
Franklin D. Roosevelt — “The Great Communicator”

The Master Speech Files, 1898, 1910-1945

Series 1: Franklin D. Roosevelt’s Political Ascension

File No. 465

1932 February 24

**Draft Opinion of the Governor re Removal of
Thos. Farley**

Draft - Opinion Regarding Thos. Farley
Seabury, N.Y. Co., 2/2/32

Handwriting FOR edit



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From the Papers of

Samuel I. Rosenman

Opinion of Seabury

brought by Samuel Seabury,
for the removal of Hon.
of New York. After the filing
the sheriff thereto, I

directed a public hearing to be held before me on February 16
1932 in the Executive Chamber. The sheriff attended with
his counsel and was there given an opportunity to be heard
in his defense.

The complainant ~~made~~⁶ his charges against the
sheriff in a private capacity as a citizen, but on testimony
evoked by him as the official counsel of a joint legislative
investigating committee.

The fact should be recorded that in regard to
~~certain charges filed relating to actions of the respondent in the~~
~~year 1926, the complainant, as counsel, did not call any~~
~~witnesses for the respondent, and asks the Governor to~~
~~remove the sheriff on the evidence brought before the~~
~~investigating committee by the complainant himself. The statement~~
~~same holds true regarding the allegation that the re-~~
~~spondent committed perjury before the investigating committee~~
~~relative to these so-called club house transactions in the year~~
~~1926. In regard to the gambling charge in that year, over~~
~~three years before respondent was elected to office, the~~
~~most that can be said is that the undisputed record shows~~
~~police surveillance of the Farley club house, together with the~~
~~fact of two raids. The most that this evidence can be used~~
~~for is in relation to the general fitness of respondent in~~
~~connection with other charges. (As a substitute. In view~~
~~of my present decision on other charges, it seems unnecessary to~~
~~pass upon the quality or bearing of evidence relating to~~
~~gambling at the Farley club house in 1926.)~~

In the Matter of
against Thomas M. Farley
Sheriff of the County of New York
before charges by Samuel Seabury Esq.

Opinion of Examiner

This is a proceeding brought by Samuel Seabury,

Esq., of the City of New York for the removal of Hon.
J. V. Thomas M. Farley, of the County of New York. After the filing
of the charges and the answer of the sheriff thereto, I
directed a public hearing to be held before me on February 16
1932 in the Executive Chamber. The sheriff attended with
his counsel and was there given an opportunity to be heard
in his defense.

The complainant makes his charges against the
sheriff in a private capacity as a citizen, but on testimony
evoked by him as the official counsel of a joint legislative
investigating committee.

The fact should be recorded that in regard to
~~the certain charge filed relating to actions of the respondent in the year 1926,~~ the complainant, as counsel, did not call any
witnesses for the respondent, and asks the Governor to
remove the sheriff on the evidence brought before the
investigating committee by the complainant himself. ~~The statement made by the complainant in this connection is not supported by the record. It is true that he made the same statement in his affidavit before the investigating committee in which he charged the respondent with committing perjury before the same in 1926. In view of the fact that the respondent was elected to office in 1926, it is difficult to believe that he would commit perjury before the investigating committee in 1926. The most that can be said is that the undisputed record shows police surveillance of the Farley club house, together with the fact of two raids. The most that this evidence can be used for is in relation to the general fitness of respondent in connection with other charges. (As a substitute. In view of my past decision on other charges, it seems unnecessary to pass upon the quality or bearing of evidence relating to gambling at the Farley club house in 1926.)~~



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-3-

*and structural changes
in the Farley election*

(Sect. R. All of the ^{alleged} facts in connection with these raids and with the charges of ^{personal} gambling ^{then made} received publicity at the time of the raid, ^{in 1936.} all was then well known of the sheriff, and the electorate at the time of voting ^{on} ~~the~~ ^{before the joint legislative committee} made that the sheriff under oath denied the truth of the facts and therefore committed perjury. It would, of course, be impossible for the Governor to determine whether or not perjury was committed merely by ^{having his attention called} ~~at~~ ^{a conflict in the evidence;} In view, however, of my ^{after the joint legislative committee} decision on other charges, ^{as far as} ~~as far as~~ ^{the} ~~it~~ ^{Chancery} the quality or bearing of evidence relating to this ~~gambling~~)

lined down to the answer to the first part of a charge of perjury,

Complainant asks for the removal of the sheriff on the further ground that in violation of law he wilfully refused to testify in secret and private examination before a sub-committee of one ^{numbered} of the joint legislative committee. I dismissed this charge. At the time Sheriff Farley declined to testify in secret before a sub-committee of one, he did so not only on advice of counsel, but also with knowledge that the legality of a private, secret examination had not been passed upon by any court, even a court of first instance. Even to this day, the legality of secret legislative investigation has not been upheld. The question of examination by a sub-committee of one has been upheld by a lower court; but the power to compel ^{the} ~~an~~ investigation in secret instead of in public presents grave questions of public policy and of the rights of individuals, which should at the least be passed upon clearly and definitely by the Court of Appeals of this State. It is at least open to question whether an accused public official is not entitled to the choice of being

