

● PSF. Charles C. Burlingtonham

Subject File

Box 121

Curlingham

At 49 East 65th Street,

New York City, October 4, 1933.

PERSONAL AND [REDACTED]

Dear C.C.:

I am, of course, properly and rightly disappointed that Sam Rosenman was not given the Fusion nomination, quite aside from whether Judge Seabury accepts my very definite word. I am not taking part in any shape, manner or form, in the New York City election. I cannot help feeling that fitness for the bench cannot have entered at all into the decision to turn him down.

Furthermore, I am told on my return to New York that Judge Seabury has stated categorically that I made a promise to you when I expressed to you my hope that Sam Rosenman would receive the Fusion nomination, that in consideration of such nomination I would take no part in New York City affairs. I cannot believe that Judge Seabury said this, and yet I have it on the authority of a trustworthy person. You and I know that if Judge Seabury did say this he was guilty of a deliberate and malicious falsehood.

I know, of course, that you are not in any way a party to misrepresentations of any kind.

Very sincerely yours,

Honorable C. C. Burlingham,
27 William Street,
New York City.

DECLASSIFIED

By Deputy Archivist of the U.S.
By W. J. Stewart Date JAN 29 1973

October 11, 1933.

Dear Sam:

I send you the inclosed copy and the original answer. The President is very anxious that nobody should see these but yourself. Will you kindly return the original reply to me after you have read it?

I am sorry I was not in when you telephoned, but if I must admit it I will tell you that I spent the afternoon at the races, and won about two and a half cents.

I hope the campaign goes well. I need not tell you how delighted I am that Eleanor is with you. Give her my love, and I hope neither one of you will work too hard.

Margaret sends her best. I would love to hear from you how things look, and, also, did you really break away from Tammany or was that just the newspaper story of your being also on the McKee ticket? Best of luck anyway.

As ever,

Honorable Samuel I. Rosenman,
444 Central Park West,
New York City.

Gen-B - Drawer 2 - 36
Burlingham

February 6, 1936.

Dear C. C. -

You are right -- and you are wrong! I know how you feel and I go along with you a long part of the way. On the other hand, for years -- four years at Albany and then before that -- I got rather fed up with the consistent and unimaginative type of Bar association suggestions. They never, under any circumstances, suggested a "man of the people." Always someone from a big law firm, all of which did and do the same type of legal business. There is no use asking the Bar association for suggestions -- but I wish you would use that grand imagination of yours and dig me up fifteen or twenty youthful Abraham Lincolns from Manhattan and the Bronx to choose from. They must be liberal from belief and not by lip service. They must have an inherent contempt both for the John W. Davison and the Max Stearns. They must know what life in a tenement means. They must have no social ambition. There is a job for you!

As ever yours,

Honorable C. C. Burlingham,
27 William Street,
New York, N. Y.

DECLASSIFIED

By Deputy Archivist of the U.S.

By W. J. Stewart Date JAN 26 1973

BURLINGHAM, VEEDER, CLARK & HUPPÉ

CHARLES C. BURLINGHAM
VAN VECHTEN VEEDER
COUNSEL

ROSCOE H. HUPPÉ
CHAUNCEY I. CLARK
CHARLES BURLINGHAM
EVERETT HASTEN
GEORGE H. EMERSON
RAY ROOD ALLEN
JOHN L. GALEY
A. HOWARD NEELY

WILLIAM J. DEAN
EUGENE UNDERWOOD

CABLE ADDRESS: POLYGARPON

27 WILLIAM STREET

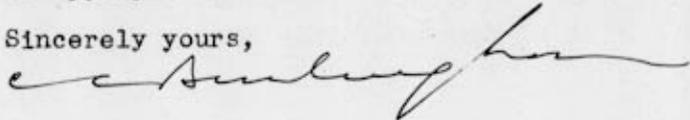
NEW YORK February 4, 1936

Miss Margaret Lehand,
The White House.

Dear Miss Lehand:

The enclosed letter is a very personal one, and for that reason I entrust it to your personal care, confident that you will present it to the President at an appropriate time.

Sincerely yours,



CCB:A

Enclosure

BURLINGHAM, VEEDER, CLARK & HUPPER

ROSDOE H. HUPPER
CHAUNCEY I. CLARK
CHARLES BURLINGHAM
EVERETT MASTEN
GEORGE H. EMERSON
RAY ROOD ALLEN
JOHN L. GALEY
A. HOWARD NEELY
WILLIAM J. DEAN
EUGENE UNDERWOOD
CABLE ADDRESS: POLYCARPON

CHARLES C. BURLINGHAM
VAN VECHTEN VEEDER
GOUNBEL

27 WILLIAM STREET
NEW YORK

February 4, 1936.

~~(Confidential)~~

Dear Governor:

This letter is written more in sorrow than in anger.

I fancy things are going on beneath the surface that I don't know about, and that your delay in sending the Senate the name of Hardy or someone else and in appointing a District Judge for this District are involved. Perhaps the nomination of Abruzzo reported this morning is a balon d'essai or one leg of a triangle. You may have been told that Abruzzo is a smart lawyer. I don't know him personally, but I know about him. He is a friend of Judge Manton's and succeeded to Manton's business, and it was a business! He is approved by the politicians, and usually that is enough to bring the Brooklyn Bar Association into line.

