

**JUDGE SAMUEL SEABURY,
MAYOR FIORELLO LAGUARDIA,
AND THE “LITTLE TIN BOX”**

By Hon. Albert M. Rosenblatt

October 2025

The musical *Fiorello!* opened on Broadway at the Broadhurst Theatre in 1959, a prize-winning hit. A memorable number, *A Little Tin Box*, musically described the “Seabury Commission,” which, in the 1930s, summoned corrupt officials, grilling them as to how, on their modest salaries, they could own mansions and Rolls-Royces.



Fiorello! opened on Broadway at the Broadhurst Theatre in 1959, and had 795 performances. It won the: Tony Award (shared with *The Sound of Music*), the New York Drama Critics Circle award, and the Pulitzer Prize for Drama.

One officeholder, New York City Sheriff Thomas M. Farley (1889-1934) set the tone, explained how he became immensely rich on his small salary. Easy, he said, he saved up his pennies in a little tin box. As the *New York Times* put it, Seabury “has only to reach his hand into a department and out comes an official who cannot explain, save by yarns which 5-year-old children would not believe, how he has amassed a large bank account on a small salary.”¹

Farley Deposited \$360,660 in 7 years; Most from tin box; Sheriff on Stand Tells Seabury of a 'Wonderful' Receptacle Which Once Held \$100,000.'

New York Times Headline, October 7, 1931

In the play's second act, Judge Samuel Seabury confronts a colorful parade of corrupt officeholders, one of whom was played memorably by Howard Da Silva.²

Jerry Bock and Sheldon Harnick hewed closely to the actual testimony. In Act Two, Scene seven, they put the testimony to words and music:

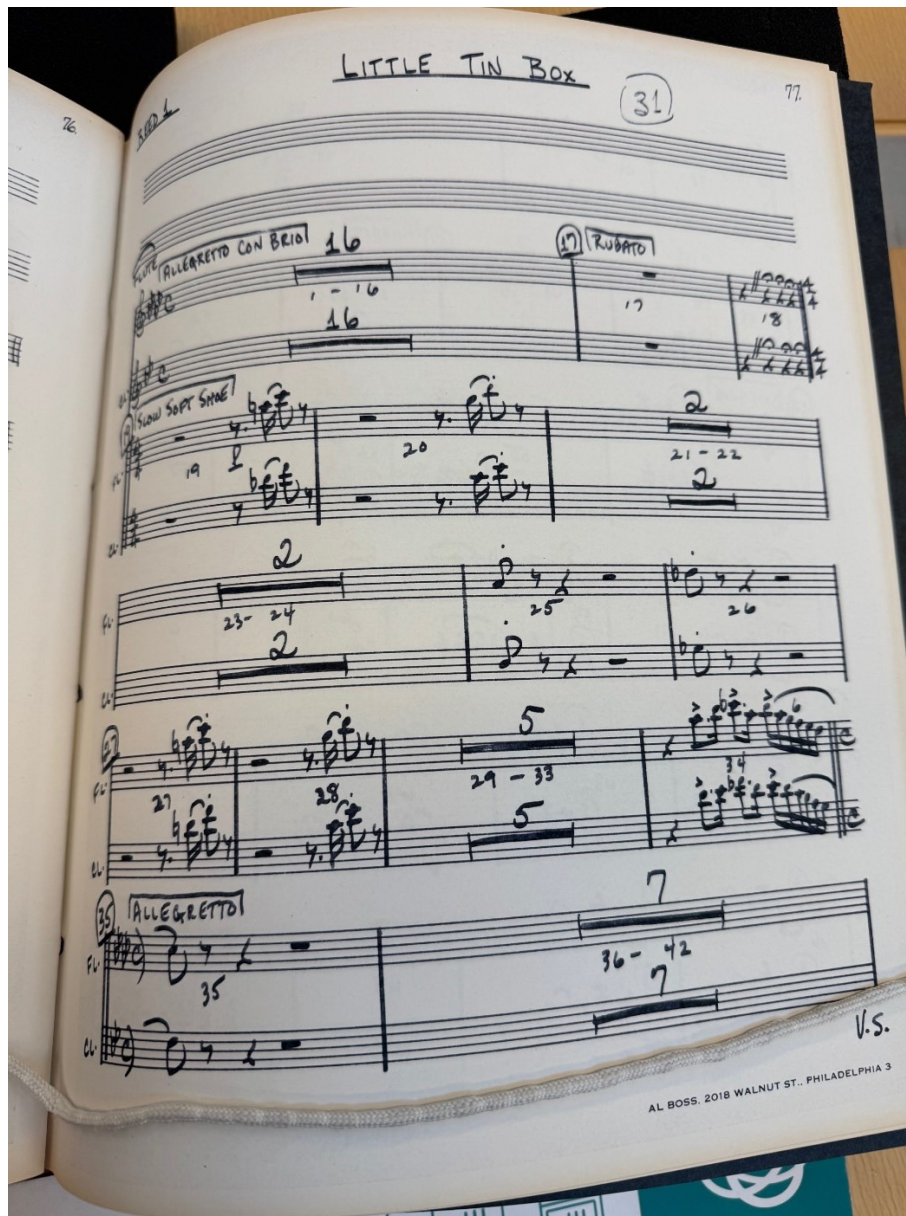
Seabury: "Mr. X, may we ask you a question?
It's amazing, is it not,
That the city pays you slightly less than fifty bucks a week,
Yet you've purchased a private yacht?"

Officeholder (Actor Howard Da Silva): "I am positive your Honor must be joking!
Any working man can do what I have done.
For a month or two I simply gave up smoking,
And I put my extra pennies one by one
"Into a little tin box,
A little tin box
That a little tin key unlocks.
There is nothing unorthodox
About a little tin box.
In a little tin box.
A little tin box
That a little tin key unlocks.
There is honor and purity,
Lots of security,
In a little tin box."

Seabury: "Mr. Y, we've been told you don't feel well,
And we know you've lost your voice,
But we wonder how you managed on the salary you make
To acquire a new Rolls-Royce."

Officeholder (Da Silva): "You're implyin' I'm a crook and I say no, sir!
There is nothin' in my past I care to hide.
I been takin' empty bottles to the grocer
And each nickel that I got was put aside
(That he got was put aside)
"Into a little tin box,
A little tin box
That a little tin key unlocks."

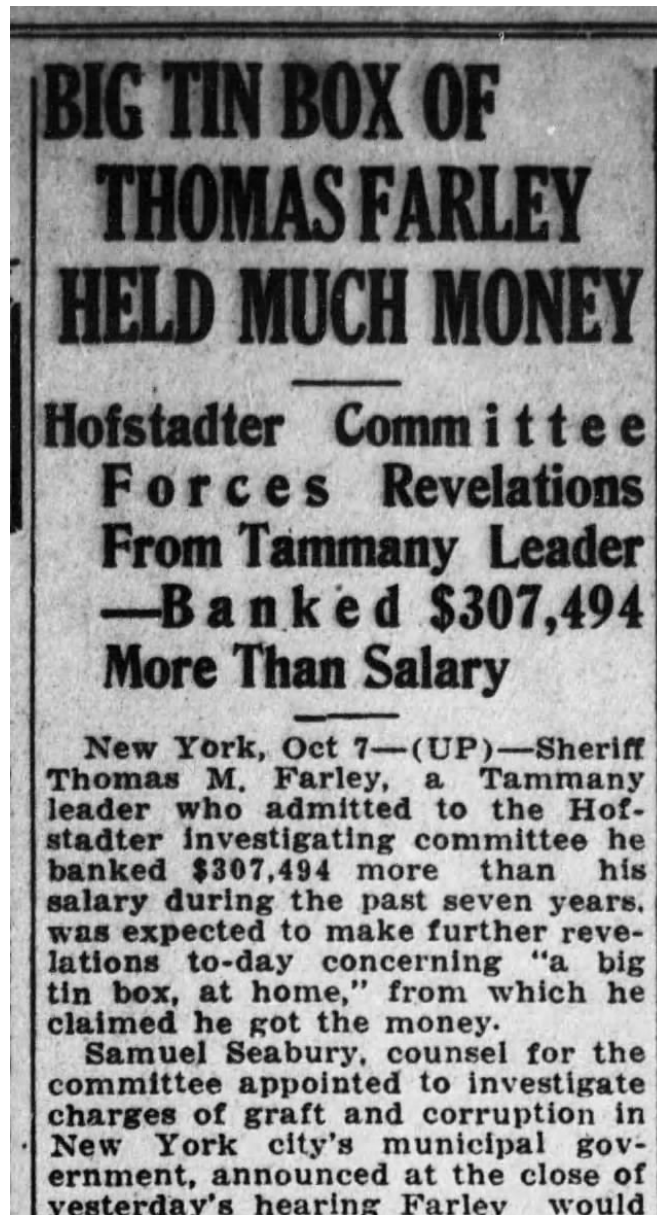
There is nothing unorthodox
 About a little tin box.
 In a little tin box,
 A little tin box
 There's a cushion for life's rude shocks.
 There is faith, hope and charity,
 Hard-won prosperity,
 In a little tin box."



The original musical score of "A Little Tin Box." Courtesy, Jerry Bock Papers, New York Public Library



In writing *Fiorello!* Jerry Bock on the left and Sheldon Harnick on the right, ca. 1959. Courtesy, Jerry Bock Papers, New York Public Library



Waterbury (CT) Democrat, October 7, 1931

We speak of the Seabury Commission, or the Seabury Investigation, because Seabury emerged as the primary force behind it, but actually there were three entities.³ First came the investigation into corruption in New York's Magistrate Courts. In that investigation, the Appellate Division, First Department, on August 25, 1930, appointed Seabury "referee."⁴

On March 28, 1932, Seabury rendered his final report to the Appellate Division.⁵ The hearings began in October, 1930, and ended a year later. Seabury examined 1,059 witnesses covering 15,356 pages.⁶

When he finished his report, his legal services amounted to \$75,000, which he declined, in the public interest.

I have considered the willingness of the court expressed to me by you to allow me \$75,000 as compensation for my services while acting as referee to the appellate division in the conduct of the investigation into the magistrates' courts, which continued from September, 1930, to March, 1932. I prefer, however, to give my services without any charge to the City of New York as a contribution to the profession of which I have the honor to be a member rendered in the effort to remedy the gross injustices which prevailed in that court.

In his report, he laid out the difficulties he encountered along the way. Initially, the City of New York, under the administration of Mayor Jimmy Walker, agreed to cooperate, but later refused to pay (presumably as the investigation moved too closely to Walker), and Seabury went to court, where Justice Callahan ordered payment.⁷

It was big news, carrying a headline in the Brooklyn Times Union of January 3, 1931:



In his own words, in his final report, Seabury adduced evidence falling into four categories:

Evidence bearing upon the functions, and the manner of their performance, of the public officials and employees who participate in the administration of the business of the courts, including Magistrates; Court Clerks, Assistant Court Clerks and Court Attendants, Assistant District Attorneys, Probation Officers, and police.

Second, evidence bearing upon the function of those associated with the courts: Lawyers; Fixers; Solicitors of bail bond business.

Third, evidence relating to the administration of the business of these Courts, and fourth, evidence relating to the physical conditions prevailing in the Court Houses.

Seabury made reference to a probe conducted 20 years earlier, called the Page Commission Report, which covered New York City, Buffalo, and Rochester.⁸ The official name was the *Report of the Commission to Inquire into Courts of Inferior Criminal Jurisdiction in Cities of the First Class: Transmitted to the Legislature April 4, 1910.*⁹

Seabury lamented that things had not improved much following the findings and recommendations of that investigation.

Seabury was soon to be named to a second investigative body, this one to which Governor Franklin D. Roosevelt, in March, 1931, appointed him, to look into the office of New York County District Attorney Thomas Crain, a Tammany stalwart.¹⁰ The City Club of New York, a good government organization, had complained of Crain's incompetency in office. filing charges with Governor Roosevelt on March 7, 1931, seeking Crain's ouster.¹¹ Governor Roosevelt appointed Seabury to investigate the office of District Attorney Crain.¹²

On March 23, 1931, the New York Senate and Assembly launched another investigation, adopting a joint resolution for the appointment of a committee, to be headed by Senator Samuel Hofstadter, with Seabury as counsel, to investigate the administration of the departments of the government of the City of New York.¹³



Orlando (Fl.) Evening Star, May 28, 1932

At that point, Seabury stood astride three investigations, known individually and collectively as the Seabury Commission or the Seabury Investigation.

New York City Mayor Jimmy Walker was in office, and while not an immediate target of the Hofstadter Committee, charges of misfeasance, brought by the City Affairs Committee, were pending against Walker.¹⁴

Who was Samuel Seabury? Not well recognized today, he was known at the time as an incomparable crusader for justice and reform.

Samuel Seabury

Samuel Seabury was born on February 22, 1873, son of the Reverend and Alice Van Wyck Beare Seabury, and was raised in the New York City neighborhood around 14th Street. His grandfather,

Samuel Seabury (1729–1796) was the first American Episcopal bishop, the second Presiding Bishop of the Episcopal Church in the United States of America, and the first Bishop of Connecticut.

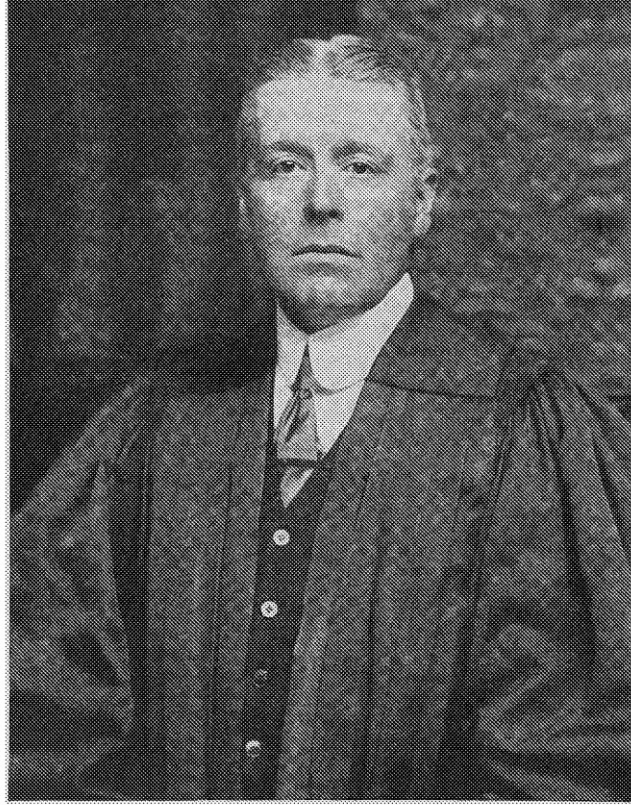
At 28, in 1901, he was elected City Court Judge.¹⁵ Five years later he was elected to State Supreme Court, and thirteen years later he was elected to the New York Court of Appeals.¹⁶

Seabury's education began in his father's study with the Reverend serving as instructor or, perhaps more accurately, as guide to his young son's natural curiosity. Eventually, Seabury's formal education moved out of the study. He attended the Trinity School and then William & Kellogg high school for boys. After high school, he worked in the Law Office of Stephen P. Nash and as a digester for legal publishers. Seabury put himself through New York Law School, graduating in 1893. He was admitted to the bar the next year and established a partnership, Seabury & Pickford, with another recent graduate, Sherman Pickford.

