



December 28, 2023

FOIPA Request No.: 1475149-000
Subject: BARLOW, LESTER PENCE

Dear

The FBI has completed its review of records subject to the Freedom of Information/Privacy Acts (FOIPA) that are responsive to your request. The enclosed documents were reviewed under the FOIPA, Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a	
<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (d)(5)	
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (j)(2)	
<input type="checkbox"/> (b)(3)	<input type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (k)(1)	
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_____	<input type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (k)(3)	
_____	<input type="checkbox"/> (b)(7)(F)	<input type="checkbox"/> (k)(4)	
<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(5)	
<input type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(6)	
<input type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)	

251 page(s) were reviewed and 228 page(s) are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

Based on the information you provided, we conducted a main entity record search of the Central Records System (CRS) per our standard search policy. For more information about records searches and the standard search policy, see the enclosed FBI FOIPA Addendum General Information Section.

This is the final release of information responsive to your FOIPA request. This material is being provided to you at no charge.

Duplicate copies of the same document were not processed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. “**Part 1**” of the Addendum includes standard responses that apply to all requests. “**Part 2**” includes additional standard responses that apply to all requests for records about yourself or any third party individuals. “**Part 3**” includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Additional information about the FOIPA can be found at www.fbi.gov/foia. Should you have questions regarding your request, please feel free to contact foipaquestions@fbi.gov. Please reference the FOIPA Request number listed above in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI’s FOIA Public Liaison at foipaquestions@fbi.gov. The subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information Dissemination Section
Information Management Division

Enclosures

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Confidential Informant Records.** The FBI can neither confirm nor deny the existence of confidential informant records pursuant to FOIA exemptions (b)(7)(D), (b)(7)(E), and (b)(7)(F) [5 U.S.C. § 552 (b)(7)(D), (b)(7)(E), and (b)(7)(F)] and Privacy Act exemption (j)(2) [5 U.S.C. § 552a (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records would reveal confidential informant identities and information, expose law enforcement techniques, and endanger the life or physical safety of individuals. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches and Standard Search Policy.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems, such as the Central Records System (CRS), or locations where responsive records would reasonably be found. The CRS is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. The standard search policy is a search for main entity records in the CRS. Unless specifically requested, a standard search does not include a search for reference entity records, administrative records of previous FOIPA requests, or civil litigation files.
 - a. *Main Entity Records* – created for individuals or non-individuals who are the subjects or the focus of an investigation
 - b. *Reference Entity Records*- created for individuals or non-individuals who are associated with a case but are not known subjects or the focus of an investigation
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Foreseeable Harm Standard.** As amended in 2016, the Freedom of Information Act provides that a federal agency may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates, or (2) disclosure is prohibited by law (5 United States Code, Section 552(a)(8)(A)(i)). The FBI considers this foreseeable harm standard in the processing of its requests.
- (iv) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552


- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

This document is made available through the declassification efforts
and research of John Greenewald, Jr., creator of:

The Black Vault



The Black Vault is the largest online Freedom of Information Act (FOIA)
document clearinghouse in the world. The research efforts here are
responsible for the declassification of hundreds of thousands of pages
released by the U.S. Government & Military.

Discover the Truth at: <http://www.theblackvault.com>

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1475149-000

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Congress of the United States
House of Representatives
Washington, D. C.

NEW YORK POST, SATURDAY, NOVEMBER 27, 1937
Page 4, Columns 2-3

F. D. R. IMPEACHMENT DEMANDED BY NAZIS IN GUISE OF PATRIOTS

Citizens' Protective League Fails to Realize Own
Indictment in Preamble

With the earnestness of children playing house, the assembled audience at a rally of the Citizens' Protective League lines up to sign a petition asking Congress to impeach President Roosevelt. Circulated nationally by Lester P. Barlow of Stamford, Conn., the petition opens:

"We, the undersigned citizens of the United States of America, recognizing our obligations as Defenders of the Republic when it is faced with threats of destruction, rise to the challenge of political terrorists and preachers of foreign "isms" who are now beating at the foundation of our Republic.

"We are shocked at the ruthless willingness of too many of our present elected and appointed public servants to encourage and accept financial and political support from those who would supplant our traditional American system of free people with a dictatorship built upon a theory of national regimentation and the "isms" of old Europe"

Joining Nazi Movement

Apparently the members of the Citizens' Protective League were in such great haste to obtain the President's impeachment that they failed to read this patriotic preamble, failed to realize that they were engaging in scalding self-criticism.

June 16, 1938

Memo re case of LESTER P. BARLOW

Mr. Taber, on June 10th, objected to a bill on the private calendar for the relief of Barlow. Bill was recommitted to War Claims Committee, of which Mr. Beiter is chairman. On June 14th, Mr. E. F. Colladay and Mr. Barlow, accompanied by a Mr. Haworth, attorney for Barlow (Haworth is former clerk of the War Claims Committee at the time Cong. Strong of Kansas was Chairman). We went over the record in the case, including the opinion and findings of fact from the Court of Claims. At about 6:30 PM on the 14th., Cong. Beiter told Mr. Taber that Barlow had been in his office and threatened Mr. Taber with some message which he would give to the press if Mr. Taber didn't withdraw his objection to the bill and allow Mr. Beiter to bring it up again. A couple of hours after that, Mr. Colladay and Mr. Haworth denied to Mr. Taber and me that Barlow had made any such statement.

On June 15th, Mr. Taber was going over the information that had been left with me and phoned me to try and get from Mr. Colladay a copy of the transcript of evidence submitted to the Court of Claims. I phoned Mr. Colladay's office for this and then went to the Capitol and when I arrived found Mr. Haworth and Mr. Barlow waiting there for me. Haworth had just been in touch with Colladay's office and knew of the request I had made a few minutes before. He said that those papers made a very large package but seemed willing to get them as soon as possible. Barlow, however, seemed to "blow up" and said that Mr. Taber was unreasonable and needn't let the bill go through if he didn't wish to. Barlow said he was not going to allow any member of Congress to hold him up for money to get this bill through, and that if it did not go through he was going to give to the Associated Press a statement which would be spread all over the country and which would ruin Mr. Taber. I told him if that was the way he felt and that if he was going to make statements that any member of Congress had intimated that any bribe was to be paid that Mr. Taber had no choice but to oppose the bill and would do so. I asked him to name such member of Congress and he refused to do so. He then pulled a piece of paper out of his pocket and said he was on the way to give it to the Associated Press.

*Kenneth Sprankle,
Secy*

TO THE HONORABLE WILLIAM B. BAUKHEAD,
SPEAKER OF THE HOUSE OF REPRESENTATIVES,
UNITED STATES CONGRESS:

COPY

District of Columbia) ss.

I, Lester P. Barlow, of Stamford, Connecticut, being first duly sworn, depose and say: That during Monday of this week and since there have been widespread rumors passed among the Members of the House of Congress to the effect that I am paying or will pay to some one Member of the House of Congress \$5,000.00 if the bill which concerns me, and which is now before the House, is passed at this session of Congress; that another statement being widely circulated among the Members of the House is that I stole the ideas upon which I received numerous patents and upon which I have been given a decision by the United States Court of Claims to the extent of approximately \$600,000.00;

That upon reaching the city of Washington early Tuesday morning of this week, I was informed of these widespread rumors in the House of Congress. I immediately proceeded to run these rumors down to their source and found that they are emanating from a Member of Congress whom I herewith name: His name is Melvin J. Laas, Representative from Minnesota. Mr. Laas has continued to circulate rumors of this character up until yesterday afternoon. I am sending this affidavit to you at this time because I believe it is my duty to protect the names and character of the Members of the House of Representatives against such slander and untruthful statements. A Member of the House of Representatives, and one Member only, has proposed to me to indirectly participate in a fee which I would pay to a certain attorney whom he would name to handle this matter before the Congress, and that Member of Congress is Mr. Melvin J. Laas. I refused to consider changing my attorneys, as suggested by Mr. Laas, for an attorney he would name. He made this proposal to me during the hearings of the Naval Affairs Committee of the House on the Naval expansion bill and while I was riding as his guest in a taxicab between the National Press Club and the Capitol building.

I respectfully request that some proper action be taken by the Congress which will permit me to bring to the attention of the Congress the facts in reference to numerous attempts to "shake me down" for a part of the money which the Court of Claims has allowed me in a decision and which I cannot receive until it has been authorized by Congress. \$600,000.00 is a considerable sum of money, but more important than that I receive it is that attempts to work rackets through the Congress be exposed and the guilty parties thoroughly prosecuted and properly punished, and therefore I am ready to run the risk of losing all chance of ever recovering on the Court's decision. I am ready to back up my statements about Mr. Laas, at least in some respects, with responsible witnesses and I desire to do it before the proper official tribunal.

Subscribed and sworn to before me
this _____ day of June, 1930.

Lester P. Barlow
Sworn to

would support international discussion tending to limit armaments should be lost; and

Whereas Lester P. Barlow, a citizen of the United States and accredited military authority and engineer, has acquainted Members of Congress with his desire to present certain plans and specifications pertaining to future possible major military equipment, and prophesies such may be built by the major military powers unless the international armament race is halted by sane international cooperation; and

Whereas Lester P. Barlow has recently received a unanimous decision in his favor from the United States Court of Claims, as recorded in 82 Court of Claims Reports 360, in reference to a series of ordnance patents used by the United States military forces and the accounting on same of the Commissioner has been rendered to the court showing approximately \$700,000 is due him for the use of such patents; and

Whereas Lester P. Barlow desires an advance of \$15,000 from the royalties due him for the purpose of compiling general specifications and information relating to the military construction program which he says will result unless international armament limitation agreements halt the present worldwide military preparations; and

Whereas Lester P. Barlow states that he believes he can have such specifications ready for study by the Congress and the administration by January 1, 1938, provided such funds are immediately available to meet the expenses of assembling data; and

Whereas he agrees to waive all patent rights and compensation; and agrees to keep a detailed record of all moneys spent, up to and including the total \$15,000; and place finished general plans in custody of the chairman of the Committee on Military

Affairs of the United States Senate by January 1, 1938:
Now, therefore, be it

1 *Resolved by the Senate and House of Representatives of*
2 *the United States of America in Congress assembled, That*
3 *there is hereby authorized to be appropriated, out of any*
4 *money in the United States Treasury not otherwise ap-*
5 *propriated, the sum of \$15,000 to be immediately made avail-*
6 *able to the said Lester P. Barlow for the purposes herein*
7 *outlined; said sum of \$15,000 as used for this purpose not to*
8 *be subject to Federal income tax; and be it further*

9 *Resolved, That all nonsecret information as may be avail-*
10 *able in regard to military equipment be made available to*
11 *Lester P. Barlow by the Departments of National Defense*
12 *from time to time as he may request: Provided, That all*
13 *expenses incidental thereto be paid by said Lester P. Barlow.*

75TH CONGRESS }
1ST SESSION }

S. J. RES. 156

JOINT RESOLUTION

To promote plans for limitation of armaments.

By Mr. FRAZIER

JUNE 1 (calendar day, JUNE 3), 1937

Read twice and referred to the Committee on Military
Affairs

75TH CONGRESS
1ST SESSION

S. J. RES. 156

IN THE SENATE OF THE UNITED STATES

JUNE 1 (calendar day, JUNE 3), 1937

Mr. FRAZIER introduced the following joint resolution; which was read twice and referred to the Committee on Military Affairs

JOINT RESOLUTION

To promote plans for limitation of armaments.

Whereas there is now in progress a vast world-wide armament race; and

Whereas the United States Government has appropriated approximately \$1,000,000,000 for the current military budget of the Army and Navy; and

Whereas, unless intelligent planning and international cooperation results in a greatly reduced armament expense, bankruptcy and/or a military crisis will result; and

Whereas there is now an embryonic movement tending toward an international conference for the establishment of a limitation of armaments, which may be called within the coming year; and

Whereas no opportunity for availing the Government of the United States of information, technical and general, which

Copies from "Explosives Components of Drop Bombs"

Production Data. Of the various HCDDB which were designed, only the Mk. I and Mk. III were in production. A few of the other size bombs were loaded experimentally but none on what could be considered a production basis. At the cessation of hostilities records showed the following bombs produced;

<u>Items</u>	Total <u>loaded to 11-14-18 incl.</u>	Total <u>floated</u>	Bal. <u>on hand</u>
H. C. Demolition Bomb Mk. I	20,719	6,000	14,719
H. C. Demolition Bomb Mk. III	20,082	9,000	19,082

COPY - Extract "History of Bomb Unit Engineering Branch of the
Aircraft Armament Section, Engineering Division, Ord. Dept.,
OKD 314.72/ET12

TESTS: BARLOW HEAVY DROP BOMBS

Conducted at La Ferte Allais, France, on September 2nd, 1918, on the testing field of the Section Technique Aerenautique. Four Barlow Bombs, Nos. 7899, 7948, 7975 and 7981 and two (2) Cooper Bombs were released from a Captive balloon at an approximate altitude of 1000 meters, on a target consisting of 100 Mannequins, set up in five rows, twenty deep. In each row the mannequins were five meters apart and the rows were spaced twenty meters apart.

Following the dropping of each bomb a count was made of all penetrating fragments.

The results as set forth by the reports, were that the average efficiency of the Barlow Bomb to the Cooper Bomb was as 6 is to 7 and that the comparative unit efficiency with reference to their weights is as 1 is to 6.

On September 26th and 27th, 1918, additional tests of the Barlow bombs were conducted at the Ordnance Armament School, St. Jean de Monte, France. Eight Barlow bombs were dropped over land from an airplane at altitudes of 1000 feet, 1750 feet and 2000 feet; in addition, four bombs were dropped over water, two at 1500 feet and two at 3000 feet altitudes. Total number of Twelve bombs tested.

All bombs dropped over water functioned properly and of the eight over land two were failures.

Largely for the following reasons, it was recommended that production of Barlow Bombs be discontinued:

(1) That the practice of the English, French and Germans, established by experience, was to employ a large number of small fragmentation bombs, rather than carry a few larger ones. It was held and proved by practice that the latter method was more effective in results.

(2) That the time required for operation of the extrusions of the Barlow Bomb was such that these could not be advantageously employed at the lower altitudes at which bombing was often carried out.

(3) That the time required to prepare Barlow Bombs for use mitigated against its practical use in the field, added to this was its more complicated mechanism. Comparatively the Barlow bomb could be far more easily injured in handling, shipping over seas and in transport.

(4) That one single bullet through the thin air reservoir of the bomb would cause failure to function.

Patents issued to Barlow
assigned to Martin Rockwell Co
New York

Patents & claims assigned
Barlow after claim had
accumulated
Ordinarily claim cannot
be prosecuted if assigned

Aug. 3, 1923

Claim assigned to Barlow
244,658 bombs
Rockford Arsenal
synchronized m
all arms,
storage

BOMB EXPERT RAPS BARLOW

Prof. Ewell of Worcester
Tech Sends Warning
To Congress

(Special Dispatch to The Herald)

WORCESTER, Feb. 20—Breaking a 20 years' silence about World war bombing experiments, Prof. Arthur W. Ewell of Worcester Polytechnic Institute, war-time chief of the A. E. F.'s corps bomb unit, today issued a statement warning Congress about Lester P. Barlow, Connecticut inventor whose description of a new aerial mine startled members of the House naval affairs committee.

Prof. Ewell said Congress ought to know that reports of Barlow's bomb inventions had been in the War department files since 1918 and that Barlow "belittled the United States in the face of her allies" at demonstration conducted in France during the war.

HAD PULL, HE SAID

He said Barlow had "such a tremendous pull" that the ordnance department manufactured bombs of his design only and that these proved inferior to those made abroad and were never used in combat overseas.

The inventor last week told the naval affairs committee the new bomb could devastate large land areas and would explode under water. He said its use would force the adoption of new military and naval tactics.

The committee postponed final action on the administration's \$1,000,000,000 naval construction program

in order to hear navy experts, during the coming week, on the vulnerability of battleships to such attacks. The committee is also considering recommending that part of a naval experimental fund be used to test Barlow's aerial mine.

WHY HE BROKE SILENCE

Prof. Ewell said he had read of Barlow's testimony and had decided to break his silence regarding "war-time secrets" only for the purpose of preventing a repetition of "the costly and most embarrassing incident of 1918."

"This man who appeared before the House committee on naval affairs last Friday and told of a new aerial mine that he has invented is the same Lester P. Barlow who had such a tremendous pull with Congress in 1918 that the ordnance department was compelled to manufacture only a bomb of his design, which later was proven inferior to allied bombs and resulted in setting this country back several months in the manufacture of aerial bombs," he said.

He said he and other American officers protested against the manufacturing of bombs which had been untried in warfare. After consid-

erable correspondence, he said, it was agreed Barlow would bring some of his bombs to France for a comparative test with those used by the allies.

This test, he stated, was made at the French air service's proving grounds at La Ferté-Alle, south of Paris and, according to Prof. Ewell, Barlow invited some 200 officers of the allied powers, although the demonstration was to have been secret.

Prof. Ewell said the test proved Barlow's bomb "far inferior" and a scheduled second test was cancelled after his unit and the French experts had made their reports. Barlow's bomb, he asserted, weighed 110 pounds and cost \$135 to manufacture as compared with 22-pound

bombs used by the allies which were produced for \$25.

The bombs were dropped from a captive balloon at silhouette targets and Barlow's made 15 hits to 35 for those of foreign make, Prof. Ewell declared.

"The presence of the allied officials certainly was embarrassing to the Americans when the test showed Barlow's bomb to be so inferior to the French, English and Italian bombs," he added, and he referred to the inventor as "a good mechanical engineer with an extraordinary aptitude for politics."

--- MONTMAYNE MAN KILLED

1 the Secretary of War; (3) two officers of the Navy to be
2 appointed to the Commission by the Secretary of the Navy;
3 (4) the Chief of the Air Corps of the Army; (5) the Chief
4 of the Bureau of Aeronautics of the Navy; (6) one Mem-
5 ber of Congress from each of the following committees:
6 The Committee on Military Affairs of the Senate, the Com-
7 mittee on Naval Affairs of the Senate, the Committee on
8 Military Affairs of the House of Representatives, and the
9 Committee on Naval Affairs of the House of Representatives,
10 such Members of Congress to be appointed to the Commis-
11 sion by the chairmen of their respective committees.

12 (b) A member of the Commission shall hold office
13 during the pleasure of the authority which appointed him
14 to the Commission.

15 (c) Each member of the Commission appointed by
16 the President shall, while so serving, receive a salary at the
17 rate of \$8,000 per annum.

18 (d) Vacancies in the Commission, so long as there
19 shall be nine members in office, shall not impair the power
20 of the Commission to execute its functions, and nine of the
21 members in office shall constitute a quorum for the trans-
22 action of the business of the Commission.

23 (e) All members of the Commission shall be appointed
24 with due regard to their special fitness for the efficient dis-
25 charge of the duties imposed upon them by this Act.

TECHNICAL AND CLERICAL STAFF

1

2 SEC. 3. (a) Without regard to the civil-service laws
3 or the Classification Act of 1923, as amended, the Commis-
4 sion may appoint and prescribe the duties and fix the
5 salaries of a secretary and a total of five each of special
6 experts, attorneys, and examiners: *Provided*, That no em-
7 ployees so appointed may receive an annual salary at a
8 rate in excess of that provided under the Classification Act
9 of 1923, as amended.

10 (b) The Commission may, subject to the provisions of
11 the civil-service laws and the Classification Act of 1923, as
12 amended, appoint such other officers, engineers, inspectors,
13 attorneys, examiners, and other employees as are necessary
14 in the execution of its functions.

15

FUNCTIONS OF THE COMMISSION

16 SEC. 4. (a) It shall be the function of the Commission
17 to receive, review, and pass upon the merits and suitability
18 of all inventions, discoveries, and other devices, whether
19 patented or otherwise, submitted to the Government for pro-
20 posed use for purposes of national defense. To this end pro-
21 posals or suggestions made to or received by branches, depart-
22 ments, agencies, and instrumentalities of the Federal Govern-
23 ment for use in the national defense shall be referred to the
24 Commission for study. The Commission shall investigate the
25 merits of all proposals or suggestions referred to it, taking all

1 reasonable measures necessary to arrive at an accurate deter-
2 mination of suitability and value for national defense. The
3 Commission is authorized to build and test models of devices
4 believed to warrant such treatment and expense, and to
5 develop devices useful to and needed by the national defense
6 arms of the Government to the point of readiness for produc-
7 tion for service use.

8 (b) The Commission shall, through its secretary, keep
9 a true record of all its meetings, and the yea-and-nay votes
10 taken therein, on every transaction approved or disapproved
11 by the Commission. The Commission is authorized to adopt
12 rules and regulations in regard to its procedure and the con-
13 duct of its business and such as are necessary to carry out the
14 powers, duties, and functions vested in it by this Act.

15 (c) The Commission may make such expenditures as
16 are necessary in the performance of its functions from funds
17 made available to it through appropriations which are hereby
18 authorized.

19 (d) Each member, any employee of the Commission,
20 and any person detailed to it from any other agency of the
21 Government shall receive the necessary traveling and sub-
22 sistence expenses, or per diem allowance in lieu thereof,
23 within the limitations prescribed by law, while away from his
24 official station upon official business of the Commission.
25 Expenditures by the Commission shall be allowed and paid

1 on the presentation of itemized vouchers therefor approved by
2 the Commission or a designated employee thereof.

3 (c) It shall be unlawful for any member, officer, or
4 employee of the Commission to be in the employ of any other
5 person, firm, or corporation, or to have any pecuniary inter-
6 est in, or hold any official relationship with any other person,
7 firm, association, or corporation with whom the Commission
8 has business relations.

9 RELATIONS BETWEEN THE UNITED STATES AND INVENTORS

10 SEC. 5. In suits against the United States for unlicensed
11 use of an invention or for infringement of a patent, where the
12 invention or thing patented has been used by the Department
13 of War or the Department of the Navy, it shall be competent
14 and sufficient for the United States to show as a special matter
15 of defense in such suits that officers of the United States had
16 personal, though unpublished and unprinted, knowledge of
17 such invention or patented device prior to the plaintiff's sup-
18 posed invention or discovery thereof, or more than two years
19 prior to his application for a patent therefor.

75TH CONGRESS }
3D SESSION }

H. R. 10918

A BILL

To create a National Defense Commission on
Inventions, and for other purposes.

By Mr. MAAS

JUNE 14, 1938

Referred to the Committee on Military Affairs and
ordered to be printed

75TH CONGRESS
3D SESSION

H. R. 10918

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 1938

Mr. MAAS introduced the following bill; which was referred to the Committee on Military Affairs and ordered to be printed

A BILL

To create a National Defense Commission on Inventions, and for other purposes.

1 . *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That there is hereby established, as an independent agency
4 of the United States Government, a National Defense Com-
5 mission on Inventions, hereinafter referred to as the "Com-
6 mission".

COMPOSITION OF THE COMMISSION

7
8 SEC. 2. (a) The Commission shall be composed of
9 (1) two civilians, one of whom shall be designated and
10 shall serve as chairman if the Commission, who shall be
11 appointed to the Commission by the President; (2) two
12 officers of the Army to be appointed to the Commission by

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F. D. R. IMPEACHMENT DEMANDED BY NAZIS IN GUISE OF PATRIOTS

Citizens' Protective League Fails to Realize Own Indictment in Preamble

"Primarily we are not citizens of states but racial comrades."—Josef Huenerfauth, leading Nazi philosopher.

"In admiration and deep faith, our racial comrades in foreign states look up to the Reich and its Fuehrer."—Peoples League for Germanism Abroad.

How the Nazi movement in America, while not demonstrably seeking to overthrow the American Government, lives like a state within the state, always aping Hitler's Reich, is shown in a series of which this is the final article.

Copyright, 1937, by New York Post, Inc.

With the earnestness of children playing house, the assembled audience at a rally of the Citizens' Protective League lines up to sign a petition asking Congress to impeach President Roosevelt.

Circulated nationally by Lester P. Barlow of Stamford Conn., the petition opens:

"We, the undersigned citizens of the United States of America, recognizing our obligations as Defenders of the Republic when it is faced with threats of destruction, rise to the challenge of political terrorists and preachers of foreign 'isms' who are now beating at the foundation of our Republic.

"We are shocked at the ruthless willingness of too many of our present elected and appointed public servants to encourage and accept financial and political support from those who would supplant our traditional American system of free people with a dictatorship built upon a theory of national regimentation and the 'isms' of old Europe."

Joining Nazi Movement

Apparently the members of the Citizens' Protective League were in such great haste to obtain the President's impeachment that they failed to read this patriotic preamble, failed to realize that they were engaging in scalding self-criticism.

For the Citizens' Protective League was itself conceived in the sin of a "foreign ism," being nothing less than one of the adjuncts of the Nazi movement in America. It was meeting at the moment in the New York Turnhall, in Yorkville, and the chairman was Kurt Mertig, a lieutenant of Fritz Kuhn, the Nazi Fuehrer in America.

Its major function is to guide German-Americans in national State and municipal elections so that they may vote against candidates unsympathetic to Nazi principles.

Except for this unprecedented slip, however, the numerous organizations that spring from the Nazi movement in America might easily be meeting at any given moment 4,000 miles away in Germany instead of in Yorkville.

Draped With Swastika

For instance, a Deutscher Feierabend (German festival evening) of the German-American Vocational League, which is the domesticated American version of the German Labor Front—

A thousand happy celebrants crowd the Yorkville Casino. Down in the front seats are a delegation of a hundred children from the American equivalent of the Hitler Youth. The house is draped with the Nazi swastika flag.

From the stage and the balconies hang also banners with insignia of the German Labor Front—a cogwheel within a wheel, and in the center of the cogwheel the letter "D" for Deutschland. Posters tacked on to the balconies at intervals bear single words—"Strength," "Joy," "Justice"—which are slogans of the Labor Front in Germany.

Bremen Crew in Choir

Music Master Elenschneider raps his baton sharply and calls to order an orchestra and choir made up of

body's generosity" the League was able to send him to a Bavarian sanitarium for five months. Applause.

The League started only a couple of years ago in one little office. Thriving on a formula of music, recitations, conviviality, nostalgia and thrift, it now needs a six-room suite at 21 East Seventy-fifth Street to accommodate national headquarters. It claims a membership of 20,000 with branches in twenty-two other cities.

Of the substantial dues it collects from German Labor Front members, it retains only enough to cover administration costs, sick and death benefits. The remainder goes as a gift to the German Labor Front in Berlin.

A major function of the League is to provide its members with a "reading list." Once a month each member receives a copy of Deutsche im Ausland (The German Abroad), which is published by the foreign division of the Labor Front in Berlin. Clipped to this imported publication is a copy of Der Deutsche in Nord-Amerika, published by the League.

Trade Papers Listed

In addition League members may choose from among the eighty-five official trade papers published in Germany the one covering his own occupation.

Examples from the reading list for League members:

The September issue of Deutsche im Ausland carries a leading article denouncing Marxism as "Jewish." Another article acclaims J. E. Joos, owner and publisher of the Pittsburgh Sontagsbote, for an editorial on the need of Germanism in America.

Other articles praise conditions in the Reich, describe the achievements of the Italian press under Mussolini, detail the Nazi Party convention in Nuremberg.

Reprints From Ley Book

The October issue of Der Deutsche in Nord-Amerika reprints part of a book by Dr. Robert Ley, leader of the German Labor Front, which is entitled, "We All Help the Fuehrer." It carries a number of items about crews of German liners who have participated in fetes of the League.

The July issue of one of the trade Journals—the Traveling Salesman, urges that Jews be denied permission to sell farm machinery to peasants. It attacks Christians who employ Jews or in any manner help them and cites a firm which employs a Jewish salesman and has refused to fire him.

The July issue of the German Merchant goes even farther. It devotes its whole front page to an attack on the French Popular Front Government.

Denies Political Activity

But Herr H. H. Vollbers, secretary-treasurer of the League, is distressed when anybody characterizes the League as engaging in po-

DEXTER FELLOWS, SPRING AND CIRCUS HARBINGER, DIES

66-Year-Old Press Agent for Barnum's Spent 45 Years on Road

Spring will have a new harbinger next year. For Dexter Fellows, the man every newspaper writer and nearly every circus lover knew, is dead.

Stricken with typhoid fever October 7 while the Ringling Brothers-Barnum & Bailey circus was on the homestretch of its annual tour, Fellows was placed in a hospital in Hattiesburg, Miss., where he died last night.

Physicians said a kidney ailment contributed to his death. He appeared to be recovering recently, but the complication of ailments resulted in a relapse.

His wife, the former Signe Eugene von Breitholtz of Sweden, whom he married in 1913, was at his bedside.

He will be buried in New Britain, Conn. Funeral arrangements are incomplete.

Fellows was sixty-six. He had spent forty-five years touring the United States and Canada as press agent for circuses and Wild West shows. He was the most widely known press agent in the world.

Friends by the Thousands

Fellows's friendships ran into uncounted thousands.

The New York "tent" of the Circus Saints and Sinners, a benevolent organization, is named for him. Members, all of them intimates of Fellows, include Lowell Thomas, Gene Tunney, Babe Ruth, George M. Cohan, Hendrik van Loon, Eddie Rickenbacker, Rudy Vallee, County Felix von Luckner, General Smedley Butler, Carveth Wells, Roy Chapman Andrews and Tony Sarg.

Reporters and editors everywhere greeted Fellows affectionately from year to year as he preceded the circus on its transeontinental routes. Fellows returned their affection, and invariably called them all by their first names.

He wrote the story of his life in 1936, in a book titled "This Way to the Big Show," and wrote on the fly leaf: "To newspaper men and women wherever dispersed."

No press agent ever was more successful. Thanks in a large measure to Fellows's adept ministrations, the circus long ago became important news for every newspaper, rating columns of free space.

April brought Fellows to New York each year from his New Britain, Conn., winter home. He always was two weeks ahead of the annual arrival of the circus at Madison Square Garden.

He would come wearing waxed mustachios, a gay topcoat and pockets full of passes.

"Spring is here!" feature writers of the New York papers would exult. The papers bloomed with Fellows stories as fantastic as their authors could concoct.

"Why don't they write about the circus?" Fellows would complain, good humoredly. "They're making a myth of me—just an adjective-slinging legend."

The Spirit of Spring

It always was a prodigious, colossal, gargantuan piece of humor to him that a man grown gray, wrinkled and corpulent should be held forth as the spirit of spring.

In a cubbyhole office at the Garden, Fellows would face a barrage of telephone calls and personal visitations.

He always was in to newspaper writers. He strove desperately to dodge imposters.

"Mr. Fellows is not here and he will not be back," he would

Congress of the United States
House of Representatives
Washington, D. C.

March 2, 1938.

COPY
of
LETTER

Hon. Carl Vinson, Chairman,
Naval Affairs Committee,
House of Representatives,
Washington, D. C.

Dear Mr. Vinson: RE: Lester F. Barlow, Stamford, Conn.

Lester F. Barlow came to Stamford, Connecticut, seven or eight years ago. Before then we have a record of his living in New Haven, Connecticut, some few years before that. We have been told in Stamford that he was one of the organizers, with Senator Frazier and our colleague Hon. Henry G. Teigen, member of the House of Representatives, of the Farmer Labor party out in the northwest. Barlow also claims to have been an air officer under Pancho Villa in Mexico, presumably at the time he was fighting and killing Americans.

Barlow also claims to have a number of inventions to his credit from which he gets his income. However, within the last twenty-four months the testimony before a court in Connecticut shows that his tax paid to Tax Collector in Stamford, Connecticut, on local real property was less than a dollar (I believe forty-eight cents, though I have forgotten the exact amount).

During the latter days of Senator Huey Long, Barlow claimed to be the northeastern representative for Long and attempted to arrange one or more mass meetings for Long in Connecticut. None of these materialized.

On the death of Senator Long, Barlow issued the statement that he was the political legatee of Long and his share-the-wealth followers. Sometime after that he announced that he was going to run for Congress, on what ticket I do not recall, but later he announced that he was not going to run.

Just prior to the 1934 municipal election in Stamford, Connecticut, Barlow organized what he thought was a Fusion group. He subsequently endorsed the Republican candidate for Mayor against the undersigned running on the Democratic ticket. When the votes on

Congress of the United States
House of Representatives
Washington, D. C.

Mr. Vinson - 2.

the voting machine were counted it was found that Barlow's Fusion slate drew a Fusion party vote of something like 350 votes, out of a total of some 14,000 votes cast at that municipal election. Three years later Barlow entered the Republican primaries for Mayor and there again drew about 350 votes out of a total of some 4,700 votes cast.

About the year 1935 Barlow was paid - under what arrangement I do not know - by the Yale and Towne Manufacturing Company of Stamford, Connecticut (manufacturers of Yale locks) to work on a non-refillable bottle which he had in mind. The bottle had a metal cap and hence the interest in this by the Yale and Towne Manufacturing Company. The Yale and Towne Manufacturing Company kept Barlow working for it for a number of weeks and is reported to have spent in all thousands of dollars on the alleged Barlow invention. Nothing came of this except the following: At a hearing before a Senate committee presided over by Senator Clark of Missouri, Barlow made the statement that the National Distillers Products Corporation was in league with bootleggers, or words to that effect. When Barlow was asked to give his grounds for this statement he refused and apparently was so vituperative that Senator Clark requested that he be cited for contempt. Apparently this contempt was not carried further, however, possibly because it was thought that Barlow was just endeavoring to make the headlines in the newspapers. At any rate, Barlow later wrote out a retraction of his statement re. National Distillers Products Corporation as per copy attached.

In the spring of 1937 at a National Labor Relations Board hearing in Stamford, Connecticut, Barlow stated that the members of the Board could "tell the President of the United States to go to hell for him". He then stated that should he be arrested for this statement he intended to file charges against President Roosevelt, the Honorable James A. Farley and the Honorable Homer Cummings and others "associated with the Democratic national political machine" charging them with "corruption of public office and political conspiracy associated with criminal labor activities and graft on the part of high officials of the United States Government".

About this time Barlow addressed a letter to the President

Congress of the United States
House of Representatives
Washington, D. C.

Mr. Vincon - 3.

asking the removal of a number of government officials, including the Honorable Homer Cummings, Madam Frances Perkins, the Honorable James A. Farley, etc. In connection with these National Labor Relations Board activities of Barlow kindly note copies of news clippings attached, these from the Stamford Advocate, Stamford, Connecticut (please return the clippings to my office when they have served their purpose).

Regarding Barlow's more recent activities - before the House Naval Affairs Committee - he came into my office a few days before his first appearance before the Naval Affairs Committee of the House and suggested that he be allowed to testify for said Committee in connection with his so-called "aerial mine", or something to that effect. I told him that I would send him out to that department of the Navy which "sifts out" new mechanical devices of use for offense and defense by the Navy. Barlow said no he would not allow that because he would not get a "square deal" - or words to this effect. I then told him that I had gone to boarding school years ago with the Assistant Secretary of the Navy, the Honorable Charles Edison, and would gladly send him to Mr. Edison with a letter of introduction to see that he got a square deal and that his device or devices would have a thorough hearing before the Navy Department, and investigation. Barlow again repeated that he would not get a "square deal" - or words to that effect. I then told him that I was not interested in discussing the matter with him any further. Shortly thereafter I was accosted by the Honorable Jeannette Rankin, professional paid lobbyist, who had Barlow with her in the corridor outside of the Naval Affairs Committee meeting room. She pleaded with me to have Barlow put on to testify before the Naval Affairs Committee. I gave her no answer.

In connection with Barlow's political activities as outlined above, it should be stated that he endeavored to organize in Stamford, Connecticut, an organization known as the "Modern 76ers". I have heard that this organization - if the few straggling members of it in Stamford can be called that - was a branch of a national organization with headquarters in the General Motors Building, New York City, this organization having some kind of an idea of setting up some kind of a Fascist group or organization or activity in the United States of America. However, regarding this latter report, I have nothing but hearsay evidence and just what that is I have forgotten, in detail.

Congress of the United States
House of Representatives
Washington, D. C.

Mr. Vinson - 4.

In Stamford, Connecticut, Barlow has been on so many sides of so many fences, publicly, that people are not much influenced by him. I understand that in 1932 he took the stump for President Roosevelt but that after one speech he was called off by the National Democratic Committee or someone representing such Committee. He is thought of in Stamford, Connecticut, as a man of divergent views and ideas. As stated above, he has been in our community for a period of less than eight years to my knowledge.

I recall that Barlow came into ^{the list of} my office here in Washington last fall with a rough sketch of a 2200 ft. long battleship - almost a half mile long! - in which he was trying to interest me. Apparently his transition from being a big battleship man to an "air bomber" has been abrupt!

I understand that after the Naval Affairs Committee adjourned on February 28, Barlow was angered by the Committee not letting him testify before it again and made the public statement "let's sink the Navy" - or words to that effect - and then later gave out a statement that he was going to call various military and naval attaches in Washington together and give out his "secret!" - or words to that effect.

It occurs to me that in looking into Barlow's activities and findings out whether or not his inventions in the past have been of value, it might be interesting to the Committee to know from what source he derives his income.

I have no personal feelings against Barlow, even though he has publicly assailed me many times. As far as I can see every time he has assailed me he has made votes for me.

I furnish this information for use of Subcommittee of the House Naval Affairs Committee because it may be helpful to said Subcommittee in determining the credulity of Barlow as a witness.

Respectfully submitted,

ANF jr*L

Alfred N. Phillips, Jr.

Barlow, Lester P.

Aug 26, 1932

THE EVENING STAR

GIFT OF WAR DEVICE TO SOVIET TO ASSURE PEACE ANNOUNCED

U. S. Inventor Returns, Claiming Discovery of Means to Render All Arms Futile. Charges U. S. Refused Offer.

By the Associated Press.

NEW YORK, August 26.—Lester P. Barlow, military engineer and inventor, of Samford, Conn., announced yesterday he had given the Soviet government the secrets of a war device so terrible it makes all armaments futile.

A militant pacifist, the engineer said he explained his invention to Russian technicians because the Soviet government was the only one of the major powers to take a stand for complete disarmament. He returned from Moscow a few days ago.

He went there, he said, as guest of the Soviet government, with the understanding that Russia would use the knowledge he took them as a "big stick" at the Disarmament Conference in Geneva to emphasize the futility of all present armament programs.

Have 1,000 Miles Range.

But the Geneva Conference adjourned while he was still in Moscow, explaining to a corps of 20 government technicians how high explosives, phosphorous fire and Lewisite gas could be dropped on a city from a secret base 1,000 miles distant.

"Much to my surprise," he said, "the Russian government representatives then urged me to return here and report in full to the United States all the negotiations.

"Because they are very eager to win recognition for Soviet Russia, they said they preferred to avoid embarrassment of having sole knowledge of the plan with several months' head start over this country."

Barlow asserted he asks no money for his invention, which he said would cost about \$6,000,000,000 to put in operation, would require a year to prepare here and about 18 months in Russia. He has an independent income from patents, he said.

Invention Refused Here.

He would "one hundred times prefer," he said, to have the invention go to the Geneva Conference from this country

than from Russia, but declared the Government here refused his offer with its stipulated condition that a stand for absolute disarmament should accompany it.

He has written to Washington repeating his offer, but again with a demand for explanation why the United States delegates at Geneva have not proposed complete universal disarmament.

Russia is shipping more heavy oil and gasoline and less lubricating oil and kerosene than a year ago.



4 South Street,
Stamford, Conn.
February 12, 1938

To the President of the United States.
To the President of the Senate of the United States.
To the Speaker of the House of Representatives of the United States.
To the Chairman of the Military Affairs Committee of the Senate.
To the Chairman of the Military Affairs Committee of the House of Representatives.
To the Chairman of the Naval Affairs Committee of the Senate.
To the Chairman of the Naval Affairs Committee of the House of Representatives.
To the Members of the Congress.
To the Editors of the American Press.

Honorable Sirs:

The United States Court of Claims on June 7, 1937, furnished me with the credentials that I offer here as an evidence exhibit of my qualification to make the true statements to follow.

On the above date, the United States Court of Claims rendered a decision against the United States Government and in my favor. That decision says that the Government of the United States owes me more than \$600,000. on a contract between the Government and myself which was signed by the Chief of Ordnance of the Army on August 3, 1917. That contract gave the Government the rights to make and use aerial bombs of the Barlow patented type. The Court has held the contract and the seven Barlow patents relating thereto valid, but unless Congress intervenes to force the Government officials to respect those patents and the contract, I will never be paid as the Government's contract promise of 1917 led me to expect.

The citizens of the nation are now conscious of the intense drive on the Congress to authorize nearly \$1,000,000,000. for the increase of our national defense organizations, and the greater part of the money is to be expended for additional super naval units. Whether the increase in the national defense program as called for is necessary is not the point in this letter. But this writer believes that the Congress should be informed now that a new kind of aerial attack upon all naval craft is now possible, and that naval tactics will be greatly changed in order to meet this new form of aerial warfare.

This writer contends that all naval craft may be effectively attacked from altitudes of fifteen thousand feet or more by the use of aerial mines launched from aerial bombers of the Martin type. These aerial mines are very much of a departure from the present types of aerial bombs, and because of their design, a high percentage of destructive hits are assured. I believe that with an adequate air force, and with ample aerial mines available to the military forces of the United States, enemy naval craft could not successfully invade, for attack maneuver, the 500 mile limits from our coast lines.

Due to the prevailing hazards of contract relations with the national defense departments, this new military device cannot be presented for the consideration of our Government through either the War or Navy Department, but if the Congress and the President will respect my patents and my contract with the Government for the use by the Government of my patents during the World War, now that the United States Court of Claims has held both the contract and the patents valid, I will assign to the United States Government all patent rights on this new military device to which I may be entitled, and no financial consideration will be required by me for such assignment. This is my way of attempting to bring the

citizens of the nation to realize that the real planning for our national defense must come, after all, from the civilian experts of the nation, and that the confidence of those experts must be respected by all Government officials who are sincerely interested in the safety of America.

Many of America's finest civilian technical men have become the victims of the contract red tape of the Government, especially in connection with the national defense departments. The present lack of confidence of civilian experts in contracts with the Government pertaining to military device patents may lead to a serious breakdown of the national defense. The Congress and the citizens will be given a real jolt if the facts on this point are revealed. The situation here referred to is a real danger to the nation, and should be looked into by the Congress at once.

If the Congress will accept my offer, I will construct at my own expense a proper number of the new aerial mines, and I will direct a regular military demonstration of the aerial mines in an attack on naval targets placed on waters where the demonstration may be made with safety to shipping and persons. It should be understood that the aerial mines will be dangerous to unprotected persons within a radius of two miles or more from the point of action.

I respectfully request that the Congress establish a committee of two nationally known civilian military experts and one United States Senator, and that the following men be selected: The Honorable Lynn J. Frazier, of the United States Senate; Mr. Glenn L. Martin, President of the Glenn L. Martin Company, builders of the famous Martin aerial bombers; and Colonel E. J. W. Ragsdale (retired), formerly Chief of Aerial Bomb Design Section, United States Army Ordnance Division, and designer and director of construction of the famous Zephyr streamlined trains. I request that if the Congress establish such committee, the members be instructed to make no report, and release no character detail of the aerial mine designs, and that their report to Congress be limited to the probable military value of the aerial mine.

When the committee has made its report I will, if the Congress desires it, go ahead with the construction and demonstration of the aerial mines for the benefit and information of the members of Congress.

I will be in Washington February 15, 16, and 17, and if any member of Congress wishes to reach me, I will be at Senator Lynn J. Frazier's office.

Respectfully,

Lester P. Barlow

P. S.: The Editors of the Press can be assured that if the Congress will accept my offer, I will make good as I always have.

L. P. B.

Officials Jittery Over What to Do About Bridges

By THOMAS L. STOKES

A bundle of political dynamite, in the wiry person of Harry Bridges, Pacific Coast C. I. O. leader, has landed kerplunk in the Capital and is causing jitters in several quarters.

The Labor Department is expected to decide soon whether to order a deportation hearing as recommended some weeks ago by Raphael P. Bonham, in charge of the Seattle office of the Immigration Service.

The case revolves about charges that Bridges, an Australian, is a member of the Communist Party and therefore deportable. Bridges has said repeatedly that he is not a member.

For months he has been a burning issue along the Pacific Coast because of his labor activities, which have culminated in a fierce war with the A. F. of L. led on the coast by Dave Beck of Seattle. His name is anathema to shipping men and businessmen generally and to the A. F. of L. All these groups have joined in the attempt to run him out of the country.

CALLS PRESS CONFERENCE

The C. I. O. leader set himself up in a hotel here and called a press conference today to discuss the refusal of the Senate Commerce Committee to give him a hearing until the Labor Department has decided what it will do.

The committee, which recently heard Bridges' foes criticize his labor leadership, avoided the issue neatly by falling back upon Labor Secretary Perkins' statement before it a month ago.

Asked at that time for confidential department files on Bridges, she objected to having them made public on the ground that this might interfere with whatever action the Labor Department decided to take. Subsequently the files were submitted on a confidential basis and examined by Chairman Copeland (D., N. Y.) and Sen. Vandenberg (R., Mich.).

FEAR MARTYR POSSIBILITIES

On the ground that the labor leader's appearance might bring about a discussion of the Labor Department investigation the committee declined to hear him until after the department's action, tho some senators outside the committee thought he should be given a chance to answer the charges made before the committee.

The Bridges affair has numerous political ramifications. The Administration has handled it cautiously thus far. It recognizes that deportation might make a "martyr" of Bridges and that political retaliation—if nothing more disturbing—might follow.

VANDEMBERG IS LEADER

Sen. Vandenberg, the outstanding aspirant for the 1940 presidential nomination, has chosen to lead the anti-Bridges movement. He has participated prominently in Senate on the labor issue, beginning with denunciation of the sitdown strikes in the auto plants in his state. He also has proposed amendments to the

Pershing Holds on to Gains

By United Press

TUCSON, Ariz., March 3—Gen. John J. Pershing gained strength today in his fight against a damaged heart and poisoned kidneys, and his friends talked cheerfully of convalescence and ultimate recovery.

Sergt. Crawford C. Shaeffer, for 17 years Pershing's personal aide, said the 77-year-old General had "got his old spirits back."

Physicians and nurses guarded against a relapse, similar to two which Pershing survived in the last week. A 24-hour watch was kept in the brown stucco cottage in which the hardened soldier made his stand against death and Dr. Roland Davison, his personal physician, remained within calling distance.

Davison warned that continued progress in the General's condition could not be expected, that there would be fluctuations that should not, however, cause undue alarm.

"While kidney function has been re-established," the doctor said, "it has not yet been demonstrated if function of the kidneys can be increased to a level sufficient to clear blood and tissues of the poisonous substances which had accumulated in them."

Pershing's sister, May, and his son, Francis Warren, remained near the sick room, but his nephew, Frank Pershing, returned to his home in Palm Springs, Calif., confident that he would recover.

Meantime, Maj. Gen. Herbert J. Pries, Ft. Sam Houston, sent here to direct funeral arrangements, and Lieut. Col. Shelly U. Marietta, Army doctor also of Ft. Sam Houston, called as a consultant, returned to their headquarters. Three railroad cars that had been held here nearly a week to be used as a funeral train were released.

Pressmen to Speak

Lee Pressman, chief counsel for the C. I. O., will speak on "Labor on the Economic Front" at the Federal Workers School, 532 17th-st nw, at 8:30 tonight.

ADVERTISEMENT

Too Weary From Work To Play

This gentle bile-producer might help*

Some people are always worn out. Their work is a strain. They seem always too tired to play.

They miss much happiness. And often needlessly. For frequently it is constipation that is sapping away strength. Early fatigue, mental dullness, sleeplessness, can all be the results of constipation.

So keep regular. And to assist Nature, use Dr. Edwards' Olive Tablets! For, in addition to definite, gentle relief, they give mild stimulation to the flow of bile from the liver without the discomfort of drastic, irritating drugs. That's why millions use this laxative every year. Get Olive Tablets at your druggist. Only 15¢, 30¢ and 60¢.

*Your liver secretes from 20 to 30 ounces of bile every day to aid in the digestion of fats and stimulate muscular action of the intestinal system. Dr. Edwards' Olive Tablets, besides helping keep you regular, contain an ingredient which definitely assists in the secretion of bile. That is one of the reasons why Olive Tablets have unsurpassed effectiveness.

