

The activities of the broadcasters in question similarly exhibit more than a "constructive" or "inferential" disloyalty to the United States, and can hardly be regarded in the same class as expressions of opinion. Certainly the mere fact that a particular individual can serve the enemy better as a propaganda artist than as a dynamiter or spy should not be an obstacle to his prosecution for treason.

Nor is the existence of a sedition statute an obstacle to a prosecution for treason based on utterances. What would be only sedition if committed by an independent individual or group may constitute treason when the offender acts in cooperation with the enemy, just as acts which would constitute only sabotage when done by a free-lancer become treason when committed in cooperation with the enemy.

Since the broadcasts in question evidence adherence to the enemies, and give them aid and comfort, they are not protected by the First Amendment. The test of when liberty of speech may be curtailed is:

"* * * whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight, and that no court could regard them as protected by any constitutional right." (Schenck v. United States, 249 U.S. 47, 52)

Aiding the enemy is a "substantive evil" which Congress has a right to prevent. Hence, the same evidence which proves that these broadcasters have in fact given aid and comfort to the enemies of the United States also establishes that their utterances created a "clear and present danger" of bringing about the substantive evil. See also Frohwerk v. United States, 249 U.S. 204.

Extraterritorial application of the treason statute. It will be noted that the treason statute expressly includes conduct outside the United States:

"Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason."

The words "or elsewhere" seem to encompass acts committed anywhere in the world. The only alternative construction is that the statute punishes "aid and comfort" given in the United States or elsewhere, but that the "adherence" to the enemy must occur within the United States.

This narrow construction must be rejected for two reasons. The Supreme Court has pointed out a strong presumption that statutes designed to protect the Government, as opposed to those dealing with private offenses, were intended by Congress to apply throughout the world, even in the absence of a specific reference to extraterritorial application. United States v. Bowman, 260 U.S. 94; Blackmer v. United States, 284 U.S. 421. It would seem improper, therefore, to narrow the meaning of a specific provision for foreign application. Secondly, the narrow construction has been rejected by the English courts even though the language of the English statute is far more susceptible to this construction than ours. Rex v. Casement (1917), 1 K.B. 98. This case is only the latest of a line of authority which antedates the adoption of our Constitution and the passage of our treason statute.

It is well established that Congress has the power under the Constitution to punish citizens for their conduct abroad. Blackmer v. United States, *supra*; United States v. Bowman, *supra*. This power is equally recognized under international law. Jurisdiction with Respect to Crime, 29 A.J.I.L. (Supplement, 1935) 435, 519-535, 543-561, and authorities cited.

Indictment. There appears to be no reason why the broadcasters may not be indicted in absentia. Their personal appearance before the grand jury is not required; in fact, even if they desired to appear before it they could do so only by permission. The statutory requirement (18 U.S.C. 562) that a person indicted for treason be furnished with the indictment and a list of the jury and witnesses at least three days before trial only emphasizes the ex parte character of the grand jury proceedings. Evidence that indictments in absentia occur in practice is to be found in the fact that both warrants of removal and requests for extradition are frequently based upon indictments secured against absent persons.

Indictment in absentia, therefore, appears to be proper under existing law, and no additional legislation seems to be necessary.

Venue. The Sixth Amendment requires that trials be held in the State and district wherein the offense was committed,* but Congress is

* A statute (28 U.S.C. 101) imposes the additional requirement that capital offenses be tried in the county where committed.

permitted to fix the place of trial for offenses committed on the high seas or outside the United States. By statute (28 U.S.C. 102) such offenses are to be tried in the district where the offender is found or into which he is first brought.

It seems to be the universal and unquestioned practice for indictments to be laid in the district where the trial is to take place. While I have found no constitutional or statutory requirement to this effect, the practice may be grounded on the lack of any statutory mechanism for the transfer of an indictment from one district to another. See United States v. Beadon, 49 F.(2d) 164, 166; and cf. Salinger v. Loisel, 265 U.S. 224, construing 28 U.S.C. 114. Consequently, the indictment would have to be returned where the case can be tried, i.e., in the state, district, and county where the offense was committed, or, if it was committed outside the United States, in the district where the offender is found or into which he is first brought.

If we assume that the offense was committed abroad, it is impossible to determine now where the indictment should be returned. If the offender should later return voluntarily to the United States, he could be tried only in the district wherein he is found. United States v. Townsend, 219 Fed. 761. By avoiding the district of indictment, he could avoid trial, except on a new indictment in a district where he is found. If, on the other hand, he should at some time in the future be taken in custody abroad and brought back to the United States, he could be tried only in the district into which he is first brought. United States v. Townsend, supra. Since it is impossible to anticipate now the district in which the offender will be found or into which he will first be brought, it is impossible to decide with certainty where the indictment should be laid and to guard against the possible necessity of subsequent reindictments in other districts.

It could also be argued that the offense was committed in any Federal district where the broadcasts were heard. See concurring opinion of Judge Sibley, Horwitz et al. v. United States, 63 F.(2d) 706, 709; cert. den. 289 U.S. 760. Analogies are to be found in use of the telephone (offense committed where voice heard, Lamar v. United States, 240 U.S. 60), of the mails (offense committed where letter delivered, Horwitz v. United States, supra), and of the press (offense committed where periodical circulates or is received, State v. Piver, 132 Pac. 858). Cf. Strassheim v. Daily, 221 U.S. 280, 285.

On this latter theory, indictments could be returned wherever the broadcasts were heard, without the necessity of further legislation.

On the former theory, however, there might be some difficulty in that we cannot determine now where the offenders will be found or will

be first brought, and hence we cannot know the districts in which trial will be proper. This difficulty might possibly be removed by legislation authorizing indictments for foreign offenses to be transferred from one district to another, or permitting such offenses to be tried in any district in which the indictments were returned. The difficulty is somewhat hypothetical at present, however; it is possible that by choosing a district in which the offenders are likely to be found or be brought on their return from Europe (e.g., the Southern District of New York) the difficulty can be avoided. Furthermore, reindictments are quite feasible, since there is no statute of limitations on capital offenses (18 U.S.C. 581a). For these reasons, there is no present need for legislation. Moreover, there seems to be no reason why legislation could not be passed, if a need should ever arise, even after the indictments have been obtained, since such legislation would be procedural only and hence would not be barred by the ex post facto clause.

Trial in absentia. While indictment in absentia is permissible, it is quite clear that trial in absentia is not. Both the confrontation provision of the Sixth Amendment and the due process clause of the Fifth guarantee to the defendant the privilege of being present at his trial. Moreover, a trial in absentia would not be proper even if the absence of the defendants from the country were construed as a waiver of their privilege of presence, since the privilege may not be waived in a capital case:

"In cases of felony our courts, with substantial accord, have regarded it [the privilege of presence] as extending to every stage of the trial, inclusive of the empaneling of the jury and the reception of the verdict, and as being scarcely less important to the accused than the right of trial itself. And with like accord they have regarded an accused who is in custody and one who is charged with a capital offense as incapable of waiving the right; the one, because his presence or absence is not within his own control, and the other because, in addition to being usually in custody, he is deemed to suffer the constraint naturally incident to an apprehension of the awful penalty that would follow conviction." Diaz v. United States, 223 U.S. 442, 455.

