

CSEA HISTORY PROJECT

JIM KELLY INTERVIEW

July 20, 2006

THE INTERVIEWER: Today is Thursday, the 20th of July 2006. We are in Garden City on Long Island, New York State, and we are speaking with Jim Kelly who is the son of John Kelly. John Kelly was CSEA's lead counsel with the DeGraff firm from the late 1940s through the -- I think the early 1960s.

So, Jim, I wonder if you would begin by telling us a little bit about your father and how it was that he came to represent the CSEA.

MR. KELLY: Sure. My dad was a native of Albany. He grew up in New Scotland Avenue -- sorry.

THE INTERVIEWER: (Inaudible.)

MR. KELLY: Yeah. And attended CBA and then went to Cornell, Cornell undergraduate. He was called into the war in, I guess, early 19...right after Pearl Harbor. Left in his senior year from Cornell and had a pretty distinguished war record with the 1st Division. He was in the invasion of North Africa. He was in the entire North African Campaign, the invasion of Sicily and that campaign, and then he was brought over to England where they first

prepared for the D-Day invasion.

And during that period, as an aside, he met my mother, who was a British WAF in the Women's Air Force, and courted during those months before D-Day, and he went in on the invasion on D-Day and was later that day -- actually at the end of the day on top of the cliffs he was seriously injured in an artillery burst that killed a couple of officers. There were four officers talking together and it killed one or two of them and seriously wounded the others, one of which was my father.

At that point he went back to England on a stretcher and was in hospitals in the United States for the next year and a half to two years in West Virginia. He had resulting injuries. It was a fairly serious injury to the back of his right leg and to his -- he lost a kidney and I remember skin grafts later but he -- so he always had -- during the period he was with the CSEA and later he always had a big steel brace on his right leg and a cane that he carried, which was his characteristic.

And in any event, he went up to

Cornell Law School, after the war, after the hospital period, and attended Law School at Cornell and -- with my mother, who by then they'd married and took his first job out of Cornell -- he graduated from Cornell. He was actually editor of the Law Review there, did pretty well as a veteran at Cornell Law, and his first job he took in New York City and they moved down here and -- but it was probably a year later that he was enticed back to Albany and into the DeGraff firm and this would be about early, I think, 1949, '48 or '49.

And he then moved -- he -- I think he almost immediately became assistant counsel to the CSEA and I was thinking about it today, and I think part of the reason that the DeGraff firm, you know, hired him was because of his outstanding record and his war record and his law school record, but part of the reason they might have thought of him as a CSEA counsel was actually that his father was a lifelong CSEA employee.

My grandfather, John Kelly, was Director of Audit and Control and as I mentioned

earlier, had been with the State for 40...was at his retirement had been with the State for 49 years. He was -- had a long career as an accountant with Audit and Control and that was John J. Kelly, Sr. My father was John Kelly, Jr.

But then from the point at which he joined the DeGraff firm and moved to Albany he was, as you mentioned, he was counsel, assistant counsel or counsel along with John DeGraff, Sr. to CSEA for that entire period, the 1950s. From roughly 1949 through his death. My father died in 1960, in March of 1960, resulting from his war injuries.

But that was the period of his relationship with CSEA and --

THE INTERVIEWER: Before we talk more about your dad, tell me a little more about your grandfather. You said he worked for 49 years for State Audit and Control.

MR. KELLY: Yeah.

THE INTERVIEWER: The circumstances under which he came to work there.

MR. KELLY: Well, he was from a family

in Cohoes. He grew up in Cohoes and he -- as I understand it, he dropped out of high school, you know, at the age of fifteen or sixteen, and I don't know what kind of job he originally got but at age sixteen he somehow got a job with the State of New York and pretty much was a self-made guy.

