

## When T. Webber Wilson Crossed the President's Pit Bull

*By Martha H. Swain*

Whenever the United States president has named a southerner to a federal judgeship, some wary senators have been quick to raise questions regarding the nominee's racial views. When the nominee is a Mississippian, the scrutiny is certain to occur and the nomination may come to naught when the Senate refuses to confirm the appointment. But in 1933 when the popular and powerful Mississippi Senator Pat Harrison recommended the appointment of T. Webber Wilson to the federal district bench in the Virgin Islands, that opposition occurred only after Wilson assumed the position and was sparked by the fulminations of a vocal member of the president's cabinet.

The Virgin Islands controversy over the little-known Wilson eventually involved not only his rulings from the bench but also the questionable administration of the governor of the Islands, Paul Pearson. The cast of combatants included Senator Harrison and his Democratic colleagues in the Senate; Secretary of the Interior Harold I. Ickes; Governor Pearson's son, the columnist Drew Pearson; and Attorney General Homer Cummings. For more than a year charges and countercharges about Wilson's fitness to be a judge as well as Pearson's suitability to be

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the Islands governor filled the pages of newspapers and public opinion magazines. In the end the dispute had to be settled by President Franklin D. Roosevelt. The saga was much less a matter of judicial prudence than of many internecine rumbles between Democratic senators and the feisty Interior Secretary Ickes.

Thomas Webber Wilson was a native of Coldwater, Mississippi, born on January 24, 1893. After attending local public schools he graduated in 1913 in law from the University of Mississippi as president of his senior class. "Mississippi will ere long boast another great criminal lawyer," read the citation beneath his yearbook picture. He began his law practice in Laurel and served as prosecuting attorney of Jones County 1915–19, going on to become district attorney for the Twelfth Judicial District of Mississippi, 1919–23. With fraternal ties through Kappa Alpha Fraternity, the Masons, Knights Templar, Odd Fellows, Elks, and Woodmen of the World, the gregarious Wilson sought higher office. In 1922 he was elected for the first of three terms as Democratic congressman from the Sixth District (March 4, 1923–March 4, 1929). In that first race he was said to have the backing of former Mississippi governor and senator James K. Vardaman, the "Great White Chief." Wilson won that 1922 election in the first primary over two opponents carrying sixteen of seventeen counties in the district.<sup>1</sup> (That same year a future political opponent, Hubert D. Stephens, was elected to the Senate). "Well-informed sources" led the *Jackson Daily News* in January 1926 to write that Wilson, "noted for his oratory," would seek to oust Stephens in the 1928 Senate race. Despite his rather lackluster record, Wilson ran against the incumbent, who won the contest by a vote of 62,850 to 56,641.<sup>2</sup>

In 1929, Wilson returned to private practice. The journalist Raymond Gram Swing described Wilson as "a party man out of a job," but the appointment late in 1933 as the federal judge for the Virgin Islands ended Wilson's exile from public office. Reputedly the appointment came at

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<sup>1</sup> Official and Statistical Register of the State of Mississippi, 1924-1928, ed., Dunbar Rowland (New York: J.J. Little and Ives, n.d.), 126; clipping in Wilson vertical file, Special Collections, Mitchell Memorial Library, Mississippi State University (Starkville); Ole Miss Official Yearbook 1913: 16; *Jackson Daily News*, January 10, 1926.

<sup>2</sup> William D. McCain, "Triumph of Democracy, 1916-1932," in *History of Mississippi*, II, ed., Richard A. McLemore (Jackson: College and University Press of Mississippi, 1973), 88; Official and Statistical Register, 1924-1928; unidentified clipping in Wilson vertical file, Mitchell Memorial Library, Mississippi State University (Starkville).

the hands of Senator Harrison, who feared the popular Wilson might oppose his reelection bid in 1936.<sup>3</sup> The prediction of a *Memphis Commercial Appeal* writer that the appointment “increases the recognition of the Virgin Islands among the people of America” was prescient. While visiting at home in Mississippi in March 1934, Wilson announced that the Islands’ residents were “a peaceful lot and perfectly happy under American rule.”<sup>4</sup>

Historically poverty-ridden, the Virgin Islands economy eroded more deeply with the onset of the Great Depression despite an increased level of prosperity due to the repeal of prohibition. The Islands population was small, “barely enough,” *Time* magazine said, “to fill two-thirds of the University of West Virginia football stadium.” By summer 1934, most V.I. laborers were jobless. The Red Cross had been feeding a quarter of the population, many suffering from malnutrition and endemic respiratory and intestinal diseases.<sup>5</sup> Hence, the V.I. became what one chronicler termed a “laboratory for New Deal planners.”<sup>6</sup> Chief among them was Harold Ickes, not only the Interior Secretary but also head of the Public Works Administration, one of the New Deal agencies most heavily involved in providing jobs for the unemployed.