Wagner Labor Act for the protection of employers. He voted against passage of this act in 1935. Whether Vandenberg has got hold of a good issue nationally remains to be seen.

If the Labor Department decides to act it will issue a deportation warrant, whereupon the whole case will be thrown open to hearings at San Francisco with both sides represented. After the hearings the department would decide whether to order deportation. Bridges then could carry the case to court.

Martin Plans Test of 'Aerial Mines'

By United Press

BALTIMORE, March 3—Glen L. Martin, designer of the great commercial clipper flying boats, yesterday agreed to test the "aerial mines" which inventor Lester P. Barlow claims can be used to devastate areas up to 100 square miles.

Barlow, testifying before the House Naval Affairs Committee, said his aerial bombs—as yet untested—also could be used to blanket cities with deadly gas in time of war.

Martin told the committee this week that he believed Barlow's invention was worthy of investigation. He did not specify where the tests would be made except to say they will be carried out somewhere along the Atlantic seaboard. He indicated they would be conducted over land, rather than over water.

Rep. Parsons Faces Traffic Court Today

Rep. Claude V. Parsons (D., Ill.) will face Judge Hobart Newman in District Traffic Court today, charged with leaving the scene of an accident.

On trial with Parsons is Albert B. Nesbitt, Cleveland attorney, charged with failing to give proper signal. Nesbitt was driving the car involved in a collision with Parson's auto on Feb. 19.

Claiming that Parsons failed to stop long enough to give his name, Nesbitt and his sister, Mrs. Margaret Ellis, pursued Parsons thru Rock Creek Park. Failing to catch him, they brought a complaint against him.

A. K. Shipe, Parsons' attorney, said today he doubted if Parsons would demand a jury trial. Nesbitt is represented by Atty. Alvin Newmyer.

FOR OUR FRIDAY AND SATURDAY

OPENING

FREE HOSE WITH EVERY PURCHASE OF SHOES

FOR MEN	FOR WOMEN	FOR CHILDREN
JARMEN:	Natural Bridge Shoes	Children's Shoes
Friendly \$5	\$5 and \$6	\$1.59 and Up
Five \$4	Ladies Novelty Shoes	We have a large stock
Fortune \$4	\$2.98 and Up	of sturdy, well built
Winfield \$3	Women's and Misses	shoes for children. Fit
2 pairs of Men's	Sport Oxfords	your child's feet for
Hose With Each	\$2 and Up	the coming summer
Purchase	A Pair of Sheer Silk	months at this low
	Chiffon Hose FREE	price.
	With Each Purchase.	A Pair of Hose With
		Each Purchase

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A maker noted for fine quality clothes ... he needed CASH ... (right up our alley) ... we bought him out at average Half Price ... The savings are yours!

BELL Buys 400 fine Topcoats and SUITS

made to sell for \$25 to \$35 ... They go on sale tomorrow at ...

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UNDER SUPERVISION OF U.S. TREASURY 949 NINTH STREET, N.W.

Fear for Safety of Kidnaped Boy

(See Other Picture on Picture Page.)

By United Press

NEW ROCHELLE, N. Y., March 2—Murray Levine, haggard and distressed, feared today for the safety of his 12-year-old son, Peter, held by kidnapers for ransom.

The prosperous attorney kept constant vigil beside two telephones in his \$25,000 home in this suburb of New York City, anxiously awaiting an opportunity to contact the abductors.

Reports that he had received a note demanding a ransom payment within 48 hours under threat of death to the child and one of his relatives were denied. It was believed, however, that at least one authentic note, written on a toy typewriter, had been received.

Police continued their knock-off patrol because they were afraid the abductor may slay Peter, who disappeared Thursday while returning from school. They discussed possibility the boy, an imaginative youngster, might be in hiding in one of the numerous vacant houses in the area.

A note generally accepted as authentic, which Levine received late Thursday night after an eight-state alarm telling of Peter's disappearance had been broadcast, was under food to have demanded \$50,000 ransom.

His lawyers said there was a possibility that the writer had neglected to put in a decimal point which would have made the demand \$600,000 instead of \$60,000. They doubted that anyone would believe Levine capable of making the larger sum.

Austrians Rallying Behind Schuschnigg

By United Press

VIENNA, March 2—Anti-Nazi Austrian today announced plans to hold 2000 mass meetings to organize support for the government against alleged Nazi activities.

It was reported that storm troops of the pro-government Fatherland Front would be ready after each meeting to challenge any visible Nazi to a street fight.

The mass meetings were expected to supplant meetings which Nazis have been holding, particularly in Styria Province, in defiance of a government ban on political activities. Meetings of the Fatherland Front and allied groups are not subject to this ban.

Dr. Arthur Seydewitz, Austrian Nazi Minister of Interior and friend of Chancellor Kurt Schuschnigg, began conference with Nazi leaders at Graz, capital of Styria today in an effort to avoid clash between Nazis and the Fatherland Front, reinforced now by thousands of men of all political leanings, pledged to defend the government to the end against Nazism.



Louis Posner, designated as intermediary, in the Levine kidnaping.

Link Pendergast Kin to Election Fraud

By United Press

KANSAS CITY, Mo., March 2—The star witness today at the 11th in a series of election fraud trials in Federal Court, was Mrs. Elva O'Byrne, a Republican committeewoman, who said she disfranchised Republican voters for \$160 that was paid by James Pendergast, a nephew of T. J. Pendergast, local Democratic leader.

Mrs. O'Byrne testified last night that she and Lester L. Augler, Republican committeeman of the 12th ward, had betrayed their party in the 1936 general election.

Charles A. Appel, of the Federal Bureau of Investigation, said he had examined ballots from the questioned precinct in the ward, and that there were 441 straight Democratic and 129 straight Republican ballots. There were only 21 split ballots. The election officials certified that C. Jasper Bell, Democratic candidate for Congress received 656 votes. Testimony has shown that there was no count made and that a pad of 101 votes in the precinct was made. Appel said 74 ballots were marked by the same person.

Landlord Convicted of Murder by Jury

Small Minority Runs N.A.M., Probers Told

By United Press

Investigators read to the Senate Civil Liberties Committee today a statement that "it would appear" that 207 companies, 5 per cent of the membership were "in a position to formulate policies" of the National Manufacturers Association.

An exhibit read into the record of a committee hearing reported that approximately 60 per cent of the tear gas purchased by all industrial firms in the United States during the period of labor warfare was purchased by these 207 companies. The committee reported all sales of tear gas totaled about \$500,000 and that the 207 companies accounted for \$290,000.

Walter B. Weisenburger, executive vice president of the N. A. M., submitted a statement declaring the association's activities have not been intended to restrict civil liberties.

Robert Wohlforth, committee secretary, reported on N. A. M. contributions over the five-year period. His figures showed contributions of \$116,800 by the E. I. DuPont de Nemours Co., \$65,295 by General Motors, \$36,775 by the Monsanto Chemical Co., St. Louis, and \$27,433 by the American Cyanamid Co.

Derr Is Indicted in Chinese Killing

The strangulation murder of Quan Yu, 55-year-old District laundry proprietor, on Feb. 2, today was charged to William Derr, 36, of Fall River, Mass., in an indictment returned today by the District Grand Jury. Motive for the crime at 1495 H-st ne remains unrevealed.

Yu's body was found by an employe, his feet bound and a rope pulled tight around his neck. Knife wounds were found in his neck and a knife blade was buried in his shoulder. His watch and \$30 in cash had not been touched.

Police learned that Derr and Yu had been acquainted in Fall River. They belonged to the same tong. Derr is said to have visited Yu the night before the body was found, but has consistently denied any connection with the crime.

U. S. Admiral Favors Warship Over Plane

SAN DIEGO, Calif., March 2—Rear Admiral Charles A. Blakely, who commands the Navy's aircraft scouting force, said today that battleships are safe from airplane bombs, but that aircraft can sink any other types of warships.

The battleships' invulnerability, he said, lies in the protection of their heavy armament against bombs, and the efficiency of their gunners.

The comparative merits of air and surface craft in battle, the Admiral said, "depend on the ability to deliver the necessary explosive power at the right place at the proper time." This factor, he said, makes it difficult to state, without qualification, that airplanes are more useful than

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Congress of the United States
House of Representatives
Washington, D. C.

This news article appeared in the Stamford, Conn.,
Advocate, under date of November 4, 1935.
You will note it has reference to the
political activities and aspirations of
Mr. Lester P. Barlow of Stamford.

**BARLOW ANNOUNCED SELF AS TEMPORARY
LONG PARTY HEAD.**

**Says Rev. Smith has no right to
snatch late Senator's Banner.**

Lester P. Barlow, accredited Huey P. Long organizer in New
England, today, announced himself as temporary national leader
of the "Share Our Wealth" movement of the late Louisiana senator.

Barlow attacked the "demagoguery" of the Rev. Gerald K.
Smith, Long ally, in announcing himself as a candidate for the
presidency.

"Smith has no right to attempt to lift the Share-our-
Wealth banner from the dead hands of Senator Long and I will
therefore ask the citizens of this district, who are supporters
of the late Senator Long to recommend me to his followers as
temporary national leader of the movement. It will be my sole
duty to develop representative leadership from the many dis-
tricts of the nation to the end that a national convention of
the Share-our-Wealth movement will be held for the purpose of
establishing our legal leaders and a permanent set of rules
to operate under.

NOT CANDIDATE

"I shall carry out my policy of past years in not being
a candidate for any public office and will give way to the party
who may be elected."

Barlow said he would make the formal announcement of
himself as temporary national leader at a meeting of the modern
76'ers on the Town Hall steps tonight.

COPY
of
LETTER

Congress of the United States
House of Representatives
Washington, D. C.

WILLIAM BARLOW

When Barlow was asked if he knew any man to take the place of Long as a candidate for President in support of the "share-the-wealth" movement, he replied as follows:

"Yes, that man was senator Long's closest confidant in the U. S. senate. The man is the Hon. Lynn J. Frazier, U. S. Senator from North Dakota."

Mr. Barlow said that tonight's meeting of the 76'ers would be the last open-air meeting of the group this season. James F. O'Rourke and Rudolph Gatti will be other speakers, he said.

Congress of the United States
House of Representatives
Washington, D. C.

February 17, 1938

Hon. Carl Vinson
Chairman Naval Affairs Committee
House of Representatives
Washington, D. C.

Dear Mr. Vinson:

In the event that I must be in Connecticut attending to important meetings there during the next few days, and knowing that Mr. Lester P. Barlow is to appear before the Naval Affairs Committee of the House of Representatives, I wish to file this letter with you for the record.

Mr. Barlow has been a resident of the city from which I come, Stafford, Connecticut, for the last few years. He is well known to all of us there.

A few days ago Mr. Barlow came to my office and intimated that he had some kind of device which would be of service to the Navy in time of war in connection with aerial defense--I believe that Mr. Barlow calls his device an "aerial depth bomb". He intimated that he would like to discuss this before the Naval Affairs Committee, and that it would be of greater comparative value to the defense of our shores than battleships. I told Mr. Barlow that I would gladly send him to the Naval Department with a letter of introduction so that his device might go through the proper sifting out channels there. I told him, further, that should his device prove of value to the point where he thought it should be brought to the attention of the Naval Affairs Committee of the House, I would gladly bring it before our Committee. He intimated that he would not get a square deal in the Navy Department. I told him that I could assure him that he would get a square deal--if necessary sending him directly to the Assistant Secretary of the Navy whom I have known since we used to go to the same preparatory school in Connecticut in our boyhood. Still Mr. Barlow insisted that he would not get a square deal before

Congress of the United States
House of Representatives
Washington, D. C.

Hon. Carl Vinson
Page 2.

the Navy Department.

When he declined to go to the Navy Department with his device, he left my office and I saw no more of him until a few days ago (and a few days after the conversation to which I refer above) when Mr. Barlow and myself walked down the corridor from the Naval Affairs Committee room to the elevator after one of our Committee hearings the other day. All the way down the hall Miss Rankin, professional paid lobbyist as she is, endeavored to influence me to have Mr. Barlow called before our Committee. I knew no more about him or his desire to appear before our Committee until, our colleague, Mr. Church, on Thursday morning brought his name into the discussion before our Committee, making the statement that Mr. Barlow had not been given a hearing, or a courteous hearing, or words to that effect. You will recall that I challenged the accuracy of this statement. The facts are as above and speak for themselves.

Mr. Barlow has, as I understood it, written an open letter to many--including the President of the United States--with copious copies for the press. Inasmuch as I am aware that the job of the Naval Affairs Committee is not to sift out detailed pieces of ordinance one from another as they come to us from the hands of inventors, but to legislatively determine broader naval policies in the interest of national defense, it seems to me that Mr. Barlow should indeed place his alleged device before those competent to determine its merits, rather than to take the time of our Committee in discussing this matter.

Very sincerely,

Alfred N. Phillips, Jr.
Alfred N. Phillips, Jr.

Congress of the United States
House of Representatives
Washington, D. C.

Copy of a letter which appeared in the Stamford, Conn.,
Advocate of February 26, 1938, re Lester P.
Barlow's "Aerial Mine".

CAPT. JESSOP DISCUSSES THE "AERIAL MINE"

Editor Stamford Advocate:

Our esteemed fellow citizen, Mr. Lester P. Barlow, has recently "testified" before the House Naval Committee about the new naval program, and some of his "testimony", as reported in the daily press, is so remarkable as to seem to require comment.

To quote from the New York Herald Tribune of Feb. 18:

"Congress received a tip from an inventor today that the Administration \$1,050,000,000 dollar naval expansion program would need drastic revision because of the development of a mysterious new aerial mine. Lester P. Barlow of Stamford, Conn., indicated a belief that the device, dropped by bombing planes from tremendous heights could blanket an area 10 miles square in three or four minutes."

Let us for a moment consider that statement. With regard to the new "aerial mine", it would appear that this is a new name for a bomb with a delayed action so it would penetrate the water before exploding, or perhaps it is a "contact bomb" which will explode only on contact with a ship or other moving objects. It matters little from a practical viewpoint, because other considerations render the idea entirely impractical.

Bombs or mines of whatever nature have a very limited range of destructive explosion when ships are the objective. A 300-pound mine will not sink a ship if it explodes 15 feet clear of her side. It is liable to derange interior mechanism temporarily, and may even dent the ship's side but it will not rupture the hull. Any bomb exploding below the surface of the water has the same effect as a mine of like size, so it is unnecessary to differentiate between the terms "mine" and "bomb".

Let us now turn to the area which Mr. Barlow believes could be "blanketed" in three or four minutes.

Congress of the United States
House of Representatives
Washington, D. C.

-2-

An area 10 miles square contains 2,737,840,000 square feet. Divide this into squares 100 feet to the side, so that a bomb dropped in the center of each square would be 50 feet from either side. To fill these squares with one bomb to a square would require 273,784 bombs. Give each bomber four bombs and we have the magnificent total of 69,700 bombers necessary. Rather a large order for any nation to carry, both in bombs and bombers, just to expend in a 10-mile area of the great expanse of the sea.

Another statement attributed to Mr. Barlow is even more fantastic, if I may be permitted to use so harsh a word.

Mr. Barlow is made to state that 12 years ago he invented an aerial torpedo with which "we can hit Chicago 50 times a minute from Washington". One can only say as to that, it is fortunate for the Chinese that Japan has never heard of Mr. Barlow and his 12-year-old marvel.

Now, Mr. Editor, I very much doubt that Mr. Barlow made such statements, but that the papers should print such fantastic misinformation for the consumption of the ignorant seems deplorable.

Mr. Barlow has been made to say that the above things doom the battleship. That statement has been recurring for at least 50 years to my own knowledge and yet the good old battleship is still the backbone of any fleet, just as the good old infantry is the backbone of the army, in spite of tanks, mines, torpedoes, machine guns, poison gas, flame and goodness knows what not in the way of things to revolutionize warfare.

When the automotive torpedo was invented surface ships were doomed. When the torpedo boat destroyers were invented surface ships were again assigned to the limbo of obsolete material. When the submarine came into the picture there was no longer any doubt that surface ships must cry "Kamerad". Then comes the airplane and again we are told that all is lost for the big ships. We have now had airplanes as active war equipment for 24 years. We have gone through the greatest war in history with airplanes. The Spanish Civil War is dragging into its second year with very modern airplanes and Madrid still lives.

I do not believe there has been a single incident, wherein a bomb, dropped by an airplane from an altitude of twelve to fifteen thousand feet, at a ship moving through the water in any maneuverable position and with anti-aircraft guns in action, in which the ship has been hit.

Congress of the United States
House of Representatives
Washington, D. C.

-3-

Why is all the above true? Because from time immemorial the defense against new invention effects has marched hand in hand with the use of those inventions in offense. In spite of the increased danger to human life each time a new and more destructive weapon is devised, we find on investigation that the proportion of losses in the World War, with reference to the numbers engaged, were not greater than those of our own Civil War; all because defense always keeps step with offense and seemingly always will. How long did it take the Canadians to evolve an antidote for the poison gas? Only three days, and therein lies the reason that the airplane is and always will be an auxiliary arm of the Army and of the Navy, while the infantry and the battleship go on their way blissfully cognizant that they are and ever will be the backbone of attack and defence.

Incidentally, it should be noted that 70 per cent of the cost of a man-of-war goes to labor, and why not use our work relief funds to produce defenses for our country?

Captain V. P. Jescop
U. S. N. Retired

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May 22, 1928.

MEMORANDUM FOR MR. CAGNEY.

Attention Mr. Cleveland.

Confirming your verbal conversation with Mr. Appel, instructions have been issued in connection with the case entitled LESTER BARLOW vs. U. S., E-272, to secure the name of the ship on which MR. LESTER BARLOW sailed from New York about July 18, 1918 and to secure a copy of the passenger list.

In order to expedite the matter, whatever information is obtained will be forwarded by telegraph or telephone and you will be advised immediately.

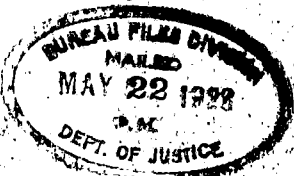
Very truly yours,

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Director.

62-19893-1

MAY 23 1928



MEMO. FOR MR. LOVELAND.

(Important)

Lieut. Laughlin wants you to request Mr. Hoover of the Bureau of Investigation to secure the name of the ship on which Mr. Lester Barlow sailed from New York about July 18, 1918. He sailed under application for passport No. 25508 of July 10, 1918. Having found out the name of the ship, get a copy of the passenger list.

This is in accordance with the suggestion of Mr. Knight.

Mrs. C.

Lester Barlow V.S.V.S.
H-472

File Case

Lester Galloway 5/22/28

REPORT MADE AT: WASHINGTON, D. C.	DATE WHEN MADE: 5-22-28	PERIOD FOR WHICH MADE: 5-21-28	REPORT MADE BY: R. P. BURRUSS ES
TITLE: LESTER P. BARLOW VERSUS UNITED STATES			CHARACTER OF CASE: MISCELLANEOUS MATTER

FILE 162-1232

SYNOPSIS OF FACTS:

Passport application No. 25508, sworn to by subject July 10, 1918, shows his intention to leave New York July 18, 1918, the passport being desired for use in visiting France for the purpose of observing military tests. Application does not indicate what vessel he intended to travel on. New York Office requested to obtain, if possible, name of vessel on which subject left New York July 18, 1918, and secure passenger list of voyage, particular attention being directed to name of persons with whom subject possibly had state room accommodations.

- P O O -

REFERENCE: Verbal instructions from the Director May 21, 1928.

DETAILS:

As requested, the passport records of the State Department were examined with the view of obtaining the name of the vessel on which subject left New York for France on July 18, 1918. Passport application No. 25508 was sworn to by subject at Washington, D. C., July 10, 1918, declaring his intention of leaving New York July 18, 1918, to return within six months, the passport being desired for use in visiting France for the purpose of observing military tests. The passport application or papers attached thereto do not name any vessel on which subject intended to travel.

Attached to the application is a letter dated July 9, 1918, signed by Peyton C. Marsh, Chief of Staff, War Department, to the Bureau of Citizenship, Department of State, which reads as follows:-

"The War Department has no objection to issuing passport to Mr. Lester P. Barlow, whom it has author-

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>[Signature]</i> SPECIAL AGENT IN CHARGE	162-1232-3	RECORDED AND INDEXED:
COPIES OF THIS REPORT FURNISHED TO: Bureau-3 (1 for Special Asst. to the Attorney General Loveland) New York-2 File-2	BUREAU OF INVESTIGATION MAY 28 1928	CHECKED OFF:
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ized to proceed to France to witness the tests of the bombs of which he was the practical inventor".

The above letter would indicate that subject may have been on official business for the War Department, but information has been received from Mr. West, Appointment Clerk at that Department, to the effect that subject was not carried on his official payroll.

At the suggestion of Mr. Appel, Division Three, the result of this investigation was explained to Major Loveland, Special Assistant to the Attorney General, in the office of Mr. Galloway, Assistant Attorney General. At the request of Major Loveland, this matter was discussed with Lieutenant Robert V. Loughlin, Patent Section, War Department, Room 137, State, War & Navy Building. Lieutenant Loughlin is in charge of the above captioned matter and advised that for the past six or seven months he has been working on this case. He has made an extended study and survey of all records of the Ordnance Department and of other Governmental records pertaining to subject but has not found in his study of this case the name of the vessel on which subject travelled to Europe in 1918.

Lieutenant Loughlin further explained that subject was a very talkative type of man, and while on the voyage to Europe, it is assumed that he talked rather freely with passengers, and particularly with those with whom he had state room accommodations, concerning his business. It is Lieutenant Loughlin's desire, in this connection, to obtain the passenger list of the vessel on which subject travelled with the view of possibly locating someone with whom subject did discuss his business with the Government.

UNDEVELOPED LEADS:

NEW YORK OFFICE: At the instructions of Mr. Appel, the New York Office is requested to make every effort to obtain, if possible, the name of the vessel on which subject left the port of New York for France on July 18, 1918, and, if successful, to then secure a copy of the passenger list on this voyage. For the information of the New York Office, subject was at that time connected with the Harlin-Rockwell Corporation of New Haven, and New York, and there is a possibility that reservations for state room accommodations may have been made in that name.

THIS CASE ORIGINATED AT

WASHINGTON, D.C.

REPORT MADE AT: NEW YORK CITY	DATE WHEN MADE: 6-1-28	PERIOD FOR WHICH MADE: 5/28-29/28	REPORT MADE BY: V. J. VALJAVEC
TITLE: LESTER P. BARLOW versus UNITED STATES			CHARACTER OF CASE: MISCELLANEOUS MATTER

SYNOPSIS OF FACTS:

LESTER BARLOW sailed for Bordeaux, France on SS. ROCHAMBEAU August 9, 1918. He occupied Cabin #408 on Deck "C". At that time he was employed by the Marlin-Rockwell Corporation of 347 Madison Avenue, New York City. List of cabin passengers of the SS. ROCHAMBEAU for said voyage included in this report.

R U C

NEW YORK FILE #62-2286-3²³

62 - DIVISION
19893



REFERENCE:

Report of Special Agent R. P. Burruss, Washington, May 22, 1928, and copy of Bureau letter, May 22, 1928 addressed to Washington local office.

DETAILS:

AT NEW YORK CITY

At the United States Custom House Agent ascertained that in 1918, on account of the World War, the steamers and other vessels that were in the service of this and the allied Governments sailed for Transatlantic ports on so-called Government orders and, therefore, were not compelled to obtain from the Custom House the otherwise necessary clearance papers. This applied especially to vessels which were at that time in the Army Transport Service of various allied and associated Governments, although they also carried civilian passengers who were connected with said Governments.

The writer was, therefore, able to ascertain only the names of vessels that sailed with clearance papers for French and nearby allied and neutral ports in July, 1918.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	62-19893-4	RECORDED AND INDEXED: JUN 2 1928
WASHINGTON REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: 3 - Bureau (1 - Special Asst. to Attorney General Loveland) 2 - Washington 2 - New York	BUREAU OF INVESTIGATION JUN 2 1928 DEPARTMENT OF JUSTICE	CHECKED OFF: JUN JACKETED:
ENC. - WASHINGTON LOCAL		ROUTED TO: <i>Mr. Thos.</i>	FILE

GR

The following steamers to whom clearance papers were issued left the port of New York for French and nearby Transatlantic ports in the period from July 15 to the end of July, 1918:

SS. "Amiral Nielly"	for	Havre
SS. "Baysarua"	-	Nantes
SS. "Collingham"	-	Havre
SS. "Gothland"	-	Rotterdam
SS. "Georgie"	-	Brest
SS. "Hassel"	-	Bordeaux
SS. "La Lorraine"	-	Bordeaux
SS. "Luciline"	-	Marseilles
SS. "Liege"	-	Rotterdam
SS. "Livingstonia"	-	Bordeaux
SS. "Minnekahda"	-	Liverpool
SS. "Orca"	-	Liverpool
SS. "La Syrie"	-	Rotterdam
SS. "Servian Prince"	-	Brest
SS. "Samland"	-	Rotterdam
SS. "Trecarne"	-	Bordeaux
SS. "Zyldyk"	-	Rotterdam
SS. "Algerie"	-	Rotterdam
SS. "Canopic"	-	Liverpool
SS. "Carmania"	-	Liverpool

The passenger lists of the outgoing steamers are not available in the Record Division of the local United States Customs House. However, Agent was advised that as soon as a steamer leaves this port for a foreign port they are sent to the Record Division of the local Immigration Service on Ellis Island.

The writer, therefore, called on the Record Division at Ellis Island, where he was advised by Inspector in Charge of said Division, Mr. W. Tuller, that the records of outgoing passengers are kept on files for one year only, whereupon they are destroyed.

Agent, therefore, examined the old records of all the steamship companies in this City, as far as they are available, and ascertained that SUBJECT did not sail from this port to Europe on any of the steamers cited above.

Taking into consideration the fact that on account of the submarine warfare many vessels were compelled to remain in this port for days and weeks after they had obtained the necessary clearance papers, Agent examined the available passenger lists of steamers that sailed for French and nearby ports during the month of August, 1918, with the following result:

Subject LESTER B BARLOW (Not Lester P. Barlow) left the port of New York as a cabin passenger on SS. ROCHAMBEAU on August 9, 1918 and occupied

during the voyage between New York and the City of Bordeaux, France (the port to which the SS. ROCHAMBEAU was sailing) the Cabin No. 408 on Deck "C."

The old records, which were found in the storeroom of the French Line on Pier 14, North River, further show that the steamship ticket for SUBJECT was secured in the offices of the French Line during the month of July, 1918; that L. B. BARLOW was at that time employed by the Marlin-Rockwell Corporation of 347 Madison Avenue, New York City, and that his two nearest neighbors during the voyage to Bordeaux, France, were MR. H. CRETIN and J. B. GAGNEUR, who occupied the Cabins No. 406 and 410 on Deck "C" respectively. The occupation of Mr. H. Cretin is not given on the records; however, Mr. J. B. Gagneur gave as his American address the firm of Marwick-Mitchell of 79 Wall Street, New York City.

A plan of the SS. ROCHAMBEAU, on which the above mentioned cabins are marked with the names of their occupants for the voyage of August 9, 1918, is attached to the Washington copy of this report.

No printed passenger list for the mentioned voyage of the SS. ROCHAMBEAU is available in the offices of the French Line and Agent, therefore, copied the names of the passengers as they appear on the old records.

Names of the passengers on the above mentioned voyage are as follows:

Mr. and Mrs. Chas. Allen	Mr. G. Borbolo
Mrs. Marie Audebert	Miss Esther Braley
Miss I. B. Andrus	Mr. R. Belanger
Mrs. Adams	Miss Bain
Mr. Allen	Miss M. Bogert
Miss Nellie Allen	Miss L. Bakewell
Mr. Thomas Arnold & wife	Miss L. Becker
Baron Aliotte	Miss B. Brocklebank
Mme. Bardou	Miss E. Buck
Miss Olga Burns	Mr. E. Brandees
Miss Bryant	Mrs. R. Brown
Mr. S. A. Beadle	Mr. Geo. W. Barnes
Mr. Leslie L. Biffle	Miss B. J. Bimont
Mr. J. C. Buchanan	Mr. E. Bericioux
Mr. P. Brenier	Mr. L. D. Beaumont
Dr. Brophy	Mr. Wm. G. Bibb
Miss Brigandi	Mme. Marie Coudert
Mr. Bl. Berneron	Mr. A. Cauvigny
Miss Eliz. Brice	Mr. John A. Chumbley
Mr. L. B. BARLOW	Mr. Everet A. Colson
Rev. W. C. Boyer	Mr. Albin P. Conway
Mr. Jean Benard	Mr. John C. Craddock
	Mr. Lawrence L. Cragin

MR. Anton Cirino	Mr. Chas. R. Gray
Mr. John F. Carter	Mr. John Guyes
MR. HENRY CRETIN	Mr. A. Gaudin
Mr. E. C. Chilcott	Mr. C. B. Gibson
Miss L. Cameron	Mr. Thomas J. Gray
Miss G. Cook	Mrs. Z. F. Giltner
Miss M. Cooley	Mr. W. J. Gonzalez
Miss G. Creamer	Dr. Ruth Guy
Miss J. Callow	J. L. Genet & family
Comte de Clerq & family	Miss Sophie Hallenek
Mrs. F. L. Carson	Miss Ruth Hillsbeck
Major H. Cayron & wife	Mr. W. S. Hinman
Mr. Chas. J. Carpenter	Mr. T. E. Holman
Mr. J. H. Chauner	N. Hobbs
Mr. C. Demzervas	Mr. L. C. Hunter
Mr. Delsarte	Mr. Chas. D. Hurrey
Mr. John Donnelly	Mr. N. Haines
Miss Amelia Duriez	Mr. M. L. Murrell
Mr. B. C. Dedman	Mr. N. Humphreys
Mr. J. E. Deslattes	Bishop Hayes
Mr. B. L. Dickinson	Mr. A. Herbert
Mr. G. G. Doming	Mr. V. Hecke
Mr. M. F. Dorsey	Miss Marg. Junod
Mr. Hupp R. Douglas	Mr. Z. C. Jaeck
Mr. J. C. Dougherty	Mr. J. Keegan
Mr. T. V. Dadakas	Mr. M. Kerouedan
Mr. A. Duran & family	Mr. I. S. Kearney
Mr. D. F. Daly	Mr. Warren F. Kellog
Miss A. Durier	Mr. C. C. Lyon
Miss E. Deyo	Mr. L. F. Leland
Mr. John Davy & wife	Mr. H. V. Louikart
Mr. A. Decker	Dr. A. T. Legendre
Mr. F. C. Drayton	Mr. Anatole Le Bray & wife
G. H. Edgell	Mr. A. A. Lawrence
Mr. Stephen Eftkanos	Mr. H. L. Lansburgh
Adjutant Floret	Captain A. Lalla
Mr. Fred L. Ford	Mr. Robert Moranzon
Mr. L. Finot	Mr. James Maitland
Mr. G. Favier	Mr. V. G. Mendoza
Mr. F. Fernandez	Mr. James McCabe
Mr. G. Filaez	Miss Clara Mallard
Miss A. Fairbrother	Mr. Carl K. Maholm
Mme. O. Fontaine	Mr. Roy L. Mathews
Captain de Frigat	Mr. J. M. Mattingley
Miss Ferrier	Mr. John R. Mayo
Mr. John Gredig	Mr. Robert L. McDaniel
MR. J. B. GAGNEUR	Mr. J. C. McDonald
Mr. N. B. Gentry	Mr. James P. McNabb
Mr. Edward Greaney	Mr. David F. Meeker

Mr. A. A. Mallette	Mr. V. Rodite
Mr. Thomas L. Miller	Miss N. Runck
Mr. A. H. Mohr	Mr. F. X. Sundhauser
Mr. J. A. Moriarity	Miss E. Sigg
Mr. H. Magain	Mr. Schwartz
Mr. Wm. Martin	Mr. P. P. Stels
Mr. Wm. Morrissey	Mr. Jean Schmidt
Mr. N. Manopoulos	Mr. Irwin W. Schultz
Mr. Helen Mack	Mr. J. A. Sherman
Mr. V. Marinucci	Mr. A. Signaigo
Mr. Jules P. Mannion	Mr. E. V. Sampson
Mr. R. Montheard	Dr. Oscar Strauss
Mr. O. Morris	Mrs. M. Selwin
Mr. S. Mendo	Professor Spaulding
Miss Catherine Mayo	Mr. C. S. Schofield
Mrs. Elsie Meade	Miss L. Schack
Mr. Robert T. McKea	Miss J. Scharer
Mr. L. Nicoletti	Miss L. Schaefer
Miss S. Neely	Miss L. Smith
Mr. F. J. Nash	Mr. O. Steiner & wife
Mrs. M. Needham	Mrs. Stevenson
Mr. Geo. Natherois	Mr. P. Tua & family
Mr. A. Nagas	Mr. E. M. Thiery
Mr. A. B. Nevin	Lieutenant Colonel Tulasne
Mr. A. Orlandini	Mrs. E. Towle
Mr. H. S. Oberndorfer	Miss M. Thorne
Mr. P. Olivier & wife	Miss J. Tracy
Mr. Guy Arr	Mr. A. Vasiliou
Mr. James R. Page	Mr. A. R. Villar
Mr. Alfred Pearce	Mr. C. V. Veitz
Mr. R. A. Pixley	Mr. V. Vaught
Mr. A. Prender	Lt. M. Vigneron
Mr. J. Petiol	Miss M. P. Van Dyke
Mr. C. Perez	Mr. J. E. Wilson
Mr. John S. Fenman	Mr. G. E. Wiseman
Mr. R. B. Price	Mr. Geo. Weigle
General de Pont	Mr. Warren Walker
Commander Poole	Mr. R. F. Whillan
Miss L. Quinn	Mr. Geo. P. Wilson
Mr. A. Rodriguez	Mr. W. Wayne
Miss M. Rugolo	Rev. H. R. Williams
Mr. Clarence B. Rix	Mr. W. C. Young
Mr. J. Remington	Mr. R. Zanghellini

With whom SUBJECT associated during his trip to France Agent, of course, was not in a position to ascertain as the so-called "table-lists" which are prepared by the Maitre d'Hotel of each passenger boat for each voyage, are always destroyed after the trip is finished.

N.Y. 62-2286

6-1-28

V.J.V. #8

is: No other information obtainable in this district, therefore, case

REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN
NO FURTHER ACTION HERE.

VAN:GRA:REP
62-19898-3

✓
RECORDED

May 26th, 1928.

MEMORANDUM FOR MR. GALLOWAY
Assistant Attorney General

Attention Mr. Loveland:-

For your information in connection with the case entitled: LESTER P. BARLOW vs. UNITED STATES - Miscellaneous Matter, there is enclosed herewith a copy of the report of Special Agent R. P. Burrass of the Washington local office of the Bureau, dated May 22nd, 1928.

Very truly yours,

Director.

Encl. 101478

No. 3



THIS CASE ORIGINATED AT WASHINGTON, D. C.

REPORT MADE AT: WASHINGTON, D. C.	DATE WHEN MADE: 6/7/28	PERIOD FOR WHICH MADE: 6/6/28	REPORT MADE BY: R. P. BURRUSS ES
TITLE: LESTER P. BARLOW vs. UNITED STATES		CHARACTER OF CASE: MISCELLANEOUS MATTER	

FILE #62-1232-

SYNOPSIS OF FACTS:

Report of 6/1/28 by Special Agent V. J. Valjavec, New York City Office, shows that subject sailed for Bordeaux, France, on S.S. ROCHAMBEAU on August 9, 1918, occupying cabin #408 on Deck "C". This report also gives list of cabin passengers on that vessel for said voyage. Transmitting herewith to Bureau copy of plan of S.S. ROCHAMBEAU. All leads investigated.

Unless otherwise instructed this case will be considered

CLOSED

REFERENCE: Report of 6/1/28 by Special Agent V. J. Valjavec, New York City Office.

DETAILS:

Reference report shows that subject sailed for Bordeaux, France, on the S. S. ROCHAMBEAU August 9, 1918, occupying cabin #408 on Deck "C" of said vessel. This report also gives a list of cabin passengers on the ROCHAMBEAU for said voyage.

There is transmitted herewith to the Bureau copy of the plan of the S. S. ROCHAMBEAU on which is indicated the cabin occupied by subject, also showing the adjoining cabins which were occupied by Mr. H. CRETIN and Mr. J. B. GAGNEUR. This plan was attached to Agent Valjavec's report and it is being forwarded to the Bureau with the view that it may be of value to Lieutenant Robert B. Laughlin, Patent Section, War Department, who originally requested Assistant Attorney General Galloway to have this investigation made.

All information requested by the Bureau letter of May 22, 1928, has been secured, and unless otherwise instructed this case will be considered

CLOSED

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	62-1232-5	RECORDED AND INDEXED: JUN 10 1928
COPIES OF THIS REPORT FURNISHED TO: Bureau-3 (1 for Special Asst. to Attorney General Loveland) New York-1 File-2		BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE	CHECKED OFF: JACKETED:
		ROUTED TO:	FILE

JUN 5

RECORDED

June 5, 1928.

MEMORANDUM FOR MR. GALLOWAY
Assistant Attorney General.

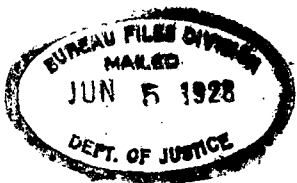
Attention: Mr. Loveland:-

With further reference to the case entitled: - LESTER P. BARLOW, v. UNITED STATES, there is transmitted herewith a copy of the report of Special Agent V. J. Valjavec, made at New York City, June 1, 1928.

Very truly yours,

Director.

Enc. #77956



CAB:FB
62-19093

August 3, 1928

MEMORANDUM FOR MR. GALLOWAY
Assistant Attorney General.

62-19893

Attention: Mr. Loveland.

I desire to refer to my memorandum of June 14th, 1928, regarding the case entitled: LESTER P. BARLOW vs. UNITED STATES, Miscellaneous Matter, and to inquire whether further investigation is desired.

Very truly yours,

Director.

RECORDED

RECEIVED
DIVISION
AUG 3 1928
P. M.
DEPT. OF JUSTICE

62-19893-6
BUREAU OF INVESTIGATION
AUG 4 1928 A. M.
DEPARTMENT OF JUSTICE
FILE

8 ON NO. 2

RECORDED

JUN 16 1928

June 14, 1928.

MEMORANDUM FOR MR. GALLOWAY
Assistant Attorney General

Attention: Mr. Loveland:--

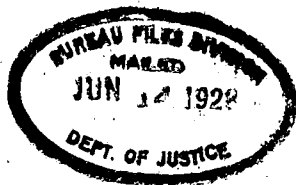
With reference to the case entitled:-
LESTER P. BARLOW v. UNITED STATES, there
is transmitted herewith a copy of the
report of Special Agent R. P. Burruss,
dated June 7, 1928, together with the
exhibit attached thereto.

If further investigation is desired,
I will appreciate being advised.

Very truly yours,

Acting Director.

Enc.#101724



NO. 3

VWH:CAA:STB
62-19893

August 22, 1928

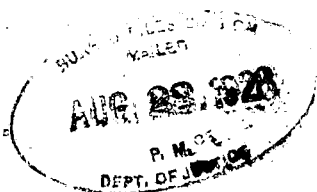
MEMORANDUM FOR MR. GALLOWAY
Assistant Attorney General.

Attention: Mr. Leveland.

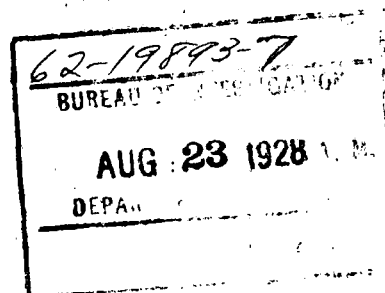
With further reference to
the case entitled: LESTER P. BARLOW
vs. UNITED STATES, Miscellaneous
Matter, I will appreciate being advised
whether further investigation is desired.

Very truly yours,

Director.



RECORDED



ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

3

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

September 8, 1928.

J. E. Hoover, Chief,
Bureau of Investigation.



Dear Sir:

Referring to your various letters of August 3 and 22, received during my absence from town, I beg to advise you that upon communicating with Lieut. Laughlin of the War Department I am informed by him that you may consider this investigation closed. It is probable, however, that it may be necessary to obtain some further data at a later date in connection with some of the persons whose names were reported in your earlier communication.

Very truly yours,

62-19893

RECORDED

SEP 13 1928

62-19893-8	
BUREAU OF	DIVISION
SEP 10	8 A. M.
DEPT. OF	JUSTICE
Div. Three	FILE

CR

3-1-11

September 10, 1932

MEMORANDUM FOR MR. CALHOON
Assistant Attorney General.

1932-9-10

Attention: Mr. Loveland.

I will appreciate being advised whether further investigation is desired in the case entitled: L. CARL F. WELLS vs. UNITED STATES, Miscellaneous Matter.

Very truly yours,

Acting Director.

1932-9-10
SECRET

162-17-10-9
1932-9-10
SECRET

62

U. S. Department of Justice
Bureau of Investigation
Washington, D. C.

February 15, 1930

MEMORANDUM FOR THE DIRECTOR.

62 19893

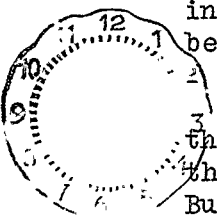
On February 14, 1930 Mr. Mark A. Woodell, of the Judge Advocate General's office, War Department, Washington, D. C., called at the Bureau with reference to the case of LESTER P. BARLOW vs. UNITED STATES, Miscellaneous Matter, Bureau file 62-19893.

Mr. Woodell stated that he had called at the suggestion of Major Loveland, of the Department of Justice, who was handling this matter for the Government, and that he desired to obtain some information concerning the associates of Lester P. Barlow, who has a patent on an invention for aerial bombs which the War Department is now using. He stated that he was particularly interested in obtaining information as to Barlow's associates just prior to August, 1918 when the said subject went overseas. He also stated that the War Department had received copies of reports from the Bureau in connection with this case, the last report being that of Special Agent R.P. Burruss dated June 7, 1928.

Information

The writer informed Mr. Woodell that an examination would be made of the file in connection with the case, and in the event any additional information was available he would be advised in the premises.

The writer examined the Bureau file, which reflects that no investigation has been conducted in this case since the submission of the above mentioned report of Special Agent Burruss, and, therefore, there is no information contained in the file other than has already been furnished the War Department. Mr. Woodell was advised by the writer to this effect.



FEB 15 1930

RECORDED & INDEXED

FEB 18 1930

respectfully,

R. G. Harvey

R. G. HARVEY.

S

62-19893-10
BUREAU OF INVESTIGATION
FEB 17 1930
DEPARTMENT OF JUSTICE
NEW YORK

ALM:CF

June 16, 1938

Title -
9:30 A. M.

MEMORANDUM FOR MR. TULL

At this time Mr. Kenneth Sprangle, Secretary to Congressman John Taber of New York, was telephonically referred to me from the Director's office. He explained that the Congressman was under consideration a claim made by Lester S. Barlow for approximately half a million dollars against the United States on the charge of infringement of patent rights. This related to a bomb invented by Barlow, several of which have been used by the Army. In a suit in the Court of Claims the validity of Barlow's claims were upheld and the judgment entered on his behalf. Barlow has been contacting Congressman Taber to get a bill through Congress to pay him the amount awarded by the Court of Claims. Barlow, however, according to Sprangle, is a bellicose individual and because things were not moving along fast enough for him, said the claim last night that certain congressmen were trying to "hold him up" and that he would give the information to the Associated Press, unless action were taken favorably upon his bill.

He indicated definitely to Mr. Sprangle that Congressman Taber and other Congressmen were trying to get some money from him in consideration of sponsoring his bill. Sprangle said that this has so incensed not only Congressman Taber but other Members of the House that they have made up their minds that the bill will not pass and Barlow will go unpaid.

Sprangle wanted to know if we had any information in our files which could be made available to him regarding Barlow. He said that he had learned Barlow is associated with the German-American Bund in Nazi activities and wanted to know whether our investigation had ever disclosed any information on Barlow. I told him our Nazi investigation was made at the specific request of the Attorney General; that the report thereon had been submitted to the Attorney General and that all information therein was considered of a confidential nature and it had been our practice to refer to the Attorney General as to whether any information contained therein should be given out.

- 19873 - 11

Memo for Mr. Tamm

- 2 -

6/16/38

Mr. Tamm he was particularly interested in getting information on Barlow so I told him I would look into the matter and see if we had any data on Barlow; that I would then submit same to the proper authorities of the Bureau to ascertain whether the information could be disclosed.

I reviewed the files and found two newspaper clippings (61-7500-613), one clipping stating that Barlow had invented an aerial bomb which was being considered by Chairman Vinson of the House Naval Committee. The other clipping was from the New York Post during November, 1937, which stated that Barlow had circulated nationally through the services of the Citizens Protective League a petition for the impeachment of President Roosevelt.

I brought these two references to your attention and upon your advice subsequently advised Mr. Sprague of the information in these clippings, giving him the dates of the clippings so that he could get them from the library of Congress.

Mr. Sprague was very grateful to the Bureau for this assistance.

Respectfully,

K. A. McIntire

Federal Bureau of Investigation
United States Department of Justice

OMAHA, NEBRASKA

May 27, 1940

Director
Federal Bureau of Investigation
Washington, D. C.

RE: LESTER P. BARLOW;
INFORMATION CONCERNING.

Dear Sir:

Reference is made to my teletype of May 27, 1940, reporting the call to this office by TOM INGOLDSBY, local United Press representative, regarding a letter which he had received from PARKE F. KEAYS, Business Manager of The Custer County Chief, Broken Bow, Nebraska, relative to a former F.B.I. Agent residing there, who claimed to have investigated BARLOW at Aberdeen, South Dakota, regarding his radical activities.

This matter first came to my attention on the morning of May 27, 1940, when INGOLDSBY telephonically informed me that he had received a letter from KEAYS and that as a result he had wired you for any information you might be able to release regarding information contained in the Bureau's files as to BARLOW.

I suggested to INGOLDSBY that he call at this office, which he did with the following pertinent communications. The first is a letter which he received from PARKE F. KEAYS, Business Manager of The Custer County Chief, Broken Bow, Nebraska, dated May 25, 1940:

"I am enclosing copy of letter which was written to J. Edgar Hoover yesterday by a dependable man in this community. I thought that you might want to follow this up through your Washington bureau, with the possibility that a story might develop later on.

I talked with the writer of the enclosed letter this morning. He stated that he thought the article referred to could be found in the files of the Aberdeen American. He said that it was published in that newspaper in the spring of 1920, probably in April, May or June.

If you wish it, we will furnish name of the man who wrote the enclosed letter. You understand, of course, that this is merely a tip on a possible news story, depending on results of investigation by the F.B.I."

RECORDED & INDEXED

6/18/40
Ask
CHC

12-11-40

MAY 29 1940

U.S. DEPT. OF JUSTICE

PERSONNEL

Director - 5-27-40

RE: LESTER P. BARLOW

I am also quoting the letter which had been sent to you on May 24, 1940, by this former F.B.I. Agent, now residing at Broken Bow, Nebraska:

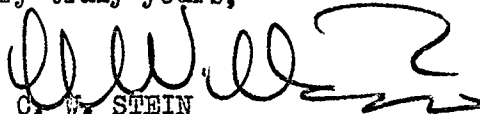
"For some time I have been reading in the daily press about the bomb inventions of Mr. Lester P. Barlow. This recalls to mind a time in April 1920, while as a special agent F.B.I., I was sent to Aberdeen, S. D. to investigate the activities of this gentleman, who was at that time considered one of the most dangerous radicals in the territory comprising the two Dakotas and Minnesota. No doubt your department has a complete file in this connection, as the daily papers in the Dakotas printed at length a great many stories about he and his organization.

