

CCA (Dist of Col.)

Bastian (R)

FAHY

Bazelon

Washington

D.C.

Kirkland (R)

Sourwine

Leahy

Washington

Hughes

Bazelon

McLaughlin

CCA 3

Hastie

CEA 10

✓

Pickett (Wyoming)

Sou Cal. (D.C.)

✓

CARTER

WESTOVER

GEORGIA (D.C)

Hooper, Frank -

Kansas (DC)

HILL

New Jersey (DC)

MATLACK

TEXAS (DC)

✓ CONNALLY

✓ ALLRED

✓ VERMONT (DC)

GIBSON

Present Governor (R)

CCA 7

✓ LINDLEY (R)

NOT DISCUSSED

No Diet Calif 2.

FLORIDA - 1

NY - 4

OREGON 1

PA. (EASTERN) 2

PA (WESTERN) 1

RECOMMENDATIONS FOR FILLING MURPHY VACANCY

From Mr. Danaher's office.

[Handwritten signature]

RECEIVED

JUL 27 11 15 AM '49

CHAMBERS OF THE
CHIEF JUSTICE

Charles Fahy

MEMORANDUM RE SUPREME COURT VACANCY

Charles Fahy, born in Rome, Georgia, August 27, 1892 - now 56 years old. Primary and secondary education in the Public Schools and Darlington High Schools, Rome, Georgia.

Awarded Bachelor of Laws degree at Georgetown in 1914 and honorary degree of Doctor of Laws in 1942. Prior to entering Georgetown attended University of Notre Dame one year.

A Naval aviator in World War I, awarded the Navy Cross for distinguished and heroic services.

Admitted to District of Columbia Bar 1914 and in practice there 1914-24 except for the period of seventeen months in service during the War, as above.

Practiced in Santa Fe, New Mexico, 1924 to 1933, but still claims New Mexico residence.

First Assistant Solicitor and Vice-Chairman, then Chairman of the Petroleum Administration Board, Department of Interior 1933-35.

General Counsel, National Labor Relations Board 1935-40.

Assistant Solicitor General of the United States, 1940-41.

Solicitor General of the United States, 1941-45.

Legal Adviser to Generals Eisenhower and Clay as Military Governor and Deputy Military Governor, Germany 1945-46.

Only civilian member of President Roosevelt's Base-Lease Commission, London, 1941, involving negotiation with British

of the 99 year leases and agreements for U. S. bases in British possessions in Western Atlantic, growing out of Destroyer Exchange.

Adviser, International Committee of Jurists to revise statute of World Court, Washington, 1945, and to American Delegation to United Nations Conference on International Organization at San Francisco, 1945.

Awarded Medal for Merit by President Truman 1946, for legal work in Germany and other international work, including Base-Lease negotiations, London, 1941.

Legal Adviser, Department of State, 1946-47.

He has argued 71 cases before the United States Supreme Court, including the constitutional cases involving the Wagner Act, establishing the validity of the Federal Communications Commission chain broadcasting regulations, the war-time relocation of the Japanese on the West Coast, the Cramer treason case, the first of its kind in the United States Supreme Court, the constitutionality of the Agricultural Adjustment Act of 1938 (the Act enacted by Congress after the Court had invalidated the first A.A.A.), the denaturalization of William Schneiderman, the validity of the war-time Price Control Act, the Federal Trade Commission decree against the basing point system of the Corn Products Corporation, the first successful government attack on such systems under the Robinson-Patman Act, the application of the Wage-Hour Act to building service employees, the immunity of federal property in war plants from taxation, the income tax violations by Enoch "Nucky" Johnson, and many other cases of national importance.

Re-entered private practice in 1947, in Washington.

In addition, Mr. Fahy was appointed by President Truman to serve as Alternate Representative of the United States to the General Assembly of the United Nations at Lake Success in 1947, and was unanimously confirmed by the Senate.

President Truman designated Mr. Fahy to serve on the President's Committee on Equality of Treatment and Opportunity in the Armed Services.

He is serving as Chairman of the Personnel Security Review Board of the Atomic Energy Commission.

He is a life-long Democrat, a Roman Catholic, is married and has four children.



Southwest Harbor, Maine

Dear Mr. Chief Justice,
Although we

would probably never
mention it to you, I happen
to know that he would
enjoy the work of the
Supreme Court and would
especially enjoy the associa-
-tion with you.

He has of late been
approached about it by
members of the New York
bar and it seems to me

he could make a real
contribution to the Court
with his particular quali-
ties and liberal point
of view.

I understand the
President has a long
list of suggestions of appointees
in his desk. Perhaps
Will's name might be
added.

With best wishes to
Robert & Ann

Sincerely yours
Grace Davis

July, twenty-fourth

file

35-45 Vernon Blvd., Long Island City 6, N.Y.

July 26, 1949

Mr. Harry S. Truman,
The White House,
Washington, D. C.

Dear Sir:

You are faced with the task of appointing an Associate Justice for the U.S. Supreme Court to take the place of the deceased Justice Murphy.

Can I respectfully urge that you give consideration to the appointment of a high class lawyer for this job. It was only recently that the citizens had an example of what happens when a shyster is appointed to sit on the Federal Court bench. You appointed this man and your taste must have been down in your boots. We resent mightily tainting our Federal court benches with low-grade political heels. It might seem smart on your part but we think you are a boob when you do such things. If you keep it up, by comparison Harding will be called Saint Warren by our citizens of the future.

We have had heels on our Federal benches for a long time. We read of that ass Frankfurter telling the citizens that even if the words of a law are specific it does not mean that he and his associates (I imagine the ass thinks of himself as an intellectual marvel) can say it is something else. We do not appreciate having jerks like that on our highest court bench. We want high class men, men of probity, men of conscience, men whom we can trust on the benches of our Federal courts. We can let the shysters do their shyshtering in places where it will not reflect on our Government and on our people as a whole.

And Truman, most of the smelliest shysters in our recent history were trained at Harvard's Dive of Shyshtering. I do not know what that miserable joint catering to the science of creating shysters does to a man but from the results it would appear that a graduate from that school is a no-good shyster. We want no one from that joint occupying any high public office. As stated before a great number of the most treacherous crap in our recent United States history were trained in that joint. Enough is enough.

Very truly yours,

Gerald M. Galvin
Gerald M. Galvin.

Dear Ted: Maybe you have the influence with Truman to help elevate the Supreme Court by the appointment of someone better than what we have been getting.
GMB

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

JOSEPH L. EGAN
PRESIDENT

1201

SYMBOLS

- DL = Day Letter
- NL = Night Letter
- LC = Deferred Cable
- NLT = Cable Night Letter
- Ship Radiogram

file

JUL 28 PM 9

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

PC202

LA569 L.PMA289 NL PD=PM LOS ANGELES CALIF 28

THE HONORABLE FRED M VINSON

CHIEF JUSTICE UNITED STATES SUPREME COURT WASHDC

STRONGLY URGE APPOINTMENT ROGER J. TRAYNOR TO UNITED STATES SUPREME COURT. TRAYNOR NOW ASSOCIATE JUSTICE CALIFORNIA SUPREME COURT. FORMERLY ACTING DEAN CALIFORNIA SCHOOL OF JURISPRUDENCE. BORN AND RAISED IN UTAH. OUTSTANDINGLY QUALIFIED FOR APPOINTMENT.

FRANK M KEESLING OF LOEB AND LOEB
523 WEST SIXTH ST LOS ANGELES CALIFORNIA

523

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

July 28th, 1949.

Dear Charlie:

Thank you for your letter of
July 20th.

I note everything you say about
Joe O'Mahoney and do not disagree with
any of it. I have known him intimately
for many years and think that he is all
wool and a yard wide — if you have any
doubt about the proper interpretation
of this phrase, let me know and I will
spell it out for you.

It was good to hear from you and
I hope to see you one of these days.

Your friend,

Honorable Charles H Leavy
Judge, United States District Court
Tacoma, Washington.

United States District Court
Western District of Washington

PERSONAL CONFIDENTIAL

CHAMBERS OF
Charles H. Leavy
United States District Judge
Tacoma, Washington

July 20, 1949

Hon. Fred Vinson
Chief Justice
United States Supreme Court
Washington, D. C.

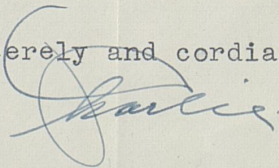
Dear Fred:

I was deeply shocked to hear of the untimely passing of Justice Murphy and now the press and radio are filled with speculation as to who his successor will be. They both state that your views will carry great weight with President Truman when he makes the selection, and they mention that the choice is apt to lie between Senator McGrath and Senator O'Mahoney.

I am going to make so bold as to suggest that Joe O'Mahoney, in my judgment, would be an exceptionally fine selection. During my service in Congress I was intimately associated with him for the whole six year period in the many matters that involved the Western section of the United States, both of us being on the Appropriations Committee of our branches of Congress and having assignments to the same subcommittee. I always found him to be a man of profound knowledge, exceptional poise and balance, and an unusually keen sense of justice and fairness and I surely would be happy to know of him becoming an associate and colleague of yours.

I am, With all good wishes and high esteem,

Sincerely and cordially,



CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION (12)

W. P. MARSHALL, PRESIDENT

SYMBOLS

DL=Day Letter

NL=Night Letter

LC=Deferred Cable

NLT=Cable Night Letter

Ship Radiogram

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

WZ032 PD=SK CHICAGO ILL 22 836A=

FRED M VINSON=

file 1949 JUL 22 AM 10 17

CHIEF JUSTICE OF THE UNITED STATES SUPREME COURT=

ON BEHALF OF A REPRESENTATIVE GROUP OF LAWYERS WE STRONGLY URGE CONSIDERATION HONORABLE PAUL FARTHING OF BELLEVILLE ILLINOIS FORMER JUSTICE AND CHIEF JUSTICE OF SUPREME COURT OF ILLINOIS FOR APPOINTMENT TO UNITED STATES SUPREME COURT=

VERNON R LOUCKS=

NOTED

JUL 28 1949

F.M.V.

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

LAW OFFICES

VERNON R. LOUCKS

10 SOUTH LA SALLE STREET

CHICAGO

3

TELEPHONE STATE 2-2700

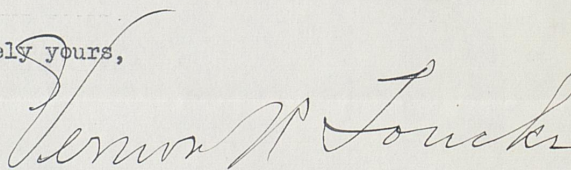
July 25, 1949

Hon. Fred M. Vinson
Chief Justice of the United States Supreme Court
Washington, D. C.

