

THOMAS WATT GREGORY: 1861-1933

by

Danny J. Farek

presented to the Faculty of

A THESIS

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Farek, Danny J., Thomas Watt Gregory. Master of Arts  
(History), November, 1966, Sam Houston State College,  
Huntsville, Texas. 94 pp.

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Sam Houston State College

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### METHODS

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### FINDINGS

The evidence presented in this work indicates that the following conclusions appear to be in order:

1. The work of Gregory in Texas on behalf of Wilson was of considerable importance to Wilson in the election of 1912.
2. As Attorney-General before the United States

entered World War I, Gregory worked mainly with anti-trust cases and, to a limited extent, with German espionage.

3. During the years of United States participation in World War I, Gregory's work was concerned with handling German propoganda and dealing with citizens who would obstruct the war effort.

4. All the blame for injustices done to citizens during World War I cannot justly be placed on Gregory.

Approved:

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Supervising Professor *J*



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## CHAPTER I

### INTRODUCTION

Many pages have been written regarding the events of Woodrow Wilson's two terms in office and the men who were part of these events. A number of the men who were members of Wilson's cabinet have left their memoirs or have had their biographers. Thus far, however, no biography has appeared dealing with Wilson's wartime Attorney-General, Thomas Watt Gregory of Texas. This study is an attempt to trace the life of this man, who was born at a time when the United States was at war against itself, who became a prominent lawyer in Austin, Texas, and who was Attorney-General of the United States during a war which threw the American people into a severe spy scare and put civil liberties into perhaps the greatest jeopardy to that time.

Because of the limitations of the study and the inaccessibility of the Attorney-General's Papers and the Thomas Watt Gregory Papers, this is by no means a definitive study. An attempt has been made to throw some light on the ancestry of the Gregory family. Gregory's work on behalf of Wilson in Texas and as a delegate at the

Democratic National Convention of 1912 is covered in some detail. Special consideration is given to Gregory's work as Attorney-General, especially that work dealing with civil liberties under the wartime Sedition and Espionage Acts. It is hoped that this study will prove useful to a later writer who has access to more material than did this author.

Data for this study was obtained from: (1) a copy of a typed manuscript on the ancestry of the Gregory family, written by Thomas Watt Gregory; (2) personal interviews with members of the Gregory family; (3) books and magazines in various college and public libraries in the state; (4) microfilm copies of various newspapers.

## CHAPTER II

### ANCESTRY, EARLY LIFE, AND POLITICS TO 1912

Thomas Watt Gregory's ancestry can be traced back to a time before the 1500's, when the Clan MacGregor occupied the Scottish Highlands around Loch Lomond and Loch Katrine. Sir Walter Scott, in the introduction to his novel Rob Roy, says of the Clan MacGregor that it was ". . . one of the most ancient clans in the Highlands, and it is certain they were a people of original Celtic descent. . ." <sup>1</sup> Gregory wrote of the Clan that it ". . . has a record for criminal lawlessness not surpassed in all history, though I seriously doubt their having been any worse than their neighbors." <sup>2</sup> The legendary Scottish highwayman, Rob Roy, was a MacGregor.

Gregory always jokingly claimed that he was a descendant of Rob Roy MacGregor. In his later years, when he was on a tour of Europe, he told the guide at an ancient castle in Scotland that he was a descendant of Rob Roy. After the tour was completed Gregory offered the guide

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<sup>1</sup>Sir Walter Scott, Rob Roy, 11.

<sup>2</sup>Thomas Watt Gregory, copy of a typed manuscript dated February, 1933. Original in the possession of J. N. Gregory, 3. Hereafter referred to as Gregory Manuscript.

five dollars for his services. The guide refused the money, saying that he felt lucky to have spent two hours with a descendant of Rob Roy and not be missing anything.<sup>3</sup>

For centuries the MacGregors would swoop down upon the Lowlands, stealing cattle and not infrequently killing men and taking away women and children. Those raids were next to impossible to stop, as after each raid the Clan would retreat back into their Highland strongholds with their plunder. In desperation, on April 3, 1603, the Privy Council passed an act whereby the name of MacGregor was abolished and those who bore it were ordered to change their names or suffer death.<sup>4</sup> By a supplementary act of June 24, 1613, death was decreed against any of the tribe that had been previously known as MacGregor who assembled in numbers greater than four.<sup>5</sup> In 1617, the laws were applied to the children of those persons who had formerly called themselves MacGregor.<sup>6</sup>

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<sup>3</sup>Personal interview with Thomas Watt Gregory, Jr. September 28, 1965.

<sup>4</sup>Scott, Rob Roy, 19.

<sup>5</sup>Ibid.

<sup>6</sup>Gregory Manuscript, 41.



These laws led the members of the Clan MacGregor to change their names to others as similar to the original as possible. Thus they took such names as Gregory, Gregg, and MacGregory. This did not alter the fact that they were still MacGregors under assumed names, with the same traditions of the Clan.<sup>7</sup>

During the English Civil War the Clan supported the Stuarts, and after the Restoration of Charles II the acts against the MacGregors were abolished as a reward for the services of the Clan during the war. After the Restoration Period the laws against the MacGregors were re-enacted but were not strictly enforced and eventually the British Parliament abolished them.

In the latter half of the 1600's three Gregory brothers immigrated to the American colonies and one of these, John Gregory of Rappahannock, settled in Virginia sometime prior to 1665. This John Gregory of Rappahannock sired four children, one of whom was Richard Gregory of Essex, born about 1644. Richard Gregory of Essex died in 1706, leaving several children, one of whom was Richard

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<sup>7</sup>Gregory Manuscript, 41.

Gregory of King and Queen County, born about 1644.<sup>8</sup>

Richard Gregory of King and Queen County had two sons, Roger and Richard. Roger married Mildred Warner Washington, the sister of Augustine Washington, father of George Washington. On May 17, 1726, Roger deeded the Mount Vernon estate to Augustine Washington.<sup>9</sup>

Richard Gregory of Mount Pleasant, King William County, the son of Richard Gregory of King and Queen County, was born in 1693. He married a Miss West and fathered four children, one of whom was Roger Gregory. Roger Gregory of Mount Pleasant, King William County, was born on May 1, 1739. He married Mary Cole Claiborne on September 2, 1756. To this union six children were born. After the death of his wife, Roger Gregory married Fanny Lowry on March 31, 1776, and had four children by her. One of these was Major Francis Gregory, born on December 25, 1780, in Mecklenburg County, Virginia. He married Elizabeth Pegram on February 2, 1804. The couple had ten children, one of whom was

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<sup>8</sup>Ibid., 7.

<sup>9</sup>Gregory Manuscript, 8. This account checks with that given in "Mount Vernon," Encyclopedia Britannica, (1956), XV, 938.



Robert Francis Gregory, born August 14, 1828.<sup>10</sup>

In the late 1820's Major Francis Gregory bought some land on the Tombigbee River near Columbus, Mississippi. In 1831, he started on the journey with his family to Mississippi, but became ill and died before the family was out of Virginia. The family remained in Virginia some years after this, and then moved to Columbus, Mississippi. On December 15, 1858, Robert Francis Gregory married Cornelia Watt of Oktibbeha County, Mississippi. He studied medicine at Tulane University in New Orleans, Louisiana, and was engaged in the practice at Crawfordsville, Mississippi, when the Civil War started.<sup>11</sup>

Upon the outbreak of the war he formed a company of infantry, which became part of the 35th Mississippi Infantry, and was elected captain of the company by the men, as was the practice at the time. He fought with his company at the battles of Shiloh and Corinth. Shortly after Corinth he was promoted to the rank of major but before he could join his new command, he contracted pneumonia and died on

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<sup>10</sup>Gregory Manuscript, 9-12.

<sup>11</sup>Gregory Manuscript, 14.

October 5, 1863.<sup>12</sup>

Robert Francis Gregory left two sons. The oldest, Paul, was born March 11, 1860. The youngest, Thomas Watt Gregory, the subject of this study, was born on November 6, 1861, at Crawfordsville, Mississippi.

After Gregory's death in 1933, his law partner, Judge R. L. Batts, wrote:

. . . [the] immediate influence of the father was lacking, but the mother was strong in her religious convictions, imbued with the political beliefs of her people, vigorous in intellect, cultivated, born to the usage of good society, and ample through her own efforts to care for, to train, to educate her son.<sup>13</sup>

Gregory's boyhood days were spent in a South struggling to put itself back together after the hatred and destruction caused by the Civil War. He went to college and received his A.B. from Southwestern Presbyterian University in Clarksville, Tennessee, in 1883. Since the family plantation had been destroyed during the war, he was able to spend only one year in law school at the University of Virginia. Then he moved to Texas with his mother, since they felt the opportunities were better in that state.

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<sup>12</sup>Ibid., 15.

<sup>13</sup>R. L. Batts, "Great Texan," part 2, The Alcalde, 21:157, April, 1933.

They settled in Austin, where his mother ran a boarding house at Tenth and Lavaca Streets.<sup>14</sup>

Gregory attended the University of Texas and graduated in 1885 with a law degree. He was admitted to the Texas Bar at the age of twenty-four. On June 17, 1885, the Alumni Association of the University of Texas was organized with E. M. Hich as president, Jessie Patten as vice-president, A. S. Walker, Jr. as secretary, and Gregory as treasurer.<sup>15</sup> Thus began Gregory's work on behalf of the University of Texas that was to last until his death.

A law practice, which was to prove very successful, was set up in Austin. From 1891 to 1894 Gregory served as assistant city attorney. In 1892, he was offered an appointment as assistant attorney-general of Texas, a position which he refused.<sup>16</sup> Refusing public offices was to be his habit up until the time President Woodrow Wilson appointed him Attorney-General.

On February 22, 1893, Gregory married Miss Julie

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<sup>14</sup>Personal interview with Thomas Watt Gregory, Jr., September 28, 1965.

<sup>15</sup>Mary Starr Barkley, History of Travis County and Austin, 1839-1899, 189.

<sup>16</sup>The Houston Post, February 27, 1933, 2.

Nalle of Austin, who was described as ". . . a beautiful and accomplished young woman of unusual personality, intellect, education and attainment, herself a member of a distinguished and outstanding family in the state capital."<sup>17</sup> This marriage was to be a happy and successful one.

Even at this early period Gregory was developing an interest in politics. On February 16, 1896, he led the call for a meeting of the "sound-money" Democrats in Austin.<sup>18</sup> This interest, however, did not keep him from refusing an appointment as district judge in 1896.

Meanwhile his interest in the University of Texas was strong. A drive was started to get an alumnus on the Board of Regents and in 1899 Gregory was chosen. He served as a regent from 1899 to 1907. In reference to this term as a regent Batts says that Gregory ". . . gave to the University, without compensation, exactly the same character of service as to his clients and to his personal affairs."<sup>19</sup>

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<sup>17</sup>Ibid., February 28, 1933, 6.

<sup>18</sup>Rupert Norval Richardson, Colonel Edward M. House, The Texas Years, 1858-1912, I, 110.

<sup>19</sup>R. L. Batts, "Great Texan," part 2, The Alcalde, 21;157, April, 1933.



Gregory's interest in politics continued. In 1898 he and Batts were in charge of the committee on platform at the State Democratic Convention for nominations of governor in Galveston.<sup>20</sup> In 1904, he was a delegate to the National Democratic Convention which nominated Alton Parker for President, but he was not to become active in politics until 1911. During these years his time was taken up almost entirely by his law practice. He found time, however, to continue work on behalf of the University of Texas.

In 1907, Gregory launched a fund-raising drive to build a men's gymnasium for the University of Texas. He originally thought that seventy-five thousand dollars would be enough. At the end of one year only twenty-nine thousand dollars had been collected. When he left for Washington in 1913, over sixty-five thousand dollars had been promised.<sup>21</sup> The drive had to be postponed while he was in Washington, but was revived in 1928, by which time five-hundred thousand dollars had been collected. In appreciation the University of Texas named the new gymnasium after Gregory, and on May

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<sup>20</sup>Richardson, Colonel Edward M. House, I, 148.

<sup>21</sup>Thomas Watt Gregory, "Donors to the Gymnasium Fund," The Alcalde, 18:281, April, 1930.

10, 1929, Gregory turned the first shovelful of earth at the ground-breaking exercises.

In 1900 Gregory had taken Judge R. L. Batts as partner in his law practice, and the firm of Gregory and Batts was formed. In 1908 a third partner, Victor Lee Brooks, was to be added. In 1906 the firm of Gregory and Batts was engaged by the state to prosecute the Waters-Pierce Company. The history of this case goes back to 1889, when the Texas Anti-trust Act was passed, one year before the federal Sherman Anti-trust Act. The Texas law defined a trust and listed practices of trusts that were illegal. It did not apply to agricultural products or livestock which were in the hands of the producer or raiser.<sup>22</sup> Attorney-General M. M. Crane brought suit against the Waters-Pierce Oil Company in 1897 to oust the company from Texas for violation of the act. The company was ordered to end its affairs in Texas and Pierce appealed to Joe Bailey, United States Senator from Texas, for aid. Bailey advised that the company reorganize, which it did, and in 1900 a permit to operate in Texas was given to the new company.<sup>23</sup>

In regard to the reinstatement of the Waters-Pierce

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<sup>22</sup>Robert C. Cotner, James Stephen Hogg, 164.

<sup>23</sup>Ralph W. Steen, Twentieth Century Texas, 106.

Company, Professor Robert Cotner says that ". . . the increasing oil activity in Texas was no doubt an important factor in the efforts of H. Clay Pierce to get Waters-Pierce reinstated there in 1900 with or without the help of Joe Bailey."<sup>24</sup> Nevertheless the Bailey Question was to play an important role in Texas politics in the years ahead.

