

July 9 1944
Wally & F.F. & General Council

General Council subcommittee of Board
Call from Jim to
TT on Sunday July 8.

1) Jim's message to F.F..

- a) Whole Commission wants Ben
- b) F.F.'s question of Jim as to the General Counselship-
Jim's reply- no General Counsel contemplated but two counsel at least, one interpretive or legislative and one prosecutorial-Ben to be former.

2) Wholly apart from Ben, F.F. thinks suggested division of legal work practically impossible and fatal to effective work of Commission.

- a) Dichotomy unreal-interpretive work determines prosecution in part. Conversely prosecution- choice of case, nature of the record, timing etc etc-affects interpretation.
- b) Almost inevitable clash as to policies and personalities between persons of coordinate rank. A controlling legal authority therefore essential.
- c) The necessary controlling legal authority cannot be one of the Commission.

i) Responsibilities of both Commissionership and counsel too heavy a burden administratively.

ii) The client ought not be his own counsel (a lawyer-receiver always has separate counsel) and no Commissioner should be partisan of any legal view as to which he must take a quasi-judicial view with his colleagues.

iii) There are ~~three~~ lawyers on the Commission. For various reasons, even if they are not charged with the responsibility for the work of counsel, they will inevitably exercise professional judgment on counsel's work. If counsel is a Commissioner this will add a further element of conflict within the Commission.

d) The coordinating legal authority should therefore be someone other than a Commissioner, a General Counsel in fact whatever his actual title. Varieties of legal problems are certainly no bar to such a functionary. If they make the problem difficult for any single lawyer, that is an additional reason not to add the responsibility for them to the responsibilities of a member of the Commission.

e) A General Counsel of course would not be charged with details but with general oversight, and questions of legal strategy and tactics. A far greater variety of problems is entrusted to the