While a later case (Snyder v. Massachusetts, 291 U.S. 97) has held that the privilege of presence is not absolute, but rather exists only where the defendant's presence "has a relation, reasonably substantial, to the fulness of his opportunity to defend against the charge," it cannot be construed to authorize the entire trial to take place in absentia. The court held no more than that a jury might view the scene

of the crime in the defendant's absence, and carefully distinguished between presence at a scene where no witnesses are examined and presence at a trial during the examination of witnesses. The former is governed by the due process clause, which imposes a requirement of "fairness," but as "a relative, not an absolute concept." The latter is governed by the privilege, conferred in far more definite terms, of confrontation. Moreover, unless there is a privilege to be present at some phases of the proceedings, there would be no point to the prohibition against waiver set out in the Diaz case, supra, and it is quite clear that the Snyder case did not purport to abolish that prohibition.

Because of the constitutional barriers, trials in absentia could not be authorized by legislation.

B. Q. Fisher

File

146-28-237 - 1

February 9, 1943

MEMORANDUM TO MR. OSCAR COX

FROM: Boris I. Bittker

RE: Robert Best, Jane Anderson, Eara Pound, et al.

1. While we have no evidence to this effect, it is possible that some of these broadcasters may have expatriated themselves before the broadcasts in question. If so, there may be a question as to whether they still "owe allegiance to the United States," within the meaning of the treason statute.

It might be argued that when war is declared, citizens lose their power of expatriation. It could also be argued that since these persons stress their citizenship during the broadcasts, any attempt at expatriation will be disregarded as sham. Both of these arguments might well be rejected by a court, however, so the possibility of expatriation must be considered as a threat to prosecution of these cases.

2/13

2. Moreover, expatriation is available to all citizens in foreign countries, and thus immensely diminishes the deterrent effect of the treason statute as to any other disloyal citizens resident abroad. For this reason, should not some thought be given to restricting the power of expatriation? While a statute (8 U.S.C. 800) speaks of expatriation as a "natural and inherent right," this right would not seem to be unduly restricted by a wartime limitation on expatriation.

3. It may be noted that among the methods by which an American citizen, whether by birth or naturalization, may lose his citizenship, are:

"(b) Taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state; or

"(c) Entering, or serving in, the armed forces of a foreign state unless expressly authorized by the laws of the United States, if he has or acquires the nationality of such foreign state; or

"(d) Accepting, or performing the duties of, any office, post, or employment under the government of a foreign

state or political subdivision thereof for which only nationals of such are eligible; or

"(e) Voting in a political election in a foreign state or participating in an election or plebiscite to determine the sovereignty over foreign territory." (U.S.C., title 8, sec. 801)

In addition, certain persons who have obtained American citizenship by naturalization rather than by birth lose their citizenship by protracted residence abroad.

Moreover, a presumption of expatriation arises in the case of any citizen, whether by birth or naturalization, who remains for six months or more in a state of which he or either parent was a national.

BIB:67(c)

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

CTL - JMM - ILJ

May 28, 1943

146-28-137
DEPARTMENT OF JUSTICE
JUL 24 1943
DIVISION OF RECORDS
CRIM. DIV. E McINERNEY

RECORD

War Div WAR POLICIES UNIT

L. M.

MEMORANDUM

Re: Criticisms of the Foreign Broadcast Intelligence Service's
Analyses of Propaganda Themes in the Broadcasts of Expatriate
Americans employed by the Axis.

On the suggestion of Mr. Norman Altman of the Special War Policies Unit, Mr. Samuel C. Ely of the Criminal Division has requested a review of the analyses provided to him by the Foreign Broadcast Intelligence Service of the Federal Communications Commission. These analyses consist of setting up the major themes which occur in the broadcasts from Rome and Berlin of expatriate Americans.

The Special War Policies Unit originally cooperated with Mr. Ely on this material by setting up a model study of the propaganda themes for the broadcast material of Fred W. Kaltenbach. Subsequently Mr. Ely requested of the Foreign Broadcast Intelligence Service that they prepare similar analyses for the broadcast material of the following Axis commentators:

Constance Drexel
Jane Anderson
Leo Delaney
Robert H. Best
Ezra Pound
Paul Revere

These analyses have been prepared, based on excerpts which were selected by Mr. Ely and appear in his memoranda.

In accordance with Mr. Ely's request, I reviewed the analyses made by the Foreign Broadcast Intelligence Service. In general I find that the analyses are adequate for Mr. Ely's purposes, although it appears to me that the themes might have been somewhat better organized and stated more precisely. The following notes are limited

to those cases where I feel that it is important that a change be made. Throughout these notes the themes which I refer to are those which are stated in the analyses prepared by the Foreign Broadcast Intelligence Service; the excerpts I refer to are those contained in the memoranda by Mr. Ely, on which these analyses were based.

A. Constance Drexel

I suggest that theme No. 1 ("Contrary to rumor, the Four Freedoms flourish in the Reich and in German occupied countries") be changed to the following: "Nazi 'New Europe' is flourishing culturally, economically and morally". I believe that this is a preferable formulation because there appear to be no explicit references in Drexel's broadcasts to "the Four Freedoms", nor to "contrary to rumor". The formulation of the main theme which I propose is similar to the present sub-theme 1A. In as much as the examples under sub-theme 1A are all related to cultural activities, I suggest that sub-theme 1A be changed to the following: "The cultural life of 'Nazi New Europe' is flourishing". The remaining sub-themes may remain intact.

B. Jane Anderson

I suggest that theme No. 2 ("Roosevelt and his Administration constantly conspire against the interests of the American people") be changed to the following: "President Roosevelt and his Administration are morally reprehensible". The reason for this proposed change is that there appear to be no explicit mentions of Roosevelt "conspiring" against the interests of the American people. There appear to be very few cases of theme 3 ("The Allies distrust and use each other") which do not fall under theme 1 or 2. Therefore, it might be possible to eliminate theme No. 3.

C. Leo Delaney

There appears to be a high degree of overlap between theme 1 ("The war guilt lies with the Allied leaders") and theme 2 ("The Allied leaders are incompetent and betray their people's interests"). To avoid this, I suggest that theme 1 be eliminated and the examples placed under the appropriate sub-themes under theme 2.

D. Robert H. Best

I suggest that theme 5 ("Mr. Best has appointed himself as an enlightener to give the American people the truth") be eliminated because it has very little political significance. The quotations which have been placed under this theme fit in very well under the other four themes.

In examining the quotations contained in the memoranda for the file dated October 8, 1942 and November 17, 1942, I find that there

is a main theme which has been omitted: "The Jews are a world menace and are responsible for the war". In the present analysis this anti-Semitism theme appears only in an extremely narrow form, namely, sub-theme 4B ("Roosevelt is the tool and agent of international Jewry"). I find many references in the memoranda to the general theme. Some of these general references are to be found in the following places:

In the memorandum of October 8, 1942:

Page 2, paragraph 1 and 2
Page 5, paragraph 2 and 4
Page 9, paragraph 5

In the memorandum of November 17, 1942:

Page 1, paragraph 2

E. Ezra Pound

No changes appear to me to be necessary.

