

PAPERS OF CHARLES FAHY

1933-1957

Accession Numbers: 60-6, 60-24, 65-20

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Related Materials: Additional papers of Charles Fahy, covering many of the same subjects, are deposited in the Library of Congress, Washington, D.C. The Harry S. Truman Library in Independence, Missouri has Judge Fahy's papers as Chairman of the President's Committee on Equality of Treatment and Opportunity in the Armed Forces, 1948-1949. The University of Notre Dame Archives also has papers of Judge Fahy.

At this Library related material may be found in the President's papers in files on the Department of Justice, particularly OF 10f Solicitor General, OF 4101a Exchange of Destroyers, 1940, PSF: Navy: Destroyers-Naval Bases, 1940, OF 716 National Labor Relations Board, PPF 8324 Charles Fahy, PSF: Safe: United Nations Conference, and PSF: United Nations. Additional U.N. material may be found in the papers of Eleanor Roosevelt.

Charles Fahy was born in Rome, Georgia on August 27, 1892. A graduate of local schools, he later attended the University of Notre Dame and the Georgetown University School of Law, receiving an L.L.B. in 1914. He was admitted to the bar in Washington, D.C. and practiced law there for ten years. Interrupting his practice during the first World War, he served as a Navy pilot and was awarded the Naval Cross for distinguished and heroic service.

In 1924 Fahy moved to Santa Fe, New Mexico for reasons of health, remaining there until April 1933 when he became First Assistant Solicitor of the Department of the Interior. This marked the beginning of Fahy's long career in federal service. While with the Department of the Interior, he also served as Vice-Chairman, and later Chairman, of the Petroleum Administrative Board, administering the Petroleum Code under the National Recovery Administration. In September 1935, he was appointed General Counsel of the newly established National Labor Relations Board, a position he held for the next five years. At this time, Mr. Fahy was involved, along with the Solicitor General, in the preparation and presentation of the government's argument in five Supreme Court test cases involving the constitutionality of the National Labor Relations Act. He also personally argued a number of other cases involving the N.L.R.B. before the Supreme Court.

Fahy entered the Department of Justice in October 1940 as Assistant Solicitor General. He succeeded Francis Biddle as Solicitor General when the latter was appointed Attorney General in November 1941. That same winter, he travelled to London as a member of the President's Base Lease Commission negotiating terms of the United States' agreement with Great Britain leasing military and air bases in Newfoundland, Bermuda, the Caribbean, and South America. As Solicitor General, Fahy also served as a member of the Civil Service Board of Legal Examiners which established standards for lawyers entering government service.

Mr. Fahy's principal responsibility as Solicitor General, however, was the preparation of all government cases in the Supreme Court of the United States. He personally argued many of the government's cases before the Court, including cases arising from the wartime relocation of Japanese on the West Coast, the deportation proceedings against Harry Bridges, the Cramer treason case, the denaturalization of William Schneiderman (argued against Wendell Willkie), and cases involving the validity of wartime price controls.

Resigning as Solicitor in July 1945, Fahy was appointed Legal Adviser and Director of the Legal Division of the United States Military Government of Germany. He remained in Germany until June of the next year when he was named Legal Adviser to the Department of State, a position he held little more than a year.

Mr. Fahy also was involved in the formation of the United Nations. In April 1945 he served as an adviser to the International Committee of Jurists, meeting in Washington to revise the statute of the World Court. Later that same year he was an adviser to the United States delegation to the United Nations Conference on International Organization in San Francisco. In 1946 and 1947 he was the U.S. member of the Legal Committee of the General Assembly, and also served as an Alternate Representative on the United States Delegation to the General Assembly in 1947 and 1949.

In 1948, Harry S. Truman appointed Fahy as Chairman of the President's Committee on Equality of Treatment and Opportunity in the Armed Forces. He also held the post of Chairman of the Personnel Security Review Board of the Atomic Energy Commission in the years 1949-1950. In October 1949, President Truman appointed Fahy as a judge on the United States Court of Appeals, District of Columbia Circuit. Judge Fahy died on September 17, 1979.

Judge Fahy's papers include correspondence, memoranda, notes for argument, legal documents, speeches, articles, publications, engagement diaries, and newspaper clippings. They are arranged in eight series, as follows:

Containers

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I. GENERAL CORRESPONDENCE, 1933-1950

Correspondence, much of a personal nature, with family members, friends from New Mexico, and colleagues in the legal profession. Congratulatory letters, newspaper clippings, articles, memorabilia and engagement diaries. Small files on the Atomic Energy Commission, the Department of State, and the President's Committee on Equality of Treatment and Opportunity in the Armed Services. Arranged alphabetically by correspondent or subject.

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II. PETROLEUM ADMINISTRATIVE BOARD PAPERS, 1933-1935

Correspondence, memoranda, printed and processed material, and newspaper clippings relative to Fahy's service as Vice-Chairman, and later Chairman, of the Petroleum Administrative Board of the Department of the Interior. Arranged alphabetically by subject.

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III. NATIONAL LABOR RELATIONS BOARD PAPERS, 1934-1945

Correspondence, memoranda and reports, notes, printed and processed material from Fahy's tenure as General Counsel of the N.L.R.B., 1935-1940. Arranged alphabetically by subject. Transcripts and exhibits of Congressional hearings concerning the Board filed at end of series. Related material concerning Supreme Court cases argued by Fahy at this time will be found in Series V.

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IV. OFFICE OF SOLICITOR GENERAL PAPERS, 1940-1945

Correspondence, memoranda and reports, notes, legal documents, minutes of meetings, printed and processed material, arranged alphabetically by subject. Fahy served both as Assistant Solicitor General, 1940-1941, and Solicitor General, 1941-1945, and these papers contain material concerning many important court cases arising during the Second World War. Included are files on Japanese relocation cases, the Harry Bridges deportation proceedings, and cases concerning wartime price controls. Also a series of files relative to Fahy's service on the Board of Legal Examiners and as a member of the President's Base Lease Commission in 1941. Appointment diaries and shorthand notebooks are filed at the end of the series. Related material concerning Supreme Court cases argued personally by Fahy during this period is found in Series V.

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V. ARGUMENT FILES, 1935-1945

Mr. Fahy's case files for arguments made before the Supreme Court while General Counsel of the National Labor Relations Board and Solicitor General of the United States. Files include notes for argument, drafts, legal documents, memoranda, and occasionally background material. Also files for a few cases argued by others. Arranged chronologically. Related material may be found in Series III and IV.

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VI. LEGAL ADVISOR TO U.S. MILITARY GOVERNMENT OF GERMANY, 1945-1947

Correspondence, memoranda, reports, processed material including agenda and minutes of meetings, publications of the U.S. Military Government and other agencies, newspaper clippings. Includes files concerning recruitment of Mr. Fahy's staff as well as material relative to legal problems faced by the military government such as establishment of de-Nazification laws and restitution of property. Arranged alphabetically by subject.

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