

ALBANY INSTITUTE OF HISTORY & ART

A Guide to the Judge Francis Bergan Collection

Collection Summary

Collection Title: Judge Francis Bergan Collection

Call Number: MG 230

Creator: Lauren Whitehead

Inclusive Dates: 1916-1998

Bulk Dates: 1916-1998

Abstract: This collection contains materials relating to the personal and professional life of Albany Court of Appeals Judge Francis Bergan. Items range from personal diaries, which Bergan started compiling as an adolescent, to a large collection of scholarly journals in which Bergan had numerous articles published. Also included is material related to the commemoration of Bergan's death at age 95 in 1998. Other items include speeches, correspondence such as thank you letters and letters of recognition, certificates, biographical sketches created by Bergan's son, an Albany Law yearbook, and various press items mentioning the work of Judge Bergan. Also included are materials relating to two Constitutional conventions, both of which Bergan participated in during his career.

Quantity: 2 manuscript boxes, 8 over-sized

Administrative Information

Custodial History:

Preferred Citation: Judge Francis Bergan Collection. Albany Institute of History & Art Library, New York.

Acquisition Information:

Accession #:

Accession Date:

Processing Information:

Processed by Lauren Whitehead; completed on 9/20/12.

Restrictions

Restrictions on Access: None

Restrictions on Use: Permission to publish material must be obtained in writing prior to publication from the Chief Librarian & Archivist, Albany Institute of History & Art, 125 Washington Avenue, Albany, NY 12210.

Index Term

Persons

Bellacosa, Hon. Joseph W.

Bergan, Francis

Bergan, Michael

Bergan, William

Cardozo, Benjamin

Cohen, Stewart M.

Collins, Eugene R.

Conners, Richard J.

D'Agostino, Mae

Davis, Hon. Evan A.

Desmond, Hon. Charles S.

Dewey, Governor Thomas A.

Duncan, Hon. E. David

Gerhart, Gene

Gibson, James

Goldstein, Nathaniel L.

Harriman, Averell

Hart, Walter R.

Hooley, Francis G.

MacAffer, Kenneth

Mailer, Lee B.

Malone, Hon. Bernard J. Jr.

McClusky, William E.

Pecora, Ferdinand

Ringrose, E. Howard

Rockefeller, Nelson A.

Schirick, Harry E.

Scileppi, John F.

Wheeler, John C.

Wicks, Arthur H.

Yanas, John

Young, Fred A.

Zeller, Howard A.

Organizations

Albany Law School

New York State Court of Appeals

Albany Medical College

The American Law Institute

The Dudley Observatory—Schenectady, NY

Albany County Bar Association

Subjects

Judges—Courts—officials and employees

Law—study and teaching

Places

State Capitol—Albany, NY

Terisian House—Albany, NY

Cathedral of the Immaculate Conception—Albany, NY

Document Types

Scrapbooks
Journals
Diaries
Newspaper clippings
Correspondence
Yearbook
Remembrance book

Titles

Biography/History of

Judge Francis Bergan was born in Albany in April 1902. A graduate of Albany Law School before he ever attended an undergraduate institution, Judge Bergan's career took off early in his life. Career highlights include serving as assistant to New York Senate Majority Leader from 1927 until 1929 when he was first elected to public office as a justice of the Albany City Court, serving as Albany Police Court Justice and finally being selected for the New York Supreme Court position in 1935, a position for which he was reelected in 1949. Later in his life Judge Bergan was elected to the Court of Appeals where he served as justice until his mandatory retirement. As the collection displays, he attended two Constitutional Conventions in his lifetime where he was responsible for authoring the first home rule legislation in the New York State Constitution. He was a published law scholar and editor of the New York State Bar Journal for many years. He passed away in 1998 at the age of 95. Michael Bergan, Judge Bergan's son, donated this collection in its entirety.

