

WB:DEB:AK

April 24, 1942

Mr. John Herrick
Chief, Press Division
Office of Facts and Figures
Washington, D. C.

Dear Sir:

This will acknowledge receipt of your letter of April 17, 1942, addressed to Mr. M. E. Gilfond, Director of Public Relations of this Department, which has been referred to us, pertaining to Dr. Ezra Pound.

We are making inquiry to determine the exact status of the citizenship of this individual in order to determine how the matter should be handled. We appreciate your courtesy in supplying us with the information enclosed with your letter.

Respectfully,

For the Attorney General

FILED
BY
APR 27 1942

WENDELL BERGE
Assistant Attorney General

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DEPARTMENT OF JUSTICE
APR 25 1942 A.M.
DIVISION OF RECORDS
CRIM. DIV. - RUTLER
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APR 24 1942
DIVISION OF RECORDS

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EB: DEB: ERS

146-7-3672

W.S.S.

May 20, 1942

Mr. John Herrick
Chief, Press Division
Office of Facts and Figures
Washington, D. C.

Dear Sir:

Further reference is made to your letter of April 17, 1942, addressed to Mr. M. E. Gilfond, Director of Public Relations of this Department and to our reply of April 24, 1942, pertaining to Dr. Ezra Pound.

We are in receipt of information indicating that the State Department reported on July 16, 1941 that Ezra Pound was born in Hailey, Idaho, on October 30, 1865, although he has resided outside of the United States since 1911. Accordingly, he is a native born citizen and proceedings to revoke naturalization will not be applicable. A record is being maintained of his case upon the possibility that subsequently it may be found that other action against him may be taken.

Respectfully,

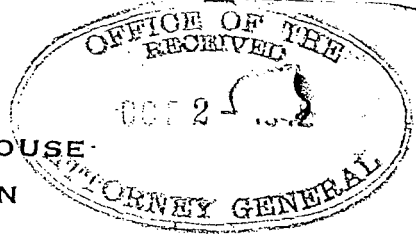
For the Attorney General

WENDELL BERGE
Assistant Attorney General

ED
MAY 23 1942

SIGNED AND MAILED
MAY 21 1942
WENDELL BERGE

Handwritten signatures and initials:
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THE WHITE HOUSE
WASHINGTON

October 1, 1942.

MEMORANDUM FOR THE
ATTORNEY GENERAL:

There are a number of Americans in Europe who are aiding Hitler et al on the radio. Why should we not proceed to indict them for treason even though we might not be able to try them until after the war? I understand Ezra Pound, Best, Anderson and a few others are broadcasting for Axis microphones.

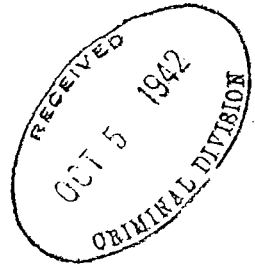
Per 146-7-3672

F.D.R.
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DEPARTMENT OF JUSTICE
OCT 29 1942
DIVISION OF RECORDS
ATTORNEY GENERAL
CRIMINAL DIVISION
ASST. SOLICITOR GENERAL

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WB: SCE: MLV
146-7-3672

October 13, 1942

MEMORANDUM FOR THE DIRECTOR,
FEDERAL BUREAU OF INVESTIGATION

Re: Dr. Ezra Pound

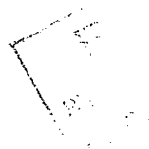
The above subject, an American citizen, has been reported to the Criminal Division to have been broadcasting enemy propaganda from a Rome, Italy radio station.

It is requested that you obtain, if possible, transcripts of his broadcasts and transmit the same to this Division, together with any information you may have regarding this subject.

Respectfully,

WENDELL BERGE
Assistant Attorney General

Mc



October 14, 1942

RECEIVED

OCT 22 1942

CRIMINAL DIVISION
EZRA POUND

Ezra Pound was born in Hailey, Idaho, on October 30, 1885. He left the United States in February, 1911, and proceeded to Rapallo, Italy, where, with the exception of a few side trips to other parts of Europe, he has remained ever since.

The British "Who's Who" indicates that Ezra Pound received his Ph.B. degree from Hamilton College, Clinton, New York, and his M.A. degree from the University of Pennsylvania. In 1914, he married Dorothy Shakespear, poet and composer. He has been a prolific writer and has contributed to the following periodicals: Rassegna Monetaria, Criterion, Action, British Union Quarterly, and Townsman. He has authored seventeen books of poems, two operas, eighteen prose treatises and eleven translations. These include "Japanese No Dames", "Chinese Drama", "Jefferson and/or Mussolini" (1935), and "Guide to Kultur" (1938). His residence in 1942 was given as via Marsallo 12/5, Rapallo, Italy, and his son's name was furnished as Omar Shakespear Pound.

It is reported that in February, 1940, Pound began airing his alien views and contempt for the United States over the Rome radio.

On July 12, 1941, the Department of State, Washington, D. C., instructed the American Embassy in Rome, Italy, to limit the issuance of a passport to Pound for the return to the United States only. Some publicity allegedly appeared in the American press indicating that Pound had expressed his desire to return to the United States in order to collect American and British royalties on his publications.

At the present time Pound is also allegedly editing a magazine entitled "Exile", presumably in Rome, Italy.

The Department of State has advised confidentially of the receipt of a dispatch dated June 4, 1941, from the American Consulate General at Genoa, Italy. This dispatch, in effect, stated that Pound is known to have been very pro-Fascist for a number of years and to have spoken over the Italian radio system against the policies of the United States. Continuing, it was stated that upon entering and leaving the Consular offices at Genoa, he was prone to give the Fascist salute.

It was also reported by the Department of State that Pound, after the outbreak of the war, had been blasting the usual propaganda over the Italian radio.

Pound refused to return home at the time the American Embassy, Consular officials and their staffs were repatriated and is reported to still be residing in Italy.

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7 Nov 1942
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November 20, 1942.

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S. H. H.

MEMORANDUM FOR THE FILE

Re: Excerpts of Broadcasts,
by Ezra Pound.

July 2, 1942.....No excerpts.

July 6, 1942.....* * * There is so much that the United States does not know. This war is fruit of such vast incomprehension, such tangled ignorance, so many strains of undoing, I'm held up in rage by the delaying needed to change a typing ribbon so much is there that ought to be put into young America's head.

* * *

"Art, economics, pathology--you need to know more about all of them, need to get out of this war, need to stay out of and prevent the next one; need to change the stinking old system. * * *"

* * *

July 7, 1942.....No excerpts. Apparently the same as July 6 broadcast.

July 10, 1942.....* * * There is now a new code in Italy. Study it. It is better than Napoleon's day of feudal underprivileged demonstration. * * * You ought not be in this war and that code is a proof of it, proof of what you are fighting, but that you do not know you are fighting. * * * "In the skyster you are against it, against all order, against all beauty, against all work, and you ought not to be on the side of the skyster."

July 12, 1942.....No excerpts.

July 13, 1942.....No excerpts. Apparently the same as July 14 broadcast.

July 14, 1942....."You are in black darkness and confusion, you have been bugger-mugged and scarum-shouted into a war

July 14

and you know nothing about it. You know nothing about the forces that caused it. Or you know next to nothing. I am in the agonized position of an observer who has worked twenty-five years to prevent it, but I'm not the only observer who has so striven. Apparently no man could prevent it, that is, up to the point that it was not prevented.

"But a belief in destiny does not necessarily imply a belief that we have no duty; that we should not attempt to learn; that we should sit supine before an age old evil. Given a little more knowledge, given the elimination of a small number of shysters, the war need not have happened.

* * *

"Europe is fighting for the good life. The shysters are fighting to prevent it. Even British minorities are muddle-headedly getting obstinate over some phases of the amenities. The decent English fight or urge others to fight in the name of a few amenities.

"I admit that the public voice in England pretty well keeps off these topics, but there is a squashy, soft vague underlying feeling in England that something would get lost if the Axis licks them. Now that view is an error. There is more sense of the good life in Italy than in England.

"England doesn't know it; England does not know the good life in Italy. Italians are different; they even criticize one another."

* * *

"Now what are you fighting for? Fighting for the congressional system? Fighting for parliamentary system? I doubt it. Democracy? Now what do you mean by democracy?"

"Men might fight for justice. Many men fight from greed; not their own greed. Fight from instinct. Well, that's O.K. up to a point. Fight for survival. That's health. Man ought to fight for survival. And for racial survival."

"But are you fighting for racial survival? I doubt it. I doubt if you've got to thinking about racial survival. Well, I could help you start thinking."

* * *

"* * * * The English and the Americans, if they ever fight to survive, will I think, have to come to the European state of enlightenment. They will have to fight on a basis of race. Other basis have failed them. Got to organize on a basis of race."

* * *

July 17, 1942.....* * * "Why confuse Jewdiocracy with democracy? And why not do something about it, if you wish to survive? Now I personally am all for survival. I should like to American lives to survive. I should like to see some hundred Americans represented in Washington. I mean in the Government, and get in the things they want. * * *"

July 20, 1942.....* * * "You ought not to be at war against Italy. You ought not to be giving, or ever to have given the slightest or most picayune aid to any man or nation engaged in waging war against Italy. You are doing it for the sake of a false accountancy system. You ought to go down on your knees, and thank God for Italy. Thank God for an Italian possessed of Mediterranean sanity, who threw the first ray of light in the general darkness, showed a way to keep you out of hell made by false accountancy system.

* * *

"* * * You are at war to conceal the fact that a lot of purchasing power, a lot of capital comes from a hope. Damn the hope, but don't go out and die for just being a idiots. Of for your tolerance, of being run and ruled over by dumb-heads who are pushed on by shysters. * * *"

July 26, 1942....."It is time * * * for the people of England and America to understand the war profits. I repeat, to understand the war profits. To understand that they have been edged into war not to win any particular war, not pre-patriots, not for their father's land or for their nation, but for the profit of a few scoundrels and for an enemy, an enemy that desires to cast down from their * all the mighty, and all the orderly, to cast down every nation that exists openly, every government that exists openly, pro bono publico (phon) for the people.

"And the program of this enemy is known, and the actions of government * in the hands of the enemy, shows the nature of the aim of the enemy. The whole policy of needless destruction is not military; their aim is not to win war, but to make peace impossible. Their aim is to arouse hate, because reprisals which in their turn are to be causes of hate.

* * *

"* * * I finally got round to seeing the war film, Italy's documentation "Two Years of War". Of course, you can't see it. It helps one to think of the difference between a nation based on its farm population, its agricultural population and governed by men of the same race, to think of the difference between them and the nation exploited by usurers, who are not racially identified with the people they govern."

WB-SCE-BGL

146-7-3672

November 24, 1942.

MEMORANDUM FOR THE DIRECTOR,
Federal Bureau of Investigation,

Re:

DR. EZRA POUND

RECEIVED
NOV 24 1942

Reference is made to your memorandum of November 12, 1942, with which you transmitted photostatic copies of ten of the latest transcripts of radio broadcasts by the above subject.

It is requested that you ascertain whether Dr. Pound is presently engaged in broadcasting enemy propaganda to the United States, and that you advise the Criminal Division whether the Federal Communications Commission has transcribed any of his broadcasts other than those previously furnished. If transcripts have been made of other broadcasts by him since December 8, 1941, it is requested that they be obtained.

Respectfully,

SIGNED

WENDELL BERGE,
Assistant Attorney General.

Me

WB-SCE-RNH

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December 12, 1942

MEMORANDUM FOR THE FILE

Re: Excerpts of Broadcasts
by Dr. Ezra Pound

January 29, 1942.....

That is to say, the United States has been for months * and illegally at war, through what I considered to be the criminal acts of a President whose mental condition was not, so far as I could see, all that could or should be desired of a man in so responsible a position or office.

He has, so far as the evidence to me available showed, broken his promises to his electorates. He had to my mind violated his oath of office. He had to my mind violated the oath of allegiance to the United States Constitution which even the ordinary American citizen is expected to take every time he gets a new passport. It was obviously a mere question of hours between that day and time and the time when the United States would be legally at war with the Axis.

Well, neither he, nor William J. Bryan lived to hear Henry Wallace telling the world that there would be no peace 'til the nations of the world knuckled under and bowed down to the gold standard. Bowed down like drunken and abject fools and then let gold rule humanity. To let all human exchange of goods be bottlenecked through gold. Who will ask permission from a few blood-thirsty ghouls? And before you can swap cheese for mutton or sorge for wheat, bow down and say monopoly is God over all man. And this being said by a man as a rule said to be or said to have been interested in farmers and farmers' welfare. They laugh at all the lies we have heard from the London gold ring, * that 20 years of invasion, the * after 20 years to conceal from the English people, that they were being asked to go out and die for gold. For the monopoly of the owners, and brokers, owners of gold mines, brokers and owners of gold.

Yes, I knew that this was what the war was about; I knew the war was about gold, usuary, and monopoly. I said as much when I was last in America. I then said, "If the war is pushed on us." So, now, the United States has got pushed out of Guam and Wake, and I suppose out of the Philippines, and a 20 years' war is in progress. Is it? Is a 30 years' war what the American citizen thinks will do most good to the United States of America?

*File
Self*

FILED
BY VS
ON AUG 2 1943
FILED
VS
ON JUL 30 1943

I think an alliance with Stalin's Russia is rotten. I don't think the claim of even going through the motions of invading Russia to slaughter and kill all Eastern Europe is a necessary part of the progress.

The day Hitler went into Russia, England had her chance to pull out. She had her chance to say let bygones be bygones. If you can stop this Muscovite order, we will let bygones be bygones. We will try to see at least half of your argument. Instead of which, Hank Wallace comes up saying no peace till the world accepts the gold standard, when "won't". Does look like there was a weakness of mind in some quarters. Whom God would destroy he first sends (to the bug house).

February 3, 1942.....

And a prospect of a 30 years war is not one to arouse mirth and hilarity, even in a flighty chicken hearted and irresponsible people such as the United States of America.

A way to get yourselves out might be discoverable. It might be more discoverable if you first had a faint inkling of a cureosity as to how you got yourselves in. How well you can learn anything from the disasters of England I do not know. But I would lay it down as an axiom that empires do not get knocked apart from outside until they are plumb gone to rot in the middle.

Thirty years war. Thirty years paradise for army contractors. Well that may not be what you voted for. In fact Mr. Franklin D. Roosevelt can destroy his "what is called here the other day. "The Boy That Fell Down On His Assignment." And when you think, if you do think, of the billions that have been lended by the Morgenthau treasury policy during the past nine years of peacetime, God knows what it will be during war time. And by the end, shall we say, of 30 years.

Well, you are now in. And nobody in Europe can get you out. Inspired shall we say by the principle of the self-determinations of peoples, oppressed peoples? Illustrating it--by the determination to keep Mr. Aginsaldo out of his native Manila. You have chucked away our national, cultural heritage. Politically speaking, that heritage was the determination of our fathers to set up the North American continent a Governmenta better than any other. These determinations to govern ourselves internally better than any other nation on earth and the idea of Washington, Jefferson Monroe did keep out of foreign shindes. Where you have chucked that idea for ideals, you have chucked it on to the dungheap. And you have insulted the most highly tempered people on earth.

With unspeakable vulgarity, you have insulted the most finely tempered people on earth. Threatened them with starvation, threatening them with encirclement, and telling them they were too low-down to fight. You are at war for the duration of the General's pleasure. You are at war for the duration of Japan's pleasure. Nothing in the western world, nothing in the whole of our occident can help you to dodge that. Nothing can help you dodge it.

February 10, 1942

And the Nazis have worked out that feeling and wiped out bad manners in Germany. The New Europe goes on now doing what American democracy in the clean sense of that word, started doing when it made a Declaration of Independence but failed to define all the words used or compromised on the wording. Struck out Jefferson's original sentence about the abolition of slavery, and for the sake of a vote omitted to specify that equal meant equal in courts of law.

If the U. S. is to steal and embezzle, wouldn't it be wiser to stock to French, English and Dutch dependencies in the American hemisphere? And wouldn't it be honester to get the same by purchase, even if it meant few immediate profits to the tin, (lead) and armaments rackets?

This war is part of a profit. The present phase of that profit began at the end of the 17th Century. By 1750 a corrupt and avaricious government in England working for British monopolies, was shutting down on the Pennsylvania colony's issue of money, paper money, money issued against land, work and the industrious and sane nature of the Pennsylvania colonists.

Until you see this war as an incident in a series, you cannot understand it or judge it or qualify yourselves as judges of the rights and wrongs of the present act in the story.

I mean people are now trying to prevent the war from ending. People have already planned for a peace like the last, a mere parenthesis, a mere slow-up of munition sales, a mere dis-equilibrium that will keep the world on tentahooks between the end of this war and the start of the next one.

February 19, 1942

To send the boys from Omaha to Singapore to die for British monopoly and brutality is not the act of an American patriot.

February 26, 1942

Some of the navy is gone where I can't much help it. The army can get out all right if it stays where it ought to be, namely on the North American continent. I certainly do not want America's young blood shed in an asinine attempt to wreck all European civilization.

And the Americans, the United States, having started a fine government in 1776 couldn't take hold of it for a century and have now plumb forgotten apparently that it ever existed.

It is to be supposed that you are all running around hot and bothered like headless chickens, no man understanding another. After years of robbing the country, dipping into the treasury, years of frothing at the mouth about Mussolini and Hitler, in the middle of January, Roosevelt comes out with a discourse and every single item in it that has a trace of sanity is imitated from Mussolini or from Hitler. After twenty years of Judaic propaganda, Lenin and Trotsky stuff, crowding American history out of the schools, wild inferiority hate against Europe, dear old Delano comes out with a mixed bag in which two thirds of the program is Fascist, with, of course, the essential part missing.

Well, now what causes this? Twenty years late, just twenty years late as America is usually. Same old American time lag, leading the world from the back seat as usual, amid all which flurry there is this much that I am sure of. This war is part of a process that has been going on for some time and Roosevelt never lied with more typically Rooseveltian fluency than when he bleated out his thick blah about wanting to keep you, that is you, the American people, and your children and your grandchildren out of the war.

A clean man would have been content to keep the peace in his own time and trust his children to follow the example. By continued bosh nonsense about Europe, which his mental and ethical level is much too low to reach, he put you into war with the Asia.

Why not lay a wreath on the grave of democracy? Here lies John Jones, he is not dead but sleeping. Or Here Lies Democracy. (By God?) before you were dead, I think I'd admit it.

The question is, if two or three sane men in that fog of Rooseveltian fuddlement, can they meet anywhere and cohere and clarify their mental perceptions? They should or could, could or should begin to wonder where the country is coming out. Be you headed for a cheap ten cent type, Blumenstein, Zukor tawdry imitation of Nazism, or say for the moment of Fascism, void of all vital content, and if you mean to imitate it are you going to emulate or defy, are going to try to have as good a brand of a corporate state as is now provided in Europe? If not, why not?

Where do you go from here? Thirty years intensive production of synthetic products in order to attack the Japanese colony of Australia in 1947 or 1971. And in the interim, what of your internal government? Are you going to have any syndical organizations? Or just Russian mess and chaos. Just Soviets run by the Warburgs. Shucks, is there any American consciousness as distinct from that paper fortune and the New Yorker hysteria with any what's-his-name, Woolcott, weeping into the microphone, or the lowest common denominator, Mr. Swing, whining into the atmosphere that the Americans are humiliated.

Damn it, there must be, there must be, there must be faces left somewhere on the American continent if a race that set up the United States government. Have they lost all sense or coherence? Is American lucidity dead?

March 2, 1942.....

And now "Hank" Wallace has showed up the interest--gold--nothing else uniting the three governments of England, Russia, and the United States of America. That is the interest. Gold, usury, debt, monopoly, class interests, and possibly gross indifference and contempt for humanity. Now if you know anything whatever of modern Europe and Asia you know that Hitler stands for putting men over machines--counting men first and machines second. If you don't know that you know nothing. And beyond that you either know that you know nothing. And beyond that you either know or do not that Stalin's regime considers humanity as nothing save raw material, saying: "Deliver so many carloads of human material at consumption point" That is the logical result of materialism. If you have said that men are dirt, that humanity is merely material that is where you come out, and the old Georgian train robber Stalin is perfectly logical. If all things are merely material, man is material, and the system of anti-man treats man as matter; treats him as dirt.

Now your President exceeds his powers in demand that you adhere to his politics. As commander in chief of the army he can command you to assail enemy forces. But even Congress in its most abject and servile moment has not conceded to this bloodthirsty maniac the control of your opinion. In fact, as long as any law is left whatsoever in the United States, which no Jew and no Roosevelt will like having left there, but as long as it is left there powers do not inhere in officials unless delegated to them by law. Thus when that "lying Dutchman" tells you that you have got to prefer Bolshevism to Fascism you can ask why. You can answer, "Who says so?" and if you are more than cattle, if you rate yourselves above cows and sheep you will in defense of that rating have to ask yourself whether men are more important than machinery. You can ask yourselves whether you intend to be slaves--life-long slaves, hereditary slaves to machinery, and whether you propose to sell your children and your children's children into long-lasting slavery to usurers and to machinery.

I mean you will have to make up your minds. You cannot live on cold iron. You cannot live on airplane spare parts. You cannot live well without laws which even the officials obey. And for however long your answer to me is Jim's answer "nobody here in America is interested in taking things as seriously as you do," there will nevertheless and finally come a time when at least a few of you will have to face things or die. You will have to think or die. It's hard choice for the daisy pickers, but a real choice. Roosevelt's gang has got you hitched up with Russia. Not a very good bet.

Do you believe in the abolition of all private ownership? I'll say you do not. You have colluded in the old British habit of employing the savage to wipe out the civilized rival. Your school has been hooded. You have had a "slow one" put over you.

Do you believe in the homestead? Or do you believe in communal ownership. If you believe in the homestead, why fight for the abolition of all private ownership. In taking sides in a quarrel do at least try to find out what's fighting which.

Do you stand for the obliteration of Finland? If not, why fight against Finland? Do you stand--those of you who are above the goose-gangster level--do you stand for the obliteration of all Occidental civilization? If not, why join the Anglo-Jewish clique which has been and still is out professively and openly for the obliteration of Europe. Then(maintain) your civilization and all of it that you have still got.

Do you believe in the homestead, or in communal ownership? And if you do not believe in the abolition of all private ownership and the abolition of all private initiative, watch your Nelson, who has already got a half-nelson on you. And if you got to please old Hank Wallace, and go on buying all the world's gold from now till the terminus of eternity, you've got a day's work coming with 24 hours labor and no trade union organization legally recognized. Let's put up the tombstone: "Here lies the 8-hour day".

March 6, 1942

If you are going to have Fascism or Nazism in the United States, why not learn what these systems of government are? Why not ask and learn how far they are compatible with American habits, and what is good in them, and wherein their strength consists, instead of merely lying and cussing and trying to kill 'em, on the assumption, if you can call it by so mild a term, that they are something that they are not.

There is something else to lay off of, namely, a system of lending money to foreign nations in order to have a war every 19 years. I suggest that you look into that system. Your British allies were scared that a few rackets were busting. They started a war to uphold a state of things that just was not upholdable. Instead of admitting that they would have to change it, change their system, they started a war, and now they are singing the Internationale, and running up the stickle and hammer.

And there are a few points, may be three points, that I would like to get into your binnacles; First one: that America could have stayed out of this war; secondly, that if America had stayed neutral, the war would now be over, and America might have had a hand in (composing) the differences. And America might not have, and the United States might not have so many hush hush agreements to buy, purchase, absorb such a lot of (South American) stuff she don't need and can't use. Cornering the market as usual, but may be not on some articles you want to buy.

March 15, 1942

Your enemy is not Germany; your enemy is money on loan, and it would be better for you to be infected with typhus, dysentary and Bright's Disease than to be infected with this blindness, which prevents you from understanding how you are undermined, how you are ruined. The big Jew is bound up with his loan capital that no one is able to unscramble the omelet. It would be better for you to retire to Darbyshire and defy New Jerusalem; better for you to retire to Gloucester and find one stop that is England, than to go on fighting for Jersey and ignoring the process.

You let in the Jew and the Jew rotted your Empire, and you yourselves are (doomed) by the Jew.

March 23, 1942

Can you not see that the outrage of the bombardment of Paris is but one of a series of attempts to make real peace impossible and to prepare for the war after this one? Needless hate, sowing the seeds of hate for tomorrow. Does it mean nothing to you that by this war you have inflicted more and worse wounds on your allies? That on people you said were your enemies? Can these things go on forever without some sliver of light reaching the British mind? To show the real causes of the conflict? The real forces in conflict? Usury against peasantry, usury against farmland, usury against every man who does a day's work, physical or with his mind, as against on the other side conscienceless, conscienceless exploitation; work against monopoly; against bank deals and swindles. These bank deals and swindles working against every race in Europe that takes the responsibility of being a nation, and administering openly as a government

in the eyes of the people. Against that open government, any open government, the drawling slime of a secret rule, a secret and irresponsible rule that takes no responsibility for the welfare of races, and a nation, but eats like a canker into the heart and soul of all nations, even that * * its central staff is composed.

March 26, 1942

It is a privilege to fight against gentlemen, an European radio seem to have been as ready to show respect to General MacArthur as they are and rightly as to show absolute and utter contempt and loathing for the war profiteers, and the bank of unmitigated (newts) and vermin who have thrown the world into war in hope of establishing a gold and money lending monopoly. And blotting out the good life in five continents.

They have done * this from their lust for the secret and irresponsible power. Secret and irresponsible power. And the place to fight these * * is not on the frontier, but in the center of your own nation.

Now the war you ought to be fighting is not 5,000 miles outside of Boston. Or 5,000 miles outside of New York or even outside of San Francisco. It is internal. And if you let them fill you with the idea that they will progress after the war is over, and a few million of you under the daisies, you will be being worse fools than you ought to be. This war, this internal war, can go on quite as well simultaneous with General MacArthur getting killed in a hopeless fight against Aguinaldo's successors, as he can after the war is over, if it ever is over. Seeing a peace for 20 years after Versailles is not conducted to a victory of the American people over the shysters.

Are you fighting for the national heritage? For the heritage of wisdom, the heritage of Washington and of Monroe, and of John Adams and Lincoln. I say you are not; You are fighting against what all those men stood for, and it will take more brains than I go to get you out of it prettily.

March 30, 1942

Roosevelt and Churchill, for instance, who have pushed the Americans and English into war.

That is the first phase--throw her people into wars they cannot win. It was known in England in 1938 that England would lose. Damn it, I was told in London in November 1938, that England would lose. Military experts said to me, who am a foreigner, "We will lose India, we will lose all our Eastern possession." Well, why weren't men like that listened to? Why didn't the British people listen to them and not to the dirt off a hog's hind leg like they did listen to?

Damn it all, every man that dies in MacArthur's arms is sacrificed to Frankfurter's friend, but not to win; he is there to destroy himself, they are there to destroy any nation, one nation after another. Will you observe what the forces are that shove nations from one disaster to another.

No one for the past 100 years had dreamed of threatening the United States of America with extinction. A damn fool or a half hypnotized vacuum in our White House threatened Japan with starvation, sent silly school-girl notes to Mussolini and Hitler, threatened to starve the world, talked tosh to the Axis powers and to Japan. The world has seen that propaganda smelt the stink.

I said the cause was rotten and it was rotten, and it was known to be rotten and it was known that most of the gold in the world is in the United States, in the British Empire and in Russia. And as I was told in our national capital any attempt to diminish the powers of them that hold it will meet with very serious resistance. Well it was not honest resistance.

Whoever died at Dunkirk, died for gold. Whoever was shot at Dakar died for gold. * * How is it done? Who now is drawing pay for demanding vigorous prosecution of war? Vigorous prosecution of Frankfurter and that his golliwog glove the covers his fingers. Frankfurter down inside the Punch and Judy show booth, and that (gilded god,) Franklin Delano Roosevelt gesticulat^{ing} and shrieking, up there in front to distract the children, to get the boys into the trenches, and then the papers, the hired press howling that the interventionists mustn't be allowed to take advantage of the abysmal mess made by Roosevelt and that the war must be pushed.

The place to defend the American heritage is on the American continent and no man who has any part in helping Franklin Delano Roosevelt get the United States into it has enough sense to win anything. If Roosevelt were not below the biological level at which the concept of honors enters the mind, below the Biological level at which human beings can conceive the existence of such a thing as honor, the liar would go out over the steps of the American capital and commit hari-kari, to atone for the evils he has wrought on the American people. I say he would go out and commit suicide on the capital steps to atone for the wrong he has done to the American people.

April 16, 1942

For the United States to be making war on Italy and on Europe is just plain damn nonsense, and every native born American of American stock knows that it is plain down-right damn nonsense. And for this state of things, Franklin Roosevelt is more than any other one man responsible.

How long it is going to take the American people to make at least a partial return to their senses, I know not, I do not know.

At first, the American people were sane enough to see that the war was phony. Danzig, Poland, all the rest of it, cooked, and the people knew it was cooked. Second, England's offensive. Offensive against neutrals and allies. Third, The United States offensive, offensive against England, Iceland, and Venezuela at the cost of losing the Philippines. Well, damn the Philippines. We promised them independence, and the dirt in our national make-up prevented us in the promise. Our conduct as a nation, to various islands, let alone the South American republic is not our title to glory, and Aguinaldo has a good right to the Philippines, as any God-dam Jew in Roosevelt's * * .

Anyhow, one of the lies of this war is the lie about the anti-Axis alliances. Russia is not Britain's ally but her enemy. America is not Britain's ally, but her enemy. This is down under their skulls, down under their thick, wooly hides, they think they should not be fighting the Germans, they do not believe in Bolsheviks methods, or in Bolshevik propaganda.

Some of them, lots of * among them will think, oh yes, I think we ought to be fighting Italy. Think they ought to fight Italy because Italy is small on the map, and the small ought to be stepped on. That is a British tradition. But they do not think they ought to be fighting the Germans, and they do not want to see geography books with England's empire reduced to * figures.

But they do not think they ought to be fighting the Germans. Well think it over.

Believe that if the American people had been consulted in 1938, '39 and '40, 90 per cent of the American people would have been content to have the American Government stick to its best tradition to stay out of international shin-digs, and to use the United States prestige.

As for the English, nine of them out of 10 do not believe they ought to be fighting Germans. I repeat, the English, 9 out of 10 do not believe they ought to be fighting the Germans, and that goes a long way to explain why a lot of them don't seem anxious to do it. And they don't like their empire being ruined, they don't want their island invaded, but 9 out of 10 of them, do not believe they ought to be fighting Germans.

April 20, 1942

Wouldn't England have done better * into an alliance with Japan rather than * * * to name * Hong Kong and Rangoon, an alliance with Germany rather than with a paralytic Jew in France? Would England today be a brighter and happier country, instead of dropping some old naval bases and stations into Frank (Rougenstein's) pocket?

What bloody chance has the stray men, the English, in old-style so-called democratic organization in comparison to what he has in the corporate system embodied system? Every peasant in Italy knows why he can go and kick if something (state) doesn't suit him and why Gaud they do kick, sometimes in the most silly manner. * * * Italian individualism, development of the personality, leads to the point of exaggeration, but it enlightened the world.

Nothing less than the Fascist system would keep these people together. Some of the kicking is aimless, but the best of it keeps the thing moving forward, the mass of it keeps the thing moving forward.

The American system was good for 80 years, after which it was betrayed and defiled at the center and the outlying parts grew steadily less efficient, and still less efficient. I would like to see a little blood or oxygen infused back into her. * * * Anyhow, whatever kind of a mess you are in, in America, with your farms mortgaged (to milk trusts!), England is in a worse mess.

April 30, 1942

Sometimes, the Anglo-Saxons may awake to the fact that the Jewish (cows), the secret forces concentrated or brought to focus in the unappetizing (carcass) of Franklin D. Roosevelt, do not shove Aryan or non-Yiddish nations into war in order that those said nations may win the war. The non-Jew nations are shoved into war, in order to destroy themselves, to break up their structure, to destroy their social order, to destroy their population.

May 4, 1942

The kike is all out for all power. The kike and the mitigated evil that has been centered in London since the British Government set on the Red Indians to murder the American frontier. Settlers, and hurled the *. the mongols, the tartar openly against Germany and Poland and Finland and secretly against all that is decent in America; against the total American heritage.

May 10, 1942.....

He says that England's position at the peace conference will be precarious. I'll say it will be precarious, just as precarious as Germany was at Versailles, with this difference. That the next peace will not be made by a pair of kikes, one on each side of the table, or standing behind the stuffed shirts who represent them in front of the public. And the basic aim of the peace will not be Versailles' basic aim: namely, to prepare the next war.

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That's what Versailles was aimed at, with its daggers and cross lines, its (Skodans) its synthetic state, its gun factories (stuck) positions of danger, run with Jew money, run on loans, based on money sweated out of Ayran people, sweated out of the farm laborers and industrial working men. The next peace will not be based on international lending. Get that for one. The next peace will not be based on international lending, and England will certainly have nothing whatever to say about what its terms are. Neither, I think, will simple-hearted Joe Stalin, not wholly trusted by the kikery which is his master.

Why have you got where you are, and where are you? You are down, down, down, down, down, down. Filth and dung of humanity. You are down under Maisky and Litvinov, and if human degradation can show anything lower, go let it. Look at your masters' faces. How did they get there?

May 18, 1942

Not having read the English version of Mein Kampf, I will not discuss it. This book was translated into Italian and printed in 1933 and * * * published the second half first so that Italian public had a chance to get the program clear and at the start. And I affirm that there has been for years, has been the most goddamned ignorance and misapprehension of that program in England and America. I, myself, had only a vague idea. I was not intent on Germany, I had my job with my writing and my recording in Italy, trying to get things straight. I could see it was good here in Italy, I said it was the one inch of solid ground where a man could see straight and write it, could buck the international money swine and not disappear altogether.

Hitler in 1942, said that Germany ought to see Italy, see Italy Fascist Italy as the one ray of light, in a world that was going to sunset, sinking. Just as I saw it as one inch of solid space. Well, the Fuehrer, Adolph Hitler, he did something (about) it, while I was listening and looking. There are different degrees of efficiency. Now what, where and are the three planks of the Hitler program as set forth in the opening of La Mia Battaglia, the Italian translation of the second half of Mein Kampf. Well the first one is * , health of a race. Now every American or Englander of my generation or that before or after my generation knew and knows that we were up against a problem of be slave or go free. Any man not born rich in our time, he had to mate late, breed late and breed few or else go into slavery.

That is point one of the Nazi program. Breed good and preserve the race, the breed thorough, that is for thoroughbreds, conserve the best of the race, conserve the best elements, that means eugenics as

opposed to race suicide and it did not and does not please the narrow minded Jews who want to kill off all other races whom they cannot substitute and drive down the race into wage slavery or Soviet slavery under the goddamned kikes. Kikes to be staffed by a bevy of Churchills and Edens and Stafford Crippses,

Secondly, what is the second point of the Hitler program? Personal responsibility, a political system in which he can't pass the buck very unpleasant for hired member of parliament, * Jews, butter and eggs men, (fakers) like Wendell Willkie and M. P.'s, and congressmen financed by Jews put into the legislature to defraud the people in (lieu) of interest and get there by bank money.

And the third point was the study of history. Well, now what program, what program did that contradict? I ask you. If you are such low down and goldarned suckers or such British blockheads or such unfathomable irredeemable ignoramoi as to now know what program this contradicts, then there is not a great deal of hope for your posterity. I may tell you some day where the opposing program is found, if you are too weak-kneed and puny to trace it and when you or if you do trace it, you may see why the smokescreen was erected and why people began to see evil in Hitler. As to who says thinks evil against Hitler, we may some day go into that also.

May 21, 1942

You don't yet know what Hitler has written, or what Mussolini has written. You won't read the works of the men who made the American nation. You don't read Horace's Two Nations. Well, damn you, read Cummings if you won't read Brooks Adams, or better read both of them, and try to find out what has been done to you, and what is being done to youm conducive to material spiritual, and intellectual ruin.

May 24, 1942

You have cursed, sworn, lied about Fascism and now in the moments of trial you boast and the few things you say with a clear voice and conviction are Fascist.

All on this line you take over one Fascist measure after another. Then you pretend that your quarrel with Europe is only with regimes, and not with the total population of Europe. You are intellectually dishonest in your refusal to recognize the great gifts which Rome for centuries has given, and which Germany since the days of (Hovine) has given to England.

You call in the bloody Russian savages to smash the whole of European civilization, and you get out the pig end and laced it and boasted of how much Europe is to be included in the smashing.

The very name trust, meaning in current terms monopoly, is an unconscious assertion of imbecility and pretentiousness. You probably think you have a monopoly. You most certainly have not. You are so purse proud, and what is worse head proud, that you see no intellect outside the circles of your own interest, and you will pay for it. You will pay for your high horse assumption, as there is justice or as in the physical world there is a law of reaction in the nation's action. You have overreached.

Your German, anti-German propaganda is mostly mean innuendo. Italy has had so much of that from you that this conduct of yours rather strengthens the Axis bonds. Too many nations have had the same treatment from England not to recognize the symptoms.

But a veritable frie panning of races are needed, to make you English understand that there is, yes, is a place called Europe, a continent, and that you owe something to European civilization, vastly more than you owe to the Warbugs, and other holders of England's Israel's I.O.U's.

And that debt, that intellectual debt you have no intention to recognize. In fact, you have called in the bloody baboons from Urals to beat up and if possible to kill off your creditors, and the creditor is objective and has a bloody good right to object, and no amount of freely spoken objections on your part, freely opened into and most skillfully and on 20 wave lengths thunderously omitted all the known languages of the five continents are going to break down the basic case against England.

You set up a Jew government in Germany and the Germans had to get rid of it or die. You behaved with crass injustice to Italy and the Italians woke up and reacted, until I hear it from my best tempered friend on a tennis court.

I take it that the Duce has seen more rough stuff in his time than I have, but I think one thing in his later life has surprised him, and that was the sheer selfishness and meanness of England. * * * Not one syllable has come out of England during the past two years or three years to show that England has one iota of consciousness, and that human beings can be other than English, that there are human beings in Europe, endowed by nature with rights equal to those of sane human beings.

England helped protract the civil war in America until the south was crushed and the United States never recovered, except on the plane of material products. The United States never got back to the level of economic justice, she had kept on fighting for up until the Civil War. The documents were mislaid or hidden. It is only recently

that we have begun to get the facts...Facts of the great betrayal, a sett-out to London Jewry. And if you think you are paying for your sins, look to the contraversal government now in function. As the United States was sold to your Jews, you are now in the process of being auctioned, to heirs of the same business houses or of the same usury system. Offices are now in New York.

May 26, 1942

And every hour that you go on with this war is an hour lost to you and your children. And every sane act you commit is committed in homage to Mussolini and Hitler. Every reform, every lurch towards the just price, toward the control of a market is an act of homage to Mussolini and Hitler. They are your leaders, however much you think you are conducted by Roosevelt or (told) up by Churchill. You follow Mussolini and Hitler in every constructive act of your government.

May 31, 1942.....

You possibly cannot breed human beings like cattle, but you can or could at least spend as much human intelligence on the problems of human breeding as you do on breeding cattle or whippets. And on that basis, Hitler is also your leader. Two basic facts wer announced in Europe on the continent.

