

CENTURIONS IN PUBLIC SERVICE

*Particularly as Presidents, Supreme
Court Justices & Cabinet Members*

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BY FREDERIC S. NATHAN



The Century Association Archives Foundation, New York

“...devotion to the public good, unselfish service, [and] never-ending consideration of human needs are in themselves conquering forces.”

FRANKLIN DELANO ROOSEVELT
Rochester, Minnesota, August 8, 1934

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Preface

THE CENTURY ASSOCIATION was founded in 1847 by a group of artists, writers, and “amateurs of the arts” to cultivate the arts and letters in New York City. They defined its purpose as “promoting the advancement of art and literature by establishing and maintaining a library, reading room and gallery of art, and by such other means as shall be expedient and proper for that purpose.” Ten years later the club moved into its penultimate residence at 109 East 15th Street, where it would reside until January 10, 1891, when it celebrated its annual meeting at 7 West 43rd Street for the first time.

THE CENTURY ASSOCIATION ARCHIVES FOUNDATION was founded in 1997 “to foster the Foundation’s archival collection of books, manuscripts, papers, and other material of historical importance; to make available such materials to interested members of the public; and to educate the public regarding its collection and related materials.” To take these materials from near chaos and dreadful storage conditions to a state of proper conservation and housing, complete with an online finding aid, is an accomplishment of which we are justly proud. We are delighted with this first book published under our imprint; we hope it will enhance the public’s understanding of the Century Association’s vital role in American history and culture.

FREDERIC S. NATHAN has been a member of the Century Association since 1973 and exemplifies the traits we often associate with the club's membership: professional achievement coupled with an intense involvement in the public sphere, particularly in the life of our great city. Fred was born in 1922 in New York City, where many of his forebears have lived since 1654 and have also well served their community and country. He graduated from the Horace Mann School in 1939 and from Williams College in February 1943 with honors in American history and literature. He left immediately for the armed forces, serving in the European theater of operations and receiving five battle stars. In 1948 he graduated from Yale Law School, taught briefly at Williams, and then became associated with the firm Rathbone, Perry, Kelley & Drye. In 1953 he became an assistant United States attorney in the Southern District of New York under J. Edward Lumbard. He was the first assistant corporation counsel of the City of New York from 1966 through 1969 (the first term of Mayor John V. Lindsay). Between these public service jobs and until 1982, he was at Greenbaum, Wolff & Ernst. In 1982 he rejoined his original firm, now known as Kelley Drye & Warren, where he is still a partner. Fred's many private sector activities include service as a trustee of the Mount Sinai Medical Center since 1970 and in leadership

roles in two bar associations. In his professional career he has tried many cases in state and federal courts and has appeared in each level of the state and federal appellate court systems. One lawyer turned writer wrote of Fred, "As a public servant he has been astute and conscientious and as an enterprising individual in the world of philanthropy, he is widely recognized." And that was in 1972! (The author was Louis S. Auchincloss, president of the Century Association from 2000 to 2003.)

Fred has performed an important service by pulling together the many threads that constitute the Century's role in the public sphere during the emergence of the United States as the dominant force in the free world. The work of these forebears is well worth celebrating; it is a history that belongs to all of us. We are proud to have sponsored this first book, and we thank those private donors who totally financed this project.

WILLIAM J. VANDEN HEUVEL, *President*
The Century Association Archives Foundation

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ment from the beginning; retired Dewey Ballantine partner E. Deane Turner, Grenville Clark's daughter Louisa Spencer, and Dublin (New Hampshire) Historical Society archivist John W. Harris for information about and photographs of Grenville Clark; Centurion Robert M. Pennoyer for material about his late partner and our colleague at the United States attorney's office, Harold Tyler; Margaret C. Woo, the author's longtime faithful assistant, who identified all Centurion presidents and appointees to the Supreme Court and cabinet by comparing the lists of names of the holders of these offices in Professor Graff's *The Presidents: A Reference History* with the lists of present and former Centurions in the Century Association's yearbook to create the chart following Chapter One; the people who commented on the drafts and pointed out additional sources and material, including colleagues at Kelley Drye & Warren, four college friends—Professors James MacGregor Burns and C. Frederick Rudolph, Jr., C. Gorham Phillips, and Robert Crane—and my law school classmate, Robert J. Kaufman.

Thanks also to my wife, Fran, a voracious bibliophile; our daughter, Jean, an actual author; and our New Mexico public-servant son, Fred Jr., each of whom read drafts of the chapters of this book and made many helpful criticisms and suggestions.

FREDERIC S. NATHAN

Chapter One

Presidents, Supreme Court Justices, and Cabinet Members

THIS BOOK IS AN ACCOUNT of the extraordinary role of members of the Century Association in federal public service from 1868 to 1990. It also discusses why so many members (“Centurions”) entered high federal service before this phenomenon stopped in 1981 and how the recruitment and retention of high-quality federal public servants might be encouraged.

This chapter records the service of Centurions as presidents, Supreme Court justices, and cabinet members. The chart that follows lists the Centurions who held these offices or ran unsuccessfully for president and shows the periods of their service (or the dates of their unsuccessful candidacies) and the periods of their membership in the Century.

Nothing in the founding documents of this small New York City club, formed in 1847 to promote art and literature, was predictive of the extent of the participation of its members in federal service.

Chapter Two describes the decisive role played in winning World War II by the Centurion president, Secretary of War, Assistant Secretary of War for Air, Secretary of the Navy, and their Centurion top assistants in government and close collaborators in the private sector.

Chapter Three looks at why so many Centurions attained these positions in the federal government from 1868 to 1981.

Chapter Four examines why the number of Centurions holding these positions started to decrease in 1961 and why Centurions stopped being appointed to these posts altogether in 1981. It also suggests steps that might be taken to increase the number of highly qualified and motivated people, including Centurions, in federal service.

Eight Centurion presidents occupied the White House for fifty-six of the eighty years from 1881 to 1961. Ten Centurions were appointed to the Supreme Court from 1882 to 1972. Fifty were appointed to the cabinet from 1868 to 1981.

There were twenty-three Centurion candidates in the nineteen presidential elections from 1880 through 1960. Centurions won thirteen of them. They were the candidates of both major parties in five. Three Centurions ran against each other in 1912.

The elections of 1880, 1900, 1920, and 1948 were the only ones during this eighty-year period in which no Centurion ran for president, but Centurions were elected vice president in the first two of these elections and soon succeeded to the presidency; both Chester A. Arthur and Theodore Roosevelt replaced their assassinated running mates within six months of

taking office (in 1881 and 1901). Franklin D. Roosevelt, the unsuccessful vice presidential candidate in 1920, was elected president twelve years later.

Of the eleven unsuccessful Centurion candidates for president in this eighty-year period, only one lost to a non-Centurion in the popular vote: John W. Davis to Calvin Coolidge. Two others—Samuel J. Tilden and (between two successful candidacies) Grover Cleveland—won the popular vote but lost to non-Centurions in the Electoral College.

All Centurion presidents except Cleveland and William Howard Taft had been Centurions for at least five years, and for an average of more than ten, before they became president.

Ten Centurion Supreme Court justices were appointed during the period from 1882 to 1972, nine of them from 1910 to 1972. Three—Charles Evans Hughes, Taft, and Harlan Fiske Stone—served consecutively as chief justice for the twenty-five years beginning in 1921. Centurions constituted a third of the Supreme Court justices sitting from 1925 to 1930 (Taft, Stone, and Edward T. Sanford); from 1932 to 1938 (Hughes, Stone, and Benjamin N. Cardozo); and from 1958 to 1981 (John Marshall Harlan, Potter Stewart, William J. Brennan, Jr., and Lewis F. Powell, Jr.¹). There was

1 There was a two-and-a-half-month gap between Harlan's resignation and Powell's confirmation.



WOODROW WILSON



WILLIAM HOWARD TAFT

WILSON, TAFT, and ROOSEVELT were opposing candidates in the 1912 presidential election. Wilson won, defeating the two former presidents.



THEODORE ROOSEVELT



HERBERT HOOVER and FRANKLIN D. ROOSEVELT on their way to FDR's 1933 inauguration.



DWIGHT D. EISENHOWER and his attorney general designate, HERBERT BROWNELL, JR., on their way to the 1953 inauguration.

at least one Centurion on the Supreme Court for all but eighteen of the 108 years from 1882 through 1990.

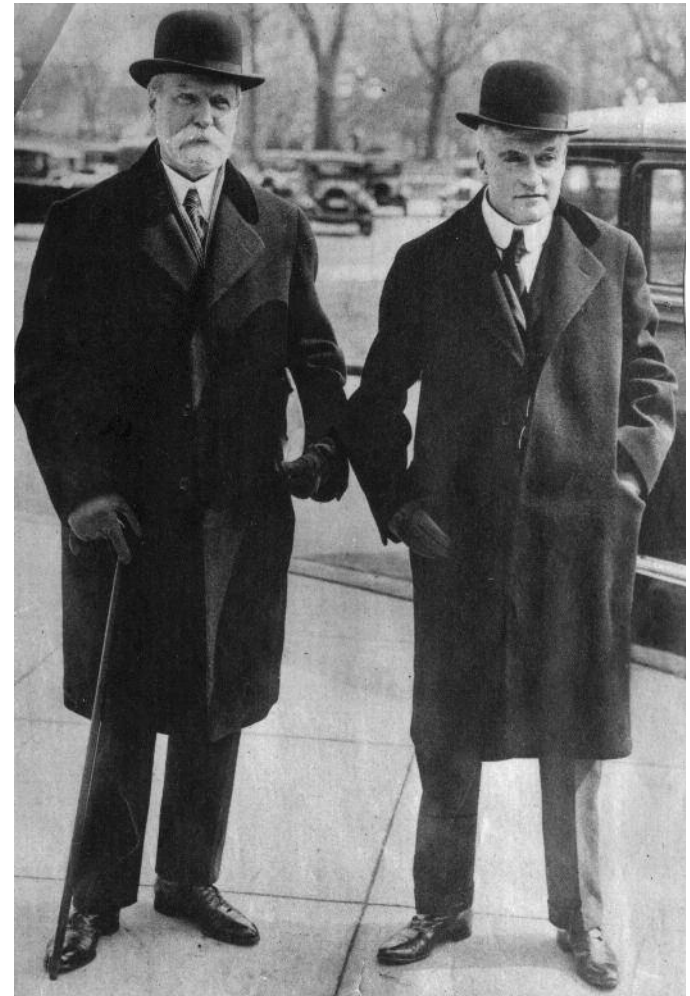
Seven of the ten Centurion Supreme Court justices were appointed to the Court by Centurion presidents. Hughes was appointed as an associate justice and chief justice by two different Centurion presidents. Two Democratic Centurions (Cardozo and Brennan) were appointed by Republican Centurions (Herbert C. Hoover and Dwight D. Eisenhower, respectively).

All of the Centurion justices except Brennan and Stewart had been Centurions for at least six years before they were appointed or promoted to chief justice.²

Current or future Centurions were appointed to fifty cabinet positions in the 113 years from 1868 to 1981.³ Thirty-six of these fifty positions were as heads of the four departments considered the most important:

2 Hughes was not a Centurion while an associate justice from 1910 to 1916, but he became one in 1927 before being appointed chief justice in 1930. Taft, Sanford, and Powell were nonresident members for eight, fourteen, and nine years respectively, prior to being appointed to the Court.

3 Three Centurions were appointed to cabinet positions twice (Elihu Root, James V. Forrestal, and Caspar W. Weinberger) and one three times (Henry L. Stimson). It could be said that a fifty-first Centurion cabinet position was held by future Centurion George Bancroft, Secretary of the Navy from 1845 to 1846, just prior to the founding of the Century in 1847.



Chief Justice CHARLES EVANS HUGHES (left) escorting BENJAMIN NATHAN CARDOZO to his swearing-in ceremony on March 20, 1932.

State (thirteen), War, later Defense (nine), Treasury (seven), and Justice (seven). Centurions served as Secretary of State during fifty-seven of the 111 years from 1869 to 1980 and as Secretary of War or Defense during thirty-eight of the eighty-eight years from 1899 to 1987.

Except for 1898, there was at least one current or future Centurion serving as president, a Supreme Court justice, or a cabinet member during the 122 years from 1868 to 1990. Presidents Hoover, Harry S. Truman, and Lyndon Johnson each appointed five Centurions to their cabinets. During Hoover's entire administration (1929–33), the president, chief justice (Taft and Hughes), one associate justice (Stone), and five cabinet members were Centurions. A second Centurion associate justice served during the first year (Sanford) and during the last two (Cardozo).

The number of Centurions who served in these positions is particularly remarkable in view of the Century's small size, its purpose, and its criteria for membership. One hundred men had been invited to join the Century Association in the year of its founding, 1847. Eighty-eight were elected that year. The limit on regular membership was increased to 200 in 1853 and gradually increased to 1,300 resident members by 1999 and then to its present number of 1,500 in 2004. Nonresident membership began in 1892 with a limit of 300, rising in stages to its present limit of 900 in 1972.⁴

The Century's charter sets forth its purpose as

... promoting the advancement of art and literature by establishing and maintaining a library, reading room and gallery of art, and by such other means as shall be expedient and proper for that purpose.⁵

The Century's constitution has always provided that its membership "shall be composed of authors, artists, and amateurs of letters and the fine arts."⁶ Almost all of the Centurions who held the offices of president, Supreme Court justice, or cabinet member were lawyers, bankers, and business executives admitted to membership as "amateurs of letters and the fine arts." Centurions in these professions appear to have always constituted a minority of the total membership.⁷

Almost one percent of the approximately 7,500 Centurions who were members during any part of the period from 1868 to 1981 (including members too

4 *The Century Yearbook 2009*, pp. vii–viii.

5 *An Act to Incorporate The Century Association* (Passed March 7, 1857), section 1.

6 *Constitution of The Century Association*, article 1, section 1.1.

7 The only relevant statistical summaries that could be found in the Century's archives show that of the 1,000 members in 1909, 198 were lawyers, 55 bankers, and 25 "capitalists." Of a total membership of 1,329 in 1937, there were 227 lawyers and 40 bankers, and of the 2,253 members in November 2005, 258 were lawyers and 86 in the "business-financial" field. [Enclosures to a letter dated August 10, 2005, to the author from Century archivist Russell Flinchum, Ph.D.]

young or too infirm to serve) became presidents, Supreme Court justices, or cabinet members, or were unsuccessful presidential candidates. Over three percent of the members who were in the professions from whose ranks almost all of these public servants were drawn served in these posts.⁸ While we are unaware of any “authors” or “artists” who served in these capacities, we will see in Chapter Two that many “authors” played important roles in overcoming the isolationist sentiment that had been frustrating FDR’s efforts to prepare for World War II and to give Britain the assistance it urgently needed.

⁸ The only other entity of which the author is aware that may have had such a large percentage of its members in high federal offices is the alumni body of the Litchfield Law School. The two-story home in Litchfield, Connecticut, that housed this law school, the first in the United States (1784–1833), is still open to visitors. According to its brochure, its tiny alumni body included vice presidents Aaron Burr and John C. Calhoun, three Supreme Court justices, fourteen cabinet members, and many members of the United States Senate and House of Representatives.

PRESIDENTS: Century Association Members

<i>Years of Century Membership</i>	<i>Name</i>	<i>Years Served</i>
1867–1886	Chester A. Arthur	1881–1885
1890–1904	Grover Cleveland	1885–1889 1893–1897
1884–1919	Theodore Roosevelt	1901–1909
1913–1930	William Howard Taft	1909–1913
1904–1924	Woodrow Wilson	1913–1921
1919–1964	Herbert C. Hoover	1929–1933
1922–1945	Franklin D. Roosevelt	1933–1945
1948–1962	Dwight D. Eisenhower	1953–1961

Unsuccessful Candidates for President

<i>Years of Century Membership</i>	<i>Name</i>	<i>Year Lost</i>
1866–1886	Samuel J. Tilden	1876
<i>Won popular vote by 3 percent margin but lost in the Electoral College</i>		
1890–1904	Grover Cleveland	1888
<i>Won popular vote by 100,000 but lost by one vote in the Electoral College</i>		
1905–1926	Alton B. Parker*	1904
1913–1930	William Howard Taft *	1912
1884–1919	Theodore Roosevelt *	1912
1919–1948	Charles Evans Hughes*	1916
1921–1955	John W. Davis	1924
1919–1964	Herbert C. Hoover *	1932
1937–1944	Wendell L. Willkie *	1940
1952–1965	Adlai E. Stevenson *	1952 and 1956
2008–2010	George McGovern	1972

* *Lost to a Centurion*

United States Supreme Court

<i>Years of Century Membership</i>	<i>Name</i>	<i>Years Served</i>
1868–1882	Samuel Blatchford	1882–1893
1919–1948	Charles Evans Hughes <i>Chief Justice</i>	1910–1916 1930–1941
1913–1930	William Howard Taft <i>Chief Justice</i>	1921–1930
1909–1930 1912–1946	Edward T. Sanford Harlan Fiske Stone <i>Chief Justice</i>	1923–1930 1925–1941 1941–1946
1926–1938 1949–1972 1958–1960 1961–1985 1963–1980	Benjamin N. Cardozo John Marshall Harlan William J. Brennan, Jr. Potter Stewart Lewis F. Powell, Jr.	1932–1938 1955–1971 1956–1990 1958–1981 1972–1987

Cabinet Members

<i>Years of Century Membership</i>	<i>Name</i>	<i>Years Served</i>
1856–1891	George Bancroft <i>Secretary of the Navy</i>	1845–1846
1848–1901	William M. Evarts <i>Attorney General</i> <i>Secretary of State</i>	1868–1869 1877–1881
1857–?	Hamilton Fish <i>Secretary of State</i>	1869–1877
1857–?	Edwards Pierrepont <i>Attorney General</i>	1875–1876
1892–1906	Carl Schurz <i>Secretary of the Interior</i>	1877–1881
1868–1904	William C. Whitney <i>Secretary of the Navy</i>	1885–1889
1890–1924	Charles S. Fairchild <i>Secretary of the Treasury</i>	1887–1889
1881–1911	Cornelius N. Bliss <i>Secretary of the Treasury</i>	1897
1886–1937	Elihu Root <i>Secretary of War</i>	1899–1904
1871–1905	John Hay <i>Secretary of State</i>	1901–1905

Cabinet Members *continued*

<i>Years of Century Membership</i>	<i>Name</i>	<i>Years Served</i>
1913–1930	William Howard Taft <i>Secretary of War</i>	1904–1908
1886–1937	Elihu Root <i>Secretary of State</i>	1905–1909
1891–1936	George W. Wickersham <i>Attorney General</i>	1909–1913
1893–1950	Henry L. Stimson <i>Secretary of War</i>	1911–1913
1920–1921	Franklin K. Lane <i>Secretary of the Interior</i>	1913–1920
1929–1937	Newton D. Baker <i>Secretary of War</i>	1916–1921
1919–1948	Charles Evans Hughes <i>Secretary of State</i>	1921–1925
1930–1932	Andrew W. Mellon <i>Secretary of Treasury</i>	1921–1932
1919–1964	Herbert C. Hoover <i>Secretary of Commerce</i>	1921–1928
1912–1946	Harlan Fiske Stone <i>Attorney General</i>	1924–1925

Cabinet Members *continued*

<i>Years of Century Membership</i>	<i>Name</i>	<i>Years Served</i>
1931–1948	Robert P. Lamont <i>Secretary of Commerce</i>	1929–1932
1893–1950	Henry L. Stimson <i>Secretary of State</i>	1929–1933
1935–1955	William D. Mitchell <i>Attorney General</i>	1929–1933
1912–1915	Charles F. Adams <i>Secretary of the Navy</i>	1929–1933
1924–1949	Ray Lyman Wilbur <i>Secretary of the Interior</i>	1929–1933
1935–1937	Ogden L. Mills <i>Secretary of the Treasury</i>	1932–1933
1924–1934	William H. Woodin <i>Secretary of the Treasury</i>	1933
1893–1950	Henry L. Stimson <i>Secretary of War</i>	1940–1945
1946–1949	James V. Forrestal <i>Secretary of the Navy</i>	1944–1947
1948–1952	Robert P. Patterson <i>Secretary of War</i>	1945–1947

Cabinet Members *continued*

<i>Years of Century Membership</i>	<i>Name</i>	<i>Years Served</i>
1946–1949	James V. Forrestal <i>Secretary of Defense</i>	1947–1949
1937–1971	Dean C. Acheson <i>Secretary of State</i>	1949–1953
1936–1986	Robert A. Lovett <i>Secretary of Defense</i>	1951–1953
1938–1996	Herbert Brownell, Jr. <i>Attorney General</i>	1953–1957
1946–1959	John Foster Dulles <i>Secretary of State</i>	1953–1959
1952–1979	Arthur S. Flemming <i>Secretary of Health, Education, and Welfare</i>	1958–1961
1932–1966	Christian A. Herter <i>Secretary of State</i>	1959–1961
1953–2003	C. Douglas Dillon <i>Secretary of State Secretary of Treasury</i>	1961–1963 1963–1965
1953–1973	Dean Rusk <i>Secretary of State</i>	1963–1969
1971–	Nicholas Katzenbach <i>Attorney General</i>	1965–1966

Cabinet Members *continued*

<i>Years of Century Membership</i>	<i>Name</i>	<i>Years Served</i>
1951–2002	John W. Gardner <i>Secretary of Health, Education, and Welfare</i>	1965–1968
1966–1971	Robert C. Weaver <i>Secretary of Housing and Urban Development</i>	1966–1968
1969–2006	Caspar W. Weinberger <i>Secretary of Health, Education, and Welfare</i>	1973–1974
1960–	Henry Kissinger <i>Secretary of State</i>	1973–1977
1981–	W. Michael Blumenthal <i>Secretary of the Treasury</i>	1977–1979
1985–	Joseph A. Califano, Jr. <i>Secretary of Health, Education, and Welfare</i>	1977–1979
1959–2002	Cyrus R. Vance <i>Secretary of State</i>	1977–1980
1969–2006	Caspar W. Weinberger <i>Secretary of Defense</i>	1981–1987

Chapter Two

Winning World War II

CENTURIONS RENDERED their greatest public service during the period from May 1940 (nineteen months before Pearl Harbor) to the end of World War II (August 1945). They played key roles in the federal government and in the private sector in staving off imminent Axis victories and then in winning the war:

- By helping to overcome isolationist opposition and to develop support for aid to Britain and for our own preparation for war in 1940 and 1941.
- By replacing the weak and inefficient leadership of the War Department with an aggressive and talented team, beginning in June 1940.
- By securing the enactment of the selective service statute on September 16, 1940, fifteen months before Pearl Harbor, and by preventing its repeal a year later.
- By securing the nomination of Wendell Willkie, the only interventionist candidate at the 1940 Republican presidential convention, and then obtaining his agreement not to criticize the Destroyers for Bases exchange with Great Britain.
- By replacing a floundering military procurement operation with a highly capable one and by organizing history's largest and most efficient services of supply.