Are we to have a similar nomination in the Southern District, where the judges are working their heads off? Bankruptcies and reorganizations under 77B are putting a terrific load on the judges, and undoubtedly the politicians see possibilities of patronage, which make them look greedily on this particular judgeship.

And now Hardy - I wrote you when you were in Warm Springs that I felt sure that there would be strong opposition to his confirmation if you sent his name to the Senate. You may have heard of the meeting we had at the Bar Association, where by a vote of 321 to 247 the appointment was disapproved. The press reports

stated that Hardy's personal character was not involved. It is true that no charge was made of pecuniary wrong or of moral turpitude; but to have been counsel and a member of the board of directors and chairman of the executive committee during a period of four and a half years while crookedness was rampant in the corporation is at least a reflection on such a man. A smart man should find out his associates within six months; a dumb-bell might well be given two years; but four and a half years is beyond any reasonable limit! The point, however, is not personal; it is ~~the fact~~ that any man, however honorable, connected with one of these title and mortgage companies is by that very fact disqualified from service as a public prosecutor, for he cannot command the confidence of the public. Hundreds of thousands of people lost heavily - in the millions - by investment in mortgages guaranteed by the State Title & Mortgage Company.

I am one of those who think that political experience is a valuable asset for a judge, but it is not the principal asset. Character comes first, ability second, learning third. Our judges in the District Court are not Marshalls or Mansfields, but they are men of high character and keep their offices clear of politics.

If you are really interested in getting the best judges on the Federal bench, we can help you and we are keen to do so; but if the chief considerations are political, you might as well count us out.

If you knew how I felt, you would regard this letter as a fine example of moderation and understatement.

Yours as always,


BURLINGHAM, VEEDER, CLARK & HUPPER

ROSCOE H. HUPPER
CHAUNCEY I. CLARK
CHARLES BURLINGHAM
EVERETT HASTEN
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27 WILLIAM STREET
NEW YORK

PSF
Burlingham

CHARLES C. BURLINGHAM
VAN VECHTEN VEEDER
COUNSEL

See Bureau 2-36

February 13, 1936.

Dear Governor:

Thank you for your letter. Your bracketing of Max and John is most amusing. They are not wholly alike and sometime I will give you my analysis of each. But let me tell you something funny now. Maxie has come out for the Child Labor Amendment; so I wrote thanking him, which led to correspondence and Tuesday I had him at the Down Town Club for lunch and showed him off with pride to my conservative and respectable friends. After talking Child Labor for a bit, we got round to politics and he told me of his call on you. He could not imagine why you should speak to such a humble private citizen as if he had influence with Tammany Hall! I remarked that Deoling was a "nice" young man and asked how things were going in the Hall anyway. "Not so well." "Was it Jimmy Hines?" "No", he thought not. "Was Al strong with James J?" "He had been." "What did he think of Al's speech?" "Very bad - he killed himself." The speech had helped you. James J. had asked him to go as a delegate to Philadelphia. Yes, he would go if he were absolutely free. "Certainly", said James J.

What made it so funny was that I had in my pocket your letter and there it reposed!

I will send you a list of fit names. I can't guarantee that

they all know tenement life but I will guarantee that they have open minds and sympathetic hearts.

There is a good deal of truth in what you say about some of the men suggested to you at times, but please don't forget that when you were Governor the Bar Association did not suggest names. All they did was to pass on the names you sent them.

Another thing has been on my mind for a long while and now is my chance to get it off. If in the course of nature any of the sacred Nine shuffle off this m.c., it does not follow because certain noble senators and members of Congress have supported you in your policies that they will be liberal or even open-minded on the Supreme Court Bench. President Wilson thought that because McReynolds had been a trust buster he was O.K., but you and I know that one of the few virtues which lawyers possess is fidelity to their clients and when Mc's client was the U.S.A. he did his duty - that's all there is to that.

Ninth and lastly, I am sorry you limited me to Manhattan and the Bronx. If Abruzzo, an ambulance chaser, was suggested by M.T.M. either directly or via Kelly and Judge Johnson, it was not for his merits. Long before Abruzzo's name was sent in it was rumored hereabouts that if Kenneth Sutherland were appointed assistant to the President of the Board of Aldermen, Abruzzo would be appointed United States District Judge. Possibly you thought I might dirty my feet or hands if I crossed the East River!

Yours,
C. E. A.

BURLINGHAM, VEEDER, CLARK & HUPPER

ROSCOE H. HUPPER
CHAUNDEY I. CLARK
CHARLES BURLINGHAM
EVERETT MASTEN
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27 WILLIAM STREET

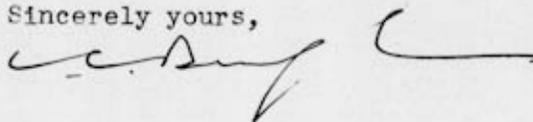
NEW YORK February 13, 1936

Miss Margaret Lehand,
The White House.

Dear Miss Lehand:

You were so kind as to give my confidential letter to the President the other day, and I have had a delightful reply from him. Now here is another, which I entrust to your hands.

