

1938

NYLS Alumni Delegates to New York State's 1938 Constitutional Convention

New York Law School

A PICTORIAL HISTORY
of the
NEW YORK STATE
CONSTITUTIONAL CONVENTION

State Capitol, Albany
1938

Published By
EUGENE R. COLLINS
Troy, N. Y.

ROBERT F. WAGNER

ROBERT F. WAGNER, United States Senator from New York, a Democrat, was elected as Delegate-at-Large to the convention and became minority leader at the organization meeting.

Born in Hessen-Nassau, Germany, June 8, 1877, he came to the United States when eight years old. His preliminary education was obtained in the public schools of New York City. Truly a self-made man, Senator Wagner sold newspapers after school hours to support himself. He received a degree of Bachelor of Science from the College of the City of New York in 1898 and two years later his LL. B. from the New York Law School.

With the exception of eight years during which he served upon the Supreme Court of New York State, Senator Wagner has been engaged in the general practice of law since 1900.

First sent to the New York State Assembly in 1905, he was elected as State Senator in 1908 after three years in the lower house of the Legislature. During his 10 years of service in the upper house he was Democratic floor leader for five years. Following the impeachment of Governor William Sulzer he served as Lieutenant-Governor of the state in 1914. In 1918 he was elected justice of the Supreme Court and six years later was designated to the Appellate Division of the first Department, Senator Wagner resigned his judicial office to undertake a successful campaign for election to the United States Senate in 1926. He was re-elected in 1932.

Responsible for many of the bills introduced in the Senate relating to labor, Senator Wagner is recognized as the foremost authority in his field. He has been responsible for the all-embracing scheme for stabilizing industry, improving working conditions and reducing unemployment. Senator Wagner took part in the creation of the Reconstruction Finance Corporation in the early days of the depression and was one of the sponsors of the law which, in 1933, extended half a billion dollars additional relief to the unemployed. Senator Wagner sponsored the National Industrial Recovery Act and in 1934 and 1935 he was sponsor of the Railway Retirement Laws. He was the chief proponent of the Social Security Law and the National Labor Relations Law.



Robert H. Wagner

United States Senator
Second Vice President
and Minority Leader



Above: Alfred E. Smith receiving the congratulations of some fellow Democrats upon his election to the honorary presidency of the Convention. At the former Governor's right is Attorney General John J. Bennett, Jr., in the center is Senator Jeremiah F. Twomey and at his left United States Senator Robert F. Wagner, Minority Leader of the Convention.





"Mr. President, I rise to a point of inquiry," Minority Leader Wagner (upper left) starts a warm debate with his objection to a Republican statement to the press regarding his housing plan. At upper right Attorney General Bennett listens attentively.

Veteran opponents meet on common ground. Antagonism to the New Deal measures in the Convention brought former Democratic Governor Alfred E. Smith and former Speaker Joseph A. McGinnies on the same political team many times during the session. Lower photograph shows the two conferring during an early meeting of the convention.



John Alexander

JOHN ALEXANDER, Republican, represented the Thirty-second Senatorial District.

Mr. Alexander was born in Schenectady, June 15, 1883, a son of James B. and Lucy G. Alexander. He obtained his preliminary education in Chestnut Hill Academy, Philadelphia, and was graduated with an A. B. degree by Williams College in 1907. Two years later he was graduated by New York Law School with an LL. B., cum laude.

Mr. Alexander's previous public service includes seven years as Police Justice of the city of Schenectady and County Judge of Schenectady County. At present he is a Justice of the Supreme Court in the Fourth Judicial District.

Convention
Delegates

Edward John Cook

EDWARD JOHN COOK of Geneva, a Republican, elected a Delegate from the Forty-third Senatorial District, is a member of the Executive Committee New York State Bar Association.

Mr. Cook was born June 20, 1873, at Warren, O., the son of Ephram J. and Mary Grace Day Cook. He attended Oberlin Academy, Hobart College and New York Law School, receiving his B.S. degree in 1895 and his LL.B. degree in 1898. He was married in 1900.

