



Oliver B. Dickinson

Born: September 25, 1857, in Dayton, Ohio
Died: September 16, 1939, in Chester, Pennsylvania

Federal Judicial Service:

Judge, U.S. District Court for the Eastern District of Pennsylvania
Nominated by Woodrow Wilson on March 31, 1914, to a new seat authorized by 38 Stat. 283.
Confirmed by the Senate on April 28, 1914, and received commission on April 28, 1914.
Service terminated on September 16, 1939, due to death.

Education:

Bucknell University, 1877
Read law, 1878
Bucknell University, A.M., 1903

Professional Career:

Private Practice, Chester, Pennsylvania: 1878-1914

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Judicial Biography

*In February 1914, Congress created a temporary judgeship for the Eastern District with the proviso that the next vacancy on the Court would not be filled. This brought the number of authorized judgeships in the District, at least for a time, to three. Several hopefuls for the

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position quickly emerged, some of whom had important political sponsors. Pennsylvania Democratic Congressman A. Mitchell Palmer, who would later serve as President Woodrow Wilson's Attorney General, pressed hard for the appointment of William A. Carr, a Philadelphia lawyer. Carr was also supported by Common Pleas and Municipal Court judges as well as "over a thousand lawyers in the city." A state court judge in Schuylkill County and one in Berks County also had political endorsements. Finally, there was Oliver Booth Dickinson, a leading lawyer in Chester, Delaware County, who had a group of friends urging his selection. One of the points made in favor of Carr was his residence in Philadelphia. It would be easier, so the argument went, to obtain emergency orders from Carr when the Court was out of session than it would be from a judge who lived in one of the outlying counties.

The decision was in the hands of Attorney General James C. McReynolds who would make a recommendation to President Wilson. Despite the strong political support for Carr, McReynolds urged Dickinson's appointment, and the President thereupon nominated him for the new seat on March 31, 1914.

Dickinson was born in 1857 in Dayton, Ohio. When he was five years old, his family moved to Marcus Hook where his father, a Baptist minister, had accepted a pastorate. Dickinson remained a resident of Delaware County for the rest of his life. He attended Lewisburg College (now Bucknell University) but left in his junior year because of the death of his father. Some years later, the college conferred on him an honorary Master's Degree. He read law under his brother, who was a lawyer, and was admitted to the Bar in 1878. He was a generous contributor to the Democratic Party and participated as a delegate at its 1892 national Convention which nominated Grover Cleveland for President. Twice he was a candidate for a Common Pleas judgeship on the Democratic ticket, and twice he was defeated in overwhelmingly Republican Delaware County. His interests extended beyond politics. He served as a trustee of Crozer Theological Seminary, the J. Louis Crozer Home and Hospital, the Y.W.C.A. of Chester, and the Pennsylvania Military College. There was great demand for him as a public speaker. Dickinson was the first District Judge who had not held prior elected or appointed public office and was the last who never attended law school.

Dickinson was confirmed by the Senate on April 28, 1914 as the twelfth person to serve on the court, four days after Judge Holland died. Consequently, the Eastern District's complement of judges did not increase to three as anticipated but remained at two until another temporary judgeship was created in the 1920's. Known for his witticisms both on and off the bench, he served as a District Judge for twenty-five years. At the time of his death in September 1939 at the age of eighty-one, he was one of the oldest active judges in the federal system.

Some jurists display their own distinctive habits or customs in the courtroom. Dickinson was one of them. He did not remain seated during Court proceedings but was known to pace back and forth on the bench. When he was presiding over an admiralty case, he hung a silver oar, the traditional symbol of the authority of the admiralty court, in the front of the bench and would begin the day with the phrase, "May there be no moaning at the bar when I put out to sea." Apparently, at some later time, a brass oar came to replace the silver oar in the Eastern District. Unhappily, both the silver and brass oars have disappeared, and with their disappearance a venerable tradition dating back at least to the reign of Elizabeth I has vanished from the Court.

