

David Dubinsky, president, International Ladies' Garment Workers Union.

Lewis Merrill, president, United Office and Professional Workers of America.

A. Philip Randolph, president, Brotherhood of Sleeping Car Porters.

Kathleen Norris, writer.

Leopold Godowsky, pianist.

Bennett Cerf, publisher.

Rabbi Stephen S. Wise, New York City.

Carrie Chapman Catt, Conference for Cause and Cure of War.

Organizations and groups taking similar action include the following:

National Young Women's Christian Association.

Amalgamated Clothing Workers of America.

American Student Union.

Progressive Commonwealth Federation of California.

Colorado Progressive Federation.

American Philosophical Association.

Supreme Council 33° Scottish Rite Freemasonry, Southern Jurisdiction.

New York East Annual Conference, Methodist Episcopal Church.

Central Conference, American Rabbis.

Columbia University Faculty Committee for Peace and Intellectual Freedom.

More than 650 local unions of both the American Federation of Labor and the Committee for Industrial Organization, as well as numerous independent labor groups, have also expressed their opinion that the embargo against Loyalist Spain should be lifted.

Congressional Investigations

EXTENSION OF REMARKS

OF

HON. MARTIN DIES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1938

INFORMATION PREPARED BY E. K. GUBIN

Mr. DIES. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following information prepared by Mr. E. K. Gubin with reference to congressional investigations:

CONGRESSIONAL INVESTIGATIONS

[Extracts from law-review article, Power of Congress in Investigations to Compel the Attendance of Witnesses and the Production of Papers and to Punish for Contempt, to appear in the fall issue of the George Washington Law Review, and extracts from book Congressional Investigations, to be published in the fall, both written by E. K. Gubin, of the San Francisco Bar.]

TOTAL NUMBER OF CONGRESSIONAL INVESTIGATIONS TO JUNE 1, 1938

Since the first meeting of Congress, in 1789, until June 1, 1938, there have been a total of 477 congressional investigating committees authorized by Congress. Of this total, 236 were House committees and 216 were Senate committees with 25 being joint committees of both House and Senate.

FIRST CONGRESSIONAL INVESTIGATION

The first investigation by Congress was instituted by the House in 1792. It was the investigation by a House committee of seven into the conduct of General St. Clair in the failure of the Northwest expedition under his command. The committee cleared the General.

FIRST INVESTIGATION BY SENATE

The first real investigation by the Senate took place in 1818 and was the investigation of General Jackson and his conduct during the Seminole war. Although three investigations had already been conducted by the Senate prior to this, they were only minor; this was important, not only in subject matter but in the fact that

it was the first Senate investigation where the Senate committee was given the power to send for persons and papers, although this power had been given to the House committee when it first was appointed. The committee censured the conduct of Jackson but made no further recommendation.

HOUSE ORIGINALLY LED SENATE AS INVESTIGATING BODY

During the first 25 years that Congress met the House of Representatives was the branch of Congress that handled most of the congressional investigations. The Senate had little to say or do in this matter, and from 1789 to 1814, of the 30 investigations conducted by Congress, the Senate conducted only 3, with the House taking care of the other 27. The ratio was thus 10 to 1 in favor of the House.

SENATE NOW LEADS IN INVESTIGATIONS

In the years that followed, the Senate slowly but surely took the lead in authorizing and conducting investigations. From 1900 to 1925, which is a 25-year period similar to that set out in the preceding paragraph, but about 100 years later, Congress conducted about 60 investigations, but of this total, the Senate conducted 40 and the House but 20. The ratio had thus changed to 2 to 1 in favor of the Senate.

From 1925 to the end of the Seventy-fourth Congress, June 20, 1936, Congress authorized and conducted 162 investigations, and of this total, 11 were joint investigations, 102 were Senate-conducted, and 49 were House-conducted. The ratio is still 2 to 1 in favor of the Senate.

From the start of the Seventy-fifth Congress, January 5, 1937, to June 1, 1938, there have been 3 joint investigations authorized, 10 Senate investigations, and 5 House investigations, with the fifth and last being the present un-American activities investigation. Thus the ratio is kept exactly 2 to 1 in favor of the Senate.

COSTS OF INVESTIGATIONS

The total costs of all congressional investigations to date is approximately five and one-half million dollars. This is the amount Congress directly authorized committees to spend, and does not include W. F. A. help and other bureau and departmental costs.

During the early part of the twentieth century and up until the World War Congress expended on an average of \$30,000 per year on investigations. Since then they have run all the way from \$250,000 to over \$500,000 per year, the high points being reached in 1931 and 1932. The Seventy-fourth Congress authorized 20 Senate investigations and 10 House investigations, the Senate authorizing a total of \$631,000 and the House \$145,000, or a grand total of \$776,000 for the 2 years of the session. It should be noted that the Senate with twice the number of investigations spent four times the amount that the House did, but the average for Congress has fallen to \$350,000 per year.