However, as a veteran of the world war, and knowing the shrewdness and deceitful way in which this man operates I would like to offer this suggestion, that before he is taken seriously in the eyes of the public; that he prove that he is doing his work honestly and to the best interests of the country; that he had an opportunity to defend in 1918 (I believe the record will show that in the world war he registered as a conscientious objector). There is no doubt but what this man is smart and is equipped with a lot of ability. Neither do I believe his attitude in registering as an objector was due to the fact of any religious tendencies, or that he was a coward, as I believe the record will show that he was a member of Villia's staff when he attempted to overthrow the government of Mexico. These statements were claimed in an article published in a Minat N. D. paper also again published in the Aberdeen S.D. Early American. He attempted to sue the Aberdeen paper for libel and collected from his followers a sum of \$800.00 in a defense fund, but I understand no suit was ever filed.

I am quite certain this is the same man who is now inventing bombs, and unless he has changed his ways, to my notion, he is a dangerous man to be connected in any way to our war time preparations."

I do not know the identity of this former Agent. Neither does Special Agent J. L. FLOOD, who has been working in the Omaha Field Division for a number of years. However, it might possibly be a man named EMERY. INGOLDSEY said he would await your reply, stating that he had no intention to publish any story unless you confirmed the statements made by this former Special Agent.

Very truly yours,



C. W. STEIN
Special Agent in Charge

CWS/GEP
cc Sioux Falls

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

May 27, 1940

- Mr. Tolson
- Mr. Nathan
- Mr. E. A. Tamm
- Mr. Clegg
- Mr. Ladd
- Mr. Coffey
- Mr. Egan
- Mr. Glavin
- Mr. Harbo
- Mr. Lester
- Mr. Hendon
- Mr. McIntire
- Mr. Nichols
- Mr. Rosen
- Mr. Quinn Tamm
- Tour Room
- Mr. Tracy
- Mr. Schliecker
- Miss Beahm
- Miss Gandy

Mr. Clegg:

The Director desires a complete summary memorandum prepared with regard to Lester P. Barlow and sent to the Attorney General, ~~Burke~~ Watson, G-2, and ONI. Berle

st

*Handled
5/31/40
CHC*

RECORDED

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FEDERAL BUREAU OF INVESTIGATION

3 JUN 10 1940

U. S. DEPARTMENT OF JUSTICE

CLEGG

J

dx

CHC:RMB

June 1, 1940

~~PERSONAL AND CONFIDENTIAL~~

Honorable Adelf A. Berle, Jr.
Assistant Secretary of State
Department of State
Washington, D. C.

Dear Mr. Berle:

I am transmitting herewith, as of possible interest to you, a copy of a memorandum dated May 31, 1940, containing information with respect to one Lester Pance^o Barlow, who recently received considerable press publicity in connection with an alleged invention of a new type liquid oxygen-carbon explosive bomb, known as "Clinite."

Sincerely yours,

J. Edgar Hoover

Enclosure

RECORDED

62-1989 - 111 X 2
FEDERAL BUREAU OF INVESTIGATION
AUG 19 1940
U. S. DEPARTMENT OF JUSTICE

- Mr. Tolson.....
- Mr. Nathan.....
- Mr. E. A. Tamm.....
- Mr. Clegg.....
- Mr. Ladd.....
- Mr. Egan.....
- Mr. Glavin.....
- Mr. Nichols.....
- Mr. Hendon.....
- Mr. Rosen.....
- Mr. Tracy.....
- Miss Gandy.....

COMMUNICATIONS SECTION
MAILED
JUN 1 1940 ★
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

MA

[Handwritten mark]

[Handwritten signature]

CHC:RMB

June 1, 1940

~~PERSONAL AND CONFIDENTIAL~~

BY SPECIAL MESSENGER

Rear Admiral Walter S. Anderson
Director, Naval Intelligence
Navy Department
Washington, D. C.

My dear Admiral:

I am transmitting herewith, as of possible interest to you, a copy of a memorandum dated May 31, 1940, containing information with respect to one Lester Pence Barlow, who recently received considerable press publicity in connection with an alleged invention of a new type liquid oxygen-carbon explosive bomb, known as "Gisite."

A copy of the above mentioned memorandum is also being furnished to Brigadier General Sherman Miles, Assistant Chief of Staff, G-2.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover

Director

Mr. Tolson	.....
Mr. Nathan	.....
Mr. E. A. Tamm	.....
Mr. Clegg	.....
Mr. Glavin	.....
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Miss Gandy

Inclosure

RECORDS SECTION

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FEDERAL BUREAU OF INVESTIGATION
AUG 19 1940
U. S. DEPARTMENT OF JUSTICE

CHC:RMB

June 1, 1940

PERSONAL AND ~~CONFIDENTIAL~~

BY SPECIAL MESSENGER

Brigadier General Sherman Miles
Assistant Chief of Staff
G-2, War Department
Washington, D. C.

Dear General Miles:

I am transmitting herewith, as of possible interest to you, a copy of a memorandum dated May 31, 1940, containing information with respect to one Lester Pence Barlow, who recently received considerable press publicity in connection with an alleged invention of a new type liquid oxygen-carbon explosive bomb, known as "Glaite."

A copy of the above mentioned memorandum is also being furnished to Rear Admiral Walter S. Anderson, Director, Naval Intelligence.

Sincerely yours,

J. Edgar Hoover
John Edgar Hoover
Director

62-19893-11X4
RECORDED
FEDERAL BUREAU OF INVESTIGATION
AUG 19 1940
U. S. DEPARTMENT OF JUSTICE
100-11-1000

Enclosure

- Mr. Tolson.....
- Mr. Nathan.....
- Mr. E. A. Tamm.....
- Mr. Clegg.....
- Mr. Ladd.....
- Mr. Egan.....
- Mr. Glavin.....
- Mr. Nichols.....
- Mr. Hendon.....
- Mr. Rosen.....
- Mr. Tracy..... ✓
- Miss Gandy.....

COMMUNICATIONS SECTION
MAILED
JUN 1 1940 ★
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

MAK

OR

CHG:RMB

May 31, 1940

PERSONAL AND ~~CONFIDENTIAL~~

Brigadier General Edwin M. Watson
Secretary to the President
The White House
Washington, D. C.

Dear General Watson:

I am transmitting herewith, as of possible interest to you and the President, a memorandum dated May 31, 1940, which contains information with respect to one Lester Pence O'Parlow, who recently received considerable press publicity in connection with an alleged invention of a new type liquid oxygen-carbon explosive bomb, known as "Olmite."

With assurances of my best regards,

Sincerely yours,

J. Edgar Hoover

Enclosure

Mr. Tolson	
Mr. E. A. Tamm	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Coffey	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

COMMUNICATIONS SECTION
 JUN 1 1940
[Signature]

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 FEDERAL BUREAU OF INVESTIGATION
 AUG 10 1940
 U. S. DEPARTMENT OF JUSTICE

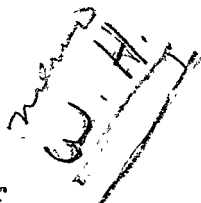
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FEDERAL BUREAU OF INVESTIGATION

Room 5744 _____

1940

To: _____ Director
_____ Mr. Tolson
_____ Mr. Nathan
_____ Mr. Clegg
_____ Mr. Edward Tamm
_____ Mr. Glavin
_____ Miss Gandy
_____ Mr. Tracy
_____ Mr. Ladd
_____ Mr. Coffey
_____ Mr. Harbo
_____ Mr. Hendon
_____ Mr. Naughten
_____ Mr. Renneberger
_____ Mr. Patterson
_____ Mr. Rosen
_____ Mr. Quinn Tamm
_____ Personnel Files Section
_____ Files Section
_____ Miss Sheaffer
_____ Mrs. Skillman
_____ Mrs. Brown



Mr. Carson

See Me For Appropriate Action
Send File Prepare reply

L. B. Nichols

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

Mr. Tolson	✓
Mr. Clegg	✓
Mr. Foxworth	✓
Mr. Ladd	✓
Mr. Nathan	✓
Mr. E. A. Tamm	✓
Mr. Egan	✓
Mr. Glavin	✓
Mr. Nichols	✓
Mr. Hendon	✓
Mr. Rosen	✓
Mr. Tracy	✓
Miss Gandy	✓

CHC:ACK

June 15, 1940

MEMORANDUM FOR THE DIRECTOR

Re: LESTER P. BARLOW

Reference is made to a teletype message received by the Bureau dated May 27, 1940, from the Omaha Office indicating that a former F.B.I. Agent had written the Bureau a letter on May 24, 1940, to the effect that Barlow was previously considered a dangerous citizen and investigated by this Bureau. This information was furnished to Omaha by Tom Ingoldsby, United Press representative, Ingoldsby indicating that he desired to make no comment concerning the allegations about Barlow, but that he would like to be advised as to whether or not the former F.B.I. Agent's statements to the effect that Barlow was investigated as undesirable were true.

You made a notation on the incoming as follows:

"Check on this at once. If true let me know what happened to the letter."

It has been ascertained that the letter apparently referred to by Tom Ingoldsby was written to the Bureau by former Special Agent James W. Kelly of Broken Bow, Nebraska. Kelly's letter was dated May 24, 1940, having been received in the Bureau on May 27, 1940, and being stamped into Division One on May 29, 1940. This letter contains information that Barlow during April, 1920, was considered a dangerous radical and his activities were investigated by Kelly in behalf of the Bureau. The letter indicated that Barlow was active in the Dakotas and Minnesota. Kelly's letter was acknowledged by the Bureau on June 1, 1940, and he was thanked for furnishing the information. Pursuant to your request, a complete summary memorandum with regard to the activities of Barlow as reflected in Bureau files was prepared and transmitted to the Attorney General, Brigadier General Watson, G-2, Office of Naval Intelligence, and Mr. Berle on June 1, 1940. This summary memorandum reflects information indicating that Barlow had been investigated during 1920, at which time his activities rendered him

I ENCL. FM

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FEDERAL BUREAU OF INVESTIGATION

4 AUG 17 1940

U S DEPT OF JUSTICE

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FIVE

MEMORANDUM FOR THE DIRECTOR

Re: Lester P. Barlow

- 2 -

suspect as a dangerous radical. Barlow has at various times been reported to be pro-Nazi, but was sometimes regarded as being of Communist sympathy. A copy of the summary memorandum reflecting his activities is attached hereto for your information.

Although the teletype message from the Omaha office dated May 27, 1940, as well as a letter from that office on the same date, indicated that Tom Ingoldsby was communicating with the Bureau by wire for the purpose of ascertaining whether the allegations concerning Barlow's having been investigated are true, extensive efforts to locate any incoming communication from Ingoldsby whatsoever have proved negative. The Omaha office is being furnished with a copy of the summary memorandum regarding Barlow, for its information, and is being advised that Ingoldsby has not communicated with the Bureau. The Omaha division is being instructed that no information concerning the investigation conducted relative to Barlow is to be released to Ingoldsby or others, inasmuch as data in the Bureau's files are confidential.

Respectfully,

H. H. C.

H. H. Clegg

eat

Inclosure

cc-Mr. E. A. Tamm

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 27 1940

TELETYPE

FBI OMAHA 5-27-40 10-50 AM RMW

DIRECTOR

Mr. Tolson	✓
Mr. Nathan	
Mr. E. A. Tamm	✓
Mr. Clegg	✓
Mr. Ladd	
Mr. Egan	
Mr. Glavin	
Mr. Nichols	
Mr. Hendon	
Mr. Rosen	
Mr. Tracy	
Miss Gandy	

TOM INGOLDSBY UNITED PRESS REPRESENTATIVE HERE CALLED AT OFFICE THIS MORNING WITH A LETTER WHICH HE HAD RECEIVED FROM PARKE F KEAYS, BUSINESS MANAGER OF NEWSPAPER THE CUSTER COUNTY CHIEF, BROKEN BOW, NEBRASKA WHICH ENCLOSED A COPY OF LETTER WRITTEN TO YOU MAY TWENTY FOURTH BY A MAN WHO CLAIMS TO HAVE BEEN A FORMER FBI AGENT. KEAYS DID NOT FURNISH THE NAME OF THE WRITER OF THE LETTER TO YOU BUT SAID THAT HE IS A DEPENDABLE MAN IN THAT COMMUNITY. THE FORMER FBI AGENT IN HIS LETTER TO YOU REPORTS THAT HE HAS BEEN READING ABOUT THE BOMB INVENTIONS OF LESTER P. BARLOW. IT STATES THAT IN APRIL NINETEEN TWENTY WHILE HE WAS WORKING AS AN AGENT OF THE FBI HE WAS SENT TO ABERDEEN SOUTH DAKOTA TO INVESTIGATE THE ACTIVITIES OF BARLOW. HE WAS ~~THEN~~ AT THAT TIME CONSIDERED ONE OF THE MOST DANGEROUS RADICALS IN THAT TERRITORY. HE ALSO SAYS BARLOW REGISTERED AS A CONSCIENTIOUS OBJECTOR DURING THE WORLD WAR AND THAT HE WAS A MEMBER OF VILLAS STAFF WHEN HE ATTEMPTED TO OVERTHROW THE GOVERNMENT OF MEXICO. BARLOW SUED A MINOT NORTH DAKOTA NEWSPAPER AND THE ABERDEEN SOUTH DAKOTA EARLY AMERICAN NEWSPAPER BECAUSE THEY PRINTED THOSE CHARGES. INGOLDSBY 6/15/40 ADVISES ME HE PLANS TO MAKE NO COMMENT ABOUT THIS MATER IN HIS DISPATCHES BUT SAID HE WOULD ~~APPRECIATE~~ APPRECIATE BEING ADVISED AS TO WHETHER THERE IS ANY TRUTH TO THE FORMER FBI AGENTS STATEMENTS

Check at once. If true let me know what happened to the letter. H.

6/18/40
RECORDED
FEDERAL BUREAU OF INVESTIGATION
AUG 17 1940
TOLSON
FIVE

INGOLDSEY WIRED YOU THIS MORNING REQUESTING VERIFICATION
STEIN
END

Office of Director

June 16, 1938

Time -

Name - Secy. to Cong. ~~Taber~~ (R) of N.Y.
tele.

Stated that a man named Lester P. Barlow has put in a claim for about half a million dollars for an alleged infringement by the U.S., on some patents rights he had on a bomb; that Barlow it seems has quite a record which the Congressman is looking into, having served with Villa; and that it is also believed that he has been connected with some Nazi Bund activities. The Congressman was interested in ascertaining if the Bureau has a record of this man being connected with any Nazi activities. Upon advice from Mr. Tamm he was transferred to Mr. McIntire. cek

RECORDED

INDEXED

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Federal Bureau of Investigation

PEF:JHR United States Department of Justice
Washington, D. C.

June 30, 1938.

Time-2:53 P.M.

MEMORANDUM FOR THE DIRECTOR

Agent Hickey called from the Washington Field Office regarding Lester P. Barlow and asked what information he was to obtain on the subject. I told Mr. Hickey that the Bureau wanted to get all the information it could from the Naval Intelligence and the Ordnance Department of the War Department in order that the information would be available in our files, as it is anticipated that a request for an investigation will be forthcoming. Agent Hickey advised me that he has been to the Navy Department and that the Navy Department has a large file on Barlow, not on his background, but with respect to his testimony before the Committee on Naval Affairs. Barlow comes from Stamford, Connecticut and is supposed to be an inventor of air bombs. It is Agent Hickey's opinion that Barlow is a little out of his head. Agent Hickey has a copy of a pamphlet concerning the naval expansion program and all of Barlow's testimony before the Committee is included in the book which was published in April just after the hearings. Any information which might be of value in the files of the Navy Department concerning Barlow is contained in this book, therefore Agent Hickey will send the book in to the Bureau instead of copying the files of the Navy Department. Barlow testified that he was an enlisted man in the Navy from the time he was seventeen until he was twenty three years of age. Barlow told the Committee that he was a seaman and an electrician. Agent Hickey will check the enlistment records to obtain information regarding Barlow's family. Agent Hickey will send his pamphlet concerning Barlow's testimony, his navy background, place of residence and relatives to the Bureau.

*Rec'd 7/1/38 +
sent to Bureau
rel*

Respectfully,

F. Foxworth
P. E. FOXWORTH

RECORDED

62-19893-13
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JUL 1 1938
FOLLOWS

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Federal Bureau of Investigation
United States Department of Justice
Washington Field Division, Room 2266,
Washington, D. C.

July 1, 1938

PERSONAL AND CONFIDENTIAL

Director,
Federal Bureau of Investigation,
Washington, D. C.

Re: LESTER PENCE BARLOW;
Information Concerning.

Dear Sir:

Pursuant to instructions received from Assistant Director E. A. TAMM of the Bureau to obtain any information available from the Naval Intelligence concerning the above individual, Special Agent F. M. Hickey was permitted by COMMANDER E. E. NIXON, Naval Intelligence, Navy Department, Washington, D. C. to examine the file maintained in the Office of the Judge Advocate General, Navy Department, Washington, D. C.

After reviewing this file, Agent Hickey recalled that he was in possession of a transcript of the "NAVAL EXPANSION PROGRAM" Hearings before the Committee on Naval Affairs, United States Senate, Seventy-Fifth Congress, Third Session on H.R. 9218 held during April 1938 and contains the testimony of MR. BARLOW, an inventor of air bombs beginning on page 346 of the transcript, which transcript sets forth in detail the same information as contained in the file of the Navy Department. During the hearings and following the testimony of MR. BARLOW, COMMANDER A. C. DAVIS, United States Navy, testified, and in addition, offered in evidence correspondence between the Navy Department and MR. BARLOW. Therefore it does not appear necessary to have copies made of the voluminous correspondence on file at the Navy Department, inasmuch as the copy of the transcript of the testimony above-referred to, is being transmitted herewith for the information of the Bureau.

Briefly, MR. BARLOW, at the time of the giving of his testimony, stated that he was connected with the GLENN L. MARTIN COMPANY of Baltimore, Maryland as a consulting engineer on aerial munitions. His place of residence is Stamford, Connecticut.

RECORDED & INDEXED

62-19893-14

FILE

M Copy to Mr. Tamm

For the confidential information of the Bureau, the Office of the Judge Advocate General and the Office of the Naval Intelligence consider MR. BARLOW just another "nut".

Special Agent Hickey examined the personnel record of BARLOW on file at the Navy Department, which shows his full name to be LESTER PENCE BARLOW; enlisted United States Navy as a coal passer, October 5, 1904, at which time he stated his trade was that of stationary engineer; citizen of the United States; born Wisconsin, December 2, 1882; father - G. W. BARLOW, Clear Lake, Iowa. He served on board the U.S.S. SOLACE, U.S.S. SUPPLY, U.S.S. RAINBOW, U.S.S. GALVESTON, U.S.S. MOHICAN and U.S.S. INDEPENDENCE. He was honorably discharged at Mare Island, California October 19, 1908. At the expiration of his enlistment he held the rating of electrician second class.

The transcript of testimony furnished herewith is the personal property of Special Agent Hickey, and may be retained by the Bureau.

No further investigation will be conducted unless instructed by the Bureau.

Very truly yours,



GUY HOTTEL,
Special Agent in Charge.

EMH:JG
62-0

Enclosure

OFFICIAL INDICATED BELOW BY CHECK MARK

- Mr. Nathan _____ ()
- Mr. Tolson _____ ()
- Mr. Baughman _____ ()
- Miss Beahm _____ ()
- Mr. Clegg _____ ()
- Mrs. Cleveland _____ ()
- Mr. Coffey _____ ()
- Mr. Crowl _____ ()
- Mr. Dawsey _____ ()
- Mr. Egan _____ ()
- Mr. Foxworth _____ ()
- Miss Gandy _____ ()
- Mr. Glavin _____ ()
- Mr. Harbo _____ ()
- Mr. Hottel _____ ()
- Mr. Kleinkauf _____ ()
- Miss Laubinger _____ ()
- Mr. Lester _____ ()
- Mr. McIntire _____ ()
- Mr. Nichols _____ ()
- Mr. Renneberger _____ ()
- Mr. Schildecker _____ ()
- Mr. Schilder _____ ()
- Mr. Tamm _____ ()
- Mr. Tracy _____ ()
- Miss White _____ ()
- Files Section _____ ()
- Personnel Files _____ ()

A large, stylized handwritten signature or set of initials is written over the right side of the list, specifically overlapping the names Mr. Schildecker, Mr. Schilder, Mr. Tamm, Mr. Tracy, Miss White, Files Section, and Personnel Files.

- For Your Information _____ ()
- Note and Return _____ ()
- File _____ ()
- Return with File _____ ()
- Please Initial _____ ()

A large, handwritten scribble or signature is located at the bottom left of the page, below the final set of horizontal lines.

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

EAT:RP

July 1, 1938

MEMORANDUM FOR THE DIRECTOR

By reference from your office on Friday, June 17th, Congressman Maas was interviewed by me concerning information in his possession relative to Lester P. Barlow. Congressman Maas turned over to me his file upon Barlow which has been photostated and a copy of which is being retained in the Bureau's file, it being noted that Congressman Maas' file was subsequently returned to him. Congressman Maas definitely understood that Barlow's activities did not appear to constitute a violation of any Federal Statute within the Bureau's investigative jurisdiction and consequently that the Bureau could not of its own volition initiate any investigation of Barlow's activities. The Congressman indicated, however, that a formal request would be made by some Congressional Committee of the Attorney General for an investigation of this individual.

According to Congressman Maas, the Ordnance Bureau of the War Department has much information concerning Barlow. The Washington Field Office is obtaining from the War and Navy Departments the information in their files concerning Barlow's activities in order that these data may be recorded in the files of the Bureau.

Respectfully,



E. A. Tamm

RECORDED
&
INDEXED

62-19893-15

Barlow
J. Edgar Hoover
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2

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

PEF:JHR United States Department of Justice

Washington, D. C.

July 5, 1938.

Time-9:23 A.M.

MEMORANDUM FOR THE DIRECTOR

MP
I called Agent Hickey at the Washington Field Office regarding the matter of Lester Barlow, of whom Mr. Hickey has been obtaining information from the War Department. I advised Agent Hickey that there is a girl secretary or stenographer in the Ordinance Department of the War Department who has more information regarding Barlow. Agent Hickey will attempt to locate this girl when he goes to the War Department today and obtain more information concerning the background of the subject.

Respectfully,

P. E. Foxworth
P. E. FOXWORTH.

RECORDED
&
INDEXED

67-14713-16	
JUL 7 1938	
FEDERAL BUREAU OF INVESTIGATION	
TOLSON	FILE

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EAT:RP

July 1, 1938

Honorable John Taber
House of Representatives
Washington, D. C.

My dear Congressman:

I appreciate your courtesy in transmitting to me with your letter of June 16, 1938, a copy of a letter addressed to you under date of June 15, 1938, by Mr. Lester T. Barlow, and a copy of your acknowledgment of this letter dated June 16, 1938. I have also received with your letter of June 16, 1938, a memorandum dated June 16, 1938, entitled Memo re case of Lester T. Barlow and bearing the signature of Kenneth Sprankle.

Although this Bureau is conducting no investigation of Lester T. Barlow at the present time, I am pleased to receive these data which are being incorporated in the files of the Bureau for possible future reference.

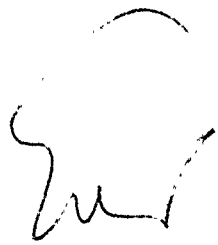
With expressions of my highest esteem and best regards,
I am

Sincerely, yours,

John Edgar Hoover
Director

- Mr. Tolson.....
- Mr. Nathan.....
- Mr. Tamm.....
- Mr. Clegg.....
- Mr. Coffey.....
- Mr. Glavin.....
- Mr. Ladd.....
- Mr. Nichols.....
- Mr. Rosen.....
- Mr. Tracy.....
- Mr. Carson.....
- Mr. Egan.....
- Mr. Gurnea.....
- Mr. Hendon.....
- Mr. Pennington.....
- Mr. Quinn.....
- Mr. Nease.....
- Miss Gandy.....

RECEIVED
JUL 1 1938
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C.



JOHN TABER
36TH DIST. NEW YORK

MEMBER Tolson
COMMITTEE ON APPROPRIATIONS
Mr. Nathan

Congress of the United States
House of Representatives
Washington, D. C.

Mr. Nathan	.....
Mr. Tamm	.....
Mr. Clegg	.....
Mr. Coffey	.....
Mr. Crowl	.....
Mr. Dawsey	.....
Mr. Egan	.....
Mr. Foxworth	.....
Mr. Glavin	.....
Mr. Ladd	.....
Mr. Lester	.....
Mr. McIntire	.....
Mr. Nichols	.....
Mr. Tracy	.....
Miss Gandy	.....

June 16, 1938

Hon. J. Edgar Hoover, Director,
Federal Bureau of Investigation,
Washington, D.C.

Dear Mr. Hoover:

My secretary, ~~Kenneth Sprankle~~, called your office this morning concerning one Lester P. Barlow.

I enclose herewith a copy of letter from Barlow, received this afternoon, together with a copy of my reply. I also enclose a copy of memo made by my secretary concerning what has happened up to last night in this case.

Inasmuch as your office has investigated this gentleman before, I thought that you ought to have this information in order to have a more complete picture as to just what sort of a fellow he is.

Your files carry a notation to see the N.Y. Post of Nov. 27, 1937 for a story concerning his activities with one of the Nazi organizations in this country.

Very sincerely yours,

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&
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462 Senate Office Building,
Washington, D. C.,
June 15, 1938.

Honorable John Taber,
House of Representatives,
Washington, D. C.

Dear Mr. Taber:

Ever since the Court of Claims made a decision in my favor on the Barlow bomb royalty case, I have been approached by various groups of racketeers demanding that I allow them to handle the case and settle it for fees which they name, which generally amount to a considerable portion of the total. I have consistently refused to negotiate with these racketeers, and in fact I have made several attempts to reveal them to the proper authorities but have not received the proper encouragement.

Recently, a Member of the House of Representatives proposed to me that he would get me my money, and in doing so mentioned "we will get it" and also that he would get me a very good price for the Barlow aerial mine which I revealed before the Naval Committees of the Congress this session. I told this Member I would absolutely not tolerate any Member of Congress in any way being associated with this matter; that I had been approached by many racketeers but I was not a bribe-payer or fixer and did not intend to be. I would name this Member in this letter, but I intend to hand this letter to the press and they would probably withhold the letter from publication if I named him until they ascertained the facts. I am ready to name him before the proper Congressional tribunal. You know this man and he has approached you in the last several days. I saw him sitting with you and undoubtedly talking over this matter with you this afternoon. This man has made statements that Barlow stole his patents, and I have been told by other Members that you have made the statement after he told you that. Also rumors have been passed either by this man or some others that I am paying some Member of Congress \$5,000 to get this bill through.

Now, I have taken plenty of abuse during the last twenty some years that this controversy has been on in reference to the Barlow inventions, which I have successfully carried through and which I have been sustained in by the courts of this land. I am not a grafter. I am not a crook. I am not a fixer or payer for fixing in or out of Congress.

\$600,000 approximately is the award which has been made to me by the courts after eleven years of litigation by those courts after extensive research by the courts of all the facts. The Administration of the Government of the United States reports this fact also.

Instead of being the man who would buy and bribe the Congressmen and other public officials, I am the man who rode the skies as a

volunteer, with hundreds of high-explosive, experimental shells and aerial bombs, in order that America could have proper aerial bomb equipment. I come in the category of men who risk their lives willingly, if necessary, and such men are not bribe-givers and not crooks, and don't you forget it; and when you deal with my name, even though you are rated a powerful Member of Congress, understand I do not need that \$600,000 enough to take your or anybody else's insults, and the Congress can keep it until they are ready to pay it to an American who is an American in every respect.

On the Senate side of Congress, they have been decent enough to pass this bill as legislative gentlemen should do, and they have added to the bill an amendment to protect me against a gang of racketeers; and since that amendment was put on, this onslaught has taken place on me in the corridors of the House attacking my character, attacking the efficiency of my inventions, and attacking the legality of my case.

I have made it a point, Mr. Taber, to have you definitely informed as to all the facts in this case. You have been talked to by some of the finest gentlemen in the Congress who know all the records. Instead of that, you take rumors; instead of the Court's decision, you take rumors; instead of the Administration's favorable report, you take rumors, and you are still looking for rumors instead of facts. You have no right to ignore the Court's decision and its full report after eleven years of litigation. You have no right to take rumors or statements of anyone in the face of full records available in this case. I am not saying you are a part of this racketeer, "shakedown" attempt, but explain, if you can, to the general public why you are so insistent in the face of all the facts in your determination to block this bill which is a payment of a contract between the government of the United States and myself.

Last night, the findings and opinion of the Court of Claims were reviewed with your secretary and copy given him for you. At five o'clock today you, through your secretary, have asked for the transcript of testimony already passed upon by the Court and reduced to findings of fact. There are about eight thousand pages of this testimony. The Supreme Court of the United States refuses to go back of the findings of the Court of Claims. Why should you?

Here is my answer to all of your kind, and to scandal-mongers, racketeers and "shakedown" artists: I intend to make this a proposition for the American people to look at, and I invite the Congress of the United States to help me bring out the facts. I do not want to do anything to unduly damage you, but you seem to be entirely too insistent, in the face of the facts, to warrant me to neglect calling to your attention that you seem to be sitting among some pretty rotten company. If I have said anything in this letter which is unfair to you, I apologize, but until you can square yourself, this letter stands for everything there is in it.

Yours respectfully,

/s/ Lester P. Barlow

June 16, 1938

Mr. Lester P. Barlow
462 Senate Office Bldg.
Washington, D.C.

Sir:

I have a letter from you under date of June 15th which has been received this afternoon - about 2:30.

The statements made by you are not correct.

I have shown your attorneys every courtesy in going into the situation with reference to your bill, but when you advised my secretary that unless this bill went through you were going to blast me in the newspapers, and when you made an intimation that somebody was trying to get something out of it, I can do nothing but oppose the bill.

I do not believe that anyone who has a good claim has to high-jack it through Congress. I had intended spending last evening in going over some of the testimony before the Court of Claims in order to be familiar with the whole situation and know just what it was. After you made your threatening statement I thought that you had abandoned your claim. After you swore at me over the telephone I came to the conclusion that you had no claim.

You certainly have not acted honestly with one who was giving freely of his own time and of the time of his office staff to gather the facts all together for a fair decision. In other words you have prevented a review of the testimony in connection with your case and if your claim fails to go through, Lester P. Barlow and Lester P. Barlow, alone, is to blame.

I do not know your address but am sending this letter to you at Room 462 Senate Office Building, the address given on your letter.

Very truly yours,

/s/ John Taber

Congress of the United States
House of Representatives
Washington, D. C.

June 16, 1938

Memo re case of LESTER P. BARLOW

Mr. Taber, on June 10th, objected to a bill on the private calendar for the relief of Barlow. Bill was recommitted to War Claims Committee, of which Mr. Beiter is chairman. On June 14th, Mr. E. F. Colladay and Mr. Barlow, accompanied by a Mr. Haworth, attorney for Barlow (Haworth is former clerk of the War Claims Committee at the time Cong. Strong of Kansas was Chairman). We went over the record in the case, including the opinion and findings of fact from the Court of Claims. At about 6:30 PM on the 14th., Cong. Beiter told Mr. Taber that Barlow had been in his office and threatened Mr. Taber with some message which he would give to the press if Mr. Taber didn't withdraw his objection to the bill and allow Mr. Beiter to bring it up again. A couple of hours after that, Mr. Colladay and Mr. Haworth denied to Mr. Taber and me that Barlow had made any such statement.

On June 15th, Mr. Taber was going over the information that had been left with me and phoned me to try and get from Mr. Colladay a copy of the transcript of evidence submitted to the Court of Claims. I phoned Mr. Colladay's office for this and then went to the Capitol and when I arrived found Mr. Haworth and Mr. Barlow waiting there for me. Haworth had just been in touch with Colladay's office and knew of the request I had made a few minutes before. He said that these papers made a very large package but seemed willing to get them as soon as possible. Barlow, however, seemed to "blow up" and said that Mr. Taber was unreasonable and needn't let the bill go through if he didn't wish to. Barlow said he was not going to allow any member of Congress to hold him up for money to get this bill through, and that if it did not go through he was going to give to the Associated Press a statement which would be spread all over the country and which would ruin Mr. Taber. I told him if that was the way he felt and that if he was going to make statements that any member of Congress had intimated that any bribe was to be paid that Mr. Taber had no choice but to oppose the bill and would do so. I asked him to name such member of Congress and he refused to do so. He then pulled a piece of paper out of his pocket and said he was on the way to give it to the Associated Press.

Kenneth Sprinkle

Federal Bureau of Investigation
United States Department of Justice
Washington Field Division, Rm. 2266,
Washington, D. C.

July 13, 1938.

Director,
Federal Bureau of Investigation,
Washington, D. C.

PERSONAL & CONFIDENTIAL

RE: LESTER PENCE BARLOW
INFORMATION CONCERNING.

Dear Sir:

Reference is made to instructions received from Mr. Foxworth of the Bureau who requested Special Agent F. M. Hickey of this office to obtain additional information from the office of the Bureau of Ordnance, War Department at which place Mr. Foxworth stated there was thought to be a young lady employed in the Bureau of Ordnance who could furnish information concerning Barlow. There are a great number of young women employed in the Bureau of Ordnance and the only young lady found to have knowledge of Barlow was Miss Dudley, room 3826 who advised that all she knew concerning Barlow was what meager information was contained in their files and suggested that an Agent confer with Colonel Booton, Chief of Ordnance.

Accordingly, Agent Hickey called at the office of Lieutenant Colonel John G. Booton, Chief of Ordnance, room 3826 Munitions Building, who referred Agent to Mr. Arthur Adelman, a civilian employee in this office and Assistant to Colonel Booton. Mr. Adelman permitted Agent Hickey to examine their file on Barlow which contains several newspaper clippings and decisions of the Court of Claims of the United States in which Court Mr. Barlow has sued the United States for approximately \$600,000.00 claiming the government used Barlow's patents during the war and claims compensation therefor.

There are attached to this communication, for the information of the Bureau, three printed transcripts known as No. H-272, #1 - decided February 3, 1936 - #2 - decided June 7, 1937 and #3 - decided May 31, 1938 (#1- Special Findings of Fact, #2-Additional Findings of Fact on Accounting and #3- On Motion for New Trial). The motion for a new trial was overruled. The Findings of Fact and opinion heretofore rendered, together with the opinion decided May 31, 1938, have been certified to Congress.

RECORDED
INDEXED

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JUL 14 1938

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D. C.

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~~Adelman~~
3/2/38

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11/11

According to Mr. Adelman, Barlow came to the Ordnance Department of the Army during the year 1916 and submitted a design for an aircraft bomb. The design, which appeared to possess merit, was in an incomplete form and the officers to whom Barlow submitted the design suggested that he go to the Frankfort Arsenal (Philadelphia, Pennsylvania) in order to better familiarize himself with the ordnance practices and construction. During the same year, Barlow proceeded to Frankfort Arsenal where he remained until August of that year in an informal voluntary status. He was not employed by the government, nor did he receive any remuneration. Barlow was permitted to have a desk in the drafting room where he could work up his designs. He was also given the use of the machine tools in the experimental shop and the assistance of mechanics in the construction of experimental bombs. Barlow's connection with the arsenal was such that he had access to all Ordnance Department drawings and to all information it possessed relative to aircraft bombs. During the year 1916, Barlow filed an application for a U. S. Patent which application was directed to several safety features of an aerial torpedo or aircraft bomb.

According to Mr. Adelman, Barlow was able to obtain a number of patents as a result of the knowledge gained at the Frankfort Arsenal not only of the information at hand, but from his own knowledge and it is felt by the Ordnance Department that he gained enough knowledge while at the Frankfort Arsenal to have many patents issued in his name which he would not otherwise have been able to do.

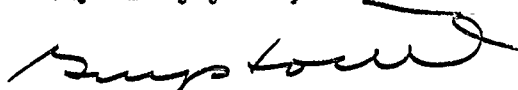
The printed transcripts furnished herewith set forth in detail the information possessed by the Bureau of Ordnance. Mr. Adelman stated he has not endeavored to keep any sort of a file on Barlow with the exception of occasional newspaper clippings, it occurring to him and also officers of the Bureau of Ordnance, that Barlow is a publicity seeker.

For the information of the Bureau, there is quoted below an Associated Press dispatch headed at Stamford, Connecticut. The date of this dispatch and the name of the paper is not indicated in the Bureau of Ordnance files.

"Louis Y. Goberman, Assistant Federal Attorney announced last night he would prosecute Barlow as a result of the inventor's outburst at a National Labor Relations Board meeting. Barlow charged the proceedings were a 'racket' and invited Trial Examiner Paul Davier to 'tell the President of the United States for me to go to hell'. Barlow, inventor of a depth bomb used by the United States during the World War and claimant of several million dollars for the invention, issued a statement saying he also would file charges against James A. Farley, Postmaster General, Homer S. Cummings, Attorney General and many others associated with the Democratic National political machine".

The files in the office of the Bureau of Ordnance, War Department do not contain any information concerning Barlow's background or antecedents and as previously set forth above, practically the only information in the file are the newspaper clippings and the results of the hearings in the Court of Claims of the United States, it being apparent that the Department of Justice is in possession of same, inasmuch as the government was represented by Mr. Alexander Holtzoff and Mr. George C. Sweeney.

Very truly yours,



GUY HOTTEL,
Special Agent in Charge.

FMH:JGM
62-0
Encl.

In the Court of Claims of the United States

No. H-272

(Decided February 3, 1936)

LESTER P. BARLOW v. THE UNITED STATES

Messrs. Hiram C. Todd and H. Dorsey Spencer for the plaintiff. Baldwin, Hutchins & Todd were on the brief.

Mr. Alexander Holtzoff, with whom was Mr. Assistant Attorney General George C. Sweeney, for the defendant.

This case having been heard by the Court of Claims, the court, upon the report of a Commissioner and the evidence, makes the following

SPECIAL FINDINGS OF FACT

I

On March 3, 1927, a special act of Congress, 44 Stat., part 3, p. 1844, was approved, which is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims is hereby authorized and empowered to hear and determine the claim of Lester P. Barlow against the United States, arising out of the use by the United States of certain inventions of said Lester P. Barlow described by United States Letters Patent Numbered 1317609, 1317610, 1317611, 1317612, 1318955, 1318956: Provided, That within one year from the date of the approval of this Act said Lester P. Barlow shall file in said Court of Claims his petition setting forth the statement of his said claim: And provided further, That section 3477 of the Revised Statutes of the United States, and any statutes of limi-

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tation ordinarily applicable, be, and the same are hereby, waived and shall not be considered or applied by the Court of Claims in considering and adjudicating the above-described claim of Lester P. Barlow; and such finding on the law and facts of said claim as the Court of Claims may make shall be reported to Congress: *And provided further*, That in any such suit the United States may avail itself of any and all defenses, general or special, except as otherwise herein waived: *Provided further*, That the Court shall further find and report the law and the facts touching any claim by way of offset that the United States may have against the Marlin Rockwell Corporation the right to plead which against any claim the said Lester P. Barlow may assert is hereby recognized."

II

An aircraft bomb is an explosive missile usually of relatively high explosive capacity.

It resembles the ordinary high explosive projectile in that it carries a charge of high explosive and is provided with a means for initiating the explosion, including a primer adapted to be exploded on impact, a detonator, and a booster charge.

The aircraft bomb, like the high explosive projectile, must be safe against premature explosion until in motion toward the object to be destroyed, and then must become armed or sensitive to explosion initiated by impact.

A different character of safety is necessary in the aircraft bomb as the same must be carried on an airplane into close proximity to the enemy and must be capable of subjection to rifle machine-gun fire and to forced landings and crashes without danger of explosion to the personnel of the airplane. An aircraft bomb must also be capable of being discharged or dropped without explosion if an emergency renders it necessary to lighten the airplane while over friendly territory. These are problems of construction not met with in the case of high explosive projectiles as fired from a gun.

An aircraft bomb does not have a spinning motion imparted to it so as to insure flight in the desired trajectory as does a projectile, but is provided with vanes and streamlined so as to maintain a trajectory. The problems of

weight and balance of an aircraft bomb differ from projectiles intended to be fired from a rifled gun.

III

In 1914 the plaintiff, Lester P. Barlow, a citizen of the United States, was in Mexico in connection with the sale and installation of tractors, and joined the revolutionary forces of Villa. He designed and constructed a number of bombs intended to be dropped from airplanes.

Barlow returned to the United States in July 1915 and was employed by the Glenn L. Martin Airplane Company at Los Angeles, California. While in their employment he continued his research and development work in connection with airplane bombs, and constructed five or six bombs.

IV

On the 22d day of October 1915, Lester P. Barlow, plaintiff, entered into the following agreement with one John F. Clark:

"This agreement made and entered into on the 22nd day of October 1915, by and between L. P. Barlow, party of the first part, and J. F. Clark, party of the second part.

Witnesseth:

I, L. P. Barlow, party of the first part, as the originator, owner, and patentee of the aerial bomb known as the aerial torpedo bomb, for which I am about to apply for patent upon and the drawings of which are now in the possession of J. F. Clark, do hereby sell, assign, and set over to the said J. F. Clark, for and in consideration of ten dollars, the receipt of which is hereby acknowledged, and other good and valuable considerations already received by me as well as good considerations to be hereafter received by me, a one-half ($\frac{1}{2}$) interest in and to said bomb and patents or any improvements or additions that I may make to said bomb or patents as well as to a one-half interest in and to all or any moneys which I may hereafter receive from the sale of said bomb or as royalty for said bomb or consideration of whatsoever kind or nature that I may hereafter in anywise receive from said aerial bomb, patents, royalties, or considerations of whatsoever kind or nature, to be paid to said Clark at such time and in such manner as any sums or money

are or may be paid to me in anywise, by, through, or in connection with the sale, use, royalties, or manufacture of said bomb in any way from any party or parties whomsoever, and I hereby declare it my intention, purpose, design, and agreement with the said Clark that he, the said Clark, shall in the disposition of said bomb, either on a sale basis or a royalty basis, or in any other manner or kind, or place, have a control in said bomb in the sale or disposition of said bomb equal to fifty percent (50%) interest therein, and I further agree that when the patent or patents are allowed by the United States Government as well as any other government, to assign, transfer, and set over to the said Clark a one-half interest in and to said patents so granted by the United States Government or any other Government, kingdom, or country, and shall upon demand by the said J. F. Clark assign to him said fifty percent (50%) interest in and to said patents at any time that he may request me so to do.

The said J. F. Clark agrees as a part consideration for the promises and agreements so made on the part of the said L. P. Barlow as above set forth, to at all times advise the said Barlow and do and perform any and all things in connection with said bomb such as giving said Barlow legal advice, drawing such papers and making such negotiations for the Barlow in connection with said bomb as the said Barlow shall desire the said Clark to do.

(Signed) L. P. BARLOW.
(Signed) J. F. CLARK.

Witness:

MARY V. ROBERTSON.

STATE OF CALIFORNIA,
County of Los Angeles, ss:

On this 22d day of October, in the year nineteen hundred and fifteen, A.D., before me, Mary V. Robertson, a notary public in and for the said county of Los Angeles, State of California, residing therein, duly commissioned and sworn, personally appeared L. P. Barlow and J. F. Clark, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal in said county the day and year in this certificate first above written.

[SEAL.]

MARY V. ROBERTSON,
*Notary Public in and for Los Angeles
County, State of California.*"

This assignment or agreement was not recorded.

V

On December 26, 1924, John F. Clark executed the following general release in favor of Lester P. Barlow:

"To all to whom these presents shall come or may concern, greeting; know ye, that John F. Clark of the city of Los Angeles, county of Los Angeles, and State of California, for and in consideration of the sum of twelve thousand dollars lawful money of the United States of America, to me in hand paid by Lester P. Barlow, the receipt whereof is hereby acknowledged, have remised, released, and forever discharged and by these presents do for myself, heirs, executors, and administrators, remise, release, and forever discharge the said Lester P. Barlow, his heirs, executors, and administrators, of all and from all, and all manner of action and actions, cause and causes of actions, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims, and demands whatsoever in law or in equity, which against him, I, John F. Clark, ever had, now have, or which my heirs, executors, or administrators, hereafter can, shall, or may have for, upon, or by reason of any matter, cause, or thing whatsoever from the beginning of the world to the day of the date of these presents.

In witness whereof, I have hereunto set my hand and seal the 26th day of December, nineteen hundred and twenty-four.

Sealed and delivered in the presence of—

(Signed) JOHN F. CLARK.

Witness:

W. R. LAW."

VI

In February 1916 Barlow came to the Ordnance Department of the Army and submitted a design for an aircraft bomb chiefly characterized by a construction involving the use of a rod or extrusion member which extended forwardly from the bomb when the latter was fired; the action of the bomb was initiated by means of a bullet fired from the extrusion member into a detonator charge within the bomb. The design which appeared to possess merit was in an incomplete form and the officers to whom Barlow submitted the design suggested that he go to the Frankfort Arsenal in order to better familiarize himself with ordnance practice and construction.

In March 1916 Barlow proceeded to Frankfort Arsenal where he remained until August of that year in an informal voluntary status. He was not employed by the Government or received any remuneration.

Barlow had a desk in the drafting room where he worked up his designs. He was also given the use of the machine tools in the experimental shop and the assistance of mechanics in the construction of experimental bombs. Barlow conducted the tests of these bombs.

Barlow submitted his work to Major Shinkle, who was in charge of the Ammunition Division, and solicited advice and guidance from Major Shinkle and his staff. This guidance related primarily to types of explosive containers, and the relation of fulminate primers with reference to the main explosive.

Barlow's connection with Frankfort Arsenal was such that he had access to all Ordnance Department drawings and to all information it possessed relative to aircraft bombs.

VII

On May 20, 1916, Barlow filed an application for United States patent, serial number 98737. This application was directed to several safety features of an aerial torpedo or aircraft bomb, which was chiefly characterized by the fact that it possessed a forwardly extruding element carrying a bullet as the means for initiating the explosion. The application was subsequently assigned to the Marlin Arms Corporation and matured into patent #1322083 on November 18, 1919, and was issued to the Marlin-Rockwell Corporation.

This application subsequently became the subject matter of a license agreement between the Marlin Arms Corporation and the Chief of Ordnance under date of April 3, 1917. (See finding X.)

VIII

In August 1916 Barlow left Frankfort Arsenal and became associated with Hale and Kilburn, Inc., of Philadelphia, Pennsylvania. This connection was terminated after several months and in January 1917 Barlow became asso-

ciated with the Marlin Arms Corporation of New Haven, Connecticut.

The name of the Marlin Arms Corporation was changed to Marlin-Rockwell Corporation in 1917.

IX

On August 20, 1916, Barlow filed an application for United States patent, serial number 117579, directed to the detonator structure of a bomb.

This application was subsequently assigned to the Marlin Arms Corporation, and on September 30, 1919, matured into patent #1317608, which was issued to the Marlin-Rockwell Corporation in accordance with the aforesaid assignment.

This application was also included and made a part of the license agreement entered into between the Marlin Arms Corporation and the Chief of Ordnance. (See finding X.)

X

On April 3, 1917, the Marlin Arms Corporation entered into a license agreement or contract with Brigadier General William Crozier, Chief of Ordnance, U. S. Army.

This agreement specified in part as follows:

"ARTICLE 1. The said contractor, in consideration of assistance rendered by the Ordnance Department, United States Army, in the development of the drop bomb embodying the features covered by the application for letters patent hereinafter enumerated; of the payment to it by the United States of one thousand dollars (\$1,000)—upon the execution of this contract and of the bond referred to in article 6 hereof, should such bond be required—and of the payment to it by the United States of royalty of ten percent (10%) of the purchase price of each complete drop bomb, either loaded or unloaded, procured by the United States from private manufacturers, and ten percent (10%) of the allotment cost, plus the arsenal burden, of each complete drop bomb, either loaded or unloaded, manufactured in Government establishments, does hereby license and empower the Ordnance Department, United States Army, to manufacture, or to have manufactured, to use and sell, drop bombs possessing any or all of the features covered by and described in application for letters patent numbered 98737, filed May 20, 1916, the claims of which application have been allowed

in full, and of the features of which the contractor claims to be the sole owner. [Italics ours.]

"ARTICLE 2. It is further agreed that in consideration of the assistance rendered by the Ordnance Department, United States Army, in the development of the drop bomb referred to herein, and of the royalty to be paid as set forth in article 1 of this contract, the Ordnance Department, United States Army, shall have the right, without the payment of any additional sum, to manufacture, to have manufactured, to use and to sell, drop bombs *possessing such improvements of any of the features* covered by the application for letters patent specified in article 1 of this contract as may be covered by applications hereafter allowed the contractor by the United States Patent Office. [Italics ours.]