He got his high school equivalency degree somewhere along the line and then went to accounting school also, you know, at night probably, I think, and got an accounting degree and over, of course, many years worked his way up through Audit and Control until at the -- I don't know when it would have been that he became director but he was the highest civil servant level in Audit and Control. I think it was called director then. That would have been probably in the forties and fifties mostly. I'm not sure exactly when he retired. It was probably the early 1960s when my grandfather retired, so he had a long, long and good career with the State of New York.

THE INTERVIEWER: Do you remember stories from him or --

MR. KELLY: Yeah. Uh, from my grandfather?

THE INTERVIEWER: M-m h-m-m.

MR. KELLY: Yeah. I'm tryin' to think. Uh, well, he was -- I mean I don't have a lot of anecdotal stories. I do know that he was involved with a lot of things with the State. I was looking through some of these newspaper articles earlier. He was -- he was on the Governing Board of the State Federal Credit Union at the time, I think, was part of -- might have been related to the CSEA.

You know, he was just a character. He was actually pretty quiet. My recollection of my grandfather is pretty quiet because my father -- when my father died, that was frankly an emotional blow to my grandfather. My father died so young and he -- some years after he retired he was -- he had a rough go of it a little bit, I think. And then I was very young so I wasn't probably the best resource of stories for my grandfather but --

THE INTERVIEWER: Yes, but we lead into, you know, some discussion about your

father's career in CSEA. Tell us a little bit about the book and show us the book that --

MR. KELLY: Oh.

THE INTERVIEWER: -- you had put together about --

MR. KELLY: Sure.

THE INTERVIEWER: -- the relationship between your father and your mother and I know there's an interesting --

MR. KELLY: Sure.

THE INTERVIEWER: -- CSEA reference in the appendix.

MR. KELLY: Yes. The -- a few years ago I realized that I had a trove of about 125 letters that my parents had written, mostly my father, during World War II which pretty much recounted the story of my father's service through North Africa, Sicily and the whole war and, of course, I didn't mention earlier but he was fairly highly decorated. He had a number -- two Silver Stars and Bronze Star, a couple Purple Hearts and a Distinguished Service Cross, which is the highest award, combat award, next to the Congressional Medal of Honor.



And so he -- these letters kind of recount his adventures along the way and then, of course, meeting my mother in England in the period before D-Day. Then my mother sort of enters the scene and is writing letters and there are a few letters back from the Kellys, this is my grandfather again that we were just talking about, to them during their engagement, and there is -- it's very interesting because, you know, partly they were a Catholic family from Albany, she was Protestant British, and the families, of course, had met under the war circumstances. So the families were very good and supportive; at the same time a little bit concerned with these young, you know, basically 23-year-old kids were kind of falling in love and on --

So then the letters continue through his injuries on D-Day and they were married in July 24th, 1944 while he was on a stretcher in England before he was sent back to the United States because they were concerned, actually. They didn't know how the war was gonna turn out and she was a British officer; that she might

not get out of the service. She couldn't get out of the service very easily so they were concerned that they would not see each other for a long time and so they were married and he came back and she was able to finally get a discharge about six or eight months later and joined him in the States.

But then it leads -- then it continues into the postwar period and toward the end I touch a little bit upon his -- the period -- actually when he first came, and actually John Holt-Harris told me this story originally. He was another counsel, I think assistant -- he was with the DeGraff firm in any event.

And right when my father joined the DeGraff firm and started as counsel to the CSEA there was a big issue which I touch on in the book and I have some newspaper clippings and it involves something that is called the Mitchell Bill, and the -- as I understand it the Mitchell Bill in 1949 was actually on the ballot. I don't know why it was on the ballot. It was probably an amendment. I don't know why it was on the ballot, but it was in the general

election. They were voting on the Mitchell Bill which was also called Amendment No. 5, I think.

But the gist of it was that the Mitchell Bill would extend the preferences in the Civil Service System for veterans; you know, primarily veterans of World War II, and the veterans' organizations were in favor of it. The Civil Service Association was actually opposed to it and in the -- and my father -- what it would have done was the -- if you were a disabled veteran and you achieved the minimum passing score on a Civil Service test you would automatically move to the top of the preference line; I think both for hiring and for promotion.