Sincerely yours,



CCB:A

Enclosure

CHARLES C. BURLINGHAM - BLACK POINT - CONNECTICUT

PSF

June 26, 1936

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file

Dear Franklin:-

I should be lacking in friendliness if I failed to express frankly my deep regret at your recent judicial appointments. The bill giving the Southern District two additional judges should not have been passed. The calendars were being cleared; but the Chief Justice and the Senior Circuit Judges had been urging Congress for several years to pass the bill, and it was impossible to stop it once the politicians felt sure that you would give them good organization men, as you have. I cannot believe you would have named these men after election.

As you know, I am not one of those who object to the appointment of judges who have been politicians. Political experience is a valuable asset for a judge. Also I regard legislative experience as equivalent to experience in practice, provided the previous education is sufficient. And the Bench is a good school for judges, although it is rather hard on the litigants to be the instructors.

I have recently read an opinion

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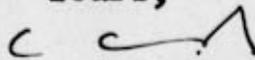
CHARLES C. BURLINGHAM · BLACK POINT · CONNECTICUT

of Abruzzo's, a model of ignorance and illiteracy. Hurlbert is a good fellow, honest and sensible, with experience as President of the Board of Aldermen, Dock Commissioner and M.C., and the Court can stand one or two like him. Leibel is a man of ability and force. Mandelbaum I know only as a legislator. Clancy apparently is unknown. I inquired of judges, ex-judges and politicians, and they had never heard of him!

I am not taking a walk; but I have a Hell of a time to defend your judicial appointments. In my opinion the only defense is political necessity. You may need New York and the support of the County Organizations of the City. It is a pity that you have to pay so high a price, giving life appointments to inferior men.

Moreover, it is a good deal of a boomerang, for such appointments seem to augur ill for the Supreme Court when in the course of Nature some of the ancients shuffle off this m.c.

Yours,



BURLINGHAM, VEEDER, CLARK & HUPPER

ROSCOE H. HUPPER
CHAUNCEY I. CLARK
CHARLES BURLINGHAM
EVERETT MASTEN
GEORGE H. EMERSON
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EUGENE UNDERWOOD

CABLE ADDRESS: POLYCARPON

CHARLES C. BURLINGHAM
VAN VECHTEN VEEDER
COUNSEL

27 WILLIAM STREET

NEW YORK June 26, 1936.

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Yours,

L. C. A.

CCB:G

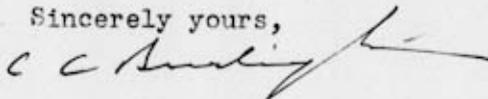
27 WILLIAM STREET
NEW YORK

July 3, 1936.

Dear Miss Lehand:

When I wrote to you the other day I sent you three letters for the President (so I thought), but I find this original on my desk and I am wondering whether I really sent it. If I did not, will you be so kind as to give it to the President at an appropriate time. If he already has a similar letter, then perhaps you will be so kind as to return it to me.

Sincerely yours,



Miss Margaret Lehand,
The White House,
Washington, D. C.

CCB/MH
Enclosure

CHARLES C. BURLINGHAM • BLACK POINT • CONNECTICUT

6/26/30
Dear Governor

Congratulations on
your renewed oppor-
tunities. It is a tes-
tific job. Happily you
are not appalled by its
size and difficulties.
God bless you and
give you His aid to
carry through your
more years
Yours
C.C.B.

PERSONAL

July 2, 1936.

Dear Charles:-

Many thanks for your notes. I will speak to Gardall about Levering Hill. I did not know that we had a vacancy there but I will find out.

In regard to the Judges - "you have it all wrong!" You will remember the qualifications I wrote you about. I got no suggestions from anybody! We simply must get away from justice that has to be dispensed exclusively by young gentlemen who have not got the foggiest idea "how the other 90% live" and have been trained in the school of any of the large law firms, whether it be Max Steuer's or John Davis'.

Leaving out papers like the SUN and HERALD TRIBUNE, others like the WORLD TELEGRAM assume that the reason for these three appointments was a political one. Poor innocents who can see only the paint and not the solid substance beneath it!

In regard to the gentlemen you speak of, I am not yet certain about our Brooklyn friend, but then the Brooklyn Bar is, as you and I know, a thing apart. You yourself give Hulbert a one hundred per cent recommendation when you say he "is a good fellow, honest and sensible." Could higher praise be given a Judge?

Your recommendation of Leibell as "a man of ability and force" is not bad. I believe him to be also honest and sensible.

Your admission that you know Mandelbaum "only as a Legislator" is not exactly a condemnation of his fitness.

And as to Clancy, your objection seems to be that you had "inquired of judges, ex-judges and politicians, and they had never heard of him."

Well, in regard to Mandelbaum you can put it down to personal prejudice in his favor by me, I having seen him and worked with him for four years during my term as Governor. And as to Clancy, I know him and respect him because I believe him to be not only a "good fellow, honest and sensible" but also a man of "ability and force."

So there you are!

Do you know why in these dangerous times people are not gaining in their respect for the Courts? It is because situations like that of the clearing house banks keep recurring. Legally I suppose Shientag was right in holding that the banks which the Government sued were not liable because their Directors and stockholders had not specifically authorized the guarantee of a liability for the Harriman Bank. Nevertheless, the banks which did pay up did so because they recognized a moral versus a legal obligation. Those banks and the lawyers who recommended the payment to them are respected by the public. Those banks whose officers told the public that they were going to see the Harriman Bank through and then reneged on the moral obligations did more to create Communism than all the Stalins and Hearsts in the world. Please note the coupling of the two names.