Ickes was certain that Wilson was a stumbling block to his plan to reform the V.I. economy and to advance social reforms. Ickes, an old Bull Moose progressive with moral persuasions, held the same views as those of V.I. governor Paul Pearson, a Quaker and a Republican appointee of former president Herbert Hoover. Ickes, annoyed that jurisdiction over the insular court system had been transferred from the Interior Department to the Department of Justice, was incensed when Attorney General Homer Cummings acceded to the recommendation of Senator Harrison and Postmaster General James (Jim) Farley, the sachem of Democratic patronage, to name Webber Wilson to the judgeship. In September 1933, Ickes wrote a friend, “I am going to suggest tactfully to my friend Homer Cummings that he let me have this job [jurisdiction over V.I.] back,”

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<sup>3</sup> Raymond Gram Swing, “Justice in the Virgin Islands,” *Nation* 140 (January 23, 1935), 95. Harrison’s stance on Wilson appeared in *Time* 66 (February 4, 1935), 22.

<sup>4</sup> Jackson Clarion-Ledger, March 17, 1934.

<sup>5</sup> *Time* 66 (July 22, 1935); Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1993), 185; *Memphis Commercial Appeal*, December 24, 1933.

<sup>6</sup> Gordon K. Lewis, *The Virgin Islands: Caribbean Lilliput* (Evanston: Northwestern University Press, 1972), 70.

but he added that he doubted any “progress in that direction.” It could not have helped matters that T. Webber Wilson had said after hearing one of his first cases, “I am responsible only to Homer Cummings and to God Almighty.”<sup>7</sup>

Ickes was a formidable and high-ranking figure with whom any politician had to reckon. One historian tagged him as “Roosevelt’s Warrior” and “lightning rod.” Another viewed him as a “righteous pilgrim”<sup>8</sup> and another wrote, “Indeed, Ickes yearned to be Roosevelt’s pit bull.”<sup>9</sup> He never hesitated to initiate or join any fray that pitched a politically minded senator against an official whose motives were as pure as Ickes believed those of himself and Pearson to be. It frustrated the Interior Secretary that Wilson had gained greater popularity among Islands natives than had Governor Pearson. In fact it was said that Wilson was the most popular white man in the Virgin Islands.<sup>10</sup> According to the *Jackson Daily News*, the first inkling of the Ickes–Wilson conflict came from Washington columnist Rodney Dutcher, who wrote that Ickes liked Wilson “only as far as he proves his theory that southern gentlemen aren’t temperamentally fitted to preside over large groups of colored American citizens in the tropics.”<sup>11</sup> The *Memphis Commercial Appeal* declared soon after Wilson arrived in the V.I. in December 1933, “The verdict of the natives on this new chief of the judicial system is flattering.”<sup>12</sup>

True or not, Interior Department officials were soon drawing up their grievances against the judge. Ernest Gruening, director of the Division of Territorial and Island Possessions within the Interior Department, wrote Ickes in September 1934, “We will never be able to administer the Islands properly while that man is down there.” According to Gruening, Wilson commonly discussed cases with the court’s prosecutor and openly expressed pretrial opinions on the guilt or innocence of the accused. Wilson, the charges leveled, supported anti-Pearson agitators and

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<sup>7</sup> Ickes to George Foster Peabody, September 7, 1934, Harold L. Ickes Papers, Box 369, Library of Congress [hereinafter LC]; Wilson is quoted in *Time* 66 (February 4, 1935), 23.

<sup>8</sup> Jeanne Nienaber Clarke, *Roosevelt’s Warrior: Harold L. Ickes and the New Deal* (Baltimore: Johns Hopkins University Press, 1996); T.H. Watkins, *Righteous Pilgrim: The Life and Times of Harold L. Ickes, 1874-1952* (New York: Henry Holt, 1990).

<sup>9</sup> Jordan A. Schwarz, *The New Dealers: Power Politics in the Age of Roosevelt* (New York: Knopf, 1993), 303.

<sup>10</sup> *Memphis Commercial Appeal*, December 24, 1933.

<sup>11</sup> *Jackson Daily News*, November 6, 1934.