Dear Chief Justice Vinson:

A few days ago I sent you a wire requesting that you consider Judge Paul Farthing of Belleville, Illinois, former Justice and former Chief Justice of the Illinois Supreme Court, for appointment to the United States Supreme Court. The state of Illinois has not had an appointment to the United States Supreme Court since the appointment of Chief Justice Fuller in 1888. During the nine years that Judge Farthing was on the Illinois Supreme Court he was a tremendous worker. 351 of his opinions appear from Vol. 353 to 379, inclusive, of Illinois Supreme Court Reports. During his term he wrote more opinions than any other judge on the bench and was extremely active in the decision of other cases. His philosophy shown by many of his opinions is illustrated by the resume of a few of his outstanding opinions enclosed herewith. Some of his opinions have been widely cited both in this and other states.

Sincerely yours,



VRL-OB

A FEW OF JUDGE FARTHING'S OPINIONS

His concern for an injured employee's rights is shown by the decision in Edgell and Co. vs. Industrial Commission, 353 Ill. 488. A total disability award was upheld although physicians were unable to say the total disability would be permanent. A remedy is afforded if the injured man later becomes able to work.

Eisenberg vs. Wabash, 355 Ill. 495 -- shielded the Chicago Recorder, a small newspaper, from larger competitors.

People ex rel. vs. Shurtleff, Judge, 355 Ill. 210 -- protected society against illegal release of James "Fur" Sammons by void habeas corpus order.

Tennant vs. Epstein, et al., 356 Ill. 26 -- protected a minority stockholder's interest outrageously invaded.

People ex rel. vs. Niehaus, (Judge) 356 Ill. 104 -- reversed the holding in People vs. Marquette Fire Ins. Co., 351 Ill. 516, and upheld the Legislature's right to provide for orderly administrative liquidation of insurance companies by the Director of Insurance.

Ohlson vs. Industrial Commission, 357 Ill. 335 -- held an injury is compensable although the injured employee had a previous diseased condition which was aggravated by the injury.

Van Dyke vs. Illinois Commercial Men's Ass'n., 358 Ill. 458 -- held the State Supreme Court was bound by the United States Supreme Court's holding as to due process of law.

People vs. Elgin Home Protective Ass'n., 359 Ill. 379 -- held insurance business is subject to regulation under the police power because it is impressed with a public interest.

Miller vs. Industrial Commission, 360 Ill. 590 -- preserved rights of minor children of deceased employee under Workmen's Compensation Act.

People vs. City of Chicago, 363 Ill. 409 -- upheld city's right to maintain nursery to furnish trees for parks.

DeMotte vs. DeMotte, 364 Ill. 421 -- held act void giving defendant, in a separate maintenance action, the right to obtain a divorce after defendant had paid alimony and support money for two years. Held that the family is too vital an institution to be willfully destroyed by one member of it because of his own wrong-doing.

People vs. Quality Provision Co., Inc. 367 Ill. 610 -- upheld Pure Food bar on sulphurous acid derivative in pork sausage as valid police power exercise.

38

Franze Stone Co. vs. Industrial Commission, 369 Ill. -- liberal construction given to "dependency" under Workmen's Compensation Act. Dependent need not rely alone on deceased employee for support to be a "dependent" under the act.

People ex rel. vs. Barrett, Auditor of Public Accounts, 370 Ill. 464 -- Appropriation Act gave widow salary of deceased representative in the General Assembly. Sustained as the discharge of a moral and equitable obligation and not invalid as an appropriation of public funds for a private purpose.

Puttkammer vs. Industrial Commission, 371 Ill. 497 -- gave liberal construction to compensable injury under Workmen's Compensation Act.

People vs. Nowak, 372 Ill. 381 -- where the case is close the court will consider errors in the record notwithstanding the failure of counsel to save the errors for review when it is clear the trial court permitted the prosecutor to take advantage of the accused because he was poorly represented.

Nonnast vs. Northern Trust Co., 374 Ill. 248 -- this case has been cited throughout the United States with approval. Trust Company held liable for all losses arising through failure to comply with administration act, and for claims paid without being filed and proved although as executor it was authorized to settle and pay claims and for money advanced by it as conservator and later as executor to continue the business carried on by a corporation in which its ward and later, of course, the testator, had a controlling interest. As conservator, it had to account strictly to itself as executor where it was named as such in the will and letters testamentary were issued.

Judge Farthing's was the only dissenting opinion in Swing vs. American Federation of Labor, 372 Ill. 91. His dissenting opinion appears at page 97, United States Supreme Court Reports reversing the Illinois Supreme Court in that case. (See 312 U. S. 321). In his dissenting opinion Judge Farthing cited Ill. Supreme Court's decision in Fenske Bros. vs. Upholsterers Union, 358 Ill. 239, 259 and 260. There, the Court held that it was error to enjoin picketing and not allow peaceful picketing and that the Illinois statute permits striking employees to do peaceable picketing.

United States Circuit Court of Appeals

1634 P. O. & U. S. COURTHOUSE

BOSTON, MASSACHUSETTS

CHAMBERS OF
CALVERT MAGRUDER
CIRCUIT JUDGE

25 July/49

Dear Fred,

Speaking again of Charles Foley,
why isn't he the ideal man for
Murphy's place? By the most exacting
standards, personal and professional, he
is worthy of appointment to the Supreme
Court. He would pull his weight in
the boat from the start. You would be
doing a great public service if you could
persuade the President to appoint him.
Incidentally Foley, and all his family, are
devout Catholics, which seems to be
a qualification at this juncture.

FOR DEFENSE



BUY
UNITED
STATES
SAVINGS
BONDS
AND STAMPS

I would suggest as a second
choice, if Foley can't get it,
that consideration be given to

John McCallister, judge of Court of Appeals
of the 6th Circuit, and from Murphy's
State. I have had close observations
of McCallister on the Emergency Court
of Appeals. He is an able lawyer and
a cultured gentleman of liberal
outlook. His judicial work is careful
& thorough. After many years experience
on the Supreme Court of Michigan and
on the Federal bench, he would soon
"catch on" to the work of the Supreme
Court. He would be a worthy selection
- God deliver us from some of the
names which have been suggested!

(John also happens to be a Roman Catholic.)

The above is written in the assumption
that you will have a good deal to say
about the nomination. I am sure that is so.

Yrs
Hon. Fred M. Vinson.

Calvin C. Bepp, Jr.

THEATRICAL STAGE EMPLOYEES, LOCAL No. 4

OF THE

INTERNATIONAL ALLIANCE OF THE THEATRICAL STAGE EMPLOYEES AND MOVING
PICTURE MACHINE OPERATORS OF THE UNITED STATES AND CANADA

MEETINGS

FIRST MONDAY EVERY MONTH

EXECUTIVE BOARD
MEETS 2ND AND 4TH TUESDAYS
AT 10 A. M.

O

TELEPHONE TRIANGLE 5-9475
5-9476
9477



LOCAL UNION 42

705 COURT STREET
554 ATLANTIC AVENUE

BOROUGH OF BROOKLYN, N. Y.

AFFILIATED WITH THE
AMERICAN FEDERATION OF LABOR
THEATRICAL FEDERATION
OF GREATER NEW YORK
NEW YORK STATE FEDERATION
OF LABOR
UNITED HEBREW TRADES
CENTRAL TRADES AND LABOR
COUNCIL

July 25, 1949

NOTED

JUL 28 1949

F.M.V.

Honorable Sir:

It is my pleasure to submit for your possible consideration, in connection with the existing vacancy, the name of the Honorable Vito F. Lanza of this City. A copy of the communication which has already been forwarded to our President, Mr. Harry S. Truman, as well as a copy of the biography and qualifications of the individual in question is also enclosed for your information.

I am sure that the qualifications possessed by Mr. Lanza coupled with his wide and varied experiences in the practice of the law before all Courts, will contribute much in perpetuating the high standards and dignity which history has endowed your Court with, under your most efficient guidance.

Humbly and Respectfully,

Thomas Murtha

Hon. Fred M. Vinson
Chief Justice of the United States
United States Supreme Court Building
Washington 13, D. C.

COPY

THEATRICAL STAGE EMPLOYEES, LOCAL No. 4

OF THE

INTERNATIONAL ALLIANCE OF THE THEATRICAL STAGE EMPLOYEES AND MOVING
PICTURE MACHINE OPERATORS OF THE UNITED STATES AND CANADA

MEETINGS

FIRST MONDAY EVERY MONTH

EXECUTIVE BOARD

MEETS 2ND AND 4TH TUESDAYS
AT 10 A.M.

O

9475
TELEPHONE TRIANGLE 5-9476
9477



705 COURT STREET
554 ATLANTIC AVENUE

BOROUGH OF BROOKLYN, N. Y.

AFFILIATED WITH THE

AMERICAN FEDERATION OF LABOR

THEATRICAL FEDERATION
OF GREATER NEW YORK

NEW YORK STATE FEDERATION
OF LABOR

UNITED HEBREW TRADES

CENTRAL TRADES AND LABOR
COUNCIL

July 23, 1949

Honorable Harry S. Truman
President of the United States
Washington, D.C.

Honorable Sir:-

Permit me in my humble way to make known the name of a prominent Attorney (Mr. Vito F. Lanza) who would make an honest, capable and efficient Jurist in the field of Judiciary because of his many years of experience.

He has practiced as an Attorney and Counselor at Law in all Courts including the Supreme Court of the United States since his admission to the Bar of the State of New York. During that period he has been recognized by the various Civic and Bar Associations, both locally and in his professional activities.

He has served in World War One and World War Two, he served as Chairman of an Appeal Board in Selective Service under your very dear friend General Lewis B. Hershey as Director.

Since his appointment by the Honorable William O'Dwyer, Mayor of the City of New York in August 1948, as a Commissioner of Education, his colleagues on said Board of Education have elected him as its Vice President and recently he has been appointed to its powerful Finance and Budget Committee, as Chairman thereof.

Currently he is being mentioned in Democratic Circles as a possible designee as President of the City Council. His record of achievement is best born out by an examination of some of his activities which are enumerated in the biography enclosed.

Over the period of years that I have known him, he has exhibited an excellent reputation regarding Labor matters, as well as his humane actions of fair play concerning his fellow man, in addition to his outstanding career.