-3-

Mature consideration leaves me believe that many of your friends and mine, whose names are most honored in Bar Association lists, are more dangerous, not only to the legal profession but to the continuance of democratic institutions, than all the Leibells, Mandelbaums and Claneys on and off the Bench.

Ever your friend,

Honorable Charles C. Emlinger

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BURLINGHAM, VEEDER, CLARK & HUPPER

ROSCOE H. HUPPER
CHAUNCEY J. CLARK
CHARLES BURLINGHAM
EVERETT MASTEN
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WILLIAM J. DEAN
EUGENE UNDERWOOD
CABLE ADDRESS: POLYCARPON

CHARLES C. BURLINGHAM
VAN VECHTEN VEEDER
COUNSEL

27 WILLIAM STREET

NEW YORK August 3, 1936.

Dear Governor:

The enclosed letter calls for no answer. I hated to write it, but I had to, out of self respect.

I am delighted that you have had a good holiday - though too short.

Your speech in Quebec was quite perfect and your French not only happy but in pronunciation it must have excited the envy of Nicholas Miraculous and Edward VIII.

Also while at it let me thank you for P.O. Civil Service order.

Yours 'till November 3rd and after,

CCB

CCB:RS

Enclosure

BURLINGHAM, VEEDER, CLARK & HUPPER

ROBODE H. HUPPER
CHAUNCEY I. CLARK
CHARLES BURLINGHAM
EVERETT MASTEN
GEORGE H. EMERSON
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A. HOWARD NEELY

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EUGENE UNDERWOOD

CABLE ADDRESS: POLYCARPON

CHARLES C. BURLINGHAM
VAN VECHTEN VEEDER
COUNSEL

27 WILLIAM STREET

NEW YORK

July 18, 1936.

Dear Franklin:

Thank you for your letter of the 2nd. I bother you with a reply only because I feel so strongly that there is little that you do as important as the selection of judges.

1. For the asking you could get from the Bar Association Committees all the facts as to the ability, experience and character of any lawyer whose name is before you; and they would suggest names if you requested, which I have never known you to do as Governor or as President. They hesitate, properly so, to volunteer names unasked. For myself, months before the bills passed I suggested to you as a type John Joyce, Democrat, of the Bronx, Referee in Bankruptcy, a fine lawyer from no "large law firm", admired by bench and bar, who knows how "the other 90% live" — *another, too, Robert M. Benjamin, Lloyd Garrison's partner while L. was in N.Y.*

2. You seem to divide lawyers into those connected with the big firms and the people's friends. To my mind it is not so simple as that. The big law offices are full of young men who have no part or lot with Liberty Leaguers or Max Steuers. Many of the best young lawyers in the Departments in Washington came out of those offices. But no matter - avoid the big firms if you will; the important thing is to leave no stone unturned until you find the best men available. The fact that you are a member of the New York Bar does not seem to me enough to relieve the A.G. and your advisers from the duty to aid you.

3. I tried to be fair and you construe my words as approval. I told you what I thought of your appointments one by one, and said the best that could be said for each, but the only one of the five who has demonstrated his fitness for the District bench is Leibell. That Hulbert is a good, honest, sensible fellow is not enough.

Men like Thacher and Bob Patterson on the bench know no brother. They are not the cattle who grant injunctions every whip stitch. Not one of your appointees in our Circuit comes within gun shot of them, nor of either Hand (Learned, named by T.R., and A.N. by Wilson) or Swan or even Knox, or of Hoover's bunch — Woolsey, Coxe, Patterson and Caffey, I think.

Do you not know that lots of these fellows on the State bench — and your recent appointments are of the same kidney — have no moral sense? One whose name I will put on a separate slip is a good churchman and probably thinks he has a mens conscia recti. But he really doesn't know right from wrong, and the political school kept by our Murphys and Olvanys does not fit for the bench. Jim Foley is the grand exception. In moral crises such as often confront judges, these men simply don't know what to do. It is in such crises that the instinct and habits of a gentleman (true) count.

4. Finally, though I must take your word for it and I do, you could not have made better political appointments if you had tried — Abruzzo for Kelly and Judge Johnson, Clancy for Flynn, Mandelbaum for Dooling, Leibell, the partner of Jerry Mahoney and the friend of Wagner.

Thine,

C. C. Sullivan

P.S. - I agree with you about the Clearing House case and the effect of the decision on the public mind. Shientag is a very fine judge, but I sincerely hope he will be reversed and the divorce of Law from Morality be made null and void.

PSF: Burlingham *Len*

PERSONAL

May 27, 1937.

Dear Charles:-

I do not in the least object to what you have written but may I put it this way: I think you are looking a day or a week or a year ahead, while I am trying to look a generation ahead.