<sup>12</sup> *Memphis Commercial Appeal*, December 24, 1933.

interfered with the work relief program by subpoenaing Public Works Administration papers, thus holding up PWA work.<sup>13</sup> When Ickes sent Gruening's memorandum on Wilson to Attorney General Cummings, he added, "My own opinion is that Judge Wilson is a misfit ... and he should be recalled at an early date." Ickes also heard from Robert Vann, editor of the black newspaper the *Pittsburg Courier*, who thanked him for being "good enough to hear my little story on the Virgin Islands situation." And in October 1934 Ickes sent to first lady Eleanor Roosevelt an account of the Virgin Islands problem as he saw it. Apparently, Eleanor Roosevelt discussed the matter with her good friend Caroline O'Day, chair of the New York Women Democrats, who responded to Malvina Thompson, the first lady's secretary, "I don't think there is anything Mrs. Roosevelt or I could do about this." Earlier in 1934 while visiting in Memphis, Wilson expressed his regret to Mrs. Roosevelt that he had not "been at home" when she had called. Whatever that conversation would have been can only be left to conjecture.<sup>14</sup>

From the beginning, Ickes and his allies against Wilson had serious reservations about the judge's suitability to serve among a largely minority population. Gruening had earlier told Ickes that Wilson seemed "unable to distinguish between educated negroes in the [Islands] Council and the uneducated of the market place," while *Time* simply termed the judge as "Negro-wise" and the liberal press condemned him as a blatant racist.<sup>15</sup>

Ickes would have liked to have an investigation of Wilson's handling of his court's affairs, but in late April 1935 he accepted the advice of Henry Slattery, Ickes's personal assistant (1935–38), that it would be "unwise to file charges just yet," but he agreed that "Judge Wilson belongs in another Department." Slattery also feared repercussions should an investigation be launched. Wilson instead went on the offensive and called for an inquiry into the manner in which Governor Pearson, acting as Ickes's agent, handled PWA administration in the Virgin Islands. Pearson had placed Eli Baer in charge of PWA relief funds upon the

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<sup>13</sup> Ernest Gruening to Ickes, September 28, 1934, Ickes Papers, Box 369, LC.

<sup>14</sup> Ickes to Cummings, October 2, 1934; Vann to Ickes, October 4, 1934; Ickes to Eleanor Roosevelt, October 13, 1934, all in Ickes Papers, Box 369, LC; O'Day to Thompson, September 17, 1934, Eleanor Roosevelt Papers, microfilm reel 34, Franklin D. Roosevelt Library (Hyde Park, NY), [hereinafter FDRL].

<sup>15</sup> Gruening memorandum to Ickes, September 28, 1934; Ickes Papers, Box 369, LC; *Time* 66 (July 15, 1935), 21; *Congressional Record* 79 Cong., 1 Sess., 1618 (March 28, 1935).

recommendation of Senator Millard Tydings, a Maryland Democrat. Prompted by Judge Wilson, attorney Baer began an investigation of PWA funds that held up its work program. He was then dismissed by Interior Secretary Ickes.

One case that came to Wilson's court proved to be explosive. The judge learned that Leonard MacIntosh, the chief clerk in Pearson's public works department, who was described as "an educated quadroon," had been charged with pilfering less than \$40 in PWA lumber and a small amount of concrete for use at his own home. (Ickes later placed the sum at \$17.) The material was compensation, MacIntosh stated, for repair work for some PWA radio equipment that he had done on his own time with his own supplies. It was a PWA practice that was fairly common. When George Robinson, Governor Pearson's government attorney, refused to prosecute MacIntosh, Judge Wilson held Robinson in contempt of court and fined him. He then prosecuted MacIntosh himself and fined him \$200 and admonished the accused, "You have become a Judas and a Benedict Arnold to your country." The ruling brought to a head the resentment that Ickes and his supporters had harbored against Wilson ever since his appointment.<sup>16</sup> Wilson's outburst may have been indicative of the creed of white supremacy that his critics attributed to him, or he simply may have wanted to rattle Harold Ickes by his histrionics. If he intended the latter, Wilson hit his mark.

There were other dimensions to the administration of justice in V.I. that worked to the advantage of Judge Wilson and to the extreme irritation of Secretary Ickes. Two partisan Democrats were players in the histrionics against the Pearson administration. One was Eli Baer, the attorney who had initiated the charges against MacIntosh and had been fired by Ickes. The other was Paul C. Yates, a Democrat and for four months an assistant to Governor Pearson, who was extremely critical of the governor's administration. Yates resigned in 1934 under pressure with a parting shot not expected to soothe Ickes's temper. "I together with other loyal Democrats have been abused and crucified by a gang of reactionary and thieving Hoover Republicans."<sup>17</sup> It was clear to all, including an avid Washington press corps, that a partisan battle

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<sup>16</sup> Swing, "Justice in the Virgin Islands," 95-96; Jackson Daily News, January 25, 1935. The Washington Post recapped the case, June 2, 1935.

<sup>17</sup> Yates quotation in Swing, "Justice in the Virgin Islands," 95; Watkins, *Righteous Pilgrim*, 505.

royale was underway.