COPY

THEATRICAL STAGE EMPLOYEES, LOCAL No. 4

OF THE
INTERNATIONAL ALLIANCE OF THE THEATRICAL STAGE EMPLOYEES AND MOVING
PICTURE MACHINE OPERATORS OF THE UNITED STATES AND CANADA

MEETINGS

FIRST MONDAY EVERY MONTH

EXECUTIVE BOARD
MEETS 2ND AND 4TH TUESDAYS
AT 10 A. M.

o

TELEPHONE TRIANGLE 9475
5-9476
9477



705 COURT STREET
554 ATLANTIC AVENUE

BOROUGH OF BROOKLYN, N. Y.

AFFILIATED WITH THE

AMERICAN FEDERATION OF LABOR

THEATRICAL FEDERATION
OF GREATER NEW YORK

NEW YORK STATE FEDERATION
OF LABOR

UNITED HEBREW TRADES

CENTRAL TRADES AND LABOR
COUNCIL

Further and in addition to the unusual qualifications which he possesses, he enjoys an antecedence of Italian lineage with wide associations and activities in Catholic Circles. This unique combination would be setting a precedent of constructive value in our Supreme Court.

I know that if any consideration is given Mr. Lanza for the present vacancy in the Supreme Court of the United States that you will find him well worthy of your selection.

With best wishes and kind personal regards.

Yours very truly.

THOMAS MURTHA

Business Manager Local Number Four.

1949

Lanza, Vito Francis; unmarried

Born - New York City, September 15th, 1895
(in Queens County 51 yrs.)

Education

Attended the Public, Elementary and High Schools of the City of New York.

1915 - Graduate of New York University Law School.
Degree LL.B.

1916 - Graduate Brooklyn Law School (St. Lawrence University) Degree LL.M.

Admitted to the Bar of the State of New York on June 19th, 1917.

February 8, 1926 - Admitted to Practice in the District Court of the U.S. in and for the Eastern District of New York.

October 18, 1940 - Admitted to Practice before the Supreme Court of the United States, at Washington, D.C.

Has been in the general practice of the Law since 1922.

Military

A Veteran of the World War I.

Chairman of Appeal Board #13 of the State of New York, Federal Selective Service System. (1940-1947) World War II.

Professional Organizations

A member of the Executive Committee of the Alumni Association of the New York University Law School, (Vice President Elect) now a member of the Board of Directors.

A member of the Queens County Bar Association.

A member of the New York State Bar Association.

Former Chairman of the Committee on Admissions to the Bar and Legal Education (Queens County Bar Association)

Member of the Membership Committee (New York State Bar Association).

Member of the Judiciary Committee (Queens County Bar Association)

Member of the Lawyers Club of Brooklyn.

Member of the Long Island City Lawyers Club.

Member of the Rapallo Lawyers Association, (Board of Directors)

A former member of the Board of Trustees of the Brooklyn Law School Alumni.

A former member of the joint Conference on Legal Education and Admission to the Bar of the State of New York.

A former member of the Grievance Committee (Queens County Bar Association)

A Delegate of the Queens County Bar Association to, and a member of, the Council on Criminal Law and Procedure in the State of New York.

Member of the Brooklyn-Manhattan Trial Counsel Club.

New York University Alumni Federation (Member of its Finance Committee)

Charitable and
Fraternal Organizations

Theta Sigma Lambda (Legal Fraternity for Scholastic Honors, Member of Board of Governors) and its Treasurer.

A member of the Benevolent Order of Elks, Queens Borough Lodge No. 678 (life membership).

A member of the American Legion.

A member of the Knights of Columbus (Lincoln Council No. 312) Recipient of its Fourth Degree in June, 1949.

A member of the Catholic Lawyers Guild of the Diocese of Brooklyn, (and one of its Vice Presidents).

A member of the American Veterans Association, Inc. (member of Legislative Committee)

Former member of the Crescent Athletic Club of Brooklyn, (life member.)

A member of the Manhattan Club.

A member of the Cathedral Club of Brooklyn.

A member of the Emerald Association of Brooklyn.

A member of the Ferrini Welfare League (Advisory Board, Chairman Elect) and member of its Board of Directors.

Member of the Holy Name Society.

A member of St. Patrick's Society of Queens County.

A member of St. Anthony's Guild.

Associate member of the Police Athletic League, Inc.

Political Organizations

A member of the Fowhatan Democratic Club, Inc.
of Long Island City.

Democratic County Committeeman of Queens County.

Honorary President and Organizer of the First
Roosevelt for President Club, Inc., (chartered
in the State of New York, April 10, 1931.)

Honorary

Theta Sigma Lambda Scholastic Honors in Law aforementioned.

Recipient of the Selective Service Medal, for Selective
Service Appeal Board activities, World War II.

Recipient of the Meritorious Service Award by the Alumni
Federation of New York University, May 1948.

Designated as a member of the Appeal Board Panel
Selective Service System (1947) by the President of
the United States, and Governor of the State of New
York, and elected as its Chairman.

Delegate to the Judicial Convention 1948.

Appointed by Hon. William O'Dwyer, Mayor of the City
of New York as a member of the Board of Education
(Aug. 1948)

Appointed to the Teachers Retirement System by the
Hon. William O'Dwyer (Feb. 1949)

Elected as Vice President of the Board of Education
of the City of New York (May 1949)

Designated as Chairman of the Finance & Budget Committee,
member of the Law Committee and Buildings & Sites
Committee of the Board of Education of the City of
New York.

TRI-STATE SALES

MANUFACTURERS AGENT

P. O. BOX 692

WHEELING, W. VA.

July 24-1949.

file

Honorable Sir:

According to the newspapers the President ^{has} asked your advice on a successor to Justice Murphy.

May I suggest the name of man I met in 1918, he was a Marine Corp Captain and I was a private. He is a successful attorney and the most brilliant man who has ever served on the W. Va. Supreme Court. He served twelve years and was reelected last year. In the last election he got more votes than any other candidate on the Democrat ticket.

He is a liberal and friend of labor also an Irish Catholic.

His name is James B. Riley of Charleston, W. Va.

He does not know about
this letter. It is my own
idea.

W. Va. has never had a
man on the U.S. Supreme
Court.

Sincerely
W. H. Hagedorn.



file

1940 Bingham Street
Honolulu 33, T. H.
25 July 1949

The Chief Justice
The Supreme Court
Washington, D. C.

My Dear Mr. Chief Justice

President Truman, according to news reports, will lean heavily on the Chief Justice for advice in selecting a supreme court successor to the late Justice Frank Murphy.

Reports further state, "because of a long standing tradition that the high-tribunal shall have at least one Catholic member, the new justice almost certainly will be of that faith. A Democrat is more than likely."

Sir, I submit the name of J. Frank McLaughlin, U. S. District Judge, Hawaii, for consideration and recommendation to fill the august position. Judge McLaughlin is a Catholic and a Democrat with an enviable record.

I pray that my unsolicited advice is of value.

Respectfully yours,

Albert A. Tepedino

ALBERT A. TEPEDINO

Formerly

F. SHIRLEY WILCOX

COLLECTOR OF INTERNAL REVENUE

UNITED STATES INTERNAL REVENUE
DISTRICT OF INDIANA

FEDERAL BUILDING
INDIANAPOLIS 6, INDIANA



F. SHIRLEY WILCOX
TREASURER OF STATE

STATE OF INDIANA
INDIANAPOLIS 4

July 26, 1949.

P E R S O N A L

Honorable Fred M. Vinson,
Chief Justice U. S. Supreme Court
Supreme Court Building
Washington, D.C.

My dear Chief Justice:

At the risk of violating propriety, I attempted to call you at Washington, but unfortunately was unable to contact you.

The President's and your good friend, Judge Sherman Minton of Indiana would be one of the finest appointments the President could make from the entire United States. He is well qualified in every respect as a jurist. His record on the Circuit Court of Appeals would justify perhaps the greatest confidence the President could place in any man by appointing him to fill a vacancy on the Supreme Court.

I have known Judge Minton all of my life. He, like you, has come up the hard way, was a great student, great soldier, great U. S. Senator, fine administrative assistant to President Roosevelt and as you no doubt know, has made a wonderful record on the U. S. Circuit Court of Appeals in Chicago. It goes without saying he would be a fine justice on the U. S. Supreme Court. He is in good health and I sincerely believe this honor would add many years to his life.

The press is indicating that perhaps one of the Catholic faith might succeed Justice Murphy. Judge Minton's wife and three children are members of this faith.



F. SHIRLEY WILCOX
TREASURER OF STATE

STATE OF INDIANA
INDIANAPOLIS 4

Honorable Fred M. Vinson

July 26, 1949

Indiana has never had a Justice on the Supreme Court and we would be highly honored if the President could see his way to make this appointment. I shall be eternally grateful to you, Chief Justice, if at the proper time you would suggest Judge Minton's name. Moreover, I think you should know I would never like for the Judge to even suspect that I have written this letter in his behalf, because knowing him as I do, and even as my closest friend, he would resent it.

With every good wish and kindest personal regards, believe me to be,

Sincerely yours,

A handwritten signature in cursive script that reads 'F. Shirley Wilcox'.

F. Shirley Wilcox

FSW:cs

1259 Donald Ave.
Lakewood, Ohio
July 27, 1949

file

The President
The White House
Washington, D.C.

My dear Mr. President:

Following the death of Justice Frank Murphy, the papers have been predicting his successor will be a Catholic "in keeping with the tradition that there be one Catholic on the Supreme Court bench."

WHY?

Are there also one Baptist, one Episcopalian, one Quaker, one Amish, one Mormon, one Jew, etc., etc.?

Supreme Court jurists, I thought, were AMERICANS, selected on the basis of their judicial ability and not with respect to their race or religion.

If a selection must be made from the standpoint of according recognition to a certain group, then why not honor one which has never been represented yet deserves it beyond any other - the women of America.

This group offers a very able jurist in the person of Judge Florence Allen. Your appointment of Judge Allen to the United States Supreme Court would be a fitting climax to her distinguished career. Of more importance, the Supreme Court would acquire in Judge Allen an impartial, hardworking, thoroughly qualified member who would add dignity and learning to the highest tribunal in our country.

As to Judge Allen's age, let's not forget that Oliver Wendell Holmes was only three years younger when appointed to the Supreme Court and he served for thirty-one years.

In the choice of Judge Allen, no charge of discrimination could be made. Women of every color and creed comprise her group, and surely no man could object to having only one woman justice in the Supreme Court.

Whoever your appointee may be, I hope the selection will be in accordance with our basic American principles, and not to comply with any so-called traditions built up by pressure groups.

Very truly yours,

(Miss) Alda M. Weber
(Miss) Alda M. Weber

✓ cc-Chief Justice Fred Vinson
U.S. Supreme Court
Washington, D.C.