For exactly thirty years I have been watching, as a lawyer, the processes of American justice. I have attended Bar Association meetings of many kinds. I have read Law Journals and Reviews. I have met, liked and honored many great lawyers and many great judges. But the net result is this -- neither the American Bar nor the American Bench in that whole period have been responsible for any major improvement in the processes of justice. And on the other side of the picture, the American Bar and the American Bench have encouraged bad morals and bad ethics on the part of American non-lawyer citizens. It is, therefore, not to be wondered that a large majority of the lawyers and judges of the country would prefer to see nothing done in regard to reforming the Federal Courts - to say nothing of state and local courts.

It is perhaps amusing that while I dictate this I see a paragraph in the local Washington paper "D. C. Bar Association opposes Juvenile Court Bill."

Under your hat - within a few weeks quite a storm is going to break over the heads of a large

number of individuals who have been cheating their
own Government. Watch and see how many lawyers
condemn them and how many lawyers condone them!

As ever yours,

Honorable G. C. Burlingham,
27 William Street,
New York City,
New York.

BURLINGHAM, VEEDER, CLARK & HUPPER

ROSCOE H. HUPPER
CHAUNCEY I. CLARK
CHARLES BURLINGHAM
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CABLE ADDRESS: POLYCARPON

CHARLES C. BURLINGHAM
VAN VECHTEN VEEDER
COUNSEL

27 WILLIAM STREET

NEW YORK May 25, 1937

Dear Governor:

Now that the C. J. and Roberts have crossed the line and Van Devanter has retired, you have accomplished your real purpose by bringing about a reasonable interpretation and application of the Constitution by the Court.

I wish it were in my power to persuade you now to drop so much of the bill as relates to the S.C., with a statement in your own inimitable style that one of your main objectives was to direct attention to the fact that in some of its decisions the Court had failed to recognize the changed conditions of our economic and social life by its narrow and legalistic interpretations; that during the last two months the majority had adopted a more reasonable interpretation; that many of your supporters strongly opposed the bill as the wrong method; that while you had not altered your own view as to the bill, which you could state was in no sense an attack on the independence of the Judiciary nor an attempt to coerce the Court to make particular decisions, you have no pride of opinion on the subject, and now that things were going along reasonably, you had no objection to the withdrawal of those portions of the bill which affect the Supreme Court; that the other recommendations embodied in the bills should, of course, be fully discussed and decided on their merits.

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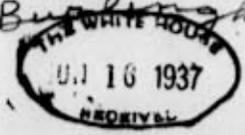
This is probably one of the most audacious and effronterous
letters ever written to the Pater Patriae. *Do not acknowledge it*

As always,

Yours,
C. C. Burlingame

CCB:EF

PSF; Burlington



file personal

BURLINGHAM, VEEDER, CLARK & HUPPER

ROSCOE H. HUPPER
CHAUNCEY I. CLARK
CHARLES BURLINGHAM
EVERETT MASTEN
GEORGE H. EMERSON
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A. HOWARD NEELY
EUGENE UNDERWOOD

CABLE ADDRESS: POLYCARPON

CHARLES C. BURLINGHAM
VAN VECHTEN VEEDER
COUNSEL

27 WILLIAM STREET
NEW YORK

June 14, 1937.

Dear Franklin:

Thank you for your letter, and the memorandum which followed it.

1. I confess that I cannot understand why you are so hard on the lawyers. True, only a remnant seek to improve the law; but are the physicians any better? Witness their attitude toward health insurance and public medicine, and it was the same in England 30 years ago. Do bankers reform themselves? Witness their fight against S.E.C. Is it not the prophets and saints - the Wilberforces, the John Howards, the Elizabeth Frys and the never say die-ers, like Rowland Hill and Samuel Plimsoll - who brought things to pass?

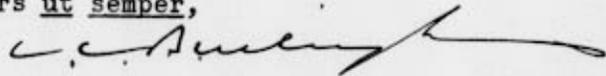
2. The reforms in English procedure in 1873-5 were the work of a few men, not all lawyers by any means. The Royal Commissions have done wonderful work over there. Every so often an enlightened Law Chancellor or law officer or judge works some reform - Sir Samuel Romilly, Birkenhead (the land law); just now a Royal Commission, with Lord Mac Millan or Lord Wright chairman, is doing away with consideration and the Statute of Frauds. Years ago I remember Mr. Evarts saying to Mrs. Lowell that the chief virtue of a lawyer was fidelity to his client; he might cut his opponent's throat, but he would be true to his client. This is not as true today as it was fifty years ago.

3. You ask me what Christ would say about the American Bench and Bar were he to return today. That is not a hard question to answer. After he had castigated the Pharisees, you remember that a lawyer said to him: "Master, in saying this thou reproachest us also." And Jesus said: "Woe unto you lawyers also, for ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers." And again: "Ye took away the key of knowledge: ye entered not in yourselves and them that were entering in ye hindered." But let us never forget that it was the questioning of our Lord by a lawyer that brought from him the parable of the Good Samaritan.

Yes, I think He would have had something to say about our judges, for He would surely have known that it was not reformed procedure and new laws that we needed so much as better judges. A Mansfield, a Jessel, a Hough, a Holmes, a Cardozo, a Hand needs no new system of law or procedure.

But this all too long letter should "to the barber's" with Polonius's beard.

Yours ut semper,



CCB:C

P.S. - Poor old Jack, he needed Tom Lamont by his side. For years he maintained a gruff silence. Then they put the midget on his lap, and the news men were so nice to him that he thought he could open up a bit. Now, he'd better revert to his silence, and let John Davis express his views with due regard for the ethics of the taxpayer.