Scope and Contents of the Records/Papers/Collection

This collection includes an extensive collection of Judge Bergan's personal diaries as well as full text journals, all of which include articles authored by Bergan. Both the diaries and the two Constitutional Convention scrapbooks are accompanied by abstracts, handwritten by Michael Bergan. Also included are certificates of appointment, much correspondence and press, much of which relates to Judge Bergan's death and memorial service in 1998. Also included are a remembrance book, Albany Law School yearbook, and a biographical sketch authored by Michael Bergan. There are 6 large scrapbooks documenting the Judge's career through newspaper clippings and other ephemera.

Organization of the Records/Papers/Collection

This collection has been organized based on item type. Scrapbooks have been catalogued chronologically by volume and date. Diplomas, certificates of appointment and

recognition along with photographs have been housed in box due to their large size. Documents in manuscript boxes have been organized based on the nature of each (i.e. memoriam ephemera, speeches, news clippings, articles, etc.)

Related Material

None

Separated Materials

“The Verdict: 1923, published annually by the senior class of The Albany Law School”, vol. 3 Albany, NY—yearbook

“A Pictorial History of the New York State Constitutional Convention” State Capitol, Albany, NY—book

Other Finding Aids

None

Detailed Description of the Records/Papers/Collection

The following section contains a detailed listing of the materials in the collection.

Series # [#] . Series Title [title]

| Box # | Folder # | Item #. Title / Description |
|-------|----------|---|
| 1 | 1. | #1. Letter: to Hon. Francis Bergan regarding transcription of interview with Ivan D. Steen, from the Oral History program at University at Albany—dated June 17, 1991 #2. Transcript: interview with Judge Francis Bergan, conducted by Ivan D. Steen—dated August 11, 1988, typed |
| | 2. | #1. Biographical sketch: of Judge Bergan, authored by his son, Michael Bergan—dated 2005 (2 copies), includes email correspondence regarding the manuscript #2. Biographical sketch: of Judge Bergan, published by the New York State Court of Appeals—dated April 1971 |
| | 3. | Correspondence; #1. Letter: from the office of the Governor, Averell Harriman, thanking Bergan for work on Constitutional Convention—dated 1958 #2. Letter: to Judge Bergan from Official Journal of the American Library Association Bulletin, regarding his article “The Library Trustee, a Force in Confident and Informed |

- Democracy”—dated 1958
- #3. Letter: thank you letter from Gov. Nelson A. Rockefeller—dated 1960
- #4. Letter: to Bergan, electing him “Emeritus Trustee” of the Dudley Observatory Board—dated 1990, signed by board members
- #5. Notice: calling for amendment to judiciary law, in regards to the establishment of a supreme court library in Albany County—dated 1990
4. Eulogy/Memorial Items;
- #1. Manuscript: of remarks made in court by Judith S. Kaye, “In Memoriam; Judge Francis Bergan, a Former Associate Judge of the Court of Appeals”, with note attached to Michael Bergan—dated March 1998
- #2. Manuscript: of funeral oration for Bergan, delivered by Hon. Joseph W. Bellacosa at the Cathedral of the Immaculate Conception—dated March 27, 1998
- #3. Article: from the *New York State Bar Journal* entitled “Eulogy to Editor Emeritus Francis Bergan”, manuscript of Judge Bellacosa’s eulogy—dated July/August 1998
- #4. Speech: “Remembrances” by Michael Bergan, read at Bergan’s funeral—dated March 1998
- #5. Pamphlet: “Annual Memorial Service of the Albany County Bar Association, Supreme Court Albany County Court House, Albany, NY”—dated Dec. 1998
- #6. Manuscript: “Annual Memorial Service of the Albany County Bar Association...”—dated Dec. 1998, speeches by Hon. Bernard J. Malone, Jr., Mae D’Agostino, and Hon. E. David Duncan
5. #1. Speech: “Remarks at Ceremony Marking Retirement of Judge John F. Scileppi, Judge Francis Bergan and Judge James Gibson at Albany, New York”—dated Dec. 1972
- #2. Memoriam speech: “Proceedings in the Appellate Division of the Supreme Court in the Third Judicial Department”—dated March 1954
- #3. Memoriam speech: “In Memoriam, Honorable Harold J. Hinman”—dated Nov. 1955
6. Certificates of Appointment;
- #1. Certificate and letter: appointing Bergan to position of temporary Associate Justice of the Appellate Division of the Supreme Court—dated Jan. 1949, 3rd Judicial District
- #2. Certificate and letter: appointing Bergan permanently to above position—dated Jan. 1950
- #3. Certificate and letter: appointing Bergan to Associate Justice of the Supreme Court—dated Jan. 1952, First Judicial Dept.
- #4. Renewal Certificates and letters: for appointment to First