Mussolini has summed up in the consigner of recent yearly orders of the Fascist Party for the year 11 of the present regime or era, as follows: Discipline the economic forces and equip them to the needs of the nation. That you are learning. Hitler's basic text you are still dodging.

I may be late in telling you all this now, but I at least saw something about the time Hitler saw it along 1923-24. Hitler put it in Mein Kampf that there was one way of light in the world moving towards sunset, and that was Mussolini's regime in Italy.

And that being som you with your cheating and with your Geneva and sanctions set out to crush it in the service of Jewry. Though you do not even yet know this, and you have not digested the proposals or instructions of Jewry, and you have not understood Fascism or Nazism for that matter.

Instead of concentrating on the breeding of better race, you waded in the filth masters and the dirtier portions of Freudism, with banners flying. All your wit and wisdom was spent on monopolizing, spend on avoiding the basic issues. And if Mussolini stands for

social justice, for breaking the usurers bondage, the Nazi revolutions was based on breed. Based on sane breeding, and on this basis Germany arose from her sepulchre.

But one thing I'll tell you. Believe you me, Europe will not go back down under the usury system, the debt system, and neither will the people of England once they find out that it is and once the Jew center shifts out of London into the New York or New Jerusalem family.

And the melting pot in America may have been a noble experiment, though I very much doubt it. At any rate, it is lost.

June 4, 1942.....

You ought not to be in this war; the United States ought not to be in this war.

June 8, 1942.

If I go on pounding from day to day every day and in every way, I will finally teach you kids why you got dragged into this war, if you survive it. And when you know that you will know more than your fathers did by the end of the last one, that is more than most of them ever discovered. I've got to go back and go over and over the same little table of facts, the same little table put in the ² clearly. This war started in 1596 (1494) when Mr. Peterson got the idea for the Bank of England.

You boys will have to live a long time and fight like hell and fight something nearer home than the Philippines to get it. You will have to fight in your home and *** to get that blessing and I suggest you start right in tomorrow morning if not now at once when I get to the end of this discourse. The greatest blessing they ever had; their own people to pay their own debts.

When I think of the interest you boys will be asked to pay on a 1000 billion dollars of debts, if you don't get busy and bust the big system--Jew system, Rothschild, Morgenthau anti-Lincoln system, well my heart does not bleed for my country I would rather have my head work for my country. If you can't or won't think of the cause of your misery. If this condecement to slavery of your children for ten generation--if you won't think of it--God help you.

You are in for billions of debts and you have not got your own people to pay it. And most of you have not the groggiest idea of Lincoln * you don't know what he meant by it. Here are ignorance of coin, credit and circulation, said John Adams 80 years before Lincoln. Ignorance and of course greed --- greed is your ruin.

June 25, 1942

Same old story--grand dukes betraying Russia; French nobles selling out France. British nobility utterly worm-beaten by greed. And now the old United States dying off 80 years after the sell-out to Rothschild. Eighty years of usury taken; 80 years of groveling before wealth; being ready to accept pay without ever thinking what causes it. Damn all, I seem to be getting moral. Well, what about it? Be scientific. How much poison can the national body stand? That question can be put scientifically, just as well as putting it in an (auditory) form or asking what is nice and what ought a decent man do? No one will do anything worth doing until some sense of * enters his system. Profit motive is silly, in the sense that it ultimately kills the good life, makes the mare go, yes, makes the mare go, money makes the mare go, and then some day somebody wakes up crazy. And that takes just a long enough so nobody notices what is going on; suddenly wake up and find American abundance has been chucked out of the window; the billion here, ten billion there, and that ease has departed. And (sailors) don't care.

My time is about up for this session. And of course, you ought not be in this war, even to cover up the gross failure of the administration to govern the United States, let alone fixing up the affairs of Europe and Asia.

June 28, 1942

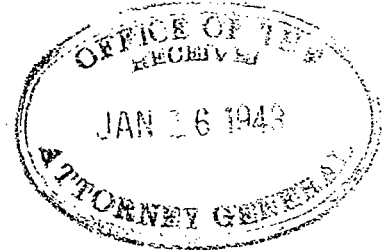
You are not going to win this war. None of our best minds ever thought you could win it. You have never had a chance in this war. You had a chance possibly or at least it might at some time have appeared, and in fact it appeared that you had a chance for a Beau Gest, for a vindication of national honor by going through a set of bellicose motions and sacrificing a reasonable number of men. (Emulation) of victims as at onement not for a crime of your empire, but for the imbecilities of a ruling gang.

An elderly English colonel of my acquaintance volunteered to participate in the defense of * by air for example. But that was not in the plans of your owners, nothing but a procrastated war with and maximum of profits on debt and gun sales suited your rulers. I don't mean your acknowledged rulers; I mean the creditors of your bullies and puppet (jays), the men back of the puppet show. And nothing has contended them, save the most ignominious * of a great empire which history throws up on the screen of my memory. Too many of these ignominious aims. My studies have not been sufficiently extensive to enable me to recall them. Never have so many allies been let down by any one empire? Never have attacks on late allies been so notorious and never has the play of a half wit been more flagrant than the acts of your astensible government.

The sheer imbecility, as sheer imbecility burst the policy against Italy. Than that in entering a war on Japan. * * * You and the American people have indeed an enemy, but the enemy wasn't on board that torpedo boat. The enemy is greed, avarice, usury, falsification incarnate in the group of unpleasant persons. * * * For twenty-five years it has been apparent, and I dare say plenty of Europeans saw it before then. It has been apparent that the world could only be saved by a conspiracy of intelligent men, and that they would have to conspire against the thieves, Normans and the Goldschmidts, together with the minor lice over in Paris, the Lavals, the Mandels and the rest of them. And your tolerated writers, your half-witted socialists, your publicists, your Garvins, Beaverbrooks and the rest of them did not join such a conspiracy. You are barking up the wrong tree and your (bite) has not proved very juicy not if measured by Axis and Tri-partite standards.

Department of Justice
Washington

January 15, 1943



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)

The above persons have for some time been broadcasting enemy propaganda to the United States from Berlin, Germany, and Rome, Italy. A study of the transcripts of their broadcasts, together with surrounding circumstances, leads to the conclusion that if their activities are considered of sufficient importance to warrant action by this Department, they may properly be deemed treason within the meaning of Title 18, U.S.C., Section 1. But custody of these individuals cannot be obtained at the present time, and probably not until after the war. Whether or not indictment at this time would be an idle gesture will depend upon the outcome of the war.

If the utterances in question, seditious though they appear to be, were divorced from the context of circumstances under which they were broadcast, there would be a real question whether they constituted overt acts of adherence to the enemy and giving him aid and comfort of the kind and to the extent required by our law of treason. But these individuals have chosen to remain in Germany and Italy during the present hostilities, and to work as willing



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hired hands for and under the supervision of those enemy governments. The work involved is the dissemination of officially sponsored propaganda generally understood to be regarded by the enemy as a weapon of primary importance in waging total war. New concepts and practices in the waging of war must be taken into account in weighing the meaning of adherence to the enemy and giving him aid and comfort. Here the adherence, aid and comfort, consist in joining in person, and working for, not the enemy army, but another branch of the enemy government which is utilized as an instrument of warfare. The aid consists not in bearing arms, nor in supplying military needs or information, but in supplying propaganda scripts and broadcasting services. On these facts the activities of the individuals in question may thus be distinguished from the precedents dealing with "mere utterances" and from that class of cases customarily dealt with under sedition and espionage acts, if at all.

For the purpose of facilitating proof, the District of Maryland would be the most appropriate venue, but indictments could validly be obtained in any district where the broadcasts were received.

The background of the individuals and the character of their broadcasts are summarized in the Appendix to this memorandum. It is enough at this point for purposes of the legal discussion to say that their utterances are extremely seditious in character, and are broadcast from Berlin and Rome for reception in this country.

Several questions of law which occur in connection with the contemplated treason indictment are discussed below.

1. Application of the Clause "Adhering to their Enemies, Giving Them Aid and Comfort."

The theory of a treason prosecution, of course, would be that the persons named have committed treason in adhering to the enemy, giving him aid and comfort. Among the acts which have been regarded as adherence is joining the enemy, which has been deemed "the most flagrant instance of the crime of treason, and nothing except the fear of death can excuse it." (Warren, What is Giving Aid and Comfort to the Enemy? (1918) 27 Yale L. J. 331, 336). This has been held to mean enlisting in the armed forces of the enemy (Respublica v. McCarty, 2 Dall. 86 (U.S. 1781)), though adherence "is capable of, and in general has received a broad interpretation" (May's Criminal Law (4th Ed. 1938) 98). The doctrine suffers no distortion if "actually joining the enemy in person" (Chafee, Free Speech in the United States (1941) 260) is construed to include the acts of joining and rendering service to a branch of an enemy government other than its army. (See Warren, supra at 336; Medway v. U.S., 6 Ct. Cl. 421 (1870)). There is authority for the proposition that merely going abroad with intent to adhere to the enemy

renders him aid and comfort, and is itself a treasonable act; (McKinney, Treason under the Constitution of the United States (1918) 12 Ill. L. Rev. 381, and cases cited at 395 et seq.).

There is some confusion in the authorities as to whether utterances can ever constitute treason. A reading of the transcripts of the broadcasts indicates that the aid rendered to the enemy is indirect, intangible and intended to create a body of opinion opposed to the continuance of the war. Chafee makes the point that words may in certain cases amount to such acts as will "aid or comfort" the enemy, but these are limited to such instances as communicating military information to the enemy. It is pointed out that telling citizens that they should stop fighting can be at most sedition, if the words in fact create disaffection. The oral communication of military information to the enemy is language which "has all the qualities of action because it furnishes the enemy with something which he can use," and it is treason equally to give the enemy a gun with which to batter a fort, or a description of that fort. Giving aid or comfort has always had, according to Chafee, and the cases seem to bear him out, a restricted and technical meaning which has never been regarded as synonymous with guilt under the sedition or espionage acts (Chafee, Free Speech in the United States, 1941, pp. 259, 260).

Our courts have often said that adherence to the enemy by words only is an offense quite distinct from treason (United States v. Wimmer, 264 Fed. 11 (C.C.A. 6th, 1920)). This position, however, is challenged in two articles which claim that words may constitute treason. In one, McKinney holds that the often stated rule, that mere words are not treason is an outgrowth of the harsh cases under the doctrine of encompassing the death of the King under the Treason Act of 1351 (25 Edward III). (McKinney, supra.) In the other, Warren holds that treason encompasses advising and persuading others to give aid and comfort to the enemy. This statement he supports with the case of Rex v. Casement, (1917) 1 K.R. 98.* Warren also lists as overt acts of treason those which tend or are designed to defeat, obstruct or weaken our own arms. (Warren, supra.)

* In Rex v. Casement, the defendant, a British subject, was convicted of treason. Among the overt acts alleged were (1) soliciting, inciting and endeavoring to persuade British prisoners of war interned in Germany to join the German Army; (2) circulating a leaflet among Irish prisoners in Germany persuading them either to join the German army or to form an Irish brigade to secure Ireland's freedom, and (3) setting forth from Germany as a member of an expedition equipped by the enemy to land arms and ammunition in Ireland to be used against the King. All of these acts

Such a definition of "aid and comfort" is found also in United States v. Fricke, 259 Fed. 673 (S.D.N.Y., 1919); Charge to the Grand Jury, 30 Fed. Cas. 18, 270 (C.C.E.D.N.Y., 1861). Certainly these broadcasts can be regarded as acts which strengthen the enemy or tend to weaken our power to prosecute the war. Surely acts necessary to constitute treason may vary with changing conditions, and "giving aid and comfort" cannot be confined to such traditional acts as furnishing money, troops or arms to the enemy. Obviously a changing world and new conditions involved in the waging of the war will give rise to new forms of treasonable activity undreamed of by the founding fathers.

2. Allegiance of the Proposed Defendants.

As the discussion in the Appendix will show, all of the proposed parties defendant were citizens of the United States and owed the allegiance of citizenship at the time they left this country. All of them except Constance Drexel were born in this country. Constance Drexel obtained derivative citizenship at the age of fourteen, when her father was naturalized in Boston, Massachusetts. Douglas Chandler moved to Europe in 1931. Fred W. Kaltenbach first went to Germany in 1937, but returned to the United States in 1939 for a short period. Robert H. Best has been in Europe for about twenty years. Edward Leo Delaney traveled in Europe from time to time for a New York company between 1935 and 1939, but apparently has only lived in Europe continuously since 1939, or the early part of 1940. Jane Anderson has resided in Europe since 1922. Constance Drexel went to Germany in May 1939. Dr. Ezra Pound has resided in Europe practically continuously since 1911.

took place in Germany and it was held that under the Treason Act of 1351, Casement could be tried in England for his adherence outside the realm.

The important holding in this respect was that of Lord Reading, C.J., defining the giving of aid and comfort. This he disposed of in the following paragraph:

"If a British subject does an act which strengthens or tends to strengthen the enemies of the King in the conduct of a war against the King that is in law the giving of aid and comfort to the King's enemies. Again, if a British subject commits an act which weakens or tends to weaken the power of the King and of the country to resist or to attack the enemies of the King and the country, that is in law the giving of aid and comfort to the King's enemies."

It is entirely possible, of course, that some of these prospective defendants may have become naturalized citizens of Germany, Italy or some other country, and may have renounced their American citizenship. Whether such acts as they may have taken to expatriate themselves are such as would be recognized under our law, is, of course, a question which we are unable to settle without having knowledge of facts which it is impossible at this time to obtain. However, we can prove as to six of them that they are native-born American citizens, and as to the seventh, that she obtained derivative citizenship. In the absence of knowledge of facts establishing the contrary, I think we could safely allege, for purposes of an indictment, that each of the persons concerned is an American citizen owing allegiance to this country.

3. Jurisdiction and Venue

There can be no doubt that our constitutional provision as to treason, and the statute, create jurisdiction to punish persons owing allegiance who commit acts of treason, irrespective of where in the world those acts are committed. Our treason law undoubtedly has an extraterritorial application, and this is clearly justified under international law since treason is not an ordinary crime, but is a crime directed against the safety and security of the government itself. If jurisdiction of the person can be obtained, there is no doubt of the power of our government to punish for acts committed outside our territorial confines.

Moreover, the acts here in question, while committed by persons physically abroad, have their direct effects here. That is, although the words were spoken in foreign countries, they were heard here, as was intended. On these facts, it is believed that an argument could be made that for jurisdictional purposes the acts (as distinguished from the persons of the actors) were here. True, such an argument would be highly fictional, but it has often been resorted to in the law as in the numerous cases sustaining jurisdiction over murder at the place where the missile or other dangerous force had its deadly effect. However, it would be quite unnecessary to resort to this alternate argument to sustain jurisdiction inasmuch as the present statute clearly has an extraterritorial application.

As for venue, it would seem that indictments could be found in any district in which the broadcasts are heard. Assuming that the facts viewed as a whole constituted treason, it would not be necessary in order to establish venue that the language heard by radio, standing alone, should constitute treason. The broadcasts heard in this country might well constitute overt acts of the total treasonable conduct, even though the broadcasts, standing alone, might not constitute treason if divorced from the other facts surrounding the prospective defendants' actions. Any act which is related to the design and tends to effectuate it, furnishes not only the venue of the crime but the final fact necessary to consummate and

complete it, though success of the treasonable act is immaterial. (See McKinney, supra, and cases cited at 395-396; Willoughby, Constitution of the United States, (1929) 1127). "The overt act may be innocent in itself, but it must be in some manner in furtherance of the crime." (2 Brill, Cyc, Crim. Law (1923) 1508, where the U. S. cases are collected.) Analogy is readily found in those cases in which an offender is held liable to prosecution in any district where the crime is to some degree consummated by the mailing of a letter, a telephone conversation, and the like. (See Horwitz v. U.S., 63 F. (2d) 706 (C.C.A., 5th, 1933); U. S. v. Fricke, 259 F. 673 (S.D.N.Y. 1919).

Title 28, U.S.C., Sec. 102, relating to venue of offenses committed outside the territorial limits of the United States, would not bar indictments at the present time, since it is clear that the statute refers only to offenses completely committed outside the country. In the instant cases, the reception of broadcasts in the United States constitutes a part of the offense, and seems a sufficient basis to confer jurisdiction on a grand jury in any district in which the words are heard.

It is suggested that proof would be facilitated if indictments were sought in the District of Maryland, since recordings of these broadcasts have been made at the Federal Communications Commission monitoring station, located in Maryland.

4. The Broad Policy Question.

The principal question really is one of policy. Indictments at this time would serve the purpose of bringing together and preserving so far as possible the evidence in each case. They might serve notice on persons having similar designs, if any there are, that the government will not tolerate such treasonable conduct on the part of its citizens. They might have a reassuring effect generally upon the country. On the other hand, it is possible that such indictments would be regarded as merely a futile gesture, and that the public would feel that we ought not to be taking up the time of courts and grand juries to obtain indictments against persons who are now outside our reach. Possibly it would be felt that there are more urgent and important matters upon which we should be working, and that such indictments are just stage play.

I think that these policy questions ought only to be decided after the views of the morale divisions of the Army and Navy, the Office of War Information, and other similar agencies have been sought out. It occurred to me that this is a question on which you might like to consult personally with the appropriate Cabinet officers, Mr. Elmer Davis, and

perhaps others. My own inclination is to go forward by presenting the facts to a grand jury and seeking indictments.

Respectfully submitted,

A handwritten signature in cursive script that reads "Wendell Berge". The signature is written in dark ink and is positioned above the typed name.

WENDELL BERGE
Assistant Attorney General

APPENDIX

The Individuals and Their Broadcasts

DOUGLAS CHANDLER

Douglas Chandler was born in 1889 at Chicago, Illinois. He married the former Laura Wurts, of a socially prominent family in Pittsburgh, in 1924. They lived in Baltimore for some time, where Chandler contributed inconsequential articles to the Sunday American. His attempts at short story writing were failures, and in 1931, he, with his wife and two children, moved to Europe. They travelled in various countries, including France and Italy and eventually settled in Yugoslavia, where he was reported to have acted as a Nazi propaganda agent. For that reason he was requested to leave and apparently moved directly to Germany. He was broadcasting news reports from Berlin in July, 1941, and it is possible that he began such activity sometime prior to that date. He contributed articles to the National Geographic Magazine between 1937 and 1940.

Chandler broadcasts under the pseudonym of Paul Revere. In addition to news reports of the war favorable to Germany, the general theme of his broadcasts is that International Jewry caused the present war. He contends that President Roosevelt brought about our entry into the conflict by his foreign policies and in his effort to aid the Jews. He condemns England and Winston Churchill, and makes no secret of his pro-Naziism.

Typical statements in Chandler's broadcasts, indicative of the propaganda lines used by him, are set out below:

. . . Roosevelt and his Cabinet . . . are willing to let their own people pay and die for a war on the side of England and the Jews and to uphold and increase their power. At the expense of their own country, they are trying to help the criminal British Empire and to help it even against their country's own interests. (Jan. 3, 1941)

. . . Oh, it's a sad, sad story, the story of the Roosevelt liquidation of America. The end of it will be a lost war, a shattered prosperity and the irrevocable destruction of the American way of life. . . . (April 18, 1942)

. . . Neither Germany, Italy nor Japan wanted war with America. The Axis countries did everything humanly possible to prevent war. But the Jews, acting through the medium of that psychopathic criminal, Roosevelt, forced the issue. . . . (May 23, 1942)

. . . When my fellow countrymen in America have once become fully aware of the degree to which they are being deceived, by their government spokesmen, it will not take long to stop Roosevelt's war for the Jews and bring about an era of lasting peace and industry. . . the Axis defenders of civilization, Germany and her brave allies. (June 6, 1942)

. . . Franklin Delano Roosevelt promised peace but brought you war! . . . (Dec. 27, 1941)

FRED W. KALTENBACH

Fred W. Kaltenbach was born at Dubuque, Iowa, in 1895. He went to Germany in 1937, and returned to the United States in 1939. While here he gave several lectures presenting and upholding Germany's political and economic theories. After returning to Germany, he expressed his desire to the State Department to remain there for the duration of the war, in order to complete a book he was writing. In 1940 he was apparently engaged in some free-lance writing and was acting as a translator for the German short wave radio station. It appears that he began broadcasting pro-German propaganda in 1940.

Kaltenbach devotes the greater part of his broadcasts to comments on the war news favorable to Germany and to sarcastic and derogatory references to the war efforts of the United States and our military leaders. He contends that President Roosevelt intentionally forced Japan to attack the United States in order to bring about a state of war. He points out that the United States cannot be victorious, and his broadcasts are directed toward undermining the morale of his listeners in the United States. He continually reminds them that the United States is fighting solely to preserve the British Empire and for no other reason.

Statements such as the following are found in Kaltenbach's broadcasts!

. . . Therefore, America cannot win the war, but if America cannot win the war, what's the use of continuing it? Why all the sacrifices? . . . (March 25, 1942)

. . . The present uncalled-for-war, has, therefore, been from first to last, Roosevelt's war. . . . (March 25, 1942)

. . . The German people, at last, are assuming the place on the continent in Europe to which their initiative, their thrift and their

enterprise entitles them. And the best guarantee of that is the German sword. . . (April 20, 1942)

. . . The pity of it all is, however, that the millions of Americans of German descent, are compelled to fight in a foreign war; one which America is in no way threatened by attack; for the sole purpose of helping the British destroy the land of their fathers. The land where their German cousins live. I am really surprised that you millions of Americans of German blood let Roosevelt and his pro-British clique get away with it. . . . (August 5, 1942)

ROBERT H. BEST

He is a native of Sumter, South Carolina, and a graduate of Columbia University. He has been in Europe for about 20 years, and is a former foreign correspondent for an American Press Association. Best was first announced as "Guess Who?", but later identified himself and broadcasts under his true name.

Best's broadcasts follow the general trend of those previously mentioned. He vehemently criticizes President Roosevelt and the present Administration, and the Jews, and the Communists, all of whom, he states, are conspiring to set up a Communistic form of government in the United States. He advocates the impeachment of President Roosevelt. The war, according to his broadcasts, is a crusade for civilization by Germany. He devotes part of his broadcast period to news reports of German successes in the war.

Best uses statements such as the following in his effort to cause dissension in the United States:

. . . We are in the midst of a war which will decide whether the future of the human race will survive the hand of gangster Jews and the Jewed-up henchmen of these crooks, or in the hands of you and me and other honest hard working, straight forward non-Jewish, Christian, gentile. We are, in the midst of Franklin D. Roosevelt's vain war for the survival of the world domination of the international Jew. . . . (April 21, 1942)

. . . Adolph Hitler, Fuehrer of Germany, a shining example for the political leaders of all nations and the most maligned of living men. Some day I shall tell you some extremely interesting things about this man; by far the greatest economic, military, political and social genius of our generation; and one of the greatest of all times. . . (April 21, 1942)

. . . To be eaten by their comrades has already been the fate of many of their soldiers and it can easily be also the fate of any American who happens to fall into the hands of the barbarians who make up such a large proportion of Stalin's front line army. . . . (April 30, 1942)

. . . Think it over friends, * * * Is it to be Canterbury and Churchill, and Roosevelt and Stalin, or is it to be a civilization's crusade? (July 9, 1942)

. . . Here we are again at the old hitching post, I at the microphone here in Berlin saying what I please when I please and almost as I please and you back there in America hounded around by a miserable minion of a gang of crooked kikes and facing a court-martial or a concentration camp if you dare give voice in public to what most real Americans are now thinking of Franklin D. Roosevelt and the war phases of Roosevelt's New Deal. . . (Sept. 3, 1942)

EDWARD LEO DELANEY with aliases

Edward L. Delaney was born in Olney, Illinois, in 1885. He has been described as a former Broadway press agent, an actor and a writer of fiction. From 1935 to 1939 he was employed by the Trans-Oceanic Film Export Company of New York City, for whom he travelled in various European countries. He apparently began broadcasting pro-German propoganda from Berlin in the early part of 1940. He broadcasts under the pseudonym of E. D. Ward.

Delaney confines his broadcasts almost entirely to news of the war favorable to Germany and the Axis. He attempts to discredit all news reports other than those emanating from the Axis countries, and makes every effort to cause dissension among the American people. He blames the war upon President Roosevelt.

The following and similar statements are contained in Delaney's broadcasts:

. . . 'Roosevelt has his war'. . . . (Dec. 9, 1941)

. . . Can there be any greater hypocrisy than for England to repeat that they are waging a war for small nations? A war against agressors, a war to save democracies and civilization, and the principles of Christianity? . . . (Dec. 9, 1941)

. . . Now the nation is at war. The seven or eight years of international meddling and muddling by the administration has borne fruit, bitter fruit, which the people of the nation, and not the politicians must taste. . . . (December 9, 1941)

JANE ANDERSON

Jane Anderson was born in Atlanta, Georgia, in 1895. She lived for some time in Washington, D. C. and New York City, but it is believed that she has resided in Europe since 1922. According to announcements which precede her broadcasts, she is a world famous Catholic writer and orator who was tortured and twice condemned to death by the Communists in Spain. She is the divorced wife of Deems Taylor and the present wife of Alvarez de Cienfuegos, a Spanish marquis.

In her broadcasts, Jane Anderson dwells upon the brutality of the Russians and the dangers of Communism to the world. It is her contention that President Roosevelt is a representative of the Communist Party. The content of her broadcasts leaves no doubt that her sympathies are entirely with Germany. Her broadcasts contain statements such as the following:

. . . And the financial crash of the American commonwealth is now a mathematical certainty and communism may strike at its will. . . (Jan. 11, 1942)

. . . The Nipponese forces, fighting Communism in Asia, as a Christian crusader bearing a loft of banners of the consolidated nations of Europe glowing down upon the Red beast in the blood-stained lair of the Soviet. . . . (Jan. 25, 1942)

. . . Adolf Hitler. . . has broken the power of the international bankers. . . these capitalistic overlords are the . . . blood relations of Roosevelt. . . . (Feb. 6, 1942)

. . . The simple fact that Germany is invincible. . . (Feb. 12, 1942)

. . . Jews have gained the secret control of the world because the Jew takes advantage of the principles like honor and decency and fair play of the Christian. That's why Roosevelt smashed the principle of the American Constitution and was fraudulently elected to a third term. That's why the brain trusts sold America and the United States in fighting Germany. Not because the American people evidently knew social justice of the Third Reich but because American soldiers have to be massacred to satisfy Jewish hatred of Adolf Hitler. . . . (March 5, 1942)

CONSTANCE DREXEL

Constance Drexel was born in Germany in 1884. When her father, a citizen of Germany, was naturalized in Boston, Massachusetts, in 1898, she obtained derivative citizenship. She went to Germany in May, 1939, and is known to have been broadcasting German propaganda since July, 1940.

Constance Drexel's broadcasts deal entirely with social conditions and cultural life in Germany. She attempts to show that the war has not lowered the morale of the German people in an effort to thereby discourage the American people in their war effort. Her statements might also have the probably intended effect of convincing her listeners that Germany's "New Order" is conducive of the best social and economic conditions.

Her examples of statements contained in the broadcasts are:

. . . Old man depression cannot blot cultural life in Germany as it did in the United States. Her cultural life is considered as necessary and even more necessary than * advantage and artists are valued and esteemed on a par with other exponents of professional, military and civil life. . . . (Feb. 10, 1942)

. . . Indeed, I have yet to see signs of poverty in Germany, such as we see in my own country. . . (Jan. 14, 1942)

. . . I think that I can truly say that my observations in Germany have led me to the opinion that so called democracies as we have experienced it in the New World can learn much from National Socialists. . . . (Jan. 14, 1942)

DR. EZRA POUND

Ezra Loomis Pound was born in Hailey, Idaho, on October 30, 1885. He received his Ph. D. degree from Hamilton College, Clinton, N. Y. and his M. A. degree from the University of Pennsylvania. He went to Italy in February, 1911, and with the exception of a few trips to other parts of Europe, has resided there continuously since that date. He is the author of 17 books of poems, two operas, 18 prose treatises and 11 translations. He began airing his contempt for the United States over the Rome, Italy radio in February 1940. He is also allegedly editing a magazine entitled "Exile".

Pound's broadcasts are disjointed and vague. It is rather difficult to follow the trend of his propaganda. It can be ascertained, however, that he is an ardent Fascist and his broadcasts, for the most part, consist of criticism of the forms of government in the United

States and England and the unfavorable comparison of these Governments and their advantages with Italy. He criticizes the American and English people for being so totally blind and ignorant that they would allow their present forms of government to exist, and attempts to create dissatisfaction in every way possible.

The following are some of the statements found in Pound's broadcasts:

. . . If you are going to have Fascism or Naziism in the United States, why not learn what these systems of government are? Why not ask and learn how far they are compatible with American habits, and what is good in them, and wherein their strength consists, instead of merely lying and cussing and trying to kill 'em, on the assumption, if you can call it by so mild a term, that they are something that they are not. . . . (March 6, 1942)

. . . For the United States to be making War on Italy and on Europe is just plain damn nonsense, and every native born American of American stock knows that it is plain down-right damn nonsense. And for this state of things, Franklin Roosevelt is more than any other one man responsible. . . . (April 16, 1942)

. . . And every hour that you go on with this war is an hour lost to you and your children. And every sane act you commit is committed in homage to Mussolini and Hitler. Every reform, every lurch towards the just price, toward the control of a market is an act of homage to Mussolini and Hitler. They are your leaders, however much you think you are conducted by Roosevelt or (told) up by Churchill. You follow Mussolini and Hitler in every constructive act of your government. . . . (March 28, 1942)

. . . You are not going to win this war. . . . None of your best minds ever thought you could win it. . . You have never had a chance in this war. You had a chance possibly or at least it might at some time have appeared, and in fact it appeared that you had a chance for a Beau Geste, for a vindication of national honor by going through a set of bellicose motions and sacrificing a reasonable number of men. (Emulation) of victims as atonement not for a crime of your empire but for the imbecilities of a ruling gang. . . . (June 28, 1942)

. . . Europe is fighting for the good life. The shysters are fighting to prevent it. . . . (July 14, 1942)

. . . You ought not to be at war against Italy. You ought not to be giving, or ever to have given the slightest or most picayune aid to any man or nation engaged in waging war against Italy. You are

doing it for the sake of a false accountancy system. You ought to go down on your knees, and thank God for Italy. Thank God for an Italian possessed of Mediterranean sanity, who threw the first ray of light in the general darkness, showed a way to keep you out of hell made by false accountancy system. . . .
(July 20, 1942)

EMANUEL CELLER
10TH DISTRICT NEW YORK

MEMBER OF
COMMITTEE ON THE JUDICIARY

WASHINGTON SECRETARIES:
BESSIE EFFRAT MARGARET BROOKS

Congress of the United States
House of Representatives
Washington, D. C.

NEW YORK OFFICE:
1450 BROADWAY
NEW YORK CITY

1524 NEW HOUSE OFFICE BUILDING
WASHINGTON

NEW YORK SECRETARIES:
JACOB GRALLA MARY DOUGHERTY

January 26, 1943

Gen. Tolson

Honorable Franklin Delano Roosevelt
President of the United States
Washington, D. C.

Dear Franklin:

I hesitate to intrude upon you, but there is embodied in the enclosed bill which I have offered, H. Res. 57, an idea which you might at least toy with.

There emanate nightly from Germany and Italy short wave broadcasts by Nazi and Fascist radio broadcasters who, unfortunately, are Americans. These traitors are Constance Drexel, Fred Kaltenbach, Douglas Chandler, Jane Anderson, Ezra Pound and Robert H. Best. Douglas Chandler broadcasts under the pseudonym of Paul Revere, Fred Kaltenbach broadcasts under the salutation of "Dear Harry." Constance Drexel entitles her traitorous utterances as "News from Germany". Robert H. Best uses the alias "Guess Who". He also urges Americans to write to their Congressmen to impeach you. Jane Anderson apparently broadcasts from Italy and is introduced usually as a famous orator. Ezra Pound opens his damnable talk with a sort of verbal Fascist salute.

Were they to make their treacherous observations in Constitution Hall or Madison Square Garden, they would, undoubtedly, be guilty of treason and the necessary witnesses could be used to convict them.

Modern invention as embodied in the radio enables these scoundrels to reach a far greater audience than could assemble in any of our largest halls. The damage they do, therefore, is all the greater. We should not be helpless.

I, therefore, have offered this House Resolution 57 to amend Article 38 of the Articles of War whereby you will be empowered to set up military tribunals, or commissions, to try these culprits, even in absentia. The Bill of Rights, which requires trial by jury, is not applicable to the Articles of War. If Congress so provides, persons tried before a military tribunal cannot demand trial by jury nor confrontation of witnesses. The Articles of War, by Article 38, may even now give you the right to set up these military commissions,

2 - Honorable Franklin Delano Roosevelt

but I believe it is proper for Congress to give you the specific power, so as to remove any doubt.

Furthermore, the developement of this idea of trials now, although in absentia, may have a deterrent affect.

Furthermore, the idea may be a nucleus for punishment of those followers of the Nazi, Fascist, Nippon theories of waging a war of horrors and atrocities.

Russia has set up an Extraordinary State Commission to trace the crimes of the Nazis and to mark down the criminals for punishment. This is being done now. The Polish Government in Exile has followed Russia's example.

You may recall that at the end of the last war 900 Huns were slated for indictment and punishment. The Kaiser headed the list. After two years of bickering, pettifoggig and claptrap, only twelve were brought to trial. The Judges of those so tried were the Huns themselves. The tribunal was the High Court at Leipzig and was composed of seven Hun judges. It was like the Nazi fiends being tried by the members of their own Gestapo. Of the twelve tried, six were convicted. The heaviest sentences imposed were two four-year imprisonments accorded to two naval lieutenants (who contrived to escape) and the other four received six months jail sentences for each. The sum and substance of the entire proceedings were six months in jail for four culprits. It was, indeed, a Comedy of Errors, a mere international wink of the eye.

I have searched the records at the Library of Congress and find that periodicals, papers and books of 1917-18 called for the punishment of the Huns and for the setting up of all sorts of courts for that purpose. You would imagine you are reading the periodicals and newspapers published today. We had the will then as we have the will now, but then the mountain labored and brought forth a mouse.

Perhaps the idea embodied in my bill might set forth in your mind a train of thought that might give us an adequate remedy.

With all good wishes, and someday when you can spare five minutes I would love to see you again and press your hand and tell you how happy I am on the Hill to support you to the hilt.

Very sincerely yours,

Manuel
EMANUEL CELLER

Enc;

WB-SCE-BGL

146-28-237

AAV] February 4, 1943.

R. V. CORE

MEMORANDUM FOR THE DIRECTOR,
Federal Bureau of Investigation,

Re: 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)	

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VS
BY
FEB 12 1943

It is desired that in each of the above cases all persons who are personally acquainted with the subject and who have never heard his or her broadcasts, but who believe they can identify his or her voice, be given an opportunity to listen to recordings of his or her broadcasts in order to ascertain whether they can in fact recognize the voice of the broadcaster as that of the subject. It is suggested that the identification will be more positive if you have such persons listen to similar recordings by other persons also in order that they may select that which they believe is the subject's voice.

It has been informally reported to the Criminal Division that the broadcasts of the above-named subjects are received by the Federal Communications Commission by means of a radio receiving set at Silver Hill, Maryland, at which place recordings are made. The broadcast, however, is transmitted by extension wire into the District of Columbia where it is audibly received by monitors, recorded and transcribed. No one at the Silver Hill Station hears the broadcasts. It is requested that this report be verified, and, if true, that the exact facts be ascertained.

By memorandum dated November 20, 1942, you were requested to ascertain whether recordings of all of the subjects's broadcasts had been preserved. By memorandum dated January 11, 1943, you

Memo. for the Director --2--

transmitted a copy of a communication received by you from the Federal Communications Commission stating that all broadcasts by the subjects had been recorded except during periods of seriously disturbed atmospheric conditions. You will note that it is not stated whether such recordings have been preserved, and it is desired that you again request this specific information from the Federal Communications Commission.

Respectfully,

SIGNED

WENDELL BERGE,
Assistant Attorney General.

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

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

February 9, 1943

MEMORANDUM

TO: Mr. Oscar Cox

FROM: Boris I. Bittker

SUBJECT: Trial in absentia of Robert Best, Jane Anderson, Ezra Pound,
et al.

SUMMARY

1. I believe that some, and possibly all, of the American citizens broadcasting from Axis countries have committed treason. Their acceptance of the role of propagandists for the enemy, as well as their utterances, demonstrate that they have "adhered" to the enemy, and their broadcasts, in promoting the enemy's self-announced intent to destroy our unity by creating internal dissension, have given "aid and comfort" to our enemies. The only obstacle to indictment for prosecution is the statement in several cases that "words" cannot constitute treason. Properly construed, however, such statements bar only prosecutions based upon expressions of opinion; they do not mean that an enemy agent can immunize himself from the charge of treason by confining his activities to the written or spoken word, especially when this is the role in which he can best serve the enemy.

2. There appears to be no legal obstacle to indictment in absentia. Grand jury proceedings are always ex parte, and not only is the offender's presence unnecessary, but he may not even appear before the grand jury without its permission.

3. Trial in absentia is impossible because of the defendant's privilege, conferred by the Sixth Amendment, to confront the witnesses against him, as well as because of the due process clause of the Fifth Amendment. Moreover, a defendant in a capital case may not waive this privilege, so it would be useless to argue that absence from the country constituted a waiver. If indictments were obtained, therefore, trial would have to be postponed until the offenders are apprehended.

4. My reasons for these conclusions are set out below. I



RECORD

H. C. T.

CRIM. DIV. - MCINERNEY

have made use of legal and factual memoranda prepared by or under the direction of members of the Criminal Division, which has been considering these cases for some time. I understand that the Criminal Division and the Special War Policies Unit are now discussing jointly what action should be taken.

5. As you know, Congressman Celler has introduced a bill to authorize trial in absentia of these persons by military commission. I believe that this would be much less desirable than civil indictment, even though trial must be postponed until the offenders are caught. My reasons for this conclusion are set out in a separate memorandum.

MEMORANDUM

An examination of typical broadcasts from Germany and Italy by certain American citizens indicates that they are engaged in a deliberate attempt to undermine civilian and military morale in this country, by spreading falsehoods about our military accomplishments, by blaming the war on the President, on our Allies, or on racial groups, by denouncing democracy and representative government, by urging that the United States abandon her Allies and make immediate peace with the Axis, and by stimulating race hatred. These broadcasts are part of the Axis' well-developed program of psychological warfare, and the American participants must have full knowledge of the purpose they are subserving.

Treason. The treason statute, 18 U.S.C. 1, provides:

"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."

These American citizens have adhered to the enemies of the United States in a very real sense. Not only do their broadcasts evince a complete acceptance of the enemy's philosophy, but in making them, they are cooperating with the enemy as fully as though they were volunteers in his armies. They could hardly take steps to establish their adherence more firmly, except by an open renunciation of American citizenship and an acceptance of Axis citizenship. Curiously enough, it is the very fact that they have not taken this final step which makes them so useful to the Axis.