F. Paul Revere

Unlike the analyses which were prepared for the other commentators, the themes that were set up for Paul Revere seem to me to be an extremely poor job. However, because of the huge number of excerpts from Revere's broadcasts, I think it would be advantageous to attempt to salvage the job which has already been done rather than to begin all over again from scratch. The following suggestions are made for this purpose.

1. Change theme 1 ("The war aims and way of life of the Axis are superior to the United States") to the following: "The war aims and the way of life of the Axis are morally justifiable". It is necessary to drop "superior to the United States" in order to avoid considerable overlap of this theme with a number of the others.
2. In examining the excerpts from Paul Revere's broadcasts I find that the anti-Semitism theme is played up more than any other theme. But this theme has been omitted from the analysis. Therefore I suggest that the following major theme be added: "The Jews are a world menace and are responsible for the war". In the present analysis the anti-Semitism theme occurs only incidentally, namely, in sub-theme 1A ("The Axis represents the forces of civilization against Jewish communism") and in sub-theme 2C ("Roosevelt is in league with the Jews to destroy the American people"). It

is possible to retain these sub-themes without having much overlap with the general anti-Semitism theme which I have proposed.

The following references to the general anti-Semitism theme are only a few of those which are to be found in the memorandum of August 10, 1942:

Page 4, paragraph 6 and 7
Page 7, paragraph 2 and 3
Page 9, paragraph 3 and 5
Page 10, paragraph 3
Page 12, paragraph 1, 4 and 5
Page 13, paragraph 2 and 5
Page 16, paragraph 4
Page 20, paragraph 1 and 3
Page 21, last paragraph
Page 23, paragraph 4
Page 24, paragraph 2

This list of references is only for the first twenty-five pages of the memorandum; the remaining twenty-eight pages are equally filled with this theme.

3. Change sub-theme 2C ("Roosevelt is in league with the Jews to destroy the American people") to the following: "President Roosevelt acts against the interest of the American people". By means of this change sub-theme 2C will then include charges that Roosevelt is a dictator, etc., as well as charges that he is dominated by or acts in the interest of the Jews.
4. Change sub-theme 1C ("Axis people are told the truth in contrast to the lies of the American Government") to the following: "The Axis tells the truth". The phrase "in contrast to the lies of the American Government" should be eliminated because this is taken care of by sub-theme 3C ("Americans don't know what they are fighting for and are kept in the war only by lies").
5. The various sub-themes which have been placed under general themes 2 and 3 do not seem to me to be well grouped. I suggest the following rearrangement: Under theme 2 ("There is no reason for the American people to stay in a war against their interests"), include only the following:
 - sub-theme 2A ("The Axis is not America's real enemy")
 - sub-theme 2D ("The American people should demand that the war be stopped")

sub-theme 3C ("Americans do not know what they are fighting for and are kept in the war only by lies")
sub-theme 3D ("The Axis is invincible").

A new general theme should be set up as follows: "President Roosevelt is morally reprehensible". This new theme should include sub-theme 2B ("Roosevelt is responsible for the war") and sub-theme 2C, as I have reformulated it above ("President Roosevelt acts against the interest of the American people").

Theme 3 ("The United States will inevitably loose the war") is almost completely unrelated to the sub-themes which have been placed under it. I suggest that this theme should be changed to the following: "It is not to the interest of the United States to be allied to Britain and Russia". This theme would then include sub-theme 3A ("Britain is a treacherous, immoral and incompetent ally") and sub-theme 3B ("Russia seeks to betray her allies in order to bolshevize the world").

6. Theme 4 ("Paul Revere is a self-appointed ambassador who gives Americans the truth") is not of any political significance. Therefore I suggest that this theme be eliminated, especially because all the quotations which have been classified under it can be classified under other themes.

Irving L. Janis
Irving L. Janis

Approved by

Jesse M. MacKnight
Jesse M. MacKnight

WB-SCE-BOL

146-28-237 -

F
EGORP
M

June 5, 1943.

MEMORANDUM FOR THE DIRECTOR,
Federal Bureau of Investigation,

Re:

FREDERICK W. KALTENBACH, DOUGLAS
CHANDLER, ROBERT H. BEST, CONSTANCE
DREKEL, JANE ANDERSON, EDWARD L.
DELANET and EZRA POUND,
TREASON.

I wish to advise you that Samuel C. Ely, of this Division, will be in New York City for a few days next week for the purpose of interviewing witnesses in contemplation of the presentment of these cases to a grand jury in the District of Columbia at an early date. The pre-grand jury interviews are being held in New York City in order to avoid the expense of bringing the witnesses to Washington until it is known that their testimony is desired.

Mr. Ely will get in touch with the Special Agent in Charge of your New York office upon his arrival, so that you may have an agent present during the interviews if you so desire.

Respectfully,

SIGNED

WENDELL BERGE,
Assistant Attorney General.

Mc

WB-SCE-BGL

146-28-237

June 7, 1943.

MEMORANDUM FOR THE DIRECTOR,
Federal Bureau of Investigation,

Re:

FREDERICK WILHELM KALTENBACH, with aliases
JANE ANDERSON, with aliases
ROBERT HENRY BEST, with aliases
DOUGLAS CHANDLER, with alias
EDWARD LEO DELANEY, with aliases
CONSTANCE DREXEL, with aliases
DR. EZRA POUND
TREASON

Reference is made to my recent memoranda relative to additional investigation in the above-entitled cases. As stated in my memorandum of June 5, 1943, Mr. Ely of this Division will be in New York City to interview the various witnesses in these cases. It is expected that he will arrive in New York City on Wednesday or Thursday of this week, and that he will be there for several days. It would appear expedient for Mr. Ely to be present when the additional investigation is being conducted, if such arrangements can be made and if such a plan meets with your approval.

Reference is also made to your memorandum dated June 1, 1943, relative to procuring technical directional evidence that the broadcasts of the above-named persons were actually made from enemy occupied territory. It is believed that such evidence would be very useful at the grand jury proceedings. It is also desired that you ascertain, if possible, whether an expert receiving such broadcasts could identify them as being direct broadcasts of the person speaking, or from transcriptions.

Respectfully,

WENDELL BERGE,
Assistant Attorney General.

58A450
Box 949
Loc 2159 8-1

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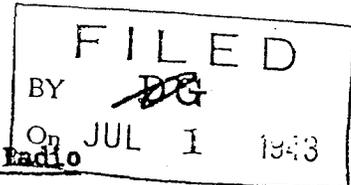
146-28-237

MLB

JUN 28 1943

CONFIDENTIAL

Major General J. A. Ulio
The Adjutant General
Washington, D. C.



