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ARTICLES

PANTHERS AND PINSTRIPES: THE CASE OF EZRA POUND AND ARCHIBALD MACLEISH

JEAN STEFANCIC*
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I. INTRODUCTION

Archibald MacLeish and Ezra Pound were extraordinary men: MacLeish his country's most noted lawyer-poet-public servant, Pound its greatest Imagist poet. Their relationship was just as extraordinary, although until the recent publication of MacLeish's letters and oral history and the unsealing of Pound's files in St. Elizabeths Hospital and the Department of Justice, its story could not be told. Pound, manic and given to excess, became seriously unbalanced in his middle years, propagating racist and anti-Semitic views, taunting MacLeish and other American loyalists during World War II, and broadcasting on behalf of the fascist Italian government. After the War, he was imprisoned in Italy and then extradited to the United States, where he was committed as insane in lieu of a trial.¹

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1. See *infra* notes 79-85, 214 and accompanying text. Pound's case stands alone in the history of American literature. No American writer had ever before been indicted for treason, declared insane, and committed to a mental hospital for an indeterminate amount of time. Only recently could most of his story be reconstructed from files that had been closed by the Justice Department

MacLeish had almost nothing in common with Pound. He was refined, educated at the best schools, and a member of his country's literary and political establishments. Yet, following an earlier spurning by Pound, MacLeish was instrumental in bringing about Pound's release in 1958, acting discreetly and taking little or no credit for it. Conventional explanations of MacLeish's role in the Pound affair are inadequate, resting either on sympathy—MacLeish empathized with the great poet and desired to have him released from confinement—or on public calling—MacLeish acted as he did because Pound's predicament was becoming an embarrassment for the United States.

We believe that understanding MacLeish's role requires a deeper exploration of his character and place in American public life during World War II and the postwar years. We begin by recounting the salient facts of the Pound affair, particularly the points at which MacLeish's career intersected with Pound's. We then offer two interpretive explanations of MacLeish's role in freeing the poet: one based on MacLeish's divided personality as lawyer-writer, the other on changes in the United States' position in world politics and MacLeish's role in ushering in those changes.

Finally, we find in the story of Pound and MacLeish some of the elements of a morality tale. MacLeish, like many lawyers, was an excellent technician who hungered for something else, namely literature. Trained in the humanities, but caught up in an increasingly arid legal world, he struggled to integrate the two sides of his personality. But, in spite of MacLeish's prodigious talents, his panther remained caged most of his life.² Will that be the fate of most of us?

and St. Elizabeths Hospital. For a comprehensive study of the legal and medical issues of the Pound case, see E. TORREY, *THE ROOTS OF TREASON: EZRA POUND AND THE SECRETS OF ST. ELIZABETHS* (1984). For other accounts of Pound's life and work, see H. CARPENTER, *A SERIOUS CHARACTER* (1988); C. HEYMAN, *EZRA POUND: THE LAST ROWER, A POLITICAL PROFILE* (1976); H. MEACHAM, *THE CAGED PANTHER: EZRA POUND AT SAINT ELIZABETHS* (1967); C. NORMAN, *THE CASE OF EZRA POUND* (1968); N. STOCK, *THE LIFE OF EZRA POUND* (1970).

2. Pound used the term "caged panther" to describe his imprisonment by the United States Army in Pisa, Italy, see *infra* notes 80-81 and accompanying text, and later in St. Elizabeths Hospital, see *infra* notes 85-92 and accompanying text. See E. POUND, *THE PISAN CANTOS, CANTO 83* (1948) ("But in the caged panther's eyes: Nothing. Nothing that you can do.").

II. POUND AND MACLEISH: AN UNLIKELY DUO

A. EZRA POUND: THE "CAGED PANTHER"

Ezra Pound was born in Idaho in 1885.³ His paternal grandfather had been lieutenant governor and a United States Congressman from Wisconsin; on his mother's side he was related to the poet Longfellow.⁴ When he was two, his family moved east and settled in Philadelphia, where his father became assistant assayer at the U.S. Mint.⁵ As an adult, Pound vividly recalled seeing his father weigh a man's signature written in gold⁶ and watching laborers shovel gold coins into counting machines.⁷ The only child of parents with aristocratic pretensions, Pound readily absorbed the prejudices of his middle-class family.⁸ Writing of his boyhood, he described waves of immigrants "sweeping along Eighth Avenue in the splendor of their vigorous unwashed animality."⁹

He entered the University of Pennsylvania at the age of fifteen, already knowing that he wanted to be a poet.¹⁰ At the expense of his social acceptance, he also went to great lengths to act like one, affecting flagrantly unconventional manner and dress. His grades were mediocre and his strange ways and self-absorption put off his classmates, some of

3. E. TORREY, *supra* note 1, at 18; see H. MEACHAM, *supra* note 1, at 15.

4. E. TORREY, *supra* note 1, at 18-19. The relationship to Longfellow was one he was always "trying to live down." C. HEYMANN, *supra* note 1, at 6.

5. N. STOCK, *supra* note 1, at 5.

6. C. HEYMANN, *supra* note 1, at 7-8, 343 nn.1-7; N. STOCK, *supra* note 1, at 6 (The young Pound, "fascinated by the inner workings" of the Mint, "drank in stories" about gold bricks.).

7. C. HEYMANN, *supra* note 1, at 8, 343 nn.1-9; N. STOCK, *supra* note 1, at 7. It is possible that these vivid experiences at a young age laid the groundwork for Pound's later fascination with "usury," monetarism, and the fascist perception connecting these to Jews. See *infra* notes 54-76 and accompanying text.

8. See E. TORREY, *supra* note 1, at 20-23. Despite their pretensions, the family was related on the mother's side to the Loomis gang of horse thieves. C. HEYMANN, *supra* note 1, at 6. On middle-class prejudice generally, see Delgado, *Derrick Bell and the Ideology of Racial Reform: Will We Ever Be Saved?*, 97 YALE L.J. 923 (1988).

9. E. TORREY, *supra* note 1, at 24.

10. C. HEYMANN, *supra* note 1, at 10.

whom threw him into the campus pond.¹¹ An attempt at pledging a fraternity ended in disaster.¹² Disappointed, Pound transferred to Hamilton College in his third year,¹³ graduated in 1905,¹⁴ and returned to Penn for his Master's degree.¹⁵ By then he had taught himself eight foreign languages¹⁶ and met William Carlos Williams¹⁷ and Hilda Doolittle,¹⁸ both of whom remained his friends and went on to become major figures in the American Imagist school of poetry.¹⁹

On leaving Penn, Pound accepted a position in the English Department at Wabash College in Crawfordsville, Indiana.²⁰ He lasted a scant four months. His unorthodox ideas,²¹ flamboyant dress, and sexual adventuring²² scandalized the community and made it necessary for him to leave. With financial support from his father,²³ he sailed for Venice in 1908 and then moved to England, where he made his way into the bohemian-literary life of London.²⁴

Pound published four collections of poetry in less than two years: *A Lume Spento* (Venice-June 1908),²⁵ *A Quinzaine for this Yule* (London-December 1908),²⁶ *Personae* (London-April 1909),²⁷ and *Exultations*

11. See E. TORREY, *supra* note 1, at 18-41 (Chapter 2, entitled "Baptism in a Lily Pond," is an account of the young Pound's troubles.).

12. *Id.* at 26, 29. Even as a graduate student, Pound remained socially inept. Accustomed to being the center of the family at home, he lacked the ability to form and maintain casual relationships. Some classmates were initially drawn to him because of his iconoclasm and colorful manner, but they were later repelled by his self-centered narcissism. Yet he was capable of loyalty and generosity in friendship, as those who benefited were to acknowledge years later when he was in trouble. See *id.* at 4, 20-22, 26, 29.

13. N. STOCK, *supra* note 1, at 15.

14. *Id.* at 21.

15. *Id.*

16. C. HEYMANN, *supra* note 1, at 10; E. TORREY, *supra* note 1, at 30. The languages were Greek, Latin, Italian, French, Spanish, Provencal, German, and Anglo-Saxon.

17. E. TORREY, *supra* note 1, at 25.

18. *Id.* at 32-36. Hilda Doolittle wrote under the pen name H.D.

19. *Id.* at 25-26, 36.

20. N. STOCK, *supra* note 1, at 36.

21. E. TORREY, *supra* note 1, at 38.

22. *Id.* at 37. Among other things, Pound took a stranded female circus performer into his quarters, shocking the town and his straitlaced landlady. *Id.* at 40-41.

23. N. STOCK, *supra* note 1, at 104.

24. C. HEYMANN, *supra* note 1, at 15-16; E. TORREY, *supra* note 1, at 58. He had visited London briefly three times before. C. HEYMANN, *supra* note 1, at 8-9; N. STOCK, *supra* note 1, at 10, 13, 29; E. TORREY, *supra* note 1, at 42.

25. N. STOCK, *supra* note 1, at 49. The collection is reprinted in E. POUND, *A LUME SPENTO AND OTHER EARLY POEMS* 9 (1965) [hereinafter E. POUND, *A LUME SPENTO*].

26. N. STOCK, *supra* note 1, at 56. The collection is reprinted in E. POUND, *A LUME SPENTO*, *supra* note 25, at 83.

27. E. POUND, *PERSONAE* (1926).

(London-October 1909).²⁸ The young poet's reputation grew rapidly; Continental reviewers heralded the arrival of a new literary genius. He lectured at London Polytechnic Institute²⁹ and was appointed foreign correspondent for *Poetry*,³⁰ a magazine published in Chicago by Harriet Monroe. At the time, English-language poetry was rife with sentimentality and moral didacticism. Pound set out to reform it.³¹

A single visit to the United States in 1910 proved disappointing. Pound's writing received mixed reviews, unlike on the Continent, and he could find no work.³² He returned to London in 1911,³³ continued writing, and soon became a sort of cultural guru. He was a fixture at literary gatherings, often wearing capes and other dramatic garb. Young poets flocked to him. He encouraged them, praised their work, and told them to write simply and in their own voices. He met and influenced T. S. Eliot,³⁴ Robert Frost,³⁵ Rabindranath Tagore,³⁶ and W. B. Yeats.³⁷ With the latter he shared an interest in mysticism and the conviction that creativity was linked to sexual energy.³⁸ He began his work—to continue a lifetime—of translating Chinese and Japanese poetry when he agreed to edit the notebooks of Ernest Fenollosa, one of the first Westerners to recognize and celebrate Asian literary traditions.³⁹

28. N. STOCK, *supra* note 1, at 74. The collection is reprinted in E. POUND, *EXULTATIONS OF EZRA POUND* (1973).

29. N. STOCK, *supra* note 1, at 70.

30. E. TORREY, *supra* note 1, at 59-60.

31. C. HEYMANN, *supra* note 1, at 17. For discussion of the literary scene in the United States before the decade of the 1920s, see F. HOFFMAN, *THE TWENTIES: AMERICAN WRITING IN THE POSTWAR DECADE 3-14* (1955) (Chapter 1: The Temper of the 1920s, Part 1: The Old Gang and the New).