Seabury married Josephine Maud Richey. Born January 22, 1878, she was the youngest daughter of the Richey family, the Seaburys' New York City neighbors. The marriage took place on June 6, 1900 and shortly thereafter the new husband threw his hat, unsuccessfully, into the race for City Court Judge. In the fall of 1901, he ran once more, on the Citizens Union ticket. This time, however, the Bar Association endorsed his candidacy and he won. On January 1, 1902, 28-year-old Samuel Seabury was sworn into office as City Judge.

From 1930 through 1932, Seabury turned away from his flourishing law practice in New York City to lead an investigation, the first of several such investigations, into the New York Magistrates' Courts. When, at the conclusion of his investigation, the Appellate Division, First Department authorized \$75,000 in compensation for his great service to the City, Seabury responded with a private letter to the court exemplifying his strength of character and his commitment to reform:

I have considered the willingness of the court expressed to me by you to allow me \$75,000 as compensation for my services while acting as referee to the appellate division in the conduct of the investigation into the magistrates' courts, which continued from September, 1930, to March, 1932. I prefer, however, to give my services without any charge to the City of New York as a contribution to the profession of which I have the honor to be a member rendered in the effort to remedy the gross injustices which prevailed in that court.



Sam Seabury
Associate Judge, Court of Appeals

The First of the Seabury Investigations: In the Matter of the Investigation of the Magistrates' Courts in the First Judicial Department and the Magistrates thereof, and of Attorneys-at-Law Practicing in Said Courts. Supreme Court, Appellate Division, First Judicial Department

In August, 1930, the New York Supreme Court Appellate Division First Department, which had supervisory authority over the lower courts in Manhattan and the Bronx, appointed Seabury to look into the evils existing in those courts.

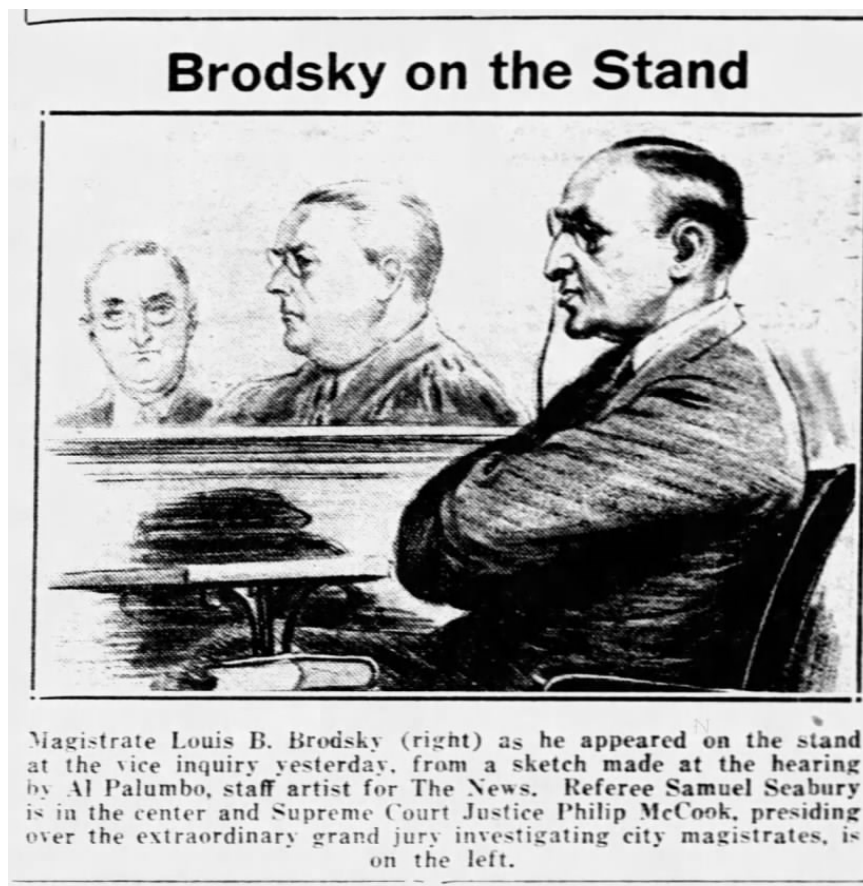
The first public session of the Magistrates' Court investigation took place in September.¹⁷

That month, the Appellate Division amended its order, broadening Seabury's powers and the scope of his investigation so as to look into the conduct of attorneys appearing in the Magistrates' Courts of the two boroughs under the jurisdiction of the First Department, as well as the magistrates themselves. The extension of his powers, Seabury said, would have an "important effect" in enabling him to "learn the true conditions existing in the magistrates' courts and in relation to the justices thereof." The activities of bondsmen and court clerks also will be brought under the scrutiny of the referee by the court's action, it was believed. Seabury made public the announcement of the enlarged scope of his inquiry in the first formal statement he has

issued since his return from Europe on September 5. He announced also that the Bar Associations of the two boroughs with whose magistrates the inquiry is concerned had at his request selected Isidor J. Kresel, veteran investigator, to act as counsel and submit evidence.¹⁸

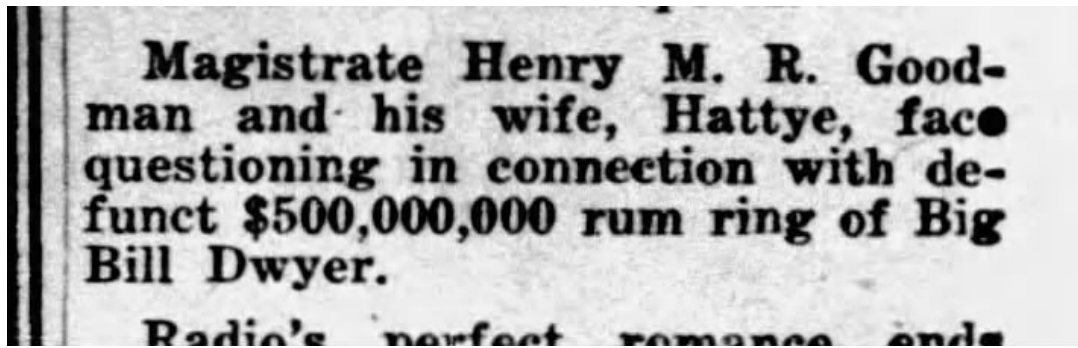
Seabury inquired into the activities of Magistrate Francis X. McQuade, calling on him to explain how he had deposited \$520,000 into his bank account over six years on a judge's salary.¹⁹ McQuade had sat on the bench since 1911, and in 1919 became part owner of the New York Giants baseball team. When questioned about these and other activities, McQuade resigned on the spot. The same was true of Magistrate Henry M. R. Goodman, for protecting gamblers, and his involvement in a rum ring.²⁰

Next came Magistrate Louis B. Brodsky whom the Seabury team questioned in connection with \$3,500,000 stock transactions.²¹



New York Daily News December 13, 1930

Even before issuing his final report, Seabury recommended Brodsky's removal.²²



New York Daily News, December 29, 1930

At about this time, as part of the Magistrates Courts investigation, Seabury started looking into police vice- squad activities of naming and framing innocent women.²³ Acting on Seabury's recommendation, Governor Franklin D. Roosevelt granted pardons to six women victims of the vice ring.²⁴

Seabury lacked the power to remove officials. That was in the hands of the Appellate Division, to which Seabury made recommendations. They followed a good many of his recommendations, but they were not a rubber stamp. In one case, the court exonerated Magistrate Brodsky, (Justice Dowling dissenting), concluding that his business transactions did not merit removal from office.²⁵

The exoneration put a crimp in the investigation. Magistrates ready to resign when facing questions were buoyed and stayed on the job. Nevertheless, Seabury continued, this time citing Magistrates Jesse Silberman and Jean Norris. An informant, named Acuna had named Norris among the magistrates who convicted women on perjured testimony of policemen, and that records of the Women's Court showed that she, together with Magistrates Silberman, Earl Smith and Stanley Renaud, had committed wayward minors to Bedford Reformatory on their own confessions without a hearing, a procedure which Seabury and the Attorney General found illegal.²⁶

Police Lieutenant John W. Kenna, supervised of about 1,000 policemen in the Third Division known as the "Tenderloin." Seabury learned that over a six-year period Kenna and his mother made bank deposits of \$237,235. That \$147,246 of this sum had been withdrawn from their numerous bank accounts by checks to unidentified payees suggested that money was going to "higher-ups."²⁷ "We must find out where it goes and who gets it," Seabury said.

Kenna and his mother shared the witness stand with Magistrate Jean H. Norris, who, after having testified in emphatic terms that she never changed the stenographer's record of trials held before her, was shown to have made extensive changes in the record of the trial of Mary Disena Labello, tried May 18 and 19, 1927, convicted of vagrancy and sent by Magistrate Norris to the workhouse for 100 days.²⁸

In a first of its kind ruling, the Appellate Division accepted Seabury's recommendation that Silberman be removed for deciding cases based on favoritism.²⁹ The Appellate Division also removed Norris, as well as Magistrate Albert H. Vitale.³⁰

Seabury reported that Magistrate Abraham Rosenbluth, when examined in private on one occasion, promised to submit his bank accounts and check books. His wife was also examined and made a similar promise in regard to Rosenbluth's books of account. Shortly thereafter Rosenbluth was said to have been seriously ill, and that he was obliged to leave the State in order to take a rest. A physician appointed by the Referee made a report showing that Magistrate Rosenbluth was suffering from a serious illness. There he remained, having performed no judicial service since September 26, 1930. Under these circumstances, Seabury did not recommend removal. Rosenbluth was thus consigned to permanent exile.³¹

Seabury unearthed not only coziness and political favoritism on the part of the Magistrates, but an entire industry of fraudulent police vice squad arrests of innocent people.

The Squad, he said in his report, "featured two types of arrests, the direct and the indirect." In the direct, the officer himself was a party. He approached the victim and arrested her for prostitution after she had accepted money and was prepared to carry out her bargain. In the indirect, the stool pigeon, the infamous "unknown man" of police blotters, was the customer and at a given moment the officers broke in and made the arrest. The method of the indirect arrest developed into a number of ingeniously contrived rackets. In the Doctor's Racket, the stool pigeon, posing as a patient, entered a doctor's office while the doctor was away and demanded treatment. He placed money in a conspicuous spot and, despite the protests of the nurse, began to undress. At a given moment the officers entered and placed the nurse under arrest for prostitution. All the elements were present the state of undress of the man, and the money, the consideration for which the woman had ostensibly offered to commit an act of prostitution.

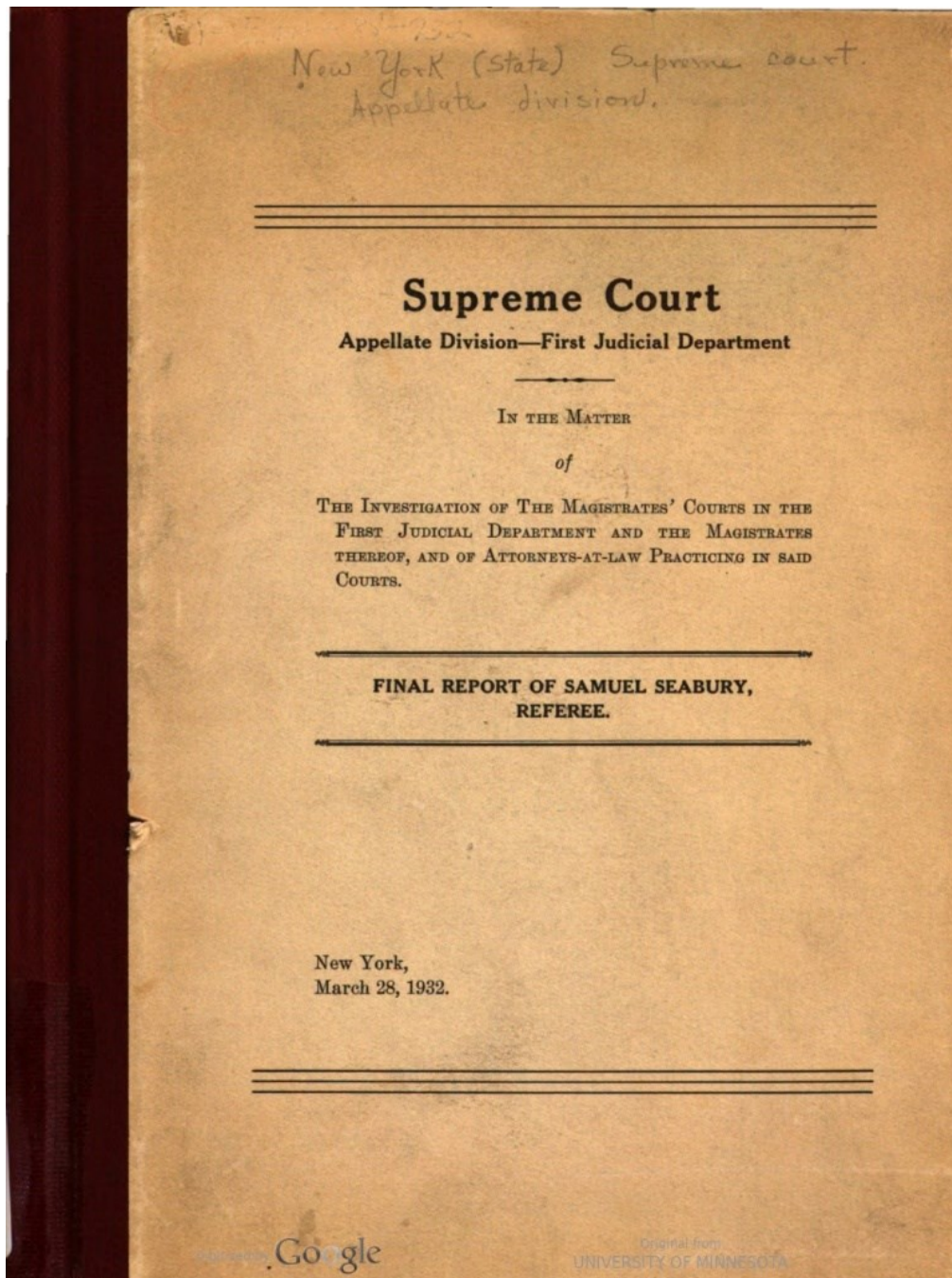
In the "Landlady Racket," the stool pigeon, after renting a room in a rooming house and paying for it with marked money, brought his supposed wife to the room. Almost immediately the police broke in, arrested the girl for offering to commit prostitution and arrested the landlady for maintaining a house of prostitution. The officers thus obtained double graft. It was a profitable business. According to their bank accounts, five of them, in a few years, accumulated more than \$500,000. DA Crain's office later brought perjury and conspiracy charges against police officers Christopher Confrey, John McHugh, and John Glenn.³²

Glen and Tait were found guilty, and their convictions were affirmed.³³

Seabury explained that the fraudulent arrests were only half of the corrupt system: After the vice squad captured its victims, "they were turned over to the lawyers and bondsmen who completed the work of mulcting the unfortunate women." The bondsman usually had an understanding with the arresting officer and was present to receive the prisoner or was summoned by telephone. He then recommended a lawyer, and the rest of the system went into action. We owe the first disclosure of these activities to John C. Weston, who was Deputy Assistant District Attorney in the Women's Court on 10th Street for seven years. He testified that during that time, he received money from about twenty-one lawyers, of whom he named many. Most of them had offices in the notorious Lawyers' Row opposite the Jefferson Market Court House. He testified that it was the usual thing for these lawyers to say to him: Any time one of my cases goes out I will see that you get 25 dollars.