*It was a shocking exhibition. C. C. B.
certainly*

BURLINGHAM, VEEDER, CLARK & HUPPER

ROSCOE H. HUPPER
CHAUNCEY I. CLARK
CHARLES BURLINGHAM
EVERETT MASTEN
GEORGE H. EMERSON
RAY ROOD ALLEN
JOHN L. SALEY
A. HOWARD NEELY
EUGENE UNDERWOOD

CABLE ADDRESS: POLYCARPON

27 WILLIAM STREET

NEW YORK October 28, 1937

CHARLES C. BURLINGHAM
VAN VECHTEN VEEDER
COUNSEL

PSF: Burlingham
file
Personnel
Gen
2

Dear Franklin:

It certainly was most kind and thoughtful of you to write to me about my wife's illness. She is still in the hospital, but remains only because she is so weak and has not yet regained strength enough to go home. We are, of course, anxious but hopeful.

Some of my friends are having the enviable pleasure of seeing you -- Roy Howard the other day and Ozzie Villard. I send messages to you from time to time, but I doubt whether any of them are delivered.

I had the exquisite pleasure, the other day, of lunching with Senator Copeland, and to make conversation, I said, "I suppose I am the only man at this table (there were four of us) who is a New Dealer". Well, it did make conversation and they admitted that you are a Fuehrer, and no mistake about it, and that the G.O.P. hasn't any even in sight.

I told Roy to tell you that the election was over here and LaGuardia was a sure winner -- Dewey, too, I believe as well as hope.

Poor Herbert is horribly afraid lest within the next 96 hours someone will ask him whether he is for Dewey or Hastings. At the Bar Association the other night, we had a grand time with that ragged pair of Tammanyites, Judge Talley and George Gordon Battle, and Lloyd Stryker, and when a division was called for on the resolutions,

only one man put up his hand and if the vote had been taken, there would have been not more than 35 in favor of Hastings in a crowd of 590. George Medalie gave a pretty good definition of a career man as one who did routine work very well and was incapable of initiative. That may not apply in the diplomatic service, but it does in the District Attorney's office.

Speaking of diplomats, when may we expect the ineffable Claude G. Bowers to return to his native land, where he will be even safer than in St. Jean de Luz-and there are others.

Yours,

C. C. A.

CCB:EF

P.S. I found in Life a picture of a black cat creeping across the portico of the Supreme Court building the day his namesake took his seat, with an apology that this was the only photograph available. I sent it to B.N.C., who replied: "I enjoy your comments on the passing scene, but I must be discreet".

C. C. A.

✓ file personal PSF: Burlingham
8/5 '40 15

BLACK POINT
CONNECTICUT

Dear Miss Le Hand:

Bishop
This from
Roots may interest
the President

This reply to my alliter-
ative telegram was
most welcome.

Yours sincerely
C. C. Burlingham

C. C. Burlingham

BLACK POINT
CONNECTICUT

August 5/40

Dear Franklin:

My good
friend Bishop Logan H.
Roots of Hankow who
has lived in China
since 1896 until he
retired two years ago,
is our neighbor here
this summer. He thinks
you can be the Peacemaker.
I asked him to write his
views and here they are.

There has been com-
paratively little public dis-
cussion of the effects
of the war on the Orient.

Yours ever
C. C. Sweeney

M. COOK POINT
NIANTIC
CONNECTICUT

PERSONAL AND CONFIDENTIAL

July 30, 1940

Dear Mr. Burlingham,

What you said Saturday moves me to put the following points in writing.

The prospect of the war continuing in Europe is so appalling that one might hope for a miracle to bring it to an end. I see, as Americans generally do, the horrible picture of the consequences to Europe and America. The telegram by Karl H. von Wiegand from Berlin, published in the "New York Journal American" of July 21st, indicates what I mean. But I write chiefly because of my life-long concern for China and her future, which is so intimately bound up now with the European situation. Personal friendship for the Generalissimo and Madame Chiang Kai-shek add further weight to my concern, while many similar friendships make England and the Empire very dear to me.

Should the worst happen to Britain, China's free part in any community of nations would be gravely endangered. Were the struggle with Britain to be prolonged, it would so weaken the Western powers that the prospect for a free development in East Asia would still be very dark. I have studied carefully Mr. Hitler's recent Reichstag speech, and wonder whether there is not possible, through the instrumentality of our President, an honorable negotiation between Britain and Germany. This might preserve for the future the British Empire and her fleet, together with her sphere of influence in the Far East, which, with our own has hitherto been such a stabilizing factor.

Is it not time now to consider realistically the advantages of immediate efforts to reach a reasonable settlement rather than fight to the finish? These advantages are to my mind overwhelming, and I enclose a separate memorandum outlining some of them.

**McCOOK POINT
NIANTIC
CONNECTICUT**

While endeavoring to remain realistic must we not recognize as one of the most real, even if not exactly concrete, facts of the situation, that a new atmosphere of self criticism and honest apology, appreciation of other nations and good will, is needed if international relations are not to deteriorate? And could not our President help in creating this new atmosphere by acknowledging to both Britain and Germany some of the ways in which America has failed morally as a member of the family of nations?