- By helping to draft and enact the Lend-Lease legislation and then to administer the resulting program which supplied the Allied armies with, among other things, the majority of their tanks, trucks, and artillery.
- By leading the coordination of the research and development efforts of the U.S. scientific, industrial, and military establishments.
- By helping to develop more than a hundred new radar systems and the atomic bomb.

The once common assumption that Allied victory in World War II was inevitable because of America's industrial and human resources continues to be discredited,¹ but few historians have described how close the Allies came to losing it. No historian has detailed the crucial role played by Centurions in preventing its loss and then in achieving victory.

The full story of how close the Allies came to losing the war during the period from May 1940 through March 1943 did not emerge until well after the war

1 See particularly Richard Overly, *Why the Allies Won* (1995), pp. 316–17, 324, and passim; and James B. Wood, *Japanese Military Strategy in the Pacific War* (2007). Wood, a professor of history at Williams College, suggests that if several misguided strategic plans had not been adopted by the Japanese military over intense internal opposition, Japan probably could not have been defeated without more atomic bombs than we had in 1945.

ended. The story of the near loss and its probable impact on the free world has barely been touched on in history books. Familiarity with this story is essential to understanding the importance of the Centurions' role in helping to achieve ultimate victory. Too long to be told here, it is summarized in the Appendix. However, a brief chronology is necessary here to set the stage.

World War II started with Germany's invasion of Poland on September 1, 1939, barely a week after Hitler had signed a nonaggression pact with the Soviet Union. Poland was quickly occupied by the two pact members. The shooting war on Germany's Western Front began eight months later. In the two and a half months between April 9 and June 22, 1940, Germany attacked and conquered Norway, Denmark, Holland, Luxembourg, Belgium, and France. In the east the Soviet Union had annexed Latvia, Estonia, Lithuania, and parts of Poland, Finland,² and Romania. The remaining countries in Eastern Europe and the Balkans began to align themselves with Germany.³

By May 29, 1940, most of the British army in France and some French troops had been pinned against the

2 Finland resisted the major Soviet invasion, which began on November 30, 1939, before signing the March 12, 1940, treaty that ceded part of its territory.

3 Overly, p. 13.

English Channel at Dunkirk. Miraculously, 338,000 Allied soldiers (but none of their tanks, trucks, artillery, or supplies) were evacuated to England between May 29 and June 4.

On June 10, 1940, Italy declared war on Britain and France. After France surrendered twelve days later, the British Commonwealth fought Germany and Italy alone in Europe, North Africa, and the Middle East for over a year — until Germany invaded the Soviet Union on June 22, 1941.⁴

As Germany was conquering the Western European countries in the spring of 1940, it began to use captured bases there to step up its already devastating submarine attacks on Britain's supply lines and its bombing of British air bases, cities, and shipping. It assembled fleets of invasion barges on the French coast. Britain could not have survived if the Luftwaffe had gained control of the English Channel and adjacent British air space in the Battle of Britain in 1940, or if German submarines and aircraft had succeeded in cutting Britain's supply lines during the Battle of the Atlantic (from September 1939 to May 1943). Germany came close to winning both battles. If

4 As we shall see in the Appendix, the only substantial combat assistance Britain received from other countries in the defense of the British Isles during the Battle of Britain was from 571 military pilots and some of their ground crews.

Britain had lost either, it is difficult to imagine how the Allies ever could have challenged Germany in Europe, much less met Stalin's demands for an Allied second front as a condition to continuing his country's major role in the war against Germany.

Against all odds, RAF Fighter Command not only recovered from the bombing of its airfields in southern England but took such a heavy toll of the Luftwaffe that on September 17, 1940, Hitler decided that the battle was lost and that it was not then feasible to invade Great Britain. He turned his attention to planning the attack on the Soviet Union that began the following June and that engaged the bulk of Germany's army and air force for the rest of the war.

The United States began furnishing supplies and naval support to Britain in 1940, at first surreptitiously. Even with the transfer of fifty U.S. destroyers later that year and ever increasing matériel and naval support, Britain was barely able to prevent the German submarine blockade from being successful — until the Battle of the Atlantic was suddenly won in the spring of 1943 by the use of the new airborne and shipborne radar systems that had been developed in the United States through the leadership of Centurion Alfred Loomis.

When Germany and Italy declared war on the United States on December 11, 1941, four days after Pearl Harbor, the final battle lines were drawn: in Europe

(the British Commonwealth, the Soviet Union, the United States, and the governments-in-exile of the conquered European countries against Germany, Italy, and their satellites) and in the Pacific (the United States and the British Commonwealth against Japan).

The tide of battle did not begin to turn against Germany and Italy until November 1942, when the great Russian counteroffensive started, the British defeated Germany and Italy in Egypt at El Alamein, and American and British armies landed in North Africa. The tide turned against Japan at Guadalcanal in the same month. All of these Allied successes were against heavy odds except the invasion of North Africa.

In May 1940, just before Dunkirk and as it was becoming clear that France was doomed, Centurions began their efforts that led to saving Britain and jump-starting the United States' military preparation. Winston Churchill had been begging Roosevelt for "the loan of forty or fifty of your older destroyers"⁵ and urging other steps to help protect Britain's Atlantic supply line from German submarines. Roosevelt saw the urgent need to assist England and to speed our own military preparations but was constrained by the still prevailing isolationist sentiment in Congress and the electorate and by the neutrality legislation it had engendered. Secretary of State Cordell Hull told the

5 Arthur Schlesinger, Jr., *The Century Group*, an address at Archives Night at the Century Association, May 2, 2001, p. 2.

British ambassador that nothing could be done until after the November presidential election.⁶ Neither Congress nor the American people recognized the seriousness of the threat to the United States and the free world—but a large number of Centurions did, and they sprang into action.

The Centurions first addressed isolationist sentiment by organizing and leading two citizens committees—the Century Group and the Committee to Defend America by Aiding the Allies.⁷ The former group was led by Centurions Lewis Douglas and Francis Pickens Miller. The latter was organized in May 1940 and led by Centurion William Allen White. Centurions were among the most active members of these committees, many serving on both.⁸ The two groups flooded the

6 *Id.*, p. 3.

7 The Century Group, which met on the fourth floor of the Century Association building, became the Fight for Freedom Committee in 1941. There was no official Century endorsement of these activities, but the nature of the meetings of this informal group would have been obvious to the membership. (Author's conversation with Russell Flinchum, the Century Association's archivist.)

8 The Committee to Defend America also included Centurions John W. Davis, Thomas Lamont, Robert Sherwood, and Adlai Stevenson. Centurions James B. Conant and Ernest Hopkins, presidents of Harvard and Dartmouth, respectively, served on both committees, as did Lewis Douglas, the first chairman of the Century Group. The membership of the Century Group included Centurions Dean Acheson, Herbert Agar, John Balderston, William Clayton, Henry Sloane Coffin, Elmer Davis, Allen Dulles, George Fielding Eliot, Henry Luce, and Henry P. Van Dusen. Peters, pp. 155–58; Schlesinger, pp. 1, 2, and 4; William H. Harbaugh, *Lawyer's Lawyer: The Life and Times of John W. Davis* (1990), p. 424.

country with speeches, radio addresses, articles, and letters to the editors of newspapers and magazines.⁹

Members of the Century Group persuaded General John J. Pershing, the revered commander of the American Expeditionary Force in France in World War I, to make a national radio broadcast on August 4, 1940, backing the transfer of fifty American destroyers to Britain in exchange for the lease of British bases in the South Atlantic. Centurions Herbert Agar and Walter Lippmann wrote his speech.¹⁰ The August 11 *New York Times*, whose publisher was Centurion Arthur Hays Sulzberger, printed an op-ed piece explaining the legal basis for the president's power to transfer the destroyers without Congressional approval; it was signed by four eminent lawyers, all Centurions—Dean Acheson, Charles C. Burlingham, George Rublee, and Thomas D. Thacher.¹¹

9 Some Centurions, including Henry Stimson, were doing these things earlier. Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War* (1947), pp. 314–20.

10 Charles Peters, *Five Days In Philadelphia* (2005), p. 163. See also William J. vanden Heuvel, *Franklin D. Roosevelt, A Man of the Century*, an address to the monthly meeting of the Century Association on April 4, 2002, p. 12.

11 Schlesinger, p. 3.

Although public opinion was turning in response to these efforts,¹² Roosevelt hesitated to transfer the fifty destroyers and to increase the U.S. Navy's role in protecting portions of the sea-lanes to Britain for fear that the isolationists in both parties would unite to defeat his bid for an unprecedented third term¹³ in November 1940 and gain control of both the presidency and Congress. The three leading candidates for the Republican nomination—Senators Robert A. Taft and Arthur Vandenberg and New York County District Attorney Thomas E. Dewey—were isolationists in varying degrees.¹⁴ When the Taft delegate who chaired the Republican convention's committee on arrangements and controlled the distribution of spectators' tickets suffered a stroke on May 16, he was replaced by a vice chairman who backed the dark horse and only interventionist candidate, Centurion Wendell Willkie.¹⁵ This enabled future Centurion Oren Root—the twenty-eight-year-old associate at the

12 Public opinion was also heavily influenced by the reports of Britain's response to the Luftwaffe's attacks on London, particularly the dramatic radio broadcasts from Britain by future Centurion Edward R. Murrow.

13 Theodore Roosevelt lost to Wilson in 1912 in a three-way race for what would have been his third term if the three and a half years he served in place of the assassinated President McKinley were considered a "term." Truman chose not to run in 1952 under similar circumstances.

14 Dewey "tilted toward the isolationist view of the hard-core Republicans until he lost the nomination." Peters, pp. 195–96.

15 Peters, p. 51. and passim..

Davis, Polk, Wardwell, Gardiner & Reed¹⁶ law firm who had organized an effective grassroots campaign for Willkie—to pack the convention balconies with Willkie partisans. Their “We want Willkie” chorus, together with the support of the media led by Centurions Henry Luce and Gardner Cowles,¹⁷ helped push their candidate’s increasing tally over the top. Willkie’s nomination on June 27 had been almost unthinkable a few months earlier. Willkie had been a delegate to the Democratic national conventions in both 1924 and 1932 and had not registered as a Republican until early in 1940.¹⁸

The concern remained that if FDR transferred the destroyers, Willkie might make it a campaign issue and win the closely contested election.¹⁹ FDR asked William Allen White to approach Willkie.²⁰ Simultaneously, Archibald MacLeish and Lewis Douglas met

16 An internal effort to force Root’s resignation from the law firm because of his activities on behalf of Willkie’s candidacy was headed off by Centurion Thomas Lamont, Willkie’s friend and senior partner of Davis Polk’s client J. P. Morgan & Co. *Id.*, pp. 46 and 48. Among the complaints was that Root’s activities had swamped the Davis Polk telephone switchboard

17 *Id.*, pp. 38–39.

18 *Id.*, pp. 30, 31, and 197.

19 *Id.*, p. 152; Centurion Michael Beschloss’s *Presidential Courage* (2007), pp. 172–89.

20 Peters, pp. 162–63.

with Willkie’s top adviser, Russell Davenport. Both presidential candidates and all of these negotiators were Centurions. On August 30, both missions reported that Willkie had agreed not to oppose Destroyers for Bases.²¹ Three days later, FDR announced it. The media reaction was mostly favorable, particularly from Luce’s *Time*, *Life*, and *Fortune* and Sulzberger’s *New York Times*.

After losing the election, Willkie used his position as his new party’s standard-bearer to support FDR’s preparedness and interventionist policies. His Congressional testimony was crucial to the passage of Lend-Lease legislation in February 1941 and to the August 1941 defeat—by one vote—of a move to repeal the Selective Service Act four months before Pearl Harbor.²²

The United States armed forces and economy were totally unprepared for war in 1940. The U.S. armed

21 *Id.*, p. 170.

22 *Id.*, pp. 191–193. Willkie knew that his agreement not to oppose FDR’s efforts to bolster Britain might cost him the election. Shortly before he died after a series of heart attacks in September and October of 1944, he told a friend who asked why he had made the sacrifice:

If I could write my own epitaph and I could choose between “Here lies an unimportant president” or “Here lies one who contributed to saving freedom at a moment of great peril,” I would prefer the latter. *Id.*, p. 195.

forces ranked seventeenth in the world in size—behind Portugal’s.²³ U.S. Army and Navy fighter planes were inferior to their German and Japanese counterparts, and there were far fewer of them. The inadequacy of our military infrastructure was exemplified by the pathetic performance of the three overwhelmed officers in charge of the Army Air Corps central procurement office at Wright Field in Dayton, Ohio: a colonel who had no legal or accounting background, a judge advocate major who had practiced law in a small town in Kentucky, and an officer who had been an accountant.²⁴

Actions initiated and led by a private citizen, Centurion Grenville Clark (1923–67), put in place the leadership, governmental infrastructure, and legislation that enabled FDR to jump-start preparedness, give crucial aid to Britain, and achieve ultimate victory.²⁵ (The years following Clark’s name are those of his membership in the Century. This chapter will henceforth provide the same information for the other Centurions who played key roles in winning World War II the first time their names appear below.)

23 Vanden Heuvel, p. 13.

24 Firsthand descriptions of our appalling unpreparedness and its solution are found in Keith E. Eiler, *Mobilizing America: Robert P. Patterson and the War Effort* (1997), p. 42 *et seq.*; William L. Marbury, *In the Catbird’s Seat* (1988), p. 140 *et seq.*; and Edward S. Greenbaum, *A Lawyer’s Job* (1967), p. 125 *et seq.*

On May 22, 1940, Clark convened a bipartisan meeting of influential people at the Harvard Club in New York City to discuss how best to promote compulsory

25 Clark has been recognized by many high honors and awards, including the Distinguished Service Medal, but his crucial role in World War II has been virtually forgotten by history. He helped found the law firm that later became Root, Clark, Buckner & Howland and later Dewey, Ballantine, Harlan, Bushby & Palmer. He was a member of the Harvard Corporation from 1931 to 1950, a draftsman of early New Deal legislation, chairman of the Bill of Rights Committee of the American Bar Association from 1938 to 1940, and a founder of the national committee of lawyers that successfully opposed Roosevelt’s court-packing plan (causing a temporary rift between Clark and his Harvard friend FDR). Clark helped organize the famed Military Training Camps prior to both World Wars. In 1915 he persuaded Army chief of staff General Leonard Wood to start the first Plattsburg Training Camp. Twelve hundred volunteers reported for duty there at their own expense, including Clark, Stimson, and Patterson. Clark led the formation of the Military Training Camps Association, which lobbied successfully for creating the fourteen Plattsburg-type camps in 1916 and 1917 that produced about eighty percent of all the officers who commanded troops in combat in World War I. Clark himself rose to the rank of lieutenant colonel. See Clark’s obituary in *The New York Times* of January 14, 1967, and Gerald T. Dunne, *Grenville Clark* (1986), *passim*. Clark is one of at least 112 Centurions who have been memorialized on commemorative postage stamps in the United States and abroad. Ten of them are mentioned in this chapter; the other nine are FDR, Walter Lippmann, Henry R. Luce, Wendell Willkie, Edward R. Murrow, Dwight D. Eisenhower, William Brennan, J. Robert Oppenheimer, and I. I. Rabi. Jim Charlton, *Centurions on Stamps* (brochure accompanying exhibit of the same name at the Century Association, January 26–February 26, 2010).

military service, military preparedness, and aid to the Allies. Among the attendees were Centurions Henry L. Stimson (1893–1950), Robert P. Patterson (1948–52), Lewis W. Douglas, and Philip J. McCook. Clark was elected chairman of a subcommittee to draft universal selective service legislation and get it enacted.²⁶ He quickly drafted it with the aid of two young lawyers at Cravath, Swaine & Moore. He decided, however, that a necessary preliminary step to its introduction was the replacement of Secretary of War Harry C. Woodring, an opponent of a peacetime draft and an advocate of neutrality, with a capable and aggressive interventionist team. Clark enlisted his friend Supreme Court Justice Felix Frankfurter to help persuade Roosevelt (1922–45) to replace Woodring with two Centurions who had attended the May 22 Harvard Club meeting—Stimson as secretary

26 Eiler, pp. 31–32. Clark wrote FDR on May 16 to advise him of the purpose of the May 22 meeting and the names of the invited participants “so that if you wish to send me any comment, you may do so.” FDR wrote back to “Dear Grennie” on May 18 that he saw “no reason why the group you mention should not advocate military training” but pointed out that Congress might be a problem. Dunne, pp. 122–23. FDR did not mention that his chief of staff, General George C. Marshall, was adamantly opposed to a draft. *Id.*, p. 124. After his nomination but before taking office as Secretary of War, Stimson was able to change Marshall’s mind after Clark unceremoniously “encouraged” Stimson to do so. *Id.*, p. 130.

and Patterson as assistant secretary.²⁷ In June 1940, as Stimson was being sworn in, Clark had his selective service legislation introduced in Congress.

Stimson hastened to reorganize and strengthen the War Department. He and Patterson recruited new top leadership and organized a huge new Army procurement program. They used their professional, law school, and personal contacts to attract a team of exceptionally able people.²⁸ In his collaborative autobiography written with Centurion McGeorge Bundy, Stimson—speaking of himself in the third person—noted that the most important single accomplishment of his first year in office was “assembling a team of civilian associates which he later believed to be the best he ever had, in any office.”²⁹ Few of them had relevant experience for the difficult, often unprecedented tasks they faced, but they quickly learned on

27 Eiler, p. 33. Clark turned to Frankfurter for help partly because Clark’s friendship with FDR had cooled temporarily after he helped organize a committee to oppose FDR’s court-packing plan in 1937. FDR nevertheless called Clark to check on Stimson’s health before appointing him. Clark was able to do this easily; they had the same doctor. Stimson’s account of his and Patterson’s appointments and his suspicions as to Frankfurter’s role is found in Stimson and Bundy, pp. 323–331, 334. Stimson’s career is outlined in Chapter Three, below.

28 Eiler, pp. 49–51.

29 Stimson and Bundy, p. 341.

the job. They navigated the currents of the federal bureaucracy and dealt successfully with huge and complex issues.

Stimson, Patterson, and nine of their top assistants were or became Centurions. One of the first was Clark himself. Clark later wrote that Stimson told him that since he had “got him into the job, [Clark] must help him.” Refusing an appointment as an assistant secretary, Clark became a *de facto* assistant without portfolio or compensation. Clark later wrote:

From October 1940–June 1944 I acted at Secretary Stimson’s request and with President Roosevelt’s approval, as Mr. Stimson’s confidential assistant and advisor on many hard problems.³⁰

For example, when a Japanese fleet attacked Pearl Harbor on Sunday, December 7, 1941, Stimson telephoned Clark to come to his office immediately to draft a declaration of war.³¹

One of the very few nonparticipants privy to the Manhattan Project, Clark believed the atom bomb would end the war within a year after the Normandy invasion succeeded. Accordingly, Clark resigned as confidential assistant to Stimson in June 1944 to return to his longtime interest in world peace. Stimson

gave Clark “a new commission. . . . ‘Go home and try to figure out a way to stop the next war and all future wars.’”³² Clark pursued that cause for the rest of his life.