Everything was calm for a few years. Then the State of Missouri brought charges against the company. It was learned that the Standard Oil Company held three thousand shares in Waters-Pierce when it had been re-admitted to Texas in 1900.

Attorney-General R. V. Davidson filed charges against the company on September 21, 1906, seeking penalties to the amount of \$5,228,400 and the ouster of the company from the state.<sup>25</sup> The state charged that Pierce had perpetrated a fraud upon the State of Texas in 1900 by coming into Texas, using large sums of money to influence the settlement of pending cases, and securing the re-admission of the company

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<sup>24</sup>Cotner, James Stephen Hogg, 520.

<sup>25</sup>The Houston Post, September 21, 1906, 1.



through political influence.<sup>26</sup>

The services of Gregory and Batts were secured for the legal work in the case. The firm of Penn and Cockran of Austin was engaged by the company as counsel for the defense. The trial started on November 20, 1906, with the lawyers for the defense answering the charges and asking that the state's case be stricken because of its "impertinent and scandalous"<sup>27</sup> wording. On November 23, 1906, the counsel for the prosecution notified the counsel for the defense to produce all records of the company from May, 1878, to September 1, 1906.<sup>28</sup> Davidson wanted all papers that showed that Bailey had received money from the company in general and from Pierce in particular. Bailey promptly denounced all the papers as forgeries.<sup>29</sup>

In a letter to Bailey, Davidson showed that Pierce had the amount of money that Bailey had allegedly borrowed put upon the company's books. Bailey now published a letter

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<sup>26</sup>Sam Hanna Acheson, Joe Bailey, The Last Democrat, 226.

<sup>27</sup>The Houston Post, October 3, 1906, 1.

<sup>28</sup>The Houston Post, November 24, 1906, 1.

<sup>29</sup>Acheson, Joe Bailey, 230.

in which he revealed that he had borrowed five-thousand dollars from Pierce in 1900. He had at that time signed a note for \$3,300 and later had taken a draft for the remainder of the money.<sup>30</sup>

The company was found guilty of violating the anti-trust laws of the State of Texas and its permit to operate in Texas was cancelled. A fine of \$1,623,000 was levied. The company appealed to the Supreme Court of Texas and the United States Supreme Court, both of which upheld the Texas ruling. On April 24, 1909, a fine to the amount of \$1,808,483.30, including interest, was paid.<sup>31</sup> The fine was paid in cash; the money arrived by train in Austin. It was then loaded on a wagon and taken to the treasury.<sup>32</sup> The receivership of the case was handled by Gregory almost exclusively.<sup>33</sup>

As a result of his work in this case, Gregory gained a reputation as an able anti-trust lawyer. This was to play

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<sup>30</sup>Ibid., 231.

<sup>31</sup>Steen, Twentieth Century Texas, 107.

<sup>32</sup>Personal interview with Thomas Watt Gregory, Jr. September 28, 1965.

<sup>33</sup>R. L. Batts, "Great Texas," part 1, The Alcalde, 21:131, March, 1933.

an important part in President Wilson's decision to make Gregory assistant attorney-general and later attorney-general.

A few years after the Waters-Pierce Case Gregory became deeply involved in Texas politics, an involvement which would eventually make him a member of Wilson's cabinet. In 1910, Texas was a state of conservative reaction. Joseph Weldon Bailey was one of the dominant forces in Texas politics and was a champion of the status quo. Wilson, as a progressive, was regarded as a deliverer by the progressives in Texas. When he was elected governor of New Jersey in November, 1910, a group of Texans--Thomas B. Love, Otis B. Holt, Albert S. Burlison, and Thomas Watt Gregory--proclaimed him as their standard-bearer.<sup>34</sup>

Love set to work to organize the state for Wilson and a call was sent out for all Wilson supporters to meet in Austin on August 7, 1911, to open formally the Wilson movement in Texas. The meeting was duly held and on August 8th the Woodrow Wilson State Democratic League of Texas was officially organized. The President was Thomas Love;

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<sup>34</sup>Arthur S. Link, "The Wilson Movement in Texas, 1910-1912," Southwestern Historical Quarterly, 48:169-171, October, 1944.

Vice-Presidents were T. W. Gregory and O. T. Holt; Secretary was George D. Armstrong; and Treasurer was Roger G. Roderdeau. These men, along with Cato Sells, W. T. Bartholomew, A. D. Roger, Clarence E. Gilmore, R. M. Wynne, and G. R. McCollum, made up the executive committee.<sup>35</sup>

The members of this committee tried to create an organization that would be unhampered by the anti-Bailey and Prohibitionist label. This effort failed because most of these men were prohibitionists and enemies of Bailey.<sup>36</sup> Since Bailey soon announced that he would not seek re-election, the Bailey Question, as it was called, was not of great importance in the election.<sup>37</sup>

In a letter "To the Democrats of Texas," published in The Houston Post on August 13, 1911, Gregory outlined Wilson's career. He asserted that Wilson's record would appeal to the rank-and-file of Texas Democrats and for this reason the letter was addressed to them. Gregory

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<sup>35</sup>The Houston Post, August 8, 1911, 2.

<sup>36</sup>Arthur S. Link, "The Wilson Movement in Texas, 1910-1912," Southwestern Historical Quarterly, 48:172, October, 1944.

<sup>37</sup>Ralph W. Steen, A Political History of Texas, 1900-1930, in Texas Democracy, ed. Frank Carter Adams, I, 369.



realized that Wilson's ". . . candidacy has nothing to expect except opposition from special interests and their friends and retainers."<sup>38</sup> The Houston Post took exception to this assertion, expressing the view that the statement was a slur on Texas Democrats and that it implied that anyone who voted for a candidate other than Wilson was doing so because of special interests.<sup>39</sup>

It was about this time that another man came over to the Wilson side. Edward M. House had at first endorsed Major James F. Gaynor of New York, but when Gaynor's popularity fell in 1911, House gave in to the entreaties of his friend Gregory and joined the Wilson movement. In a letter to Gregory in August, 1911, House set forth his views on Wilson, saying that Wilson not only knew the fundamentals of government but knew what was in the minds of the people.<sup>40</sup>

House now urged Wilson, through Gregory, to accept an invitation to speak in Texas. It would appear that House not only was taking a large part in the strategy for Wilson in Texas but also was supporting the movement

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<sup>38</sup>The Houston Post, August 13, 1911, 3.

<sup>39</sup>Editorial in The Houston Post, August 13, 1911.

<sup>40</sup>Richardson, Colonel Edward M. House, I, 246.

financially. He states in his diary that the Texas headquarters would have collapsed if he had not sent Gregory to Sells for a commitment to guarantee the expenses. Gregory did not mention that House was backing Wilson, since House believed that if this were known too much money would be spent.<sup>41</sup> Gregory states that House gave \$1,000 in the fall campaign.<sup>42</sup>

It would appear that Gregory and House worked well together. Batts states that ". . . House was a thoughtful student of policies, the wise estimator of men; Gregory, not lacking in wisdom, was the diligent and efficient organizer."<sup>43</sup> This is a fair evaluation of the qualities of both men.

Gregory wrote Wilson on September 4, introducing himself as a University of Virginia man and vice-president of the Woodrow Wilson League of Texas. He informed Wilson that House was the most prominent private citizen in Texas, adding that "You can deal with him with the utmost frankness

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<sup>41</sup>Arthur C. Walworth, Woodrow Wilson: American Prophet, I, 198.

<sup>42</sup>Richardson, Colonel Edward M. House, I, 280.

<sup>43</sup>R. L. Batts, "Great Texan," part 3, The Alcalde, 21:182, May, 1933.

and rely largely upon his advice and suggestions . . . not only as to Texas conditions but as to things in general."<sup>44</sup> The letter ended with an invitation to speak at the State Fair in Dallas on October 28.

Wilson accepted the invitation and Gregory instructed him by mail on the political history of Texas and the finer points of making a speech before a Texas audience. He was to pay tribute to the memory of Governor Jim Hogg and the Confederate Postmaster-General John H. Reagan, and to praise the state for its progressivism and Galveston for its commission form of municipal government, which it had instituted after the devastating hurricane of 1900.<sup>45</sup>

On October 28, 1911, Wilson arrived in Dallas and gave his speech at the State Fairgrounds. He followed Gregory's advice, praising Hogg, Reagan, and Judge Alexander W. Terrell for their work in economic and political reform. He said that Texas had:

. . . led the way in the renaissance of the function of the State, but all the country is now quick with the new life and America is beginning once again to realize the happy circumstances that our diversified

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<sup>44</sup>Richardson, Colonel Edward M. House, I, 247.

<sup>45</sup>Richardson, Colonel Edward M. House, I, 277.



conditions can be met without any futile attempt to apply a too uniform remedy.<sup>46</sup>

He also said that:

The Democratic party is in control of its progressive elements, stands nearer the people and the facts than does the Republican party as an organization.

Things cannot go on as they are and only the Democratic party is ready for them.<sup>47</sup>

Wilson's speech was a success and he never visited Texas again. Gregory said, "He never needed to."<sup>48</sup> Gregory told House that the Wilson campaign was off to a good start in Texas.

Elsewhere it was not doing well. A situation developed that became known as the Harvey Affair. Colonel George Harvey, editor of Harper's Weekly, was an original Wilson man but had wavered in his support as he saw Wilson become a leader of the Progressive Democrats -- a new Bryan, Harvey feared.<sup>49</sup> At a dinner in December, 1911, with Wilson

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<sup>46</sup>The Houston Post, October 29, 1911, 8.

<sup>47</sup>Ibid.

<sup>48</sup>Ray Stannard Baker, Woodrow Wilson, Life and Letters, III, 300.

<sup>49</sup>Arthur S. Link, Wilson: The Road to the White House, I, 359.

and Colonel Henry Watterson, editor of the Louisville Courier-Journal, Harvey asked Wilson if he felt that the support of Harper's was hurting him. Wilson replied that it was, in the West.

Harvey now withdrew his paper's support of Wilson and, in an editorial, told his readers that Wilson had stated that the support was hurting him. Harvey did not mention the question asked at the dinner, an omission that made Wilson appear on ingrate, and the anti-Wilson people now tried to make political capital out of it.<sup>50</sup> After a long delay Colonel Watterson revealed what had actually happened and spoke of Wilson as a "schoolmaster."

On January 25, 1912, Gregory was asked for his views on the argument. He issued a statement to the papers in which he said of Colonel Watterson:

. . . while he still thinks that in point of integrity and intellect Governor Wilson measures up to the high standard of Samuel J. Tilden, he doubts his being a man who makes common cause with his political obligations, and that he is now disposed to consider him "rather a schoolmaster than a statesman." If giving a candid answer to a candid question is (as suggested by Colonel Watterson) characteristic of a schoolmaster, and not of a statesman, then so much the worse for the statesman; and if the integrity and intellect

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<sup>50</sup>Ibid., 371.

of a Tilden, when coupled with austere truth and a candor in dealing with a friend, prevents a man from being a statesman, then the fewer statesmen we have the better off will be our public service.<sup>51</sup>

Gregory thus gave the affair full publicity. He later claimed that this letter secured Wilson the votes of 40,000 school teachers in Texas.<sup>52</sup> Actually this figure is an exaggeration, since even in 1916 there were only 27,358 school teachers in Texas.<sup>53</sup> The letter no doubt did secure Wilson much support in the state.

On March 2, 1912, the Wilson supporters held a meeting at Waco, where Gregory said that a poll in Travis County indicated that the people were for Wilson and he had no reason to believe that other agricultural districts differed in this respect.<sup>54</sup>

A resolution, suggested by House and written and presented by Gregory, was put before the members, calling on the State Executive Committee of the Democratic Party to call a state-wide preference primary for the democratic

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<sup>51</sup>Dallas Morning News, January 28, 1912, 4.

<sup>52</sup>Charles Seymour, The Intimate Papers of Colonel House, I, 54.

<sup>53</sup>The Texas Almanac, 1966-1967, 525.

<sup>54</sup>Dallas Morning News, March 3, 1912, 2.

presidential nominee. Gregory added that he did not think they were going to get a primary, even though they were entitled to it. He concluded by saying that the South complained that it gave its votes to the Democratic Party and got little out of it. If it could not give its votes to Wilson, a Southerner, it could not complain again.<sup>55</sup>

A petition was drawn up and sent to the State Executive Committee asking that the Democratic Party be allowed to express its preference in a general primary for a presidential nominee. The Woodrow Wilson organization would furnish its share of the election clerks and judges without charge.<sup>56</sup>

The Houston Post came out against a preference primary because of lack of funds for clerks and judges. Election workers could not be acquired without payment and many polls would be closed, thus depriving many people of the chance to vote.<sup>57</sup>

The Post believed that while the Wilson organization was outwardly putting itself on record as favoring a primary,

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<sup>55</sup>Ibid.

<sup>56</sup>The Houston Post, March 3, 1912, 2.

<sup>57</sup>Editorial in The Houston Post, March 3, 1912.



its efforts would be directed towards controlling the precinct meeting which would send delegates to the state convention.<sup>58</sup> This is probably true, since Gregory had already stated that he had no hopes of getting a preference primary. Therefore the Wilson people must have had such a plan as described above.

Gregory's feeling were confirmed when the State Executive Committee refused the petition for a preference primary. With or without the preference primary, the Wilson forces were so well entrenched that the results of the county primaries gave a complete victory for Wilson. At the state convention held in Houston on May 28, 1912, the Wilson forces smothered the opposition.