During the World War Mr. Cook was a member of the United States Secret Service.

From 1935 through 1936 he was President of the Western New York Federation of Bar Associations.



Convention
Delegates

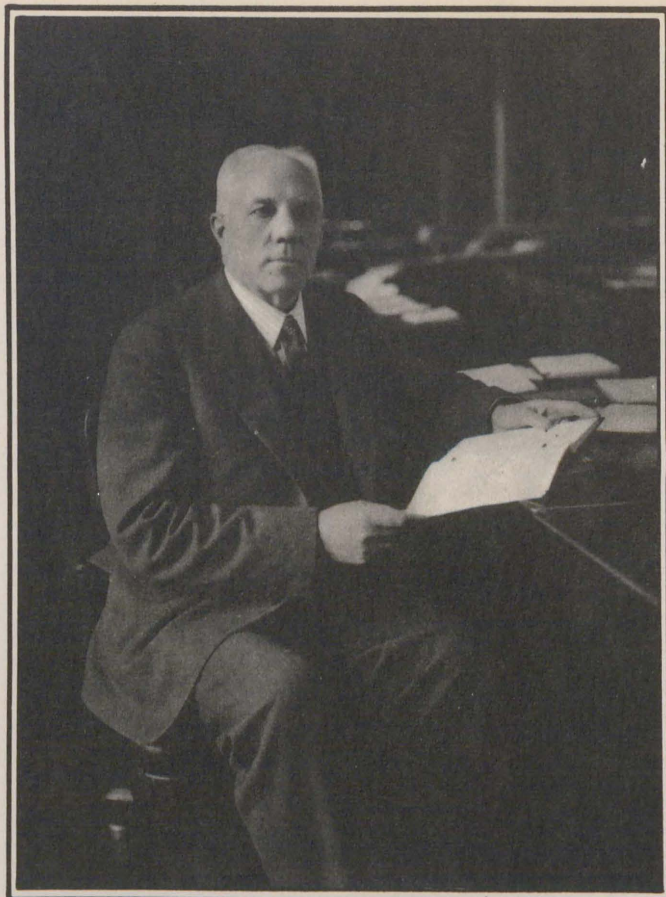
John Thomas Dooling

JOHN THOMAS DOOLING, Democrat, representing the Eighteenth Senatorial District, also was a delegate to the 1915 Constitutional Convention.

He was born in New York City February 22, 1871, a son of John and Johanna Joyce Dooling. He was educated in public and parochial schools in New York City and was graduated from St. Francis College with a B. S. degree in 1895. He obtained the degree of LL. B. from New York Law School in 1898.

After serving as a Member of Assembly during 1901, 1902 and 1903, Mr. Dooling acted as President of the Board of Elections in New York City from 1907 to 1911.

He was acting District Attorney and Assistant District Attorney of New York County from 1916 to 1921 and has served as chairman of the Law Committee of the Democratic County Committee from 1931 until the present time. His home is at 34 West 43rd Street, New York City.



Convention
Delegates



M. Maldwin Fertig

M. MALDWIN FERTIG of New York City, Democrat, represented the Twenty-Second Senatorial District.

Mr. Fertig was born in New York City July 10, 1887, a son of Joseph and Celia Siegel Fertig. He obtained his preliminary education in Public School 75 and was graduated by the College of the City of New York in 1907 with a B. S. degree. He was awarded the degree of LL. B. by New York Law School three years later.

During the World War he was a member of the Legal Advisory Board and at present is a member of the New York State Transit Commission.

He served as counsel to Governor Roosevelt in 1932 and 1933 and was special counsel to the Public Service Commission in 1935 and 1936. He was a Member of Assembly for four terms, 1915 to 1919, and was Assistant Corporation Counsel of New York City from 1920 to 1932.