The other element of treason is the giving of aid and comfort to the enemies of the United States. It has been said that:

"* * * In general, when war exists, any act clearly indicating a want of loyalty to the government, and sympathy with its enemies, and which, by fair construction, is directly in furtherance of their hostile designs, gives them aid and comfort. Or, if this be the natural effect of the act, though prompted solely by the expectation of pecuniary gain, it is treasonable in its character. * * *" (30 Fed. Cas. 1037)

These broadcasts certainly indicate a want of loyalty to the United States, and a sympathy with Germany and Italy. Nor could it be disputed that they are in direct furtherance of the enemy's hostile designs. The Axis has always laid great stress upon psychological warfare and has relied heavily on renegades to soften up its opponents by creating domestic dissension. The Rome and Berlin radio is not given to conducting town meetings of the air, and it must be assumed that the Axis regards itself as adequately recompensed for the valuable air time devoted to these broadcasts. Presumably these broadcasters would be interned like other Americans if their services were not considered valuable by the Axis. There is no reason why we should place a lower value on their services than does the enemy itself.

There are a few statements in the legal literature to the effect that words--or "mere" words--cannot constitute treason. Perhaps the best known is the following, from Judge Nelson's charge to a grand jury, on November 4, 1861:

"Words oral, written or printed, however treasonable, seditious or criminal of themselves, do not constitute an overt act of treason, within the definition of the crime. When spoken, written or printed in relation to an act or acts which, if committed with a treasonable design, might constitute such overt act, they are admissible as evidence tending to characterize it, and to show the intent with which the act was committed." (30 Fed. Cas. 1035)

A contemporaneous statement is:

"* * * Hence, it will be obvious that however strong may be the grounds of suspicion or belief, that an individual is disloyal to his country or his government, until his disloyalty is developed by some open and provable

act, he is not legally guilty of the crime of treason. And it follows, also, that mere expressions of opinion indicative of sympathy with the public enemy, will not ordinarily involve the legal guilt of that crime. They may well justify a strong feeling of indignation against the individual, and the suspicion that he is, at heart, a traitor, but will not be a sufficient basis for his conviction in a court of law." (30 Fed. Cas. 1037)

In at least this second case, however, it is clear that the court was not so much holding that utterances could never constitute treason, as insisting that conviction should not be based "upon proof of facts which were only treasonable by construction or inference, or which have no better foundation than mere suspicion."

In neither of these cases are enough facts given to indicate the nature of the utterances or of the publications to which the judges had reference. It is entirely possible that the words thought inadequate to establish treason were merely private statements of sympathy for the Confederate cause, and it seems unlikely that they could have had any substantial resemblance to the conduct of the American broadcasters with whom we are concerned. Thus, the second case was cited during the first World War as authority that expressions of sympathy for Germany in personal letters are not treason. United States v. Herberger, 272 Fed. 278, 290 (dictum). In a second World War case, the court upheld a conviction under the Espionage Act, saying that since "one cannot, by mere words, be guilty of treason," a prosecution for seditious utterances need not be established by two witnesses to the overt act. Wimmer v. United States, 264 Fed. 11. While the circumstances of this defendant's statements are not set out, it seems quite unlikely that he was an enemy agent or that his statements were part of an enemy propaganda campaign.

In excluding "mere" words as a basis of treason, these opinions appear to be emphasizing the fact that an expression of opinion does not constitute "adherence" to the enemy nor "aid and comfort" within the meaning of the statute. They can hardly be construed to mean that a person who works for the enemy can protect himself against prosecution for treason by confining his activities to the written or spoken word. Thus, it has never been doubted that the oral transmission of military intelligence is treason. Likewise, an American citizen who spreads disaffection in the armed forces by speech or publication under directions from Berlin would also seem to be guilty of treason. See Charles Warren, "What is Giving Aid and Comfort to the Enemy?" (27 Yale L.J. (1918) 331, 340). Cf. Rex v. Casement, (1917) 1 K.B. 98, where one of the overt acts in a prosecution for treason was the distribution of a leaflet among English prisoners of war in Germany urging them to join an "Irish Brigade" and to fight for Ireland's freedom.

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.

M

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,

me
WENDELL BERGE,
Assistant Attorney General.

58A450
Box 949
Loc 2159 8-1

CTL

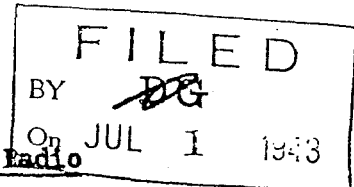
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MLB

JUN 28 1943

CONFIDENTIAL

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



Re: American Citizens Broadcasting over Axis Radio

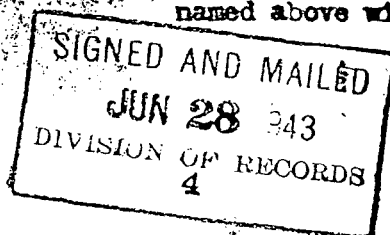
My dear General Ulio:

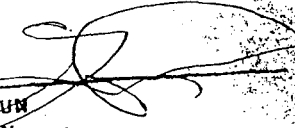
Reference is made to the exchange of letters on the above subject between the Secretary of War and the Attorney General, and between Mr. Lawrence M. C. Smith and yourself, and in particular to your letter to Mr. Smith dated February 2, 1943.

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 propaganda 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

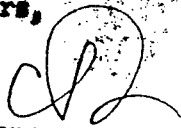


DECLASSIFIED BY: 
GEORGE W. CALHOUN
CRIMINAL DIVISION
DEPARTMENT OF JUSTICE
DATE: 7/9/86

- 2 -

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

Sincerely yours,

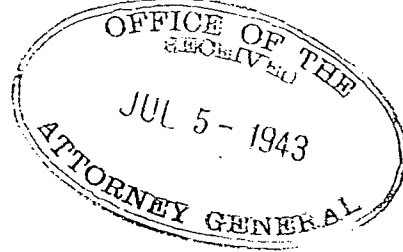
SIGNED 

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

DELL BERGE
ATTORNEY GENERAL

Department of Justice
Washington

July 2, 1943



*Am. Citizens
146-28-237*

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



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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.

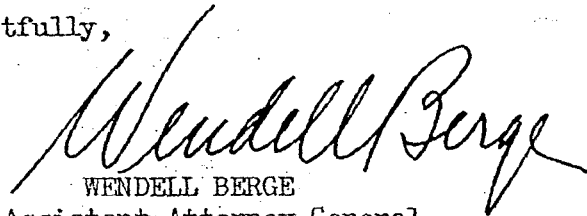
We are confident that this conduct is treason. We can institute prosecution at this time by seeking indictments, but actual trial would have to await apprehension of the defendants which would probably occur only after the conclusion of the war. The indicated delay projected a policy problem with respect 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.

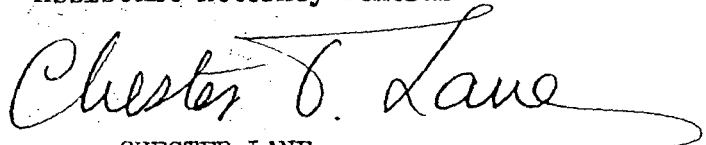
In this situation we respectfully request permission to proceed to submit proof against the broadcasters here named. If you approve, we can begin calling witnesses before a grand jury in the District of Columbia on July 21. We have already interviewed witnesses, who, because of their acquaintance with 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

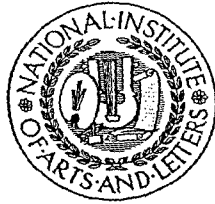
Transmitted herewith, for your information and files,
is a copy of a letter from the Attorney General to the
Secretary of War, dated January 24, 1944, relative to the
above-named subject.

Enclosure
No. 132962

NOLLIE



Me
WAL



RECEIVED

3/23/44

MAR 20 1944

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

ORIENTAL DIVISION

March 20, 1944

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

Dear Mr. Biddle:

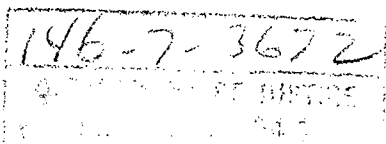
As president of the National Institute of Arts and Letters, I write to ask if it be a fact, as alleged in the press, that Ezra Pound, now under indictment for treason, has renounced his United States citizenship and openly declared his allegiance to a Fascist power. I fully apprehend that for you to 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

R.V.C.

W. H. ...

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

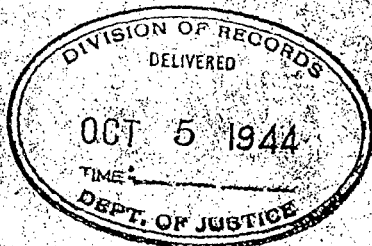
100-3672

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
WMC

OK
ML

HOLLIE



The Director, Federal Bureau of Investigation

November 1, 1944

Tom C. Clark, Assistant Attorney General

TCC:SGE:EMC

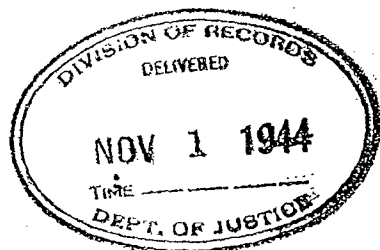
Dr. Ezra Pound; Treason.

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

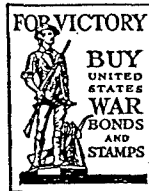


May 10, 1945

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 JUSTICE
DIVISION 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: Extra Found
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
 J. 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:

see

[Handwritten initials]

file
 6-1-45

- 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.

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:ims

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.

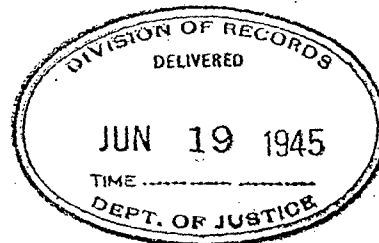
There is attached hereto, for whatever assistance it may be in your investigation, a chronology of radio broadcasts by the subject as disclosed by certain documentary material you have furnished to the Criminal Division. The letter "a" after each number designates the original manuscript, "b" the transcription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

Enclosure
No. 73526. ✓

Ey
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/E

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.

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

ME

W/E

~~CONFIDENTIAL~~

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
51~~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.

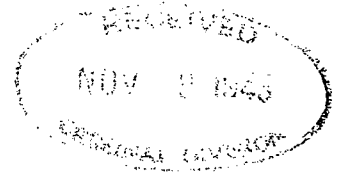
~~HOLLY~~

*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

Mr. McGranery, The Assistant to the Attorney
General

November 14, 1945

Theron L. Gaudle, Assistant Attorney General, Criminal
Division

DBA:vng

146-7-3672

Ezra Pound - Treason

As you know, investigation discloses possible violation of the Treason Statute by Ezra Pound in connection with his broadcasting from Rome, Italy, for the Italian Government during the war. It appears advisable to present the matter to the grand jury in the District of Columbia immediately.

I recommend, therefore, that letters of appointment be issued to Isaiah Matlack, Samuel C. Ely and Donald B. Anderson of the Criminal Division as Special Assistants, authorizing them to present the case. The appointment of special counsel is agreeable to the United States Attorney.

CC: Chron.
Records ✓
Anderson

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Files

FROM : Samuel C. Ely *set*

SUBJECT: EZRA POUND - TREASON

DATE: November 15, 1945
SCE:vng
146-7-3672

On November 14, 1945, the writer telephonically contacted Colonel Richter, War Crimes Office, Judge Advocate General's Office, War Department (Extension 76277), and requested that the necessary steps be taken for the return of Ezra Pound to the United States. I advised Colonel Richter that we desired that Pound arrive here on November 19th, if possible, and that it was necessary that he should land at Bolling Field in the District of Columbia without prior landing elsewhere in the United States for the purpose of establishing venue in the District of Columbia.

Colonel Richter advised that he would attend to this request, and it was arranged that a formal written request would be transmitted to the Secretary of War. Colonel Richter today advised me by telephone that the request had been sent to the army authorities in Rome, Italy, but that he had been advised by the Army Transport Command that its regular route from Rome, Italy, is to LaGuardia Field and to the National Airport, and that this route could not be altered without a directive to that effect to the Secretary of War.

The formal request for Pound's return was thereupon delivered personally to Secretary of War Patterson by Mr. Matlack and myself this morning. The matter was discussed with the Secretary and General T. H. Green, Judge Advocate General's Office, who was also present at the conference. The Secretary stated that he would issue the necessary directive and that we could be assured that Pound would be landed at Bolling Field in the District of Columbia without prior landing elsewhere in the United States.

I later received a telephone call from General Green advising that he had notified the authorities in Italy that Pound should leave there on November 17th; that he should arrive here in the afternoon or evening of November 19th, and that the necessary directive had been forwarded to the A.T.C. giving it authority to bring Pound directly to Bolling Field.

*File
M 14*

E.P.

RECORD

~~NOV 20 1945~~

46

TLC:NTE:lr

146-7-3672

7
NOVEMBER 19, 1945

JULIEN CORNELL, ESQUIRE
15 WILLIAM STREET
NEW YORK 5, NEW YORK

EZRA POUND IS NOW BEING HELD IN DISTRICT OF COLUMBIA JAIL.

75 6 54
THERON L. CAUDLE,
ASSISTANT ATTORNEY GENERAL

CRIMINAL DIVISION

Date 11-29

FROM MR. W. E. Foley

TO: Mr. ~~Whearty~~

This would seem to settle the matter. I assume Overholser's word is final in the matter. Quere, though, whether he might not have said the same about Best, or some of the others.

FILE-R.P.W.

48

Office Memorandum • UNITED STATES GOVERNMENT

TO : Armando DiGirolamo, Records Administration
 Officer, Division of Records

FROM : *WF* William E. Foley, Chief, Internal Security
 Section, Criminal Division

SUBJECT: Dr. Ezra Pound.

DATE: February 11, 1949

WEF:am

The attached material was located in a file cabinet in the War Frauds Section of the Criminal Division. It is requested that it be incorporated in the appropriate portion of the Ezra Pound file.

Enclosure No. 437640
 SEE ENCLOSURE FILES

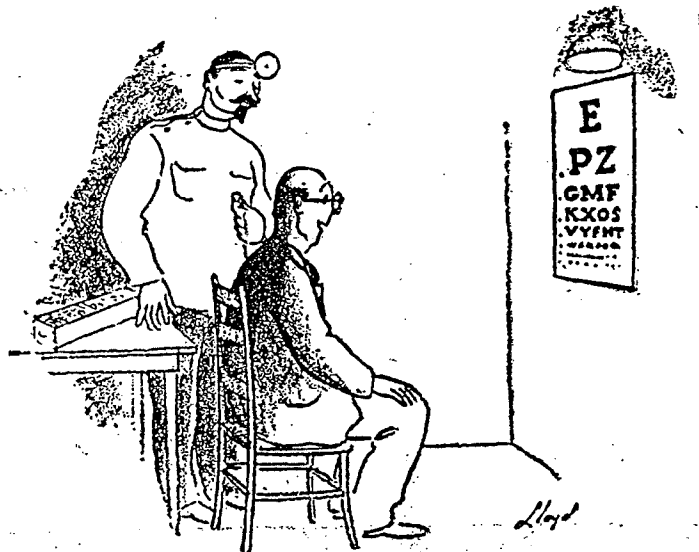
*Noted
 WF*

146-7-3672	
REC'D	FEB 14 1949
DIV. OF RECORDS	
CRIM.-INTERNAL SECURITY SEC.	

C.F.T.

49

From the Washington Post, March 26, 1950.



"Well, offhand, I'd say it was something by Ezra Pound"

Office Memorandum • UNITED STATES GOVERNMENT

TO: Warren Olney, III, Assistant Attorney General
Criminal Division

DATE: June 23, 1953

FROM: Daniel M. Lyons, Pardon Attorney

SUBJECT: Ezra Pound

Attached hereto is a letter written to the President about Ezra Pound.

I understand that Pound is not confined as a result of conviction and sentence and that his release, if authorized, could be accomplished otherwise than by Executive clemency. The letter is, therefore, referred to you for appropriate attention.

D. M. L.

RECEIVED

JUN 25 1953

CRIMINAL DIVISION

146-7-3672

JUN 25 1953

SEARCH

GMM-INTERVIEW

23

50
Indexed

W:DFG:hcf/ed

146-7-3672 R. M. H.

Typed 2/8/54

RECORDED

February 10 1954

Mr. John Edwards
University of California
Department of English
Berkeley 4, California

Dear Mr. Edwards:

MAR 18 1954

Reference is made to your letter of January 25, 1954, in which you requested specific information concerning Ezra Pound for publication in the Pound Newsletter.

Ezra Pound was first indicted in the District of Columbia on July 26, 1943, for treason. At the conclusion of World War II he was returned to the United States from Italy in custody, and on November 26, 1945, a superseding indictment was returned against him. In accordance with your request, I am enclosing a copy of the latter indictment. Both of the treason indictments were based upon Mr. Pound's activities as a radio propagandist for the Italian Government during the war.

At the time of Mr. Pound's arraignment on November 27, 1945, on the treason charge, his attorney filed a motion stating that he considered Mr. Pound to be of unsound mind and asking that Mr. Pound be admitted to bail in order that he might obtain proper medical treatment, or, if the bail was denied, that he be removed from imprisonment in a penal institution and placed in the custody of one or more physicians in a civilian hospital or sanatorium operated by the United States or by the District of Columbia. Pursuant to this motion, the court continued the hearing as to the granting of bail and entered an order directing that Mr. Pound be transferred to a hospital for examination and observation by psychiatrists. In a joint report to the court dated December 14, 1945, the four psychiatrists who had conducted the examination stated that Ezra Pound was insane and mentally unfit for trial and in need of care in a mental hospital. Thereafter, at a hearing on the original motion for bail, the court denied the application for bail and ordered that, in accordance with the recommendation of the examining physicians, Mr. Pound be sent to St. Elizabeths Hospital for treatment and examination. Subsequently, upon motion of the government, a formal sanity hearing was held and Mr. Pound was adjudged by the court and jury to be of unsound mind and unfit for trial. He was then committed by the court to St. Elizabeths Hospital, where he is presently confined.

JJK
2/8/54
JJK
2/8/54
OK

Records
Mrs. Green
Chrono

RECEIVED AND MAILED
COMMUNICATIONS SEC.
FEB 10 1954 D

51

Since the death penalty may be imposed upon conviction for treason, there is no statute of limitations.

In answer to your question as to whether it is legally possible for the President to act to set aside or quash an indictment of this kind, you are advised that although the President is empowered by the Constitution to grant reprieves and pardons for offenses against the United States, the power to dismiss an indictment lies in the sound discretion of the court in which the indictment was returned.

With respect to your inquiry as to whether presidential clemency is possible without prior conviction, in view of the fact that the purpose of executive clemency is to reduce or remit a sentence already imposed, you will appreciate that there would be no ground for the granting of executive clemency in a case where an individual is not confined as the result of conviction and sentence.

Concerning your request to be advised whether this Department is planning further examinations of Mr. Pound's mental condition with a view to future prosecution of the case, your attention is directed to Section 211b of Title 24, United States Code, which prescribes the procedure in cases of this kind and provides that "When any person confined in St. Elizabeths Hospital charged with crime and subject to be tried therefor, or convicted of crime and undergoing sentence therefor, shall be restored to sanity, the superintendent of the hospital shall give notice thereof to the judge of the criminal court, and deliver him to the court in obedience to the proper precept." The treason indictment of November 1945 is still outstanding, and if, at any time in the future, Mr. Pound should be declared to be legally sane, he would be subject to trial under that indictment.

Sincerely,

WARREN OLNEY III
Assistant Attorney General

By:

WILLIAM E. FOLEY, Chief
Internal Security Section

Enclosure No. 70980

Mr. Olney

UNIVERSITY OF CALIFORNIA

DEPARTMENT OF ENGLISH
BERKELEY 4, CALIFORNIA

25 January 1954

Dear Mr Olney:

As editor of the Pound Newsletter, which we are publishing from Berkeley, I have been asked by a reader in Europe for information concerning the full legal status of Mr Pound.

May I request of you an answer that I could publish in the Newsletter to this question, with particular reference to these sub-questions:

1. is a copy of the indictment available?
2. what is the legal history of Mr Pound's indictment, capture, trial hearing, and commitment to St. Elizabeth's Hospital?
3. is there a statute of limitations when treason is the charge?
4. is it legally possible for the President to act to set aside or quash an indictment of this kind?
5. is Presidential clemency possible without prior conviction, as in this case?
6. is the Department of Justice planning further examinations of Mr Pound's mental condition with a view toward future prosecution of the case?
7. is there anything else you might add that would clarify the legal picture?

I regret asking you to go to all this trouble, but such a statement would be very much appreciated by many people and would do much to set things into a useful perspective.

Sincerely yours,

John Edwards
John Edwards

Mr Warren Olney, III
Department of Justice
Washington, D.C.

141-73672

14	DEPARTMENT OF JUSTICE
	JAN 26 1954
	RECORDS SECTION
	TRIM. - INTERNAL SECURITY

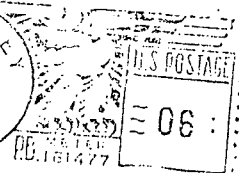
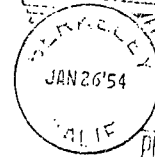
90-1-16-20

Edwards
UNIVERSITY OF CALIFORNIA
DEPARTMENT OF ENGLISH
BERKELEY 4, CALIFORNIA

Mr Warren Olney, III
Department of Justice
Washington, D.C.

AIRMAIL

AIR MAIL

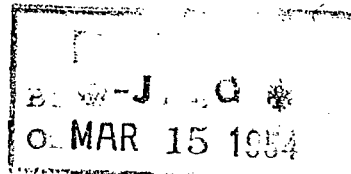


UNIVERSITY OF CALIFORNIA

DEPARTMENT OF ENGLISH
BERKELEY 4, CALIFORNIA

17 February 54

Mr William E. Foley, Chief
Internal Security Section
Department of Justice
Washington, D.C.



Dear Mr Foley:

Thank you very much for your excellent and full report on the legal situation of Ezra Pound.

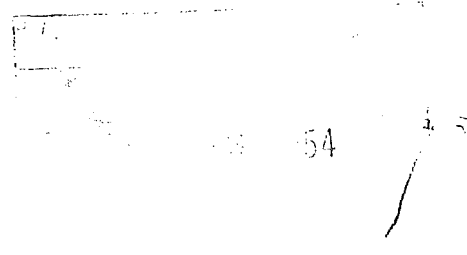
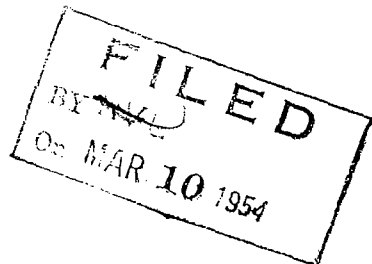
By publishing your letter in the Pound Newsletter, we will do much, I am sure, to clear the air of the many misunderstandings that have arisen concerning this problem. Well-meaning, but uninformed admirers of Pound have too easily and too often seen fit to overlook the complexities of this case and so to confuse the issues with false assumptions.

Your explanation will do much to alleviate this state of doubt and confusion, and for it, again, my thanks.

Sincerely yours,

John Edwards

John Edwards
Editor, The Pound Newsletter



Free
WJ

52

WO:DFG:vb

146-7-3672

Typed 6/8/54

D. A. K.
RECORD

June 8, 1954.

FILED
BY RC
ON JUN 16 1954

Mr. Sam H. Lynch
United States Information Service
Department of State
1778 Pennsylvania Avenue, N.W.
Room 803
Washington, D. C.

Dear Mr. Lynch:

Pursuant to your telephone conversation yesterday with Mrs. Dorothy Fillius Green of this Division, the following information concerning the legal proceedings in the treason case against Ezra Pound is furnished for your assistance and for such use as your representatives in Italy may deem desirable.

Ezra Pound was first indicted in the District of Columbia on July 26, 1943, for treason. At the conclusion of World War II he was returned to the United States from Italy in custody, and on November 26, 1945, a superseding indictment was returned against him in the District of Columbia charging violation of the treason statute, Section 1, Title 18, United States Code (1940 Edition), now Section 2381, Title 18, United States Code. In accordance with your request, I am enclosing two copies of the latter indictment. As you will note, both of the treason indictments were based upon Mr. Pound's activities as a radio propagandist for the Italian Government during the war.

At the time of Mr. Pound's arraignment on November 27, 1945, on the treason charge, his attorney filed a motion stating that he considered Mr. Pound to be of unsound mind and asking that Mr. Pound be admitted to bail in order that he might obtain proper medical treatment, or, if the bail was denied, that he be removed from imprisonment in a penal institution and placed in the custody of one or more physicians in a civilian hospital or sanatorium operated by the United States or by the District of Columbia. Pursuant to this motion, the court continued the hearing as to the granting of bail and entered an order directing that Mr. Pound be transferred to a hospital for examination and observation by psychiatrists. In a joint report to the court dated December 14, 1945, a copy of which

Records
Mrs. Green
Chrono

NOT INSPECTED FOR
MAILING BY R. A. B.

SENT DIRECT FROM
CRIMINAL DIVISION MAIL ROOM

DATE 6-8-54
BY A State Dept
messenger picked up. 53

15/8/54

TKH

WPK

is enclosed, the four psychiatrists who had conducted the examination stated that Ezra Pound was insane and mentally unfit for trial and in need of care in a mental hospital. Thereafter, at a hearing on the original motion for bail, the court denied the application for bail and ordered that, in accordance with the recommendation of the examining physicians, Mr. Pound be sent to St. Elizabeths Hospital for treatment and examination. Subsequently, upon motion of the government, a formal sanity hearing was held and Mr. Pound was adjudged by a jury to be of unsound mind and unfit for trial. He was then committed by the court to St. Elizabeths Hospital, where he is presently confined.

It may be of further interest to you in connection with this case that Section 211b of Title 24, United States Code, provides that "When any person confined to St. Elizabeths Hospital charged with crime and subject to be tried therefor, or convicted of crime and undergoing sentence therefor, shall be restored to sanity, the superintendent of the hospital shall give notice to the judge of the criminal court, and deliver him to the court in obedience to the proper precept."

The treason indictment of November 1945 is still outstanding, and if, at any time in the future, Mr. Pound should be declared to be legally sane, he would be subject to trial under that indictment.

Sincerely,

WARREN OLNEY III
Assistant Attorney General
Criminal Division

By:

WILLIAM E. FOLEY, Chief
Internal Security Section

Enc. No. 105100 ✓

WO:IFG:rir

June 30 1954

146-7-3672
(Typed 6-29-54)

D. M. B.

FILED
BY RC
On JUL 19 1954

FILED
BY RC
On JUL 14 1954

Mr. Sam H. Linch
United States Information Agency
1778 Pennsylvania Avenue, N. W.
Room 803
Washington, D. C.

Dear Mr. Linch:

Reference is made to your recent telephone call to Mrs. Dorothy F. Green of this Division, in which you inquired whether there has been any further legal adjudication as to the sanity of Ezra Pound since his commitment to St. Elizabeths Hospital.

This Department is not aware of any further legal determination which has been made concerning Mr. Pound's sanity since he was adjudged to be of unsound mind and incapable of standing trial after a sanity hearing in the United States District Court for the District of Columbia on February 13, 1946. However, as of possible interest and assistance to you in this connection, I am enclosing two copies of a motion for bail, seeking to have Mr. Pound released from St. Elizabeths Hospital and placed in the custody of a private physician approved by the court, which was filed on Mr. Pound's behalf on December 2, 1946, and which sets forth in Paragraph 6 information furnished to Mr. Pound's attorney by the Superintendent of St. Elizabeths Hospital concerning Mr. Pound's mental condition at that time.

Section 211b of Title 24, United States Code, provides that "When a person confined to St. Elizabeths Hospital charged with crime and subject to be tried therefor, or convicted of crime and undergoing sentence therefor, shall be restored to sanity, the superintendent of the hospital shall give notice to the judge of the criminal court, and deliver him to the court in obedience to the proper precept." Since the statute by its terms makes it incumbent upon the superintendent to notify the court when Mr. Pound has been restored to sanity and since such notice has not been given, it must be concluded that Mr. Pound has not been restored to sanity.

Sincerely,

WARREN OLNEY III
Assistant Attorney General
Criminal Division

cc: Records
Chrono.
Mrs. Green

By: WILLIAM E. FOLEY, Chief
Internal Security Section

SENT DIRECT FROM
CRIMINAL DIVISION MAIL ROOM
DATE 6-30-54

Handwritten notes:
JUL 14
JUL 19
JUL 20
JUL 21

Handwritten mark: 54

JULIEN CORNELL
LAWYER
CENTRAL VALLEY
NEW YORK

June 30, 1954

Chief, Criminal Division
Department of Justice
Washington, D. C.

UNITED STATES AGAINST EZRA POUND

Dear Sir:

I am attorney for Ezra Pound and defended him against an indictment for treason which you prosecuted in the District Court of the United States for the District of Columbia in 1946 (criminal number 76028). He was examined by a panel of distinguished psychiatrists who found him to be incurably insane and this finding was confirmed by a jury trial held in February 1946. He was then ordered confined at St. Elizabeth's Hospital where he has since remained. The matter was handled at the time by Isiah Matlack and Donald Anderson for your department.

I have visited Mr. Pound on several occasions since then and also have discussed his condition with Dr. Overholser, Head of St. Elizabeth's Hospital, who is of the opinion that there is no possibility of his ever recovering his sanity and it will, therefore, never be possible to try him.

As you may know, there has been considerable interest in the literary world in Mr. Pound and his writings and he appears to have a place in the history of literature which may be of some importance regardless of his unfortunate political activities. By reason of his position in the literary world, it appears desirable that the history of the treason episode should be eventually compiled and published. I have been urged by a number of Mr. Pound's friends and also by literary people to make available the facts concerning his alleged treasonable activities and particularly the texts of the broadcasts which he made over the Rome radio during the war.

As a substantial period of time has elapsed since his confinement at St. Elizabeth's and there is no change in his condition which would indicate the possibility of a trial, I should now like to obtain from you if agreeable to you the texts of Mr. Pound's broadcasts which are in

SPECIAL
GPO 16-59004

D. M. J.

Chief, Criminal Division

June 30, 1954

I hope that you will have no objection to allowing me access to this material since it appears that it will never be needed for purposes of prosecution and also since the material is already public property in the sense that it was broadcast over the radio and monitored both here and in England.

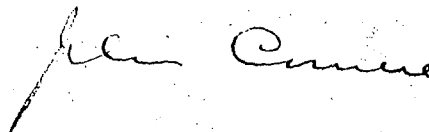
At the time of Mr. Pound's trial, I was told by the Chief of the Criminal Division of your department that there would be no objection to my having the texts of these broadcasts and that they would be furnished to me in due time. However, when it appeared that Mr. Pound was insane, the matter was dropped. I was told at that time that you had complete transcripts in your files. I should appreciate it if you could now let me see these or if you have extra copies let me borrow them.

This information is also in the possession of the British Broadcasting Corporation but their transcripts of monitored broadcasts are so voluminous that it would be a very large task to search out the individual broadcasts by Mr. Pound, which covered a long period of time. As the material has all been collected in one place in your files, I hope that you may be willing to let me have it.

I assure you that this will be used for no purpose except the publication of a purely factual record of the circumstances surrounding Mr. Pound's wartime activities and his insanity. I am sure that there will be nothing in the book which I propose to write which would in any way embarrass or offend the government as I intend to make it a simple factual account without any expression of opinion on my part. I should be glad to submit the text of the book to you in advance of publication if you wish.

If you have any hesitancy about granting this request, I should be glad to come to Washington to discuss it with you.

Sincerely yours



JULIEN CORNELL
CENTRAL VALLEY, N. Y.



Chief, Criminal Division
Department of Justice
Washington, D. C.

WFT:DFG:mcf

46-7-3672

(typed: 7/28/53)

August 2 1954

FILED
BY RC
On AUG 6 1954

FILED
BY ~~RC~~
On AUG 5 1954

Julien Cornell, Esquire
Central Valley, New York

Re: United States v. Ezra Pound

Dear Mr. Cornell:

Reference is made to your letter of June 30, 1954, addressed to the Chief of the Criminal Division of this Department, in which you requested the texts of Mr. Pound's broadcasts for your use in preparing a book concerning Mr. Pound.

Pursuant to the transfer of security functions from the Criminal Division to the recently created Internal Security Division, this matter is now being handled by this Division.

While I appreciate the considerations which prompted your request and while note has been taken of your statement that Dr. Overholser, the Superintendent of St. Elizabeths Hospital, has expressed the opinion that there is no possibility that Mr. Pound will ever recover his sanity and be able to stand trial, I regret that it is not possible to furnish the material in which you are interested. Since there is still a treason indictment outstanding against Mr. Pound in the District of Columbia, the Department cannot properly release any material from its files relating to the case.

Sincerely,

WILLIAM F. TOMPKINS
Assistant Attorney General
Internal Security Division

CC: Records
Chrono.
Mrs. Green

By: THOMAS K. HALL, Chief
Subversive Activities Section

INDEXED AND MAILED
COMMUNICATIONS SEC.
AUG 21 1954

Department of Justice
Washington

Editor
Time Magazine
Time and Life Building
9 Rockefeller Plaza
New York 20, New York

Dear Sir:

In your issue dated September 13, 1954, on page 114, you state that poet Ezra Pound, now confined as a mental incompetent, "was charged with wartime sedition in 1945."

This assertion is not entirely accurate. Poet Pound has never formally been charged with sedition. However, on July 26, 1943, he was indicted in the District of Columbia for the offense of treason. Mr. Pound then was an expatriate American, living in Italy and making propaganda broadcasts to the United States over the Italian short wave radio. After the cessation of active hostilities in Europe, Mr. Pound was returned to the United States in custody, and was reindicted in the District of Columbia on November 26, 1945, for the same offense. Each of these two indictments alleged, in substance, that in making his wartime broadcasts Mr. Pound adhered to enemies of the United States, giving them aid and comfort.

Mr. Pound was arraigned in the United States District Court in Washington, D. C., on November 27, 1945. On this occasion his attorney filed a motion stating that he considered Mr. Pound to be of unsound mind and asking that Mr. Pound be afforded an opportunity to receive medical treatment. Pursuant to this motion, Mr. Pound, by court order, was transferred from jail to a hospital for examination and observation by psychiatrists. Subsequently the four psychiatrists who conducted this examination report to the court that Mr. Pound was insane, mentally unfit for trial and in need of care in a mental hospital. Thereafter a formal sanity hearing was held and Mr. Pound was adjudged by a jury to be

146-7-3672
C.W.K.

-2-

of unsound mind and unfit to stand trial. He was then committed by the court to St. Elizabeth's Hospital, where he presently is confined.

The treason indictment of November 1945 still is pending. If, in the future, Mr. Pound should be declared legally sane, he would be subject to trial under that indictment.

Sincerely,

WILLIAM F. TOMPKINS
Assistant Attorney General
Internal Security Division

U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C.
OFFICIAL BUSINESS

PENALTY FOR

PAYMENT OF POSTAGE, \$300
(PMGC)

Editor
Time Magazine
Time and Life Building
9 Rockefeller Plaza
New York 20, New York

INTERNAL SECURITY DIVISION

DATE 9.14

From MR. W. E. FOLEY

To: Mr. C. C. [unclear]

Do you agree this should
not be for a #1's sig.?
We could write a
personal letter if he feels
strongly - otherwise I
would skip it.

58

INTERNAL SECURITY DIVISION

Date 9-13-51

From MR. W. E. FOLEY

To: Mrs. Green

I feel a letter from Mr. Tompkins is in order -
a letter in rather strong terms pointing out
that the Department is subjected to criticism
for its failure to bring to trial a man who can
write and publish and still not be brought to
justice.

WF

*File
WF*

C. H. W.

58

2

INTERNAL SECURITY DIVISION

Date 9-13-54

From MR. W. E. FOLEY

To: Mrs. Green

I feel a letter from Mr. Tompkins is in order - a letter in rather strong terms pointing out that the Department is subjected to criticism for its failure to bring to trial a man who can write and publish and still not be brought to justice.

WF

*File
WF*

58B

Mr. Foley:

Per our conversation. I have marked in the attached file for your information Dr. Overholser's previous letter and my summary memorandum concerning the Pound case.

DFG

58C

Messrs. Reilly, Alderman and Hall

Please see Mr. Foley's
note attached to the records
copy of this letter.

DFG

58D

9/21

Mr Hall:

This is initialed.

Mr Foley requested a rather strong letter but I'm inclined to think the last paragraph may be too strong.

For

file it

DEPARTMENT OF JUSTICE
SEP 30 1954
RECORDS SECTION

58E

WFT:DFG:mcf

September 30 1954

146-7-3672

(typed:9/20/54)

C. W. K.

RECORDED

Dr. Winfred Overholser
Superintendent
St. Elizabeth's Hospital
Washington, D. C.

Dear Dr. Overholser:

Reference is made to your letter of November 23, 1948, in which you advised, in response to an inquiry from this Department, that Ezra Pound, who is under indictment in the District of Columbia for treason, was not mentally competent to stand trial when he was admitted to St. Elizabeths Hospital, that he was not mentally competent to stand trial at the time of your letter, and that in your opinion it was highly unlikely that there would be any substantial improvement in his condition.

It has now come to my attention through the press that there has recently been published a volume of poetry entitled "The Classic Anthology Defined by Confucius", translated by Ezra Pound, which was enthusiastically received by the critics.

You will appreciate that this Department would be derelict in the discharge of its duties if it failed to bring to trial on such a serious charge a man who seemingly is mentally capable of translating and publishing poetry but allegedly is not mentally capable of being brought to justice. I shall, therefore, appreciate having the benefit of your opinion as to whether Mr. Pound has regained his sanity and is now capable of standing trial on the charge pending against him.

Sincerely,

WILLIAM F. TOMPKINS
Assistant Attorney General
Internal Security Division

CC: Records
Mrs. Green

RECEIVED AND FILED
COMMUNICATIONS SECTION
SEP 30 1954

LONDON. -- A GENOA DISPATCH QUOTED EZRA POUND, AMERICAN INDICTED FOR TREASON, AS SAYING HE THOUGHT HITLER WAS "A JOAN OF ARC -- A SAINT" AND BENITO MUSSOLINI WAS A "VERY HUMAN IMPERFECT CHARACTER WHO LOST HIS HEAD."

THE DISPATCH WAS BY PETER DUFFIELD, LONDON EVENING STANDARD CORRESPONDENT.

"I SHALL GO BACK TO THE UNITED STATES AND FACE MY TRIAL," POUND WAS QUOTED AS SAYING. "I DO NOT BELIEVE I AM GUILTY. I HAVE EVERY CONFIDENCE IN AMERICAN JUSTICE."

"I HAVE BEEN BROADCASTING TO THE AMERICAN PEOPLE ABOUT ECONOMICS. I HAVE TOLD THEM THEY SHOULD NOT BE FIGHTING. I HAVE NEVER IMPLIED THAT ONCE A REGIMENT WAS IN THE LINE AT THE FRONT IT SHOULD NOT GO ON AND DO ITS DUTY."

5211--51134A

DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF COLUMBIA

Holding & Criminal Court

UNITED STATES OF AMERICA)

versus)

EZRA POUND)

Criminal No. 76028

Washington, D.C.,
Court House,
January 31, 1947.

HEARING ON MOTION FOR BAIL

Subject to notice, further hearing on motion for bail
in the above-entitled cause came on before His Honor, Chief
Justice Bolitha U. Laws, at Ten O'clock a.m., January 31,
1947, at the Court House, Washington, District of Columbia.