Looking back on the campaign Gregory wrote:

That campaign . . . was the greatest work of organization that I remember. Colonel House had various pieces of his old political machinery lying around, which he soon brought together; but we had against us the political forces of the state. The chairman and thirty of the thirty-one members of the State Executive Committee were opposed to Wilson, the Governor did not favor him, and Senator Joseph W. Bailey stumped the state against him. Only four of the Texas Congressmen favored him.<sup>59</sup>

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<sup>58</sup>The Houston Post, March 3, 1912, 2.

<sup>59</sup>Seymour, Papers, I, 57.

The Democrats of Texas having pledged themselves to Wilson, Gregory now directed his attention to the Democratic National Convention soon to be held in Baltimore. House wanted Gregory for national committeeman but Gregory preferred Burleson, and the matter was further complicated by Sells's desire for the position. Gregory did not push his own candidacy. He stated that he was not a candidate for the position and would not take it at the risk of upsetting the harmony that existed. He believed that the important thing was to send, for the first time in sixty-seven years, a delegation to the national convention with instructions to vote for a Southern Democrat.<sup>60</sup> As matters turned out, five of the eight Texas delegates sent to the national convention were members of House's old guard. These were Gregory, Charles A. Culberson, Cone Johnson, Thomas H. Ball, and Congressman Robert Lee Henry.<sup>61</sup>

Apparently Gregory had some misgivings about the strength of Wilson's chances. Shortly before the convention he told House that he believed they could only go so far with Wilson. If this should happen, he wanted to know

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<sup>60</sup>Richardson, Colonel Edward M. House, 287.

<sup>61</sup>Ibid., 288.

what they should do with the three-hundred or so votes it was estimated they had. House told him to hold the Texas delegation as a unit and fight, as they had done in Texas.<sup>62</sup>

With this bit of encouragement Gregory left for Baltimore and arrived there on June 24, 1912. He immediately reported to William F. McCombs' headquarters. A conference was called among William A. McAdoo, McCombs, Burleson, Luke Lea (leader of the Independent Democrats), Gregory and about six others. Gregory, ever the organizer, made the suggestion that they organize a branch department in the Stafford Hotel. The Stafford was a mile from the Emerson Hotel, where McCombs had his headquarters, and about two-thirds of the delegates were at that end of town.<sup>63</sup>

At this point Wilson had less than one-third of the votes and it was known that ninety votes from New York would be thrown to Champ Clark. This assault upon Wilson would have to be met. It was also known that the convention was infiltrated with Wilson sentiment. Those delegates directed to vote for Clark would have to clear their

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<sup>62</sup>Ibid., 292.

<sup>63</sup>Arthur S. Link, "A Letter From One of Wilson's Managers," American Historical Review, 50:769, July, 1945.



consciences by voting for him until they could change on the ground that his nomination was no longer possible.<sup>64</sup>

In regard to this situation Gregory said:

Champ Clark had by far the largest convention vote of any of the candidates, and it was evident that he must first be disposed of before any of the other candidate would have a chance. In these circumstances the Wilson people made airtight agreements with a sufficient number of delegates instructed for candidates other than Clark, to the effect that under no condition would any parties to the agreement vote for Clark; there was no agreement as to what would be done after Clark had been eliminated. The delegates involved in this agreement constituted more than one-third of the convention vote, and against this stone wall the forces of Champ Clark battered in vain.<sup>65</sup>

Exactly how these agreements were brought about was described in a letter by Gregory to House, who was in England at the time of the convention. The delegates for Oscar Underwood held the balance of power. Most of them supported Wilson as their second choice. They believed the struggle between Wilson and Clark would result in a stalemate that could be broken only by a third man, and they were certain this would be Underwood.<sup>66</sup> It was imperative, therefore, that some type of arrangement be made with

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<sup>64</sup>Link, "A Letter From Wilson's Managers," July, 1945.

<sup>65</sup>Seymour, Papers, I, 64.

<sup>66</sup>Link, Wilson, I, 450.

the Underwood forces to enable Wilson to acquire enough votes to block the convention.

Gregory, McCombs, and Gore, Wilson's manager, met with the Underwood delegates and made an agreement that if at any time Wilson was put out of the race they would use their influence to swing the Wilson votes to Underwood. In the meantime the Underwood forces agreed to remain loyal to their candidate and not throw their votes to someone else.<sup>67</sup>

The Mississippi, Georgia, and Alabama delegations were instructed for Underwood, with Clark as their second choice. Gregory talked with these three in order to make some agreement whereby Clark would not get any of their votes. He found that in the Alabama delegation seventeen out of its twenty-four votes would go to Wilson whenever Underwood was out of the race.<sup>68</sup> The Georgia delegation was now consulted and here Gregory found an old friend, Randolph Anderson, who had been a classmate at the University of Virginia. Anderson was vice-president of the

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<sup>67</sup>Link, Wilson, I, 450.

<sup>68</sup>Arthur S. Link, "A Letter From One of Wilson's Managers," American Historical Review, 50:770, July, 1945.

Georgia delegation. An agreement was made that at no time would a vote from the Georgia delegation go to Clark. In return Gregory pledged the Texas delegation not to throw a single vote to Clark.<sup>69</sup>

After the Convention Gregory wrote House that he

. . . would use every effort to throw our forty votes to Underwood, in case Wilson should be put out of the race at any stage of the game; in this way, and by a somewhat similar arrangement with a close friend of mine on the Mississippi delegation, I got enough additional votes absolutely tied as against Clark to supplement our 334 votes and give us a good margin over a one-third. . .<sup>70</sup>

Gregory and Love made an agreement with the Pennsylvania delegation to work together and try to persuade the Clark delegates to swing over to Wilson.<sup>71</sup>

The Tammany organization tried to make a deal with the Texas delegation that if they would drop Wilson, Tammany would support Culberson. This absurd offer was refused at once.<sup>72</sup>

Gregory's skill as an organizer showed up in another

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<sup>69</sup>Ibid.

<sup>70</sup>Ibid.

<sup>71</sup>Link, Wilson, I, 445.

<sup>72</sup>Seymour, Papers, I, 61.

situation. Five men were chosen at the Texas-Pennsylvania caucus as floor walkers. After each ballot they would talk with the spokesman of each delegation, get any information of change in that delegation's sentiments, and then immediately report this to the floor managers for the Wilson forces. In this way knowledge of any developing change was secured quickly and could be dealt with at once.<sup>73</sup>

William Jennings Bryan finally killed Clark's chances for the nomination when he changed his vote to Wilson. On the forty-sixth ballot Wilson won the nomination. Writing of this, Gregory said:

. . . [Bryan] ruined Clark for all time and undoubtedly did a wonderful service for Mr. Wilson, and Mr. Wilson is certainly under great obligation to him, and [I] sincerely hope that he will make him Secretary of State . . .<sup>74</sup>

The Republicans renominated William H. Taft at the convention in Chicago, where Theodore Roosevelt and his followers walked out to form the Progressive Party. At the Progressive Party convention Roosevelt was nominated. In the November elections, with the Republicans split,

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<sup>73</sup>Arthur S. Link, "A Letter From One of Wilson's Managers," American Historical Review, 50:771, July, 1945.

<sup>74</sup>ibid., 772.



Wilson won 435 electoral votes to eighty-eight for Roosevelt and eight for Taft. Wilson carried Texas with 221,589 votes, compared with 28,853 for his closest opponent, Roosevelt.<sup>75</sup> That this impressive victory was in large part due to the work of the Woodrow Wilson League and the organizing work of Gregory there can be little doubt.

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<sup>75</sup>The Texas Almanac, 1966-1967, 576.

## CHAPTER III

### THE PRE-WAR YEARS: 1913-1917

The years from 1913 to 1917 were to see Gregory become immersed in the work of the Attorney-General's office, the most difficult jobs being anti-trust cases and security matters arising out of the war in Europe. As a result of his work on behalf of Wilson in Texas and his reputation as an able anti-trust lawyer in the Waters-Pierce case, Gregory was appointed as special assistant Attorney-General in charge of prosecuting the New Haven Railroad Company for violating the Sherman Anti-Trust Act.

The history of this case begins in 1903, when J. P. Morgan obtained control of the New Haven Railroad and during the next ten years proceeded to monopolize all public transportation in New England. In the process he almost bankrupted the New Haven Railroad.<sup>1</sup> In May, 1908, a suit was brought against the New Haven Railroad Company. The suit was discontinued in June, 1909, and the company

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<sup>1</sup>Link, Woodrow Wilson: The New Freedom, II, 422.

continued to enlarge its hold upon the transportation systems of New England.<sup>2</sup>

Rumors started on Wall Street that Attorney-General McReynolds was going to secure Louis Brandeis to prosecute the New Haven case. The views of Brandeis toward big business were well known and this caused the stock of the New Haven Company to weaken.<sup>3</sup> The rumors proved to be unfounded as, on May 20, 1913, McReynolds turned the case over to Gregory.<sup>4</sup>

Gregory had already aided McReynolds in obtaining a dissolution of the Union Pacific Railroad's control of its competitor, the Southern Pacific Railroad Company. It was Gregory's opinion that this was the first decree based on a violation of the Sherman Anti-Trust Act that accomplished anything in the way of a remedy.<sup>5</sup> By the summer of 1913, securities of the New Haven Company had shrunk enormously in value.

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<sup>2</sup>U.S., Department of Justice, Attorney-General's Report, 1916, 12.

<sup>3</sup>Alfred Lief, Brandeis, The Personal Life of An American, 271.

<sup>4</sup>Link, Wilson, II, 421

<sup>5</sup>Ibid., 419.

Gregory worked all through the summer and autumn of 1913 and built up such an airtight case for the government that the New Haven directors decided to give in rather than fight the case in court.<sup>6</sup> Gregory believed that it was the duty of the Department of Justice to handle the case in a way that would bring the least distress to the already unsettled industries of New England.<sup>7</sup> Wilson wanted the criminal aspects of the case put before a grand jury.<sup>8</sup> In his first annual report Gregory said:

[The] criminal aspects of the case were kept constantly in mind and care was taken to do nothing which might interfere with proper prosecutions at the appropriate time.<sup>9</sup>

In the meantime the company had come under new management and it requested that negotiations be started with a view to avoiding a long and unsettling contest in court. The request was granted. A plan for voluntary dissolution, based on a decree issued by the United States District

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<sup>6</sup>Ibid., 421.

<sup>7</sup>U. S., Department of Justice, Attorney-General's Report, 1916, 12.

<sup>8</sup>Josephus Daniels, The Wilson Era, I, 234.

<sup>9</sup>The New York Times, December 11, 1914, 14.



Court for the Southern District of New York on October 17, 1914, was agreed upon.

This decree provided: (1) Agreements between the New Haven Company and the New York Central for joint operation of the Boston and Albany Railroad would be cancelled; (2) The company would give up control of the Boston and Maine Railroad; (3) The company would get rid of its interests in trolley lines; (4) The company would dispose of its interests in ocean steamship lines between New England and New York, Philadelphia, Baltimore, and other Atlantic seaports; (5) The Interstate Commerce Commission would decide if the company would be permitted to retain control of its steamboat lines on Long Island Sound.<sup>10</sup>

In 1914, as a result of Gregory's work on the New Haven case and a cabinet squabble, Wilson appointed Gregory as Attorney-General to replace James McReynolds. McReynolds had gotten into a disagreement with the Secretary of the Treasury, William McAdoo, over the construction of the new Department of Justice building. McAdoo wanted the construction handled by the Treasury Department, whereas McReynolds

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<sup>10</sup>U. S., Department of Justice, Attorney-General's Report, 1914, 12-13.

believed the Department of Justice had the right to build its own building. McReynolds offered to resign if necessary. As the tension in the cabinet was becoming more intense daily, Wilson eased it by appointing McReynolds associate justice of the Supreme Court.<sup>11</sup>

House made the following comment to Wilson concerning Gregory's qualifications for the Attorney-General's post:

Gregory is very able and has been exceedingly successful with New Haven affairs, but it has not spoiled him in the last. He is one of the few that I have ever met who, I believe, would never get "the big head" no matter how successful he became. He is not only able, but is as loyal as the Legion of Caesar.<sup>12</sup>

Gregory hesitated to accept the position, saying to McAdoo that it was a big job and that he was a little deaf, a handicap that might cause trouble at cabinet meetings. Upon the urgings of McAdoo and House, however, he accepted.<sup>13</sup> The Senate confirmed his appointment on August 24, without a dissenting vote. There was practically no debate

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<sup>11</sup>James Kerney, The Political Education of Woodrow Wilson, 296-297.

<sup>12</sup>Seymour, Papers, I, 142-143.

<sup>13</sup>William G. McAdoo, Crowded Years, the Reminiscences of William G. McAdoo, 184.

on the nomination.<sup>14</sup>

House, ever ready with advice, told Gregory that he must not get into tenuous arguments, but should present his position briefly and never repeat himself. When he found that he and the President's minds were in agreement, he should not waste the President's time by giving his opinions.<sup>15</sup>

Upon taking over the office Gregory found he had inherited a number of problems, one of the biggest of which was litigation arising out of claims to land on the Navy's oil reserves. President Taft, under the authority of the Pickett Act of 1910, had withdrawn 3,000,000 acres of oil lands from the public domain and set aside two reserves in California in 1912--Reserve Number 1 in the Elk Hills and Reserve Number 2 in the Buena Vista Hills. These were to be for the use of the Navy exclusively. Claims had already been filed for land in the two reserves, mainly in Reserve Number 2. The most important of these were the claims of the Honolulu Oil Company in Reserve Number 2.<sup>16</sup>

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<sup>14</sup>The New York Times, August 30, 1914, II, 14.

<sup>15</sup>Walworth, Woodrow Wilson, I, 419.