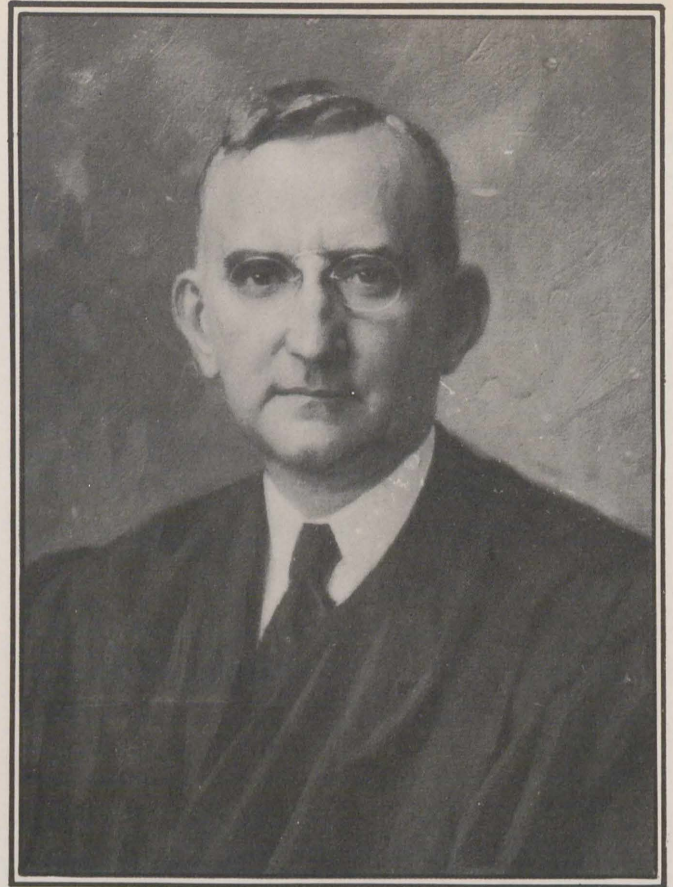
Convention
Delegates

James A. Foley

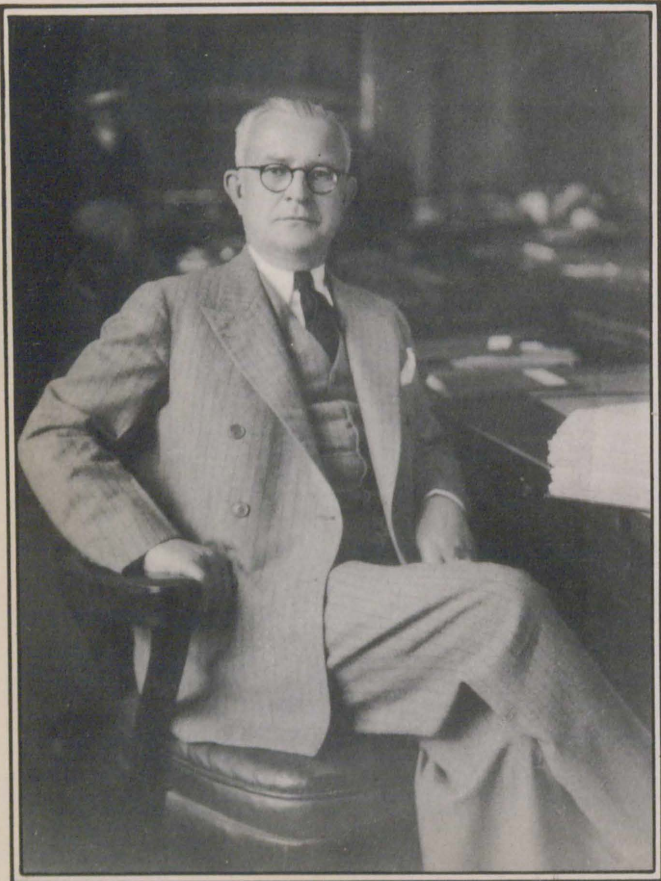
JAMES A. FOLEY, Democrat, who represented the Sixteenth Senatorial District, was also a Delegate to the Constitutional Convention in 1915. He is the present Surrogate of New York County.