Sometimes the bribe was larger. In one case, he was given \$150. Bondsmen were closely associated with many of these lawyers who operated through Weston, to carry out the bargains made by the bondsmen with the defendants. Thus, Lange and his brother, a bondsman, Busch and Katz, and many other lawyer-bondsman combinations were able to secure dismissal after dismissal with Weston's co-operation.

The dismissal of charges was a simple matter. The officer would be bribed to fall short in substantiating his complaint. Weston would permit the insufficient testimony to constitute the entire record, and the magistrate would dismiss the charge. If the victim failed to put up the necessary money, the officers would testify sufficiently to convict her, whether guilty or innocent, and she would, in the majority of cases, be convicted. This practice occurred not in isolated instances; it is sadly characteristic of what took place in this court day after day, in case after case, for many years.



For seven years, Weston, the bribe-taker, was the sole representative of the District Attorney's office in the Women's Court. The District Attorney was either unconscious of Weston's activities, or supremely indifferent to them.

The picture of the Ring, Seabury explained, is complete: The stool pigeon or the officer framed the woman, the officer arrested her, the bondsman bailed her out at an exorbitant charge and usually recommended a lawyer; the lawyer gouged her savings and either himself, or through the bondsman, "fixed" the arresting officer and the [Assistant] District Attorney.

In his report, Seabury elaborated on the role of the “stool pigeon,” most notably “Chile Acuna:” The stool pigeon, Seabury explained, were indispensable to the Vice Squad, “Chile” Acuna, the “Dove,” Pinto, Harry the Greek, Meyer Slutsky, Chico and Harry Levey, were members of the brotherhood. The story of Acuna is characteristic of all of them. Several years after this Chilean immigrant came here, he met two detectives. Because of his knowledge of Spanish, he was able to pick up information, unavailable to the detectives, concerning crimes. He was well paid for this information and worked for the detectives until 1929, when he joined forces with the Vice Squad because there was more money in it. He worked mainly in the Spanish district of Harlem under “Inspector Ryan” who was in reality Lieutenant Peter J. Pfeiffer of the 123rd Street Station House. Pfeiffer taught him the lessons of the Vice Squad stool pigeon: he must give a false name or address, he must be prepared for a slight beating from the police during the raid, he must never go to court, and above all, he must deny any personal knowledge of the arresting officers. Acuna testified that Lt Peter Pfeiffer instructed him in perjury.³⁴

Acuna was then turned over to two members of the Squad, Baccaglioni, and Sidney P. Tait, the latter in Sing Sing as a result of prosecutions based on the testimony given in this Investigation. Acuna worked with them until he was double-crossed and sent to prison. Stool pigeons were a costly item in the police budget, Lieutenant Pfeiffer testified that the average monthly bill submitted by each officer was \$35 In the whole city the taxpayers paid approximately \$ 100,000 per year for the use of these informers.

One of the stool pigeons, Levey by name, had worked for police officers Quinlivan and O’Connor in these shakedowns.³⁵

Quinlivan wound up in federal prison, at Atlanta, for a three-year term imposed by judge Harry B. Anderson.³⁶ He had been found guilty by a jury for tax evasion in a case prosecuted by then federal prosecutor Thomas Dewey.³⁷ O’Connor was under indictment, awaiting trial in New York County, as the result of testimony given in this Investigation was finally located in Louisiana. He was then indicted in New York on a charge of conspiring to defeat justice and, under requisition, was returned to New York and put under substantial bail. He then confessed, not only as to his activities as a stool pigeon, but also as to the manner in which Quinlivan and O’Connor had bribed him to leave the City and not to give further testimony before the Investigation.³⁸ His testimony was corroborated in the most minute detail by the production of the telegrams passing between Quinlivan and O’Connor, on the one side, and Levey, on the other, and by the money orders which they had sent to him, and the threats they had made to him that if he did not leave the City, they would attack him, his wife and his child.³⁹

The exchanges with Pfeiffer were reminiscent of Sheriff Farley’s little tin box:

“Where did you get all that cash?” “That belonged to me, representing savings on my salary and rentals from the house I live in. Sometimes my wife gave me money to deposit for her. It’s a joint account.”

Seabury’s associate Kresel turned to the police officer’s deposits in 1925. They were as follows: Jan. 3, \$100; Jan. 17, \$100; Feb. 2, \$75; Feb. 17, \$100; March 2, \$75; April 2, \$125; April 17, \$50; May 20, \$50; June 19, \$100; July 3, \$80; July 13, \$300; Aug. 4, \$100; Sept. 2, \$100; Sept.

18, \$60; Oct. 17, \$75; Nov. 4, \$100; Nov. 17, \$100; Dec. 2, \$60; Dec. 21, \$50. "Where did you get that much cash?" he asked. "It must have been from the house," Pfeiffer again replied. Seabury had to threaten to clear the court room to quell the titters of the audience.⁴⁰

Kresel asked Pfeiffer if he ever received any money from the men under him. "I never received a pencil from any of them," Pfeiffer declared. Kresel then produced a city paycheck of the lieutenant's bearing the endorsement of Andrew P. Stirnweiss, one of the vice squad men accused by Acuna. Pfeiffer explained that he must have sent Stirnweiss out to cash it at a corner store.⁴¹ Howard Da Silva redux.

Pfeiffer was later prosecuted, along with other police officers, John J. Glynn, Andrew I. Stirnweiss, Arthur H. Knott, Frederick Reger, and Lewis M.J. Eisner, by DA Crain's office.⁴² In 1933, Police Commissioner Mulrooney signed an order granting Pfeiffer \$8,571.02 in back pay for time lost while suspended, owing to the Seabury investigation.⁴³

Officer Robert E. Morris, a member of the vice squad also testified, along the lines in fashion, that he kept his accumulations in a little tin box.⁴⁴ Where did he get the money? He had, perchance, met his uncle one day at Coney Island, and lo, uncle George peeled off 40 one-thousand-dollar bills and gave them to him. He and Sheriff Thomas Farley gave Harnick and Bock the grist for their "Little Tin Box" number.

Turning to the Magistrates, Seabury, in his Final Report, said this of Magistrate Renaud:

"Betty Smith" was a young married woman of breeding and refinement. She occupied a responsible position and drew a substantial salary as business representative in New York City of a large manufacturing concern. Shortly before Christmas, 1929, at about six P.M. Mrs. Smith was in her apartment with a Mr. Hazelton, a friend of her husband. They were waiting, pursuant to a dinner appointment, for the husband, who was momentarily expected from his office, when, without warning, Officer Brady violated the peace and privacy of her home, without a warrant, and, after abusing Mr. Hazelton, placed "Betty Smith" under arrest and took her away. Officer Morris did not enter the apartment until sometime after the entry effectuated by Brady.

"Betty Smith" was convicted by Magistrate Renaud upon the testimony I have outlined. "Mrs. Smith" was taken to Harlem Prison, pending a medical examination and probationary investigation. By reason of the shock inflicted upon her sensibilities, and the brutal treatment which she received in the prison, her nervous system suffered a reaction which kept her in confinement, surrounded by hardened and despicable characters, for over two weeks, before the necessary medical examination could be made. After this lapse of time, "Mrs. Smith" was returned to the Women's Court and there placed on probation for six months. Near the end of the probationary period, her conviction was reversed by the Court of Special Sessions, which held that, as a matter of law, the evidence given by Officer Brady had been overwhelmingly refuted.

On May 29, 1931, Seabury presented to the Appellate Division an Intermediate Report with respect to attorneys John C. Weston, Abraham Karp, Mark Alter, Emanuel A. Busch, Philip Rusgo, Joseph Aronstein, Joseph A. Butler, James J. Mayer, Kevie Frankel, Robert J. Fitzsimmons, Samuel Goldstein, William J. McAuliffe, George Hirsch, Joseph Weber, and Albert B. Kurtz

As for Weston, Seabury stated:

The Weston story is a graphic illustration of this fact. Here was Weston who had very doubtful qualifications for court work in any capacity. He had served as a jewelry salesman, an attendance officer for the Board of Education and later a process server in the District Attorney's office. While serving in this lowly capacity he drifted into the Women's Court and began handling cases. He became the representative of the District Attorney's office there. Throughout the eight years during which he served he was certainly free from hampering supervision on the part of the District Attorney's office. Weston had made reports to the District Attorney's office the first year he served as Assistant District Attorney, but he stopped "because they didn't bother to read them." Thereafter, he devoted himself solely to his own best interests and to those of his clients of Lawyers' Row. He testified that occasionally he went to the office of the District Attorney, but that his chief purpose in paying these visits was to get his salary checks. For a time, he attempted to attend certain general meetings at the District Attorney's office, but his court work lasted until late in the afternoon. He was in latter years very irregular in attending these meetings. His entire existence seems to have been a kind of indefinite shadow in the mind of the District Attorney, who saw him practically not at all and heard about him even less. During all this time, he helped to throw out 600 cases and stowed away a tidy fortune in bribes.⁴⁵

After the filing of the Report, Weston consented that his name be stricken from the roll of attorneys.⁴⁶

The Bar Association of the City of New York there-upon brought disciplinary proceedings against the other attorneys, and the trial of the issues was referred to Hon. Clarence J. Shearn, as Referee. In his report, Judge Shearn recommended disbarment of attorney William J. McAuliffe; the censure of attorney Mark Alter; and the dismissal of the charges as to the other attorneys mentioned in Seabury's Intermediate Report.⁴⁷

Where Was D.A. Crain?

Throughout this sordid enterprise there should have been one person chiefly responsible for investigating and cleaning it up (apart from Seabury) and that was the District Attorney himself: Thomas C.T. Crain (1860-1942) Although it was all happening under his nose, he did nothing and professed to see nothing. The newspapers reported that Crain was unaware of the vice squad or of John Weston, the corrupt Assistant District Attorney. Given this record of indifference and incompetence, it was only a matter of time before Crain himself would be the subject of an investigation, this one ordered by Governor Franklin D. Roosevelt, who in March 1931

appointed Seabury commissioner to hear and investigate formal charges against Crain that had been filed with Roosevelt.⁴⁸

The Second Seabury Investigation, Concerning the Competence and Performance of New York County District Attorney Thomas T.C. Crain

On March 8, 1931, Governor Roosevelt wrote to Seabury:

My Dear Judge Seabury:

I have decided to appoint you commissioner under Section 34 of the public officers law to hear and investigate formal charges which have been filed with me against the District Attorney of the County of New York and to take evidence relative thereto. I sincerely hope that you will be willing to accept this appointment in addition to the other public service which you are rendering.

I shall be glad to have you start your duties as commissioner at the earliest possible moment; and, as you are, in a very strict sense, acting as the commissioner of the Governor in this matter, I shall be glad to confer with you at any time. I am very confident that your fine reputation for fairness and justice peculiarly qualifies you.

You will, of course, note that the charges made do not in any way involve the personal integrity of Justice Crain, but relate solely to his competency to fulfill the office which he holds.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

Seabury wasted no time assembling his forces for the job and, as one account put it, functioning with the precision of an army corps.

Work Speeded By Seabury for Probe of Crain

**M. L. Ernst, a City Club
Trustee, May Receive
Chief of Staff Post**

Functioning with the precision of an army corps, the forces of Samuel Seabury, newly appointed by Governor Roosevelt as a Commissioner to investigate the official conduct of District Attorney Thomas T. C. Crain, are mobilizing for immediate action in the inquiry which many believe will amount to a city-wide investigation.

Brooklyn Eagle, March 10, 1931

Within a month, a letter from John K. Clark, counsel of the inquiry, went to Crain, dated April 16, 1931:

Dear Sir: Pursuant to direction of Hon. Samuel Seabury, the commissioner appointed by the Governor of the State of New York in the above-entitled matter, I hereby specify as the subject matters of the hearing to be held before said commissioner on Monday, April 20, 1931, the following:

1. The inquiry conducted by the 1930 additional grand jury in reference to the magistrates' courts in the county of New York and what, if anything, was done by the District Attorney of New York County to bring to light conditions prevailing in such courts and toward instituting criminal actions against persons guilty of crimes in reference to matters pending in said magistrates' courts.
2. The action or inaction of the District Attorney of New York County in regard to the case of Charles V. Bob, brought to his attention by the Assistant Attorney General of the State of New York in charge of the Bureau of Securities of the office of the Attorney General.
3. The action or inaction of the District Attorney of New York County in reference to evidence of crime in all matters submitted to said District Attorney by the Attorney General of the State of New York concerning persons who were

subjects of investigations in the Bureau of Securities of the office of the Attorney General of the State of New York. Further specifications will be furnished as soon as practicable.

Very truly yours,
JOHN KIRKLAND CLARK.

DAILY NEWS, WEDNESDAY, APRIL 8, 1931 17

CRAIN GOES ON SEABURY'S GRILL TODAY

By DORIS FLEESON.

A fragile, silver-haired old man, who at 69 assumed the most arduous of tasks, that of district attorney of New York county, goes on trial today to defend himself against charges that he has bungled the job.