<sup>16</sup>Link, Wilson, II, 133.

The litigation over withdrawn oil lands can be divided into two classes:

1. Those that involve lands within the limits of the withdrawal orders and that were held by the Southern Pacific.

2. Public land that was reserved through Executive orders.<sup>17</sup>

It was the second of these that was to lead to the quarrel between Secretary of the Interior, Franklin Knight Lane, and Secretary of the Navy, Josephus Daniels. The lands involving the Southern Pacific, valued at over \$215,000,000, were in California. It was the government's position that the mineral character, concealed from the government, was known to the company when it applied for patents.<sup>18</sup>

The Southern Pacific had obtained patents to these lands by the Act of July 27, 1866, even though that act excepted and reserved mineral lands. Attorney-General Wickersham brought suit in December, 1912, to retain these lands. In June, 1915, the federal district court ruled in favor of the government. The company appealed and on May

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<sup>17</sup>U. S., Department of Justice, Attorney-General's Report, 1916, 454.

<sup>18</sup>Ibid.



6, 1918, the circuit court of appeals reversed the decision of the district court. Gregory docketed an appeal to the United States Supreme Court on August 3, 1918. On November 17, 1918, this court returned the lands to the government.<sup>19</sup>

Lands in the second class were withdrawn by Taft in 1909, before the passage of the Pickett Act. The object of the withdrawal was to reserve oil lands until Congress could make new regulations to govern their development and to insure a reserve of oil for the Navy. Lands in this class, valued at \$60,000,000, included 50,000 acres in California and 8,680 acres in Wyoming.<sup>20</sup>

In 1913 several suits were filed by the Justice Department against trespassers on these lands. One of the suits was against the Midwest Oil Company. In May, 1913, the case of the United States vs. Midwest Oil Company was argued and a decision given against the government in June of that year. The Government appealed the decision and a judgement was given in February, 1915, upholding the validity of the withdrawal.

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<sup>19</sup>John Ise, The United States Oil Policy, 292.

<sup>20</sup>U. S., Department of Justice, Attorney-General's Report, 1916, 454-455.

In the other cases the Wyoming decision was accepted as a precedent. These cases were kept open by motions for rehearings, which stood until the Supreme Court decision, when the motions were granted and the orders dismissing the bills were set aside.<sup>21</sup>

The Honolulu Oil Company had several claims to lands in both the California and Wyoming Reserves. Secretary Lane said that he believed that the claims of the company were valid. Josephus Daniels and Gregory persuaded Wilson not to ask Lane to validate the claims until the President had looked into the matter.<sup>22</sup>

Gregory told Daniels he did not believe the company had any legal rights to the reserves. He thought the Navy's claims were sound. Lane informed Daniels, after going over the claims carefully, that he thought the Navy was going to lose. The commissioner of the Land Office had already approved thirteen of the claims and Lane saw nothing to do but affirm the findings of the commissioner.<sup>23</sup>

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<sup>21</sup>U. S., Department of Justice, Attorney-General's Report, 1916, 456.

<sup>22</sup>Link, Wilson, II, 133.

<sup>23</sup>Daniels, The Wilson Era, I, 374.

Up to this time the Secretary of the Interior, the Secretary of the Navy, and the Attorney-General had all been working more or less independently of each other. At the end of the fiscal year 1915, arrangements were made to avoid duplication of effort. They agreed that matters should be pushed as fast as possible and that the Department of the Interior would dispose of all applications for patents. The lands in dispute in California were put in receivership and, in order to cut expenses, the same person, H. W. Payne, was made receiver in all cases.<sup>24</sup>

Despite the attempts at co-operation among the departments the differences between Lane and Daniels were growing more intense. These differences became public on January 8, 1916, when the House approved a mineral leasing bill that would have provided relief for oil operators who had made invalid claims in good faith and were already pumping oil. Lane and some of the Senate leaders tried to secure a compromise by which holders of doubtful claims on land in the reserves who had already dug wells would obtain

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<sup>24</sup>U. S., Department of Justice, Attorney-General's Report, 1916, 457.

leases and pay back future royalties on all oil produced.<sup>25</sup>

Several years earlier, on August 25, 1914, Congress had passed a law whereby applicants for patents on oil land could work the lease, impounding to the government a sum equal to one-eighth of the value of the oil obtained. By this arrangement the government was getting nearly \$700,000 a year from the Wyoming reserve alone, from land that previously had been returning only \$2.50 per acre until the oil companies came in and found oil.<sup>26</sup>

It was not the money the government was getting that mattered to Gregory, Daniels, and other leading proponents of conservation such as Gifford Pinchot and William Kent. They felt that Lane had surrendered to private interests and therefore opposed his leasing bill.<sup>27</sup> Daniels was concerned for another reason: with the war raging in Europe it was apparent that the United States would become involved at some time and Daniels wanted to make sure the Navy had ample supplies of oil for its ships.

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<sup>25</sup>Link, Wilson, II, 134.

<sup>26</sup>U. S., Congress, Congressional Record, 65th. Congress, 2nd. Session, LVI, part 2, 10804.

<sup>27</sup>Arthur S. Link, Woodrow Wilson and the Progressive Era: 1910-1917, 30.



In a letter to Senator Tillman, chairman of the Committee on Naval affairs, on February 17, 1916, Daniels wrote:

These reserves were relied upon when the policy of building oil-burning ships was adopted, and now that we have a large and increasing number of ships that depend solely upon oil for fuel it is of the utmost importance that the rights and needs of the Navy be not overlooked in the effort to relieve claimants of oil lands.<sup>28</sup>

In an address before the American Mining Congress in February, 1916, Daniels said:

If private individuals have valid claims on these lands, they must be adequately compensated for their claims, but they must cease to remove oil from these lands.<sup>29</sup>

At this time a series of articles appeared in the New York Herald trying to prove that Lane was in collusion with the oil operators. Lane struck back, charging that Daniels and Gregory were attempting to involve him in a scandal. Things cooled off when Daniels and Gregory flatly stated that they had nothing to do with the articles in the Herald.<sup>30</sup>

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<sup>28</sup>U. S., Congress, Congressional Record, 65th. Congress, 3rd. Session, LVII, part 5, 4493.

<sup>29</sup>U. S., Congress, Congressional Record, 65th. Congress, 3rd. Session, LVII, part 5, 4493.

<sup>30</sup>Link, Wilson, II, 134.

Actually Pinchot had made the charge that Lane was a friend of the oil companies in a letter published in August, 1916. In the letter Pinchot said that McReynolds and Gregory had from the start favored the Navy and national defense against the claims of encroachers. He charged Lane with putting the interests of the trespassers before the Navy and national defense.<sup>31</sup>

Several months later, in a letter dated June 2, 1917, Gregory tried to persuade Lane to agree to a receivership.

If these properties were handled by a receiver . . . the entire production less the cost of conservative operation would be impounded, to the end that the Government could recover the full value of the property in the event of a final decision against the claimant. This is the rule adopted by the courts in a number of similar cases in which a receiver has been appointed to conserve the property. It is also in principle the rule adopted by your department in . . . three . . . cases in Wyoming. In those cases the agreements require a deposit of the proceeds of the entire production, less 6 cents per barrel of oil to cover operating expenses. This exception was made in these three cases in order to protect the asserted rights of rival claimants. I can not find any justification for confining the Government to a lesser measure of protection than that which is accorded to adverse claimants. Indeed, I am unable to regard the position of the Government in these cases in any other light than that of an adverse claimant.<sup>32</sup>

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<sup>31</sup>Ise, Oil Policy, 336.

<sup>32</sup>U. S., Congress, Congressional Record, 65th. Congress, 2nd. Session, LVI, part 11, 10805.

In reply on June 20, 1917, Lane wrote:

. . . it would be entirely impractical to attempt to make a contract to impound all the proceeds subject to a provision that later on, after the hearing is held, this department should then presume to render a judgment on the measure and the amount of damage which the defendant should be required to pay in case the title is held to be in the Government. I have sought, therefore, to get for the Government under these contracts the same recompense for the use of these lands, in case title should be determined to be in the Government, that the Government would have received as the owner, in effect, recompense on the basis of an innocent trespass. One-eighth is the ordinary commercial royalty. Bills passed by both Senate and House have been on that basis. The Government has received under these contracts the proportionate advantage arising from the increased price of oil. In some cases, notwithstanding the operator was under a long time contract to sell his oil at a price which proved to be much lower than the market, we have nevertheless insisted on one-eighth of the market for the Government's portion. In this connection it should be clearly borne in mind that in the oil business more than in most any other, the cost of operation, after wells are down, and the cost of production, are two widely different factors.<sup>33</sup>

Lane thus ignored the issue of conservation of the oil for future use, thinking only in terms of the money involved in production at the time.

In another letter to Lane dated July 14, 1917, Gregory wrote:

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<sup>33</sup>U. S., Congress, Congressional Record, 65th. Congress, 2nd. Session, LVI, part 2, 10806.



The increasing demand for oil is now inducing applications by these operators for permission to drill additional wells. The drilling of new wells on withdrawn lands outside of and not contiguous to the naval reserves might well be granted if the rights of the Government were properly safeguarded, but I should regard such new operations under the existing agreements as but an extension of a system likely to result in turning over to trespassers on lands of the United States a large portion of the fruits of their trespasses.

You regard the present as an especially unfortunate time to readjust these agreements upon the basis of receivership operations, because such a policy would lead to a restriction of output. I am unable to share this apprehension. If any claimant charged with fraud or unlawful entry should decline to operate upon a basis which is just and fair to both parties, the operations may be continued, and extended if necessary, by a receiver. In that event there would be impounded for the protection of the Government in most cases far more than the one-eighth now impounded under the terms of the agreements you are entering into with the claimants.<sup>34</sup>

Lane's reply, dated July 25, 1917, said:

In handling this entire oil situation, which is an unfortunate one at the least, I have endeavored to take such action as would fairly protect and preserve the interests of the Government and at the same time deal fairly with the operators, and not dislocate and disturb more than absolutely necessary the conduct of a great industry of vital importance to the country as a whole.<sup>35</sup>

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<sup>34</sup>U. S., Congress, Congressional Record, 65th. Congress, 2nd. Session, LVI, part 2, 10807.

<sup>35</sup>Ibid.



Somehow rumors were started that Gregory favored the oil leasing bill. Pinchot sent him a telegram saying that there must be some mistake and surely he did not want his name connected with a bill that endangered the interests of the United States.

Gregory replied:

No one can truthfully say that I have favored . . . the so-called coal and oil leasing bill. Members of both Houses of Congress are aware of the fact that I have declined to advocate its passage.<sup>36</sup>

Apparently Lane changed his mind about the legality of the oil companies' claims, because in mid-1918 he informed the holders of these agreements that after a certain date the claims would be cancelled and all proceeds would be impounded except a sum to cover operating expenses.<sup>37</sup> This action came, however, only after Gregory, Daniels, and Senator Swanson met in January, 1918, and agreed on a bill to give the President power to take over the reserves, including those in litigation, and operate them through the office of Secretary of the Navy.<sup>38</sup> After Lane eventually

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<sup>36</sup>Ibid., 65th Cong. 3rd. Sess., LVII, part 5, 4493.

<sup>37</sup>U. S., Congress, Congressional Record, 65th Cong. 2nd. Sess., LVI, part 2, 10808.

<sup>38</sup>E. David Cronon, (ed.), The Cabinet Diaries of Josephus Daniels, 1913-1921, 261.

resigned, his successor, John Barton Payne, reversed the decision of the Commissioner of the Land Office and denied the applications of the oil companies. The belief of Gregory and Daniels that Lane was on the side of the oil companies is somewhat borne out by the fact that after his resignation he accepted a position with Pan-American Petroleum and Transport Company at a salary reported to be \$50,000 per year.<sup>39</sup>

Gregory had an opportunity to leave the attorney-general's office in 1916, when a vacancy appeared on the Supreme Court and Wilson offered it to him. The Handbook of Texas erroneously states that he was offered the position of chief justice, but the position actually offered him was that of associate justice.<sup>40</sup> Gregory refused the position for several reasons. His son says that it was because of his deafness and that he did not want to wear a hearing aid. Gregory also felt that he was not qualified for the position.<sup>41</sup> A much more likely reason is given by The Houston

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<sup>39</sup>Ise, Oil Policy, 336.

<sup>40</sup>Letter from J. N. Gregory to author, October 5, 1965.

<sup>41</sup>Personal interview with Thomas Watt Gregory, Jr., September 28, 1965.

Post on February 28, 1933. It states that Gregory foresaw America's entrance into World War I and realized "the necessity for a firm, strong hand in the administration of justice, which would be compelled to deal with so many momentous, intricate and delicate questions growing out of and incident to our position in that great struggle."<sup>42</sup>

The fact that Gregory had been offered a seat on the court was kept secret until his death in 1933, since he did not want the man who was eventually given the post to feel that he was a second choice. Gregory, with justifiable pride, asked Wilson to send him a letter stating he had offered the position.<sup>43</sup> Wilson did so, saying in the letter that Gregory's refusal to accept the appointment was a great loss to the court.<sup>44</sup>

The death of Justice Joseph R. Lamar in 1916 provided another vacancy on the bench and Gregory recommended Louis D. Brandeis to replace him. In 1927 Gregory told Ray Stannard Baker that he went to Wilson and said:

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<sup>42</sup>The Houston Post, February 28, 1933, 6.

<sup>43</sup>Personal interview with Thomas Watt Gregory, Jr., September 28, 1965.

<sup>44</sup>The Houston Post, February 27, 1933, 1.