The son of James and Anna Foley, he was born in New York City in 1882. He obtained his early education in public schools of the Metropolis and later attended City College of New York, receiving B.A. and LL.B. degrees from New York Law School, an LL.D. from Fordham and Columbia Universities. In 1919 he married Mabel G. Murphy.

His public service career is as follows: State Assembly, 1907-1912; State Senate, 1913-1919, Majority Leader in latter year. Elected Surrogate, New York County, 1919; re-elected, 1933, candidate both major parties; Chairman Decedent Estate Commission which modernized inheritance laws of state, 1927-1933; Member of Commission which drew Civil Practice Act, 1920; also, Committee which drew Civil Practice Rules, 1921; Member Governor Smith's Commission on Reorganization of State Government, 1925.



Convention
Delegates



Percy V. Gott

Attorney for Orange County, PERCY V. GOTT, Republican, represented the Twenty-Seventh Senatorial District. He was born at Goshen, August 21, 1880, the son of Joseph W. and Jane Sayer Gott.

Mr. Gott received his preliminary education at the Hotchkiss School and later attended Yale College and the New York Law School.

He was married April 10, 1907.

Since January 1, 1930, Mr. Gott has served as Orange County Attorney.

Howard C. Kelly

HOWARD C. KELLY, Republican, represented the Twenty-First Senatorial District.

The son of Lawrence Kelly and Agnes Maxwell Kelly he was born in New York City October 16, 1887.

Educated in New York City public schools, the New York Business School, and New York Preparatory School, Mr. Kelly later attended New York Law School.

He was admitted to the bar in New York State in 1911 and has been since engaged in practice of law. He is a member of the American Bar Association, Association of the Bar of the City of New York, New York County Lawyers Association, and a member of the Bronx County Bar Association. He is a member of the City Court Committee and Legislation Committee of the New York County Lawyers Association; a trustee of the City Club of New York and Chairman of its court committee.



Convention
Delegates

Philip M. Kleinfeld

PHILIP M. KLEINFELD, Democrat, was elected from the Fourth Senatorial District, which he also represents in the State Senate.

Mr. Kleinfeld was born in New York City, June 19, 1894, and has been a resident of that city since. He is a graduate of Public School 103, Erasmus Hall High School and the New York Law School from which he received the degree of LL.B. in 1916.

He is engaged in the active practice of law in New York City and has taken part in many community activities. He is affiliated with many fraternal, social, religious and philanthropic organizations and societies.

First elected as a Member of Assembly in 1922, he became a State Senator in 1923 and has served in that capacity since and at present is chairman of the Senate Judiciary Committee.



