



May 6. 1925

My dear Miss Tarkell,

Your letter of 24th ulto has just reached me here. I should not like to write you with definiteness on the matters of which you speak without first looking up my records.

I am constantly impressed with the fallibility of human recollection, and therefore I should not like to comment upon what Judge

Harry has told you without checking
my recollection from contemporaneous
memoranda. This much is however
clear to my mind, namely; that after
the decisions in the Standard Oil -
Tobacco cases and the investigations
conducted by the Stanley Committee, no
Administration could have failed
to test the legality of the Steel Cor-
poration's organization under the
Sherman law without exposing itself
to the just accusation of playing

friends. I personally told Judge Tracy just
that. I was embarrassed in dealing with the
matter for I had acted for the Corporation on
some of its legal affairs before I was Attorney Gen.
All this I said before the President and by his
direction I retained Judge J. McF. Dickinson
who had been Mr. Taft's first Secretary of War
as Special Counsel and had all the papers re-
lating to the matter placed in his hands with
instructions to carefully study them, and if

in his judgment, there was a clear case of
violation of the Sherman law to bring suit. He
spent some time - my recollection is, several
weeks - in the study of the case. He also con-
ferred about it with the Solicitor General, the
Fred. N. Schumann ^{now} of St Louis. As a result
Judge Dickinson prepared and brought to
me a petition containing allegations, all
of which, he assured me would be amply sub-
stantiated by the proof. I went over the document



ROMA

And suggested several

modifications in form; sticking out
and it
that seemed to me to be a
satisfactory characteristic;
and then signed the letter which
was filed. You know the story,
and how very narrow in scope
the information was in which the
Club believed that the
Macmillans had been the
have been the other way. The

opinion was not convincing.

However, the dissenting opinion was ample justification for the proceeding. It was not a question whether or not the methods being followed by the Corporation were right or not, but 1) whether the original organization was with the unlawful purpose of restraining trade through an elimination of competition, and 2) whether the Corporation had acquired such power through its vast control of the steel business that it

was a potential monopoly. My only criticism
of what Judge Gacy said to you of ^{earlier} conversation
on the subject would be ^{to doubt} that I had said any-
thing to lead him to believe that the Administration
regarded the Corporation as beyond criticism. I
may have said that I did not believe it was
then pursuing any unlawful methods. I believe
that was the case. The question ^{to my mind} was as to the
legality of the power acquired by the Corporation,
not as to the abuse of that power.

I shall be at home about the first of June
and will then look up my records and confer
with Judge Gacy, ^{for} whom I have a high regard
and will then again write to you. Meantime,
as I have no facilities for copying this letter,
will you be good enough to have a copy made
and sent to my office and oblige

Yours faithfully

Geo. W. Richardson



Rome, May 6, 1925

My dear Miss Tarbell,

Your letter of 24th ulto. has just reached me here. I should not like to write you with definiteness on the matters of which you speak without first looking up my records. I am constantly impressed with the fallibility of human recollection, and therefore I should not like to comment upon what Judge Gary has told you without checking my recollection from contemporary memoranda. This much is, however, clear to my mind, namely: that after the decisions in the Standard Oil and Tobacco cases and the investigations conducted by the Stanley Committee, no Administration could have failed to test the legality of the Steel Corporation's organization under the Sherman law without exposing itself to the just accusation of playing favorites. I personally told Judge Gary just that. I was embarrassed in dealing with the matter, for I had acted for the Corporation in some of its legal affairs before I was Attorney Genl. All this I laid before the President and by his direction, I retained Judge J. McG. Dickinson - who had been Mr. Taft's first Secretary of War - as Special Counsel and had all the papers relating to the matter placed in his hands with instructions to carefully study them, and if in his judgment there was a clear case of violation of the Sherman law to bring suit. He spent some time - my recollection is, several weeks - in the study of the case. He also conferred about it with the Solicitor General, Mr. Fred W. Lehmann, now of St. Louis. As a result, Judge Dickinson prepared and brought to me a Petition containing allegations, all of which, he assured me, would be amply substantiated by the proof. I went over the document and suggested several modifications in form, striking out some of what seemed to me to be unnecessarily offensive characterizations, and then signed the Petition which was filed. You know the result, and how very narrow an escape the Corporation had in the Supreme Court. I believe that but for the war conditions, the decision would have been the other way. The prevailing opinion was not convincing.

However, the dissenting opinion was ample justification for the proceeding. It was not a question whether or not the methods being pursued by the Corporation were right or not, but, 1) whether the original organization was with the unlawful purpose of restraining trade through an elimination of competition, and, 2) whether the Corporation had acquired such power through its vast control of the steel business that it was a potential monopoly.

My only criticism of what Judge Gary said to you of our earlier conversation on the subject would be to doubt that I had said anything to lead him to believe that the Administration regarded the Corporation as beyond criticism. I may have said that I did not believe it was then pursuing any unlawful methods, I believe that was the case. The question to my mind was as to the legality of the power acquired by the corporation, not as to the abuse of that power.

I shall be at home about the first of June and will then look up my records and confer with Judge Gary, for whom I have a high regard, and will then again write to you. Meantime, as I have no facilities for copying this letter, will you be good enough to have a copy made and sent to my office, and oblige

Yours faithfully

(signed)

GEO. W. WICKERHAM