* * * * *

"ARTICLE 4. The contractor claims to be the sole owner of the application for Letters Patent No. 117579, filed August 30, 1916, the claims of which application have been allowed in full, and further agrees to waive all claims to compensation for the use by the Ordnance Department, United States Army, of any or all of the features covered by and described in this application when used in the bombs, or other explosive missiles, for which, under article 1 of this contract, the United States Army is obligated to pay royalty.

* * * * *

"ARTICLE 5. It is further agreed that the Ordnance Department, United States Army, shall furnish the said contractor, on or before the first days of January and July of each year during the life of the patent covered by the application specified in Article 1 hereof, a statement showing the number of all complete drop bombs, either loaded or unloaded, embodying any or all of the features covered by the application for letters-patent specified in Article 1 hereof, which drop bombs have been ordered manufactured, either in Government or private establishments, during the preceding six months, and, on or about the same dates, prepare vouchers for the contractor, to cover the amount due it as royalty on the drop bombs so ordered manufactured.

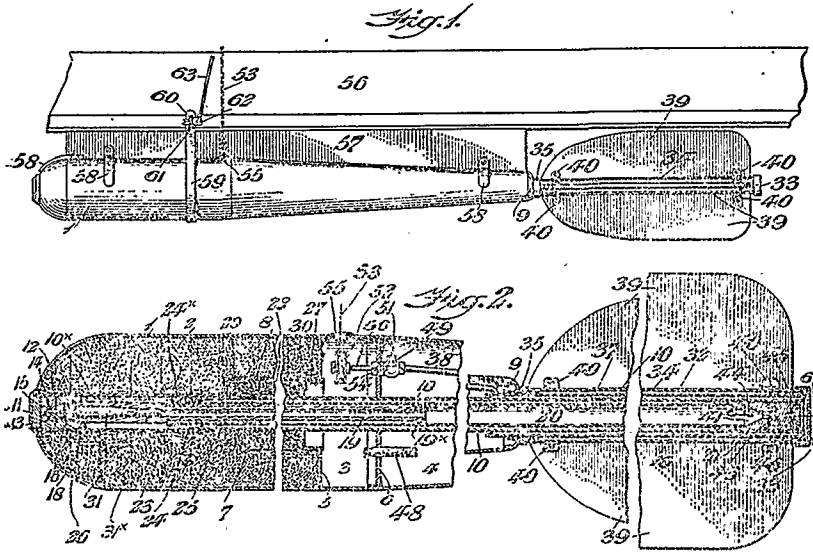
"ARTICLE 10. If any doubts or disputes shall arise as to the meaning of anything in this contract the matter shall be referred to the Chief of Ordnance, United States Army, for determination. If, however, the contractor shall feel aggrieved at any decision of the Chief of Ordnance, he shall have the right to submit the same to the Secretary of War, whose decision shall be final."

A copy of this contract, plaintiff's exhibit 19, is by reference made a part of this finding.

XI

The patent to Barlow #1322083, which matured from the Barlow application #98737, filed May 20, 1916, and which formed the subject matter of the license agreement between the Marlin-Rockwell Corporation and the Chief of Ordnance referred to in finding X, discloses the following features:

As shown in figures 1 and 2 of the drawings which are inserted herewith, the bomb consists of a casing provided at the rear with stabilizing means and having an explosive chamber filled with high explosive material such as TNT. This explosive material is positioned in the chamber around a central tubular member extending axially through the center of the bomb. A booster consisting of a cylindrical annular container is located in the TNT charge. This cylin-



drical container is provided with a central opening or bore through which the central tubular member passes.

This central tube contains within it slidable tubular members which are movable from a "safe" or unarmed position, to a "firing" or armed position by means of compressed air carried in a reservoir in the interior of the bomb.

When in the "safe" position, a detonating charge shown in the inserted figure 2 by the reference character 43, is located in the tail of the bomb in such a position that a premature explosion of the detonator would not cause an explosion of the bomb. In the "firing" position the tubular member carrying this detonating charge is moved forwardly so that the detonating charge is located within and in contiguity to the booster charge. In this latter position, explosion of the detonating charge will explode the booster charge and in turn cause explosion of the main body of the explosive. When the compressed air functions to move the detonator charge from the "safe" position to the "firing" position it also operates to forwardly extrude a telescoping member carrying a conventional rifle cartridge and bullet.

When the bomb is dropped and this member is in an extended or extruded position and the detonator in a firing position, impact upon the ground or the object upon which the bomb is dropped causes the explosion of the rifle cartridge. The bullet from this cartridge travels through the tubular-extended member up into the detonator charge, exploding the same and causing explosion of the adjacent booster charge and consequent explosion of the main bomb charge. One of the features disclosed and described may be said to comprise a detonator charge located in a central tubular member of the bomb and movable from the rear safe position in the tail of the bomb into a firing position in which it is located within an annular booster charge.

The movement of the tubular members such as has just been described is accomplished by means of compressed air under the control of a valve having a valve wheel shown by the reference character 52 in the inserted drawings. A cord 55 is wrapped about this wheel and the specification states, beginning at page 3, line 126, as follows, with refer-

ence to the operation or opening of this valve when the bomb is dropped:

“The valve stem 50 extends through a packing box 54 in the partition 6 into the valve chamber 3, and is provided with a pulley 52 around which is wrapped a cord 53, preferably fibrous, which passes upwardly through an outlet eye 55 in the wall of the valve chamber, to and into the aeroplane with which it is either fixed or manually operated, in order that when the torpedo is released, it will automatically and with certainty occasion the rotation of the pulley and the opening of the gas valve, so as, without fail and at once upon the dropping of the torpedo from the plane, to let out the gas from the gas chamber into both the stabilizer-telescope and the gun telescope.”

This valve and associated wheel and cord function as restraining means to prevent the compressed air from moving the detonator from the remote or safe position into the armed position until the bomb is released from the aircraft.

As shown in the inserted figure 1, the bomb is suspended in a horizontal position underneath the airplane, the same being held in this position by a single strap member 59. In order that the bomb may be properly secured by this single strap member it is essential that this retaining means be located somewhere near the center of gravity of the bomb. The cord 53 which automatically actuates the compressed valve upon the release of the bomb, is shown located in proximity to the retaining strap 59.

A copy of this patent, defendant's exhibit 45, is by reference made a part of this finding.

XII

The patent to Barlow #1317608 matured from the Barlow application, serial number 117,579, which also formed a portion of the subject-matter of the license agreement between the Marlin-Rockwell Corporation and the Chief of Ordnance referred to in finding X. This patent is directed to an aircraft bomb or torpedo with special reference to the detonator structure.

Figures 1 and 3 are reproduced herewith.

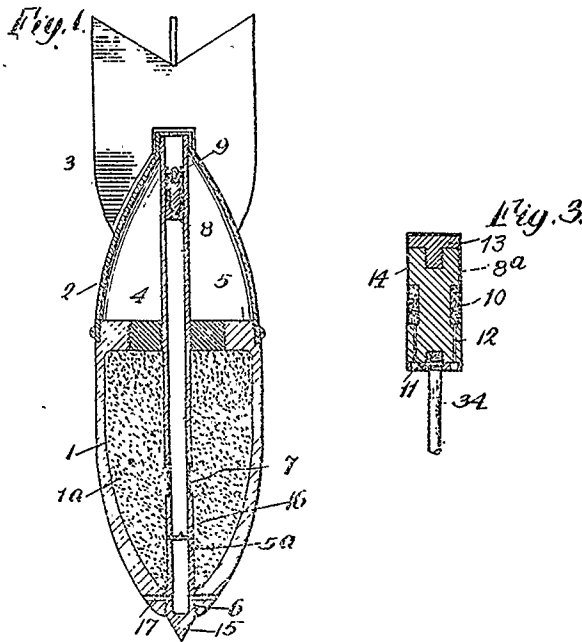


Figure 1 discloses an aircraft bomb with stabilizing fins located at the rear end thereof and the forward end carrying a high explosive charge. A central tubular member extends axially of the bomb structure. A detonator element is slidably mounted within this tubular member and is normally held in the rear or tail portion remote from the explosive charge by means of a frictional washer. While the frictional washer is disclosed, the patentee states on page 2, line 58, that "detonator 8 may be held in such a position by any means which will be releasable when the forward end of the bomb strikes against an object to enable the detonator to slide down the tube."

When the detonator slides down the tube as described, it engages a firing pin and at the same time assumes a position in the tube adjacent the high explosive, and at a point where the walls of the tube are either perforated or made of thin material so that the explosion of the detonator may be imparted to the main explosive charge.

The detonator body or element which is shown in detail in figure 3 comprises a solid body carrying the detonating material in a pocket or belt 10 formed about its periphery; the detonator body is of steel and is of sufficiently heavy construction so that it will not break into fragments and is not dangerous in itself if accidentally exploded when in the safe or remote position. The spool-shaped ends of the detonator are also sufficiently heavy to confine the explosive forces in a radial direction so that the detonation may take place outwardly when the detonator is in the firing position.

As disclosed in figure 3, two passageways 12 lead from a single primer or cap of the detonator to diametrically opposite points in the annular ring of the detonator material so that the initiation of the detonation may take place simultaneously at diametrically opposite points.

In figure 3 a plurality of primers or caps is shown.

A copy of this patent, plaintiff's exhibit 34, is by reference made a part of this finding.

XIII

The six patents in suit were issued for the structures and on the dates indicated, as follows:

Patent #1317609, September 30, 1919, filed February 24, 1917, serial number 150712, for detonator;

Patent #1317610, September 30, 1919, filed October 6, 1917, serial number 195187, for booster construction for explosive devices;

Patent #1317611, September 30, 1919, filed February 25, 1918, serial number 218928, for booster construction for explosive bombs, etc.

Patent #1317612, September 30, 1919, filed February 27, 1918, serial number 219381, for waterproof drop-bomb;

Patent #1318955, October 14, 1919, filed May 27, 1918, serial number 236915, for bomb and discharging means therefor;

Patent #1318956, October 14, 1919, filed May 27, 1918, serial number 236916, as a continuation in part of serial number 195609, filed October 9, 1917, for contact-bomb.

Copies of the six patents in suit, plaintiff's exhibits P-1 to P-6, inclusive, are by reference made a part of this finding.

Copies of the various file wrappers of the applications which matured into the patents in suit, defendant's exhibits 39, 40, 41, 42, 43, and 44, are by reference made a part of this finding.

XIV

Each of the patents in suit was issued to Marlin-Rockwell Corporation, having been assigned by plaintiff to said corporation.

On August 3, 1923, an agreement was entered into between plaintiff and the Marlin-Rockwell Corporation, paragraph 3 of which is as follows:

"3. Marlin has sold, assigned, released, and remised, and does hereby assign, release, and remise to Barlow any and all claims, demands, rights or other assets which the said Marlin might otherwise have in any claims or demands which Barlow may have against either the United States Government or foreign governments, or partnerships, corporations, or individuals arising out of or connected with any such patents or applications therefor, and Marlin will, from time to time and upon the request of Barlow, execute, acknowledge, and deliver any and all documents, assignments, or other instruments found necessary or convenient to fully vest in Barlow full and complete title to any of such claims and demands, and Marlin authorizes and empowers Barlow, in its name or otherwise, to sue for, demand, collect, and give acquittances for any of such claims or demands, but without expense to Marlin, and in the event that Barlow sues for any such claim or demand in the name of Marlin, he shall precedently furnish to Marlin, indemnity in form and amount satisfactory to Marlin, protecting Marlin against any costs or expenses in connection with such litigation."

On August 9, 1923, an assignment was made transferring from Marlin-Rockwell Corporation to the plaintiff "all its right, title, and interest in and to each of the following letters patent of the United States and the inventions covered thereby." The six patents in suit were specifically mentioned in this assignment.

Plaintiff's exhibit 8, the agreement of August 3, 1923, and plaintiff's exhibit 7, the assignment of August 9, 1923, are by reference made a part of this finding.

XV

On January 3, 1931, after commencement of this action, and more than a year after the date of approval of said special act of Congress, an assignment was executed from Marlin-Rockwell Corporation to Barlow which, after reciting the six patents in suit, stated:

* * * * *

"Whereas by an agreement of August 3, 1923, said Marlin-Rockwell Corporation released and assigned to said Barlow rights of action for royalties for use by the Government of the United States of the inventions set forth in said patents and it was the intention to include in said assignment of August 9, 1923, all rights of action which said Marlin-Rockwell Corporation had against the Government of the United States for royalties because of the use of said inventions by said Government.

"Now, therefore, for and in consideration of one dollar (\$1.00) and other valuable considerations to it in hand paid by said Barlow, receipt of which prior to August 9, 1923, is hereby acknowledged, and out of abundant caution and in order to confirm and carry out the intention of the parties, said Marlin-Rockwell Corporation does hereby assign, sell and set over unto said Barlow all rights of action and/or claims for royalties against the Government of the United States of America which said Marlin-Rockwell Corporation has or had, including all claims under the Trading with the Enemy Act approved October 6, 1917, because of use by said Government, up to the time of said assignment of said patents to Barlow on August 9, 1923, of the or any of the inventions claimed in said patents.

"The agreement of the parties hereto is expressly that the agreement of August 3, 1923, the assignment of August 9, 1923, referred to hereinabove, and this present confirmatory assignment, did not assign or set over nor do they assign or set over, nor were they or are they intended to assign or set over from Marlin-Rockwell Corporation to Lester P. Barlow any claim, demands, causes of action, counterclaim, defenses or matters or things whatsoever involved in or connected with a certain suit pending in the United States Court of Claims entitled Marlin-Rockwell Corporation, claimant, versus United States of America, respondent."

The directors of Marlin-Rockwell Corporation did not specifically authorize nor ratify this assignment, although

a general ratification of all reported acts during the year 1931 did take place according to a resolution at a stockholders' meeting, which reads as follows:

“Resolved, That all the acts of the board of directors, executive committee, and officers of the corporation, in connection with the conduct, management, and business for the year 1931, which have been reported to this meeting, including all acts referred to in the annual report of stockholders, or that are shown on the records of the meetings of the board of directors and executive committee, all of which records have been submitted to the examination of the stockholders of this meeting, are hereby approved, ratified and confirmed.”

No satisfactory evidence has been submitted that the assignment of January 3, 1931, was reported at said stockholders' meeting or was referred to in the annual report or that it was shown on the records of the meetings of the board of directors and executive committee.

This assignment, plaintiff's exhibit 12, and a certified copy of the resolution of the stockholders' meeting, plaintiff's exhibit 20b, are by reference made a part of this finding.

XVI

Patent in suit #1317609

The invention in Barlow patent #1317609 relates to improvements in detonators which are specially adapted for use in bombs, torpedoes, or the like, but which may also be used for exploding a charge of explosive material in various other forms of devices.

This invention is stated to constitute an improvement upon the detonator forming the basis of plaintiff's previous application serial number 117579 filed August 30, 1916, for improvements in bombs or torpedoes.

This prior application is one of those set forth in the aforesaid license agreement between the Marlin Arms Corporation and the Chief of Ordnance (see finding X) and matured into patent #1317608 (see finding XII).

According to the improvements in patent #1317609, the detonator body, instead of being solid as set forth in Barlow

patent #1317608, is made in two separate parts secured together by the threaded connection illustrated in the following drawings reproduced from this patent:

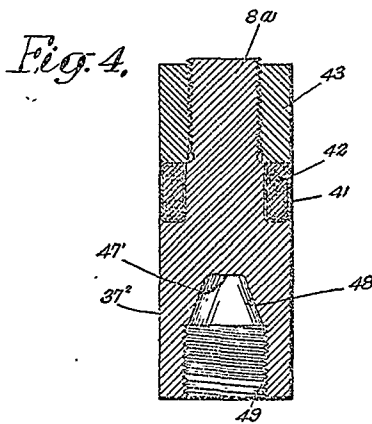
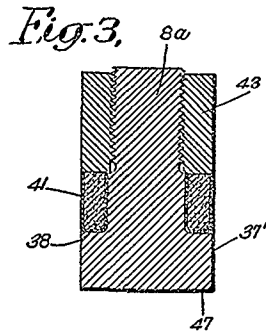
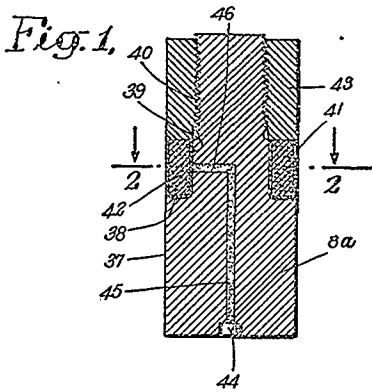
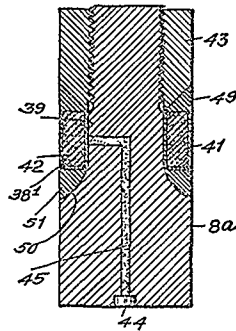


Fig. 5.



On separation of these members the detonating charge may be more easily and safely assembled by placing the annular container 41 in position and then screwing down the ring 43 until the lower surface of the ring engages the upper edges of the container. The container is filled with a detonating material before being put in place between the shoulder and the ring. A fuse cap is mounted in the bottom surface of the detonator body in position to be contacted by a firing pin. The passages 45 and 46 are prefer-

ably filled with gun cotton or other explosive for igniting the detonating material 42. While several caps and a plurality of passages 45 may be used, it is stated to be preferable to have the detonating material fired at a single point so that the detonating waves proceed in opposite directions circumferentially through the detonating material and impact against each other at a point diametrically opposite the place where the waves started.

The detonators in figures 3 and 4 are similar to those shown in figure 1, except that there is no fuse cap and connecting passage. The lower cylindrical portion is made sufficiently short to discharge the detonator when a violent blow is struck against the lower end 47¹, as, for example, by the blow of a rifle bullet. In Figure 4 the screw-threads 49 are for attaching a tube on which the detonator body may be mounted. The only part of the detonator shown in figures 1 and 3 which becomes shattered is the container, which is preferably formed of thin copper.

In figure 5 is illustrated the modification adapted to further safeguard the detonator body from breakage. This is attained by beveling the ring 43 and the shoulder 50 so that the force of the explosive is directed outwardly by the inclined surfaces. The space between these inclined surfaces and the container is filled with a material such as gutta percha or the like, which will be blown to a fine powder.

XVII

The claims of patent #1317609 read as follows:

"1. A detonator for a bomb or other explosive device comprising a strong resistive body having a shoulder extending about the same, a container positioned above said shoulder and containing detonating material, and a member secured about said body and engaging said container to hold the same in position, said container being clamped between said member and shoulder, substantially as set forth.

"2. A detonator for a bomb or other explosive device comprising a strong resistive cylindrical body having a lower portion of one diameter and an upper portion of less diameter, said portions being connected by an annular shoulder, and said upper portion being screw-threaded for a portion of its length, an annular container of U-shaped

cross-section positioned above said shoulder and containing detonating material, and an internally-threaded ring screwed on the upper portion of said body above said container, said container being held in position when said ring is screwed down into position, substantially as set forth.

"3. A detonator for a bomb or other explosive device comprising a solid strong resistive elongated body, and a thin hollow annular container fitted about the outside of the same between its ends, and containing detonating material, substantially as set forth.

"4. A detonator for a bomb or other explosive device comprising a metallic body having a shoulder on the periphery thereof intermediate its ends, and a hollow annular container seated above said shoulder containing detonating material, the metal under said shoulder being sufficiently massive and the proportions of said metallic body being so chosen with relation to the dimensions of said container, that explosion of fulminate of mercury or detonating material of like power in said container will not shatter said shoulder or other portions of said metallic body, substantially as set forth.

"5. A detonator for a bomb or other explosive device comprising a strong resistive elongated body, a hollow annular container fitted about the outside of the same between its ends and containing detonating material, and means for holding said container in position, the detonator being so arranged that said detonating material may be exploded by percussion at one end of the detonator, substantially as set forth.

"6. A detonator for a bomb or other explosive device comprising a solid elongated body, a container fitted about the same between its ends and containing detonating material, and a single fuse cap at one end of the said body, connected to a single point on said container by a passageway through said body, substantially as set forth.

"7. A detonator for a bomb or other explosive device comprising an elongated body having a recess formed around the periphery of the same intermediate the ends, a container fitted in said recess containing detonating material, and a single fuse cap at one end of the body, connected to a single point on said container by a passageway through said body, substantially as set forth.

"8. A detonator for a bomb or other explosive device comprising a strong resistive elongated body having detonating material extending entirely around the same in a belt intermediate its ends, and a fuse cap at the central portion of

one end of the body, connected to a single point on the belt of detonating material by a passageway through said body, substantially as set forth.

"9. A detonator for a bomb or other explosive device comprising a strong resistive body having a shoulder extending about the same, a container positioned above said shoulder and containing detonating material, a resistive member secured about said body, above said container, and having an upwardly and outwardly slanting lower surface, and filling material of a nature such that it will not be broken into sharp hard fragments by explosion of said detonating material, interposed between said resistive member and said container, substantially as set forth.

"10. A detonator for a bomb or other explosive device comprising a strong resistive body having a downwardly and outwardly sloping shoulder extending about the same, a container positioned above said shoulder with filling material, of a nature such that it will not be broken into sharp hard fragments by explosion of said detonating material, interposed between said container and shoulder, and means above said container for pressing downwardly on the same, substantially as set forth."

XVIII

During prosecution of the application on this Barlow invention in the Patent Office, the examiner cited only one prior patent, namely, Merriam #431379, to show annular detonator containers.

The file wrapper of patent #1317609 shows that a notice was sent January 9, 1918, to the plaintiff advising him that this application would be held up during the war and that the invention must be kept secret under the Trading with the Enemy Act of October 6, 1917.

XIX

Patent in suit #1317610

This invention relates to an improved booster construction for use in various forms of explosive shell in which the booster charge is to be fired by the explosion of a deto-

nator and is in turn to detonate the main explosive charge of the shell. The object of the invention is to improve the details of construction of such devices in order that the same may be more economically and efficiently manufactured and assembled. The drawing of this patent is here reproduced:

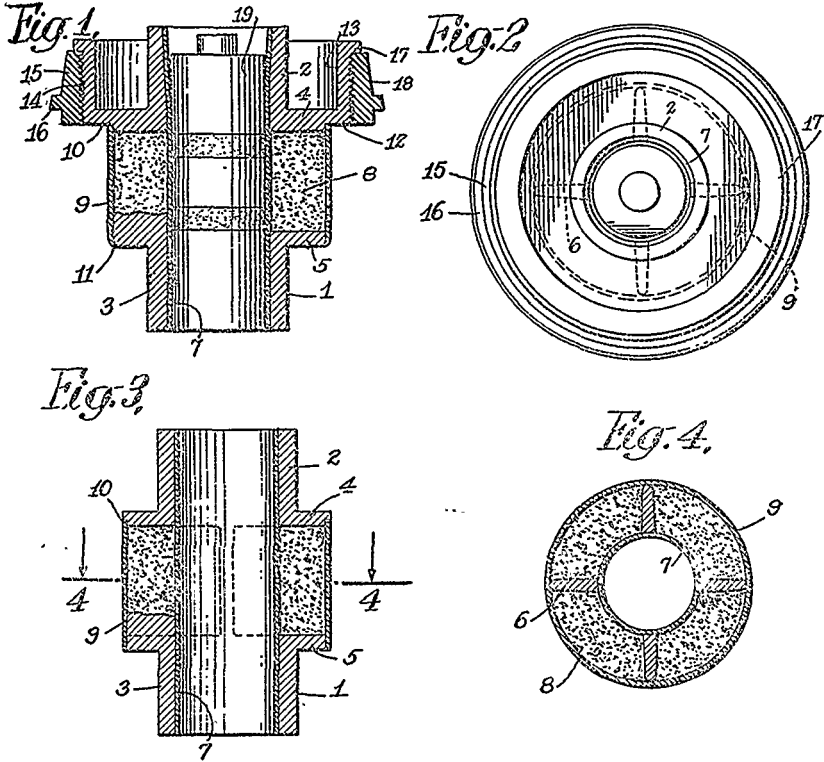


Figure 1 shows one embodiment of the invention, while figure 3 illustrates another form. The main frame 1 is preferably a metallic casting having upper and lower tubular portions 2 and 3 provided with annular flange portions 4 and 5 connected by integral vertical ribs 6. The booster charge 8 is located, between the ribs, outside of the thin brass tube 7, which is fitted within the frame bore, and

inside of the outer tube 9. Tube 9 abuts shoulder 10 and has its lower edge peened over at 11. The frame at the top is shaped to form an annular edge portion 13 threaded for engagement with the ring 15. Ring 15 is given an appropriate slant to rest in contact with the inner surface of the casing in which the device is mounted. The annular portions 4 and 5 are indicated as being sufficiently massive to resist rupture when the booster charge is exploded. It is suggested by the patentee that the closure effected by the portions 4, 12, and 15 in figure 1 should be sufficiently strong to resist rupture in case the detonator is accidentally exploded when held in position above the booster.

XX

The claims in suit of patent #1317610 read as follows:

"1. A booster construction for explosive shells, comprising a frame having upper and lower tubular portions with annular portions extending outwardly from the lower and upper ends respectively of said upper and lower portions, and radial ribs extending between said annular portions, and tubular members fitted around and within said ribs.

"2. A booster construction for explosive shells, comprising a skeleton frame having upper and lower portions extending outwardly from a cylindrical bore, and peripherally spaced ribs extending between said portions, and means for retaining an explosive charge within the spaces between said ribs.

"3. A booster construction for explosive shells, comprising a skeleton frame having upper and lower portions extending outwardly from a cylindrical bore, and peripherally spaced ribs extending between said portions, a tube fitted within the bore of the frame, and a closure extending around the outer edges of said ribs, one of said outwardly extending portions being constructed for attachment to the casing of the shell.

"4. A booster construction for explosive shells, comprising a skeleton frame having upper and lower portions extending outwardly from a cylindrical bore, and peripherally spaced ribs extending between said portions, and a closure for the outer sides of the spaces between said ribs, and an

annular extension for one of said outwardly extending portions, adapted, with said booster frame, to form a closure across the casing of a shell in which it is mounted.

"5. A booster construction for explosive shells, comprising a skeleton frame having upper and lower portions extending outwardly from a cylindrical bore, with pockets for a booster charge between said portions, one of said outwardly extending portions having an extension with a peripheral flange adapted, with said booster frame, to form a closure across the casing of a shell in which it is mounted.

"6. A booster construction for explosive shells, comprising a skeleton frame having upper and lower portions extending outwardly from a cylindrical bore, and peripherally spaced ribs extending between said portions, and a closure for the outer sides of the spaces between said ribs, said upper portion extending outwardly beyond said closure, and having a screw-threaded periphery, and a ring screwed on said periphery, and having an outwardly extending annular flange, adapted to be inserted in the outer casing of a shell in which the device may be mounted."

XXI

The application which matured into patent #1317610 was allowed as filed without the citation of any references by the examiner. The file wrapper of this patent shows that the secrecy notice was sent to plaintiff May 24, 1918.

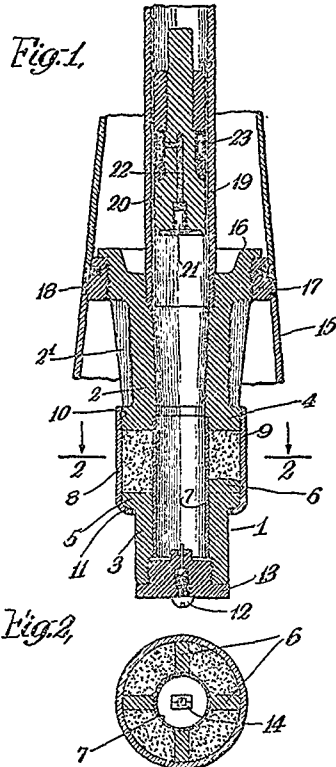
XXII

Patent in suit #1317611

This invention relates to improvements on the construction described and claimed in plaintiff's prior application serial number 195187 filed October 6, 1917, which has eventuated into patent #1317610.

Under the invention of #1317611 the booster frame is made heavier and stronger than the structure of the prior patent and the outer tube is screw-threaded onto the booster frame so that the tube may better transmit stresses from

the upper annular portion 4 to the lower such portion 5, as shown in the patent drawing inserted herewith:



As shown in the drawing, the booster frame has upper and lower annular portions 4 and 5 extending outwardly from the cylindrical bore 7, peripherally spaced ribs 6 extending between said portions, and a rigid tubular member fitted around the outside of said annular portions and said ribs, said member 9 being secured to the upper annular portion by being screw-threaded thereto and having its lower edge curved inwardly at 11 to form a sustaining flange beneath and in close contact with the lower surface of said lower annular portion. The firing plug 13 is screw-threaded within the lower end of the bore below the end of the thin tube 7.

XXIII

The claims of patent #1317611 read as follows:

"1. A booster construction for explosive shells, comprising a skeleton frame having upper and lower annular portions extending outwardly from a cylindrical bore, peripherally spaced ribs extending between said portions, and a rigid tubular member fitted around the outside of said annular portions and said ribs, said member being secured to said upper annular portion by being screw-threaded thereto, and having its lower edge curved inwardly to form a sustaining flange beneath and in close contact with the lower surface of said lower annular portion.

"2. A booster construction for explosive shells, comprising a skeleton frame having upper and lower annular portions extending outwardly from a cylindrical bore, peripherally spaced ribs extending between said portions, and a rigid tubular member fitted around the outside of said annular portions and said ribs, said member being secured to said frame in such manner as to make a rigid connection between said upper and lower annular portions.

"3. A booster construction for explosive shells, comprising a skeleton frame having upper and lower annular portions extending outwardly from a cylindrical bore, peripherally spaced ribs extending between said portions, and a rigid tubular member fitted around the outside of said annular portions and said ribs, said member being secured to said upper annular portion by being screw-threaded thereto, and being secured to said lower annular portion to sustain the same.

"4. A booster construction for explosive shells, comprising a skeleton frame having upper and lower annular portions extending outwardly from a cylindrical bore, peripherally spaced ribs extending between said portions, a thin tube fitted within the bore of the frame, a firing plug screw-threaded within the lower end of the bore of said lower annular portion below the end of said thin tube, and a rigid tubular member fitted around the outside of said annular portions and said ribs, said member being rigidly secured to said upper annular portion, and flanged at its lower end into sustaining contact with said lower annular portion."

XXIV

The file wrapper of patent #1317611 shows that the claims in this case were allowed as filed without the citation of any

reference by the examiner. The usual secrecy notice to the plaintiff was dated April 20, 1918.

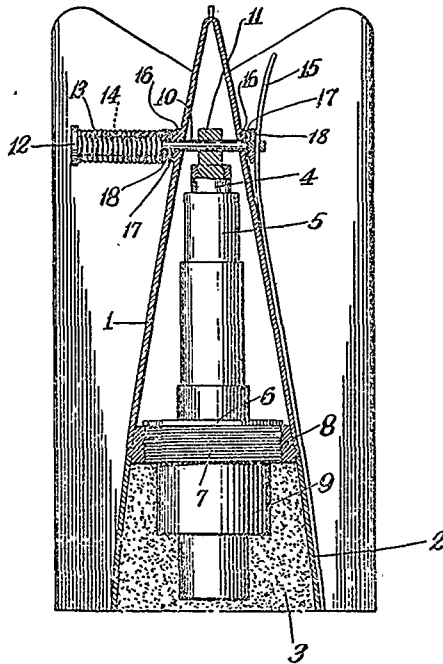
XXV

Patent in suit #1317612

This patent relates to a form of bomb construction in which the detonator of the bomb is normally located to the rear of the explosive chamber in a "safe" position, the bomb being provided with a mechanism operated from the exterior of the bomb to release the detonator from this position when the bomb is dropped.

More specifically the invention relates to a form of construction by means of which the openings in the bomb through which the release mechanism extends to the interior are rendered waterproof and weatherproof.

As shown in the accompanying drawing from the patent, the detonator element 4 is located at the rear end of the



guiding tube 5 and is maintained in this position by a pin 10 which extends through the opposite walls of the rear end of the bomb to the exterior surfaces thereof; this pin is under a constant bias by a spring 13 in such manner as to tend to withdraw the pin and release the detonator. The withdrawal of the pin by the spring is normally prevented by a wire 15 passing through a hole in the pin at its end opposite the spring. Two soft compressible circular packing gaskets and washers are provided, one on each end of the pin adjacent the pin orifices. By virtue of such a combination of elements, the spring member not only possesses the function of withdrawing the pin when the release wire frees the same, but also functionally cooperates, because of its constant pressure on the pin, to tightly compress the gaskets, thus causing them to snugly fit about the pin and thus form a waterproof joint. By this form of construction, when the release wire is removed from the pin, pressure is automatically removed from the gaskets, thus causing them to loosen on the pin and at the same time the spring withdraws the pin from the detonator rendering the same free for movement in the guide tube into juxtaposition with the booster charge.

XXVI

The claims in the patent in suit #1317612 read as follows:

"1. In a bomb or like body, the combination of a casing, a detonator therein, a pin adapted to extend with a sliding fit through openings in the opposite walls of said casing, and through a portion of said detonator, to normally suspend the latter, said pin having an abutment at one end, transversely extending holding means, adapted to be withdrawn when the bomb is launched, mounted at the other end of the pin, packing material surrounding said pin, between said holding means and the casing, packing material surrounding said pin, positioned against the opposite outer wall of the casing, and a spring mounted to continuously press said last-named packing material against the casing, and also to press outwardly against said abutment.

"2. In a bomb or like body, the combination of a casing, a detonator therein, a pin adapted to extend with a sliding fit through openings in the opposite walls of said casing, and through a portion of said detonator, said pin having an abut-

ment at one end, a wire extending through an opening at the other end of the pin, adapted to be withdrawn when the bomb is launched, packing material between said wire and casing, packing material positioned against the outer side of the opposite casing wall, about the opening therein, and means for constantly and resiliently pressing said last-named packing material against the casing, and said abutment in the opposite direction.

"3. In a bomb or like body, the combination of a casing, a detonator therein, a pin adapted to extend with a sliding fit through opposite lateral walls of said casing, adjacent the rear end thereof, and through a portion of said detonator, to normally suspend the latter, said pin having an abutment at one end and a transverse opening, adjacent the other end, a connection extending through said opening, adapted to be withdrawn when the bomb is launched, gaskets of packing material surrounding said pin, positioned against the outer walls of the casing, a washer interposed between one of said gaskets and said connection, a washer positioned against the outer surface of the other gasket, and a spiral spring surrounding said pin between, and exerting pressure upon, said last-named washer and said abutment.

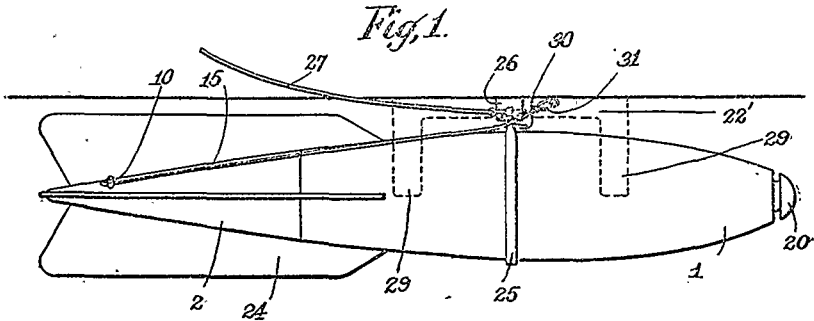
"4. In a bomb or like body, the combination of a casing, a member held therein, a pin adapted to extend with a sliding fit through openings in the opposite walls of said casing, and slidably holding said member, said pin having an abutment at one end, transversely extending holding means, adapted to be withdrawn when the bomb is launched, mounted at the other end of the pin, packing material surrounding said pin, between said holding means and casing, packing material surrounding said pin, positioned against the opposite outer wall of the casing, and a spring mounted to continuously press said last named packing material against the casing, and also to press outwardly against said abutment."

XXVII

The file wrapper shows that patent #1317612 was allowed as filed, without the citation of any prior art references. The secrecy notice was mailed to plaintiff on April 22, 1918, at the same time that there was given him a notice that the claims were allowable.

Patent in suit #1318955

This patent relates to a bomb construction together with means for releasing the bomb from an aircraft. Figure 1 of the patent drawing is reproduced herewith:



The invention relates to a form of bomb disclosed in patent in suit #1317612 in which a detonator is normally maintained in a safe or remote position in the end of a tubular guide member through which it is intended to move into a position adjacent the booster charge upon release of the detonator. As described in detail in finding XXV relative to the patent in suit #1317612, the detonator is held in position by a pin which is ejected by a spring; a wire through the end of the pin normally prevents this ejection.

As disclosed in figure 1 of the present patent, the bomb is suspended in a horizontal position by means of a strap member surrounding the same at the approximate center of gravity of the bomb. When this strap member is released by the removal of a pin or member the bomb drops away from the airplane and assumes its flight toward the objective. The release wire for the detonator is carried along the outer surface or the contour of the bomb from the pin at the rear end thereof to a cleat member through which the

wire is curved upwardly at a point also approximately at the center of gravity of the bomb. This wire after curving upwardly is fastened to the airplane.

When the suspending strap member is released and the bomb falls, a pull is transmitted to the wire for the purpose of releasing the detonator release pin. Due to the specific arrangement and location of the curved cleat at the approximate center of gravity, the pull thus imparted to the release wire will not disturb the horizontal position of the bomb and thus will not tend to deflect it from its proper trajectory.

XXIX

The claims in suit in patent #1318955 include the following:

"1. In a drop bomb, the combination of a casing, having an explosive chamber, a detonator, a pin adapted to extend with a sliding fit through opposite lateral walls of said casing, adjacent the rear end thereof, and through a portion of said detonator, to normally hold the latter to the rear of said chamber, a wire having one end portion extending through an opening at one end of said pin, a cleat on the outer surface of said casing, in alinement with the opening through said pin, situated at approximately the center of gravity of the bomb, said wire extending from the pin through said cleat, and being adapted to be secured above the cleat to an element of an aeroplane, when the bomb is suspended horizontally, and spring means to withdraw the pin from the detonator when said wire is withdrawn from said pin.

"2. In a drop bomb, the combination of a casing, a movable element therein, a pin extending with a sliding fit through opposite walls of said casing and through said element, spring means tending to withdraw the same, a wire having one end portion extend through an opening at one end of the pin, a cleat on the outer surface of said casing, at the intermediate section thereof, in alinement with the opening in said pin, and releasable means holding the bomb horizontally below an aeroplane, said wire extending through said cleat and curving upwardly to a fixed connection with an element of the aeroplane.

"3. In a drop bomb, the combination of a casing, a movable member extending therefrom, a cleat on the outer sur-

face of said casing, situated in approximately the plane of the center of gravity of the bomb, when the latter is suspended horizontally, and a flexible wire for releasably holding said member, extending through said cleat and adapted to be secured above said cleat to an element of an aeroplane, said wire being arranged to be withdrawn from said member by lengthwise pull thereon."

XXX

The file wrapper of #1318955 shows that the following prior art patents were cited against this invention:

British Bradley #11954 of 1916;

Machenbach #1101136;

Deubler #980215;

Deubler #1058563.

Original claim 1 as filed read as follows:

"In a drop bomb, the combination of a casing, having an explosive chamber, a detonator, a pin adapted to extend with a sliding fit through opposite lateral walls of said casing, adjacent the rear end thereof, and through a portion of said detonator, to normally hold the latter to the rear of said chamber, a wire having one end portion extending through an opening at one end of said pin, said wire extending lengthwise of said casing along the outer surface thereof, the other end of said wire being secured to an element of an aeroplane, so that said wire will be automatically withdrawn from said opening when the bomb is dropped from the aeroplane, and a spring arranged to act upon said pin, adjacent the other end thereof, to withdraw the same from said detonator when said wire is withdrawn from said pin."

This claim was rejected on Machenbach #1101136 in view of the British patent to Bradley #11954 of 1916, the examiner saying that "It is not believed that invention would be involved in attaching the wire 15 of Machenbach to the rifle, in view of the showing of Bradley, thereby giving substantially the device claimed in claim 1." This claim was canceled without appeal.

The secrecy notice was mailed to the plaintiff by the Patent Office on July 10, 1918.

Patent in suit #1318956

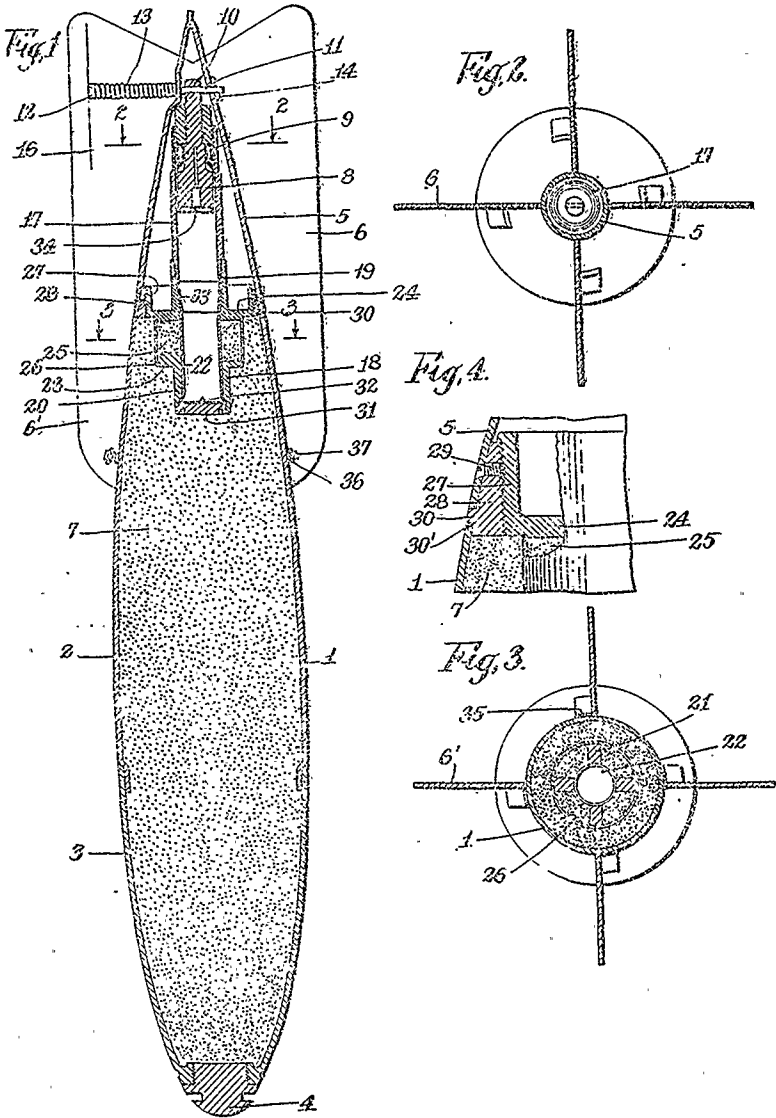
The features of the invention covered by this patent include an air check incorporated in the structure of the sliding tube through which the detonator moves from a "safe" position at the rear of the bomb to a firing position adjacent the booster charge. This air check is obtained by constricting the portion of the tubular guiding member between the "safe" position of the detonator and the armed position so that the detonator in falling or in moving through the tubular guide encounters an air cushion of increasing resistance as it moves toward the armed position. This is for the purpose of preventing the detonator from exploding if the bomb be dropped when the airplane is too near the ground.

The second feature of the invention relates to a suspension of the booster which is suspended at the rear of the forward casing by a periphery, rear extension resting on the rear edge of the forward casing of the member as shown in figure 4 of the drawings of the patent in suit which are illustrated on the following page.

This ring extension 28 threaded to the booster frame member, is shaped to provide a rearwardly extending seat of reduced diameter for receiving the rear casing member 5. Screws 29 or their equivalent secure the parts together to form a complete casing of streamline shape with the forward edge of the rear casing member engaging against the rear surface of said ring extension or peripheral flange 30.

The rear casing member 5 has outwardly extending stabilizing vanes 6 which extend forwardly of the front edges of the rear casing member. Threaded lugs 37 and screws secure the forwardly extending portions of said vanes to the forward casing member 1 with the rear casing member in alinement with the forward casing member, said members being firmly secured together so that the additional

support for the stabilizing vanes makes for a strong construction.



XXXII

The claims in suit read as follows:

"1. In a drop bomb, the combination of a casing having an explosive chamber, a detonator, means normally holding said detonator in the casing to the rear of said chamber, spring means constantly tending to free said detonator from said holding means, and permit the same to move toward said chamber, said spring means being adapted to be restrained until the bomb is launched, means for firing said detonator at a point in its forward movement in the casing, and an air-check device for retarding the movement of said detonator into the proximity of said firing means.

"2. In a bomb or like body, the combination of a casing having an explosive chamber, a detonator, means adapted to normally suspend said detonator in the casing to the rear of said chamber, means for breaking the suspending connection of said detonator, means for firing said detonator at a point in its forward movement in the casing, and an air check device for retarding the movement of said detonator into the proximity of said firing means.

"3. In a bomb or like body, the combination of a casing having an explosive chamber, a detonator, means adapted to normally suspend said detonator in the casing to the rear of said chamber, means for breaking the suspending connection of said detonator, a tube for guiding said detonator from its point of suspension to its firing position, said tube being closed at its forward end and having a diameter at its forward portion only slightly larger than that of said detonator, and a larger diameter at its rear portion, and a firing pin at the forward end of said tube.

"4. In a bomb or like body, the combination of a casing having an explosive chamber, a booster mounted therein, a tube extending from the interior of said booster to the rear of said chamber, and a detonator normally mounted in the rear portion of said tube, and adapted to drop when the bomb or like body is launched, said tube having a diameter at its forward portion only slightly larger than that of said detonator, and a larger diameter at its rear portion, and being closed at its forward end.

"5. In a drop bomb, the combination of a hollow forward casing member containing an explosive chamber and open at the rear, a hollow rear casing member open at the front, a booster suspended in the rear of said chamber and having a peripheral ring extension resting on the rear edge of said forward casing member, said extension being formed to provide a rearwardly extending seat of reduced diameter for said rear casing member, and means for securing said parts together to form a complete casing of stream-line form, with

the forward edge of said rear casing member engaging against the rear surface of said ring extension, and fitting about said seat on said extension.

"7. In a bomb or like body, the combination of a forward casing member containing an explosive chamber, a rear casing member having outwardly extending stabilizing vanes extending forwardly of its front edges, and means for securing the forwardly extending portions of said vanes to said forward casing member with said rear casing member in alinement with said forward casing member, said members being firmly secured together by said securing means.

"8. In a bomb or like body, the combination of a hollow forward casing member, containing an explosive chamber and open at the rear, a ring secured within the rear end of said member, having a screw-threaded bore, and a frame screw-threaded into said ring to extend into said explosive chamber, containing a detonator-guiding tube, closed at its forward end, said frame and ring constituting a closure for said explosive chamber, said tube having an extension extending rearwardly from the rear edge of said casing member, a hollow rear casing member, open at the front, and means for securing said rear casing member directly to said forward casing member, in engagement with said ring and in alinement with said forward casing member.

"9. In a bomb or like body, the combination of a hollow forward casing member, containing an explosive chamber and open at the rear, a ring secured within the rear end of said member, having a screw-threaded bore, a frame screw-threaded into said ring to extend into said chamber, containing a detonator-guiding tube, closed at its forward end, said frame and ring constituting a closure for said chamber, a guiding tube extending rearwardly from said frame as an extension of said first-named tube, a hollow rear casing member open at the front, adapted to be secured in alinement with said forward casing member, and a detonator removably suspended in the rear of said rear casing member from the walls thereof and inserted within the rear end of said removable guiding tube when the parts are all assembled.

"10. In a drop bomb, the combination of a hollow forward casing member containing an explosive chamber and open at the rear, a hollow rear casing member open at the front, a closure for said chamber having an edge portion engaged by the alined rear edge of the forward casing member and forward edge of the rear casing member, the joint thus formed being sealed, said rear casing member having outwardly extending portions, and means for securing said portions to the forward casing member to secure said members together.