WESTERN
TELEGRAM



WESTERN UNION
TELEGRAM



ION

~~Invitations Requested~~

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination.

PA159

P=PRAG05 NL PD=PORTLAND ORG 7=

HONORABLE FRED M VINSON=

WARDMAN PARK HOTEL WASHDC=

1959 JUN 8 AM 3 59

006

HOPE YOU WILL EXERT EVERY EFFORT POSSIBLE FOR NOMINATION
OF OUR FORMER COLLEAGUE AARON FORD TO DISTRICT OF COLUMBIA
CIRCUIT COURT OF APPEALS UNDERSTAND NOMINATIONS MAY BE MADE
MONDAY BEST WISHES=

NAN WOOD HONEYMAN=



WESTERN UNION
TELEGRAM



WESTERN UNION
TELEGRAM

United States Circuit Court of Appeals

1634 P. O. & U. S. COURTHOUSE

BOSTON, MASSACHUSETTS

CHAMBERS OF
CALVERT MAGRUDER
CIRCUIT JUDGE

11 July / 45

Dear Fred,

I understand Congress
is about to pass the bill
creating 3 more judges on
the Court of Appeals in
the D.C. You remember
you said you would do
what you could to urge
the claims of Charles Faby
to one of these appointments.

is more worthy of appointment to the
Judiciary than Charles Foley.

Sincerely yours

Calvin C. Long

Hon. Fred W. Vinson

He was on the point of
being appointed by F.D.R.
in 1945, having been
endorsed by the local
Bar Association at
that time.

May I suggest that
it might be helpful
if you spoke to the President
now, before the "scramble"
gets in full swing
No one I can think of

The Washington Post

WASHINGTON: SATURDAY, JULY 30, 1949

18 Indorsed As Judges For District

The District Bar Association yesterday disclosed it has recommended 18 lawyers and jurists for the six additional Federal judgeships recently allocated to the city by Congress.

The bill creating the posts is at the White House. It gives three more judges to the United States Court of Appeals and the same number to the District Court.

The President has not always followed the Bar Association's

See JUDGES, Page 5, Column 5.

18 Recommended for Federal Bench in District

JUDGES—From Page 1

recommendations in choosing the jurists here.

The list submitted earlier in the week by the association's committee on judicial selections to Attorney General Tom C. Clark follows:

For the United States Court of Appeals:

Edmund D. Campbell, 2912 N. Glebe rd., Arlington, former member of the Arlington County Board, a member of the Admissions and Grievance Committee of the United States Court of Appeals.

Chief Judge Nathan Cayton of the Municipal Court of Appeals, 2948 Macomb st. n.w.

Spencer Gordon, 2305 California st. n.w., chairman of the Admissions and Grievance Committee of the United States Court of Appeals.

William J. Hughes, Jr., 102 Oxford st., Chevy Chase, Washington lawyer associated in practice with William E. Leary.

Judge Matthew F. McGuire, 2701 Connecticut ave. n.w., of the District Court here, a former Assistant Attorney General.

Judge David A. Pine, 1625 Nicholson st. n.w., of District Court, a former United States Attorney here.

For the District Court are:

Mrs. Burnita S. Matthews, 1915 Kalamazoo rd. n.w., member of the District and Mississippi Bar Associations.

David G. Bress, 3601 Connecticut ave. n.w., a specialist on negligence law.

Robert F. Cogswell, 3504 Lowell st. n.w., the District Rent Control Administrator.

John W. Jackson, 4844 N. Rock Springs rd., Arlington, a former assistant United States Attorney.

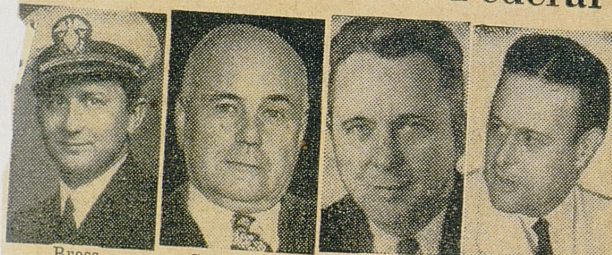
James R. Kirkland, 1519 Underwood st. n.w., counsel for the Senate District Committee and adjunct professor of law at George Washington University, and a former assistant United States Attorney.

Joseph C. McGarraghy, Wardman Park Hotel, chairman of the Republican State Committee of the District and past president of the Board of Trade.

Jo V. Morgan, 7424 Wisconsin ave., Bethesda, former District one-man Board of Tax Appeals and former Montgomery County Civil Service Commissioner.

Kenneth M. Parkinson, 6313 Oakridge ave., Chevy Chase, on the prosecution staff of the International Military Tribunal in Tokyo and a former secretary of the Bar Association.

Leo A. Rover, 1300 Quincy st. n.e., attorney and once United States Attorney here.



Bress

Cogswell

Denit

Jackson



Kirkland

Mrs. Matthews

McGarraghy

Morgan



Parkinson

Rover

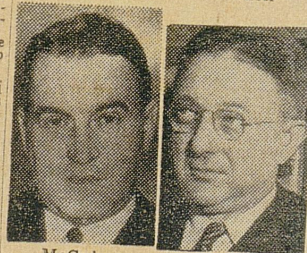
Stanley

Welch



Cayton

Gordon



McGuire

Pine

EDITH H. COCKRILL
ATTORNEY AT LAW
1726 M STREET, N.W., SUITE 401
WASHINGTON 6, D. C.

File

July 26, 1949

Dear Mr. Chief Justice:

I want to express to you my appreciation for your assistance in connection with my nomination as Judge of the Juvenile Court of the District of Columbia. Mr. Cooper has told me how very helpful you were, and I am deeply grateful.

Sincerely yours,

Edith H. Cockrill

The Honorable, The Chief Justice
Washington
D. C.

BURNITA SHELTON MATTHEWS

Born Copiah County, Miss., Dec. 28, 1894. Graduated National University Law School, Washington, D. C., 1919; received degrees of master of laws and master of patent law 1920. Admitted to bar of District of Columbia 1920 and to U. S. Supreme Court bar 1924.

Now and for over 20 years engaged in the general civil practice of law in Washington, D. C. Legal residence, Washington, D. C.

Instructor in Law of Evidence, Washington College of Law, 1933-1937; Associate Editor, Women Lawyers' Journal, 1934-1935; Member of Legal Research Committee of the Inter-American Commission of Women, 1932-1934; Member of Committee of Experts on Women's Work of the International Labor Office.

Member of American Bar Association since 1924; elected to membership on Local Council for District of Columbia at annual meeting of the Association in 1932. Named by President Loftin as one of five persons to represent American Bar Association at conference of Bar Association delegates, Los Angeles 1935. Member National Association of Women Lawyers; President 1934-1935; one time Chairman of its Committee on Jurisprudence and Law Reform; present Chairman of its Committee on the Status of Women.

Member of Bar Association of District of Columbia; member of its "Committee of Nine" which deals with legislation. Member of Women's Bar Association of the District of Columbia; President 1925-1926. Honorary member, Kappa Beta Pi Legal Sorority. Speaker at dedication of Municipal Court Building, Washington, D. C. 1940.

Member of National Federation of Business and Professional Women's Clubs; Legal Adviser to District of Columbia Club, 1946-1947. Member of National Woman's Party; at various times member of its National Council and Chairman of its Lawyers Council. Represented National Woman's Party, Mrs. G. H. P. Belmont and other property owners in trial of litigation brought by United States to acquire present site of United States Supreme Court, and involving authenticity and historical value of the property of the Woman's Party as the "Old Brick Capitol" of the era of President Monroe. Organizer and first President of the Sergeant Jasper Unit, American Legion Auxiliary, Washington. Member of the Women's City Club of Washington; President 1942-1943.

Appointed by Governor Whitfield to represent Mississippi as a fraternal delegate to International Woman Suffrage Alliance, Paris, France, 1926.

Author of: The 1935 statute revising D. C. law on descent and distribution so as to eliminate preferences for the male line; the 1927 law allowing women to serve on D. C. juries; the 1944 Act providing means whereby a D. C. property owner may free his real estate from an obsolete tax sale; and various measures sponsored by women's groups and written into state and federal laws.

AMONG NATIONAL, STATE AND LOCAL GROUPS WHICH
HAVE ENDORSED BURNITA SHELTON MATTHEWS FOR AP-
POINTMENT AS JUDGE ON THE UNITED STATES COURT
OF APPEALS FOR THE DISTRICT OF COLUMBIA ARE:

National Organizations

National Association of Women Lawyers
National Council of Women of the United States
National Federation of Business and Professional Women's Clubs
National Woman's Party
Multi-Party Committee of Women
National Woman's Christian Temperance Union

Bar Groups

Southern California Women Lawyers
Women's Bar Association of the District of Columbia
Special Committee on Women's law, Florida State Bar Association
Women's Bar Association of Baltimore, Maryland.

Federation of Women's Clubs

Illinois State Federation of Women's Clubs
Iowa State Federation of Women's Clubs
Kansas State Federation of Women's Clubs
Minnesota State Federation of Women's Clubs
Missouri State Federation of Women's Clubs

Nebraska State Federation of Women's Clubs

Nevada State Federation of Women's Clubs

Oklahoma State Federation of Women's Clubs

Pennsylvania State Federation of Women's Clubs

Philadelphia Federation of Women's Clubs

South Dakota State Federation of Women's Clubs

Tennessee State Federation of Women's Clubs

West Virginia State Federation of Women's Clubs

Wisconsin State Federation of Women's Clubs

Business and Professional Women's Clubs

Alabama State Federation of Business and Professional Women's Clubs

Connecticut State Federation of Business and Professional Women's Clubs.

Business and Professional Women's Club of Washington, D. C.

Florida State Federation of Business and Professional Women's Clubs.

Business and Professional Women's Club of Jacksonville, Florida

Georgia State Federation of Business and Professional Women's Clubs

Iowa State Federation of Business and Professional Women's Clubs

Louisiana State Federation of Business and Professional Women's Clubs.

Mississippi State Federation of Business and Professional Clubs

Business and Professional Women's Club of Hazlehurst, Mississippi

Business and Professional Women's Club of Kansas City, Missouri

Business and Professional Women's Club of Independence, Missouri

Nevada State Federation of Business and Professional Women's Clubs

Business and Professional Women's Club of Reno, Nevada.

League of Business and Professional Women's Clubs of New York, New York

Oklahoma State Federation of Business and Professional Women's Clubs

North Carolina State Federation of Business and Professional Women's Clubs.