APPEARANCES:

JULIAN CORNELL, ESQ.,
15 William Street,
New York, New York;

Representing Petitioner.

ISAIAH MATLACK and DONALD B.
ANDERSON, ESQS.,
Special Assistants to the Attorney
General, Department of Justice,
Washington, D.C.;

Representing the United States.

2

(After hearing the testimony of Doctor Wilfred Overholzer, Superintendent of St. Elizabeth's Hospital, Washington, D.C., and argument of counsel, the Court found as follows:)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

THE COURT (LAWS, C.J.): I think I can dispose of this matter and make findings of fact which I think will point up the matter.

I find as a matter of law at the present time Ezra Pound is a person of unsound mind whose condition is no better than it was as of the time of the finding by a jury of this court; that he was a person of unsound mind and not a proper person to be tried upon the indictment against him.

Further I find that he is in need of institutional care, and that he can be adequately cared for at St. Elizabeth's Hospital.

I find that he would derive mental benefit if he were not confined to Howard Hall with others who are of a violent nature who are charged with crime and who might be a menace to him.

My conclusions of law are also that this Court is not authorized to admit defendant to bail or order him committed to any other institution or custody than that of St. Elizabeth's Hospital.

Furthermore, I find as a matter of law that this Court is not authorized to direct or interfere in any manner with the administration of St. Elizabeth's Hospital with regard to the place of confinement of defendant.

Those are the formal findings of fact and conclusions of law.

I understand that the Department of Justice, through its legally constituted representatives has given its consent to the removal of defendant from Howard Hall, in the exercise of the sound judgment of the Superintendent of St. Elizabeth's Hospital, Doctor Overholzer, giving that consent in the interest of the welfare of the patient; and the Court is entirely willing to join in that informal consent. I do not feel that has any weight in law, but if it serves to relieve the Superintendent of any misgivings as to what he might wish to do, why then the Court's consent will be given.

MR. CORNELL: I would like to except, but do not intend to present it at this time.

THE COURT: All right; you may save your exception.

- - - - -

CERTIFICATE OF OFFICIAL COURT REPORTER

I, BERNICE JAY COLLINS, do hereby certify that the foregoing is the official transcript of the testimony and proceedings in said Court as contained herein.

Bernice Jay Collins
Official Court Reporter

OFFICE OF
THE ATTORNEY GENERAL

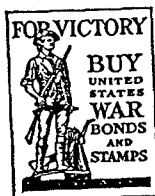


10 May

James M. McInerney
Room 2107

You might be interested in attached
interview with Bro. "Genius" Pound.

Bjw
Ben Dulaney



146-7-3672

TCC-SCE-BGL

146-7-3672

10/11/43

October 8, 1943.

The Honorable

The Secretary of War.

Dear Mr. Secretary:

Receipt is acknowledged of your letter of September 18, 1943, in which you ask to be informed of the wishes of the Department of Justice relative to Dr. Ezra Pound, presently under indictment for treason, should he be taken into custody by our troops in Italy.

I wish to advise that the expediency and legality of possible methods by which Pound could be returned to the United States in the event of his apprehension are being given consideration, and that the views of the State Department are being obtained.

When a decision is reached, you will be advised of our wishes in this matter.

With kind regards,

Sincerely yours,

(signed) Francis Biddle
Attorney General.



Mr
1802
1cc

TCC-SCE-BGL
146-7-3672

G
B

January 24, 1944.

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

Dear Mr. Secretary:

You will recall that we have had previous correspondence relative to Dr. Ezra Pound, who is presently under indictment for treason because of his broadcasting activities on behalf of the Italian Government.

In the event that Dr. Pound is taken into custody by the military authorities, it is requested that he be thoroughly interrogated concerning his radio broadcasting and other activities on behalf of the Italian Government. It is also desired that an effort be made to locate and interview persons, particularly American citizens, having information regarding his acts of treason who might be utilized as witnesses in the event of prosecution, and that the extent and basis of their knowledge be determined.

Upon receipt of such information by this Department, further consideration will be given to the advisability of effecting Dr. Pound's return to the United States.

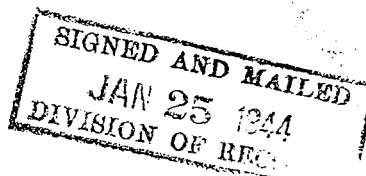
With kind regards,

Sincerely yours,

(Signed) Francis Biddle

ATTORNEY GENERAL.

NOLLIE



25
/

March 25, 1944.

TCC-SCE-BGL

146-7-3672

Honorable Arthur Train,
President, National Institute of
Arts and Letters,
633 West 155th Street,
New York, N. Y.

Dear Mr. Train:

In reply to your letter of March 20, 1944, concerning Ezra Pound, who is presently under indictment for treason, I wish to advise that the Department of Justice has no information that would establish the fact that he has renounced his United States citizenship.

With kind regards,

Sincerely yours,

Attorney General.

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OFFICE OF
THE ATTORNEY GENERAL



6 November: 1945

145-7-2-12
LATEST ON EZRA POUND FOR PRESS CONFERENCE

Note to Mr. Clark

From Ben Dulaney

Six witnesses in Ezra Pound treason case will arrive in Washington by air today or early tomorrow from Italy.

These six men are all former employees of the Fascist Ministry of Popular Culture (broadcasting and general propaganda). Five or six more witnesses against Pound will be flown in later this week.

They will testify before a District of Columbia grand jury in a few days. If Pound is re-indicted (as he undoubtedly will be) he will be flown directly from Rome to Washington and placed on trial for treason immediately.

Prime reason for the re-indictment is that the original indictment, returned in July, 1943, was based entirely on recordings of Pound's voice in the District of Columbia. Pound could merely deny that it was his voice. These witnesses are people who were actually in the radio studio at the time of his broadcasts. They will be

666

OFFICE OF
THE ATTORNEY GENERAL



POUND - 2

able to fulfill the constitutional requirement in treason cases: "two witnesses to each overt act."

Naturally, they will NOT be available to the press for interviews.

True

TLC:SCE:vng
146-7-3672

November 15, 1945

The Secretary of War

Washington, D. C.

My dear Mr. Secretary:

Enza POUND, an American citizen, presently under indictment in the District of Columbia for violation of the Treason Statute because of his broadcasting activities from Rome on behalf of the Italian Government, is presently in the custody of our Military Authorities at Caserta, Italy.

It is planned to again present the facts in this case to a grand jury in the District of Columbia within the immediate future, and it is therefore desired that POUND be returned to the United States in the custody of the War Department and that he arrive here if possible on November 19, 1945.

As you know, jurisdiction over crimes committed outside the United States is in the District in which the defendant is found or first brought. It is therefore of the utmost importance that POUND be brought directly to the District of Columbia and that the airplane in which he is returned should not land in the United States prior to arrival at Bolling Field. Should a forced landing elsewhere become necessary, custody over POUND should be retained by military authorities until he can be released to officials of this Department in the District of Columbia. It is desired to point out, also, that jurisdiction over the National Airport is questionable and that under no circumstances should the airplane be landed there.

With kind regards,

Sincerely,

Attorney General.

CC: Records ✓
Chron.
Ely

TLC:SCE:DTJ

OCT 16 1946

~~146-28-248~~

~~146-28-232~~

~~146-28-237-1~~

The Honorable
The Secretary of War
Washington, D. C.

My dear Mr. Secretary:

Robert H. Best and Douglas Chandler, American citizens, were indicted in 1943 in the District of Columbia for violation of the Treason statute because of their broadcasting activities on behalf of the German Reich. They are presently in the custody of our military authorities at Oberursel, Germany.

It is planned to again present the facts in these cases to a Grand Jury in the District of Columbia in the near future, and it is desired that Best and Chandler be returned to the United States in military custody and that they arrive here on or about November 4, 1946.

As you know, jurisdiction over crimes committed outside the United States is in the District in which the defendant is found or first brought. It is, therefore, of the utmost importance that Best and Chandler be brought directly to the District of Columbia and that the airplane in which they are returned should not land in the United States prior to arrival at Bolling Field. Should a forced landing elsewhere become necessary, custody over these men should be retained by military authorities until they can be released to officials of the Department of Justice in the District of Columbia. It is desired to point out, also, that jurisdiction over the National Airport is questionable and that under no circumstances should the airplanes be landed there.

You will recall that Ezra Pound was returned to the United States from Italy in November 1945 to face treason charges. Prior to his return, Samuel C. Ely and

cc: Records
Chron.
Mr. Ely
Miss Healy

68

Isaiah Matlack of this Department conferred with you and General T. H. Green concerning this matter and you issued the necessary directive by which the route of the Air Transport Command plane, which would bring Pound to the United States, was altered so that it would land at Bolling Field without prior landing in the United States.

With kind regards,

Sincerely,

Attorney General

Poet-Prisoner Pound Calls Hitler Saint

By EDD JOHNSON

Copyright, 1945, Philadelphia
Record-Chicago Sun

GENOA, May 8—With millions of Italians and United Nations troops in Italy celebrating the announcement of Germany's surrender, Ezra Pound, one of the most erudite poets and scholars of our times, talked today about Confucius and kindred subjects.

I talked with Pound, now 59, on the sixth floor of an office building overlooking the main square of war-battered Genoa.

Pound, a native of the U. S., has been a self-styled expatriate in Italy since 1908. He was taken into custody Saturday near Genoa by American authorities on charges of treason. He was indicted on July 26, 1943, because he was broadcasting anti-United States and pro-Fascist propaganda in an English-language program beamed to America over Benito Mussolini's shortwave radio station in Rome.

Views Hitler as Martyr

Among the many things he said today were these:

Adolf Hitler was a Jeanne d'Arc, a saint. He was a martyr.

Like many martyrs, he held extreme views.

"There is no doubt which I preferred between Mussolini and Roosevelt. In my radio broadcasts I spoke in favor of the economic construction of Fascism. Mussolini was a very human, imperfect character who lost his head.

"Winston (Churchill) believes in the maximum of injustice enforced with the maximum of brutality.

"Stalin is the best brain in politics today. But that does not mean that I have become a Bolshevik.

"I do not believe that I will be shot for treason. I rely on the American sense of justice."

Far From Senile

Now, all this might sound like gibberish, and it would be easy to write off Pound as a senile old sinner who has gone off his rocker. But Pound is definitely not senile. And if he is off his rocker, it does not show in any of the usual manifestations of nuttiness.

Pound told me that he received 300 lire each for the scripts that he wrote for other broadcasters

and 350 lire for those he wrote and voiced himself. He made much of the point that while he said the U. S. should not be in the war, he never urged American soldiers to lie down on their job once they got in the battle.

In "Unfavorable Position"

I asked Pound if he really believed either President Truman or Premier Stalin would be interested in seeing him. He replied:

"One might say that I am in an unfavorable position at the present time to be received at the White House. If I am not shot for treason, I think my chances of seeing Truman are good."

Pound's interest in Confucius is profound. He believes that Hitler and Mussolini were successful in so far as they followed Confucius, and that they failed because they did not follow him more closely.

U. S. Agents Trail 22 Americans in Europe Suspected of Treason

Justice Department
And Army Intelligence
Gathering Evidence

Star By the Associated Press 2/19/46

Attorney General Clark disclosed today that Justice Department investigators in Europe are on the trail of 22 Americans suspected of wartime treason.

Mr. Clark told a reporter he plans to send a special emissary to speed the collection of evidence against these suspects and six others already indicted for treason.

Timothy A. McNerny, the department's director of public information, will fly to Europe and make a survey of the investigations under way in Germany and other former Nazi-dominated countries.

Mr. McNerny, a former lieutenant colonel on Gen. Eisenhower's staff, will work with Army intelligence.

Swift Trials Promised.

Mr. Clark said the Justice Department "is determined to bring every single American who played the Axis game swiftly to trial. No effort will be spared because we must show the world that we are not sloppy sentimentalists where the crime of high treason is concerned.

"As soon as evidence has been obtained," he added, "each of the suspects will be returned to the District of Columbia to face a United States tribunal."

Eight Americans, including the poet Ezra Pound, were indicted in 1943 in connection with alleged propaganda broadcasts.

Four Held in Europe.

Mr. Clark said four of these are held by the Army in Europe—Edward Delaney of Olney, Ill.; Douglas Chandler of Baltimore; Constance Drexel of Philadelphia and Robert H. Best of New York. Best was arrested by Army intelligence in Austria last week.

Frederick Kaltenbach of Dubuque, Iowa, is reported unofficially in the custody of the Russians, Mr. Clark said. He added that one of Mr. McNerny's tasks will be to negotiate with Russian occupation authorities in Germany for Kaltenbach's release to the United States Army.

Of the three others indicted, one is dead, another is missing and Pound is in a Washington hospital. A Federal court ruled last week that he is mentally unsound and unable to stand trial.

considering... regularly... but now the number will have to be

increased far beyond six... all the traitors in ab... are to get what's coming... them... The Federal Communications... mission in San Francisco... recently been monitoring... broadcasts of a woman in Tokyo... claims to be an American... she says she has lived in Japan... years, most of which time... has been a school teacher... throughout her broadcasts... lauds Japanese culture, de... es everything American and... ps on the "brutal bombing... Tokyo... Two other people who claim... be American are broadcast... and writing anti-American... paganda in Tokyo for do... stic Jap consumption. All... F.C.C. and the Office of... at Information know of them... that their last names are Flick... d Gorman.

ers, who broadcasts from Rome. According to official monitors, it is impossible to tell if she is English or American. Her program consists of reading a letter to a friend. In the letter Italy is eulogized and the English and Americans are urged to try to understand the Italians.

The Dangerous Six

THE six Americans broadcast- ing for the Axis who face Justice Department indictment are: Constance Drexel, Fred Kaltenbach, Douglas Chandler, Jane Anderson, Ezra Pound and Robert H. Best, who has said he would some day be a presidential candidate.

Constance Drexel, who has not been on the Berlin air for a long time now, was once a reporter on the Philadelphia Public Ledger. She used to be in- troduced to her radio audience as a "Philadelphia socialite and heiress."

Most of her program she raved over the cultural life of the Third Reich, claiming it was based on "those esthetic prin- ciples handed down from an- cient Greece; that is, Truth and Beauty."

Kaltenbach, who was born in Iowa and enlisted in the United States Army in the last war, de- votes his time and energy to bit- ter diatribes against the Pres- ident.

Chandler was born in Chicago and was an American Naval of- ficer in the last war. After the stock market crash in '29 he moved to Germany. He is in- troduced to the strains of "Yankee Doodle" and calls him- self "Paul Revere."

Her Boner

JANE ANDERSON, a frustrated woman in her late forties, used to vilify the President and extol the glories of Hitler on her radio program, but lately she has been silenced. She got her- self in hot water a few months ago in trying to show how high German morale was by describ- ing at length the luxury meals of high ranking Nazi officers. In a short while the American counter- propaganda radio rebroadcast to Germany the portion of Plain Jane's speech that told of the plush diet of the big-time boys. It couldn't have gone down very well with the rationed German

*Noted
TMC5*

Times-Herald
February 15, 1943

page 11

Berlin Broadcasts

NEW American voice has also turned up on the Ber- lin ether waves, that of a girl who calls herself Cynthia Tay- lor. Who she is and whether she is broadcasting under her real name is not known. She started her radio career for the Axis in Vichy and has only been talking from Berlin for a short time.

Cynthia never actually tra- ces her own country. She just tries to build up a radio audience for the Berlin stations and praises her cohort broad- casters Robert Best, Fred Kal- tenbach, Douglas Chandler, etc. In her regular short wave broadcasts from the Nazi cap- ital she pleads with her audience to listen to the German overseas programs. "Nowhere in the world," she says, "will you hear such beautiful music." Then she plugs for the Berlin Philhar- monic's rendition of Beethoven.

Bill's Boloney

ANOTHER new American voice from Germany is that of "Your Friend Bill." Bill claims to have had "28 years of European experience" and he tells the United States Europe- ans upon the American Army is an enemy.

Bill sold his birthright for a mess of Nazi boloney quite a while back when he started broadcasting from Paris, but he has only recently gone to Berlin and of late concentrates on teaching the British and Amer- ican armies in North Africa.

Praise for Fascism

ANOTHER new traitor to ap- pear on the horizon is one with the name of Alex-

of Journalism, went to Vienna in 1932 on a Pulitzer scholarship and decided to stay there. His broadcasts are a flood of vitriol against America and the President.

14-28-237-1

DEPARTMENT
OF
JUSTICE

Herald Tribune (IR)
New York City
Circ. 330,133 (M)
538,805 (S)

Date JAN 14 1943

U. S. May Indict Traitors Heard On Axis Radio

Treason Charges Planned Against Ezra Pound and Five Other Broadcasters

WASHINGTON, Jan. 13 (UP).—The Justice Department soon may indict for treason six Americans who are serving Germany and Italy, as radio propagandists, it is learned today. They are Constance Drexel, Fred Kaltenbach, Douglas Chandler, Jane Anderson, Ezra Pound and Robert H. Best. A spokesman for the Justice Department admitted that indictments are being considered. It was learned that one of the delays thus far has been whether, legally, they had committed overt acts of treason through broadcasts. The Federal Bureau of Investigation officially went on record as saying six had been "under investigation for several years."

Chandler, who calls himself Paul Reveren, on the German radio, was captain of the crew at Cornell University and an ensign on the battleship Missouri during the first World War. He was born in Chicago and later became a New York stock broker. From 1929 to 1931 he was a member of "The Baltimore-Sunday American" editorial staff. Then he went to Europe, lectured in England and Scotland and later lived in Florence, Italy.

Studied in Berlin
Kaltenbach was born in Dubuque, Iowa, and attended East Waterloo High School and the University of Chicago. In 1936 he went to Berlin for his master's degree and identified himself in 1940 as a free-lance writer and translator. He broadcasts in the form of a letter to "Dear Harry," who was a friend of his in Waverley

ania. He has written seventeen books of poetry, two operas and is the author of "Jefferson or Mussolini" and "Guide to Kultur."

Constance Drexel takes a different trend. She specializes in "cultural" Germany. She left the United States in 1940. In 1939 she was employed on a W. P. A. writers' project in Philadelphia. She often sent from Germany such propaganda as "News from Germany," and "German Art and Culture." In 1940 she was introduced over the Berlin short wave radio as a "world-renowned journalist and a member of the famous Drexel family of Philadelphia."

[Roth Victor L. Drexel and A. J. Drexel Biddle jr., of Philadelphia, both declared that considerable research falls to show that Constance Drexel has any relationship to the family of Anthony J. Drexel who died in 1893. Mr. Drexel pointed out, however, that there are several persons named Drexel in the Philadelphia area who have no connection with his branch of the family.]

Calls Self "Guess Who"

Best, a former American foreign correspondent, broadcasts under the alias of "Guess Who." Best broadcast recently that "the Jews are buying up all the cocoa, so watch the prices rise, Mr. and Mrs. America." Another Best broadcast pleaded with Americans to "write your Congressmen today to impeach Roosevelt—yes, I said impeach Roosevelt." He was born in Sumter, S. C., and attended Wofford College and the Columbia School of Journalism. He was interned with other American newspaper men in Berlin, but refused to come back to the United States and in March began his broadcasts.

Jane Anderson was introduced to her radio audience as a "famous orator and writer who was tortured and condemned to death during the Spanish Civil War because she is a Catholic." Described

as "an ardent churchwoman," she tells her audience that "Hitler is an immortal crusader. . . . A great lover of God. . . . Who has struck back against the universal enemies of mankind." She was born in Atlanta, and is a former resident of Washington.

Pound was born in Hailey, Idaho. He has been in Italy since 1924 and often has greeted Americans with the Fascist salute. His attacks on Mrs. Franklin D. Roosevelt have been numerous. He went to Hamilton College, Clinton, N. Y., and later obtained his master's degree at the University of Pennsyl-

6 Americans Broadcasting For Axis Face Indictment

By WILLIAM WILSON

The Justice Department soon will seek indictments for treason against six Americans who are broadcasting regularly from Germany and Italy, it was learned today.

They are Constance Drexel, Fred Kaltenbach, Douglas Chandler, Jane Anderson, Ezra Pound and Robert H. Best, who has said he would be a presidential candidate. They may never be brought to trial, but the indictment will warn them against trying to come back to the United States.

A spokesman for the Justice Department admitted that the indictments are being considered. It was learned that one of the delays thus far has been whether, legally, the six have committed acts of treason through broadcasts in contrast to overt acts. Should the six ever be tried, the Supreme Court would have to decide that point.

Watched by FBI

The Federal Bureau of Investigation officially went on record as saying the six had been "under investigation for several years," but there was no comment from that source on the indictment.

The six broadcasters for the Axis are well known in the United States.

Chandler, alias Paul Reveren, was a captain of the crew at Cornell University and was an ensign on the battleship Missouri during World War I. He was born in Chicago and later became a New York stock broker. From 1929 to 1931 he was a member of the Baltimore Sunday American editorial staff. Then he went to Europe. He often has been seen wearing a large Nazi button in the lapel of his coat.

Kaltenbach was born in Dubuque, Iowa, and attended East Waterloo High School and the University of Chicago. In 1936 he went to Berlin for his master's degree and identified himself in 1940 as a free-lance writer and translator.

He broadcasts in the form of a

letter to "Dear Harry," who once was a friend of his in Waverley Iowa. "Dear Harry," Kaltenbach once broadcast, "Don't let America pull Britain's chestnuts out of the fire again."

Worked For WPA

Constance Drexel specializes in "cultural" Germany. In 1939 she was employed on a WPA writers' project in Philadelphia.

Best, a former American newspaperman, broadcasts under the alias of "Guess Who." Former friends say they don't have to guess. Best broadcast recently that "the Jews are buying up all the cocoa, so watch the prices rise, Mr. and Mrs. America." Another Best broadcast pleaded with Americans to "write your Congressmen today to impeach Roosevelt—yes, I said impeach Roosevelt."

Best was born in Sumter, S. C., and attended Wofford College and the Columbia School of Journalism.

Jane Anderson was introduced to her radio audience as a "famous orator and writer who was tortured and condemned to death during the Spanish civil war because of her religion." Described as "an ardent churchwoman," she tells her audience that "Hitler is an immortal crusader . . . a great lover of God . . . who has struck back against the universal enemies of mankind."

She was born in Atlanta, Ga., and is a former resident of Washington, D. C.

Pound was born in Hailey, Idaho. He has been in Italy since 1924 and often has greeted Americans with the Fascist salute. His attacks on Mrs. Franklin D. Roosevelt have been numerous.

Today's Scratches

AT FAIR GROUNDS—

- 1—Count Fickle.
- 2—Red Set, John's Dream, Clarion Call, 2d, Malsco, Show House, Newark.
- 3—Reaper's Blade.
- 4—Declared off.
- 5—Betrotted.
- 6—(Goes as the sixth race) Chilla Nation, Flying Azrie, Juliet C, Onus Track, sloppy.

PH. ~~155-255~~ file

SY. JX

Tribune
Chicago, Ill.
299/46-18-237-1
DATE
P. 20 FEB 1946

ON O.
OFFICIAL

3-16
Benjamin
Special
McInerny
for files

MEMORANDUM

ACT TO ROUND UP 22 AMERICANS IN TREASON CASES

BY ROBERT YOUNG
[Chicago Tribune Press Service]

Washington, D. C., Feb. 19—A special representative of the department of justice will fly to Europe in about 10 days to speed the collection of evidence against 28 Americans suspected of or already under indictment for wartime treason, Atty. Gen. Clark disclosed today.

Five members of the department's criminal division went to Europe a month ago and are on the trail of 22 Americans suspected of treason. Clark said Timothy A. McInerny, justice department director of public relations, will follow these investigators and make a special check on the progress of inquiries and the accumulation of evidence for possible prosecution.

McInerny formerly was a lieutenant colonel on Gen. Eisenhower's staff. He will work with army intelligence in pursuing his investigations in Germany and other countries once under Nazi rule.

Some Already Indicted

The justice department overseas probe also includes six Americans indicted for treason in 1943 on charges of broadcasting enemy propaganda. Eight originally were indicted, but one is missing and another is reported dead.

Clark asserted the justice department is determined to bring every American "who played the axis game" to trial quickly. He said that effort will be spared in the investigation and collection of evidence "because we must show the world that we are not sloppy sentimentalists where the crime of high treason is concerned."

As soon as sufficient evidence has been obtained, Clark said, each of the suspects will be returned to Washington for trial in federal court. Ezra Pound, the poet, was one of the eight indicted in 1943 and was the first returned to Washington. He is now in a Washington

week he is mentally unsound, and unable to stand trial.

One Held by Russians

The others under indictment are Edward Delaney of Olney, Ill., Robert H. Best of New York, Douglas Chandler of Baltimore, Md., and Constance Drexel of Philadelphia—all in custody of the army of occupation in Europe—and Frederick Kaltenbach of Dubuque, Ia., reported held by the Russians.

Jane Anderson of Atlanta, Ga., is missing, and Max Otto Koischwitz of New York is reported dead.

Clark said one of McInerny's jobs will be to negotiate with Russian authorities in Germany for Kaltenbach's release to the United States army.

Kaltenbach, Wanted

Here as Traitor, Dead In Red Zone of Reich

Russians Answer Query
From U. S. With News
He Died Last October

By the Associated Press

BERLIN, July 20.—The Russians informed United States Army headquarters today that Fred W. Kaltenbach, 51-year-old Iowa-born, sought by the Americans as a traitor for broadcasting Nazi war propaganda from Germany, died last October in a Soviet detention camp.

A Red Army major general transmitted the information in a letter to the American intelligence section, which previously had tried in vain to learn his fate after his arrest by the Russians more than a year ago.

Kaltenbach, the "Lord Hee Haw" of Radio Berlin, died of natural causes at a camp in the Soviet occupation zone of Germany, the letter said. The exact cause was not specified, but it was known that he had been ill with a heart ailment and asthma for at least 18 months before Germany fell.

A native of Dubuque, Iowa, he held a master of arts degree from the University of Chicago and a doctorate of philosophy from the University of Berlin. He specialized on affairs of Germany, where both his parents were born.

(Kaltenbach was indicted with Ezra Pound and six others on treason charges by a District of Columbia grand jury on July 26, 1943. Pound was declared of unsound mind last February, after being brought here from overseas, and faces lifelong detention in St. Elizabeth's Hospital.)

(Kaltenbach, famous for his Berlin broadcasts to "Dear Harry" in Iowa and other mythical friends, was never tried here, because the Justice Department was unable to get its hands on him, as it did Pound who worked in Italy.)

(Kaltenbach was discharged as a high school teacher in Dubuque after he organized a Nazi group among the students, according to information in Washington. He was an Army officer in the First World War, but after going to Germany he married a German girl and took up support of Hitler's cause.)

His widow, the former Dorothea Peters of Koeslin, Pomerania, said in an interview at her Berlin apartment last July that Kaltenbach became a "loot" of Nazi propaganda through a whim which led him to study the terms imposed on Germany by the Versailles Treaty. She

Army Would Prefer Look at Records in Kaltenbach Death

By the Associated Press

BERLIN, July 20.—American Army authorities tonight said they do not doubt that Fred W. Kaltenbach, sought by the United States for treason, had died last October in a Russian detention camp, but that they would "prefer to see the camp records."

The Russians today notified United States Army headquarters of the death of the Iowa-born "lord Hee Haw" of the Berlin radio, reporting he had died of "natural causes" somewhere in the Soviet occupation zone. They did not, however, give the cause of the death nor say what disposition was made of the body. Nor were they able to produce any records on Kaltenbach's case.

The one-time Dubuque school teacher was one of eight Americans indicted June 26, 1943, by a District of Columbia grand jury for reasonable broadcasts of Axis propaganda during the war.

Kaltenbach, seized by the Russians almost immediately after the end of hostilities in Berlin, had been sought by the Americans ever since August, 1945, when the first of many requests was made to the Red Army for his custody. The Russians replied they were unable to locate Kaltenbach.

Death Not Doubted.

Last month American authorities were told by the Russians that they believed they had located Kaltenbach and probably would deliver him within a week or ten days.

"We don't doubt that Kaltenbach is dead, for we knew he was ill," a high American officer commented, "nor do we doubt the Russian authorities had trouble locating him because, after all, he was arrested by combat troops only a week after the fighting stopped, and after a short detention in Berlin was whisked off somewhere into the zone. We would prefer to see the camp records, but apparently there are none."

Kaltenbach broadcast, made speeches and wrote pamphlets for the Nazis from 1937 until 1942, but in the latter years of the war heapsed into relative inactivity because of poor health. He was known to have been ill of a heart ailment and asthma for at least 18 months prior to his arrest by the Russians on May 15, 1945.

Widow in Berlin.

Kaltenbach's widow, the former Dorothea Peters of Koeslin, Pomerania, still is believed to be a resident of Berlin.

Mrs. Kaltenbach, who married the broadcaster in 1939 when she was a secretary in the office of a German magazine, said Kaltenbach came under the influence of Nazi propaganda after studying the terms imposed on Germany by the Versailles Treaty after World War I.

Kaltenbach, an American officer during World War I, concentrated on Germany in his studies. He was holder of a master of arts degree from the University of Chicago and

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DEPARTMENT OF JUSTICE
JUL 22 1946
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Celler Urges Trial of Traitor Broadcasters

Bill Would Create Military Tribunal

Representative Emanuel Celler (D.), of New York, proposed yesterday that the Articles of War be amended to permit the trial of accused traitor American broadcasters for the Axis who cannot be brought back to face their accusers.

Celler made the proposal in a resolution which he introduced in the House. He said the Bill of Rights, which requires trial by jury, is not applicable to the Articles of War. His resolution would empower the President to create military commissions for the trials.

Lists Alleged Traitors

Celler said:

"There emanate nightly from Germany and Italy short-wave broadcasts by Nazi and Fascist radio broadcasters who unfortunately are Americans. These traitors are Constance Drexel, Fred Kaltenbach, Douglas Chandler, Jane Anderson, Ezra Pound and Robert H. Best.

"Douglas Chandler broadcasts under the pseudonym of Paul Revere. Fred Kaltenbach broadcasts under the salutation of 'Dear Harry.' Constance Drexel entitles her traitorous utterances as 'News From Germany.' Robert H. Best used the alias, 'Guess Who.' He also urges Americans to write to their Congressmen to impeach President Roosevelt. Jane Anderson apparently broadcasts from Italy and is introduced usually as a famous orator. Ezra Pound opens his damnable talk with a sort of verbal Fascist salute."

"Radio Benedict Arnolds"

Representative Celler said the Constitution defines treason as adhering to the nation's enemies and giving them aid and comfort. He called them modern radio Benedict Arnolds and said they are giving aid and comfort to the enemy by trying to lessen confidence in the American Government.

"Thus far," the New York Representative told the House, "these six knaves are the only known cases of American traitors on foreign soil. While trials in absentia are a bit strange to us, they are of everyday occurrence in Continental Europe. I am bold enough to suggest such a procedure only because without it we would be helpless. It would be ridiculous

THE Propaganda Front

By William L. Shirer

Six Americans who broadcast for the Axis from Germany and Italy will be indicted for treason, the Justice Department has announced. They are Robert H. Best, Fred Kaltenbach, Douglas Chandler, Ezra Pound, Jane Anderson and Constance Drexel.—From a recent United Press dispatch.

Here are a few rambling notes about these curious citizens and a word about two others whom our Department of Justice apparently overlooked: Edward Leopold Delaney, alias E. D. Ward of Glenview, Ill., and Charles Flicksteger, sometimes known as Charles Flick, a native of Providence.

Knows Best and Flick

Of the eight turncoats, I knew two well—Best and Flick. With three others I also had a certain acquaintance during my melancholy days in Berlin. These were Kaltenbach, Delaney (or Ward) and Miss Constance Drexel of Philadelphia. To dispose of the least three first, Miss Drexel was billed by the German radio for her talks to America as "a Philadelphia socialite and heiress."

To me, in Berlin, to whom she constantly came seeking a radio job, after one American network had hired her for a day or two, she was an insignificant, mixed-up and ailing woman of about 50 who always had a bad cold. She used to tell me she needed money. The Nazis needed a female American accent. That is all there is to her story

Delaney Ham Actor

Edward Leopold Delaney, who broadcast as E. D. Ward, was not much better. He had been a ham actor before the World War and at one time toured in a road company playing "Get-Rich-Quick Wallingford." In 1915 he tried his luck in Australia, where he played The Killer in "Seven Keys to Baldpate." In 1934, according to "Time" magazine, he published a book, "The Lady by Degrees" and followed it with another called "The Charm Girl," which was advertised as the "scream-line correspondence of a radio charmer and her girl friend."

By this time, as can be seen, he was getting ripe for nazlism. When I ran across him, he was nearing 60, his hair was graying and it was evident that the days when he could play the killer were long over.

The Nazis picked him to describe for the short-wave American audience the triumphal German entries into the murdered countries.

Fought in Last War

During the first year and a half of the war Berlin's most effective broadcaster for the American audience was Fred Kaltenbach of Waterloo, Iowa. The British, who had had the happy thought of dubbing their own Berlin traitor, William Joyce, "Lord Haw-Haw," also conferred a title on his American counterpart. They called him "Lord Hee-Haw," and Kaltenbach, who has a peculiar sense of humor, was more than pleased and began signing off: "This is England's Lord Hee-Haw, who will live up to his title by giving British pretensions in this war the merry, merry hee-haw!"

When the debate over lend-lease began, he opened his radio talks:

"Lend or lease me your ears."

In fact, he had an incurable lust for bad puns and wisecracks and more than one Nazi censor broke down trying to figure them out.

Charles J. Rolo, in a study of Kaltenbach in "Radio Goes to

War," says that this son of an Iowa butcher became a studious, introspective youth. In the World War he served as a lieutenant in the Coast Artillery. For a time he was a school teacher. The middle 30's found him in Berlin, where he obtained a Ph.D. at Berlin University.

In Berlin he married a German girl and became a fanatical Nazi. I saw him at Compiègne during the armistice negotiations. The military were taking him to the guardhouse for gate-crashing. The last time I saw him was a few hours later when he had escaped and was leaning against a tree gazing with glassy eyes at the railway carriage where the Germans were laying down their terms to the French.

This moment probably was the high point of his life, as indeed it was for Hitler, who did an undignified jig on the occasion.

At the moment Kaltenbach divides his radio time between trying to foment strife in America and explaining away the Russian reverses.

What Joseph Goebbels, however, had been looking for was an American radio personality who could build up in the United States a vast listening audience if only by being amusing, as had Lord Haw-Haw in Britain. Kaltenbach wasn't quite good enough and Ward was a failure.

So in April, 1941, if you had listened to the German short-

wave programs, you would have heard a tremendous build-up for a new American voice. On April 18, the 166th anniversary of Paul Revere's ride, Berlin said that famous horseman and patriot would again start galloping.

April 18 came and nothing happened, but a week later "Paul Revere" rode, and spoke, trying to incite his fellow countrymen to throw off the terrible tyranny of "Roosevelt and his Jews." He was even worse on the air than the aging Delaney-Ward.

"Paul Revere" turned out to be one Douglas Chandler, a former writer on the Baltimore Sunday American. He had been married, Mr. Rolo asserts, "in style" at Bar Harbor, Me., in 1924 to a descendant of John Jay, the first Chief Justice of the United States. The depression and the "miasma" of Washington proved a little too much for him.

Jane Anderson, who I believe had some dealings with the America First crowd, is probably Hitler's best American woman broadcaster.

One official observer once described her as a "ranting, melodramatic actress."

Lost His Mind?

Of Robert H. Best, a native son of South Carolina, who is probably the best of the mediocre American talents Goebbels has bought, I have written at length before in this column.

I have known him since 1929 and after listening to his current ravings from Berlin I can only conclude that he has lost his mind.

Apparently Goebbels has, too, for he is now allowing Best to conduct a weird "campaign" for the American Presidency in 1944! Best calls his new "party" "Christocracy." He says it is against "Jewdocracy everywhere."

One of these days the Department of Justice will catch up with Charles Flick, alias Flicksteger. I had known him as an American correspondent in Berlin, where for a time he was assistant to Karl von Wiegand.

At the moment, if the Justice Department is interested, he is in Shanghai, where he broadcasts anti-American propaganda over the German-owned radio station XGRS.

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Observer-Dispatch
Utica, N. Y.

566

DATE

MAY 13 1945

Ezra Pound to Face Treason Charge

Ezra Pound, poet and Fascist propagandist who was graduated from Hamilton College in 1905, and who received an honorary degree of doctor of letters there in 1939, will be turned over to FBI agents in Italy, an Allied official said in Rome, Italy, yesterday.

Still in the hands of the Fifth Army, which took him into custody, Pound presumably will be returned to the United States, where he is under indictment on a charge of treason, the official said.

A native of Hailey, Idaho, where at the age of 15 he published poetry in the local newspaper, Pound, now 59, left this country at the age of 22, returning only once. He has been living in Italy for the past 23 years.

Pound was indicted with seven other Americans on charges of treason on July 26, 1943. He made statements from Italy praising the German cause, for the

employment by enemy governments to prepare and broadcast statements intended to weaken American morale and to dissuade



EZRA POUND

Americans from making war on the Axis powers, to destroy the faith of Americans in their government, and Allied governments, and otherwise to impede and obstruct the military operations of the United States and its allies.

In May, 1942, Pound attempted to return to this country from Italy, but was denied permission by George Wadsworth, American charge d'affaires in Rome, to board a diplomatic train which carried the last group of Americans from Rome to Lisbon, where they boarded a ship bound for this country.

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Press
Pontiac, Mich.

430

DATE

p. MAY 15 1945

An Unregenerate Traitor

EZRA POUND, expatriate American poet wanted here on a charge of treason and now in custody in Italy, has a warped sense of justice.

When interviewed by an American correspondent in Genoa, POUND revealed himself still unconvinced of the error of his ways, wholly satisfied that his broadcasting of pro-Mussolini and anti-American propaganda was not treason, and believing that our sense of justice will permit him to escape punishment for that crime. Said POUND, among other things, in the interview:

"ADOLF HITLER WAS JEANNE DE ARC, a saint. He was a martyr. MUSSOLINI was a very human, imperfect character who had lost his head. WINSTON CHURCHILL believes in the maximum of injustice enforced with the maximum of brutality. I do not believe I will be shot for treason. I rely on the American sense of justice."

What kind of a man is he who can mouth such foul treason while all Europe lies prostrate in the ruins which are the monuments to the two arch fiends he admires?

Where is there scorn enough for him?

Will American justice prevail?

If it does, Poet EZRA POUND is in line for a profound emotional shock, for justice will mean for him an ignominious death, and a grave, not in the soil of the homeland he sought to crush, but in the bloodstained earth of the Italy his heroes betrayed and destroyed.

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Berkshire Eagle
Pittsfield, Mass.

412

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p. **MAY 16 1945**

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Free Press
Mankato, Minn.

441

DATE

MAY 21 1945

The Fascist Mr. Pound Relies On Democratic Justice

It was the bounden journalistic duty and dubious personal pleasure of Edd Johnson of the Marshall Field newspapers to interview Ezra Pound, expatriate poet and rabid Fascist, in Genda. Pound has been under indictment for treason since 1942 for broadcasting pro-Mussolini and anti-American propaganda from Italy.