By January 1935 President Roosevelt already knew that he would become involved in the turmoil within the Interior Department over Judge Wilson and the contest of wills between Senator Harrison and Secretary Ickes. "Call up Pat Harrison and say that the President does not want anything done about the Virgin Islands until the President has had a chance to talk with him," Marguerite LeHand, Roosevelt's personal secretary told Marvin McIntyre, the chief executive's appointments secretary.<sup>18</sup> A week later the *Nation* published a piece by Raymond Gram Swing comparing justice in the V.I. under T. Webber Wilson to that in Nazi Germany. The explosive article described the MacIntosh case as an injustice that proved "a further stigma on the practice of making political appointments without regard to fitness and ability."<sup>19</sup>

If the article was not enough to incense Senator Harrison, its circulation throughout the staff of the Interior Department and its distribution to the press was. Harrison was furious and was hardly mollified when Ickes, then in New York City, explained the incident was the unauthorized action of a young staff member. "One of the worst boners of the winter," the *Jackson Daily News* called the gaffe.<sup>20</sup>

Ickes's apology to Harrison, Attorney General Cummings, and Jim Farley did not keep the senator from calling the White House and stating to the press, "It looks to me like men appointed to the judiciary could be let alone and not interfered with by executive officers." Ickes retorted, "I have known for some time that I wasn't loved by everybody with the fervor with which I should be loved."<sup>21</sup>

The flap over the *Nation* article was reported to have broader implications than the ill will between Harrison and Ickes. There were reports in the rumor mill that Harrison's senatorial allies stood ready to retaliate when the next appropriation for the PWA reached the Senate and, furthermore, they would call for an investigation of Governor Pearson's administration.<sup>22</sup>

In an attempt to win Roosevelt's favor, Ickes, Gruening, and Assis-

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<sup>18</sup> LeHand memorandum to McIntyre, January 16, 1935; President's Personal File 4067, FDRL.

<sup>19</sup> Swing, "Justice in the Virgin Islands," 95.

<sup>20</sup> *Jackson Daily News*, January 23, 1935; also February 6, 1935.

<sup>21</sup> Ickes to Harrison, January 23, 1935, Ickes Papers, Box 369, LC; Raymond Clapper column, *Washington Post*, January 25, 1935.

<sup>22</sup> *New York Times*, January 26, 1935.

tant Secretary of the Interior Oscar Chapman met with the president on February 16, 1935, to report on the Virgin Islands controversy. Both Gruening and Chapman had only recently returned from V.I.; Ickes recorded in his diary, "Both men feel more strongly than ever that Judge Wilson is a thoroughly bad actor." Both believed the judge should be removed "at as early a date as possible." Gruening expressed his conviction that Wilson's removal would bring "satisfaction" to the Islands, and Ickes added that Pearson's "attitude toward the natives is sympathetic" and the governor was the "kind of man we want." During the conference Roosevelt revealed a letter from Harrison that Ickes described as "quite violent." He recorded also that the president had asked Attorney General Cummings about the possibility of finding a place in the States to "get [Wilson] out of the Virgin Islands." Unlike other federal judges appointed for life, Wilson's judgeship was at the pleasure of the president and his term was due to expire in August.<sup>23</sup> The surmise of all involved in the fracas was that Wilson would resign if offered a more attractive post, preferably in Washington.

A short time later, Ickes went to the Capitol to confer with Harrison and "have it out face to face." The session accomplished nothing. He returned with "a very low opinion" of the senator, whom he found to be "like an old complaining woman ... running around in circles ... whining about his grievances." He could get nowhere with "whiny Pat," who conceded nothing "as far as Wilson is concerned." They quarreled for more than an hour.<sup>24</sup>

For his part, Harrison told his colleagues on the Senate floor that the governor of V.I. should "be a Democrat," sentiments, he said, "not appreciated by the Secretary of the Interior, Governor Pearson, or his son Drew." He scorned a Pearson column as "mendacious" and "a damnable lie," written, he said, because of Drew Pearson's "desire to try to stand in with 'Honest Harold.'" According to James F. Byrnes, a South Carolina senator and Harrison's close friend, after he (Byrnes) came to the defense of Judge Wilson, he was "thereafter the target of the Merry-Go-Round," the syndicated column Drew Pearson wrote with Robert Allen. Pearson heartily disliked Harrison and described him as a "Democratic diehard"

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<sup>23</sup> Harold L. Ickes, *The Secret Diary of Harold L. Ickes: The First Thousand Days, 1933-1936* (New York: Simon and Schuster, 1953), 298 (February 16, 1935); 362 (May 24, 1955); *Washington Post*, February 16, 1935.