From the earliest days of the republic, federal courts have had jurisdiction over cases involving the mails, pursuant to the power given to Congress under the Constitution “to establish Post Offices and post Roads.” Sometimes the cases involved theft of the mail, sometimes unauthorized competition with the delivery of the mail by the Post Office, and sometimes the use of the mails for fraudulent purposes. In a prosecution before Judge Dickinson in 1915, W.O. Smith, a physician specializing in the treatment of nervous diseases, was charged with the fraudulent use of the mails. The evidence established that he would promote his medical expertise to his victims through the mail and obtain statements of their symptoms. Once received, he would inform them that they had “serious ailments and in dire need of medical attention” even though they were in normal health. As the final step in the scheme, he induced those duped to forward him money purportedly for treatment. The jury found the defendant guilty, and Judge Dickinson sentenced him to pay a fine.

During World War I, five individuals who were involved with the German language newspapers *Philadelphia Tageblatt* and the *Philadelphia Sonntagsblatt* were indicted and convicted before Judge Dickinson under the Espionage Act for conspiracy and for the substantive acts of promoting the success of the Imperial German Government, obstructing recruitment and enlistment in the United States military, and making false statements intended to promote the success of the nation’s enemies as a result of articles and editorials appearing in their newspapers. All defendants appealed to the Supreme Court. Although emphasizing the constitutionality of the Espionage Act, the Court reversed the convictions of two of the defendants for lack of evidence. It sustained the convictions of the remaining three.

Whenever the country is at war, there are always some who seek to evade any draft law or who desert their military posts. World War I was no exception. The most notorious cases in the annals of Philadelphia in that era involved Grover Cleveland Bergdoll, his brother, Erwin Rudolph Bergdoll, and their mother, Emma C. Bergdoll, the widow of a wealthy brewer Louis Bergdoll Jr. All three became well known to the District Court and to the public-at-large.

The family at one time resided in Philadelphia in a large house on North 29th Street and then in a thirty-two room mansion at 52nd Street and Wynnefield Avenue known locally as “The Castle.” In his youth Grover Bergdoll drove fast cars, had numerous minor brushes with the law, and flew his Wright Brothers biplane over Philadelphia and to Atlantic City. In 1914, at the outbreak of World War I in Europe, he approached the German consul in Philadelphia and offered to serve as an aviator for Germany. He was turned down.

In August 1917, Grover received a notice to report for a physical examination pursuant to the Selective Service Act but failed to appear on the appointed date. In July 1918, he was mailed a notice of induction into the Army which he ignored. Grover had fled. He traveled to the Midwest, Southwest and the South as well as to Maryland and always was able to stay a step ahead of federal agents. He even returned to his home in Philadelphia on occasion. With a flair for the dramatic, he taunted federal authorities by sending post cards to his local draft board and others from various places he had been and by writing a letter to the *Public Ledger*. Agents searched the family home from time to time on tips that he was hiding there. Once his mother, with a pistol in hand, barred their entrance. Finally, in early 1920, during a search of the house,

Grover was arrested while hiding under pillows in a window seat. He was court-martialed and sentenced to five years imprisonment at Governor's Island in New York.

In the meantime his brother Erwin also failed to appear for his physical in 1917 and absconded. Like Grover, he did not report when later called for military duty. After being a fugitive for two years, sometimes with Grover, he surrendered to authorities in August 1920. He was promptly court-martialed and sentenced to a term of four years imprisonment at Fort Leavenworth, Kansas. At Christmas 1933, President Franklin Roosevelt issued a general pardon of 1,500 persons convicted of evading service in World War I. Elwin Bergdoll, but not Grover, had his full rights of citizenship restored.

The incredible story of Grover Bergdoll played out in the headlines for several more decades. In 1920, not long after his court-martial, his lawyers persuaded the War Department to furlough him from Governor's Island for three days to locate \$105,000 in gold that he said he had buried in Maryland. When on furlough he made an overnight visit under guard to his mother's home in Philadelphia before the scheduled journey to Maryland to unearth the treasure trove. During his stay, he escaped in a waiting car with the help of a friend and fled to Canada. He promptly sailed to Liverpool and then made his way to Germany's Black Forest, where he had relatives. Two unsuccessful attempts to kidnap and transport him to the United States took place. In the midst of one attempt, he shot and killed one of his assailants. He married a German woman with whom he fathered a number of children.