Re: American Citizens Broadcasting over Axis Radio

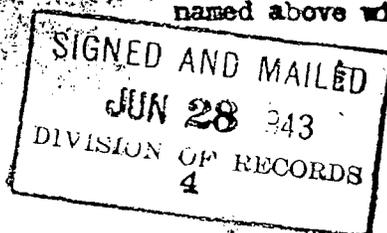
My dear General Ulio:

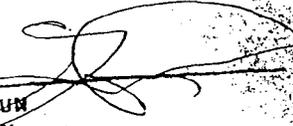
Reference is made to the exchange of letters on the above subject between the Secretary of War and the Attorney General, and between Mr. Lawrence M. C. Smith and yourself, and in particular to your letter to Mr. Smith dated February 2, 1943.

The cases of all the individuals referred to in the confidential report submitted by the Secretary of War to the Attorney General have been carefully studied, and it is the present intention of the Department of Justice to institute grand jury proceedings in about three weeks for the purpose of securing treason indictments against seven of these individuals. The individuals whose indictment will be sought are Fred W. Kaltenbach, Constance Drexel, Robert H. Best, Edward Leo Delaney, Jane Anderson, Ezra Pound and Douglas Chandler.

The Department shares the view expressed by the Secretary of War that it is desirable to proceed publicly at the earliest possible moment against American citizens who have been broadcasting Axis propoganda to the United States. The Department also shares the view of the War Department that it is desirable to proceed simultaneously against as many of such traitorous Americans as possible. In line with the latter policy, we have endeavored to prepare cases against additional individuals; but after extensive study and investigation it has been found the perfection of necessary proof in additional cases would cause unreasonable delay in presenting the seven cases now ready. It is possible that an additional block of cases may be prepared for simultaneous presentation at some later time.

I believe that the simultaneous indictment of the seven individuals named above will be consistent with the views expressed by you and by



DECLASSIFIED BY: 
GEORGE W. CALHOUN
CRIMINAL DIVISION
DEPARTMENT OF JUSTICE
DATE: 7/9/86

- 2 -

the Secretary of War, but I shall be glad to receive any comments or suggestions you may have.

Sincerely yours,

SIGNED

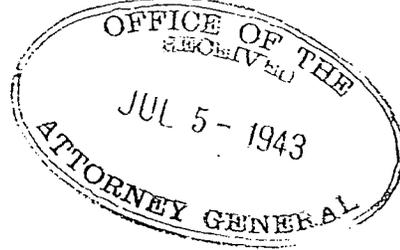


Chester T. Lane
Acting Chief, Special War Policies Unit
War Division

DELL BERGE
ATTORNEY GENERAL

Department of Justice
Washington

July 2, 1943



Am 10/16/43

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Proposed Indictments for Treason of
the Following American Citizens
Broadcasting Enemy Propaganda from
Axis Countries to the United States.

✓ Fred W. Kaltenbach
(146-28-237)

✓ Edward Leo Delaney, with aliases
(146-28-240)

✓ Constance Drexel
(146-28-229)

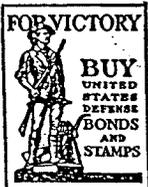
✓ Jane Anderson, with aliases
(146-28-233)

✓ Robert H. Best
(146-28-248)

✓ Dr. Ezra Pound
(146-7-3672)

Douglas Chandler
(146-28-232)

These American citizens elected to remain in Axis territory at the outbreak of the War, and they have been working for Germany and Italy since that time as composers and broadcasters of Axis propaganda transmitted by radio short wave for reception in this country. The common theme of their utterances as summarized in our memorandum submitted to you on January 15, 1943, is that American citizens should not support their Government in the conduct of the war for the reason, as these broadcasters assert, that the continued conduct of the war is inimical to the interests of American citizens. These utterances are cast in idiomatic



146-28-237-1

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ATTORNEY GENERAL

W. W. C. J.

English, which enhances their value to our enemy in their warfare against us on what has come to be called the propaganda front.

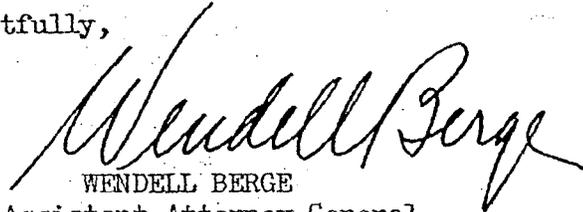
We are confident that this conduct is treason. We can institute prosecution at this time by seeking indictments, but actual trial would have to await apprehension of the defendants which would probably occur only after the conclusion of the war. The indicated delay projected a policy problem with respect to the wisdom of seeking indictments at this time. As against the desired effect of assuring the public that the Government recognizes these activities as traitorous and intends to punish self-advertised traitors, there was the possibility that the evident inability to try these persons at this time might reduce their indictment in the public mind to the level of a futile gesture. At your request this question of policy was submitted to the War Department, the State Department, the Navy Department, the Federal Communications Commission, the Office of War Information, and the Veterans Administration. All of these Departments of Government suggested, in response to our inquiry, as we reported to you on March 15, 1943, that they considered it desirable to seek indictments now. The War Department coupled its approval with the recommendation that we indict as many broadcasters as possible at the same time, so that public interest might not be focused on any individual with a resultant sharpening of attention on the broadcast of any individual. We agree with the principle of the suggestion

advanced by the War Department, and consistently with it, subject to your approval, propose to seek indictments at the same time against all the broadcasters here named. However, as we have informed the War Department, we are unable, despite extensive investigation, to develop cases against other broadcasters heretofore mentioned by the War Department because of absence of proof that these others are American citizens. We have suggested to the War Department that the simultaneous indictment of the seven individuals against whom proof is now available is consistent with the advice of the War Department at the same time that we have solicited their comments with respect to this proposal.

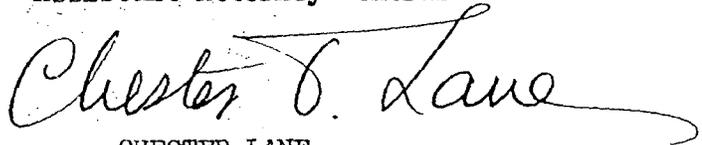
In this situation we respectfully request permission to proceed to submit proof against the broadcasters here named. If you approve, we can begin calling witnesses before a grand jury in the District of Columbia on July 21. We have already interviewed witnesses, who, because of their acquaintance with these proposed defendants, can identify their voices as recorded by employees of the Federal Communications Commission and employees of the Federal Bureau of Investigation, and from their hearing of actual broadcasts. Testimony can be adduced showing that the content of the broadcast is but an echo of official German propaganda designed to weaken or destroy the desire of our citizens to support our conduct of the war. We can show that the unique need of the German Government for these traitors springs from

the enemy's necessity to broadcast its propaganda in the accents and terminology native to our country, in the hope that it will thereby obtain credence here. We propose that there shall be no announcement of our purpose to obtain indictments. We shall attempt to draw indictments in such a manner that the indictments themselves will carry an exposure of the defendants' utterances as traitorous Axis propaganda. We respectfully request your approval of this proposed procedure.

Respectfully,



WENDELL BERGE
Assistant Attorney General



CHESTER LANE
Associate Chief
Special War Policies Unit
War Division

WORLD
TCC-SCE-BGL

146-7-3672

L. M. F.
October 8, 1943.

MEMORANDUM FOR THE DIRECTOR,
Federal Bureau of Investigation,

Re:

EZRA POUND,
TREASON.