And my father, who was a disabled veteran, didn't think that was fair. He thought that was too much of a preference and now I'm not -- I'm getting a little confused, Steve.

If that's what the Mitchell Bill provided, if that's what the Mitchell Bill prohibited, but he --

THE INTERVIEWER: That he would be provided a --

MR. KELLY: Yeah. In any event, he

came out against extending the preferences to disabled veterans and he was a pretty forceful spokesperson for being a, you know, seriously disabled veteran himself, and he just felt it wasn't fair that, you know, a -- you know, minimum passing score if you were a disabled veteran, not even just a veteran but a disabled veteran, should pass, you know, above everybody else, even the highest-scoring applicants for consideration.

And it was quite controversial and there were a lot of newspaper articles at the time because the Disabled American Veterans and other veterans' organizations were pretty upset that he would take that position and so there were a number of accusations and debates going on at the time but my understanding is that, you know, that that preference system was not passed, so that was -- there are a number of newspaper articles, you know, exploitation on Mitchell Bill denied and debates with the -- there's another one where they had a debate on both sides of the newspaper with my father and the head of the Disabled American Veterans, so

that was it.

That's kind of like being thrown from the -- into the fray right away and I was also thinking about it. He was only 28 years old at the time, I mean 1949. When he started that job he was 28 years old, so for a young guy that was getting thrown into the fray, you know, right away. But that's a little bit about the Mitchell Bill.

THE INTERVIEWER: So that was one of his first projects when he was newly involved with the CSEA.

MR. KELLY: Yes. Yes, it was.

THE INTERVIEWER: What -- tell us a little bit about what you know of his -- of his career with CSEA.

MR. KELLY: Well, you know, being a child at the time, and I was born in 1951 so we're talking about years from my birth till I was about nine years old --

(Laughter.)

MR. KELLY: I just remember that he was very, very active. He loved it and he traveled all over the state. He was, you know,

he was up in St. Lawrence, he was down in Long Island, he did a lot of traveling on behalf of the CSEA and he -- I guess as a kid my other main memory is just that coming -- that the Legislature in those days I think was always in session on Monday nights and he always worked Monday nights and came home very, very late on Monday nights because the Legislature was in session and that was part of the lobbying responsibilities, I think.

But frankly, Steve, you know, I don't have a lot of specific other memories of issues that he was involved in because it is such a long time ago.

THE INTERVIEWER: M-m h-m-m.

MR. KELLY: I know that he, you know, worked closely with John DeGraff and then Harry Albright came in at some point and worked, you know, worked with them and with him and Harry was sort of his understudy and, you know, once -- when my father passed away Harry took over but -- could we take a pause for a second?

THE INTERVIEWER: Sure.

(Short pause.)

THE INTERVIEWER: Jim, I wonder if you would tell us a little bit about the circumstances of your father's passing.

MR. KELLY: M-m h-m-m. Sure. Yeah. Actually he was in -- it was a CSEA -- of course, as I said, he traveled a lot and there was a -- there was an event, I'm not sure if it was a convention or a conference, but at the Concord Hotel in the Catskills which was CSEA-related, and it was -- actually my mother went and I have a newspaper clipping about it. I could probably figure out exactly what it was, but it was a CSEA event at the Concord in the fall of 1959.

And during that weekend or -- I think it was a weekend. It might have been a conference or a convention of some sort, but he -- yeah, he became sick and it was related -- all of this was related to his war injuries, to the number of blood transfusions that he had had, and to the fact that he only had one kidney. His other kidney started to give trouble and he had something called hypertension which was all related to that and the

transfusions and the skin grafts, and he was taken sick in the fall of 1959 and was in the Albany Medical Center for the next few months and passed away.