Judicial District—dated April 1952, May 1952, Feb. 1953, April 1953, Jan. 1955, Oct. 1955,

#5. Certificates: from the Court of Appeals, designating Bergan as an Associate Judge of the Court of Appeals—dated March 1957, 1958, 1960, 1963

#6. Certificate: “Evening Division Chapter, Russell Sage College Alumni Association; Certificate of Meritorious Service Awarded to Francis Bergan”—dated May 1958

#7. Certificate and letter: designating Bergan as Vice Chairman of the Temporary State Commission on Revision and Simplification of the Constitution—dated Feb. 1959

#8. Certificate: lists delegates selected to the Constitutional Convention of 1967—dated 1966

#9. Certificate and letter: appointing Bergan as a member of the Commission on Uniform State Laws—dated Jan. 1974

#10. Certificate and letter: from the American Law Institute granting Bergan life membership—dated 1982

7. #1. Trip pass: belonging to Bergan, flight from Albany to Buffalo—not dated, signed by Bergan

8. #1. Typed transcription of Michael Bergan’s original abstracts of his fathers diaries, and of the Constitutional Conventions of 1938 and 1967

#2. Typed abstract of Bergan’s original work “A History of the Court of Appeals”; created by Michael Bergan

2

1. Newspaper clippings;

#1. Various clippings mounted on paper—dates ranging from 1956-1998

2. #1. Journal clipping: “Hon. Francis Bergan Designated an Editor Emeritus of the Journal”, *New York State Bar Journal*, contains picture with article—dated July 1990

#2. Magazine: Albany Law School, has photograph of Judge Bergan on front, contains letter to Michael Bergan expressing condolences on Judge Bergan’s passing—dated Spring 1998, commemorates Bergan’s life

3. #1. Article: “Francis Bergan”, Albany County Bar Association—dated 1980

#2. Article: “Justice Francis Bergan, Albany’s Cardozo” by W. Dennis Duggan, F. C. J.—dated Nov. 2007

#3. Articles: from various sources, published upon Bergan’s death—*NYTimes*, *Times Union*, etc. —dated 1998

#4. Article: “Ex-Judge’s Dim View of Constitution Issue” by Joseph W. Bellacosa—dated July 1997

#5. Book Review: *New York Law Journal*, “The Lawyer’s Bookshelf” section, reviewing Bergan’s “The History of the New York Court of Appeals” by Mendes Hershman—dated Feb.

1986

#6. Manuscript: "Librarians' Best Friends; the early years of the NYS Trustees' Association" by Harold S. Hacker—dated 1988

#7. Article: "For the Altamont Enterprise of Thursday, August 2" by Assemblyman Richard J. Conners

#8. Article: "Getting Gangsters out of Drugs", The Economist, April 2nd, 1998; with related TU articles, and an abstract by Michael Bergan

4. #1. Pamphlet: "1982 Life Member's Luncheon", the American Law Institute—dated May 1982, Philadelphia, PA
- #2. Pamphlet: "The One Hundred Forty-Sixth Commencement" Union University Albany Medical College—dated May 1976, Bergan was a speaker, Saratoga, NY

Personal journals

5. #1. Diaries: (2) "Vol. I Memorandum of Francis Bergan" and "Vol. II A Continuation of the memorandum of Francis Bergan"—dated 1917, handwritten
6. #1. Diaries: (2) Vol. III continuation, vol. IV and vol. V—dated 1919-1919, handwritten
7. #1. Diaries: (2) Vol. VII and VIII—dated 1921-1922, handwritten

