later, I went back to where I bought it and for it and \$25 more, again the asking price, got a 4-door Dodge sedan, velour seats perfect and not a scratch on the paint. You could park near the one Senate Office Bldg of the time and I worked unpredictable hours, as I may have indicated, not infrequently around the clock.

Through the dimness of so many years it is my impression that the kind of work Rauh and I talk about was mostly in the New Deal agencies, not the old, standing departments with employees there when FDR came in. But I'm sure there were exceptions and again I made be unfair. But it is my recollection.

Among the people I worked with on the Hill, almost anybody did almost anything, facing whatever need appeared. I remember, if not entirely how, that a bunch of us on the committee staff, when we were investigating the National Metal Trades Assn., a reactionary employers' association, were in their files when they were taking a leading role in employer opposition to Social Security when FDR ~~proposed~~ proposed it. And something of which I have absolutely no recollection at all that a scholar found in some United Mine Workers records, I prepared the defense in the Senate of the Wagner Act for the UMW. I was then very close to one of John Lewis's legislative reps, a very persuasive, warm alcoholic of a man named Gardner "Pat" Jackson, from a wealthy family, as was his wife, and formerly information director of the Sacco-Vanzetti committee. Pat and I did some effective lobbying together, which is another story and another FDR story. Except for a couple accused of being reds, and they may have been, although I never saw any reason to believe it, I'm the black sheep of the professional staff. Just about all the others went on to prestigious positions, even a couple of bastards worked in to wreck the committee toward its last days. Some to the White House, several to top DJ posts, also State and war agencies. After not being in touch for years recently I heard from one of the younger lawyers who left government. He did most of the legal work for the Anti-Defamation League in housing, despite what some of the more radical blacks were to say later. I happened to be with him in his New York office the day the Supreme Court held for him in one of those cases. (I'd sent him a notice of a memorial meeting I could not get to for a deformed dwarf of a man who was on the staff and then went on to become one of the best medical writers. Name Charlie Flato, not much more than 3 feet tall, hunchbacked, needed a cane to walk, and more often worked lying on the floor than elevated at a desk. I gave him a place to stay until he could get on his own when he joined up, and I was already sharing my small apartment with Charlie Clift, who'd worked for the ACLU in NYC, father one of the original Woolworth's first assistants, until Charlie knew that he was going to be kept on and brought his family down. He later worked for FCC and ~~The~~ The Reporter magazine, doing fine work. Clift began as a volunteer, of whom there were quite a few, including Senator Bert Wheeler's daughter Fran, a really fine person who died young. In a hospital made possible by the father of another volunteer, Luke Wilson. His parent controlled Woodward & Lothrop. His mother was a Lothrop and they gave the land and probably more for NIH in Bethesda. Had been their fine estate. (Naturally the father wound up in Elizabeth Dilling's ~~Red~~ "Red Network, practising capitalist that he was!

Many of the young lawyers of that era did fine work during World War II, but I was rather surprised to learn that a "liberal" when I met him later was one of Trujillo's Washington lawyers, of whom he had quite a few.

As I think back, I am inclined to believe that the real changes started when the political pros talked FDR out of having Henry Wallace for a second term. Wallace was a hard-working vice president, in war work. He headed one of the agencies. (First time he ran for v.p. his closest assistants were with him at Agriculture. I knew both, Jimmy McCron and Paul Appleby. Law Professor and civil libertarian Tom Emerson was one of the young lawyers but I knew him only slightly, through Pat Jackson.

Not quite as young but fairly young was another fine New Deal lawyer whose name, if I recall correctly, was just traded on by Scalia in a terrible business, his speciality. Jerome Frank became a judge, I think appeals court. I knew him through Pat also, not very well but enough for use, as I recall, to use first names. I still for some strange reason have a clear picture of the last time I saw him, where it was, etc. And once when I wrote you about those lawyers who became what I recall as good judges and could not remember the name. It was Charles Wyzanski, I think in Boston.

A good example of what Rau refers to in the third graf is Brien McMahon who, when I knew him well, headed the DJ Criminal Division, had handled personally a peonage case and then was personally handling the significant, for the era, Harlan County Conspiracy case. After he left Justice and before he became a Senator, his law firm, and I mean his, the one he started, represented Nazi corporations I exposed for, of all improbably people, Walter Annenberg. (Brien "fathered" the Atomic Energy Act.)

How was it then? I was working for peanuts and not complaining and not asking for more because the committee had such meager funding. But its chief file clerk, my mother's age or older, and motherly, was married to a sugar lobbyist, and he used his connections in ~~the~~ Agriculture to get me hired there and reassigned to the Committee. I never put a day in at Agriculture. In fact, on paper I was the administrative assistant to the head of the Farm Security Administration.

That reminds of how it was with the Congress then, but it is lunch time and I'm rested and will be getting back to work. I do not know how it is with the Congress now, but then it was very informal, very open, enemies were fairly friendly, Congressmen and Senators very accessible, and after they failed to "get" me Martin Dies, Joe Starnes, next to Dies on the committee and I were first-naming. But they were not invited to the impromptu party for me by some Congressman the night of the day the grand jury indicted the Dies agent and refused to indict me. Not because DJ, FBI and USA didn't try hard. Another story!

Best wishes,

JL-as you can see, I make no mention of the litigation in this letter to Lynch. In the past he expressed an interest in that era and said he'd be coming up to talk to me about it. Before your FOIA activity. When I reminisce I generally make carbons for Dave vice oral history, so will you please send this to him? I've been making fewer copies to avoid filing that really isn't necessary. I remain surprised that he remains silent. I'd have thought that as soon as he read the decision he'd have phoned. If only to convey his beliefs, any options, etc. If I lack an explanation of his silence I'm inclined to attribute it to embarrassment that was greater when he learned that you'd gotten the records about which Burnham wrote. (And the kind of simple, unintended error you indicated is not unusual. Difficult to avoid often. HW/19/85