

PSF

Homer Cummings,

Subject File

Box 142

CUMMINGS & STANLEY
1826 K STREET, NORTHWEST
WASHINGTON, D. C.
DISTRICT 9777

PSF
H. Cummings

J. EDWARD BURROUGHS, JR.
WILLIAM F. ARNOLD

Subject File

*Yr
Personal*

March 28, 1939

My dear Mr. President:

Thanks most sincerely for your letter of
March 11.

Since our return, Cecilia has had a pretty
serious setback, and I wanted you personally to know
this and that I was very much disturbed. The situation
this morning is more encouraging than it has been in
the past few days. She has a day and night nurse and,
of course, everything in the world is being done for
her that possibly can be done.

This letter, of course, is just a personal message
to you, to Mrs. Roosevelt, and to "Missi".

Affectionately yours,

Norman

The Honorable
The President of the United States
The White House
Washington, D. C.

PSF; Homer Cummings
Subject File

C. Gen

file
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HOMER CUMMINGS
WILLIAM STANLEY
CARL MCFARLAND
J. EDWARD BURROUGHS, JR.
MAC ASBILL
WILLIAM F. ARNOLD

CUMMINGS & STANLEY
1626 K STREET, NORTHWEST
WASHINGTON, D. C.

TELEPHONE
DISTRICT 0777

July 29, 1939

PERSONAL AND CONFIDENTIAL

The President,
The White House

My dear Mr. President:

For many reasons, it would be desirable to clear up the Judgeship situation in Connecticut before Congress adjourns. I have talked informally to Attorney General Murphy who has had several conversations with Senator Maloney. Several excellent names have been under consideration.

I may be wrong about it, but I gathered from what the Attorney General said that Senator Maloney rather leans towards Congressman Smith but that the Attorney General did not think this was feasible in view of the attitude of Congressman Smith toward some of your policies, including the court plan. Also, it would be somewhat difficult to prefer Congressman Smith over Congressman Shanley. Mr. Shanley, as you know, has been consistently a supporter of your policies from the beginning down to date. The problem, therefore, seems to be to put forward someone to whom Senator Maloney can make no objection and who would, at the same time, be known as an ardent New Dealer.

I canvassed sundry names in my conversation with Mr. Murphy and the more the matter was discussed, the more it seemed likely that the best choice would be John C. FitzGerald of New Haven. Mr. FitzGerald is a very scholarly young lawyer and is the son of our old time friend, Davey FitzGerald who, as you know, has been your enthusiastic supporter in all of your policies and projects from the beginning. Davey FitzGerald has felt a little reticent about pushing his own son forward but I know it would deeply please him if that choice should be made.

I have reason to believe that Senator Maloney will state to Attorney General Murphy that he, Senator Maloney, has no objection whatever to the appointment of young Mr. FitzGerald. It is quite likely, therefore, that the Attorney General may be inclined to recommend the appointment. Such

The President

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an appointment would, therefore, seem to solve many of the practical difficulties and would place on the Bench a young man of irreproachable character, of great industry, of scholarly instincts and one destined to grow in ability and efficiency as the years go on. Moreover, he is dependably a true progressive with a progressive outlook.

I enclose herewith in brief a sketch of his career.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "John C. ...".

Enclosure

In re John C. Fitzgerald of New Haven, Conn.

1. Age: 34.
2. ^{Followed} ~~Had~~ a course of study at Trinity College and one year at the summer school at Columbia, pursuing his work preparatory to teaching history and literature.
3. He obtained his degree at Trinity College and then entered the Harvard Law School where he remained for some time until trouble developed with his ear due to a cold. He continued taking his classes at Harvard Law School but the condition of his ear made it necessary for him to desist.
4. The next year he entered the Boston University School of Law, completed his course there in the prescribed time, made a good record, was Vice President of his class and received his degree.
5. Before entering Trinity College, he prepared at Hopkins Grammar School and graduated as President of his class.
6. He also took up graduate work at Roxbury before entering Trinity College. While at Roxbury he was contributor for three years to the College paper, "The Tripod" and was editor for over a year.
7. He was admitted to the bar in December, 1932 and began practice in the office of his father, Honorable David E. Fitzgerald of New Haven.
8. At the present time he is on the Board of Editors of the County Bar Journal and is Secretary of the County Bar Library Association and several of his articles have been published in the Bar Association Journal.
9. Two years ago, Governor Cross offered him the appointment as Judge of the Court of Common Pleas for New Haven County but he declined.
10. He is a member of the American Bar Association, the Connecticut and New Haven County Bar Associations and the American Judicature Society.
11. Mr. Fitzgerald has had experience in the Federal courts but far greater experience in the state courts and especially in the highest appellate court of the state.
12. During the period from October 6, 1933 to May 3, 1939, he participated in 22 important cases in the Supreme Court of Errors of the State of Connecticut, which is the highest appellate

court in the State. He has had wide experience in the preparation of cases for trial and in the preparation of briefs and in the matter of arguments before the courts, both trial and appellate courts.