32. E. TORREY, *supra* note 1, at 54-57.

33. N. STOCK, *supra* note 1, at 96, 104.

34. C. HEYMANN, *supra* note 1, at 30-31.

35. *Id.* at 26-28.

36. N. STOCK, *supra* note 1, at 126-27. Others he helped or influenced included Nobel Prize winners Hemingway and Yeats, William Carlos Williams, e. e. cummings, Hart Crane, Marianne Moore, Wyndham Lewis, D. H. Lawrence, Katherine Anne Porter, James Joyce, French sculptor Henri Gaudier-Brzeska, Romanian sculptor Constantine Brancusi, and American composer George Antheil. E. TORREY, *supra* note 1, at 4-51, 60-64, 100-01. *See also id.* at 60 ("Phyllis Bottome credited Pound for giving her 'the first unbiased and objective literary criticism I had ever known . . . He helped to release any, and every artist, young or old, whom he came across, from any shackles that prevented the strength of their artistic impulses.'").

37. E. TORREY, *supra* note 1, at 61-62.

38. *Id.* at 48-49.

39. *See* N. STOCK, *supra* note 1, at 148-49, 167-69.

Pound became the acknowledged architect of the *risorgimento* of modern English and American poetry. He dismantled the ornate, measured language of the Victorian tradition⁴⁰ and replaced it with sharp images, precise use of words, and metrical variation.⁴¹ For example, his much quoted poem, *In a Station of the Metro*, uses fourteen words to convey his impression of a busy Parisian subway platform:

The apparition of these faces in the crowd;
Petals on a wet, black bough.⁴²

A translation from the Chinese poet Liu Ch'e' describes the emptiness felt at the loss of a loved one:

There is no sound of foot-fall, and the leaves
Scurry into heaps and lie still,
And she the rejoicer of the heart is beneath them:
A wet leaf that clings to the threshold.⁴³

In addition to translations and anthologies, Pound wrote reviews of literature, music, and art.⁴⁴ Despite this prodigious output, his income was barely adequate; in 1915, writing earned him only £42, and he was obliged to accept money from his family and patrons.⁴⁵ When he had more than he needed, he gave it away to writers more needy than he.⁴⁶

Devastated by World War I, London ceased to be a center of literary innovation.⁴⁷ Pound left for Paris,⁴⁸ where he continued his support of aspiring writers, artists, and musicians,⁴⁹ raised money for Eliot, and edited *The Wasteland*.⁵⁰ He befriended James Joyce, even sending him a pair of used but durable brown shoes.⁵¹ He helped Ernest Hemingway hone his clean, direct prose style.⁵² His own work, consisting largely of a series of "cantos," was highly original; he wrote many lines of great beauty.⁵³

40. See C. HEYMANN, *supra* note 1, at 17-19; E. TORREY, *supra* note 1, at 58-64.

41. See N. STOCK, *supra* note 1, at 112, 115; *supra* note 40.

42. E. POUND, *supra* note 27, at 109; N. STOCK, *supra* note 1, at 136.

43. E. POUND, *supra* note 27, at 108; N. STOCK, *supra* note 1, at 147.

44. E. TORREY, *supra* note 1, at 88-89.

45. C. HEYMANN, *supra* note 1, at 34.

46. E. TORREY, *supra* note 1, at 60.

47. See C. HEYMANN, *supra* note 1, at 36-37; E. TORREY, *supra* note 1, at 90.

48. Paris was becoming the new literary capital of Europe. E. TORREY, *supra* note 1, at 95.

49. *Id.* at 98-102.

50. C. HEYMANN, *supra* note 1, at 30, 51-53; E. TORREY, *supra* note 1, at 98. Eliot dedicated the work to Pound with the inscription "for E.P. *il miglior fabbro*" (the better craftsman).

51. C. HEYMANN, *supra* note 1, at 29-30 (Pound helped get Joyce's *Ulysses* published.); N. STOCK, *supra* note 1, at 239.

52. C. HEYMANN, *supra* note 1, at 51; E. TORREY, *supra* note 1, at 100.

53. See C. HEYMANN, *supra* note 1, at 63-67; N. STOCK, *supra* note 1, at 117-18. For example:

Yet even his early work has a dark side. Embedded in it are scattered references to banks,⁵⁴ usury,⁵⁵ and Jews.⁵⁶ While in London, Pound had taken up the study of economics. By war's end in 1918, he had met Clifford Hugh Douglas,⁵⁷ a British engineer. Douglas had become intrigued by the way in which during peacetime, when the capacity for production was high, there was not enough money for citizens to purchase necessities; yet, in wartime, there seemed to be enough money for everything. Douglas collected his theories in a book, *Economic Democracy*, which Pound reviewed in 1920.⁵⁸ In essence, Douglas believed that workers should only be paid for labor that resulted in a product—manufactured goods, food, works of art. But no one should be allowed to make money from money—from rents, interest, or dividends. The latter practice, which he called usury, was in his view the source of most of our social ills because it allowed a small group to control the economy and money supply.⁵⁹ Pound, himself poor and acutely aware of the poverty of other artists, fell under the influence of Douglas and his "Social Credit" theory.⁶⁰ Though Douglas was not a fascist, Pound later linked his theory with fascism when he realized that Mussolini had taken steps to free the Italian monetary system from international banking.⁶¹

For I am the weird untam'ed
That eat of no man's meat,
My house is the rain ye wail against,
My drink is the wine of sleet.

E. POUND, *Anima Sola*, in *A Lume Spento*, *supra* note 25, at 31-32; *see also supra* notes 41-43 and accompanying text and poems cited therein. His work also had a whimsical side:

Winter is icummen in,
Lhude sing Goddamm,
Raineth drop and staineth slop
And how the wind doth ramm!
Sing: Goddamm.

E. POUND, *Ancient Music*, in *PERSONAE*, *supra* note 27, at 116.

54. *E.g.*, E. POUND, *Canto 37*, in *CANTOS OF EZRA POUND 181-86* (1970); E. TORREY, *supra* note 1, at 147.

55. *E.g.*, C. HEYMANN, *supra* note 1, at 32-33; E. POUND, *Canto 45*, in *CANTOS OF EZRA POUND*, *supra* note 54, at 229; E. TORREY, *supra* note 1, at 133-34.

56. *E.g.*, C. HEYMANN, *supra* note 1, at 65; E. POUND, *Canto 35*, *Canto 74*, in *CANTOS OF EZRA POUND*, *supra* note 54, at 172, 425.

57. E. TORREY, *supra* note 1, at 132. Douglas worked for the British government in India and other colonial territories. C. HEYMANN, *supra* note 1, at 32.

58. Pound, Book Review, *LITTLE REV.*, Apr. 1920, at 39; *see* A. SCHLESINGER, *POLITICS OF UPHEAVAL 72* (1960) (Pound, one of a group of American intellectuals who flirted with Fascism, had shown interest in Guild Socialism in his early London days.); E. TORREY, *supra* note 1, at 132.

59. C. DOUGLAS, *ECONOMIC DEMOCRACY* (1919); *see also* E. TORREY, *supra* note 1, at 132 (citing Douglas' theory that people should not be allowed to make profits by manipulating money).

60. H. MEACHAM, *supra* note 1, at 18-19; C. NORMAN, *supra* note 1, at 31-35; E. TORREY, *supra* note 1, at 133.

61. E. TORREY, *supra* note 1, at 137; *see* A. SCHLESINGER, *supra* note 58, at 72 (Pound was obsessed with the idea of money and monetary reform.).

Douglas had, however, incorporated into his work ideas from a book entitled *The Protocols of The Learned Elders of Zion*, known later as *The Protocols of Zion*.⁶² The book first appeared in Russia in 1905 and is thought to have been written by the Czarist police. It outlined a secret plan for a Jewish takeover of the world economy by gaining control of banking, the press, and business. By 1920, copies of the book had reached Europe and the United States.⁶³ Pound's mind, biased since childhood against foreigners, Blacks, and Jews,⁶⁴ readily accepted this explanation of the world economic crisis. The crash of 1929 only confirmed it.

Moreover, Pound's move to Rapallo, Italy, in 1925 caused him and his wife Dorothy to become increasingly isolated from American thought and experience.⁶⁵ In Italy, his economic and political ideas grew even more extreme. He requested an audience with Mussolini in 1932 and thereafter became one of his greatest admirers.⁶⁶ His book, *Jefferson and/or Mussolini*, rejected by forty publishers before it was issued in 1935, argued that the two men and their ideas were very similar.⁶⁷ Pound sent hundreds of letters to newspapers, periodicals, and public figures, including President Roosevelt, Albert Einstein, Senator Huey Long, Father Charles Coughlin, and even mystery writer Dorothy Sayers, preaching monetary reform.⁶⁸ "I personally know of no social evil that cannot be cured, or very largely cured, economically," he wrote.⁶⁹

Pound began using dialect, odd punctuation, and peculiar abbreviations in his speech and letters.⁷⁰ These eccentricities, combined with his increasingly extreme racial and economic views, made friends suspect

62. THE PROTOCOLS OF ZION (V. Marsden trans. & ed. 1977).

63. E. TORREY, *supra* note 1, at 140.

64. See A. SCHLESINGER, *supra* note 58, at 72-73; E. TORREY, *supra* note 1, at 68-69; *supra* notes 8-9 and accompanying text.

65. See E. TORREY, *supra* note 1, at 124-26; Delgado, Dunn, Brown, Lee & Hubbert, *Fairness and Formality: Minimizing the Risk of Prejudice in Alternative Dispute Resolution*, 1985 WIS. L. REV. 1359, 1385-90 (conditions that promote or retard racism). The Pounds went to Italy in part to free the poet from energy-draining proteges and to give him more time to write. C. HEYMANN, *supra* note 1, at 54. While he did achieve a degree of freedom, it was offset by an "immense" correspondence with his now distant friends. *Id.* at 55.

66. E. TORREY, *supra* note 1, at 135-36.

67. E. POUND, *JEFFERSON AND/OR MUSSOLINI* (1935); E. TORREY, *supra* note 1, at 136.

68. C. HEYMANN, *supra* note 1, at 69 (thousands of letters); E. TORREY, *supra* note 1, at 146; see A. SCHLESINGER, *supra* note 58, at 73 (Pound believed that, in the time of Adams, Jefferson, and Van Buren, America had been strong and pure; "usury" corrupted the Republic, producing unemployment, oppression, and cultural degeneracy.).