<sup>24</sup> Ickes, *Secret Diary*, 301 (February 20, 1935).

who was trying “desperately” to oust his father.<sup>25</sup>

In April 1935 the Senate ordered an investigation of the Virgin Islands by five senators to be led by Millard Tydings, chair of the Senate Committee on Territories. Of the five, three were members of Harrison’s Committee on Finance. The abilities or inabilities of Governor Pearson were the subject of private letters exchanged by the president and Harrison. Those to the president were from admirers of the governor and those to the senator were from detractors, one of whom wrote, “The deep hatred in which Governor Pearson is held by about the entire population of the Islands, has destroyed all possibility of his future usefulness.”<sup>26</sup> According to a *Washington Post* writer, the crux of entanglements in the V.I. was the political feud among discordant elements there, aggravated by deeply seated economic problems. The article suggested that Governor Pearson, a former speech professor at Swarthmore College, had no aptitude for the job, however sincere he was. He had not succeeded in overcoming the antagonism of the native population, whereas, as President Roosevelt told Senator Tydings, Wilson had “a southern Mississippi point of view toward Negroes.” The comment was not meant as a compliment and it was due to Wilson, the president believed, that the difficulty had occurred.<sup>27</sup>

The debate over Wilson and the V.I. dilemma turned for a time during April and May 1935 to a heated exchange of words between Ickes and Tydings. Bitter correspondence carried back and forth between the two by messengers contained heated statements by Ickes that the charges about Pearson’s administration were a “mass of hearsay, newspaper reports, gossip and key hole peeping.” Nathan Mangold, a solicitor in the Interior Department, telegraphed Ickes from the Islands that the attorney for the Senate investigating committee had been working with the anti-Pearson faction and avoiding government people as though they were lepers. Ickes recorded in his diary that Mangold’s mission was “bulldogging” the Senate committee’s investigation in the V.I. while his [Ickes] own efforts were “nipping at the heels of Senator Tydings

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<sup>25</sup> Congressional Record, 74 Congress, 1 Sess. (March 28, 1935), 4618; Byrnes to Joseph F. Kennedy, November 2, 1938; James F. Byrnes Papers, Folder 23, Clemson University Library (Clemson, S.C.); Tyler Abell, ed., *Drew Pearson Diaries, 1949-1959* (New York: Holt, Rinehart, and Winston, 1974), 93.

<sup>26</sup> *Washington Post*, April 2, 1935; (Mrs. James L.) Longstreet to Harrison, April 8, 1935, President’s Official File 6-Q, Box 48, FDRL.

<sup>27</sup> *Washington Post*, April 21, 1935; FDR, quoted in Ickes Secret Diary, 345.

up here.”<sup>28</sup>

The presence of Senate investigators in the V.I. in May precipitated further controversy as news of disturbing events reached Ickes. He learned from one of his assistant solicitors, Frederick (Fritz) Wierner, who had been with Mangold in the Islands, that “rapine and murder are likely to break out there at any time.” Ickes was dismayed to learn that Judge Wilson, who had been in the States for a visit in early May, had returned to a welcome by a great crowd that formed a parade to escort him to his residence. The demonstration, it was said, was led by Morris Davis of St. Croix, an outspoken anti-Pearson demagogue who had accompanied Wilson to his residence upon his return.<sup>29</sup> Wierner reported unrest and a pending strike among native laborers. Wierner’s alarmist account warned that the melee was led by Davis and intended to “stage a showdown” for Senate investigators. As a result, V.I. whites must “plead with Wilson, whom they detest and despise, to use his influence with the mob.” The whole business was another effort to discredit the Pearson administration. Wierner stated that Mrs. Helen Longstreet, widow of the Confederate general and an Islands resident, was an ally of Davis, who was especially popular with laborers riled by the payment of only fifteen cents an hour on non-PWA labor projects. Moreover, Wierner was afraid that if Judge Wilson were removed the “situation is certain to get out of hand.” Anxious about the V.I. unrest, Wierner recommended that a cruiser be sent to St. Thomas as a preventive measure.<sup>30</sup>

Nathan Mangold informed Ickes that Wierner’s report was distorted and unreliable. However, Ickes and Pearson communicated in code the wisdom of creating a labor board that, of necessity, must include the anti-Pearson leader Morris Davis.<sup>31</sup> By late May 1935, Ickes must have concluded that there had been some amelioration of conditions in the V.I., for he wrote Mary Church Terrell, a black activist and monitor of racial injustice, that there was no longer any necessity for “an investigation of the nature proposed by you.” That proposal had come to Ickes through a letter written by Terrell on March 1 to Ickes’s wife, Anna.<sup>32</sup> By June

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<sup>28</sup> Ickes to Tydings, April 24, 1935, Mangold to Ickes, May 8, 1935, both in Ickes Papers, Box 369, LC; Ickes, Secret Diary, 362 (May 14, 1935).

