

William Joseph Brennan
File 4/ [redacted] b7C

- Mr. Tolson _____
- Mr. Nichols _____
- Mr. Boardman _____
- Mr. Belmont _____
- Mr. Mohr _____
- Mr. Parsons _____
- Mr. Rosen _____
- Mr. Tamm _____
- Mr. Trotter _____
- Mr. Nease _____
- Tele. Room _____
- Mr. Holloman _____
- Miss Gandy _____

UP 32

AND J. BRENNAN (UP 34)

BRENNAN JR. DENIED THAT HE HAD REFERRED TO AN INVESTIGATION OF COMMUNISM BY MCCARTHY AS "A SALEM WITCH HUNT" UNDER BRILLING QUESTIONING BY MCCARTHY. BRENNAN ALSO AGREED THAT COMMUNISM IS A CONSPIRACY AGAINST THE UNITED STATES. COMMITTEE MEMBERS HAD TO INTERVIEW BEFORE BRENNAN WOULD GIVE A DIRECT ANSWER TO WHETHER HE CONSIDERED COMMUNISM MERELY A POLITICAL PARTY OR A CONSPIRACY AGAINST THE UNITED STATES. AT FIRST, BRENNAN REFUSED TO ANSWER BECAUSE CASES INVOLVING THE ISSUE ARE PENDING BEFORE THE SUPREME COURT.

HE MADE HIS AFFIRMATIVE ANSWER AFTER SEN. JOSEPH P. O'HANONEY MADE CLEAR THAT THE QUESTION WAS ENTIRELY APART FROM ANY PENDING CASE. MCCARTHY AND O'HANONEY EARLIER HAD EXCHANGED HEATED WORDS OVER "DOCUMENTS" THE WISCONSIN REPUBLICAN WAS OFFERING AS "EVIDENCE" TO SUPPORT HIS CHARGE THAT BRENNAN HAD "DEMONSTRATED AN UNDERLYING HOSTILITY TO CONGRESSIONAL ATTEMPTS TO EXPOSE THE COMMUNIST CONSPIRACY" AND HAD CALLED CONGRESSIONAL INVESTIGATIONS OF RED SALEM WITCH HUNTS.

IT TURNED OUT THAT THE DOCUMENTS WERE SPEECHES DELIVERED AT BOSTON, MASS., AND RED BANK, N.J., IN 1954 AND 1955 WHEN MCCARTHY WAS INVESTIGATING ALLEGED RED INFILTRATION AT FT. MONMOUTH, N.J. BRENNAN'S OFFICE HAD SUPPLIED MCCARTHY WITH COPIES OF THEM.

AFTER ABOUT AN HOUR UNDER MCCARTHY'S QUESTIONING, CHAIRMAN JAMES A. EASTLAND (D-MISS.) ENDED THE SESSION AND ASKED BRENNAN TO RETURN SUBCOMMITTEE TO INTERVIEW OTHER WITNESSES AND DETERMINE WHETHER THEIR TESTIMONY SHOULD BE HEARD BY THE FULL COMMITTEE.

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William Joseph Brennan

2/26-631236P

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- Mr. Tolson _____
- Mr. Nichols _____
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UPI 01

ADD 2 BRENNAN

AS FOR HIS REFERENCE TO "SALEH BITCH BUNTS" IN HIS SPEECHES, BRENNAN SAID HE DIDN'T MEAN ANY CONGRESSIONAL INVESTIGATIONS.

"I COULDN'T SAY THAT OF ANY CONGRESSIONAL COMMITTEE," BRENNAN SAID.

HE SAID HE HAD IN MIND "THE GENERAL NOTION, NOT CONGRESSIONAL COMMITTEES," THAT HYSTERIA WAS DOMINATING THE INTERNAL FIGHT AGAINST COMMUNISM. "THAT, I FELT WAS VERY UNFORTUNATE," HE ADDED.

2/26--JUL257P

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ADD J BRENNAN
 COMMITTEE CHAIRMAN JAMES O. EASTLAND (D-MISS.) ASKED WHAT
 INVESTIGATION BRENNAN HAD IN MIND, WHETHER IT WAS MCCARTHY'S
 INVESTIGATION AT FT. MONMOUTH.

"NO, I DID NOT," BRENNAN SAID. "IT WAS JUST A GENERAL OBSERVATION
 OF THINGS AS THEY APPEARED AT THE TIME."

MCCARTHY CONCLUDED AN OPENING STATEMENT BY SAYING THAT "I DON'T
 HAVE ANY HOPES OF BEING SUCCESSFUL" IN BLOCKING SENATE APPROVAL OF
 BRENNAN'S NOMINATION.

"I VERY GREATLY FEAR THAT THE LEFT-WING DEMOCRATS AND THE SO-CALLED
 MODERN REPUBLICANS -- WHAT THAT MEANS I DON'T KNOW -- WILL ROLL OVER
 AND PLAY DEAD AND APPROVE HIS NOMINATION," MCCARTHY SAID.

MCCARTHY MADE LOUD DEMANDS OF "LET ME FINISH MY QUESTION" WHEN
 O'HANONEY INTERRUPTED HIM ABOUT THE SO-CALLED DOCUMENT EVIDENCE AGAINST
 BRENNAN.

A CHUCKLE FROM THE AUDIENCE OF ABOUT 150 IN THE JAMMED HEARING ROOM
 PROMPTED MCCARTHY TO SHOUT "THERE IS NOTHING HUMOROUS ABOUT APPOINTING
 A JUSTICE TO THE SUPREME COURT."

MCCARTHY ENTERED THE JUDICIARY COMMITTEE ROOM BEFORE THE HEARING
 BEGAN AND PLACED A FOLDER OF TYPEWRITTEN PAGES AND A LARGE RED VOLUME
 OF BOUND CONGRESSIONAL RECORDS ON THE TABLE IN FRONT OF HIMSELF.

HE WORE A SINGLE-BREASTED SLATE GRAY SUIT, WHITE SHIRT, BLUE-AND-
 WHITE STRIPED TIE AND HEAVY BLACK PLASTIC FRAMED GLASSES.

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ADD A BRENNAN
 MCCARTHY PRESSED BRENNAN TO EXPLAIN SPECIFIC PORTIONS OF THE RED
 BANK SPEECH BEFORE THE DORCHESTER COUNTY ROTARY CLUB. THE SENATORS
 ASKED WHAT WAS "BARBARIC" ABOUT CONGRESSIONAL INDUSTRIES AND WHAT
 "TERROR" BRENNAN WAS DESCRIBING.
 BRENNAN REPLIED THAT HE WAS DISCUSSING THE "TERROR OF COMMUNISM."
 "WERE YOU APPROVING THE TERROR OR CONDIGNING IT?" MCCARTHY ASKED.
 "PRAY GOD WE GET RID OF IT," BRENNAN REPLIED. HE TOLD MCCARTHY
 HE BELIEVES "WE CAN NOT DO ENOUGH" TO SEE THAT COMMUNISM IS
 SUPPRESSED "IN OR OUT OF THE GOVERNMENT," BUT BRENNAN SAID THAT "IF
 OUR EYES GET OFF THE TARGET OUR EFFORT WOULD BE DISSIPATED."
 MCCARTHY ASKED BRENNAN TO SAY WHEN HE HAD "BY ONE LITTLE WORD"
 APPROVED THE EXPOSURE OF COMMUNISTS. BRENNAN REPLIED THAT HE HAD NOT
 HAD OCCASION TO DO SO IN THE SPEECHES CITED BY MCCARTHY OR IN
 LATER SPEECHES.
 HAD HE HAD OCCASION TO DO SO, BRENNAN SAID, HE WOULD HAVE TAKEN THE
 POSITION HE TOOK TODAY. "I'M VERY MUCH FOR IT -- VERY MUCH FOR IT --
 BUT I WANT TO SEE THAT WE DO NOT DISSIPATE OUR EFFORTS BY NOT
 DOING IT EFFECTIVELY," BRENNAN SAID.