Said Pound to Johnson, among other things: "Adolf Hitler was a Jeanne d'Arc, a saint. He was a martyr. Mussolini was a very human, imperfect character who lost his head. Winston Churchill believes in the maximum of injustice enforced with the maximum of brutality. I do not believe I will be shot for treason. I rely on the American sense of justice."

As for Ezra's last statement, we go along with him on that reliance in the American sense of justice. And for that reason we'll bet him he doesn't beat that treason rap.

American Treason Suspects

When will the American suspects be rounded up? We have some who have been indicted and await only capture to go on trial. In January, 1944, the federal grand jury of the District of Columbia indicted Ezra Pound, writer of obscure poetry, and six other Americans for treason. Broadcasting for the axis was the offense of most of them.

Pound at last accounts was still in Italy. The rest are presumably in Germany, unless they have fled with Himmler and Goebbels.

Treason is fortunately a scarce product in the United States. A wholesale trial of miscellaneous supporters of nazism was recently halted by the death of the judge. It should be resumed, with individuals tried separately, so that the defendants may be vindicated or punished. The possible penalty ranges from death to five years imprisonment and the payment of \$1,000 fine. Accused Americans, both in this country and in Europe, should receive justice quickly.

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Times
Cumberland, Maryland
135
DATE
MAY 21 1945

American Traitors

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Times-News
Twin Falls, Idaho
281
DATE
MAY 20 1945

POET POUND

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As for Ezra's last statement, we go along with him on that reliance in the American sense of justice. And for that very reason we'll bet him even money that he doesn't beat that treason rap.

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Arkansas Democrat
Little Rock, Ark.
172
DATE
MAY 20 1945

Ezra Pound

There are editors who believe that most poets should be shot on general principles. Which is a bit extreme, to say the least, for spring and delayed adolescence doth make poets of many contrary to their wishes.

But there is one American poet who apparently deserves firing squad recognition, not because he fashioned verse but because he absorbed cockeyed ideas which have no place in the mind of our idea of an American.

Ezra Pound, American bard, Idaho born, but late of London, France and finally Italy, has been arrested and will be tried for treason against his native country.

Pound never went hyphenated on his fellow-Americans; he simply went wacky. Born in Idaho 59 years ago, he was schooled in American colleges, is a master of arts of the University of Pennsylvania. He became a follower of Confucius, which not only wasn't bad, but was his own business under the Four Freedoms.

He lived 10 years in London, four years in France, then 20 years in Italy. It was in the latter country that he "went haywire." He began to take pay from Mussolini for broadcasting pro-Fascist, anti-American propaganda to the world. His last money for broadcasting such stuff came from Tokyo, although in between he talked of Hitler being a hero.

Poet's license might entitle Pound to butcher both rhyme and rhythm, even assume the role of a citizen of all countries, but when his fellow-Americans are dying to rid the world of the worst crop of barbarians in history, neither liberty nor license gives him the right to sell those real Americans for a handful of silver.

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Star
Portsmouth, Va.
785
DATE
p. MAY 22 1945

AMERICAN TRAITORS

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Pound has been reported captured in Italy. The rest are presumably in Germany, unless they have fled with Himmler and Co.

Treason is fortunately a scarce product in the United States. A wholesale trial of miscellaneous supporters of Nazism was recently halted by the death of the judge. It should be resumed, with individuals tried separately, so that the defendants may be vindicated or punished. The possible penalty ranges from death to five years imprisonment and the payment of \$1,000 fine. The accused Americans, both in this country and in Europe, should receive justice quickly, just as the war criminals should be quicker tried than now seems in prospect.

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Herald Tribune
New York, N. Y.

101
DATE MAY 30 1945
p.

Army Is Asked to Send Pound Back for Trial

Poet Indicted for Treason Faces Possible Death Penalty

From the Herald Tribune Bureau

WASHINGTON, May 29.—The Department of Justice has asked the Army to send Ezra Pound, American poet indicted for treason, back to this country from Europe as soon as possible for trial, it was reported today.

Pound, one of eight Americans indicted as traitors for participating in enemy propaganda broadcasts, has already been interviewed in Milan by agents of the Federal Bureau of Investigation, and it is expected he will be brought back to this country soon by plane.

He is the only one of the eight known by the Department of Justice to have been captured to date. On the treason charge, he faces a possible sentence of from five years' imprisonment to death.

Under the original indictment drawn against Pound, he was to be tried in the District of Columbia on the theory that he could be put on trial in any area in which his broadcasts were heard. However, to simplify matters, it was said today, he will be prosecuted in the state through which he first enters the United States, under a statute which provides that a person committing treason outside the United States may be put on trial for that crime at the spot he first enters the country.

The other Americans facing treason charges are Frederick Wilhelm Kaltenbach, Robert H. Best, Douglas Chandler, Edward De-

S Poet-Prisoner Pound Calls Hitler Saint

By EDD JOHNSON

Copyright, 1945, Philadelphia
Record-Chicago Sun

GENOA, May 8—With millions of Italians and United Nations troops in Italy celebrating the announcement of Germany's surrender, Ezra Pound, one of the most erudite poets and scholars of our times, talked today about Confucius and kindred subjects.

I talked with Pound, now 59, on the sixth floor of an office building overlooking the main square of war-battered Genoa.

Pound, a native of the U. S., has been a self-styled expatriate in Italy since 1908. He was taken into custody Saturday near Genoa by American authorities on charges of treason. He was indicted on July 26, 1943, because he was broadcasting anti-United States and pro-Fascist propaganda in an English-language program beamed to America over Benito Mussolini's shortwave radio station in Rome.

Views Hitler as Martyr

Among the many things he said today were these:

Adolf Hitler was a Jeanne d'Arc, a saint. He was a martyr.

Like many martyrs, he held extreme views.

"There is no doubt which I preferred between Mussolini and Roosevelt. In my radio broadcasts I spoke in favor of the economic construction of Fascism. Mussolini was a very human, imperfect character who lost his head.

"Winston (Churchill) believes in the maximum of injustice enforced with the maximum of brutality.

"Stalin is the best brain in politics today. But that does not mean that I have become a Bolshevik.

"I do not believe that I will be shot for treason. I rely on the American sense of justice."

Far From Senile

Now, all this might sound like gibberish, and it would be easy to write off Pound as a senile old sinner who has gone off his rocker. But Pound is definitely not senile. And if he is off his rocker, it does not show in any of the usual manifestations of nuttiness.

Pound told me that he received 300 lire each for the scripts that he wrote for other broadcasters,

and 350 lire for those he wrote and voiced himself. He made much of the point that while he said the U. S. should not be in the war, he never urged American soldiers to lie down on their job once they got in the battle.

In "Unfavorable Position"

I asked Pound if he really believed either President Truman or Premier Stalin would be interested in seeing him. He replied:

"One might say that I am in an unfavorable position at the present time to be received at the White House. If I am not shot for treason, I think my chances of seeing Truman are good."

Pound's interest in Confucius is profound. He believes that Hitler and Mussolini were successful in so far as they followed Confucius, and that they failed because they did not follow him more closely.

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Modern Manner

Crawford, Futriers, Scientific

DOOR OF HITLER

GOBS GET FREE

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News
Washington, D. C.
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DATE JUN 6 - 1946

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Four Accused Traitors to Be Sent Here Soon

By United Press

Four Americans under indictment for treason will be brought here from Germany soon, it was learned today, but whether all four actually will go to trial on treason charges has not yet been decided.

An official said that sufficient evidence to try "some" already had been obtained in Germany by special investigators sent there by Attorney General Tom C. Clark and that it was likely the other cases might be developed to a point to warrant trial.

The four were among eight persons indicted by a Federal grand jury here July 26, 1943, on charges of treason because they allegedly broadcast propaganda for the Nazis. One has been committed to an insane asylum here and only four others are in custody

in Germany. They are:
Robert H. Best, formerly of Sumter, S. C., one-time newspaper correspondent; Douglas Chandler, formerly of Baltimore, Md.; Edward Leo Delaney, formerly of Olney, Ill., and Constance Drexel, formerly of Philadelphia.
Ezra Pound, the poet, was hospitalized here after being found of unsound mind by Federal Court. He had been brought here from Europe to stand trial.

Of the others named in the indictment,

Frederick Wilhelm Kalfen, formerly of Dubuque, Ia., was believed to have died in German hands. Max Otto Kolschitz, formerly of New York City, was believed to have died in Germany two years ago, but final proof of his death has not been found. And one Anderson, formerly of Atlanta, Ga., who disappeared just before war, has not been found.

Meanwhile, investigators in Germany also were studying the case of

Mildred E. Gillars, a native of Portland, Me., to determine whether she, too, should be prosecuted for treason. The prematurely-gray 36-year-old model was known as "Axis Sally" by American GIs who listened to her propaganda broadcasts.

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Washington, D. C.

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News
Greenville, S. C.
694

DATE AUG 25 1946

U. S. May Not Press 26 Sedition Charges, Is Hint

By United Press

The Justice Department was reported near a decision today on whether to press or drop two famous wartime cases — one charging four persons with treason and the other accusing 26 of sedition.

Officials declined comment on speculation that the sedition case would not be pressed, but there were indications that such a course might be taken.

The results of sanity tests being conducted by Army doctors in Germany on 10 persons indicted for treason will determine the decision in that case. Atty. Gen. Tom C. Clark, now touring Europe, reported last week that three of five persons held had been found sane.

Justice Department officials were unable to explain Mr. Clark's reference to five persons. It was believed, however, that he was referring to a woman being held for possible treason prosecution but not indicted—Miss Mildred E. Gillars, of Portland, Me., who was known as Axis Sally to her GI radio fans.

The four under indictment for treason are Robert H. Best, formerly of Sumter, S. C.; Douglas Chandler, formerly of Baltimore; Edward Leo Delaney, formerly of Olney, Ill.; and

Constance Drexel, formerly of Philadelphia.

They were among eight indicted here July 26, 1943, for their alleged propaganda aid to the Nazis. Of the others, poet Ezra Pound was hospitalized here after a sanity test; Fred K. Kaltenbach, Iowa-born "Lord Haw-Haw," died last October in a Russian detention camp; Max Otto Koischwitz apparently died in Germany two years ago, and Jane Anderson, formerly of Atlanta, has disappeared.

SEDITION TRIALS

Attorney General Tom Clark, who has been looking over Germany lately, announced at Nuremberg the other day that United States intelligence agents have picked up every one of the American propagandists who broadcast Axis propaganda during the war.

Since the German surrender one of the ten indicted for treason, Ezra Pound, the poet who broadcast for Italy, has been adjudged insane and will escape trial unless he regains his sanity. Three others have been adjudged sane and will face trial for treason.

The other six are undergoing scientific observation to determine their mental fitness to stand trial.

In due season, therefore, the United States will bring to the bar of justice those who were willing to take sides with their country's adversary in a life and death struggle.

And the country they sought to destroy will be as vigilant in providing them with every opportunity to state their cases as it was in tracking them down after the German surrender.

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AUG 29

CRIM. - INTERNAL SECURITY SEC. J. E. F.

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Files

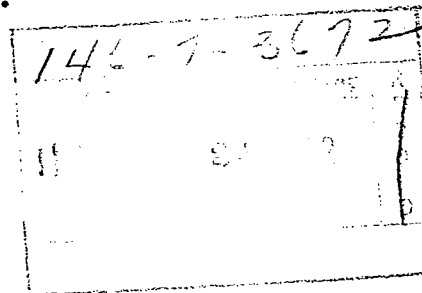
DATE: April 23, 1952

FROM : William E. Foley, Chief, Internal Security Section, WEF:am
Criminal Division

SUBJECT: Ezra Pound. 146-7-3672

(b)(7)(C) Washington attorney, conferred with me on April 22 concerning the status of the above entitled action. He stated that he may be engaged by friends of Ezra Pound to represent Pound in an effort to obtain discharge from St. Elizabeth's Hospital. (b)(7)(C) stated that he is advised by these friends that while Pound is an eccentric, he can certainly be discharged from St. Elizabeth's, although a trial, if ordered by the Government, would undoubtedly kill him. I reiterated to (b)(7)(C) the Government's position, namely, that Pound is under indictment for treason, the indictment being based on activities substantially similar to those which resulted in convictions of other pro-Axis broadcasters, and that so far as the Government knew witnesses were still available and, in the circumstances, if Pound is adjudged sane, the Government will have no alternative but to proceed to trial.

(b)(7)(C) stated that friends of Mr. Pound are anxious to appeal directly to the President and that they may see fit to take such action. I told him that so far as the Department was concerned, he was free to take such action as he felt was warranted and that I had outlined for him the Department's position in the matter. (b)(7)(C) indicated that the friends of Pound would prefer to have him remain at St. Elizabeth's where he is granted substantial freedom, including freedom to leave the premises, rather than have him stand the risk of trial. (b)(7)(C) indicated that Mr. Pound has become very friendly with Doctor Overholser and Doctor Overholser is anxious ^{that} Pound not be brought to trial.



RUFUS KING
ATTORNEY AT LAW

b7c

THE CAXTON PRINTERS, LTD.
CALDWELL, IDAHO

RECEIVED

JUN 29 1953

CRIMINAL DIVISION

OFFICE OF THE PRESIDENT

June 22, 1953

U.S. Department of Justice
Warren Olney, III
Assistant Attorney General
Washington 25, D.C.

Dear Mr. Olney:

This is in reply to your letter of June 17, reference No. 146-7-3672, and is to thank you for the information regarding Ezra Pound given therein.

I will want to study the indictment returned against him. It would seem to me that a proper punishment, in his case, would be exile from his native land. I myself could see no greater punishment.

Yours truly,

(b7c)

(b7c)

FILED
JUL 6 1953

FILED
BY JCE COLLIER
ON JUL 7 1953

146-7-3672
DEPT. OF JUSTICE
JUN 26 1953
CRIM. DIV.

CRIM.-INTERNAL SECURITY SEC.



TRUMAN'S INHERITANCE

Robert V. Edwards

Political Science—\$1.25

144 pages, 8vo

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Clearly and simply, with grave factuality and exceeding fairness, Mr. Edwards presents a frightening picture of what is happening to our nation. As the title suggests, Mr. Truman "inherited" a social and political situation which he had done little to create—an organization of minority blocs, a huge and inchoate bureaucracy devoted to administering the Welfare State, a policy of runaway inflation, a labor bloc which, abandoning old principles, deliberately dabbled in politics, and a foreign policy which was not only devious, murky, and personal but actually, as it now appears, actually purposeless and harmful to the interests of our own country.

Although Mr. Truman "inherited" all these things, his efforts since he became president have in no wise tended to ameliorate them. His efforts have been devoted to extending the scope of government, increasing the national debt, further unchaining inflation, catering to partisanship and, finally, extending our foreign policy to the very antithesis of a foreign policy—a draining, bloody, and unending war in Korea. Having inherited a desperate situation—from the standpoint of the welfare of the country—Mr. Truman's efforts have actually made things worse.

One of the most pointed paragraphs in the book is the one in which Mr. Edwards lists the total expenditures of the previous thirty-two administrations—a sum amounting to \$179,620,113,645 from the time of Washington to the end of the first eight years of the Roosevelt administration. Neglecting the war years, Mr. Truman has spent, in a little more than five years since 1946, a total of \$191,081,394,191, or almost eleven and a half billion dollars more than all the other administrations in the history of our government!

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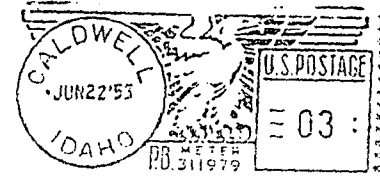
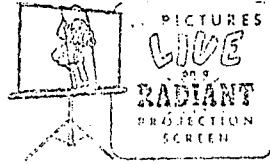
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Send C.O.D. _____

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THE CAXTON PRINTERS, LTD.
CALDWELL, IDAHO



U.S. Department of Justice
Warren Olney, III
Assistant Attorney General
Washington 25, D.C.

November 25, 1942

146-7-3672

MEMORANDUM FOR THE DIRECTOR
FEDERAL BUREAU OF INVESTIGATION

Re: 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)	

On November 2, 1942, Mr. McInerney and Mr. Ely of the Criminal Division and (67CC) of the Bureau, discussed the further investigation that should be conducted relative to each of the above-mentioned subjects. For your information a copy of a memorandum setting out the suggestions that were made as to such further investigation is enclosed herewith.

It is requested that the reports containing the facts developed by such additional investigation be made immediately available to the Criminal Division as soon as they are received by the Bureau.

Respectfully,

SIGNED

WENDELL BERGE
Assistant Attorney General

Encl. No. 395656

118

Office Memorandum • UNITED STATES GOVERNMENT

TO : Theron L. Caudle
 FROM : Nathan T. Elliff
 SUBJECT: Treason Cases

DATE: June 14, 1946

NTE:DA:DTJ

146-28-237-1

file
 RECORDED

On July 26, 1943, eight American citizens, who were allegedly making foreign propaganda broadcasts, were indicted for treason in the District of Columbia. Their names are:

- | | |
|---------------------------------|-------------------------|
| 1. Robert H. Best | 5. Max Oscar Koischwitz |
| 2. Douglas Chandler | 6. Jane Anderson |
| 3. Frederick Wilhelm Kaltenbach | 7. Edward E. Delaney |
| 4. Ezra Pound | 8. Constance Drexel |

146-28-237-1

DEPARTMENT OF JUSTICE
 JUL 18 1946 P.M.
 DIVISION OF RECORDS

INTERNAL SECURITY SEC

file

By cablegram dated May 24, 1946, Mr. Clyde Gooch advised that sufficient evidence has been developed to warrant prosecution of Best, Chandler and Kaltenbach. Kaltenbach is reportedly in the custody of the Russians but this they do not admit and we have been unable to secure their cooperation relative to him. Ezra Pound is still confined in St. Elizabeth's Hospital because of his mental condition. Koischwitz is reported to be dead and we have been unable to uncover anything to the contrary. We do not believe that further investigation or action is warranted against either Anderson, Delaney or Drexel, the other three indicted in 1943, for the reasons hereinafter set out and none will be taken unless you request it.

Jane Anderson

Jane Anderson was born on January 6, 1893, at Atlanta, Georgia. From 1905 to 1914 she resided in Arizona and Texas. In 1915 she went to Europe and remained until 1918. While there she wrote articles for British newspapers. In 1922 she returned to Europe from the United States and became a correspondent for the International News Service and Hearst newspaper service in France and Spain. In October 1934, she married a Spanish nobleman and during the Spanish civil war she was imprisoned by the Loyalists for allegedly working for General Franco. She was sentenced to death but her release was effected by our State Department.

Anderson remained in Europe after our entry into the war and she made a few broadcasts from Germany. Her broadcasts are made up almost entirely of reports of the brutality of the Russians and are an attempt to instill in her listeners a hate of Russia and her sympathizers. It is very difficult to follow the statements made in these broadcasts for the reason that they are lengthy and involved. Some sentences are 19 and 20 lines long on typewritten copies. It seems doubtful that the average listener would understand much more than that Jane Anderson is in sympathy with Germany's war effort and that she is opposed to Communism. Other than that, they would probably not know what she is talking about. The transcripts of her broadcasts are poor and many words are missing therefrom.

Mr. Gooch has made the following recommendation in this case, in which we concur:

"We have developed no information indicating that she made recordings later than some time in 1942, and information received prior to our coming to Germany was to the effect that she did not broadcast, with possibly two or three exceptions, after March 5, 1942. It is true she could be classified as a political commentator, although not a very effective one, but as she apparently stopped her broadcasting activities shortly after our entry into the war it does not appear worthwhile that further efforts be made to develop our case against her, notwithstanding the fact that she was indicted for treason in 1943.

"The whereabouts of Jane Anderson has not yet been ascertained although the Counter Intelligence Corps was requested to locate her immediately upon our arrival in Frankfurt. Only two witnesses have been found who recalled having been present when Anderson made transcriptions but neither remembers that the other was present at the same time."

When our men return from Germany they no doubt will have a more detailed report relative to her.

Edward Leo Delaney

Delaney was born on December 12, 1885, at Olney, Illinois. He is by profession a writer and radio lecturer. In 1937 and 1938 he went to Germany to write and returned to the United States in the early part of 1939. In December 1939, he went to Italy. At the time of the fall of France in 1940, Delaney had a desk in the radio division of the German Foreign Office. It was originally thought that he made several broadcasts from Germany shortly after our entry into the war, but it is now believed that he did not make any such broadcasts and that some of his records made before our entry into the war were replayed by the Germans. The broadcasts are for the most part merely reports of the Axis successes in war.

Mr. Gooch has made the following recommendation relative to Delaney, in which we concur:

"Delaney is presently in the custody of the CIC at Freising, Germany. None of the technicians who have been interviewed recall him. (b)(7)(C) former Zonenleiter or Director of the United States Section of the Berlin Short-wave Radio, remembers him and has stated that Delaney made no recordings after the entry of the United States into the war although he believes that it is possible that the Germans may have broadcast some of Delaney's recordings after that time. Information previously received indicates that Delaney may have made recordings until February 10, 1942. Although he may be classified as a political commentator and although he

was indicted for treason in 1943, it does not appear worthwhile to continue our efforts to develop information as to his activities in view of the very few wartime recordings made by him."

Constance Drexel

Constance Drexel was born in Darnstadt, Germany, on November 28, 1884. Her family immigrated to the United States in 1895, arriving in Boston, Massachusetts. She became an American citizen through the naturalization of her father, Theodore Drexel, on April 3, 1899. From 1919 to 1939, she was outside of the United States about half of the time. She claims that in 1939 she was called to Germany because of the mental breakdown of her mother. On November 20, 1942, she filed an application for extension of her American passport through the Swiss authorities. It contains the following statement:

"I was called to Germany because of the mental breakdown of my mother in 1939. She is now a patient in an institution near Wiesbaden, Germany, and in no condition to have traveled to the United States. I did not feel that I could desert her and that is why I remained. In speaking for the German radio, I am following my own ideas; I am not speaker about political or military matters but reporting cultural matters such as activities in the theater, music and the film."

A review of Drexel's file disclosed a few broadcasts made by her, dealing with the social conditions in Germany. They do not appear to contain statements which in themselves could form a basis for a prosecution for treason.

The Strategic Services Unit of the War Department has advised that Drexel was stranded in Germany and since she needed money she found a job with the American Propaganda Section of the Reichrundfunk. According to them, she spoke twice weekly since 1941 as a commentator, dealing mainly with women, children and the beauties of the German landscape.

Mr. Gooch has made the following recommendation relative to Constance Drexel, in which we concur:

"Drexel is presently in the custody of the CIC at Salzburg, Austria. She is unknown to the technicians who have been interrogated. L. J. (C) has verified the fact that she did not engage in broadcasts of political propaganda but merely of descriptions of social life in wartime Germany. It is not believed that further action or investigation is warranted even though she, too, was indicted for treason in 1943."

From information furnished us by Mr. Gooch, it appears that they are developing sufficient evidence to warrant prosecution for treason of -

- 1. [redacted] (b7(C))
- 2. Donald S. Day
- 3. Mildred Gillars
- 4. [redacted] (b7(C))

in addition to Robert H. Best, Douglas Chandler and Frederick Wilhelm Kaltenbach. They are also investigating one or two individuals which may develop sufficient evidence to warrant prosecuting them. As you know, we are now endeavoring to arrange to bring all of the European treason cases to a close, as far as the investigation is concerned, within a very short time.

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

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

WB:AAR:al

March 8, 1943

MEMORANDUM FOR MR. ELY

Present status of cases of American radio
broadcasters on Axis stations

There follows a summary of action taken to date in cases of Americans broadcasting over the Axis radio, which cases were brought to our attention in Part II of the report of the Psychological Warfare Branch, M.I.S. Not included in this summary are the cases of Jane Anderson, Robert H. Best, Constance Drexel, Fred Kaltenback, Edward Delaney, Douglas Chandler and Ezra Pound, which have been considered previously.

(b)(7)(c)

outside scope



FILED
APR 9 1943

~~46-28-237~~
46-28-237-1
46-28-237-1
SEARCHED
SERIALIZED
INDEXED
COMM. DIV. - MEMPHIS

6,7(c)

Outside
Scope

Max Oscar Otto Koischwitz (Berlin)

This case has also been under investigation for sometime by the FBI. State Department reported to MIS that he was born in Germany and was naturalized at Long Island City on March 29, 1935. The FBI has contacted the FCC regarding monitoring of his broadcasts. In a memorandum of 3-8-43 we requested that it expedite its report concerning that phase of the case.

The MIS report identified above, lists many others and characterizes them as traitors. These others were either not Americans or are not engaged in broadcasting activities and thus have not been discussed herein.

A. A. R.

A. ABBOT ROSEN
Attorney

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

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

WB-SCE-BGL

146-28-237 -1

May 6, 1943.

MEMORANDUM FOR L. M. C. SMITH,
Chief, Special War Policies Unit,
War Division,

Re:

AMERICAN CITIZENS BROADCASTING
FROM ENEMY CONTROLLED RADIO
STATIONS.

At our conference on April 29, 1943, you asked to be advised relative to the persons discussed in the confidential memorandum prepared on October 20, 1942, by the Psychological Warfare Branch of Military Intelligence Service, War Department, with the exception of Fred W. Kaltenbach, Robert H. Best, Douglas Chandler, Edward L. Delaney, Constance Drexel, Jane Anderson and Ezra Pound. In accordance with your request I am setting out herein a summary of the pertinent facts contained in the Military Intelligence Service memorandum and supplemented by information obtained from the Federal Bureau of Investigation and other sources.

Investigation by the Federal Bureau of Investigation has been requested as to those persons against whom it appears that treason cases might be developed by reason of their broadcasting activities. Sufficient facts are not yet available, however, for presentation of any of the cases to a grand jury. It is contemplated, of course, to develop complete information concerning all of the individuals listed in the Military Intelligence Service memorandum whose activities may be in violation of some Federal statute.

FOR DEFENSE



BUY
UNITED
STATES
SAVINGS
BONDS
AND STAMPS

Docketed
AC

Outside

Scope

Pages 2 & 3

(b, 7(c))

Outside Scope
b, (c)

MAX OSCAR OTTO KOISCHWITZ:

This man is a naturalized American citizen. The Federal Bureau of Investigation is presently obtaining information relative to voice identification and the Federal Communications Commission is making a content analysis of his broadcasts.

Outside Scope
b, (c)

PAGES

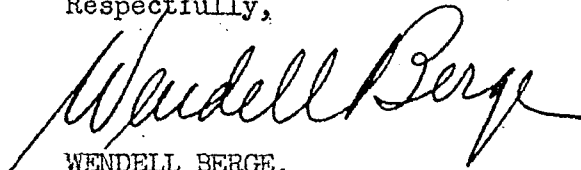
5-9

Outside
scope

6, 7(c)

Outside scope
(e, 7(C))

Respectfully,

A handwritten signature in cursive script that reads "Wendell Berge". The signature is written in dark ink and is positioned above the typed name.

WENDELL BERGE,
Assistant Attorney General.

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

DEPARTMENT OF JUSTICE
WASHINGTON, D.C.

TCC-JJM-BGL

~~146-28-237~~

November 10, 1943.

FILED
BY
On NOV AM
1943

MEMORANDUM FOR THE FILE,

Re:

FREDERICK W. KALTENBACH,
et al., TREASON.

On June 12, 1943, Harold N. Graves, Jr., Assistant Director, F. B. I. S. of the F. C. C., furnished me with his file copies of recent broadcasts of Kaltenbach, Best, Chandler, Pound, ^{2/11/43} American Correspondent ⁽¹⁷⁰⁰⁾ and Commentators Conference. This material was returned to Mr. Graves as of this date.

SEE

SAMUEL C. ELY,
Attorney.

*File
OK*



4 EID.H

146-28-237-1
DEPARTMENT OF JUSTICE
NOV 12 1943
DIVISION OF RECORDS
CRIM. DIV. - McINERNEY

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. N. T. Elliff

DATE: August 10, 1945

FROM : Mr. Samuel C. Ely *SCE*

SCE:lr

SUBJECT: AMERICAN RENEGADES IN EUROPE

146-28-237-1

E. V. L.

The present status of the cases against the eight American citizens who were indicted for treason on July 26, 1943, in the District of Columbia, because of their activities on behalf of the enemy in the dissemination of propaganda to the United States by radio, is as follows:

EZRA POUND

Pound is presently in the custody of our military authorities in Italy. He has admitted, in a signed statement given to the representative of the Federal Bureau of Investigation in Italy, that he wrote script and made recordings for broadcast purposes, although he denies that he acted with any treasonable intent. Considerable documentary evidence has been secured and made available to us, including original scripts, requests and receipts for payments for services rendered, and record books from the Rome radio station and the Italian Ministry of Popular Culture. A number of persons have been interviewed and have furnished considerable information concerning Pound's activities but two witnesses have not yet been located who saw him make the same recording.

The Bureau has advised that a psychiatrist who examined Pound reported that due to advanced age and loss of personality resilience, premonitory symptoms of a mental breakdown are discernible in him. Immediately upon receipt of this information, the War Department was asked to obtain and furnish us a copy of the psychiatrist's report and to have an independent examination made by another psychiatrist. This request was made by the War Department to the Commanding General of the Mediterranean Theater of Operations but no reply has as yet been received.

EDWARD LEO DELANEY

Delaney has been taken into custody by American military authorities. He was interviewed by an Army interrogation unit on June 27, 1945, at which time he stated that he had made no broadcasts

of "comments" since December 12, 1941, and that his subsequent broadcasts contained only official bulletins and newspaper items. The results of an interview with Delaney by the Bureau representative in Germany is expected in the near future.

✓ DOUGLAS CHANDLER

Chandler is presently in the custody of United States Army authorities in Germany. He has been interviewed by the Bureau representative in Germany and it is expected that the results of this interview will be received in the near future.

✓ FREDERICK W. KALTENBACH

Kaltenbach, according to newspaper reports, was taken into custody by the Russians in Berlin. The Bureau has advised that further details are expected in the near future relative to Kaltenbach's apprehension and place of incarceration, but as yet no further information has been received.

MAX OSCAR OTTO KOISCHWITZ

The Bureau's representative in Germany has advised that he has received unconfirmed information that Koischwitz died of tuberculosis in 1944. An effort is being made to verify this report.

✓ CONSTANCE DREXEL

According to newspaper reports Drexel was located in Vienna, Austria. The Bureau has advised that she will presumably be placed in custody by our military authorities and at that time will be interviewed by the Bureau representative in Germany. No further information has been received.

✓ ROBERT H. BEST

✓ JANE ANDERSON

No information has as yet been developed by the Bureau representative in Germany relative to these subjects. Their present whereabouts is unknown.

Explicit instructions have been given the Bureau in various memoranda relative to the investigation desired in these cases. The

fact that each overt act of treason must be established by two witnesses has been stressed and the Bureau has been informed that we particularly desire that two witnesses be developed, if possible, who can testify to the actual making of the same recording. The citizenship status and possible expatriation of each defendant is being verified. These cases are being followed closely and we are making every effort to expedite the investigation.

It is believed that as soon as an overt act of treason can be proved by the required number of witnesses, each of the defendants should be returned immediately to the United States. New indictments should be secured, and as the present indictments were returned in the District of Columbia, it would appear that the defendants should be returned here if possible. The War Department has advised that it will return these persons to any district in which we desire to prosecute.

There is attached a list of alleged American citizens who have been reported as having collaborated in various ways during the war with Germany and Italy. The Bureau has been instructed to conduct investigation for the purpose of verifying the citizenship of these persons and their reported treasonable activities, with the exception of those who cannot be identified or against whom prosecution is clearly not warranted upon the facts or the law. It cannot be determined at this time, of course, in which cases facts may be established that will disclose a violation of our treason statute for which prosecution will be justified. It presently appears probable, however, that if sufficient evidence can be obtained the prosecution of *6/11/51* will be warranted.

Director, Federal Bureau of Investigation
Theron L. Caudle, Assistant Attorney General
Ezra Pound; Treason

October 19, 1945

TIC:SCB:ejk

146-7-3672

*File
SCE*

Plans are presently being made for the return of this subject to the United States and for the subsequent presentation of the facts relative to his activities of a treasonable nature to a grand jury in the District of Columbia, where it is expected that he will be returned.

A request is being made to the Department of State to make the necessary arrangements to bring to the United States, during the first week of November, 1945, if possible, the following named persons:

617(C)

Rome Italy
or Radio EIAR 683051

617(C)

Rome, Italy
or Radio EIAR 683051

617(C)

Milan, Italy

Telephone Radio Milano 380351

Rome, Italy
or Radio EIAR 683051

Rapallo, Italy

Rapallo, Italy

617(C)

Rome, Italy

Rome, Italy

No. 1,

Apartment 1.

Rome, Italy

Rome, Italy

Rome, Italy

pkb
JHL
cc Records ✓
Chron.
Ely

who have knowledge of Pound's activities and with whom we wish to confer prior to his return to the United States. As they will in

all probability be used as witnesses both before the grand jury and in the subsequent trial in the event an indictment is returned, it is expected that they will remain in the United States during the interim period.

These individuals will be advised by the State Department that they will receive round trip transportation, and food and lodging while in the United States, and that a fair and reasonable additional cash compensation will be agreed upon when they arrive in this country. It is believed that your representatives in Rome can be of considerable assistance in facilitating these arrangements and it is desired that they cooperate in every way with the State Department in this regard.

The salaries of the above-listed persons who are presently employed should be ascertained, if possible, as this information will be very helpful to us in arriving at the amount of cash compensation each is to receive.

It is requested that your representatives in Italy secure the necessary release for (b)(7)(C) from the Commissario of Radio Milano, Milan, Italy, and that similar action be taken on behalf of others, if necessary.

It is desired that (b)(7)(C) be brought to the United States as prospective witnesses, but further facts must be obtained concerning them in order that they may be sufficiently identified to the State Department. (b)(7)(C) has been described as an American citizen and an Intelligence Officer of the Armed Forces of the United States; however, the War Department has advised that it has no record of such person. (b)(7)(C) is a German citizen who is incarcerated at the Carcere Minorenni in Rome, but we have no information as to whether he is in the custody of the American or the Italian authorities. Additional data identifying these persons further should be obtained as soon as possible. (b)(7)(C) rank and serial number are important.

As it is probable that grand jury action will be taken against Pound in the near future, it is desired that the results of all investigation be made available to the Criminal Division as expeditiously as possible.

A3

October 29, 1945

EJM:FEC:ac

Mr. W. Bruce Matthews
United States Marshal
Washington, D. C.

Dear Marshal Matthews:

Arrangements have been made with the State Department for the attendance of the following named Italian citizens to appear as witnesses for the government in the grand jury investigation of Ezra Pound which will be held in Washington, D. C.

Roundtrip transportation will be supplied to each. In addition each witness will receive \$10 per day fee and \$7 per diem in lieu of subsistence.

These expenses are payable from the special allotment of \$25,000 under the appropriation "1560311.002 - Fees of Witnesses, Department of Justice, 1946". The vouchers should refer to the fact that the expenses are chargeable to such allotment and should refer to the date of this authorization.

Very sincerely,

STENO AND MAILED

DEC 11 1945

U. S. DEPARTMENT OF JUSTICE

James P. McGranery

James P. McGranery,
Assistant to the Attorney General

The Director, Federal Bureau of Investigation

November 13, 1945

Theron L. Causle, Assistant Attorney General, Criminal
Division

DDA:vmg
146-7-3472

Ezra Pound - Treason.

Reference is made to previous correspondence in the above entitled matter.

Would you kindly forward to the Criminal Division for use in the preparation of trial the following exhibits:

13 record books known as "Decelith", numbered 10, 11, 13, 14, 16, 17, 18, 21, 22, 23, 24, 25 and 26, which were found by the Bureau on June 21, 1941.

4 original color books containing green and white sheets called "Rapporto di Registrazioni".

4 recordings made by Pound and found in the basement at E.I.A.R. bearing numbers 26301, 29767, 33837 and 36911.

All of the above exhibits were referred to in the Bureau's memorandum dated September 14, 1944.

Would you also please send the 29 additional recordings found by 677(C) on August 29, 1945, referred to in your memorandum of October 10, 1945.

CC: Records ✓
Chron.
Anderson

TLC:SCE:vag

November 30, 1945

145-7-3672

617(C)
Funk & Wagnalls Company,
554 Fourth Avenue,
New York, New York.

Dear 617(C):

I wish to acknowledge your letter of November 13, 1945,
in which you state that your 617(C) could possibly direct us to
a file of the private papers of Ezra Pound.

We shall be very glad to receive any information your 617(C)
may have in this matter and wish to thank you for writing us
regarding it.

Respectfully,

For the Attorney General,

THERON L. CAULEE,
Assistant Attorney General.

CC: Records ✓
Chron.
Mr. Ely

Funk & Wagnalls Company



554 Fourth Avenue, New York, N. Y.

Editorial Rooms of The New Standard Dictionaries

THE NEW STANDARD UNABRIDGED - THE COLLEGE STANDARD - THE DESK STANDARD - THE NEW COMPREHENSIVE STANDARD - THE CONCISE STANDARD

(b7(C))

November 13, 1945

Office of the Attorney General
Department of Justice
Washington, D. C.

Sir:

Concerning the present investigation of Ezra Pound: My
(b7(C)) long stationed in Italy, has asked me to inform your
office that he could direct you to a considerable file of
the private papers of Ezra Pound, unless those papers have
been removed since he left Italy in August. He has not
previously known to whom this information should be sent.

Respectfully,

(b7(C))

(b7(C))

RECORD

NOV 14 1945
CRIM. - INTERNATIONAL SECURITY SECTION

Elmer

DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

February 12, 1946

Theron L. CAUDLE, ASSISTANT ATTORNEY GENERAL,
CRIMINAL DIVISION
TREASON INVESTIGATIONS IN EUROPE

TLC:DBA:CMK

146-28-237-1

146-28-237-1

Reference is made to your memorandum of February 1, 1946,
in the above matter.

RECORD
HCP

I am enclosing four copies of a list of persons who are suspects in treason investigations, in compliance with the suggestion made in your memorandum above referred to. You will note that this list includes persons not only in Europe, but in China, Japan and the Philippines and that it includes those which are being actively investigated and also those who are not being actively investigated as it is thought that the Strategic Service Unit of the War Department may be able to furnish some information on some of the inactive cases which will assist in developing them into good cases. It will be appreciated if we may be furnished with this information at an early date.

Attachments

CC: Records ✓
Chron.
Anderson

FEB 12 1946

POUND, EZRA LOOMIS

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Caudle

FROM : Mr. Elliff

ME SUBJECT: TREASON CASES

DATE: March 25, 1946

NTE:lr

146-28-237-1

Reference is made to Mr. Gooch's message dated March 16, 1946, and to the attached proposed reply.

After careful consideration, I feel that we should definitely request that mental examinations be made of any subjects who are brought here for prosecution. This may not prevent a repetition of the Pound case. However, if we should bring over a subject for treason prosecution who is found to be mentally incompetent and it develops that we have not had a mental examination made, we shall be subject to great criticism.

Each such case receives great notoriety, regardless of what we may do to prevent it. Every effort should be made to surround any treason prosecution with the proper safeguards against premature or ineffectual action. We know of no way to protect ourselves on this score but to have the best possible mental examination made before the Department brings a subject across the ocean for prosecution for treason. I therefore suggest that Mr. Gooch be instructed to have every subject given a mental examination before he or she is brought to this country for prosecution for treason.