<sup>29</sup> Ickes, Secret Diary, 365-66 (May 17, 1935).

<sup>30</sup> Frederick Wierner to Ickes, May 18, 1935, Ickes Papers, Box 369, LC.

<sup>31</sup> Mangold to Ickes, May 19, 1935; Pearson to Ickes, May 19, 1935, both in Ickes Papers, Box 369, LC.

<sup>32</sup> Ickes to Terrell, May 31, 1935, Mary Church Terrell Papers, Reel 7, LC.

Ickes was certain that President Roosevelt would replace Wilson, and he informed Senator Harrison of that decision and of Attorney General Homer Cummings's concurrence. The president had already summoned the senator for a discussion about Wilson.<sup>33</sup> Wilson surely knew his days as a federal judge were limited. Likewise, Pearson must have had an inkling that he would be removed after Ickes had summoned him to Washington in mid May. Fred Sullens, editor of the *Jackson Daily News*, surmised that Wilson would return to Mississippi to run against William Colmer to regain his old seat in Congress. Wilson denied that, but made the statement, "I am homesick and want the home folks to know it." He added, "I'd rather be a humble hill farmer in Mississippi than the king of England." According to testimony given during the Senate investigation by Morris Ernst, a liberal New York lawyer, Wilson had said that he had taken the judgeship to pay off political debts exceeding \$12,000.<sup>34</sup>

The Senate hearings in Washington on the Virgin Islands began on July 2, 1935. One of the first newsworthy events was a hallway fist fight between Robert Allen, Drew Pearson's partner on the Merry Go-Round column, and Paul Yates, the former Interior Department official in the Islands, now discredited by Ickes.<sup>35</sup> Yates was unable to testify due to injuries incurred in the brawl, but among the Pearson detractors was a V.I. clergyman who characterized Governor Pearson as "a liar, a thief, a crook, and a son of a bitch."<sup>36</sup> Such carrying-ons resulted in a recess of the hearings.

When Senate hearings resumed on July 8, Wilson appeared to defend himself. According to Ickes, the judge was "very suave and unctuous, just overflowing with the milk of human kindness" and he engaged, Ickes said, in a "smear" of the pro-Pearson faction. Ickes was irate that Tydings permitted Wilson to "sell his half-truths," gave him "a gratuitous coat of white wash," and then would not permit Ickes nor his counsel to cross-examine Wilson or other committee witnesses. Ickes, however, had been informed a month earlier by an Interior Department assistant

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<sup>33</sup> Roosevelt Memorandum to Marvin McIntyre (June 10, 1935), Official File 6-Q, Roosevelt Papers, FDRL; Ickes to Pearson, May 18, 1935, Ickes Papers, Box 369, LC; Ickes, Secret Diary, 1024 (June 19, 1935), Reel 1, LC.

<sup>34</sup> *Jackson Daily News*, 7, July 16, 1935; *Washington Post*, July 9, 1935.

<sup>35</sup> Watkins, *Righteous Pilgrim*, 507.

<sup>36</sup> Quoted in William Boyer, *America's Virgin Islands: A History of Human Rights and Wrongs* (Durham: Carolina Academic Press, 1983), 156.

solicitor that in previous Senate hearings cross-examination of witnesses by other witnesses had not been allowed. Consequently, the rebuffed secretary decided that his only recourse was to “fight back day by day through the newspapers.” His release of two brisk letters written to Tydings fueled the ongoing discord between the two men.<sup>37</sup>

The Washington press was obliging. The *Post* on July 10 printed Ickes’s letter to Tydings that called for Wilson’s removal for public misconduct. Ickes stated that the judge’s defense that he had acted as prosecutor, judge, and jury in the MacIntosh case under the Danish code applicable in the Islands was “abhorrent” to Anglo-Saxon jurisprudence and subjected American justice to “disrepute.” Furthermore, Wilson was “always haranguing the mob from the bench.” *Time* printed excerpts from Ickes’s letter to Tydings that accused the senator of renegeing on promises to reject hearsay evidence at the hearings and to permit the Interior Department to cross-examine witnesses. Hence, Tydings’s committee had been fed “hearsay evidence and perjured evidence.” Tydings bristled, “Your gratuitous advice as to how the Senate investigating committee should conduct itself is not needed ... It would have been far better, Mr. Secretary, if you could retract your own libel of Judge Wilson and put your own house in order.” Clearly, the Secretary and the Senator were in a face-off. *Time* surmised that the entire Senate was “a-fire with stored up resentment of the secretary’s blunt, tactless refusal to play political ball,” presumably with Wilson’s “patron” Pat Harrison and his allied Democrats. The next day Ickes met with President Roosevelt and laid out documents covering V.I. administration that the president wanted to see prior to a meeting with senators Harrison and Tydings and Senate majority leader Joseph T. Robinson of Arkansas. Ickes told the president he could “lick the pants off [Tydings],” to which the president replied, “I know you can.”<sup>38</sup>