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ASKED BY MCCARTHY TO GIVE SPECIFICS TO SUPPORT STATEMENTS IN HIS SPEECHES ABOUT "DISTORTED" ACCOUNTS OF CLOSED DOOR TESTIMONY AND "EPITHETS" HURLED AT WITNESSES, BRENNAN SAID THE REFERENCES WERE "MERELY ILLUSTRATIVE" AND THAT HE COULD NOT GIVE ANY.

HE SAID HE PROBABLY HAD SOME INCIDENTS IN MIND AT THE TIME BUT COULD NOT RECALL THEM. THE "IMPRESSION" WAS WIDESPREAD, BRENNAN SAID, THAT THERE WERE WITNESSES AT WHOM EPITHETS WERE THROWN AND SITORTED VERSIONS OF TESTIMONY.

THAT IMPRESSION, BRENNAN SAID, COULD BE "AS BAD" IN ITS ULTIMATE RESULT AS THE ACTUALITY.

MCCARTHY ALSO ASKED BRENNAN WHAT "HOPEFUL SIGNS" HE HAD SEEN IN THE MORNOUTH SPEECH THAT PEOPLE WERE BECOMING "SICKENED OF THE EXCESSES". MCCARTHY COMMENTED, IN AN ASIDE: "I'M GIVING HIM A GOOD OPENING THERE."

BRENNAN DID NOT MENTION MCCARTHY'S CENSURE, HOWEVER. HE COMMENTED INSTEAD THAT PROPOSALS WERE BEING AIRD AT THAT TIME FOR MORE ORDERLY PROCEDURES IN CONGRESSIONAL INVESTIGATIONS.

THE SESSION ENDED AFTER MCCARTHY ASSERTED THAT HE HAD BEEN READING STATEMENTS SIMILAR TO BRENNAN'S -- "THE SAME KIND OF COBLENESCOCK" -- IN THE COMMUNIST NEWSPAPER "DAILY WORKER" AND "EVERY LEFT-WING PAPER."

"I WONDER WHETHER A SUPREME COURT JUSTICE CAN HIDE BEHIND HIS ROBES AND CONDUCT A KIND OF GHERILLA WARFARE AGAINST INVESTIGATING COMMITTEES," THE SENATOR SAID.

MCCARTHY SAT SILENT AS NEW JERSEY'S TWO GOP SENATORS, CLIFFORD B. CASE AND M. ALEXANDER SMITH, TESTIFIED IN SUPPORT OF BRENNAN'S NOMINATION.

2/26--JL16P

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William J. Brennan

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ADD 1 BRENNAN (UP57)
 THE HEARING WAS CONCLUDED AFTER BRIEF QUESTIONING OF BRENNAN BY COMMITTEE MEMBERS.
 EASTLAND SAID THE COMMITTEE WILL VOTE ON THE NOMINATION IN CLOSED SESSION MONDAY.

SEN. ARTHUR V. WATKINS (R-UTAH) SAID HE "COMPLETELY AND UTTERLY" DISAGREED WITH MCCARTHY. WATKINS SAID HE HAD "EVERY CONFIDENCE" THAT BRENNAN RESPECTS THE RIGHT OF CONGRESS TO INVESTIGATE COMMUNISM.

BRENNAN, A ROMAN CATHOLIC, SAID HE NEVER WOULD PERMIT ANY RELIGIOUS OBLIGATION TO THE POPE INFLUENCE HIS DECISION ON A CASE.

SEN. JOSEPH C. O'HANONEY (D-WYO.), ALSO A ROMAN CATHOLIC, PUT SUCH A QUESTION AT THE REQUEST OF CHARLES SMITH, REPRESENTING THE NATIONAL LIBERAL LEAGUE, NEW YORK. COMMITTEE MEMBERS UNANIMOUSLY AGREED THAT THE QUESTION WAS IRRELEVANT BUT PERMITTED O'HANONEY TO ASK IT.

BUT SEN. ESTES KEFAUVER (D-TENN.) SAID IT SHOULD NOT HAVE BEEN ASKED. HE SAID IT WAS "A GREAT DISSERVICE" BECAUSE IT MIGHT LEAD OTHER PEOPLE TO BELIEVE "THAT WE ARE CONSIDERING PERSONAL RELIGIOUS BELIEFS IN ANY WAY WHATSOEVER" IN ACTING UPON NOMINATIONS OF THE PRESIDENT.

BRENNAN SAID HE TOOK THE OATH TO SUPPORT THE CONSTITUTION "UNRESERVEDLY."
 "THERE ISN'T ANY OBLIGATION OF OUR FAITH SUPERIOR TO THAT OATH," BRENNAN ADDED.

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Brennan Tells McCarthy He Favors Red Probes

WASHINGTON, Feb. 26 (AP)—Justice William J. Brennan told Senators considering an Supreme Court nomination today he considers communism a conspiracy and that he is "very, very much" for Congressional exposure of reds.

Justice Brennan said he could think of no more "vital objective" than the exposure of subversives by Congressional investigating committees.

The justice gave his views under questioning by Sen. Joseph R. McCarthy, R., Wis., who is opposing his nomination and evidently wasn't much impressed by Mr. Brennan's testimony.

Just before the hearing recessed until tomorrow, Sen. McCarthy remarked: "I wonder if a Supreme Court justice can hide behind his robes and conduct a guerrilla warfare against investigating committees."

Unique Questioning

It was the first time in this century that a sitting Supreme Court justice has been questioned about his qualifications. Justice Brennan is serving on the high tribunal under a recess appointment given to him by President Eisenhower. Sen. McCarthy conceded his battle to prevent Senate confirmation is a losing one.

Justice Brennan, a fifty-year-old New Jersey Democrat, was endorsed warmly today by New Jersey's two Republican Senators, H. Alexander Smith and Clifford P. Case.

Justice Brennan and Sen. McCarthy sat three seats apart at the Judiciary Committee hearing, the Justice apparently untroubled by the grilling and Sen. McCarthy persistent but polite. The Senator did flare up loudly at one point, but that was at Sen. Joseph C. O'Mahoney, D., Wyo., over a question of identifying some documents.

Justice Brennan testified that he didn't have specific investigating committees in mind in speeches in 1954 and 1955 in which he referred to "witch



Justice William J. Brennan jr. at hearing yesterday.

Sen. McCarthy at hearing on Justice Brennan yesterday.

hunts" and "barbarism." Rather, he said, he was reflecting a "general notion, a general feeling of the times, and talking as an American speaking his piece about a scene that was bothering me."

Why He Spoke

He said it is important that Congressional committees have the "complete confidence of all of us" and "I just felt ... we ought to regal our perspective in order to do a better job of licking this thing."

In 1954, Sen. McCarthy was busy investigating Communists and alleged Communists by methods which stirred criticism.

About the time of one of Justice Brennan's speeches, to the Monmouth County, N. J., Rotary Clubs, Sen. McCarthy was conducting an investigation at Ft. Monmouth, N. J. Mr. Brennan said he wasn't aware of that at the time of his address, in which he spoke of "barbarism which had started

proceedings at some hearings" and the hurling of epithets at "the hapless and helpless victim."

