

Firing a Cabinet Officer Face-to-Face (1945)

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In early 1940, President Franklin D. Roosevelt promoted Robert H. Jackson, then the Solicitor General of the United States, to serve as U.S. Attorney General, a member of the President's Cabinet. President Roosevelt then appointed former U.S. circuit court judge Francis Biddle to succeed Jackson as Solicitor General.

Eighteen months later, Roosevelt appointed Jackson to serve on the U.S. Supreme Court. At that time, the President, at Jackson's urging, promoted Biddle to succeed Jackson as Attorney General.



1945: President Roosevelt with his Cabinet.
Attorney General Biddle sits two to the President's left.

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Attorney General Biddle served in Roosevelt's Cabinet for the next four years—for all of the remainder of his presidency, and for nearly the entire period of U.S. involvement in World War II.

On April 12, 1945, President Roosevelt died suddenly. Harry S. Truman became the 33rd president of the U.S. Within two weeks, the new president recruited Justice Jackson to serve as U.S. chief of counsel for the prosecution of Nazi war criminals—the appointment that became Jackson's position as U.S. chief prosecutor at Nuremberg.



April 12, 1945: At the White House, Chief Justice of the U.S. Harlan Fiske Stone administers the oath to President Truman. Attorney General Biddle stands with his hands crossed, two to the left of Truman.

President Truman also decided to appoint his own Cabinet officers. In the case of Attorney General Biddle, however, Truman chose not to communicate his wishes directly. The President had his press secretary, Stephen T. Early, telephone Biddle on May 16, 1945, to request his resignation.¹

¹ See generally LINDA LOTRIDGE LEVIN, *THE MAKING OF FDR: THE STORY OF STEPHEN T. EARLY, AMERICA'S FIRST MODERN PRESS SECRETARY* (2007).

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Attorney General Biddle did not appreciate the President's effort to fire him by emissary. So after speaking to Early, Biddle called the White House and requested a meeting with President Truman.

They met later that morning.² As the story soon emerged in the press,³ Biddle told Truman that he had, immediately after Roosevelt's death, submitted his letter of resignation for the President's acceptance if that was his preference. Biddle added that he quite appreciated that a president would want to have his own friends, people with whom the president was comfortable—and Biddle had reason to think that this was not Truman's view of Biddle⁴—in the Cabinet.

“But,” Biddle added, “the relation between the President and his Cabinet is such that if you want to accept my resignation, it seems to me that you should tell me so yourself, not detail it to a secretary.”

President Truman, reportedly embarrassed, agreed. He told Biddle, to his face, that he was accepting his resignation.

According to Biddle's later memoir, the President “looked relieved; and I got up, walked over to him, and touched his shoulder. ‘You see,’ I said, ‘it's not so hard.’”⁵

² See The Presidential Appointments of Harry S. Truman, May 16, 1945 (“11:30 am The Attorney General”), available at <https://www.trumanlibrary.org/calendar/main.php?currYear=1945&currMonth=5&currDay=16>.

³ See Drew Pearson, *Washington Merry-Go-Round*, WASH. POST, May 31, 1945, at 7.

⁴ See *id.* (“A lot of political irritants, most of them involving political patronage, apparently stuck in Truman's craw regarding Biddle. The Attorney General long held out against appointing Truman's old sergeant in World War I, Fred Canfield, as U.S. Marshal in Kansas City. He [Biddle] also held out against the appointment for former Congressman Dick Duncan of St. Joseph to be a U.S. judge in Missouri. Biddle also had refused to parole Truman's political godfather, Tom Pendergast, and insisted on reappointing as district attorney [i.e., U.S. Attorney], Maurice Milligan, the man who [as federal prosecutor] sent Pendergast to jail.”).

⁵ FRANCIS BIDDLE, IN BRIEF AUTHORITY 365 (1962). Although Biddle's memoir is not entirely reliable as a historical record, I credit this part of his account of his May 1945 White House conversation with President Truman because it is consistent with what Drew Pearson reported at the time, see *supra* note 3, and because Biddle published his memoir when President Truman was still living and very capable of contesting anything he considered inaccurate.

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L-R: Senator C. Estes Kefauver (D.-TN), former Attorney General Biddle, former President Truman, Sen. Hubert H. Humphrey (D.-MN), and former Secretary of Commerce W. Averell Harriman, at a 1950s Americans for Democratic Action (ADA) meeting.