The night before the president’s conferences, first with Ickes, and then with the three senators, he had dined with Supreme Court justice Felix Frankfurter. He described the “nasty little problem” he had in the “row” between Democratic senators “who were asking for the scalp of Ickes.” The president explained that the deeper ramifications of the

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<sup>37</sup> Ickes, Secret Diary, 391-92 (July 10, 1935); Charles Fahy to Ickes, May 11, 1935, Ickes Papers. Box 369, LC.

<sup>38</sup> Washington Post, July 10, 1935; *Time* 66 (July 22, 1935), 17; Ickes, Secret Diary, 394 (July 11, 1935).

imbroglio lay in the dissatisfaction the southern senators had with the “whole New Deal.” “They just wonder where the man in the White House is taking the old Democratic party.” Hence, he would have to find a solution to the pesky problem in the Islands that was palatable to Harrison, Robinson, and Tydings.<sup>39</sup>

Consequently, on July 11 Roosevelt asked that the hearings be suspended for a week. Tydings complied. According to *Time*, he went immediately to the Senate caucus room and recessed the investigation, a move that Ickes wrote in his diary put the newspapers “hot on the scent.” He was correct, for the *Washington Post* soon reported that President Roosevelt had entered the controversy and that Harrison met “at length” with Judge Wilson.<sup>40</sup> It was a “surprise move” the *Washington Star* reported in speculating that resignations would follow. His own would not be one, Ickes said; “I kind of like my job. It keeps me interested.” Harrison declined to say anything further to reporters.<sup>41</sup>

A week later on July 18, Harrison spoke with Steve Early, the president’s press secretary, and advised him that the president should “take action immediately with reference to the Virgin Islands situation” should the Senate hearings resume, an unlikely possibility. Clearly, personnel changes were coming to the V.I. Ickes viewed the entire assault against Governor Pearson as totally lacking in factual evidence. It was a “tempest in a teapot,” and he regretted that Wilson would merely be given another job and Pearson would be “required to accept a transfer.”<sup>42</sup>

That happened on July 23. The president created a post for Pearson as assistant director of housing within the Public Works Administration, and then he appointed Webber Wilson to the Federal Parole Board. The Wilson transfer led to another outburst among the liberal press because he replaced Dr. Amy Stannard, a noted psychiatrist at St. Elizabeth Hospital, a mental institution in Washington. Her removal was necessary to make a place for Wilson. According to the columnist Raymond Clapper, Attorney General Cummings had long thought that a woman should not be on the Parole Board because only five percent of federal

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<sup>39</sup> Max Freedman, *Roosevelt and Frankfurter: Their Correspondence, 1928-1945* (Boston: Little, Brown and Company, 1967), 282.

<sup>40</sup> Ickes, *Secret Diary*, 395 (July 11, 1935); *Washington Post*, July 12, 1935; *Time* 66 (July 22, 1935) 17.

<sup>41</sup> *Washington Evening Star*, July 12, 1935.

<sup>42</sup> Early memorandum to Marvin McIntyre, July 18, 1935, Official File 6-Q, Roosevelt Papers, FDRL; Ickes, *Secret Diary*, 403 (July 20, 1935).

prisoners were women. He did not believe it was fitting that women sit on the board because of the testimony of some "nasty prisoners." No one overlooked the fact that Dr. Stannard was a Republican appointee of Herbert Hoover.<sup>43</sup>

Wilson's appointment precipitated another outburst from the press. Raymond Gram Swing, a widely read columnist, observed that Wilson's appointment was intended to "save the face of Pat Harrison, which goes to show that the cost of Pat Harrison's face is very, very dear." The senator was "too important" as the Administration's lieutenant in the Senate. The summer of 1935 was, after all, the time in which Harrison shepherded to passage the Social Security Act, the "share the wealth tax," and a limited extension of the National Recovery Administration. Dr. Stannard was also vehement about her removal. She knew that state governors commonly treated parole administrators as "political plums" but she had expected the federal government to serve as a model free from "political machinations."<sup>44</sup>