3. Diplomas/Certificates and photographs

1. #1. Bachelor of Laws Degree, Union University; Albany Law School—dated 1923
- #2. Doctorate of Laws, Siena College—dated 1949
2. #1. Recognition of Attorney, Solicitor, Counsellor, Proctor and Advocate—dated 1924
- #2. American Legion, Fort Orange Post no. 30—recognition as Justice of the Appellate Division of the Supreme Court Third Judicial District—dated 1958
- #3. City Officer appointment, Albany County—dated 1929
- #4. City Officer appointment, Albany County—dated 1933
- #5. Certificate of Election of District Constitutional Delegate, Albany County—dated 1937
3. #1. Distinguished Service, Boy Scouts of America—dated 1962
- #2. Citation; Honorary Degree of Doctor of Science, Albany Medical College—dated May 1976
- #3. Certificate; Honorary Degree of Doctor of Science, Albany Medical College, citation of distinguished service—1976
- #4. Citation of Merit, from the Jury on Citation of Trustees on behalf of the American Library Association—dated 1959
- #5. Citation for "6 years of distinguished service as President of the Board of Trustees"—dated 1976
4. #1. Grammar school diploma, St. Patrick's Institute Albany, NY—dated 1917
- #2. Academic Diploma, Cathedral Academy, Albany, NY—

- dated 1920
5.
 - #1. Designation of District Constitutional Delegate—dated 1938
 - #2. Candidate roster for election to various posts; Bergan is listed as Delegate to the Constitutional Convention—dated 1938
 - #3. Membership of the Temporary State Commission to Study Constitutional Tax Limitations, State of New York—dated 1974
 - #4. Membership Certificate as a Member of the Commission on Uniform State Laws—dated 1974
 - #5. Membership of the Temporary Commission on the Constitutional Convention—dated 1956
 6.
 - #1. Justice, Supreme Court, Third Judicial District; State of New York Dept. of State, Albany—dated 1935
 - #2. Election Certificate to the Third District Division of the Supreme Court—dated 1924
 7.
 - #1. Associate Judge of the Court of Appeals, Dept. of State at Albany by the State Board of Canvassers—dated Nov. 1963
 - #2. High school diploma, Cathedral Academy—dated 1920
 8. Photographs
 - #1. Appellate Division, 1st Department, NYC—dated March 1962 (3) photographs of judges, 2 are mounted on cardboard Journals

4

1. *Correction*, published by the New York State Dept. of Correction, Vol. XVI, no. X October 1951
2. *New York State Association of Masistrates; Bulletin*, Vol. IX, no. 9 Oct.-Nov. 1950
 - a. Vol. IX, no. 3—June 1965
3. *The Bookmark; the New York State Library University of the State of New York*, Nov. 1953
 - a. April 1959
4. *The Arbitration Journal*, Vol. 4, no. 1 1949
5. *Judicial Review of Administrative Determinations in New York State* by Ruth Kessler Toch from the Albany Law Review—Jan. 1960
6. *New York Supplement—The New Tax Law* Oct. 1950
7. *New York State Bar Journal*, Vol. 57 no. 1—Jan. 1985
 - a. Vol. 51, no. 6—Oct. 1979
 - b. Vol. 48, no. 7—Nov. 1976
 - c. Vol. 49, no. 4—June 1977
 - d. Vol. 61, no.5—July 1989
 - e. Vol. 45, no. 5—August 1973
 - f. Vol. 46, no.5—August 1974
 - g. Vol. 44, no. 8—Dec. 1972
 - h. Vol. 45, no. 3—April 1973
 - i. Vol. 47, no. 3—April 1975
 - j. Vol. 49, no. 3—April 1977