69. E. TORREY, *supra* note 1, at 146.

70. N. STOCK, *supra* note 1, at 15-16.

that he had become mentally unbalanced.⁷¹ Their suspicions deepened when Pound returned to the United States in the spring of 1939 to promote his theories and to accept an advisory position in the government, if one were offered.⁷² No one took him seriously.⁷³ Stung, he returned to Italy, where he launched a series of vitriolic radio broadcasts extolling fascism and the Mussolini government.⁷⁴ According to Pound, because Roosevelt had not reformed the banking system, he was in league with the Jews, who were promoting the war effort for their own gain.⁷⁵

In a diatribe on April 23, 1942, Pound vilified Archibald MacLeish, who had been appointed Director of the U.S. Office of Facts and Figures:

[MacLeish] has been given a gangster's brief and he has been entrusted with the defense of a gang of criminals

I ask Archie to say openly why he handed out four billion dollars in excess profits . . . between 1932 and 1940, handing it to a dirty gang of kikes and hyper-kikes on the London gold exchange firms. Why is that expected to help America? . . .

Had you had the sense to eliminate Roosevelt and his Jews . . . at the last election, you would not now be at war.⁷⁶

Despite Pound's tone of outraged betrayal, he and MacLeish had met only once, in 1939.⁷⁷ They knew each other mainly through mutual

71. C. HEYMANN, *supra* note 1, at 75; see E. POUND, *Canto 74, Canto 76, Canto 79*, in *CANTOS OF EZRA POUND*, *supra* note 54, at 425, 452, 484 (anti-Black and other racist references); E. TORREY, *supra* note 1, at 68-69 (racist, anti-immigrant attitudes and slurs).

72. C. HEYMANN, *supra* note 1, at 88; E. TORREY, *supra* note 1, at 152. The ostensible purpose of the trip was to accept an honorary degree, H. MEACHAM, *supra* note 1, at 19, but Pound hoped to persuade the United States of the error of its ways and avert World War II and economic ruin. C. HEYMANN, *supra* note 1, at 82-86.

73. C. NORMAN, *supra* note 1, at 36-39; E. TORREY, *supra* note 1, at 153; see C. HEYMANN, *supra* note 1, at 85 (Pound managed to meet with only a few federal officials.). His overbearing, needling manner had much to do with his rejection. See C. HEYMANN, *supra* note 1, at 88; E. TORREY, *supra* note 1, at 154 (On visiting Harvard to read his poems, Pound noticed there were many Jews in the audience; he therefore selected additional anti-Semitic poems to read.).

74. C. HEYMANN, *supra* note 1, at 84. Examples (beamed at American troops): "You are at war for the duration of Japan's pleasure (Feb. 3, 1942) You are not going to win this war. None of our best minds ever thought you could win it. You have never had a chance in this war (June 28, 1942)." E. TORREY, *supra* note 1, at 3; see C. NORMAN, *supra* note 1, at 37-41; see also *id.* at 157-58 (describing Pound's broadcasts for Italy); N. STOCK, *supra* note 1, at 596 (referring to copies of 125 broadcasts between Dec. 7, 1941, and July 25, 1943, on file in the Library of Congress and National Archives).

75. C. NORMAN, *supra* note 1, at 37-41; E. TORREY, *supra* note 1, at 149.

76. C. HEYMANN, *supra* note 1, at 117-18; see also C. NORMAN, *supra* note 1, at 41 (Pound accused MacLeish of gulling workers and serving as stooge for a "false accounting system.").

77. A. MACLEISH, *LETTERS OF ARCHIBALD MACLEISH, 1907-1982*, at 335 (R. Winnick ed. 1983).

acquaintances and correspondence regarding MacLeish's poetry, which Pound had excoriated.⁷⁸

On July 26, 1943, Pound was indicted *in absentia* in the District of Columbia for treason.⁷⁹ A day earlier, Mussolini had resigned and later fled from Rome.⁸⁰ Italian partisans arrested Pound, and he remained in detention in Pisa for six months, the first of which he spent in a six-and-a-half foot steel reinforced "gorilla cage,"⁸¹ on display all day and illuminated by spotlight at night.⁸² He was returned to the United States on November 18, 1945.⁸³ A few months later in a Washington, D.C., courthouse, after hearing testimony by four psychiatrists, a jury deliberated for three minutes and found Pound to be of unsound mind.⁸⁴ He was remanded to St. Elizabeths Hospital until he could be restored to sanity.⁸⁵

During his years of incarceration, Pound received a steady stream of visitors, including not only old friends, but also sycophants, racists, and other members of the lunatic fringe.⁸⁶ He wrote *The Pisan Cantos*, based on his Italian confinement, which received the Bollingen Prize in 1949,⁸⁷ and he continued to translate Chinese poetry.⁸⁸ At first, there was little incentive in any quarter to resolve Pound's case. His actions had angered

78. *Id.* at 187, 191, 194, 196, 200, 249, 250, 255, 263-64; *see also* Letter from Ezra Pound to Archibald MacLeish (Dec. 5, 1926) (Library of Congress, Manuscript Div., MacLeish File) ("You understand I am putting on the heavy hammer; if I don't, the criticism is no use, and we get off into mere conversation and politesse . . . Am saying all the unpleasant things I can. Otherwise no use in writing."); *id.* (Jan. 27, 1927) ("Don't work on some damn thing I have already chewed over."); *id.* (Feb. 15, 1927) ("It is a matter of breaking up the god damn cliches of cadence and idiom."). For MacLeish's replies to Pound's criticisms, *see* A. MACLEISH, *supra* note 77, at 187, 189, 191-93, 249, 250, 263-64. For letters of MacLeish to others concerning Pound's criticism of him, *see id.* at 194-96, 200, 255.

79. E. TORREY, *supra* note 1, at 167; *see* C. NORMAN, *supra* note 1, at 9. There were two indictments, the second superseding the first. Both are reproduced in C. HEYMANN, *supra* note 1, at 135, 180-86. Both charge him with broadcasting enemy propaganda on the Rome radio "contrary to his duty of allegiance to the United States." In addition to broadcasting, he composed enemy propaganda, slogans, and manifestos. *Id.* at 110-11, 148.

80. E. TORREY, *supra* note 1, at 170.

81. *Id.* at 2, 7-17, 176.

82. *Id.*

83. *Id.* at 177.

84. *Id.* at 207-18; *see* C. NORMAN, *supra* note 1, at 67 (paranoid and unfit to participate in his own defense). *See generally* C. NORMAN, *supra* note 1 (Pound found documentation of the sanity hearing.). The doctors' letter to the court is reproduced in C. HEYMANN, *supra* note 1, at 189-90; for a transcript of their later testimony, *see id.* at 195-202.

85. A. MACLEISH, *supra* note 77, at 336 n.4.

86. *See* E. TORREY, *supra* note 1, at 227-31.

87. *Id.* at 234-35.

88. *Id.* at 222.

opinion-makers and prejudiced public sentiment against him.⁸⁹ At the same time, he lived well at government expense.⁹⁰ St. Elizabeths' chief psychiatrist, Dr. Winfred Overholser, took pride and pleasure in his famous patient, seeing to it that he had everything he needed for his work.⁹¹ McCarthyism came and went,⁹² but Pound was still impounded. There was little pressure to release him.

B. ARCHIBALD MACLEISH: MAN IN THE SHADOWS

Archibald MacLeish, born in 1892, grew up in Glencoe, Illinois. His father, a Scottish émigré, was founder and manager of a successful retail store and trustee and a founder of the University of Chicago.⁹³ His mother, Martha Hilliard, was a welfare reformer and former president of a seminary for women.⁹⁴ MacLeish had a comfortable and secure childhood, enriched by his mother's readings from children's books, the Bible, Shakespeare, and Dante. He attended the Hotchkiss School in Connecticut and later Yale. By then, he "was already writing perfectly dreadful verses but writing a great many of them."⁹⁵

Yale was then a school for gentlemen, clubby and not particularly distinguished in scholarship. The two members of the English department specialized in eighteenth-century writers, Tennyson and Browning. MacLeish wrote verse and won prizes but remained unsatisfied: "I loved Yale deeply . . . but it wasn't an educational institution. It lacked the

89. *Id.* at 178.

90. *Id.* at 240, 243-44. Pound took his incarceration with relatively good grace, joking about the "bughouse" he was in. H. CARPENTER, *supra* note 1, at 815; *see infra* notes 215-17 and accompanying text. Indeed, at least one commentator believes Pound cooperated willingly in his own commitment (perhaps fearing the outcome of a treason trial) and resisted early efforts by well-wishers to have him released. *See* S. KUTLER, *THE AMERICAN INQUISITION: JUSTICE AND INJUSTICE IN THE COLD WAR 79-81* (1982).

91. E. TORREY, *supra* note 1, at 245-53.

92. *Id.* at 236.

93. A. MACLEISH, *ARCHIBALD MACLEISH: REFLECTIONS* (B. Drabeck & H. Ellis eds. 1986) [hereinafter A. MACLEISH, *REFLECTIONS*]. For other collections on or by MacLeish see S. FALK, *ARCHIBALD MACLEISH* (1965); A. MACLEISH, *A CONTINUING JOURNEY* (1968) [hereinafter A. MACLEISH, *JOURNEY*]; A. MACLEISH, *supra* note 77; A. MACLEISH, *RIDERS ON THE EARTH* (1978) [hereinafter A. MACLEISH, *RIDERS*]; Aaron, *The Poet as Public Man* (Book Review), *NEW REPUBLIC*, Jan. 24, 1983, at 28.

94. She also took great interest in child education, working for a time at Jane Addams' Hull House in Chicago. A. MACLEISH, *supra* note 77, at xii. She was a Vassar graduate in a day when few women attended college. *Id.* at xi.

95. A. MACLEISH, *REFLECTIONS*, *supra* note 93, at 16. MacLeish was his Yale class poet and editor of the literary magazine. A. MACLEISH, *supra* note 77, at xii.

sort of thing that I felt at once when I went to the Harvard Law School and would occasionally cross over to the Yard."⁹⁶

When MacLeish graduated, he had no clear idea of what to do.⁹⁷ He wanted to be a writer but hesitated to make the sacrifices a writer's life might require. He opted instead for law school, with the understanding that his father would increase his allowance after the first year to permit him to marry his fiancée, Ada Hitchcock.⁹⁸ At first he found his studies engrossing: "The law school was an extraordinary intellectual experience and I discovered early that I was quite good at it . . . [it] was a means to livelihood, but what I hadn't counted on was that it was a very exciting intellectual discipline."⁹⁹

At the time, however, he wrote a former classmate from Yale: [I] am completely swallowed by Law It is a perfect jungle—the farther in you go the deeper the tangle gets and the more lies out behind you to be kept in mind. I won't say that it has not its fascination for it has. But it also fills me with a very real rebellion.¹⁰⁰

He finished the first year with grades at the A level,¹⁰¹ yet wrote his father:

Life is too short to do work which is as deadening as this. My two remaining free summers I intend to devote to the great mass of reading I have yet to do and for the doing of which my mind is so thirsty. Law and literature are, of course, incompatible, but I want to acquire a sufficient background so that if I am ever able to turn to the thing I most love I shall be able to undertake creative work at once¹⁰²

During his second year MacLeish continued to regret his missed opportunity to write.¹⁰³ His letters to his friend, Francis Hyde Bangs, describe meetings with minor poets and include poems that he had submitted unsuccessfully for publication.¹⁰⁴ When the United States entered the war in Europe in 1917, MacLeish knew at once that he must go.¹⁰⁵ Although entitled to deferment, he immediately enlisted in an ambulance

96. A. MACLEISH, REFLECTIONS, *supra* note 93, at 17.

97. *See* A. MACLEISH, *supra* note 77, at xii.