These five colleagues—FDR, Clark, Stimson, Patterson, and Frankfurter—created the team that saved Britain and launched the United States’ preparedness effort. Their friendships and professional, academic, and other ties with each other and with many of their principal recruits nurtured the mutual trust, confidence, and camaraderie that helped them and the team they assembled to work together so productively. Clark, Stimson, and Patterson had trained at Plattsburg in World War I. Stimson and Patterson then served in the same infantry division in France. Frankfurter had been an assistant U.S. attorney under Stimson and became an active recruiter for and adviser to FDR during his presidency, continuing both functions after FDR appointed him to the Supreme Court in 1938. He performed the same functions for Secretary of War Stimson.³³ Before his appointment to the Supreme Court, Frankfurter had been a professor at Harvard

30 Dunne, pp. 131 and 132.

31 *Id.*, p. 136.

32 *Id.*, p. 142. A year later, after unsuccessfully trying to persuade President Truman to seek Japan’s surrender by merely threatening to use the atom bomb, John McCloy mused: “The result might have been very different if I had had Gennie Clark alongside me to persuade the decision-makers.” *Id.*, pp. 141–42.

33 Stimson and Bundy, p. 334.

Law School, where his student Patterson had been second in his class and president of the law review. Frankfurter had encouraged Patterson to become a clerk at Clark's law firm, where he worked closely with Clark.³⁴ In 1939, FDR had elevated Judge Patterson (a Republican who had been appointed by a Republican president to the District Court for the Southern District of New York) to the United States Court of Appeals for the Second Circuit. Each of the five men had at least one Harvard degree. Four had graduated from its law school.³⁵

During the five years beginning in October 1940, John J. McCloy (1944–89) was “the man who handled everything that no one else happened to be handling.”³⁶ For example, he led the team that designed and helped secure the passage of the Lend-Lease Act in 1941 and cleared the way for the implementation of that enormous and critical enterprise.

In World War I, McCloy had been an officer in the 77th Field Artillery, the regiment Stimson had com-

manded. After the war he finished his studies at Harvard Law School and joined the Cravath firm, where he became a partner. After World War II, he became a partner in Milbank, Tweed, Hope, Hadley & McCloy and continued to engage in important public service.

Robert A. Lovett (1936–86), a decorated World War I naval pilot,³⁷ joined the team in November 1940 and soon became Assistant Secretary for Air (the Air Corps was then part of the Army). After a May 1940 business trip to Europe as a partner in the Brown Brothers Harriman investment banking firm and a subsequent tour of American airfields and of existing

34 Eiler, p. 18.

35 FDR, a contemporary of Clark's at Harvard College, graduated from Columbia Law School. Clark was instrumental, in the appointments not only of Stimson and Patterson but also of their key assistants, Robert A. Lovett and John J. McCloy—both of whom also attended Harvard Law School. See Clark's obituary in the January 14, 1967, *New York Times*.

36 Stimson and Bundy, p. 342.

37 While a brilliant undergraduate at Yale, Lovett had cofounded the Yale Flying Unit. He left college when the unit was activated as the first operational Navy squadron in World War I. He became one of the top U.S. naval air officers in England. At one time, the twenty-two-year-old reserve lieutenant was in charge of all U.S. naval aviation operations in Europe. As acting wing commander of its Northern Bombing Group, he was awarded the Navy Cross for bravery while leading an attack on German submarine bases in accordance with a plan he had devised and advocated in a written report to the Navy Department in Washington. Marc Wortman, *The Millionaires' Unit* (2006), p. 176 and passim, and Isaacson and Thomas, pp. 90–92. After the war, Lovett entered Harvard Law School but left in his second year and soon joined many of his Yale friends on Wall Street. Isaacson and Thomas, p. 93. Two other members of the Yale Flying Unit also played prominent roles in World War II. Trubee Davison, the unit's cofounder, became Lovett's assistant chief of staff, and Artemus Gates had a high-level job in the Navy. They and Lovett “almost” had a private telephone line between them. Wortman, p. 274.

and potential aircraft manufacturers, the alarmed Lovett had prepared a report on how many military aircraft the U.S. would need if it went to war, how many American industry could produce, and how many airmen would be needed to fly them. He showed his report to his friend James V. Forrestal (1946–49). Forrestal had his friend Patterson give Lovett's report to Stimson. Stimson immediately hired Lovett.³⁸

Lovett and his top assistant, George Brownell (1936–84),³⁹ recruited the large legal staff that empowered the huge Air Corps procurement effort, succeeding Patterson's temporary replacements for the three unqualified and overwhelmed officers at Wright Field. Patterson's deputy, New York lawyer Edward S. Greenbaum, described the new staff, which was led by Donald Swatland, as one of the ablest groups of lawyers ever assembled.⁴⁰ (Both Greenbaum and Swatland became brigadier generals and, after the war, returned to leadership positions in their New York law firms—Greenbaum, Wolff & Ernst and Cravath, Swaine & Moore.)

Lovett lobbied successfully for increased aircraft production and Air Corps autonomy. Although it was not

attacked until December 7, 1941, the United States produced more military aircraft in 1941 under his leadership (26,277) than Germany and Japan combined (16,864). The number, and soon the quality, of military aircraft produced by the United States substantially exceeded those produced by the Axis powers for the rest of the war.⁴¹ Like many of Stimson's Centurion colleagues, Lovett eliminated production bottlenecks, circumvented bureaucratic roadblocks, and used his contacts in industry, academia, and government to get things done. He organized the effort that produced, from a standing start in 1940, the largest and best air force in the world within a year and a half after Pearl Harbor.⁴²

41 Overy, p. 331. Our surpassing the Luftwaffe in aircraft production in 1941 was particularly impressive because while we were at peace until December 7, the Luftwaffe was heavily engaged during the entire year—over England, Germany, much of the rest of continental Europe, the Middle East, and Africa. It participated in Germany's attack on Yugoslavia and Greece in April, the airborne invasion of Crete in May, and the invasion of the Soviet Union beginning in June. At some point in 1941, Germany and Italy also must have started preparing for war with the United States—which they declared shortly after Japan attacked Pearl Harbor. The United States went on to produce 47,826 military aircraft in 1942; in 1944 it produced 96,318.

42 Isaacson and Thomas, pp. 179–206. Members of the Stimson team were particularly adept at creating and using personal contacts to accomplish their goals. As was said of McCloy and Lovett: "Anyone wishing to get anything done in the War Department soon came to realize this pair of amiable interlopers from Wall Street controlled much of what went on. What made the two men influential insiders was not so much their jobs but the informal social networks they formed." *Id.*, p. 193. See also David Halberstam, *The Best and the Brightest* (1969), p. 6.

38 Isaacson and Thomas, pp. 183–85. See also Stimson and Bundy, p. 343, and Eiler, p. 50.

39 Herbert Brownell's first cousin, who also became a leading New York lawyer.

40 Greenbaum, p. 133.

Lovett was one of the most admired members of Stimson's team. Historian David Halberstam described him as a "representative of the best of the breed, . . . the very embodiment of the Establishment, a man who had a sense of country rather than party." He was a model of what federal public servants should be, a model that attracted persons of like quality to public service. Halberstam noted that Centurion Louis Auchincloss, "the unofficial laureate of that particular world," had one of his great fictional lawyers say "I've got that Washington bug. Ever since I had that job with Bob Lovett."⁴³

Harvey H. Bundy (1940–63), who had been Stimson's Assistant Secretary of State from 1931 to 1933, became special assistant to the Secretary of War and his closest personal aid.⁴⁴ At Grenville Clark's recommendation, Howard C. Petersen (1984–95), one of the two Cravath associates who had helped Clark draft the selective service legislation, became special assistant for manpower and organizational affairs early

43 Halberstam, pp. 4–9. Lovett later turned down for health reasons President-Elect John F. Kennedy's offer of his choice of becoming Secretary of State, Treasury, or Defense, *Id.*, p. 9, but did act as an informal consultant. Kennedy concurred with Lovett's advice that he respond to the Cuban missile crisis with a blockade rather than the military action recommended by the Joint Chiefs and most of his Cabinet. May and Zelikow, *The Kennedy Tapes* (1997), pp. 168–72.

44 Stimson and Bundy, p. 343.

in 1941 at age thirty. He rose steadily in rank and influence⁴⁵ and became the top Assistant Secretary of War when Patterson succeeded Stimson as secretary late in 1945.⁴⁶

Goldthwaite Dorr (1926–77), who had been an assistant U.S. attorney under Stimson, became another special assistant to the secretary, assigned to design and implement the reorganization of the Army Services of Supply. He did this job so well that the "S.O.S." soon became, under General Breton Somerville, the world's largest and most efficient military supply service in history.⁴⁷

In late summer 1940, William L. Marbury (1950–87), a Baltimore lawyer, joined two other "first-rate" Harvard law graduates whom Patterson had assembled as temporary "expert consultants" to break the logjam at the Air Corps central procurement agency at Wright Field.⁴⁸ Later, Patterson, his deputy Greenbaum, and Justice Frankfurter persuaded Marbury to serve full-time in the top rank of the Stimson-Patterson team (from March 1942 to September 1945). In a 1947 letter to Grenville Clark, Patterson described Marbury's

45 Eiler, p. 52.

46 Greenbaum, p. 228.

47 See Eiler, p. 241 *et seq.*

48 Marbury, p. 149.

responsibilities as covering “the entire field of industrial production for war—legislation, programs with other agencies, Army regulations, procurement programs, in fact everything having to do with arming and equipping the troops.”⁴⁹

For example, Marbury led the team that carried out FDR’s directive to take over the nation’s railroads in order to prevent a nationwide strike scheduled for Christmas Eve, 1943. His plan was disarmingly simple—“to put the presidents of all the major railroad systems into uniform.” The immediate result was a group “of corpulent colonels” the likes of which “had never before been seen.” Its purpose was quickly achieved: “The entire railroad system . . . slipped in and out of government ownership without a ripple and left the slate completely clean of legal consequences.”⁵⁰

49 *Id.*, p. 171.

50 *Id.*, pp. 168–69. The Army had taken over a strike-bound airplane manufacturer (North American Aviation) six months before Pearl Harbor. At the telephoned direction of Robert Lovett, Patterson’s deputy Edward S. Greenbaum hastily drafted and posted a five-line notice putting Air Corps Lieutenant Colonel Bradshaw in charge of the company. The presence of 2,500 troops with loaded rifles (which they did not use) helped assure the resumption of production. Until the strike was settled, the company ran the plant as Bradshaw’s representative. This was the only plant making the B-25 bombers used in General Doolittle’s April 1942 raid on Japan. Greenbaum’s forty-five word “takeover order” became the model used thereafter. Greenbaum, pp. 137–41.

Marbury’s autobiography, like Greenbaum’s, is replete with fascinating accounts of the working of the Stimson-Patterson team.⁵¹ Both authors tell how the team was recruited, the scope of its responsibilities, how it operated, and what it accomplished. For example, Marbury, who probably spent more off-duty time with Patterson than did any other member of the team,⁵² explained why Patterson always had in mind the combat infantrymen whom he had bravely led as a captain in World War I. Patterson had personally saved the lives of several of them, and they, in turn, had saved his life.⁵³

In an oral-history interview in 1961, Marbury describes a conversation he had with Colonel William J. Brennan, Jr., who later became a Supreme Court justice and a Centurion. Brennan’s wartime job was “resolving labor and manpower difficulties that arose from converting American companies to wartime production.”⁵⁴ He had just returned from accompanying Patterson “on one of his whirlwind tours of industrial plants.”

51 Marbury, pp. 139–73; Greenbaum, pp. 125–79.

52 Marbury, p. 150.

53 Eiler, pp. 19–23.

54 Clare Cushman, *The Supreme Court Justices* (1993), p. 447.

When Brennan got back, he said to me, “That man is possessed of a demon.”

I said, “What do you mean?”

“Why! I’m nearly dead. He’s nearly killed me, the schedule we’ve had, and he’s just driving himself every minute. . . . I remember once I’d been worried about something and had been plagued, and I came in and sat down. ‘What’s the matter?’ ‘Well, I’m really worried.’ He [Patterson] looked at me and laughed and said, ‘Look. What are your worries compared with those of the fellows who are over there doing the fighting. Think about that a little, and you won’t worry. Your worries won’t seem of any importance to you.’

“I did, and then I realized—he thought about them all the time. His mind, his heart was always with the fighters. That’s where his heart was, all that time, and that explains to some extent this terrific drive...”⁵⁵

Marbury concluded that Patterson “had, to an extraordinary degree, the ability . . . of inspiring others to a level of effort and achievement far beyond that of which they thought themselves capable.”⁵⁶

55 Marbury, p. 151.

56 *Id.*, p. 150.

One of the first important tasks that Stimson assigned to Patterson was defining the role of “the Negro.” Patterson and Howard C. Peterson, his deputy for this task, did not achieve integration of black and white military units until after the war, when these two Centurion lawyers became the top leaders of the War Department under President Truman.⁵⁷ One of their achievements during the war, however, was the creation, in the spring of 1941, of an all-black fighter pilot force, whose members came to be known as the Tuskegee Airmen. By 1946, 992 African-American pilots had been trained at Tuskegee, Alabama. They were credited with shooting down 109 enemy aircraft. One hundred fifty Tuskegee Airmen died during the war. Their record as fighter pilots was extraordinary. Many four-engine bomber pilots, including future Centurion George McGovern, credited their Tuskegee fighter escorts with saving their lives. This was perhaps the first opportunity that blacks were given to demonstrate that they could perform complex and dangerous military missions as well as their white counterparts, and they did so.

The values and collegiality of the Stimson team—and the respect his team and the Army commanders had for Stimson—were exhibited during his retirement ceremonies after the end of the war against Japan. In

57 Eiler, pp. 131–53.

his September 20, 1945, farewell address to his civilian staff and a dozen senior general officers, Stimson congratulated them on their performance and said:

You and those whom you represent have shown yourselves brave but not brutal, self-confident but not arrogant, and above all, you have prepared, guided, and wielded the mighty power of this great country to another victory without loss of our liberties or the usurpation of any power.

When Colonel and Mrs. Stimson arrived homeward-bound at the Washington airport the next day—Stimson's seventy-eighth birthday—they found themselves walking between two long rows consisting of Stimson's entire immediate personal civilian staff and every general based in Washington. After a nineteen-gun salute, the Army band played "Happy Birthday" and "Auld Lang Syne."⁵⁸

Stimson's recruiting of talented staff extended beyond the War Department. For example, he secured the key appointment of John Lord O'Brian (1927–73) as general counsel of the vital Office of Production Management.⁵⁹

The Stimson team's working relationship with other leaders of the war effort was also strengthened by

58 Stimson and Bundy, pp. 661 and 668–69.

59 *Id.*, p. 355

personal ties. For example, Stimson and other team members were friends of Navy Secretary Frank Knox⁶⁰ and of Undersecretary James V. Forrestal,⁶¹ who succeeded Knox on the latter's death in 1944.

A key unofficial member of Stimson's inner circle was Alfred L. Loomis (1932–75), a man of "extraordinary intellect and sheer versatility"⁶² and an accomplished lawyer, physicist, mathematician, and investment banker. If Loomis had not been Stimson's cousin, he would probably have been appointed Assistant Secretary for Research and Development.⁶³ Loomis acted in that capacity without title or compensation—and thus free of criticism for nepotism—from the date of Stimson's appointment to the end of the war and was Stimson's liaison with the academic and scientific communities.⁶⁴ He played major roles in the development of radar and the atom bomb.

60 Knox, also a Republican, had come to Stimson's office at the War Department in 1911 with a note from Theodore Roosevelt reading, "He is just our type." *Id.*, p. 332. TR's remark was not as elitist as it sounds. The son of a grocer, Knox was not a preparatory school or Ivy League alumnus. He was a Rough Rider under TR in Cuba, a journalist, and later a successful publisher.

61 President Truman later appointed Forrestal to be the first Secretary of Defense.

62 Jennet Conant, *Tuxedo Park* (2002), pp. 16–17.

63 *Id.*, p. 236.

64 *Id.*, p. 250.

Loomis had followed his older cousin and mentor to Andover, Yale, Harvard Law School (where he was an editor of the law review), Stimson's law firm (Winthrop & Stimson, where he became a partner in three years), the Century, and the World War I Field Artillery Corps; Stimson had Loomis assigned to the Aberdeen Proving Ground, where his technical genius led to his being appointed chief of research and development and his rapid promotion to lieutenant colonel. After the war, Loomis turned from the law to an enormously successful career in investment banking.⁶⁵ He managed his mentor's personal investments so well that Stimson was able to enjoy "a lifestyle which [his] years of public service would never have afforded."⁶⁶ Living up to his reputation as a mathematical genius and "seer," Loomis sold all of his own and Stimson's securities shortly before the 1929 stock market crash.⁶⁷

As a major stockholder and director of Commonwealth & Southern, one of the large public-utility holding companies that he had helped form, Loomis selected Wendell Willkie (1937–44) as its board chairman.⁶⁸ That position became the jumping-off-

point for Willkie's 1940 presidential candidacy and his crucial support for Destroyers for Bases, Lend-Lease, and the continuation of the draft.

In 1934, Loomis began devoting his full time and now enormous wealth to his main interest, scientific research. His laboratory near his home in Tuxedo Park, New York, became the largest and most important privately owned facility of its kind. In early 1939, at the suggestion of a friend and fellow scientist, Karl T. Compton (1937–42), president of the Massachusetts Institute of Technology, Loomis started looking into microwave radio technology, the basis of radar. Realizing radar's potential, Loomis converted his lab from a bastion of pure science to a private research center for the development of military uses for microwave technology.⁶⁹

Producing the newest and best weapons, so crucial to modern warfare, requires protecting the scientific community's energy and creative power from being stifled by the sometimes hidebound military bureaucracy, the political bureaucracy, and industry's natural tendency to act in its own self-interest. Successful coordination of these groups was accomplished in

65 *Id.*, pp. 25–39 *et seq.*

66 *Id.*, pp. 83 and 87.

67 *Id.*, pp. 75–77.

68 *Id.*, p. 18. See also p. 41.

69 *Id.*, pp. 87–88, 128–29, and 131–32. Loomis had helped arrange Compton's appointment as M.I.T. president in 1933. Compton accepted on the condition that Loomis be named a trustee. *Id.*, p. 105.

World War II by only two of the major powers, the United States and Britain. It was institutionalized in the United States in May 1940 when a series of luncheon meetings at the Century Association resulted in FDR's creation of the National Defense Research Committee (NDRC).⁷⁰ The NDRC, consisting of representatives of the executive branch of the government and the National Academy of Sciences, was led by Vannevar Bush (1939–62) and Harvard president James B. Conant (1934–78). Its charter was “to correlate and support scientific research on mechanisms and devices of war.” It worked in close liaison with the military but independent of its control.⁷¹ Bush, the head of the Carnegie Institution, had been dean of engineering at M.I.T. Like Loomis, he straddled the fields of academia, industry, and science and knew how to get things done.

Vannevar Bush put Compton in charge of the division that included radar, and Compton immediately put Loomis in charge of the Special Microwave Committee. Having observed the Army's poor performance in developing new weapons during his World War I service at the Aberdeen Proving Ground, Loomis made sure that microwave research was vigorously pursued. The Army and Navy each appeared to be unaware of the research being done by the other, and as late as

1940 the Army still believed that radar “was for the next war, not this one.”⁷² (After seeing one of our ground radar systems in operation in the Rhineland five years later, General George S. Patton, the legendary aggressive commander of the Third Army, commented, “This is the way that wars not only can, but must, be run from now on.”)⁷³

These and subsequent moves—including the creation in 1941 of the Office of Scientific Research and Development, into which the NDRC was merged—enabled the Stimson team and its Navy counterpart, working with the British, to overtake Germany's lead in weaponry development. Stimson observed that “there was perhaps no more striking success in the American management of World War II than the marriage of science and the military, the basic outlines of which have now been recorded by James Phinney Baxter in *Scientists Against Time*.”⁷⁴

72 *Id.*, pp. 128–29 and 168–69. “Loomis was largely responsible for the [NDRC's] wholehearted sponsoring of microwave radar research.” *Id.*, p. 172.

73 *Id.*, p. 277.

74 Stimson and Bundy, pp. 464–65. Centurion Baxter was president of, and professor of history at, Williams College from 1937 to 1961. He spent most of the war years in government service in Washington, including a stint with Robert Patterson and some of his assistants named herein on the Tax Amortization Board. See Marbury, photograph following p. 240. The board defused some of the issues that had been threatening industry's cooperation with the War Department prior to Pearl Harbor.

70 Vanden Heuvel, p. 10.

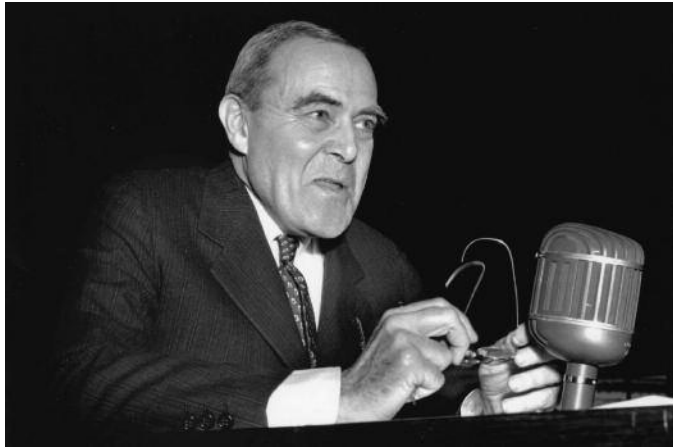
71 Conant, p. 164.