Samuel Seabury, also silver-haired but ruddy and robust, and like District Attorney Crain, 8

J. McNaboe, a former assistant district attorney, and Assemblyman Louis A. Cuvillier, lawyer.

The other Republicans are Senator Leon F. Wheatley, retired merchant of Horrell, and Assemblymen Abbot Low Moffat, another lawyer from the silk stocking district of Manhattan; Hamilton F. Potter, public accountant of Suffolk, L. I., and William R. Lammot, lawyer of Orange county.

The Ex-Officio.

Party leaders of both houses will be ex-officio members of the committee. They are Senator George E. Peck (Rep., Syracuse), Senator Bernard Downing (Dem., N. Y.), Assemblyman Joseph A. McGinnies (Rep., Ripley) and Assemblyman Irwin Steingut (Dem., Kings).

The committee's first act will be to name Judge Seabury counsel. Seabury is running the Crain investigation through in three weeks so he may begin the trial.

Seabury however postponed sentence to June 15, giving the impending legislative investigation as his reason.

An attempt by Joseph Clark, Republican member of the board of aldermen, to revive his motion calling on Commissioner of Accounts James A. Higgins to report to the board the result of his investigations so far, was quashed yesterday at the board's meeting.

WAITRESSES LOSE EXPECTED BIG TIPS

Albany, April 7 (U.P.).—The assembly, by a vote of 99 to 44, today defeated the Jenks bill, which would permit waitresses to work in restaurants between 10 p. m. and 6 a. m. The measure was opposed by the State Federation of Labor, but was supported by representatives of waitresses' largest tip.

who maintained the arbitrary regulation of Labor, but was supported by representatives of waitresses' largest tip.

ACCEPTED AMERICAN DENTAL ASSOCIATION

Does the tooth-paste you use bear this acceptance?

COLGATE'S DOES!

Elaborate Dental Cream

GIMBELS Offers



Thomas C. T. Crain

New York Daily News April 8, 1931

The inquiry also included Crain's ineptitude in dealing with the murder of the notorious gambler Arnold Rothstein:

12 ** SUNDAY NEWS, APRIL 19, 1931

ROTHSTEIN PROBE TO PLAGUE CRAIN

NEW SEARCH BEGUN FOR JURY RECORD

By DORIS FLEESON.

The restless ghost of Arnold Rothstein will arise to plague District Attorney Crain in his trial before Judge Seabury, it was learned yesterday.

Immediate steps will be taken to procure the minutes of the grand jury which investigated the murder of the notorious gambler. The minutes were sought once before but at that time the exact designation by month of the grand jury record was not made and Crain said he could not locate the proper minutes without it.

Now, on the eve of the final whirlwind inquiry, starting tomorrow, into Crain's acts in office, Judge Seabury wants those minutes. He will set a General Sessions court order, to which the district attorney, by a previous court decision, must agree.

The late Arnold Rothstein Crain His ghost will plague him.

of Gene Tunney and Commander Byrd; Harold Russel Ryder, Broadway's "Little Boy Blue"; David Lamm, the "Wolf of Wall Street"; Prince & Whiteley, the missing Dr. Nicholas Parnes and County Judge W. Bernard Vause, among others, people the clock cases about which Crain will be quizzed.

The session tomorrow will be short. Judge Seabury will attend the funeral of Justice Vernon W. Davis, a friend and colleague on the bench for many years, at 10 o'clock so the start of the hearing will be delayed until 11:30.

At 4:30 the judge has to attend the first executive meeting of the

cursion suddenly and secretly. It was learned he sought information concerning a snow-removing chemical solvent, Snowmelt, which the engineering company controlled. Harvey declared he made the loan from his personal and political friend, C. W. Decker, president of the engineering concern.

The magistrates' inquiry staff swept up town to West Farms court in the upper Bronx to which cases of persons in the Italian districts there, go for the most part.

The same conditions are expected to prevail there as in Essex Market, which has been thoroughly inspected by Irving Ben Cooper and others in the last few weeks.

Because of the many foreigners appearing in Essex Market, greater extortion is prevalent than even in Harlem court, it was learned.

COURT REFUSES CHANGE OF VENUE TO PATHE CHIEFS

Application for a change of venue yesterday was denied two times. Film officials indicated for

WATCHUNG RANGE FIRE PERILS JERSEY TOWN



Air view of the forest fire which was blazing yesterday south of

New York Daily News April 19, 1931

The charges against Crain had been signed by Richard S. Childs, president of the City Club, and Joseph M. Price, chairman of its board of directors, and were delivered to Governor Roosevelt at his city home, 49 East Sixty-fifth Street, on March 7. Public hearings began on March 12 and continued until the end of May.

Over the course of the year, Seabury examined witnesses both privately and publicly. The public testimony covers some three thousand pages. On August 31, 1931, Seabury reported to Governor Roosevelt that the evidence presented before him was insufficient to warrant the removal of District Attorney Crain. Roosevelt accepted and filed this report.⁴⁹

In his report to Governor Roosevelt, Seabury concluded that there had been no proof of personal dishonesty, wrong motives or “incompetence so general in scope or so gross in character” as to warrant Crain’s removal from office. Seabury, also careful enough to appreciate that while Crain had a notoriously corrupt assistant DA, John Weston, there were assistant DAs whom Seabury trusted. In one case, Seabury learned that police framed a woman in a shakedown scheme, and he turned the matter over to Assistant DAs Schotland and Wagner, who duly prosecuted the offender.⁵⁰

**Governor in Letter to Samuel Seabury Agrees with Him That
Charges Should be Dismissed**

September 1, 1931

HON. SAMUEL SEABURY, 120 Broadway, New York City:

DEAR JUDGE:—This is to acknowledge the receipt of your report in the matter of the investigation of the charges against the District Attorney of New York County, which I have just completed reading in full.

I desire to compliment and thank you for your painstaking, considerate and tireless efforts in this case. The reading of your report impresses me with the soundness of your reasoning and the complete fairness of your conclusions.

Yours very sincerely,

(Signed) **FRANKLIN D. ROOSEVELT**

In his findings and recommendation, Seabury sustained four of the twenty-seven charges against Crain in which testimony was presented, virtually sustained three other minor charges, and in the dismissal of other charges criticized Crain’s judgment, conduct or lack of aggressiveness. Though critical of Crain, Seabury ostensibly based his recommendation on Crain’s personal honesty and reputation and years of honorable public service, and on his belief that lack of proof of any improper influence or ignoble motive precluded a recommendation for the removal of an elected official not shown to be corrupt or wholly inefficient.

Crain’s counsel, Samuel Untermeyer, said he would ask Governor Roosevelt for a public hearing and opportunity to meet Seabury’s assertions. Untermeyer, who charged Seabury with prejudice at the time of his appointment by the Governor, commended the commissioner for his finding, but added that if Crain could have been found guilty, it would have been done.

The four charges against Crain that Seabury sustained directly related to the alleged failure of his investigation of the magistrates’ courts and his investigation of racketeering and to diligent prosecution of offenders in the cases of the Partos Realty Company and Prince & Whitely, a brokerage firm. Seabury held that Crain was at fault in each of these cases, but dismissed the

charge that Crain had been negligent in prosecutions arising from the investigation of the magistrates' courts made by Seabury as a referee for the Appellate Division. Seabury declared that the District Attorney's office had been diligent in prosecuting cases after his magistrates' courts inquiry, and commended particularly an Assistant District Attorney, whom he did not name in his report, but who is James G. Wallace.

In his discussion of Crain's handling of sixteen stock fraud cases, besides the Partos Realty Company and Prince & Whitely, concerning which testimony was taken. Seabury found evidence of neglect or incompetency in two, criticized his action in four others, although he dismissed the charges, and dismissed the charges in the remaining ten cases.

In the course of the hearings before me, testimony was presented as to twenty-seven matters in which it was alleged that the District Attorney either did not act at all or failed to act in a fitting and competent manner. I have reviewed these cases separately and expressed my judgment as to what the evidence shows in relation to each of them.

The charges of incompetency in relation to the Partos Realty Corporation and the Prince & Whitely transactions are also sustained. The other cases in which the charges are sustained involve matters of less importance. The failure of the [Crain] in reference to these matters, when considered in the light of the transactions in reference to which the charges have been dismissed, does not disclose incompetency in the administration of the duties of his office so general in scope or so gross in character as to warrant a recommendation that he should be removed.

At the beginning of his report Seabury referred to the unsuccessful attempt made by Crain and his counsel to prevent him from obtaining the grand jury minutes relating to the racketeering investigation, at which time Crain charged that Seabury was biased and that it would be improper to disclose the minutes at a private and secret investigation, as distinguished from a public hearing. Seabury said he believed this opposition on the part of an official under investigation was improper and should not be passed over so as to enable it to become a precedent for others. He added that failure of a public official under charges to cooperate with the Governor's commissioner constituted defiance of the lawful authority of the Governor and might justify removal. Mr. Seabury, however, declared that he disregarded this opposition by Crain in preparing his report.

"[Crain] was born in the city of New York and is now over 70 years of age," Seabury continued. "For many years he has had a distinguished public career, a large part of which has been spent in the judicial service of the State. During all this time the respondent has borne the reputation of a scholarly gentleman of unimpeachable character. I believe this reputation to be entirely just. It is only fair that the charges not under review should be considered in the light of this gratifying and outstanding fact."

In sustaining the charge that Crain had failed to curb racketeering, Seabury held that Crain virtually "had held up his hands" and recognized that even with the cooperation of the Police

Department he had not been able to do anything of substantial value toward stopping the practice of bringing criminals in the racketeering game to justice.

The District Attorney's office, Seabury declared, had not operated in a competent or effective manner to get proof of the payment of \$5,000 to Joseph (Socks) Lanza by J. W. Walker, a representative of the hotel supply fish dealers in Fulton Fish Market, for renewal of a wage agreement with the United Sea Food Workers' Union, or of other payments to Lanza and Charles Skillen, another delegate of the Sea Food Workers' Union, exacted as tribute from the Fulton market dealers. Seabury asserted that diligent inquiry on the information furnished by William Fellowes Morgan Jr., that Walker should be questioned about the payment to Lanza, would have disclosed the extortion.

The result of the failure to act effectively in this matter has been to carry to Lanza, Skillen and other racketeers in the Fulton Fish Market an assurance of safety and to encourage the belief that they may continue their operations without fear of being interfered with by the law-enforcing agencies of the county," Seabury continued. "This official inaction also engenders the belief in the employers who submit to extortion that there are no law-enforcing agencies within the county of New York willing and powerful enough to bring to justice those practicing extortion upon them.

Seabury exonerated Crain from blame in not stopping racketeering in the millinery trade, but held that his office had shown little interest in the prosecution of Jacob ("Tough Jake") Kurzman for assault upon a man named Schorr, who was trying to unionize the employees of the Chelsea Hat Company. Kurzman, Seabury said, had been placed on the company's payroll at \$100 a month by its president, Isidor Fogel, succeeding "Little Augie," a well-known gangster, who had been killed.

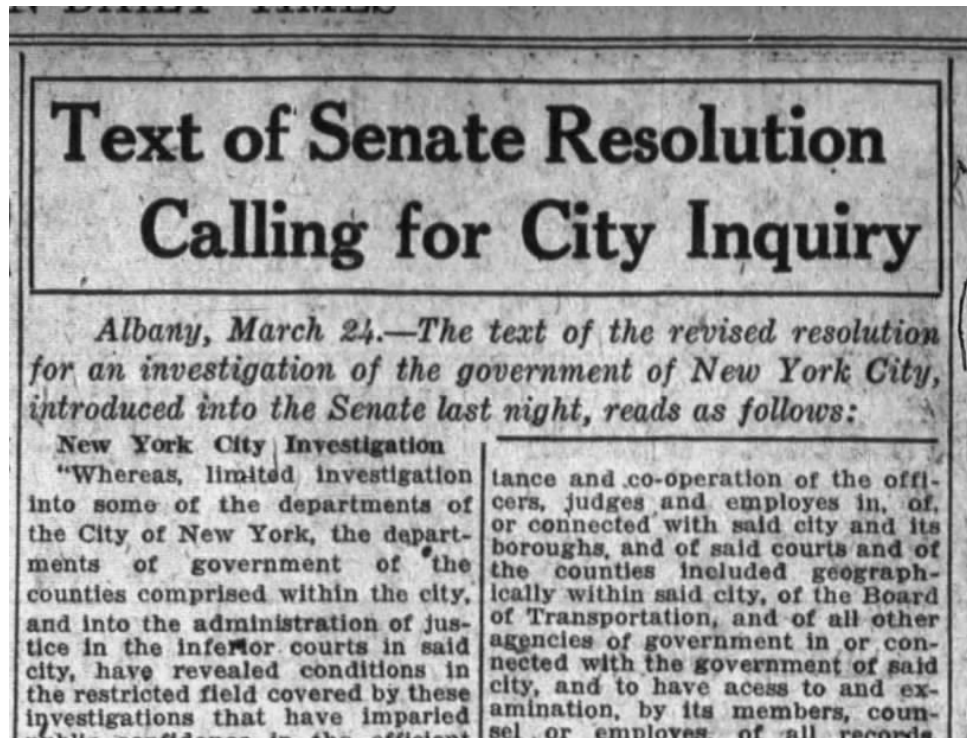
Delay in the trial of Joseph Mezzacapo, indicted for extortion as a result of an investigation of the cloth-shrinking trade, was cited as another example of ineffectiveness on the part of Crain. Seabury said the District Attorney seemed to have accomplished little in investigation of racketeering in thirty other trades.

Seabury had severe criticism for the conduct of the District Attorney's office in the case of Prince & Whitely, a stock brokerage firm, which failed on Oct. 8, 1930.

Seabury also held that the District Attorney's office had shown neglect in pressing the prosecution of Nicholas C. Partos in the Partos Realty Company and the Cornel Drug Company cases.

The Third Seabury Investigation, headed by Senator Samuel Hofstadter to investigate the administration of the departments of the government of the city of New York.

On March 23, 1931, the New York Senate and Assembly launched this investigation, pertaining to the New York City government, in which Seabury served as counsel.⁵¹



Brooklyn Daily Times, March 24, 1931

Not long thereafter, the City Affairs Committee (CAC) of the National Republican Club in its annual report, called on Governor Roosevelt to remove New York City Mayor Jimmy Walker for the “breakdown and demoralization of the city government.”

The CAC report suggests revision of the city charter as a secondary remedy and predicts further revelations of scandal in city departments by the Hofstadter legislative committee.

The report attacks Mayor Walker for loafing, laughing and making “whoopee” to the neglect of his official duties and declares that the mayor cannot evade responsibility for failure of departments under him to function properly.

“There have been two troubles with Mayor Walker,” the report reads. “In the first place he has, as the world knows, given little time or attention to his job.”