Could the President now undertake the statesmanship of reconciliation, not only would every American revere him as a great peace-maker and savior of our democratic institutions, but, through him, a new community of nations might be brought to birth which would cradle a greater security and culture for mankind than we have yet known. Certainly those leaders who give such a decisive turn to events will receive the blessing of future generations.

If you think there are any worthwhile ideas in this letter, perhaps you can put them into your own words and in the setting of your own deepest convictions about the situation and about America's destiny, and so send them on to the President. In any case I hope to have the opportunity of talking with you soon both to clarify and heighten my own thoughts and also decide what ought to be done.

Most sincerely yours,

Lyman H. Root
LHR

MUST IT BE A FIGHT TO THE FINISH?

1. It is assumed that:

- (1) The best way to serve Democracy in this crisis is to face the facts. Wishful thinking is no solution.
- (2) As President Roosevelt has said, "it is not an ordinary war, it is a revolution."
- (3) The power of this "revolution" has been superiority in arms, and still more superiority in sacrifice. In a recent speech Lord Lothian truly said:

"The democracies have abandoned their early ideals and lost the soldierly qualities which are essential to any healthy society - the qualities of manliness and valor in the citizen, the simple recognition that there is something higher and nobler than ourselves in life, for the sake of which we must hold ourselves ready at any time to lay down our lives, or to leave wife and children, or ease and possessions. That, of course, is the central lesson of Christianity. It is also the central lesson that Hitler and Mussolini have taught their people, and is the secret of their success."

- (4) It will take time for the democracies to prepare fully in men and arms, and a still longer time to create on this continent a disciplined and united people capable of great sacrifice for an ideal.
2. Britain is still confident of victory. Others, however, do not share that confidence. Hitler's psychological attack has failed, and the British are fighting gallantly and hopefully to prevent invasion. But preventing invasion does not mean winning the war. The blockade is by no means certain of success. Indeed, one cannot dismiss as impossible an Axis counter-blockade. Furthermore, all of Europe and most of Asia is now actively or potentially arrayed against Britain, and American military aid, if given, could hardly be effective in less than a year.
3. Should Britain lose the war, she would lose her Empire. India, Africa and Australasia would be exposed to conquest. America would then have to choose either to cooperate with the victors, or to risk in her turn the

conquest of her hemisphere. Even if Britain were able with our help to prolong the struggle, the world would be turned into a battle-ground for years to come, with no certainty of a democratic victory in sight.

4. If a settlement can be reached now, even if Gibraltar, Malta, Suez and Aden were demilitarized and the former German colonies returned, the British Fleet would be preserved and Great Britain and her Dominions would remain free democracies.
5. With the British Fleet in being, with an American two-ocean navy under construction, with a working agreement between the Axis Powers and the Democracies, Japan might be induced to initiate a policy of cooperation in the Far East and the South Seas.
6. Continued naval command of the Atlantic would help preserve South America from subversive influences, and further the development of economic and cultural ties among all the American Republics.
7. If this war is fought to a finish it must, regardless of who wins, immeasurably weaken the creative power of the white races and their ability to withstand the advance of Marxist materialism.
8. A cessation of hostilities would give Britain and America time to mobilize their vast resources, build up their physical defenses, and consolidate their internal unity to a point which would make them invulnerable either from without or from within.
9. Thus secured, the English-speaking peoples might create in support of democratic ideals an even greater and more sacrificial faith than that which supports the totalitarian regimes. Were citizens of the United States and of the British Commonwealth to throw all their energies into a drive for national regeneration, there would be created an Ideal more compelling than any alien ideology, strong enough to win the respect and perhaps finally the allegiance of the peoples of the entire world.
10. If our President could give such a decisive turn to events, a new community of nations might bring to birth in our life-time a better civilization than we have ever known.

August 4, 1940

PSF
Burlingham

27 WILLIAM STREET
NEW YORK

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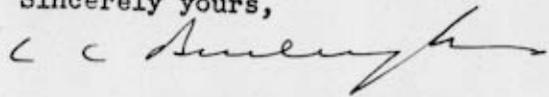
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personal

July 6, 1943

Dear Miss Tully:

Here's another epistle for the
President. Thank you for putting the
recent one through.

Sincerely yours,



CHARLES C. BURLINGHAM
BLACK POINT
CONNECTICUT

CCB:RS

Enclosure

BURLINGHAM, VEEDER, CLARK & HUPPER

ROSCOE H. HUPPER
CHAUNCEY I. CLARK
CHARLES BURLINGHAM
RAY ROOD ALLEN
JOHN L. GALEY
A. HOWARD NEELY
EUGENE UNDERWOOD
GEORGE H. EMERSON
EVERETT MASTEN

CABLE ADDRESS: POLYCARPON

CHARLES C. BURLINGHAM
VAN VECHTEN VEEDER
COUNSEL

27 WILLIAM STREET

NEW YORK July 7, 1943

Dear Franklin:

Your commutation of Stephan's sentence saved the Nation from a lasting disgrace. Your statement was just right - "The sentence was too severe in that it did not sufficiently take into account *** the different qualities of treason".