Pennsylvania State Federation of Business and Professional Women's Clubs

South Carolina State Federation of Business and Professional Women's Clubs

Texas State Federation of Business and Professional Women's Clubs

West Virginia State Federation of Business and Professional Women's Clubs.

Citizens' Associations

Congress Heights Citizens' Association, Washington, D. C.

Kalorama Citizens' Association, Washington, D. C.

Minnesota Center Citizens' Association, Washington, D. C.

State Branches of National Woman's Party

Delaware Branch, National Woman's Party

Maryland Branch, National Woman's Party

Ohio Branch, National Woman's Party

Local Temperance Groups

Woman's Christian Temperance Union, Washington, D. C.

Woman's Christian Temperance Union, Oklahoma

Miscellaneous Groups

Altar Society, Independence, Missouri

Nevada Native Daughters

Twentieth Century Club, Reno, Nevada

Vassar Club, Memphis, Tennessee

Woman's Chamber of Commerce, Independence, Missouri

Memorandum:--

Chief Justice Weygandt (Wyant) of the Supreme Court of the State of Ohio would appreciate the Chief Justice 'phoning him at his earliest convenience -- he indicated that he had spoken with the C.J. in St. Louis, etc.

Phone - Lakewood - 0747
Cleveland, Ohio.

W. J. Weygandt
to
St. Louis
file

The Supreme Court of Ohio

Columbus

CARL V. WEYGANDT, CHIEF JUSTICE
CHARLES B. ZIMMERMAN
CHARLES S. BELL
ROY H. WILLIAMS
EDWARD C. TURNER
EDWARD S. MATTHIAS
WILLIAM L. HART

RECEIVED

SEP 14 11 27 AM '49

CHAMBERS OF THE
CHIEF JUSTICE

Sept. 12, 1949.

Mr. Chief Justice Fred M. Vinson,
The Supreme Court of the United States,
Washington, D.C.

Dear Chief Justice Vinson:-

Just a word in explanation of my today's telephone conversation with your Secretary, Mr. Kelly.

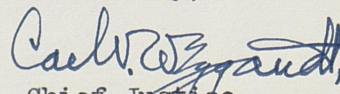
Since returning home from St. Louis I have attempted to learn just who will have the laboring oar in preparing for the President the material concerning those who are interested in the Cleveland District Court judgeship. I get conflicting information. I am told by some that it will be Mr. Dawson of the White House staff. Others tell me it will be Mr. Clifford of the same staff.

I shall greatly appreciate your advice in the matter. Mr. Kelly was not certain when you would return to your chambers. Consequently I asked him to call me at Lakewood 0747, Cleveland, reversing the charges, as soon as it will be convenient for you to talk with me.

I trust you enjoyed your St. Louis visit. I repeat that your two addresses were the finest I have heard you deliver.

With kindest regards, and thanking you for your interest, I am

Sincerely,


Chief Justice

Fall

GREENBERRY SIMMONS
ATTORNEY AT LAW
KENTUCKY HOME LIFE BUILDING
LOUISVILLE 2, KENTUCKY

September 22, 1949

RECEIVED
SEP 24 9 39 AM '49
CHAMBERS OF THE
CHIEF JUSTICE

Honorable Fred M. Vinson
Chief Justice of the Supreme Court
of the United States
Washington, D. C.

Dear Mr. Chief Justice:

My friend, Mr. Justice Wiley Rutledge, often spoke of you when you both were on the Court of Appeals. After visiting with you in your suite in St. Louis at the American Bar meeting, I understand why he talked so favorably of you. I have lost a dear friend but hope I have gained another to help take his place. You eminent members of the profession are sometimes interested in the wise counselling of the younger members coming on.

I have received communications from the Honorable J. Howard McGrath, Attorney General, and from the Special Committee on the Judiciary of the American Bar Association, that they are giving me consideration as a candidate for one of the possible nominees for Judge on the United States Court of Appeals for the District of Columbia Circuit.

If you think it expedient to consider a Republican as one of the three to be appointed and that I should be given consideration, I would appreciate a suggestion to me of some fellow Kentuckian who might be interested in taking me to call upon President Truman.

Enclosed is a copy of my biographical sketch which you may or may not want for your information.

Most respectfully

Greenberry Simmons

GS:JB
Enc. 1

RESUME' OF GREENBERRY SIMMONS

Greenberry Simmons was born November 21, 1901, twenty miles south of Kansas City, Missouri, the son of Greenberry Simmons and Mary Hamilton Simmons, and grandson of Dr. and Mrs. Nathan Rice Simmons of Lexington, Kentucky, all having died while Mr. Simmons was a small boy. His ancestors came to Kentucky in 1787, before Kentucky became a state, and many of his relatives have been there ever since. He was born on a Missouri farm and was a farm boy there until he was 15 years of age. Most of his life he has been a resident of Louisville, Kentucky. He obtained his high school education at Randolph-Macon Military Academy and thereafter spent nine and one-half years in colleges and universities.

He attended Washington and Lee University for three and one-half years studying in the college of Business Administration, then to Columbia University in New York City for special courses in finance. He returned to Washington and Lee for the study of Law for two years. On returning to Louisville, he went to Jefferson School of Law for two years and the University of Louisville Law School for one and one-half years rounding out five and one-half years in the study of Law. After being admitted to the bar, he continued for two and one-half years to study Law and studied all Law courses available in Law Schools in Kentucky at that time. He worked his way through high school and college.

Mr. Simmons married Margaret Virginia Giles, the daughter of Mr. and Mrs. Charles F. Giles, and has a son, Charles Giles. He is a member of the Second Presbyterian Church.

In 1932 he was the national chairman of the Organization Committee which organized the younger attorneys into a national organization. The following year he was the national chairman and chairman of the executive committee of the organization, at that time called the Junior Bar Association of the United States. The Kentucky Law Journal in its May, 1933 issue, published his address delivered in Washington, D. C., in 1932, at the time of the first national organization meeting of the younger attorneys, entitled, "The Organization of the National Junior Bar Association." The national organization has grown until it is one of the large and useful sections of the American Bar Association, with members throughout the United States, and is called the Junior Bar Section of the American Bar Association.

The Journal of the American Judicature Society in its August, 1933 issue, commented upon the federation of the younger attorneys' associations into a national group and spoke of the leading spirit of Mr. Simmons in this movement.

The commercial Law Journal in its October, 1933 issue published his address delivered at the National Convention of the Commercial Law League of America at Mackinac Island in the summer of 1933, on the subject of N.R.A. and Codes.

Mr. Simmons was admitted to practice before the Supreme Court of the United States in 1932, and has handled four cases himself through that court during the first ten years of his practice. He has been active in several cases involving the failure of the National Bank of Kentucky, old Louisville Trust Company and the Banco-Kentucky Company, and devoted a large part of his time for nine years to this litigation, which was one of the important matters litigated in the south at that time. He is what is called a corporation lawyer.

In 1936 Mr. Simmons representing the plaintiffs, groceries and meat markets, sued the three largest Chicago meat packing concerns for the millions of dollars of processing taxes returned to them by the Government when the Act was declared unconstitutional. This case went to the Supreme Court of the United States. During 1946-48 he represented 70 foremen and assistant foremen when they sued the Consolidated Vultee Aircraft Corporation under the Fair Labor Standards Act. Witnesses came from coast to coast to testify. For a month he tried the case in the U. S. District Court.

Since 1939 he has been a Commissioner, representing the Commonwealth of Kentucky at the National Conference of Commissioners on Uniform State Laws. He has been and still is on several of the National Conference Committees, some of which are, the Corporation Law Section, the Public Information Committee and the Vital Statistics Act.

He has been a member of the Louisville Bar Association and the Kentucky Bar Association since 1928. He has been active in the American Bar Association since 1929 and has been on several of its committees, including the Resolutions Committee, the Committee on the Economic Condition of the Bar and the Kentucky Chairman for the Section on Banking and Corporation Law. In 1946 he was a member of the Corporation Law Committee which drafted the "Model For State Business Corporations Act." The Association sent out over 5000 copies throughout the United States. He has many friends and acquaintances in nearly every state in the union, including outstanding attorneys and judges.

He has always been interested in national affairs. He has read the New York Times for over 20 years. For years he has been a member of the Chamber of Commerce of the United States. He is a life member of the American Law Institute.

In November, 1945, Mr. Simmons was approved and recommended, along with three other Kentuckians and two Ohioans, by the Department of Justice, to the President of the United States, for the appointment as Judge of the United States Circuit Court of Appeals for the Sixth Circuit. Endorsements for his appointment were sent to the President and the Attorney General, from judges, law school deans and attorneys from over 20 states and the District of Columbia.

FARMERS EDUCATIONAL AND COOPERATIVE UNION *of America*

1555 SHERMAN STREET, DENVER, COLORADO

OFFICE OF THE PRESIDENT

RECEIVED

September 30, 1949

OCT 4 9 57 AM '49

CHAMBERS OF THE
CHIEF JUSTICE

File

Judge Fred M. Vinson
Chief Justice of the United States
Washington, D. C.

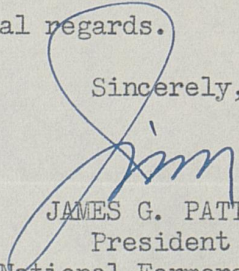
My dear Judge:

My friend, Paul Ziffren, whom I have spoken to you about, was not appointed to either of the Federal District Judgeships in Southern California. Due to the death of Judge Jeff T. O'Connor, there is now another vacancy. I sincerely hope that Paul Ziffren can be appointed to this one.

I have written to the President about it, and I would appreciate anything you might do to encourage the President to appoint Ziffren.

Kindest personal regards.

Sincerely,


JAMES G. PATTON
President
National Farmers Union

file

THE ASSISTANT SOLICITOR GENERAL

The Assistant Solicitor General, as the Attorney General's chief adviser on matters of law, holds one of the most responsible and difficult posts in the Department of Justice. He is appointed by the President with the advice and consent of the Senate, and by law receives the same compensation as the Assistant Attorneys General (5 U.S.C. 293a). The Assistant Solicitor General reports directly to the Attorney General. His staff of attorneys constitutes a separate office in the Department, distinct from that of the Solicitor General and having entirely different functions.

The Assistant Solicitor General prepares for the Attorney General formal legal opinions to the President, the heads of the executive departments, and the Veterans Administration; he also gives informal opinions and legal advice on a continuous basis to the various agencies and instrumentalities of the executive branch, as well as advising the other divisions and offices of the Department of Justice on any questions of law requiring special consideration. The scope of the opinions rendered is as broad as the legal problems which arise in the administration of the executive branch of the Government, and usually relate to matters of special importance and difficulty.