HENRY L. STIMSON, whose appointment as Secretary of War in June 1940, a year and a half before Pearl Harbor, was key to our timely preparation for, and successful prosecution of, World War II.



ROBERT P. PATTERSON being sworn in as Secretary of War by Judge Learned Hand on September 27, 1945, to succeed his former boss, Henry L. Stimson (who is watching from his portrait on the wall). Patterson and Hand were old friends and had served together on the United States Court of Appeals for the Second Circuit.



GRENVILLE CLARK, *testifying with his usual forcefulness.*



ALFRED LOOMIS (*far right*) in March 1940 with the other scientists planning the giant cyclotron at Berkeley, which was a precursor to the atom bomb project. The others are (*from his left*) Ernest O. Lawrence, Arthur H. Compton, KARL T. COMPTON, JAMES B. CONANT, and VANNEVAR BUSH. Within a few months the latter three scientists, all Centurions, would begin their major role in organizing and coordinating the nation's entire scientific war effort.

In September 1940, a British military and scientific group, the Tizard Mission, brought some of Britain's most promising technological innovations to the United States for further development beyond the range of German bombers. Loomis seized the opportunity to exchange information with this group. At meetings at Loomis's Tuxedo Park lab on September 28, 1940, attended by the two key Tizard radar experts, plans were made for the development of the ten-centimeter radar systems that won the Battle of the Atlantic and for the construction of a laboratory for radar development. Loomis realized that one of the devices brought by the Tizard Mission, the magnetron, solved problems that he and our military had separately encountered in radar development. When Loomis began to brief Stimson on this breakthrough, Stimson had General Marshall join them.

Loomis and his colleagues pursued the magnetron's potential in Tuxedo Park until November 1940⁷⁵ (thirteen months before Pearl Harbor), when Bush and Loomis moved all microwave research from Loomis's space-limited private laboratory to the new Radiation Laboratory at M.I.T.⁷⁶ The Rad Lab, as it became known, was rapidly expanded to employ 4,000 people, including some 500 (about ten percent) of

75 Conant, pp. 179–93.

76 *Id.*, pp. 205–8.

the country's top physicists. Loomis presided at the Rad Lab over the development of more than one hundred separate radar systems, many of which played key roles in the war's outcome,⁷⁷ including:

- Separate ten-centimeter radar systems that enabled ships and aircraft to detect submarine periscopes.⁷⁸
- Ship-to-ship and ship-to-air radar systems that were particularly valuable in the Pacific theater.
- Separate airborne radar systems that enabled bomber crews to see ground targets through clouds and darkness⁷⁹ and night fighters to lock onto enemy aircraft.
- Fixed and mobile ground radar systems that were used to plot all planes in their range, warn Allied aircraft of enemy planes, guide fighter-bombers to their ground targets, guide troubled aircraft to safety, guide night fighters to within five miles of enemy aircraft (the maximum range of their airborne radar), and enable the short-range radars of antiaircraft batteries to lock onto enemy aircraft. The large M.I.T.-designed

⁷⁷ Compton pronounced the Rad Lab "the greatest cooperative research establishment in the history of the world." *Id.*, p. 277. It was soon to be surpassed by the atomic bomb project.

⁷⁸ Overy, p. 56 *et seq.*

⁷⁹ Conant, p. 269.

MEW ground installation could track every plane within a radius of 180 miles. It managed the thousands of military aircraft that supported the Normandy invasion, helped intercept the V-1 "buzz bombs" that attacked London shortly thereafter, and backed up the forward mobile ground radar companies that accompanied each Army corps from the Normandy invasion to the end of the war in Europe.⁸⁰

- Tiny radar-based devices that were the key components of the proximity fuse.⁸¹ This fuse allowed artillery shells to be programmed to explode at a predetermined height off the ground, virtually eliminating protection from artillery fire,⁸² and allowed antiaircraft shells to be programmed to explode close enough to enemy aircraft to destroy them without a direct hit. Antiaircraft batteries using these shells and aimed by the Rad Lab's SCR-584 radar system were key to the successful defense of the Anzio beachhead in January 1944 and many subsequent operations.⁸³

Loomis personally invented the long-range navigation system known as LORAN, which saved many planes

⁸⁰ *Id.*, p. 264 *et seq.*; Baxter, p. 221 *et seq.*

⁸¹ Conant, pp. 221–42.

⁸² Baxter, pp. 115–16.

Footnote 83 on following page.

and their crews.⁸⁴ LORAN was the only Rad Lab product not based on microwave technology.⁸⁵

Loomis's biographer, Jennet Conant, concluded:

Loomis had helped to force the development of radar within the army, and in the opinion of many of his peers, his greatest contribution lay in his brilliantly orchestrated effort with Stimson to mobilize the products of science and technology, break down military resistance to the flow of innovative ideas and applications, and continuously press for further experimentation and the acceptance of new weapons systems and tactics. As Lawrence⁸⁶ told an interviewer at the time, "If

83 Massachusetts Institute of Technology, *Five Years at the Radiation Laboratory* (1946), p. 48. Prepared soon after the war's end, this volume is an early and comprehensive (but still partly censored) account of what had been a closely guarded secret: the decisive role of radar in World War II. For example, it revealed that the radar-controlled anti-aircraft batteries on the Anzio beachhead, using proximity-fused shells, stunned the Germans by destroying sixty-three attacking planes. These batteries virtually ended the German air raids that had threatened the destruction of the beachhead. This was also the first use of the SCR-584 radar aiming system, and Rad Lab technicians were in the beachhead foxholes making sure that it operated properly.

84 Conant, pp. 231–33, 272–73; Baxter, p. 150 *et seq.*

85 Conant, p. 233.

86 Ernest O. Lawrence was one of the nation's leading physicists and a Nobel Prize winner. He had invented the cyclotron (a key to the development of the atomic bomb) at age thirty and played a major role in the development of both radar and the atomic bomb. *Id.*, pp. 133–34. See lower picture on page 68, *supra*

Alfred Loomis had not existed, radar development would have been retarded greatly, at an enormous cost in American lives."⁸⁷

Roosevelt, Bush, and Loomis⁸⁸ also played key roles in supporting Robert Oppenheimer (1967) and Isidor Rabi (1974–88) in the development of the atomic bomb. Loomis and Centurion John D. Rockefeller, Jr.,⁸⁹ arranged financing and sometimes personally paid for some of the key steps for this and related projects. Loomis also played a major role in recruiting the country's best physicists for the Manhattan Project, including many of his friends and coworkers at the Rad Lab. Rabi was one of the few scientists whose talents were so broad and valuable that they were allowed to commute between the Rad Lab and the Los Alamos atomic facility.⁹⁰

Another critical scientific endeavor in which Centurions played an important role was decrypting and

87 *Id.*, pp. 277–78. In 1950 future Centurion William T. Golden asked Loomis on behalf of President Harry Truman to become scientific adviser to the president, but Loomis declined. *Id.*, p. 273 *et seq.*

88 *Id.*, p. 238 *et seq.*

89 Baxter, p. 19.

90 Conant, p. 274. Rabi was an associate director and member of the Steering Committee of the Rad Lab and the head of its Research Division. Massachusetts Institute of Technology, pp. 21, 24–25.

translating the many and frequently changing versions of the Axis diplomatic, military, naval, and shipping codes. William P. Bundy headed a group of Army cryptanalysts from Arlington Hall in Virginia who went to Bletchley Park (near London) to work with the brilliant British code-breakers and to learn that complex craft. His brother, McGeorge Bundy, later coauthor of Stimson's autobiography and a top adviser to President Kennedy, was also assigned to Arlington Hall, where he worked on keeping American codes and ciphers secure. Serving with the Bundy brothers in what later became the Army Security Agency⁹¹ were Burke Marshall and Bayless Manning, both later deans of leading law schools, and Henry F. Graff, later a professor of history at Columbia University and a leading authority on the American presidency. The Bundy brothers and Graff were members of a unit that decoded and translated Japanese radio messages. Graff helped decode a radio message from General Oshima, the Japanese ambassador in Berlin, to his superiors in Tokyo containing a detailed account of his inspection of the Normandy beachhead defenses. General Marshall credited this decrypt with saving the equivalent of an

91 The ASA was a predecessor of today's National Security Agency. Some of the best brains in the country were employed around the clock at the ASA during World War II.

American division during the Normandy invasion in 1944.⁹²

Throughout the war, this group and its Navy counterparts were able to keep our military and political leaders informed of many Japanese political decisions and battle plans.⁹³

Of course, the stunning turnaround in the course of World War II could not have happened without the leadership and foresight of Centurion Franklin D. Roosevelt and his British counterpart, Winston Churchill (kinsman of an earlier Winston Churchill, a novelist who was a Centurion from 1902 to 1924).

92 Reported to Graff by Colonel Frank B. Rowlett, the cryptanalyst who had helped break the relevant code. See also Centurion David Kahn's *The Codebreakers* (rev. ed., 1996), p. 508 fn. A full account of Lieutenant General Oshima's role as an inadvertent Allied intelligence source is given in Carl Boyd's *Hitler's Japanese Confidant: General Oshima Hiroshi and Magic Intelligence* (1993). As ambassador to Germany and close confidant of Hitler from 1941 to 1945, Oshima was privy to many secret German intelligence reports. He duly radioed the contents of more than 1,300 such reports, together with his observations, to the Japanese minister of foreign affairs—and to the Allied code-breakers.

93 The Navy unit decoded the plans for the invasion of Midway in July 1942 and the flight plan that enabled American P-38 fighter pilots to intercept and shoot down two "Betty" bombers carrying the commander in chief of Japan's navy, Admiral Yamamoto, and members of his staff on April 18, 1943. Centurion Evan Thomas' *Sea of Thunder* (2006), pp. 89–94. Admiral Yamamoto had planned and commanded the Pearl Harbor attack.

FDR's role is too extensive to detail further here, but note should be made of a little remembered but key element in our preparation for World War II. As war approached, FDR refocused the efforts of the Work Projects Administration (WPA) on the nation's transportation infrastructure and military bases. Despite the fury of critics of big government in general and of the WPA in particular, it constructed airports (including those later known as La Guardia and Washington National), military bases, 900 miles of airport runways, hundreds of thousands of miles of highways, and thousands of bridges.⁹⁴

The achievements of these Centurions in the federal government and in the private sector before and during World War II were crucial to victory. They were instrumental in saving Britain in 1940. They planned and directed the mobilization of our manpower, industrial, and scientific resources. They helped develop the atom bomb and the many radar systems just described. Centurions used their extensive contacts in industry, government, and the scientific and academic communities to achieve unprecedented results.

Without the efforts of the Stimson-Patterson team, the United States would not have been able to provide "almost two-thirds of the Allied military

94 Nick Taylor, *American-Made: The Enduring Legacy of the WPA: When FDR Put the Nation to Work* (2008), passim. Taylor is also a Centurion.

equipment produced during the War: 297,000 aircraft, 193,000 artillery pieces, 86,000 tanks, and 2,000,000 army trucks."⁹⁵ Among the \$11 billion worth of Lend-Lease goods sent to the Soviet Union were most of its motorized vehicles, giving its army the mobility that took it from the Caucasus to Berlin. Stalin is reported to have uncharacteristically acknowledged that without American Lend-Lease, "we would lose this war."⁹⁶ Where every other major country took four or five years to develop a sizable military economy, it took America a year.⁹⁷

Without the efforts of the Centurions mentioned here, Allied victory would at least have been substantially delayed, and many more people would have perished in the armed forces, civilian populations, prisoner-of-war compounds, and concentration camps. Delay would also have given Hitler more time to develop atomic bombs, rockets, jet planes, and other weapons that might have affected the outcome.⁹⁸

Many people in and out of uniform contributed to these achievements, most of whom, of course, were not Centurions. But it was FDR—with the crucial

95 Overly, p. 192.

96 Olson and Cloud, pp. 245–46.

97 Overly, p. 192.

Footnote 98 on following page.

early help and urging of Grenville Clark—who got our efforts started, and it was the Stimson-Patterson team that provided focus and much of the necessary leadership and administrative skills. Without the accomplishments of these and the other Centurions mentioned in this chapter, World War II would not have been won in both theaters less than four years after Pearl Harbor and might not have been won at all.

98 For example, in July 1944, ten months before the war ended in Europe, the Germans successfully deployed the only two jet aircraft models to see combat in World War II. One of them, the ME-262, substantially outperformed every Allied fighter plane and took a heavy toll of Allied heavy bombers. Warren Thompson, *P-61 Black Widow Units of World War 2* (1998), p. 30. The ME-262 would have become a major factor in the war if Lovett's bombers had not limited the plane's use by destroying much of Germany's oil infrastructure and supplies. This author's forward mobile ground radar company was strafed by an ME-262 near Frankfurt around midnight in March 1945. The ME-262 had easily outrun a pursuing P-61 night fighter, the Allies' fastest plane, with which the author's unit was trying to intercept it.

Chapter Three

Why so Many Centurions Entered High Federal Service Before 1982

WHY DID SO MANY MEMBERS of a small social club in New York City, whose origin and purposes were unrelated to public service, become presidents (and presidential candidates), Supreme Court justices, and cabinet members and ascend to so many other important public service posts from 1868 through 1981?

Part of the answer lies in the confluence of political and economic power in New York City. Until 1972, New York State had more votes than any other state in the Electoral College and the national party conventions, although the numbers had started to drop in 1948.

New York City was the country's financial center when the Century was founded in 1847 and has been the world's financial center since World War I. New York City lawyers dominated their profession into the 1950s; New York City investment bankers still do. New York City law firms were the principal counsel to a substantial number of the country's largest corporations, many of which had their head office there. Partners of these law firms sat on the boards of many large corporations regardless of where they were headquartered. New York City lawyers often led the prin-

cial national bar associations; thirteen of the first forty-nine American Bar Association presidents (from 1878 to 1927) were New Yorkers, all of them Centurions.¹ New Yorkers, many of them lawyers, were leaders of important local and national charitable organizations. Thus many New York lawyers had ties with one another² and with influential people across the nation, including those at the highest political levels.

This combination of political and economic power with networking activity at the Century helps explain why Centurions occupied the White House during fifteen of the twenty-three presidential terms from 1881 through 1961. Centurions won thirteen of these elections, and vice presidents Chester A. Arthur and Theodore Roosevelt succeeded their assassinated presidents six months after their terms began. Eleven of the unsuccessful candidates in the fourteen elections from 1904 through 1956 were also Centurions

1 Seven of the fifty-seven presidents to date of the American College of Trial Lawyers were New Yorkers (five of them Centurions—Whitney North Seymour, Lewis F. Powell, Jr., Leon Silverman, Robert B. Fiske, Jr., and Michael A. Cooper).

2 Eleven of the lawyers mentioned in this book—Elihu Root, C. C. Burlingham, Charles Evans Hughes, John W. Davis, Thomas D. Thacher, Henry L. Stimson, Robert P. Patterson, Whitney North Seymour, Orison S. Marden, Herbert Brownell, and Cyrus R. Vance—were presidents of the Association of the Bar of the City of New York. Root, Hughes, Davis, Seymour, and Marden were also presidents of the American Bar Association. All were Centurions.

or New Yorkers or both. In ten of these fourteen elections, all major party candidates were Centurions or New Yorkers or both.³

The 1920 election, in which Harding beat James Cox, was the only one of the fourteen from 1904 through 1956 in which neither presidential candidate was a Centurion or a New Yorker. The unsuccessful vice presidential candidate that year, Franklin D. Roosevelt, was both.

It is not surprising that these presidents appointed Centurions⁴ and New Yorkers to the cabinet, and that such appointees in turn selected Centurions and New Yorkers as their top assistants, positioning them to become cabinet members later.⁵ Elihu Root, Henry Stimson, and Herbert Brownell were among the Cen-

3 The unsuccessful Centurion presidential candidates are listed in the chart at the end of Chapter One. Unsuccessful candidates Al Smith (1928) and Thomas E. Dewey (1944 and 1948) were New Yorkers but not Centurions.

4 But three of the non-Centurion presidents during this period each appointed four or more Centurions to the Supreme Court and cabinet. Harding appointed three Centurion cabinet members and two Supreme Court justices, Coolidge appointed four Centurion cabinet members and one Centurion justice, and Truman appointed five Centurion cabinet members.

5 For example, Stimson, FDR's Secretary of War, appointed Robert Patterson and Robert Lovett as top assistants. These two Centurions later became Secretary of War and Secretary of Defense, respectively.

turion cabinet members who not only appointed Centurions to top positions in their departments but also influenced presidential appointments to top positions elsewhere in the federal government.⁶

New York's political power was such that when Governor Theodore Roosevelt's "confrontational ways" annoyed New York Republican Party leaders, they had him chosen as President McKinley's running mate in 1900 "just to get rid of him"—only to see him succeed to the presidency six months after the election.⁷

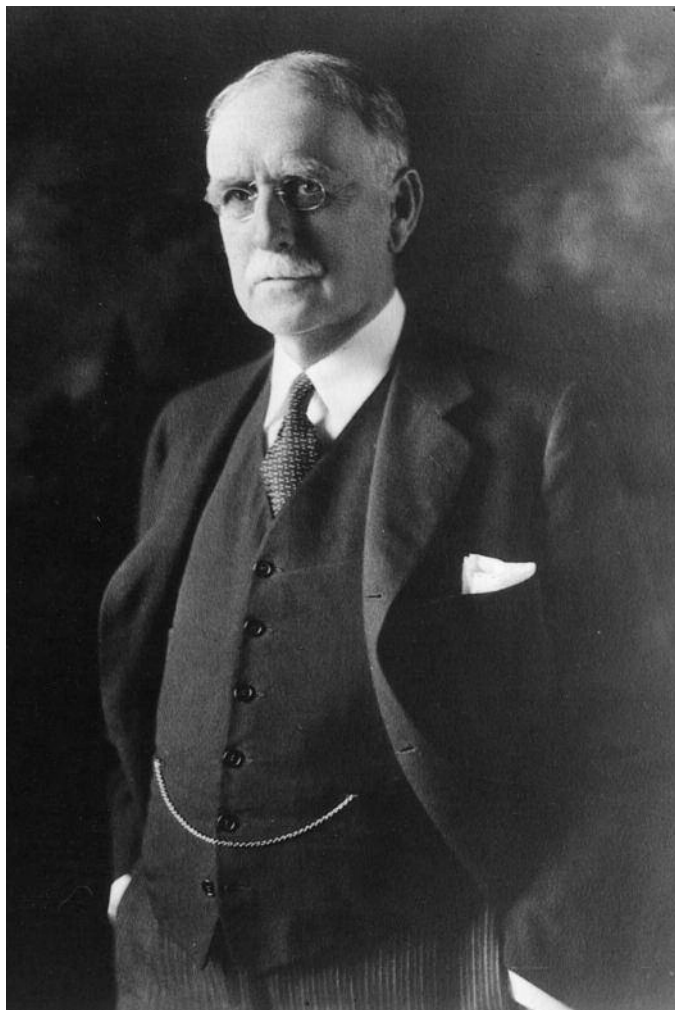
Another reason so many Centurions served in these positions is that they were willing to perform public service despite the financial sacrifice and family dislocation. Many had been imbued with a sense of public duty by their parents, ministers, schoolteachers, headmasters, and college professors. They responded to the call of an early-nineteenth-century American political philosopher "to make the secular sacred" and to the mottoes and values of the preparatory schools that many of them had attended. *Non sibi* ("Not for

6 Brownell appointed J. Edward Lumbard as United States attorney and participated in the appointments of Lumbard as circuit judge and William Brennan as a Supreme Court justice. He also launched John Lindsay's political career by selecting him as his executive assistant.