13. The 22 cases in the Supreme Court of Errors above referred to are the following:

- (a) Fisher v. Sargent, 117 Conn. 496;
- (b) Frederick, Tr. v. Alling, et als., 118 Conn. 602;
- (c) O'Dea v. Chicago Bridge & Iron Works, 119 Conn. 37;
- (d) Boucher, et als. v. Godfrey, et als., 119 Conn. 622;
- (e) Lanna v. Konen, 119 Conn. 646;
- (f) Shannon, Admr. v. Eno, et als., 120 Conn. 77;
- (g) Foley v. Douglas, et al., 121 Conn. 377;
- (h) Lewis v. Shannon, 121 Conn. 594;
- (i) Lucarelli v. Dodds, 121 Conn. 640;
- (j) Cyclone Fence Co. v. McAviney, et al., 121 Conn. 656;
- (k) Savage v. St. Aedan's Church, et al., 122 Conn. 343;
- (l) Tradesmens Nat'l. Bank v. Minor, et al., 122 Conn. 419;
- (m) Atkinson v. Molstein, 122 Conn. 611;
- (n) Vitale v. Burton, 122 Conn. 667;
- (o) Young v. Roodner, 123 Conn. 68;
- (p) Dadio v. Dadio, 123 Conn. 88;
- (q) Johnson v. City of New Haven, 123 Conn. 569;
- (r) State v. Olavieri, 123 Conn. 678;
- (s) First Nat'l. Bank, Admr. v. McCoy, et al., 124 Conn. 111;
- (t) Denos v. Giovanelli, et als., 124 Conn. 464;
- (u) Archambault v. Holmes, et al., 125 Conn. 167;
- (v) Webel v. Yale University, et al. (argued May 2, 1939)

HOMER CUMMINGS
WILLIAM STANLEY
CARL McFARLAND
J. EDWARD BURROUGHS, JR.
MAC ASBILL
WILLIAM P. ARNOLD

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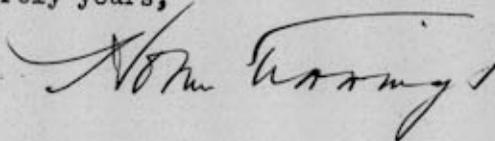
TELEPHONE
DISTRICT 0777

July 29, 1939

Dear Missy:

I should be greatly obliged if you would see that the attached letter is drawn to the attention of the President as soon as he returns.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Homer Cummings".

Miss Marguerite A. Leland
The White House
Washington, D. C.

PSF: Homer Cummings Gen Correo
Subject File C
3-42

file
HOMER CUMMINGS
WILLIAM STANLEY
MAX O'RELL TRUITT
CARL McFARLAND
J. EDWARD BURROUGHS, JR.
MAC ASBILL
WILLIAM D. DONNELLY
WILLIAM P. ARNOLD (ON LEAVE)
CARY McN. EUWER

CUMMINGS & STANLEY
1626 K STREET, NORTHWEST
WASHINGTON, D. C.

TELEPHONE
DISTRICT 0777

March 13, 1942

PERSONAL AND CONFIDENTIAL

The President
The White House
Washington, D. C.

My dear Mr. President:

Just a word (and as brief as possible) about our old-time friend, John Mack. He is being pushed about rather ruthlessly of late. He became President of General Aniline about November 1, 1941. He accepted reluctantly and only after much urging. The American directors, who after a long struggle lasting all summer had obtained a majority on the Board, wanted an outstanding person for president whose name was an unmistakable symbol of true Americanism. They presented the matter to him as a patriotic duty and because they needed help in Americanizing the Company. The Directors fixed his salary at precisely the amount paid to his predecessor. At the time this took place, the Company was under its own management and had full authority to act in any way it saw fit. The salary, however, was purposely made payable monthly. The reason for this was that the tenure of office was uncertain at best and might prove very brief. During this limited period, John Mack has done a wonderful job as the annual report just issued clearly shows. If let alone, he could make the Company a really great one.

If he is moved out now, without any prior understanding with him and without any expression of appreciation for what he has done (and that seems to be the plan already scheduled for next Monday), the whole affair will have been a losing venture on his part, financially, personally, and in every other conceivable way. The situation is a most distressing one and need not have occurred if Mack could have had reasonable co-operation and a little courteous consideration. Perhaps it is not too late even now. I think a word to Mr. Crowley would straighten out the whole matter.

My thought is that a man like John Mack, who has acted in the utmost good faith and has rendered fine and efficient service, should not be dealt with in a shabby fashion.

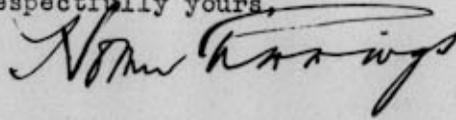
The President

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March 13, 1942

One word more. Judge Mack has not the remotest notion that I am writing this letter and would not approve of it if he knew. In fact, he might be very much irritated. I believe, however, that he feels hurt and disturbed. Nevertheless, he is the kind of friend whose loyalty is such that he would rather cut off his right arm than take his troubles to you. This is my only excuse for writing this letter.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Norman Thomas". The signature is written in dark ink and is positioned to the right of the typed phrase "Respectfully yours,".



*file
personal*

FEDERAL DEPOSIT INSURANCE CORPORATION
WASHINGTON

March 19, 1942

Dear Miss Tully:

Mr. Crowley is very appreciative of having the attached letter from Mr. Cummings in regard to Judge Mack brought to his attention.

Sincerely,

MGT.

Morrison G. Tucker
Assistant to the Chairman

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