I am advised that Mr. Rogge speaks German and *4760* who is accompanying him, of course speaks German. There would therefore seem to be no need for Mr. Woerheide to assist the Rogge mission as interpreter, unless there are other reasons for the assignment.

*I think the finger is proper
and that all subject, before they
are returned, should be
examined by Army there -*

*Let the head of the mission know -
J.F.L.*

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Attorney General
 FROM : Theron L. Caudle, Assistant Attorney General
 SUBJECT: Treason Cases.

DATE: March 26, 1946
 TLC:DA:vng
 146-28-237-1

Colonel McInerney has prepared a proposed telegram to Mr. Gooch stating not to hold psychiatric examinations in Europe of treason subjects. We disagree as we believe such examinations may (1) prevent a repetition of the Pound case, (2) act as a safeguard against premature and ineffectual action here, and (3) prevent unfavorable publicity here. Attached is the telegram suggested by us and the one suggested by Colonel McInerney.

However, it is suggested you may want to formulate a policy wherein if any subject against whom treason can be proved is mentally deficient to stand trial, that such individual be brought back to this country and given a sanity hearing before a jury, and if judicially determined by the court to be unfit to stand trial, that he be incarcerated as was done in the case of Ezra Pound. It may be well to consider this phase because the public then will know that if sanity is restored that individual will be tried. Otherwise, such individual, if this policy is not formed, could remain in a foreign country, regain his health and go unpunished.

With reference to Colonel McInerney's suggestion that Mr. Woerheide assist Mr. Rogge as an interpreter, we feel that Mr. Woerheide can be of more service where he is, in view of the fact that Mr. Rogge speaks German and I am advised that _____ is to accompany him to Germany and she, of course, speaks German.

24.6.45

617CC)

CHELMSEA

DEPARTMENT OF STATE

1945 MAY 16, PM 3:57

ESSEX
DIV. OF PUBLIC LIANON
PVI

Dear Mr. Ackson

With reference to the
 position of Dr. Egon Pound —
 whose guilt is surely too readily
 assumed before his trial —
 a friend who knew him well
 in Italy wrote me the other
 day and said that Pound
 was always condemning the
 late President Roosevelt's
 "buying of gold, in protest
 against which Jean Ackson
 resigned".

In view of this sympathetic
action, I hope that the matter
be given earnest attention. I am
sure that this world figure
never intended to do anything
UN-AMERICAN, but that he
was exposed to international
forces that were unhealthy and
have brought us all to the
present point. He was not
of the Fascist party, and
always exposed tyranny or
what would popularly be called
"fascism".

In the grave crisis —
to which we in this land
are especially exposed —

3
a case could be made for
the release of the Hollinger
prisoner to serve the
common cause, and it
might be said that his
detention ranks as a
'crime against humanity'.
His powerful mind could still
do service to letters and
culture in their broadest
sense, and he surely has
been sufficiently punished for
any irregularity.

This man distinguished
in the arts in G.B. or
U.S.A. (I have some
evidence to support this)

would be the than pleased
at his release. If you did
denie concrete evidence, it
could be supplied, and this
would almost rank as a
"trial by his peers."

But I address you, Sir,
as a Christian minister to
whom the ethical issue takes
precedence over the literary,
and my conscience will never
rest until this man (non-
Christian though he be) is
given unprejudiced consideration.

Yours very truly

67103



WASHINGTON, D. C. 20540
MAY 13 4 30 PM '94

b17(c)

b17(c)
5/13/94

Best Available Copy

Mr. Andretta
Mr. Bates
Accts. Div. <input checked="" type="checkbox"/>
Ch. Clk.
Personnel Off.
Supply Div.
Records Div.
Mr. Corthell
Mr. Loven
Stat. Div.

RECEIVED
DEPT OF JUSTICE

Buenos Aires 19/10/49

OCT 24 2 26 PM '49

DEPUTY ASSISTANT
TO THE ATTORNEY GENERAL
Department of Justice
Washington, D.C.

The signer of the present letter is (617CC) one of
the seven technicians of the I.A.I. (Italian Indústria)
of Rome, called to Washington in order to participate on the
trial of LEVA FOND, developed during the 1948-49 winter.

At the beginning of April 1949 my six colleagues
received a sum by means of U.S. Consulate in Buenos Aires
residual travel-expenses.

I couldn't collect what concerns me, so I was and
still I'm in Buenos Aires (Argentine Republic).

In reply to my inquiring letter the U.S. Consulate
in Rome advised me to write straight to this Honourable
Office, what I'm taking the liberty to do.

At the occurrence I send to you my address and amount
on your reply and on the remittance of the sum.

With my best thanks

Sincerely

(617CC)

(617CC)
Buenos Aires -Argentine Republic

RECEIVED
OCT 24 2 42 PM '49
RECORDS

146-7-3672
OCT 24 1949 A.M.
F B I
Admin. Asst. to The Atty. Gen.
DIV. OF ACCOUNTS
CRIM.-INTERNAL SECURITY

VIA AIR MAIL

Accountant's Office

Department of Justice

Washington, D.C.

U.S.A.

Best Available Copy

A3
146-7-3672

PROOF
11/20

25 EJM:HES:ac

November 3, 1949

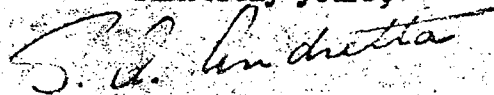
(217CC)
Buenos Aires
Argentine Republic

Dear (217CC)

This acknowledges your letter of October 19, 1949, reporting non-payment to you of the final sum authorized for your service as a government witness in the case of United States v. Ezra Pound.

The State Department is being requested to investigate this matter and to inform this office of the results. Upon receipt of further information, you will be advised. In the event your address should be changed, please inform this office.

Sincerely yours,



S. A. Andretta
Administrative Assistant
to the Attorney General

M
INSPECTED AND MAILED
COMMUNICATIONS SEC
NOV 4 1949 AJ

A3
146-7-3672

25 EJM:MES:ac

November 3, 1949

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

Attention: Chief, Division of Protective Services.

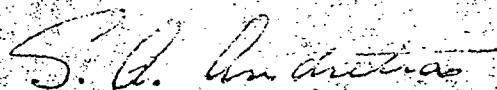
My dear Mr. Secretary:

This has reference to my letter of April 29, 1948, authorizing the American Consul in Rome to pay from the Department of Justice funds \$85 to each of the seven Italian citizens who served as government witnesses in the case of United States v. Ezra Pound, in the District of Columbia.

This office is now in receipt of a letter from (b7C) one of the witnesses, in which he reports his inability to collect his payment of \$85 because he is presently residing in Buenos Aires.

It is requested that information be secured from the American Consul in Rome to show if the payment of \$85 was ever made to (b7C) and, if so, the date of payment and address to which the check was sent.

Sincerely yours,



S. A. Andretta
Administrative Assistant
to the Attorney General

Enc. 439824



A3
146-7-3672

RECEIVED

25 EJM:MES:rac

December 16, 1949

12-17-49

VIA AIR MAIL

(617LC)

Buenos Aires
Argentine Republic

C
~~HO...~~

Dear (617LC)

Further reference is made to your letter of October 19, 1949, concerning the payment of a fee to you for services as a government witness in the case of United States v. Ezra Pound.

The State Department is being requested today to make arrangements for the American Consul at Buenos Aires to pay you your fee.

It is suggested that you contact that office in the near future.

Sincerely yours,

S. A. Andretta
Administrative Assistant
to the Attorney General

INSPECTED AND MAILED
COMMUNICATIONS SEC.
DEC 20 1949
W.S.

AIR MAIL

A3
146-7-3672

25 EJM:NRB:sc

December 16, 1949

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

Attention: Chief, Division of Protective Services.

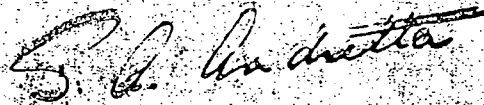
My dear Mr. Secretary:

Further reference is made to correspondence from this office concerning payments of \$85 to each of the seven Italian citizens who served as government witnesses in the case of United States v. Ezra Pound, District of Columbia.

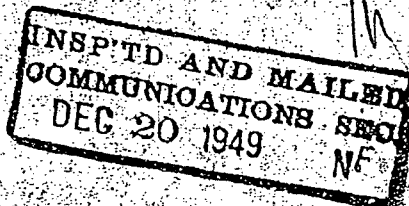
It is requested that the American Consul in Buenos Aires be instructed to pay 47(C) Buenos Aires, Argentine Republic, the sum of \$85 by drawing a draft against the special allotment of \$50,000 under the appropriation "1500311.002 Fees of Witnesses, Department of Justice, 1950."

47(C) is being instructed to contact the Consul's office for this payment.

Sincerely yours,



S. A. Andretta
Administrative Assistant
to the Attorney General



90
5746

Office Memorandum • UNITED STATES GOVERNMENT

TO : James M. McInerney, Assistant Attorney General, DATE: June 5, 1950
 Criminal Division

FROM : *W* William E. Foley, Chief, Internal Security Section *W:W:am*

SUBJECT: EZRA POUND; 146-7-3672 ✓
6-10-50 146-28-1935
 Treason. 146-28-2001

Transmitted herewith are memoranda regarding the three above named individuals. In the Pound case Miss Fillius recommends against any action at this time to reopen sanity proceedings or to dismiss the indictment. In the _____ case Miss Fillius recommends that the facts be presented to a grand jury, and in the _____ case Mr. DeWolfe and Mr. Knapp recommend against prosecution.

For reasons set forth herein I am in agreement with the conclusions in the Pound and _____ cases. In the _____ case it is my opinion that while a successful prosecution might result, I recommend against any action at this date.

As to the Pound case it is generally known that the conditions of confinement of Pound have been made as agreeable as possible and efforts have been made in his behalf to obtain his discharge on the grounds that he is sane, while at the same time efforts were made to induce the Department to ask dismissal of the indictment against him. It is also known that Pound was adjudged insane at the time of the sanity hearing by the "new school" of psychologists and that in the opinion of many he is no more insane than most of the other persons who have been indicted and convicted of treason since the close of World War II. In 1948 at the time efforts were made to obtain Pound's release, this Department addressed a letter to the Superintendent of Saint Elizabeth's Hospital who advised by letter of November 23, 1948 that in his opinion Pound was not mentally competent to stand trial when admitted to the hospital, and it is unlikely that there would be any substantial improvement in his condition. In view of the data contained in Miss Fillius' memorandum, it would appear impossible to reopen sanity proceedings in the light of Dr. Overholser's conclusion. Even though the indictment be faulty, however, I agree with Miss Fillius that the Department should under no circumstances take any action looking toward the dismissal of the indictment.

In the _____ case it appears very likely that a successful defense on the ground of duress could be established. Likewise, there would be some difficulty in proving intent and the sufficiency of the overt acts. The Department's experience with juries in recent

treason cases militates against prosecution where overt acts are not strongly supported. Furthermore, in the case of broadcasters the Department's experience has also shown that the substance of the material must be of a flagrant nature.

While Miss Fillius has written a persuasive memorandum in the case, I believe that the following observations are pertinent and are the bases upon which I disagree with her recommendation. In the first place, while this factor does not concern guilt or innocence, it is my opinion that five years having passed since the conclusion of the war, any prosecution for treason based upon radio broadcasts made during the war must involve material reflecting a strongly anti-American bias aimed toward affecting the war effort. In the light of this factor the case proved to be a comparatively insignificant one, and the case would, I believe, be even less significant and less convincing to a jury. Of the overt acts for which proof is now available, most of them involve broadcasts of a pacifist nature and involve pet theory of energocracy. It is true that there are some more violent statements which Miss Fillius lists as possible overt acts, proof of which would require additional investigation, probably involving sending someone to Japan to obtain necessary witnesses. At this point the and cases are similar and Mr. DeWolfe's conclusion as to expense and the need of additional investigation would apply with regard to the case should it be decided to use those acts which Miss Fillius calls possible overt acts. I believe also that the case is not as distinguishable from the case as Mr. DeWolfe assumes in his conclusion. The Provoo case is, of course, different, being based on much more serious acts than radio broadcasting alone. In fact, Mr. Story has stated that the Grand Jury in the Provoo case questioned the advisability of including any overt acts relating to radio broadcasts.

It is noted that Mr. Elliff in 1946 recommended against prosecution of on the grounds of insanity. Since that time has been in my office and I would say from one contact with him that he appears to be as eccentric as any who have been indicted for treason and from all of the facts available it would not be surprising if he were adjudged insane. I agree that is thoroughly despicable and that there is proof of intent. I am not sure, however, that a jury would agree he intended to aid the Japanese on the basis of the overt acts for which witnesses are now available. These tend generally to favor a pacifist, anti-war attitude. His statements against President Roosevelt are probably not in themselves treasonable although I do agree that a prisoner of war does not have the same freedom to criticize the President as, for example, the Chicago Tribune. In the event it is decided to present the facts in case to a grand jury, it should be borne in mind, I believe,

that the case would probably be presented in Idaho where it is possible that ~~(S)~~ Mormon background and the fact that he was a prisoner of war may be used to considerable advantage for the defendant.

Attachment

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. McInerney
FROM : Mr. Whearty
SUBJECT: Ezra Pound;

DATE: June 6, 1950

JMM:RPW:DJ

146-7-3672
146-28-1935
146-28-2001

Treason.

In his single transmittal memorandum Mr. Foley has forwarded individual recommendations with respect to the disposition of the above three treason cases.

As to the Pound case, it is recommended, and Mr. Foley concurs, that no steps be taken at the present time to reopen the question of Pound's sanity. I also concur in this recommendation. The basic memorandum indicates that extreme difficulty would be encountered in meeting our burden of proof if Pound were declared sane and the Government forced to trial. However, I don't see any point to initiating any investigation at this time to remove these deficiencies. If and when Pound is declared sane, a then current appraisal of the available evidence will have to be made and, in any event, some investigation probably conducted to locate witnesses and refresh their recollections. Any investigation undertaken now would appear futile since it would have to be repeated at such future date.

*Noted
M*

With respect to the DeWolfe case, both Mr. Foley and I concur in the recommendation of Messrs. DeWolfe and Knapp that prosecution be dropped. However, I understand Mr. Ford thinks the case should be prosecuted. This is undoubtedly a matter which will have to be cleared through him.

With respect to the Fillius case, Miss Fillius who wrote the basic memorandum recommends prosecution. Mr. Foley disagrees, placing his disagreement on the grounds of mental lack of balance and the fact that the bulk of his broadcast material is of a pacifist nature, and emphasized personal theory of "energocracy." However, record of collaboration with the Japanese was such that I believe the case warrants prosecution. It may be that the case also will have to be cleared finally by Mr. Ford or the Attorney General.

FILED
BY RCD
On JUL 30 1951

*Prepared by
JMM
146-7-3672*

146-7-3672
JUL 26 1950
RCS

Director, Federal Bureau of Investigation

October 24, 1945

Theron L. Caudle, Assistant Attorney General,
Criminal Division
Treason Investigations

TLC:SCE:lr

146-28-237-1

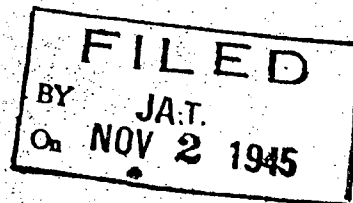
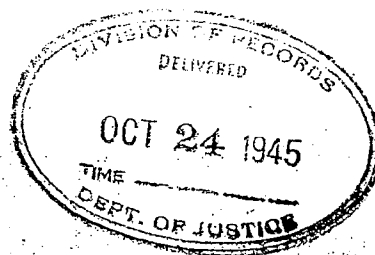
M. J. C.

This is in reply to your memorandum of October 4, 1945, relative to the request of *(b)(7)(C)* of the Propaganda Branch of G-2, Washington, D. C., for information concerning Ezra Pound, Donald Day and other treason subjects being held by the United States Army in Europe at the present time.

There would appear to be no objection to giving *(b)(7)(C)* information of a general nature concerning these subjects' activities of a treasonable nature. However, it would not be advisable to disclose any facts of an evidentiary nature. As your memorandum does not specify the type of information desired by *(b)(7)(C)* it is not possible for me to state unequivocally whether or not you should reply to her request.

copy with

*see
file*



CC: Records
Mr. Elliff
Chron.

October 23, 1947

Mr. John D. Neal
Foreign Activity Correlation Division
Department of State
Washington, D. C.

Dear Mr. Neal:

This relates to your reference form dated October 8, 1947, transmitting to Mr. H. H. Franke, Criminal Division, Department of Justice, letters from J. F. Huddleston, First Secretary of Embassy and Consul, Rome, and ^{617LC} dated July 28, and May 24, 1947, respectively, requesting additional payments for the seven Italian citizens who served as government witnesses in the case of United States v. Ezra Pound.

On February 19, 1946, Lieutenant Colonel James W. Kirk, Division of Central Services, Department of State, was requested to make arrangements for the payment of transportation from Paris to Rome and Milan, as well as billeting and mess in Paris until train departure time of these witnesses. Such expenses were reimbursed to the State Department by this office on April 11, 1946, and it is felt that sufficient payments were made to the witnesses. The matter of redeeming the portion of railroad tickets which had expired would appear to be one for the witnesses to have taken up with the office which issued the tickets. No further action, therefore, appears to be necessary.

Sincerely yours,

S. A. Andretta
Administrative Assistant
to the Attorney General

File
EJH

Office Memorandum • UNITED STATES GOVERNMENT

146-7-3672

TO : Mr. S. A. Andretta
Administrative Assistant to the Attorney General

FROM : E. J. Matchett
Chief, Accounts Branch

SUBJECT: Additional payments, Italian witnesses, United States v. Ezra Pound

DATE: April 20, 1948

Mr. Butler
Mr. Clegg
Ch. Clk.
Personnel Off.
Supply Div.
Records Div.
Mr. Corthell
Mr. Loven
Mr. Quinn Tamm Div.

On behalf of the seven Italian witnesses who served in the above-mentioned case, one of the witnesses, makes a second plea for additional payments which they feel are due them because of their delay in travel between Paris and Rome. On October 15, 1947, in response to the first plea, I recommended that no additional payments be made since it appeared that the only financial hardship they encountered was the two-day detention at the Swiss border and possibly the cost of the portion of rail tickets which were not valid at the border.

To be just and impartial, a further review was made of the facts, which are herewith broken down into the phases of (1) original agreements, (2) actual payments, (3) requested additional payments and (4) recommendations:

1. Agreements.

- (a) It was agreed to pay each witness roundtrip transportation and \$17 per day (\$10 for fee and \$7 per diem in lieu of subsistence), such subsistence and compensation payable up to the time of return to their homes in Italy.
- (b) This office requested the State Department to have the American Consul in Paris arrange for transportation from Paris to Rome as well as to make the necessary arrangements for their billeting and mess while in Paris.

2. Payments.

- (a) On February 26, 1946, final payments of \$17 per day, through March 1 and 2, 1946 (contemplated arrival dates in Milan and Rome, respectively) were made and transportation requests were furnished from Washington, D. C. to Paris.
- (b) This Department reimbursed the State Department \$210.67 to cover meals and hotel accommodations during their delay in Paris...February 28 through March 5. The State Department was also reimbursed \$135.84 for rail transportation from Paris to Rome and Milan.

3. Request.

- (a) \$17 per day for the period March 1 through 10, date of actual arrival in Rome.

4. Recommendations.

The unexpected delay in Paris may be attributed to this Department in allowing insufficient time for such detailed arrangements to be made by the Embassy in Paris (cable received in Paris 8 days prior to the arrival of the witnesses), especially in view of the high priority system for travel in those days. Such difficulties could not be fully appreciated in this country, and it certainly cannot be said the witnesses were at fault. The fact that a portion of

File
EJ

L. 1008

146-7-367

file

of their tickets was declared invalid at the Swiss border is probably true; securing refunds for unused tickets is undoubtedly a major operation and impossible in a foreign country. Taking these facts into consideration, it is felt that the witnesses may be justified in requesting some additional compensation to off-set their expenses from Paris to Rome. It seems we are bound to fulfill our contract of providing roundtrip transportation, regardless of invalid tickets.

In view of the fact that the mess and billet was paid by this Department during their 6-day stay in Paris, a further compensation for this period is not deemed necessary.

- (a) It is recommended that additional compensation for a period of five days, rather than the requested ten, be authorized. This will cover the four-day delay from Paris to destination as well as compensate to a large extent for rail fare over that portion of the trip. Such an authorization (\$17 per day to 7 witnesses for 5 days) would involve a total expenditure of \$595.00 from the special allotment of \$50,000, Fees of Witnesses, Department of Justice, 1946, in which appropriation there is an approximate balance of \$30,000.

An appropriate letter of authorization, for the signature of The Assistant to the Attorney General, is attached.

Approved: _____



RECEIVED
APR 29 9 47 AM '48
DEPARTMENT OF JUSTICE

20

REC'D

April 29, 1948

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

RECEIVED

My dear Mr. Secretary:

Reference is made to Form DS-14 dated March 29, 1948, from Mr. John D. Neal, Foreign Activity Correlation Division, transmitting to Mr. S. A. Andretta, Administrative Assistant to the Attorney General, letters from [redacted] and M. William Blake, Second Secretary of Embassy and Consul, Rome, Italy, dated December 21, 1947 and February 27, 1948, respectively, again requesting additional payments to the seven Italian citizens who served as government witnesses in the case of United States v. Ezra Pound from November, 1945 through February, 1946.

Further consideration has been given these requests, and it is still the opinion of this Department that the provision of billet and meals during the six-day delay of the witnesses in Paris, en route to Italy, was adequate compensation. Taking into account the further delay and expenses incurred from Paris to Italy, undoubtedly caused by post-war transportation restrictions and priorities, it has been concluded that an additional payment of \$17 per day for a period of five days to each witness is the maximum adjustment which can be allowed.

It is, therefore, requested that the proper American Consul arrange for the payment of \$17 per day for a period of five days, or a total of \$85 to each of the following individuals:

It will be greatly appreciated if your Department will draw a draft against the special allotment of \$50,000 under the appropriation "1560311.002 - Fees of Witnesses, Department of Justice, 1948" to cover these accounts, for the period March 6 through 10, 1946.

Yours sincerely,

PEYTON FORD

Peyton Ford
The Assistant to the Attorney General

RECEIVED AND MAILED
COMMUNICATIONS SEC.
APR 29 1948 AJ

Raw
[Handwritten signatures]

APR 22 1948

168
91

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Files

DATE: October 28, 1943

FROM : *WJ* William E. Foley, Chief, Internal Security Section

WEF:lr

SUBJECT: DR. EZRA POUND

146-7-3672

A person who identified himself as a practicing physician in the District of Columbia, called at this office today to inquire whether the Department contemplated prosecution of Ezra Pound. He said that [redacted] who is interested in poetry has frequently visited Pound at St. Elizabeth's Hospital and has also visited him and feels sure that Pound is quite sane. He indicated that Pound has considerable freedom at the hospital and is continually in communication with many leading poets and literary figures. He expressed his opinion that since Pound is so obviously sane he should either be released from St. Elizabeth's Hospital or brought to trial and said that he would recommend that Pound take steps to obtain his release.

Mr. Foley —

I'd send a copy of this might to be sent to Dr. Winfred Overholzer who heads St. Elizabeth's and that he be requested for a report, what do you think?

Note
2

WJ

97

AMC:NEF:lr

146-7-3672

November 1, 1948

~~HOLLIE~~

Dr. Winfred Overholser
Superintendent
St. Elizabeth's Hospital
Washington, D. C.

Dear Dr. Overholser:

From time to time, this Department receives inquiries concerning the present mental condition of Dr. Ezra Pound who, as you know, is under indictment for treason in the District of Columbia. Recently, a local physician, who identified himself as ~~W. H. C.~~ called upon the Department to ascertain whether the Department contemplated trial of Pound or would object to his release. ~~W. H. C.~~ advised that ~~W. H. C.~~ who is interested in poetry frequently visits Pound and that Pound, whom they both believe to be quite sane, is in continual communication with many leading poets and literary figures.

The Department is interested in your opinion as to Pound's mental condition and particularly wishes to be advised whether it is your opinion that Pound is now sufficiently sane to stand trial on the charges against him.

Respectfully,

For the Attorney General

INSPTD AND MAILED
COMMUNICATIONS SEC.
NOV 4 1948 -JGL

ALEXANDER M. CAMPBELL
Assistant Attorney General

CC: Records
Chrono.
Mr. Foley

WT
AMC
NEF

November 7, 1942

MEMORANDUM FOR THE FILES

146
- 1774

Re: 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. Beat; (146-28-248)	Dr. Ezra Pound; (146-7-3672)

Douglas Chandler
(146-28-232)

Mr. James Malinney, Chief, National Defense Section, and the writer, conferred with (677C) Supervisor, Federal Bureau of Investigation, on November 2, 1942, relative to the prospective indictments to be sought against the above-named subjects for treason. The evidence necessary for the successful prosecution of the cases was discussed and it was concluded that the Bureau should conduct further investigation relative to each of the above-named subjects in accordance with the following suggestions, some of which have been previously transmitted to the Bureau:

(677C) and other radio commentators and newspaper men and women, as well as members of the State Department or other persons who had been in Germany or Italy prior to the entry into the war and who might have information concerning the above subjects should be interviewed. In addition to any general information which can be obtained from them, it should be particularly ascertained whether they may have seen the subjects in any enemy broadcasting station, were present while he or she was conducting a broadcast or have other information of value to which they could testify that would tend to prove that the subjects were engaged in such activity; whether they are familiar with the subject's voice and could identify it; if so, whether they have heard any of the enemy propaganda broadcasts purportedly made by the subject since December 8, 1941 and have recognized the voice of the speaker as that of the subject; and whether the subject may have acknowledged to them the fact he or she has engaged in such broadcasting.

FILE-JMM:cl

FILED
BY ROY
ON NOV 12 1942

Acquaintances, friends and relatives of the subject should be located and interviewed with respect to their ability to identify the subject's voice and as to whether they also have listened to the broadcasts attributed to the subject, and have recognized his or her voice.

With reference to Fred Kaltenbach, it would appear that (b7C) a Kaverly, Iowa attorney, might have information of value in this respect. According to information received by the Bureau, (b7C) mentioned in a number of that subject's broadcasts.

In regard to the identification of the subject's voice by persons familiar with it, but who have never heard it on the radio, it was suggested that the Federal Bureau of Investigation might give such persons an opportunity to hear the subject's programs or the recording thereof and thus ascertain if identification could be made.

Persons employed by the Federal Communications Commission in connection with the receiving, recording and transcribing of the subject's broadcasts should be interviewed relative to the date the broadcasts were first received by the Federal Communications Commission and as to their ability to identify the voice of the broadcaster as being the same from that date to the present time.

The following persons are listed on the copies of the transcripts of the broadcasts as being transcribers or monitors:

(b7C)

A certified copy of the subject's birth certificate should be obtained, if possible, together with other evidence of the date and place of his or her birth.

With reference to Constance Drexel, a certified copy of the naturalization certificate of her father should be obtained and all facts necessary to establish her derivative citizenship should be ascertained, together with the witnesses thereto. The records of the State Department should be examined and certified copies of the subject's applications, passports, and other documents relating to him or her should be obtained which might establish and which would be admissible as evidence to prove the date and place of his or her birth, or other facts such as a declaration of continued loyalty to the United States, indicating that the subject has not expatriated himself or herself or statements made by the subject to the effect that he or she is engaged in radio broadcasting activities in enemy countries. The name

and availability of a State Department official who can testify to the authenticity of such documents should also be ascertained.

It should be established, possibly by (C) presently in the employ of Federal Bureau of Investigation, that all German radio stations are operated under the supervision and control of the German Ministry of Propaganda and Enlightenment, and that the persons broadcasting therefrom are in the employ of the German government.

A witness should be obtained who can testify that the radio station from which the subject's broadcasts emanate uses a wave length accessible on average commercial radio receiving sets and that the broadcasts are as a matter of fact beamed or directed to the United States.

Copies of transcripts of broadcasts by the subject subsequent to those now in the Criminal Division records should be obtained from the Federal Communications Commission.

Inasmuch as some of the above investigation is presently being conducted by the Bureau and as the matter was discussed at length in the conference, it was (C) opinion that a memorandum requesting such information would be unnecessary. No written request for further investigation was therefore made to the Bureau relative to the matters discussed at the conference. (C) indicated that such investigation would be immediately instituted and every effort should be made to complete the same within two weeks.



SAMUEL C. ELY

DIVISION OF RECORDS

REQUEST FOR

WB-SCE-BGL

146-28-237

MSP

April 2, 1943.

MEMORANDUM FOR THE DIRECTOR,
Federal Bureau of Investigation,

FILED
WWR

Re:

FREDERICK WILHELM KALTENBACH,
with aliases; TREASON

It is stated in the report of Special Agent ^(617CE) Philadelphia, Pennsylvania, dated December 26, 1942, that confidential informant T-1 has advised that he can testify to the fact that German radio stations are owned and operated by the German Government.

Please furnish the Criminal Division with the name and residence address of confidential informant T-1. It is also desired that you ascertain whether he will be available during the next 60 days to testify in grand jury proceedings.

It is assumed that confidential informant T-1 above-mentioned, is identical with confidential informant T-1 who is mentioned in the report of Special Agent ^(617CC) Philadelphia, Pennsylvania, dated December 23, 1942, in the case of Dr. Ezra Pound, Treason, our file No. 146-7-3672, who has advised that he can testify that Italian radio stations are operated by the Italian Government. Please advise if this assumption is correct.

Respectfully,
SIGNED

FILED
BY
On APR 1943

WENDELL BERGE,
Assistant Attorney General.

21

100

WB: SCE: CB

146-28-237 -1

April 30, 1943

617(C)
Research Department
Coronet Magazine
919 North Michigan Avenue
Chicago, Illinois

Dear 617(C)

In reply to your letter dated April 21, 1943, you are advised that Ezra Pound, Jane Anderson, Constance Drexel, Fred Kaltenbach, Douglas Chandler and Robert Best have not been indicted for treason.

The stamped self-addressed envelope which you enclosed with your letter is returned herewith.

Respectfully,

For the Attorney General

WENDELL BERGE
Assistant Attorney General

Enclosure
No. 999529

Mc

4/1



CORONET
MAGAZINE
919 NORTH MICHIGAN AVENUE
CHICAGO

APR 25 1943

CRIMINAL DIVISION

April 21, 1943

Attorney General
Department of Justice
Washington, D. C.

Dear Sir:

A few months ago we read an announcement from the Department of Justice that six Americans who had been broadcasting in Europe for the Axis were "soon to be indicted for treason." These persons were Ezra Pound, Jane Anderson, Constance Drexel, Fred Kaltenbach, Douglas Chandler and Robert Best.

We should like to know whether the indictments have yet been made.

Please reply as quickly as possibly as this information is urgently needed. A stamped self-addressed envelope is enclosed for your convenience.

Very truly yours,
CORONET

6,7(C)

Research Department

VB:EA
Enc.

5/1/43

146-28-237-1
~~146-28-237-1~~

APR 22 1943

30E

File
106



CORONET
M A G A Z I N E
919 NORTH MICHIGAN AVENUE
CHICAGO

May 4, 1943

Refer to: WB:SCE:CB
146-28-237

Mr. Wendell Berge
Assistant Attorney General
Department of Justice
Washington, D. C.

Dear Mr. Berge:

We thank you very much for your letter of April 30, telling us that Ezra Pound, Jane Anderson, Constance Drexel, Fred Kaltenbach, Douglas Chandler and Robert Best have not been indicted for treason.

Would it be possible for you to tell us when the Department of Justice announced that the persons mentioned above were "soon to be indicted for treason?"

We would be very grateful to you for this information.

Very truly yours,
C O R O N E T

(17(C))

VB:EA

Research Department

H.C.C.

146-28-237-1

7/03

WB-SCE-BGL

cc
E

146-28-237 - (

May 19, 1943.

(e7cc)
Research Department, Coronet Magazine,
919 North Michigan Avenue,
Chicago, Illinois.

(e7cc)

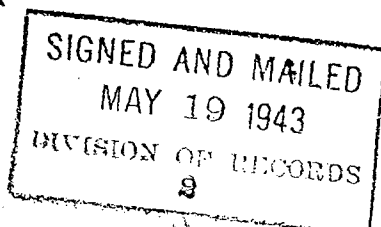
Receipt is acknowledged of your letter dated May 4, 1943, in which you ask when the Department of Justice announced that Ezra Pound, Jane Anderson, Constance Draxel, Fred Kaltenbach, Douglas Chandler and Robert Best were "soon to be indicted for treason".

You are advised that no official announcement of any kind has been made by the Department of Justice relative to these persons.

Respectfully,

For the Attorney General,

WENDELL BERGE,
Assistant Attorney General.



WB-SCE-BGL

146-28-237

June 8, 1943.

FILED
JUN 16 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

It is desired that you ascertain the availability of
(e17LC) Philadelphia, Pennsylvania, who has been previously
interviewed, for the purpose of testifying before a grand jury
at Washington, D. C. some time during the latter part of this
month or the fore part of July.

It is also desired that arrangements be made for a member of
this Division to hear the recordings of the several broadcasts of
the above-named subjects which you have been using for voice identi-
fication purposes.

Respectfully,

SIGNED

WENDELL BEECH,
Assistant Attorney General.

Me

WB-SCE-BCL

146-28-237

June 19, 1943.

MEMORANDUM FOR THE DIRECTOR,
Federal Bureau of Investigation,

Re:

FREDERICK W. KALTENBACH, DOUGLAS
CHANDLER, ROBERT H. BEST, CONSTANCE
DREXEL, JANE ANDERSON, EDWARD L.
DELANEY and EZRA POUND;
TREASON

It is desired that Attorneys in the Criminal Division interview witnesses in Washington in contemplation of the presentment of these cases to a grand jury in the near future. It would appear that these interviews could best be arranged by Special Agent *67(C)* to whom these prospective witnesses have previously given information. It is suggested, therefore, that Agent *67(C)* communicate with Samuel C. Ely of this Division at his very earliest convenience in order that arrangements for the interviews may be made.

Respectfully,

SIGNED

WENDELL BERGE,
Assistant Attorney General.

WB-SCE-BGL

RECORDED

146-7-3672

August 13, 1943.

J. E. P.

617(C)

Long Beach, New York.

Dear 617(C)

Receipt is acknowledged of your letter dated August 6, 1943, in which you request a copy of the indictment against Ezra Pound and other Americans broadcasting for the Axis. Eight separate indictments were returned in these cases. I am enclosing herewith a copy of the indictment against Douglas Chandler. The indictments against the other seven defendants are very similar.

Respectfully,

For the Attorney General,

WENDELL HERGE,
Assistant Attorney General.

NOTED
ZCB

MTC
~~RECORDED~~
(Inc. #33151)

SIGNED AND MAILED
AUG 14 1943
DIVISION OF RECORDS
6

St.
ork

Long Beach, New York

August 6, 1943

Justice Department

Washington D.C.

Dear Sirs:

RECEIVED

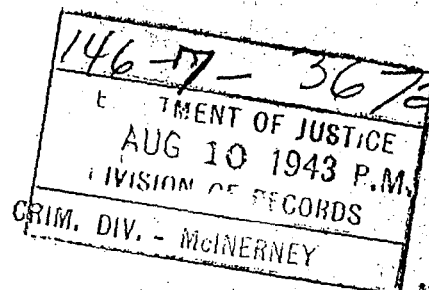
AUG 10 1943

CRIMINAL DIVISION

I am currently working on a radio script for WNYC based on the Federal indictment of Ezra Pound and other Americans who engaged in propaganda work for the Axis. If it is possible I should like to obtain a copy of the indictment as it was issued by the Justice Department, to be sent to the above address.

Sincerely yours,

(6,7(C))



SCRIABIN CIRCLE

Founded 1934

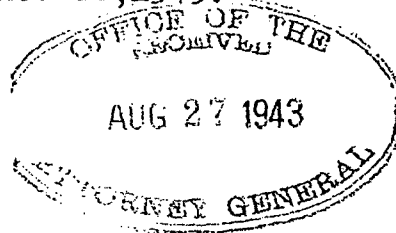
617(C)

617(C)
35 West 57th St. - EL 5-7174

August 26, 1943.

AUG 28 1943

Attorney General Biddle,
Department of Justice,
Washington, D.C.



Dear Sir:

In the conviction and trust that justice is truly the purpose and pursuit of our national department of which you are the head, I take the liberty of referring to your clemency the unique and psychological case of the poet, Ezra Pound. For nearly forty years this utterly conscientious, overwrought and over-learned man has been my intimate friend, with whom I often quarreled for his ill-considered actions. In this, the gravest moment that can come in the life of a man, it is perhaps conceivable that his friends and his country have an historic duty in understanding him.

You know, Sir, the lack of political wisdom amongst great poets of all time; no doubt the influence of Yeats, a bosom friend, had to do with the misleading of Pound; but as a character witness I can but protest the linking of his name whose deathless poetry was near to madness, with those others whose fault seems to be rational: men of the United States Army!

I beg you, - in the words of this, one of America's few great poets - "If so be His will, with whom are all things and through whom are all things good" - to consider this rare being who is in your care, to save him for his own country's sake.

Yours very truly

File all

Ezra Pound
3672

617(C)

FILED
BY VS

Woodmere, N.Y.

May 6, 1945

Mr. Francis Biddle
Attorney General
Department of Justice
Washington, D.C.

146-7-3672
MAY 10 1945
INTERNAL SECURITY SEC

W7

OFFICE OF THE ATTORNEY GENERAL
RECEIVED
MAY 8 - 1945

Dear Sir:

Having learned in today's newspapers of the arrest of Ezra Pound in Italy; I feel it incumbent upon me to write to you on his behalf. In the present inflamed state of public opinion, I have no doubt that the penalty your department will ask for when his case comes to trial will have great weight in the determination of the final sentence to be passed upon the poet. For that reason I feel it doubly urgent to suggest for your consideration certain factors which may tend to minimize the severity of your attitude toward Mr. Pound.

The punishment of those giving aid and comfort to the enemy should conform to the dictates of national interest; it is extremely doubtful that the harsh treatment of Mr. Pound would be in the national interest. Mr. Pound's purposes in broadcasting for Italy were, I am convinced, neither mercenary nor unpatriotic. He has many admirers in this country, in England, and in France who seem to have been both able and willing to prevent him from suffering financial embarrassment. In his espousal of an unpopular political philosophy his aims have been pedagogic. He is not the type of man to seek territorial aggrandizement and material affluence for another country at the expense of the United States. Concerning the nature and effectiveness of his broadcasts you must be better informed than I, but I find it difficult to believe that so esoteric a master as Mr. Pound could have very much influence over the political ~~affairs~~ thinking of his countrymen, from whose ways of life he has removed himself for so many years. In his career Mr. Pound has brought great honor and glory to American letters, distinction of a character more than sufficient to compensate for his temporary political aberrance. His talent, in inverse proportion to his political responsibility, should not be taken as an aggravating condition--he is not, after all, either a politically informed journalist or the master of a mass audience like Miss Ferber's or Mr. Cronin's--but perhaps as inevitably concomitant with a certain imprudence to be condoned for the sake of his services to American poetry. There is an unfortunate tendency in America to "gang up" on practitioners of comparatively esoteric art forms, a tendency which has manifested itself indirectly in our comments on the fall of France and on the lack of political awareness on the part of our writers between the two wars. We should beware lest, in the trial of Mr. Pound, we indulge our dislike for unpopular activities in the field of culture and justify legalistically actions more befitting the National Socialist harassment than our own great tradition of civil liberties which your own department, in happy contrast to the days of World War I, has done so much to sustain during these trying times.