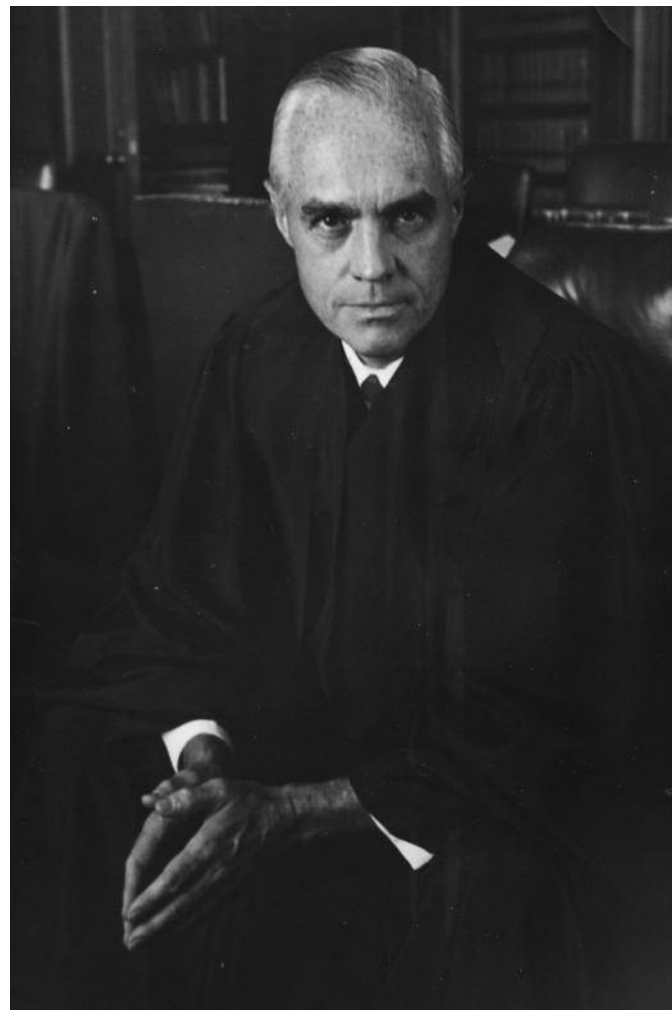
7 Nick Paumgarten, "The Humbling of Eliot Spitzer," *The New Yorker*, December 10, 2007.

oneself") is a motto of both Andover and Exeter; Groton's is *Cui servire est regnari* ("To serve is to rule"). Centurions were undoubtedly also attracted by the opportunity to work with fellow Centurions with whom they shared values and interests—a perfect fit for those who define happiness as working on important matters with like-minded friends. They were undoubtedly also attracted by the opportunity to serve a president who put the country's interest ahead of ideology, political partisanship, and self-interest.⁸ Republican presidents Hoover and Eisenhower appointed Democrats Cardozo and Brennan to the Supreme Court. Harlan Fiske Stone, who had been appointed to the Supreme Court by Republican president Coolidge, was elevated to chief justice by FDR. FDR also promoted Republican Robert P. Patterson from the district court to the United States Court of Appeals for the Second Circuit, the nation's second-

8 In the words of "America the Beautiful": "... who more than serves their country loved." Of course, presidents tend to equate with the public good the amount of political partisanship necessary to get reelected. This may be justified, as in the 1940 campaign before Willkie's surprise nomination and his agreement not to attack Destroyers for Bases. If Roosevelt had lost to an isolationist, the United States might soon have found itself unprepared in a world dominated by totalitarian states. The need to get reelected justified delay in openly implementing the interventionist policies that FDR believed to be in the best interests of the United States until pacifist/isolationist opposition had been sufficiently reduced.



CHARLES C. BURLINGHAM, *who meddled his mentees through his friends and allies at the highest levels of the United States, New York State, and New York City governments.*



J. EDWARD LUMBARD, *probably the most prolific Centurion mentor and meddler.*

most prestigious court. As we saw in Chapter Two, Republicans served a Democratic president in most of the top civilian positions managing our armed forces, beginning eighteen months before Pearl Harbor. FDR also gave these Republicans free rein to select their top assistants, and they selected many other Republicans.

Many Centurion presidents pursued policies they believed to be in the country's best interests even though they were unpopular with supporters and voters. Prior to our entry in both World Wars, Wilson and FDR pursued unpopular interventionist policies, albeit sometimes under the political radar. Both Roosevelts advocated programs so inimical to the financial interests of their families, friends, and previous supporters that they were often called "traitors to their class." Theodore Roosevelt was the scourge of the monopolies that were enriching many of his friends and funders. During one of his campaigns, he infuriated the same people by advocating a progressive inheritance tax heavy enough to reduce the transmission of enormous fortunes to young men, arguing that it "does not do them any real service and is of great and genuine detriment to the community at large."⁹

⁹ James MacGregor Burns and Susan Dunn, *The Three Roosevelts* (2003), p. 95.

As members of this small social club started to become presidents and cabinet members, a self-perpetuating network came into being that continued to place Centurions in high federal positions until 1981—when it stopped functioning for reasons discussed in the next chapter. This network did not just benefit job applicants; it also enabled Centurions to recruit qualified assistants from a pool of able and motivated people with whose qualifications they were familiar. Stimson, for example, did not seek any of his six presidential appointments.¹⁰

After they completed their terms of public service, most of these Centurions returned to their former jobs, like Cincinnatus, or retired. They did not exploit their public service by becoming lobbyists, speakers for rent, or kiss-and-tell autobiographers. Tocqueville had people like these in mind when he based his confidence in American democracy on the existence of a professional aristocracy dividing its time between private work and public service as did the Founding Fathers.

Centurion mentors, role models, and people whom Charles C. Burlingham called "meddlers" were major factors in the ascent of Centurions to high federal

¹⁰ Stimson and Bundy, p. 4.

office. In Burlingham's lexicon, "meddlers" were persons like himself who believed that one way to achieve good government was to mentor able people and then help secure their election or appointment by "meddling" in the political process. It was typical of Burlingham's mischievous side that he turned the usual meaning of "meddling" on its head and made it a noble political technique—at least when employed to place highly qualified mentees (or other good people) in important government positions. He considered "meddling" the final step in successful mentoring.¹¹ (The use of the words "mentor" and "mentoring" hereinafter frequently encompasses the Burlingham concept of meddling.)

The following description of the activities of the three most successful Centurion mentors, Stimson, Burlingham, and J. Edward Lumbard, is illustrative.

Stimson's career in the top ranks of federal government was the longest and most diverse in American history. It began with his being mentored by Centurion Elihu Root. Two years after Stimson started as a law clerk in Root's firm (Root & Clarke, later Winthrop, Stimson, Putnam & Roberts) in November

¹¹ See Centurion George Martin's *CCB: The Life and Century of Charles C. Burlingham* (2005), *passim*. Burlingham initially gained recognition as an admiralty lawyer defending the White Star Line against claims arising out of the *Titanic* sinking.

1891, he both became a partner¹² and began his fifty-nine-year membership in the Century. In 1905, Root, now Secretary of State, meddled his mentee into the position of United States attorney for the Southern District of New York, a post that Root had held.¹³

Stimson's performance as United States attorney was so widely admired that it launched his career as a public servant, role model, and mentor. He reorganized the office and set the high standards that have been maintained by most of the United States attorneys who followed him, particularly seven Centurions.¹⁴ It became, and has remained during most subsequent administrations, the finest United States attorney's office in the country, free of political and bureaucratic interference. Many future public servants were trained and mentored there.¹⁵ Stimson established the practice of hiring very talented young lawyers without regard to party affiliation. Among those whom he chose for the then small office and began to mentor there were Felix Frankfurter (later a United States

¹² *Id.*, p. xviii.

¹³ *Id.*, pp. 3–4. See also Isaacson and Thomas, p. 180.

¹⁴ Francis W. H. Adams, J. Edward Lumbard, Arthur H. Christy, S. Hazard Gillespie, Whitney N. Seymour, Jr., Robert M. Morgenthau, and Robert Fiske, Jr.

Footnote 15 on following page.

Supreme Court justice), a Democrat who had been first in his class in all three of his Harvard Law School years; Emory R. Buckner (later a revered United States attorney and outstanding mentor); Thomas E. Thacher (later a New York Court of Appeals judge and a Centurion for fifty-one years); and Goldthwaite H. Dorr (also a Centurion for fifty-one years and a distinguished holder of many important posts in the federal government, including another under Stimson).¹⁶ Buckner continued Stimson's innovations when he became United States attorney. He hired, trained, and mentored, among other future Centurions, John Marshall Harlan, later a United States Supreme Court justice; J. Edward Lumbard, whose career as public servant and mentor is described later in this chapter; David W. Peck, later presiding judge of the Appellate Division, First Department; and Bethuel M. Webster,

15 One of the trainee-mentees, Thomas E. Dewey, became a chief assistant United States attorney and, in 1933, acting United States attorney. After being elected New York County district attorney in 1937, he reorganized that office along Stimson lines. The Stimson culture was adopted and has continued there ever since under Dewey's successors, the long-serving Frank Hogan, the even longer-serving Robert M. Morgenthau, and Centurion Cyrus R. Vance, Jr., elected in November 2009 to succeed his mentor Morgenthau. Dewey became governor of New York and the Republican presidential candidate in 1944 and 1948.

16 Stimson's longest and strongest mentoring relationship was with Alfred Loomis, whose achievements are recounted in Chapter Two, above.

another noted mentor,¹⁷ later a judge on the International Court of Justice and president of the Association of the Bar of the City of New York.¹⁸

Stimson's subsequent presidential appointments were as Taft's Secretary of War from 1911 to 1913, Coolidge's special commissioner to Nicaragua and then governor-general of the Philippines, Hoover's Secretary of State from 1929 to 1933, and FDR's Secretary of War.¹⁹ Chapter Two describes Stimson's outstanding success in the last position, including his recruitment of extraordinarily capable people as his top assistants, among them some of his early mentees and many Centurions.

17 An example of Webster's mentoring style is contained in an e-mail to the author from Theodore S. Lynn: "On my first day as an associate at Webster Sheffield, I was in its Library at about 6:30 pm. Beth Webster stopped by and saw me. He said: 'Ted, what are you doing here?' (First thrill: he knew my name.) I said I was getting some work done. He said: 'Ted, if I need more lawyers I will hire them. But don't go home—go to your church, political club, favorite charity or such and help. We have an obligation to give something back.'"

18 "A Conversation with J. Edward Lumbard," oral-history project of Columbia University and the New York Bar Foundation (1980), pp. 8–9.

19 Between his two terms as Secretary of War, Stimson received practical military experience as a World War I field artillery colonel in France.

Charles C. Burlingham was another extraordinary mentor. CCB, as he was popularly known, joined the Century in 1893, the same year as Stimson, and was a member for sixty-six years. Although he never held public office, CCB's influence exceeded that of many who did. Presidents, chief justices, cabinet members, governors, and mayors took his phone calls and responded promptly to his letters. He had a knack for enlisting influential people in his causes. He had a unique ability to identify and nurture talented potential public servants and to mobilize powerful people to help him meddle.

With the assistance of other Centurions, including Stimson and Otto T. Bannard, CCB played a leading role in the 1913 fusion reform movement that elected John Purroy Mitchel mayor of New York City.²⁰ Twenty years later, CCB led a second fusion movement—with the help of Centurions William B. Chadbourne, Samuel Seabury, and others²¹—that elected Fiorello La Guardia mayor for twelve years. CCB was known as “New York’s First Citizen” while La Guardia was mayor. The Centurions and future Centurions who served Mayor La Guardia included Adolph A. Berle, Jr. (city chamberlain), William C. Chanler

(his second corporation counsel), and Goodhue Livingston, Jr. CCB and Berle were two of La Guardia’s closest and most influential adviser-friends.²² Herbert Brownell, a Centurion for fifty-eight years beginning in 1938, handled La Guardia’s legislative program in Albany while an assemblyman.²³

La Guardia was the last fusion or Republican mayor any of whose running mates were elected to either of the other two citywide offices—president of the City Council²⁴ (future Centurion Newbold Morris) and comptroller (Joseph McGoldrick)—or to either of the two New York County elected offices: district attorney (Thomas E. Dewey) and borough president (Stanley Isaacs and Edgar J. Nathan, Jr.). Both borough presidents were served by a brilliant engineer and future Centurion, commissioner of public works Walter Binger. Binger supervised the design and construction of the East Side Drive (now known as the FDR Drive) and the architectural-prize-winning mu-

22 For a fascinating account of the mayor’s relationship with Berle and CCB and stunning pictures of the mayor with each of them, see Centurion August Heckscher’s *When La Guardia Was Mayor* (1978), pp. 157–59.

23 Herbert Brownell, *Advising Ike* (1993), p. 24.

24 The post of president of the City Council has been abolished and replaced with a quite different elected citywide post: Public Advocate.

20 Martin, pp. 181–85.

21 *Id.*, p. 323 *et seq.*

nicipal Asphalt Plant (now the central building of the Asphalt Green, an athletic and cultural complex at Ninety-first Street near the East River).

In 1965, twenty years after the end of the last La Guardia administration, a large number of reform-minded Centurions emulated their role model, CCB, by helping to nominate, elect, and serve a fusion mayor—future Centurion John V. Lindsay. Lindsay's public service career had been launched in 1955 when Attorney General Brownell appointed him as his executive assistant. Lindsay was mentored by at least four Centurions—Brownell, Lindsay's law partners Bethuel Webster and Frederick Sheffield, and Lindsay's older brother, George. They were instrumental in his nomination in 1957 and election to Congress for four consecutive terms beginning in 1958 and his election as mayor in 1965. Other Centurions supporting Lindsay's first mayoralty campaign included John Hay Whitney, Walter Thayer, and Nelson Rockefeller. Rockefeller furnished \$500,000 to Lindsay's first campaign, approximately twenty-five percent of the total raised.²⁵

At least seventeen of Lindsay's mayoral appointees were or became Centurions, including both of his corporation counsels, J. Lee Rankin and Norman Redlich; two successive first assistant corporation

counsels, Frederic S. Nathan and Redlich; an adroit press secretary, Thomas B. Morgan; counsel to the mayor and then deputy mayor Robert W. Sweet; two parks commissioners, August Hecksher and Thomas F. Hoving; and his first commissioner of investigation, Arnold G. Fraiman. Constantine Sidamon-Eristoff served Lindsay successively for eight years as assistant to the mayor, commissioner of the Department of Highways, and transportation administrator. Roy M. Goodman was director of finance and then finance administrator; Robert G. Wilmers served as Goodman's top deputy. Donald Elliott was counsel to the mayor and then chairman of the City Planning Commission. Werner H. Kramarsky and Steve Isenberg were mayoral assistants. Gordon J. Davis was a mayoral assistant and then a member of the City Planning Com-

25 Vincent J. Cannato, *The Ungovernable City: John Lindsay and His Struggle to Save New York* (2000), pp. 3, 23, and 41. Lindsay also had Centurions as opposing candidates. After he announced his primary candidacy for Congress, Frederic R. Coudert, Jr., the long-term incumbent congressman, president of the Ninth Assembly District Republican Club, and third-generation Centurion, announced his retirement. Two years later, Lindsay won reelection by defeating Centurion-to-be William J. vanden Heuvel. When Lindsay first ran for mayor, it is said that future Centurion William F. Buckley, Jr., unintentionally helped elect him by running against him on the Conservative line and drawing more conservative voters from Democratic candidate Abraham Beame than from Republican Lindsay. Sam Roberts, *The New York Times*, March 1, 2008, p. B-2.

mission. Lindsay named William J. vanden Heuvel head of two important commissions and chose Edward J. Logue to oversee a study of how to consolidate the city's sprawling housing-and-development agencies and to help implement its findings.²⁶

Passionate about improving the quality of the state and federal benches, C. C. Burlingham mentored and meddled talented judicial prospects, particularly three Centurions who became eminent jurists: Learned Hand (appointed to the United States District Court), Learned again and his cousin Augustus Hand (both appointed to the United States Court of Appeals for the Second Circuit),²⁷ and Benjamin N. Cardozo (elected to the New York Supreme Court and as chief judge of the New York Court of Appeals and appointed to the United States Supreme Court).²⁸

Cardozo's judicial career is the prime example of CCB's effectiveness in mentoring and meddling talented judicial prospects. As head of a subcommittee on judicial nominations (which included Stimson) in the 1913 fusion movement²⁹ that elected John Purroy

Mitchel mayor, CCB engineered the selection of Cardozo to run for the New York Supreme Court and guided his nomination through a difficult political thicket.³⁰ Among the other Centurion lawyers who supported Cardozo's candidacy were Joseph Choate, Elihu Root, Harlan Fiske Stone, and Henry Taft.³¹ Cardozo won by less than 2,300 votes. Centurion support may have provided the margin.³² Five weeks later Governor Martin Glynn chose Cardozo to fill a vacancy on the Court of Appeals.³³

In 1923, CCB and Columbia Law School dean Harlan Fiske Stone persuaded Cardozo to allow himself to be proposed for membership in the Century.³⁴ CCB arranged for a group of respected members, some of

26 Cannato, pp. 109-10.

27 Martin, pp. 214-19.

28 *Id.*, pp. 186-191.

29 This fusion movement consisted of anti-Tammany Democrats, Progressives, and some Republicans.

30 Andrew L. Kaufman, *Cardozo* (1998), pp. 117-20, 124.

31 *Id.*, p. 121.

32 For a discussion of other factors, see *Id.*, p. 125. Cardozo mused that his margin of victory was provided by Italian-American voters who mistakenly thought he "was one of their race." Kaufman's statistics dispute Cardozo's mischievous theory.

33 *Id.*, p. 127. Governor Glynn had first offered the appointment to Supreme Court Justice Samuel Greenbaum, the father of Edward S. Greenbaum (see Chapter Two). Justice Greenbaum had a large family to support in New York City and recommended Cardozo in his place. He then helped persuade Cardozo to accept the appointment. *Id.*, pp. 127-28. Greenbaum, p. 39.

34 Martin, pp. 259-62.

them already friends of Cardozo, to propose, second, and support his nomination.³⁵

In August 1925, CCB started planning for Cardozo's election the following year to fill the upcoming vacancy in the post of chief judge of the Court of Appeals. Governor Alfred E. Smith, Cardinal Joseph P. Hayes, leaders of both political parties, leaders of the bar, and some members of the Court of Appeals were aggressively promoting other candidates. The ensuing political battle was deftly resolved by CCB's meddling. Cardozo was nominated by both parties.³⁶

When Oliver Wendell Holmes resigned from the United States Supreme Court in 1932, there was an outpouring of public support for Cardozo to succeed him—but there were problems. Cardozo was a Democrat and President Hoover a Republican; Cardozo was from New York City, as were Chief Justice Hughes and Justice Stone; and Cardozo was Jewish, as was the still sitting first Jewish justice, Louis D. Brandeis. Many Centurions were quick to help. Justice Stone “intimated” to Hoover that he would be willing to retire in order to counter the objection that

35 *Id.*, p. 260. Later the Century “seems to have been the place” Cardozo used more than any of his other clubs. Kaufman, p. 187. It was on the same block as his New York City office when he was on the Court of Appeals.

36 Martin, pp. 262–64; Kaufman, pp. 178–82.

the appointment of Cardozo would put three justices from New York City on the bench.³⁷ When Hoover referred to a complaint that Cardozo was not “socially acceptable,” Justice Stone said that “Cardozo was a member of the exclusive Century Club to which the complainant...could never gain admission.”³⁸ Stimson and Samuel Seabury,³⁹ and probably George Wickershaw⁴⁰ and Chief Justice Hughes, either spoke to Hoover or wrote to him in support of Cardozo's candidacy. Secretary of State Stimson advised Hoover that “his safest bet was Cardozo, although Hand would also be a good candidate.”⁴¹ Young B. Smith, dean of Columbia Law School, helped garner petitions on behalf of Cardozo's appointment signed by nearly all the faculty members of the Columbia, Yale, and Pennsylvania law schools.⁴²

When Cardozo noticed his mentor sitting in the courtroom during his Supreme Court swearing-in ceremony, he wrote him a note:

37 Kaufman, p. 465.

38 Alpheus T. Mason, *Harlan Fiske Stone* (1956), p. 337.

39 Kaufman, p. 469.

40 *Id.*, p. 467.

41 *Id.*, pp. 464–65. CCB and Stimson had long been urging FDR to appoint Learned Hand to the Supreme Court.

42 *Id.*, p. 683, fn. 40.

Beloved Burlingham, What a joy it was to see your dear face in the Court room! Many, many thanks.

Affectionately,
B.N.C.⁴³

J. Edward Lumbard, a Centurion for forty-three years, was probably the most prolific Centurion mentor, both before and during his long career on the bench.⁴⁴ An extraordinary number of his mentees attained important positions in government, bar associations, and community service organizations. They in turn became Lumbard's agents in helping to meddle other able people, including Lumbard alumni.

Starting in 1953 after a distinguished legal career and several earlier rounds of government service, Lumbar became successively United States attorney for the Southern District of New York, United States circuit judge, chief judge of the Second Circuit Court of Appeals, and then an active senior circuit judge until retiring at age ninety-four.

The late-Thursday-afternoon training sessions that Lumbard conducted for his new assistant United

States attorneys were addressed by many notable public servants, most of whom had begun their careers in that office. Lumbard's mostly young recruits learned not only learned how to perform their tasks but were also inspired by the public service careers of their predecessors. Among them were Supreme Court justices Frankfurter and Harlan; Governor Dewey; Attorney General Brownell; appellate judges Learned Hand, David W. Peck, and Charles D. Breitel; and police commissioner and former United States attorney Francis W. H. Adams.⁴⁵ (All of these public servants except Frankfurter and Dewey were Centurions.) The attractions of public service were not lost on the young mentees. Lumbard found other occasions to encourage his assistants,⁴⁶ and later his judicial law clerks, to become active in the political parties of their choice after leaving office, to serve bar associations and their communities, and to answer calls to return

43 Martin, p. 267.

44 The certificates of appointment of Lumbard as United States attorney and as circuit judge were signed by Centurions Brownell and Eisenhower.