Transmitted herewith are photostatic copies of a despatch to the Secretary of State dated August 25, 1943, together with a memorandum prepared at the Swiss Legation, Rome, Italy, and dated August 3, 1943, a one page letter dated August 4, 1943, from Pound to the Ambasciata Svizzera, and a four page letter dated August 4, 1943, addressed to the Attorney General by Pound. These items are furnished you for your information and files.

Respectfully,

SIGNED

TOM C. CLARK,
Assistant Attorney General.

Inc. #33166

Mc

TCC-SCE-BGL
E
146-7-3672

FILED
BY
AM
1943
On

October 23, 1943.

The Honorable
The Secretary of State,
Washington 25, D. C.

Dear Mr. Secretary:

Re: EZRA POUND,
Your File 130-

I wish to acknowledge receipt of your communication of October 1, 1943, with which you transmitted a copy of a despatch from the American Legation at Bern, Switzerland, dated August 25, 1943, together with a memorandum from the Swiss Legation at Rome dated August 3, 1943, and a letter from the above subject to the Attorney General dated August 4, 1943.

Respectfully,

For the Attorney General,

TOM C. CLARK,
Assistant Attorney General.

Mc

RECEIVED
OCT 23 1943

The Director, Federal Bureau of Investigation

January 27, 1944

Tom C. Clark, Assistant Attorney General

TCC:SGE:nl
146-7-3672

Dr. Ezra Pound - Treason

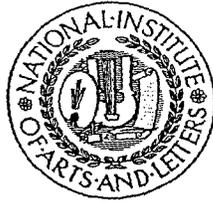
Transmitted herewith, for your information and files,
is a copy of a letter from the Attorney General to the
Secretary of War, dated January 24, 1944, relative to the
above-named subject.

Enclosure
No. 132962

NOLLIE



Me
WAI



RECEIVED

3/23/44

MAR 20 1944

NATIONAL INSTITUTE OF ARTS AND LETTERS
633 WEST 155TH STREET, NEW YORK

GENERAL DIVISION

March 20, 1944



Hon. Francis Biddle,
Attorney General of the United States,
Washington, D. C.

Dear Mr. Biddle:

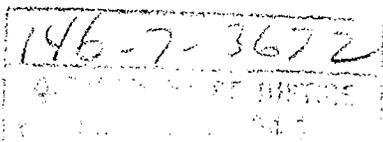
As president of the National Institute of Arts and Letters, I write to ask if it be a fact, as alleged in the press, that Ezra Pound, now under indictment for treason, has renounced his United States citizenship and openly declared his allegiance to a Fascist power. I fully apprehend that for you to allow your office to furnish us with evidence upon the charge against him might be improper, but if it be a matter of record that Pound has already ceased to be a citizen of the United States it might enable his fellow members in this national organization to take appropriate action to remove his name from the rolls. As it is, we have no evidence of any sort bearing upon his fitness to remain a member, which to many of us seems to reflect upon the loyalty of this body.

With personal regards,

Sincerely yours,

Arthur Train

President



EDWARD J. ENNIS
DIRECTOR

REPLY TO:

JLB:FL 146-28-237

Department of Justice

Alien Enemy Control Unit

Washington

May 18, 1944

RECEIVED

MAY 19 1944

CRIMINAL DIVISION

MEMORANDUM FOR MR. TOM C. CLARK
ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION

I annex a communication from the Department of State enclosing for my attention a communication from the American Embassy at Chungking recommending the indictment of a number of American citizens in Shanghai who have been broadcasting Japanese propaganda on the Japanese controlled Shanghai radio. It is suggested that such an indictment might be returned following the precedent of the indictment against Ezra Pound and others.

Since this is a matter within your jurisdiction, I am transmitting it to you without taking any action and without replying to the Department of State.

Edward J. Ennis

Edward J. Ennis
Acting Head, War Division

Attachment ✓

146-28-237-1
DEPARTMENT OF JUSTICE
MAY 31 1944
DIVISION OF RECORDS

B.H.

R.V.C.

2/11/44

Edly
146-28-237

The Director, Federal Bureau of Investigation

October 4, 1944

Tom C. Clark, Assistant Attorney General

TOC:SCB:mlv
~~146-7-3762~~

Ezra Pound,
TREASON

146-7-3672

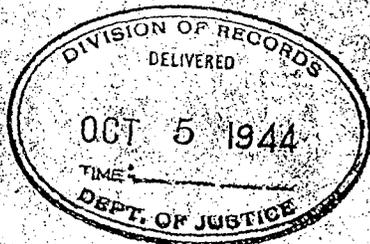
100-3691

It is requested that you furnish the Criminal Division with copies of transcripts of any broadcasts that have been made by the above named subject subsequent to those previously furnished us.

egf
4-13-45
WNC

OK
ML

HOLLIE



The Director, Federal Bureau of Investigation

November 1, 1944

Tom C. Clark, Assistant Attorney General

TCC:SGE:EMC

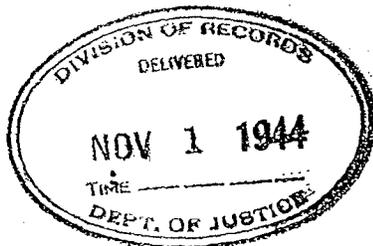
Dr. Ezra Pound; Treason.

146-7-3672

This will acknowledge receipt of your memorandum of October 12, 1944, relative to the above named subject.

With regard to action the Bureau should take toward effecting the subject's return to this country for prosecution, you are advised that this matter is presently under consideration and that when a decision is reached you will be informed of our views.

It is suggested that if you have not yet done so, inquiry should be made of the Federal Communications Commission as to whether it has received, recorded, and transcribed any broadcasts by this subject subsequent to his indictment. If so, it is desired that you obtain copies of the transcripts for review by this Division.



Director, Federal Bureau of Investigation

April 30, 1945

Tom C. Clark, Assistant Attorney General

TCC:SC:lr
100-7-3672

Ezra Pound;
Treason.

Reference is made to our previous correspondence relative to the above-named subject, who is under indictment for treason because of his broadcasting over the German radio.

You advised by memorandum dated October 12, 1944, that you were requesting recordings and transcripts of broadcasts by this subject from the British authorities. Our records do not disclose, however, that such material has as yet been made available to the Criminal Division.

In our memorandum of November 1, 1944, it was suggested that inquiry be made of the Federal Communications Commission as to whether it has received, recorded and transcribed any broadcasts by this subject subsequent to his indictment on July 26, 1943. It is presumed that the results of this inquiry will be made available to us in the near future.

With regard to the method by which this subject could be returned to the United States if he is taken into custody by our Military authorities, about which you have previously inquired, it would appear that in such event he could be held by them in Germany or removed to the United States or elsewhere for military security reasons, in view of his known activities on behalf of the enemy. It would seem expedient for our purposes, and would appear to be to the interest of the military authorities, that the subject be held in ^{Italy} ~~Germany~~ where he can be interrogated thoroughly as to his activities on behalf of the enemy and possibly can be of assistance by furnishing information of value in other matters of importance to the military authorities or to your representatives.