I am going to make a suggestion, . . . and I am going to ask you not to respond to it for a week. I am going to recommend Louis Brandeis for the Supreme Court. My reason is that he is one of the most progressive men in the United States and equal to the best in learning and ability.<sup>45</sup>

The appointment of Brandeis was to cause an uproar. Brandeis was charged with being radical, theoretical, extravagant, reckless, prejudiced, intolerant, and socialistic.<sup>46</sup> Gregory endorsed him as the greatest lawyer in the country.<sup>47</sup>

As an example of some of the nonsense being circulated against Brandeis, Gregory heard in April that some members of the Senate thought that Brandeis did not believe in a written constitution. He brought this to the attention of Brandeis and steps were taken to put an end to the rumor.<sup>48</sup> United States District Attorney George W. Anderson offered to defend Brandeis. He and Gregory agreed that Brandeis should leave Washington until after the

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<sup>45</sup>Arthur S. Link, Wilson: Confusion to Crisis, 1915-1916, IV, 324.

<sup>46</sup>Alpheus Thomas Mason, Brandeis, A Free Man's Life, 469.

<sup>47</sup>Walworth, Woodrow Wilson, II, 57.

<sup>48</sup>Alexander M. Bickel, The Unpublished Opinions of Mr. Justice Brandeis, 220.



nomination was confirmed.

Gregory prepared a three-page memorandum to Wilson with the request that Wilson make a statement explaining what had prompted him to appoint Brandeis.<sup>49</sup> Following Gregory's suggestion, Wilson wrote a letter on May 4, to Senator Charles A. Culberson stating his reasons for nominating Brandeis. The letter was based on Gregory's memorandum. Culberson read the letter before the judiciary committee, of which he was chairman. This letter cleared up any doubts about whether the President really cared if Brandeis was confirmed or not.

During the next two weeks Gregory, McAdoo, and Albert S. Burleson put pressure on the Democratic Senators to confirm the appointment. Brandeis' appointment was confirmed on May 24, 1916, by a vote of forty-seven to twenty-two.<sup>50</sup>

In 1916 Gregory, like many other Democrats, was also working for the re-election of Wilson. By ten o'clock the night of November 7, it appeared that Charles Evans Hughes had been elected. The indications were so strong that

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<sup>49</sup>Mason, Brandeis, 469.

<sup>50</sup>Link, Wilson, IV, 358-361.

that Gregory and House, instead of going to the Democratic banquet, went to the Bar Association Library to look into the statutes on the subject of the President's resignation.<sup>51</sup>

House felt that the four-month period was too long an interim between election and inauguration, especially with the times as critical as they were. He therefore formulated a plan whereby if Hughes was elected Wilson would appoint him Secretary of State, after asking Vice-President Thomas Marshall and Secretary of State Robert Lansing to resign. Wilson would then resign and thus make Hughes president. Gregory approved the plan, as did Lansing and Frank Polk, counselor for the Department of State. Wilson also approved it, although House did not know this until after the election. When Gregory and House went to investigate the statutes, they found that Wilson would first have to call the Senate into session to confirm the appointment of Hughes as Secretary of State.<sup>52</sup>

On the night of November 7, returns looked especially bad in the West, but, apparently, through the efforts of

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<sup>51</sup>John Dos Passos, Mr. Wilson's War, 181.

<sup>52</sup>Seymour, Papers, II, 378-383.

William J. Bryan, Wilson carried all the western states except Oregon and South Dakota. Bryan supported Wilson even though he disagreed with his European policy.

After the election Gregory wrote to Bryan as follows:

The fine patriotism and good will displayed by you towards the Administration has given much pleasure to all your friends. . . . This is certainly the most remarkable victory for progressive ideas that this country has ever witnessed.<sup>53</sup>

In addition to working for the confirmation of Brandeis, for the election of Wilson, and with the oil leasing question, Gregory also was busy with anti-trust cases during these years. One of the most important anti-trust cases was that involving the International Harvester Company. On April 30, 1912, the Government had filed suit against the company in the District Court of the United States for the District of Minnesota, charging it with being an unlawful combination and monopoly in violation of the Sherman Act. The District Court, on August 12, 1914, held against the company for violation of two sections of the Sherman Act and ordered a dissolution into three equal corporations. This was amended on October 3, 1914, to a division into a number of parts that would restore

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<sup>53</sup>Charles Callan Tansill, America Goes to War, 603.

competitive conditions, but no specific number of divisions was given. The company then appealed to the United States Supreme Court.<sup>54</sup>

On March 29, 1915, Gregory filed a brief before the court asking that the decree of dissolution be carried out:

If defendant's argument prevails . . . if corporate combinations, however comprehensive, do not come within the preview of the act unless, and only so far as they demonstratively "abuse" their power, the inevitable result will be the renewal of that great rush toward concentration which proceeded with ever-accelerating rapidity until checked by the decision of this court in the Northern Securities case.

If makers of harvesting machinery may unite as here, why may not makers of every other species of machinery do likewise? And why may not all these lesser combinations be intergrated into one super-combination of all the metal working industries?

What would prevent, indeed, the creation of combinations with power to control the market for every necessary of life--food, coal, oil, metal, textile fabrics, etc.--or alliances between all these combinations under the control of a few great masters of industry?<sup>55</sup>

The company answered with the argument that, while it had gained control of 80-85 percent of the trade in harvesting machines, it had done so to promote foreign trade and

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<sup>54</sup>Henry R. Seager and Charles A. Gulick, Trust and Corporation Problems, 274-275.

<sup>55</sup>The New York Times, March 30, 1915, 6.



not to restrain, but to establish, domestic trade on a more economical basis. Government statistics indicated that the company had retarded foreign trade.<sup>56</sup> Gregory argued that the Sherman Act forbade the combination of competitive traders into one group with a major proportion of the business in one trade.<sup>57</sup> The court surprised both parties by ordering the case re-argued the following fall. The argument was postponed until March, 1917, when Gregory once again presented the Government's reasons for dissolution, saying that the company controlled 77-85 per cent of the harvesting machine trade and by doing so controlled prices and destroyed competition. When war broke out between the United States and Germany the following month, Wilson had a conference with Gregory and it was decided to ask the court to postpone several anti-trust cases until after the war. Wilson believed that to continue prosecution would disorganize the companies at a time when they were needed for the war effort.<sup>58</sup> The court granted a temporary postponement. When this period of the first postponement ended on

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<sup>56</sup>Ibid.

<sup>57</sup>The New York Times, April 9, 1915, 15.

<sup>58</sup>Baker, Wilson Papers, IV, 383.

January 2, 1918, Gregory asked for postponements on the following suits: the International Harvester Company, the United Shoe Machinery Company, the United States Steel Corporation, the Eastman Kodak Company, the American Can Company, the Quaker Oats Company, and the Corn Products Refining Company. The reason he gave for the request was that ". . . if reorganizations were ordered their financing would interfere with the government's financial operation in prosecuting the war with Germany."<sup>59</sup>

Since the end of the war was not in sight, the International Harvester Company was faced with an indefinite postponement, with resulting heavy financial loss. The company made an agreement with Gregory for the case to be dismissed and arrangements were made for a consent decree from the District Court of Minnesota. By the terms of the decree, filed on November 2, 1918, the company was to sell various subsidiary plants in Ohio, New York, and Wisconsin and was not to have more than one agent in any city or town in the United States.<sup>60</sup>

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<sup>59</sup>Seager and Gulick, Trust and Corporation Problems, 275.

<sup>60</sup>Ibid.

When war started in Europe in 1914, the United States had chosen to remain neutral, but was to find that neutrality presented some problems. On August 5, 1914, Wilson issued an order prohibiting radio stations from transmitting or receiving messages of an unneutral nature. The Secretary of the Navy was directed to enforce this order and to impose a decree of censorship on the radio stations. The Marconi Wireless Telegraph Company of America refused to abide by the order, denying its legality, and was closed on September 25, by order of the President.<sup>61</sup>

Gregory, in his opinion on the legality of the censorship order, said that the President was head of the three branches of government and the armed forces and thus his powers in the preservation of the safety and integrity of the United States were broad. He believed the censorship order to be a reasonable and fair solution of a critical situation. While it did interfere slightly with the operation of the plant, the company should be willing to accept the inconvenience in the interest of the general welfare. Gregory said the powers used by the President were not new, since they had been used by past Presidents on

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<sup>61</sup>The New York Times, September 26, 1914, 4.

numerous occasions and their validity had been upheld by the courts.<sup>62</sup>

Gregory was to a degree responsible for an increase in the armed forces during this period. As the war became more intense, pressure grew for preparedness. As early as August, 1915, Secretary of War Garrison had prepared a plan for a new national reserve of citizen soldiers. The plan called for a first line of defense of 400,000 men with the creation of a new reserve Continental Army. The men would serve for two months of each year for three years, then remain in a ready reserve for three more years. Officers of the Army War College agreed that the National Guard had not proved to be a useful force in the past. What was needed was a new force. The Army War College believed, however, that the National Guard could not be abolished and could not be integrated into the national defense system because of constitutional limitations. Despite the pressing need to solve this legal point, it was not until after the Continental Army Plan had been dropped that Wilson sought an answer.<sup>63</sup>

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<sup>62</sup>Ibid.

<sup>63</sup>Link, Wilson, IV, 18.



In a memorandum to Wilson dated February 25, 1916, Gregory said that for all practical purposes the control of Congress over the National Guard was unlimited and there were no constitutional limitations to federal control. As a result of this opinion a bill was passed on March 23, 1916, which increased the Regular Army from 100,000 to 140,000 men and brought the National Guard under the control of the War Department.<sup>64</sup>

Shortly after the war began evidence of German activities in this country began to appear. In December, 1914, it came to Gregory's attention that there was wholesale forging of American passports by the Germans. This did not appear to worry Wilson, since on December 16, 1914, he sent a letter to Gregory asking him to see to it that no hint of the passport forging came to the attention of the public unless it became something on which the Government would have no alternative except to act. The Federal Bureau of Investigation was put to work and ringleaders of the forging were brought to trial and sent to prison.<sup>65</sup>

At this time the country was filled with stories of

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<sup>64</sup>Ibid., 328-329.

<sup>65</sup>Link, Wilson, III, 558-559.

German intrigue. When Wilson threatened to send Ambassador Count Johann-Heinrich Bernstorff home, it added credence to the stories. From August 15 through August 22, 1915, the New York World published a series of documents acquired by the Secret Service which revealed that there was a large German propaganda and undercover organization at work in this country. These were the so-called Albert Papers, taken by the Secret Service agents from the commercial attache in the German Embassy, Dr. Heinrich Albert.

In an interview Gregory said there was nothing in the papers that would justify criminal proceedings against anyone named or that would give the Department of Justice jurisdiction under any Federal statute. The investigations were continuing to determine if there were violations of the neutrality laws involved.<sup>66</sup> By itself the affair would not have caused much comment, but coming as it did soon after the sinking of the Lusitania it shook what little confidence that existed in German good faith.<sup>67</sup>

Gregory stated publicly that he had numerous reports indicating attacks upon American industry and commerce by

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<sup>66</sup>The New York Times, August 20, 1915, 7.

<sup>67</sup>Link, Wilson, III, 558.

fires and explosions. When Wilson and Lansing demanded the recall of the German Naval and Military attaches, Germany was implicated in the intrigues.

Feeling an urgent need for revision in the laws on neutrality and foreign relations, Gregory on June 3, 1916, sent letters to the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on the Judiciary of the House of Representatives and the State Department asking for changes in the law. He wanted the following: (1) an act to make it a crime to interfere with or prevent the exportation of products from this country by destruction; (2) a law making it illegal to set fire to any ship engaged in foreign commerce of the United States; (3) an act giving the President the power to detain any vessel that he has reasonable evidence to believe is transporting munitions to a belligerent in violation of the neutrality of the United States; (4) an act allowing officials to search vessels in United States ports to deter any attempt to use such vessels in violation of United States neutrality; (5) an act requiring applications for passports to be under oath and making it a crime to misuse passports; (6) an act making it illegal to obtain

unlawfully any facts or information relative to national defense; (7) an act making it illegal for two or more persons to plan in the United States to injure property of a foreign country with which the United States is at peace; (8) an act giving the President power to use land and naval forces to detain any vessel in order to prevent violation of United States obligations to remain neutral.<sup>68</sup> The laws in force at the time either did not mention the above or they were too vague to be of any use. The suggested changes were put before Congress in January, 1917, but it did not act upon them. Thus when the country went to war an Espionage Act was a major objective of the Administration. Throughout the war years Gregory was to complain that his work was hampered by insufficient laws.

As war with Germany drew nearer, United States Attorneys were instructed to locate and prosecute anyone who engaged in activities that were harmful to the United States. On March 27, 1917, a letter was sent to all chiefs of police requesting their cooperation with the Justice Department and asking that they keep the department informed

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<sup>68</sup>U. S., Department of Justice, Attorney-General's Report, 1916, 13-20.



at all times of matters dealing with suspected German intrigues.<sup>69</sup>

As German submarine warfare increased, Wilson began to consider arming the merchant marine. In a letter published in The New York Times on January 20, 1925, Gregory said that ". . . until Germany began its atrocious submarine warfare . . . we had far less cause of complaint against her than we had against Great Britain. . . . Her acts were substantially the same acts that brought on the War of 1812."<sup>70</sup> Wilson, however, supported the British against the Germans even though the British were grossly violating American neutrality. On March 5, 1917, he asked Gregory to investigate the legality of arming the merchant marine. It was feared that to do so would constitute a violation of the piracy statutes of 1819. It was Gregory's opinion that the 1819 law ". . . had reference to conditions when the seas were infested with piratical craft and was not a bar to a ship protecting herself from the effort

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<sup>69</sup>U. S., Department of Justice, Attorney-General's Report, 1917, 54-55.