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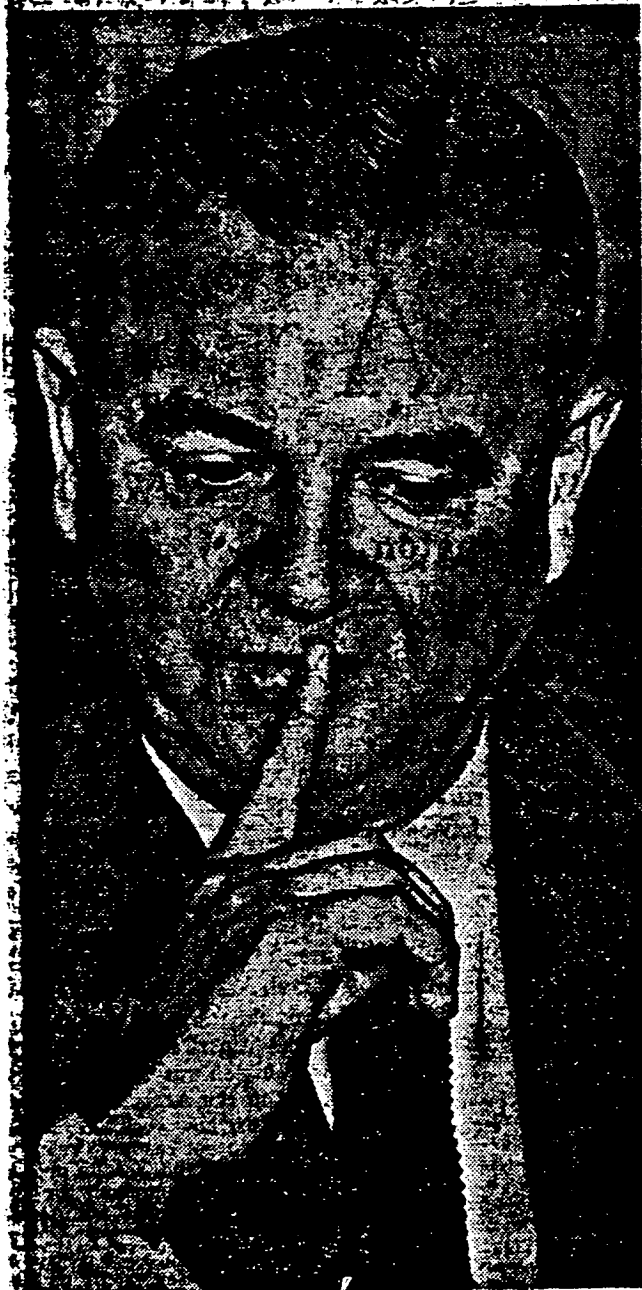
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Date FEB 27 1957

52 MAR 7 1957

McCarthy, O'Mahoney Tangle at Brennan Quiz



By Richard L. Evans
The Associated Press
Nomination of William J. Brennan Jr., New Jersey Democrat, to the Supreme Court was warmly endorsed yesterday by the state's two Republican Senators and sharply challenged by Sen. Joseph R. McCarthy (R-Wis.).

Sen. H. Alexander Smith (R-N. J.) told the Senate Judiciary Committee, considering the nomination that he had not been consulted before the 40-year-old Brennan was picked last September to succeed Justice Sherman Minton.

But Smith said Brennan's 26 years as a lawyer, three years as a trial judge, four years on New Jersey's Supreme Court and his "alert and vigorous mind" qualified him for the post. Sen. Clifford P. Case (R-N. J.) added that Brennan was "eminently qualified."

McCarthy challenged Brennan on grounds that in his speeches he had demonstrated "underlying hostility to congressional attempts to expose the Communist conspiracy" and that his court opinions "are likely to harm our efforts to fight communism."

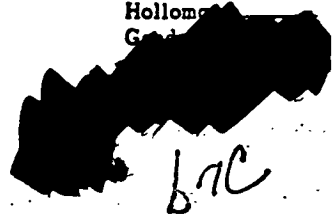
McCarthy's fears
McCarthy is not a member of the Judiciary Committee. But he obtained permission to question Brennan and conducted a free-wheeling session that will continue at 10:30 a. m. today.

McCarthy said he would vote against confirmation unless Brennan dispelled his fears. But he said he had little hope of blocking Senate confirmation.

At one time McCarthy said "modern Republicans will roll over and play dead" he said.

McCarthy tangled first with Sen. Joseph R. O'Mahoney, D-Wyo., a Republican, in the McCarthy said he had statements O'Mahoney asked him to identify them. McCarthy said they were Brennan's speeches.

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Date 2-29-57

Associated Press
William J. Brennan Jr., nominated by President Eisenhower to be a Supreme Court justice, was questioned yesterday by the Senate Judiciary Committee. Sen. Joseph McCarthy (R-Wis.) spoke against his appointment.

52 MAR 5 1957

...I want you to succeed in an utterly unorthodox way. You say you have a lot of books on the table. All I see is a copy of the Congressional Record and some canceled pamphlets."

...was before the Court. McCarthy asked Brennan all a dozen times if he believed the Communist Party is a conspiracy with intent to overthrow the United States Government. Each time Brennan replied that he is sitting on the Court, this issue is before him and he could not under his oath discuss it.

Finally, O'Mahoney rephrased the question to ask if Brennan agreed that international communism is a conspiracy against all free governments. Brennan said he did and also agreed to drop the word "international."

McCarthy displayed copies of two speeches made by Brennan in 1954 and 1955 during and just after McCarthy's investigation of alleged Communist infiltration of Government. In one speech, McCarthy said, Brennan referred to congressional investigations of communism as "Salem witch hunts." Brennan read from the speech this paragraph:

"The enemy deludes himself if he thinks he detects in some practices in the contemporary scene reminiscent of the Salem witch hunts any sign that our courage has failed us and that fear has palsied our hard-won concept of justice and fair play."

McCarthy said the other speech, which defended the Fifth Amendment, accused investigating committees of "barbarism."

"Frankness with ourselves must compel the acknowledgment that our resentment toward those who invoke its protection (Fifth Amendment) led us into a toleration of some of the very abuses which brought the privilege into being so many centuries ago. The abuses took on modern dress. It is true—not the rack and the screw, but the distorted version of the happenings at secret hearings released to the press, the shouted epithet at the hapless and helpless witness. . . . But there are hopeful signs in recent events that we have set things right and have become ashamed of our toleration of the barbarism which marked the procedures at some of these hearings."

Sen. McCarthy said he reads the Daily Worker "and I find the same gobbledegook about witch hunts." He said, "I wonder if a Supreme Court Justice can hide behind his robes and conduct guerrilla warfare against investigating committees."

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Favors Exposing Reds, Brennan Tells Hearing

By the Associated Press
 Supreme Court Justice William J. Brennan, Jr., says he favors congressional exposure of Communists but felt in 1954 "we ought to regain our perspective."

That was his reply yesterday to questions from Senator McCarthy, Republican of Wisconsin, who in 1954 was busy investigating Reds while serving as chairman of the Senate Investigations Subcommittee. But Justice Brennan testified he had no specific investigation committees in mind when he referred in speeches to "witch hunts" and "barbarism."

In advance of a second public hearing called by the Senate Judiciary Committee today, Senator Clifford P. Case, Republican of New Jersey, said he was confident the Senate would confirm Justice Brennan's nomination by an "overwhelming vote."

Senator McCarthy said he has "a lot more questions" to ask Justice Brennan but probably will not ask them because, he said, "I can't see any benefit of going over the same ground again."

Justice Brennan, nominated by President Eisenhower last month, is sitting on the court under a recess appointment made last fall after the retirement of Justice Sherman Minton.

A 50-year-old New Jersey Democrat, Justice Brennan heard his praises sung at yesterday's committee hearing by two Republicans, Senators Case and H. Alexander Smith.

The nominee testified, in answer to Senator McCarthy's questions, that he regards communism as a conspiracy against the United States. He also said he was "very, very much" in

favor of congressional exposure of subversive activities.

Senator McCarthy, however, said he had only been strengthened in the convictions he held about Justice Brennan and told the committee Justice Brennan had shown "an underlying hostility to congressional attempts to expose the Communist conspiracy."

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- Wash. News _____
- Wash. Star _____ *A-6*
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Brennan Puts Court Above His Religion

By the Associated Press
 Supreme Court Justice William J. Brennan, jr., told the Senate Judiciary Committee to-

day that he has "no obligation" as a Roman Catholic that is superior to his oath to uphold the Constitution.

The question of whether there is any conflict between Justice Brennan's obligations as a Catholic and his oath of office was raised by the National Liberty League, an organization that describes itself as devoted to separation of church and state.

Senator O'Mahoney, Democrat of Wyoming, a Catholic, said he thought the committee should grant the league's request to have the question asked of Justice Brennan, but Senator Kefauver, Democrat of Tennessee, expressed misgivings.

Hearings on Justice Brennan's nomination were ended after his appearance today. Chairman Eastland, Democrat of Missis-

issippi, said the committee will meet in closed session Monday and probably act on the nomination.

Justice Brennan, 50-year-old New Jersey Democrat, has been sitting on the court since mid-October under a recess appointment.

In testimony yesterday, he said he "very, very much" favors congressional exposure of Communists and regards the investigating power of Congress as "vital."

