January 5, 1934.

Honorable Fiorello H. La Guardia,
Mayor of the City of New York,
New York City.

My dear Mayor La Guardia:

I am just in receipt of your letter inclosing a copy of a bill giving you power to reorganize the agencies of city government and to fix the compensation of the officers and employees of the City.

About two weeks ago you called on me and explained that you intended to ask the Legislature for such an act. At that time I stated that I had very definite doubts as to the soundness of the legislation which you proposed. Yesterday when I spoke to you over the telephone, I again informed you of my views. Though it is true that the City, if the budget is reopened, has until the beginning of March to complete its balancing, I think in all fairness and in order to avoid any misunderstanding later on, I should at this time publicly state to you what my reservations are. With such a public statement, you can then determine the course you may deem advisable.

My reservations go very deep into the roots of governmental policies and principles. Perhaps you may be able to meet them. I need not assure you, I am certain, of my deep and earnest desire to cooperate with you in any legitimate attempt by orderly processes to reduce the cost of government in the City and to improve the efficiency of its administration.

It is, however, very apparent to me, as it must be to the people of the City, both from a study of the bill which has been printed in the press, as well as
from the public statements made by you, that your proposal goes much further than the need of economy dictates. The bill will obviously afford you the means of completely scrapping the present city charter and give you the authority, single-handed and with full dictatorial powers, to set up another and different charter. Among the powers that you ask be granted you are those of abolishing any agency of government in the City. You would have the power not only to override, single-handed, any provisions of the City Charter, but also those of a State statute affecting the City of New York. The Constitution of the State of New York and of the United States alone cannot be overridden by you.

These most extraordinary powers are asked on the plea of a drive for economy. But it must be clear to anyone familiar with government that powers such as you demand are not absolutely essential to effect economies. There are already at hand orderly and legal means for the City of New York to economize and to put into effect most of the steps of reorganization outlined in your published program.

I have no doubt that the Legislature will be ready to grant the City of New York authority to reopen its budget. In fact, it is essential that such authority be given. This authority was given to the City of New York by act of the Legislature at its extraordinary session in December 1932 and in February 1933. I am certain that the Legislature will again permit the reopening of the budget, if that is your desire.

Furthermore, the Legislature in December 1932, by enactment of Chapter 637 of the Laws of 1932, gave to the City government exclusive power to fix the salary of all officers and employees, with certain exceptions, whose compensation is paid out of the City treasury. That act is still in force. It is available to the City.

All city positions and many borough positions are under your control. Under the law you have the appointment of all the department heads, who are made directly responsible to you. Certainly, if there are exempt positions which are not needed, yours is the power and the duty to leave them vacant. If, within the departments
under your control, there are any unnecessary positions
or functions, yours is again the power and the duty to
leave them vacant and to omit them entirely from the
budget. In addition, a large part of the plans of
reorganization, set forth in your published program, can
be handled within your own departments or by the Board
of Estimate.

The Board of Estimate is composed of elective
officers, most of whom are friendly to you and apparently
in sympathy with your program. Under the existing charter
it has wide powers. It is responsive to public opinion.
It should by no means be disregarded in budget-making or
in the administration of the City's affairs.

Under the existing charter, if the budget is
reopened, the powers of the Mayor and of the Board of
Estimate, with the cooperation of the heads of the various
departments, I believe will be sufficient to insure the
making of major economies. It should also be noted that,
under the existing charter, the Board of Aldermen has no
power to increase a proposed budget transmitted to it.

I realize that in certain specific instances
additional legislative authority may be required. But in
such specific cases definite legislation emanating from you
or the Board of Estimate should be proposed to the Legisla-
ture. It will, I am certain, receive prompt consideration.
In fact, you have already followed this course in one case.
I refer to the bill merging the five park commissioners of
the City into one city-wide department. I have already
informed you that I favor this merger of offices. It will
lead to economy and better administration, I believe. At
all times I shall be glad to cooperate to secure the
passage of any sound legislation looking towards similar
savings.

As I stated in the message submitted by me to the
Legislature on January 3rd, comprehensive changes in a
charter should never be made for political expediency or
to meet the exigencies of a temporary situation. A local
charter bears substantially the same relation to a city as
do the Federal and State Constitutions to the units of govern-
ment to which they apply. The charter is the foundation
on which orderly local government is established and carried on. It is not for a day or for a year. A charter should not be torn apart or put together to satisfy temporary situations, but should be constituted to meet the probable need of the community for a protracted period. In effect, the proposed bill would permit you to nullify and destroy the present charter and to rewrite it in such way as might suit your individual point of view.