<sup>70</sup>Paxton Hibben, The Peerless Leader: William Jennings Bryan, 339.

of a German submarine to sink her without warning."<sup>71</sup> On March 9, 1917, Wilson announced he would arm the merchant ships.

In the next year and one-half Gregory's office would be swamped with problems resulting from the war, especially those dealing with sedition and freedom of speech and the press, which would be placed in great danger as a result of feelings engendered by the war.

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<sup>71</sup>The New York Times, March 10, 1917, 1.

## CHAPTER IV

### THE WAR YEARS AND AFTERWARDS: 1917-1933

In January, 1917, Germany renewed unrestrictive submarine warfare. As American shipping losses increased, Gregory and Lansing began to urge war. In his diary entry for March 20, 1917 Lansing states:

Gregory . . . gave it as his opinion that it was useless to delay longer, that the possibility of peace with Germany was a thing of the past, and that he was in favor of assembling Congress as soon as possible, of enacting all necessary legislation, and of pursuing as aggressive action toward Germany as we were able. He went on to speak of German intrigues here, of the departure of German reservists and of the helplessness of his Department under existing laws. He said that every day's delay increased the danger and Congress ought to be called on at once.<sup>1</sup>

War was declared on April 6, 1917. The same day Wilson issued a proclamation establishing regulations for the control and conduct of enemy aliens. The following day Gregory sent a message to all United States Attorneys and Marshalls containing a warning for enemy aliens. It also stated that enemy aliens had nothing to fear as long

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<sup>1</sup>Arthur S. Link, Woodrow Wilson: Campaign for Progressivism and Peace, 1916-1917, V, 406.

as they obeyed the law.<sup>2</sup>

Gregory issued orders on April 18, 1917, for all aliens living within one-half mile of military installations to move, setting June 1 as the date for compliance. By April 24, 1917, forbidden articles must be turned over to the authorities. The orders also provided for the summary arrest of those who showed disrespect to the flag.<sup>3</sup>

On May 6, 1917, Gregory praised the conduct of the enemy aliens since the declaration of war:

The foreign-born citizens of America as a class deserve the highest commendation and praise for the manner in which they have conducted themselves since the declaration of war against Germany. . . .<sup>4</sup>

Congress, on May 18, 1917, passed a conscription bill which required all males between the ages of 21 and 30 to register for the draft. Failure to do so was punishable by a year in prison after which compulsory registration would be used. The Department of Justice began to make preparations to see that those who failed to register or aided others in not registering would be vigorously

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<sup>2</sup>The New York Times, April 7, 1917, 2.

<sup>3</sup>The New York Times, April 19, 1917, 7.

<sup>4</sup>Ibid., May 7, 1917, 10.



prosecuted. In his annual report Gregory said:

In regard to prosecutions for failure to register, the department early adopted the attitude of dealing leniently with all those who thereafter showed a willingness to register, and extended the locus penitentia as far as possible, believing that it was more important to get the eligibles into the Army than to confine them in jail. The result was that the ultimate opposition to the draft by those liable was surprisingly small, considering the persistent propaganda carried on against the policy of the law and against its constitutionality.<sup>5</sup>

The Justice Department adopted the policy of providing punishment for those who failed to register, who tried to hinder registration, and who encouraged others not to register. A force of special agents was mobilized to deal with any violations. Nine arrests were made on May 28, in Texas, where it was said the Germans had gained control of the Farmers and Laborers Protective Association of America and turned it into a weapon for combating the draft. Two men were arrested in Roanoke, Virginia, for laying plans to start a rebellion. In Detroit ten men were arrested for circulating literature against the draft.<sup>6</sup>

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<sup>5</sup>U. S., Department of Justice, Attorney-General's Report, 1917, 74.

<sup>6</sup>The New York Times, May 29, 1917, 3.

Speaking of these cases Gregory said:

These arrests should be accepted by the country generally as a warning against interfering with the enforcement of the new army law. They merely demonstrate what the Department of Justice proposes to do in every case where attempts are made to hinder or discourage registration.<sup>7</sup>

Gregory announced that he expected practically 100 per cent of the men eligible to register and no man would be allowed to escape the draft by leaving the country. Passports would not be issued without the approval of the War Department. Wilson supported this and added that those who had already left the country to avoid the draft would be punished when they returned. On June 2, 1917, Gregory said it had come to his attention that some men were planning to go to jail rather than register, since they felt jail was better than combat. He said that such men would be sent to prison and compelled to register anyway.<sup>8</sup>

The date set for registration--June 5--found resistance small. Only three arrests had been made by the end of the day. Prosecutions were begun immediately. The large proportion of convictions in those cases brought to trial

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<sup>7</sup>Ibid., 1.

<sup>8</sup>The New York Times, June 3, 1917, 3.

shows that the cases were investigated carefully before proceedings were started and only proper ones were prosecuted.<sup>9</sup>

In the meantime a spy scare was sweeping the country. Many people believed the Industrial Workers of the World were opposing the war and anger mounted against this organization. By 1917 the Industrial Workers of the World had a membership of 100,000 and did not hesitate to call strikes in the mines and lumber camps in the western parts of the country. Many people--and not just super-patriots--were convinced that the Germans were behind the strikes. Lynchings occurred in some of the mining camps. Gregory ordered all German members of the organization interned. On September 5, 1917, the headquarters of the group were raided and the leaders arrested.<sup>10</sup>

In his annual report Gregory said:

The prosecution of William Haywood and other leaders of the so-called Industrial Workers of the World . . . is already having a far-reaching and highly beneficial influence toward the maintenance of order

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<sup>9</sup>U. S., Department of Justice, Attorney-General's Report, 1917, 74.

<sup>10</sup>John Higham, Strangers in the Land, Patterns of American Nativism, 1860-1925, 219-220.

and obedience to law throughout the country.<sup>11</sup>

Action was also taken against the motion picture, The Spirit of 1776. This picture was forbidden because it portrayed some British soldiers committing atrocities against revolutionary civilians. It was thought this was not good for the Anglo-American war effort. The picture's producer, Robert Goldstein, was sentenced to ten years in prison. This was later commuted to three years. Gregory was so delighted with this decision that he had it printed in a pamphlet.<sup>12</sup>

Nationalistic societies were formed across the country and various spokesmen for the groups, official and unofficial, urged the public to be on the lookout for sedition. The New York Times urged ". . . every good citizen to communicate to the proper authorities any evidence of sedition that comes to his notice."<sup>13</sup> Even Gregory stated that ". . . complaints of even the most informal or

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<sup>11</sup>U. S., Department of Justice, Attorney-General's Report, 1917, 76.

<sup>12</sup>Dos Passos, Mr. Wilson's War, 298.

<sup>13</sup>H. C. Peterson and Gilbert C. Fite, Opponents of War: 1917-1918, 20.



confidential nature are always welcome."<sup>14</sup> Letters containing complaints began to arrive at the rate of 1,500 a day, ninety-five per cent of which were of no importance.<sup>15</sup>

John Lord O'Brian, chief of the war-work unit of the Justice Department, told of some of the rumors of sedition and espionage sweeping the country. There were rumors of a phantom ship that sailed into our ports loaded with gold from the Bolsheviks to be used to corrupt the country; of another ship carrying ammunition from one of our ports to Germany; of submarine captains landing on American soil, going to the theaters and spreading influenza germs, and other stories equally absurd.<sup>16</sup>

Gregory, in November, 1917, referring to opponents of the war, said: "May God have mercy on them, for they need expect none from an outraged people and an avenging Government."<sup>17</sup> The Assistant Attorney-General, Charles Warren, went so far as to advocate courts-martial for civilians opposing the war effort, which Gregory and Wilson

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<sup>14</sup>Ibid.

<sup>15</sup>Nathaniel Weyl, The Battle Against Disloyalty, 88.

<sup>16</sup>Ibid., 89.

<sup>17</sup>Dos Passos, Mr. Wilson's War, 217.

opposed.<sup>18</sup>

Congress, on June 15, 1917, passed the Espionage Act, which provided a \$10,000 fine or prison terms up to twenty years for those who made false reports, caused insubordination, mutiny, or disloyalty and for those who obstructed the recruitment service of the United States.<sup>19</sup> By this time the Bureau of Investigation was overworked. Bureau Chief, Bruce Bieloski, received a letter from A. M. Briggs, an advertising executive in Chicago, suggesting a volunteer organization of loyal Americans to help the Bureau. The idea was approved by Gregory and the American Protective League was formed. Within three months it had 100,000 members. Each member was given a badge reading: "American Protective League, Secret Service Division."<sup>20</sup>

On June 4, 1917, Wilson wrote Gregory expressing doubt as to the necessity of this organization, adding that it was dangerous. McAdoo, in a letter to Gregory, dated June 2, 1917, said:

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<sup>18</sup>Don Whitehead, The FBI Story, 33.

<sup>19</sup>Harry N. Scheiber, The Wilson Administration and Civil Liberties, 1917-1921, 17.

<sup>20</sup>Whitehead, FBI, 33.

For 75 cents or \$1.00, membership maybe obtained in this volunteer organization and authority conferred, with the approval of the Department of Justice, to make investigations under the title of 'Secret Service' . . . You will recall that during the American Revolution a voluntary organization similar in character, I imagine, to the one in question was formed under the title of 'Sons of Liberty'. It committed grave abuses and injustices. This 'Secret Service' division of the American Protective League contains the same evil potentialities, especially since it is operating under the sanction of the Department of Justice. I am, of course, not advised as to whether or not there is authority of law for such sanctions on your part.<sup>21</sup>

Gregory upheld the work of the American Protective League, but promised to have the words "Secret Service" removed from the badges. The new badges would contain the words: "American Protective League, Auxiliary to the U. S. Department of Justice."<sup>22</sup>

In the meantime Gregory's agents were securing indictments against those suspected of sedition and disloyalty. Using what were called "presidential warrants" when they could not get real warrants, the agents were working hard to put the disloyal and seditious in jail. The general public joined in the hue and cry, turning

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<sup>21</sup>Weyl, Battle Against Disloyalty, 88.

<sup>22</sup>Whitehead, FBI, 35.

against anyone and anything remotely German.<sup>23</sup> As anti-German sentiment mounted many members of the American Protective League began to mix their ". . . antiradical, anti-Bolshevik, antiliberal, and anti-Socialist . . ." <sup>24</sup> attitudes with their regular duties. Many injustices were the result.

At this time, early 1918, the Justice Department was receiving upwards of 1,500 letters of complaint a day, most of which were useless.<sup>25</sup> In a letter to Congressman James A. Frear, Gregory said that an investigation by his department had failed to secure any evidence that spies were putting glass and other harmful substances into food. The glass which was found in the food had gotten there by accident.<sup>26</sup>

In a letter to Representative Gilbert A. Currie, of Michigan, dated April 12, 1918, Gregory said that reports of spies were grossly exaggerated. Currie had written to

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<sup>23</sup>Dos Passos, Mr. Wilson's War, 300.

<sup>24</sup>Harold M. Hyman, To Try Men's Souls: Loyalty Tests in American History, 282.

<sup>25</sup>The New York Times, April 16, 1918, 12.

<sup>26</sup>Ibid., April 15, 1918, 10.



Gregory on April 2, saying there was a strong feeling in the country that the authorities were too lenient with spies. Gregory replied that if such feelings did exist it was due to a lack of Federal laws on the subject and not a lack of activity on the part of the authorities. He went on to say:

. . .there are in this country today more than 450,000 German, 600,000 Austrian, and 400,000 Hungarian enemy aliens--that is unnaturalized males upward of 14 years of age--estimating three to a family, there would be within the United States about 4,000,000 persons who are either male enemy aliens or members of their families. If you will bear in mind that we have quite as much, if not more, troubles with native and naturalized Americans as we have with enemy aliens, you will get some idea of the magnitude of the work which daily confronts this department.<sup>27</sup>

In the same letter Gregory remarked that the country had been at war for a year, but there were no Federal statutes except the treason law that the government could use to prosecute spies and saboteurs. What was needed was the passage of sabotage and passport bills.<sup>28</sup> In a speech before the American Bar Association, on April 16, 1918, Gregory again complained about the lack of laws. He

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<sup>27</sup>U. S., Congress, Congressional Record, 65th Congress, 2nd Session, LVI, part 5, 5096.

<sup>28</sup>Ibid.

asked the lawyers for their help in securing the suppression of lynch law, the prevention of clearly unconstitutional laws, the enforcement of the Federal statutes, the passage of supplemental laws by State legislatures and their enforcement by State executives, and the protection of the nation against the propaganda of pacifists.<sup>29</sup>

Gregory's desire for new laws was fulfilled. The Sabotage Act was passed on April 20, 1918. It provided punishment for those who destroyed property, no matter how unimportant that property was to the war effort. The Sedition Act was passed on May 16, 1918. This provided punishment for saying, printing, writing, or publishing almost anything critical of the Government, flag, constitution, or armed forces and curtailing production of anything necessary to the war effort. The Postmaster-General could refuse to deliver mail to anyone using the mails in violation of the act. Gregory approved the Acts and said they were of necessity framed in general language. There should not be any abuses of the powers if reasonable caution and discretion were used on the part of law officials. Gregory did have doubts about the power given the Postmaster-

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<sup>29</sup>Ibid., part 6, 6235.