You know, they were unable to improve him and it was actually -- ironically, it was just before kidney dialysis and the artificial kidney was invented, unfortunately, about a year later, came into production, and that would have helped him quite a bit but his, you know, it was a number of things but his other kidney failed and he passed away in March of 1960. The -- you know, at age 39.

And then the CSEA was very wonderful. There were some -- a number of obituaries and memorial columns in the Leader and sort of an outpouring. I guess he was pretty popular around the state and one of the -- one of the very wonderful things that the CSEA did was to establish a scholarship in his memory.

And as I understand it, what happened was Harry Albright and the CSEA leadership decided to -- that this would be a fitting tribute, and the membership -- it was from the



membership's paycheck that the scholarship was established. I don't know if it was over a series of paychecks or one paycheck, but the entire State membership contributed to the establishment of this scholarship.

It was really very, you know, very touching and very significant and the scholarship fund was set up for, you know, I believe for children of deceased members but starting with the five Kelly children. There were five of us and I forget the amount, but a good partial scholarship was funded for each of the five Kelly children, I'm the third of five, as we went through college and that was a big help; something that we're very grateful for, but more than that, it's -- it has continued to this day.

Forty-six years later it's still chugging along and, you know, dozens and dozens and dozens of children of the CSEA membership have benefited from the scholarship, so that's something that, you know, the CSEA should be very proud of. I'm very proud of, but also very privileged to have been a recipient of the

scholarship.

THE INTERVIEWER: Can you tell me about that again because (inaudible) I think I have most of it but I want to just have it in this statement.

MR. KELLY: Okay.

THE INTERVIEWER: Tell us again. So you said that you were the third of five.

MR. KELLY: Right. Yeah.

THE INTERVIEWER: And as I counted the scholarship benefits, your brothers and sisters.

MR. KELLY: Sure. Yeah. Well, when my father passed away we were five children aged three to twelve and I was the third and the scholarship fund was set up and the initial thrust of it, I think, was to help us in our college education because my mother was a widow with five young kids and -- but, you know, to sustain itself beyond that and it -- we all five of us went to college and received partial scholarships from the John Kelly Memorial Scholarship Fund and it was -- it was, you know, a great thing.

And then after that the scholarship

was perpetuated for children of CSE...deceased CSEA members or children of -- yeah, deceased CSEA members who has passed on and I haven't kept in touch with it all the years but you've told me and I'm really pleased to hear that it's still chugging along and that, you know, dozens, maybe even hundreds of children have benefited from it through the years and, you know, and I'm really proud of that. It's a wonderful thing.

THE INTERVIEWER: You mentioned that, you know, you were very young when your father passed.

MR. KELLY: M-m h-m-m.

THE INTERVIEWER: But I would imagine that you talked to different people over the years. What did they tell you about his, you know, about his involvement and the role that he played?

MR. KELLY: Well, he -- I mean he -- I know he was -- you know, I know he was probably a pretty good lawyer, but I think more than that he was probably very popular. He was a very outgoing guy and he -- actually one of the things we didn't speak about yet, but he

functioned at many CSEA events as toastmaster or master of ceremonies and I understand he was pretty good at that so he, you know, telling jokes and keeping the crowd light and so, you know, a lot of -- I mean, of course, I have many, many sort of memories and I've heard from Harry Albright and, of course John DeGraff and I have some -- a letter from Irving Flamingbaum who -- to my father when he was sick and I think he was pretty -- I think he was pretty well-liked overall and, of course, I think he was a good lawyer too.

But there's a memorial by a fellow named Jack Solod in the CSEA Leader after he passed away which is really a very, you know, a very moving tribute also. It says "His scholarly briefs on behalf of Civil Service legislation were masterpieces. His presentation of facts at legislative hearings would do justice to an Oliver Wendell Holmes, and I can say without any fear of contradiction that the lot of all State workers has been improved through the efforts of the late beloved John Kelly, Jr. Hundreds of letters have poured into

the headquarters of the CSEA calling for a suitable memorial. All of the suggested ideas are being given serious consideration" so that's from whence the scholarship came, from my father's --

THE INTERVIEWER: I know you're an attorney.