45 "A Conversation with J. Edward Lumbard," pp. 42–43. Judge Lumbard describes his mentoring activities but does not name his mentees or the positions they attained, much less acknowledge having meddled. During his long judicial service, Judge Lumbard delicately and anonymously continued to pursue his passion for strengthening the judiciary and for encouraging public service. See *Id.*, pp. 98–99.

46 These included small dinners at the Lumbards' New York City apartment and large outings at their Fairfield, Connecticut, home.

to government service. He later arranged for many of them to receive such calls.

The seventy assistant United States attorneys appointed by Lumbard later held at least thirty-three important government positions: nine judges of the United States District Court for the Southern District of New York;⁴⁷ three New York Supreme Court justices;⁴⁸ Secretary of the Department of Housing and Urban Development;⁴⁹ assistant general counsel, Department of Defense;⁵⁰ assistant secretary and general counsel, Department of the Army;⁵¹ deputy United States attorney general;⁵² assistant deputy United States attorney general;⁵³ assistant United States attorney general (civil rights);⁵⁴ four United States attorneys for the Southern District of New

47 Arnold Bauman, Miriam Goldman Cedarbaum, Gerard L. Goettel, Lloyd F. MacMahon, Richard Owen, Robert P. Patterson, Jr., Leonard B. Sand, Robert W. Sweet, and Harold R. Tyler, Jr.

48 Arnold G. Fraiman, George C. Mantzoros, and Samuel R. Pierce, Jr.

49 Samuel R. Pierce, Jr.

50 Robert M. Pennoyer.

51 Powell Pierpoint.

52 Harold R. Tyler, Jr.

53 Leon Silverman.

54 Harold R. Tyler, Jr.

York;⁵⁵ three federal special prosecutors and independent counsels;⁵⁶ assistant United States solicitor general;⁵⁷ commissioner of customs;⁵⁸ member of the New York State Senate;⁵⁹ delegate to the New York State constitutional convention;⁶⁰ and, under Mayor Lindsay, a deputy mayor, two commissioners of investigation, a first assistant corporation counsel,⁶¹ and two who served without pay as hearing officers in important city cases.⁶²

Ten of Lumbard's seventy appointees were elected bar association presidents.⁶³ Thirteen became Centurions,⁶⁴ as did two of the summer interns who served under Lumbard in the program he initiated in 1954

55 Arthur H. Christy, Lloyd MacMahon, Morton Robson, and Whitney North Seymour, Jr.

56 Arthur H. Christy, Leon Silverman, and Whitney North Seymour, Jr.

57 Leonard B. Sand.

58 Myles J. Ambrose.

59 Whitney North Seymour, Jr.

60 Leonard B. Sand.

61 Robert W. Sweet, Arnold G. Fraiman, Robert K. Ruskin, and Frederic S. Nathan, respectively.

62 George S. Leisure, Jr., and Walter Stratton, both then partners in Judge Lumbard's former law firm, Donovan, Leisure, Newton & Irvine.

Footnote 63 and 64 on following page.

and who became assistant United States attorneys under his successors.⁶⁵ Many held leadership positions in hospitals, educational institutions, the Legal Aid Society, and other community organizations. Six founded⁶⁶ or headed⁶⁷ prominent law firms.

63 Whitney North Seymour, Jr., and Robert P. Patterson, Jr., became presidents of the New York State Bar Association. Leon Silverman became president of the American College of Trial Lawyers. Seven were elected president of the Federal Bar Council, the bar association of the federal courts in the Second Circuit: Arnold Bauman, Peter M. Brown, George S. Leisure, Jr., Frederic S. Nathan, Leonard B. Sand, Whitney North Seymour, Jr., and Harold R. Tyler, Jr. Leonard Sand was appointed a federal judge shortly after his election and could not serve as president

64 Arthur H. Christy, Arnold G. Fraiman, George S. Leisure, Jr., Frederic S. Nathan, Maurice Nessen, Richard Owen, Robert P. Patterson, Jr., Robert M. Pennoyer, Powell Pierpont, Whitney North Seymour, Jr., Leon Silverman, Robert W. Sweet, and Harold R. Tyler, Jr.

65 Robert B. Fiske, Jr., whose career included service as United States attorney for the Southern District of New York and as the first Whitewater special prosecutor, and the late Thomas M. Debevoise, who became attorney general of Vermont before age thirty. Fiske also served as president of the American College of Trial Lawyers and of the Federal Bar Council, and in many other professional and community roles.

66 *Wachtell*, Lipton, Rosen & Katz; *Kramer*, Levin, Nessen, Kamin, & Frankel; and *Christy* & Viener. (Italics indicate Lumbard alumni.)

67 Silverman and Tyler.

Perhaps the most distinguished Lumbard mentee was the late Centurion Harold R. Tyler, Jr., who also became an important mentor himself. Among those he mentored were United States attorney general Michael B. Mukasey, New York City mayor and presidential primary candidate Rudolph Giuliani, and Richard Parsons, a prominent business and community leader.

One of Tyler's talents was his ability to gain the confidence and often the friendship of widely disparate notables such as segregationist senator James Eastland, NAACP attorney Thurgood Marshall, and F.B.I. director J. Edgar Hoover⁶⁸—an ability that contributed enormously to his effectiveness as a public servant. For example, in 1960, Tyler was serving as assistant United States attorney general in charge of the Civil Rights Division, and his acquaintance Thurgood Marshall was living with his wife and children in a house in Mississippi while litigating there on behalf of the NAACP. Tyler was awakened one night by a telephone call from an alarmed Marshall, who told him that men in white sheets and holding torches were circling his house in cars. Tyler awoke J. Edgar Hoover with a telephone call. A few minutes later, Marshall called Tyler again to report that the FBI had taken

68 *The Memoirs of Harold R. Tyler, Jr.* (2007), passim.

care of the situation. After becoming a United States Supreme Court justice, Thurgood Marshall continued to publicly refer to Tyler as the man who had saved the lives of the Marshall family.⁶⁹

After a third round of law practice, Tyler, a Republican, was appointed by President John F. Kennedy as a United States district court judge for the Southern District of New York. He served with distinction for thirteen years, both as a judge and as a member of important judicial committees. Tyler left the bench to become deputy attorney general under President Gerald R. Ford from 1975 to 1977. He then returned to private practice, where he led Patterson, Belknap, Webb & Tyler⁷⁰ and resumed the performance of important bar association and community service.

Centurions' activities as mentors were a major factor in enabling and persuading many Centurions and other able people to perform public service. A revival of this type of mentoring—which includes meddling

—is one of the steps that could increase the number of highly qualified people available for public service and likely to be appointed—the principal subject of the next chapter.⁷¹

71 Most of the mentoring and meddling discussed in this chapter was nonideological and nonpartisan. The most effective mentoring and meddling in recent years has been done not by freelancing do-gooders but by members of the Federalist Society, an openly ideological and partisan group, many of whose members have been appointed to all levels of the executive and judicial branches of the federal government during recent Republican administrations.

69 Author's conversation with Judge Tyler and Richard Parson's remarks at the memorial service for Tyler on September 27, 2005.

70 All the name partners of the Patterson firm were Centurions before and after Tyler joined the firm. The only surviving name partner when Tyler arrived was Chauncey Belknap. Among the partners who welcomed Tyler to the firm were two fellow Centurions and former assistant United States attorneys under Lumbar: Robert P. Patterson, Jr., and Robert M. Pennoyer.

Chapter Four

Why Centurion Participation Stopped and How It Might Be Restarted

NO CENTURION OR NEW YORKER has been elected president since 1956. Centurion appointments to the Supreme Court ceased in 1972 after President Nixon named Lewis F. Powell, Jr., a nonresident member from Virginia. Centurion appointments to the cabinet ceased in 1981 after President Reagan appointed Caspar R. Weinberger Secretary of Defense. Appointments to the Supreme Court and cabinet of New Yorkers who were not Centurions have continued but in sharply lower numbers.

A major factor in this decline was the shift of political power from New York to the South and West. This shift began in 1948 when New York's votes in the Electoral College and the national party conventions started to drop. New York yielded first place to California in 1972 and second place to Texas in 2004. Florida is now four votes behind New York and gaining.¹ The eleven presidential elections preceding

1 Both Texas and Florida gained two votes and New York lost two votes in 2004.

2008 were won by candidates from Texas (four),² California (four),³ Arkansas (two), and Georgia (one).

Franklin D. Roosevelt was the last presidential candidate born in New York. The last Centurion president was Dwight D. Eisenhower. He grew up in Kansas, but his career was nationwide and then worldwide. He moved to New York in 1948 to become president of Columbia University and was elected to the Century that year. He was elected president of the United States four years later, primarily through the efforts of New Yorkers. Centurion Brownell and Governor Dewey led the group that persuaded Eisenhower to run. Brownell managed his convention delegate con-

2 The two Bushes, who won three of the four, were born in New England and educated at Andover and Yale, but they thoroughly Texanized themselves before running for any political office. Lyndon Johnson won the fourth.

3 Nixon and Reagan were each elected twice. Although Nixon had headed a New York City law firm for five years before becoming president, he is counted here as a Californian because his long-term residence and political base were there. However, New York lawyers, including several from Nixon's law firm, were prominent in his campaigns and administrations. Nixon appointed to his cabinet two Centurions (Henry Kissinger and Caspar W. Weinberger) and four other New Yorkers (Peter G. Peterson, William P. Rogers, James R. Schlesinger, and Nixon's partner John N. Mitchell).

test with Senator Robert A. Taft⁴ and, with the assistance of many New Yorkers, his election campaign. No Centurion except future Centurion George McGovern⁵ or New Yorker has even been nominated for president since Eisenhower's second nomination in 1956. John F. Kennedy, Michael S. Dukakis, and John Kerry are the only candidates from the Northeast to have been nominated since Eisenhower, all of them Democrats from Massachusetts. The absence of Centurions and other New Yorkers from the presidency after January 1961 was undoubtedly largely responsible for the reduction and then cessation of appointments of Centurions to the Supreme Court and the cabinet and the sharp reduction in the number of New Yorkers appointed to those positions.

4 Brownell's skillful handling of the controversies over the seating of the contested convention delegations from Georgia, Louisiana, and Texas provided Eisenhower with his small margin of victory over Taft at the 1952 convention. See Brownell, pp. 105–21. Brownell became Eisenhower's first attorney general and principal adviser. Many New Yorkers served at all levels of Eisenhower's two campaigns and administrations.

5 McGovern became a nonresident member of the Century in 2008. For an extended period during the 2008 presidential primaries, New York candidates in both parties (former New York City Republican mayor Rudy Giuliani and Democratic senator Hillary Clinton) had substantial leads, but neither was nominated.

A second factor was the decline in New York's economic power, a prime engine of political networking. While New York remains the nation's financial center, its economic power has slipped. Many large corporate headquarters, factories, and other businesses left New York—many of them for the South and West. New York City has become a less powerful magnet for the best and brightest college and law school graduates. The influence of the New York bar and its close connections with corporate America both started to decline in the 1950s. Almost all large corporations have stopped relying on a single outside law firm—often one located in New York City. They divide their work among many law firms in many states. Major law firms throughout the nation have grown rapidly. Only eight of the eighty American Bar Association presidents elected after 1927 were New Yorkers.⁶

A third factor was that the size of the pool of Centurions and other New Yorkers qualified for high federal posts has been decreasing because of changes in the structure and culture of the major New York law

⁶ As compared to thirteen of the first forty-nine ABA presidents, who were both Centurions and New Yorkers. P. 83, *supra*. The last three American Bar Association presidents who were Centurions were Whitney North Seymour (1960–61), Orison S. Marden (1966–67), and Robert MacCrate (1987–88).

and financial firms. The enormous increases in their size and pace of work substantially reduced opportunities for their junior people to gain political experience or to be mentored toward public service.⁷ Stimson gained political experience as an election district captain, Republican county committeeman, president of his assembly district club, and candidate for governor while an active lawyer. With a group of other “ardent young men,” he twice brought a corrupt Republican county machine to its knees.⁸ He was “meddled” into his first government position by his former law partner and mentor, Elihu Root, who, as Secretary of State, had President Theodore Roosevelt's ear.

Herbert Brownell was an election district captain, member of the Republican county committee, member of the Assembly, and political campaign manager

⁷ Paul, Weiss, Rifkind, Wharton & Garrison and Skadden, Arps, Slate, Meagher & Flom are among the few major New York City law firms some of whose lawyers have run—often successfully—for local and state political offices. They and Proskauer Rose have also been particularly active in bar association and community service. Three partners in Proskauer Rose have served as presidents of the Association of the Bar of the City of New York for six of the last twenty years. One of them, Michael A. Cardozo, is now the admired and longest-serving corporation counsel of the City of New York.

⁸ Stimson and Bundy, pp. xix–xx.

while he was an associate and then a partner of Lord, Day & Lord. With the encouragement of Centurion partners at his firm,⁹ he served five one-year terms in the New York State Assembly, defeating a fellow Lord, Day & Lord associate in the last three.¹⁰ With the help of Thomas E. Dewey of Rathbone, Perry, Kelley & Drye and other fellow members of the Young Republican Club, Brownell ousted the leaders of several Republican district clubs and of the county organization and replaced them with reformers.¹¹ Dewey and Brownell managed each other's campaigns for Assembly.¹²

John Lindsay had been active in local politics and was mentored and encouraged to run for Congress by his Centurion law partners. Brownell, Dewey, Lum-

9 Allen Bradley, Henry de Forest Baldwin, Sherman Baldwin, and Franklin B. Lord. He was also mentored by the first Centurion named James R. Sheffield, a member from 1920 to 1930. Sheffield, Henry Baldwin, and Lord had also been public servants. Brownell, pp. 19 and 25.

10 *Id.*, pp. 22–23

11 Brownell recounted how helpful these early political experiences had proved when he became attorney general. *Id.*, pp. 16–18, 30–31.

12 Dewey was Brownell's campaign manager in Brownell's first race for Assembly. *Id.*, p. 16. Earlier, Brownell had been Dewey's unsuccessful campaign manager for the same post.

bard, Lindsay, and many of their political allies and appointees, gained political experience and contacts as officers of the New York Young Republican Club (sometimes then referred to as the “West Point of the Republican Party”). Both Lumbard and Lindsay were presidents, and Dewey was chairman of its board.¹³ Few recent important federal public servants from New York City have belonged to political clubs or gained political experience by engaging in other activities.¹⁴

Changes in the size and demographics of the Century led to the decline of mentoring activities there. The number of close relationships facilitated by its small size and by the many social, business, and academic ties of its members diminished as the membership

13 Lumbard, pp. 29–50. Emory Buckner had revitalized the club in 1926 by persuading most of his former assistant United States attorneys to become members. They were joined by many other young professionals. *Ibid.*, *loc. cit.*

14 This trend is also partly explained by the decline in the activities and importance of party organizations, particularly in political campaigns. State and national campaigns and some local ones now tend to operate largely outside the party structure; Citizens for Eisenhower may have started this trend in presidential campaigns in 1952. But there are still many opportunities for political activity inside and outside the political parties, and the opportunities to participate in campaigns have certainly not decreased.

increased in size and became more diversified. The constitutional limitation on the number of members had risen from 500 in 1875 to 2,100 (including 900 nonresident members) in 1981,¹⁵ the year in which the last Centurion was appointed to a Cabinet position. The average age of new members has increased substantially since Stimson and Burlingham joined as young men in 1893; members in midcareer are less likely to be mentored. Members spent less time at the Century as the workday lengthened and other activities and interests proliferated.

New York professional, business, and political leaders bound together by social, business, and old school ties, of which the Century was a hub, influenced the nomination of presidential candidates from both parties for over half a century. A well-educated and highly motivated group, they tended to support the nomination and appointment to high federal posts of well-qualified people who shared their interest in competent government. They were able to recruit such people to public service, many from their own midst. The power of this group diminished as the country grew and its national political leadership became dispersed. Presidential candidacies came to be

15 In February 2004, the limits on the number of members were fixed at their present levels: 1,500 resident members and 900 nonresident members. *The Century Yearbook for 2009*, p. vii–viii.

launched by cells of influential political and business leaders from other states who supported the candidacies of colleagues with whom they shared ideological, economic, and other interests.¹⁶

There has also been a decline in the number of Centurions and qualified people generally who are willing to accept appointment to high federal posts—for many reasons. The first has been the growing disparity in compensation between the business sector and other sectors. In 1948, the top starting salary both for Wall Street lawyers and for instructors at many New England colleges was \$3,600. High-ranking federal public servants were paid many multiples of that figure. The combined salary and bonus received by a first-year associate at many large law firms today exceed the compensation of most judges and college professors, as well as of all members of the Senate and House. Some first-year associates' total compensation

16 There are, of course, other partial explanations for the decline of the political power and influence of Centurions and New Yorkers which are beyond the scope of this study. For example, New York had become more liberal than most of the country. Brownell's success in outmaneuvering the conservatives to nominate the relatively liberal Eisenhower in the 1952 Republican convention has not been replicated. Although he did become President Ford's vice president, Governor Nelson Rockefeller proved to be too liberal to win the Republican presidential nomination.

exceeds the \$185,200 salaries of cabinet members. Government employees do not receive regular or substantial annual salary increases, stock, or tax-advantaged compensation.

Financially successful people are discouraged from entering federal public service by a thicket of rules that, among other things, may require them to disclose and sometimes liquidate financial holdings and may restrict postgovernment employment.¹⁷ People are deterred from running for elective office by the need to raise appalling amounts of money. High appointive jobs often go to big contributors and recently defeated governors and senators; few, if any, Centurions are members of these groups.

Current media practices and the advent of “bloggers” discourage potential public servants who have skeletons in their closets or fear being falsely maligned. Both FDR and Willkie might have decided not to run for the presidency in 1940 if their marital infidelities had been or were likely to be disclosed.¹⁸ The prospect of delays and of nasty partisan Senate

¹⁷ The cost in time and money of just filling out financial questionnaires may be substantial. Nelson Rockefeller is reputed to have incurred legal fees of about \$1 million in 1974 dollars in connection with preparing the financial data required by his appointment as vice president by President Ford.

¹⁸ See Peters, p. 194.

confirmation hearings may deter even those who are not concerned about their privacy.

Another discouraging factor is that reentering law practice after government service has become increasingly difficult. In the preface to his autobiography, Stimson wrote:

During my various excursions into public life I always felt that I remained a lawyer with a law firm waiting as a home behind me, to which I could return on the completion of my public task and where I would always find awaiting me congenial friends and collaborators in the law. This feeling gave me a confidence in the performance of my public duties which was an inestimable encouragement.¹⁹

The modern counterparts of lawyers like Henry Stimson, John W. Davis, Herbert Brownell, J. Edward Lumbard, and Cyrus Vance no longer move easily and often between private law practice and federal service. Cyrus Vance was the last Centurion lawyer to come close to matching Stimson’s “excursions” and returns. A Centurion for forty-three years, Vance took leave from Simpson Thacher & Bartlett to serve Presidents Kennedy, Johnson, Nixon, and Carter and

¹⁹ Stimson and Bundy, p. xviii.

to act as a special envoy under two U.N. secretaries-general. Like Stimson, he also found time while in private practice to be president of a major bar association and a community leader.

Changes in lifestyle have reduced the time people are willing to allocate to government service, to addressing national issues (the Committee to Defend America), or to promoting the election of reform mayors (Mitchel, La Guardia, and Lindsay). The second homes of Stimson, Patterson, and the two Roosevelts were nearby in New York State. Third homes were a rarity. Now many successful people have multiple homes, some of them far distant. They use their limited spare time to travel the world by jet and to engage in many other activities that did not exist before World War II.

In his article “The American Idle,” Lawrence Kaplan describes another reason for the decline in willingness to enter public service: the descent into “democratic malaise,” of which the most telling symptom is a decline in “civil engagement.”²⁰ He reminds us that Tocqueville observed that “democracy has a tendency to slide into nihilistic mediocrity if its citizens are not inspired by some larger national goal.”²¹ Participation in federal government service by exceptionally able

20 *The New Republic*, September 12, 2005, p. 19 *et seq.*

21 *Id.*, pp. 19–20.

people usually increases when the nation responds positively to national crises. This did not happen after September 11, 2001. Although the continental United States was suddenly confronted by more imminent and devastating danger than at any time during either world war, the general public did not participate. Rather than being ennobled by common sacrifice (such as a military draft, higher taxes, or rationing), they heard their president say:

I think that the American people are sacrificing now. I think they're waiting in airport lines longer than they've ever had before.²²

The subsequent wars in Afghanistan and Iraq were the first major ones during which federal income and estate taxes were reduced.

Inspiring leadership, particularly when combined with a national crisis, had sparked interest in public service by highly qualified and motivated people several times since Toqueville's observations, particularly under the two Roosevelts, Eisenhower, and Kennedy. Theodore Roosevelt “helped make politics an attractive career once more for well-educated, talented men and women of goodwill.”²³ FDR and Eisenhower

22 *Id.*, p. 21.