The completely dictatorial authority which you ask the Legislature to grant gives me grave concern. No man in this country has ever asked for or received the dictatorial powers which would be yours through enactment of this bill. It has been claimed that you should have these powers because similar powers were granted some months ago to the President of the United States. The situations in the City of New York and those confronting the President last March are scarcely analogous. President Roosevelt was faced with a world crisis. The banks of this country were closed; panic and fear stalked through our cities; we were on the brink of a calamity unparalleled in the history of the world. The President at that time was leading an almost forlorn hope; heroic measures were essential.

As a matter of fact, however, the powers and freedom of action which you request go far beyond those granted even to the President during those unparalleled days. Note how Section 407 of H. R. Bill 13520 reads:

"Whenever the President makes an Executive order under the provisions of this title, such Executive order shall be submitted to the Congress while in session and shall not become effective until after the expiration of sixty calendar days after such transmission, unless Congress shall by law provide for an earlier effective date of such Executive order or orders: Provided, That if Congress shall adjourn before the expiration of sixty calendar days from the date of such transmission such Executive order shall not become effective until after the expiration of sixty calendar days from the opening day of the next succeeding regular or special session."

In other words, the President is made directly responsible to the Congress which gave him the restricted powers.
Furthermore, the two situations differ in another very important particular. The Congress was willing to divest itself of some of its powers and grant them under certain conditions and restrictions to the President of the United States. That was a voluntary cession of power by one branch of the United States Government to another complementary branch. You propose, however, that the Legislature of the State of New York, by legislative act give you the complete and unhampered power to take away from the officials of the City of New York, who were elected in just the same way that you were elected, powers which are theirs under the Charter. It is not a delegation of power by the legislative body of the City of New York as was the case in Washington. By an act of the State Legislature you are given authority which would permit the complete and ruthless stripping of powers from city officials elected by the people.

Really, the situation facing you is more nearly comparable with that which confronted me when I became Governor on January 1st of last year. On assuming office I found an estimated accumulated deficit of about 114 million dollars and I, too, had many difficult administrative problems. I found it possible to cooperate with the Legislature, one of the branches of which was under the control of the Republican party, and to effect very wide and drastic economies in the administration of the State.

I do not believe that the people of this country desire to give such dictatorial powers to their Governors or to their Mayors. I am convinced that such a policy would be extremely dangerous and that even though a temporary situation might be more readily and easily met, ultimately it would lead to chaos far more dangerous than the emergency itself.

Many states and many municipalities in this country have exactly the same problems as New York City has. If dictatorial powers are given to the Mayor of the City of New York — the largest, wealthiest and strongest city of the Union — similar powers will be urged for other state or municipal officials. It is my strong belief that we cannot afford to set up in this country a host of dictators, many of whom would, I am certain, be much more concerned with political considerations than with the welfare of the people.
May I refer to one other matter. In the public press you are credited on a number of occasions with stating that you were going in as receiver of the City of New York and that the City is in virtual receivership and on the verge of bankruptcy and financial chaos. These statements hardly reflect the actual conditions. Surely they are not conducive to a maintenance of the credit of the City.

The City of New York is not in receivership; it is not on the verge of bankruptcy and of financial chaos. The City of New York, if efficiently administered, should have better credit than it has had for years. I have labored long and hard to restore the credit of the City and I deplore statements or acts by public officials that will adversely affect its credit. By an agreement reached last September between the city officials and the bankers, after many long conferences at my home, the financial needs of the City were provided for in great measure for a period of four years. I am certain that because of that financial reorganization, the credit of the City of New York, if properly administered, will take its rightful place in the vanguard of American municipalities.

I have taken note, too, with surprise of a statement contained in Section 1 of your bill, as well as made in a number of public utterances by officials, to the effect that the City of New York is threatened with financial inability to continue its emergency relief program. Perhaps you are unaware of the fact that as part of the agreement made with the bankers last September and on my personal insistence, 38 million dollars was made available to the City for relief purposes. Of this amount, I understand more than 25 million dollars is still in the treasury of the City, available and earmarked for relief purposes.

I have placed these various matters before you, so that you and the people of the State may realize some of the implications of your proposed bill. I need not repeat that so far as lies in my power as Governor of the State and as a citizen of New York City, I stand ever ready to cooperate with you to secure economies and savings in every legitimate and proper manner. I believe that they can be secured through orderly means.
Honorable Fiorello H. La Guardia.....?

Frankly, I am deeply disturbed and apprehensive of the thought of a fiscal and political dictatorship which I regard not only as entirely unnecessary but as essentially un-American. Representative and democratic government, bestowed upon us by centuries of human struggle, should not be so hastily scuttled.

Very sincerely yours,