"11. In a bomb or like body, the combination of a forward casing member containing an explosive chamber and open at

the rear, a rear casing member, a closure for said chamber having an edge portion extending between the rear edge of said forward member and the forward edge of said rear member, the joint thus formed being sealed, said rear casing member having outwardly extending portions, and means for securing said portions to the forward casing member to secure said members together.

"12. In a bomb or like body, the combination of a hollow forward casing member containing an explosive chamber, a closure for said chamber secured within the rear of said member, a tube extending rearwardly from said closure member, secured thereto, and leading into said chamber, a hollow rear casing member, secured to said forward casing member, a detonator normally suspended in said tube with its rear portion extending rearwardly therefrom, and a pin slidably extending through the walls of said rear casing member and the extension of said detonator to the rear of said tube.

"13. In a bomb or like body, the combination of a hollow rear casing member open at the front, having stabilizing vanes extending outwardly therefrom and forwardly beyond the forward edge of the member, adapted to be secured to a forward casing member, a detonator, a pin slidably extending through the walls of said rear casing member and a portion of said detonator, means removably holding said pin in position, and spring means tending to eject said pin."

XXXIII

References cited by the examiner during the prosecution of this invention in the Patent Office include:

Machenbach #1142827, and

Coleman #1216078.

In the parent application the examiner also cited—

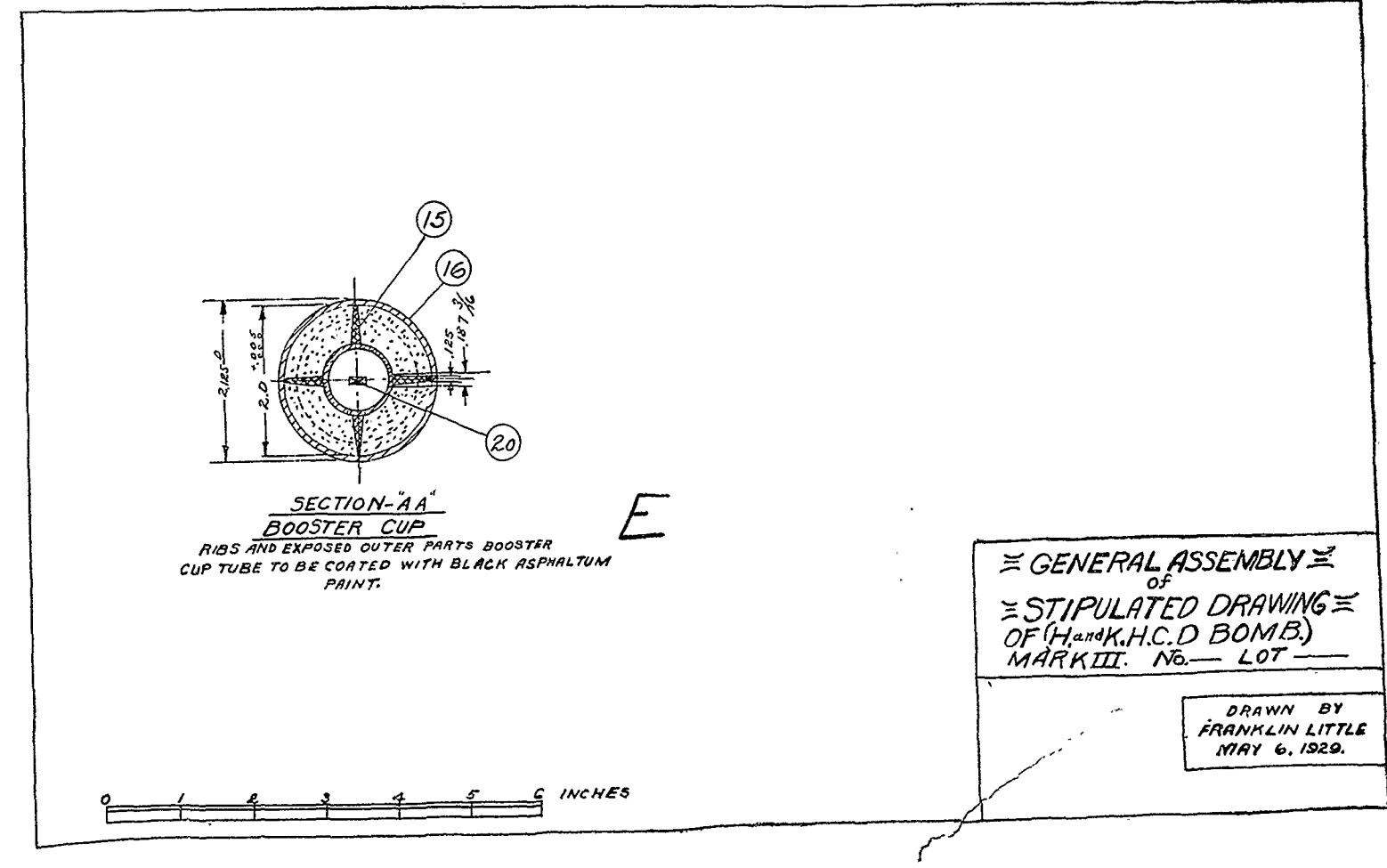
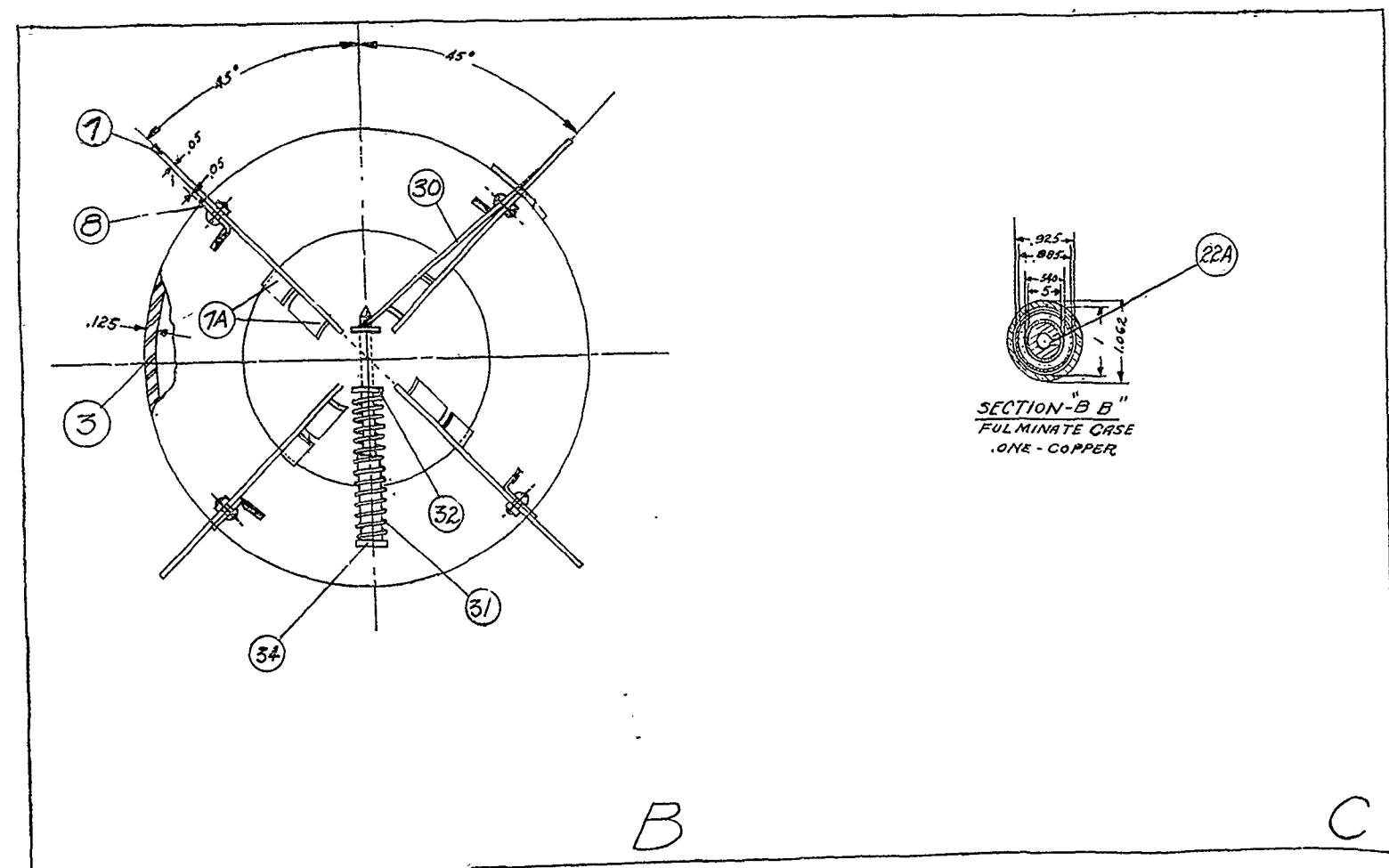
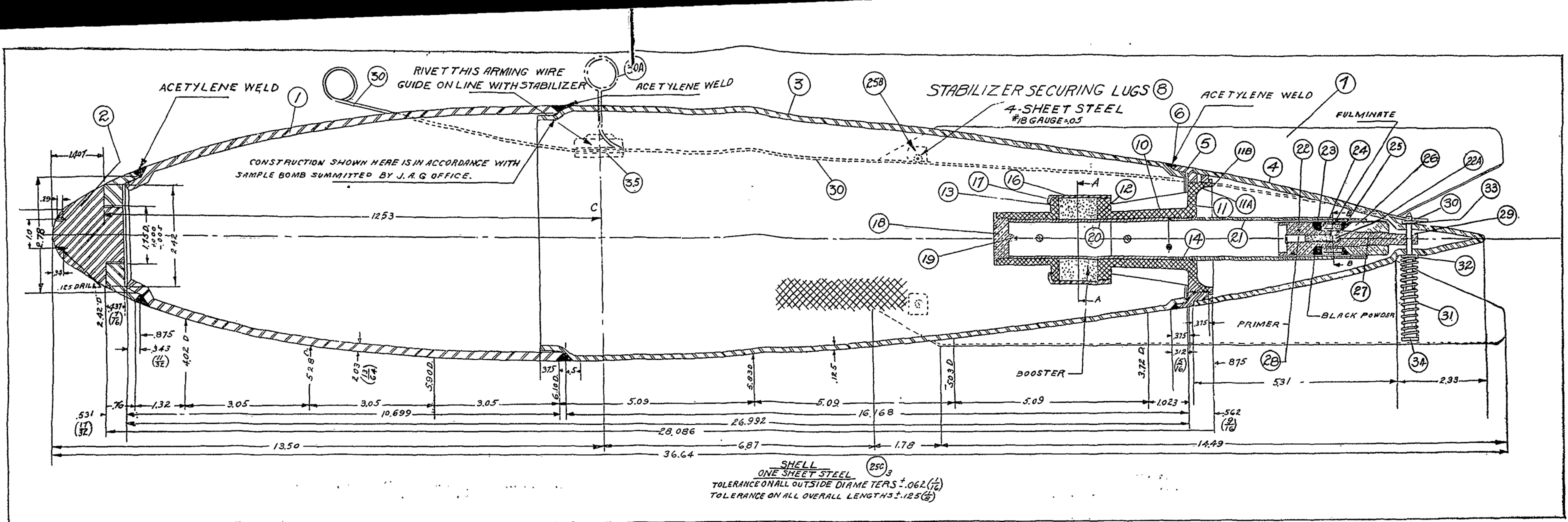
Machenbach #1101136;

French patent to Baldo #17949 of December 19, 1913;

United States patent to Pratt #388787, and British patent to Bradley #11954 of 1915.

Original claims 5, 6, 8, and 11 of application serial number 236916 were rejected by the examiner on Machenbach #1142827. These claims read as follows:

"5. In a bomb or like body, the combination of a casing member containing an explosive chamber and open at the rear, a booster suspended in the rear of said chamber, and having a peripheral extension resting on the rear edge of said casing member, a rear casing member open at the front



≡ GENERAL ASSEMBLY ≡
OF
≡ STIPULATED DRAWING ≡
OF (H and K.H.C.D BOMB)
MARK III. No. — LOT —

DRAWN BY
FRANKLIN LITTLE
MAY 6, 1929.

and having its front edge contacting with said peripheral extension, and means for securing said members fixedly together.

"6. In a bomb or like body, the combination of a forward casing member containing an explosive chamber and open at the rear, a diaphragm member for closing said chamber, having a flange portion resting on the rear edge of said casing member and having a central forwardly extending detonator guide, closed at its forward end, and a rear casing member having a forward edge adapted to contact with said flange portion, and adapted to form with said forward casing member a complete casing.

"8. In a bomb or like body, the combination of a hollow forward casing member, containing an explosive chamber and open at the rear, and a combined closure member and booster secured at the rear end of the same, the booster portion of said last-named member extending forwardly into the explosive chamber, and said last-named member having a rearwardly extending axial tubular extension integral therewith.

"11. In a bomb or like body, the combination of a forward casing member containing an explosive chamber and open at the rear, a rear casing member, a closure for said chamber secured to the rear portion of said forward member, means for securing said casing members together, and a detonator guiding means extending rearwardly in said rear member from said closure."

The secrecy order was mailed plaintiff in this application on July 10, 1918.

XXXIV

Subsequent to May 27, 1918, and also subsequent to October 14, 1919, and prior to the filing of the petition in this case, certain aerial bombs were made by or caused to be made for the United States Government by others than the Marlin-Rockwell Corporation and used by or caused to be used by the defendant.

The construction of these bombs is illustrated in the attached drawing.

This bomb comprised a forward casing 1 provided with a head 2, an intermediate casing 3 and a rear casing 4. Between the intermediate and rear casings was a metal ring 5 fastened and sealed by an acetylene weld at 6 to the intermediate casing 3. The rear casing 4 was seated in a cutaway recess at the rear of this ring 5 as shown. Four stabilizers

or vanes 7, each having outwardly-bent lugs 7^a, were spot-welded to the rear casing. The forward ends of these vanes projected beyond the rear edge of intermediate casing 3 and were secured to casing 3 by being bolted to lugs 8 secured on the exterior of the intermediate casing as indicated.

The booster construction was as follows: The annular head 11, provided with an exteriorly threaded extension 11^a, screwed into the interior threads on the ring 5, with the flange 11^b against the ring 5 as shown. Carried by the tubular extension 10 from the head 11 was an annular exteriorly-screw-threaded portion 12. An annular portion 13 was spaced from the part 12 by four radial ribs 15 as more clearly indicated in the transverse sectional view; 20 is an interior tube; 16 is a rigid metallic sleeve screw-threaded to the exterior of the part 12 as indicated and having an in-turned flange 17 and forming an exterior closure for the booster charge indicated by the stippling; 18 is a screw-threaded plug closing the end of the tube and provided with a firing pin 19.

The diameter of the tube 20 was slightly greater at its right or open end than at the left or closed end. The guide tube 21 was removably screw-threaded on the interior of the part 11 as indicated at 14 and forms an extension of the right or open end of the tube 20.

The detonator was constructed as follows: The metal body 22 was provided with a cutaway shoulder on which was located a ring 23 of gutta percha or similar material. On this was located a metal annulus 24, U-shaped in cross-section, which contained fulminate of mercury or other explosive. Above this was a ring 25 of gutta percha or similar material, generally triangular in cross-section. A heavy interiorly screw-threaded metal sleeve 26, with a conical lower end was screw-threaded as indicated upon the screw-threaded extension 27 so as to hold the parts in position. The body 22 of the detonator was hollowed out in the center to receive the primer 28 and powder charge and had a single lateral hole 22^a as indicated. The exterior diameter of the detonator body was very slightly less than that of the lower end of the tube 20.

The detonator-holding and release mechanism was as follows: A pin 29 passed loosely through holes in the rear of

the casing 4 and through a hole in part 27 of the detonator, as indicated. The arming wire 30 normally held the pin from retraction by the coil compression spring 31. Between the spring and the casing was a washer and waterproofing gasket indicated generically by 32, the gasket being seated on the casing. On the opposite side of the casing was a similar washer and gasket indicated by 33. The spring 31 exerted its pressure outwardly against the head 34 on the pin.

The flexible arming wire 30 passed loosely through an "arming wire guide" 35 fastened to the exterior of the intermediate casing 3 at a predetermined distance from the front end of the bomb depending upon the type, size, and manner of attachment of the bomb to the aeroplane, sometimes substantially at the plane of the center of gravity of the bomb when loaded. The arming wire either passed through the guide as indicated in dotted lines, or (if the bomb was held in horizontal position on an aeroplane) could be passed through the guide as indicated by the dot-and-dash lines at 30^a.

The main charge of high explosives was held within the chamber formed by the casing members 1 and 3.

In use, the bomb was sometimes carried vertically on the airship, suspended by its head, and sometimes horizontally with its head forward, and was releasably held. In either case the end of the wire 30 was fastened to the airship so that when the bomb was dropped the wire would automatically pull out of the hole in pin 29 and through guide 35. This released the pin 29 which was then ejected by the spring 31, thus freeing the detonator.

When the bomb struck on its head, the primer 28 of the detonator struck the firing pin 19 and fired the primer which ignited the black powder charge in the central aperture in the detonator, which exploded the fulminate in the annulus 24 which detonated the TNT or other charge in the booster and this in turn detonated the main charge—not shown—(of TNT usually) in the bomb casings 1 and 3.

XXXV

The terminology of all of the claims in patents in suit numbers 1317609, 1317610, 1317611, and 1317612, is found

to apply to the Government structure set forth in finding XXXIV.

The terminology of all of the claims of patent in suit number 1318955 is found to apply to the Government structure in all instances in which the bomb was suspended in a horizontal position under the aircraft.

The terminology of all of the claims in patent in suit number 1318956, with the exception of claim 6, is found to apply to the Government structure.

XXXVI

At the time the Marlin-Rockwell Corporation and the Government entered into the license agreement as set forth in finding X, neither of the Barlow applications, specified therein and forming a part of this agreement, had matured into patents. They were still in application form, and while claims had been allowed, the opportunity of forfeiture and subsequent renewal, or of filing divisional or continuation applications, still existed and no complete patent monopoly was therefore in existence.

The following features exist in common as disclosed in the Barlow patents numbers 1322083 and 1317608 which matured from the application forming the basis of the aforesaid license agreement; the six Barlow patents in suit; and the alleged infringing bomb structure as described in finding XXXIV:

(a) An aircraft bomb with the booster charge located within or adjacent the main explosion charge, which booster charge is annularly located about a central guide tube member in which a detonator moves from a rear safety position into a firing position inside of and in contiguity with the booster charge;

(b) A detonator construction comprising an elongated body adapted for slidable movement in the aforementioned guide tube, the detonator carrying detonating material in an annular pocket formed on its periphery immediate its end and carrying a fuse cap at one end connected with said detonating material by a passageway;

(c) Means for automatically arming an aircraft bomb suspended in a horizontal position beneath the aircraft and

releasable from said arming means including a flexible cord or equivalent element extending from the detonator detaining mechanism located within the bomb to a location on the aircraft adjacent the center of gravity of the bomb so that when the bomb is released the detaining means for the detonator will be automatically released and the detonator will be capable of movement into proximity with the booster charge.

XXXVII

Article 10 of the contract between the Marlin-Rockwell Corporation and the Chief of Ordnance, dated April 3, 1917, which forms plaintiff's exhibit 19, provided as follows:

"Article 10. If any doubts or disputes shall arise as to the meaning of anything in this contract, the matter shall be referred to the Chief of Ordnance, United States Army, for determination. If, however, the contractor shall feel aggrieved at any decision of the Chief of Ordnance, he shall have the right to submit the same to the Secretary of War, whose decision shall be final."

A search of the files of the War Department and a search by the plaintiff's attorney of such files as are available to him, do not disclose any record that the question of license on the part of the United States to use the inventions covered by the patents in suit was ever raised by either party in connection with the aforesaid contract or that this question was ever submitted to the Chief of Ordnance or the Secretary of War for determination; or that any consideration was ever paid by the Government to the Marlin-Rockwell Corporation for the privilege of having manufactured or using the alleged infringing bomb manufactured by others than the Marlin-Rockwell Corporation, which bomb structure is described in finding XXXIV.

XXXVIII

The following prior art patents were available to the public more than two years prior to the issuance of any of the patents in suit.

British patent to W. G. Armstrong, #11835 of 1914 (defendant's exhibit 53).

British patent to Frederick M. Hale, #11394 of 1913 (defendant's exhibit 54).

British patent to Sir Hiram Stevens Maxim, #7774 of 1911 (defendant's exhibit 55).

United States patent to Hudson Maxim et al., #549072, issued October 29, 1895 (defendant's exhibit 56).

United States patent to Louis Gathmann, #734697, issued July 11, 1903 (defendant's exhibit 57).

United States patent to J. B. Semple, #1172636, issued February 22, 1916 (defendant's exhibit 58).

United States patent to H. P. Merriam, #431379, issued July 1, 1891 (defendant's exhibit 59).

United States patent to H. Brunswig, #1042643, issued October 29, 1912 (defendant's exhibit 60).

United States patent to E. Townsend, #34602, issued March 4, 1862 (defendant's exhibit 61).

United States patent to James W. Graydon, #382223, issued May 1, 1888 (defendant's exhibit 62).

United States patent to Stephen H. Emmens, #400903, issued April 9, 1889 (defendant's exhibit 63).

United States patent to Harris P. Hurst, #582063, issued May 4, 1897 (defendant's exhibit 64).

United States patent to Francis I. Du Pont, #803131, issued October 31, 1905 (defendant's exhibit 65).

United States patent to Francis I. Du Pont, #807494, issued December 19, 1905 (defendant's exhibit 66).

United States patent to J. A. Marker, #1066130, issued July 1, 1913 (defendant's exhibit 67).

United States patent to W. S. Isham, # 1188178, issued January 20, 1916 (defendant's exhibit 68).

United States patent to W. M. Gallagher, #628308, issued July 4, 1899 (defendant's exhibit 69).

United States patent to R. Machenbach, #1101136, issued June 23, 1914 (defendant's exhibit 70).

British patent to Cyril Watson Bradley, #11954, of 1915 (defendant's exhibit 71).

United States patent to F. Deubler, #980215, issued January 3, 1911 (defendant's exhibit 72).

United States patent to F. Deubler, #1058563, issued April 8, 1913 (defendant's exhibit 73).

British patent to Martin Ellsworth Hall, #9961 of 1888 (defendant's exhibit 74).

United States patent to H. H. Cummings, #1182839, issued May 9, 1916 (defendant's exhibit 75).

United States patent to L. G. Roach, #737964, issued September 1, 1903 (defendant's exhibit 76).

United States patent to R. Machenbach, #1142827, issued June 15, 1915 (defendant's exhibit 77).

United States patent to E. W. Coleman, #1216078, issued February 13, 1917 (defendant's exhibit 78).

German patent to Hein and Otto, #206132, issued December 14, 1907 (defendant's exhibit 79).

British patent to August Danielson, #15941 of 1914 (defendant's exhibit 80).

Copies of these patents as identified by the above exhibit numbers are by reference made a part of this finding.

XXXIX

The general state of the art is disclosed by the following three patents: British patent to Armstrong, #11835 of 1914; British patent to Hale, #11395, and British patent to Maxim, #7774 of 1911.

(a) The British patent to Armstrong relates to aircraft bombs and discloses an outer casing containing a main explosive charge. A tubular guide member is located lengthwise of the bomb and is surrounded at its forward end by an annular booster charge. The guide member extends to the rear of the bomb structure and normally held at the rear end of this tube in a safety position is located a detonator. The detonator is normally held in this position by means of a screw member threaded into a nut which is carried by an outer cylinder rotatively mounted on the tube and provided with wind vanes. An additional means for maintaining the detonator in its safety position comprises a pin inserted through the tube at the rear of the bomb.

When it is desired to drop the bomb this pin is removed, and when the bomb is released the wind pressure on the vanes causes them to rotate thereby rotating the outer cylinder. This in turn rotates the nut and retracts the screw thus leaving the detonator free to move forward through inertia when the bomb strikes the target. When this occurs the detonator moves forward from its remote or safety position into detonating position, in proximity with the booster

charge, and contacts with a firing pin mounted in the forward extremity of the guide tube thus causing explosion of the detonator and consequent ignition of the booster charge and main charge of the bomb.

(b) The British patent to Hale relates to aircraft bombs and discloses a bomb having an outer casing containing the main explosive charge. Immediately to the rear of the main explosive charge and adjacent to it, is a booster charge. Extending within the booster charge is a tube, in the forward end of which is placed a firing pin. Within the tube is housed a spring, usually known as a "creep spring." In the rear end of the tube is a detonator, the bottom of which rests upon the spring, and which is held from forward movement by two balls located in apertures formed in the rear wall of the detonator and extending into depressions in the wall of the tube. The balls are held in their position by means of a rod extending lengthwise to the rear of the tube. One end of the rod is placed between the balls and is threaded into the rear end of the tube. Extending rearwardly from the tube and surrounding the rod is a cylinder to which vanes are attached. As a further means of safety, a slide pin is transversely inserted through apertures formed in the walls of the tube and the rod. This pin is withdrawn before the bomb is released. When the bomb is dropped, the action of the air causes the vanes and the cylinder to which they are attached to rotate, thereby unscrewing the rod. When the rod has been backed out sufficiently, the balls are freed and fall inwardly, thus releasing the detonator. Upon impact of the bomb, inertia of the detonator compresses the spring, and the detonator will thereupon impinge upon the firing pin and fire the bomb.

(c) The British patent to Maxim also relates to aircraft bombs of the type in which a detonating charge is retained in a remote or safety position in a guiding tube until the bomb is discharged or released. It discloses a bomb having a main envelope or casing containing the main explosive charge. Extending axially through the casing is a tube, protruding from the casing for a considerable distance at the rear end thereof. At the forward end of the tube and the casing is located the firing mechanism consisting of a firing pin and a primer. The rearwardly protruding end of

the tube has stabilizing vanes attached thereto and within the tube is a detonator normally located at its rear end. This bomb was designed to be carried in a horizontal position in a bomb rack located at the bottom of an airplane. The rack was provided with an arm with a bifurcated end embracing the firing pin immediately to the rear of its head. There was also attached to the rack a pin passing through apertures in the rear end of the tube, for the purpose of preventing the forward movement of the detonator. When the bomb was released the arm was withdrawn from the firing pin, thereby freeing the latter and the pin was withdrawn from the tube, allowing the detonator to fall through the tube into proximity with the primer. Upon impact the firing pin is driven rearwardly, fires the primer, the flash from which fires the detonator, the latter in turn exploding the main charge.

The above patents disclose as old and well known to those skilled in the art the construction of an aircraft bomb having a guide tube member arranged in the body portion of the bombs having the forward end thereof surrounded by an annular booster charge which in turn was surrounded by the main charge together with a detonator capable of movement, either through inertia or gravity, from a rear safety position in the guide tube into proximity with the booster charge.

The British patent to Maxim more particularly points out to those skilled in the art that it is old to maintain the detonator in a safety position by means of a pin passing through the guide tube nearer its rear end which pin is attached to the aircraft and is, therefore, automatically withdrawn when the bomb is released from the aircraft.

NOTE.—For convenience, the facts found in connection with the prior art and defenses raised on the question of validity are presented in the following findings with reference to each individual patent in suit.

XL

Patent in suit #1317609

More than two years prior to the filing date of the application which matured into the patent in suit, #1317609, the following United States patents had been issued:

United States patent to Merriam, #431379.

United States patent to Brunswig, #1042643.

(a) The patent to Merriam relates to a shell for high explosives and discloses a detonating structure to initiate the explosion of such a shell. The detonator comprises an elongated cylindrical body member having an annular groove formed in its circumference and adapted to receive the detonating material. The detonator carries a plurality of primer caps connected by channels to the detonator charge at a plurality of points. The primer caps are located in the interior of the detonator body and are fired by the impact of a plurality of firing pins.

The disclosure of this prior art patent differs from the structure disclosed in the Barlow patent in suit #1317609 and defined by the phraseology of the claims thereof, in that it does not show or suggest to the man skilled in the art the multiple part construction of a detonator, in which the detonating material is carried in a separate annular container adapted to be put in place when the detonator is assembled, which features contribute both to ease of production and safety in assembly of the detonator.

This Merriam patent was cited by the Patent Office during the prosecution of the Barlow application which matured into patent in suit #1317609.

(b) United States patent to Brunswig, #1042643, discloses the method of detonating an explosive charge by providing a detonating fuse located within the explosive in the form of a loop.

The method disclosed involves the simultaneous ignition of the fuse at both ends so that two detonation waves are produced which travel toward each other and meet within the body of the explosive.

With the knowledge and teaching of the Brunswig patent, the man skilled in the art could construct the detonator of the Merriam patent with a single firing cap and passageway therefrom to the detonating ring. Such a construction would be similar to that defined by the phraseology of claim 8 of the Barlow patent in suit #1317609, which claim does not specify a container for the detonating material, or an assembled detonator body of separate parts.

XLI

United States patent to Semple, #1172636, issued February 22, 1916, discloses a detonator and booster charge construction for explosive projectiles of the type intended to be fired from rifled guns. The detonator is located to the rear of the booster charge and is in fixed relationship with respect to the same. A passageway filled with detonating compound extends from the detonating charge to the booster charge, this passageway being normally interrupted by a member which is moved from this interrupting position by means of the centrifugal force imparted to the projectile by the rifling of the gun.

The detonating charge is loaded into a cylindrical container.

This patent does not disclose a detonator construction movable from a remote safety position into firing relationship with a booster charge; nor does it disclose a detonator structure in which the detonating compound is loaded into a container of annular form adapted for assembly into the groove of a detonator construction comprising multiple assembled parts.

XLII

The three Ordnance Department drawings dated, respectively, December 7, 1903, December 24, 1904, and January 5, 1905, disclose the conception of a fuse of artillery shells. The fuse construction as shown in these drawings has a solid elongated cylindrical body containing a booster charge composed of picric acid. A detonator is located in fixed position in the interior of the booster charge and comprises a cylinder having a number of circumferential annular grooves separated by collars, this entire structure being integral. A detonator charge of fulminate of mercury is inserted into the circumferential grooves to the rear of which a primer cap is shown which is intended to be ignited by a firing pin upon impact of the projectile.

These drawings, defendant's exhibits numbers 46, 47, and 48, are by reference made a part of this finding.

In the drawings, defendant's exhibits numbers 47 and 48, a single passageway is shown leading from the primer cap to the first ring of the detonating compound.

These drawings do not disclose a detonator construction in which the detonator is adapted for a sliding movement relative to a booster charge or a construction in which the detonator is made of a multiple part construction so that the detonating material may be separately loaded into a container and subsequently assembled upon the detonator body.

No physical embodiment of the structure shown in these drawings has been produced and there is no satisfactory evidence of a reduction to practice of the conception shown in these drawings or that the structure disclosed in these drawings was used in such a manner as to render the device accessible to the public.

XLIII

Patent in suit #1317610

(a) United States patent to Townsend, #34602, relates to a projectile adapted to be fired from a gun, and discloses a cylindrical shell which contains a charge of shot and powder. The shell is provided with four radial ribs which subdivide the interior thereof into compartments, these ribs functioning to prevent any displacement of the shot and powder such as would tend, during the flight of the projectile, to change the position of the center of gravity of the projectile.

(b) United States patent to Graydon, #382223, relates to a shell adapted to be fired from a gun, and discloses a main charge chamber divided into several portions or subchambers by means of transverse divisions made of paper, wood, metal, or any other desired material. The purpose of these divisions is to separate the charge into several distinct parts and prevent such compression of the rear portion of the charge as would take place in an extra long charge in one mass. This patent does not disclose radial ribs.

(c) United States patent to Emmens, #400903, relates to explosive shells adapted to be fired from a gun. This patent discloses a shell with a hollow cylindrical body containing a charge of high explosives. The interior of the shell body is provided with internal longitudinal ribs and radial ribs

for the purpose of subdividing the charge into separate portions and preventing rotary friction caused by the rotation of the shell.

(d) United States patent to Hurst, #582063, relates to an explosive shell designed to be fired from a gun, and discloses a shell structure in which the explosive charge is subdivided into numerous compartments by means of radial and circular longitudinal partitions.

(e) United States patents to Du Pont, numbers 803131 and 807494, disclose a powder propelling charge for a shell in which a skeleton framework comprising radial and transverse partitions is constructed of a smokeless powder composition, the function of which is to simultaneously ignite the charge at all points.

(f) United States patent to Marker, #1066130, discloses a projectile of a type adapted to be discharged from a gun in which the interior charge contains an explosive which is divided into a series of chambers by means of intersecting radial partitions or ribs.

(g) United States patent to Isham, #1188178, discloses a shell adapted to be fired from a rifled gun in which the main charge chamber is provided with both annular and longitudinal ribs extending inwardly from the exterior of the shell for the purpose of preventing relative rotation movement between the charge and the shell body.

None of these prior art patents disclose to the man skilled in the art a booster construction having the combination of elements recited by the phraseology of the claims of the Barlow patent, #1317610, and in which the radial ribs have the dual function of strengthening the central detonator guide tube and directing the explosive force of the booster radially outward into the main explosive charge.

XLIV

Patent in suit #1317611

This patent in suit, #1317611, relates to substantially the same structure as that covered by the Barlow patent in suit #1317610, with the exception that the parts are strength-

ened and the claims specify that some of the component elements are screw-threaded for the purpose of assembling.

It is within the ability of one skilled in the art to strengthen the structure of patent #1317610 as desired, and to try it out before doing so, to obtain an empirical check on design calculations of stresses, strength of materials, and the like. The use of screw-threads instead of some other type connection is generally a matter within the province of one skilled in the art and no satisfactory evidence has been submitted indicating why or how the use of screw-threads in the present instance was not a mechanical equivalent of the connection used in the prior patent #1317610, or why these screw-threads were more than a mere mechanical equivalent.

XLV

Patent in suit #1317612

United States patent to Gallagher, #628308, relates to submarine torpedoes and discloses means for the sealing of the torpedoes at the point where the ignition wires enter in order to prevent any dampness reaching the charge of explosives contained therein.

The ignition wire is inserted through an aperture in the center of the cap. The cap is provided with an annular flange which engages the screw-thread from an inner side of the dome of the torpedo casing. Within the flange is provided a gasket of any suitable flexible material which binds firmly upon the igniting wire and thus prevents water passing into the shell. Underneath the gasket is a layer of paraffin which solidifies closely around the wire and prevents any dampness from reaching the explosive charge if by any chance it might penetrate the gasket.

In the structure disclosed in this prior art patent the ignition wire is fixed into position and is not intended to be pulled or moved relative to the gasket.

This patent does not disclose a waterproof packing gasket surrounding a movable pin and having a resilient means or spring possessing the dual cooperative function of compress-

ing the gasket and ejecting the pin when the retaining means for the pin is removed.

XLVI

Patent in suit #1318955

(a) British patent to Maxim, #7774 of 1911, discloses an aircraft bomb adapted to be carried in a horizontal position below an airplane. A suitable release mechanism is provided for the purpose of dropping or releasing a bomb.

The bomb disclosed is similar in its general aspect to that forming a basis of the patent in suit #1318955, in that a movable detonator is adapted to move from a remote position in the tail of the bomb through a guide tube into a forward explosive position; a safety pin inserted through the guide tube normally prevents this movement. This safety pin is fastened to the lower surface of the airplane so that when the bomb is released the safety pin is automatically withdrawn.

(b) United States patent to Machenbach, #1101136, discloses a shell adapted to be fired from firearms. This structure as disclosed includes a movable detonator normally held in a safety position by means of a pin fastened to the guide tube; an ejector spring is provided which constantly tends to eject the pin. This is prevented, however, by a safety wire which passes through an orifice in the end of the pin remote from the ejector spring. When the projectile is placed on the gun barrel, a lever mechanism automatically functions to withdraw the safety wire.

(c) British patent to Bradley, #11954 of 1915, discloses an aircraft bomb adapted to be suspended beneath an airplane on a release mechanism. A safety pin which normally prevents operation of the firing mechanism is connected by means of a flexible connecting element, i. e., a chain, to the airplane adjacent the point of connection of the bomb to the release mechanism. When the bomb is released this flexible connection functions to automatically withdraw the safety pin and render the firing mechanism operative.

XLVII

It is within the knowledge of those skilled in the art that guide members, such as curved cleats or pulleys, are means ordinarily used in connection with rope and cable transmissions whenever it is desired to change the direction of pull or the point at which the force is applied for pulling. This is exemplified by the fact that in a sailboat it is not necessary to go to the top of the mast to pull the sail up but the rope for this purpose can be placed over a pulley wheel and pulled from any desired direction.

It is within the scope of knowledge of those skilled in the art to extend a flexible wire or element for operating a safety pin to any desired location and to provide cleats or pulleys for changing the direction of pull on the same.

XLVIII

Patent in suit #1318956

The claims in suit of Barlow patent #1318956 relate to three general constructional details as follows:

(a) The guide tube through which the detonator moves from its remote safety position into a firing position adjacent the booster charge is slightly conical in form, flaring outwardly at its upper portion, while its diameter is restricted at its lower portion. The purpose of this construction is to create an air check or air cushion between the movable detonator and the bottom of the tube and thus retard the progress of the detonator as it approaches the firing pin. This serves to prevent an explosion of the bomb if it is released from the airplane when the airplane is too near the ground.

Claims 1 to 4, inclusive, are directed to this feature.

(b) The second feature is the structure of the booster casing in which the forward face of the outwardly extending flange is utilized as a seat for the forward section of the outer casing of the bomb while the rear face of the flange is utilized as a seat for the rear or tail section of the casing, which also carries the detonator and detonator guide tube. Such a construction permits the rear portion of the bomb with its detonating charge to be kept separate from

the explosive-carrying front casing until such time as it is desired to use the bomb when the front and rear casings may then be readily assembled.

Claims 5, 8, 9, and 12 include and are related to this feature.

(c) The third feature refers to the stabilizing vanes which are attached to the rear section of the outer bomb casing and overlap the rear end of the forward casing and form means to aid in securing the two sections of the outer casing together, the stabilizing vanes, therefore, possessing a constructional functioning as well as a stabilizing functioning.

Claims 7, 10, 11, and 13 are directed to this feature of the structure.

XLIX

(a) British patent to Maxim, #7774 of 1911, discloses an aircraft bomb in which the detonator moves from a remote position in a guide tube to a forward firing position. The specification states, on page 4, line 40, with reference to the movement of the detonator in the tube, that when the firing pin is released "a free passage is afforded for the auxiliary charge a^2 to pass along the tubular connection a^1 ."

(b) British patent to Armstrong, #11835 of 1914, discloses the same general type of aircraft bomb construction in which a detonating charge moves through a tubular guide from a remote position into a position adjacent a booster charge. The specification states, on page 2, lines 48 to 51, as follows: "When the bomb strikes the target the inertia of the pellet e causes its conical end to overcome the tongues $h h$ and the pellet e falling through the tube m and impinging on a needle n fires the cap exploding an explosive charge o and consequently the main charge b ."

(c) United States patent to Maxim et al., #549072, discloses a projectile adapted to be fired from a gun and having a guide tube through which a detonator is moved from a rear position to a forward position against a firing pin. This movement takes place by an inertia effect when the projectile hits the target. The specification indicates that the detonator or fuse charge is relieved from resistance to movement by grooving the walls of the guide tube or the container so as to prevent the formation of an air check.

L

The prior art, as exemplified by the United States patent to Maxim, #549072, indicates that the air contained in a guiding tubular member may have a checking effect upon the movement of a detonator in the guide tube. The teaching of the prior art is directed to structure for overcoming this effect, and, in general, to permit of a *free or falling* movement of detonators through guide tubes.

None of the prior art patents teach the use of an air check and in particular a tubular guide of a conical form for preventing an explosion of the bomb until it has fallen for a predetermined distance such as will insure the safety of the bombing airplane.

LI

(a) United States patent to Cummings, #1182839, relates to a mechanical time fuse adapted for use with explosive shells designed for firing from a rifled gun. This patent discloses a fuse-supporting means having a peripheral ring-like structure with an annular flange against the rear face of which is seated the rearward portion of the shell casing and against the forwardly facing annular shoulder of which is seated the nose portion of the shell.

(b) United States patent to Roach, #737964, relates to explosive shells designed to be fired from a rifled gun. This patent discloses a fuse stock or supporting means which centrally supports a charge of quick burning powder which is employed to ignite the main charge thus functioning as a booster. The fuse stock is screw-threaded into an annular ring-like extension which has an annular shoulder. The nose portion of the shell casing is seated against this shoulder in addition to being seated also against the rear portion of the shell casing which is also in screw-threaded engagement with the ring extension.

(c) United States patent to Machenbach, #1142827, relates to aircraft projectiles. This patent discloses an aircraft bomb containing an adaptor seated in the rear portion of the bomb. A fuse stock is screwed to the inner wall of the adaptor and the fuse stock is clamped to an inwardly

extending annular flange which holds in place a guard cage adapted to protect the rear vanes from injury.

(d) United States patent to Coleman, #1216078, relates to hand grenades, bombs, and the like. It discloses a shell body adapted to contain an explosive into the rear of which is screwed an adaptor having a ringlike structure. A fuse stock is screwed into the adaptor.

(e) German patent to Hein and Otto, #206132 of 1907, discloses a shell for rifle projectiles having a forward nose-end and a rear casing, in the forward end of which casing is secured an adaptor or ringlike structure having an annular flange. The rearward face of the flange contacts with the rear end of the casing and the nose portion of the shell sits on the forward face of the flange.

The patents to Machenbach, #1142827, and Coleman, #1216078, were considered by the Patent Office during the prosecution of the Barlow application which materialized into patent in suit #1318956.

LII

The prior art discloses, in general, explosive shells having their outer casing divided into forward and rearward portions, together with a peripheral ring member supporting a booster charge, which ring portion functions to provide a seating means for connecting the forward and rearward ends of the shell casing together.

The prior art does not disclose the combination of elements just enumerated as also providing support for a detonator guiding tube with a detonator removably suspended therein with the parts associated in such manner that the portion of the shell in which the detonator is located may be readily transported separately to the place where the bomb is to be used and there quickly and easily assembled in the shell structure.

LIII

Stabilizing vanes located at the rear of aircraft projectiles were disclosed to the public prior to the date of filing the application which matured into Barlow patent #1318956.

British patent to Hale, #11394 of 1913; British patent to Maxim, #7774 of 1911, and British patent to Danielson,

#15941 of 1914, a copy of which was received in the United States Patent Office on April 19, 1916, disclose the use of vanes on aircraft bombs.

There is no prior art disclosure of any airplane bomb construction in which the vanes not only possess their primary function of maintaining a proper flight trajectory, but in which they also possess the mechanical function of connecting means for fastening the forward and rearward portions of a bomb-casing together.

LIV

Prior to the time that Barlow arrived at Frankfort Arsenal (March 1916), the Ordnance Department had conceived and made drawings of certain airplane bombs. These drawings, defendant's exhibits 49, 27, 28, and 14, bearing respective dates of December 3, 1913, May 18, 1915, June 18, 1915, and October 12, 1915, disclose in general an airplane bomb construction having a charge of high explosive in which was located a booster charge. A detonator was located in fixed relationship with the booster; a firing pin was utilized to ignite the detonator upon impact of the bomb, the firing pin or plunger being held in operative position either by a safety wire or pin or released by means of rotative wind-vanes.

Copies of the above drawings, defendant's exhibits 49, 27, 28, and 14, are by reference made a part of this finding.

LV

Subsequent to the arrival of Barlow at Frankfort Arsenal and prior to the filing of the earliest application which matured into one of the patents in suit (February 24, 1917), the Ordnance Department conceived of and made drawings of airplane-bomb structures having a detonator in fixed relationship with the booster charge and a firing plunger for the detonator adapted to be released by the rotation of wind-vanes.

Copies of these drawings bearing respective dates of May 16, 1916, June 16, 1916, and September 15, 1916, defendant's exhibits 50, 15, 16, 17, and 18, are by reference made a part of this finding.

LVI

No satisfactory evidence has been submitted that the bombs manufactured by Marlin-Rockwell Corporation or by Marlin Arms Corporation were ever marked with notice of any of the patents in suit or the pendency of the applications therefor. Also, there is no satisfactory evidence that the contracting officers of the United States making the contracts with the other manufacturers of bombs like those set forth in finding XXXIV were ever advised of the existence of those inventions and applications of Barlow which were then pending. Plaintiff represented the Marlin-Rockwell Corporation, his employer, in many contacts and dealings with the War Department during the War and while he was employed by said Marlin-Rockwell Corporation.

LVII

In the latter part of 1917 or the first part of 1918, plaintiff was present, by permission of Marlin-Rockwell Corporation, his employer, at a conference in New York City and again early in 1918 at another conference in Washington, when a representative of the War Department in order to increase mass production allotted to various manufacturers work to be done on bombs and parts therefor similar to the alleged infringing structure referred to in finding XXXIV. The Marlin-Rockwell Corporation and the plaintiff each cooperated with and assisted the Government and other manufacturers in pushing the production of these bombs and made no objection to such production.

These manufacturers were not notified of the possibility of these bomb structures being an infringement of any patents which might later issue upon patent applications pending at that time. At that time there were pending the parent application of patent #1318956, and the applications which eventuated into patents numbers 1317609 and 1317610.

LVIII

No formal submission of each of the specific inventions contained in the patents in suit was made to the United States after the secrecy notice and order, except that plaintiff was working in close cooperation with Colonel Ragsdale,

located in the ammunitions division of the Ordnance Department, who was advised of the invention of each of the patents in suit either before or shortly after filing. Colonel Ragsdale was not a contracting officer but submitted and advocated many of the Barlow inventions in bombs to the Ordnance Department authorities for their adoption.

On April 4, 1918, plaintiff called on Assistant Secretary of War Crowell and offered the Government the gratuitous use of any new device of bombs of the type he was then making, and anything he did, including a flying torpedo. On September 23, 1918, plaintiff called on Assistant Secretary of War Crowell and presented the following letter:

WASHINGTON, D. C., *September 22, 1918.*

HON. BENEDICT CROWELL,

Acting Secretary of War, Washington, D. C.

MY DEAR MR. CROWELL: I have recently returned from France. While there I witnessed the field tests of aerial bombs, among which were the Barlow bombs.

In France I was amazed at the wonderful progress that has been made in practically all branches of the service. I believe that any person or persons who have been in France recently and who has had the opportunity to see the Americans at work, feel that seemingly impossible tasks are now being accomplished.

I believe that our aircraft program is far behind and that our aircraft bombing program is in a terrible plight.

I shall make vigorous efforts and do my part in getting the bombing program going smoothly as soon as possible. There are hundreds of thousands of bombs finished or being finished in this country which are built or being built under my patent. If there are any legal Government forms necessary for me to sign in waiving my rights to any future royalty which might become due me through future bomb contracts, I shall be pleased to sign them on request from the War Department. I am willing to make the above financial sacrifice as proof that my future activities, insofar as our bombing program is concerned, are not inspired by mercenary motives.

Very truly yours,

BARLOW."

The Assistant Secretary of War refused to accept the waiver of plaintiff's rights.

On numerous occasions plaintiff made offers to War Department officials to waive any financial returns that might come to him.

It has been stipulated and agreed between the parties that all questions of accounting be postponed until the liability of defendant has been found by the court.

OPINION

BOOTH, *Chief Justice*, delivered the opinion of the court:

This patent case comes to the court under the special jurisdictional act set forth in Finding I. No jurisdictional issue is raised and hence it is not essential to repeat the terms of the act in this opinion, except to observe that the findings of fact, as well as the opinion of the court, shall be reported to Congress.

Plaintiff's interest in aircraft bombs, the subject matter of the present case, originated from his experience with the revolutionary forces of Villa, and came about in the following way:

In 1914 plaintiff was in Mexico engaged in selling and installing tractors and while so engaged he joined the revolutionary forces of Villa. Observing the lack of an efficient air corps, and the absence of aircraft bombs, plaintiff sought to induce American pilots to join Villa's forces and himself set about to supply aircraft bombs.