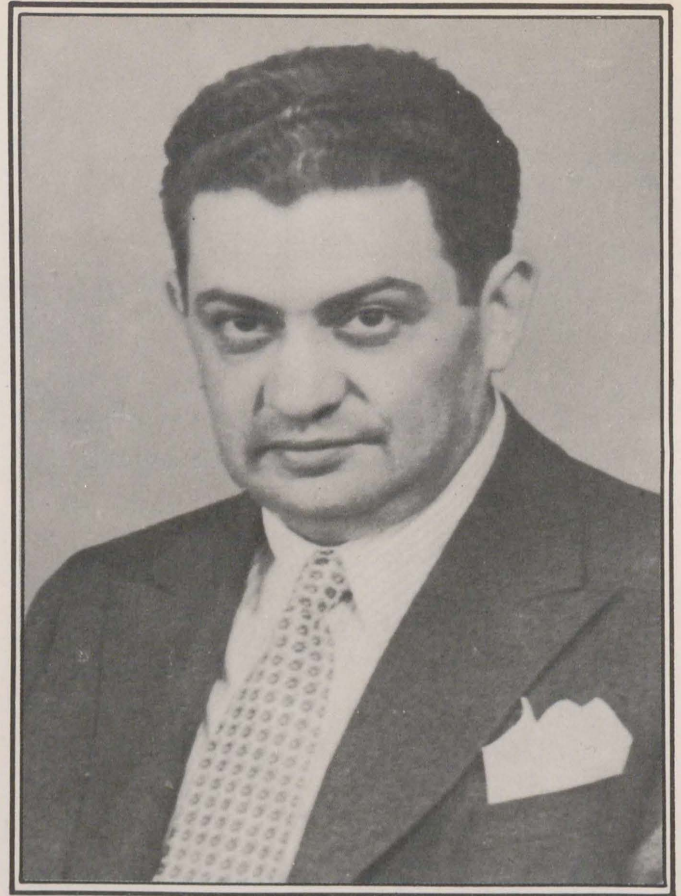
Convention
Delegates

Jacob H. Livingston

JACOB H. LIVINGSTON of Brooklyn, Democrat, was elected a Delegate from the Ninth Senatorial District.

Mr. Livingston was born in New York City August 1, 1896. He received his early education in the public schools of New York City and in 1916 received the degree of A. B. from the College of the City of New York. He entered New York Law School, where he received his LL.B. degree in 1918. He also took several courses in pedagogy at New York University. During the World War he served for a year in the United States Navy.

He has been a practicing attorney in New York City since 1919. He served ten consecutive terms in the Assembly and was elected to the Senate in 1936. For several years he was a member of the Joint Legislative Committee on Banks. He served for nine years on the Assembly Committee on Banks and was Chairman during the 1935 session.



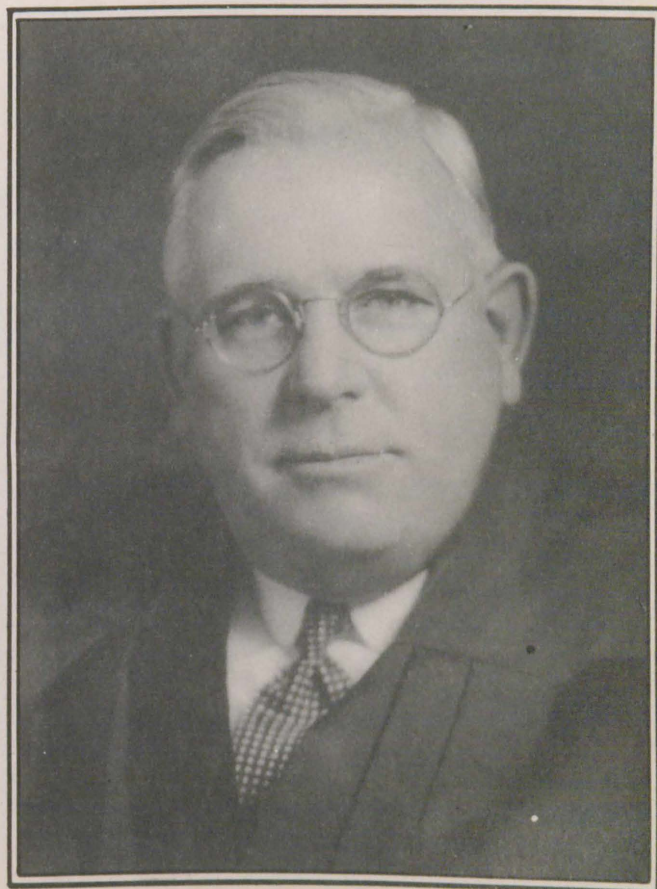
Convention
Delegates

Francis Martin

FRANCIS MARTIN, Presiding Justice of the Appellate Division, First Department, was endorsed by both Republicans and Democrats to be elected Delegate from the Twenty-third Senatorial District.

Justice Martin was born October 3, 1879 in Watervliet, the son of Dennis and Catherine Keegan Martin. He attended Watervliet Academy and later New York Law School. He was admitted to the bar in 1902. In 1927 he received an honorary degree of LL. D. from Manhattan College. He was married in 1910.