A complete investigation relative to this subject should be made as soon as it is possible to do so. Individuals should be located and interviewed who have knowledge of any traitorous acts by him, and their availability and desirability as witnesses, in the event of prosecution, should be determined. If the subject is in the custody of the military authorities, his presence in the locality of the investigation would make it possible to interview him from time to time concerning the information developed, and facts might be obtained from him which possibly would govern to some extent the general course of the investigation and which undoubtedly would supply specific leads to be developed.

cc: Healy
Records/
Elliff
Ely



Allegations by the subject that he has expatriated himself or that he has acted under duress, or any other facts submitted by him in defense of his activities of a treasonable nature, should be thoroughly investigated and verified, if possible.

Upon the completion of the investigation you will be advised further relative to the return of the subject to the United States and as to the procedure by which it might be effected.

Director, Federal Bureau of Investigation

May 9, 1945

Tom C. Clark, Assistant Attorney General,
Criminal Division

TCC:SCE:lr

Esra Pound;
Treason.

146-7-3672

Reference is made to my memorandum of April 30, 1945, relative to the investigation of this subject's broadcasting activities in Italy.

In view of the fact that, according to newspaper and radio reports, Pound is now in the custody of our military authorities, it is presumed that the requested investigation will be undertaken without delay.

It is noted that the Washington Post carried a news item concerning Pound, on April 6, 1945, in which he is characterized as a "self-styled expatriate," although no facts were given relative to any acts of expatriation. It is desired to stress the importance of the investigation to develop all of the facts concerning the subject's possible expatriation even though he should allege that he has not lost his American citizenship.

HOLLER

cc: Records
Miss Healy

OFFICE OF
THE ATTORNEY GENERAL

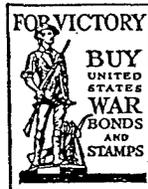


May 10, 1945

MEMORANDUM FOR TOM CLARK

Have any steps been taken to apprehend the defendants in the present indictments? Should we notify the Army about this? Are the cases being prepared for trial?

Will you note the attached newspaper clipping recounting an interview with Ezra Pound by Edd Johnson. Johnson certainly would be a good witness on Pound's admissions.



146-7-3692
JUL 11 1945
Francis Biddle
Attorney General
INTERNAL SECURITY

TCC:SCE:AK

May 16, 1945

146-7-3672

146-7-3672 ✓

~~146-28-237~~

MEMORANDUM FOR THE ATTORNEY GENERAL

I have received your memorandum of May 10, 1945, relative to the American citizens under indictment for treason because of their broadcasting for the enemy, with which you transmitted a newspaper account of an interview with Ezra Pound by Edd Johnson.

The Secretary of War was advised on January 24, 1944, that we desired to have Ezra Pound held for interrogation as to his activities on behalf of the Italian Government if he should be taken into custody by our military authorities. In his reply, dated February 4, 1944, Mr. Stimson stated:

"Appropriate information in regard to this matter has been transmitted to the Commanding General, U. S. Forces, North African Theater of Operations. If Pound should be taken into custody, information in regard thereto will be promptly transmitted to you."

The War Department has been similarly informed, through the Federal Bureau of Investigation, with respect to the other defendants. It was requested that they be held in Europe, in or near the locality of their treasonable activities, during the course of the investigation, to facilitate the development of all facts and so that they would be available for interview whenever need for further information might arise.

CC: Records ✓
Mr. Ely
Miss Healy
Mr. Elliff

all
ME
Mc

The cases are presently being prepared for trial and the Federal Bureau of Investigation has been advised relative to the nature of the investigation that should be conducted by its representatives in Europe. Considerable material with respect to Ezra Pound was found at the Italian Ministry of Popular Culture in Rome and photostatic copies have been furnished us. Interviews have also been conducted with persons in Italy who might be utilized as witnesses.

It is expected that witnesses will be located in Europe who will have actual knowledge of the activity of these defendants on behalf of the enemy and who can prove the commission of overt acts of treason. This will obviate the necessity of relying upon the theory by which we were able to establish venue for the present indictments, that the treasonable acts were committed in part in the United States. It therefore would appear expedient to seek new indictments against these broadcasters in the federal district into which they are returned, based upon overt acts committed in their entirety outside the United States. This would avoid any question which might be raised as to the sufficiency of the present indictments.

The Federal Bureau of Investigation has furnished information to us concerning a total of 61 persons, in addition to those under indictment, who are reportedly citizens of the United States, residing in Europe, that have collaborated in varying degrees with our enemies.

Lack of complete information has prevented a final determination as to whether they have committed acts of treason that can be established by the testimony of two witnesses, but it is anticipated that it will now be possible to obtain additional facts in these cases. Consideration has been given to the advisability of sending a representative of the Criminal Division to Europe for the purpose of cooperating with agents of the Federal Bureau of Investigation and with the military authorities in the investigation and preparation of these cases. This would enable us to expedite the investigations and to direct their general courses without unnecessary delays. Many potential witnesses may be transferred to other localities or countries and will not be available for interview if an immediate determination cannot be made as to their usefulness. This would also enable us to decide as to the importance of the cases not yet completely developed and to avoid unnecessary investigation. Informants could be interviewed and their testimony and their desirability as witnesses could be evaluated with much greater efficiency by reason of personal contact with them. I will appreciate an expression of your views in this regard.

I will keep you advised of all developments in these cases.

Respectfully,

TOM G. CLARK
Assistant Attorney General

Director, Federal Bureau of Investigation

May 26, 1945

Tom C. Clark, Assistant Attorney General

TCC:ESL:hd
File No. 149-7-3672

Ezra Pound; treason

2172

Reference is made to our previous correspondence concerning the above-named subject.

With particular reference to your memoranda of July 14, 1944 and September 14, 1944, it is requested that the Criminal Division be furnished translations of excerpts of matter pertaining to Pound which appears in the 17 books secured in Italy by the Bureau's confidential source.

Healy
Records
Elli ff
Ely

DEPARTMENT OF RECORDS
MAY 28 1945

1945
MAY 22 1945

TCC:ESL:HD

146-7-3672

May 30, 1945

The Honorable

The Secretary of State

Washington 25, D.C.

Dear Mr. Secretary:

Re: Euro Pound
Your File 130

The Department of Justice would appreciate receiving, for use in the prosecution of the above-named subject, certified copies of the Joint Resolutions of Congress (S.J. 119 and S.J. 120), declaring a state of war to exist between Germany and the United States and Italy and the United States.

Respectfully,

For the Attorney General

TOM C. CLARK
Assistant Attorney General

CC: Records ✓
Mr. Elliff
Miss Healy
Mr. Lazowska

FILED
BY ES
On MAY 30 1945

SIGNED AND MAILED
MAY 30 1945
DIVISION OF RECORDS
8

Office Memorandum • UNITED STATES GOVERNMENT

TO : Chief of the Communications and Records
 FROM : Division
 John T. Elliff, Chief, Internal Security Sec.
 SUBJECT: Ezra Pound; treason

DATE: May 30, 1945
 TCC:ESL:HD
 146-7-3672

146-7-3672
 P. 8

It is requested that you remove from Section 2 of the above-mentioned file, for possible use in evidence by the Criminal Division, in the prosecution of the subject, certain original manuscripts prepared by Pound for broadcasts made by him from Italy which were found in the Italian Ministry of Popular Culture.