The bombs manufactured by him in Mexico were crude affairs and possessed operative defects due in a large measure to his inability to obtain suitable material and manufacturing facilities. In 1915 plaintiff returned to the United States and became an employee of the Glenn L. Martin Airplane Company in Los Angeles, California. This connection enabled him to continue his research and development work with respect to aircraft bombs and during his service with this company he constructed five or six of them.

In February 1916 plaintiff submitted to the Ordnance Department of the Army his then design of an aircraft bomb. This design interested the officials of the department, and they suggested to the plaintiff that he go over to the Frankfort Arsenal in Philadelphia where he could familiarize himself with Ordnance construction and practice.

Plaintiff as a civilian remained at the Frankfort Arsenal until August 1916. He had available to him the facilities of

the same, including the use of machine tools and the assistance of mechanics in the experimental shop. During this time tests were conducted by the plaintiff, and Major Shinkle and his staff advised with him. His design of a bomb and his tests interested the officials of the Arsenal.

Plaintiff was unquestionably an experienced and skilled mechanic; the findings so show. His interest, skill, and industry were centered upon the inventions for which he secured letters patent. On May 20, 1916, while at Frankfort Arsenal, he filed his first application, serial number 98737, which subsequently matured into patent #1322083 issued November 18, 1919, for what he designates as a "drop bomb." The patent was issued to the Marlin Arms Corporation, plaintiff's assignee.

The officials of the Ordnance Department suggested to plaintiff that it would be advisable for him to obtain relationship with some active manufacturer of ordnance and thereby procure the manufacture of his designed bombs. The suggestion was accepted and in January 1917 he connected himself with the Marlin Arms Corporation of New Haven, Connecticut.

Prior to going to New Haven, plaintiff had on August 20, 1916, filed his second application for a patent which like the former one matured into an issued patent on September 30, 1919, to the Marlin Arms Corporation. Plaintiff's relationship with the Marlin Arms Corporation, afterwards known by a change of name only as the Marlin-Rockwell Corporation, involved an assignment of his patents to it.

August 3, 1917, the Marlin Arms Corporation entered into the license agreement (Finding X) with the Chief of Ordnance of the Army. The defendant ascribes determinative importance to this agreement, insisting that under its provisions the United States was licensed to manufacture the aircraft bombs it did manufacture, and that plaintiff's only remedy in this case arises out of this license agreement. The argument advanced is predicated upon article 2 of the agreement.

Several articles of the agreement are involved in the discussion of this issue and should be quoted, as follows:

"ARTICLE 2. It is further agreed that in consideration of the assistance rendered by the Ordnance Department, United

States Army, in the development of the drop bomb referred to herein, and of the royalty to be paid as set forth in article 1 of this contract, the Ordnance Department, United States Army, shall have the right, without the payment of any additional sum, to manufacture, to have manufactured, to use and to sell, drop bombs *possessing such improvements of any of the features* covered by the application for letters patent specified in article 1 of this contract as may be covered by applications hereafter allowed the contractor by the United States Patent Office." (Italics ours.)

"ARTICLE 5. It is further agreed that the Ordnance Department, United States Army, shall furnish the said contractor, on or before the first days of January and July of each year during the life of the patent covered by the application specified in Article 1 hereof, a statement showing the number of all complete drop bombs, either loaded or unloaded, embodying any or all of the features covered by the application for letters-patent specified in Article 1 hereof, which drop bombs have been ordered manufactured, either in Government or private establishments, during the preceding six months, and, on or about the same dates, prepare vouchers for the contractor, to cover the amount due it as royalty on the drop bombs so ordered manufactured."

"ARTICLE 10. If any doubts or disputes shall arise as to the meaning of anything in this contract the matter shall be referred to the Chief of Ordnance, United States Army, for determination. If, however, the contractor shall feel aggrieved at any decision of the Chief of Ordnance, he shall have the right to submit the same to the Secretary of War, whose decision shall be final."

The language of the license agreement is not ambiguous. The intent of the document is evident from its provisions. The plaintiff, Barlow, had pending in the Patent Office two applications for bomb patents; the claims of the same had been allowed but the letters patent had not issued. The Ordnance Department of the Army had assisted the patentee, and was conspicuously his best and most available customer. Therefore, it was to the interest of Marlin Arms Corporation financially and otherwise to have the license agreement entered into, and on the date of its execution the agreement comprehended all patent applications filed by the patentee.

Article 2 of the agreement clearly grants to the United States a license in accord with the terms of Article 1 to use, manufacture, or have manufactured bombs covered by future patents which possess improvements of any of the

features covered by the patent application mentioned in Article 1. What the parties intended by Article 2 was, in consideration of the royalties to be paid and the assistance rendered the patentee in developing his bomb, to grant to the United States the right to avail itself of the use or manufacture of aircraft bombs which the patentee might in the future develop and patent. The license agreement evidences the fact that plaintiff had accomplished an advanced step in the art, and the Ordnance Department of the Army in an appropriate agreement wished to be in a position to obtain the advantages which might accrue in the future.

The plaintiff challenges the pertinency of the license agreement to this case. The rule of estoppel is invoked. Article 5 of the agreement is cited as sustaining the rule and provides in terms that the Ordnance Department of the Army will semi-annually furnish the licensor with detailed statements showing the number of bombs manufactured either by or for it, and pay the royalties prescribed in the license agreement.

The rule of estoppel is not ordinarily applicable to the Government. Several cases, which we need not cite, have sustained a contention that the Government is estopped to plead a defense held by courts of record to have been unavailing in litigation between the same parties. In ordinary transactions, however, such as we have here, the failure of Government officials to observe express contractual obligations constitutes a breach of the contract, subjecting the Government to a suit in this court for the recovery of damages. *Knight v. United States*, 35 C. Cls. 129, 145; *Hartson v. United States*, 21 C. Cls. 451.

If the Government officials charged with the duty of observing article 5 of the agreement did not observe it, and evidence is produced that the Government manufactured or caused to be manufactured aircraft bombs falling within the terms of the agreement, the remedy we have noted above existed and continues to exist under the special jurisdictional act, notwithstanding the nature of the pleadings in this case.

The license agreement of April 3, 1917, is a part of the record in this case. The court may not ignore it. It is established that a specific number of bombs were manufac-

tured by the Marlin-Rockwell Corporation for the Government during the war under a separate and independent contract and for a consideration different from the one specified in the license agreement. This fact, however, does not of itself set aside the license agreement. If the parties in one or more instances agree independently of the license agreement to manufacture a certain number of bombs and neither insists upon the payment of the fixed royalties, the agreement embracing a continued relationship is not, we think, abrogated.

The special jurisdictional act under which this litigation proceeds is comprehensive in its terms. The statute of limitations, as well as Section 3477 of the Revised Statutes, is waived, and Congress clearly intended to extend to plaintiff a right to assert his claims in this court free from the interposition of the defenses waived. Therefore it is manifest that if the patents involved herein fall within Article 2 of the license agreement, i. e., if the patents possess improvements of any of the features covered by letters patent #1322083, the rights of the parties with respect to compensation are fixed by the same.

Much is said as to the meaning of the words "possessing such improvements of any of the features covered by the application for letters patent specified in Article 1 of this contract." It is fundamental that patents are granted for what may be termed novel and new features. Letters patent #1322083, the patent mentioned in Article 1 of the agreement, must of necessity speak for itself. The claims of the patentee are important factors, and by resorting to the specifications and claims the duty is cast upon the court to determine the scope of the patent and the novelty which resides therein.

The plaintiff insists that patents #1322083 and #1317608, mentioned in the license agreement, are isolated by their specifications and claims from the patents upon which this suit is predicated. If this is true then the case rests squarely upon the act of October 6, 1917, known as the "Trading with the Enemy Act", with respect to which later comment is essential. It follows as a matter of course that if the six patents in suit do not cover improvements to the two foregoing patents, the license agreement is not applicable.

Patent #1322083 issued to plaintiff November 18, 1919, upon an application filed May 20, 1916, contains nineteen claims. Findings XI and XII disclose by illustrations and in detail the subject matter of the two patents. In this connection it is pertinent to state that aircraft bombs must of necessity possess characteristics essentially different in many respects from what is known by common designation as an ordinary bomb, i. e., an explosive missile which does not depend upon operativeness in the same way an aircraft bomb does.

An aircraft bomb, being essentially a highly explosive projectile, must be safe against premature explosion until it is set in motion towards its objective. It has to be transported on the body of an airplane, frequently in close proximity to the enemy, as well as the pilot of the plane, and subject to rifle and machine-gun fire. In addition to this, such a bomb attached to an airplane should be rendered immune from explosion in the event of a forced landing or crash of the plane and so constructed that it may, in cases of emergency, be discharged or dropped without explosion in order to lighten the load of the plane when flying over friendly territory. These features, as well as the inherent quality of destructiveness when exploded, form integral characteristics of an aircraft bomb.

The plaintiff, as his patents evidence, comprehended from both a scientific and practical knowledge the essential elements of an operative aircraft bomb. He directed his efforts, so far as patent #1322083 is concerned, toward the creation of what he terms a "drop bomb" which possessed the elements of safety mentioned and in addition sought to overcome the hazard of a failure to explode when contacted with its objective.

Bombs as such were admittedly old in the art and the elements essential to their operativeness were well known. Inventors in advance of plaintiff knew, and it was well known, that a bomb embodied the employment of a highly explosive material, i. e., TNT, which was exploded by means of a detonator coming in contact with what is known as the booster charge or chamber, the latter when fired exploding the main charge of TNT carried by the bomb.

The problem plaintiff intended to solve was to so arrange and coordinate these well known elements of a bomb as to bring about safety in their employment, improve the accuracy of their operativeness, and forestall to the extent possible their failure to accomplish their designed purpose. Frequently an aircraft bomb would be released from the plane and, when it came in contact with the earth, either fail to explode or bury itself in the earth's surface without accomplishing the purpose of its release.

Before entering upon a discussion of whether the plaintiff's patents in suit possess improvements of any of the features covered by the applications for patents mentioned in the license agreement, attention must be called to the fact that the license agreement grants rights co-extensive with "any or all of the features covered by and *described* in *application* for letters-patent #98737 filed May 20, 1916." This same language appears in Article 4. Therefore it is apparent that the granted license may upon proofs submitted obtain a broader scope than it would otherwise if limited to the claims of the patents.

So far as the present record exhibits, patent #1322083 discloses—without going into detail—a type of aircraft bomb where the primary object, as stated by the inventor, is to formulate a type of bomb construction "which will be exploded with certainty at a predetermined distance above the ground or other target." To accomplish the same, the inventor provided a device similar in contour to a gun barrel, designated as an extruding member, capable of being armed at the proper moment, which assumed a position in advance of the explosive head of the bomb and operated in conjunction with other elements to cause the bomb to explode when the extruding member contacted the objective.

The extruding member functioned to not only propel a bullet inwardly which contacted the detonator causing it in turn by its own explosion to explode the booster charge which exploded the TNT in the explosive head of the bomb, the extruding member functioning to maintain the bomb at the moment of explosion a predetermined distance above ground.

In addition to the above particular feature of the invention, structural features were also described and claimed as designed and intended to produce the instantaneous and certain operation of the device, and prevent the accidental discharge of the same by gunfire directed against the airplane from outside sources. Figs. 1 and 2 in Finding XI accurately disclose the structural features described.

It is sufficient to say, without repeating what is said in Finding XI, that the ingenious structural features set forth in the patent specifications functioned to not only secure the operativeness of the extruding member but by locating the detonator in the tail of the bomb, an obviously safe position to prevent premature explosions and causing it to move forwardly into contact with the booster charge after the bomb had been released from the airplane, accomplished the inventor's intended purposes.

Bombs, as we have observed, were old. Booster charges, detonators, and the additional elements essential to arm and explode them, were old. The field of invention with respect to these particular elements was limited by the prior art. Airplane bombs comprehended the use of all of these old elements. The problem confronting inventors in the art was one of adapting them by new and novel combinations in such a way as to produce an operative and useful airplane bomb, and this is precisely what the plaintiff did.

We will not encumber this opinion with the citation of the numerous cases which uniformly hold that a new and novel combination of elements old in the art which produce a new and better result involves invention and is patentable. The importance of an understanding of the scope of the application for an issued patent #1322083 resides in the fact that such knowledge is indispensable to an ascertainment of the fact as to whether the patents in suit are for improvements of the same. If they are, they fall within Article 2 of the license agreement.

The several briefs of counsel abound in cited cases with respect to the established rules for the ascertainment of what is or what is not a patentable improvement. The rules are not perplexing or obscure. It is the application of the same under a given record that often involves difficulty. Sec. 210,

page 296, Volume I, of Robinson on Patents, defines an improvement as follows:

“An improvement is an addition to or alteration in some existing means, which increases its efficiency without destroying its identity. It includes two necessary ideas: first, the idea of a complete and practically operative art or instrument, either natural or artificial, as the original to be improved; and second, the idea of some change in such art or instrument, not affecting its essential character, but enabling it to produce its appropriate results in a more perfect or more economical manner. When such a change involves the exercise of the inventive faculties it is a true invention and is known as an improvement.”

Plaintiff's first patent in suit, #1317609, is stated by the plaintiff to constitute “an improvement upon the detonator” forming the basis of plaintiff's previous application, serial #117579, which matured into issued patent #1317608. The latter patent is the one expressly covered by Article 4 of the license agreement. The specifications of patent #1322083, which materialized from application #98737 which is covered by article 1 of the license agreement, in describing the detonator use this language:

“Fitted for longitudinal movement within the casing 10 is a sliding inner detonator tube 20, which, as explained, extends forwardly to near the outer end of the casing, and at its rear end terminates in and is connected conveniently by being screwed into what I have termed a detonator-carrying head or plunger 21, which is in effect a plug which closes the rear end of the tube 20, is internally cylindrically bored a certain distance to receive said end, and beyond the termination of the cylindric bore is preferably formed with a conical bore 41, the open apex of which enters a transverse bore 42, which is filled with the detonating material 43, so packed within it as completely to fill it at each end against the inner smooth walls of the casing 10.”

The above form of detonator construction, devised in conjunction with what is termed “the detonator-carrying plunger 21 and sliding tube 20”, was designed to permit the functioning of the sliding or telescopic annular tube which carried the detonator into contiguity with the booster charge, where it was exploded when the extruding tube contacted its target and the bullet therefrom contacted the detonator, causing the explosion of the charge contained therein.

Repeating in part what has already been said, the primary purpose of the positioning of the detonator, as well as the method of its operation, was to assure safety, certainty of operation, and secure the explosion of the bomb at a predetermined distance above the surface of the earth or other target. The detonator was charged with fulminate of mercury, a highly explosive compound and obviously to be handled with great care. While there were seemingly no glaring imperfections in plaintiff's detonator, he did in the specifications and claims of patent #1317608 seek to improve it.

Paragraph five of Finding XII depicts in the following language plaintiff's structural features of his improved detonator:

"The detonator body or element which is shown in detail in figure 3 comprises a solid body carrying the detonating material in a pocket or belt 10 formed about its periphery; the detonator body is of steel and is of sufficiently heavy construction so that it will not break into fragments and is not dangerous in itself if accidentally exploded when in the safe or remote position. The spool-shaped ends of the detonator are also sufficiently heavy to confine the explosive forces in a radial direction so that the detonation may take place outwardly when the detonator is in the firing position."

From this disclosure it is apparent that plaintiff's conception of an improved form of detonator embraced structural features intended to concentrate the force of the explosion when the detonator was exploded in the booster charge, and to add safety features in the event of its accidental firing, or when charged with fulminate of mercury. The improvement thus described did not alter in any essential particular the operativeness of the original bomb. Granting to it the widest latitude possible, the improved detonator simply facilitated the certainty of explosion of the same.

What has just been said as to patent #1317608 is as a prelude to discussing patent #1317609, plaintiff's first patent in suit. The former patent is not involved in this case, for under the license agreement a gratuitous right was given the Government to use or manufacture it. Patent #1317608 covered an improvement to the detonator described in plaintiff's application for and letters-patent #1322083, and following this in order comes patent #1317609.

It is difficult in a patent opinion to summarize the descriptive features in an application for letters patent. It is apparent, however, that it must be done because the insertion of the detailed specifications involves a repetition of the findings and extends an opinion to great length. If error inadvertently creeps into the opinion the findings will correct it.

Patent #1317609 is clearly for an improvement to not only patent #1317608 but also to patent #1322083. The subject matter of patents #1317608 and #1322083, so far as bombs and detonators are concerned, is identical. The alleged progress in the art emanates from the same inventor and the obvious intent and purpose of the step taken is to improve what has gone before.

The inventor in patent #1317609 did no more than alter to some extent the structural features of the detonator described in patent #1317608. It did not involve a high degree of invention to alter the structural form of an existing detonator, or the arrangement of the related elements of an existing bomb to procure an explosion of the bomb. The inherent functioning of the elements employed was old, encasements and forms were old, and while the plaintiff's conception did in some respects add safety features to the detonator and increased its efficiency as an exploding medium, his device was in no sense a basic one. It was a unit of the combination of elements in a bomb to which the plaintiff was assiduously addressing his inventive genius.

Is patent #1317610, also for an improvement to patent #1322083, covered by the terms of Article 2 of the license agreement? We think it is. It may not be successfully controverted that patent #1322083 disclosed a structural form of a booster charge, and we think it is equally obvious that the booster charge conceived by the inventor in patent #1317610 is no more than a structural variation from the original one. The plaintiff in his specifications states—

“The object of my invention is to improve the construction of such devices in order that the same may be more economically and efficiently manufactured and assembled and to render the same more effective in operation.”

In the court's opinion the mere fact that an explosive unit is adapted for use in various forms of explosive shells

does not accord to it the character of a basic invention. The issue in this case is not the validity of the patent but whether under Article 2 of the license agreement it constitutes an improvement to the booster charge described and disclosed in plaintiff's application for letters patent #1322083 mentioned in Article 1 of the agreement. A booster charge is an indispensable element in practically every form of explosive missile, and its adaptability to high explosives, with which art the plaintiff was particularly concerned, is manifest from the specifications and claims of the patent.

The plaintiff in his specifications as to patent #1317610 does not specify the invention claimed as an element in the combination disclosed and described in patent #1322083, nor does he in the claims do more than claim the construction specified. This does not however foreclose the possibility of characterizing the same as an improvement. It is a familiar principle of patent law that while an improvement essentially implies the existence of an original on which it rests it is necessarily a complete invention in itself, a distinct unit having an "identity of its own." Robinson on Patents, Sec. 218, page 302, Vol. I.

If the booster construction covered by patent #1317610 is inserted in the aircraft bomb described in patent #1322083 instead of the booster charge disclosed, undoubtedly it would function to add efficiency of operation to the mechanism previously employed, and the right to make and use an improved aircraft bomb over the one shown and described in the application specified, was granted the United States under Article 2 of the license agreement provided the plaintiff invented the same, and this he did.

What we have just said as to patent #1317610 applies to patent #1317611 and it will not be repeated, except to state that as to both patents the improved devices relating to mechanical improvements are not to be designated as possessing no important advancement in the art. On the contrary, the improvements noted were comparatively valuable contributions to the efficiency, safety, and designed purposes of aircraft bombs.

The facts which lead to the conclusion that all the patents up to this point discussed are for improvements to the orig-

inal one, are that in each patent the alleged separate unit described and claimed was devoid of utility and operativeness except in combination with the additional elements of a bomb or other explosive missile. A detonator and a booster charge segregated from the other elements of an airplane bomb were without value to the art.

Patent #1317612 did not involve an improvement to patent #1322083 and for this reason, being excluded from the license agreement, is subject to challenge as to its validity. This invention did not add to nor subtract from any single element utilized in plaintiff's original conceptions as evidenced by prior patents, and therefore could not be an improvement in the sense in which that term is used in patent law. It was an independent patent. The right of the plaintiff to recover compensation for its manufacture by or for the United States is dependent upon the Trading with the Enemy Act, *supra*, a matter to be discussed later in this opinion.

Patent in suit #1317612 like the preceding ones relates to a form of bomb construction, and as the specifications state, "particularly to that type of bomb which is dropped or launched from an aeroplane and explodes on contact." It is, as the patentee states, "of the greatest importance that such devices should be entirely water and weather proof." We set forth in Finding XXV an illustration of plaintiff's patent and details of its construction. The form of construction described and claimed is undoubtedly new, novel, operative, and a distinct contribution to the art.

While the elements employed to effect the combination disclosed in patent #1317612 were old, bringing them into combination in the form disclosed produced structural features which did accomplish their intended purposes. Finding XXV expresses the fact accurately as follows:

"By virtue of such a combination of elements, the spring member not only possesses the function of withdrawing the pin when the release wire frees the same, but also functionally cooperates, because of its constant pressure on the pin, to tightly compress the gaskets, thus causing them to snugly fit about the pin and thus form a waterproof joint. By this form of construction, when the release wire is removed from the pin, pressure is automatically removed from the gaskets,

thus causing them to loosen on the pin and at the same time the spring withdraws the pin from the detonator rendering the same free for movement in the guide tube into juxtaposition with the booster charge."

The defendant characterizes the foregoing patent as no more than an unpatentable aggregation of elements old in the art, grouped in such a way as to involve no more than mechanical skill. The record fails to support the contention. Careful analysis of the prior art cited and the functioning of the elements of plaintiff's patent indisputably establish Finding XLV of the court to be accurate. We quote the final paragraph of the finding with respect to the patent cited as anticipatory.

"This patent does not disclose a waterproof packing gasket surrounding a movable pin and having a resilient means or spring possessing the dual cooperative function of compressing the gasket and ejecting the pin when the retaining means for the pin is removed."

The problem confronting the plaintiff was one involving the maintenance of the detonator in the rear or tail of the bomb as an element of safety, and at the same time affording operative means to move it forward when the bomb was released. In the prior form of construction, to accomplish the above result apertures or openings in the outside surface of the bomb were clearly susceptible to the admittance of water and in no substantial way free from exposure to additional weather conditions.

Plaintiff's ingenious method of employing pin 10, especially in combination with the designated "spiral spring 14", created a combination which not only functioned to maintain the detonator in its designated position until the bomb was launched, but also accomplished a sealing of the openings occasioned in the outside surfaces of the bomb against rain or other weather conditions.

The importance of accomplishing what plaintiff did was a recognized fact. The plaintiff recognized it and so did Gallagher, whose patent is cited as anticipatory. Gallagher's patent was essentially different from plaintiff's. In plaintiff's patent the spiral spring 14 and the release wire 15 combined to exert the pressure necessary to seal the openings, and when subsequently the release wire was withdrawn

to launch the bomb the spiral spring 14 not only operated to eject the pin 15 but possessed the "dual cooperative function of compressing the gasket" and procuring a sealing of the openings until the bomb was launched.

Manifestly, spiral springs were old and resilient wire connections may be and had been made to function in such a way as to exert pressure, but until the advent of plaintiff's device they had not been combined in this particular art to produce the result accomplished. It exacts more than mechanical skill to conceive an essential element of a combination and make it serve a double purpose. This is precisely what plaintiff did. *Cumming v. Baker & Hamilton*, 144 Fed. 395.

An issue of validity is also pleaded as to patent in suit #1318955. Plaintiff in the brief makes this statement:

"The arming problem was not completely solved until Barlow conceived the important invention, still utilized by the defendant, of having the arming mechanism in the tail of the bomb and effecting its actuation by the pull of the bomb itself, when discharged, so exerted upon a longitudinally movable arming wire that the reaction to this pull would not disturb the equilibrium of the bomb, or cause any disturbance of its intended trajectory, or tend in any way to snag the arming wire and prevent its proper functioning."

The court's Findings XXVIII, XLVI, and XLVII disclose the situation with respect to the above-mentioned patent. Plaintiff utilized elements of long known functioning capacity to operate the mechanism disclosed in patent #1317612 and at the same time maintain practically undisturbed the horizontal position of the bomb located underneath the airplane, thereby tending to maintain its proper trajectory towards its objective.

No disputatious record exists in reference to the necessity of launching an airplane bomb in such a manner as to cause its contact with the contemplated target. An airplane moves rapidly, and to accomplish precision in launching a bomb exacts its release in advance of attaining a position directly above the target.

Plaintiff's invention as defined by the claims of this patent did no more than add to the pin release mechanism of his former patent #1317612 a cleat member located approxi-

mately at the center of gravity of the bomb around which the flexible release wire passed, so that when the bomb was released the fact that the upward extension of the wire operating through the cleat or pulley served to project the bomb downwardly in its then horizontal position in order not to deflect it from its proper trajectory, did not, we think, involve or exact the inventive faculty.

To so combine elements old in the art in a way that produces results long known to follow such a combination of the same is not invention but is the exercise of mechanical skill. Innumerable examples might readily be cited exemplifying common knowledge of the fact that the pressure exerted by a falling body may be centered thereon by the use of cleats or pulleys in order to direct as far as possible its trajectory by the use of ropes or wires either operated manually or by the force of its own weight through the mediumship of directed application of the operating means. We think Finding XLVII is amply sustained by the record and the prior art.

The last patent in suit is #1318956. Novelty is claimed for two features of airplane bomb construction. The court's Finding XXXI, in which an illustration appears, sets forth the facts. Taking them up in the order discussed in the briefs, we find the first to be a structural feature intended to provide an air check in the "sliding tube through which the detonator moves from a safe position at the rear of the bomb to a firing position adjacent the booster charge."

The above feature emanated from the necessity of preventing the explosion of the bomb until it had descended a comparatively safe distance from the plane. An airplane in close proximity to the earth may under certain conditions be forced to make a landing, or may be over friendly territory and the normal employment of the bomb be dispensed with, or it may be essential to lighten the weight of the plane to launch the bomb when close to the earth without causing its explosion. All these, and perhaps additional incidents accompanying the flight of bombing planes, suggested to plaintiff his conception contained in the specifications and claims of patent #1318956.

To accomplish a retardation of the arming of the bomb until it had reached an approximate distance from the airplane upon launching, the plaintiff provided a structure which obtained an air check. The patent exhibits that this air check is obtained by constricting that portion of the tubular guiding member shown in the illustration at 22 in Finding XXXI, thereby delaying the detonator's descent through the tube to the booster charge to a gradual one so that if the bomb came into contact with any object when dropped a comparatively short distance from the ground the air check thus created would prevent contact between the firing pin 32 and the fuse cap 34, precluding explosion of the bomb. Claims 1, 2, 3 and 4 of the patent are in issue.

The defendant assails this patent from at least two angles, contending against its validity upon prior art and that what was done involved only mechanical skill and not invention. Findings XLVIII, XLIX and L disclose the extent and teachings of the prior art patents relied upon to invalidate the claims mentioned. It is clear from the patents cited that the inventors' objective in the prior art was to facilitate the explosion of the missiles and not retard it. Plaintiff sought to effectuate a contrary result, i. e., to check the explosion of the bomb and prevent its explosion if perchance the airplane was in comparatively close proximity to the earth. It is impossible from an analysis of the specifications and claims of the prior art patents cited to reach a conclusion that any one of the patentees conceived a device in the nature of an *air check* or the idea of utilizing air through mechanical means to so operate. Their efforts were directed towards the elimination of air chambers, not their utilization.

Defendant cites with apparent confidence a long list of decided cases which clearly establish the quotation in its brief, taken from the case of *Blake v. San Francisco*, 113 U. S. 679, 682. It is as follows:

"It follows from this principle that, where the public has acquired in any way the right to use a machine or device for a particular purpose, it has the right to use it for all the

like purposes to which it can be applied, and no one can take out a patent to cover the application of the device to a similar purpose."

The *Blake case* involved an automatic valve adapted for use on steam fire engines. The improvement upon valves claimed was stated to result in relieving the pressure upon fire hose by regulating the discharge of water through the same, and prevent them from bursting. The court found that automatic valves had long been in use, adapted and applied to other types of steam engines to accomplish the identical result. In the exact words of the court it was said:

"For instance, an automatic relief valve, used to relieve the pressure of steam, produces no new result in character when used to relieve the pressure of water, unless some further effect besides the mere relief of pressure is obtained. This qualification, therefore, will not affect the present case, because no new result in character is accomplished by the supposed invention of the plaintiff. Besides, it appears from the evidence that before Bailey's patent was applied for, relief valves were in common use, both on land and at sea. They were commonly used on the steam feed-pumps of steamships. These pumps were usually fitted with nozzles for the attachment of hose, so that the feed-pump could, in case of need, be used as a steam fire engine."

What was said by the Supreme Court in the case of *Pennsylvania Railroad v. Locomotive Truck Company*, 110 U. S. 490, 494, embraces the rule followed consistently by the Federal courts since. It is as follows:

"It is settled by many decisions of this court, which it is unnecessary to quote from or refer to in detail, that the application of an old process or machine to a similar or analogous subject, with no change in the manner of application, and no result substantially distinct in its nature, will not sustain a patent, even if the new form of result has not before been contemplated."

If inventors in a series of granted patents found as an obstacle to their operativeness the presence of air chambers, and designed devices intended to remove this impediment, may it be said that an inventor who utilizes through mechanical means this precise element to obtain operativeness by both a change in manner of operation and the production

of a substantially distinct result, has applied an old process to a similar or analogous subject? We think not. The teachings of the prior art patents fall far short of suggesting to those skilled in the art that by a mere rearrangement of elements the result accomplished by the plaintiff could have been done readily. The invention here in issue having resulted from the plaintiff's proceeding in a direction directly contrary to the teachings of prior art, is indicative, we think, of accomplishing more than those skilled in the art would do, and therefore possesses the elements of inventive genius.

The second feature of this patent presents ingenious structural elements described in detail in Findings XXXI, XLVIII, XLIX, L, LI, LII, and LIII. The first approach to an analysis of this feature might easily lead to a conclusion that it did not involve invention to do what plaintiff did. More deliberate consideration, however, confirms a conclusion that the specifications and claims disclose new and novel features, operative and useful. Claims 7 to 9 and 10 to 13 are involved.

Plaintiff conceived the idea of bringing about the possibility of handling and transporting the detonator "separately from the main bomb load" and thereby allow the bomb to be assembled at the point chosen for such a service. To accomplish the separation of the forward casing member, which contained the booster charge from the rearward casing member containing the detonator, plaintiff suspended the booster charge in the manner illustrated in Figs. 1 and 4 of the specifications.

The ring extension 28 disclosed in the illustration was so "shaped to provide a rearwardly extending seat of reduced diameter for receiving the casing member 5." In other words, by securing the ring mentioned to both the inner surfaces of the rear casing, the structure detailed operated to not only maintain the booster charge in suspension but also insured the alignment of the detonator tube therewith so that when the rear and forward casing were joined as detailed the operativeness of the bomb was assured.

It is manifest that the stabilizing vanes attached to the rearward member of the bomb were old, and their stabiliz-

ing function well known. A contention to the contrary is not advanced by the plaintiff, but to utilize them as elements of the combination which enabled the division of the two casing members of the bomb, and thus facilitate its safe and convenient handling, was an original conception of the necessity of suitable connecting means to insure the proper re-assembly of the bomb when ready for use. As we understand the patent, its utility was centered upon a provided means which enabled if need be the removal of the booster charge and detonator from their encasements when the forward and rearward members of the bomb were separated, and their replacement later when the parts were re-assembled, thus providing features of safety and convenience in the matter of indispensable incidents in the manufacture and handling of bombs.

There are many cases in the books involving discussions and establishing precedents as to the distinction between mechanical skill and invention. To cite them would be useless. Invention is universally conceded to involve the creative faculty. Mechanical skill as such may be said in many respects to be the opposite. The art with which we are at present dealing concerns high explosives and their employment as instrumentalities of destruction. To so employ them comprehends not only the contemplated scope of their effectiveness when utilized, but the extreme hazards inseparably connected with the process of arming, transporting, and launching them from an airplane.

An inventor whose inventions disclose a scientific knowledge of the details of bomb construction and by a combination of elements accomplishes advanced and important steps in the development of the art which find favorable acceptance and use, exercises more than the fixed standards of workmanship, and is entitled to the benefits of the patent laws.

The right of plaintiff to receive compensation under patents #1317612 and #1318956 is dependent upon the provisions of the act of October 6, 1917 (40 Stat. 394), as follows:

“That whenever during a time when the United States is at war the publication of an invention by the granting of a patent might, in the opinion of the Commissioner of Patents,

be detrimental to the public safety or defense or might assist the enemy or endanger the successful prosecution of the war he may order that the invention be kept secret and withhold the grant of a patent until the termination of the war: *Provided*, That the invention disclosed in the application for said patent may be held abandoned upon it being established before or by the commissioner that in violation of said order said invention has been published or that an application for a patent therefor has been filed in a foreign country by the inventor or his assigns or legal representatives, without the consent or approval of the Commissioner of Patents, or under a license of the Secretary of Commerce as provided by law.

“When an applicant whose patent is withheld as herein provided and who faithfully obeys the order of the Commissioner of Patents above referred to shall tender his invention to the Government of the United States for its use, he shall, if and when he ultimately received a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from the date of the use of the invention by the Government.”

The application for patent #1317612 was filed February 27, 1918. Secrecy notice was mailed to plaintiff April 22, 1918, and letters patent issued September 30, 1919. Patent #1318956 contains this notation, “Continuation in part of application Serial No. 195,609, filed October 9, 1917. This application filed May 27, 1918.” Secrecy notice was mailed to plaintiff July 10, 1918. The defendant, relying upon the findings of fact, contests plaintiff’s right to compensation under the foregoing act, contending that the plaintiff’s predecessor in title did not *tender* the use of the inventions to the United States as the act requires.

The issuance of secrecy orders by the Commissioner of Patents is established, and if a formal tender involving the supplying of patent applications and specifications of the patents, as well as direct contact with authorized contracting officials, is exacted, the contention advanced challenges careful consideration.

In the case of *Zeidler v. United States*, 61 C. Cls. 537, this court for the first time construed the act of October 6, 1917, and in so doing said:

“The act of October 6, 1917, expressly required a ‘tender’ and a subsequent ‘use’ by the Government before the right to sue for compensation attached. Manifestly, when a

patented device is tendered for use and is thereafter used, without claim of right upon the part of the Government to use, a corresponding liability to pay for such use arises. This has been the established rule of law for a long period of time and was the state of the law when the act of October 6, 1917, came into being. *Société, etc. v. United States*, 224 U. S. 309. The act of October 6, 1917, a war measure, was obviously not intended to hold the Government responsible for the use of a patented device in the absence of an express or implied contract to pay for such use. Its terms expressly so state. What it did do was to extend a wholesome and just protection to prospective inventors by saving to them a right to sue for compensation for the use of their patents when letters patent were finally issued, and recover compensation from the date of user instead of from the date of letters patent. The war necessitated secrecy. The Commissioner of Patents was given discretion to enforce secrecy, and he could only discover from the application for patent when the necessity for the exercise of his discretion was essential. Having made the discovery and exercised his discretion, the issuance of the letters patent was positively suspended. The established process of procedure being thus arrested and the inventor's rights suspended, the inventor might still tender his patent to the Government for use—i. e., disclose his application to the full extent—and with matters in this inchoate condition not lose his right to sue and recover compensation for its use, if it was used, to the same extent as if he had letters patent at the time of user. In other words, the law saved to the inventor all rights and privileges which might have resulted disastrously to any claim for compensation by reason of its passage without this saving clause. It is difficult for us to conceive that more was intended." (pp. 552, 553.)

"The usual course of dealing in cases of this sort is for the inventor to tender his patent directly to the Government through the appropriate department and solicit its substitution or use by the Government by specifying such a use in Government contracts." (p. 556.)

In the *Ordnance Engineering case*, 68 C. Cls. 301, plaintiff contended that it was entitled to compensation for use of the patents involved, under the act of October 6, 1917, the defendant insisting to the contrary. In deciding this issue the court said (pages 357-358) :

"The requirement of a tender of an invention was, we think, regarded by Congress as an essential condition precedent to the right of recovery under the statute, because

it afforded advance notice to the Government and the option to use or not use. The statute clearly contemplates a real tender—i. e., the bringing to the attention of the Government the essential facts with reference to the invention so that subsequent use of the invention may prevail with knowledge of liability for the same. We can not read this provision out of the statute.”

In the *Allgrunn case*, 67 C. Cls. 1, the tender of the invention under the act of October 6, 1917, was clearly established. In the instant case it is to be noted that each of the patents sued upon was not granted until 1919. Patent #1317612 was not applied for until February 27, 1918, and the application for patent #1318956 was not finally completed and filed until May 27, 1918. Hence, as to these two patents, with which this issue is concerned, the plaintiff could not have made a so-called tender until some date subsequent to the filing of the applications.

We say this because it is evident that much of the evidence directed to establish tender fails to do more than seek to establish tender for use dependent upon applications which in most instances antedate the applications for the two patents under which we hold the plaintiff to be entitled to compensation under the foregoing statute. Obviously, the reason for the plaintiff's relying upon all the evidence as to tender is attributable to the fact that plaintiff alleges in the petition that recovery is allowable for the use of all six of his patents, under the act of October 6, 1917.

The word “tender” used in the act of October 6, 1917, is not to be given any other meaning than its ordinary one. The statute is a remedial one, and the intent of Congress in exacting a tender of an invention for use was to put the Government upon notice that by user liability to pay the applicant therefor might arise. Its meaning is synonymous with “offer” and there is nothing in the act as a whole which in any way indicates that more was exacted of an applicant than bringing to the attention of the officials the fact of a pending application for a patent and that the Government might use it in any way it might choose. The contention that formal proceedings are involved in making

a tender is untenable. Subsequent to the date of tender the Government, as well as the applicant, was free to examine the application tendered and ascertain the nature of the invention.

On September 22, 1918 (Finding LVIII), the plaintiff expressly notified the defendant that bombs were being made in this country under his patent, and sought not only advice as to the manner of waiving any claims against the Government for their manufacture and use but expressly waived any claim which might accrue under the circumstances. The Assistant Secretary of War declined to accept the waiver of plaintiff's rights. The plaintiff on other occasions was willing to waive any claims against the Government.

We think the letter of September 22, 1918, constitutes a tender within the intent and meaning of the act of October 6, 1917. It brings home to the acting head of the War Department all the facts with respect to existing bomb manufacture and use; points out the infringement of plaintiff's patent, and offers the Government the express right to manufacture and use as it may see fit all bombs previously or thereafter manufactured which fall within plaintiff's pending applications for patents. What is more, the letter is addressed to an official with authority to make contracts.

The defendant predicates a defense to plaintiff's suit upon a contention that the facts as stated in Findings LVI and LVII clearly constitute an implied license to use the patents in suit. To support its argument a copious quotation from the opinion of the Supreme Court in the case of *De Forest Radio Telephone and Telegraph Co. v. United States*, 273 U. S. 236, is set forth in the brief. The quotation is inapposite to the issues in this case. The *De Forest* case was commenced in this court and the recovery sought was for compensation for the use of the patent under the act of June 25, 1910, as amended by the act of July 1, 1918. We have held that as to four of plaintiff's patents in suit the defendant had an express license to use and manufacture, and that as to the two remaining patents plaintiff was entitled to compensation under the act of October 6, 1917, and obviously the quotation cited has no application to litigation coming within the latter act.

We are likewise unable to see how Section 4900 of the Revised Statutes (U. S. C., Title 35, Sec. 49) has any application to this case. The section has to do with marking patented articles. If we are correct as to the existence of an express license it is clearly inapplicable, for under an express contract providing for manufacture and use the issue of the validity of the patent or patents mentioned in the contract is eliminated. *Semple v. United States*, 59 C. Cls. 664; *National Clay Products Co. v. Heath Unit Tile Co.*, 40 Fed. (2d) 617; *Dall Motor Co. v. Packard Motor Co.*, 178 N. E. 835.

The plaintiff, as we have before observed, did not obtain a single granted letters patent until the year 1919, and during the period intervening between the filing of applications and issue of letters patent was under the imperative necessity of maintaining strict secrecy and prohibited from communicating to anyone save the United States as to his applications or their contents. In any event, under Section 4900 of the Revised Statutes plaintiff was under no obligation to mark the patented article until letters patent were granted for the same. It may be—at least it is not proved to the contrary—that neither the plaintiff nor his predecessor in title knew of the manufacture of bombs infringing his patents by independent contractors for the United States. In addition to this, however, it is clear from the record in this case that the defendant was in possession of full knowledge of plaintiff's patent rights, and being in such a position it could not infringe them with impunity under Section 4900.

Findings XIV and XV disclose plaintiff's acquisition of title to the patents involved. The stockholders of the Marlin-Rockwell Corporation are not contesting plaintiff's rights under the supplemental agreement executed by that corporation on January 3, 1931. The special jurisdictional act authorizes the suit and waives the interposition of the defenses otherwise available under patent laws.

The case is referred to Commissioner Gordon to take proof as to the amount of compensation, if any, to be awarded the plaintiff, the amount to be determined in accordance with this opinion. Upon the coming in of the

Commissioner's report and the termination of proceedings incident thereto, the findings of fact and this opinion will be certified to Congress in accord with the provisions of the special jurisdictional act. It is so ordered.

WHALEY, *Judge*; WILLIAMS, *Judge*; LITTLETON, *Judge*; and GREEN, *Judge*, concur.

A true copy.

Test:

*Chief Clerk, Court of Claims
of the United States.*

2

In the Court of Claims of the United States

No. H-272

(Decided June 7, 1937)

LESTER P. BARLOW v. THE UNITED STATES

Mr. H. Dorsey Spencer for the plaintiff. *Mr. Hiram C. Todd and Baldwin, Hutchins & Todd* were on the brief.

Mr. Alexander Holtzoff, with whom was *Mr. Assistant Attorney General Sam E. Whitaker*, for the defendant. *Mr. Herbert A. Bergson* was on the brief.

This case having been heard by the Court of Claims, the court, upon the report of a Commissioner and the evidence, makes the following

ADDITIONAL FINDINGS OF FACT ON ACCOUNTING

1. The Barlow patents in suit numbered 1317609, 1317610, and 1317611, are patents directed to improvements upon patent no. 1322083, and the rights of the parties with respect to compensation are therefore fixed by the license agreement of April 3, 1917, between plaintiff's then assignee, Marlin Arms Corporation and Brigadier General William Crozier, Chief of Ordnance, United States Army. (Special Finding of Fact X, opinion of this Court, February 3, 1936.)

2. The Barlow patents in suit numbered 1317612 and 1318956 are valid and infringed.

The Barlow patent no. 1318955 is invalid.

3. The improved detonator described and claimed in patent no. 1317609, and the improved booster described and claimed in patents numbered 1317610 and 1317611 were incorporated and formed a portion of the structure in each of the bombs made under the following contracts listed in

plaintiff's exhibit 1-Acc, which exhibit is by reference made a part of this finding:

Contract P 4348-1475 TW	-----	50,000 bombs.
" P 4346-1473 TW	-----	75,001 "
" P 4295-1456 TW	{ a-----	120,000 "
	{ b-----	75,986 "
" C 1961-675 TW	{ a-----	12,231 "
	{ b-----	20,000 "
Total	-----	353,218 "

4. On the basis "of royalty of ten per cent (10%) of the purchase price of each complete drop bomb, either loaded or unloaded, procured by the United States from private manufacturers" (the royalty reserved in Article 1 of the contract of April 3, 1917), the amount of royalty due at the date of final delivery of bombs on each of the bomb contracts listed in finding 3, *supra*, is as follows:

Contract	Quantity of bombs	Price per bomb	Total cost	10% royalty
P 4348-1475 TW	50,000	\$12.41	\$620,500.00	\$62,050.00
P 4346-1473 TW	75,001	12.50	937,512.50	93,751.25
P 4295-1456 TW	{ a 10,700	16.53	176,871.00	17,687.10
	{ b 109,300	16.385	1,790,880.50	179,088.05
C 1961-675 TW	{ a 75,986	12.265	931,968.29	93,196.83
	{ b 12,231	17.09	209,027.79	20,902.78
	{ b 20,000	14.09	281,800.00	28,180.00
Total	353,218		4,948,560.08	494,856.01

5. The release pin and gasket construction features described and claimed in Barlow patent no. 1317612, and some of the features described and claimed in Barlow patent no. 1318956, which is directed to the guide tube, booster casing, and bomb assembly construction, were incorporated and formed a portion of the structure in each of the bombs made under contracts listed in the following table:

Contract P 8016-1914 TW	-----	4,988 bombs.
" P 6310-1808 TW	-----	73,733 "
" P 4347-1474 TW	-----	13,000 "
" P 4351-1478 TW	-----	30,000 "
" P 4349-1476 TW	-----	32,000 "
" P 7513-1878 TW	-----	75,886 "
" P 6874-1849 TW	-----	1 bomb.
" P 2789-956 TW	-----	15,000 bombs.
" P 13552-2353 TW	-----	50 "
Total	-----	244,658

A fair and reasonable combined royalty for the use of such features of these two patents is 40 cents a bomb.

6. The following table shows the total computed royalty at 40 cents a bomb and the final delivery dates under the contracts specified in finding 5:

Contract	Number of bombs	Amount of royalty	Final delivery date
P 8016-1914 TW	4,988	\$1,995.20	February 10, 1919.
P 6310-1808 TW	73,733	29,493.20	February 1, 1919.
P 4347-1474 TW	13,000	5,200.00	September 28, 1918.
P 4351-1478 TW	30,000	12,000.00	September 31, 1918.
P 4349-1476 TW	32,000	12,800.00	December 31, 1918.
P 7513-1878 TW	75,886	30,354.40	February 19, 1919.
P 6874-1849 TW	1	.40	December 12, 1918.
P 2789-956 TW	15,000	6,000.00	August 10, 1918.
P 13552-2353 TW	50	20.00	August 18, 1918.
Total	244,658	97,863.20	

7. There is not sufficient evidence to ascertain a reasonable royalty for the use of any features covered by Barlow patents nos. 1317612 and 1318956 which may have been used in the construction of bombs under the group of contracts listed in finding 3.

Plaintiff has waived any royalty for the use of the inventions covered by these two enumerated patents with respect to the bombs set forth in group of contracts listed in finding 3.

8. This action was instituted by the filing of a petition in the Court of Claims on June 30, 1927. The plaintiff commenced the presentation of his case by filing a stipulation of facts on January 27, 1930. The plaintiff commenced to take testimony in support of his petition on March 4, 1930, and continued to do so intermittently until June 7, 1932, when he closed his case. The defendant commenced to take its testimony on June 8, 1932, and closed it on June 16, 1932. The plaintiff commenced to offer testimony in rebuttal on November 15, 1932, and closed it on November 29, 1932. The defendant commenced its surrebuttal on the same day and closed it on the following day, to wit, November 30, 1932. On May 3, 1933, the case was reopened for the purpose of permitting the plaintiff to offer an additional exhibit, after which the case was submitted to the commissioner for the preparation of findings of fact. How

much of this delay was avoidable or unavoidable does not appear.

9. A reasonable and entire compensation for the 597,876 bombs manufactured is the sum of \$592,719.21 (\$494,856.01 [finding 4] plus \$97,863.20 [finding 6]), together with interest at 5% per annum on \$97,863.20 from February 10, 1919, to date of payment.

OPINION

BOOTH, *Chief Justice*, delivered the opinion of the court:

This is a patent case now before the court on the issue of accounting. The court on February 3, 1936, filed findings of fact with an opinion, holding the defendant liable as appears from findings this day filed, the case having been remanded to the Commissioner of this court in accord with a stipulation of the parties to take testimony and report to the court the extent of the liability of the Government under the court's findings and opinion.

The Commissioner's report under the order of remand was filed February 24, 1937. The defendant filed exceptions thereto on March 24, 1937. The plaintiff did not except.

Defendant's exceptions are not directed to inaccuracies in figures or computations made by the Commissioner. They do challenge (1) the liability of the Government, insisting upon a free license to use patents 1317609, 1317610, and 1317611; (2) that if the first contention is sustained the total sum stated in Finding 4 as damages for the use of the above patents must be materially reduced; and (3) that the rate of interest allowed is too high.

Finding X, filed by the court February 3, 1936, sets forth the pertinent provisions of a contract entered into between the Marlin Arms Corporation, plaintiff's assignor, and the United States, covering the use and manufacture of a drop bomb for which an application for a patent was then pending. Subsequently this application matured into patent 1322083 to the plaintiff Barlow on November 18, 1919.