He gave that testimony in answer to questions by Senator McCarthy, Republican of Wisconsin, who did not return today to pursue his questioning.

Instead, Senator McCarthy sent a letter to Senator Eastland in which he said he believed the record made yesterday "confirms that Justice Brennan harbors an underlying hostility to congressional attempts to investigate and expose the Communist conspiracy."

Senator Watkins, Republican of Utah, after hearing Senator

THE EVENING STAR
 Washington, D. C.
 WEDNESDAY, FEBRUARY 27, 1957

McCarthy's letter, said "I completely and utterly disagree with what he has said."

In advance of today's committee session, Senator Case, Republican of New Jersey, said he was confident the Senate would confirm the nomination by an "overwhelming majority." New Jersey's other Senator, Republican H. Alexander Smith, also is actively supporting the nomination.

Senator McCarthy said he has "a lot more questions to ask Justice Brennan," but "I can't see any benefit of going over the same ground again."

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BRENNAN
 Sen. Joseph R. McCarthy
 (R., Wis) all but dropped his

WILLIAM JOSEPH BRENNAN JR.
SUPREME COURT JUSTICE

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

fight to block nomination of William J. Brennan Jr. to the Supreme Court. He told newsmen he probably would not continue questioning Mr. Brennan before the Senate Judiciary Committee.

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Date FEB 27 1957

66 MAR 8 1957

Senate Committee Ends Hearings On Brennan; Approval Is Expected

Richard J. Rogers, chief counsel for the Senate Judiciary Committee yesterday ended a two-day hearing on William J. Brennan's nomination to the Supreme Court and is expected to approve him Monday.

The 50-year-old former New Jersey judge and lifelong Democrat drew warm endorsements from five Republicans on the committee yesterday, mostly in rebuttal of Sen. Joseph R. McCarthy's (R-Wis.) challenge of Brennan Tuesday.

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Watkins Disagrees

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Brennan's Roman Catholic

religion was injected into the hearing by Sen. Joseph C. O'Mahoney (D-Wyo.) who is also a Catholic. O'Mahoney had taken closed session testimony Tuesday from spokesmen for the National Liberal League, an organization devoted to separation of church and state. At their request he asked Brennan what he would do in a case where his legal knowledge might pull him one way and his religious faith another.

Brennan replied that he would never have any problem carrying out his oath to support the Constitution. "There is no obligation of our faith superior to that," he said.

Precedent Feared

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Brennan said he could not answer categorically. The Constitution must be applied to the facts of each particular case, he said. He agreed with Watkins' suggestion that the Constitution doesn't change but men's interpretation of it may and a judge's ruling of 100 years ago need not remain fixed for all time.

Wiley added: "The Constitution is a living institution. It is not a dead thing. If it was it would have had its head cracked years ago."

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Question of Propriety

Questioning of a member of the Supreme Court whose confirmation is before the Senate is always a delicate matter calling for a high degree of restraint and good judgment. The Judiciary Committee would be grossly out of order to question a judge about decisions he has rendered or about cases yet to be decided. Its task is not to sway the thinking of a judge or to put him on the griddle for what he has done under a recess appointment but only to determine whether he has the training and qualifications requisite to membership on the Court. In some respects the hearing of Justice Brennan appears to have crossed this line.

The barrage that Senator McCarthy aimed at the Justice was often more reminiscent of one of the Senator's inquisitions than of a judicial inquiry. The propriety of giving Mr. McCarthy the right to cross-examine the Justice is itself open to serious question. He is not a member of the Judiciary Committee, and his reputation for abuse of witnesses should have been ample warning that he would brandish his tar brush, despite Chairman O'Mahoney's efforts to keep the hearing orderly.

There is a grave question, too, as to whether the committee should have pressed Justice Brennan to say whether he believes the Communist Party is a conspiracy aimed at overthrowing the Government. As Senator McCarthy phrased the question, Justice Brennan declined to answer it, but he yielded when Senator O'Mahoney asked if he believed international communism is a conspiracy against all free governments. Since the nature of communism is certain to be an issue before the Court many times, as it has been in the past, the Justice's reluctance to make a nonjudicial pronouncement should have been respected.

The McCarthy effort to show that Justice Brennan is prejudiced against congressional investigations may have been designed to induce the Justice to disqualify himself if any question regarding these inquiries, including the McCarthy hearings, should come before the Court. Senator O'Mahoney's question touching on the Justice's religion (Catholicism) was of a quite different character; it gave the Justice an opportunity to say that he would never permit a religious obligation to influence his decisions as a judge. Still, we think it would have been better to have let the Justice's eminent record testify on this point.

No objection of any substance has been raised against Justice Brennan as a result of the hearing. Indeed, most of the points were as flimsy as the auspices of the author. The Senate has a clear duty to confirm his nomination without further delay.

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

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

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McCarthyism Wanes

It is safe to assume that McCarthyism, while not dead, has definitely faded away.

For a few hours this week the Wisconsin Senator was back in the limelight. He sought and secured permission to question Supreme Court Justice Brennan before the Senate Judiciary Committee, and it soon became evident that Senator McCarthy, the man, has not changed. But somehow the old "soft on communism" theme just didn't seem to take.

Senator McCarthy said that Justice Brennan had "adopted the gobbledegook that the Communist Party uses." Justice Brennan had alluded in a speech to the terror of communism, and Senator McCarthy asked: "Were you approving the terror or condemning it?" The Senator wanted to know "whether a Supreme Court justice can hide behind his robes to conduct a kind of guerrilla warfare against investigating committees." And so on, and so on.

It was the same old stuff—pretty potent three years ago. But this week no one seemed to be paying attention. Justice Brennan said he approved of congressional investigation and exposure of communism. He also said he believed international communism is a conspiracy against the United States. And that was about it. The committee heard two more minor witnesses, concluded its hearing and prepared to report the Brennan nomination favorably to the Senate.

Even Senator McCarthy knew that he had fired a dud. He could go on indefinitely, he said, but what was the use—"the left-wing Democrats and the modern Republicans will roll over dead and approve this nomination."

No, the McCarthyism of three years ago is not dead. But in the year 1957 it is strictly no-hum stuff.

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Senate Committee Ends Hearings On Brennan; Approval Is Expected

By Richard L. Lyons
Staff Reporter

The Senate Judiciary Committee yesterday ended a two-day hearing on William J. Brennan's nomination to the Supreme Court and is expected to approved him Monday.

The 50-year-old former New Jersey judge and lifelong Democrat drew warm endorsements from two Republicans on the committee yesterday, partially in rebuttal of Sen. Joseph R. McCarthy's (R-Wis.) challenge of Brennan Tuesday.

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Brennan's Roman Catholic

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(ONLY FOR PAPER PURCHASING LEWIS COLUMN. OTHERS MUST NOT USE.)

(CAUTION: ADVANCE LEWIS COLUMN FOR RELEASE MONDAY, JUNE 17, 1957, 12:30 P.M. AND P.M. PAPERS. MUST NOT BE PUBLISHED BEFORE THAT DATE.)

WASHINGTON REPORT

BY FULTON LEWIS, JR.

(c) 1957, King Features Syndicate, Inc.

WASHINGTON, June 16--Attorney General Brownell, ordinarily a well-mannered individual, is in Vesuvian eruption over the Supreme Court decision which held that FBI files have to be opened in court, for full inspection by defense counsel, if the government attempts to file material in its prosecutions.

The legal implications are not his only concern. He has a staff study under way to determine just what the effects will be. Court procedures could be returned to the previous status quo, by legislation.

His burn -- and that of the Justice Department generally -- is that the key figure in the ruling was his own appointee, Justice William Brennan Jr., who not only wrote the decision but provided the majority by which a 160-year court practice was overturned, threatening havoc to the FBI, or, as an alternative, robbing the courts of FBI help in prosecutions.

The portion of the decision in question was carried by a 5 to 3 margin. Warren, Black, Frankfurter and Douglas voted in favor; Burton, Harlan and Clark, against. Had Brennan joined the latter, there would have been a four-to-four tie. Instead, he joined the others.

Heretofore, if the government used FBI material against a defendant the trial judge examined the file material involved, and decided whether there was anything that the defense attorneys should have. If so, he made that material available.