General, believing that such power used by an administrative official could have a harmful effect upon freedom of speech.<sup>30</sup> McAdoo also had doubts. He demanded that all federal investigative operations be centralized in the Treasury Department. He believed the duplication of effort resulted in inefficiency and injustice. Wilson was willing to let the matter drop in order to maintain peace in the cabinet. McAdoo let the affair drop, but did put his agents to work investigating the American Protective League.<sup>31</sup>

The American Protective League continued to grow and with growth it became more aggressive. It published a weekly called The Spy Glass, which provided instructions for members as to methods of operations, suggesting that they pose as automobile salesmen, credit investigators, and newspapermen.<sup>32</sup> George Creel, speaking of the operations of these super-patriots, said a pin could not be dropped in the home of a person with a foreign name without it sounding

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<sup>30</sup>Scheiber, The Wilson Administration, 22-28.

<sup>31</sup>Hyman, To Try Men's Souls, 286-287.

<sup>32</sup>Hyman, To Try Men's Souls, 274.

like a storm in the ears of some sleuth.<sup>33</sup>

Gregory tried to keep the more important work in the hands of regular agents. Some members of the League objected to this. A friend of Gregory's who taught at the University of Texas and was head of the local American Protective League complained that the Justice Department had taken over all possible German espionage work, in which he demanded a share. Gregory replied that there was a great deal of hysteria about German spies and if his friend would ". . . kindly box up and send me from one to a dozen . . ." <sup>34</sup> he would be well paid for the trouble. The members of the organization became overzealous. When drafted into the army, some members took their badges with them and began to investigate their officers and comrades in arms. Colonel Van Dieman, head of Military Intelligence, protested so loudly that Gregory was forced to chastise the League publicly.<sup>35</sup> By this time Gregory was able to make the statement: "It is safe to say that never in its history

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<sup>33</sup>Ibid., 212.

<sup>34</sup>Ibid., 276.

<sup>35</sup>Hyman, To Try Men's Souls, 278.



has this country been so thoroughly policed."<sup>36</sup>

Gregory was informed by the Secretary of War, Newton D. Baker, on August 5, 1918, that as of June 10, 1918, there was a known desertion of 308,489 men from the draft. The Department of Justice, the Bureau of Investigation, and the American Protective League now resorted to what were called "dragnet" methods of apprehending the deserters. Thousands of men were arrested on the streets of New York and other large cities. These raids were well-planned in advance and, at the given hour, agents would descend on men on the streets in a given area of the city. All men who did not have a draft card with them were jailed, sometimes for a few hours, often for days in the cases of those from out of town.<sup>37</sup> Josephus Daniels said: "It put the fear of God in others just before the new draft."<sup>38</sup>

Public outrage was so strong against this sort of action that Wilson, on September 15, 1918, asked Gregory for a report:

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<sup>36</sup>Peterson and Fite, Opponents of War, 20.

<sup>37</sup>Whitehead, FBI, 38.

<sup>38</sup>Cronon, Diaries, 338.

May I not ask that you let me know at your early convenience exactly what the action of representatives of the Department of Justice was in New York, and the circumstances of that action, in making arrests of persons charged with being slackers? The arrests have aroused so much interest and are likely to give rise to so much misunderstanding that I would be very much obliged to you if you would let me know all the facts and circumstances.<sup>39</sup>

In his reply to Wilson, dated September 10, Gregory took full responsibility for the raids. Contrary to his expressed instructions, members of the military forces were used in ways that were clearly unlawful,<sup>40</sup> although The New York Times thought military forces should be used in such cases since there were not enough police to do the job.<sup>41</sup> Gregory also said his agents had acted against his instructions and had often done so without consulting him. They had not meant to do any wrong, but had done so because of an ". . . excess of zeal for the public good. While this extenuates, it does not excuse their action."<sup>42</sup> Gregory approved of the "dragnet" concept, saying some process of this sort was essential. He would continue to use it

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<sup>39</sup>Baker, Wilson Papers, VIII, 386-388.

<sup>40</sup>The New York Times, September 12, 1918, 10.

<sup>41</sup>Ibid., September 13, 1918, 13.

<sup>42</sup>Max Lowenthal, The Federal Bureau of Investigation,

unless Wilson directed him otherwise.<sup>43</sup>

The war ended on November 11, 1918, but the work of the American Protective League continued. On November 21, 1918, Gregory paid tribute to the organization which had 2,250,000 members by that date. He said that the work was not finished. The league's services could not

. . . yet be dispensed with. Illegal activities harmful to the public morale during the discussion of peace terms must be watched for and reported. Violations of the war statutes, all of which are still in force, must be prosecuted. Pending investigations must be continued. . . .<sup>44</sup>

A month later, on December 26, 1918, orders were given for the American Protective League to disband as of February 1, 1919, as Gregory believed that peace was no place for organized citizen counter-espionage.<sup>45</sup> The records show that from the beginning of the war 50,000 alien-enemy cases had been investigated, 6,300 warrants for the arrest of alien enemies had been issued, 300,000 alleged violations of the draft act were investigated, and 50,000

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<sup>43</sup>Peterson and Fite, Opponents of War, 234.

<sup>44</sup>The New York Times, November 22, 1918, 3.

<sup>45</sup>Ibid., December 27, 1918, 7.

delinquents were apprehended.<sup>46</sup>

The American Protective League, however, died hard. Many units did not send in their files. Officials kept dossiers as souvenirs. Some donated their records to their home state. Almost all kept their badges. For nearly a year some members continued to operate against supposed radicals, without any authority. League Director Briggs tried to keep the organization as a permanent postwar watch-dog. He said it was necessary to help the soldiers returning from France to re-establish themselves. Gregory censured Briggs, and the American Protective League was officially disbanded on February 1, 1919.<sup>47</sup> On that date Gregory issued a statement in which he praised the work of the organization: "The work of your organization will long be an inspiration to all citizens to render their full measure of service to their country according to her need, without reward, and with abundant zeal."<sup>48</sup>

Emerson Hough, in his book The Web, praised the

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<sup>46</sup>U. S., Congress, Congressional Record, 66th Congress, 1st Session, LVIII, part 2, 1709.

<sup>47</sup>Hyman, To Try Men's Souls, 293-294.

<sup>48</sup>Emerson Hough, The Web, 10.



American Protective League:

[It] fought battles, saved lives, saved cities, saved treasures, defended the flag, apprehended countless traitors, did its own tremendous share in the winning of the war. It saved America. It did protect. It was a league.<sup>49</sup>

It also caused a large number of injustices.

The activities of 1917-1918, however, did provide a lesson on the evils of de-centralization, something McAdoo had warned of earlier. This de-centralization resulted in a wide variation of the application of the laws according to the prejudices of the agents. Many functions were given to members of the American Protective League, who often violated Gregory's orders and were a constant source of embarrassment to the Administration. That Gregory was aware that injustices could occur is shown by a statement he made in April, 1917, when the University of Texas had dismissed all aliens on its staff. Gregory said the Administration was afraid that the public would discriminate against aliens and any unreasonable action, such as that of the University of Texas, would only hamper the war effort.<sup>50</sup>

Gregory did not centralize enforcement of the

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<sup>49</sup>Ibid., 13.

<sup>50</sup>Scheiber, The Wilson Administration, 43-45.

Espionage and Sedition Act, but in his defense it should be noted that he was dealing with a large number of officials, many of whom were in the remote western parts of the nation. Mistakes made by these men were charged to him. He believed the views of the local District Attorneys should be accepted except in unusual cases, but as more and more attorneys proved to be irresponsible, Gregory appointed several special assistants to take over. These were responsible directly to him. Finally, on October 28, 1918, he ordered federal attorneys to secure approval from Washington before taking cases to grand juries. Gradually the number of presentments declined.<sup>51</sup> The good effects of centralization can be seen in the internment process. Gregory directed this himself. He ordered the federal attorneys to have all planned arrests submitted to the Justice Department for consideration. Of the 3,500,000 enemy aliens in the country during the war, 6,300 were arrested and of these only 2,300 were actually interned. Abuses were thus kept to a minimum.<sup>52</sup>

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<sup>51</sup>Scheiber, The Wilson Administration, 45-46

<sup>52</sup>Ibid., 44-45.

Other individuals also proved to be immoderate in dealing with cases under the Espionage and Sedition Acts. One judge reported that jurors regarded guilty verdicts in espionage and sedition cases as a way of showing their own loyalty. After the war the Justice Department officials found that some judges imposed severe sentences in these cases in order to promote unity and morale.<sup>53</sup>

In a letter to Wilson on August 21, 1918, Gregory expressed concern that injustices might be done to people that ". . . have not the slightest sympathy with Germany, whose loyalty in so far as they have national loyalty is exclusively for the United States. . . ." <sup>54</sup> Notwithstanding the fact that many of the injustices were a result of violations of Gregory's orders, many people held him entirely responsible. Donald Johnson said that Gregory had given ". . . unfeeling and ruthless treatment. . ." to those who had opposed the war. He thought Gregory had allowed the organization of vigilante committees that

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<sup>53</sup>Ibid., 43.

<sup>54</sup>Harry N. Scheiber, "The Political Career of A. Mitchell Palmer: A Comment," Pennsylvania History, 26:378, October, 1959.

violated more laws than the aliens they pursued.<sup>55</sup> This is an unfair accusation. Gregory had publicly condemned the extremists and had opposed a bill that would have provided for military courts to try private citizens interfering with the war effort.<sup>56</sup>

Far from condemning Gregory for being too harsh, Representative Kreider of Pennsylvania thought him too lenient. Kreider, on June 21, 1919, said that all the trouble then being encountered with anarchists and communists arose from Gregory's not having done his job during the war. Kreider believed that all who opposed the war effort should have been shot. He hoped the new Attorney-General, A. Mitchell Palmer, would stamp out the anarchists.<sup>57</sup>

Soon after the war ended Gregory and his assistant,

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<sup>55</sup>Donald Johnson, "The Political Career of A. Mitchell Palmer," Pennsylvania History, 25:350, October, 1958.

<sup>56</sup>Scheiber, "The Political Career of A. Mitchell Palmer: A Comment," Pennsylvania History, 26:377, October, 1959.

<sup>57</sup>U. S., Congress, Congressional Record, 66th. Congress, 1st. Session, LVIII, part 2, 1705.



John Lord O'Brian, reviewed all the Espionage Act convictions that affected those persons still in prison. Pardons were granted in many cases. On Christmas Day, 1918, restrictions against all enemy aliens were lifted, except for those who were actually interned.<sup>58</sup> The question was raised about a general amnesty for those who had been imprisoned under the wartime act. Gregory said that no such amnesty was possible because no one was being kept in prison because of expositions of views on political, economic, or social questions, including the war. Every one of those held had violated a specific law.<sup>59</sup> Before leaving office in March, 1919, however, Gregory recommended more than 100 commutations of sentences because he believed that injustices had resulted. He believed that Eugene V. Debs had been fairly sentenced and should not be released.<sup>60</sup>

In later years, a lesson was learned from the abuses of 1917-1918. Only two weeks after Pearl Harbor was

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<sup>58</sup>Scheiber, "The Political Career of A. Mitchell Palmer: A Comment," Pennsylvania History, 26:378, October, 1959.

<sup>59</sup>Peterson and Fite, Opponents of War, 269.

<sup>60</sup>Scheiber, The Wilson Administration, 269.

attacked in 1941, Attorney-General Francis Biddle ordered a centralization of all federal prosecutions, and for the first time in history the Supreme Court defended civil rights during hostilities. It held the 1917 Espionage Act would be applicable only during the war.<sup>61</sup>

On October 24, 1918, Wilson made a plea for the return of a Democratic Congress and attacked the Republicans and their leaders. During the war Wilson had shown little or no partisanship in his appointments to the war agencies and this plea came as a shock to the Republican officeholders and leaders. It also gave them a campaign issue which they had been without up until that time. Wilson had been pushed into this action by pressure from the Democratic leaders in Congress and by Joseph Tumulty and Postmaster-General Albert Burleson. Herbert Hoover says that Gregory, Lane, Houston and Lansing were opposed to Wilson's partisan appeal.<sup>62</sup> Nevertheless, on November 3, 1918, Gregory issued a statement asking the people to uphold Wilson by returning a Democratic Congress. Gregory said

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<sup>61</sup>Hyman, To Try Men's Souls, 329.

<sup>62</sup>Herbert C. Hoover, The Ordeal of Woodrow Wilson, 14-16.

the Republican Party, with Theodore Roosevelt as unofficial leader, had all along tried to discredit Wilson. If the Republicans were put into power they would prevent the passage of legislation necessary for carrying out Wilson's policies.<sup>63</sup>

Gregory apparently changed his mind six years later. In 1924 he sent a letter to Charles Seymour, quoted in the Intimate Papers of Colonel House, in which he referred to Wilson's plea as being "un-Wilsonian." He said no member of the cabinet had seen the letter before its publication.<sup>64</sup> Herbert Hoover, head of the Food Administration, endorsed Wilson's statement. Hoover believed that if the election went against the Democrats, Wilson's position in the treaty negotiations in Paris would be weakened.<sup>65</sup>

The end of the war gave Gregory a chance to resign. He offered his resignation to Wilson on January 9, 1919, saying that his reasons were financial and that he had not felt free to put such considerations before public duties

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<sup>63</sup>The New York Times, November 4, 1918, 6.

<sup>64</sup>Seymour, Papers, IV, 222.