These manuscripts, which were enclosures to a memorandum of the Bureau, dated March 15, 1945, may be described as follows:

- 6 page script, broadcast December 17, 1941
- 1 page script, broadcast January 9, 1942
- 2 page script, broadcast January 14, 1942
- 1 page script, broadcast January 16, 1942
- 7 page script, broadcast January 16, 1942
- 2 page script, broadcast January 17, 1942
- 1 page script, broadcast January 17, 1942
- 1 page script, broadcast January 18, 1942
- 1 page script, broadcast January 19, 1942
- 1 page script, broadcast January 20, 1942
- 1 page script, broadcast January 21, 1942
- 1 page script, broadcast January 21, 1942
- 1 page script, broadcast December 9, 1941
- 3 page script, broadcast December 10, 1941
- 1 page script, broadcast December 12, 1941
- 1 page script, broadcast December 12, 1941
- 7 page script, broadcast January 20, 1942
- 7 page script, broadcast January 29, 1942
- 6 page script, broadcast February 3, 1942
- 2 page script, broadcast February 4, 1942
- 6 page script, broadcast February 19, 1942
- 6 page script, broadcast February 26, 1942
- 6 page script, broadcast March 2, 1942
- 1 page script, broadcast March 3, 1942
- 2 page script, broadcast March 5, 1942
- 1 page script, broadcast March 6, 1942
- 1 page script, broadcast March 8, 1942
- 1 page script, broadcast March 14, 1942
- 1 page script, broadcast March 17, 1942
- 5 page script, broadcast March 30, 1942
- 2 page script, broadcast March 31, 1942
- 6 page script, broadcast April 16, 1942
- 7 page script, broadcast April 23, 1942
- 6 page script, broadcast April 30, 1942
- 2 page script, dated March 7, and March 8, 1942, but date of transmission not indicated.

see

[Handwritten initials]

file
 6-1-45

FILED
 JUN 4 1945

Apparent 8th page, on thin white paper, ending "E.P. speaking."

DIRECTOR, Federal Bureau of Investigation

June 19, 1945

TOM C. CLARK, Assistant Attorney General

TCC:ESL:ms

EZRA POUND:
TREASON.

149-7-3372

146-7-3672

Reference is made to our previous correspondence relative to the above-named subject, who is under indictment for treason because of his broadcasting activities over the Italian radio.

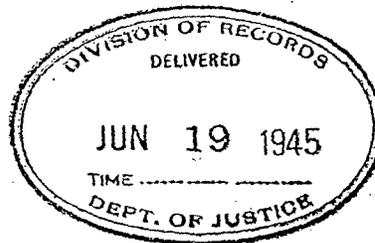
There is attached hereto, for whatever assistance it may be in your investigation, a chronology of radio broadcasts by the subject as disclosed by certain documentary material you have furnished to the Criminal Division. The letter "a" after each number designates the original manuscript, "b" the transcription by Shinda, and "c" the Request for Payment covering the particular broadcast.

Enclosure
No. 73526. ✓

Eg
sek.
VCW

HOLLIE

CC: Records ✓
Miss Healy
Mr. Lazowska—2263
Mr. Elliff
FBI



201
FEB 1945

Director, Federal Bureau of Investigation

June 29, 1945

Tom C. Clark, Assistant Attorney General,
Criminal Division

TCC:DBA:lr

DR. EZRA POUND;
TREASON.

146-7-3672

Reference is made to your memorandum to the Criminal Division in the above-entitled matter dated June 26, 1945.

By memorandum dated June 2, 1945, we requested, among other things, that an effort be made to locate two witnesses to at least one overt act of treason committed by Pound and if possible to secure two witnesses to several such overt acts. If this part of the investigation has not yet been completed, we would urge that it be done at the earliest possible time so that action in this case will not be delayed. It is suggested that if difficulty is being experienced in locating two witnesses to one or more overt acts of treason, that Pound may be able and willing to furnish the names of persons who were present at various times when he either made broadcasts or recordings for broadcasting, if he has not already been interviewed in this regard.

We are considering the advisability of the immediate return of Pound to the United States and upon receipt of the above requested information, relative to two witnesses to an overt act, we will advise you as to our decision.

CC: Records
Miss Healy
Mr. Anderson
Mr. Elliff ✓

Office Memorandum • UNITED STATES GOVERNMENT

TO: Tom C. Clark, Assistant Attorney General,
Criminal Division
FROM: Nathan T. Elliff, Chief, Internal Security
Section
SUBJECT: Ezra Pound;
Treason.

DATE: June 29, 1945

DBA:lr
146-7-3672

W/C

initials

Ezra Pound, who is under indictment for treason, is presently in custody of our military authorities in Italy awaiting return to the United States for trial.

Pound has admitted, on interview by Bureau agents, that he made the broadcasts in question and that he is an American citizen. However, he denies that he had any treasonable intent.

We have requested the Bureau to locate two available witnesses in Italy to the same overt act or acts of treason, which would preferably be the making of the recordings for the broadcasts. While the Bureau has located at least three witnesses who saw Pound make recordings, there is as yet no indication that two witnesses saw Pound make the same recording. As soon as we are advised that the necessary two witnesses to the same overt act are available, we believe that Pound should be removed to the United States without further delay.

Since it will be necessary to return a new indictment, it is essential that Pound be first brought into the district in which prosecution is desired. We assume this is the District of Columbia, since the present indictment is in that district.

Attached are a copy of a memorandum dated June 26, 1945, from the Bureau with reference to the return of Pound and a copy of our reply dated June 29, 1945.

~~CONFIDENTIAL~~

*Report 1) get psych study
2) get two witnesses to
one more overt act*

*W/C
NTE*

Office Memorandum • UNITED STATES GOVERNMENT

TO: The File

DATE: July 2, 1945

FROM: Samuel C. Ely *sc*

SCE:lr

SUBJECT: Ezra Pound;
Treason.

146-7-3672

The FBI advised by memorandum dated June 26, 1945, that Pound had been examined by a psychiatrist at the Disciplinary Training Center, Caserta, Italy, and reported that due to advanced age and loss of personality resilience, premonitory symptoms of a mental breakdown are discernible in Pound. The writer therefore telephonically contacted Colonel Abe McGregor Goff, War Crimes Office, Office of the Judge Advocate General (War Department, Ext. 76277) and requested that he obtain and furnish us a copy of the psychiatrist's report. I also advised him that if Pound had been examined by only one doctor, it was our desire that an independent examination be made by another psychiatrist and that his report be furnished us. Colonel Goff stated that he would request this information and advise me as soon as it is received.

~~TOP SECRET~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Files

DATE: August 7, 1945

FROM : Samuel C. Ely *sc*

SCE:lr

SUBJECT: Ezra Pound;
Treason.

