

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

E.P.

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.

RECORD
11

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.

~~NOV 20 1945~~

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

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

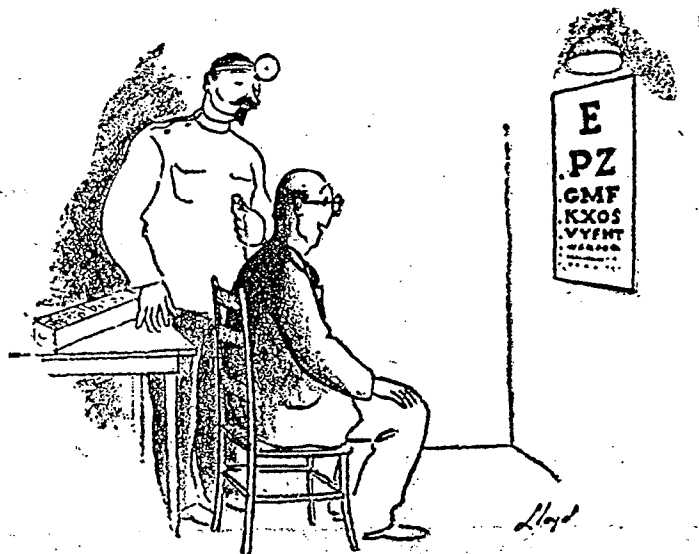
*Noted
 WF*

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
FROM: Daniel M. Lyons, Pardon Attorney
SUBJECT: Ezra Pound

DATE: June 23, 1953

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

GEM-INTERVILL

234

50
Indexed

WO: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.

JFK
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
PRIM. - INTERNAL SECURITY	

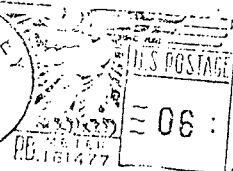
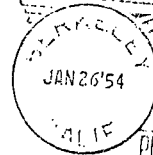
90-1-16-25

Edwards
UNIVERSITY OF CALIFORNIA
DEPARTMENT OF ENGLISH
BERKELEY 4, CALIFORNIA

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

AIRMAIL

AIR MAIL

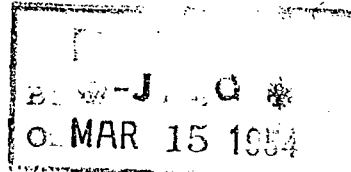


UNIVERSITY OF CALIFORNIA

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.

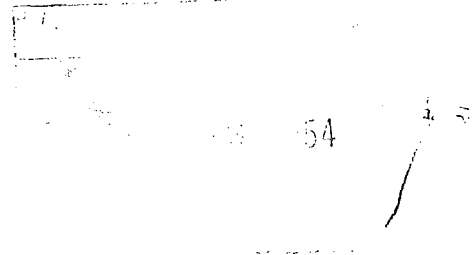
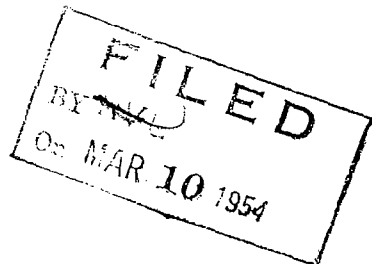
By publishing your letter in the Pound Newsletter, we will do much, I am sure, to clear the air of the many misunderstandings that have arisen concerning this problem. Well-meaning, but uninformed admirers of Pound have too easily and too often seen fit to overlook the complexities of this case and so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



file
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 on left margin:
JUL 14
JUL 14
JUL 14

Handwritten initials: 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.

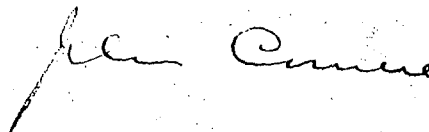
At the time of Mr. Pound's trial, I was told by the Chief of the Criminal Division of your department that there would be no objection to my having the texts of these broadcasts and that they would be furnished to me in due time. However, when it appeared that Mr. Pound was insane, the matter was dropped. 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--S1134A

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

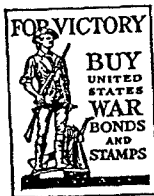


10 May

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.

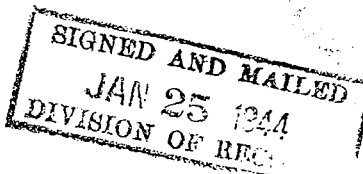
With kind regards,

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

146-7-2-12
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...

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 a man with the name of A.K.S.

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.

*Noted
TMC5*

Times-Herald
February 15, 1943

page 11

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.
- 3—2d, Malsco, Show House, Newark.
- 4—Reaper's Blade.
- 5—Declared off.
- 6—Betrotted.
- 7—(Goes as the sixth race) Chilla Nation, Flying Azrie, Juliet C, Onus.
- 8—Track, sloppy.

PH. ~~155-555~~ 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

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 treasonable 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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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