2
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From the People
to the People
Samuel I. Rosenman

-3-

examined in public or in private. Sheriff Farley made it clear that he was ready and willing to testify in public and to sign any required waiver of immunity. In the absence of a ruling by the Court of Appeals, I hold that he was justified in his action.

The charge relative to employees and subordinates does not impress me as being in itself ~~not~~ sufficient to warrant removal.

The charge that Sheriff Farley appropriated interest on funds held by him in his official capacity rests to a ~~certain~~ degree on ~~future~~ determination by the courts as to who ^{had title to} this interest, belonged. It is an insufficient offense to aver that he retained this interest on advice of the sheriff's counsel or that previous sheriffs had been in the habit of appropriating this interest. It is not necessary to pass judgment on this action of Sheriff Farley on account of my decision on another charge. Putting aside the legality of the acceptance of this interest, it is sufficient to say that ^{This has been a long time} ~~it has been~~ a long continued, ~~but~~ improper practice in New York County and that legislation should be adopted making this practice impossible in the future.



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Nevertheless, I express regret that Sheriff Farley did not, when the question of interest was first raised, make immediate tender of the full amount he had placed in his personal account and demand, as a matter of right that the courts determine forthwith whether the interest belonged to him or to the litigants. 36

In regard to the charge that Sheriff Farley is unable to explain the sources of large sums of money deposited by him in his bank accounts, in addition to his legitimate official income, I have already at the hearing held by me laid down the following rule:

Quote rule.

Pg 3

It is a Passive Aggression.
The greatest admittance by an unthinking people ~~for~~ those who shrewdly turn to personal advantage the opportunities offered by public office is out of step with modern ideals of government and with political morality. Such personal gain is not to be excused because it is accompanied by ^{the respondent's} popularity of person ^{and} great public generosity. ^{public office should} The country needs more ~~good old fashioned~~ ^{frank integrity} and the best place to give example of it is in public office. //

The stewardship of public officers is a serious and sacred trust. They are so close to the means for private gain that in a sense not at all true of private citizens their personal possessions are invested with a public importance in the event that their stewardship is questioned. One of their deep obligations is to recognize this, not reluctantly or with resistance, but freely. It is in the true spirit of a public trust to give, when called upon, public proof of the nature, source and extent of their financial affairs.



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(A)

Since ~~the date~~, I have carefully examined the evidence given by Sheriff Farley, the argument of his counsel, together with further analyses of Sheriff Farley's bank accounts submitted to me subsequent to the date of hearing. I am compelled to hold the charge relates to ~~continuing~~ transactions ~~existing before and continuing~~ during the sheriff's term of office. I am not satisfied with the explanation of the sources of a large portion of the sums of money involved; and I hold that Sheriff Farley has not complied with the intent or the letter of the rule which should guide public officers.

It is true that this is not always pleasant. Public service makes many exacting demands. It does not offer large material compensation; often it takes more than it gives. But the truly worthy steward of the public is not ~~concerned~~ ^{affected by} this. His ultimate satisfaction must ^{always} be an internal sense of a service well done, and done in a spirit of unselfishness. Standards of public service must be measured in this way. The state must expect compliance with these standards because if popular government is to continue to exist it must in such matters hold its stewards to a stern and uncompromising rectitude. It must be a just but a jealous master.

It is not enough for a public officer to come into court with clean hands. He must keep them ~~clean~~ at all times while in ~~office~~. ^{office} public office means serving the public and nobody else.

Duscart A

An order will issue removing Thomas M. Farley as Sheriff of the County of Westchester

Lambert P. Rosewater

Albany, Feb 24, 1932

C. D. C.



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Notes made by FDR
during hearing of removal
charges against Sheriff
Thos. M. Farley
including the famous
declaration of policy
that public officials
must explain their
bank deposits. All
in handwriting of FDR.