2. You should not answer my letters. To read them is more than enough. Re McNally I think you took a terrible risk in appointing Kennedy's personal counsel U.S. Attorney. It may turn out O.K. - Roosevelt luck! I hope it will. McN. pledged his sacred word and honor to the Bar Association Committee that he would not permit politics to enter the office. If he keeps his word, it will be despite Tammany, which lives, moves (or stagnates) and has its being on patronage. With all respect, I don't see what the fact that thousands of Democrats in New York vote the Tammany ticket has to do with the case.

Ever yours,

C. C. B.
That nothing to do with the Bar
Asso. Their letter to F.B. Ily. may
CCB:RS have been premature. They sh^{ld} have
let McN. know at once that
they had no personal objection
to him. Their ⁱⁿbellis was based on
in the office ^{now} was based on
social historic grounds. *C. C. B.*

PSF: Burlingham

San Carlos "B"

g-44

BURLINGHAM, VEEDER, CLARK & HUPPER

CHARLES C. BURLINGHAM
COUNSEL

ROSCOE H. HUPPER
CHAUNCEY I. CLARK
CHARLES BURLINGHAM
RAY HOOD-ALLEN
JOHN L. GALEY
A. HOWARD NEELY
EUGENE UNDERWOOD
GEORGE H. EMERSON
NORMAN M. BARRON
STANLEY R. WRIGHT

CABLE ADDRESS: POLYCARPON

27 WILLIAM STREET

NEW YORK 5.

March 25, 1944.

Dear Franklin:

Felix sent me the Order of Service with your kind message, which I greatly appreciate. I am getting the Reverend Jack Suter, the Custodian of the Book of Common Prayer, to annotate the Order for the benefit of Felix, who is most anxious to know the origin of our beautiful prayers. The one for the Nation was written by Bishop E. L. Parsons of California. I sent Felix a copy of the prayer for Edward VI, and I hope he gave it to you. When Elizabeth came in, she shortened it, but much of the original we say every Sunday for you. Suter tells me that the origin of most of the Latin prayers taken over by the Church of England is unknown. When I get his report I will send it to Felix, and if it contains anything really interesting, I will ask Felix to give it to you.

Ever yours,

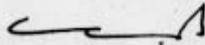
C. C. B.

P. S. I am so horribly old that I think I might as well tell you some of the things that I am thinking about ante mortem. I have asked George Martin to write my obituary for the Bar Association and let me see it and revise it. He is inclined to do this if he does not have to do any research or pay too much attention to fact!

Well, if you are nominated in Chicago, I will vote

- Page Two-

for you; but if I thought I had any influence with you, I would respectfully suggest that after the Republican Convention has made its nominations, you refuse to run. Why not do a J.Q.A. and in '46 go to the H. of R. for the 26th District, vice H. Fish, or if you prefer reverse Cincinnatus and be a real farmer. You may ask my exquisite reasons for this advice. If reasons were as plentiful as blackberries, like Falstaff I should refuse to give them. The truth is, I feel a little ashamed to have one man President of the U.S.A. for sixteen years. It seems like Mexico, although it ain't.



A PRAYER FOR THE KINGE. (EDWARD VI)

O Lorde Jesu Christe, moste high, moste mightie, kyng of kynges, lorde of lordes, the onely rular of princes, the very sonne of god, on whose ryghte hande syttyng, docest from they throne beholde all the dwellers upon earth: with mooste lowly hertes we beseche the, vouchesafe with fauourable regard to behold our most gracious soueraigne lorde kyng Edwarde the syxte, and so replenysshe hym with the grace of thy holy spirite, that he alway incline to thy wil, and walke in thy way. Kepe hym farre of from ignoraunce, but through thy gifte, leat prudence and knowledge alwaie abound in his royall hert. So instructe hym (O LORD IESV) reygnyng upon us in erth, that his humaine majestee, alway obey thy divine majestee in feare and drede. Indue him plentifully with heauenly geftes. Grant him in health and welth long to liue. Heape glorie and honoure upon hym. Glad hym with the joye of thy countenance. So strengthe hym, that he maie vanquishe and ouercome all his and our foes, and be dread and feared of al the ennemies of his realme. AMEN.

27 WILLIAM STREET
NEW YORK

file

March 25, 1944.

Dear Miss Tully:

Will you be so kind as to
give the enclosed to the President when
he has little or nothing to do, which is
never?

Sincerely yours,

C. C. Bursey

Miss Grace Tully,
The White House,
Washington, D. C.

BURLINGHAM, VEEDER, CLARK & HUPPER

ROSCOE H. HUPPER
CHAUNCEY I. CLARK
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A. HOWARD NEELY
EUGENE UNDERWOOD
GEORGE H. EMERSON
NORMAN M. BARRON
STANLEY R. WRIGHT

CABLE ADDRESS: POLYCARPON

Dear Miss Tuley:
Here is a post-postscript
to my letter to the President
and after-thoughts,
CCB

CHARLES C. BURLINGHAM
COUNSEL

27 WILLIAM STREET

22 1911

860 PARK AVENUE
NEW YORK

March 25 1944

P.P.S.

Une pensée tardive.

Why not choose a good
mummy mate, Byrnes eg.,
& then resign in his favor
when he was in trouble,
and let him name you
as our Chief Place-matter?
C C B