Political columnists were uniformly caustic about Cummings's replacement of Dr. Stannard by Wilson. Rodney Dutcher, who was syndicated in the *Jackson Daily News*, agreed with Raymond Gram Swing that the appointment was a reward for Senator Harrison for his "steady performance" as an administration leader of a New Deal program that he privately and primarily disliked. And yet he had been given hundreds of patronage appointments, more than seventy alone in Ickes's PWA organization. On the other hand Cummings vigorously defended Wilson as fully qualified.<sup>45</sup> President Roosevelt wrote an assuaging memorandum to Ickes that it was the time when all men "should pour oil on the waters and not kerosene on the flames." He advised Secretary Ickes and Attorney General Cummings to agree upon a successor to Wilson.<sup>46</sup>

Robert Herrick, the new acting governor of the Virgin Islands, wrote Ickes in August 1935 that Judge Wilson had merely wanted to return "to the white lights of Pennsylvania Avenue." He related to Ickes word he had received that the judge's followers were disenchanted by the

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<sup>43</sup> Washington Post, July 24 and 25, 1935; Ickes, Secret Diary, (July 25, 1935), 405; Watkins, Righteous Pilgrim, 508-09.

<sup>44</sup> Swing, "Storm Over the Virgin Islands" *Nation* 41 (July 24, 1935), 95-96; Washington Evening Star, July 25, 1935; *Time* 66 (August 5, 1935), 13; Martha H. Swain, Pat Harrison: The New Deal Years (Jackson: University Press of Mississippi, 1978), 82-116 passim.

<sup>45</sup> *Jackson Daily News*, August 13, 1935; *Time* 66 (August 5, 1935), 13.

<sup>46</sup> Roosevelt memorandum to Ickes, July 25, 1935, Ickes Papers, Box 369, LC.

manner in which the “chivalrous” judge had replaced Dr. Stannard. Herrick added that Wilson had lost his “halo as Protector of the Poor and Defenseless against the tyrants of the Interior Department.”<sup>47</sup>

The saga of T. Webber Wilson’s tenure in the Virgin Islands continued as the American Civil Liberties Union and the National Association for the Advancement of Colored People pursued an overturn of Leonard MacIntosh’s indictment. In early October 1935, lawyer Morris Ernst transmitted his brief on the case to Walter White of the NAACP. Ernst was to be paid \$100 in expenses for his work. In mid December Ernst reported to White about his argument in the case: “It was tough going.”<sup>48</sup>

In March 1936 the U.S. Circuit Court of Appeals (Philadelphia) rendered a decision in Wilson’s favor by upholding MacIntosh’s conviction. Justice J. Warren Davis wrote, “We do not feel he acted as a prosecutor but in accord with the standards laid down in many cases.”<sup>49</sup> MacIntosh had not been denied any rights and his counsel had agreed to a trial without a jury. Justice Joseph Buffington concurred in the opinion but added that there was “nothing of ill will, prejudice, or unfair conduct on the part of the judge.”<sup>50</sup>

Ickes apparently had no comment about the rebuff handed down in Philadelphia. In time his attitude toward Senator Harrison somewhat softened. By 1937, Ickes had learned through Edwin Halsey, secretary of the Senate and a Harrison confidant, that “Pat Harrison thinks you are all right now.” Harrison’s Senate votes for Interior Department amendments and programs pleased his once-combatant in the Virgin Islands ruckus.<sup>51</sup>

As for T. Webber Wilson, his tenure on the Parole Board ended in 1947. He died at age fifty-five in Coldwater on January 31, 1948 and was buried there in Magnolia Cemetery.

[Postscript: Wilson’s replacement, Albert Levitt (1935), antagonized white landowners and drew protests from V.I.’s black population because of his seeming inequitable treatment of both. After Levitt’s resignation

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<sup>47</sup> Herrick to Ickes, August 9, 1935, Ickes Papers, Box 369, LC.

<sup>48</sup> Ernst to White, October 3, 1935; White to Charles Houston (NAACP Special Counsel), October 16, 1935; Ernst to NAACP and American Civil Liberties Union, December 19, 1935, all in NAACP Papers, Administration File, Box 416 LC.

<sup>49</sup> New York Times, March 15, 1936; Washington Evening Star, March 15, 1936.

<sup>50</sup> Federal Register, 2nd Series 83 (June-July 1936), 380-83.

<sup>51</sup> Ickes, Secret Diary of Harold L. Ickes; *The Inside Struggle, 1936-1939* (New York: Simon and Schuster, 1954), 131 (May 1, 1937); 158 (August 10, 1937).

in 1936 and that of his successor George P. Jones in 1937, President Roosevelt in 1937 appointed William Henry Hastie as the federal judge for the Virgin Islands. Hastie was the first black to be named a federal judge. When Hastie resigned in 1939 to become dean of the Howard University Law School, Roosevelt named a second black, Herman E. Moore. Under Hastie and Moore the vexatious character of Virgin Islands justice ended.<sup>52</sup>

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<sup>52</sup> Boyer, *America's Virgin Islands*, 186-87.