The Assistant Solicitor General also reviews as to form and legality, and makes necessary revisions of, all proposed Executive orders and proclamations of the President prior to their final submission to the President; all proposed regulations which require the approval of the President or of the Attorney General; all land orders of the Secretary of the Interior; and all instruments making disposition of land under the Federal Airport Act. He reports on pending legislation, particularly with regard to constitutionality and effect on governmental structure, and assists in the drafting of important legislation sponsored by the President or the Attorney General. He also supervises all legal work connected with the receipt of gifts and bequests by the Government of the United States. The Assistant Solicitor General also handles nearly all international matters in which the Department of Justice is interested, and is consulted by the Department of State on a day-to-day basis concerning questions of international and domestic law arising in connection with the United Nations and other international organizations. The Assistant Solicitor General is by designation the Legal Adviser to the United States Delegation to the Economic and Social Council of the United Nations. He also represents Federal agencies in the coordination of Federal-State relations in the field of law, to the end that matters which may best be disposed of by State action are handled by the States rather than by the Federal Government.

Aside from matters on general assignment to him, the Assistant Solicitor General handles numerous important miscellaneous special assignments made by the Attorney General involving the many complicated and diverse legal and policy problems with which that officer is faced.

The Assistant Solicitor General must personally review each matter presented to his Office, and must assume full responsibility for each decision made. He must be familiar with the Federal statutes, old and new, as well as with the regulations and orders of the departments and agencies. He must be ready to advise with expedition and accuracy on questions of importance arising in every branch of the Government, and must endeavor to establish uniformity in legal policy and administrative standards throughout the executive branch. The work is semi-judicial in nature and involves a high degree of responsibility. The rulings made by the Assistant Solicitor General are regarded as final by the departments and agencies and by the other attorneys and officials of the Department of Justice, subject, of course, to appeal to the Attorney General. No instance is known in which a ruling of the Assistant Solicitor General has been reversed by the Attorney General or over-turned by the courts in litigation.

In addition, the Assistant Solicitor General is frequently called upon by the Solicitor General to prepare and argue cases in the Supreme Court. In the absence of the Solicitor General, or in the case of a vacancy in that office, the Assistant Solicitor General also acts as the Solicitor General of the United States.

statute (43 U.S.C. 102) in the issuance of a subpoena to the radius of the county in which attendance is required. Numerous other agencies are bound by no such limitations. The Securities and Exchange Commission, for instance, may find it necessary to have witnesses travel thousands of miles to the place of hearing. The difference in needs varies in accordance with the type of proceeding and the importance of the issues involved.

To say, therefore, that the issuance of subpoenas is a procedural matter of a type suitable for the formulation of uniform rules is to run the risk of ignoring highly significant differences in the functions of agencies and in the tasks and procedures specifically outlined for them by the Congress. Similar difficulties are found with reference to many other fields, such as the hearing process.⁸ As Edward E. Odom, Solicitor of the Veterans' Administration, points out:⁹

It would be the height of absurdity to require the same formality of procedure in connection with the several million adjudicative actions taken by the Veterans' Administration annually with respect to gratuitous benefits as would be appropriate for the application of a common carrier to the Interstate Commerce Commission for permission to increase rates.

To give but a few additional examples: In emergencies the Securities and Exchange Commission finds it necessary to act on an *ad hoc* basis and waive all the requirements of its rules of practice. A prompt determination in a particular case is thus obtained. Stop-order proceed-

ings where time is necessarily of the essence are a typical example of such emergency situations. Similarly, the Commission's rules provide that hearings for the purpose of taking evidence shall be stenographically reported and a transcript made a part of the record. In other agencies such as the Board of Immigration Appeals, which has numerous brief hearings, a summary statement is sufficient and word by word transcripts would be a waste of time.¹⁰

2. *Would compulsory procedural uniformity increase or decrease the danger of administrative confusion?*

—Uniform rules of procedure would limit the agencies in permitting special treatment of unusual types of cases, unless the rules contained so many exceptions as to make them almost meaningless—or unless individual agencies were permitted to vary the provisions of such rules by order, which would result in numerous time-consuming applications. It is hard to see, moreover, how it would be possible to avoid supplementation of general rules by more particularized rules for each agency. In view of the vast number of types of proceedings, as well as the variations within each type, the resulting document containing the whole body of rules and exceptions would be exceedingly lengthy and cumbersome.

Roger Foster tells me that of late the procedure in most cases before the Securities and Exchange Commission has been governed by stipulation of the parties. "In many cases," he says, "the parties agree that the omission of requirements



Harris & Ewing

GEORGE T. WASHINGTON

contemplated by the Administrative Procedure Act *expedites* the handling of the particular matter without in any way impairing their essential rights. In view of this experience under the Administrative Procedure Act," he continues, "it is difficult to ascertain what useful purpose uniform rules might serve . . . Uniformity might be thought to make prac-

8. To quote Alanson Wilcox of the Federal Security Agency: "Consider, for example, a hearing to determine whether a claimant has been properly denied an old age and survivors insurance benefit; a hearing on a proposed food standard, which will affect all producers and consumers of the food in question; and a hearing to determine whether a state has ceased to conform to the conditions entitling it to funds under a grant-in-aid statute." (Letter to the author, dated July 30, 1948.)

9. Letter to the author, dated August 4, 1948.

10. Another example: The Department of the Interior handles numerous Indian probate proceedings. Uniform rules requiring formal procedures for adjudications would be undesirable inasmuch as the government acts merely as referee. (Letter to author from Solicitor Mastin G. White, Department of the Interior, dated August 4, 1948.)

Concerning the Author: George Thomas Washington has served as Assistant Solicitor General of the United States since July of 1946 and was the Acting Solicitor General from October, 1946, until July, 1947; during that period he represented the United States before the 1946-47 term of the Supreme Court. He was born in Cuyahoga Falls, Ohio, in 1908 and was graduated from Yale in 1928; he went to Oxford University as a Rhodes scholar and received a B.Litt. (law) degree in 1931. Returning to Yale Law School, he was awarded an LL.B. *cum laude* in 1932. He practiced law in New York City until 1938 when he became professor of law at Cornell University. In 1942 he was a special assistant to the Attorney General in prosecution of the eight Nazi saboteurs who landed

from submarines. In that same year he went to the Middle East as chief of the lend-lease mission to Iran, and remained there until 1944, when he was reappointed as a special assistant to the Attorney General. He has served as legal adviser to the United States delegation to the Economic and Social Council of the United Nations and to the Conference on Freedom of Information and the Press, held in Geneva in 1948. He is the author of *Corporate Executives' Compensation* and numerous articles on legal subjects.

Mr. Washington is a descendant of Colonel Samuel Washington, a brother of the first President, and represents George Washington in the Society of the Cincinnati as the nearest living relative.

*Legal resident of D.C. Member of D.C. Bar & D.C. Bar Ass'n.
Editor of Attorney General's Manual on the Administrative Procedure Act.*

practice before numerous federal agencies simpler by eliminating the necessity for individual practitioners to familiarize themselves with various sets of rules. I believe, however, that problems involved in the application of general rules governing all agencies to specific procedures of individual agencies would generally require considerably more effort on the part of the practitioner than obtaining and referring to rules tailored to the specific procedure in which he might be interested.¹¹

Is it not likely that in holding out the prospect of simply learning one set of uniform rules we will not in fact offer real simplification of practice before numerous agencies? Would we not thus require more effort on the part of the practitioner because of the difficulty he will encounter in applying general rules to the specific procedures of individual agencies?

3. *Is there real justification for the effort and expense which would be required in formulating uniform rules that would be adapted to the diverse subject matter dealt with by administrative agencies?*—We have seen that many special agency procedures have been adopted by reason of practical necessity. Other special procedures are required by express statutory mandate. For example, by reason of statutory limitations, the Federal Trade Commission could not adhere to a rule that all allegations of a complaint not specifically denied are taken as admitted. Procedure under the Public Contracts Act makes violators ineligible to receive further government contracts unless the Secretary of Labor recommends otherwise. This function of the Secretary cannot be delegated; accordingly, the rules of practice make provision for appeal to the Secretary rather than to the Administrator of Wages and Hours on the question of ineligibility.¹²

Other instances familiar to all of us (for example, the requirements of the Taft-Hartley Act) and too numerous to mention here in detail are illustrative of statutory requirements as to procedure.¹³ Congressional mandates of this kind cannot

be presently ignored—or lightly recommended for repeal, solely in the interest of uniformity. If to this group of required procedures we add those procedures which have been adopted because of the peculiar needs of particular agencies, we eliminate a considerable portion of the body of procedure which is readily available for incorporation into a uniform code. To produce any further uniformity than at present obtains in procedures required by statute would entail considerable amendment of the statutes governing the agencies. While such a task is not too extensive for accomplishment, in my view it is not likely to be productive. Added to the foregoing is the difficulty which arises in the necessity for classifying functions for procedural purposes. Such broad classifications as regulatory, non-regulatory, accusatory and non-accusatory, do not furnish a sound basis for grouping governmental functions. Yet further break-downs dissipate the likelihood of finding similarities suitable for treatment by uniform regulation.

The conclusion seems inescapable, therefore, that only the most routine procedures are suitable for uniform treatment. The effort and expense necessary to produce a code of uniform procedure are not justified if the code must concern itself with such items as the size of paper to be used in briefs, the number of spaces between lines, the opening and closing time for hearings and the like. And as we have noted heretofore, even such routine matters as issuing subpoenas and taking stenographic reports have been regulated by statute for certain agencies. We cannot assume that congressional determinations on such matters should be given little weight or would be readily repealed.

4. *Would not a code of uniform procedure binding upon all administrative agencies cause oppressive inflexibility of procedure?*—Possibly the most outstanding virtue of the administrative process is its flexibility. Yet it must be conceded that under uniform rules there would almost certainly be a time lag with

regard to amendments to the body of uniform regulations. Let us say, for purposes of illustration, that it is possible to prepare a set of uniform rules which will not unduly interfere with the work of government agencies. And let us say that it appears satisfactory to the agencies and to the public at a given date. Now suppose that following that date improvements are indicated which will expedite the work of one agency. If it were not necessary to canvass the usefulness of that improvement to all agencies participating in the uniform code, the improvement could become immediately effective in the originating agency. Instead of that there is a likelihood not only of a time lag in amending the code, but even more serious, the possibility that the amendment will not be undertaken because of the obstacles to be encountered in obtaining agreement as to language, effect, and so forth.