146-7-3672

The writer contacted Colonel Abe McGregor Goff, Judge Advocate General's Office, War Department, by telephone on July 24, 1945, for the purpose of ascertaining whether any report had been received relative to Pound's psychiatric examination in accordance with my telephonic request of July 2, 1945. Colonel Goff advised that no information had been received although he had requested the same by letter within a day or two after July 2nd, and that he would renew the request.

The writer telephonically contacted Colonel Goff today concerning this matter. He stated that the subsequent request had not yet been made, but that it would be sent out immediately by radio. He will advise me as soon as a reply is received.

~~FOUR~~

*File
MG*

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Elliff

FROM : J. M. McInerney

SUBJECT: Ezra Pound - Treason

DATE: August 9, 1945

JMMcI:rh

146-7-3672

EJ

Mr. Archibald MacLeish called me yesterday and said that he had received an inquiry from T. S. Eliot, the American poet, who is now residing in England, about arranging American counsel for Pound. I advised Mr. MacLeish of the present status of the case and he asked if he might submit to me for my comments a proposed reply to Eliot. I told him that I would be pleased to look at the letter before he sent it.

RECORDED
81~~HOPLIE~~-38 file
JMM

August 10, 1945

Honorable Archibald MacLeish,
Assistant Secretary of State.

Dear Mr. Secretary:

I am returning the draft of the letter you propose to send to T. S. Eliot. I do not believe there is any objection to the statements contained in your letter, but I would suggest that the information concerning the psychiatric examination of Pound be furnished to Mr. Eliot on a confidential basis.

With respect to Pound's present location, he may be reached by mail at the Disciplinary Training Center, Caserta, Italy.

With kind regards,

Sincerely yours,

JAMES M. McINERNEY,
First Assistant, Criminal Division.

Attachment.

FILE-JMM

file

Office Memorandum • UNITED STATES GOVERNMENT

DATE: September 21, 1945

TO : Mr. Caudle
FROM : J. M. McInerney
SUBJECT: Ezra Pound case

JMMcI:rh
146-7-3672

EP

I called Mr. Isaiah Matlack in New York on September 19, 1945, to see whether he would accept the trial assignment in the Ezra Pound case, and he agreed to do so.

Mr. Matlack stated that he would not wish to have this assignment prejudice the retention of his position as head of the War Frauds Unit in New York City. I told him that as far as I was concerned, it would not have this result.

~~SECRET~~

*Certainly - I told the AG
that you & I wanted to discuss
the matter with him - if Matlack
is satisfactory to him he is certainly
to me - Truly,
JMM*

*File
JMM*

TLC:NTE:AK

October 11, 1945

~~TOP SECRET~~
Archibald MacLeish, Esq.
Conway, Massachusetts

Dear Mr. MacLeish:

I have your letter of October 8, 1945, enclosing a letter dated September 9, 1945, from Mr. Eliot concerning the Pound case.

I shall be happy to let you know when counsel is named for Mr. Pound. As far as I know, no one is representing him at the present time and there is no indication that he will be represented by counsel prior to his return for trial.

Mr. Eliot's letter is being returned to you herewith.

With kind regards,

Sincerely yours,

JAMES M. McINERNEY,
First Assistant, Criminal Division.

Attachment.

46-73613-37

M. I. C.

41

RECEIVED

Conway, Massachusetts
October 8, 1945

OCT - 9 1945

CRIMINAL DIVISION

Dear Mr. McInerney:

You will recall our conversations about Eliot's inquiry into the Pound matter. You may also recall the letter to Eliot which I showed you. I have now received the attached communication from Eliot. I should very much appreciate it if you would let me know if and when counsel for Pound in America is chosen. And would you be good enough to return Eliot's letter to me when you are finished with it?

Faithfully yours,

Archibald MacLeish
Archibald MacLeish

Enclosure

Mr. James M. McInerney
Room 2107
Department of Justice
Washington, D. C.

M. J. C.

146-17-3672
OCT 17 1945

CRIM. - INTERNAL SECUR

Eliot

COMMISSION ON THE FREEDOM OF THE PRESS
70 EAST 45th STREET (GRAND CENTRAL TERMINAL BUILDING)
NEW YORK 17, NEW YORK

RECEIVED
OCT 20 1945
CRIMINAL DIVISION

October 20, 1945

Dear Mr. McInerney:

I am afraid I am a good deal of a pest
about the Pound business. This is only to say that
I am grateful to you for your letter of the 17th.
I will try not to bother you any more than I have to.

Faithfully yours, -

Archibald MacLeish
Archibald MacLeish

146-7-3672

Jib
XOA

Mr. James M. McInerney
Criminal Division
Department of Justice
Washington, D. C.

RECORD

146-7-3672
OCT 20 1945

CRIMINAL DIVISION SECURITY SE

42

Office Memorandum • UNITED STATES GOVERNMENT

TO : The File

FROM : Sam C. Ely *sc*

SUBJECT: DR. EZRA POUND
TREASON

DATE: November 5, 1945
SCE:vng
146-7-3672

The writer contacted Brigadier General John M. Weir, War Crimes Office, Judge Advocate General's office, War Department, by telephone today and advised him that we had requested the State Department to bring several Italian citizens to the United States as prospective witnesses in the above case, and that we had been notified that these witnesses would leave Italy today. I advised General Weir that we would desire the War Department to bring Pound to the United States in the near future. In view of recent information received from the F.B.I. to the effect that the United States Army intended to release Pound from custody unless it received immediate instructions to the contrary, I asked General Weir to notify the proper authorities in Italy of our intended action in order that Pound would be held in custody.

General Weir stated that he would furnish this information to the army authorities in Rome and that he would "alert" the A.T.C. in order that it might be prepared to bring Pound to the United States and land him at Bolling Field in the District of Columbia within a short time after we advise him of the date Pound is desired here. General Weir stated further that he would ascertain from the A.T.C. the time and place the several witnesses would arrive in the United States and that he would furnish this information to me.

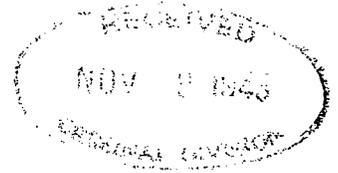
~~HOLLY~~

*File
M.G.*

JULIEN CORNELL
ATTORNEY
15 WILLIAM STREET
NEW YORK 5, N. Y.

November 7, 1945.

Hon. Tom C. Clark
Attorney General
Department of Justice
Washington, D. C.



U. S. v. Ezra Pound

Dear Sir:

I have been asked by Ezra Pound's wife, through a mutual friend, to confer with Mr. Pound regarding an indictment for treason pending against him. In today's newspapers appears a statement that Mr. Pound will be brought to Washington next week.

In the hope that I may be able to see Mr. Pound as soon as possible after his arrival in Washington, I am writing to you in advance to ask whether such a conference can be arranged.

Very truly yours,

JC.CW

A handwritten signature in cursive script, reading 'Julien Cornell', positioned below the typed name and above the stamp area.

146-1-2673

4486