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INITIALS ON ORIGINAL

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Mohr
Mr. DeLoach
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

The apparent meaning of the Brennan decision is that the judicial screening process is eliminated.

If the defense challenges an FBI witness or memo or report, the entire "raw" file must be turned over. The FBI says this would destroy its usefulness and subject innocent third parties to serious embarrassment and possible danger. Also, it would betray information sources.

Shortly after the decision, Deputy Attorney General William Rogers, who was chiefly responsible for the Brennan appointment, was asked how he feels about Brennan now; his reply was, "don't even mention his name!"

(MORE)

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BY FULTON LEWIS, JR.

xx him!"

Brennan got his foot into the Administration door last year by attending the Attorney General's conference on court congestion, which was Rogers' particular baby.

As a member of the New Jersey Supreme Court bench, he had been instrumental in a similar cleanup of the New Jersey court congestion, and came highly recommended by New Jersey Chief Justice Arthur Vanderbilt, one of the most respected and revered judges on any bench today. Vanderbilt is an old school Republican conservative and probably would have been given the U.S. Supreme Court vacancy himself, except for his advancing years.

Brennan is a personable individual, a Democrat, an Easterner and a Catholic. These were decided to be political prerequisites, in filling the vacancy created by the retirement of Stanley Reed of Kentucky.

The late Senator Joe McCarthy opposed him, and appeared before the Senate Judiciary Committee hearings to present two speeches which Brennan had made, attacking Congressional investigations into Communism as "Salem Witch hunts," "inquisitions" and "barbarism."

McCarthy asked: "Do you approve of Congressional investigations and exposure of the Communist conspiracy setup?"

Brennan: "Not only do I approve, Senator, but personally I cannot think of a more vital function of the Congress than the investigatory function of its committees, and I can't think of a more important or vital objective of any committee than that of rooting out subversives in Government."

But when McCarthy asked whether Brennan believes that Communism is just another political philosophy, or a conspiracy to overthrow the government, the Justice ducked. He said cases were pending before the Court that might involve such a point, and he would not answer.

His nomination was confirmed by the Senate anyway, with McCarthy the only dissenting vote. The FBI case is his first major decision, since. The White House isn't happy either.

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Wesleyan Hears Brennan

Middletown—Associate Justice William J. Brennan Jr. of the U.S. Supreme Court told a commencement audience Sunday that "the nation's security lies in the un-tiluted right of individuals to exercise their First Amendment freedom."

The First Amendment guarantees freedom of speech. Justice Brennan, a former New Jersey jurist, received an honorary doctor of laws degree at the commencement of Wesleyan University.

"OUR GOVERNMENT," he said, "should not, even for the best of motives, suppress criticism of the way public affairs are conducted."

He spoke in defense of a majority opinion of the court he wrote recently. The decision gave the government, in criminal trials, the choice of producing FBI reports on which testimony is based or dismissing the case.

The decision granted a new trial to Quentin E. Jenks, a New Mexico labor leader convicted of violating the Taft-Hartley Act by filing a false non-communist oath.

IN HIS OPINION Justice Brennan said that "justice requires no less" than that a defendant see the FBI reports in his case.

"An accused," he said, "has a constitutional right to a lawyer, to have witnesses in his behalf, and to cross-examine those against him."

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Hartford Times, p. 34
 Hartford Courant, p. _____
 Manchester Evening Herald, p. _____
 Willimantic Chronicle, p. _____
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 Submitted by New Haven Office

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BAUMGARDNER

NEW YORK (AP) -- U.S. SUPREME COURT JUSTICE WILLIAM J. BRENNAN JR. SAID THE NATION'S JUDICIARY IS "NOT SACROSANCT" AND SHOULD BE AS OPEN TO CONSTRUCTIVE CRITICISM AS ANY OTHER BRANCH OF GOVERNMENT.

BRENNAN, A MEMBER OF THE NATION'S HIGHEST TRIBUNAL FOR THE PAST EIGHT MONTHS, MADE HIS COMMENT WHILE PROPOSING A "PANACEA" FOR THE CONGESTED COURT CALENDAR PROBLEM BEFORE THE FEDERAL ASSOCIATION OF INSURANCE COUNSELORS AT THE CALSON ASTORIA HOTEL.

REFERRING TO CRITICISMS OF COURTS, BRENNAN SAID:

"THE JUDICIARY IS NOT SACROSANCT. CAN HELP US IF THE DAY EVER COMES WHEN THE JUDICIARY IS NOT AS OPEN TO CONSTRUCTIVE CRITICISM AS ANY OTHER BRANCH OF GOVERNMENT."

ASKED LATER IF THIS COVERED RECENT CRITICISM OF THE SUPREME COURT ITSELF, HE SAID HIS REMARKS "COVERS THE JUDICIARY IN GENERAL."

BRENNAN SAID HIS "PANACEA" TO RELIEVE CONGESTED CALENDARS WOULD REVISE COURT SYSTEMS IN THREE LEVELS--ONE FOR MINOR CRIMINAL AND CIVIL MATTERS, ONE FOR GENERAL JURISDICTION, AND AN APPEALS COURT. THIS IS THE SYSTEM NOW IN EFFECT IN NEW JERSEY WHERE BRENNAN FORMERLY WAS A STATE SUPREME COURT JUSTICE.

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Mr. Tolson

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Mr. Nease	
Tele. Room	
Mr. Holloman	
Miss Gandy	

Nichols

[redacted] who is in Chicago informed his New York Office that he desired to talk to me before he left there on Monday. I called [redacted] and he stated he had seen [redacted] of the American Bar Association. He told [redacted] he was going to speak at the Bar Association in [redacted] as was Judge Medina. [redacted] inquired what Medina's attitude was on the Supreme Court. [redacted] told him it was not complimentary. [redacted] then pointed out he was disturbed at the propaganda which was being generated against the Court, that it was not good for the country. [redacted] then pointed out that he grieved at the hue and cry being raised but looks upon it as an outburst of righteous indignation against a series of ill-advised decisions by the Court. This then precipitated a rather heated discussion between the two.

WILLIAM J. BRENNAN

[redacted] made the point that the Jencks decision did not warrant its widespread condemnation. [redacted] then proceeded to cite page, chapter and verse to [redacted] and pointed out that the decision was couched in general broad terminology filled with ambiguity and was being given numerous interpretations by District Judges. [redacted] stated he had talked to Justice Brennan. Brennan was very much disturbed about the reaction that Brennan had told [redacted] he never intended to open up investigative files, that all he was getting at was a simple matter of a discovery of prior statements. [redacted] then proceeded to point out to [redacted] that Brennan had done a very sloppy job of judicial writing. [redacted] insisted that Brennan had never intended that the Jencks decision would go as far as it had been interpreted, that it was Tom Clark's dissent was causing all the trouble. [redacted] told [redacted] that Brennan's draftsmanship on the decision was such that it could be cited any way you wanted to.

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[redacted] then came around to the view that something was needed to clarify the Jencks decision; however, he supported the Watkins decision and then started to defend the Schneiderman decision and [redacted] took him to task on this. He asked [redacted] if he could understand what the Court was saying in the Schneiderman decision and he admitted he could not. [redacted] thought that perhaps Warren and Brennan have gotten the Bar Association steamed up to come to the defense of the Court and we should watch this.

[redacted] also stated that he had been down to Biloxi, Mississippi, attending the Mississippi Bar Association meeting and heard Eastland make a "rabble-rousing" speech and he thought that the present criticism of the Court stems from segregation. [redacted] then stated that Brennan had invited a lot of criticism with his New York speech wherein he stated that Judges were sacrosanct and should be the targets of criticism.

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██████████ called me and confidentially advised that Senator O'Mahoney had resisted any move to change the bill which would make it clear that it would protect the files of congressional committees and to apply it to administrative proceedings. ██████████ stated that Eastland made quite a spirited presentation for this and finally O'Mahoney said that the Department was against any change in the bill and that the Department had indicated to him that it wants the other matter corrected by a separate bill. ██████████ stated that you, of course, could not make any headway against this type of an argument.