I have no personal acquaintance with Mr. Pound; but I am making this minute gesture--and how I wish it didn't have to be made!--because of my grateful admiration for his literary achievement. I realize you cannot be expected to give up the case against him entirely, but surely

confinement for one or two years under conditions which would permit him to continue writing his great poem, Cantos, would be an adequate testimony to the displeasure of his country at his extra-aesthetic activities. The really appropriate penalty would be exile, but I understand it is not within the power of your department to press for such a sentence. I have no brief whatsoever for the Americans who have been broadcasting for Germany and Japan; to my mind, they fall into an entirely different category. But I should not like my government to make the grave error of executing so illustrious a representative of American power in the realm of poetry or of checking him in his efforts to complete a work which may well rank with Moby Dick or Leaves of Grass as a national classic.

Yours truly.

(617(C))



JOHN HAYES

FRANK A. HAYES

SIXTY FOURTH STREET
AND UNIVERSITY AVENUE

PHONE HYDE PARK 4400

CHICAGO

May 10, 1945.

HOLLIE

Attorney General,
Department of Justice,
Washington, D.C.

CRIMINAL DIVISION
MAY 11 1945
RECEIVED

Dear Sir:

I see that the first of the traitorous Axis
broadcasters, Ezra Pound, has been captured and I wish
to notify you that I have returned from overseas duty with
the Office of Strategic Services. I am therefore available
as a witness for the prosecution of Pound, Kaltenbach, Best,
Anderson, etc.

You will recall that you photostated the files
of my Chicago Times-MBS Shortwave Listening Post at (e17(C))
(e17(C)) in 1943 when I also deposited
with your Denver office, FBI, the original material before
leaving for the ETO. I am probably the only one who
consistently observed, and commented on, the traitor
broadcasts since the beginning of the war in 1939, and I
petitioned you on their behalf already in June 1940.

I am temporarily staying at above address but
shall soon return to my home, (e17(C))
for which reason I am mailing a copy of this letter to the
FBI, Denver.

Hoping and wishing that you will bring all the
traitors to justice, I remain

Sincerely yours,

146-7-3672

~~146-7-35-381~~
DEPARTMENT OF JUSTICE
MAY 12 1945
DIVISION OF RECORDS
CRIM.-INTERNAL SECURITY SEC.

(e17(C))

RECORDED
55

Chgd
5/17/45
SFB

E. J.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Chief of the Communications and Records Sec. DATE: May 30, 1945
FROM : ^{NTE} Nathan T. Elliff, Chief, Internal Security Sec. NTE:HD
SUBJECT: Ezra Pound 146-7-3672
 Treason

It is requested that you remove from Section 1 of the file, for possible use in the prosecution of the subject, the following documents:

1. A letter addressed to the Attorney General dated August 4, 1943, and written by Ezra Pound. This was sent to the Department of Justice with a letter from the Department of State, dated October 1, 1943.
2. Photostatic copy of Ezra Pound's Application for Replacement Passport, dated April 4, 1941, and photostatic copy of Pound's Application for Validation of Passport, dated April 4, 1941. These were sent to you with the report of Special Agent ^{617(C)} dated at Washington, D.C. January 13, 1943.

ack.

OK
The

Director, Federal Bureau of Investigation

June 2, 1945

Tom C. Clark, Assistant Attorney General

TCC:RA:jek

Dr. Ezra Pound;
Treason

146-7-3672

~~HOLLIER~~

RECORD

Reference is made to our memoranda to you dated April 30, 1945, and May 10, 1945. S. D. B.

In the trial of this case it will, of course, be necessary to prove each overt act of treason by two witnesses. Aside from the possibility of proving the treasonable broadcasts by witnesses who heard them in this country, we believe that it is essential that at least two witnesses to several specific overt acts be developed in Italy. While a number of witnesses appear to be available who will testify that they know Pound made recordings for broadcasts, it does not presently appear that any two or more witnesses can testify of their personal knowledge that Ezra Pound made a certain propaganda recording on a certain date. Every effort should therefore be made to locate two or more witnesses who can so testify to a specific overt act of treason.

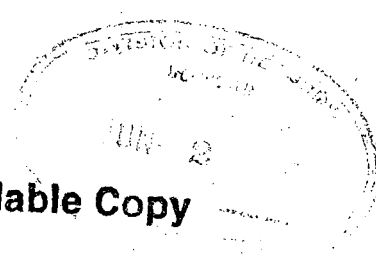
All evidence relative to the specific overt act should be developed in the greatest detail. The original manuscript used by Pound in the making of the specific recording should be located if possible, together with any witnesses who can testify that Pound wrote the manuscript or that he used a specific manuscript in making a specific recording on a certain date, which recording should be available for use as evidence. The date and time of broadcasting the specific recording and of its receipt in the United States should be shown if possible so that everything from the time of the writing of the specific propaganda until its receipt in the United States and receipt of payment by Pound, may be shown by evidence at the trial.

It appears that much of the desired evidence may be secured from the officials and employees of the Ministry of Popular Culture, the broadcasting system "RAIR", and the Bank of Italy, some of whom you have already interviewed and whose names are mentioned hereinafter. However all available sources should be exhausted.

In addition to proving as many specific overt acts as possible by two witnesses, we desire evidence to show general information pertaining to Pound and the extent of his propaganda activities, and of the period which they covered.

While Pound is now under indictment, it is expected that a new indictment will be secured when your investigation in this case is more complete. It is expected that the new indictment will allege as overt acts of treason each specific act of the defendant relating to his propaganda activities which can be established by the testimony of two or more witnesses.

cc-records ✓
Elliff
Anderson
Healy



Best Available Copy

The specific leads hereinafter set out should not limit the scope of your investigation to secure witnesses to specific manuscripts, specific recordings, specific broadcasts, specific payments to the defendant and his specific duties and activities for the Italian government. A written statement in the English or Italian language should be secured from persons who it appears will probably be used as witnesses, and the availability and desirability of various persons as witnesses should be commented upon in your report.

By memorandum dated October 8, 1943, the Criminal Division sent to you a copy of a memorandum written by (b)(7)(C) of the Swiss Legation, Interests of the United States of America, Rome, Italy, dated August 3, 1943. The memorandum discloses that when Pound appeared at the Swiss Legation in Rome, he saluted in the Fascist manner, and that he discussed applying for a passport of protection.

It is suggested that (b)(7)(C) be interviewed relative to the above matter and specifically asked questions relative to any information that he may have showing Ezra Pound's American citizenship, particularly any statements made in the matter by Pound. He should also be questioned relative to the circumstances surrounding receipt of Pound's letter to the United States Attorney General, a photostatic copy of which was sent you with our memorandum of October 8, 1943.

Would you please endeavor to secure a copy of the book, which was published by Pound at Venice, Italy, about January, 1944, according to (b)(7)(C)

Your memorandum of September 14, 1944, discloses that in this book Pound blames America as the aggressor in the war between Italy and America. If the book appears to contain such matter, at least two witnesses should be obtained to prove that Pound is the author of it and that it was published. It should also be ascertained if the Italian government had any connection with the publication or distribution of the book.

It is noted in your memorandum of September 14, 1944, that (b)(7)(C) recorded some of Pound's talks. It is suggested that they be located if possible, and interviewed relative to each record of Pound's talks which they made and each occasion on which they were present when Pound read his manuscript for recording purposes. Also please ascertain if either of these individuals can furnish the names of any other persons who have personal knowledge that Pound wrote or recorded any specific talk.

With your memorandum of December 20, 1944, you sent copies of requests for payment for broadcasts signed by Ezra Pound and witnessed by the Chief of Division III (Administrative Services) but his signature is illegible. The requests also bear the signature of (b)(7)(C). From Page 10 (not numbered) of the copy of Pound's personnel file which you furnished us, it appears that (b)(7)(C) was inspector for Radio Broadcasts and Television and that his first name is (b)(7)(C).

It is suggested that (b)(7)(C) and the person whose signature is illegible be located if possible and thoroughly interviewed. It would appear that they may be able to establish of their personal knowledge that Found made the recordings or broadcasts covered by the requests for payment, or in any case, they should be able to furnish considerable information as to who saw Ezra Found make the broadcasts or prepare recordings on particular dates.

It is noted that at the top of several of Found's manuscripts appears the name (b)(7)(C). This name appears, for example, on the manuscript which contains the following rubber stamped notation: "Trasmesso per il Nord America il 17-1-1942 XX."

It is suggested that an effort be made to ascertain the identity of the above named person, and of the person who placed the above and similar rubber stamped notations on Found's manuscripts, and that at least two witnesses be secured who can testify to the actual broadcasting by Found personally or to his making the transcription as the case may be. Inquiry may disclose a record showing when Found made broadcasts personally and when his recordings were used.

Your memorandum of February 24, 1944, disclosed that it was reported that Found had joined the Italian Fascist Party and was a personal friend of Mussolini. It is suggested that an investigation be made to secure proof of the above and if it is found that Found was a member of the Italian Fascist Party, whether or not he was required to take an oath of any kind which might be considered an act of expatriation.

In your memorandum dated October 14, 1942, setting out background information the following appears:

"At the present time Found is also allegedly editing a magazine entitled 'Mails', presumably in Rome, Italy."

It is suggested that your investigation cover this matter and if it is found that Found did publish the said magazine or was connected with its publication, that it be ascertained if treasonable material was published. It should also be ascertained, if treasonable material is found, whether the Italian government had any connection with the publication or distribution of said magazine.

In Found's personal file there appears a letter dated October 6, 1942, written by (b)(7)(C) and addressed to (b)(7)(C). This letter discloses that Found has always been friendly to Italy and that he contributes to radio propaganda and requests that Found be given kind consideration relative to exemption from seizure of his safe deposit boxes and of his bank accounts. It is suggested that (b)(7)(C) be located and thoroughly interviewed, particularly as to his personal knowledge of specific acts on the part of Found which may have been witnessed by other persons also.

It is presumed that the Bureau will be able to furnish a handwriting expert who can testify the Found's handwriting and his signature. We are interested among other things, in proving his signature on the following:

Letter of April 25, anno XI, allegedly written by Found and addressed to Minister Favolini, expressing his loyalty to fight to the best of his ability for the victory of the new era and asking if his services warranted release from seizure of his safety boxes and bank accounts.

Letter dated August 4, 1943, addressed to Attorney General Biddle and allegedly written by Ezra Found relative to his broadcasting and being an American citizen.

Application for Replacement Passport dated April 4, 1941, at Venice, Italy, a photostatic copy of which was enclosed with the report of Special Agent (617LC) dated at Washington, D.C., January 13, 1943.

Also, it may be found helpful to the prosecution to establish that handwritten corrections on various original scripts are in Found's handwriting.

It is likewise presumed that the Bureau will be able to furnish an expert on typewriting who can testify that the manuscripts covering the broadcasts which may be selected for use as the overt acts on which to base the prosecution of Found were prepared on the same typewriter as other material definitely typewritten by Found.

It is suggested that you endeavor to locate at least two available and desirable witnesses to show the dates of employment and payment of Found by the Italian government to aid in propaganda work at the Ministry of Popular Culture, where Found had an office.

Reference is made to Bureau memoranda dated September 14, 1944 and November 4, 1944. These memoranda refer to thirteen (13) books on which the word "Decalith" appears and to four (4) color books called registration books and to several records. It appears that (617LC) was employed in the recording room of EIAA for about ten years. Would you kindly reinterview (617LC) and ascertain if he can testify that these various items were made and kept in the ordinary course of business and that the entries were made in the books at the time or shortly after the various transactions occurred. He may be able to furnish the names of other individuals who could also testify relative to these books and records.

Best Available Copy

Reference is made to Bureau memorandum dated February 7, 1944. It is suggested that (b) (7)(C) former Italian Consul at Mexico City, Mexico, and who at the time of said memorandum was in the foreign office of the Palazzo Cavour, now at Brindisi, Italy, be interviewed for the purpose of ascertaining whether he has any more specific information than that contained in the Bureau memorandum of February 7, 1944, relative to the employment of Ezra Pound by the Ministry of Popular Culture to broadcast anti-United States propaganda. The source of his information should be ascertained and if he has no personal knowledge of the fact of Ezra Pound's employment, it should be ascertained if he can furnish any leads in this regard.

It is suggested that (b) (7)(C) be reinterviewed to ascertain whether or not he can identify any specific broadcast that Ezra Pound made and to secure from him the exact dates that he has personal knowledge of Ezra Pound officing in the Ministry of Popular Culture at Rome, Italy. It is suggested that it may be helpful if the transcripts of some of the broadcasts were played back to him to refresh his recollection, if possible.

It is suggested that (b) (7)(C) be reinterviewed to ascertain if she can identify the recordings that she saw Ezra Pound make on three different occasions in 1942, and if she can fix the exact dates they were made and the persons present. The Bureau memorandum of February 7, 1944, states that she is available as a witness.

It is noted that Bureau memorandum dated September 14, 1944, discloses that (b) (7)(C) was employed by EMBR for several years and that he stated that authorization to make a recording had to be secured from Torino, Italy, and that the authorization would be sent by wire, a Forogramme, or Rome directing that such and such a recording should be made. He informed that these Forogrammes would be attached to the work sheet by the operator who made the recording. It is requested that you advise the Criminal Division of the exact official position of this individual, and the details of the procedure relative to the recording and transmission of broadcasts or the payment therefor to which he can testify on the basis of his own personal knowledge. It is also requested that you ascertain whether the person who sent or received the Forogrammes has personal knowledge that Ezra Pound made the recording that was authorized thereby, together with such other information that he may have pertaining thereto. It appears incidentally, that the Forogrammes attached to the back of the copies of the registration sheets in the "color books" mentioned in your memorandum of September 14, 1944, are not less than certain recordings were made, rather than authorizations to make the recordings as stated by (b) (7)(C). It is requested that these facts be clarified.

With reference to your memorandum of September 14, 1944, it is noted that (b) (7)(C) appears to have intimate knowledge concerning Ezra Pound's visits to the Ministry of Popular Culture with his manuscripts for the purpose of having them approved. It is requested that the

Best Available Copy

Criminal Division be informed of the official position of this possible witness with the Ministry of Popular Culture and the radio station at the time Foudi frequented those places. It is suggested that this possible witness also be reinterviewed to determine whether or not he can identify any specific manuscripts or broadcasts or recordings made by Ezra Foudi. His interview should also cover any knowledge that he may have that Foudi made the recordings or broadcasts or wrote the manuscripts covered by the requests for payment or by any cash payment which he may be able to identify.

Your memorandum of September 14, 1944 discloses that (b7C) is the head of the Archives of the Banca D' Italia. It is suggested that (b7C) be recontacted to ascertain the extent which the records of the bank disclose the nature of the activities of Ezra Foudi in connection with the Ministry of Popular Culture. It is desired to know particularly whether or not the records of the bank identify the various payments of money to Foudi with specific requests for payment made by Foudi and if the payments can be connected up with a specific recording or broadcast.

It is also noted in your memorandum of September 14, 1944 that (b7C) was director of program at the radio station and in the same paragraph one (b7C) is identified as Director General at the radio station. It is suggested that these two individuals be located if possible and interviewed relative to their knowledge of Foudi's working for the Italian government and making recordings or broadcasts and if they have any knowledge of any specific manuscripts which Foudi wrote or of any recordings or broadcasts made by Foudi.

With further reference to your memorandum of September 14, 1944, it is noted that four original recordings made by Foudi have been discovered by the Bureau's confidential Italian source. It is requested that the Bureau ascertain whether any further recordings are available, and if possible, what disposition was made of recordings made by Foudi which can not be located.

With reference to the statement of (b7C) it is noted that she is acquainted with Ezra Foudi and that she heard his broadcast in 1942 and 1943 and recognized his voice. It is suggested that she be reinterviewed to ascertain if she can identify any specific broadcasts as to date or substance or furnish any information as to any other person who heard a particular broadcast. It is suggested that if any of the recordings made during this time are available that the playing of such records for (b7C) may help refresh her memory.

Reference is made to your memorandum of July 14, 1944, which discloses that (b7C) was program arranger for the Rome radio from February 1943 to September 1943 and that Foudi made it a practice to come to the station approximately once a month to make recordings, reading from a manuscript which he had prepared at his home in Rapallo, Italy. It is suggested that (b7C) be reinterviewed for

the purpose of ascertaining if he can testify from personal knowledge that Ponder made any specific manuscript or recording or broadcast. Possibly his memory should be refreshed by showing him books, records and recordings pertaining to these matters as it appears that this person may be able to furnish valuable information.

It is also suggested that the predecessor of (b)(7)(C) be located and interviewed.

Reference is further made to your memorandum of July 14, 1944 in connection with (b)(7)(C) (b)(7)(C) It is desired that this individual be interviewed to the same end as (b)(7)(C)

Further reference is made to your memorandum of July 14, 1944 and in particular to (b)(7)(C) It is desired that the official composition of this individual with the Rome radio station be ascertained and that he be interviewed along the same lines as (b)(7)(C) above mentioned, particular stress being laid on his ability to identify any specific manuscript or recording or broadcast made by Ezra Ponder.

Further reference is made to your memorandum of July 14, 1944 wherein a possible witness by the name of (b)(7)(C) is mentioned. It is requested that the Criminal Division be advised of the details of this individual at the radio station and as to whether he can testify of his own personal knowledge that Ponder made any specific recordings or broadcasts and the date on which they were made. It is noted that he furnished a list of other employees who at one time or another may have handled the technical part of Ponder's recordings and it is presumed that they have been contacted and questioned relative to specific recordings, manuscripts and broadcasts made by Ponder.

Further reference is made to your memorandum of July 14, 1944 wherein it refers to (b)(7)(C) had with Ponder in May or June of 1942 he observed seven or eight radio manuscripts in Ponder's possession, one of which Ponder showed him and he identified in considerable detail. It is desired that (b)(7)(C) be reinterviewed with the view of securing additional information to facilitate identification of the particular manuscript which he read so that further evidence can be secured of the writing of the manuscript, the making of the recording and the transmission of the broadcast. Possible witnesses to these matters should also be interviewed in an effort to establish the writing of the manuscript, the making of the recording and the transmission of the broadcast as overt acts. It is suggested that (b)(7)(C) memory be refreshed concerning the content of the manuscript which he read and of the other manuscripts for broadcasts which Ponder had with him in May or June of 1942, in an effort to have (b)(7)(C) identify the manuscripts which Ponder had in his possession at the time of their writing.

Further reference is made to your memorandum of July 14, 1944, wherein (b)(7)(C) of the Ministry of Popular Science Record Section informed that (b)(7)(C) to the head of the Ministry of Popular Culture in 1943. He also stated that Earsa Fozad was paid by one (b)(7)(C) (b)(7)(C) It is suggested that these two individuals be interviewed for any information that they may have pertaining to Earsa Fozad making manuscripts or recordings, and if they can identify any specific dates and places where any of these were made. It is also suggested that (b)(7)(C) be further interviewed to ascertain whether he can identify any of the specific manuscripts that your memorandum discloses that he stated Fozad brought to the Ministry of Popular Culture to be approved before making recordings.

Further reference is made to your memorandum of July 14, 1944 on page 3, wherein it is disclosed that (b)(7)(C) stated that he had been Secretary of the radio section of the Ministry of Popular Culture for several years and that from 1940 to about June of 1943 he saw orders prepared by the Ministry of Popular Culture to be taken by Fozad to the Banco D'Italia to secure payment for his work. He also stated that in July 1943 Fozad received a bonus of 50,000 lire. It is suggested that he be reinterviewed to determine if he has any knowledge as to any specific manuscripts or broadcasts or recordings that Fozad made and whether he can furnish any further information or any documentary material to show that Fozad actually received a 50,000 lire bonus and the amount that he was paid for various broadcasts prior thereto.

Reference is made to your memorandum of December 20, 1944 wherein it is disclosed that (b)(7)(C) of the Italian Ministry of Finance furnished the Bureau's source certain requests for payment made by Earsa Fozad after each of his broadcasts made during 1941 and 1942, and photostatic copies of receipts signed by Fozad for monies received by him in payment of broadcasts made during 1943. It is requested that the Bureau secure the originals of these documents and that (b)(7)(C) be interviewed relative to the making of the broadcasts to which each of these documents pertain and that it be ascertained if he can identify the requests for payment with the receipts and each with specific broadcasts which they cover. He should also be questioned concerning a 50,000 lire bonus which Fozad is reported to have received at the conclusion of his broadcast activities.

DIRECTOR, Federal Bureau of Investigation

June 6, 1945.

TOM C. CLARK, Assistant Attorney General,
Criminal Division.

TCC:KSL:tms

HERA POUND;
TREASON.

~~FOULIE~~

RECORDED
FILE

146-7-3672

B.D.B.

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.

It is requested that the Bureau ascertain definitely at this time what recordings made in the United States by the Federal Communications Commission are available of broadcasts by Pound, and furnish the Criminal Division with a list thereof by date received, serial number or numbers of recordings, and title of broadcast. The Criminal Division has received information that recordings made by the Federal Communications Commission of broadcasts received subsequent to 1942 are presently in the custody of a (617LC) in the Foreign Broadcast Intelligence Service, Federal Communications Commission, and that recordings of previous broadcasts now repose in the Labor Department's archives at the Archives Building, 7th and Pennsylvania Avenue, Northwest, in the custody of a (617LC)

eg
JPC
MLC

(617LC) already has furnished a list of records, by date of broadcast and record number, to the Criminal Division, but he is making a search to ascertain if further records are available, and it is desired that the Bureau consult him in this matter. (617LC) list contains only one recording number covering each broadcast, whereas it is our impression that each broadcast required several recordings.

It is also requested that the Bureau ascertain what persons should be subpoenaed to introduce all these recordings, to explain the manner in which the broadcasts were received and the recordings made and that this was in the regular course of the business of the Federal Communications Commission; to establish the chain of possession of the particular recordings available at this time and their authenticity; and to establish that these recordings were of broadcasts from Italy beamed to the United States.

For your convenience, there is summarized hereinafter various information touching upon these matters contained in your previous reports in this case:

FILED
JUN 9 1945
WOK

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

(617LC) Assistant to the Director, Foreign Broadcast Intelligence Service, Federal Communications Commission, 1424 K Street, Northwest, Washington, D.C., has advised that he can furnish in answer to a subpoena all of the recordings which the Federal Communications Commission had received

Best Available Copy

pertaining to Ezra Pound (Report of Special Agent (b)(7)(C) dated at Washington, D.C., on January 13, 1943).

(b)(7)(C) Chief, Radio Intelligence Division, Engineering Department, F.O.C., U.S. Post Office Building, 12th and Pennsylvania Avenue, Northwest, stated he would be the proper person to introduce records of the Federal Communications Commission regarding the monitoring of subject's broadcasts which had been monitored by the F.O.C. monitoring station "Shinda", Silver Hill, Prince George's County, Maryland. He advised, however, that he preferred that his technical superintendent, (b)(7)(C) or his radio engineer, be subpoenaed for this purpose. He stated that any of them could testify that the frequency and wave length under which the receptions were received were such that they could be picked up by many of the radio receivers sold commercially in the United States. He said further that direction finders had not been applied, and that this would entail about two months work, but that call letters of the transmitting stations had been announced occasionally and had corresponded to the letters previously assigned the Italian station. He concluded therefore that the broadcasts actually came from Italy. (Report of Special Agent (b)(7)(C) dated at Washington, D.C., on January 13, 1943).

(b)(7)(C) Radio Engineer, Broadcast Recording Unit, Radio Intelligence Division, 1424 K Street, Northwest, Washington, D.C., advised that his records show the date, time and wave length relating to broadcasts received by him, as well as other information, and he advised that from the strength of the signals received during the recording it was apparent that the broadcasts being received were beamed to North America, and reception was very clear. He stated that all the recordings had been turned over to (b)(7)(C) Assistant to the Director, Foreign Broadcast Intelligence Service, F.O.C., 1424 K Street, Northwest. (Report of Special Agent (b)(7)(C) dated at Washington, D.C., on January 13, 1943).

417(C) Chief Deputy, Monitoring
 Division, Federal Broadcast Intelligence Service,
 P.O. Box, 1424 K Street, Northwest, caused a search
 to be made of the records of the Federal Com-
 munication Commission for broadcasts by Dr. Ezra
 Pound subsequent to July 26, 1943, which search
 resulted negatively. Although the Bureau advised
 that a few transmissions by Pound were heard until
 September 1943, none could be located by the Federal
 Communication Commission. (Report of Special Agent
 417(C) dated at Washington, D.C., on
 April 28, 1948).

b2

It is requested that all transcripts of broadcasts made
 by Ezra Pound which have not yet been made available to
 the Criminal Division be forwarded to it. The following
 list identifies the Federal Communication Commission's
 transcripts which already have been made available to
 the Criminal Division:

Date	Time	Record No.
12-7-41	12:12 p. m.	7-4792-4794
1-29-42	9:20 p. m.	9481-89
2-7-42	8:20 p. m.	10601-208
2-10-42	10:20 p. m.	13896-97
2-13-42	10:20 p. m.	2-15163-64
2-17-42	10:20 p. m.	17367-68
2-19-42	10:20 p. m.	17302-17448
2-26-42	10:20 p. m.	19863-64
3-2-42	1:15 p. m.	2-778-79
3-6-42	1:15 p. m.	1876-77

Date	Time	Record Nos.
2-8-42	5:00 p.m.	2814-15
2-11-42	10:50 p.m.	4642-43
2-18-42	5:00 p.m.	5378-74
2-18-42	10:00 p.m.	6723-24
2-21-42	12:30 a.m.	7150-51-52
2-22-42	5:00 p.m.	6571-72
2-23-42	7:15 p.m.	7700-51-52
2-24-42	10:00 p.m.	8284-85-86
2-24-42	10:00 p.m.	9423-24
2-25-42	12:30 a.m.	9752-53
2-29-42	5:00 p.m.	10532-33-32
2-30-42	7:15 p.m.	10959-60
2-31-42	10:00 p.m.	11405-04
3-6-42	1:45 p.m.	12145-47
3-7-42	10:00 p.m.	14009-10
3-9-42	10:00 p.m.	15051-53
3-11-42	12:30 p.m.	15856-57
3-12-42	5:00 p.m.	15443-49
3-15-42	1:40 p.m.	15543-47
3-18-42	10:00 p.m.	17573-74
3-18-42	12:30 a.m.	19284-85
3-19-42	5:00 p.m.	19634-35
3-25-42	1:45 p.m.	19243-49
3-21-42	10:00 p.m.	15914-15
3-25-42	5:00 p.m.	740-41
3-27-42	1:45 p.m.	700-701
3-28-42	10:00 p.m.	1183-84
3-30-42	10:00 p.m.	3587-58
3-31-42	12:30 a.m.	3296-07
3-31-42	5:00 p.m.	2812-13
3-31-42	1:45 p.m.	2-2821-23
3-31-42	10:00 p.m.	5018-19
3-9-42	12:30 a.m.	5774-5
3-10-42	5:00 p.m.	7001-02
3-11-42	1:40 p.m.	5718-9
3-12-42	10:00 p.m.	7676-77
3-14-42	10:00 p.m.	2-2041-42
3-15-42	12:30 a.m.	8580-81
3-17-42	5:00 p.m.	5717-18
3-18-42	12:30 a.m.	8250-51
3-19-42	10:00 p.m.	16144-45
3-21-42	10:00 p.m.	11023-23
3-22-42	12:30 a.m.	11719-20
3-24-42	5:00 p.m.	12451-52-50
3-25-42	12:30 a.m.	12577-78
3-25-42	10:00 p.m.	13150-51-53

Date	Time	Record No.
5-28-42	12:50 a.m.	15945-47
6-31-42	6:00 p.m.	15528-29
6-1-42	12:50 a.m.	16621-22
6-4-42	12:30 a.m.	14903-04
6-5-42	10:00 p.m.	18017-18
6-9-42	9:30	18920-21
6-14-42	2:00	03313-14
6-19-42	2:00	04320-21
6-25-42	9:15	05321-22
6-28-42	17:00	0679-80
7-2-42	0:30	09576-77
7-3-42	21:55	12315-37
7-5-42	9:30	12955-57
7-7-42	21:55	12958-59
7-10-42	23:00	12536-37
7-12-42	17:00	14522-23
7-13-42	06:20	15359-50
7-14-42	23:00	15542-49
7-17-42	23:00	17242-49
7-19-42	17:00	19821-23
7-20-42	00:20	17823-20
7-21-42	22:00	18717-18
7-28-42	17:00	00429-40

Reference is made to the report of Special Agent (b7C) dated at Denver, Colorado, December 17, 1942, wherein it is indicated that

(b7C) Colorado State Highway 7 near Allens Park, Colorado, heard certain broadcasts made by Ezra Pound. It is requested that it be ascertained what other broadcasts of Ezra Pound's

heard other than the four set out in the above mentioned report, including those prior to Pearl Harbor and those after the date of the report above mentioned.

The report of Special Agent (b7C) dated at Boston, Massachusetts, 2-6-43, discloses that (b7C) of the Boston Globe short-wave listening post and who resides at (b7C) Brookline, Massachusetts, stated that he had sporadically heard Ezra Pound broadcast and that he has two recordings which he made of broadcasts by Pound, one being made October 2, 1941, and the other September 19, 1942. (b7C) stated that he would be willing to loan these recordings to the Bureau if they were desired. It is suggested that (b7C) be reinterviewed to determine if he has listened to any other broadcasts by Ezra Pound since he was previously interviewed. It is desired that the contents of these two recordings be made available to the Criminal Division. It is also desired that you advise us as to the desirability and availability of (b7C) at a witness.

Reference is made to the report of Special Agent (617CC) dated at New York City, February 18, 1943, which disclosed that (617CC) heard 30 to 40 of Pound's broadcasts over short wave, and his wife, (617CC) heard Pound broadcast Saturday, July 17, 1943, and Tuesday, July 20, 1943. They stated, 63

It is requested that it be ascertained whether or not (617CC) can identify either by date, context, or title of the broadcast any other broadcasts than those of April 13, 1943, and June 2, 1943, which are mentioned in the report of Special Agent (617CC) dated at New York City, April 27, 1943, and in the Bureau memorandum dated July 23, 1943, and the two broadcasts mentioned at the Grand Jury investigation.

Reference is made to the report of Special Agent (617CC) dated January 13, 1943, at Washington, D.C. This report refers to an application for replacement passport dated April 4, 1941, and to an application for validation of passport dated April 4, 1941. It is noted that Ezra Pound swore to these documents before Paul C. Squire, Consul of the United States, at Venice, Italy, on April 4, 1941, and that the application for replacement passport discloses that Ezra Pound was a native citizen of the United States, being born at Halley, Idaho, on October 30, 1885. It is requested that inquiry be made at the State Department at Washington, D.C., to ascertain where Mr. Squire is presently located and if he is available as a witness, and, if he is, that he be interviewed relative to any information that he may have pertaining to Ezra Pound and his activities and whether or not Ezra Pound gave the Fascist salute when he appeared before him on April 4, 1941.

Further reference is made to the report of Special Agent (617CC) dated January 13, 1943, at Washington, D.C., and particularly to the enclosure entitled "Dispatch No. 294," dated June 4, 1941, from the American Consul General in Genoa to the Department of State. This appears to be a letter signed by Henry H. Balch, American Consul. It discloses that Mr. Balch had then been acquainted with Ezra Pound for a number of years and that Ezra Pound had been broadcasting over the Italian radio system from time to time against the policies of the United States, and that he had made undignified remarks about the American Government at the Consular office and had given the Fascist salute upon entering and leaving the consulate. It is requested that (617CC) be interviewed to determine what the undignified remarks made by Pound were and to secure any other information that he may have pertaining to Pound or his activities.

Reference is made to the report of Special Agent (617CC) dated at Boston, Massachusetts, February 8, 1943. In this report it appears that (617CC) New York City, stated that he met Pound in the summer of 1937 at Rapallo, Italy,

CONFIDENTIAL

and that the following summer Pound came to the United States and lectured at Harvard. The report of Special Agent (617CC) dated at Newark, New Jersey, March 17, 1943, discloses that Pound returned to the United States according to (617CC) the last few days of 1938 or the early part of 1939; it is therefore requested that (617CC) be reinterviewed as to what year Mr. Pound returned to the United States as 1939 appears to be the correct date.

Reference is made to the report of Special Agent (617CC) dated at New York City April 8, 1943. It is noted that the above-mentioned report discloses that between December 11, 1941 and May 10, 1942, (617CC) while going along a street in Rome with a police guard saw Pound walking along the street without any guard and moving about freely. It is requested that it be ascertained if

(617CC) formerly Vice Consul at Genoa, Italy, and at the time of said report on leave from the State Department, is available as a witness.

It is noted that an article in the May 13, 1945 issue of the Observer-Dispatch, Utica, New York, contains the following:

"In May, 1942, Pound attempted to return to this country from Italy, but was denied permission by George Wadsworth, American charge d'affaires in Rome, to board a diplomatic train which carried the last group of Americans from Rome to Lisbon, where they boarded a ship bound for this country."

It is requested that Mr. Wadsworth be interviewed relative to all the information he has about Ezra Pound and his activities in Italy and whether he was denied permission to board a diplomatic train carrying Americans out of Italy to board a ship to return to the United States.

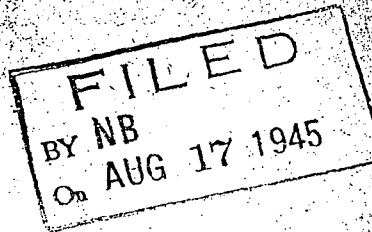
Office Memorandum • UNITED STATES GOVERNMENT

TO : The File

DATE: July 19, 1945

FROM : Samuel C. Ely *set*

SCE:lr

SUBJECT: EZRA POUND;
TREASON.

146-7-3572
146-28-237-1

Special Agent *(6117(C))* Supervisor in charge of treason cases in the FBI, conferred today with Mr. Donald B. Anderson and the writer concerning the advisability of making their local Field Office the "Office of Origin" of this and other treason cases which have arisen outside the United States, for the reason that prosecution, if instituted, would in all probability be in the District of Columbia. We advised that we had no objection to such procedure although we could not assure him that prosecution, if any, would be in the District of Columbia.

We also discussed the urgent necessity that two witnesses be developed who can testify to the same overt act of treason. *(6117(C))* stated that he fully understood this constitutional requirement, and that the European representatives of the Bureau were also cognizant of this fact and of the desire of the Department that one or more acts of broadcasting or of making recordings for broadcast purposes be established by two witnesses. He advised, further, that he would again call these matters to the attention of the Bureau's Rome representative and emphasize the fact that such witnesses should be located as soon as possible.

*File
MLC*

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Files

FROM : Samuel C. Ely *SCE*

SUBJECT: Ezra Pound - Treason

DATE: August 14, 1945

SCE:lr

146-7-3672 *E.P.*

Special Agent *(P, N(C))* of the FBI conferred today with Messrs. Nathan T. Elliff, Donald B. Anderson and the writer relative to the contents of a letter received from the Bureau representative in Rome, Italy, pertaining to witnesses developed in this case. The letter disclosed that two technicians at the Rome Radio Station had both been present on at least ten different dates when Pound had made recordings for broadcast to the United States. The witnesses could not recall the dates or otherwise identify the times that they saw and heard Pound make his recordings, but remembered only that it was during the years 1942-43. These witnesses do not understand the English language.

The letter disclosed that two other witnesses had jointly seen and heard Pound make recordings on at least ten different occasions during the years 1941-43 while at the Ministry of Popular Culture. These dates cannot be recalled by the witnesses, nor can they identify the subject matter of the talks as they do not understand the English language.

It was suggested to *(P, N(C))* that the Bureau's Rome representative should further interview these witnesses for the purpose of identifying, as closely as possible, the dates on which two persons saw the subject make recordings. *(P, N(C))* advised that this would be done, that he would furnish us the information contained in the letter in the form of a memorandum in the near future, and that the memorandum would set out the additional investigation to be conducted as suggested by us.

~~HOLLER~~

*File
NCE*

File
JLC

see Memorandum • UNITED STATES GOVERNMENT

TO : Theron L. Caudle, Assistant Attorney General, DATE: September 6, 1945
 Criminal Division

FROM : Nathan T. Elliff, Chief, Internal Security Section DBA:lr

SUBJECT: EZRA POUND; 146-7-3672
 TREASON.

~~CONFIDENTIAL~~

The following is a brief summary of the evidence developed to date in this case:

Pound was born October 30, 1885 at Hailey, Idaho. In signed statements made to Special Agent (S.A.) (b)(7)(C) on May 6 and May 7, 1945, he discloses that he has never renounced his citizenship.

Several State Department documents disclose that he continued to claim American citizenship although he returned to the United States for short periods of time only twice since 1908. The most recent of such documents is an application for a replacement passport, submitted on April 4, 1941, to (b)(7)(C) United States Consul, Venice, Italy.

On May 7, 1945, a letter from Pound to (b)(7)(C) was found in subject's home which is dated November 13, 1943. It contains among other things the following:

"I am an American but I have been waging a war much longer than that which broke out in 1939."

A letter to Attorney General Biddle, contains the following:

"I obtained the concession to speak over Rome radio with the following proviso. Namely that nothing should be asked of me contrary to my conscience or contrary to my duties as an American citizen."

The FBI has furnished the Department a considerable amount of documentary evidence relating to Pound's broadcasting activities, including personal letters, original manuscripts, requests and receipts for payments for services rendered, and record books from the Rome radio station and the Ministry of Popular Culture. Numerous individuals have been interviewed but until recently two persons had not been located who could testify as to the same overt act.

Pound wrote his manuscripts at his home and took them to the Ministry of Popular Culture for approval. (b)(7)(C) has knowledge of this as does (b)(7)(C) and (b)(7)(C) radio station technicians, on at least ten occasions between 1942 and 1943, saw and heard Pound make recordings while they were both present at the Rome radio station E.I.A.R. They are unable to identify the nature of the recordings as they do not understand English. They can also identify entries in the official record books of the radio station.

(b)(7)(C) saw and heard Pound make the same recordings on at least ten different occasions during the years 1941-43 at the Ministry of Popular Culture, but they cannot better fix the dates of these occasions or identify the recordings. They do not understand the English language.

(b)(7)(C) employees of radio station E.I.A.R. transmitted Pound's recordings via short-wave to the United States at least one-hundred times in 1942 and until September, 1943.

(b)(7)(C) saw Pound make three recordings in 1942. (b)(7)(C) also saw Pound make recordings in 1942, but not the same ones that (b)(7)(C) saw. (b)(7)(C) saw Pound make many recordings in the first half of 1943.

(b)(7)(C) can testify as to payments to Pound in 1942 for his broadcast work.

An official of the Foreign Broadcast Intelligence Service, Federal Communications Commission, can testify as to the monitoring of broadcasts and produce all of the recordings made by Federal Communications Commission. (b)(7)(C) F.C.C. engineer, can testify that from the strength of the signals received during the recordings, it was apparent that the broadcasts were beamed to North America.

