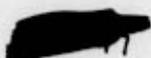


PSF: Lamar HARDY

Subject File

2 sets of papers

PSF: Lamar HARDY

Box ¹⁵²
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MEMORANDUM FOR F.D.R.

PSF: Hardy
file Hardy
Lamar
file - H. Danner - 36

I have just returned from a two weeks' trip to the hospital for influenza. However, I am now feeling fit and fine. If I may, I want to take up further with you this Hardy situation which I think is a matter to which you should give your personal attention.

There certainly isn't any doubt about it that this delightful Association intends to teach you a lesson and to compel you to delegate to them your appointing power so far as this neck of the woods is concerned. You undoubtedly noted from the memorandum which I sent you while I was in the hospital that the chief opponents to your appointment were your old chums, Charles Burlingham, Samuel Seabury and Thomas Thacher, the last of whom, by the way, would be delighted if you would put him back on the Federal District Bench here.

You probably read of the vote taken at the Bar Association in favor of the resolution to the effect that Hardy should not be appointed. At the meeting great protestation was made that Cook's report was not intended in any way to reflect upon Hardy's personal integrity, honesty or standing at the Bar, but repeated refusals were made to include such a statement in the report.

Incidentally, the Jewish Mr. Cook who started all this hullabaloo is one of the counsel which Mr. Jesse Jones retained for the United States Government to prosecute the suit against the Harriman National Bank, and has received, or is about to receive, one of the largest fees ever approved by the R.F.C. I suppose that this attack on your appointee Hardy is his Jewish way of showing his gratitude.

The Bar Association of the City of New York has 2820 voting

members. I haven't the exact figures before me, but roughly 500 were present on one of the most stormy nights we have had in this city for some time, and that on only a week's notice. To find out what this affair was all about, they had to go to the secretary of the Bar Association and read the report which Cook had filed. Of the voting strength of this distinguished Bar Association you will therefore see that about 25% of its membership was registered. Out of the total votes cast, some 74 more votes were cast to endorse the resolution than there were cast to oppose it. In other words, 37 votes would have changed the entire vote.

The Bar Association of the City of New York is just a Bar Association, although I am sure that it would never admit this.

The New York County Lawyers Association, which is the real Democratic Association in this city, has 6000 members. It took no action whatsoever, and I think a fair presumption can be drawn from that that it does not disapprove Hardy's appointment. The Bronx County Lawyers Association, which would be under Hardy's jurisdiction, has about 2000 members and it likewise took no action, from which I think the same inference can properly be drawn.

There are approximately 18,000 lawyers in the district which Hardy covers. Approximately 370 members of the Bar Association of the City of New York went on record as opposing Hardy's appointment. Roughly, therefore, this is 2% of the 18,000 lawyers in New York City and the Bronx. In other words, the Bar Association of the City of New York tells you that because 2% of the 18,000 lawyers in this City of New York do not approve of your appointment, the Senate Judiciary Committee should not pass him.

about. It certainly would create an amusing situation if the American Bar Association, every State Bar Association, and every City and County Bar Association throughout the country insisted, as the Bar Association of the City of New York does, that you have no right to make an appointment unless you secure their approval in advance. One reason that I am suggesting that this is a matter to which you As a matter of fact, that is exactly the position that the Bar Association takes, and as you well know it is the same position that it took when you were Governor of this State. Despite whatever language they may use, the fact remains that what they really are insisting on is that you delegate to them your appointing power.

I have no doubt that they will attack your appointment of Kelly as Marshal, and that they will attack whomever you appoint to fill the vacancy of Judge in the Federal Court for the Southern District of New York, unless you appoint Mr. Thomas Chadbourne or one of their own chosen few.

I respectfully submit that this is a matter to which you ought to give your personal attention to the extent that you can, with a view to dispelling in the minds of these eminent members of the Bar that the appointing power does not vest in the President of the United States but vests in them.

Alger was the Moreland Commissioner who investigated the mortgage situation here. Cook was his counsel. I am reliably informed that at a dinner a few nights ago when Alger was asked by one of the Federal Judges here what all the shooting at Hardy was

about, he remarked, "Hardy was all right. They were simply taking a crack at that --- -- - ----- in the White House."

Incidentally, I am equally reliably informed that Copeland intends to oppose Kelly's appointment as "personally obnoxious" to him, or whatever else those distinguished Senators say.

One reason that I am suggesting that this is a matter to which you should give your personal attention is that I think the man from Connecticut gets a little jittery at times.

B.O'C.

1/21/36

PSF: Hardy
File # - Drawer 2-36

October 13, 1936.

Letter from
Lamar Hardy
to
Atty Gen. Cummings

In re-Mr. Henry Epsteins friend in Puerto Rico, Mr. Pedro
Albizu Compos.

SEE--Homer Cummings-Special Folder-Drawer 1--1936