Sweeping proposals for uniformity of rules of procedure may thus prove to be impractical, confusing, expensive, and productive of undue rigidity. While some of these results can no doubt be avoided, the problems involved must be approached with the utmost care.

If practitioners believe that changes in the present rules are desirable, the first step would seem to be to request the individual agencies to make those changes. A degree of uniformity could be expected to follow in the natural course of events. Further uniformity might be an expensive and dubious luxury. I do not believe a statutory commission, with power to enforce complete uniformity, is the solution. The practical experience of lawyers in dealing with the various agencies should first be focused on the problem. The Section of Administrative Law might well undertake the task of bringing together that body of experience.

11. Letter to the author, dated August 9, 1948.
12. Letter to the author, dated August 2, 1948, from William S. Tyson, Solicitor of Labor.
13. David P. Fiedling, Associate General Counsel, National Labor Relations Board, characterizes the statute under which the Board operates as "a primary obstacle to uniform procedures." (Letter to the author dated August 9, 1948.)

Federal Administrative Agencies: Are Uniform Rules of Procedure Practicable?

by George T. Washington • Assistant Solicitor General of the United States

Our Association has proposed that the practicability and extent of greater uniformity in the rules of procedure and practice for federal agencies shall be explored and the desirable steps toward uniformity undertaken, for the agencies as was done for the courts, under our Association's leadership. This proposal is only one of several, discussed by Senator Wiley in our October issue (page 877). The case for the agencies on the central question, "Is a Uniform Code of Rules of Procedure To Govern Federal Administrative Agencies, Desirable and Feasible?", was impressively presented in Seattle by the Assistant Solicitor General of the United States, who prepared his paper largely with the quoted advice and experience of heads of agencies and counsel for agencies. He states that the views expressed in his exposition are his own and are not necessarily those of the Department of Justice or any federal agency, and he gratefully acknowledges the aid of Miss Patricia Collins, who is a Special Assistant to the Attorney General and has been for several years identified with our Section of Administrative Law.

Professor Washington has, we believe, rendered a service to our Association and the public in making so ably reasoned and objective a statement of the opposing argument and the practical obstacles, which, as is usual in our Association's projects, will be studied and appraised most carefully at the start, by those who will undertake the tasks of selection and draftsmanship in the efforts for greater uniformity.

The goal of uniformity—it might even be characterized as the *dream* of uniformity—is one which in late years has taken increasing hold in a great many fields of activity. As existence becomes more and more complex, the cry for certainty—and through uniformity—becomes more and more insistent. There is increasing pressure upon government officials to produce certainty from a mass of uncertainties—to produce uniformity from out of diversity—to produce stability in the midst of inexorable change. These pressures are exerted upon every branch

of government—the legislative and judicial as well as the executive.

The problem of uniform rules of procedure is of course a relatively small segment of the entire governmental picture. But it has illustrative value. The desire for uniformity and consistency is a ceaseless and powerful force. The agencies gather ideas and precedents from one another, just as do the courts of law. In fact, the tendency toward uniformity in the conduct of governmental affairs is so great that much is to be said for a positive effort to escape uniformity and to endeavor

to reach more exact justice in individual cases.

Lawyers for private clients have a great interest in preserving the agency's power to do precise justice to those clients. Government lawyers want to find methods which will not only do justice, but which will make the public feel and recognize that justice is being done. That is a large part of our job. The government loses its effectiveness if members of the public feel—however mistakenly—that they have not been fairly treated.

Thus, uniformity of procedure is tempting to the government lawyer. It might well offer a perfect defense to the individual agency. But that temptation must be resisted, if the result is found to be unworkable.¹ Our aim must be to do a good job in rendering justice in individual cases; to accommodate the government as much as possible to the needs of the individual; to treat people fairly and without discrimination; to recognize that significant factual differences should be followed by significant legal differences.

"Procedure," as Professor Borchard says,² "should be the hand-

1. I have consulted a number of leading government lawyers (counsel for some of the principal departments and agencies) concerning the subject of this article. Their responses, from which I shall quote, represent their views as individuals rather than those of their agencies.
2. Borchard, Edwin, *Declaratory Judgments* (1934), page vii.

maid of justice, a means to an end. Instead, in all mature legal systems . . . procedure tends to become rigid, stereotyped, and over technical, an end in itself, often seemingly oblivious to the practical needs of those to whose ills it is designed to minister. . . . Substantive rights often become the incidents of procedural fencing."

Enforced Uniformity in Rules Might Produce Unfairness

The framers of the Administrative Procedure Act endeavored to avoid these evils. That Act, in broad descriptive terms, lays down requirements as to the issuance, publication, and availability of information about administrative organization, procedure, and policies. It establishes methods for rule-making, with some provision for participation by interested citizens. It provides for hearings and for adjudication. But it contains no set rules of practice for any agency. "The whole idea," as pointed out by Carl McFarland during House hearings on the proposed measure in 1945,³ "has been to draw the skeleton, upon which administrative agencies may adopt their own rules of procedure."

Most practitioners before administrative agencies will agree that the agency rules have been carefully drawn.⁴ At the same time, the elimination of any unfairness which may result from lack of uniformity is surely a desirable goal. It does not follow, however, that there is some necessary correspondence between fairness and uniformity. To quote the General Counsel of the Federal Trade Commission:⁵

It is even conceivable that uniformity might produce unfairness, particularly unfairness to whatever public interest the agencies represent Each agency presumably has adopted such rules as will best serve its own needs. In doing . . . [so] the agency must conform to the requirements of the Administrative Procedure Act as well as of due process. . . . While uniformity as such may be a convenience, that is an advantage which would accrue primarily to the parties or their attorneys who happen to have matters pending before more than one agency.

Important and Practical Questions Which the Bar Should Consider

Convenience to the few must be measured against the consequences to the many—to the public and the Bar generally. We must ask ourselves some important questions:

1. *Is a broad grouping of governmental functions, for procedural purposes, practical?*—Widely differing tasks assigned by Congress have made necessary the existence of separate administrative agencies. Diversity of procedure has likewise been compelled within agencies handling a variety of functions.

As to the Securities and Exchange Commission, Roger Foster has the following to say:

As you are aware, the Commission administers the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1940, and the Investment Advisers Act of 1940. The Commission has found it difficult to apply uniform rules of procedure to the diverse proceedings under these Acts, inasmuch as such proceedings may vary from comparatively simple matters, such as an application by an investment company for an exemption from a requirement for the filing of a quarterly report (see Investment Company Act, Sections 6(c), 30(b) and the rules under 30(b)), to a proceeding under Section 11 of the Public Utility Holding Company Act relating to the integration or simplification of holding company systems wherein hearings might be held over a period of many months, thousands of investors might be affected and numerous complicated questions would have to be determined. It has been necessary to provide in the Commission's Rules of Practice for the modification of general provisions by specific Commission action, as well as to provide specific exceptions for particular procedures.

The work of the administrative agencies, unlike that of the courts of general jurisdiction, is highly specialized.⁶ Procedures must conform to and be adequate for the unique problems with which the agencies deal. Within the Department of Agriculture alone there are such varied proceedings as rule-making proceedings, promulgation of marketing agreements and orders, reparation proceedings, disciplinary proceedings, rate-making proceed-

ings, appeals from inspection, and petitions to modify regulations or to be exempted from regulations. "Even insofar as a single type of proceeding is concerned," Agriculture's General Counsel tells me, "it has been our experience that there must be variations in the rules of practice due to the varying provisions of the applicable statutes and differences in the organization of the administrative agencies. For example, the authority to initiate disciplinary proceedings may be delegated by the head of the agency under some statutes but not under others, and therefore the rules which govern initiation of such proceedings are necessarily different. Some statutes authorize the issuance of subpoenas while others do not. The absence of the power to subpoena may affect other provisions of the rules such as those relating to the payment of witness fees. Statutes dealing with the protection of public health or safety may require summary action prior to hearing, necessitating differences in procedural provisions."⁷

And when functions of different agencies are compared, the difficulties of obtaining uniformity are even more apparent. Let us take a comparatively simple procedural matter—the issuance of subpoenas. The General Land Office in the Department of the Interior is restricted by

3. Hearings before the Committee on the Judiciary, House of Representatives, 79th Cong., 1st sess., June 21, 25, and 26, 1945, included in Sen. Doc. 248, 79th Cong., 2d sess.

4. I asked the general counsel of each of a dozen leading agencies whether lawyers practicing before the agency had suggested changes or modifications of procedures to conform with those of other agencies. In no case was the question answered in the affirmative. Several stated that the advice of practitioners had been asked prior to the promulgation of rules. See, e.g., letters to the author from Emory T. Nunneley, Jr., General Counsel, Civil Aeronautics Board, dated August 5, 1948; Bradford Ross, General Counsel, Federal Power Commission, dated August 4, 1948; James L. Dougherty, General Counsel, Reconstruction Finance Corporation, dated August 9, 1948.

5. Letter of July 15, 1948, to the author, from William T. Kelly.

6. The peculiar nature of radio and communications activities raises procedural problems not common to most agencies. The Federal Communications Commission studied rules of other agencies before formulating theirs but found that very few could be incorporated. Letter to the author from Benedict P. Cottone, General Counsel, Federal Communications Commission, dated August 5, 1948.

7. Letter to the author, dated August 6, 1948, from W. Carroll Hunter.

Handwritten red scribbles and numbers, possibly "1119" and "1119".

United States Circuit Court of Appeals

1634 P. O. & U. S. COURTHOUSE

BOSTON, MASSACHUSETTS

CHAMBERS OF
CALVERT MAGRUDER
CIRCUIT JUDGE

RECEIVED
OCT 18 3 29 PM '47

CHAMBERS OF THE
CHIEF JUSTICE

Dear Fred,

I'm glad to see you
had the right dope on
Charley Fahy. Thanks
for all you did in his
support. It was a
fine appointment, as we
all know.

Sincerely yours
Calvert Magruder

FOR COURT OF APPEALS

Edmund Campbell
Judge Nathan Cayton
Spencer Gordon
William J. Hughes, Jr.
Judge Mathew J. McGuire
Judge David A. Pine

FOR DISTRICT COURT

David G. Bress
Robert F. Cogswell
Louis Denit
John W. Jackson
✓ James R. Kirkman
Burnita Shelton Mathews
Jos. C. McGarraghy
Joe V. Morgan
Kenneth M. Parkinson
Leo A. Rover
Dean Hill Stanley
J. Harry Welch

The Bar Committee also asked that all members of the Judicial Selections Committee be considered with the exception of Hugh H. Obear. This Committee includes:

Walter M. Bastian
Godfrey Munter
Austin Canfield
John Carmody
Paul Cromelin
Francis Hill, Jr.