SEARCHED A SEARCHED
Evidence to support
or disprove

may be significant
evidence on which
relation to other
articles. To ~~go on~~

- know on the truth or falsity of
allegation of gambling in the Farley
house in 1926 would in all
conscience require ~~the~~ giving
the Sheriff an opportunity to
and further either in defense or by
cross. It is clear that
legislative investigation is not a



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12,4,5

Differentiate between ~~what~~ a gramed
for removal and evidence to support
general evidence of insufficiency

Three four charges may be distinguished
merely as they are evidence on which
alone, and without relation to other
charges, removal is asked. To ~~prove~~
~~these~~ prove on the truth or falsity of
the allegation of gambling in the Farley
club house in 1926 would in all
common justice require ~~the~~ giving
to the Sheriff an opportunity to
be heard further either in person or by
witnesses. It is clear that
the legislative investigation is not a



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2

Trial, giving both to plaintiff and defendant
a chance to be heard, but it is an
investigation only



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3

Paragraphs 3 and 7 —

Pearcey calls for chance for left.
To present a defense if he wishes.

8. Pearcey is clearly trying to
influence the 2 questions w/
a. Treaty before ~~is published~~ before a
Committee of 1
b. Treaty before a secret hearing

Pearcey has made claim on general
format of stitution.



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WIDE WORLD

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4

10 Familiarity with duties as Sheriff. —

11 The affeniters were impracticable in the
state —

General theory that the whole case
shows infirmities.

Investigation — Long Island
checks —



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5

12 Manner of taking the money?
Why didn't he take it all?

On account of 60,000 - 3% on it goes
to women - & another 1% goes to
factory -

In some cases half 3/2 & others all
the interest - When man knows
rights he paid the interest -
Total unpaid 29 mil.

Checks returning interest - Were they
made out by him?

How about the court order of 1926



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6

Farley - did not know of intent on
knowing or mislay money -
Says he did not ask counsel -
Money increased when he first heard
its ownership questioned.

Meyer's approval of the bond holder of
any interest is contrary to his advice
to Farley.

Liffen-degen opinion

Question of intent - This may well be
resolved actually in favor of Farley.
See Gov. Rubicon - : 1879 - Test. & Law.
in matter of qualified & certain.



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MEMORANDUM

MEMORANDUM

General Public Policy
requires that where a public
agent is unable to give
an investigation & it appears
that his scale of living, or
his bank deposits from
exceed his wages, the
public official may
be placed under
a practice public duty
to the community, &
give a reasonable & creditable
explanation of the

Power of the Spirit
is the name which
enables him to maintain
an extravagant scale
of living.

This rule may be an
enlargement of any
provision making a
Governor of the State
but it is true that
the standard of conduct



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2

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MEMORANDUM

Office to put on the
Jewels of personal or
small no official framework.

If even a mere supervision
exists, then fails before
the public official the duty
of passing info direct with
full information as to
his personal finances.

MEMORANDUM

Only important factor is
that \$58,978.60 salary
deposited known

\$304,000 deposited
from other sources.

Also he is still worth

\$250,000

True that a man might be
worth only \$25,000 or yet
deposit \$250,000 - but he
should be able to explain it



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WAC PARK, N.Y.

MEMORANDUM

1925 - Sept 31 92,000.
Surveys

" " 557,000.
Dynamite.

Safety 53,000.

Witholding 250,000.

3
MEMORANDUM

Theory of ~~intelligible~~ ^{intelligible} interests.
1925 - Check out on the
disbursement must be another
check

2 Surveys - Bring them through
the bank - no evidence
of this

3 Nat'l. disseminated ~~Survey~~
reduces the \$97,000 to
\$60,000 - Rest this is
inharmonious figure



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MEMORANDUM

Fax file -

May 15 '29
Revised by the man 19,052.
They stuck.

Dec. 10 '29

Stuck out by hand

11,032.

This latter was deducted.

Balance owing 10,000
An additional \$ should
be deducted

MEMORANDUM

Vader of present property

250,000

How much will he pay
for it

1930

Inv	105,000
Dist	546
Print	2070
Div	1460
Commission	13,390
Also	32,466



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MEMORANDUM

6
HHS

LAWYERS fees.
12,000.

Repayments Total 45,000.
" professional fees 5,000.
Total 50,000.

Total 55,000

MEMORANDUM

FAX TEL
Fox Theatre 200 - 1929-5,000
Chamber of Commerce 300 - ~~6,000~~
Lombard Law 100 - ~~8,100~~
Feder. Trust 30 - ~~10,700~~
United Gas Pipe. 300 - ~~10,000~~

Altogether 50,000

64
164