- k. Vol. 42, no. 7—Nov. 1970
 - l. Vol. 42, no.1—Jan. 1970
 - m. Vol. 39, no.1—Feb. 1967
 - n. Vol. 38, no.6—Dec.1966
 - o. Vol. 37, no.2—April 1965
8. *American Library Association (ALA) Bulletin*, Vol. 53, no. 8—Sept. 1959
 - a. Vol. 52, no. 5—May 1958
 9. *Cornell Law Review*, Vol. 55, no. 5—May 1970
 - a. Vol. 53, no.1—Nov. 1967
 10. *Albany Law Review*, Vol. 16, no. 1—Jan. 1952
 - a. Vol. 13, no.1—Jan. 1949
 - b. Vol. XXV, no.2—June 1961
 - c. Vol. 20, no. 1—Jan. 1956
 - d. Vol. 28, no. 2—June 1964
 11. *St. John's Law Review*, Vol. XLII, no.1—July 1967
 - a. Vol. 47, no.1—Oct. 1972
 12. *Buffalo Law Review*, Vol. 7, no. 1—Fall 1957
 - a. Vol. 15, no.2—Winter 1965
 - b. Vol. 13, no. 2—Winter 1964
 13. *Fordham Law Reivew*, Vol. XLI, no. 1—Oct. 1972
 14. "New York State Bar Bulletin", July 1953
 15. "Frederick A. Moran Memorial Institute on Delinquency and Crime", 1953
 16. NYLA Bulletin, 1953
 - a. Vol. V, no. VI—Dec. 1957
 - b. Vol. VI, no. I—Feb. 1958
 17. New York State Bar Association Bulletin, 1948
 18. "The Record of the Association of the Bar of the City of New York", June 1972
 19. "New York's Expanding Empire in Tort Jurisdiction: Quo Vadis?" Richard V. Carpenter—May 1971
 20. *Journal of Air Law and Commerce*, 1972
 21. *Journal of the Insurance, Negligence, and Compensation Law Section*, Fall 1972
 22. "Development of Scope in Review in Judicial Review of Administrative Action: Mandamus and Review of Discretion: by Harold Weintraub, March 1965
 23. "Bulletin of the Westchester County Magistrates Association", vol. 1, no. 29—May 1954
 - a. Vol. 1, no. 30—June 1954
 24. *Iowa Library Quarterly*, Vol. 17, no. 4—April 1954
 25. *Brooklyn Law Review*, vol. XXV, no. 2—April 1959
 26. "Constitutional Developments in New York 1777-1958"—1958
 27. "New York Parent-Teacher"—Sept. 1958

- a. Feb. 1958
 - b. Sept. 1962
 - c. Sept. 1959
28. "Proceedings of Nassau-Suffolk Home Rule Conference"—June 1958
 29. "Report of the Commissioner of Education's Committee on Public Library Service", 1957
 30. "Proceedings of the Eighty-eighth Annual Meeting and Committee Reports for 1964"
 31. "Unemployment Insurance Review", June 1964
 32. *American Bar Association Journal*, Vol. 49, no. 7—August 1963
 33. *Labor Law Journal*, Vol. 13, no.11—Nov. 1962
 34. "National Civic Review", Vol. LI, no. 2—February 1962
 35. "Proceedings of the Sixth Annual Convention National Association of State Labor Relations Agencies and Silver Anniversary Commemoration of the Mass. Labor..."—Sept. 1962
 36. "Sheriffs' Association"—1961
 37. "American Society for Public Administration Yearbook"—1960-1961
 38. "Count Government"—summer 1960
 39. "The Record of the Association of the Bar of the City of New York"—Jan. 1972
 40. *IULA Quarterly*, Vol. XIII, no. 2—Summer 1961

- 5 Scrapbooks
Vol. I and Vol. II—dates Dec. 1925 to Nov. 1930 and Jan. 1932-1935, news clippings
Remembrance book; includes psalms, prayers, signatures of friends and relatives—dated 1998
- 6 Scrapbooks
Vol. III and Vol. III cont'd.—dates Sept. 1935-May 1936 and Jan. 1937- May 1938
- 7 Scrapbooks
Vol. IV and Vol. V—dated April 1938 to August 1939 and Aug. 1939 to May 1942
- 8 Scrapbooks
Vol. VI and Vol. VII—dated May 1942 to May 1945 and June 1945 to June 1949
- 9 Scrapbooks
Vol. VIII and Vol. IX—dated July 1945 to Dec. 1955 and Jan. 1956 to Dec. 1963
- 10 Scrapbooks
Vol. X and Vol. XI—dated Sept. 1963 to June 1967 and June 1967 to Sept. 1972