98. *Id.* at xii-xiii.

99. A. MACLEISH, REFLECTIONS, *supra* note 93, at 17.

100. A. MACLEISH, *supra* note 77, at 23.

101. *Id.* at xiii, 26 (MacLeish was a member of law review.).

102. *Id.* at 26.

103. *See id.* at 27-28.

104. *Id.* at 32-34, 37.

105. *Id.* at 38 (to his father: "I have got to go eventually. Something in me stronger than draft-laws makes that imperative."); *id.* at 38-39 (There was a "certain grim joy" in the thought of enlisting.).

unit, then transferred to the Yale field artillery unit, where he remained until the end of the war.¹⁰⁶

On discharge, MacLeish re-enrolled at Harvard Law School, finished his degree with honors, and passed the bar in the fall of 1919.¹⁰⁷ He explored editorial work with literary and political magazines,¹⁰⁸ but rejected both law practice and editing for a temporary position teaching constitutional law in the government department of Harvard College.¹⁰⁹ He had published a small collection of his poetry while at the front; he continued work on another.¹¹⁰

The next few years were difficult for MacLeish. Writing was still a passion, yet he hesitated to throw himself into it unconditionally. Letters from this period to family and friends, especially to his lifelong friend Dean Acheson, show him struggling with indecision. "I took out my three pitiful shadows of careers—teaching, practice, journalism [—]& examined them individually and serially & in patterns till I was dizzy. . . . I discovered that my ambition to date has not been to *do* a certain work in the world but to *be* a certain person."¹¹¹ "No sooner do I determine upon one course than the other beckons like the cults of Artemis. The result is that I have lost belief in myself & interest in my destiny. . . . A man's other career will live to haunt him . . ."¹¹² MacLeish considered an offer from Roscoe Pound to teach at Harvard Law School and declined. He appealed to Herbert Croly, editor of *The New Republic*, to take him on as an editor, but there was nothing available.¹¹³

By April, 1920, MacLeish decided to accept a position with a large Boston firm, Choate, Hall & Stewart.¹¹⁴ During the two years that followed, his life displayed many outward signs of success: a fine house in Cambridge,¹¹⁵ a happy marriage,¹¹⁶ an opportunity to teach law part-

106. *Id.* at 42-43; S. FALK, *supra* note 93, at 22 (MacLeish saw duty at the front and rose to the rank of Captain.).

107. A. MACLEISH, REFLECTIONS, *supra* note 93, at 19. He was an excellent law student, earning the Fay Diploma for the student in his class highest in scholarship and character and with evidence of the greatest promise. A. MACLEISH, *supra* note 77, at xiii.

108. A. MACLEISH, *supra* note 77, at 48 nn.1-2.

109. A. MACLEISH, REFLECTIONS, *supra* note 93, at 19.

110. A. MACLEISH, *supra* note 77, at 37 n.8. The collection published while he was at the front was A. MACLEISH, TOWER OF IVORY (1917).

111. A. MACLEISH, *supra* note 77, at 62-63 (letter dated Dec. 30, 1919).

112. *Id.* at 66 (letter dated Jan. 12, 1920).

113. *Id.* at 67-69.

114. *Id.* at 73.

115. *Id.* at 85.

116. *Id.*

time,¹¹⁷ competence in trial practice,¹¹⁸ and the prospect of a partnership.¹¹⁹ Yet MacLeish was miserable. To his parents he wrote (August 1921):

The law is crowded—interesting—& full of despair. It offers its own rewards but none other. Nothing that I would gladly be or have promises through its development. As a game there is nothing to match it. Even living is a poor second. But as a philosophy, as a training for such eternity as the next hour offers it is nowhere—a mockery of human ambitions for reality.¹²⁰

To his friend Dean Acheson he wrote (September 18, 1921): “My renewed interest in teaching results from no new enchantment with that profession but from a profound suspicion of the practice of law. If I correctly analyze my emotions I am attracted to the law by considerations the most superficial imaginable.”¹²¹

To his friend Bangs he wrote (February 22, 1922):

I am now in the throes of deciding whether to stay on in the practice of law My ancient and misplaced ambition to write lies dreadfully at the bottom of it for the whole purpose of the change would be more time for the concoction of words into verses. I wonder why I cling to that ambition so tenaciously.¹²²

In an essay written years later and in his oral history, MacLeish recounts how he came to leave law practice.¹²³ After working late one cold night in February, 1923, he walked, instead of taking the subway, from his downtown office to his home in Cambridge. He was in crisis, his despair lit by the glare of the new moon. When he arrived home, he spent the entire night talking with his young wife about their future. The next morning he went to the law firm to announce his resignation. The firm greeted him with the news that he had just been voted a partner.

The news did nothing to change MacLeish’s mind. After selling their house and arranging their affairs, MacLeish, his wife Ada, and their two young children sailed for France on the S.S. Lafayette¹²⁴ on September 1, 1923, bent on joining the same community of émigré writers that

117. *Id.* at 86; A. MACLEISH, REFLECTIONS, *supra* note 93, at 20.

118. A. MACLEISH, *supra* note 77, at 96, 97.

119. *Id.* at 89.

120. *Id.* at 85.

121. *Id.* at 86.

122. *Id.* at 88.

123. A. MACLEISH, REFLECTIONS, *supra* note 93, at 20-21.

124. A. MACLEISH, *supra* note 77, at 101.

Pound had joined a few years earlier. Like Pound, MacLeish had a tolerant father who supported his son's desire to write.¹²⁵ On the three thousand dollars a year allowance his father provided,¹²⁶ MacLeish's family was able to afford a governess¹²⁷ and maid,¹²⁸ dinners out,¹²⁹ travel,¹³⁰ private schooling for their son,¹³¹ and voice and music lessons with a famous teacher for Ada.¹³²

In Paris, at the age of thirty-one, MacLeish immersed himself in the study of English literature. He also learned several foreign languages¹³³ and met most of the expatriate literary giants. But, despite his efforts, MacLeish's period in Paris earned him little but disappointment. He wrote prolifically and managed to publish some of his poetry in respectable journals,¹³⁴ yet he was never granted full entry into the inner circle of literary greats whose praise he coveted. Figures like Hemingway, Dos Passos, Pound, and Eliot would read his work, visit his apartment, have dinner, and correspond with him. But his ornate, rhetorical style put them off. They thought that he was not a very good writer and had little original to say.¹³⁵ Moreover, MacLeish seemed too eager for acceptance. His letters to the other writers were "continuously laudatory."¹³⁶ He aped their manners, sprinkling expletives and tough talk in his letters to Hemingway and Pound, while living comfortably in Paris sponsored by his wealthy father.¹³⁷

The more Pound and others criticized MacLeish, the more anxiously he sought their praise. Pound, for example, called his work derivative and told MacLeish he would never amount to anything until he

125. A. MACLEISH, REFLECTIONS, *supra* note 93, at 25-26.

126. *Id.* at 46.

127. A. MACLEISH, *supra* note 77, at 106, 107 n.3.

128. *Id.* at 104.

129. A. MACLEISH, REFLECTIONS, *supra* note 93, at 26.

130. A. MACLEISH, *supra* note 77, at 117, 169.

131. A. MACLEISH, REFLECTIONS, *supra* note 93, at 27.

132. A. MACLEISH, *supra* note 77, at 114, 126-27 (The teacher was Nadia Boulanger.).

133. *Id.* at 125.

134. See A. MACLEISH, NEW FOUND LAND (1930); A. MACLEISH, STREETS IN THE MOON (1926) [hereinafter A. MACLEISH, STREETS]; Langland, *In Our Time for a Long Time* (Book Review), 23 MASS. REV. 663 (1982) (an overview of MacLeish's poetic achievements).

135. *E.g.*, A. MACLEISH, *supra* note 77, at 187-91; Langland, *supra* note 134, at 667.

136. Aaron, *supra* note 93, at 29; see A. MACLEISH, *supra* note 77, at 193 ("I can't thank you for what you've done for me. I merely hope to God I'm worth the trouble."); *id.* at 187 ("[I]f I may truth-say without unction of flattery, why I turn to your stuff when my blood changes to sand and the dry grains grate in the heart tubes, is that I do there *hear*. Speech beautifully. Lang-uage."); A. MACLEISH, RIDERS, *supra* note 93, at 90-92.

137. A. MACLEISH, *supra* note 77, at 200; Aaron, *supra* note 93, at 28-29.

learned to write simply and without affectation.¹³⁸ MacLeish replied that he had come to writing late, had found himself weighed down "with a lot of accepted ideas," and told Pound that "it's you I've got to get over."¹³⁹ Moreover, he saw nothing wrong with showing the influence of others, so long as his writing was technically good.¹⁴⁰ The collective dismissal by the community of American émigré writers stung MacLeish, and he returned to the United States in 1928.¹⁴¹

After settling with his family on a farm in Massachusetts, MacLeish wrote to friends and acquaintances, asking about literary positions.¹⁴² He accepted one as a writer for *Fortune* magazine, which his friend Henry Luce had recently founded.¹⁴³ At *Fortune* he wrote articles about finance and politics, composing poetry and essays in his free time.¹⁴⁴

MacLeish's writing during this period took the "public" turn that was to characterize all his later work.¹⁴⁵ He became sermonic and hortatory, praising the United States and American values, particularly individual liberty.¹⁴⁶ After eight years with *Fortune*, he accepted a position as curator of the Niemann Foundation at Harvard.¹⁴⁷ MacLeish entered government service a year later when Roosevelt appointed him Librarian of Congress.¹⁴⁸ These new positions, if anything, increased his absorption with public values and writing. For example, in a letter to Felix Frankfurter, MacLeish lavished praise on his political hero for his commitment to republicanism and the ideal of public service:

What you and . . . I talked about . . . was the Republic and the obligation to serve it. Never after that hour, except from you, did I ever hear

138. Aaron, *supra* note 93, at 28-29; *see also supra* notes 78, 135. MacLeish was not to realize the truth of Pound's criticisms until thirty years later, when he reflected on his life in a letter to Pound. *See infra* note 205 (expressing regret at rejecting Pound's counsel).

