

BRANDEIS, DUNBAR & NUTTER.

161 DEVONSHIRE STREET,

BOSTON, MASS. May 17, 1916  
9 A.M.  
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E.F.M.:

I have received your letter of May 16th. The situation this morning is as follows:

As I wrote you yesterday, I spent the afternoon at Anderson's. He finally decided to go out to see President Eliot, and I did as well as I could in furnishing him with arguments which he could use with President Eliot. Later in the evening he telephoned to me that he had been very kindly received, and that Eliot did not decline right off, which in itself was an encouraging sign. He said he would telephone to Anderson this morning, and Anderson left him looking up his book with regard to dates. All this may amount to nothing, but if he should telephone that he was willing to speak at such a meeting, I am very strongly for the meeting. I believe that his example would enable us to get up a very decent list of speakers, and even if it did not, his influence would outweigh any indiscretions that would be committed at the meeting and any misrepresentations as to the character of it. I am still, however, somewhat skeptical as to his eventual acceptance, although I have it on very good authority that he considers these proceedings disgraceful, and the argument that the question had now risen to be much greater than the mere appointment of L.D.B. has probably been put up to him by Anderson, because that was one point that I was very anxious should be put up.

If he will not take part, my own inclination would be that the meeting had better be called off, and I think that Anderson is somewhat vaguely of the same opinion. At all events, the rest of the committee have put it up to him in such a way that he feels that responsibility of the whole thing lies with him.

I am afraid that without Eliot we can have nothing but a second rate meeting. Besides the misrepresentations of this that may occur in Washington, there is always the possibility that our opponents may be goaded on by such a meeting to call a meeting of the Bar Association. Just where that would land us, I do not know; but if they should be successful in carrying a vote of the Bar Association against L.D.B., it would be about as bad a boomerang as we could imagine.

I appreciate the reasons held in Washington for having a meeting. These reasons are absolutely good if the meeting could be held in a normal way and we had normal opponents.

I am very glad to get your remarks with regard to Reed Smoot.

With regard to sending out the majority reports, I have your suggestions. I think that it is no use to send out any more up to the amount of an additional five thousand. If we are going to send them out we have to send them out to a much greater extent, and I am inclined to think that scattering them as we have done is a fair leaven, and beyond that there is not much use. I understood from Boyd's Despatch, which did the mailing and which in fact is a leading concern in New York for furnishing addresses, that there are in the country about 150,000 lawyers, and that their selected lists cover about 37,000. Had I known of this in the beginning, I might perhaps not have taken the American Bar Association list, but to send out 37,000 of these seems a very great task and really at this juncture not worth the money.