23 Richard M. Abrams, in Henry F. Graff, ed., *The Presidents*, second ed. (1996), p. 328.

had no trouble recruiting able people. The response to Kennedy's "Ask not what your country can do for you; ask what you can do for your country" was an infusion of talented and motivated people at all levels of the federal government. The largest influx of talented and motivated people to enter federal public service came during FDR's first three administrations, when two successive major national crises—depression and war—coincided with inspiring leadership.²⁴

But it is not just the leadership that is to blame today; as Kaplan points out, "There have to be at least a few stirrings from below."²⁵ The "participating society" of World War II has been replaced by one in which "those who most enjoy the benefits and freedoms of this country now serve it the least."²⁶ Professor Burns cites a study by a Harvard political scientist which concluded that there has been a startling drop in participation not only in politics but also in churches and charities, neighborhood associations, and broad social movements—even in bowling groups.²⁷ More

24 FDR's recruiting success in his first administration was also attributable to both the lack of jobs in the private sector and the extraordinary role of Felix Frankfurter as a recruiter.

25 Lawrence Kaplan, p. 21.

26 *Id.*, p. 27.

27 Robert Putnam, *Bowling Alone* (2000).

and more, Americans have become unlinked from one another.²⁸ The result has been a decline in political activity "across the board":

People don't sign petitions or write letters to members of Congress or editors, attend public meetings or rallies or join committees, as they did only two decades ago. As millions of potential followers have dropped out, the well of leadership has dried up at the grass roots. Politics has become a spectacle, something to be watched, not practiced.²⁹

E. B. White's oft-quoted observation comes to mind: "I arise in the morning torn between a desire to improve the world and a desire to enjoy the world." Today the second desire often overcomes the first without any moral sense being "torn." The excitement of playing a role in the creation or defense of a great democracy no longer exists. The serious problems that the United States now faces at home and abroad and the poor performance of government have not drawn to federal service teams of statesmen like those who stepped forward to found the repub-

28 James MacGregor Burns, *Running Alone: Presidential Leadership from JFK to Bush II* (2006), p. 183.

29 *Ibid.*, loc. cit.

lic and manage our preparation for and participation in World War II.

The decline in the number of able people attracted to federal service may also be attributable to the decline in opportunities to make a difference. As decision-making became concentrated in the White House (the “imperial presidency”) starting under President Nixon, opportunities lessened for real service as policymakers elsewhere in the government. Increasingly, decisions have been influenced by sophisticated polling and focus groups, providing instant calculation of political costs and benefits. Although elected to lead, presidents and congressmen have increasingly been led—by polls that reflect the sometimes fickle and shallow opinions of constituents who do not have the staff, ability, or interest to study the issues and who are vulnerable to being influenced by demagogues and talk-show extremists.

Science and policy have also increasingly yielded to ideology and political strategy in recent years. Many key positions in the executive and judicial branches have gone to political and ideological loyalists, former lobbyists, and friends of the president—people who are less likely to be Centurions or New Yorkers, particularly when the president is neither. Even if asked, highly qualified persons interested in shaping policy are less likely to enter or remain in this work

environment, or even to be interested in cabinet positions where they will be salesmen for the party line rather than advisers unless they are part of the White House inner circle.

In his recent book,³⁰ Cullen Murphy describes the striking similarities between the degradation of the political process in ancient Rome that led to the exit of capable people from public service and to the fall of that empire and the degradation that has been taking place in the United States. Roman government had been effective when information flowed up and policy decisions flowed down the administrative chain of command accurately and quickly. These flows became increasingly vulnerable to interruption by special interests.³¹ Murphy calls this change “the privatization of power.” He points to people like the convicted lobbyist Jack Abramoff and his compromised cohorts on Capitol Hill and in the executive branch who sometimes halt or reverse the decision-making flow. Murphy concludes that this is one of the many factors that have led to “the flight of the elite from public service” and the virtual disappearance of “the rotating duty of the curial class”³² from both civilizations.

30 Cullen Murphy, *Are We Rome?* (2007).

31 *Id.*, pp. 105–6.

32 *Id.*, p. 104.

Murphy explores another type of privatization common to both empires: “the privatization of government.”

One study from the late 1990s suggests that the “privatization rate”—the rate at which public functions are being outsourced—is roughly doubling every year. On paper the federal work force nationwide, leaving the military aside, appears to total about two million people. But if you add in all the people in the private sector doing essentially government jobs with federal grants and contracts, then the figure rises by 12 or 13 million.³³

The extent of outsourcing by the Department of Defense in Iraq has been quantified:

Contractors in Iraq now employ at least 180,000 people in the country, forming what amounts to a second, private, army, larger than the United States military force, and one whose roles and missions and even casualties among its work force have largely been hidden from public view. The widespread use of these employees as bodyguards, translators, drivers, construction workers and cooks and bottle washers has allowed the administration to hold down the number of mil-

itary personnel sent to Iraq, helping to avoid a draft.³⁴

As Murphy points out, the executive branch does not have the structure or resources to manage or even monitor this huge new workforce. Indeed, it would be very difficult to manage or monitor these private contractors, subcontractors, and consultants because of their number, size, political influence, exemption from many regulations applicable to government agencies, and ability to set up foreign entities to avoid the few regulations that do apply. Congressional monitoring is hamstrung for the same reasons and may not even be attempted if a majority of both houses are of the same political party as the president. The press and the public do not have access to relevant records through the Freedom of Information Act. As a final insult, management capacity and able and experienced personnel at all levels are “leached”³⁵ from the government to the private sector by better pay to perform the very duties for which the government has trained them, often at enormous expense.

Murphy concludes that these factors, have led to the “degenerative neuropolitical condition that has left

33 *Id.*, p. 116.

34 *The New York Times*, August 12, 2008, p. 11.

35 Murphy, p. 117.

the governments of both civilizations responsive to particular interests but deaf to the popular will.”³⁶ They have also rendered the federal government less effective and less able to recruit talented and motivated people. The “flinty yeomen”³⁷ who sustained our republic and Rome’s are being replaced by “bureaucrats”³⁸ and outsourced workers.³⁹

The bizarre rules and practices under which Congress operates also discourage high achievers from accepting appointment to policymaking positions in the federal government.⁴⁰ Single obstructive senators use these rules and practices to block legislation and presidential appointments and to serve special interests and promote loopy ideas. Campaign contributions, political strategy, and ideology trump sound policy

36 *Id.*, pp. 97–98.

37 *Id.*, p. 28.

38 *Ibid.*, *loc. cit.*

39 *Id.*, Chapter 3.

40 This situation appears to have gotten even worse since the publication of James MacGregor Burns’s seminal critique of how Congress functions: *Congress on Trial: The Legislative Process and the Administrative State* (1949). See *Urgent Business for America: Revitalizing the Federal Government for the 21st Century*, Report of the National Commission on the Public Service (January 2003), *passim*, and particularly pp. 26–31 *et seq.* on “Operational Effectiveness in Government,” which notes how government’s ineffectiveness frustrates able and motivated public servants and impedes their recruitment.

and science. Capable people are deterred from entering public service by the poor prospects for accomplishing anything.

While waiting for a Centurion or New Yorker to occupy the White House or become a presidential adviser on high-level appointments, there is much that can be done to enlarge the pool of Centurions and other people qualified for high federal office and willing to serve:

- The disparity between compensation in the public and private sectors could be reduced either by increasing government salaries or by reducing or eliminating income taxes on federal salaries.
- Although giving billable-hours credit to encourage lawyers to engage in political activity has to be tailored so as not to enmesh the law firm in campaign-finance-law issues, there should be no problem in a law firm letting it be known that political activity is considered favorably in evaluating performance. Some firms might go further and revive the tradition championed by Bethuel Webster: of making time available for public service, community service, and family.⁴¹ Many superior lawyers would be willing to accept reduced compensation in exchange for a reduction in the required number of hours billable to clients.

41 See Chapter Three, fn. 16.

- The recent surge in programs to encourage students to embark on careers in government and community service by the creation of scholarships, fellowships, student-loan-repayment programs and other types of support should be encouraged. Some examples are the Skadden Fellowship Foundation,⁴² the Partnership for Public Service,⁴³ and the \$30 million fund created by the Bill and Melinda Gates Foundation at the University of Washington School of Law. Similar but smaller funds include one established by Centurion Robert B. Fiske, Jr., at Michigan Law School and one at Vermont Law School in memory of Centurion James L. Oakes, a former judge of the Second Circuit Court of Appeals. Colleges and law schools are increasingly funding or supplementing such programs. The alumni of J. Edward Lumbard's United States attorney's office created (and later endowed) a scholarship fund to help compensate interns in the summer program Lumbard had started there in 1954.⁴⁴ The Federal Bar Council has taken over the administration of this fund and several later ones, including one initiated by the alumni of Robert Fiske's and Lloyd MacMahon's United States attorney's offices. The Federal Bar Council also raises money from other sources to fund additional scholarships in the United States attorneys' offices in the Southern and Eastern Districts of New York. An in-

creasing number of law schools are supplementing these and other government summer internships. Many of these interns, including members of minority groups who might not otherwise have been able to afford this experience, have gone on to careers in government.

- High school, college, and graduate school curricula could increase their coverage of political leadership and public service.

42 The Skadden Fellowship Foundation has spent over \$50,000,000 since 1988 (contributed by Skadden, Arps, Slate Meagher & Flom) for 536 fellowships to academically outstanding law school graduates to enable them to create their own projects at public interest organizations. It reports that a large majority of these fellows have pursued careers in community and public service.

43 The Partnership for Public Service was organized in 1999 by Samuel J. Heyman to sponsor fellowships to encourage students to pursue careers in public service. Its 2008 expenditures were \$6,619,000. Its strategy is based on the principle that "building, energizing and maintaining a high-quality workforce is the key to success for any organization—and the federal government is no different." Heyman and Joseph Flom, who was instrumental in forming and supporting the Skadden Fellowship Foundation, were both exposed to the Stimson-Patterson-Frankfurter public service tradition while at Harvard Law School.

44 This is believed to have been the first such program in any United States attorney's office.

- The Century and similar entities could form “Stimson Groups” that would meet to discuss public service and how best to mentor and “meddle” promising candidates. Bar associations, college and university clubs, and other groups could do likewise.
- The media could try to achieve a better balance between freedom of the press and the inappropriate harassment of public servants and candidates. Rumors and blog reports could be screened for accuracy before being circulated by the media. Ancient and minor indiscretions should be ignored.
- Financial-disclosure and conflict-of-interest rules could be modified to make them simpler to comply with without becoming less effective.
- The enactment and enforcement of additional campaign finance reforms might encourage more highly qualified people to run for political office. Reducing the perceived need to reward fund-raisers and contributors with jobs for which they are not qualified would also leave more positions open for highly qualified people.
- Both the Pendleton Civil Service Reform Act of 1883 and the Hatch Act of 1939 could be tightened and more rigorously enforced. The first requires that civil servants be hired on the basis of their qualifications without regard to party affiliations; the second

restricts the involvement of civil servants in partisan political activities. These acts are rarely monitored or enforced, particularly when both houses of Congress and the president are of the same political persuasion.⁴⁵

- The role of inspector generals in federal departments and agencies could be strengthened by increasing their authority and their financial and human resources. Among other things, this might reduce the number of unqualified people employed, thereby increasing the number of positions available for qualified people. Consideration might also be given to consolidating most of the inspector general offices into a single powerful independent agency in which investigations could be better prioritized and performed with greater expertise and continuity.
- A blue-ribbon commission could be created to review the Congressional rules and practices that make Congress so dysfunctional and to recommend changes. The president and the public would then have to exert pressure on Congress to enact these recommendations.

45 See Scott Horton, “Vote Machine,” *Harper’s*, March 2008, pp. 37–38. When the administration lost control of Congress in 2007, Congress found evidence of widespread violation of these acts, leading to resignations and refusals to testify on Fifth Amendment grounds.

- The explosive trend toward outsourcing of governmental functions could be reviewed, better managed, and monitored.

Centurions could also reinstitute their role in citizens groups performing significant public service. The Century provided the leadership of, and even the meeting place for, the groups that helped to overcome the isolationist majority in 1940, coordinate the research and development functions of the scientific, industrial, military, and academic sectors in preparation for World War II, elect three New York City reform mayors, and seat at least three exceptionally qualified judges. Centurions mentored talented people and then meddled many of them into public service. Giants of the bar, like Whitney North Seymour and Orison S. Marden, huddled over lunch and met with larger groups at the Century to plan major improvements in the civil and criminal justice systems. The best way to attract highly qualified private citizens to federal public service, however, will always be for the president of the United States to use strong leadership skills and inspiring messages not only to govern but also to recruit and empower such people.

The need for reviving the culture of effective and selfless public service is the message of this book, as it was of Charles Peters's *Five Days in Philadelphia*.⁴⁶ Pe-

ters recounts how Wendell Willkie sacrificed his chance for the presidency in 1940 in order to enable FDR to help save Britain and the world from the Axis. Then, after losing the election, Willkie rallied Republican support in Congress for extending the draft and enacting Lend-Lease—prime examples of crucially important nonpartisan action. Willkie thus became another Centurion member of World War II's real "Greatest Generation"—the most talented and effective generation of statesmen and political leaders since that of the Founding Fathers. In calling for a renewal of this generation (and with tears in his eyes), Peters told *New York Times* book reviewer Todd Purdum in 2005:

At first I was just so fascinated with the story, and I wanted people to know that story, primarily to give Willkie the credit he was due. But as I was telling the story, I became more and more aware of the difference between that time and now, and I think the No. 1 thing I want to come out of the book is for people to see that difference and say: "By God, we've got to do something about now. We can't go on the way we're going."⁴⁷

46 *Supra*, Chapter 2.

47 *The New York Times*, July 25, 2005, Section E, p. 1.

Appendix. *The Miracle of the Free World's Survival (May 1940 Through May 1943)*

THE PURPOSE OF THIS APPENDIX is to demonstrate how close the Axis powers came to winning World War II and thus how necessary the Centurion efforts described in Chapter Two were to turning the tide and saving the world from totalitarianism. The Allies might ultimately have won the war without these efforts, but victory would have been long delayed—at a high cost in lives and treasure.

By May 1940, Germany had conquered most of Europe, and the Soviet Union had annexed the eastern half of Poland, the Baltic states, and parts of Finland and Romania. Japan was running amok in China and threatening its other neighbors in the Pacific. Most of the British army in France and some French troops were cornered at Dunkirk. When the Wehrmacht failed to fully press home its attack,¹ the largest

¹ One explanation for this unexpected failure is the reported direct intervention by Hermann Goering, head of the Luftwaffe. Goering is said to have persuaded Hitler to pull back the German tank divisions for a few days to allow the Luftwaffe to get credit for polishing off the British Expeditionary Force. He is said to have told Hitler: “I unconditionally guarantee that not a British soldier will escape.” Alex Kershaw, *The Few* (2006), pp. 16–18. Goering had not taken into account the importance of “boots on the ground,” the ability of RAF planes based in England to contest Luftwaffe control of the air above Dunkirk, or the size and seamanship of the hastily assembled British evacuation fleet.

seaborne evacuation in history began. From May 29 to June 4, British warships, passenger ships, ferries, fishing boats, and recreational craft managed to rescue more than 338,000 mostly British troops. But many survivors were left behind, along with all tanks, artillery, and supplies.² The British Royal Air Force (RAF) lost roughly half its total first-line fighter strength and large quantities of vital spare parts in France.³

On June 10, 1940, Italy declared war on Britain and France. After France surrendered on June 22, Great Britain and the British Commonwealth fought Germany and Italy alone until Germany invaded the Soviet Union twelve months later. Germany and Italy declared war on the United States on December 11, 1941.⁴

In July 1940, neutral Spain's Generalissimo Francisco Franco demanded that Britain hand over Gibraltar. Gibraltar controlled access to the Mediterranean, the

“soft underbelly of Europe,” North Africa, the Middle East, and a major source of Britain's oil supplies. Franco claimed to have “two million men ready to back me up”⁵—many more than were needed to do the job—but did not pursue his threat. If Franco had occupied Gibraltar and permitted German military aircraft, submarines, and torpedo boats to be based there, Germany would have gained control of North Africa and the Middle East, and the Allies could not have attacked the Axis in southern Europe—as they later successfully did in Sicily, Italy, and southern France.

Germany used the European bases it captured in the spring of 1940 to increase its submarine attacks on Britain's supply lines and its air attacks on Britain itself. Germany began assembling fleets of invasion barges on the European side of the English Channel. If the Luftwaffe had gained control of the Channel and adjacent British air space (the Battle of Britain), or if German submarines and aircraft had been slightly more successful in disrupting Britain's supply lines (the Battle of the Atlantic), Britain would not have survived. Germany almost won both battles. Without the protection of RAF fighter planes, it is doubtful that an invasion of England could have

2 Kershaw, p. 31.

3 Richard Hough and Dennis Richards, *The Battle of Britain* (1989), p. 100.

4 From that point on the British Commonwealth, the United States, and the Soviet Union fought Germany and Italy and their satellites. Two days after the first atomic bomb was dropped on August 6, 1945, the Soviet Union joined the United States and Britain in fighting Japan.

5 Charles Peters, *Five Days in Philadelphia* (2005), p. 152.

been repulsed, even with the help of the Dunkirk survivors.⁶ German bombers could have reduced to rubble the many British ports, cities, and war plants within range. German bombers, submarines, and torpedo boats could have played havoc with any British warships that attempted to oppose an invasion. German paratroopers and seaborne invaders could have attacked Britain at will. And German submarines could have concentrated their efforts against merchant ships on the approaches to the few British ports beyond the reach of German bombers. These ports probably lacked the capacity, in any event, to handle enough imports for Britain to survive. Hitler would have prevailed in the Battle of the Atlantic two and a half years before the development of the two new radar systems that enabled the Allies to suddenly win it.

By September 7, 1940, the Luftwaffe had severely damaged most of Fighter Command's RAF bases in southern England and had destroyed, in the air and on the ground, a substantial portion of the RAF fighter strength that remained after the French debacle. Many historians of this period agree that Germany would have won the Battle of Britain (July 24 to October 25, 1940) if Hitler had not diverted the bulk of his air effort to attacking London starting September 7 in retaliation for the RAF bombing of Berlin.

6 These survivors did play important roles in the subsequent North African and European campaigns.

Hitler had been assured that Fighter Command's southern bases had been virtually destroyed and that it had no more than 200 serviceable fighter planes in all of Britain. In fact, most of the air bases had been restored to operation soon after they had been bombed. Over 500 RAF fighters inflicted such heavy losses on the Luftwaffe planes attacking London between September 7 and September 15, 1940, that Hitler realized he could not gain control of the air over Britain and on September 17 ordered the invasion of Britain to be postponed "indefinitely." He dispersed his fleet of invasion barges and turned his attention to the Soviet Union, which he attacked the following June.⁷

Even without the Luftwaffe's diversion to bombing London, it is unlikely that Britain would have won the Battle of Britain without the unexpected help of 571 foreign pilots—most of them from occupied Europe and the British Commonwealth. Although Britain managed to repair its air bases and replace its fighter plane losses, it could not keep pace with its loss of experienced pilots.⁸ These foreign flyers constituted almost twenty percent of the RAF fighter pi-

7 Michael Korda, *With Wings Like Eagles* (2009), p. 281. The Luftwaffe bombing of London continued, however, until that function was taken over by the V-1 "buzz bombs" in June 1944, and then by the V-2 rockets.

8 Hough and Richards, p. 102.

lots in the Battle of Britain: “145 Poles, 126 New Zealanders, 98 Canadians, 88 Czechs, 33 Australians, 29 Belgians, 25 South Africans, 13 French, 10 Irish, 3 Rhodesians, and even 1 Jamaican,” as well as seven Americans.⁹ Many of them were among the RAF’s best-trained and most talented fighter pilots, particularly the Poles and Czechs who, individually and in groups, had succeeded in reaching Britain from their conquered homelands on the other side of German-controlled Europe.

More than 5,000 Polish air and ground crew members ultimately joined the RAF.¹⁰ In the first Polish combat mission—on August 31, 1940—the six pilots of “A Flight” of the Kosciuszko Squadron each shot down a German aircraft before returning safely to their base.¹¹ Several top British commanders later

9 Kershaw, pp. 76–77. The American pilots combat role violated our neutrality laws, but their deaths precluded prosecution.

10 Many of the Polish pilots were graduates of the elite Polish Air Force Academy at Deblin. Lynn Olson and Stanley Cloud, *A Question of Honor: The Kosciuszko Squadron* (2004), pp. 12–15. Flying obsolete aircraft in defense of their country in late 1939, they had shot down a surprising number of German planes.

11 *Id.*, p. 127–31. In its first encounters, the squadron flew Hurricanes and was led by British commanders. It was soon given Spitfires (the best British fighter plane) and led by Polish commanders. The Kosciuszko Squadron destroyed more German planes than any other RAF squadron during the entire war and had a substantially lower loss ratio. Its aggressive tactics also forced many German bombers to flee without delivering their payloads. *Id.*, passim.

credited the Polish pilots with making the difference between victory and defeat in the Battle of Britain.¹²

It is also unlikely that Britain could have won this battle without its recently completed “chain-home-low” radar system and the timely development of the Spitfire fighter. The radar fighter-control system greatly increased the outnumbered RAF fighters’ effectiveness. The open steel radar towers showed surprising ability to withstand aerial bombing. The first Spitfire was delivered to the RAF in August 1939, a month before the war began, thanks to the technical skill and persistence of its designer, R. J. Mitchell (who had died of cancer two years earlier). It was the only British plane that matched the German ME-109 until well after the Battle of Britain. The surprisingly large number of Spitfires that continued to become available despite the bombing of the factories which built them and the airfields where they were based was also crucial to winning this battle.