139. A. MACLEISH, *supra* note 77, at 191-93.

140. *Id.*

141. S. FALK, *supra* note 93, at 22; Aaron, *supra* note 93, at 28-29; *see supra* notes 72-74 and accompanying text (MacLeish's poor reception and return to his homeland paralleled that of Pound, who had earlier returned to Italy from a similar experience in the United States.).

142. The MacLeish family probably purchased the farm with funds from the estate of his father, who had recently died. *See* A. MACLEISH, *supra* note 77, at xiii; A. MACLEISH, REFLECTIONS, *supra* note 93, at 66.

143. A. MACLEISH, *supra* note 77, at xiii.

144. *Id.* at xiii-xiv (MacLeish wrote over 100 articles in the span of eight years.); *id.* at 233 n.3 (MacLeish had an understanding with the magazine that he would be given time to write.); S. FALK, *supra* note 93, at 23, 50-51.

145. *E.g.*, S. FALK, *supra* note 93, at 100-17; A. MACLEISH, JOURNEY, *supra* note 93, at 107.

146. *See* S. FALK, *supra* note 93, Preface, at 100-17; A. MACLEISH, *supra* note 77, at 38-39, 185.

147. A. MACLEISH, *supra* note 77, at xiii-xiv (MacLeish was offered the position by James B. Conant, Harvard's president.).

148. *Id.* at xv (Felix Frankfurter urged him to accept the position.).

from anyone talk of the obligation to serve the Republic. I heard only the opposite—talk colored by the universally accepted assumption that it was not for that reason but for other reasons that men were in Government in Washington. . . . I am talking about the assumption of better men that it was in some way naive or unsophisticated or uninformed to attribute to the wish to serve the Republic what could conceivably be attributed to other impulses. You and you alone—and this is not the least of my reasons for loving you—have dared to believe that men do enter Government . . . because they believe in the Republic and wish to serve it.¹⁴⁹

MacLeish's career as public servant benefited from the publication in 1940 of a much discussed monograph, *The Irresponsibles*,¹⁵⁰ which accused 1920s writers of failing to see that the Second World War was not the first all over again. He charged his old friends in the literary movement with moral apathy, with teaching the young that all convictions were fraudulent and that the United States was only one country of many with no special mission or destiny.¹⁵¹ Much earlier his friends had charged him with lacking a voice. Now he had found it—a voice that promoted Americanism and decried their lack of it.¹⁵²

MacLeish was appointed by Franklin Roosevelt director of the war-time Office of Facts and Figures, later renamed the Office of War Information, a position he held along with his directorship of the Library of Congress.¹⁵³ MacLeish believed that his principal task was supplying news to the American people and interpreting it in a way that would inspire them to greater heights of productivity.¹⁵⁴ His performance was controversial—journalists opposed him and demanded that he give them the news “straight.”¹⁵⁵

149. *Id.* at 334.

150. *Id.* at xv; Aaron, *supra* note 93, at 30; see MacLeish, *The Irresponsibles*, NATION, May 18, 1940, at 618. *The Irresponsibles* was first delivered as an address to the American Philosophical Society on Apr. 19, 1940, and later published as a short book, A. MACLEISH, *THE IRRESPONSIBLES* (1940).

151. MacLeish, *supra* note 150, at 618.

152. At about the same time, MacLeish became a strident anti-communist who ridiculed the dream of a classless society. He wrote that “the writers and journalists who shape its thought are for the most part intellectual terrorists.” A. SCHLESINGER, *supra* note 58, at 92-93.

153. A. MACLEISH, *supra* note 77, at xiv-xv. Although controversial in the former job, he was widely regarded as a successful director of the Library. He modernized fiscal and administrative procedures, increased holdings, and won salary increases for the staff. *Id.*

154. *Id.* at 307-08, 318-20 (wrote propaganda). In later life, MacLeish spoke almost ruefully about his role as a propagandist. See A. MACLEISH, *REFLECTIONS*, *supra* note 93, at 155.

155. A. MACLEISH, *supra* note 77, at 319. It could be argued that Pound and MacLeish were opposite numbers—MacLeish, a propagandist for the United States; Pound, for the Fascist Italian government.

During this same time, Pound was making broadcasts in Italy attacking MacLeish and the American role in the war.¹⁵⁶ MacLeish found Pound's actions deeply disturbing. He worshiped Pound the writer, but deplored his social views.¹⁵⁷ In a September, 1943, letter to Harvey Bundy, Assistant Secretary of War, MacLeish insisted that Pound was a foolish man but not a vicious traitor. He also suggested that if Pound were captured alive when the war ended, he could be returned to the United States for trial and then deported.¹⁵⁸

MacLeish's letters do not mention Pound again until May 18, 1945.¹⁵⁹ Now Assistant Secretary of State, MacLeish was asked by T. S. Eliot what could be done for Pound. MacLeish informed Eliot of Pound's situation and suggested that if Pound were found to have accepted pay from Fascists and Nazis for his broadcasts, his only hope would be a defense based on "mitigating circumstance[s]."¹⁶⁰ He promised to keep Eliot informed, which he did.¹⁶¹

In the fall of 1945, MacLeish was appointed chair of the American delegation to the organizing conference of UNESCO. He was out of the country when Pound was returned from Italy on November 18th.¹⁶² When MacLeish returned, Pound had been transferred from the District of Columbia jail to a local hospital for psychiatric evaluation.¹⁶³ In a

156. See *supra* notes 74-76 and accompanying text.

157. A. MACLEISH, *Why Can't They Say What They Mean?*, in A. MACLEISH, *JOURNEY*, *supra* note 93, at 188; A. MACLEISH, *RIDERS*, *supra* note 93, at 118; A. MACLEISH, *supra* note 77, at 305 (MacLeish deplored Pound's politics but admired his writings; he described Pound as a great poet who "cleared away mountains of rhetoric & restored to words their meaning . . . & made possible a living poetry."); *supra* notes 138-40 and accompanying text. To intimates, MacLeish was a bit more scathing. In July 1943, MacLeish sent Hemingway a set of photostats of Pound's broadcasts saying, "Treason is a little too serious and a little too dignified a crime for a man who has made such an incredible ass of himself, and accomplished so little in the process." A. MACLEISH, *supra* note 77, at 316.

158. A. MACLEISH, *supra* note 77, at 317-18 (suggesting to Harvey Bundy, Assistant Secretary of War, that Pound be treated in the same way as Civil War traitor Clement C. Vallandigham, who, after trial by a military commission, was exiled by Lincoln); see *Ex parte Vallandigham*, 68 U.S. (1 Wall.) 243 (1863). Later, MacLeish gave information to the FBI, which was investigating Pound. C. HEYMANN, *supra* note 1, at 134.

159. A. MACLEISH, *supra* note 77, at 329.

160. *Id.* MacLeish told Eliot that Pound had been indicted *in absentia* for treason and would be returned to the United States for trial.

161. In answer to another query about Pound, MacLeish replied that the poet was still detained in Italy, where his behavior suggested that a psychiatric examination was in order. MacLeish further stated that Pound had written to the Attorney General admitting to the charges but insisting that his broadcasts were protected speech. *Id.* at 330; see also H. MEACHAM, *supra* note 1, at 22 (Pound insisted he broadcasted not to help the Fascists but to educate and bring the truth to American people.).

162. A. MACLEISH, *supra* note 77, at 335-36.

163. C. NORMAN, *supra* note 1, at 103; E. TORREY, *supra* note 1, at 183.

letter to Pound's attorney, Julien Cornell, MacLeish said he wanted to visit Pound but expressed reservations about any more active role in his defense.

As I told you when we first met, I find myself pulled in opposite directions by the whole Pound business. I have long admired him . . . as a poet. I have never thought his economics made any sense As for his broadcasts, if the excerpts I have seen published are typical, then I have only the most complete contempt

I am not sure whether I told you that I have met Pound only once Clippings . . . suggest that Pound told the Court . . . he wished to call Henry Wallace and me as witnesses . . . on the ground that he had talked to us in 1939 about . . . the subjects of his broadcasts. . . . I can only say that if Pound said this, his memory was at fault.¹⁶⁴

On the same day, MacLeish wrote to Eliot:

I think I should say . . . that my feelings about this whole thing are increasingly mixed as I learn more about it. I shall be glad to do what I can . . . to see to it that Pound gets a fair trial . . . [and] to help as I can in getting him books and the things he needs [B]eyond that, I must reserve judgment¹⁶⁵

MacLeish did nothing to help Pound, nor did he visit him. The insanity hearing had a foregone conclusion. Pound disappeared behind the asylum walls, and MacLeish's letters do not refer to him again for three and a half years.

In 1949 the Fellows of American Letters awarded the first Bollingen Prize for poetry to Pound for *The Pisan Cantos*, judged the best volume of poetry published that year. His friends, some of whom were on the committee, thought the award would dramatize Pound's situation and put the government that had institutionalized him in an embarrassing position. Instead, it created a heated controversy.¹⁶⁶ MacLeish, who had just been appointed Boylston Professor of Rhetoric and Oratory at Harvard, was offered the chance to comment on two articles by poet Robert Hillyer that attacked Pound's award. Although MacLeish

164. A. MACLEISH, *supra* note 77, at 335-36 (letter dated Dec. 6, 1945).

165. *Id.* at 337; *see also* Letter from Ezra Pound to Shakespear and Parkyn (Oct. 5, 1945) (Library of Congress Manuscript Div., MacLeish File). At the same time that MacLeish was distancing himself from Pound, Pound was determined to make him his lawyer. In the letter to Eliot, MacLeish refers to a copy of a letter Eliot had enclosed from Pound to his London solicitor. In it Pound had declared: "Emphatically I want to see Mr McLeish [sic] But the simplest plan would be for him to write to me as my lawyer (if I am correct in supposing that he is a lawyer) at any rate he has known my work for 20 years and has some concept of what I have been driving at." A. MACLEISH, *supra* note 77, at 336-37.