MR. KELLY: Yeah.

THE INTERVIEWER: Was it your father's calling that kind of brought you in that direction?

MR. KELLY: Yeah. Well, actually, the first three brothers all became attorneys. My brother John, my brother Paul and myself, although I have to say my brother Paul, we all followed the calling but my brother Paul, most of all, is actually a union lawyer in -- so he walked right in the footsteps. He's a union lawyer in Boston, and my brother John is an attorney out in New Mexico and I've been working here in New York for a number of years.

THE INTERVIEWER: And where did you go to school?

MR. KELLY: I attended Princeton

University undergraduate and then after a few years out working I came to Albany Law School and attended Albany Law School right in our backyard.

THE INTERVIEWER: M-m h-m-m. And what have you seen of the CSEA over the years? Have you sort of followed the organization or bear a certain fondness for family --

MR. KELLY: Well, I do, from my family's connections, my grandfather especially and my father, both, yeah. And actually many friends of mine, having grown up in Albany, many of my friends -- I attended Christian Brothers Academy, graduated from there myself, and many of my classmates and friends have gone on to long careers with the State and, yeah, I've followed its growth and success.

And it's funny, I meet people -- I had a neighbor down here on Long Island I was talking to one day, whose been -- he's actually with Nassau County but he's a member of the CSEA and he knew Irving Flamingbaum and we talked about those things.

THE INTERVIEWER: I know you have a

number of photographs and some other memorabilia and if you would show some of them to us and tell us what you know about --

MR. KELLY: Sure.

THE INTERVIEWER: -- some of them.

MR. KELLY: One of them, I was talking about my father being a toastmaster, and there was a dinner in -- the 41st Anniversary Dinner of the CSEA in 1954 at the -- I think it was at the DeWitt Clinton. Yes, the DeWitt Clinton Hotel in Albany, and the honoree was Governor Dewey and this is actually signed by Governor Dewey, this program, and my father was the toastmaster and, yeah, Honorable Thomas E. Dewey, and there's a picture that goes with it from the dinner which is Governor Dewey, there's my father, there's John Powers who I believe was president of the CSEA at the time, and this woman's name is Virginia Latham. She is, I think, Chair of the Social Committee for the CSEA at the time.

Apparently the dinner was a great success and somewhere here I have a Times Union -- I'm sorry.

THE INTERVIEWER: Actually, if you would just hold it on the table so I could just get --

MR. KELLY: Down here?

THE INTERVIEWER: Yep.

MR. KELLY: From the dinner.

THE INTERVIEWER: Could you just bring it back over, there's a little bit of glare.

MR. KELLY: I have the same photograph somewhere without the glass on it.

THE INTERVIEWER: (Inaudible) when we're finished, there's some more of these?

MR. KELLY: Okay.

THE INTERVIEWER: Yes.

MR. KELLY: I was just gonna look for the -- oh, yeah, and then I have to say this is a little bit of promoting my father's performance, but there was a Times Union article just after that that says, "As emcee, Kelly is rated tops," is the headline and it refers to the dinner, the 1954 dinner, and I'm gonna turn it now and it says, "Mr. Kelly drew laughs and applause from the audience with his skillful fencing with Governor Dewey and drew a



compliment from the Chief Executive as well. He looked up the background and varying definitions of the word 'governor' finding results which raked the audience with hilarity," and then it says, "In the serious portion of his address, Mr. Kelly reminded the audience that its strength depended on its unity," but it's sort of an indication that the dinner was a success and they had a good time.

Give me a second now --

THE INTERVIEWER: Absolutely.

MR. KELLY: -- and I'll look for what else I have. The Mitchell Bill we've already covered. I don't really need to show that. Maybe you do.

THE INTERVIEWER: (Inaudible.)