“He has joked, junketed to race tracks, sat up all night at wild parties, entertained Hollywood and ignored the city’s problems. Every man, of course, has a right to live his private life as he sees fit, so far as consistent with his obligation to others,

and we have no concern with Mayor Walker's private escapades except in so far as they interfere with his public duties. The Mayor of New York has no right to allow the vagaries of his private life to interfere with reasonable attention to the responsibilities of his great office."

"The second trouble with Mayor Walker has been, of course, that he is an integral part of a political machine which is interested in building up its own power and filling the pockets of its members rather than in governing the city well. This is too old a story to need comment."

The first part of the report contains a detailed narrative of disclosures, investigations and prosecutions of city and county officials, and begins as follows:

"Resignations of magistrates and judges, police scandals, disclosures of corruption in this and that bureau of the city administration, investigations, charges, have tumbled over one another in such confusion; such a medley of names have crowded across the front pages — Mapocha Acuna and Doc Doyle; Silbermann, Crater and Bertini; Walsh, Ewald and Mrs. Potocki — until even those of us who attempt to follow city affairs are apt to be confused as to what's been what and who—as to just what in fact the disclosures have been which finally led up to the charges against the District Attorney and the Mayor."

The second part of the CAC report asserts that the Walker Administration has broken down and suggests remedies. It declares the Board of Aldermen useless and characterizes its members as "mere automatons answering the bidding of their political bosses without protest or discussion."

"The City Government is so far-flung and complex, comprised of so many bureaus and departments, that the mayor, as Walker says, can hardly in ordinary course know what goes on in every one of them or be held responsible for a misstep by some minor employe of [a] department. True, but the mayor can fairly be held responsible for making fit appointments to the major positions above listed, and if it be repeatedly called to his attention that there is widespread corruption and generally rotten conditions in some particular department and he for years does nothing to remedy the conditions or even investigate them, but is indifferent and complacent, then he certainly can be held accountable and is justly subject to criticism."

"Mayor Walker, however, far from taking any initiative toward finding out weak spots and correcting them, has done nothing even toward correcting flagrant evils in various departments when those evils have become notorious and have been called pressingly and repeatedly to his attention."

"Take the police. Had the Mayor or his commissioner themselves discovered what was going on and stopped it he would not be condemned because some policemen or even a group of police were corrupt, but as in every other instance of breakdown the discovery of conditions had to come from outside. The whole city

suspects that enormous sums are being collected from speakeasies and believes, too, that those who do the collecting get only a small cut and that the bulk of the money is passed on up. Is the Mayor making any effort to stop conditions? If he is, the city has not heard of it. He just keeps laughing.

“Every important disclosure has come from without. Nearly every improvement has been not only suggested but forced from without. The part played by the Walker Administration seems always to have been to delay action until the way was seen clear to use these projects to strengthen the political organization by the creation of new positions or by the jobbing of contracts.”⁵²

On July 21, 1931, the first public hearing before the Legislative Committee (of which Seabury was Counsel) took place. In all, sixty-three public hearings had been held since that date down to June 1, 1932. The transcript numbers over nine thousand pages. More than two thousand five hundred witnesses have been examined at private hearings, whose testimony covers over sixty thousand pages.⁵³

Seabury encountered resistance from the outset, notably in a suit brought by State Senator John A. Hastings of Brooklyn, who refused to comply with Seabury’s subpoena. The courts upheld Seabury.⁵⁴

Judge Benjamin Cardozo wrote the affirmance for the New York Court of Appeals, stating “We have little difficulty in overruling this contention in so far as it has relation to the life of the committee during the months of adjournment and until the end of the year. The great weight of judicial authority sustains the power of the Legislature to invest its committees with power to function though the session is over.”⁵⁵

One of the most well-known incidents occurred during Seabury’s public examination of New York’s Sheriff Farley. On the topic of how he managed to accumulate wealth far in excess of what would be reasonable given his annual salary, the Sheriff explained that the money came from his “wonderful” “tin box.” This “tin box” mantra was often repeated by other officials who were examined by Seabury and even found its way into popular culture.

TAMMANY SHERIFF GOT \$218,494 OUT OF A 'BIG TIN BOX'

**Thomas Farley Admits Banking
\$307,494 Over His Sal-
ary Since 1928.**

NEW YORK, Oct. 7.—(By U. P.) —Sheriff Thomas M. Farley, a Tammany leader who admitted to the Seabury investigating committee he banked \$307,494 more than his salary during the past seven years, was expected to make further revelations today concerning "a big tin box, at home," from which he claimed he got most of the money.

Samuel Seabury, counsel to the committee, flatly and openly accused Farley of grafting.

"I think that these records show

St Louis Star and Times, October 7, 1931

FARLEY'S LITTLE TIN BOX WAS VAST SOURCE OF WEALTH

**Seabury Refuses to Comment on
Reports That Governor
May Be Asked to Inter-
vene.**

New York, Oct. 7—(UP)—Sheriff Thomas M. Farley, a Tammany leader who admitted to the Hofstadter investigating committee he banked \$707,494 more than his salary during the past seven years, was expected to make further revelations today concerning "a big tin box, at home," from which he claimed he got the money.

Samuel Seabury, counsel for the committee appointed to investigate charges of graft and corruption in New York City's municipal govern-

Dunkirk (NY) Evening Observer October 7, 1931

Farley was indicted for grand larceny, for keeping the income derived from seized accounts held in trust by the Sheriff's office. When arrested, he exhibited bravado, roaring loudly and sarcastically at the suggestion that he might resign.⁵⁶

That fate, however, awaited Farley, who Governor Franklin D. Roosevelt personally removed, sitting as judge of the case, hearing proof as to the little tin box, and that Farley pocketed the interest from monies held in trust by the Sheriff's office.⁵⁷

OUSTED



THOMAS M. FARLEY

ROOSEVELT REMOVES FARLEY FOR FAILURE TO EXPLAIN INCOME

FRANK J. TAYLOR,
HIS WIFE AND SON
OVERCOME BY GAS

Welfare Head and Family

SAVED FROM FUMES



All Other Charges Brought by
Seabury as Citizen Are
Thrown Out.

NEW PRINCIPLE INVOKED

Executive Holds Officials
Must Give Credible Account
of Private Wealth.

Brooklyn Daily Times, February 24 1932

Albany, Feb. 24. Here is the text of Governor Roosevelt's order removing Sheriff Farley:

In the matter of charges against Thomas M. Farley, Sheriff of the County of New York.

Order of removal.

Charges having been filed with me by Samuel Seabury of the city and county of New York against Thomas M. Farley as Sheriff of the county of New York, asking that the said Sheriff be removed from office, said charges being dated Dec. 30, 1931, and Jan. 19, 1932; and a copy of said charges having been given to the said Sheriff; and the said Sheriff having filed with me his answer thereto dated Feb. 1, 1932; and a reply to the said answer having been filed with me on the 16th day of February, 1932; and the said Thomas M. Farley having appeared before me at the Executive Chamber, Albany, N. Y., on the 16th and 17th days of February, 1932, with his counsel, pursuant to notice of hearing therefore given by me to the said Sheriff and to his said counsel, and testimony having been taken before me on the said dates; and the said Sheriff of the county of New York having been given an opportunity to be heard in his defense, all pursuant to the provisions of the Constitution and the public officers law of the State of New York.

Now, after due consideration of the said charges and the testimony taken before the joint legislative committee to investigate the departments of the city of New York submitted therewith and as part thereof, and the said answer of the Sheriff and the said reply thereto, the said testimony taken before me on the aforesaid

dates at the said hearing, and having heard Samuel Seabury, Esq., in person, and the Sheriff of the county of New York by his attorney, Siegfried Hartman, Esq., and having determined that the public interest requires it.

It is hereby ordered that the said Thomas M. Farley be and is hereby removed from the office of Sheriff of New York County, N. Y.

Given under my hand and the privy seal of the State at the Capitol in the city of Albany this 24th day of February, in the year of our Lord one thousand nine hundred and thirty-two.

FRANKLIN D. ROOSEVELT.

By the Governor:

GUERNSEY T. CROSS,
Secretary to the Governor.⁵⁸

At the close of Farley's larceny trial before a jury, General Sessions Judge John J. Freschi directed a not guilty verdict, dismissing the charges, stating that there was insufficient evidence of Farley's criminality to give the case to the jury.⁵⁹

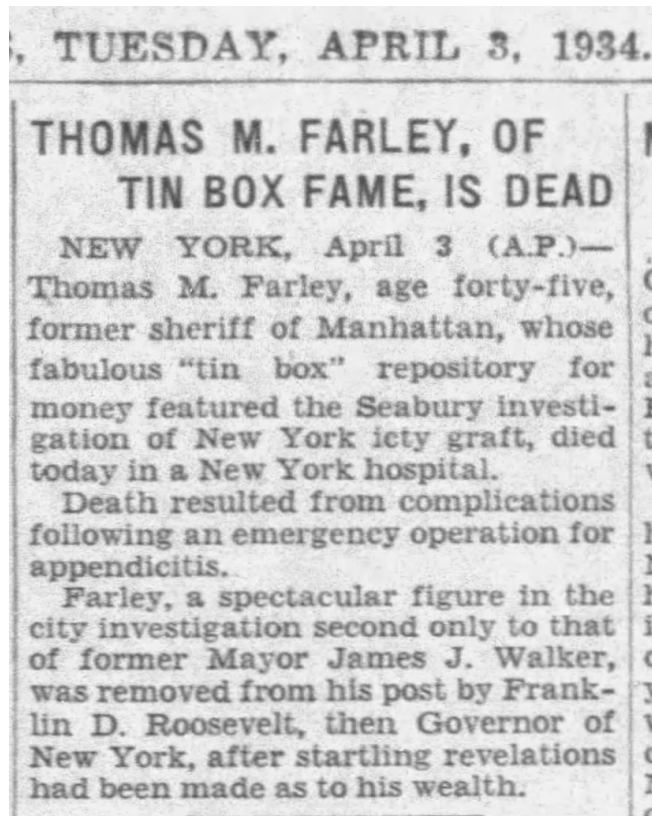
Farley died in 1934, as newspapers across the country knew him as "The Tin Box Sheriff."

N. Y. "Tin Box" Sheriff Dies



Thomas M. Farley

Tacoma (Wa) News Tribune April 3, 1934



Indianapolis News, April 3, 1934

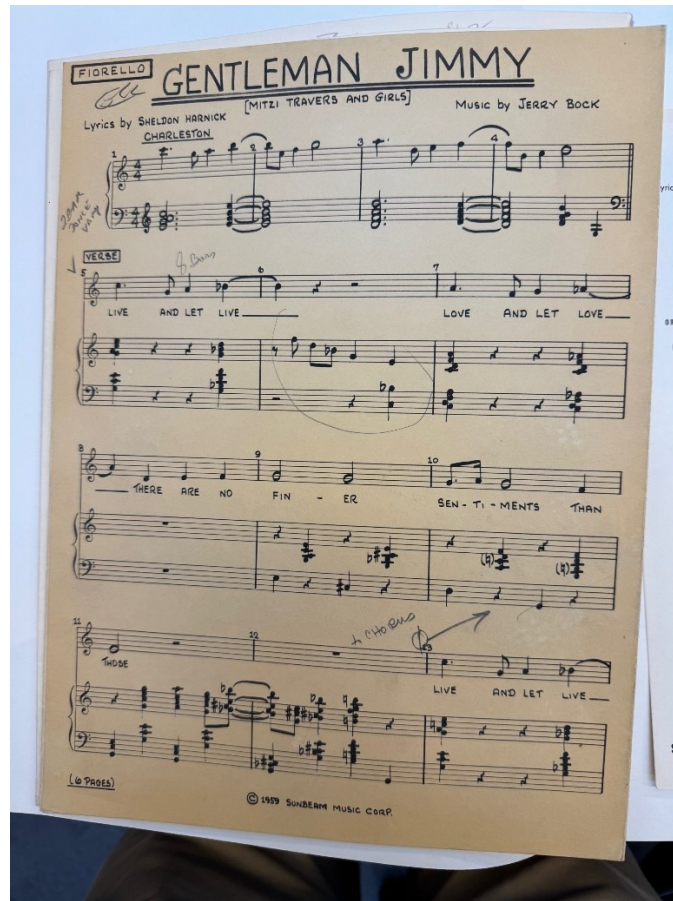
In each of his three capacities—Referee, Commissioner, and Counsel—Seabury’s authority was limited to eliciting facts. He could neither indict, try, convict, or remove anyone. The five District Attorneys in the five counties within the city were Tammany figures, as was the mayor. All municipal officers were Tammany men except one Alderman. The forces arrayed against Seabury were united, powerful, partisan, and hostile, in an atmosphere of public apathy.⁶⁰

New York City Mayor Jimmy Walker stands out as one of New York’s most conspicuous politicians: dapper, flamboyant, beloved, Tammany-bred, and functioning in a sea of corruption. Walker was able to get away with it all, as the voting public let him, while they enjoyed his celebrity status. The Hofstadter/Seabury investigation was the most colorful of the three inquiries, featuring Sheriff Tom Farley’s little tin box, and culminating with the testimony of Jimmy Walker himself.

In *Fiorello!*, Harnick and Bock wrote a lively Charleston number about Gentleman Jimmy:

**Live and let live, love and let love. There are no finer sentiments than those
Live and let live, love and let love. That’s what Jimmy tells the world
where’er he goes.
In London in Paris Bermuda and Rome,
They love him, just like we do...at...home.**

**Who's that genial gentleman in the silk hat gray spats
striped pants? why that's
Gotta be him, Gentleman Jimmy...
Who's that swell celebrity with the glad hand quick wit
New York's fav'rite?
That'll be him, Gentleman Jimmy...
Say, Jim, we promise on voting day
We will love you in November as we do in May Hey!
Who's that dapper, happy-go-lucky son of Broadway?
We love James J. Walker!
Why, he's as graceful as Fred Astaire
He's the man who kept the subway to a five-cent fare. So there!
Who's that dapper, happy-go-lucky son of Broadway?
We love James J.
'cause under him Manhattan is just a syn-o-nym for generous
Gentleman James.J...Walker!**



Original score, Courtesy, Jerry Bock Papers, New York Public Library.

James J. Walker (1881-1946) was mayor from 1925 to 1932 in the heart of the Jazz Age. He was known for his love of Broadway theater, celebrity status, glamour, lavish lifestyle, and his progressive reforms of city government.



