March 23, 1940

Hon. Herbert H. Lehman,
Governor, State of New York
The Capitol,
Albany, New York

Dear Governor Lehman:

I respectfully call your attention to a situation which, while it probably will not suggest any action on your part at this time, should, I believe, be before you for such consideration as you think proper to give it.

As you know, there are in this (Eighth) Judicial District fourteen Supreme Court Justices, all of whom, except me, were elected as Republicans. My appointive term expires December 31, 1940 and my re-election, as a Democratic candidate in a contested election, is a practical impossibility. The result of such a contested election would be, in all probability, that, beginning January 1, 1940, the Eighth Judicial District Supreme Court, serving a population of about 1,500,000, would have none but Republican Justices--the same has been true for many years of a much larger area of Western New York.

This surely is not an ideal situation. The desirability in a democracy of a non-partisan bench, and of the bi-partisan endorsement of qualified sitting judges, is conceded by all informed persons. The Democratic party in this State has, time after time, given practical expression to its beliefs on this subject by endorsing Republican Judges of the Court of Appeals and other courts. You, yourself, only a few months ago, gave striking proof of your adherence to this salutary principle by appointing on one day two eminent Republican Supreme Court Justices to the Court of Appeals. The Republican party has on a few occasions seen the advisability of such endorsements, notably that of your distinguished brother.

In the Eighth Judicial District, however, and in this end of the State generally, such endorsements have been unknown. Over years Democratic governors have made numerous appointments, to the Supreme Court of this District, of qualified lawyers who have given entirely satisfactory service--but never has the Republican party endorsed one of them for re-election.
Hon. Herbert H. Lehman - cont.

I feel that I am performing my judicial duties acceptably and I would like to continue on the Court. Many lawyers affiliated with the Republican party have told me that they favor my endorsement by their party this fall but there is no indication as yet that their party leaders are of the same mind. Of course, I have made no overtures to those leaders for an endorsement, as, indeed, I could not with propriety.

I sincerely believe that there is more involved here than my own ambitions. We should have bi-partisan endorsement of good judges but it should prevail throughout the State. There should be no exception as to our Court which hears nearly all important litigation in eight counties of Western New York.

If you desire at any time to discuss this matter with me, I would be glad to come to Albany at your convenience. With renewed expressions of my great respect and of my sincere appreciation of your many services to me, I am,

Yours respectfully,

[Signature]

C. Sturgeon