MR. KELLY: I know that's the CSEA because it's John Powers and my father but I don't know -- John Powers and my father --

THE INTERVIEWER: M-m h-m-m.

MR. KELLY: -- but I don't know the three other gentlemen.

THE INTERVIEWER: What are some of the other pictures that you have?

MR. KELLY: Here's one with John DeGraff, my father at this end, John Powers, president of the CSEA, and this gentleman we think was a -- with the Governor's Office but we're not sure who he is, so I'll have to find that out.

This is -- I am pretty sure this is the -- I'm not sure who this is. I think this was the dinner committee for the -- for that Dewey dinner because I believe that's the woman but, again, I'm not sure who that is. I'm sorry.

This one I know, we know, is from the Watertown Daily News and it's a picture of the St. Lawrence Chapter of the CSEA in -- actually in 1949, September 16, 1949, and the people from left to right are Edmond Shea, Attorney Edmond Shea of Ogdensburg, who's the Regional Counsel to the Association in the St. Lawrence Chapter. He may later have become a judge, Judge Shea, I think. The Reverend Kosiel (phonetic), Assistant Pastor of St. Mary's Cathedral in Ogdensburg; my father in the middle, Assistant Counsel to the Association, who was the

principal speaker at the group's banquet; and then St. Lawrence County Judge John Livingston of Ogdensburg; and Police Sergeant Philip Weiss, who was the Chapter President in our district. September 16, 1949 this photo was in the Watertown Daily News.

THE INTERVIEWER: I see.

MR. KELLY: And then I don't know what year this is. This may have been the 1954 dinner again and this is a table setting and this may have been in the Leader. It's Counselor Kelly told a good one and there's my father, John DeGraff, and then Harry Albright, three counsel, and it says -- it refers to being at a CSEA dinner, the CSEA dinner.

THE INTERVIEWER: M-m h-m-m.

MR. KELLY: Here's just a letter. You probably don't need a picture of the letter, but this is the letter from Irving Flamingbaum to my father when he was sick and it's basically pushing him to get well and come back because that dynamic Harry Albright is gonna take his job, as he says, but he's kidding in the letter. It's a good letter, trying to encourage him to

get well. Unfortunately, that didn't happen.

And then one more dinner program where this is the annual dinner dance of the CSEA, actually Albany Department of Labor Chapter in Latham, and the -- Dan Dailey was the toastmaster and my father was the speaker on this agenda. This was in 1949, November 1949.

And I have a number of articles and, you know, there were some nice tributes and obituaries at the point at which my father passed: The fighter dies and similar tributes.

THE INTERVIEWER: Well, you go through all of this memorabilia and material and you kind of survey your father's career with CSEA. Here we are, you know, 40 years beyond his involvement and it certainly appears that a lot of what he did certainly has had an enduring value.

What do you think members today ought to know about your father's role?

MR. KELLY: Well, he was from an era in the 1950s when I think was an era of growth, of a lot of great growth for the CSEA and he was a counsel, he was a lobbyist, he was an

advocate, he was a toastmaster. He seemed to -- he seemed to have many roles beyond that of the sort of narrow idea of a lawyer and I think he -- I think he -- he traveled the state a great deal in those days.

I don't know if it was different or not but he, you know, nowadays with computers and telephones and everything, we do business from our desk often, but he really traveled the state and met many, many people and much of the membership and spoke at many chapter events and I think -- you know, I think he was -- even though he was not employed by the CSEA and he was a member of a separate law firm, I think he certainly himself felt a part of the organization and I think the organization responded in kind when he passed with something that it really didn't have to do but it wanted to do in terms of the memorial scholarship fund.

So I -- you know, I think he was from an era when, you know, which really helped propel the CSEA forward into -- at least for the decade of the 1950s and sort of a people person overall.

THE INTERVIEWER: Thank you, Jim  
Kelly.

(Conclusion of interview of Jim Kelly.)