<sup>65</sup>Lewis L. Strauss, Men and Decisions, 20.

during the war. His resignation was accepted.<sup>66</sup>

Tumulty sent Wilson a cable urging that A. M. Palmer of Pennsylvania be appointed as Gregory's successor. He thought the vacancy would offer a good chance to realign the independents who had been critical of Southern domination, since both McReynolds and Gregory were from the South.<sup>67</sup> Gregory wanted his assistant, Carroll Todd of Virginia, to be his successor. The leaders of the northern Democrats--Tumulty and the National Chairman, Vance McCormick--did not want Todd because he was a Southerner. House wanted Sherman Whipple, a corporation lawyer from Massachusetts. Wilson instructed Tumulty to prepare a commission appointing Whipple, but Tumulty and McCormick now pushed hard for Palmer and Wilson finally gave in to them. He wrote to Gregory on February 26, 1919, informing him of his decision to appoint Palmer.<sup>68</sup>

Gregory's resignation was effective as of March 4, 1919. One of his last acts as Attorney-General was to

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<sup>66</sup>The New York Times, January 13, 1919, 1.

<sup>67</sup>Kerney, The Political Education of Woodrow Wilson, 303.

<sup>68</sup>Stanley Coben, A. Mitchell Palmer: Politician, 150-154.



send Wilson a letter, dated March 1, 1919, asking for leniency in certain cases of persons convicted under the wartime Espionage and Sedition Acts. He believed that some injustices had occurred, but would not give in to the demand for a general amnesty.<sup>69</sup>

When Wilson was preparing to go to Paris for the peace negotiations, Gregory and House urged him to take some leading Republicans with him. Their support would be needed to get any treaty accepted. In a memorandum to Charles Seymour in August, 1924, Gregory said he had suggested to Wilson that he take some members of the Senate to the peace conference. Wilson refused, telling Gregory he could not appoint Senators to the peace commission since the Senate was an independent body and it would not be fair to ask a Senator to negotiate a treaty which he would have to judge later.<sup>70</sup> As late as March 19, 1919, Wilson had not decided whether the treaty being drawn up was preliminary or final. He had the idea a preliminary treaty would restore peace and not need senatorial consent to ratification. His wish was to include in a preliminary

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<sup>69</sup>The New York Times, March 3, 1919, 1.

<sup>70</sup>Hoover, The Ordeal of Woodrow Wilson, 67.

treaty the Covenant of the League of Nations. By this means peace would be restored, the United States and other nations would renew diplomatic relations with Germany and commercial exchange would begin as a matter of course. All this would be done without obtaining senatorial consent. Lansing told Wilson this theory was wrong. No matter what it was called, it was a treaty, Lansing said, and would have to be ratified by the Senate. When Gregory, in Paris at the time, concurred with Lansing, Wilson dropped the plan.<sup>71</sup>

Gregory believed the Senate had failed to carry out its obligations when it refused to ratify the Treaty of Versailles. He believed it the duty of the Senate to consent or refuse to consent to a treaty submitted to it, and if it refuses to consent the Senate must give its views to the President, which it did not do. If in the beginning, the Senate had stated in what form it would or would not accept a treaty, it would then have been Wilson's responsibility to present the treaty in a form following the

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<sup>71</sup>Robert Lansing, The Peace Negotiations: A Personal Narrative, 206-208.

directives of the Senate.<sup>72</sup>

From 1919-1920 Gregory served on Wilson's Second Industrial Conference. He joined the law firm of Earle and Todd and was admitted to the New York Bar in January, 1920, after completing the six months residence required by law.<sup>73</sup> On January 29, 1924, President Calvin Coolidge announced he had chosen Gregory and Silas H. Stawn of Chicago to be counsel for the government in the scandals over the leasing of oil lands. Gregory had been representing the Vulcan Oil Company of New York in a suit against a Texas company when he was appointed as counsel. He believed this would have no bearing on the Teapot Dome Case.<sup>74</sup> When the case came to trial, Edward Laurence Doheny testified that his company had hired Gregory, Lane, and McAdoo. Gregory had been hired by the Island Oil Company to go before the President or State Department (Doheny did not know which) and to represent the oil companies in trying to persuade the Government to intervene in Mexico. Doheny was sent a bill

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<sup>72</sup>Thomas Watt Gregory, Woodrow Wilson and the League of Nations, 13-14.

<sup>73</sup>The New York Times, January 30, 1924, 2.

<sup>74</sup>Ibid., February 1, 1924, 3.

by Island Oil for his part of Gregory's fee. Doheny claimed he paid \$2,000 as his part of the total fee.<sup>75</sup>

Senator Charles Curtis, in a newspaper interview, said Coolidge would not retain Gregory. Curtis said he could not

. . . understand the legal standing of a man, disregarding any other consideration, who, knowing his own connection with Mr. Doheny, could have allowed the President even to consider him when the offer was brought to his attention, much less accept employment.<sup>76</sup>

In a letter to Coolidge, dated February 2, 1924, Gregory wrote:

On last Tuesday night when I was in Austin, Texas, you stated to me over the long distance telephone that you wished to employ me in the investigation of the leases of the naval oil reserves. You will recall that after expressing my appreciation, I stated that I was not in close touch with the developments in the matter, that nothing occurred to me that would prevent me from serving, but that I would be in Washington Saturday afternoon . . . and would then confer with you on the subject. I had no idea that in saying this I was accepting an appointment or that you so understood it.<sup>77</sup>

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<sup>75</sup>The New York Times, February 2, 1924, 1.

<sup>76</sup>Ibid., 6.

<sup>77</sup>The New York Times, February 4, 1924, 1.



Gregory formally withdrew from the case, saying he had not known of Doheny's part in paying his fee. During the next few years Gregory continued his interest in politics. He supported Alfred Smith in 1928, and in the campaign of 1932 he played an important part in securing Texas for Franklin D. Roosevelt. While in New York to confer with Roosevelt, Gregory died, on February 25, 1933. Roosevelt sent the following message to Gregory's wife:

Please accept my heartfelt sympathy in your great bereavement. In the death of your husband and my old friend, his State and the nation suffer the loss of an able and distinguished citizen.<sup>78</sup>

Many of Gregory's friends shared Roosevelt's sentiments. Gregory's body was returned to Texas for burial in Austin.

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<sup>78</sup>Ibid., February 27, 1933, 15.

## CHAPTER V

### SUMMARY AND CONCLUSIONS

The purpose of this study was to trace the life of Thomas Watt Gregory by delving into the ancestry of the Gregory family, and into Gregory's work on behalf of Wilson in the election of 1912. His work as Attorney-General during the war years was given special attention.

The methods used to obtain data in this study were interviews with members of the Gregory family, the examination of books and magazines in various college libraries to determine what information had been published on Gregory's life, and the reading of microfilm files of several newspapers.

The evidence presented in this work indicates that the following conclusions appear to be in order:

1. The work of Gregory in Texas on behalf of Wilson was of considerable importance to Wilson in the election of 1912.
2. As Attorney-General before the United States entered World War I, Gregory worked mainly with anti-trust cases and, to a limited extent, with German espionage.
3. During the years of United States participation

in World War I, Gregory's work was concerned with handling German propoganda and dealing with citizens who would obstruct the war effort.

4. All the blame for injustices done to citizens during World War I cannot justly be placed on Gregory.

## BIBLIOGRAPHY

### Books

- Acheson, Sam Hanna. Joe Bailey, The Last Democrat. New York: The Macmillian Company, 1932.
- Baker, Ray Stannard. Woodrow Wilson, Life and Letters. 8 vols. Garden City: Doubleday, Page, 1927-1939.
- Barkley, Mary Starr. History of Travis County and Austin: 1839-1899. Waco: Texian Press, 1963.
- Bickel, Alexander M. The Unpublished Opinions of Mr. Justice Brandeis. Cambridge: The Belknap Press of Harvard University Press, 1957.
- Coben, Stanley. A. Mitchell Palmer: Politician. New York and London: Columbia University Press, 1963.
- Cotner, Robert C. James Stephen Hogg. Austin: University of Texas Press, 1959.
- Cronon, E. David (ed.). The Cabinet Diaries of Josephus Daniels, 1913-1921. Lincoln, Nebraska: University of Nebraska Press, 1963.
- Daniels, Josephus. The Wilson Era. 2 vols. Chapel Hill: University of North Carolina Press, 1944.
- Dos Passos, John. Mr. Wilson's War. In The Mainstream of America Series, ed. Lewis Gannett. New York: Doubleday and Company, Inc., 1962.
- Hibben, Paxton. The Peerless Leader: William Jennings Bryan. New York: Farrar and Rinehart, Inc., 1929.
- Higham, John. Strangers in the Land: Patterns of American Nativism; 1860-1925. New Brunswick, New Jersey: Rutgers University Press, 1955.
- Hoover, Herbert Clark. The Ordeal of Woodrow Wilson. New York, Toronto and London: McGraw-Hill Book Company, Inc., 1958.



- Hough, Emerson. The Web. Chicago: Reilly and Lee, 1919.
- Hyman, Harold M. To Try Men's Souls: Loyalty Tests in American History. Berkeley: University of California Press, 1959.
- Ise, John. The United States Oil Policy. New Haven: Yale University Press, 1926.
- Kerney, James. The Political Education of Woodrow Wilson. New York and London: The Century Company, 1926.
- Lansing, Robert. The Peace Negotiations: A Personal Narrative. Boston and New York: Houghton Mifflin Company, 1921.
- Lief, Alfred. Brandeis, The Personal Life of An American. New York and Harrisburg: Stackpole and Sons, 1936.
- Link, Arthur Stanley. Wilson. 5 vols. Princeton: Princeton University Press, 1947-1965.
- Link, Arthur Stanley. Woodrow Wilson and the Progressive Era: 1910-1917. In The New American Nation Series, ed. Henry Steele Commager and Richard B. Morris. New York: Harper and Brothers, 1954.
- Lowenthal, Max. The Federal Bureau of Investigation. New York: William Sloane Associates, Inc., 1950.
- McAdoo, William G. Crowded Years; the Reminiscences of William G. McAdoo. Boston: Houghton Mifflin Company, 1931.
- Mason, Alpheus Thomas. Brandeis, A Free Man's Life. New York: The Viking Press, 1956.
- Peterson, Horace C. and Gilbert C. Fite. Opponents of War: 1917-1918. Madison: University of Wisconsin Press, 1957.
- Richardson, Rupert Norval. Colonel Edward M. House, The Texas Years: 1858-1912. vol I. Abilene, Texas: Simmons University Press, 1964.

- Scheiber, Harry N. The Wilson Administration and Civil Liberties, 1917-1921. Cornell University Studies in American History, Literature and Folklore, Vol. VI. Ithaca, New York: Cornell University Press, 1960.
- Scott, Sir Walter. Rob Roy. Vol. VII of The Waverley Novels. New York and London: Harper and Brothers, 1901.
- Seager, Henry R. and Charles A. Gulick. Trust and Corporation Problems. New York and London: Harper and Brothers, 1929.
- Seymour, Charles. The Intimate Papers of Colonel House. 4 vols. Boston and New York: Houghton Mifflin Company, 1926-1928.
- Steen, Ralph W. A Political History of Texas, 1900-1930. Vol. 1. In Texas Democracy, ed. Frank Carter Adams. 4 vols. Austin, Texas: Democratic Historical Association, 1937.
- Steen, Ralph W. Twentieth Century Texas. Austin, Texas: The Steck Company, 1942.
- Strauss, Lewis L. Men and Decisions. Garden City, New York: Doubleday and Company, 1962.
- Tansill, Charles Callan. America Goes to War. Boston: Little, Brown and Company, 1938.
- Walworth, Arthur C. Woodrow Wilson: American Prophet. 2 vols. New York, London and Toronto: Longman's, Green and Company, 1958.
- Weyl, Nathaniel. The Battle Against Disloyalty. New York: Thomas Y. Crowell Company, 1951.
- Whitehead, Don. The FBI Story. New York: Random House, 1956.

Government Publications

- U. S., Congress. Congressional Record. Washington: Government Printing Office, 1917-1918.
- U. S., Department of Justice. Annual Report of the Attorney-General of the United States for the Year 1914. Washington: Government Printing Office, 1914.
- U. S., Department of Justice. Annual Report of the Attorney-General of the United States for the Year 1916. Washington: Government Printing Office, 1916.
- U. S., Department of Justice. Annual Report of the Attorney-General of the United States for the Year 1917. Washington: Government Printing Office, 1917.

Pamphlets

- Gregory, Thomas Watt. Woodrow Wilson and the League of Nations. Address delivered at Texarkana by T. W. Gregory, Former Attorney-General of the United States, before the Joint Meeting of the Louisiana, Arkansas and Texas Associations, April 24, 1926.

Periodicals

- Batts, R. L. "Great Texan," The Alcalde, 21:131-132. March 1933; 21:157-159. April, 1933: 21:181-183. May, 1933.
- Gregory, Thomas Watt. "Donors to the Gymnasium Fund," The Alcalde, 18:281-283. April, 1930.
- Johnson, Donald. "The Political Career of A. Mitchell Palmer," Pennsylvania History, 25:345-370. October, 1958.
- Link, Arthur S. "A Letter from One of Wilson's Managers," American Historical Review, 50:768-775. July, 1945.
- Link, Arthur S. "The Wilson Movement in Texas, 1910-1912," Southwestern Historical Quarterly, 48:169-185. October, 1944.

Scheiber, Harry N. "The Political Career of A. Mitchell Palmer: A Comment," Pennsylvania History, 26:377-379. October, 1959.

Unpublished Materials

Gregory, Thomas Watt. Unpublished history of the Gregory Family. Original in possession of J. N. Gregory, San Angelo, Texas. January 30, 1933.

Newspapers

The Dallas Morning News, January, 1912-March, 1912.

The Houston Post, September, 1906-February, 1933.

The New York Times, August, 1914-February, 1933.

Reference Works

"Mount Vernon," Encyclopedia Britannica, (1956), XV, 938.

"Texas Vote in Presidential Elections, 1848-1964," Texas Almanac, (1966-1967), 575-576.



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