██████████ further stated he had called ██████████ in the Department about extending the bill to include files of congressional committees. ██████████ had thought this tactic up. Since a congressional hearing is not a criminal proceeding, it could be likened to a Subversive Activities Control Board proceeding. ██████████ stated the Department would be agreeable to so amending. Thereafter ██████████ called back to say ██████████ had called him and stated he had talked to ██████████ and ██████████ had taken the position that the bill as presently drafted would protect the files of congressional committees in a court proceeding.

I talked to ██████████ who is very close to Lyndon Johnson. Johnson is out of town until this weekend. ██████████ is Johnson's ██████████. ██████████ stated that he would get busy at once and see what could be done to slip the bill in.

██████████ on the American Civil Liberties Union called me and advised that ██████████ of the Americans For Democratic Action told him that ADA was asking that the bill be reopened and that their opposition to the bill be heard by the committee. He further told me that ██████████, who is connected with Senator Hennings, thought that the phraseology of Section (b) of the bill which restricted reports and statements to be presented to the judge which were signed or proved by the witness was too broad. He further told me ██████████ of the American Civil Liberties Union saw nothing in the bill to concern the ACLU.

██████████ later called and stated that plans to bring the bill uptoday had been deferred as Senator Morse, who had gone to the Democratic leadership and stated he was having a brief prepared on the bill, wants to speak at length on it. It is not known exactly what this means but it could mean the threat of a little filibuster which the Senate leadership now wants to avoid.

SAC Laughlin called stating ██████████ a former Congressman, ██████████ Administrative Assistant to Senator ██████████ is ██████████. ██████████ had called Laughlin about the bill. Laughlin had given ██████████ a rundown and told ██████████ to call me if he needed any additional information. I have heard nothing further from ██████████. SAC Laughlin felt that ██████████ would try to be helpful.

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██████████ called back stating that he had talked to several people about bringing the bill up today but that he had run into a stumbling block as he had learned Senator Morse had asked for time to study the bill. ██████████ stated that from what he can find out if Morse opposes the bill this would not in any way cause its defeat but might throw a monkey wrench into the time. He stated Morse is a queer duck, that it is entirely possible that Morse merely wanted to study the bill overnight but it may be that he is being pressured, that there is no one down there who had any influence on Morse, that ordinarily Senator Douglas has but Morse and Douglas are not on speaking terms at the moment and the only other person who might influence Morse would be ██████████. ██████████ will scout the situation again today and maybe he can work out something to get the bill out this week.

Respectfully,

✓
L. B. Nichols

These Days The Father to the Child

By George L. Sokolsky

MR. JUSTICE BRENNAN of the Supreme Court aired the Jencks decision which effectively opens the FBI files to all eyes in a court.

Actually this is what is already beginning to happen and the F. B. I. will sooner or later have to withdraw their data in a case because they are bound not to disclose the source of their information. This could happen in a kidnapping case.



Sokolsky

Now, going back to June 25, 1953, there is a case, The State of New Jersey v. John Henry Tume in which Judge William J. Brennan, the same who now sits on the Supreme Court of the United States, gave the dissenting opinion. It is an interesting opinion because it is the forerunner, the parent, as it were, of the Jencks decision.

This was a murder case involving a confession. The defendant wanted to inspect his confession and other papers in the prosecutor's file. Chief Justice Vanderbilt, a really great jurist, wrote the decision permitting the inspection of some documents but not of the entire file. From this decision, Judge William J. Brennan dissented. The majority opinion stated:

"In criminal proceedings long experience has taught the courts that often discovery will lead not to honest fact-finding, but on the contrary to perjury and the suppression of evidence. Thus the criminal who is aware of the whole case against him will often procure perjured testimony in order to 'set up a defense.'"

"This is so true. After all, the criminal's business is to commit a crime and to get away with it. For murder, he might get a death sentence or life imprisonment, depending upon the state in which he is being tried; for perjury, he gambles for 30 years of his life.

Mr. Justice Brennan says: "That old hobgoblin perjury, invariably raised with every suggested change in procedure to make easier the discovery of the truth, is again disinterred from the grave where I had thought it was forever buried under the overwhelming weight of the complete rebuttal supplied by our experience in civil causes where liberal discovery has been allowed."

Then this New Jersey judge who was so suddenly raised to the United States Supreme Court to fit the political requirement of the moment said:

"This anachronistic apprehension that liberal discovery if extended to criminal causes will 'inevitably' bring the serious and sinister dangers of perjury in its wake will seem strange to many when coming from this court which has been generally commended for its aggressive sponsorship of liberal discovery and effective pretrial procedures in civil causes and can point to the solid evidence of its beneficial results to the cause of justice without that defeat of justice through perjury foretold by the prophets of doom."

THERE is more of this, but it is apparent that the judge does not understand the difference between civil and criminal cases just as he does not understand the difference between a raw file in the FBI and a file readied for presentation.

...this is Mr. Justice Brennan's description of the taking of a confession:

The charge is murder in the first degree, allegedly committed on Aug. 22, 1952. In the early morning hours from 12:30 a. m. to 6 a. m. of Aug. 23, in custody and without counsel and surrounded only by police officers, the accused had conversations with Detective Lieutenant Weidort during which not the accused but the lieutenant wrote down 14 pages of narrative which when completed the accused read aloud, had it read back to him by one of the officers, and signed.

To this Justice Brennan objected. Precisely how, in a case involving murder, would he have had the confession prepared? Would he have called in a blonde stenographer or would he have had the man arrested for murder talk into a dictating machine? The defendant said, two months later, that he could not remember what he had said in his confession. That is a little hard to believe because this is a man up for murder and one would imagine that his peril would whet his memory. But Justice Brennan believed him.

At any rate, in this 1953 decision, the Justice would make it practically impossible for the prosecution to win a case even against a murderer by careful and secret preparation.

...discovery of the confession...

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141 AUG 5 1957

- Wash. Post and Times Herald A-11
- Wash. News _____
- Wash. Star _____
- N. Y. Herald Tribune _____
- N. Y. Journal-American _____
- N. Y. Mirror _____
- N. Y. Daily News _____
- N. Y. Times _____
- Daily Worker _____
- The Worker _____
- New Leader _____
- Date 7/24/57

64 AUG 5 1957

GIN 8

These Days

Marshall vs. Brennan

It would seem that Justice Brennan of the United States Supreme Court quotes Chief Justice John Marshall of the



Sokolsky

... court as a precedent in the now famous or notorious Jencks case. So I looked up the case at issue which is that of Aaron Burr who was being tried for treason and for a misdemeanor. Burr insisted that a subpoena be issued against Thomas Jefferson, President of the United States, requiring the latter to produce a letter addressed to him by General Wilkinson, dated Nov. 12, 1806, which Burr claimed "may be material to his defense."

Jefferson was willing to turn over part of the letter but not the whole of it. He claimed that the contents to be withheld contained matter which he did not feel called upon to disclose because it reflected upon the loyalty of certain persons in New Orleans.

Burr's counsel argued that he wished to have the entire letter to cross-examine General Wilkinson when he appeared as a witness. The counsel suggested that "if there be any state secrets to prevent the production of the letter, the President should allege it in his return." On June 13, 1807, Chief Justice Marshall allowed the issuance of the subpoena, but said:

"If it be apparent, that the papers are irrelative to the case, or that, for state reasons, they cannot be introduced into the defense, the subpoena duces tecum would be useless."

On June 18, United States Attorney Hay presented a letter to the court from President Thomas Jefferson:

"... Reserving the necessary right of the President of the United States, to decide, independently of all other authority, what papers coming to him as President, the public interest permits to be

communicated, and to whom

The Wilkinson letter was not disclosed to the grand jury, which nevertheless indicted Aaron Burr for treason. The demand for the letter, however, was renewed on Sept. 3, during the Burr trial for the misdemeanor of waging war against a friendly power. Hay came into court with the letter in his pocket but continued his stand not to make it public. He offered to allow opposing counsel and the court to see it to convince themselves that it was against public interest to disclose the entire contents of the letter. Burr, however, was insistent and demanded that the court hold President Jefferson in contempt.