Justice Martin's public service record is as follows: Junior Assistant Corporation Counsel, New York City, 1906, later Chief Trial Counsel. District Attorney, Bronx County, 1913-1921. Elected Justice Supreme Court, 1921; Associate Justice, Appellate Division, First Department, 1923-1934; re-elected Justice Supreme Court, 1934; designated Presiding Justice, Appellate Division. First Department, term ending 1948.



Livingston Platt

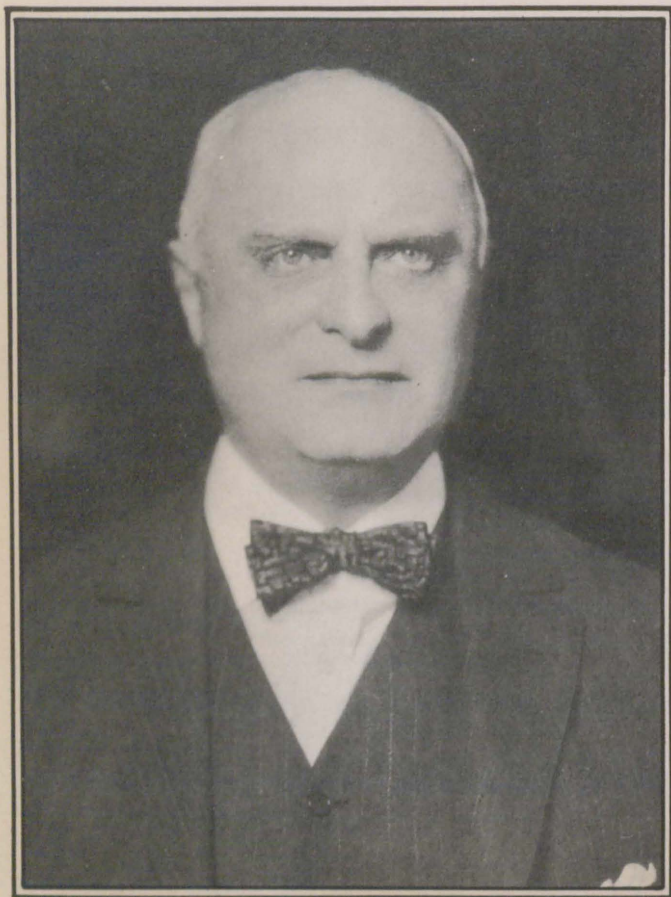
LIVINGSTON PLATT, Republican, who represented the Twenty-fifth Senatorial District, has been Mayor of Rye since 1930.

Mr. Platt was born in New York City March 7, 1885, the son of Frank Hinchman Platt and Caroline Livingston. He is married to the former Agnes Booth and has four children. He was educated at Phillips-Andover, Yale University, where he was a member of the class of 1907 and New York Law School. Mr. Platt has been practicing law in New York City since 1909 and is now a member of the firm of Bleakley, Platt & Walker at 120 Broadway, New York City.

During the World War he was First Lieutenant in the Air Service and was assigned to special duty with the Judge Advocate General's Department.

Mr. Platt is a member of the Executive Committee of the Westchester County Republican Committee, National, State and County Bar Associations and numerous clubs.





Martin Saxe

MARTIN SAXE of New York City, Republican, represented the Fifteenth Senatorial District.

Mr. Saxe was one of the nine delegates to the 1938 convention who also served as a delegate to the 1915 Constitutional Convention. He was born in New York City August 28, 1874, a son of Fabian and Theresa Helburn Saxe.

He obtained his preliminary education in Public School 69 and Dwight School and was graduated at Princeton University in the Class of 1893. He was graduated from New York Law School with the degree of LL. B. in 1897.

Mr. Saxe served as Assistant Corporation Counsel of New York from 1902 to 1904 and represented the Seventeenth and Eighteenth Districts in the State Senate from 1905 to 1909. He was president of the State Tax Commission from 1915 to 1918. During the 1915 Constitutional Convention, Mr. Saxe was chairman of the Committee on Taxation, a position he also filled during the 1938 convention.