

## FDR's Long Term Reading Pile (December 1935)

*John Q. Barrett\**

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On February 13, 1935, Robert H. Jackson celebrated his forty-third birthday. The Bronx County, New York, Bar Association also met on that date—attendees heard Gustavus A. Rogers, a Manhattan attorney who was active in Democratic Party politics, speak about *Section 77B of the Bankruptcy Act and Its Effect Upon the Extension of the Doctrine of Piercing the Corporate Veil*.

Jackson, then General Counsel in the Treasury Department's Bureau of Internal Revenue, did not attend this meeting or, so far as I know, ever hear of Rogers's lecture. Not everyone was so lucky.

James A. Farley of New York was an architect of Franklin D. Roosevelt's 1928 and 1930 elections to be Governor of New York and, in 1932, his election to the presidency.<sup>1</sup> Farley became chairman of the Democratic National Committee that year, and President Roosevelt in 1933 appointed him Postmaster General of the United States, a Cabinet office. Farley and Roosevelt each knew Gustavus Rogers through state and national Democratic Party politics.

In December 1935, Rogers sent Farley an offprint of the speech that Rogers had delivered the previous February to the Bronx County Bar

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For a selected archive of Jackson List postings, see my homepage at [www.law.stjohns.edu](http://www.law.stjohns.edu). To subscribe to the Jackson List, which does not display recipient identities or distribute their email addresses, send a note to [barrettj@stjohns.edu](mailto:barrettj@stjohns.edu).

<sup>1</sup> An interesting and impressive Farley biography is DANIEL SCROOP, MR. DEMOCRAT: JIM FARLEY, THE NEW DEAL & THE MAKING OF MODERN AMERICAN POLITICS (University of Michigan Press, 2006) ([click here for the publisher's information page](#)).

Association. On the cover of the offprint, Rogers penned a generous inscription:

Honorable James A. Farley –  
Postmaster General of the United States

With expression of profound regard  
and esteem for a human[e?] gentleman, an efficient  
public official and a loyal friend  
December 7<sup>th</sup> 1935 Gustavus A. Rogers<sup>2</sup>

Farley's political genius included the habit of corresponding widely and cultivating all relationships. His Roosevelt administration roles included involvement in political appointments (including in the Revenue Bureau job offer that brought Robert Jackson to Washington in 1934). In response to Rogers, Farley promptly dictated a response:

Dear Gus:

Thanks for sending me a copy of the address you delivered before the Bronx County Bar Association. I shall read it at the first opportunity.<sup>3</sup>

Farley's letter was dishonest. He actually had, a day earlier, dictated another letter and sent it, along with the Rogers offprint, to the White House:

Dear Mr. President:

I know you have a lot of spare moments and that it is necessary for you to fill in considerable of your time reading most important matters which are brought to your attention.

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<sup>2</sup> Gustavus A. Rogers, *Section 77B of the Bankruptcy Act and Its Effect Upon the Extension of the Doctrine of Piercing the Corporate Veil* (address delivered at the Bronx County Bar Association, Feb. 13, 1935) (original offprint, inscribed to James A. Farley, Dec. 7, 1935), in James A. Farley Papers, Library of Congress, Manuscript Division, Washington, D.C. ("Farley LOC"), Box 35 ([click here for image](#), which also is reproduced at the end of this text).

<sup>3</sup> Letter from James A. Farley to Gustavus A. Rogers, Dec. 12, 1935 (carbon copy, unsigned), in Farley LOC Box 35.

Attached to this communication is a speech made by a very distinguished New York statesman who, I understand, is friend of yours. At least he has indicated as much to me on more than one occasion. No doubt you have had the pleasure of meeting him and I am sure you will enjoy reading his address before the Bronx County Bar Association.

I am wondering if our good friend, Ed Flynn [the Bronx County Democratic leader<sup>4</sup>], arranged for his performance at this meeting. It is quite evident that brother Rogers is trying to impress the lawyers in the Southern District of New York with his knowledge of the law, it being apparent that he must have something in mind.

I will be glad to have your comments after you read his very fine address.<sup>5</sup>

The President, obviously enjoying Farley's joke, promptly returned his "gift"—Roosevelt sent the Rogers offprint back to Farley beneath a dictated, then initialed, memorandum. Interestingly, it evidences, in an off-handed way, the President's intention to retire to private life after two terms in the White House:

Memorandum for the Postmaster General

Thank you so much for sending me this most interesting Detective story written by that well known writer, Gustavus Rogers. Please read it for me and you can tell me all about it in February, 1941!

/s/ F. D. R.<sup>6</sup>

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<sup>4</sup> See generally EDWARD J. FLYNN, *YOU'RE THE BOSS: MY STORY OF A LIFE IN PRACTICAL POLITICS* (1947).

<sup>5</sup> Letter from James A. Farley to Hon. Franklin D. Roosevelt, Dec. 11, 1935 (carbon copy, unsigned), in Farley LOC Box 35.

<sup>6</sup> Memorandum from F.D.R. [Franklin D. Roosevelt] to the Postmaster General [James A. Farley], Dec. 16, 1935 (original), in Farley LOC Box 35 ([click here for image](#), which also is reproduced at the end of this text).

January 30, 2008, is the 126<sup>th</sup> anniversary of Franklin Delano Roosevelt's birth in his family home, Springwood, in Hyde Park, New York. With genuine respect for the work of bankruptcy lawyers and scholars, I am pleased to share, in the context of the birthday and as we in the United States choose a next president, this glimpse of FDR's personality and spirit.

Honorable James A. Farley  
Postmaster - General of the United States  
with expression of profound regard  
and esteem for a human sentiment, an effort  
for the good and a loyal friend  
December 7<sup>th</sup> 1935 Gustavus A. Rogers

SECTION 77B OF THE BANKRUPTCY ACT AND ITS  
EFFECT UPON THE EXTENSION OF THE  
DOCTRINE OF PIERCING THE  
CORPORATE VEIL

(11)

An address delivered by  
GUSTAVUS A. ROGERS, LL.B.  
(OF THE NEW YORK BAR)  
At the meeting of the Bronx County Bar Association,  
New York, February 13, 1935.

*Let Carver -*

THE WHITE HOUSE  
WASHINGTON

December 16, 1935.

MEMORANDUM FOR  
THE POSTMASTER GENERAL

Thank you so much for  
sending me this most interesting  
Detective story by that well  
known writer, Gustavus Rogers.  
Please read it for me and you can  
tell me all about it in February,  
1941!

*F. D. R.*  
F. D. R.