Article 1 of this contract licensed the United States to use in an unrestricted way the above patent upon payment of a 10% royalty of the purchase and cost price of each bomb procured. In addition to the fixed royalty noted.

Article 1 empowered the United States to manufacture, or "have manufactured, to use and sell, drop bombs possessing any or all of the features covered by and described in application for letters patent numbered 98737, filed May 20, 1916, the claims of which application have been allowed in full, and of which the contractor claims to be the sole owner."

Article 2 of the contract provided as follows:

It is further agreed that in consideration of the assistance rendered by the Ordnance Department, United States Army, in the development of the drop bomb referred to herein, and of the royalty to be paid as set forth in article 1 of this contract, the Ordnance Department, United States Army, shall have the right, without the payment of any additional sum, to manufacture, to have manufactured, to use and to sell, drop bombs *possessing such improvements of any of the features* covered by the application for letters patent specified in article 1 of this contract as may be covered by applications hereafter allowed the contractor by the United States Patent Office. [Italics ours.]

The court held that patents 1317609, 1317610, and 1317611 came within the license contract of April 3, 1917, and that the fixed royalty provided in the same should have been paid to the plaintiff. The defendant renews a contention that under Articles 2 and 10 of the license agreement the plaintiff is precluded from recovering any sum as and for an infringement of these patents.

Article 2 of the license agreement, which provides that the Army may use improved features of the patented bomb 1322083, carries with it, the defendant contends, a free license to use patents 1317609, 1317610, and 1317611, not only because the court held that said patents were covered by the license agreement but because it was therein provided that the Army "shall have the right, without the payment of any additional sum", to use said patents as provided in Article 1.

If the defendant's construction of Article 2 is sound, the plaintiff under this jurisdictional act placed the defendant in the advantageous position of being able to discontinue the use or manufacture for it of bombs under patent.

1322083, the patent covered by Article 1, and resort to the use of vastly improved bombs under the improvement patents without paying any royalty. While manifestly the parties are bound by the license agreement, the construction contended for brings about an exceptional and most unusual agreement.

If the words "without the payment of any additional sum" constitute a conclusive free license to use the improved patents, rather than a right to use the same without paying a royalty therefor in excess of the 10% provided in Article 1, then defendant's position is as stated, predicated upon two considerations—first, that the amount of the royalty to be paid under Article 1 was the entire money consideration exacted by the patentee, and second, that the aid furnished by the Ordnance Department of the Army induced the execution of Article 2.

The license agreement was undoubtedly negotiated and executed, and the amount of royalty to be paid thereunder fixed upon the basis of the service rendered the patentee by the Ordnance Department of the Army. The Government officials who made the contract appraised the value of the contribution made by the Army to the invention, and clearly no attempt was made to extend its value to a free license to use the patents.

Article 1 of the agreement in a definite way grants an unrestricted license to the Government, so far as the allowed application 98737 for patent 1322083 is concerned, and it is apparent that the parties to the agreement at the time anticipated improvements upon this patented bomb. If patented improvements came into existence, Article 1 would not have entitled the Government to use the same. Therefore, it was a matter of foresight, grounded upon necessity, to provide in Article 2 that the Government acquire the same rights in improved patents as it acquired by the terms of Article 1.

The court's findings disclose that the art involved was open to a variety of improvements. Drop bombs had not developed to the extent of perfection by any means, and the license agreement in Article 2 was intended to obligate the patentee to receive no more than a 10% royalty in the event the Government used or caused to be used a bomb.

embodying improvements of the one mentioned in Article 1. It is difficult to conceive that either party intended to acquire rights whereby the Government could discontinue to use bombs covered by patent 1322083 to be paid for upon a unit basis, and then after important improvements came into being enjoy the user of the improved ones, which it is demonstrated were most extensive, upon a free license basis.

If a construction of the license agreement contrary to what has been said is to prevail, nothing could interfere with the Government's discontinuing use of bombs under Article 1 when comparatively few had been used, and immediately commence the user of the improved ones under Article 2 and pay no more for the same than a nominal sum under Article 1.

Article 10 of the agreement is relied upon as a complete defense to the suit. A number of cases are cited, all of which sustain the rule that where the parties to an express contract agree to submit doubts and disputes arising during the course of contract performance to a designated official and make his decision final, such a decision may not be challenged except for bad faith or such gross error as to warrant an implication of bad faith. The leading case is *United States v. Gleason*, 175 U. S. 588.

The defense asserted encounters an obstacle due to the fact that plaintiff's assignor, The Marlin-Rockwell Corporation, did not manufacture a single one of the bombs involved in this item in suit. The question of a free license to manufacture or use the improved patented bombs was not called to the attention of the owners of the patents, and the record is silent as to the fact of knowledge of any kind upon the part of the Marlin-Rockwell Corporation that the bombs were being manufactured and delivered by contractors other than it.

It has been held by the court that the bombs manufactured by the Government infringed plaintiff's patents; that contractors other than the Marlin-Rockwell Corporation were paid for the same, and that this record discloses no evidence that the Government acted upon a claimed free license to do what was done. There was no opportunity for a dispute between the parties as to the meaning

of anything in the Marlin-Rockwell Corporation license agreement. The Government disregarded it and proceeded to procure the bombs under another and wholly independent contract, and a special jurisdictional act was essential to maintain this suit.

The royalty of 10% fixed by the court's finding 4 is arrived at by accepting the sum the parties agreed upon in the license contract. We think the royalty thus established is a reasonable one in view of all the facts in the case. Plaintiff is, of course, not contending for a right of recovery under the license contract. Nevertheless, having consented that a royalty of this sum is sufficient consideration for the granting of a license to defendant, plaintiff is not entitled under this item in suit to more.

The final challenge to the award made to plaintiff is confined to two important propositions directly involving a contention for a substantial reduction of the sum reported in the accounting findings. It is first claimed and argued that the date from which interest is to be computed upon the award should be limited to a six-year period, because of the prolonged delays of the plaintiff in presenting testimony and preparing the case for trial.

Predicating an argument upon an inexcusable delay in prosecuting a case involving an interest allowance is manifestly deserving of serious consideration. This case has been pending since 1927, and no evidence was presented until 1930 before the Commissioner of this court to whom the case was referred for the taking of testimony. After 1930, despite the lingering character of the record, it may not be said, as the court's records disclose, that unusual and unexpected delays obtained.

The difficulty inherent in the defendant's contention resides in the fact that the only evidence the court has upon which a charge of inexcusable delay may be sustained against the plaintiff is the records of the clerk's office, which do not disclose with sufficient definiteness the cause of the delay. We have no means of attributing it entirely to the plaintiff and no record of facts upon which to rest a conclusion that in some, if not many, instances, it was unavoidable. However, inasmuch as the findings and opinion

must be reported to Congress, we believe the defendant's request for an additional finding on this subject should be allowed, and the finding is given.

In the *Richmond Screw Anchor Company case*, 275 U. S. 331, the Supreme Court held that the assignee of a patent is entitled under the act of 1910 as amended by the act of 1918 to recover for past infringements of patent rights.

In the case of *Waite v. United States*, 282 U. S. 508, and in the *Seaboard Air Line Railway Co. v. United States*, 261 U. S. 299, it was said: "Interest at a proper rate is a good measure by which to ascertain the amount so to be added." This language was used to sustain the rule that under the law the plaintiff was entitled to just compensation for the taking of his property, and just compensation comprehends the allowance of such a sum as will compensate him in full. Therefore, if the payment of just compensation is not made when the property is taken, interest at a proper rate is to be added extending from the date of the taking until payment is made. We have fixed the rate of interest in the findings.

The original findings of fact and opinion of the court filed February 3, 1936, together with additional findings of the court on accounting and the court's opinion thereon this day filed, will be reported to Congress as the act of March 3, 1927, provides. It is so ordered.

WHALEY, *Judge*; WILLIAMS, *Judge*; LITTLETON, *Judge*; and GREEN, *Judge*, concur.

A true copy.

Test:

*Chief Clerk, Court of Claims
of the United States.*

2

In the Court of Claims of the United States

No. H-272

(Decided May 31, 1938)

LESTER P. BARLOW v. THE UNITED STATES

Messrs. George A. King and George R. Shields for the plaintiff. *Baldwin, Todd & Young and Messrs. Robert A. Young, H. Dorsey Spencer, and Paul E. Haworth* were on the briefs.

Mr. Alexander Holtzoff, with whom was *Mr. Assistant Attorney General Sam E. Whitaker*, for the defendant. *Mr. Herbert A. Bergson* was on the brief.

ON MOTION FOR NEW TRIAL

BOOTH, *Chief Justice*, delivered the opinion of the court:

This case is now before the court upon plaintiff's motion for a new trial. The plaintiff's claim was referred to this court by the following act of Congress (44 Stat. 1844):

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims is hereby authorized and empowered to hear and determine the claim of Lester P. Barlow against the United States, arising out of the use by the United States of certain inventions of said Lester P. Barlow described by United States Letters Patent Numbered 1317609, 1317610, 1317611, 1317612, 1318955, 1318956: Provided, That within one year from the date of the approval of this Act said Lester P. Barlow shall file in said Court of Claims his petition setting forth the statement of his said claim: And provided further, That section 3477 of the Revised Statutes of the United States, and any statutes of limitation ordinarily applicable, be, and the same

and adopted to harmonize the two, and this amendment is in the bill now before us.

On March 2, 1927, the following proceedings took place in the House of Representatives:

Mr. HOOPER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10178) to confer authority on the Court of Claims to hear and determine the claim of Lester P. Barlow against the United States, with the Senate amendment, and agree to the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was read.

The Senate amendment was agreed to.

It is true that the second proviso to the act uses this language—"the Court of Claims in considering and adjudicating the above-described claim," but it is also true that in this same connection these words appear: "and such finding on the law and facts of said claim as the Court of Claims may make *shall* be reported to Congress" [italics supplied], and this same language is repeated in the fourth proviso of the act with reference to the claim by the Government by way of set-offs, the court being required to report the law and the facts. Congress having twice commanded the court to report the law and facts respecting every phase of the controversy referred indicates, in our opinion, that they intended to reserve final action upon this claim. Congress knew of the statute which requires an annual report of our judgments, etc., to that body, and if this language means no more than to embrace the same it is surplusage. We think it was inserted for a purpose.

In ordinary Congressional references under Section 151 of the Judicial Code by one house of Congress the court does not report the law and the facts of the case. We report the facts, and when an act of Congress exacts in express language a report of both the facts and law to Congress it is manifest that the court may not disregard this command. In our annual report to Congress we do not go into any such detail, and from this annual report Congress could not ascertain the legal reasons for rendering a judgment in a given

case, or sufficient information upon which to rest independent consideration of the cases reported.

The plaintiff stresses the fact that the special act uses this language, "the Court of Claims in considering and adjudicating the above described claim of Lester P. Barlow," which, taken in connection with the clauses which precede them, indicates that a case for judgment is intended.

It is true that in some of the cases cited in plaintiff's brief determinative significance was given to the word "adjudicate," and it was held that the use of the word in its connection with the context of the entire act gave the court jurisdiction to render judgment. *United States v. Irwin*, 127 U. S. 125. In that case the language used was precise; the court was to adjudicate it "according to law." The act itself conferred jurisdiction and provided a remedy where none had existed before.

The remaining cases brought to the attention of the court by plaintiff exhibit, we think, judicial adherence to the fundamental rule of statutory construction wherein the ascertainable intent of the legislative body is the conclusive factor in determining the scope and meaning of an act. Special jurisdictional acts are to be strictly construed, *Schilling v. United States*, 155 U. S. 163, and if the language of the act indicates a congressional intention to withhold jurisdiction from the court to render a judgment and simply report the *law* and the *facts* to Congress, it is, we think, when taken into consideration along with the legislative procedure which granted the right, the duty of the court to follow the direction. Especially is this true if the contention involves an element of doubt. *Blackfeather v. United States*, 190 U. S. 368.

The special jurisdictional act in this case does not provide for a review of our decision by the Supreme Court, and while the absence of such a provision is not conclusive evidence of an intent to withhold jurisdiction to render a judgment, it is a fact which may be taken into consideration and given weight in ascertaining legislative intent. The court is unaware of any established precedent which fixes the rate of interest to be allowed in eminent domain cases as a part of just compensation. *Shoshone Indians v. The United States*, 85 C. Cls. 331, affirmed by the Supreme Court April 25, 1938.

We believe the rate which we fixed in this case is ample to make up just compensation for the taking of the plaintiff's patents.

The motion for a new trial is overruled. The findings of fact and opinion heretofore rendered, together with this opinion, will be certified to Congress. It is so ordered.

WHALEY, *Judge*; WILLIAMS, *Judge*; LITTLETON, *Judge*;
and GREEN, *Judge*, concur.

A true copy.

Test:

*Chief Clerk, Court of Claims
of the United States.*

Federal Bureau of Investigation
United States Department of Justice

Des Moines, Iowa
May 11, 1940

Director
Federal Bureau of Investigation
Washington, D. C.

Dear Sir:

Enclosed herewith are five copies of a letter received from R. W. Nebergall, Chief of the Iowa State Bureau of Investigation, concerning one Barlow who it is believed offered high explosives to army officials for experiment recently.

This is being forwarded to the Bureau for transmittal to appropriate authorities.

Very truly yours,

E. R. Davis
SPECIAL AGENT IN CHARGE

E. R. DAVIS,
Special Agent in Charge.

ERD:DLH
61-3

Enclosures

*Copy of letter to
to E. R. D.
5-20-40
K. M.*

[Signature]

ENCLOSURE

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FEDERAL BUREAU OF INVESTIGATION
1 MAY 15 1940
U. S. DEPARTMENT OF JUSTICE

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May 10, 1940

E. R. Davis,
Special Agent in Charge,
Federal Bureau of Investigation,
739 Insurance Exchange Bldg.,
Des Moines, Iowa.

Dear Mr. Davis:

You are no doubt familiar with recent news dis-
patches referring to one Barlow, who is said to be the in-
ventor of a new high explosive which he has recently demon-
strated to military authorities in the United States.

The Barlow referred to originally comes from Clear
Lake, Iowa and is said to have at one time been identified
with certain individuals in Des Moines. Since the appearance
in the newspapers of the items referring to his demonstration
of his new high explosive, there appears to be quite a little
comment in radical circles in Des Moines and it has come to
our ears that certain individuals here have said that Barlow
a few years ago was an avowed Red.

We are unable to vouch for the correctness of this
information and are passing it on to you for such attention
as it may merit.

Cordially and sincerely yours,

R. W. NEELGALL,
Chief of Bureau.

RWN:VV

44-1000-1

Federal Bureau of Investigation
United States Department of Justice

Sioux Falls, South Dakota
May 29, 1940

Director
Federal Bureau of Investigation
Washington, D. C.

Dear Sir:

Re: LESTER P. BARLOW;
INFORMATION CONCERNING.

Reference is had to the teletype from the Omaha Office to the Director under date of May 27th and letter to the Director from the Omaha Office under date of May 27th, copies of which communications were furnished the Sioux Falls Field Division.

The alleged former Special Agent mentioned therein possibly may be one GLEN MOORE or one WILSON. These are two men I remember as Special Agents in the Omaha Division during the late war, WILSON being an attorney who, after he left the service, practiced law in Lincoln, Nebraska, which is his home. MOORE left the service after the war, was originally from Deadwood, South Dakota, and has been living in western Nebraska.

Special Agent EMERY mentioned in the letter from the Omaha Office was not in the service during the late war or immediately after the war. Another Agent in the Omaha Office during the pertinent period was one known as CLYDE LAKE, who after leaving the service became a narcotic agent.

Very truly yours,

Werner Hanni

WERNER HANNI
Special Agent in Charge

WH:jb
CC:Omaha

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FEDERAL BUREAU OF INVESTIGATION	
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May 20, 1940

RECORDED

Brigadier General Sherman Miles
Assistant Chief of Staff
G-2, War Department
Washington, D. C.

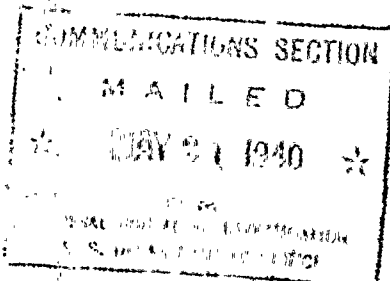
Dear General Miles:

For your information and such attention as you may deem appropriate, I am transmitting herewith one copy of a letter concerning Lester Barlow which was directed to the Des Moines office of this Bureau on May 10, 1940, by Mr. W. H. Hebergall, Chief of the Iowa State Bureau of Investigation, Des Moines, Iowa.

Sincerely yours,

Enclosure

BY SPECIAL MESSENGER



P. J. KELLY
FARMS, RANCHES, LOANS AND INSURANCE
BROKEN BOW, NEBRASKA

May 24, 1940

*ack 6/1/40
C/K*

Hon. J. Edgar Hoover
Federal Bureau of Investigation
Washington, D. C.

Dear Mr. Hoover:

For some time I have been reading in the daily press about the bomb inventions of Mr. Lester P. Barlow. This recalls to mind a time in April 1920, while as a special agent F.B.I., I was sent to Aberdeen S. D. to investigate the activities of this gentleman, who was at that time considered one of the most dangerous radicals in the territory comprising the two Dakotas and Minnesota. No doubt your department has a complete file in this connection, as the daily papers in the Dakotas printed at length a great many stories about he and his organization.

However, as a veteran of the world war, and knowing the shrewdness and deceitful way in which this man operates I would like to offer this suggestion, that before he is taken seriously in the eyes of the public; that he prove that he is doing his work honestly and to the best interests to the country; that he had an opportunity to defend in 1918 (I believe the record will show that in the world war he registered as a conscientious objector). There is no doubt but what this man is smart and is equipped with a lot of ability. Neither do I believe his attitude in registering as an objector was due to the fact of any religious tendencies, or that he was a coward, as I believe the record will show that he was a member of Villia's staff when he attempted to overthrow the government of Mexico. These statements were claimed in an article published in a Minn. N. D. paper also again published in the Aberdeen S. D. Daily American. He attempted to sue the Aberdeen paper for libel and collected from his followers some \$800.00 in a defense fund, but I understand no suit was ever filed.

I am quite certain this is the same man who is now inventing bombs, and unless he has changed his ways, to my notion, he is a dangerous man to be connected in any way to our war time preparations.

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Yours very truly,

John W. Kelly
John W. Kelly

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FEDERAL BUREAU OF INVESTIGATION
2 MAY 27 1940
U. S. DEPARTMENT OF JUSTICE

PERSONNEL

CHC:FMB

June 1, 1940

PERSONAL AND ~~CONFIDENTIAL~~

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Lester Pence Barlow

I am transmitting herewith, as of possible interest to you, a copy of a memorandum dated May 31, 1940, containing information with respect to one Lester Pence Barlow, who recently received considerable press publicity in connection with an alleged invention of a new type liquid oxygen-carbon explosive bomb, known as "Glimite."

Respectfully,

John Edgar Hoover
Director

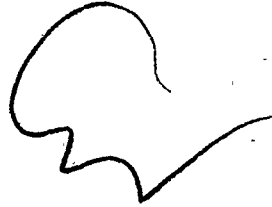
Enclosure

- Mr. Tolson
- Mr. Nathan
- Mr. E. A. Tamm
- Mr. Clegg
- Mr. Glavin
- Mr. Ladd
- Mr. Nichols
- Mr. Rosen
- Mr. Tracy
- Miss Gandy

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May 31, 1940

M E M O R A N D U M

RE: LESTER PENCE EARLOW

The following information relates to one Lester Pence Earlow, who recently received considerable press publicity with respect to an alleged invention of a new type explosive bomb.

It is reported that Earlow was born in the State of Wisconsin on December 21, 1882, being the son of G. T. Earlow. He lived during a portion of his early life with his father at Clear Lake, Iowa. Earlow enlisted in the United States Navy as a coal passer on October 5, 1904, stating upon such occasion that his trade was "stationary engineer." Earlow subsequently served aboard the U.S.S. SOLACE, U.S.S. SUPPLY, U.S.S. T'INGO, U.S.S. GALVESTON, U.S.S. MEXICAN and U.S.S. DEFFRENT. He was honorably discharged from the Navy at Mare Island, California, on October 19, 1908, at which time he possessed the rating of Electrician, Second Class.

Information concerning Earlow's activities subsequent to the last mentioned date is not complete. However, Earlow is reported to have obtained certain patents from the United States Patent Office in connection with explosive bombs designed by him during 1916.

Earlow is reported to have served with the Mexican revolutionary leader, Pancho Villa. He has allegedly boasted of his service with Villa, and assertions have allegedly been made to the effect that Earlow was in charge of "Villa's air force consisting of two old Martin bombers."

According to available information, Earlow did not serve in the armed forces of the United States during the World War, and, while assertions have been made to the effect that he evaded such service by registering as a "conscientious objector," definite information in this regard is not possessed.

On March 15, 1918, one M. M. Gibbs, 1219 Pennsylvania Building, Philadelphia, Pennsylvania, allegedly stated that he was

MAY 31 1940

MAIL ROOM

RECEIVED

U.S. DEPARTMENT OF JUSTICE

PHILADELPHIA

an associate of Barlow and that the latter had invented a new "aerial torpedo," being considered by United States military and naval authorities. It was stated that Barlow, while returning to the United States from London, England, during May, 1917, formed an acquaintance with a woman passenger on the ship, which acquaintance resulted in marriage. Gibbs allegedly stated that following the marriage Mrs. Barlow resided at 254 Ferry, New Haven, Connecticut, and that during March, 1918, she mysteriously disappeared. It was stated that Mrs. Barlow probably possessed considerable information about the aerial torpedo, and it was suspected her disappearance might have involved espionage activities. Additional information concerning the above incident is not possessed.

On July 10, 1918, Barlow executed passport application No. 25508, in which he deposed that he would depart from New York City enroute to France on July 18, 1918. Barlow indicated further in this passport application that he desired to visit France for the purpose of observing military tests. Attached to the above mentioned application for passport was a letter dated July 9, 1918, signed by Peyton C. Marsh, Chief of Staff, War Department, addressed to the Bureau of Citizenship, Department of State, reading as follows:

"The War Department has no objection to issuing passport to Mr. Lester P. Barlow, whom it has authorized to proceed to France to witness the tests of the bombs of which he was the practical inventor."

Barlow obtained the passport on the above occasion, and he subsequently, on August 9, 1918, sailed for Bordeaux, France, aboard the S.S. *HOFFMAN*. Barlow indicated to officials of the French line when purchasing his steamship ticket that he was employed by the Harlin-Rockwell Corporation, 347 Madison Avenue, New York City.

Information was recently obtained from a local official in Des Moines, Iowa, to the effect that Barlow was formerly associated with a number of individuals at Des Moines, Iowa, at which time Barlow was an "avowed Red." Available information indicates that during April, 1920, Barlow was active in Aberdeen, South Dakota, and vicinity in connection with an organization known as the "World War Veterans," Barlow having allegedly represented himself as being National Chairman of this group, which was reported to be of a very "radical" nature. Sponsors of the organization, "World War Veterans," allegedly claimed that it was formed in France by ex-soldiers and sailors nine days following the Armistice and that it was strongly opposed to the American Legion and the aims of the latter organization.

According to reports and information obtained during 1920, sponsors of the organization, "World War Veterans," stated that, while the American Legion represented the "capitalistic" class, "World War Veterans" represented the "masses." It was reported that this organization planned during 1920 to secure complete control of the political destiny of the United States within one year by any methods available. This organization allegedly planned to form a political party to be known as the "National Service Party," by fusion with the following organizations:

The Non-Partisan League

The Committee of Forty-Eight

The Industrial Workers of the World

The Communist and Communist Labor Parties

The American Federation of Labor

The Socialist Party (Both factions as existing in 1920)

It was reported that leaders of the organization, "World War Veterans," had stated they would agree to combine with any other organizations that might desire to "air their grievances and get justice for the proletariat." Barlow also made speeches in which he represented himself to be an organizer for the National Service Party of the Non-Partisan League.

Barlow, while making a speech at Aberdeen, South Dakota, on April 18, 1920, allegedly advised the audience that he was engaged throughout the World War in working on various inventions and, further, that all of the bombs used by the United States Army were invented by him. He also stated, according to available information, that he was on very familiar terms with certain Governmental officials in Washington and that "he had the inside on the aircraft scandal" but had been refused permission to testify before the Senate investigating committee due to the fact his testimony might expose "some high officials." Barlow on the above occasion allegedly attacked the national administration then serving in Washington.

Information has been received that on June 20, 1920, Barlow attempted to make a speech from the street curb in Mason City, Iowa, to a number of followers, this speech being of such a nature that either the Mayor or Chief of Police ordered him to be taken into custody after he had been speaking about thirty minutes.

It is reported that Barlow was on this occasion taken to the Police Station at Mason City, Iowa, and Barlow, himself, allegedly stated during the course of a speech on the evening of the same day at Clear Lake, Iowa, that he was arrested and taken to the Police Station at Mason City. Barlow referred, on the last mentioned occasion, to the Chief of Police of Mason City, Iowa, as a "dope fiend," and he allegedly stated that he intended a return to Mason City for another speech, asserting that the Mayor and Chief of Police would either publicly apologize for the above mentioned arrest or would be sued by Barlow for damages. Barlow was reported to have stated on the occasion of his speech at Clear Lake, Iowa, that officials at Mason City, Iowa, had not been respecting the citizens' rights of free speech, et cetera, and he allegedly added that "the Mason City bunch during the War held kangaroo courts and forced people to buy Liberty Bonds, receiving commissions on the bonds that they sold."

According to available information, Barlow, on January 27, 1920, made a speech in the Labor Temple Hall, Des Moines, Iowa, during a meeting of the World War Veterans, concerning which the following information has been furnished:

"The President and the Department of Justice came in for a share of Mr. Barlow's remarks, in which he charged that the 'capitalistic' press of this country has been suppressing facts to keep the people in a state of ignorance, a policy, however, which he claimed is not meeting with general success, as the people are waking up to the fact that they have been deluded in the past. He further said that the Department of Justice agents had explicit instructions not to interfere with him 'for fear of getting them all in Dutch' on account of his intimate knowledge of conditions within the Department. This he advanced as a reason for his not being molested."

During March, 1933, information was received that Lester P. Barlow "of the Modern 76'ers" was formerly associated with a Communist individual by the name of Jack Bradon in organizing the "World War Veterans" which was alleged to be a Communist organization. Bradon, according to the above source, was an alternate of the Central Executives Committee of the "Workers Communist" Party and was Secretary and Treasurer of the Chicago Committee of the Communist International Worker's Aid. It was stated that the "Modern 76'ers" movement, allegedly sponsored by Barlow, might be a Communist movement or merely a "private graft" operated by the latter.

However, additional information was received from another source to the effect that on March 17, 1933, Barlow

delivered a speech at 1775 General Motors Building, New York City, on behalf of the "Modern 76'ers," which address snacked of Communism and extreme radicalism. Barlow was quoted as having asserted that the "Modern 76'ers" were organized in military units throughout the State of Iowa for the purpose of assuring that the farmers receive adequate relief. He allegedly asserted that the President of the United States would be given about fifteen days to provide adequate remedy for the farmers' difficulties and that if adequate relief should not be forthcoming within such period, then the military units of the "Modern 76'ers" in Iowa would destroy the principal railroad terminals throughout that state in order to prevent the shipment of food products to the eastern markets.

Additional information was received to the effect that Barlow, during 1933, claimed to possess mysterious secrets about germs which could be utilized to destroy great masses of the population. Barlow allegedly claimed to possess information concerning explosives which would have the same result. It was indicated that Barlow "preys on pacifist fools and gets money from them in the interests of pacifism." According to available information, Barlow was quoted as follows by one informant:

"We are going to clean this country or blow it up. It would be better to blow it up than go on as it is. We, the 76'ers, are ready to take over the country and clean it up. If anything breaks, we will hold the Government until everything has settled, then call an election to again establish the constitution on its original basis. The farmers in the Middle West are all set to cut rails, blow bridges, crossings, to starve out the East. I have held them off to give Roosevelt a chance. If he does nothing, we are all set to raise hell. I have been planted here to get the East ready by the farmers of the Middle West. We are going to take the banks and the railroads away from private individuals, then turn them over to the Government. The Government is the people. This revolution is one of ballots not guns. If ballots fail then we are prepared to resort to measures necessary."

Barlow, according to available information, has allegedly claimed that he invented the depth bomb used during the World War period, and he has allegedly stated that he went to Russia for the purpose of furnishing his "aerial torpedo" to the Government of Russia because this was the only nation that would agree to his terms. It was indicated that Barlow spoke with the highest praise of Soviet Russia.

Additional information received during 1933 indicated that Barlow had issued a pamphlet entitled "War of Madmen

Imminent," in which he claimed knowledge of disease germs so deadly that a half dozen small tubes filled with cultures thereof could be utilized to destroy the entire population of the United States within a few weeks. It was indicated that Barlow was using information of this kind as an appeal to pacifists and pacifist groups in order to obtain money therefrom, it being asserted that Barlow obtained a considerable amount of money from one well-meaning, Stamford, Connecticut, lady in the above regard.

Additional information was received during 1933 to the effect that Barlow had claimed to be the inventor of a destructive object which, with aid of deadly X rays, would annihilate entire cities from a distance of thousands of miles. It was asserted that Barlow had offered his idea in this regard to former President Herbert Hoover and to Military and Naval authorities. It is reported that when the United States Government refused to purchase his idea, Barlow proceeded to Moscow, Russia, where he allegedly sold or donated his secret, whatever it was, to the Soviet Government. It is reported that Barlow, following his return from Soviet Russia in the above connection, offered the same idea for sale to a Dr. Lee, who was apparently engaged in purchasing armaments for China. Information from the above mentioned source indicated that during 1933 Barlow made assertions to the effect he had developed a deadly, new type of poison gas of such character that a spoonful thereof thrown to the winds of the Pacific Coast would annihilate many Americans.

Information was received during 1938 to the effect that Lester P. Barlow was in close contact with the German-American Bund, and information from the same source indicated that Barlow was identified with a group of "German Nazis" who were publicized to some extent during 1937 as "circulating a petition asking Congress to impeach President Roosevelt."

Barlow subsequently sued the United States Government in the Court of Claims for the sum of \$600,000.00, charging that patents obtained by him on certain types of bombs were used by the Government during the World War without prior compensation to Barlow having been provided, this suit having been decided on May 31, 1938 in favor of Barlow. Available information is to the effect that during 1916 Barlow approached the Ordnance Department of the United States Army, submitting a design for an aircraft explosive bomb. This design, which appeared to possess merit, was allegedly then in an incomplete form, whereupon the officers to whom Barlow submitted the design suggested that he go to the Frankfort Arsenal (Philadelphia, Pennsylvania) in order to better familiarize himself with the Ordnance practices and construction.

During the same year Barlow proceeded to the Frankfort Arsenal, where he remained until August, 1916, in an informal, voluntary status, not being employed by the Government and receiving no remuneration therefrom. Barlow was, however, permitted to have a desk in the drafting room where he could work on his designs. He was also furnished the use of the machine tools in the experimental shop and the assistance of mechanics in the construction of experimental bombs. It is reported that Barlow's connection with the Arsenal was such that he had access to all Ordnance Department drawings and to all information it possessed relative to aircraft bombs. During the year 1916 Barlow filed an application for a United States patent, this being directed to several safety features of an aerial torpedo or aircraft bomb. It is reported that Barlow was able to obtain a number of patents in the above regard as a direct result of the knowledge gained by him at the Frankfort Arsenal. Representatives of the United States Ordnance Department allegedly contended in defense of the above mentioned Court of Claims matter that Barlow obtained the patents in question as a result of information gained in the Frankfort Arsenal, it being indicated that he would not have been able to obtain such patents otherwise.

Subsequent to the above mentioned award by the Court of Claims, Barlow attempted to have legislation enacted by the Congress appropriating the sum of \$600,000.00 to be paid to Barlow. It is reported that a bill in this regard was passed by the Senate and referred to the House of Representatives, where on June 10, 1938, the bill was allegedly objected to by Congressman John Taber, whereupon the bill was recommitted to the War Claims Committee of the House. It is reported that Barlow threatened to furnish a certain "message" to the press if Congressman Taber did not withdraw his objection to the bill. It is reported that on June 15, 1938, Congressman Taber dispatched his Clerk, one Kenneth Sprankle, to obtain a copy of the transcript of evidence submitted to the Court of Claims in connection with this matter. While on this mission, Sprankle allegedly met Barlow and the latter's attorney, one Haworth, and, according to available information, Barlow expressed anger and asserted to Mr. Sprankle that Congressman Taber was unreasonable and added that he, Barlow, did not intend to allow any member of Congress "to hold him up for money" in order to get this bill through. Barlow allegedly asserted on this occasion that if the bill did not go through, he, Barlow, was going to "give to the Associated Press a statement which would be spread all over the country and which would ruin Mr. Taber." It is reported that Mr. Sprankle replied to the above assertions by voicing objections to Barlow's intimations of bribery and requested Barlow to name the Congressman referred to. It is alleged that Barlow refused to name the

Congressman, and he allegedly took from his pocket a piece of paper, stating that he was on his way to furnish the statement to the Associated Press.

It is reported that Barlow, by letter dated June 15, 1938, addressed to Congressman John Taber, again intimated that he had been approached by a certain member of Congress, whom he did not name, with regard to a possible bribe in connection with the passage of the bill appropriating money to pay Barlow's \$600,000.00 claim. It is reported that this letter contained the following:

"Here is my answer to all of your kind, and to scandal mongers, racketeers and 'shake down' artists: I intend to make this a proposition for the American people to look at, and I invite the Congress of the United States to help me bring out the facts. I do not want to do anything to unduly damage you, but you seem to be entirely to insistent, in the face of facts, to warrant me to neglect calling to your attention that you seem to be sitting among some pretty rotten company. If I have said anything in this letter which is unfair to you, I apologize, but until you can square yourself, this letter stands for everything there is in it."

It is reported that the following Associated Press dispatch appeared in a Stamford, Connecticut, paper, the date of the dispatch and correct identity of the paper in question not being known:

"Louis Y. Goberman, Assistant Federal Attorney, announced last night he would prosecute Barlow as a result of the inventor's outburst at a National Labor Relation Board meeting. Barlow charged the proceedings were a 'racket' and invited Trial Examiner Paul Davier to 'tell the President of the United States for me to go to hell.' Barlow, inventor of a depth bomb used by the United States during the World War and claimant of several million dollars for the invention, issued a statement saying he also would file charges against James A. Farley, Postmaster General, Homer S. Cummings, Attorney General, and many others associated with the Democratic national political machine."

It is reported that Barlow has been associated with the Glenn L. Martin Airplane Corporation for the past several years at Baltimore, Maryland, during which time he has apparently been experimenting with the much publicized "Glomite", reputed to be a new type of liquid oxygen-carbon explosive designed for electrical detonation.

CHG:RMB

June 1, 1940

RECORDED

62-17712-21

Mr. John W. Kelly
Broken Bow, Nebraska

Dear Mr. Kelly:

I wish to acknowledge receipt of your letter dated May 24, 1940, and you may be assured that the information furnished by you has been noted with great interest.

I want to express my sincere appreciation for your interest and courtesy in bringing the matter mentioned in your correspondence to my attention.

Very truly yours,

John Edgar Hoover
Director

Mr. Tolson	.....
Mr. E. A. Tamm	.....
Mr. Clegg	.....
Mr. Glavin	.....
Mr. Ladd	.....
Mr. Nichols	.....
Mr. Rosen	.....
Mr. Tracy	.....
Mr. Carson	.....
Mr. Coffey	.....
Mr. Hendon	.....
Mr. Quinn	.....
Mr. Nease	.....
Miss Gandy	.....

JUN 1 1940

(F-11)

June 18, 1940

CHC:LL

62-19873

Special Agent in Charge
Omaha, Nebraska

Re: LESTER F. BARLOW
BROKEN BOW, NEBRASKA

Dear Sir:

Reference is made to your teletype message of May 27, 1940, and to the letter from your office of the same date, concerning the above entitled matter.

You are advised that Tom Ingoldsby has not communicated with the Bureau with regard to this matter.

I am transmitting herewith a copy of a letter addressed to the Bureau by John Kelly, of Broken Bow, Nebraska, dated May 24, 1940, as well as a copy of my acknowledgment to Mr. Kelly dated June 1, 1940. I am also furnishing herewith a copy of a memorandum dated May 31, 1940, containing data, as obtained from the files of the Bureau, relative to Lester F. Barlow. These data are being furnished for your information only, and no information whatsoever should be released to Tom Ingoldsby, upon his request, or to other individuals, inasmuch as information in the Bureau's files is strictly confidential in accordance with a rule promulgated by the Attorney General of the United States.

- Mr. Tolson _____
- Mr. Nathan _____
- Mr. E. A. Tamm _____
- Mr. Clegg _____
- Mr. Ladd _____
- Mr. Egan _____
- Mr. Glavin _____
- Mr. Nichols _____
- Mr. Hendon _____
- Mr. Rosen _____
- Mr. Tracy _____
- Miss Gandy _____

COMMUNICATIONS SECTION
 MAILED
 JUN 20 1940
 Inclosure

Very truly yours,

RECORDED

INDEXED
John Edgar Hoover
Director

RECEIVED-DIRECTOR
 JUN 19 5 13 PM '40

23

BARLOW CALLS ON CITIZENS TO STORM CAPITAL

"Throw The Government Out. Win"



LESTER P. BARLOW, inventor of Glmite

Inventor Advocates Army For March To Washington—With Clubs

Cheered By Group Of 250 At Americans On Guard Session

Lester P. Barlow, inventor of the oxygen-carbon explosive Glmite, last night called for an "army of citizens to march on Washington" and overthrow the Government with—clubs.

As the inventor-orator's call rang through the auditorium at the community center at North avenue and Harford road, his audience of more than 250 persons cheered, clapped their hands, and stamped on the floor.

When he closed his address, the audience stood up and cheered.

Several weeks ago a demonstration of Glmite by Barlow at the Aberdeen Proving Grounds, failed to show the effects of a deadly shock wave, which Barlow claimed for the explosive.

Speaks For Two Hours

Last night, Mr. Barlow spoke for two hours—killing time, so to speak—while the special gathering of Americans on Guard, recently formed patriotic organization, awaited the arrival of the scheduled speaker.

The scheduled speaker was Representative Jacob Thorkelsen (Rep., Mont.), who, when he finally ascended the platform at 11 P. M., explained that he thought the meeting was to be on Friday.

The Congressman had been summoned from Chevy Chase by telephone when it was discovered that he was not present at 8 P. M.

At 10:57 P. M., after Mr. Barlow had completed his address and while many of the waiting audience were crowding the soft-drink bar in the community center, Mr. Thorkelsen's automobile drove into the center's driveway. It was escorted by the motorcycle of Patrolman Russell Hilton, of the traffic division.

Leader Awaits Invited Speaker

Mr. Thorkelsen had accosted the patrolman at the intersection of Washington Boulevard and Caton avenue to ask the way.

During the whole of Mr. Barlow's address, which was impromptu, John W. Farrell, president of Americans on Guard and also head of the Civitan Club, stood in the doorway of the community center, waiting for the tardy Representative.

Inside Mr. Barlow had his audience

Barlow Calls For Citizens To March On Washington

Inventor Advocates Overthrow Of Government In Speech To 250 At Americans On Guard Meeting

(Continued from Page 23)

sell him on the idea that I oughtn't to go to jail. And I won't have any lawyers to do it."

Barlow ended his talk at 10:35 P. M., amid a standing ovation. Mr. Farrell announced he was still expecting the arrival of Mr. Thorkelsen. Most of the audience got up to stretch legs.

Contents U. S. Must Arm Itself

When Mr. Thorkelsen arrived, he mounted the platform immediately, and more than three-fourths of the audience took seats again to hear him discuss, in quiet tones, "Shall We Defend America by Arming the Allies, or by Arming Ourselves?"

Mr. Thorkelsen contended that

America must arm itself, declaring that "if you can't build a first-class navy with \$7,000,000,000, there's something wrong with the people who are building it."

Americans on Guard, as an organization, advocates "An adequate national defense—No foreign alliances."

Eric Arlt, chairman of the Americanization committee of the organization, presided while Mr. Farrell was waiting outside for Mr. Thorkelsen.

At a meeting held a week ago, at the same place, Representative Martin L. Sweeney (Dem., Ohio) was scheduled to speak, but canceled the engagement. As he did last night, Mr. Barlow took the speaker's place.

24

ing at iniquities in Washington.

Would Gather in Parks

"We'll go from this meeting and talk to twenty people each," Mr. Barlow said. "Then we'll fill this hall, and after we fill this hall we'll go to the public parks and speak there.

"And if they won't let us speak there, we'll fight. If they won't let us speak, we'll form an army of citizens and march to Washington and throw the Government out, by force if necessary, with clubs, and set up a new government for democracy."

There was loud applause and stamping of feet. By the time Mr. Barlow came to this passage in his address, he had spoken for almost two hours, gesticulating with clenched fists and roaring from the depths of his lungs.

Predicts New Government

"They're going to let us have an election some time this year," he said. "But I'm telling you that some time within the next year, within the next twelve months, the American people are going to have a new Government backing the Constitution, even if they have to pick up a club to do it."

At the very outset of his philippic, in which he declared that "We've got to get back to the Constitution, in spite of all the damnable crooked politicians in Washington," Mr. Barlow spoke of revolt.

Quoting Thomas Jefferson to the effect that the people have a right to revolt in order to "renew the Government of who its masters are," Mr. Barlow declared that it was the "duty of every decent citizen to throw off that government (the present one) and put in its place something clean and decent."

"The average man in office in America is so yellow and cowardly and crooked that he doesn't dare to be an American," the speaker shouted.

Attacking what he said were attempts to drag this country into the European war, Mr. Barlow said that "If Roosevelt wants to wear the British crown, then he can wear it alone."

"I would like to fill a mosquito boat with bread and butter, and send him over there in it."

There was great laughter and applause.

Recounts Patent Episodes

Greater laughter at the meeting however, came while Mr. Barlow was recounting episodes in his attempt to collect \$700,000 from the Government for patents which he alleges were used and belonged to him.

"It's not the healthiest business in the world I'm in, fooling around with high explosives and airplanes," he said, explaining his claim against the Government for risks undergone. "I've had three premature explosions, and three airplane crashes. . . ."

"Thank God!" a woman in the back of the room interjected.

Laughter continued for several moments.

In another passage, Mr. Barlow observed, "Some of you may wonder why I'm not in jail yet, squawking against the Government like this.

"I'll tell you why. We've still got a jury system in this country. If they ever pick me up, I'm going to ask for a jury trial. And I'm going to pick the most gullible man in that jury, and

(Continued on Page 16, Column 3)



American Vigilant Intelligence Federation

FOUNDED 1919 - INCORPORATED - NOT FOR PROFIT

NATIONAL HEADQUARTERS

P. O. BOX 144

CHICAGO, ILL.

June
Twenty-nine
1940

TELEPHONE
SUPERIOR
4618

HARRY A. JUNG

HONORARY GENERAL MANAGER

Mr. Tolson	✓
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

H.A.J.

Hon. J. Edgar Hoover,
413 Severd Square, S.E.,
Washington, D.C.

Dear J.E.H.:

Some of your local boys are checking in with me almost every day, on subversives in this area, both Nazis, Communists, etc., etc.

I think the Department ought to be provided with the story as it appears in the BALTIMORE MORNING SUN of the twenty-seventh instant, concerning Lester P. Barlow, the inventor of Glmite. Over his picture on the twenty-eighth page of the issue is the caption, "Throw the Government Out - With Clubs."

Our files disclose that Barlow was the organizer of the Modern '76ers, a Communist front organization, with its headquarters at 4 South St., Stamford, Conn., back in 1933.

Barlow worked in close harmony with Jack Bradon, the then national president of the World War Veterans, Inc., which was also a Communist front organization among war veterans.

Barlow maintains that the government owes him \$700,000 for one of his World War inventions. He is reverting to form in his radicalism.

RECORDED

Sincerely yours,

H.A.J.
Harry A. Jung
Honorary General Manager

62-19000

FEDERAL BUREAU OF INVESTIGATION

1 JUL 25 1940

U.S. DEPT. OF JUSTICE

ack-8-5-40 ET.

H.A.J./PP

435 No. Michigan Ave., R. 2212



RECORDED

62-19893-25
ET:HG

August 5, 1940

Mr. Harry A. Jung
Honorary General Manager
American Vigilant Intelligence Federation
435 North Michigan Avenue, Room 2212
Chicago, Illinois

Dear Mr. Jung:

I wish to acknowledge receipt of your letter dated June 29, 1940, and to express appreciation for the interest you have displayed.

You may be assured that the content of your communication has been noted and will receive appropriate attention.

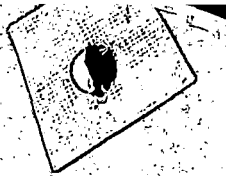
Sincerely yours,

John Edgar Hoover
Director

- Mr. Tolson _____
- Mr. Clegg _____
- Mr. Foxworth _____
- Mr. Ladd _____
- Mr. Nathan _____
- Mr. E. A. Tamm _____
- Mr. Egan _____
- Mr. Glavin _____
- Mr. Nichols _____
- Mr. Hendon _____
- Mr. Rosen _____
- Mr. Tracy _____
- Miss Gandy _____

COMMUNICATIONS SECTION
 MAILED
 ☆ AUG 7 1940 ☆
 P. M.
 FEDERAL BUREAU OF INVESTIGATION,
 U. S. DEPARTMENT OF JUSTICE

Handwritten signature and initials



FJEMP July 24, 1940

62-19893-24

RECORDED

Dr. D. C. Danforth
3501 Greenmount Avenue
Baltimore, Maryland

Dear Dr. Danforth:

I wish to acknowledge receipt of your letter dated June 27, 1940, and the enclosure thereto.

Your courtesy and interest in bringing this information to my attention are indeed appreciated. You may be assured your letter is being made a matter of official record.

Very truly yours,

John Edgar Hoover
Director

- Mr. Tolson _____
- Mr. Nathan _____
- Mr. E. A. Tamm _____
- Mr. Clegg _____
- Mr. Ladd _____
- Mr. Foxworth _____
- Mr. Coffey _____
- Mr. Egan _____
- Mr. Glavin _____
- Mr. Harbo _____
- Mr. Hendon _____
- Mr. McIntire _____
- Mr. Nichols _____
- Mr. Pennington _____
- Mr. Rosen _____
- Mr. Quinn Tamm _____
- Adm. Files _____
- Per. Files _____
- Tour Room _____
- Mr. Tracy _____
- Miss Gandy _____

COMMUNICATIONS SECTION
 MAILED
 ★ JUL 20 1940 ★
 P.M.
 FEDERAL BUREAU OF INVESTIGATION,
 U. S. DEPARTMENT OF JUSTICE

Handwritten initials

Handwritten signatures and initials, including "7.28" and "H. J. [unclear]"

Bureau of Investigation
Washington, D. C.

Balto Md.
June 27-4

62-	2
FEDERAL BUREAU OF INVESTIGATION	
4	JUN 1 1940
U.S. DEPT. OF JUSTICE	
FIVE	

Dear Sir,-

Letter Barlow

RECORDED
& INDEXED

Enclosed is an explanatory clip only one of many that the citizens see every day. Some body is wrong. If our government is right this man should be put before a firing squad. without a long trial and expense of high lawyers fees and court costs. Our papers should not be allowed to publish such agitating, reverberations unless there is some truth to it. Is the average man in office yellow? are you? are you croaked and don't dare to be an American? If Barlow is allowed to get away with such propoganda then the American people will be forced to believe that he must be right. He is doing more damage to our nation than any bank robber for personal gain could ever do. What a bank robber or kid-

1 ENCL. FIVE

2.
mapper would be killed for a minor
offense in comparison. Freedom of speech
is word from person to person,
speaking over the radio and through the
press also public speaking should be free
in a different class at times when
we are on the verge of trouble. We should
at least be allowed to hear and read the
truth. If this clipping is the truth we
should refuse to fight for such a
government even in times of invasion
Such propaganda is dividing us.