TENTATIVE LIST AS OF 7/26

CCA:

George Washington
"Bo" Laws (He refused)
Chas. Fay
Wm. Leahy (Bill Hughes)
Walter Bastian
If lower court judge - Matt McGuire

DISTRICT:

David Bazelon
Jas. R. Kirkland
Julian Sourwine

December 16th, 1949.-

Mr. Elmer J. Griffin
204 South Reeves Drive
Beverly Hills, California.

Dear Mr. Griffin:---

Pursuant to your request of November 29th, I
am returning herewith the enclosures received with
your letter of September 11th directed to the Chief
Justice.

Very truly yours,

Executive Secretary
to the Chief Justice.

ELMER J. GRIFFIN
NATIONAL PRESS BUILDING
WASHINGTON, D. C.
NATIONAL 7127

204. South Reeves Drive
Beverly Hills, Calif.

~~RESIDENCE:
UNIVERSITY CLUB
WASHINGTON, D. C.~~

Nov. 29. 1949

My dear Mr. Chief Justice,

A few months ago I took the liberty of writing you concerning our mutual friend Judge Stephens. Along with my letter I sent you several letters which were sent to me by personal friends of mine concerning Judge Stephens.

Inasmuch as I did not reply to these letters, and would like to do so, I shall appreciate it if you would please have your secretary return them to me.

Thank you for this courtesy,
Respectfully yours
Elmer J. Griffin

ELMER J. GRIFFIN
NATIONAL PRESS BUILDING
WASHINGTON, D. C.
NATIONAL 7127

file

204. South Reeves Drive
Beverly Hills, California

RESIDENCE:
UNIVERSITY CLUB
WASHINGTON, D. C.

September 11, 1949

My dear Mr. Chief Justice,

I am taking the liberty of writing you on behalf of our mutual friend Judge Harold M. Stephens

I happened to be in Washington at the time of Justice Murphy's death and you will note from the enclosed data and letters I tried, as best I could, to have Judge Stephens appointed to that vacancy.

Because of the sad and untimely death yesterday of Justice Rutledge and also because Judge Stephens is a personal friend of yours I am taking the liberty of writing you personally to ask

ELMER J. GRIFFIN
NATIONAL PRESS BUILDING
WASHINGTON, D. C.
NATIONAL 7127

RESIDENCE:
UNIVERSITY CLUB
WASHINGTON, D. C.

If you will be good enough to help and assist Judge Stephens in obtaining this appointment to the Supreme Court Bench due to the death of Justice Rutledge

I have not had the pleasure of meeting you but I have had the pleasure of meeting Mrs. Vinson when I use to play tennis during the war on your Wardman Park Tennis Courts. Incidentally in addition to being a splendid judge, Judge Stephens is also a fine tennis player.

Thank you Mr. Chief Justice for anything you can do for our friend Judge Stephens

Respectfully yours

Elmer J. Griffin

204-South Reeves Drive
Beverly Hills, Calif.

United States Court of Appeals
for the First Circuit

1634 UNITED STATES POST OFFICE AND COURT HOUSE
BOSTON 9, MASSACHUSETTS

CHAMBERS OF
CALVERT MAGRUDER
CHIEF JUDGE

December 10, 1951

Memorandum to F.F.

This is to remind you to ask Fred Vinson if he can speak to the President with reference to the importance of making an early recess appointment to the vacancy in the U.S. District Court for the District of Puerto Rico. Judge Roberts resigned during the summer and the new court term has started without a regular judge there, with the result that one of the judges of the Supreme Court of Puerto Rico has been designated as acting judge of the federal district court.

I received under date of November 15 a letter from the four judges of the Supreme Court of Puerto Rico stating that their court is under the burden of a heavy docket and in addition has a vacancy which apparently is not to be filled for some time. I suppose they are waiting because it is expected that the new constitution which is being drafted will provide for the appointment of the judges of the Supreme Court of Puerto Rico by the governor instead of by the President as at present. The letter states:

"Because of the situation in our Court, Mr. Justice Negrón-Fernández, who is now serving, and Mr. Justice Snyder, who will assume this task on January 1, 1952, can give very little of their time to the Federal Court. They can handle only the most urgent matters, such as a Taft-Hartley injunction, or the most simple matters, such as sentences on pleas of guilty. From June of this year on, the normal, regular civil and criminal cases in the Federal Court have not been tried and will not be tried by Mr. Justice Negrón or by Mr. Justice Snyder because of their heavy commitments in our Court."

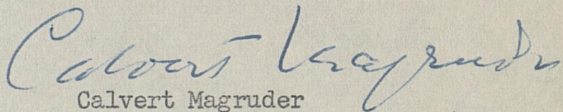
In view of this situation they asked me to arrange for the assignment of a federal judge from the States to serve in the district court at San Juan for what may be a very extended period. I do not think that I could find within the First Circuit a district judge who could be away for the desired length of time, and it would be difficult for Mr. Chandler to find a judge outside the circuit to be designated by the Chief Justice. At least it would take some time to make the arrangements.

When I got the letter from the judges of the Supreme Court of Puerto Rico I called Attorney General McGrath and he told me on November 19 that the President had indicated a desire to appoint a man from

December 10, 1951, p. 2

the local bar at San Juan and that a recommendation had been made by Governor Muñoz, and that the proposed appointee had been checked up and looked all right. The Attorney General told me that he thought the President would make a recess appointment in the very near future, maybe the next day when he was going to Washington for a one-day interval. However, so far as I know no such appointment has been made, though perhaps you had better check up with Mr. Chandler to verify whether this is so.

I think it would be helpful if the Chief Justice himself would bring this matter to the President's attention. The idea of giving the appointment to a man from the Puerto Rican bar seems to me a good one.


Calvert Magruder

CM:GP

December 17, 1951

Honorable J. Howard McGrath,
Attorney General,
Washington, D. C.

Dear Mr. Attorney General:

I am writing in regard to the vacancy in the United States District Court for the District of Puerto Rico.

Honorable Calvert Magruder, Chief Judge of the United States Court of Appeals for the First Circuit, informs me that he has received a letter from the four judges of the Supreme Court of Puerto Rico stating that their court is under the burden of a heavy docket and in addition has a vacancy which apparently is not to be filled for some time. The letter reads in part as follows:

"Because of the situation in our Court, Mr. Justice Negrón-Fernandez, who is now serving, and Mr. Justice Snyder, who will assume this task on January 1, 1952, can give very little of their time to the Federal Court. They can handle only the most urgent matters, such as Taft-Hartley injunctions, or the most simple matters, such as sentences on pleas of guilty. From June of this year on, the normal, regular civil and criminal cases in the Federal Court have not been tried and will not be tried by Mr. Justice Negrón or by Mr. Justice Snyder because of their heavy commitments in our Court."

I understand that Judge Magruder has talked to you about this matter. I would appreciate it if the appointment could be made as speedily as is proper.

With kind regards,

Sincerely,

(Signed) Fred M. Vinson

December 17, 1951

Honorable J. Howard McGrath,
Attorney General,
Washington, D. C.

Dear Mr. Attorney General:

I am writing in regard to the vacancy in the United States District Court for the District of Puerto Rico.

Honorable Calvert Magruder, Chief Judge of the United States Court of Appeals for the First Circuit, informs me that he has received a letter from the four judges of the Supreme Court of Puerto Rico stating that their court is under the burden of a heavy docket and in addition has a vacancy which apparently is not to be filled for some time. The letter reads in part as follows:

"Because of the situation in our Court, Mr. Justice Negron-Fernandez, who is now serving, and Mr. Justice Snyder, who will assume this task on January 1, 1952, can give very little of their time to the Federal Court. They can handle only the most urgent matters, such as Taft-Hartly injunctions, or the most simple matters, such as sentences on pleas of guilty. From June of this year on, the normal, regular civil and criminal cases in the Federal Court have not been tried and will not be tried by Mr. Justice Negron or by Mr. Justice Snyder because of their heavy commitments in our Court."

I understand that Judge Magruder has talked to you about this matter. I would appreciate it if the appointment could be made as speedily as is proper.

With kind regards,

Sincerely,



THE ATTORNEY GENERAL
WASHINGTON

December 19, 1951

My dear Mr. Chief Justice:

This will acknowledge your letter of December 17.

I have been doing everything possible to get the judgeship in Puerto Rico filled. The President chose the course which I heartily approved, of asking for a recommendation from the Governor. The Governor gave him a name and the papers were prepared for the appointment.

Subsequent to that time some information came in with reference to the Governor's nominee and it was necessary to have this information checked into. We are now in the process of doing that, and I hope that it may be completed very, very soon.

Sincerely yours,

Howard
Attorney General

Honorable Fred M. Vinson
Chief Justice of the United States
Washington, D. C.

Supreme Court of the United States
Washington 13, D. C.

Tuesday

Dear Fred:

As Calver is messenger
boy I pass the memo. on
to you, instead of taking
your time with oral state-
ment.

Yours
over

December 26, 1951

Honorable Calvert Magruder,
Chief Judge,
United States Court of Appeals
for the First Circuit,
1634 United States Post Office and Court House,
Boston 9, Massachusetts.

Dear Judge Magruder:

With further reference to the vacancy in the United States District Court for the District of Puerto Rico, I have received a letter from the Attorney General in which he informs me that his Department is checking some information which they received, and that it is his hope it would be completed "very, very soon." It looks as if this matter will be handled in the very near future.

With the Season's Greetings and every good wish,

Sincerely,

(Signed) Fred M. Vinson

FMV:McH

File

United States Court of Appeals
for the First Circuit

1634 UNITED STATES POST OFFICE AND COURT HOUSE
BOSTON 9, MASSACHUSETTS

CHAMBERS OF
CALVERT MAGRUDER
CHIEF JUDGE

December 28, 1951

The Honorable
Fred M. Vinson:
Chief Justice of the United States
Washington 13, D. C.

Dear Mr. Chief Justice:

Thanks very much for your letter of December 26 with reference to the vacancy in the United States District Court in Puerto Rico. In view of the fact that the Congress will be in session before very long I am afraid the President will not make a recess appointment, but will wait and send in the nomination to the Senate. If that occurs I hope there won't be any great delay in confirmation. I should think it would be desirable in any event to make a recess appointment so that the new judge might get to work right away instead of having to wait for Senate action.

Sincerely yours,

Calvert Magruder

CM:GP