(Left) Mayor James J. Walker on the cover of *Time* magazine, January 11, 1926



(Right) Judge Samuel Seabury on the cover of *Time* Magazine August 17, 1931

The son of Irish Catholic immigrants, Walker attended Saint Francis Xavier College and graduated from New York Law School in 1904. He soon began frequenting Broadway's theaters and vaudeville, writing popular songs and eventually marrying (in 1912) a musical comedy singer Janet Allen. In a Hollywood movie, Bob Hope was cast as Walker.



He also managed some good innovations. During his first term he created the Department of Sanitation, brought about unification of the city's public hospitals, and made considerable improvements in the playgrounds and park systems; and, under his guidance, the Board of Transportation approved contracts for the construction of an elaborate subway system. After the Seabury hearings, Walker went to Europe with his mistress and did not return to the United States until 1935. He was named chairman of the National Cloak and Suit Industry in 1940; he later became the president of the Majestic Records Company.⁶¹

In examining corruption in New York City, the Hofstadter/Seabury investigation would inevitably turn the searchlights on Jimmy Walker. Seabury's methods had become well established, by first collecting exhaustively the financial dealings and holdings of a subject, and then questioning the subject as to how, on a modest public salary, the subject became notoriously enriched.

As Walker began to feel the heat, he made public pronouncements of his innocence.



In late April 1931, Governor Franklin D. Roosevelt dismissed the City Affairs Committee's charges against Walker, but that did not prevent the Hofstadter/Seabury group from continuing its investigation.⁶²

Seabury also went after Russell Sherwood, Walker's financial agent, who banked several hundred thousand dollars for Walker, but Sherwood evaded service by going to Mexico. This merely antagonized the Seabury team, which then acquired an order from Justice Edward J. Glennon to seize the Sherwood property and an order by Justice Thomas Churchill holding Sherwood in contempt of court.

\$100,000 Seizure Against Sherwood Ordered by Court

Witness Defying Seabury to
Have 7 Days After Service
to Face Contempt.

SHERIFFS TO ACT AT ONCE

Glennon Signs Writ Authoriz-
ing Opening of Vault
Shared With Mayor.

Supreme Court Justice
Glennon, in Manhattan today,
ordered the Sheriff of New
York County, and any other
county in the State where
Russell T. Sherwood owns

**N. Y. LABOR BANK
CLOSES ITS DOORS;
STATE IN CHARGE**

Institution Organized by Late
Peter J. Brady Was One of
Largest of Its Kind.

The Federation Bank and Trust
Co. of 461 Eighth ave., Manhattan,
one of the biggest labor banks in
the country, closed its doors today.

Brooklyn Daily Times, October 30, 1931

Missing Agent Is in Contempt, Court Decides

**Investigator Demands Maxi-
mum \$100,000 Fine; De-
cision Due Soon**

MAYOR UNDER ATTACK

**Held "in Flagrant Contempt
in Spirit if Not by Letter
of Law"**

New York, Dec. 28 — (United
Press) — Russell T. Sherwood,
Mayor James J. Walker's miss-
ing personal agent, was adjudged

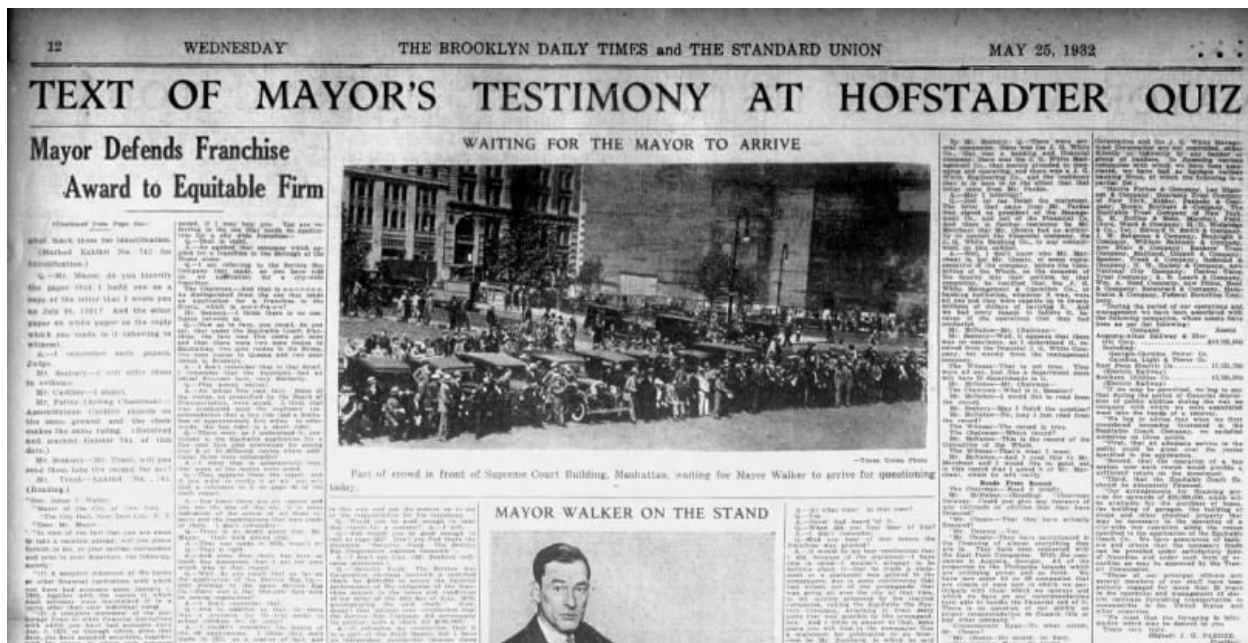
Binghamton Press and Sun Bulletin December 28, 1931

Walker Testifies

On May 25, 1932, the big day arrived, as Walker was finally brought under questioning by Seabury. Paul Block, a newspaper publisher, had told Seabury that he placed money in a joint account, on which Mayor Walker could draw. From this benefaction Walker withdrew over \$100,000, and when the account swelled as the market boomed, Walker was over \$200,000 to the good.⁶³



Seabury, second from left, and his team, entering the Supreme Court building in Manhattan where he questioned Mayor Jimmy Walker in May 1932



Brooklyn Daily Times, May 25, 1932

During several days of public hearings, Seabury sparred with the Mayor, who denied all allegations of impropriety and corruption, but admitted that he took the money from the Block account, as Block testified. He kept the money in his home. Playing to the crowd, Walker jibed that he kept the money in a safe and not in a vault or in a tin box.⁶⁴ Seabury also questioned Walker about a gift of \$26,500 in bonds that J. A. Sisto gave Walker, who admitted it, but saw no impropriety, even though Sisto was interested in taxicab securities. Walker also admitted that he was given what he termed a "beneficence" by another friend, Esmond O'Brien,⁶⁵ and a \$10,000 letter of credit from J. Allan Smith, vice-president of the Equitable Coach Company, used by Walker on his trip to Europe.⁶⁶

Seabury also confronted Walker with evidence that between the day Walker took office until August 1931, Sherwood deposited over \$700,000 in bank and brokerage accounts, of which over \$400,000 was in cash. Walker denied that Sherwood was managing his (Walker's) finances.⁶⁷ Assemblyman Louis A. Cuvillier, a Democrat and member of the Hofstadter Committee was one of the Walker's staunchest allies, objecting to Seabury's line of questioning dealing with the Sherwood deposits and withdrawals. Cuvillier asserted that these finances were the affairs of a "private citizen." Hofstadter, as chair, overruled Cuvillier's motion to exclude the testimony.⁶⁸ Throughout the two days of testimony one of the main events was the entry and departure of the principals. Walker's cheering section greeted him with enthusiastic shouts of encouragement, and women threw roses, as some 3, 000 observers were on hand, in the courtroom or on the streets.⁶⁹

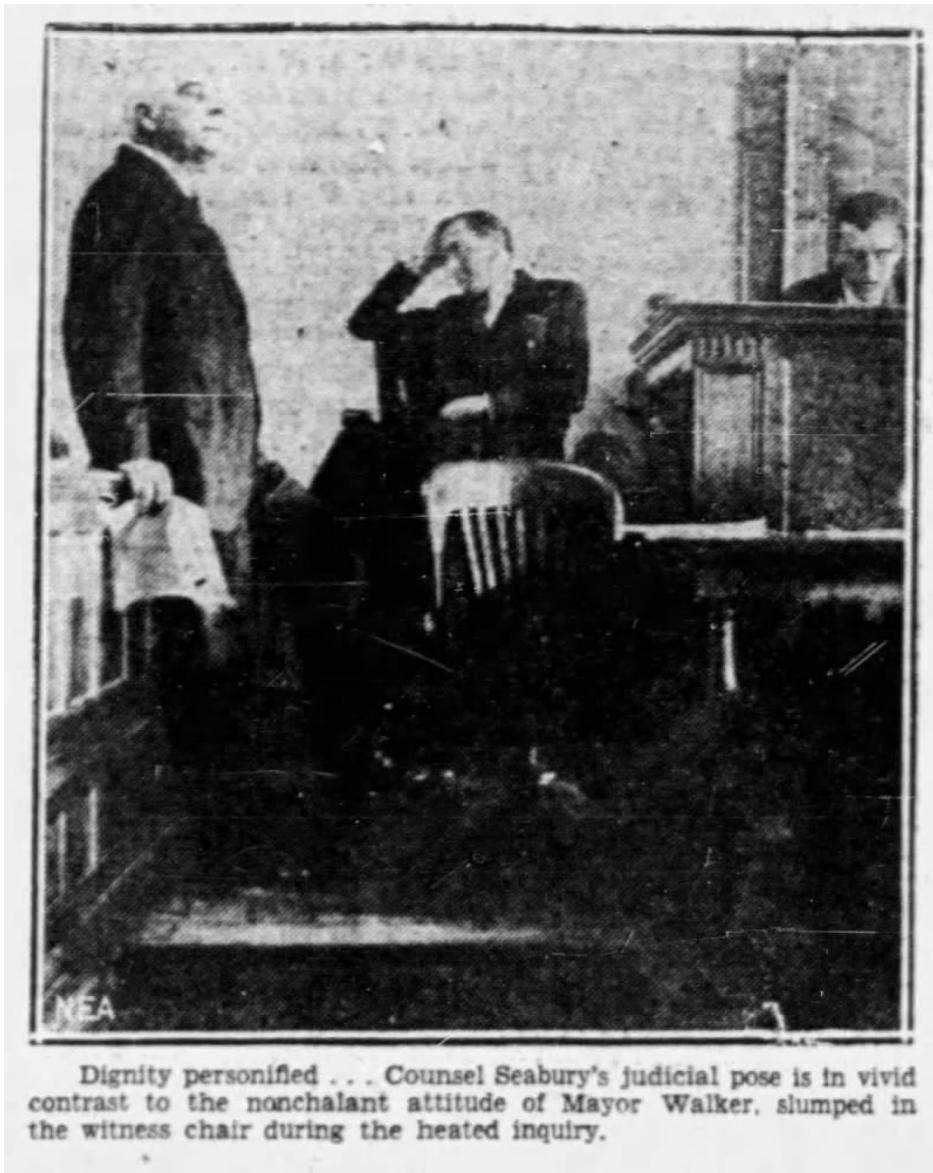
WAITING FOR THE MAYOR TO ARRIVE



—Times Union Photo

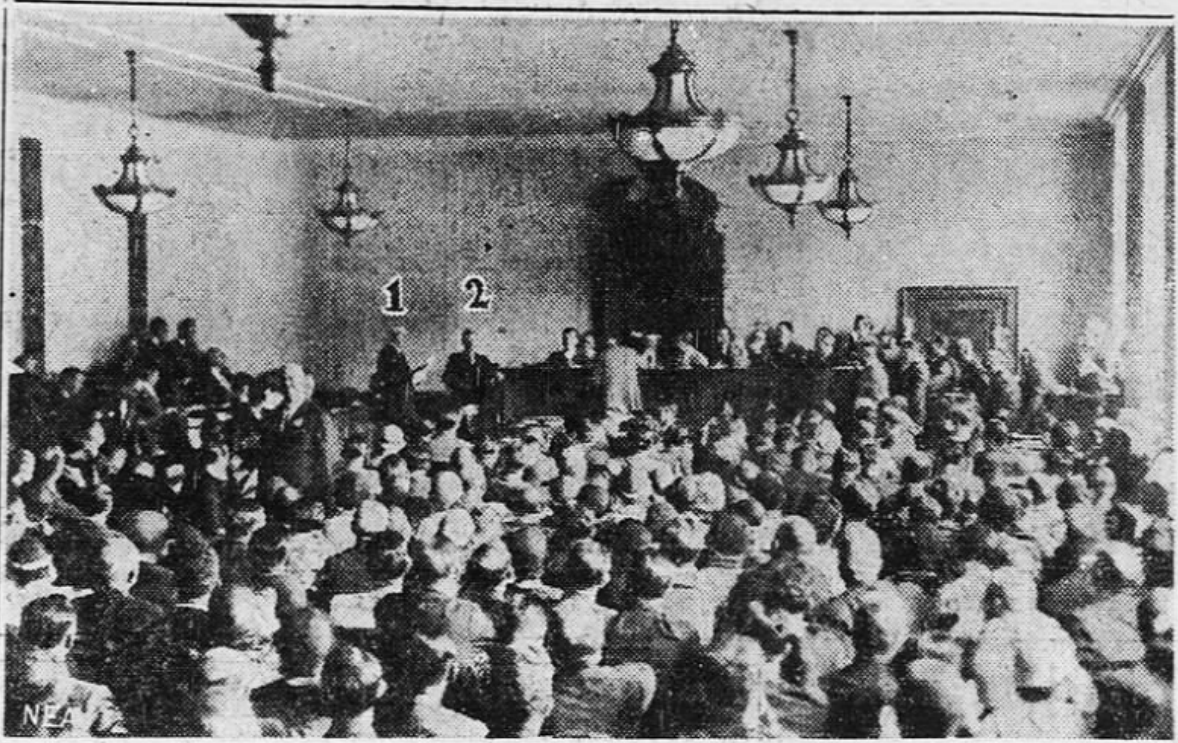
Part of crowd in front of Supreme Court Building, Manhattan, waiting for Mayor Walker to arrive for questioning yesterday.

Brooklyn Times Union, May 26, 1932



The proceedings were a study in contrasts of style, as a Canadian newspaper showed: (Ottawa Citizen, May 28, 1932)

When Mayor Walker of New York City Testified Before Hofstadter Group



With every seat filled, and with milling hundreds outside the door striving to enter, the examination of Mayor Walker by Samuel Seabury went through its second day. The figure 1 indicates Seabury; No. 2, Mayor Walker.

Lansing (Mi.) State Journal May 28, 1932

Seabury Questioning Mayor Walker



Samuel Seabury.

Mayor Walker.