166. *See* C. HEYMANN, *supra* note 1, at 218-21; E. TORREY, *supra* note 1, at 234-36.

believed that *The Pisan Cantos* was Pound's weakest work, he defended the award and offered a spirited justification for Pound's place in American poetry.¹⁶⁷

By 1950 the Bollingen controversy faded from the national consciousness. The Truman Doctrine—aid to Greece to fight indigenous Communism—turned into the Cold War and led to the undeclared war in Korea, which was supported by both conservatives and liberals.¹⁶⁸ McCarthyism swept the land. Although MacLeish had left government service for Harvard, he feared he might become a target and took measures to safeguard his own reputation.¹⁶⁹

In 1955, after McCarthy was censured, MacLeish began writing to Pound.¹⁷⁰ In three letters written in August and September of 1955, MacLeish referred to his earlier intended visit, promised to see Pound when he was next in Washington, queried him about an acceptable solution to his problem, suggested a medical rather than legal or political approach, and told him that he had little influence with the Republicans.¹⁷¹ MacLeish wrote, "I will do what I can and try to instigate others who can do more. I don't mean by this, organization or, least of all, publicity. I mean the only kind of action that ever really counts—individual action in individual terms."¹⁷²

167. A. MACLEISH, *supra* note 77, at 344-46.

168. H. ZINN, *THE TWENTIETH CENTURY: A PEOPLE'S HISTORY* 128-31 (1984).

169. On January 1, 1953, MacLeish began the New Year with a letter to Paul Buck, Provost of Harvard. Because MacLeish would be on leave and out of the country in the fall of 1953, he wanted Buck to have a record of his political and literary activities during the prior twenty-five years. He included a detailed list of his affiliations, stressing his Americanism and loyalty. A. MACLEISH, *supra* note 77, at 363-67. Although MacLeish was a well-known patriot, McCarthy had accused him, just a few months earlier, of belonging to organizations that were fronts for communism. *Id.* at 363, 365. Moreover, MacLeish may have worried that his association with Pound might come to light and cause trouble of a different sort. See *supra* note 164 and accompanying text (disclaiming conversation with Pound); Winnick, *Introduction*, in A. MACLEISH, *supra* note 77, at xi ("He was called a fascist by communists and a communist by Senator Joseph McCarthy."); Wallace, Walchinsky & Wallace, *Writers Who Were Watched by the FBI*, *San Francisco Chron.*, Jan. 17, 1990, at B3, col. 3 (FBI kept a file on MacLeish; J. Edgar Hoover considered him a "liberal of the New Deal type.").

170. Pound's daughter wrote that she believed the timing was not coincidental. See M. DE RACHEWILTZ, *DISCRETIONS* 294 (1971) (believing the fear of McCarthy silenced Pound's friends).

171. A. MACLEISH, *supra* note 77, at 377-78.

172. *Id.* at 378. MacLeish reacted strongly to Pound's confinement, even though the hospital made efforts to enable him to work, receive visitors, and communicate with the outside world. See *supra* notes 86-88 and accompanying text; *infra* notes 218-20 and accompanying text.

In December, 1955, ten years after Pound was committed, MacLeish visited him at St. Elizabeths.¹⁷³ Afterward he wrote:

Not everyone has seen Pound in the long, dim corridor inhabited by the ghosts of men who cannot be still, or who can be still too long When a conscious mind capable of the most complete human awareness is incarcerated among minds which are not conscious and cannot be aware, the enforced association produces a horror which is not relieved either by the intelligence of doctors or by the tact of administrators or even by the patience and kindness of the man who suffers it. You carry the horror away and whenever afterward you think of Pound or read his lines a stale sorrow afflicts you.¹⁷⁴

Following the visit, MacLeish worked quietly and effectively over a two-year period to mobilize support for Pound.¹⁷⁵ He wrote to Hemingway¹⁷⁶ and spoke with T. S. Eliot in London.¹⁷⁷ He wrote Robert Frost several times, finally cajoling him at age eighty-three to make the long train trip from Vermont to meet with him and Attorney General William P. Rogers.¹⁷⁸ He wrote Dag Hainmarskjold, Secretary General of the United Nations;¹⁷⁹ Senator William J. Fulbright;¹⁸⁰ Christian Herter, Undersecretary of State;¹⁸¹ Milton Eisenhower, President of Johns Hopkins University;¹⁸² Mary de Rachewiltz, Pound's daughter;¹⁸³ Dr. Winfred Overholser, his psychiatrist,¹⁸⁴ and others.

173. A. MACLEISH, *supra* note 77, at 397; *see also* Letter from Ezra Pound to Archibald MacLeish (Dec. 1956) (Library of Congress, Manuscript Div., MacLeish File) ("Note that it took ten years for you to get up curiosity enough to start conversation.").

174. H. MEACHAM, *supra* note 1, at 32-33.

175. Pound apparently was a fractious and difficult hero-in-distress. *See* A. MACLEISH, *supra* note 77, at 384-85 (In a letter, MacLeish tells Pound he would like to get him out on a medical basis, but Pound insists on presenting the "truth" to his public.); *see also* H. CARPENTER, *supra* note 1, at 820 (same); C. HEYMANN, *supra* note 1, at 236 (Pound's letters back to MacLeish and the rebates and rebuffs therein).

176. C. HEYMANN, *supra* note 1, at 244; A. MACLEISH, *supra* note 77, at 392-94, 395, 397-99, 401; *see* H. MEACHAM, *supra* note 1, at 93 (Hemingway pleaded for Pound's release when Hemingway accepted the Nobel Prize for literature.).

177. A. MACLEISH, *supra* note 77, at 395.

178. *Id.* at 395-96, 399-400. In some quarters, Frost received credit for achieving Pound's release, but a fair reading of the relevant reports and letters indicates that MacLeish's efforts were more influential. *See* L. THOMPSON & R. WINNICK, *ROBERT FROST: THE LATER YEARS, 1938-63*, at 247-58 (1976).

179. E. TORREY, *supra* note 1, at 254-55, 326 n.135.

180. C. HEYMANN, *supra* note 1, at 244; H. MEACHAM, *supra* note 1, at 114.

181. A. MACLEISH, *supra* note 77, at 405; H. MEACHAM, *supra* note 1, at 113, 123 (Herter invoked international sentiment to persuade the United States Department of State to intercede.).

182. *See* E. TORREY, *supra* note 1, at 326 n.135.

183. A. MACLEISH, *supra* note 77, at 395; *see also* M. DE RACHEWILTZ, *supra* note 170, at 301 (In her memoirs, she recounts meeting with MacLeish and discussing the fate of her father.).

184. A. MACLEISH, *supra* note 77, at 397.

MacLeish's efforts were finally successful. Pound was granted a new hearing on April 18, 1958, and subsequently released.¹⁸⁵ Within two months, Pound set sail for Italy, where he remained until his death in 1972, increasingly lonely and, finally, repentant.¹⁸⁶

III. MACLEISH'S ROLE IN THE POUND AFFAIR: TWO EXPLANATIONS

Conventional explanations of MacLeish's role in the Pound affair are unsatisfactory and simplistic, resting either on sympathy or public calling: MacLeish rescued Pound because he empathized with the embattled poet or because he wanted to spare his country the embarrassment of Pound's continued incarceration.¹⁸⁷ Neither explanation is sufficient. Neither can easily account for the changes in MacLeish's position—responding at first coolly toward Pound and even urging that he be deported, then riding to his rescue ten years later.¹⁸⁸ A more complete understanding can only be gained by looking more closely into (a) MacLeish's character as a lawyer-poet and (b) his relationship to political power in the United States during World War II and the postwar periods.

A. MACLEISH: UNFULFILLED LAWYER, UNFULFILLED POET

MacLeish was a fine lawyer, technically skilled and possessed of a powerful *persona*,¹⁸⁹ yet he always hungered for literature. His early

185. H. MEACHAM, *supra* note 1, at 126 (Indictment dropped on the ground that the United States could never prove Pound's sanity during the war years; Pound's case was argued by Thurman Arnold.); *see also* C. HEYMANN, *supra* note 1, at 254-55 (Justice Department did not oppose *nol pros* motion.).

186. *See* E. TORREY, *supra* note 1, at 261-83 (Chapter 9, After the Fall: Venice, 1958-1972) (Pound, despondent, believed himself a failure and considered anti-Semitism his greatest mistake.); *see also* M. DE RACHEWILTZ, *supra* note 170, at 306 ("Then he worried [in Rapallo] that we would not have enough to eat and not enough fuel and Archibald MacLeish sent a check to keep Babbo warm.").

187. *E.g.*, Letter from Archibald MacLeish to Ezra Pound (Oct. 26, 1957) (Library of Congress, Manuscript Div., MacLeish File) ("I am doing what I am doing partly because I revere you as a poet and partly because I love this Republic and can't be quiet when it violates its own convictions.").

188. Sympathy *simpliciter* is inadequate because sympathy would presumably be most acute in 1945 and 1946, when Pound was first facing treason charges or an uncertain future in an asylum for the criminally insane, not twelve years later when Pound was a well-adjusted and happy inmate. Partisan politics offers no better explanation. In 1945, MacLeish was a highly placed political figure; by 1958 he had left politics for Harvard, and the country was in the hands of a Republican administration. Sympathy and politics do come into play in explaining MacLeish's behavior toward Pound, but they interact in complex ways and are mediated by MacLeish's character and class loyalties. *See infra* notes 189-223 and accompanying text.

189. *See supra* notes 96-99, 107, 109, 114-24 and accompanying text.

training was in English and the humanities; as an undergraduate, he wanted to be a writer.¹⁹⁰ He enrolled in law school uncertainly, as a compromise.¹⁹¹ The law promised an opportunity to make a good living while maintaining at least some contact with writing.¹⁹²

Like many young lawyers today,¹⁹³ MacLeish found the practice of law unfulfilling—narrow, technical, and dull.¹⁹⁴ Life in the firm was strenuous, consuming most of his time and energy.¹⁹⁵ He wrote little, and his letters express his longing for poetry and art.¹⁹⁶ Yet, when he mustered his courage to move to Paris, life there proved disappointing as well. He made little money from writing,¹⁹⁷ and major writers, including Pound, criticized his work mercilessly.¹⁹⁸ Rather than continue his relatively Spartan existence,¹⁹⁹ he returned to the United States for a succession of safe jobs. Even as a business writer and Librarian of Congress, however, he continued to write creatively.²⁰⁰ His literary reputation grew slowly, and he was eventually recognized as a significant poet, although not one of the first rank.²⁰¹ MacLeish must have compared himself wistfully to Pound—the wild, supremely talented Imagist whose works MacLeish admired but could not match. He may also have admired Pound's greater commitment to poetry. Pound had gone to England, then France and Italy to immerse himself in the then-lively

190. See *supra* notes 95-104 and accompanying text.

191. A. MACLEISH, REFLECTIONS, *supra* note 93, at 17-18.

192. A. MACLEISH, *supra* note 77, at 60-73 (MacLeish hoped he could continue writing on the side.); A. MACLEISH, RIDERS, *supra* note 93, at 83.

