

March 27, 1940.

Senator Harry S. Truman.

Federal Building,

Kansas City, Missouri.

My dear Harry:

With reference to the United States Circuit Court of Appeals judgeship which I discussed with you this morning, I enclose herewith a copy of the letter which Dean Green, of Northwestern University Law School, wrote the Attorney General in behalf of Charlie Carr. I am sending this for your information.

I forgot to mention to you this morning that while I was in Washington I checked up on the status of the changed bill and I find that the Senate Judiciary Committee has recommended to the Senate the appointment of only one circuit judge for the Eighth Circuit rather than two, as well as changing the provisions of the House Bill with reference to the appointment of particular district judges in other states. The bill as passed by the House called for two circuit judges for the Eighth Circuit.

In the course of my conversation with Joe Keenan I told him of this situation and he expressed deep regret that he had not followed this matter more closely and tried to secure two judges for the Eighth Circuit. He said that nothing can be done about it now until the bill passes the Senate and then goes to conference with the House. He said that he believes he might be able to get the Senate conferees to recede at least on the Eighth Circuit proposition and accept the House measure for two judges for the Eighth Circuit. In this connection you might be in a position to confer with Senator Asst. Hurst about this matter and get him to agree to two judges. If that occurs and the law eventually provides for two judges for the Eighth Circuit, then a little matter of politics would enter into the situation as to which state you would try to hook up with in order to put Carr over. Joe Keenan expressed doubt that the President would consider Arkansas very seriously for the reason that any suggestions from Arkansas are sure to precipitate a fight between Senators Caraway and Miller, and the President is likely to pass them up on that score. It strikes me that possibly you might enter into a combination with Burke and Harris of Nebraska and get a new judge from Nebraska and one from Missouri. Anyway this is a matter for you to handle as your best judgment dictates.

I thought you would like to have the foregoing information for your records.

Yours very cordially,

WAK:C

W. A. Kitchen.

Encl.