This Associated Press telephoto shows Mayor James J. Walker of New York on the witness stand May 25 being questioned by Samuel Seabury of the Hofstadter commission. The appearance of Mayor Walker climaxed the lengthy investigation of New York affairs by the commission with Seabury as the prober. Brisk repartee and typical Walker wisecracks enlivened the session.

Spokane (Wa) Spokesman-Review, May 28, 1932

The Big Sherwood Enigma and How Mayor Explains It

THE SHERWOOD ENIGMA

Sherwood's deposits	\$700,225.52
In CASH	472,094.69
Withdrawal, brokerage account, in CASH	263,838.36
Total handled	964,063.88
In CASH	735,933.05
Sherwood's salary per year	3,000.00

Seabury Charges

1. Sherwood was Mayor's "financial agent."
2. Mayor is responsible for keeping Sherwood in flight.

Walker's Reply

1. Disclaims Sherwood as more than his financial errand boy and denies knowledge of or participation in Sherwood's finances.
2. Has sought to learn Sherwood's whereabouts with view of asking him to return, but has not been successful.

THE BLOCK 'GIFT'

Paul Block, publisher, gave Walker \$246,692 as profits from stock transactions in which the Mayor invested nothing.

Walker's Reply

"Mr. Block for many years had manifested a very genuine friendship for me. . . . Mr. Block's life has been characterized by generosity."

THE SISTO 'GIFT'

John J. McKeon, broker, testified he gave the Mayor \$26,536 in bonds from John A. Sisto, who was interested in a taxicab monopoly. He said the transfer occurred in the Mayor's car outside of City Hall.

Walker's Reply

"The bonds were handed to me, and I remember it distinctly, while I was dressing to go to a banquet and somewhat hurried, so that I didn't even look at them, but handed them to Mr. Collins (his secretary)."

THE \$10,000 LETTER OF CREDIT

J. Allan Smith, custodian of the \$282,000 "slush fund" of the Equitable bus group, purchased a \$10,000 letter of credit for Walker with cash and met a \$3,000 overdraft.

Walker's Reply

The Mayor testified he contributed \$3,000 "to the pot" from which the letter of credit was purchased. He denied he knew Smith, and said:

"I have no recollection of it (the overdraft) at all."

When the hearings ended, speculation arose as to what would come next. At most, Seabury could only send the transcript to Governor Franklin Roosevelt and recommend Walker's removal. That is exactly what he did.

Concluding that Walker was unfit to hold office, Seabury wrote Governor Franklin Roosevelt, telling him so.

Seabury Terms Walker "Unfit" to Hold Public Office in Letter to Roosevelt

NEW YORK, June 8—(AP)—Mayor Walker was termed "unfit to continue in office by Samuel Seabury, who dispatched tonight to Gov. Franklin D. Roosevelt an analysis of testimony by the mayor for such action as the governor "may deem just and proper."

Seabury said he had 'no request or petition to make in reference to this matter,' but he made it clear he was satisfied the evidence would warrant removal of the mayor.

The record was sent to Albany in the care of a personal representative of Seabury, who said he

was acting as a citizen and not a counsel for the Hofstadter legislative committee before which the mayor appeared. The matter consisted of a transcript of the mayor's testimony, an analysis of the testimony and a letter by Seabury containing 15 conclusions which he had drawn from the testimony.

"This record," said Seabury, "is presented to you by me in my individual capacity as a citizen of the state of New York and not as the representative of, or as counsel to, the joint legislative committee.

"My duty as counsel to this committee has been to adduce the facts that could be ascertained. That duty I have performed. I submit that record to you, as I did the record in the Farley case, not as formal charges, but for your information so that you may determine what shall be done."

Seabury announced his intention of submitting an analysis after Gov. Roosevelt in a statement last Friday said "if the evidence in any case now before the legislative committee in their judgment or that of their counsel warrants, it is time for the legislative committee and their counsel to stop talking and do something."

The governor also said "I act in each case definitely, positively and with due promptness."



SEABURY



WALKER

Orlando (Fl) Sentinel, June 9, 1932

Seabury sent the transcripts of the testimony and his analysis to Governor Roosevelt, who then conducted his own hearing, in Albany, to determine whether to remove Walker. Seabury acted as prosecutor. Roosevelt was assisted by attorneys Martin Conboy and M. Maldwin Fertig.⁷⁰

In the interim, Seabury took a brief vacation in Bermuda, and Senator Hastings lost no time in accusing Seabury of improperly getting favorable steamship rates. Seabury explained the matter, and that was the end of it.⁷¹

Roosevelt conducted his hearing and review in August, 1932. Walker was represented by attorney John J. Curtin. A lawyer himself, FDR knew how to ask questions and remain on target.⁷²

OUSTER CHARGES AGAINST MAYOR WALKER MAPPED

Governor Roosevelt To Be
Called Upon To Remove
New York Head

TWO VIOLATIONS BY
EXECUTIVE ARE CITED

Federal Investigation Into In-
come Of City Official's
Brother Opens

NEW YORK, June 2. — (UP) — Removal of Mayor James J. Walker will be asked of Governor Franklin D. Roosevelt on at least two charges—that he violated a city ordinance and that he did not live up to a standard of conduct decreed by the governor himself for elected public officials.

The ordinance violation was charged yesterday before the Hofstadter investigating committee, which later adjourned until after the national party conventions. The ordinance forbade any member of

Sacramento Bee, June 2, 1932

WALKER PRODDED ON FUND DETAILS

Governor Demands All Facts Concern-
ing \$1,000,000 Transaction—Rebukes
Mayor's Counsel for Objections.

ALBANY, Aug. 12 (U.P.).—Persistently prodding Mayor James J. Walker of New York for "more details" of financial transactions totaling more than \$1,000,000 which are the basis of removal charges against him, Gov. Roosevelt Friday afternoon had covered these spectacular phases of the case:

DISTRICT LIBRARIES TO GO ON PART TIME

Board Adopts Proposal De-
signed as Partial Answer
to Numerous Protests.

A solution to the Buffalo Public library's problem of maintaining service under a reduced appropriation was reached Friday afternoon when the library board of directors adopted a part-time operation plan.

As announced by Chairman George G. Davidson Jr., this plan which will reopen four closed branches in October will give at least a partial answer to the numerous protests registered in affected sections when service was discontinued May 1.

The four branches whose closing May 1 aroused vigorous protests are: Fairfield, Amherst street and Fairfield avenue; William Ives, Broadway and Playter street; Joseph P. Dudley, South Park avenue at Lockwood avenue, and the West Side branch, West Ferry and Grant streets.

1. Walker's receipt of \$26,000 in bonds from J. A. Sisto & Co., profits of a stock market pool, in which the mayor advanced no money.

2. Walker's receipt of a \$10,000 letter of credit upon which he drew during a trip to Europe, paid for by J. Allen Smith, a promoter of the Equitable Coach company.

3. Walker's overdraft of \$3000 on that letter of credit, also paid for by J. Allen Smith.

Governor Becomes Angry.

4. Walker's receipt of approximately \$250,000 from Paul Block, newspaper publisher, this being the profits of a joint brokerage account opened by Block on credit, and in which the mayor advanced no money.

The hearing was adjourned at 4:12 P. M. until 1:30 P. M. Monday.

The mayor's explanations were offered only after such strenuous objection by his counsel, John J. Curtin, that the governor became angry, and pounded on his broad desk.

"Mr. Curtin," the governor said, "your remarks are highly objectionable to the governor of this state. I happen to be a lawyer and I know what I am doing."

Curtin, flushing a deep red, sat down.

It was the first time the governor had lost his composure during the two-day session.

"That can't be introduced in evidence here," Curtin said to Samuel Seabury, Hofstadter committee investigator.

Buffalo News, August 12, 1932

As the hearing before FDR progressed, Walker's attorney went to court to try to convince Justice Ellis Staley to halt the proceedings claiming that FDR was conducting them improperly.⁷³ Justice Staley denied the writ, holding that he had no power to restrain the Governor, but in obiter dictum, he was critical of the process, in that he felt the case should be, in essence, re-tried before the Governor, calling the witnesses firsthand. FDR, however, not bound by those comments, thought a re-trial unnecessary, and was able to rely on the transcript of the Hofstadter/Seabury Commission hearings.⁷⁴



Even when his job was on the line, Jimmy Walker was still a charismatic figure, attracting crowds, and admiration from Albany police officers:



Brooklyn Times Union, August 12, 1932

On September 1, 1932, before Roosevelt could rule, Walker resigned, in what was truly a culminating victory for Seabury.⁷⁵ Even so, Walker wanted to have the last word. One suspects that Walker thought that FDR would likely find against him and remove him, and, putting his own spin on it, issued his resignation as mayor “in protest.”

Walker Resigns as Mayor As Protest on Governor's Procedure in Ouster Case

Resigns as Mayor



MAYOR JAMES J. WALKER

Text of Walker Statement

NEW YORK, Sept. 1.—(AP)—Mayor Walker's statement in full follows:
"A letter from my counsel, Mr. John J. Curtin, received today, has caused me to make a momentous decision. That is whether or not I shall refuse to go again to Albany to further subject myself to an un-American, unfair proceeding conducted by Governor Roosevelt against me.

"Three weeks ago I went to Albany with my counsel confidence that we would be accorded a fair hearing, conducted in accordance with the rules established under our principles of government.

"My counsel, Mr. Curtin, demanded at the opening of the hearing that the governor summon those witnesses upon whose testimony Mr. Seabury or the governor based the so-called charges against me, in order that I might face them and that my counsel might have an opportunity to cross-examine them. This was denied by the governor. At no time was Mr. Seabury even called upon by the governor to name those witnesses, much less to summon them. As soon as this ruling was made I protested, but without avail.

"Day after day during the course of the proceedings it became more and more apparent that I was being subjected to an extraordinary inquisition.

Not Accorded Elementary Rights—

"I was not accorded even the elementary rights guaranteed to any defendant in a court of law. Instead of an impartial hearing, the proceedings before the governor developed into a travesty, a mock trial, a proceeding in comparison to which even the practice of a drum-head court martial seemed liberal.

"Upon my counsel's insistence, the conduct of this proceeding was submitted to the supreme court in order that the validity of the objections of my counsel might be impartially adjudicated. The court decided on Monday of this week that the governor proceeded in excess of jurisdiction and with-

Calls on People
Of Home City
To Judge

HITS ROOSEVELT

Now Expected to Make
Known His Candidacy
For Re-election

NEW YORK, Sept. 1.—(AP)—Mayor James J. Walker resigned tonight and simultaneously disclosed he was submitting his case to "the people who made me mayor, to the people of the city of New York."

Declaring the question had reached this stage: "Shall I permit myself to be lynched to satisfy prejudice or political ambitions?" the mayor sent a single sentence resignation to City Clerk Michael J. Cruise.

This action by the mayor came after 14 months of legislative in-

Poughkeepsie Eagle- News September 2, 1932

Walker issued a lengthy statement of resignation. Some excerpts:

I was being subjected to an extraordinary inquisition. . . . The proceedings before the Governor developed into a travesty, a mock trial, a proceeding in comparison to which even the practice of a drumhead court martial seemed liberal. . . .

The unlawful invasion of my rights is due to a Governor who has a personal interest in the outcome of the proceeding. . . . He has been studiously unfair. . . . He has acted as a prosecutor. . . . He has allowed questions that even a first-year law student would recognize were not permissible. . . . Shall I permit myself to be lynched to satisfy prejudice or personal ambition? . . . I have gone as far as anyone could. . . . Why then continue before him when there is another forum open to me? To that forum, the people of the City of New York, I leave my case. . . .⁷⁶

E.B. White, for the New Yorker Magazine wrote these concluding lines:

SO LONG, SUCKERS...Eight days after he resigned from office, New York Mayor Jimmy Walker headed for Paris, where his mistress, Ziegfeld star and film actress Betty Compton, awaited with open arms. The pair married the following year in Cannes.⁷⁷

In December 1932, Seabury issued his final report, and the investigations bearing his name came to a close.⁷⁸



Walker, resigning as Mayor, pictured with FDR in 1932



In 1924, Franklin Roosevelt appeared alongside then-Senator Jimmy Walker at the Democratic Convention in Chicago, where Roosevelt gave the presidential nominating speech for Al Smith. It was FDR's first public speech since he contracted polio three years earlier. Library of Congress.

The Final Report went to Commission members Samuel H. Hofstadter (chairman) Hamilton Porter (Vice- Chairman), William J. Lamont (Secretary), and members Leon F. Wheatley, John J. McNaboe, Louis A. Cuvillier, Abbott Low Moffat, and ex-officio members George R. Fearon, John J. Dunnigan, Joseph A. McGinnis, Russell Dunmore, and Irwin Steingut.⁷⁹

The report did not mention the names of Mayor Walker or Sheriff Farley, speaking instead of sinking funds and charter revision. It was scholarly, gracious, thoughtful, exacting, and without a scintilla of grandstanding. Just like its author.

Seabury eventually put his full energy into the election of another mayor, Fiorello La Guardia. He was instrumental in La Guardia's nomination and election. On January 1, 1934 at the Seabury residence, 154 E. 63d St in New York LaGuardia was sworn in as Mayor.⁸⁰ Throughout LaGuardia's mayorship, Seabury remained La Guardia's political ally and unofficial advisor.

Along with his continued political activity, Seabury rebuilt his private practice, traveled the State lecturing and served as President of the New York State Bar Association. As he grew older and his pace naturally slowed, he spent more and more time in East Hampton. In July 1950, Seabury was devastated by the loss of his wife. He lived on another eight years, passing away on May 7, 1958.⁸¹

In 1989, New York City dedicated the Samuel Seabury Playground on Lexington Avenue and 95th/96th Street.⁸²

Herbert Mitgang, *The Man Who Rode the Tiger: The Life and Times of Judge Samuel Seabury* (1963).

Further Reading

Address of Samuel Seabury at Woolsey Hall, Yale University, New Haven, Connecticut, November 17, 1933 *The Fight for Non-partisan Government in New York City*, NY Times November 18, 1933

Address by Judge Samuel Seabury on the courts and legislation; Delivered at the Lawyers' Club of Buffalo, New York (1915). Online at https://heinonline-org.proxy.library.nyu.edu/HOL/Page?collection=newyork&handle=hein.congcourts/adseabuf0001&id=13&men_tab=srchresults

McCarthy, Kevin E., “*Cops in Court: Assessing the Criminal Prosecutions of Police in Six Major Scandals in the New York City Police Department from 1894 to 1994*” (2016). CUNY Academic Works. https://academicworks.cuny.edu/gc_etds/779

Fiorello! had 795 performances, winning the Tony Award (shared with *The Sound of Music*), the New York Drama Critics Circle Award, and the Pulitzer Prize for Drama.