After considerable argument, a subpoena was issued against United States Attorney Hay demanding that he disclose the entire letter. Hay refused although he had the letter in his pocket. Chief Justice Marshall held:

"The President, although subject to the general rules which apply to others, may have sufficient motives for declining to produce a particular paper, and those motives may be such as to restrain the court from enforcing its production. I do not think precisely with the gentlemen on either side. I can readily conceive that the President might receive a letter which it would be improper to exhibit in public, because of the manifest inconvenience of its exposure. The occasion for demanding it might, in such a case, be very strong, and to be fully shown to the court before its production could be insisted on. I admit, that in such a case, such reliance must be placed on the declaration of the President, and I do think that a privilege does exist to withhold private letters of a certain description. The reason is this: Letters to the President in his private character, are often written to him in consequence of his public character, and may relate to public concerns. Such a let-

ter, although it be a private one, seems to partake of the character of an official paper, and to be such as ought not on any ground to be forced into public view.

Jefferson wrote a letter to the court, whereupon Marshall held:

"The President has certified his reasons for communicating only certain parts of that letter; and he believes that the other parts have no application to the present proceedings. After such a certificate from the President of the United States has been received, I cannot direct the production of those parts of the letter, without sufficient evidence of their being relevant to the present prosecution."

In Justice Brennan's opinion in the Jencks case, quotations appear, separated by dots, in one instance representing 16 omitted sentences.

Copyright, 1957, King Features Syndicate, Inc.

- Tolson _____
- Nichols _____
- Boardman _____
- Belmont _____
- Mohr _____
- Parsons _____
- Rosen _____
- Tamm _____
- Trotter _____
- Nease _____
- Tele. Room _____
- Holloman _____
- Gandy _____

Handwritten initials and numbers: "2-1"

Handwritten signature: "Baumgardner"

Large handwritten mark, possibly "b7c" and a signature.

- Wash. Post and Times Herald A-11
- Wash. News _____
- Wash. Star _____
- N. Y. Herald Tribune _____
- N. Y. Journal-American _____
- N. Y. Mirror _____
- N. Y. Daily News _____
- N. Y. Times _____
- Daily Worker _____
- The Worker _____
- New Leader _____

162-103501

NOT RECORDED
141 AUG 18 1957

Date AUG 12 1957

Handwritten vertical text: "William J. Brennan, Jr."

Handwritten number: "712"

GIR 123

Justice Brennan Hits Isolationist Theory of Law

Supreme Court Justice Brennan last night urged lawyers to cease looking at "the law" as an end unto itself and concentrate more on integrating their profession with the "constantly changing" social sciences.

Questioning what he termed "the isolationist tradition" of law—that law should serve only its own symmetry, rather than ends defined by other social disciplines—Justice Brennan said that "in the on-rushing atomic age, the realization and preservation of democratic ideals demand that the legal profession... must not grudgingly, but rather designedly and thoroughly, avail itself of the wisdom other disciplines provide lest democratic values be lost."

"He is an unwise lawyer who rejects what can be learned

from history and sociology and psychology," the jurist added. Justice Brennan delivered one of the Gaston Lectures at Georgetown University.

"The isolationist theory of law is not the only one, nor do I think it is one that this country, by the shape of its institutions, must necessarily cherish," he declared. "On the contrary,

realization, particularly among our law students, that the law is not an end to itself, nor does it provide

- Tolson _____
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- Belmont _____
- Mohr _____
- Parsons _____
- Rosen _____
- Nease _____
- Tele. Room _____
- Holloman _____
- Gandy _____

b7c [Redacted]

b7c [Redacted]

William J. Brennan, Jr.

file 4/ Brennan b7c

- Wash. Post and Times Herald _____
- Wash. News _____
- Wash. Star _____
- N. Y. Herald Tribune _____
- N. Y. Journal-American _____
- N. Y. Mirror _____
- N. Y. Daily News _____
- N. Y. Times _____
- Daily Worker _____
- The Worker _____
- New Leader _____

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NOT RECORDED
44 DEC 5 1957

Date NOV 26 1957

61 DEC 19 1957

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

September 24, 1964

Dear Mr. Evans:

I want you again to know how much our English guests and I appreciated what you and your colleagues did for us on Monday. We were all tremendously impressed. I deeply appreciate your help.

With warmest personal regards, I
am

Sincerely,

Mr. Courtney A. Evans,
Federal Bureau of Investigation
Department of Justice
Washington, D. C.

EX-103
116
9/29/64
b7c
b7c

September 28, 1964

5
REC-32 62-103501-6

EX 109

Honorable William J. Brennan, Jr.
Associate Justice of the Supreme Court
of the United States
Washington, D. C. 20543

My dear Mr. Justice:

I have read your letter of September 24th
addressed to Assistant Director Evans.

I am glad that we were able to be of
assistance to you and Mr. Evans in expressing appre-
tiation for your very kind remarks.

SEP 29 2 04 PM '64
FBI
REC'D-READING ROOM

Sincerely yours,

MAILED 3
OCT 1 1964
COMM-FBI

J. Edgar Hoover

1 - Mr. Evans

NOTE: Mr. Justice Brennan's note of thanks is in connection with his participation as host for a group of visiting British judges and prosecutors. Mr. Evans arranged and participated in a conference in the Attorney General's Office on 9/21/64, attended also by other Bureau officials. The visitors were particularly interested in the training of the law enforcement officials by the Bureau and scientific evidence which we offer. There is nothing derogatory in Bufiles concerning Justice Brennan and we have conducted no investigation concerning him. Our Newark Office did develop through discreet inquiries that his reputation is beyond reproach. He toured the Bureau on 5/26/64 and 8/17/64.

- Tolson _____
- Belmont _____
- Mohr _____
- Casper _____
- Callahan _____
- Conrad _____
- DeLoach _____
- Evans _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

4 OCT 7 1964 MAIL ROOM TELETYPE UNIT

b7c [Redacted] (3) [Redacted] b7c [Redacted] 5 55 PM '64 b7c [Redacted] SECTION 106 b7c [Redacted] b7c [Redacted] b7c [Redacted] b7c [Redacted]

SAC, Newark

2-23-66

Director, FBI

AND [REDACTED]
TOUR OF FBI

D.C.

b7c
[REDACTED] Associate Justice
William J. Brennan, Jr., U. S. Supreme Court, [REDACTED]
were conducted on a detailed tour of our facilities on February 21, 1966.
They displayed a keen interest in our work and expressed appreciation
for the courtesies afforded them. Mr. [REDACTED] resides at
[REDACTED]

1 - Tour Room

b7c
NOTE: Mr. [REDACTED] were conducted on a tour of our
facilities by SA [REDACTED] of the Crime Records Division.
This tour was arranged through Justice Brennan's office.

b7c
[REDACTED]

md

EX-112 REC-82 62-703501-7
FEB 24 1966

MAILED 30
FEB 23 1966
COMM-FBI

- Tolson _____
- DeLoach _____
- Mohr _____
- Wick _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

MAIL ROOM TELETYPE UNIT

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[REDACTED]

REC'D [REDACTED]
FEB 23 1966

Sup. Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

February 1, 1967

Mr. Tolson	<input checked="" type="checkbox"/>
Mr. DeLoach	<input checked="" type="checkbox"/>
Mr. Mohr	<input checked="" type="checkbox"/>
Mr. Wick	<input checked="" type="checkbox"/>
Mr. Casper	<input checked="" type="checkbox"/>
Mr. Callahan	<input checked="" type="checkbox"/>
Mr. Conrad	<input checked="" type="checkbox"/>
Mr. Felt	<input checked="" type="checkbox"/>
Mr. Gale	<input checked="" type="checkbox"/>
Mr. Rosen	<input checked="" type="checkbox"/>
Mr. Sullivan	<input checked="" type="checkbox"/>
Mr. Tavel	<input checked="" type="checkbox"/>
Mr. Trotter	<input checked="" type="checkbox"/>
Tele. Room	<input checked="" type="checkbox"/>
Miss Holmes	<input checked="" type="checkbox"/>
Miss Gandy	<input checked="" type="checkbox"/>

Dear Mr. Hoover:

Thank you so much for your letter of January 31. Mr. [redacted] stopped in this morning and gave me the details of your inquiry. I warmly appreciate your kindness.

b7c



With warm personal regards, I am

Sincerely,

Wm. J. Brennan, Jr.

