

January 20, 1915.

Personal and confidential  
For the eye of Mr. Gregory alone.

My dear Mr. Gregory:

I have received your confidential letter of the 9th instant and also that of the 11th instant with reference to the matter of United States District Attorney for the District of Porto Rico.

I am going to write with great frankness and include some matters which may not bear directly upon the district attorneyship but are of great importance to the United States District Court for Porto Rico as a whole.

In the first place I will speak of Mr. José P. Savage. He is a gentleman of admirable character and attractive personality, but he has not sufficient legal ability and he is not temperamentally fitted for the work of a prosecutor so as to make his appointment to this position advisable. He held this position once before, and his record in the office was such as to make the above statements perfectly clear. Moreover, his political affiliations, such as he has, are wholly with the Republican Party in the States and consequently

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his appointment at this time could not be justified in accordance with the principles and the practice of this administration.

Second, Mr. Andres B. Crosas, of Guayama, is a Porto Rican, a man of unusual social capacity and of most agreeable manners. He is a fair lawyer. He has a host of friends in Porto Rico and no enemies. His appointment would be very popular here and would produce an excellent political effect. Simply as a political proposition his appointment would be very helpful to me for I could claim credit for it as being in line with the policy of giving Porto Ricans a chance; and yet I cannot advise it for the reason that Mr. Crosas as a lawyer has not given any proof of the legal ability and the thoroughgoing capacity and training as a trial lawyer that the legal representative of the United States Government should have in the important cases that are likely to come up in the United States District Court. Moreover he has not the independent, aggressive, unflinching character that a public prosecutor ought to have here in Porto Rico, especially in the United States Court.

Frankly this Court in Porto Rico has been through the years a great and bitter disappointment. It should be a model court, representing the best

ideals and standards of American justice. On the contrary it has never been any such thing, but has constantly drawn upon itself and is now drawing criticism which makes it necessary for all the advocates of American rule in Porto Rico apologise for it and defend it. This has been due chiefly, if not wholly, to the character of the men appointed both as Judges and District Attorneys. At least one of the Judges has had to be removed by the President in order to avoid open scandal, and the same thing has happened to at least one of the District Attorneys, and there has been and is now exceedingly unpleasant talk about the present Judge. I do not wish to go into this matter further at this moment and allude to it only to urge that in making future appointments to this Court the utmost care be taken to secure men of legal capacity of the highest ideals and standards of justice and of sufficient force and aggressiveness to impress upon the Court and its surroundings something of the dignity and unswerving sense of righteousness that should characterize a Court of the United States everywhere and especially in an Island like this. I know it is hard to secure the services of men of this sort under the conditions as to salary, term, etc., under which they have to be appointed, for available men are not usually of this

high type; but I am entirely convinced that Mr. Crosas is not a good man for the job. I think he would most likely move along the line of least resistance and simply accept conditions as he found them.

I had all this in mind when I suggested to you Mr. Seold. I do not know the reasons to which you refer in your letter of the 9th instant as to making it "probably not practicable to appoint him"; but my judgment is that of the material that is available here he would prove to be the best man. His appointment would not be so popular as that of a Porto Rican, but I do not think it wise to appoint a Porto Rican as District Attorney of this Court. This is an American Court, - the one Court in the Island for which Americans are absolutely and wholly responsible. It has not, in my judgment, "made good" as yet, and I do not think it would help it to make good to introduce into its personnel the Porto Rican element, particularly the Porto Ricans of the type of Mr. Crosas.

I am sure you will understand how painful it is to me to write some of the things that I have written in this letter. I wish very much that I could have a full and frank talk with you in which we could cover the whole situation without embarrass-

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ing the difficulty; but I am confident that what I have written is of the utmost importance and I hope that you will give it most careful consideration.

With the highest esteem, I am,

Sincerely yours,

Governor.

Honorable T. W. Gregory,

Attorney General of the United States,

Washington, D. C.

January 30, 1915.

My dear Sir:

Your letter of inquiry as to the ability, character, etc., of Mr. Henry G. Molina, was received by the last mail. In reply I would say that I know Mr. Molina well and that he is a very capable lawyer and a man of good character and great energy. He has been practising law in Porto Rico for two or three years with considerable success, and I regard him as one of the most promising of the young Porto Rican attorneys.

However, for reasons already given, I am of the opinion that at present it would be much more judicious to have an American lawyer appointed to this court than a Porto Rican. Of course I would desire, if possible, an American lawyer who is thoroughly acquainted with conditions here in Porto Rico rather than one who is an entire stranger to the country. Nevertheless, I think that this American court should, for the present, have the services of an American judge and an American district attorney.

Yours very truly,

Governor.

Honorable T. W. Gregory,  
Attorney General of the United States,  
Washington, D. C.

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February 13, 1915.

My dear Mr. Graham:

I wonder if it would be proper for me to ask what the reasons are to which Mr. Gregory referred which seem to make it practically impossible for Mr. Robert Szold to be appointed United States Attorney for the District of Porto Rico.

It has occurred to me that possibly he may have referred to some representations made to him concerning the matter by persons here in Porto Rico. There are some persons here in the Island representing certain interests and corporations who naturally do not desire a strong and capable man in the district attorney's office, and I know that these interests are opposing the appointment of Mr. Szold, though I do not know whether they have made any representations at Washington; but, if they have, they should be ignored.

The more I have thought about this matter the more I am convinced as to the general lines of policy which should control those who make the appointment.

First, it should not be a Porto Rican. It is an American court and it has had much trouble



and difficulty in the past in maintaining its dignity and the respect of the people of the Island. It should "make good" and it should do this in the hands of American judges and attorneys. I am sure you will agree with me that an American court in Porto Rico ought not to be compelled to resort to Porto Rican lawyers in order to save itself from just criticism as to its character and dignity.

Second, as to the ability and integrity and other qualifications of the man appointed, we should take no chances. Too many mistakes have already been made in the past in making appointments to this court.

Third, the American lawyer who is appointed to this position should, if possible, have some acquaintance at least with the language and the people, and the conditions under which the court has to work; and in order to secure these qualifications and at the same time avoid the appearance of the "carpet-bag" rule, it would be better to find an American resident on the Island if possible.

Having in view all these considerations I have recommended Mr. Snold, and if there are any reasons which ought to be considered as against



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his appointment I would be glad to know them. Of course if they are purely political there is not much to be said except that, in general, in governing a country like Porto Rico, as little regard as possible should be had to merely political considerations.

I wish to repeat that my only desire, in whatever I may have to say in regard to this matter, is to be helpful in securing the best possible action in view of the whole problem of proper American government in Porto Rico.

I would appreciate a frank letter from you and will regard the whole correspondence as strictly confidential.

With best wishes, I am

Sincerely yours,

Governor.

Honorable Samuel J. Graham,  
Assistant Attorney General,  
Washington, D. C.