Another fortuitous factor that helped the RAF was the one-hundred-octane aviation fuel developed and supplied in 1940 by American oil companies with the undisclosed assistance of FDR. Both opposing air forces had been using eighty-seven-octane fuel. The higher-octane fuel increased the performance of the

12 *Id.*, pp. 162–63.

British fighter planes that used it, giving Spitfire pilots critical advantages over the ME-109.¹³

Meanwhile, German submarines were sinking an appalling portion of the ships bringing supplies to Britain. In 1942, the sinking of merchant shipping in the Atlantic reached the highest yearly total of the war, 5.4 million tons.¹⁴ Germany had almost won the Battle of the Atlantic when the ten-centimeter radar systems developed through the efforts of Alfred Loomis came into use, enabling Allied warships and planes to detect the periscopes of otherwise submerged German submarines and inflict unacceptable losses. From May to December 1943, only fifty-seven merchant ships were sunk in the Atlantic, at a cost of 141 German submarines. On May 31, 1943, Admiral Donitz informed Hitler that the Atlantic battle “was lost for the moment.”¹⁵ The “moment” never ended. Total Allied shipping losses in 1944 were three percent of those in 1942.

But for another miracle—the nomination of the dark-horse former Democrat, Wendell L. Willkie, as the Republican candidate in the 1940 presidential

election—Britain might not have received United States help soon enough to survive that year. Without Willkie’s pledge not to oppose the Destroyers for Bases agreement during the 1940 presidential campaign, it is unlikely that Roosevelt would have furnished before the November election the fifty destroyers and other naval assistance that helped prevent the loss of the Battle of the Atlantic in 1940.

Without Britain as an Allied base—and without the help of its army, air force, and the then largest navy in the world—it is hard to imagine how the German and Italian armies in North Africa could have been defeated or how Germany could have been attacked successfully from the west or south. If the United States and Britain had been unable to open the second front in Normandy in 1944, which an impatient Stalin had long been demanding, the Soviet Union—whose armies bore the brunt of the fighting after Germany attacked it in June 1941—might have again made peace with Germany. As FDR feared, the two countries and Italy could then have completed a division of Europe and, with Japan, perhaps the world. Before we entered the war in December 1941, the FBI had reported that Hitler had already been making good progress in furtherance of his announced plans to take over Latin America. Hitler enjoyed the support of the German immigrants, who formed a high portion of the literate population in the major

13 Hough and Richards, p. 35.

14 Overy, p. 48.

15 *Id.*, p. 58. For a lucid and concise account of the Battle of the Atlantic, see *Id.*, pp. 25–62.

nations there. Hitler also benefited from the region's flourishing trade with Germany and the presence of German airlines.

The Lend-Lease program, crafted and managed by the Stimson-Patterson team and pushed through Congress with Willkie's help, began in 1941 to provide the bulk of the military equipment and supplies that powered the Allied armies.

Who imagined in November 1942 that the Soviet Union, which was close to defeat at Stalingrad, would not only survive but had already reequipped and regrouped large army and air units—with major help from American Lend-Lease? On November 21, this force began the counteroffensive that soon ended the siege of Stalingrad, compelled the surrender of the German Sixth Army, and ultimately led to the capture of Berlin on May 2, 1945.¹⁶

Also in November 1942, Allied sea and air power in the Mediterranean allowed the British to turn the tide in Egypt at the Battle of El Alamein and Allied forces to land in North Africa, dooming the large Italian and German armies there. That campaign ended with the surrender of all the German and Italian troops in Africa in May 1943, enabling the Allies

¹⁶ *Id.*, p. 63 *et seq.*

to invade Sicily in July, Italy in September, and southern France in August 1944.

Almost exactly four years after the largest seaborne evacuation in history—from Dunkirk—the largest seaborne invasion to date crossed the English Channel in the opposite direction—to Normandy. The Allied landings on the Normandy beaches on June 6, 1944, might have been repulsed, as many Allied political and military leaders feared, but for Eisenhower's skilled generalship. His daring (and lucky) last-minute decision—without reliable weather forecasting capability—to launch the invasion before the end of one major storm and the beginning of another was crucial to its success. The invasion also might have been repulsed but for the brilliant (and, again, lucky) deception that convinced Hitler that the main landing would be made in the Calais area by a million-man army group that existed only in bogus radio traffic.¹⁷ By the time Hitler realized that he had been gulled, Allied planes had destroyed all the bridges between Calais and Normandy. They then bombed and strafed the large German force of troops and tanks as it slowly made its delayed movement from the Calais area to the actual battle—where it arrived too late and too weakened to contain the invasion. Even so, it

¹⁷ *Id.*, pp. 134–179.

was touch and go for the American troops during their first few days on Omaha Beach.

The first six months of the war in the Pacific were as disastrous for the Allies as the first two and a half months of the shooting war¹⁸ in Western Europe. Within hours after the decimation of the American fleet at Pearl Harbor on December 7, 1941 (all eight battleships of the Pacific fleet were put out of action, as were 347 of the approximately 400 land-based aircraft on Oahu),¹⁹ “the Japanese armed forces began six months of conquest that brought them to the gates of India and the sea approaches to Australia and Hawaii.”²⁰ On December 10, 1941, three days after Pearl Harbor, Japanese aircraft sank the British battleship *Prince of Wales* and heavy cruiser *Repulse*, leaving no American or British battleships or heavy cruisers available in the Pacific or Indian Oceans. Hong Kong, Guam, and New Britain Island, with its major harbor at Rabaul; Bougainville and Buka in the Northern Solomons; and the Gilbert Islands—all quickly fell. Japanese troops overran the larger Allied garrisons in the Philippines, Malaya, and Burma.²¹

18 The Western Front had been quiet until the German attacks began on April 9, 1940.

19 Williamson Murray and Allan R. Millett, *A War to Be Won* (2000), p. 177.

20 *Id.*, p. 178.

21 *Id.*, p. 178–88.

On February 19, 1942, 242 Japanese carrier- and land-based planes attacked the port of Darwin in what has been called “Australia’s Pearl Harbor.” History has largely ignored this event even though a larger weight of bombs were dropped on Darwin’s harbor than on Pearl Harbor. Eight Allied ships were sunk. The Royal Australian Air Force bases at Darwin and all its planes there were destroyed, as were most of the American planes in the area. Key military and many essential civilian facilities were destroyed or badly damaged. An invasion of Australia was thought to be imminent.

The Allies’ plight was much worse than the public knew. After Pearl Harbor, the Japanese had a larger and more powerful navy in the Pacific than the combined navies of the United States, Britain, and the British Commonwealth. Japanese fighter planes were superior in quantity and quality. Japanese fighter and bomber pilots were more experienced in combat. Unlike the Japanese torpedoes, those used by American planes, ships, and submarines had a dismaying malfunction rate.

The only Allied capital ships afloat in the Pacific and Indian Oceans after December 10, 1941, were four American aircraft carriers. By extraordinary luck, none of them had been at Pearl Harbor on December 7. A

carrier force had been delayed by a storm while refueling at sea and arrived at Pearl Harbor on December 8. In January 1942, the carrier *Saratoga* was badly damaged by a Japanese torpedo. It did not return to duty at Pearl Harbor until June 7 (too late for the Battle of Midway), leaving the Allies with three carriers against Japan's eleven until the *Hornet* arrived in the combat zone in March.

The American admirals used their outnumbered forces with surprising success. In April, Army Air Force B-25 medium bombers, heavily loaded with fuel and bombs, managed difficult takeoffs from the decks of the *Hornet* and the *Enterprise* and attacked Tokyo and other Japanese cities. That operation might have failed and both American carriers might have been sunk if the Japanese navy had reacted promptly to the sighting of one of the American planes by a Japanese naval vessel. The successful Tokyo raid shocked the Japanese, who, like the Germans when Berlin was bombed in 1940, immediately diverted aircraft and a large anti-aircraft artillery force to the defense of the homeland.

In the Battle of the Coral Sea in May 1942, a small American carrier force turned back a major Japanese attempt to invade Port Moresby. The American carrier *Lexington* was sunk and the *Yorktown* was heavily damaged, but not before sinking a small Japanese car-

rier and damaging two large ones seriously enough to make them unavailable for the Battle of Midway. The *Yorktown* was made seaworthy in a spectacular two-day round-the-clock effort at Pearl Harbor. Repairs were continuing at sea as the *Yorktown* made its way toward Midway just in time for its planes to help win that battle.²²

In June 1942, a large and powerful Japanese fleet commanded by Admiral Yamamoto, which included six aircraft carriers and five battleships, advanced on Midway Island, a key to the defense of Hawaii and Australia, with the intent of capturing Midway and luring to destruction as many as possible of America's remaining warships. The United States responded with a much smaller fleet, including three of its four carriers in the Pacific, but there still were no American battleships available. The American fleet's only advantages were radar and the brilliant (and, once again, also lucky) decryptations of the Japanese battle plans. After almost all of the attacking American torpedo bombers had been shot down without scoring a hit, carrier-based SBD dive bombers dove out of the sun. By great good fortune, many of the Japanese planes were being rearmed and refueled on their car-

22 A recent and comprehensive account of the Battle of Midway may be found in Jonathan Parshall and Anthony Tully's *The Untold Story of the Battle of Midway* (2005).

riers' decks. Fourteen bombs, none weighing more than a thousand pounds, mortally wounded three of the large Japanese carriers in the first attack and the fourth on the following day, dooming all of their planes and many of Japan's most experienced pilots.²³ Its five battleships intact, the Japanese fleet was still capable of destroying the American fleet, but its commanders elected to withdraw rather than rely on anti-aircraft guns to ward off possible attacks by the remaining American aircraft. The Americans lost the newly repaired *Yorktown*, but its surviving planes were able to land on the *Enterprise* and *Hornet* and at Midway.

The loss at Midway of the four large aircraft carriers that had led the attacks on Pearl Harbor and Darwin Harbor blunted the offensive power of the Japanese navy. But that navy still dominated the Pacific, despite the Americans' now three-to-two edge in large aircraft carriers. It was a grave threat to the American forces that began landing on Guadalcanal on August 7, 1942, in the first major Allied offensive move to check the Japanese advance toward Australia. Out-numbered on land, sea, and air, the American forces struggled against overwhelming odds to hold on to their Guadalcanal positions from August 7 until November 14, when the heroic Marine pilots based there sank seven Japanese troop transports and crippled

23 *Id.*, pp. 37–44.

four others. Only an estimated 4,000 of the 10,000 troops in the convoy reached Guadalcanal. The island's role changed abruptly from being the site of a beleaguered defense to that of being the base for the start of the Allied island-hopping campaign—a campaign that would provide the Army Air Corps with airfields from which its four-engined bombers would mount devastating attacks on the Japanese mainland and then drop the two atom bombs that ended the war.

Against all odds, in November 1942 the tide of battle shifted in all theaters to the Allies—at Guadalcanal, Stalingrad, and North Africa. But almost until the very end of the war, the Allies had to worry about new Axis weapons that had either been developed (rockets and jet planes) or were currently under development (atomic bombs and unknown other weapons), as well as major disasters of the kind that almost occurred during the Battle of the Atlantic, during the first days of the landings on Omaha Beach, during the Battle of the Bulge, during several large naval engagements in the Pacific, and during the final nightmare: the Japanese kamikaze²⁴ attacks on Allied warships.

24 Kamikazes were the world's first high-tech "suicide bombers"—piloted aircraft that were incapable of landing once they had taken off on a mission. They were loaded to capacity with explosives and only enough fuel to reach their targets. They had been wreaking havoc by diving into Allied warships.

Led by President Roosevelt, Centurions played key roles in many of the most important steps that converted near Axis victory into total surrender:

- Saving Britain in 1940 by countering isolationist sentiment and then clearing the way for Destroyers for Bases and other naval and supply assistance.
- Initiating America's military and industrial preparation for war a year and a half before Pearl Harbor.
- Helping to draft and enact the Lend-Lease legislation in 1941 and then to manage that program.
- Coordinating the scientific efforts of industry, the armed forces, and academe, and working with their British counterparts to develop superior equipment (e.g., radar), offensive and defensive weapons, and cryptanalysis.
- Building the world's largest and best air force. Within a year after Pearl Harbor, Army Air Corps fighter planes were at least the equal of the best German fighters. Lovett's Air Corps continued to improve its fighters faster than the Germans improved theirs.²⁵
- Reorganizing and rebuilding the Services of Supply. It efficiently delivered an unprecedented quantity of war materials to all corners of the world by

land, sea, and air. Among the results was the dropping of a hugely greater tonnage of both aerial bombs and artillery shells on Axis targets than on Allied ones.

Two of these activities were actually launched at the Century's clubhouse more than a year and a half before Pearl Harbor: the formation of the Century Group to advocate aid to Britain, and the formation of the National Defense Research Committee, which became the Office of Scientific Research & Development.

History is written by the winners and tends to portray the outcomes as inevitable. In this case, the outcome was far from inevitable. Until November 1942, Allied defeat was more likely. The able and devoted public servants and their colleagues in the private sector—whose deeds are described in Chapter Two—materially helped give the Allied fighting forces the tools they needed to overcome the odds.

25 The U.S. Navy also attained fighter equality with the Japanese Zero in 1942 and thereafter surpassed it by an increasingly large margin. Even before Pearl Harbor, American factories were producing more military aircraft than the factories of the three Axis members did together. Before the war ended, more than 10,000 four-engine bombers rolled off gigantic assembly lines. The Axis produced almost none. Air superiority—in the quantity and quality of planes and aircrews—was the key factor in most of the successful American military and naval operations in all theaters.

Afterword

WRITING THIS BOOK was a happy accident. In the course of doing the research for a talk at a Federal Bar Council¹ meeting, and later for an article that appeared in a bar association journal on “The Public Service Tradition of the New York Bar,”² I came across the names of an astonishing number of Centurions, most of them also lawyers, who had been presidents, Supreme Court justices, and cabinet members. I also found that many Centurions had played decisive roles under a Centurion president in preparing for and winning World War II, including the Secretary of War, his top deputy, the Assistant Secretary of War for Air, other Assistant Secretaries of War, a Secretary of the Navy, and, in the private sector, scientists, academics, and molders of public opinion. When I called this to the attention of John Rousmaniere, then chairman of the Century Archives Committee, he arranged for me to give a talk on this subject at one of its luncheons. The talk led to the writing of this book.

¹ The Federal Bar Council is the bar association of lawyers who practice in the federal courts of the United States Second Circuit.

² *New York State Bar Association Journal*, July–August 2003, pp. 48–51.

This book is also informed by life experiences, many of which involved Centurions. My interest in public service and politics began in childhood when my father, Edgar Jr., shared with his two sons his passionate credo that citizens must participate in politics and, when appropriate, in public service if a democracy is to achieve its potential. We watched him do both, first in local politics and campaigns, then as a delegate to the 1937 New York State Constitutional Convention, as the borough president of Manhattan in Mayor La Guardia's last term (and, as such, in charge of Manhattan's civil defense during all but the first month of American participation in World War II), and as a New York supreme court justice for the rest of his life.

My father took me to meet several exemplary public servants and mentors, many of whom I later learned were Centurions, including Charles C. Burlingham and one of his mentees, Benjamin Nathan Cardozo, my grandfather's first cousin and one of his closest friends.³ Herbert Brownell managed my father's campaign for borough president, and he became a friend and role model to me. One of my most enjoyable and instructive professional experiences was serving as co-counsel with him in a complex litigation.

3 Kaufman, p. 58.

Imbued with our father's passion, my brother Edgar 3rd, and I both involved ourselves in local politics and public service after the war and Yale Law School. In 1949, two years after graduating from law school, my brother took leave from the New York County district attorney's office (where he worked for appeals bureau chief Whitman Knapp, a Centurion from 1946 to 2004) to run—almost successfully—in a special election to fill an assembly vacancy in a heavily Democratic district on the upper west side. Many fellow members of the New York Young Republican Club came, mostly from their downtown law offices, to ring voters' doorbells for my brother's candidacy starting at about five o'clock every afternoon. My brother later worked full-time in Eisenhower's two presidential campaigns—on the campaign train in 1952 and in the White House in 1956.

I joined my local Republican club, became an "election-district captain" (an exaggerated title for a usually lone individual who tried to persuade neighbors to vote for the party's candidates), a member of the Republican county committee (which met occasionally to rubber-stamp the selection of candidates by the party leaders), an active member and officer of the New York Republican Club, and a participant in many political campaigns.

My research for this book led to the discovery that all but one of the seven entities which employed me during my lifetime were managed by Centurions—of which I was unaware when my employment with each of them began. My volunteer job with the Committee to Defend America was the first. As noted in Chapter Two, the Committee was organized and led by Centurions. I served under (far under) General Eisenhower in Europe from December 1943 to August 1945. James Phinney Baxter was president of Williams College when I taught political science there in 1948. When, later that year, I joined my present law firm, then known as Rathbone Perry Kelley & Drye, twenty percent of its partners were Centurions. In 1953, I became an assistant United States attorney under J. Edward Lumbard. From 1966 through 1969, I was first assistant corporation counsel under J. Lee Rankin and alongside executive assistant Norman Redlich during John V. Lindsay's first term as mayor. All three of my Centurion public service "employers," General Eisenhower, Lumbard, and Rankin, were themselves then "employed" by Centurions: FDR; both Attorney General Brownell and President Eisenhower; and Mayor Lindsay, respectively.⁴

⁴ Both of my brother's public service employers (Whitman Knapp and Eisenhower) were Centurions.

My lifelong interest in World War II began at the war's inception. Listening on the radio to King George announcing Britain's declaration of war in September 1939 was an unforgettable experience—as was listening to FDR announcing ours two years later. While at Williams College from September 1939 to February 1943, I followed the war closely in the press, radio, and classroom, particularly the classroom of political science professor Frederick L. Schuman, whose accurate analyses and predictions of the course of the war transfixed the student body. I also there began a lifelong interest in American history and military history.

During my first college summer vacation, I witnessed the nomination of Wendell Willkie from the Dewey section of the gallery at the 1940 Republican National Convention—without realizing the full significance of the difference between Willkie's position on support for Britain and those of the other Republican primary candidates.

During the summer of 1941, as a volunteer for the Committee to Defend America by Aiding the Allies, I wrote hundreds of letters under various names to the editors of the then many New York City newspapers advocating support for Britain. To my surprise, most were printed. A particularly large number of my

letters and similarly oriented ones appeared in *The New York Times*. Some of the others were signed “A. Aiches,” which I learned was the *nom de plume* of *Times* publisher Arthur Hays Sulzberger.

While training at Drew Field, Florida, during the summer of 1943, my mobile ground radar company calibrated its radar equipment (one of many developed by the Alfred Loomis team) by tracking cooperating Navy SBD dive-bombers. I was surprised to learn many years later that despite this plane’s slow speed, which made it ideal for our purpose but painfully vulnerable to enemy planes, several SBDs had changed the course of the war in the Pacific a year earlier by destroying four large Japanese aircraft carriers during the Battle of Midway.

I had been profoundly moved while at college by reading about the Royal Air Force’s performance during and after the Battle of Britain. I was therefore thrilled when my radar company trained at a succession of three RAF bases in southern England shortly after our arrival there in December 1943.⁵ We began operations by helping to intercept V-1 “buzz bombs”

⁵ I never found out why we trained on, and later operated, British mobile radar equipment dating back to the North African campaign rather than the more modern Loomis-developed American counterpart on which we had trained in Florida.

headed for London and then supported a corps of General Patton’s Third Army during its entire drive from the Normandy beachhead to the Czech border. My unit in the company used radar and radio mounted in British trucks to direct American fighter planes, fighter-bombers, and night fighters in interception and ground support missions.

I learned during research for this book that equipment and weapons developed by Centurions may have twice saved my life. Several months before my troopship crossed the Atlantic in early December 1943, its route had been substantially cleared of submarines, thanks to two radar systems developed under Alfred Loomis’s guidance—a ship-to-ship system used by naval craft and an air-to-ship system used by long-range patrol bombers. After Germany surrendered, I volunteered to go to the Pacific to join my brother for what I thought would be the glorious invasion of Japan and to have the opportunity to operate a much heralded new mobile ground radar system recently developed at the Rad Lab by the Loomis team. Two atom bombs—in the development of which Robert Oppenheimer, Isidor Rabi, and Alfred Loomis had played significant roles—resulted in my diversion to New York and law school. It was later revealed that the invasion had been expected to cost about a million American casualties. I had no inkling of this at

the time—or of the fact that Japan still had five million men under arms and 5,000 kamikaze aircraft.⁶

I conclude by recording my strong suspicion that among the many things for which I am indebted to J. Edward Lumbard (this one in his typically unverifiable role as master mentor-meddler) was my admission to the Century in 1973—which has led to the enrichment of my life with wonderful experiences and collegiality.

6 Stimson and Bundy, p. 618.

Colophon

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