Wm. J. Brennan, Jr.

Honorable J. Edgar Hoover,
Federal Bureau of Investigation
Department of Justice
Washington, D. C.

REC-71

62-103501-8

FEB 3 1967

~~EXP. PROC.~~

FEB 2 1967

62-103501

FEB 9 1967

39

reach

CORRESPONDENCE

OFFICE

OF THE



b7c



FBI

Date: 2/10/67

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO : DIRECTOR, FBI ATTENTION: **[REDACTED]** RATORY
FROM : SAC, WFO (9-New) **[REDACTED]**

[REDACTED] b7c
EXTORTION - THREATS AGAINST THE PRESIDENT
(OO:IP)

Enclosed for the Bureau are three original letters from **[REDACTED]** and four copies of an LHM. Enclosed for Indianapolis are two copies of an LHM. b7c

On 2/9/67, U. S. District Judge GEORGE L. HART, U. S. District Court, Washington, D.C., made available a letter addressed to him from **[REDACTED]**

This letter made threats to kill the President, Vice President, and Chief Justice. b7c

On 2/10/67, **[REDACTED]** U. S. Supreme Court, made available one letter dated 2/5/67, from **[REDACTED]** to Chief Justice EARL WARREN. This letter threatened to kill the President, Vice President, and Chief Justice WARREN.

- 4 - Bureau (Enc. 7)
- 2 - Indianapolis (Enc. 2)
- 2 - WFO
- (1 - 175-0)

62-103501- b7c
NOT RECORDED
183 FEB 14 1967
FEB 14 1967

[REDACTED] (8)
ENCLOSURE
C. C. Wick
AIRTEL
SEVEN

Approved: **[REDACTED]** Sent _____ M Per _____
Special Agent in Charge

b7c

WFO 9-New

[REDACTED] made available a letter dated 2/7/67, from the President, Vice President, EARL WARREN, WILLIAM BRENNAN, and GEORGE L. HART, as well as Justice TOM CLARK. This letter also requested arrangement to get seven million dollars in cash sent to [REDACTED] in care of [REDACTED]

Information in the threatening letters was furnished at 3:45 p.m., on 2/9 and 10/67, to [REDACTED] Protective Division, U. S. Secret Service; [REDACTED] Special Investigations Squad, Metropolitan Police Department, (MPD), and information in the first letter to [REDACTED] U. S. Supreme Court.

b7c FBI Laboratory is requested to examine the enclosed original letters before preparing them for dissemination to Secret Service Headquarters.

WFO indices reveal prior investigation by the Bureau in 1962 of [REDACTED]

Indianapolis is the designated Office of Origin [REDACTED] Conduct appropriate investigation and present to USA.

ADDENDUM

[REDACTED]



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535
February 10, 1967

In Reply, Please Refer to
File No.

Director
United States Secret Service
Department of the Treasury
Washington, D. C. 20220

Dear Sir:

The information furnished herewith concerns an individual who is believed to be covered by the agreement between the FBI and Secret Service concerning Presidential protection, and to fall within the category or categories checked.

1. Has attempted or threatened bodily harm to any government official or employee, including foreign government officials residing in or planning an imminent visit to the U. S., because of his official status.
2. Has attempted or threatened to redress a grievance against any public official by other than legal means.
3. Because of background is potentially dangerous; or has been identified as member or participant in communist movement; or has been under active investigation as member of other group or organization inimical to U. S.
4. U. S. citizens or residents who defect from the U. S. to countries in the Soviet or Chinese Communist blocs and return.
5. Subversives, ultrarightists, racists and fascists who meet one or more of the following criteria:
 - (a) Evidence of emotional instability (including unstable residence and employment record) or irrational or suicidal behavior;
 - (b) Expressions of strong or violent anti-U. S. sentiment;
 - (c) Prior acts (including arrests or convictions) or conduct or statements indicating a propensity for violence and antipathy toward good order and government.
6. Individuals involved in illegal bombing or illegal bomb-making.

Photograph has been furnished enclosed is not available
 may be available through _____

2 Bureau

(S) [Redacted]

67c

Very truly yours,
J. Edgar Hoover
John Edgar Hoover
Director

1 - Special Agent in Charge (Enclosure(s) 1
U. S. Secret Service Washington, D.C.

Enclosure(s) 1

(Upon removal of classified enclosures, if any, this transmittal form becomes UNCLASSIFIED.)



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

In Reply, Please Refer to
File No.

February 10, 1967

EXTORTION - THREATS AGAINST THE PRESIDENT

b7C

On February 9, 1967, United States District Court Judge George L. Hart made available a letter received by him February 9, 1967, which read as follows:

"February 6, 1967"

"Hon. George L. Hart
U. S. District Judge
Federal Bldg
Washington, D.C."

"Judge Hart:"

"In a few short days the United States will lose a president and a vice president along with its Chief Justice for I am going to kill all 3 of them personally and no measures of security can protect them."

"This is not a prank - I assure you these 3 bastards are as good as dead. I alone know and have the means to assassinate them and die at my hands they will."

"Only a few days left now in fact less then 15 days."

/s/

[Redacted signature]

b7C

On February 9, 1967, at 3:45 p.m., Special Agent [Redacted] of the Federal Bureau of Investigation (FBI) furnished information in the above letter to [Redacted] Protective Division, United States Secret Service; [Redacted] Special Investigations Squad, Metropolitan Police Department (MPD), and [Redacted] United States Supreme Court.

ENCLOSURE

62-103571-

ENCLOSURE

[REDACTED] b7c
On February 10, 1967, [REDACTED]
United States Supreme Court, made available two letters received
February 9, 1967, by the Office of the Clerk, United States
Supreme Court. The letters read as follows: b7c

"Feb 5, 1967"

"Chief Justice
Earl Warren
Supreme Court of the United States
Washington, D.C."

"Honorable Sir:"

"Because of personal aggressions by the United
States government against me, I pledge I will shortly kill
The president of the United States."

"Also I will kill the vice president and kill you
also."

"This will teach your government I am master of
me and not your government."

"I hope you don't think this letter to be a prank.
I personally assure you it is not."

"All three of you have a short time to live."
[REDACTED] b7c

"Feb. 7, 1967"

"Hon. Tom Clark, Justice
Supreme Court of U.S.A.
Washington, D.C."

"If you value the life of the President of the United States,
the life of the Vice President - also Earl Warren, William
Erennan and George L. Hart as well as your own you will follow
the following instructions:"

[REDACTED]

"You will arrange to get \$7,000,000 all in cash - in denomination of twenties to five hundred dollar bills unmarked - pack in a box and send Special Delivery to [REDACTED] This money can save your six lives by February 20, 1967."

"If you fail or notify police I personally will kill all six of you. No protective measures of security can protect Johnson-Humphrey or the rest of you I promise. I am not alone. I have enough help."

b7c "So don't smirk on this as a prank. You have an oath from me this is no prank."

"So pay us seven (7) million dollars or die."

/s/ [REDACTED]

The above three letters were transmitted from [REDACTED]

[REDACTED] to the recipients.

On February 10, 1967, information in the above two letters was furnished by Special Agent [REDACTED] of the FBI to [REDACTED] Special Investigations Squad, MPD, and [REDACTED] Protective Division, United States Secret Service.

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

January 22, 1968

- Mr. Tolson
- Mr. DeLoach
- Mr. Mohr
- Mr. Bishop
- Mr. Casper
- Mr. Callahan
- Mr. Conrad
- Mr. Felt
- Mr. Gale
- Mr. Rosen
- Mr. Sullivan
- Mr. Tavel
- Mr. Trotter
- Tele. Room
- Miss Holmes
- Miss Gandy

My dear Director:

Thank you so very much for your attention to [redacted] inquiry. I know that he will also appreciate your giving it your consideration.

With warmest personal regards,
I am —

Sincerely,

Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D.C.
William J. Brennan, Jr.

EXP. PROC.

JAN 23 1968

REC-44 62-103501-9

EX 109

14 JAN 25 1968

PERS. REC. UNIT

CORRESPONDENCE

b7c

57 FEB 5 1968