Lyrics and music were by Sheldon Harnick and Jerry Bock, who several years later gave us *Fiddler on the Roof*. Written by Jerome Weidman and George Abbott, *Fiorello!* was about the political life of Fiorello LaGuardia, and his courage to fight the entrenched, corrupt Tammany Hall political machine. LaGuardia was New York's Mayor for three terms from 1934 to 1945.

¹ New York Times, December 17, 1931

² The song is shown on

https://www.google.com/search?q=da+silva+fiorello+tin+box+you+Tube&oq=da+silva++fiorello+tin+box+you+Tube&gs_lcrp=EgZjaHJybWUyBggAEEUYOTIJCAEQIRgKGKABMgkIAhAhGAoYoAEyCQgDECEYChigAdIBCjE0NDk1ajBqMTWoAgiwAgHxBYucTse7i1ru&sourceid=chrome&ie=UTF-8#fpstate=ive&vld=cid:341f352d,vid:XrJMnONes2w,st:0

³ See, generally, New York Times, October 13, 1986; The inquiries are: In the Matter of the Investigation, Under Commission Issued by the Governor of the State of New York, of Charges Made Against Honorable Thomas C. T. Crain, District Attorney of New York County (Aug. 31, 1931).

In the Matter of the Investigation of the Departments of the Government of the City of New York, Pursuant to Joint Resolution Adopted by the Legislature of the State of New York (Dec. 27, 1932).

In the Matter of the Investigation of the Magistrates' Courts in the First Judicial Department and the Magistrates thereof, and of Attorneys-at-Law Practicing in Said Courts. Supreme Court, Appellate Division, First Judicial Department (March 28, 1932).

⁴ Yonkers Herald Statesman August 27, 1930

⁵ Online at <https://babel.hathitrust.org/cgi/pt?id=umn.31951002583285t&seq=247&q1=handler&start=1>

⁶ See Northrop and Northrop, *The Insolence of Office* (1932) Online at <https://babel.hathitrust.org/cgi/pt?id=uc1.b3271085&seq=17>

The report is online, at

<https://babel.hathitrust.org/cgi/ssd?id=umn.31951002583285t;page=ssd;view=plaintext;seq=12;num=2#seq12>

⁷ *Handler v. Berry*, 138 Misc. 584 (1931).

⁸ See Arthur W. Towne *Proposed Reforms of Criminal Courts of New York City*: The American Political Science Review Vol. 4, No. 2, May, 1910 213-216 online at

<https://doi.org/10.2307/1944443>•<https://www.jstor.org/stable/1944443>. See, also, Brooklyn Eagle, October 30, 1910; New York Tribune, March 3, 1910; New York Times, April 4, 1910

⁹ The Page Report of 1910 may be seen at [https://books.googleusercontent.com/books/content?req=AKW5QacJ6G-HiuUr8nj2_6jvcW_twrmLQ4WG9u5ePgceW9XKV17qlGl5gr5E0vr2jcf10mAacuLeGLi87Dp7_ozSIEA6E08D-HkyQ6iC-ocY5e7QnBqeb5U3ILrbk-](https://books.googleusercontent.com/books/content?req=AKW5QacJ6G-HiuUr8nj2_6jvcW_twrmLQ4WG9u5ePgceW9XKV17qlGl5gr5E0vr2jcf10mAacuLeGLi87Dp7_ozSIEA6E08D-HkyQ6iC-ocY5e7QnBqeb5U3ILrbk-z0gj6U3dWrbLpVu_dLQ2UAdf7wuy5cvd4v1H7gs_pr8re2yqml4IYGUF423ZdT-ID9_RJAY_zfJhF2gtORBjtwT_SU5Vei3dg-PPbGtxcMBVWB_b7iiRWjkTxuMBjO--Hg63BfMXqFWeJHwCHQaPo4yhtpiHwcFUDy_Q)

[z0gj6U3dWrbLpVu_dLQ2UAdf7wuy5cvd4v1H7gs_pr8re2yqml4IYGUF423ZdT-ID9_RJAY_zfJhF2gtORBjtwT_SU5Vei3dg-PPbGtxcMBVWB_b7iiRWjkTxuMBjO--Hg63BfMXqFWeJHwCHQaPo4yhtpiHwcFUDy_Q](https://books.googleusercontent.com/books/content?req=AKW5QacJ6G-HiuUr8nj2_6jvcW_twrmLQ4WG9u5ePgceW9XKV17qlGl5gr5E0vr2jcf10mAacuLeGLi87Dp7_ozSIEA6E08D-HkyQ6iC-ocY5e7QnBqeb5U3ILrbk-z0gj6U3dWrbLpVu_dLQ2UAdf7wuy5cvd4v1H7gs_pr8re2yqml4IYGUF423ZdT-ID9_RJAY_zfJhF2gtORBjtwT_SU5Vei3dg-PPbGtxcMBVWB_b7iiRWjkTxuMBjO--Hg63BfMXqFWeJHwCHQaPo4yhtpiHwcFUDy_Q)

¹⁰ New York Times, March 8, 1931.

¹¹ Article by Edward A. Williams, Seabury Report on Crain

<https://heionline.org/HOL/LandingPage?handle=hein.journals/natmnr21&div=56&id=&page=>

¹² : New York Times, March 9, 1931

¹³ New York Times. April 9, 1931

¹⁴ Brooklyn Times Union April 13, 1931

¹⁵ NY Times, November 7, 1901

¹⁶ NY Sun, November 5, 1914; For an excellent biography see Herbert Mitgang, *The Man Who Rode the Tiger, The Life and Times of Judge Samuel Seabury* (1963). For review see

<https://archive.nytimes.com/www.nytimes.com/books/00/01/09/reviews/000109.09waltont.html>

¹⁷ City University of New York (CUNY) CUNY Academic Works Dissertations, Theses, and Capstone Projects CUNY Graduate Center 2-2016 Kevin E. McCarthy Graduate Center, City University of New York online at https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1715&context=gc_etds

¹⁸ New York Times, September 24, 1930

¹⁹ See New York Times December 10, 1930

²⁰ New York Times Dec 27. 1930; New York Daily News, January 7, 1931

²¹ New York Times 14, 1930

²² New York Times Jan 3, 1931

²³ The Morning Call, Paterson, New Jersey, December 23, 1930; Mae C. Quinn, *Fallen Women (Re)framed: Judge Jean Hortense Norris, New York City — 1912-1955*, 67 U. Kan. L. Rev. 451, 495 (2019).; See, also, New York Times, November 27, 1930

²⁴ New York Times, December 23, 1930

²⁵ Seabury Final Report, October 28, 1932, online at

<https://babel.hathitrust.org/cgi/pt?id=umn.31951002583285t&seq=247&q1=handler&start=1>

²⁶ New York Times, February 1, 1931

²⁷ Seabury Report online at <https://babel.hathitrust.org/cgi/pt?id=umn.31951002583285t&seq=108&q1=kenna>

²⁸ New York Times February 14, 1931; As to Norris, see, also, Brooklyn Eagle, June 23, 1931

²⁹ Brooklyn Eagle, July 3, 1931; Silberman obituary, New York Times, May 18, 1947

³⁰ Mt. Vernon Argus, June 25, 1931. For full decision, see Final Report of Seabury March 28, 1932 online at <https://babel.hathitrust.org/cgi/pt?id=umn.31951002583285t&seq=252&q1=%22Betty+smith%22&start=1>. Seabury had also recommended Norris's removal. New York Times May 29. 1931, P. 1

³¹ Seabury Report online at

<https://babel.hathitrust.org/cgi/pt?id=umn.31951002583285t&seq=63&q1=rosenbluth&start=1>

³² Springfield (Ma.) Daily News, March 27, 1931; According to Kevin E. McCarthy, “*Cops in Court: Assessing the Criminal Prosecutions of Police in Six Major Scandals in the New York City Police Department from 1894 to 1994*” (2016). CUNY Academic Works.

https://academicworks.cuny.edu/gc_etds/779, patrolman John Glenn was convicted of perjury and sentenced to three and a half to seven years from a frame-up that used Acuna. In other related cases, patrolman Robert Murray was acquitted by his jury, patrolman William O'Connor received a directed verdict of not guilty, and patrolman Christopher Confrey's charges were dismissed at the request of the prosecutor.

The most peculiar outcome for Acuna's accusations involved Patrolman John Stiglin. One case against Stiglin was dismissed in the middle of trial after the “framed” woman and her male partner unexpectedly changed their testimony.

A few weeks later, another Acuna-based case resulted in Stiglin's conviction, although the jury foreman added "a strong recommendation for mercy" when announcing the guilty verdict. The judge sentenced Stiglin to two and a half to five years at Sing Sing, but the Appellate Division reversed the conviction. *People v. Stiglin*, 238 A.D. 407 (1st Dept 1933).

³³ *People v Glenn* 236 App. Div. 825 (1st Dept. 1932), *affd* 262 NY 493 (1933); *People v Tait* 234 App. Div. 433, *affd* 259 NY 599 (1932)

³⁴ Brooklyn Daily Times, December 22, 1930

³⁵ Brooklyn Daily Times, November 6, 1931

³⁶ Brooklyn Daily Times, September 16, 1931; Along with O'Connor, Quinlivan had also been dismissed by the police department after a departmental hearing. New York Daily News, March 1, 1931

³⁷ Yonkers Herald Statesman, September 5, 1931.

³⁸ New York Daily News, February 4, 1931

³⁹ Seabury Report, online at

<https://babel.hathitrust.org/cgi/pt?id=umn.31951002583285t&seq=95&q1=acuna&start=1>

⁴⁰ Northrop and Northrop, *The Insolence of Office*, 35 et seq

⁴¹ New York Times December 10, 1930

⁴² Springfield Daily Republican, December 10. 1930

⁴³ Brooklyn Times Union, March 21, 1933

⁴⁴ Northrop and Northrop, *The Insolence of Office*, at 39

⁴⁵ Online at <https://babel.hathitrust.org/cgi/pt?id=umn.31951002583285t&seq=89&q1=handler&start=1>

⁴⁶ Online at <https://babel.hathitrust.org/cgi/pt?id=umn.31951002583285t&seq=21&q1=handler&start=1>

⁴⁷ Brooklyn Citizen, July 6, 1931; Brooklyn Eagle, July 22, 1931

⁴⁸ New York Times, March 8, 1931

⁴⁹ New York Times. September 1, 1931 (Text of Seabury's report on Crain to Governor Roosevelt); Northrop and Northrop, *The Insolence of Office*, (1932) at vii online at

<https://babel.hathitrust.org/cgi/pt?id=uc1.b3271085&seq=17>; See, also, as to the Crain Report , online at https://www.ancestry.com/imageviewer/collections/23421/images/dvm_LocHist008592-00066-1?usePUB=true&_phsrc=fdB71&pId=121

⁵⁰ See Chicago Defender, November 14, 1931; Brooklyn Daily Times, November 6. 1931

⁵¹ Brooklyn Daily Times, March 24, 1931

⁵² New York Times, April 20, 1931

⁵³ Northrop at viii, online at <https://babel.hathitrust.org/cgi/pt?id=uc1.b3271085&seq=16>

⁵⁴ In a law review article, Seabury had complained of the difficulty of enforcing subpoenas. See *The Legislative Investigating Committee*, 33 Colum. L. Rev. 1 (1933).

⁵⁵ *People ex rel. Hastings v Hofstadter*, 255 N.Y.S. 603, 142 Misc. 886, 1932 N.Y. Misc. LEXIS 1382 (N.Y. Sup. Ct.), *affd*, 234 A.D. 388, 255 N.Y.S. 13, 1932 N.Y. App. Div. LEXIS 10444 (N.Y. App. Div. 1932); *affd* 258 NY 425 (1932)

⁵⁶ Brooklyn Daily Times, February 3, 1932

⁵⁷ New London (Ct.) Day February 24, 1932; Brooklyn Daily Citizen, February 16, 1932; New London (Ct.) Evening Day, February 17, 1932. Farley continued in this vein, stating that FDR had no authority to remove him, and that he would run again for Sheriff. *fn* Bennington Evening Banner, March 1, 1932.

⁵⁸ New York Times, February 25, 1931

⁵⁹ Brooklyn Eagle, March 9, 1932; New York Times, March 3, 8. 1932;

⁶⁰ Northrop at viii online at <https://babel.hathitrust.org/cgi/pt?id=uc1.b3271085&seq=16>

⁶¹ Britannica , online at <https://www.britannica.com/biography/James-J-Walker>

⁶² Brooklyn Times Union, April 28, 1931; See generally <https://www.history.com/articles/tammany-hall-corruption-downfall-fdr-seabury-investigation>

⁶³ Brooklyn Times Union May 27, 1932

⁶⁴ Brooklyn Times Union, May 26, 1932; For the full transcript of Walker's testimony on the first day (May 26, 1932) see online <https://timesmachine.nytimes.com/timesmachine/1932/05/26/issue.html>

⁶⁵ Buffalo News May 27, 1932

⁶⁶ New York Daily News, May 28, 1932

⁶⁷ Omaha (Neb.) Bee- News. May 27, 1932

⁶⁸ Brooklyn Times Union May 26, 1932

⁶⁹ New York Times, May 27, 1932; See, generally,

<https://onlinebooks.library.upenn.edu/webbin/book/lookupname?key=New%20York%20%28State%29%2E%20Leg>

[islature%2E%20Joint%20Legislative%20Committee%20to%20Investigate%20New%20York%20City%20Governm
ent](#)

⁷⁰ Springfield (Ma.) Republican August 30, 1932

⁷¹ Boston Globe, June 7, 1932

⁷² Brooklyn Times Union August 16, 1932

⁷³ Scranton (Pa.) Times -Tribune, August 22, 1932; Buffalo News, August 22, 1930

⁷⁴ New York Times, August 31, 1932; Yonkers Herald Statesman September 2, 1932

⁷⁵ <https://time.com/archive/6749878/states-cities-mckee-for-walker/>

⁷⁶ Time Magazine, September 12, 1932 online at <https://time.com/archive/6749878/states-cities-mckee-for-walker/>

⁷⁷ New Yorker June 4, 1932: at <https://newyorkerstateofmind.com/tag/samuel-seabury/>; See, also,

<https://www.americanheritage.com/franklin-roosevelt-takes-tammany-hall>

⁷⁸ See online at <https://history.nycourts.gov/biography/samuel-seabury/>

⁷⁹ New York Times, December 27, 1932; For Final Report see

<https://babel.hathitrust.org/cgi/pt?id=nncl.cu03304680&seq=132>

⁸⁰ New York Times January 1, 1934

⁸¹ New York Times May 7, 1958

⁸² <https://www.nycgovparks.org/parks/samuel-seabury-playground/history>