(b)(7)(C) and others can testify to hearing a few of Pound's broadcasts in the United States and recognizing his voice.

Pound has been given two independent psychiatric examinations by Army doctors. Their reports were requested and have been furnished us by the War Department.

The FBI has just advised that its representative in Rome has seen a copy of the Italian Code which provides, among other things, that the Italian Government was to control completely all short-wave foreign broadcasts.

Hall
JLC

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Theron L. Caudle, Assistant Attorney General, DATE: September 12, 1945-
Criminal Division

FROM : Mr. Nathan T. Elliff, Chief, Internal Security Section NTE:lr

SUBJECT: EZRA POUND;
TREASCN.

146-7-3672

~~CONFIDENTIAL~~

E.P.

Reference is made to my memorandum dated September 6, 1945, concerning the evidence developed to date in this case.

You will recall that on September 5, 1945, you stated that you had talked to the Attorney General and that he advised that Pound should be brought back for prosecution in the District of Columbia as soon as possible. I mentioned at the time that several matters would have to be considered before we requested the Army to return Pound.

It should be determined now, if possible, who is to present the case to the grand jury and try the case. Mr. Ely of my section has worked on this case for three years and should, I believe, have a leading part in the trial. Mr. Anderson, also of my section, has been working on the case for the past several months and will also be available. However, it may be that someone should be assigned to the case in addition to Mr. Ely and Mr. Anderson. If this is done, it would be helpful to have such person's views as to the evidence and witnesses at this time before Pound is returned.

Plans should be made to secure a new indictment as soon as possible after Pound's return. This presents the question of what witnesses should be brought from Italy to be used before the grand jury. Arrangements for these witnesses should be made at the same time that Pound's return is requested.

My thought is that (417(C))
are the two witnesses to be relied on to prove the necessary overt act. Each of them saw and heard Pound make numerous recordings while working for the Italian government's radio station. However, they could not understand what Pound said since they do not speak English. On at least ten occasions in 1942 and 1943 they were both present and saw and heard Pound make the same recording, but they are unable to identify the dates. We have requested the Bureau to see if they cannot furnish more specific information as to the dates of these occasions, but we have had no further word.

My view is that these two witnesses can provide the necessary direct testimony to the same overt act of aid and comfort, as required by the Cramer decision. This is true, even though they may not be able

to identify the dates more specifically and they could not understand what Pound said. However, the attorney or attorneys who are to try the case should be satisfied as to the sufficiency of this proof of the overt act.

I believe (b)(7)(C) should be brought over to testify before the grand jury. The other major witnesses presently available appear to be Special Agent (b)(7)(C) who can introduce Pound's admission of citizenship and the making of the records for broadcasts; (b)(7)(C) who can testify that Pound brought his manuscripts to the Italian government for clearance; (b)(7)(C) who can testify that Pound made recordings for broadcasts; (b)(7)(C) who can testify that Pound's records were broadcast to the United States; (b)(7)(C) who can testify as to payments to Pound by the Italian government for his broadcasts; and the F.C.C. men who monitored the broadcasts in the United States. It may be advisable also to have some of the above witnesses who are in Europe present before the grand jury.

Mc
~~In short, we are not asking the Army to return Pound until the matters discussed herein have been clarified.~~

TLC:SCE:vng

12
October 22, 1945

146-7-3672 =

airmail

617(C)

Dear 617(C) :

This acknowledges your letter of October 12, 1945, relative to the approximate date of the trial of Pound, Kaltenbach, and others.

Although it is not possible at this time to fix even the approximate dates of the trials of these persons, we will appreciate your furnishing us with your itinerary so that we will be able to get in touch with you in the event you are needed as a witness.

I wish to thank you for your interest in this matter.

Respectfully,

For the Attorney General,

THOMAS L. CAUDLE,
Assistant Attorney General.

CC: Records ✓
Caton.
Ely



JOHN HAYES

FRANK A. HAYES

OCT 16 1945

SIXTY FOURTH STREET
AND UNIVERSITY AVENUE

PHONE HYDE PARK 4400
CHICAGO 37

Oct. 12, 1945.

Mr. Tom C. Clark,
Attorney General,
Washington, D.C.

VIA AIR MAIL

Dear Mr. Clark:

Last summer I spent days with your Denver men sorting out of my files the evidence against Ezra Pound.

Since then I have been trying to find out from the FBI, Denver, at what approximate time the trial will come off so I can arrange my extensive travel and lecture itinerary accordingly. But so far Denver was unable to accommodate me.

Now I am planning a trip of several weeks during which it may not be possible to reach me. Hence if you are counting on me as a witness against Pound, Kaltenbach, et al., it would be a good idea to let me know just what the approximate date might be.

Sincerely yours,

617(C)

Home Address:

L. H.

OCT 16 1945

100-4-7

100-4-7-1-1000

TLC:SCB:vng

November 29, 1945

146-28-237-1

RECORD

(617CC)
Cavalier, North Dakota.

Dear (617CC)

In compliance with your recent request, I am enclosing a copy of the indictment returned July 26, 1943, against Fred W. Kaltenbach. Similar indictments were returned on that date against Douglas Chandler, Edward Leo Delaney, Robert H. Best, Ezra Pound, Max Otto Koischwitz, Constance Drexel and Jane Anderson.

Chandler, Delaney and Drexel are presently in the custody of our military authorities in Europe. Koischwitz is believed to be deceased, and the whereabouts of Kaltenbach, Best and Anderson is unknown. Ezra Pound is presently in custody in the District of Columbia, and a new indictment was returned against him on November 26, 1945. A copy of this indictment is enclosed. The date of his trial has not as yet been set.

Respectfully,

For the Attorney General,

THEODORE L. CAUDLE,
Assistant Attorney General.

Enc. 93699.

CC: Records ✓
Chron.
Mr. Ely.

[copy]

146-28-237-1

OCT 9 1945
DI December 8, 1945

B. V. L.

Honorable Kenneth Royall
Underscretary of War
Washington, D. C.

My dear General Royall:

As you know, treason indictments were returned in the District of Columbia on July 26, 1943, against eight American citizens who were acting as propaganda broadcasters for the enemy. These persons were:

Frederick Wilhelm Kaltenbach
Robert Henry Best, alias "Mr. Guess Who"
Douglas Chandler, alias "Paul Revere"
Edward Leo Delaney, alias "E. D. Ward"
Max Otto Oscar Koischwitz, alias "Dr. Anders", "O.K."
Constance Draxel
Jane Anderson, alias "Marquesa de Cienfuegos"
Ezra Pound

All were broadcasting from Berlin or elsewhere in Germany except Ezra Pound, who disseminated his propaganda from Rome.

Pound has been returned to the United States and is presently facing trial on charges of treason. Kaltenbach is reportedly in the custody of the Russian authorities, although this fact has not been definitely ascertained. Best and Anderson have not yet been taken into custody and their present whereabouts are unknown. Chandler is in the custody of our military authorities and is presently incarcerated in the Paris Civilian Interrogation Center. Draxel is also in the custody of our military authorities and is under detention in Salzburg, Austria. Delaney was taken into custody by our military authorities at Prague, Czechoslovakia, but his present place of incarceration is not known. Koischwitz reportedly died in 1944, but this fact has not yet been verified.

This Department has also received considerable information concerning three additional Americans,

(617(C))
who have broadcast propaganda for the German Reich, the former from a Berlin station and the latter two persons from Paris, France. (617(C)) is presently in the custody of our military.

file
see

authorities at Bad Toelz, Germany. It is believed that (C17CC) are in Paris, but that they are not in custody.

In addition to these persons, information has been received relative to the activities of a considerable number of other American citizens who collaborated with the Germans either by engaging in broadcasting activities or by other methods of cooperation. Most of these persons have been interrogated by the military authorities and by representatives of the Federal Bureau of Investigation, but it is not believed that any are in custody at the present time. The attached list contains the names of these persons and a brief statement relative to their activities. It is, of course, very likely that information may be received concerning other collaborationists.

The Federal Bureau of Investigation no longer has representatives in Europe, and this Department is therefore sending three attorneys, Samuel C. Ely, Clyde E. Gooch, and Victor C. Weerheide, and two secretaries,

(C17CC) there in the immediate future to develop the cases against these individuals and prepare them for trial where the evidence indicates that prosecution is warranted. In order that these cases may be successfully prepared and presented, it will be necessary for the Army to furnish our representatives five or six experienced investigators and transportation facilities for the efficient investigation of these cases throughout Germany, France, Austria, and other countries in which evidence might be obtained.

In the course of their activities, our representatives will need sufficient office space and proper equipment in Berlin, Paris, and possibly other cities, when and where necessary. It is possible that additional investigators and clerical assistance may be required.

It is also desired that the military authorities furnish adequate accommodations for food and lodging, laundry facilities, and that privileges be extended to them to make purchases at Army post exchanges and commissaries during their stay in Europe.

It is probable that in the course of the investigation some of the witnesses and documents will likely be located in the areas or zones occupied by some of our allies. Therefore, it is requested that the necessary arrangements be made for access to these areas by our representatives and their investigators and for the interrogation of such persons and for the examination and acquisition of such documents if they are

material to the cases under investigation.

The personnel of this Department should be provided with such credentials by the Army as will enable them to travel day and night as the occasion may demand and should be sufficient in themselves to allow immediate access into, and freedom of travel within, any sector under the military control of the United States or its allies. Consequently, adequate means of transportation, including drivers, should be available at all times to our representatives. In furtherance of their duties it is also desired that they be quartered among the officers so that their freedom of movement will not be restricted.

It is desired to complete the investigation of these cases as expeditiously as possible, and where prosecution is warranted, to bring the cases to trial at an early date. The full and complete cooperation of our military authorities in Europe is indispensable to the success of this mission.

Respectfully,

For the Attorney General

THORON L. CAUDLE
Assistant Attorney General

Enclosure No. 375192.

Los Angeles

CRIMINAL DIVISION
March 5th, 1946
MAR 13 1946
RECEIVED

The Honorable Tom Clark
Department of Justice
Washington, D.C.

My dear Mr. Clark:

Are congratulations in order to the
Department of Justice on the following:

The seditionists set free
Ezra Pound set free

677(C) set free
set free

Robert Best -on his way?

5 members of the Department to travel to Germany to seewhat?
Free the men on trial at Nuremberg?

We long-suffering taxpayers ask? Is the
Justice Department protecting Americans or Germans and German
lovers?

Very respectfully

677(C)

J. F. W.

7-11-46-28-237-1
MIG
MAR 13 1946
RECEIVED

Clarke

Tom DeWolfe
Samely

LME

6 January, 1947.

Director of Public Relations,
The Department of Justice,
Constitution Avenue, Between 9th and 10th Streets, N.W.,
Washington, D.C.

RECEIVED
JAN 10 1947
CRIMINAL DIVISION

146-28-248

Sir:

As a student at Yale Law School now writing a paper on propagandizing for the enemy as a possible basis for a treason charge, I am writing to ask for a copy of the grand jury indictment returned against Robert Best and Douglas Chandler on December 30, 1946, at Boston. If a copy is not available at the Department, I would appreciate knowing from what source I can obtain a copy.

146-24-232

146-28-237-1

In addition, information is requested, if available, of the official status of the cases pending against the following: Frederick W. Kaltenbach, Ezra Pound, Edward Delaney, Constance Drexel, Jane Anderson, and Max Koischwitz. There have been numerous stories in the papers about the whereabouts of these persons, named with Best and Chandler in July, 1943, as traitors, but I desire the official status of these persons in the view of the Department.

If that information is available for release, I would also be interested in knowing whether any further persons are considered by the Department as coming within the category of propagandists, indictable for treason or any lesser offenses under the Espionage Act.

If my paper would be of any interest to the Department, I would be glad to forward a copy when it is completed this month. It is being prepared under of the law faculty and also connected with the department.

Very truly yours,

776
New Haven, Conn.

RECORDED
1.

146-28-237-1
DEPARTMENT OF JUSTICE
JAN 10 1947
DIVISION OF PUBLIC INFORMATION

RECEIVED
JAN 8 - 1947
DIRECTOR
DIVISION OF PUBLIC INFORMATION

CRIM. - INTERNAL SECURITY SEC.

TLC:SOE:DTJ

146-28-237-1

RECORDED

R. V. L.

January 15, 1947

(let CC)

New Haven, Connecticut

Dear (let CC)

This will acknowledge your letter of January 6, 1947, addressed to the Public Relations Director of this Department concerning the official status of the Treason cases pending against Robert Best, Douglas Chandler and others.

In compliance with your request, I am enclosing copies of the indictments that were returned against Best and Chandler in the District of Massachusetts on December 30, 1946.

In response to your other inquiries, I can state that Max Koischwitz and Frederick W. Kaltenbach are reported to have died of natural causes in July 1944 and October 1945, respectively. Ezra Pound was adjudged mentally incompetent and is presently in St. Elizabeth's Hospital, Washington, D. C. The whereabouts of Jane Anderson is unknown. Treason indictments are still pending against her, Constance Drexel and Edward Delaney in the District of Columbia; however, recent investigation has disclosed that Drexel made only a few wartime broadcasts which consisted entirely of comments on social events and musical programs, and that Delaney made no broadcasts with possibly one or two exceptions after the United States entered the war.

I am sure you can understand that it would be impossible for me to reveal whether or not criminal action is being considered against other persons who collaborated with the enemy although I can say that the activities of all American citizens who may have aided the enemy during the war have been or are being investigated.

cc: Records
Chron.
Mr. Ely

INSPECTED AND MAILED
COMMUNICATIONS SEC.
JAN 15 1947 AJ

FILED
OR
JAN 20 1947

TAL
pat
ba

The Department of Justice will be very pleased to receive a copy of your paper on propagandizing for the enemy when it is completed.

Respectfully,

For the Attorney General

THERON L. CAUDLE
Assistant Attorney General

Enclosure
No. 495613

November 15, 1947.

The Attorney General of the United States,
Att. Chief, Criminal Division,
Department of Justice,
Washington, D.C.

RECEIVED

NOV 18 1947

CRIMINAL DIVISION

Sir:

In letter TLC:SCE:DTJ, 146-28-237-1, Mr. Theron Caudle of the Criminal Division furnished me with certain information concerning treason indictments for a paper, which I was preparing here at Yale Law School. I sent the original of that paper to the department for use in the Chandler and Best cases, where I presume it is still being used, since it has not been returned.

I am now interested in bringing that paper, entitled "Treason on the Air," up to date. For that reason, I wonder whether I could have the following information, subject, of course, to the possibility that the information may not be available for publicity as yet. But, if such information is available for the public, I would very much appreciate receiving it:

*was to be
ad 1/15/47
il about
5/48*

- (1) Status of appeal in Chandler case. Date of COA argument, if known.
- (2) Status of indictment against Best.
- (3) Status of Miss Mildred Gillars ('Axis Sally'), whether under arrest in Germany or here in U.S. and whether indictment has been planned.
- (4) Status of Ezra Pound (last in St. Elizabeth's), Jane Anderson (dead or found), Constance Drexel, and Edward Delaney.
- (5) Any other treason cases pending.

*No date set.
Read was
get printed
and filed*

*Check with [unclear]
Sally*

Respectfully,

Starr

677CC

677CC

New Haven, Conn.

Dismissed

Pending

146-28-237-1

DEPARTMENT OF JUSTICE
NOV 23 1947
DIVISION OF RECORDS

CRIM - INTERNAL SECURITY - SEC

R.V.L.

DeLoach

TVQ:RPW:DTJ

146-31-237-1

R V L

December 1, 1947

DEC 4 1947
F M R
D

RECORDED

6.7(c)

New Haven, Connecticut

Dear 6.7(c)

In your letter of November 15, 1947, you asked certain questions concerning treason indictments for use in a paper being prepared at the Yale Law School. Insofar as the information is available, I shall answer these in the order in which you set them forth:

1. The record in the Chandler case has not yet been perfected or filed, and, consequently, no date has been set for the argument of the case in the Circuit Court of Appeals.
2. Motions made in the Best case have been set for argument in the District Court at Boston, Massachusetts, on December 16, 1947. It is anticipated that the case will be reached for trial about mid-February.
3. Mildred Gillars is in custody of military authorities abroad.
4. With respect to the remainder of inquiries, the desired information is as follows:

Ezra Pound remains committed to St. Elizabeth's Hospital, Washington, D. C. Jane Anderson has been released from the custody of military authorities abroad, this Department having determined that the evidence available was wholly insufficient to sustain prosecution; the indictment against her returned in the District of Columbia in 1943 was thereupon dismissed. The indictment against Constance Brexel returned in the District of Columbia in 1943 remains in a pending status. Edward Leo Delaney, who was also indicted for treason in the District of Columbia

cc: Records
Chron.
Mr. Whsarty
Mr. Foley

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COMMUNIST
DEC 1 1947

in 1943, returned to the United States at the Port of New York, August 8, 1947. Inasmuch as venue would lie in the district to which he returned or in which he was first found, a complaint charging treason was forthwith filed with the United States Commissioner in the Southern District of New York and the defendant apprehended upon a warrant issued thereunder and held in default of bail. Shortly thereafter the case was presented to a grand jury for the Southern District of New York, the evidence being supplemented by the testimony of all material foreign witnesses, and such grand jury failed to return a true bill. The complaint was thereupon dismissed and subsequently the indictment in the District of Columbia was also dismissed.

I regret that, except as above set forth which is a matter of public record, I am unable to answer the remaining inquiries of your letter of November 15, 1947.

Respectfully,

For the Attorney General

T. VINCENT QUINN
Assistant Attorney General

AMC:WBF:lr

146-28-237

December 20, 1948

B. D. B.

(cc)

Chillicothe, Ohio

Dear

Reference is made to your letter of December 3, 1948, addressed to the Director, Federal Bureau of Investigation and to Mr. Hoover's reply of December 13, 1948.

For your information, two of the individuals who were indicted for treason in the District of Columbia in 1943 have been convicted and are under sentence of life imprisonment. They are Douglas Chandler and Robert H. Best. Chandler appealed and the Circuit Court of Appeals for the First Circuit has recently affirmed the decision. Best's appeal is now pending. Ezra Pound, as you know, has been declared mentally incapable to stand trial and is confined to St. Elizabeth's Hospital, Washington, D. C. A recent examination indicates that Pound is still unable to stand trial.

Two of the persons indicted for treason, Max Koischnitz and Fred Kaltenbach, died in Germany prior to the end of the war. Edward Leo Delaney was brought to the United States in August of 1947. Since he came first to the jurisdiction of the Southern District of New York, it was necessary that an indictment be obtained against him in that district. When the facts relating to Delaney were presented to a grand jury in the Southern District of New York, the grand jury voted a no true bill. Since the facts relating to Constance Drexel were generally similar to those in the Delaney case and since, in any event, she could not be tried in the District of Columbia,

CC: Records
Chrono.
Mr. Foley

RECEIVED AND MAILED
COMMUNICATIONS SEC.
DEC 21 1948
WS

Confidential

AMC by WBF

having first come to another judicial district, the indictment against her was dismissed. For similar reasons, the indictment against Jane Anderson, who is still somewhere in Europe, was also dismissed. The dismissal of the indictments against Drexel and Anderson does not foreclose subsequent reindictment, should the facts available as legal evidence in a treason prosecution warrant it.

Respectfully,

For the Attorney General

ALEXANDER M. CAMPBELL
Assistant Attorney General

Los Angeles California, April 6, 195

Department of Justice
Washington, D.C.

Gentlemen:

I am deeply interested in the case of Ezra Pound who has been accused of treason and is now a patient in St. Elizabeth's Hospital in Washington.

Pound has been accused of uttering treasonable remarks during certain broadcasts for the Italian Government during the last war. I should like very much to get further information regarding these broadcasts etc. If at all possible, I should like to get copies of his so-called treasonable utterances, together with whatever evidence the government may have on file that he, Pound, uttered them. In brief, I should like to get all available information regarding the case of Ezra Pound. I have been informed that this information is available upon payment of a small fee. If your office does not handle this information, then will you please turn this letter over to the department concerned.

Thank you and sincerely

(617(C))

Los Angeles 27, California

776	
SEARCHED	SERIALIZED
INDEXED	FILED
APR 10 1955	
FBI - LOS ANGELES	

✓

JMM:DLF:rb

146-7-3672

April 14, 1950

L.O.

~~CONFIDENTIAL~~

(6,7 CC)

Los Angeles 27, California

Dear (6,7 CC)

Re: United States v. Ezra Pound

Reference is made to your letter of April 6, 1950, requesting information regarding the above entitled matter.

As you know, Pound was indicted in the District of Columbia in 1945 for treason. Shortly thereafter, and prior to trial, he was adjudged to be of unsound mind and was committed to St. Elizabeth's Hospital, Washington, D.C. The indictment which was returned against Pound is still outstanding, and under the circumstances I am sure you can appreciate that it is impossible for me to make available to you the information that you have requested.

Respectfully,

For the Attorney General

JAMES M. McINERNEY
Assistant Attorney General

RECEIVED AND MAILED
COMMUNICATIONS SECTION
APR 14 1950 A.M.

✓ Records
Miss Hamlin
Miss Fillius

[Handwritten initials]

[Handwritten initials]

November 28, 1950

The Attorney General
Department of Justice
Washington, D. C.

Dear Sir:

I am working on a doctoral dissertation on the life of Ezra Pound for the department of English at the University of California in Berkeley. At present I am on leave of absence to do research in the Library of Congress.

Would you please tell me if it would be possible for me to have copies of the material in your files of the treason charges and evidence against Mr. Pound and any other relevant information?

If such copies are not available would you tell me if and where I might examine the originals?

Thank you very much for your courtesy.

Sincerely yours,

617(C)

Brookeville, Maryland

J. K. H.

146-7-3672

NOV 30 1950
146-7-3672

✓

100-9371-1632

JMM:DLF:vb

146-7-3672

December 6, 1950

(6,7(C))

Brookeville, Maryland

Dear

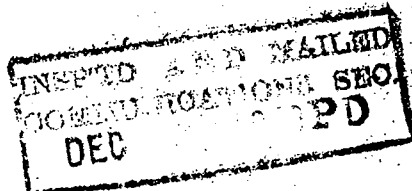
Re: United States v. Ezra Pound

Reference is made to your letter of November 28, 1950, requesting copies of the treason charge and evidence contained in the files of this Department in the above entitled matter.

I am enclosing a copy of the indictment which was returned against Pound in the District of Columbia in 1945. As you know, shortly after the return of the indictment and prior to trial Pound was adjudged to be of unsound mind and was committed to St. Elizabeths Hospital, Washington, D. C. The indictment is still outstanding against Pound and should he be adjudged sane at sometime in the future, he would be subject to trial under that indictment. Under these circumstances I am sure you can appreciate that it is impossible to furnish copies of any of the material in the confidential files of this Department concerning Pound or to make such material available to the public for inspection.

Respectfully,

For the Attorney General



JAMES M. McINERNEY
Assistant Attorney General

Enc. No. 76379

Records
Miss Hamlin
Miss Fillius

February 27, 1951

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

RECEIVED

FEB 28 1951

CRIMINAL DIVISION

Dear Sir:

In relation to a research project in poetry, I am interested in reading the testimony of Ezra Pound during his trial for treason. The date of "A TRUE BILL", a copy of which was published by John S. Mayfield of the Park Book Shop, Washington, D.C., is July, 1943.

Can you please suggest any method, such as photostatic copy, microfilm, etc., whereby this material may be made available for my purpose?

I shall greatly appreciate whatever cooperation you find it possible to offer.

Respectfully,

(617CC)

ADDRESS:

(617CC)
Chestnut Hill, 67,
Massachusetts

RECORDED

142-1-5672

MAR 5 1951

CRIM. DIVISION

ORIGINAL SECURITY SEC

1-2-51

131

JMM:DLF:yb

146-7-3672

March 8, 1951

(6,7CC)

Chestnut Hill 67, Massachusetts

Dear (6,7CC)

Reference is made to your letter of February 27, 1951, requesting to be advised whether a copy of the testimony of Ezra Pound during his treason trial could be made available to you for use in connection with a research project in poetry.

Ezra Pound was first indicted for treason on July 26, 1943, in the District of Columbia. Subsequently, on November 26, 1945, a superseding indictment for treason was returned against Pound in that district. Shortly thereafter and prior to trial Pound was adjudged to be of unsound mind and was committed to St. Elizabeths Hospital, Washington, D. C. Because of this commitment Pound has never been brought to trial on the treason charges alleged in the indictment. However, the indictment is still outstanding against Pound, and should he be adjudged sane at some time in the future, he would be subject to trial under that indictment. I am enclosing for your information a copy of the indictment which was returned against Pound in November 1945.

Respectfully,

For the Attorney General

JAMES M. McINERNEY
Assistant Attorney General

Records
Miss Hamlin
Miss Fillius

Enc. No. 763

INSPTD AND MAILED
COMMUNICATIONS SEC
MAR 12 1951
CN

617(C)

NASHVILLE, TENNESSEE

March 26, 1951

Department of Justice
Washington, D. C.

RECEIVED

MAR 29 1951

CRIMINAL DIVISION

Dear Sirs:

Could you possibly send me a copy of the Grand Jury's indictment of Ezra Pound? I would also be interested in seeing a copy of the proceedings against him. I hope this wouldn't be too much bother.

Sincerely yours,

617(C)

RECORDED
B

146-7-3672	
DEPT. OF JUSTICE	OFFICE
MAR 29 1951	
DIVISION	

CRIM. - INTERNATIONAL CONTROL SEAL
A.C.K.

617(C)

Chestnut Hill - Massachusetts

RECEIVED

APR 5 1951

CRIMINAL DIVISION

Dear Sir:

Thank you for your letter
labelled 146-7-3672 with
enclosure no. 76374, Treason
indictment (18 U.S.C. 1).

For further investigation
in my project I should like
access to copies of some of
'Ezra Pound's' broadcasts from
Italy on short wave. Can you
suggest how these may be
obtained?

Yours truly,

617(C)

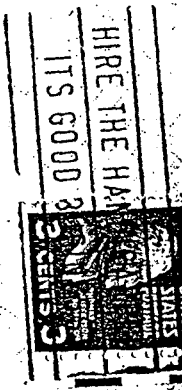
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DEPARTMENT OF JUSTICE
APR 5 1951
DIVISION OF RECORDS

CRIM - INTERNAL SECURITY SEC

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1395



The Attorney General
 9 m m. Dept of Justice
 146-7-3672
 Dept of Justice
 Washington D.C.

617(C)

Christina Hill

Mass

617(5)
EAST PROVIDENCE
RECEIVED

APR 12 1951 APRIL 9 1951

Criminal Division

APR

DEAR MR. McGRATH, A.K.

PLEASE

GRANT EZRA POUND
CIVIL RIGHTS.

AND COMFORT TO AID ✓
WAS THE POET'S DESIRE. US

DEBATE WAS THE AID
OF HIS FASCIST HOSTS

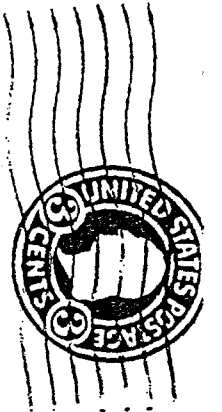
(2)

THEY
GUARANTEED HE MIGHT
LIMIT HIS COMMENT
TO SUCH AS SQUARED
WITH HIS CONSCIENCE
AS AN AMERICAN
CITIZEN.

ANNOUNCEMENT
OF THIS PLEDGE PRECEDED
SOME OF MR. POUND'S
EARLY BROADCASTS.

WHAT IS
TREASONABLE ABOUT
EXERCISING THE RIGHT
TO FREE DISCUSSION
UNDER OUR CONSTITUTION?
RESPECTFULLY, (6700)

E. PROV. 14
R. I.



HOWARD McGRATH
WASHINGTON
D. C.

JMM:ELF:vb

146-7-3672

April 10, 1951

APR 11 1951
U.S. DEPARTMENT OF JUSTICE

617(C)

Nashville, Tennessee

Dear 617(C)

Reference is made to your letter of March 26, 1951, requesting copies of the indictment in the Ezra Pound case and of the proceedings against him.

Ezra Pound was first indicted for treason on July 26, 1943, in the District of Columbia. Subsequently, on November 26, 1945, a superseding indictment for treason was returned against Pound in that district. Shortly thereafter and prior to trial Pound was adjudged to be of unsound mind and was committed to St. Elizabeths Hospital, Washington, D. C. Because of this commitment, Pound was never brought to trial on the treason charges alleged in the indictment. Consequently, the only proceeding against Pound was that in connection with the hearing as to his sanity, and the Department does not have transcripts of that proceeding available for distribution to the public. I am, however, enclosing a copy of the indictment which was returned against Pound in November 1945.

Respectfully,

For the Attorney General

JAMES M. McINERNEY
Assistant Attorney General

Enc. No. 76416

Records
Miss Fillius
Miss Hamlin

RECORDED AND INDEXED
APR 11 1951
U.S. DEPARTMENT OF JUSTICE

JK
100K
JH

JH

146-7-3672

JMM:DLF:vb

146-7-3672

April 10, 1951

copy

BY M B
ON APR 12 1951

617(C)
Chestnut Hill, Massachusetts

Dear 617(C)

Reference is made to your recent letter requesting information as to how you may obtain access to copies of Ezra Pound's shortwave broadcasts from Italy.

The indictment which was returned against Pound in 1945 is still outstanding against him and should he be adjudged of sound mind at any time in the future, he would be subject to trial under that indictment. Under these circumstances I am sure you can appreciate that it is impossible to furnish copies or make available for inspection such transcripts of Pound's broadcast as may be contained in the confidential files of this Department.

Respectfully,

For the Attorney General

JAMES M. MCINERNEY
Assistant Attorney General

Records
Miss Hamlin
Miss Fillius

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COMMUNICATIONS SECTION
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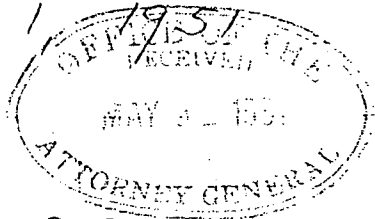
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617(C)

EAST PROVIDENCE 14

MAY 1



DEAR MR. McGRATH,

JEFFERSON

DAVIS, WHOSE ARREST FOR TREASON EMBARRASSED OUR FEDERAL PROSECUTORS AFTER THE CIVIL WAR, FINALLY WENT FREE ON BAIL FURNISHED BY CONSTRUCTIVELY THINKING CITIZENS.

COULD NOT A SIMILAR PROCEDURE SERVE TO RELIEVE YOUR DEPARTMENT OF ITS DEPLORABLE CASE AGAINST EZRA POUND? I'D GLADLY SURRENDER MY OWN LIBERTY IN EXCHANGE FOR HIS.

W. J. 3612

J. K. H.

RESPECTFULLY,

617(C)

(176)
E. PROV. ST
R. I.



HOWARD McGRATH
WASHINGTON
D. C.

CBM:DFG:vbm

146-7-3672

(Typed 11-5-52)

November 7 1952

617(C)
Portland 66, Oregon

617(C)

The Secretary of State has referred to me your letter of October 17, 1952, in which you inquire why Ezra Pound was tried for treason.

Pound was first indicted for treason on July 26, 1943 in the District of Columbia and a superseding indictment was returned against him on November 26, 1945. Both of these treason indictments were based on Pound's activities as a radio propagandist for the Italian Government during World War II. However, Pound was never brought to trial on the treason charges alleged in the indictment because prior to trial he was declared by the court to be of unsound mind, and therefore incapable of standing trial, and was committed to St. Elizabeth's Hospital, Washington, D. C. The treason indictment against Pound is still outstanding and should he be adjudged of sound mind at any time in the future, he would be subject to trial under the indictment.

Respectfully,

For the Attorney General

CHARLES B. MURRAY
Assistant Attorney General

FILED
BY HVG
On NOV 14 1952
BY J P M
On NOV 13 1952

INSPTD AND MAILED
COMMUNICATIONS SEC
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Records
Chrono
Mrs. Green

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DEPARTMENT OF STATE, U. S. A.

WASHINGTON 25, D. C.

OFFICIAL BUSINESS

W. J. ...

Department of Justice,
Washington 25, D. C.

Run Stop

617(C)
Atlantic City, N. J.
January 29, 1953

Dear Sirs,

CR

I am a student of Atlantic City High School. During the study of Modern American Poetry I have become interested in Ezra Pound. I know that he was indicted of treason in 1943. He was found to be of unsound mind and placed in a mental home.

I can find no further information. If you would be so kind I would appreciate it to receive whatever information

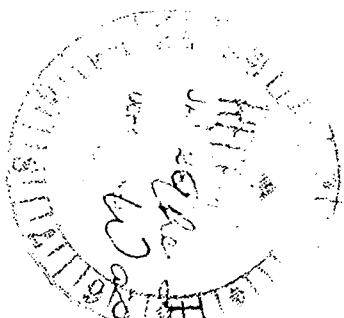
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CRIM. - INTERNAL SECURITY SEC

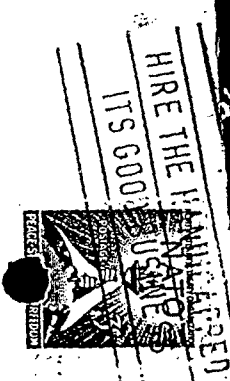
140

617(c)
Atlantic City, N.J.



Mr. Harold Department
Washington, D.C.

P.L.



HIRE THE MAN WHO KNOWS HIS BUSINESS

UNIVERSITY OF KANSAS
DEPARTMENT OF LATIN AND GREEK
LAWRENCE

4/6/116

REC

(17CC)
Lawrence, Kansas
June 13, 1953

His Excellency Dwight D. Eisenhower
President of the United States
The White House, Washington, D. C.

RECEIVED

JUN 25 1953

Dear Mr. Eisenhower:

CRIMINAL DIVISION

I have never written to a President of the United States before, and I do so now only in behalf of another and with the hope of advancing the cause of justice. You are no doubt aware of the situation of Ezra Pound, who has been confined for more than seven years in St. Elizabeth's Hospital, Washington, D. C. As an American citizen I courteously inquire of you whether his case has come to your attention for review since you assumed office and, if not, whether you might now consider the facts involved with a view toward exercising clemency and bringing about the early release of Mr. Pound from detention.

I do not assume any knowledge of his situation beyond my personal acquaintance with Mr. Pound and all he has accomplished for the art, literature and thought of our time nor do I presume to judge those who apprehended him, examined him psychiatrically, and confined him without trial. I am, however, convinced that he is not criminally insane although obviously highly eccentric, that his error lay in inveighing on a foreign radio against usury and the administration of the late President F. D. Roosevelt and not in advocating any treasonable act, and that he is both a very kind and generous man and beyond doubt the greatest living poet now writing in English.

He has surely paid uncomplainingly (and his innocent wife even more in a manner we can only imagine) for whatever wrong he may be presumed to have done; there can be no question at this late date of a trial, his long incarceration being all that the United States government can require of him. Like Ezra Pound, I feel that a man must act according to his conscience; and in view of the considerations set forth above I am asking you to fulfill not only my own sincere wishes but those of many men and women here and abroad by freeing Ezra Pound from his imprisonment.

I am, very sincerely yours,

146-7-3672

JUN 24 1953

M. D. 7

(17CC)

CRIM.-INTERNAL SECURITY SEC

JUN 29 1953

Called for file
677(C)
Pittsburgh 32, Pa. 1179
October 27, 1953

The Honorable Robert J. Brownell
Attorney General for the United States
Department of Justice
Washington 25, D. C.

CR
OCT 30 1953
RECEIVED

Dear Sir:

Aware that you represent the Department of Justice, which exemplifies American justice, I write to you.

Aware that you are a very busy man, I write briefly and to the point.

Ezra Pound, one of the world's greatest living poets, is confined to St. Elizabeth's Hospital where he was committed seven years ago. He was taken to the United States from Italy where during the war he made radio broadcasts which were subsequently deemed treasonable.

There is no visible record of the four doctors who committed him.

There is no formal review of his condition to establish whether or not he is able to stand trial.

There is not one step being taken to effect his release from St. Elizabeth's, although he is indeed rational.

Our State Department has appointed a War Crimes Board for reducing German war crimes sentences of people who coldly murdered or aided in murder. Even today, known war criminals who directed mass murders are free.

Ezra Pound, who made radio broadcasts, remains for seven years, in exile in a mental institution.

Honorable Sir, this letter is a question which I hope, even with your many time-consuming activities, you might answer:

Are these two contrasting elements of American justice exemplars of our American democracy?

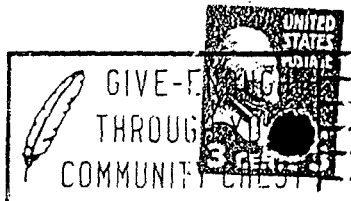
Very respectfully yours,

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NOV 2 1953
ADMINISTRATIVE
REGULATIONS SECTION

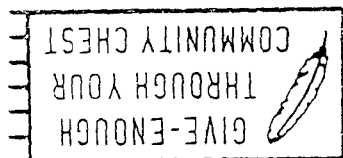
677(C)

146-7-367
OCT 29 1953

617(c)



The Honorable Robert J. Brownell
Attorney General for the United Sts.
Department of Justice
Washington 25, D. C.



WO:DFG:ed

146-7-3672

Typed 11/19/53

November 23 1953

RECEIVED
-J, L, G, S
DEC 9 1953

(617(C))
Pittsburgh 32, Pa.

BY FM
On DEC 8 1953

Reference is made to your letter of October 27, 1953, concerning Ezra Pound.

Ezra Pound was first indicted in the District of Columbia on July 26, 1943, for treason. At the conclusion of World War II he ^{was} returned to the United States from Italy in custody, and on November 26, 1945, a superseding indictment was returned against him. Both of these treason indictments were based upon his activities as a radio propagandist for the Italian government during the war.

With respect to your comments concerning Ezra Pound's confinement to St. Elizabeths Hospital and your statements that there is no visible record of the four doctors who committed him and no formal review of his condition to establish whether he is able to stand trial, it may be of interest to you that the question of Mr. Pound's mental condition was first raised by his attorney, who, at the time of Mr. Pound's arraignment on the treason charge, made representations to the court that he was of unsound mind. Pursuant to the request of Mr. Pound's attorney, the court entered an order directing that the defendant Pound be transferred to a hospital for examination and observation by psychiatrists. In a joint written report to the court, the four psychiatrists who conducted the examination stated that Ezra Pound was insane and mentally unfit for trial, and in need of care in a mental hospital. Thereafter, upon order of the court, Mr. Pound was sent to St. Elizabeths Hospital for treatment and examination. Subsequently, upon motion of the Government, a formal sanity hearing was held by the court and Mr. Pound was adjudged to be legally insane and was committed by the court to St. Elizabeths Hospital, where he is presently confined.

Handwritten initials and date: 11/19/53

Handwritten initials and date: W.B.M. 11/23

Handwritten initials: W.M.

Handwritten initials: L.D.

Records
Mrs. Green
Chrono

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COMMUNICATIONS SEC.
NOV 28 1953

The treason indictment of November 1945 is still outstanding against Ezra Pound, and if, at any time in the future, he should be adjudged to be legally sane, he would be subject to trial under that indictment.

Sincerely,

WARREN OLNEY III
Assistant Attorney General
Criminal Division

By: WILLIAM E. FOLEY, Chief
Internal Security Section