193. E.g., Goldberg, *Quality of Life Trade-Offs*, A.B.A. J., Apr. 1989, at 38; Goldberg, *Satisfaction*, A.B.A. J., Apr. 1989, at 40; Sacks, *Have Law Degree, Will Travel*, TIME, Dec. 11, 1989, at 106; see also Halstuk, *Rising Tide of Lawyers Who Quit*, San Francisco Chron., Oct. 2, 1989, at A1, col. 1 (describing how many young lawyers enter law for idealistic reasons, but then end up feeling personally devalued and that their work is meaningless); D. HOLMES, STRUCTURAL CAUSES OF DISSATISFACTION AMONG LARGE-FIRM ATTORNEYS: A FEMINIST PERSPECTIVE (Inst. for Legal Stud. Working Paper No. 3.3, 1988, on file with authors).

194. See *supra* notes 100-24 and accompanying text.

195. A. MACLEISH, REFLECTIONS, *supra* note 93, at 19-21.

196. *Id.*

197. See A. MACLEISH, REFLECTIONS, *supra* note 93, at 25-26; *supra* notes 125-34 and accompanying text.

198. A. MACLEISH, *supra* note 77, at 249-50, 255; *supra* notes 135-39 and accompanying text.

199. A. MACLEISH, *supra* note 77, at 122 (apartment uncomfortable); A. MACLEISH, REFLECTIONS, *supra* note 93, at 22 (attic apartment had inadequate heat and the ceiling leaked).

200. See *supra* notes 143-52 and accompanying text.

201. E.g., Shaw, Book Review, 149 POETRY 107-08 (1986) (reviewing A. MACLEISH, COLLECTED POEMS 1917-1982) ("MacLeish was an accomplished poet who never advanced beyond the second rank. To list him with his . . . contemporaries, Yeats, Pound, and Eliot, is to indulge in incongruity. . . . [Yet] he always . . . gave promise of breaking through to something better. What got in the way?").

Continental literary scene.²⁰² The more staid, bourgeois MacLeish had started on that road but pulled back.

Aided by personal connections and his own considerable practical talents, MacLeish moved up in the political world, ultimately winning appointment as Assistant Secretary of State in the Roosevelt administration.²⁰³ Yet his public turn took him even further from the world of poetry and must have deepened his sense of estrangement from his literary self.²⁰⁴

Late in MacLeish's life, with his public career nearing its zenith (and his writing career its nadir),²⁰⁵ the specter of Pound again entered MacLeish's life. Pound was aging and still imprisoned. The politics of the time had changed, and a group of Pound's friends and supporters were beginning to clamor for his release.²⁰⁶ MacLeish and Pound had

202. See *supra* notes 24, 48, 65 and accompanying text.

203. See *supra* notes 159-60 and accompanying text.

204. For example, during one of MacLeish's many crises about which job to take, he had confided to Frankfurter:

From the beginning of my more or less adult life I have been plagued by the fact that I seem to be able to do more or less well things which don't commonly go together. . . . When I first decided on leaving the [law] school not to go into practice, and when later I left practice to write verse, the decision in each case was made difficult by the fact that many of my friends thought I was leaving an active life in which I could do well for a life as an artist in which I was not apt to do well because I was not the kind of person with whom the word artist is commonly associated. I think I was made to suffer as acutely over my decision to quit the law for poetry as it is possible to make a man suffer over any decision in his own life. . . .

. . . .

It may be that I have now come to the place in my life where I should stop writing poetry and turn to the public service. But if I thought so, I am afraid I should not be of much use to the public service, because the one thing I have ever wanted to do with all my heart was to write poetry and the one thing I have ever wanted to be was a poet.

A. MACLEISH, *supra* note 77, at 299-300 (letter dated May 15, 1939).

205. For example, A. MACLEISH, *ACT FIVE* (1948), his first major work after the war, interpreted World War II as a heroic struggle for mankind to "endure and love." It won a tepid response. A. MACLEISH, *supra* note 77, at xvi; see also Shaw, *supra* note 201, at 108. On the other hand, his play *J.B.* (1958), based on the Biblical story of Job, won some good reviews and was awarded the Pulitzer prize. Toward the end of his life, MacLeish wrote:

I have been cleaning out the attic and I came on some letters you wrote me in the twenties . . . full of sagacity and good counsel at a time when I needed it badly . . . I wish I had had sense enough to profit by it then. I might have been a poet by now.

Letter from Archibald MacLeish to Ezra Pound (Aug. 22, 1957) (Yale Beinecke Library Collection) (custody of Yale University Collection).

206. E.g., H. MEACHAM, *supra* note 1, at 33, 92-95; *An American Storyteller*, TIME, Dec. 13, 1954, at 72 (Hemingway, on being notified that he had won the Nobel Prize, declared "whatever he [Pound] did he has been punished greatly and I believe should be freed to go and write poems in Italy where he is loved and understood."); Letter from Douglas Hammond to Ezra Pound (Dec. 8, 1954) (Yale Beinecke Library Collection) (custody of Yale University Collection) ("Would you object to a group of college students (English majors), teachers of English literature and classical languages, forming the nucleus [sic] of a campaign . . . to have the Government . . . release you . . ."); Letter from Douglas Hammond to Dag Hammarskjöld (Jan. 7, 1955) (Yale Beinecke Library

not been in communication for some time.²⁰⁷ They had exchanged little recent correspondence and had met only once in the previous fifteen years.

Why did MacLeish, public servant, reach back for his rusty legal talents and put them to effective use to free Pound?²⁰⁸ We believe that MacLeish was, in part, seeking personal fulfillment—satisfaction of his unfulfilled yearning for the life of a writer, the life he himself would never have, the life of poetry, literature, genius—the life Pound had. By saving Pound, MacLeish could vicariously achieve that which he had through choice and compromise lost.

In rescuing Pound, MacLeish rescued himself, achieved psychological and personal integration and a sense of closure. Even his abandoned legal career achieved meaning; his skills as a lawyer and advocate brought about Pound's release. Through the rescue of Pound, MacLeish vindicated a life of compromise—the half-lawyer, half-poet at last was able to achieve something significant. If he could not be a man of genius, at least he could rescue someone who was.²⁰⁹

Collection) (custody of Yale University Collection) ("It is with . . . some trepidation that I ask you to consider lending your name, in an honorary capacity, to such an organisation [sic] should it develop. . . . I might tell you, now, that it was Mr. Pound who suggested that you be contacted in his behalf."); Letter from Douglas Hammond to Archibald MacLeish (Jan. 13, 1955) (Yale Beinecke Library Collection) (custody of Yale University Collection) ("We are trying to secure the services of Mr. Thurman Arnold as legal adviser. Mr. Arnold, as you know, defended Owen Lattimore, and is intimately familiar with the machinery and personalities in Washington.").

207. Earlier, MacLeish had helped Pound get published in the United States (by Farrar & Rinehart). A. MACLEISH, *supra* note 77, at 248.

208. By legal talents, we mean advocacy on behalf of a single client, rather than the country as a whole. MacLeish's advocacy on behalf of Pound took the form of writing letters, making calls, and conducting meetings with key persons in government—all classic tasks of a well-placed lawyer. At times, he expressly coordinated his work with Pound's attorneys of record, Julien Cornell and Thurman Arnold. See Letter from Archibald MacLeish to Ezra Pound (Sept. 7, 1955) (Yale Beinecke Library Collection) (custody of Yale University Collection) ("As for the law—I haven't practised it for more than thirty years but I have no doubts on that proposition. Anyone who told you different was lost in a private fog.").

209. See *supra* note 205 (MacLeish regretted not having taken Pound's earlier criticism of his poetry to heart.); Letter from Archibald MacLeish to Ezra Pound (Sept. 1, 1956) (Yale Beinecke Library Collection) (custody of Yale University Collection) ("I refer not only to y[ou]r blasts at me on Rome radio . . . but to the letter you composed when I sent you the [lines] of a poem of mine called you Andrew Marvell for Exile. Boy! My skin don't blister no mo'. No sir, boss man, she is fried."); *id.* (Oct. 14, 1956) ("You are right about you and me and Persia—though I don't think the poem was merely decorative. But you are right. I have been reading your tr. [translation] of the Odes and how right you are.").

B. MACLEISH AS PUBLIC SERVANT AND PROMOTER OF HIS CLASS INTEREST

Freeing Pound must have strongly attracted MacLeish for personal reasons. But MacLeish was also a public man, who held positions of great responsibility and was on a first-name basis with such figures as Henry Luce, Dean Acheson, Adlai Stevenson, and Felix Frankfurter.²¹⁰ His family was influential; MacLeish had advanced easily to become a member of the eastern liberal political establishment.²¹¹ As such, MacLeish was imbued with the desire to do good for the United States—or, at any rate, “good” as perceived by members of his social and political class.²¹²

At the time of Pound’s commitment, the interests of America’s controlling class dictated his confinement. Pound was a national embarrassment: his racist, anti-Semitic, and pro-Fascist statements antithetical to the official attitudes underlying our war effort and early Cold War positions.²¹³ Of course, Pound’s incarceration attracted criticism as well. Strictly speaking, Pound was railroaded; he was not legally insane but needed to be put away to still the national furor over his Italian escapades.²¹⁴ MacLeish, like many others, raised no complaint.

210. See A. MACLEISH, *supra* note 77, at xi; *supra* notes 110-11, 121, 143, 149 and accompanying text.

211. Supreme Court Justice Louis Brandeis and Harvard Law School professor Felix Frankfurter channeled the best and the brightest Harvard Law School graduates into government service. A. SCHLESINGER, *supra* note 58, at 192-93. Their teaching undoubtedly influenced MacLeish, a quintessential New Deal man. He, like his mentors, valued the free market system for the opportunities it provided for people to shape their lives and to plan their destinies. Because concentration of specialized and technical expertise removed power from the participants in a democracy, it was essential, according to Frankfurter, that government service attract those who could bring to it the benefits of liberal education. *Id.* at 223. Much of the writing of the time referred to government as “the Republic” and had a highly Jeffersonian flavor. It was also intensely anti-communistic and anti-socialistic. *Id.*

212. See MacLeish, *Preface to an American Manifesto*, FORUM, Apr. 1938, at 9 (conventional politics).

213. A. MACLEISH, *supra* note 77, at 315-16; M. DE RACHEWILTZ, *supra* note 170, at 292.

214. H. CARPENTER, *supra* note 1, at 815 (The chief psychiatrist never thought Pound was crazy); A. MACLEISH, *supra* note 77, at 431-32; A. MACLEISH, *The Venetian Grave*, in A. MACLEISH, *RIDERS* *supra* note 93, at 115, 117; E. TORREY, *supra* note 1, at 248-49, 262; Hynes, *The Case of Ezra Pound*, 63 COMMONWEALTH 251 (1955). The Department of Justice would have had difficulty convicting Pound. The crime of treason (“adhering” to the nation’s enemies and “giving them aid and comfort”) required testimony by two separate witnesses; however, the Italian radio technicians who were present during Pound’s broadcasts spoke no English. E. TORREY, *supra* note 1, at 179-80 (citing government memoranda acknowledging difficulties in bringing prosecution). Yet the mood of the nation required retribution. *Id.* at 180. His friends, realizing the high probability of conviction (and possible death penalty), suggested a medical-insanity plea and also a plea of incompetence to stand trial. *Id.* at 186-91. Pound was manifestly clear-headed and sane. He had written