Sincerely,

Dr. D. C. Daughth.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Ladd *[Handwritten initials]*

DATE: March 17, 1953

FROM : Mr. Rosen *[Handwritten initials]*

SUBJECT: LESTER PENCE BARLOW
MISCELLANEOUS, INFORMATION CONCERNING

- Tolson
- Ladd
- Nichols
- Belmont
- Clegg
- Glavin
- Harbo
- Rosen
- Tracy
- Gearty
- Mohr
- Winterrowd
- Tele. Room
- Holloman
- Sizoo
- Miss Gandy

Among a number of items turned over to the Bureau by Senator McCarthy's office on February 11, 1953, is a letter transmitting to McCarthy an 11-page document in which Lester P. Barlow describes difficulties which he had in recovering \$592,719 from the U. S. Government for use of patents on certain bombs which he invented during World War I. He says that several attorneys formerly connected with the Justice Department tried to participate in his award prior to 1938 through their alleged ability to assist him in prosecuting his claims. However, he states he never paid any of these people for their assistance.

Subsequent to the large award, the Bureau of Internal Revenue levied a \$21,000 tax against Barlow which he has protested and has not paid. He believes that the tax was based on a desire to participate in his award or for revenge due to his having overcome the government in his various lawsuits.

Bureau files reflect that on June 1, 1940, we sent the Attorney General an informative memorandum containing information mostly received from G-2. This memorandum, in addition to data regarding the claim for bomb royalties, alleged that Barlow is suspected of being a "dangerous radical," reportedly pro-Nazi at times and pro-Communist at other times. He appears to be most intemperate in his statements and ready to question the motives of anyone who does not see things the way he does.

There is no apparent violation within the Bureau's jurisdiction included in Barlow's information, but even if there were, prosecution would long since have been outlawed by the Statute of Limitations. It is noted the litigation in this matter was carried on from 1924 to 1941, at which time Barlow was awarded his money. (62-19893)

RECOMMENDATION:

RECORDED-38 162-19893-26

Attached are letters to Assistant Attorney General Olney and the Secretary of Treasury furnishing copies of the information which Barlow sent to Senator McCarthy advising them that no action is contemplated by the Bureau in the absence of a specific request from the Department.

Attachments 38 (2) out
WJH:MAH
MAR 20 1953

[Handwritten signatures and initials]

CC: Mr. Ladd
Mr. Rosen
Mr. Malley
Mr. Pennington
Mr. Hurley

Assistant Attorney General
Warren Olney III

March 17, 1953

Director, FBI

LESTER PERLOW CARLOW
IS CILLINOUS, INFORMATION CONCERNING
(Accounting & Fraud Section)

1-1
C.I.R.-8

Attached is a copy of a Photostat of a letter from
Lester P. Carlow to Senator Joseph McCarthy dated January 23, 1953,
together with enclosures thereto. This material was furnished by
Senator McCarthy's office with an understanding that if it is
disseminated to any outside agency the name of the Senator will
not be used but the material will be described as having come
from a source "of unknown reliability."

It is noted that this material contains a lengthy
recital of complaints regarding the handling of Carlow's claim
against the United States Government for use of his bomb patents
during World War I. Litigation apparently ensued from 1924 to
1941, at which time Carlow was awarded \$52,719. Subsequently,
the Bureau of Internal Revenue levied a \$21,000 tax assessment
against Carlow which he feels is unwarranted and which he has
not paid.

Carlow makes allegations relative to efforts by various
individuals to participate in his award, but states he never made
any payments to such persons. He appears to feel that the tax
levy is the result of a desire for revenge on the part of those
with whom he refused to share his award or on the part of those
who he overcame in the course of his litigation.

It does not appear that any violations within the
Bureau's jurisdiction are included in this material but even
if there were, it appears that the statute of limitations would
long since have barred any prosecutive action. It is noted that
Carlow stated that he has been in touch with the Department of
this matter within the past year. From the information which he
furnishes, it is probable that the Department has an extensive
file on Carlow.

Bureau files reflect that a memorandum containing
information regarding Carlow under date of May 31, 1940, was
transmitted to the Attorney General on June 1, 1940.

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Laughlin _____
- Mohr _____
- Winterrowd _____
- Tele. Rm. _____
- Holloman _____
- Gandy _____

WJH:MAH

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The information furnished by Darlow is also being sent to the Secretary of the Treasury for information purposes, but no mention is being made of Senator McCarthy in the material which is being transmitted.

In the absence of a specific request from the Department, no further action is contemplated by the Bureau.

Attachment

Tolson _____
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Tracy _____
Laughlin _____
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Winterrowd _____
Tele. Rm. _____
Holloman _____
Gandy _____

CC: Mr. La
Mr. Ro
Mr. Malley
Mr. Pennington
Mr. Hurley

March 17, 1953

The Honorable
The Secretary of the Treasury
Washington, D. C.

LESTER PENCE BARLOW
MISCELLANEOUS, INFORMATION
CONCERNING
(Accounting & Fraud Section)

My dear Mr. Secretary:

Attached is a Photostat of a document captioned "Extortion Practices Through The Illegal Use of The Federal Taxing Powers," prepared by Lester P. Barlow of Stamford, Connecticut. This material was made available to the Bureau by a confidential source of unknown reliability.

It is noted that Barlow claims a history of difficulties regarding a tax assessment of \$21,000, the background of which appears to be well known to the Treasury Department and to the Bureau of Internal Revenue.

In the absence of any indications of specific violations within the jurisdiction of this Bureau, this information has been referred to the Criminal Division of the Department of Justice and no further action is contemplated by this Bureau in the absence of a specific request from the Department of Justice.

Sincerely yours,

J. Edgar Hoover

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Attachment

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- Gandy _____

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Mr. add
Mr. Cavan
Mr. Nichol
Mr. H. don
Mr. Rosen
Mr. Tracy
Miss Gandy

Mr. Lester P. Barlow

LESTER P.

BARLOW-

SELF-MADE

WIZARD

*Feels There's No
Place for a Wife
In Inventor's Life*

62-19893A

R. B. SULLIVAN.

IF YOU'RE a fellow like Lester P. Barlow, then you simply oughtn't to be married. He admits it himself.

Barlow's an inventor, an energetic, short-tempered man of ideas, with no time for domesticity. He's that self-made wizard who has just been awarded \$592,719 21 by the Government for infringement of air bomb patents during World War 1. It was purely coincidental that Mrs. Barlow, who has been his wife for as long as he's been suing the Government—21 years—filed suit for divorce at about the same time

Both had decided that explosives and marriage—when seasoned by the Barlow temperament—do not mix.

The award of the half-million, not to mention the mysterious 21 cents, marks a victory for Barlow in a life full of skirmishes and major engagements. He has won other victories and suffered numerous defeats, but he has never had a dull moment.

He served with Pancho Villa, the Mexican rebel chieftain, he did a hitch in the Navy, he has invented practical bombs and impractical super-dreadnaughts, he has campaigned for reform in politics, he once urged the impeachment of President Roosevelt, he was an early champion of express highways, he has been in and out of Congressional Committee meetings so often that he is better known in Washington than many Senators.

**Bursting with Ideas
All His Life.**

Like so many inventive geniuses, he has been bursting with ideas all his life, some of them touched with a fine madness, others highly practical. Sometimes he has kept two or three in the air at once.

For the past 21 years he has been married to the former Gertrude Fitzgerald of New Haven, Conn. And now they have agreed that there is no place for a wife in the life of a man like Barlow.

* * *

LESTER Barlow was born on Dec 2, 1886, in the small farming community of Monticello, Wis., 30 miles south of Madison. He is the eldest of the three sons of George Barlow and Jessie Pence Barlow. The Barlows were English, the Pences, whose name originally was Benz, came from Austria to Pennsylvania in Revolutionary days.

The Barlow boys had an ordinary

farm youth—little red schoolhouse, helping with the chores, etc. Lester's brother Floyd was taught to fly by Glenn Curtiss and is the only surviving member of the old-time Curtiss Flying Circus. Floyd now is a cracker salesman in South Dakota. Wayne, the third Barlow boy, is in the outdoor advertising business in California.

Lester had mechanical tendencies which he believes came down his mother's side. When he was 14 he left home and apprenticed himself to an electrician in Mason City, Iowa, taking International Correspondence School courses in the four years he stayed there.

When he was 18 he started wandering westward. For a while he ran a sawmill engine in eastern Washington. Then he tried to get on as a marine engineer in Seattle, but was turned down as too young. Finally he passed himself off as 22 and joined the Navy, where he became a coal passer.

"I ranked," says Lester, "with the Chinese cooks, but just a shade below them."

He was put aboard the U S S Solace as a fireman. Now this ship happened to be the first U S naval vessel equipped with radio. On a trip to Honolulu, Lester spent most of his off-duty time hanging around the radio shack. He discovered that the sailor running the wicket didn't know much more about it than he did.

This led him to an electrician's rating, and he was put ashore at Guam to supervise the installation of the first naval radio station there. The Japanese borrowed him for a while to put a radio, their first, aboard the Tenya Maru, first turbine steamship on the Pacific.

Later he operated the radio on the Pacific Fleet's flagship at Manila.

BARLOW finished his hitch in 1908, being discharged at San Francisco. Having done some art work for newspapers in Manila, he decided to pursue art as a career. He called at the Barron Collier advertising offices to ask for a job. They had been needing a real sailor as a model and grabbed him. While he was posing, he talked them into giving him a job at \$8 a week, and he studied art at night. The only reason he is not still making car cards is that he got tired of drawing baking powder cans, bungalows, false teeth and "tombstones so beautiful you'd want to die just to get one."

He quit and went back to Mason City, where he got a job road-testing an automobile made there, the Colby. From the Colby company, where he became general troubleshooter, he went to Packard, thence to White truck and for three years helped White develop engines and track-type wheels for desert hauls.

He was with a chemical mining company in Lower California in 1918 when he began to hear a lot about Mexico's Villa. He even tried to hook up with the rebel, but Villa wouldn't listen. Barlow then attached himself as mechanic to the chauffeur of a certain Gen Benavides, Villa's chief aide. The first time they ran into trouble, the chauffeur ducked and Barlow inherited his job, driving a new Cadillac.

Through Benavides, Barlow got close to Villa and when that swash-buckler took Mexico City, Barlow

was a member of his staff, in charge of transportation.

It was at that time, Barlow says, that he first got the idea of using the airplane as an offensive weapon by dropping bombs.

Barlow had met the now noted airplane designer, Glenn L. Martin, while he was in California. He got Villa to order a Martin plane, and melted up some old railroad car wheels to make bombs, which were dropped with interesting effect but little success.

When Villa's star began to wane, Barlow, on fire with the bomb idea, started for Washington and the War Department. But first he got a letter from Gen. Leonard Wood at Governors Island.

The letter, written Feb. 19, 1916, and addressed to Gen. Hugh Scott, acting Secretary of War, read:

"This will introduce Mr. Lester P. Barlow who has exhibited to me an aerial torpedo which, it appears to me, will accomplish three very desirable results: 1) Comparative safety in handling and from premature explosion in the air, even if struck by an enemy small-arm projectile; 2) Accuracy in travel after being released; 3) Detonation of the charge before penetrating the ground. I believe the device is worthy of the careful consideration of the Department."

The trick of the Barlow bomb was, roughly, a tubular nose which contained an ordinary rifle cartridge. This was set off on contact and the bullet was projected upward in the tube to set off the bomb's charge. Barlow said he was inspired to the idea by watching Annie Oakley smash glass balls in the air at Buffalo Bill's Wild West Show.

As a result of an interview with Scott, Barlow got \$5,000 to work with and the Frankford Arsenal at Philadelphia to work in. After he had developed the bomb, he went to Connecticut to work at the plant of the Marlin-Rockwell Co., which received the manufacturing contract.

The basic work produced the kind of bomb for which Barlow is being paid now.

IN the meantime he had been fooling around with a "return action" bomb, one which would explode a small charge on contact, tossing the main charge back into the air to explode well above ground, where it would do more damage. The British and Italians had been experimenting with this kind of thing, but none was successful. Barlow solved the problem by using a length of piano wire in each bomb. When the small charge had tossed the bomb into the air, the wire tripped a trigger and set off the main charge.

Barlow was sent to Europe in 1916 to demonstrate his Annie

Oakley bomb and took with him his return action device. He showed both types to the British and had the satisfaction of seeing both ideas picked up and used. He says, however, that he never got a farthing for the job.

While he was in England he first saw a machine-gun synchronized to shoot through the propeller of a plane. He appreciated the value of the idea, but saw where the trouble lay.

The British were using a trip geared to the plane engine to pull the trigger of the gun. Barlow at once thought: "Why not forget about the trigger and gear the gun to the engine like a magneto?"

He took no action then, however, because while he was still in England the United States declared war, and he started for home. Herbert Hoover being on the same ship, Barlow talked to him about the machine-gun idea. Mr. Hoover was interested. Also on the ship was a young English divorcee, Ruby Miller. He talked to her about the machine-gun, and apparently other matters, for they were married soon after landing in New York.

Sub Attack Sets Him Thinking.

In the midst of the romance, and the tete-a-tetes with Herbert Hoover, Lester got another idea. A German submarine got several of the ships of the convoy the first night out, and Lester was wondering whether there was not some way to get at the subs.

The depth bomb already was in use. It was one of the things Lester didn't invent. However, the bombs were set for explosion only on contact.

It was Lester's notion that they could be made to explode by hydrostatic pressure (governed by the depth of the water). This, too, he discussed with Hoover, and Hoover again said it was a good idea. Barlow put it up to the Navy on his return but they laughed him out of the office.

The dark implication here is not explicit but, before the war was over, all depth bombs were actuated by hydrostatic pressure, and still are.

Barlow spent most of his time after coming back on the synchronizing device. The War Department wouldn't listen. So he built some for France. When Pershing got to France he saw them in operation and inquired testily why the United States—as yet practically planeless—didn't have them. Barlow then got action in Washington.

ABOUT this time Russia invited him over to give some tips on army ordnance. He went, and

when he came back, Washington accused him of giving away military secrets

That was only one of a series of clashes with the brass hats which has left Barlow undaunted

After the war Barlow drifted out to Minnesota, where he mixed vaguely in politics. Then he went to Detroit and later to Cleveland, where he connected with the American Locomotive Co., the Brown Hoist Co and Babcock & Wilcox as a consulting engineer.

"We were successful enough mechanically," he says, in dismissing this period, "but we ran into patent trouble and the thing blew up"

Divorces Ruby, Soon Remarries.

Incidentally, he obtained a divorce from Ruby in 1918; they had lived together only two months. He married Gertrude Fitzgerald in 1919. They went from Cleveland back to Detroit, where their son, Teddy Lee, was born in 1928. Barlow stayed in Detroit, working for the McCord Co., until 1930. The firm made automobile cooling systems for various makes of cars.

When the depression hit, he had a good deal of money, so he devoted himself to the idea of express highways.

He spent about \$25,000 of his own money promoting the express road idea through New England and feels that he can take some of the credit for the public demand that made the Merritt Parkway in Connecticut possible, and that brought the Harrisburg-Pittsburgh Highway in Pennsylvania to completion on the right-of-way of an abandoned railroad project.

In 1933, he went with Yale & Towne, the safe and lock people, having dreamed up a non-refillable liquor bottle. This bottle had a double neck, with the upper part joined to the lower in such a way that it could be broken off without leaving jagged edges. Where Yale & Towne came in was that the customer would need a small key with which to twist a metal band, break off the top part of the bottle neck and thus gain access to the cork.

By this time a man with a hang-over would have expired from need and a moderate drinker would have turned teetotal from the mere inconvenience. But the Government, Barlow claimed, would have been protected from an enormous loss of liquor taxes every year.

In fact, Barlow went so far as to declare at a Congressional hearing—he took the matter right to Washington—that one of the nation's largest distilling firms was a bootleg ring. For this, Senator Clark threatened him with contempt proceedings, but they were dropped, as was the bottle. Nothing has been heard of it since.

LESTER had other irons in the fire all this while. In 1932, he was canvassing Washington in the interests of an aerial torpedo which, he said, would create devastation over whole cities. He enlisted the interest of Senator Frazier, who thought the Government should look into the matter, but didn't make much progress.

In 1936, he offered the idea of a s.s.-dreadnaught, 85,000 tons in weight, 1,500 feet long, powered with Diesel engines that could be replaced at sea. If the Government didn't want that, he proposed that instead of buying one ordinary battleship, the same money be invested in 1,200 bombing planes, since that number of planes could eliminate any number of battleships, especially if carrying his bombs.

About this time he had developed a non-penetrating bomb. This, briefly, was equipped with a telescoping rod in the nose. The height from the ground of the bomb's explosion could be determined by the bomber, who could set the rod for a certain length before dropping the missile. Such a bomb, exploding, say, four feet above the surface of ground or water, would spread terrific destruction, he asserted.

In 1939, he began experimenting

with liquid oxygen as an explosive force. In this he worked with George B. Holdrer of New York, outstanding authority on liquid oxygen explosives. This was to lead him to an incident which exposed him to a good deal of press ridicule.

It was Barlow's belief that liquid oxygen, properly detonated, would be the world's greatest destructive force. He cited the use by the Germans in the Spanish Civil War of an oxygen bomb in Barcelona. This bomb, he said, had created havoc never before possible with the use of one projectile. He had to have found a safer way of handling the gases necessary and wanted the Army to look at it.

The Army was skeptical. Officers claimed to have seen experiments going back 40 years, declared the gas could not be handled, so high is the pressure and so low the temperature—3,000 pounds to the square inch and 300 below zero.

Barlow took the matter to Washington, as usual, and, as usual, interested a Senator, this time Morris Sheppard of Texas, chairman of the Military Affairs Committee. A hearing was arranged at which Barlow told his plans. After the hearing the notes of the proceedings were solemnly burned in a waste basket. Arrangements were made for an actual test.

THIS was in March, 1940. A little later a test was conducted at the Anacostia Naval Air Station. Barlow's explosive, which he called glomite, in honor of his old friend, Glenn L. Martin, successfully blew a telephone pole to bits.

(Barlow was working with the Martin Co., in Baltimore, as a consulting engineer on explosives. The Martin firm, of course, is known for its bombers.)

This wasn't enough. Barlow said that his explosive would destroy all life in the surrounding area, and he wanted to prove that. So, already at sword's points with the Army and the Navy, who were distinctly hostile, and with several chemists who had been called into committee to make light of his claims, he added another enemy—the SPCA. For he wanted to use goats in the experiment.

There was a minor tempest over this, but he got his way at last. In the interests of world peace, the Government saw fit to sanction the sacrifice of 84 goats. These were tied up in a field outside Baltimore, and various functionaries—Congressmen, the military and very likely a few carefully hidden foreign spies—took their places behind sandbags far from the explosive itself.

While quivering photographers pointed their cameras, there was a boom and a satisfying cloud of smoke. The explosion shattered the derrick to which the bomb was



Apple of Dad's Eye

Teddy Lee Barlow, born in 1928, is shown here. The inventor hopes to set up a trust fund for Teddy with money received from the Government. But taxes may eat up the award.

hug. The 84 goats, however, went on foraging, undisturbed.

"I'm licked," said Barlow, "but I had to find out what would happen."

The newspapers made what the British call a guy of Barlow, and he himself was pretty mad at the time. Now, however, he can take the kidding and doesn't even mind being called a "goat specialist," as he was described in the House at the passage of the bill allowing his claim on the Government. (He says he learned much from infra-

red photographs of the goat experiment.)

All this time he had been pushing his patent infringement claim. It was allowed by the Court of Claims, but Congress had failed to authorize the Court to pay off. Senator Sheppard sponsored the bill that was passed by House and Senate last month. It rode through on the grounds of "common decency and justice."

President Roosevelt, who has been hotly criticized by Barlow on several occasions, signed the bill, and nothing remains of that part of the action.

NOW, however, the Treasury Department is interested and shows an indication of attempting to collect about 80 per cent. of the award as income taxes. Barlow points out that this money has been owed him since 1919, and that he has waived some \$700,000 in accrued interest. He also adds that had the money been paid then, his tax on the claim of \$300,000 would have been \$50,000, but the income levy has been raised since. The Treasury has given no notice to his arguments except to say that he would be liable as would any Government contractor.

His plan, Barlow says, was to split the money with his wife, and with part of his half, set up a trust fund for his son, who is the apple of his eye. Now, he fears, with the tax and the lawyers' fees of \$15,000 or \$20,000, he may be forced into bankruptcy by the mere fact that he has become rich.

Lester says he and Gertrude decided four years ago that they just weren't suited for each other.

"I realize," he says, "that the sort of life I've cut out for myself isn't anything to expect a woman

to share. There isn't any room for the sort of home life every woman wants to have."

Couple Had Already Settled Their Affairs.

He adds that it's just an unfortunate coincidence that she happened to file her suit just when things began to break for him in Washington. They have already settled their financial affairs, he says, and he will not contest the suit.

Mrs. Barlow, who was just out of commercial high school and 18 when they were married, is a pretty, dark-Irish woman, very youthful looking. Her relatives in New England say it is likely that she has some other heart interest—since she "isn't the type to remain unmarried"—but that she has given them no hint of another marriage.

Barlow himself states emphatically that he will not marry again. He is to have custody of the boy during school months, she during vacations. This is no break for Lester, because Teddy Lee goes to a private school in Fresno, Cal., where a cousin of his father teaches.

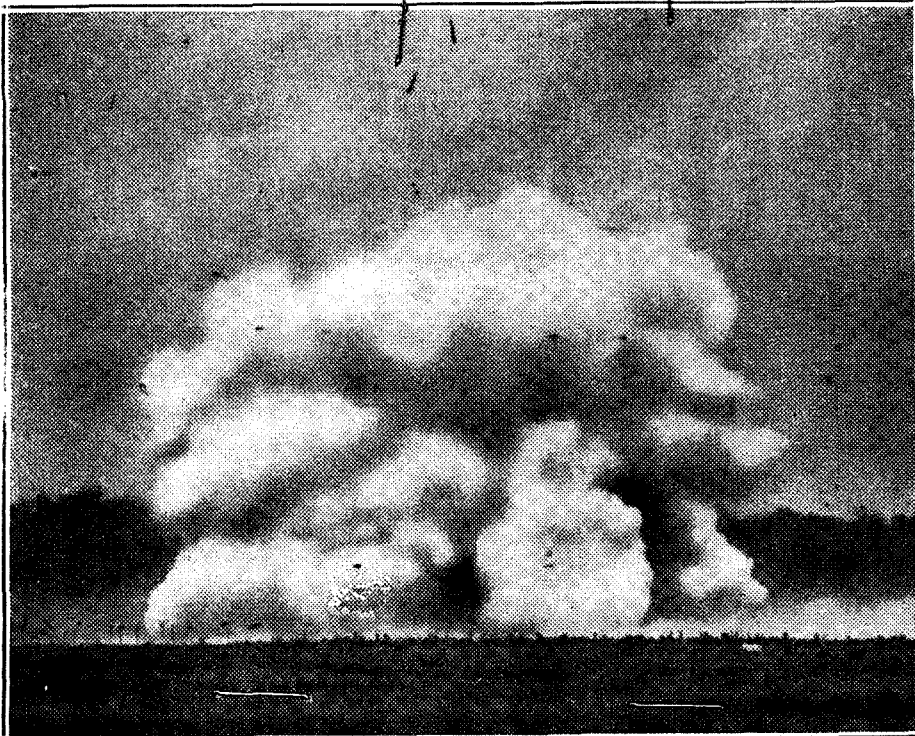
Barlow doesn't know just what he's going to do now. In the cluttered furnished room where he lives in Baltimore now he said he probably would go to Stamford, Conn., and continue his experiments with glomite.

One thing is certain: He is quiet for the moment, but something is brewing in his active brain and before long he'll be battering at another door in Washington with still another idea. The law of averages makes it almost certain that he'll turn up with a good one soon.



Washington Knows Him Well

Energetic, short-tempered Lester P. Barlow, self-made wizard, is better known in Washington than many Senators. That's because he always goes to somebody high in the Government when he has an idea or wants something done. Above, as he appeared at a hearing of the House Naval Committee.



Goats Unhurt

This foto was snapped as Barlow's bomb went off in famed goat test. Goats (not some in right foreground) were undisturbed. Barlow says he's learned much from infra-red fotos of blast.

- Mr. Tolson ✓
- Mr. Clegg ✓
- Mr. Foxworth ✓
- Mr. Ladd ✓
- Mr. Nathan ✓
- Mr. E. A. Tamm ✓
- Mr. Egan ✓
- Mr. Glavin ✓
- Mr. Nichols ✓
- Mr. Hendon ✓
- Mr. Rosen ✓
- Mr. Tracy ✓
- Miss Gandy ✓

BARLOW CALLS ON CITIZENS TO STORM CAPITAL

"Throw The Government Out. . . With Clubs"

Inventor Advocates Army For March To Washing- ton—With Clubs

Cheered By Group Of 250 At Americans On Guard Session

Lester P. Barlow, inventor of the oxygen-carbon explosive Glmite, last night called for an "army of citizens to march on Washington" and overthrow the Government with—clubs.

As the inventor-orator's call rang through the auditorium at the community center at North avenue and Harford road, his audience of more than 250 persons cheered, clapped their hands, and stamped on the floor.

When he closed his address, the audience stood up and cheered.

Several weeks ago a demonstration of Glmite by Barlow at the Aberdeen Proving Grounds, failed to show the effects of a deadly shock wave, which Barlow claimed for the explosive.

Speaks For Two Hours

Last night, Mr. Barlow spoke for two hours—killing time, so to speak—while the special gathering of Americans on Guard, recently formed patriotic organization, awaited the arrival of the scheduled speaker.

The scheduled speaker was Representative Jacob Thorkelson (Rep., Mont.), who, when he finally ascended the platform at 11 P. M., explained that he thought the meeting was to be on Friday.

The Congressman had been summoned from Chevy Chase by telephone when it was discovered that he was not present at 8 P. M.

At 10.57 P. M., after Mr. Barlow had completed his address and while many of the waiting audience were crowding the soft-drink bar in the community center, Mr. Thorkelson's automobile drove into the center's driveway. It was escorted by the motorcycle of Patrolman Russell Hilton, of the traffic division.



LESTER P. BARLOW, inventor of Glmite

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21

Mr Tolson.....
Mr Clegg.....
Mr. Foxworth.....
Mr Ladd.....
Mr. Nathan.....
Mr. E A. Tamm.....
Mr. Egan.....
Mr Glavin.....
Mr Nichols.....
Mr Hendon.....
Mr. Rosen.....
Mr Tracy.....
Miss Gandy.....
.....

Leader Awaits Invited Speaker

Mr. Thorkelsen had accosted the patrolman at the intersection of Washington Boulevard and Caton avenue to ask the way.

During the whole of Mr. Barlow's address, which was impromptu, John W Farrell, president of Americans on Guard and also head of the Civitan Club, stood in the doorway of the community center, waiting for the tardy Representative.

Inside Mr Barlow had his audience by turn laughing, cheering and growling at iniquities in Washington.

Would Gather in Parks

"We'll go from this meeting and talk to twenty people each, Mr. Barlow said. "Then we'll fill this hall, and after we fill this hall we'll go to the public parks and speak there.

"And if they won't let us speak there, we'll fight. If they won't let us speak, we'll form an army of citizens and march to Washington and throw the Government out by force if necessary, with clubs, and set up a new government for democracy."

There was loud applause and stamping of feet. By the time Mr. Barlow came to this passage in his address, he had spoken for almost two hours, gesticulating with clenched fists and roaring from the depths of his lungs.

Predicts New Government

"They're going to let us have an election some time this year," he said. "But I'm telling you that some time within the next year, within the next twelve months, the American people are going to have a new Government backing the Constitution, even if they have to pick up a club to do it."

At the very outset of his philippic, in which he declared that "We've got to get back to the Constitution, in spite of all the damnable crooked politicians in Washington," Mr. Barlow spoke of revolt.

Quoting Thomas Jefferson to the effect that the people have a right to revolt in order to "remind the Government of who its masters are," Mr Barlow declared that it was the "duty of every decent citizen to throw off that government (the present one) and put in its place something clean and decent."

"The average man in office in America is so yellow and cowardly and crooked that he doesn't dare to be an American," the speaker shouted.

Attacking what he said were attempts to drag this country into the European war, Mr. Barlow said that "If Roosevelt wants to wear the British crown, then he can wear it alone."

"I would like to fill a mosquito boat with bread and butter, and send him over there on it."

There was great laughter and applause.

Recounts Patent Episodes

Greater laughter at the meeting now, ever, came while Mr. Barlow was recounting episodes in his attempt to collect \$700,000 from the Government for patents which he alleges were used and belonged to him.

"It's not the healthiest business in the world I'm in, fooling around with high explosives and airplanes," he said, explaining his claim against the Government for risks undergone. "I've had three premature explosions, and three airplane crashes."

"Thank God!" a woman in the back of the room interjected.

Laughter continued for several moments.

In another passage, Mr Barlow observed, "Some of you may wonder why I'm not in jail yet, squawking against the Government like this."

"I'll tell you why. We've still got a jury system in this country. If they ever pick me up, I'm going to ask for a jury trial. And I'm going to pick the most gullible man in that jury, and

sell him on the idea that I oughtn't to go to jail. And I won't have any lawyers to do it."

Barlow ended his talk at 10 35 P M, amid a standing ovation. Mr. Farrell announced he was still expecting the arrival of Mr. Thorkelsen. Most of the audience got up to stretch legs.

Contends U. S. Must Arm Itself

When Mr Thorkelsen arrived, he mounted the platform immediately, and more than three-fourths of the audience took seats again to hear him discuss, in quiet tones, "Shall We Defend America by Arming the Allies or by Arming Ourselves?"

Mr. Thorkelsen contended that America must arm itself, declaring that "if you can't build a first-class navy with \$7,000,000,000, there's something wrong with the people who are building it."

Americans on Guard, as an organization, advocates "An adequate national defense—No foreign alliances."

Eric Arlt, chairman of the Americanization committee of the organization, presided while Mr Farrell was waiting outside for Mr. Thorkelsen.

At a meeting held a week ago, at the same place, Representative Martin L Sweeney (Dem, Ohio) was scheduled to speak, but canceled the engagement. As he did last night, Mr Barlow took the speaker's place.

- Mr. Tolson _____
- Mr. Nathan _____
- Mr. E. A. Tamm _____
- Mr. Clegg _____
- Mr. Ladd _____
- Mr. Coffey _____
- Mr. Egan _____
- Mr. Glavin _____
- Mr. Harbo _____
- Mr. Hendon _____
- Mr. Lester _____
- Mr. McIntire _____
- Mr. Nichols _____
- Mr. Pennington _____
- Mr. Rosen _____
- Mr. Quinn Tamm _____
- Para. Files _____
- Adm. Files _____
- Your Room _____
- Mr. Tracy _____
- Miss Gandy _____

Barlow Bombs Again



NO GOATS THIS TIME—Inventor Lester Barlow pushes plunger setting off his new glomite bomb at Bolling Field.

WASH. POST

Lester Barlow's liquid oxygen-carbon explosive proved today to the satisfaction of Glenn L. Martin Co. engineers that it was more powerful than TNT, and the Baltimore inventor thereupon announced further experiments were off unless funds were forthcoming from Congress.

Barlow, who contends his invention would furnish a limitless supply of explosive at half the cost of TNT and with superior destructive power, staged a demonstration at the Army's Bolling Field for members of Congress and representatives of the Army and Navy.

Barlow detonated half-pound and pound charges of his explosives in a four-foot pit, blowing a 150-pound steel disc skyward. He repeated the tests with TNT.

Measured by the length of time the disc was in the air, Barlow's explosive showed an average force 30 per cent greater than TNT for the pound charge and 38 per cent greater for the half-pound charge.

Barlow said his experiments would be discontinued unless Congress allowed his \$600,000 claim for World War aerial bomb inventions, or made a special appropriation.



THINGS THAT BOOM—Barlow (center) explains the explosive power of TNT and his glmite to Senator Norris (left) and Senator Sheppard (right), chairman of the Senate Military Affairs Committee.

Mr. Tolson _____
 Mr. Nathan _____
 Mr. E. A. Tamm _____
 Mr. Clegg _____
 Mr. Ladd _____
 Mr. Coffey _____
 Mr. Egan _____
 Mr. Glavin _____
 Mr. Harbo _____
 Mr. Hendon _____
 Mr. Lester _____
 Mr. McIntire _____
 Mr. Nichols _____
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 Adm. Files _____
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 Mr. Tracy _____
 Miss Gandy _____

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Barlow Gets New Chance; This Time Against TNT

The Senate and House Military Affairs committees yesterday voted to conduct another test of Lester P Barlow's liquid oxygen-carbon bomb in about a week.

In a test May 25 at Aberdeen, Md, a 1,000-pound charge of the explosive failed to injure a single goat of scores tethered there to permit observation of the bomb's effect on living tissue. The new test will be to determine its demolition properties, contrasted to its detonation effects, principal object of the Aberdeen test. Mr. Barlow said relative effectiveness of his explosive and TNT will be evaluated by Bureau of Standards experts.

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WASH. NEWS

WASHINGTON CITY NEWS SERVICE

- Mr. Tolson
- Mr. Nathan
- Mr. E. A. Tamm
- Mr. Clegg
- Mr. Ladd
- Mr. Egan
- Mr. Glavin
- Mr. Nichols
- Mr. Hendon
- Mr. Rosen
- Mr. Tracy
- Miss Gandy

May 25 12 20 PM '40

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ARMY PROVING GROUND, ABERDEEN, MD.--INVENTOR BARLOW'S 1,000 POUND LIQUID OXYGEN BOMB EXPLODED WITH A POWERFUL ROAR TODAY BUT NOT A SINGLE ONE OF 84 GOATS STAKED OUT WAS INJURED OR KNOCKED DOWN. "I WAS THE GOAT," THE SAD INVENTOR ADMITTED. SKEPTICAL ARMY ORDNANCE OFFICIALS SAID "THE GOATS ARE DOING THE TALKING."

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WASHINGTON CITY NEWS SERVICE

Mr. Tolson
Mr. Ladd
Mr. Nichols
Mr. Belmont
Mr. Clegg
Mr. Glavin
Mr. Rosen
Mr. Tracy
Miss Gandy

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ADD BOMB TEST

BARLOW CONCEDED THAT THE TEST INDICATED THAT THE EXPLOSIVE WOULD NOT KILL LIVING TISSUE, BUT CLUNG TO HIS BELIEF THAT SOME NATIONAL DEFENSE USE FOR THE LIQUID OXYGEN CARBON MIXTURE COULD BE FOUND. HE SAID HE WOULD ASK THE CONGRESSIONAL COMMITTEES TO AUTHORIZE FURTHER TESTS.

ADD BOMB TEST

AFTER THE EXPLOSION ARMY MEDICAL CORPS OFFICERS GAVE THE GOATS A PHYSICAL EXAMINATION, INCLUDING LISTENING TO THE HEARTBEAT WITH A STETHOSCOPE. THEY REPORTED THAT NONE OF THE ANIMALS WAS INJURED.

BARLOW SAID THE TESTS SHOWED THAT THE EXPLOSIVE "CERTAINLY IS NOT A WEAPON TO KNOCK OUT PERSONNEL."

"WE HAVE BEEN WORKING IN THE DARK ON THIS THING," HE SAID. "I THOUGHT WE HAD SOMETHING NEW. I'M NOT THROUGH YET."

BARLOW SAID THAT HE WAS PREPARED TO SHOW THAT THE EXPLOSIVE WAS POWERFUL WHEN USED FOR DEMOLITION OF STRUCTURES, SHIPS AND SIMILAR INANIMATE OBJECTS.

"ON LIVING TISSUE, WE DIDN'T PROVE OUR POINT," BARLOW SAID.

HE SAID THAT HE AWAITED EAGERLY THE RESULTS OF A COMPARATIVE TEST WHICH WILL BE MADE THIS AFTERNOON WITH 1,000 POUNDS OF TNT. ARMY OFFICERS SAID THAT THEY DIDN'T THINK THAT ANY OF THE 24 GOATS WOULD BE KNOCKED DOWN BY THE TNT BLAST. BUT BARLOW SAID THAT METERS SHOULD SHOW WHICH EXPLOSIVE HAD THE STRONGEST FORCE.

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**Barlow Bomb Test
 Scheduled Today
 At Aberdeen**

**Members of Congress,
 Army, Navy Experts
 To See Demonstration**

By the Associated Press
 ABERDEEN, Md., May 25—A liquid oxygen-carbon explosive that its inventor claims is capable of spreading "mass murder" faced a critical test today before a joint congressional committee and Army and Navy experts.

Lester Barlow, the inventor who plans to detonate a 1,000-pound charge of his secret explosive in a field of 83 live goats at the War Department's proving ground here, said, "I'm still worried about the possibility of spectators being injured."

The number of goats scheduled to die in the test was reduced by one yesterday. One member of the herd gave birth to twins and Army officers promptly withdrew the little family from the doomed group.

Mr Barlow admitted he did not know himself how destructive the explosive, named Glimite, might prove. Two months ago he sent a 40-foot telephone pole sailing skyward in pieces with an 8-ounce charge. His largest previous test, employing 5 pounds of Glimite, blew piled sandbags into the air with a tremendous roar and the force was clearly felt 1,000 feet away.

Ten days ago Mr Barlow raised his bomb from a dripping tank of liquid oxygen but after waiting 25 minutes for the joint congressional committee, he refused to proceed with the demonstration. He said the explosive had lost one-third of its power through seepage and evaporation of the oxygen.

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Page 1
 MAY 25 1940

WASH. STAR

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- Mr. E. A. Tamm _____
- Mr. Clegg _____
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- Mr. Hendon _____
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Barlow Tests Super-Bomb on Goats Today

Congress Military Chiefs Will View Unique Slaughter

A slaughter unique in military annals will be viewed by members of the House and Senate Military Affairs committees and Army and Navy officers at the Aberdeen Proving Grounds today when 300 goats are sacrificed to prove the deadliness of a new explosive.

Lester P. Barlow, inventor of the explosive, Glimite, pronounced "glim-ite," which he says is the most deadly in the world, will have the goats tied to stakes in a large field. Over the heads of the unsuspecting animals he will explode 1,000 pounds of Glimite.

Predicts Death of Most

"I expect to see most of them dead after the explosion," Barlow said.

The inventor expressed concern for the safety of the witnesses who will be on a "reviewing stand" 2,500 feet away from the goats. He also fears that residents of Edgewood, a mile and a half away, "will be very annoyed" when the huge charge is detonated.

Barlow will personally supervise the mixing, placing and detonating of his explosive. Government ordnance experts will not actively participate in the experiment, contending that so great a quantity of liquid oxygen-carbon may explode prematurely.

Goats Instead of Men

To compare the deadly qualities of Glimite with those of TNT, Barlow will detonate 1,000 pounds of the latter above a field of living goats.

The tethered goats will be grazing from 200 to 1,000 feet from the point of detonation. Barlow is staging the experiment to show members of the Military Affairs Committee what would happen if a bomb containing Glimite went off above a field of troops.

The inventor, who recently sued the Government for payment for use of aerial bombs he designed in the World War, contends he has been unable to interest the Army and Navy in Glimite because high ranking officers are prejudiced against him.

Several weeks ago Barlow staged his first demonstration for members of the Military Affairs Committee, blowing huge poles into matchwood.

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MAY 16 1940

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They'll Be the Goats in Bomb Test Today

Peacefully grazing at Aberdeen, Md., these goats are among 300 from which Inventor Lester Barlow will select "targets" to prove the effectiveness of his new "death wave" bomb in dramatic test today. The bomb will be exploded in the air, 200 to 1,000 feet from the goats. Barlow expects the blast to kill most of the animals below.

WASHINGTON CITY NEWS SERVICE

Mr Tolson
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Mr Clegg
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Mr Rosen
Mr Tracy
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U. S. DEPARTMENT OF JUSTICE

BALTIMORE, MD.--LESTER P. BARLOW ANNOUNCED THAT HE WILL DEMONSTRATE HIS NEW EXPLOSIVE--WHICH HE DESCRIBES AS THE WORLD'S MOST DEADLY-- ON LIVE GOATS AT ABERDEEN, MD., MAY 16.

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- Mr Tolson
- Mr Nathan
- Mr E A Tamm
- Mr Clegg
- Mr Ladd ✓
- Mr Coffey ✓
- Mr Egan
- Mr Glavin
- Mr Harbo
- Mr Lester
- Mr Hendon
- Mr McGuire
- Mr Nichols
- Mr Rosen
- Mr Quinn Tamm
- Mr Egan
- Adm Files
- Comm Files
- Mr Tracy
- Miss Gandy

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A Man of Ideas *Elmira Advertiser*

LESTER P. BARLOW, the man who put on that exciting show with a liquid oxygen-carbon explosive he calls glmite, is a man of many ideas.

He was in the trucking business years ago when motor trucks were something new. He was in charge, at one time, of Pancho Villa's air force of two old Martin bombers. He made bombs for the Army during the World War and subsequently claimed two million dollars for devices of his creation. This claim led to suggestion of a \$600,000 payment, which Barlow has been trying to get Congress to authorize. He developed a way of one airplane carrying another "pig-a-back," with the top one to be released over a target and dive into it with a torpedo. He has had considerable experience in aviation.

His current invention, the electrically-exploded glmite bomb, may have much use in blasting. There seems to be some doubt about its military value because the preparation loses its kick after a period and can't be stored like dynamite or powder.

That causes a debate between experts like Dr. R. W. Wood of Johns Hopkins and Mr Barlow. At any rate, it's an interesting idea the inventor has worked up and it made a grand show. Its value to the armed forces of the nation can be best evaluated by men who have spent their lives studying just such inventions.

Editorial, The Elmira (NY) Advertiser
 3/30/40

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- Mr. Clegg _____
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- Mr. Tracy _____
- Miss Gandy _____

BARLOW BOMB TO BE MATCHED AGAINST T.N.T.

Legislators to Witness Test at Aberdeen

A bomb containing 1,000 pounds of a new secret liquid oxygen-carbon explosive, called gimite, will be exploded in an official test at the Aberdeen (Md) proving grounds of the United States Army approximately one month from now.

The nature of the tests for the new explosive, which is said to possess terrific destructive properties, was agreed upon at a conference in the Senate Military Affairs Committee room yesterday between Lester P Barlow, co-inventor of gimite, and officers of the Army and Navy. The appointment of three members each from the Senate and House Military and Naval Affairs committees to witness the demonstration also was announced.

To Be Matched With T.N.T.

Barlow said the Army and Navy officers agreed, in writing, to his proposal to detonate 1,000 pounds of gimite and then to set off 1,000 pounds of TNT, for the purpose of comparing the results. Both bombs will be of the nonfragmentation type, containing no metal. The explosives will be encased in plywood or heavy bags and suspended from a platform 30 feet high. Barlow contends that this is the proper height to obtain the greatest effect of the gimite detonating waves.

Barlow originally proposed that live animals be staked out at varying distances, up to 1,000 yards, to determine the killing range of the pressure waves. He contends that the concussion from an explosion of 1,000 pounds of the liquid oxygen-carbon mixture will kill every living thing within a radius of 1,000 yards.

It was indicated after yesterday's conference that animals would not be used, but that instruments would be placed at varying distances to record the velocity of the pressure waves and the killing range.

He'll Take No Chances

Barlow was reminded that there is a large administration building and various other structures at the Aberdeen proving grounds and asked what would happen to them. "That is the Army's responsibility," he said. Asked whether he intended to remain within 1,000 yards of the bomb, he said he would not stay within two miles of it.

Handwritten initials and date:
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- Mr Tolson.....
- Mr Nathan.....
- Mr E A Tamm.....
- Mr Clegg ✓
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- Mr Tracy.....
- Miss Gandy.....

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Explosive Competition

Chemists and military experts are not the only persons interested in the debate which has been proceeding in Washington concerning the efforts of Lester P. Barlow, inventor of a new type of bomb, to force Army and Navy men to test his bomb. Dwellers in cities also have a feeling that if what Inventor Barlow says about his bomb is true, cities soon may have to be built deep underground.

However, there seems to be no immediate prospect of a stampede to obtain accommodations in coal mines. Even if all the enthusiastic claims of the inventor are true, plenty of uses can be found for rock-shivering explosives. The ordinary work of the world requires vast tonnages of high-power blasting materials, and according to engineers, there is room for even more powerful products of the chemist's laboratory.

It is only within the last 95 years that rapid progress has been made in devising new and more powerful explosives. Previous to 1845, according to the records, only black powder was in general use for both war and peace purposes. Then guncotton was discovered, nitroglycerin appeared on the scene and dynamite took its place in commerce, the last named being the invention of Alfred Nobel, founder of the famous peace and other awards. Dynamite was devised by Nobel in 1866, and blasting gelatin in 1875. Not until 1886 did smokeless powder come into use. Since then many new products have appeared, the most powerful, it is said, being TNT, or trinitrotoluol, a methyl benzene compound that is ordinarily well behaved, but when irritated in the proper manner explodes with terrific violence.

Owing to the heavy demand for good explosives, competition naturally is keen, which may have more to do with Inventor Barlow's difficulties than appears on the surface.

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JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

July 3, 1940

Mr. Tolson	.....
Mr. Clegg	.....
Mr. Foxworth	.....
Mr. Ladd	.....
Mr. Nathan	.....
Mr. E. A. Tamm	.....
Mr. Egan	.....
Mr. Glavin	.....
Mr. Nichols	.....
Mr. Hendon	.....
Mr. Rosen	.....
Mr. Tracy	.....
Miss Gandy	.....

MEMORANDUM FOR THE DIRECTOR

Mr. James Allen in the Department telephoned and inquired if the Bureau was investigating Lester P. Barlow, who recently made certain tests for the Army and Navy at Camp Meade and who more recently spoke before a group in Baltimore and recommended the overthrow of the Government and a march on Washington with clubs, etc. I informed him that I did not know what informative material the Bureau might have received with reference to Mr. Barlow, but no comment could be made by the Bureau with reference to him in any event.

Respectfully,

S. J. Tracy
S. J. TRACY

See index 1

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FEDERAL BUREAU OF INVESTIGATION

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U. S. DEPARTMENT OF JUSTICE

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Mr. [unclear]
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Mr. E. A. Tamm
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Mr. Tracy
Miss Gandy

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**House Votes to Pay
Barlow \$592,719**

Index

An a roll call vote, the House tentatively approved yesterday, 191 to 73, payment of \$592,719.21 to Lester P. Barlow, bomb inventor, for alleged infringement by the Government on five bomb patents in the World War.

The House action came after Representative Cochran (Democrat), of Missouri, unsuccessfully tried to cut the payment to \$250,000 to give Barlow "the benefit of the doubt and to give the taxpayers a break." Cochran contended there was doubt that Barlow had invented the bombs and read a letter from the War Department supporting his claim that the full amount should not be paid.

WASHINGTON POST

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OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Sept. 3, 1940

Congressman Cochran of Missouri telephoned and stated that he was in receipt of a letter from Congressman Coffee of Nebraska enclosing a letter which Coffee had received from an individual named Jerry Kelly who alleges that he was an Agent of the Bureau in 1920, at which time he made an investigation of Lester P. Barlow relative to this individual's radical activities, and submitted a report to the Director. Cochran stated that he had been an opponent of the bill which authorized the payment of some \$500,000 to Barlow, which bill was presently awaiting the signature of the President and, therefore, he would like to make certain that the information which is contained in the files of the Bureau relative to Barlow is called to the attention of the President. He stated he would like to know if the allegations of Kelly as set forth above are correct and suggested that the Attorney General be advised in order that he can call the President's attention to this before he signs the bill.

RECORDED & INDEXED

A check of the Bureau's files reflects that on June 1, 1940, a memorandum was sent to the Attorney General summarizing the information in the Bureau's files on Barlow. There is no record in Personnel Files of any former Agent named Jerry Kelly.

In accordance with advice of Mr. Tamm, I attempted to call Congressman Cochran back to suggest to him that he get in touch with the office of the Attorney General with regard to this matter

Mr. Tolson _____
Mr. Clegg _____
Mr. Foxworth _____
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Tele. Room _____
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Mr. Tracy _____
Miss Beahm _____
Miss Gandy _____

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OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

but his office was closed for the day and, therefore, I will attempt to contact him in the morning.

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*Coelran a. W.
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Mr. Clegg _____
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Mr. Ladd _____
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