There is evidence he slipped back into the United States undetected in 1929. His wife and children arrived separately, and they all lived at 52nd and Wynnefield with Emma Bergdoll while Grover always remained out of sight. They departed for Germany in 1934. Before doing so, Grover retrieved the pot of gold which had been hidden all along in the house and not in Maryland. After only a short time in Germany, his family again returned to Philadelphia. He purportedly traveled back into this country secretly and remained hidden in his mother's home as his children attended school in Philadelphia.

In the 1930's, his wife and mother sought and failed to obtain clemency for him from President Franklin Roosevelt. He quietly sailed back to Germany in 1938. As World War II approached and after being a fugitive for nineteen years, he decided it was time to accept his fate and traveled back to the United States in 1939 after notifying the authorities. He was immediately taken into custody and again court-martialed. Three years were added to his previous five year sentence. He was paroled from custody at Fort Leavenworth in 1944. Grover, his wife, and family lived in the Philadelphia suburbs for a number of years and then moved to Virginia. Death came to him in a psychiatric hospital in Richmond in 1966 at the age of seventy-two.

After Grover's daring escape and flight in 1920, Emma Bergdoll, an American citizen who had been born in Germany, and several others, including her son Charles, were tried before Judge Dickinson and a jury in the Eastern District on a number of charges including conspiracy to aid Grover and Erwin in deserting the United States Army. She and her co-defendants were all convicted at the trial closely followed by the news media. Grover had also been indicted but was not tried because he was a fugitive.

At the time, there was still significant anti-German sentiment. Nonetheless, at her sentencing in May 1921, Judge Dickinson showed sympathy for a mother in her predicament. He sentenced her to imprisonment for a year and a day and fined her a total of \$7,000 on two indictments but ordered that if the fines were paid promptly, the prison sentence would be remitted. Judge Dickinson told her, "Perhaps the severest punishment you, as a mother, can feel, is that the disgrace into which you came has been brought upon you by your own sons." While acknowledging her guilt, he added, "No one would wish to see a mother sent to jail for merely helping her sons, guilty as they were." She timely paid the fines, but under protest, and then appealed her sentence. The Court of Appeals held that her payment of the fines was voluntary and that as a result her appeal was moot.

Emma Bergdoll's interaction with the Court continued well into the 1920's and 1930's. In 1926, Judge Dickinson found in her favor in a lawsuit she brought against the Alien Property Custodian to recover \$500,000 which the Custodian had seized from her on the ground that the property belonged to her son, Grover Bergdoll. She was also vindicated in refusing to turn over to the Custodian an additional \$439,000 which the Custodian claimed was the property of her son Grover. Judge Dickinson called her "a foolish mother" but then commented, "Many of us, however, have reason for gratitude for that folly of motherhood which sees the promise of good in sons to which other and wiser eyes are blind . . ."

Not all her lawsuits resulted in her favor. In the 1930's the Court denied her request to return to her "The Castle" at Fifty-second Street and Wynnefield Avenue, which, the Court found, had rightly been seized by the Government since she had deeded it to Grover, who had forfeited his ownership as a fugitive from justice. Nonetheless, she was not presently to be evicted. She died in the Philadelphia suburbs in December 1944, shortly after Grover was paroled.

As for Grover, back in August 1918, this Court had issued a bench warrant for his arrest as a result of his failure to appear for a physical examination for the military. As noted, he had been indicted along with his mother in 1920, but was never tried in the Eastern District because he was a fugitive at that time. Again in August 1938, a bench warrant was issued, but it was not pressed, that is, dismissed in 1941.

During prohibition, he asserted the position that only "dry" agents were authorized to enforce the law with legal methods.

He died on September 16, 1939 at the age of 81, in Chester, Pennsylvania.