

Mr. Mark Lynch
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Dear Mark,

Yesterday one of those New Deal lawyers, one of the very youngest, visited me. We both hope he'll be able to do it again in the near future. He'd been in Washington for either a reunion of those originally active in fair housing legislation or a conference on it and he was delayed getting here. We enjoyed reminiscing, he lamented that books should have been written and weren't, and when I told him that there were to have been oral histories that were not possible we more or less agreed that next time we'll tape.

I don't know how representative he is of the younger lawyers of that era and I doubt that his personal story is typical. He was six years old and the youngest of four children when his father died. Somehow his mother wangled a city permit for a newsstand under an elevated stop in New York City and the entire family operated it 20 hours a day. The papers were delivered by being thrown off the elevated trains at the stations and his mother, who opened the stand at 4 a.m., carried them down those many stairs to the stand. He attended law school on a scholarship, graduated and went to Washington with the New Deal, its first days. I've forgotten the agency of first employment. He was one of the first of the younger lawyers on the committee staff. He went from there to Immigration and Naturalization, selected by another committee staffer who headed IRS or its investigative division. Either while INS or as a Justice lawyer he was active in prosecutions, which leads to a Jerome Frank story he told me. He learned that the USA staff were visiting judges in advance of trial and telling them the case they planned to present. No knowledge to defense counsel. Frank ordered that nothing be given to judges not given to defense counsel.

The committee staff had prepared a Ford investigation as part of the auto industry investigation. We did do GM and Chrysler but somehow that of Ford was aborted. Ford arranged and directed, probably also financed, a native fascist outfit of pretended independence known as the Black Legion. Ford's director of security, Harry Bennett, ran it. They were very violent, I'm sure including the murders of union people. It seems that when Ford people were laid off and went to apply for relief they were referred to Ford relief, which they accepted. They then learned, when they were rehired, that careful records were kept and their checks were docked for the amount of relief they'd received. Ditto for food given them, etc.

My friend, whose name is Sol Rabkin, later went to the Anti-Defamation League, where he did the legal work on many of the early fair (unfair) housing cases, and while I do not recall the case, many years ago when I was in NYC I happened to visit him the day the Supreme Court gave him/them a victory. He commented, when we were talking about the young lawyers who went to Washington and cared much for needy people and worthwhile causes, that as they prospered personally many of them forgot such matters and were content to get richer and live better.

We agreed that whether or not unconstitutional, the NIRA turned the country around before the Supreme Court ruled. It then was known as "the sick chicken case" because the Schechter Bros in NYC were accused of selling sick chickens, then not an uncommon practise.

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While he also had no recollection of what Pat Jackson told John L. Lewis I had done to provide the defense of the Wagner Act, I think he is quite correct in believing that the actuality is that our committee laid the basis for it and for the need of the Act. What it exposed. Again, young lawyers who flocked to the New Deal. To the best of my recollection, the oldest was hardly middle-aged. John Abt was chief counsel, later said to have been a Communist. (Nothing in his work reflected this in

any way. Lee Pressman, another of those young New Deal lawyers, become general counsel for the CIO, before its merger with AFL. He also was said to have been a Communist, but in his work, with which I had some familiarity, no evidence of it. He also refused to give me a job when I needed it, despite what I'd done for labor.) Also a little older but still fairly young was a detailed Labor Board attorney, later ACLU in Los Angeles, Al Wirin. Once when he was indiscrete, in the RCA investigation, I was able to help him when he was about to be fired.

One of the most famous of the New Deal lawyers was "Tommy the Cork" Corcoran. He and Ben Cohen worked together and were known as FDR's Whiz Kids. Cohen stayed in government, I'm pretty sure in State, but Corcoran started his own law firm and represented "the other side," those "malefactors of great wealth" FDR castigated. (Also represented CIA, as I recall.)

Abe Fortas, who has been Underscretary in Interior under a Bull Moose Republican, the highly-principled Harold Ickes, was younger than Thurman Arnold or Paul Porter. I'd say that Fortas was rather young when he went to Washington and the New Deal. Joe Borkin was young, as were ^{some} others who worked in Ant-Tufst with Arnold. Joe was going to night ~~school~~ school to get his law degree, a rather common practise. He was an economist. I believe that Sirica also went to night law school. GW Univ. then was largely an odd assortment of larger homes in its present general area, and part of AU's graduate school also was. I remember a pair at 19 and F NW. There was something called the National Law School, I think, that did not enjoy the best reputation, but it was there for those of limited means. Connected with the YMCA, perhaps.

All of this was before the rebuilding of downtown DC. There then were very few large office buildings. I think the Investment Building was the largest and oldest. H, I, K, L, M and others were streets of large homes, a few still homes for the well-to-do, some boarding houses, and others converted to offices. There were a few office buildings built by railroads and things like that and a few for offices by banks and others with special needs, with office space available. But nothing large or at all modern. Office space was so limited that John L. Lewis bought the old Metropolitan Club building at Vermont and Eye for the UMW's office building, then rented other space nearby.

The crew Brien McMahon took down to Kentucky for the Harlan Conspiracy case consisted of three secretaries, two of whom were pretty young, four lawyers and me. Senior was Welly K. Hopkins, a conservative Texan. Henry Schweinhaut, later a DC judge, was probably in his 40s. And two fresh from law school, Walter Gallagher and Dick Shanahan. (Lewis hired Hopkins as UMW general counsel on my recommendation, through Pat Jackson. Hopkins took his secretary, oldest of the three secretaries, with him. May Rauber.)

I suppose that Brien was in his 40s then. No, a fifth secretary, his, a widow. I discovered by accident that Brien was part of the Catholic Church pro-Franco lobby within the government when Franco led the fascist revolt against the first elected government in Spain. It was led by an undersecretary or assistant secretary of State named Murphy. Catholic influence in DJ and FBI ~~operations~~ was then considerable. The youngest of the FBI agents, James M. McInerney, then probably in his late 30s. He was later AAG Lands, then Criminal. I used to visit him at both offices. We remained friends, and despite his Fordham, Catholic and FBI background, when he entered private practise he was one of the few lawyers who would handle "security" cases.

In different but many ways, young lawyers were very important in the New Deal and thus to the country. Rabkin's criticism was not that so many prospered in private practise but that there were interested then only in their prosperity. Some, like Tom Emerson, became law professors. It would be wrong to indicate that all were dedicated and selfless. Some were interested only in having a pay check during the Great Depression.

Best wishes,

In a sense the New Deal was a kind of revolution, including in the law.

Harold