By 1955, Pound had been committed for nearly ten years and was nearing the end of his life.²¹⁵ Pound's death in an asylum would have reflected poorly on the United States—one of her greatest living poets spending his last years behind bars.²¹⁶ Moreover, Pound's literary reputation had unexpectedly grown while he was in St. Elizabeths.²¹⁷ His friends had continued to visit him, bringing books, news, and supplies. The chief psychiatrist had taken a liking to him, enjoying the attention his famous patient brought him. He provided a supportive atmosphere²¹⁸ and juggled reports and diagnoses to maintain the fiction that the happy and productive inmate was slightly too crazy to stand trial.²¹⁹ All Pound's creature comforts were looked after, including a succession of young women who visited him alone in his quarters.²²⁰

At the same time, the danger presented by Pound's extremist views had abated. The wartime horror of fascism had receded. McCarthy had been censured.²²¹ Moreover, *Brown v. Board of Education*²²² and other symbolic victories had reassured many Blacks that the country's elite had

lucidly to Attorney General Biddle about the reasons for his Italian actions. *Id.* at 191. Yet the government acquiesced in his commitment, possibly as a compromise, believing their position weak, or more likely believing mental commitment more "fitting." *Id.* at 218, 249. For the view that Pound cooperated willingly with his own commitment, see S. KUTLER, *supra* note 90.

215. A. MACLEISH, *supra* note 77, at 392-400; H. MEACHAM, *supra* note 1, at 117.

216. A. MACLEISH, *supra* note 77, at 324; see also A. MACLEISH, *RIDERS*, *supra* note 93, at 120 (The United States was at this time criticizing the Soviets for their abuse of psychiatry.); M. DE RACHEWILTZ, *supra* note 170, at 299 (same). At the same time, the insanity defense was being broadened. See *Durham v. United States*, 214 F.2d 862 (D.C. Cir. 1954), *overruled*, 471 F.2d 969, 981 (D.C. Cir. 1972). If Pound had been tried under the liberal *Durham* standard, he might well have been acquitted as insane. See also *supra* note 214 (other weaknesses in the government's case against Pound).

217. H. MEACHAM, *supra* note 1, at 117.

218. See *supra* notes 86-88 and accompanying text.

219. S. KUTLER, *supra* note 90, at 74-80; E. TORREY, *supra* note 1, at 248-51.

220. E. TORREY, *supra* note 1, at 238-42 (mistresses or love servants devoted to bringing out what Pound describes as "a fine rapacious beastie").

221. See *supra* notes 169-70 (Fear of McCarthyism made the cautious MacLeish even more reluctant to act than usual.). For examples of the role McCarthyism played for the risk-averse MacLeish, see, e.g., A. MACLEISH, *supra* note 77, at 379 (MacLeish wrote, "[i]f you have read anything you've been reading McCarthy," referring to Pound's supposed ignorance of why the United States allied with Russia during World War II.); Letter from Archibald MacLeish to Ezra Pound (June 23, 1956) (Yale Beinecke Library Collection) (custody of Yale University Collection) ("I am NOT determined to chuck the US Constitution down the drain: on the contrary, its [sic] the one roof I want to live under and I have spent a lot of time and effort trying to hold it up against the McCarthys and the Commies and the rest of that kidney."); *id.* (Sept. 1, 1956) ("The nastiest thing in the history of the Republic was the sick-minded effort to find Communists under every bed in Washington in order to discourage humans from thinking and acting like men."); Letter from Ezra Pound to Archibald MacLeish (Feb. 19, 1957) (Library of Congress, Manuscript Div., MacLeish File) ("Who is McCarthy?").

222. 347 U.S. 483 (1954).

their interests at heart; Pound's release would not be seen as an abandonment of their cause.²²³ The balance of interests had shifted—MacLeish and his class could safely release Pound.²²⁴ Their judgment was, in fact, vindicated. Pound left the United States for Italy, wrote little, and lived out his last days in relative obscurity.²²⁵ Even his racism was muted in his final years, as though he perceived that his role in world struggles was over.

Perhaps Pound realized that the real reason for his release was the changed sociopolitical climate in the United States. It may not have been so much MacLeish's and Frost's advocacy that had caused St. Elizabeths' door to swing open as that of Thurgood Marshall and other civil rights lawyers. When Marshall, representing the NAACP, persuaded the Supreme Court to announce a ringing victory for racial justice in *Brown*, the resulting softening of social attitudes allowed the United States to release its most famous Aryan supremacist without forfeiting Cold War leadership. Ironically, the most militant Black lawyer may have brought about the release of America's most talented racist.²²⁶

MacLeish was the instrument of social forces he could but dimly perceive. Yet, by a kind of sure instinct bred at Hotchkiss and Yale, MacLeish knew what America's interests dictated—or, rather, those

223. H. CARPENTER, *supra* note 1, at 827-29; E. TORREY, *supra* note 1, at 255 (Government officials worried that releasing Pound would be viewed as an endorsement of the actions of John Kasper, an Aryan supremacist who had become a follower of Pound and had visited him several times at St. Elizabeths. Fortunately for Pound, Kasper got himself arrested and imprisoned just as the campaign to free Pound was gaining force.)

224. See Editorial, *An Artist Confined; Artists at Liberty*, LIFE, Feb. 6, 1956, at 30 (advocating Pound's release in light of changed social conditions); *An American Storyteller*, *supra* note 206, at 72 (interview with Hemingway).

225. See *supra* notes 185-86 and accompanying text.

226. See Dudziak, *Desegregation as a Cold War Imperative*, 41 STAN. L. REV. 61 (1988) (State Department correspondence and memoranda show that the United States government urged the Justice Department to work for a major victory for Blacks in order to advance United States interests and combat communism.). MacLeish had served as Assistant Secretary of State in the immediate postwar years and must have been aware of the connection between domestic racism and America's ability to exercise leadership in the uncommitted Third World. The decision in *Brown* promoted both Black justice and America's Cold War fortunes. Pound's release promoted only the latter and so was a calculated gamble. Yet it paid off. Criticism over release of a blatant anti-Semite and racist was lost in the overall celebration that followed *Brown*. Fortunately, Pound returned almost immediately to Italy, whose shores he greeted with an unrepentant Fascist salute, and where he gradually sank into an introspective obscurity, causing little mischief in his remaining years. C. HEYMANN, *supra* note 1, at 257 (Pound's first words in Italy were: "All America is an insane asylum."); *supra* notes 185-86 and accompanying text.

which his social class needed to have advanced²²⁷—and acted accordingly.

IV. CONCLUSION

MacLeish's career is in some respects a morality tale for our age. Like many young lawyers, MacLeish found the practice of law strenuous and unfulfilling. Although a very good lawyer, he hungered for something else—literature. But success in writing did not come easily, and after a few years in a Paris garret, he returned to the United States for a career as essayist and public servant, writing poetry on the side.

MacLeish's relationship with Pound was marked by just as much ambivalence as his love affair with writing. He sought out the more gifted Pound as critic and mentor, but MacLeish could not surmount his own class-based inhibitions and limitations. Pound criticized his work mercilessly. Decades later, their places were reversed. Pound was in serious trouble, while MacLeish had risen in the world as bureaucrat and public servant. When MacLeish learned that his former idol had been indicted for treason, he put distance between himself and the embattled poet, even suggesting privately that Pound be tried for treason and then deported.

What MacLeish urged very nearly came to pass: Pound was confined at St. Elizabeths, where he was forgotten by everyone but the literary world. Nearly ten years later, MacLeish began an effective, behind-the-scenes campaign to have his old acquaintance and adviser released. He wrote letters, mobilized support in and out of government, and encouraged the aging Robert Frost, conservative "poet of the people," to make the long trip to Washington to meet with MacLeish and government figures about Pound. Their efforts were successful; Pound was released, and he returned to Italy.

Conventional explanations for MacLeish's role are unsatisfactory, resting on either sentiment or public obligation, but the answer must lie on a deeper level. The men were too different, temperamentally and politically, and MacLeish's character too complex, to be explained in such simple terms. We have put forward two theories to explain his

227. Cf. D. BELL, JR., *RACE, RACISM AND AMERICAN LAW* 40-44 (2d ed. 1980) (Advances in racial justice for Blacks only occur when they coincide with white self-interest.); Bell, *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518 (1980) (discussing why desegregation plans have failed).

Hamlet-like behavior: one based on MacLeish's divided character as lawyer-writer, the other on the ebb and flow of American politics.

What lessons are we to draw from the story of MacLeish and Pound? On one level, theirs is a straightforward tale of poetry and politics and of the difficulty our culture has in tolerating strident nonconformity linked with creative genius. But the story also has a personal side that speaks with special insistence to lawyers. For we believe the practice of law in the foreseeable future will prove to be, for many, just as alienating as MacLeish found it four decades ago, if not more so.²²⁸ Yet it will continue to attract generalists, idealistic young men and women who, like MacLeish, have training in humanistic disciplines and will attempt to keep a foothold in these other worlds. Many will try to have things both ways, making periodic forays into the worlds they are not quite ready to relinquish, as MacLeish did when he moved to Paris to write and, decades later, when he worked to free the embattled Pound.²²⁹

Will tomorrow's lawyers be able to manage the psychological integration necessary to preserve their humanistic selves while practicing law? Will they make lurching forays into the nonlegal world, as MacLeish did—or, worse, fail to act altogether? The story of MacLeish, extraordinary but unfulfilled lawyer-writer-public servant, and Pound challenges us to reflect on what we, as lawyers, will do with our lives. That there are no easy answers—MacLeish certainly found none—is perhaps this story's deepest, but starkest, lesson. His panther remained caged. Will ours?

228. Legal specialization, the development of the megafirm, and computerization of legal research suggest to us that this is so. See Delgado & Stefancic, *Why Do We Tell the Same Stories?: Law Reform, Critical Librarianship and the Triple Helix Dilemma*, 42 STAN. L. REV. 207 (1989); see also *supra* note 193 (example of lawyers who have been disillusioned by the legal profession).

229. An alternative that seems not to have occurred to MacLeish was working to transform his legal workplace, see *supra* notes 95-103, 111-24 and accompanying text; a team player *par excellence*, his main concern was finding a niche where he might best fit in. See D. HOLMES, *supra* note 193.