The Seventy-fifth Congress to date has authorized 3 joint investigations totaling \$130,000, 10 Senate investigations totaling \$78,000, and 5 House investigations totaling \$22,500, not including any amount which is yet to be authorized for the Un-American Activities Committee.

If the latter committee is given \$100,000, and no further committees are authorized, this will mean a grand total of \$330,500 for the 2 years of the Seventy-fifth Congress, or an average of \$165,000 per year authorized.

FINANCIAL RETURNS FROM CONGRESSIONAL INVESTIGATIONS

In recent years one of the major financial returns from congressional investigations has been the uncovering by the investigation of the fact that certain companies or individuals have received large sums of money on which they paid no income tax.

The revelations of the Senate Stock Exchange and Banking Practice Committee of the Seventy-second and Seventy-third Congresses netted the Bureau of Internal Revenue over \$2,000,000. The Teapot Dome oil investigation netted the Government \$3,000,000 in taxes from the estate of Edward L. Doheny and several millions from other sources. Incidentally this investigation netted the Government three times the amount it has spent in investigations to date in actual cash recovered. Income taxes and money collected after suit for oil used netted the Government a total of \$15,500,000, not including billions of dollars of oil land recovered for the Government in the suits.

Only recently the Senate Civil Liberties Committee, through its hearings netted the Bureau of Internal Revenue \$2,000 from the sheriff of Harlan County and smaller amounts from coal companies and detective companies who had failed to declare the amount of their true income until this was ascertained by the trained investigators of the committee.

In addition to direct financial returns, we must remember the savings that some committees have provided for; for example, the Black air and ocean mail committee claims it saved the Government \$10,000,000 in overpayments that would have been made if the contracts were not canceled; various Indian affairs and War Department investigations have likewise saved the Government money by pointing out fraud or the possibility of future frauds.

OUTSTANDING RESULTS OF CONGRESSIONAL INVESTIGATIONS

1. Discovery of the part of General Wilkinson in the Burr conspiracy in 1810.
2. Disclosure of the conduct of Andrew Jackson in the Seminole War of 1819-20, and of the light regard in which he held constitutional restrictions.

3. Resignation of Ninian Edwards, Minister to Mexico and author of the "A. B." plot in 1824.
4. Implication of President Taylor's Cabinet in the culpable payment of the notorious Galphin claim in 1850.
5. Establishment of the Government Printing Office in 1860.
6. Disclosures of the Covode committee in 1860 in connection with the Lecompton constitution, which helped to pave the way for the election of Lincoln.
7. Activities of the Wade committee. This was the first use of a Joint House and Senate committee, and to all practical intents and purposes it took over the part management of the Civil War after its appointment in 1861 (after the disaster of Bull Run), and assumed a wide range of executive prerogative.
8. Unearthing of the Crédit Mobilier scandal of 1872, which gave a serious set-back to the political careers of James G. Blaine and Schuyler Colfax, and forestalled a worse deflation than actually occurred at this time.
9. Disclosure of frauds in the Star Route Mail Service in 1884.
10. Resignation of Secretary of the Interior Ballinger after his sensational controversy with Gifford Pinchot in 1911, which contributed to the disruption of the Taft administration and the split in the Republican Party in 1912.
11. Disclosure of the corruptness of the "Ohio gang" under Harding by the Walsh and Wheeler committees of the Senate, which caused the dismissal of Director Forbes of the Veterans' Bureau for stealing or squandering millions of dollars of funds of the Veterans' Bureau, the resignations of Denby and Fall, Secretaries of the Navy and Interior, for their part in the oil scandals; the dismissal of Attorney General Daugherty for the obvious corruptness in his office; and the recovery of over \$15,000,000; and billions of dollars in valuable oil land.
13. Disclosures of the Senate Stock Exchange and Banking Practices Committee of 1932-34 under Ferdinand Pecora, which paved the way for much of the S. E. C. legislation, the collection of millions in income taxes, and the change in many banking practices.
14. Disclosures of the Nye munitions investigation, which is responsible for the present Spanish embargo.
15. Civil Liberties Committee is still functioning, and besides being responsible for the collection of much taxes, provided for the indictment of 68 persons in Harlan County, and the exposé the labor spy.

INVESTIGATION OF COMMUNIST PROPAGANDA

(H. Res. 220, May 20, 1930; H. Rept. 2290, January 17, 1931; serial 9331.)

1. Five Members, HAMILTON FISH, Chairman; BACHMAN, ESLICK, HALL, and NELSON.
2. Twenty-five thousand dollars original allotment.
3. No committee counsel and no special investigators. Testimony was voluntary, and only a small percentage was obtained by subpoena. Thus, committee missed a lot of important information which could only be secured by intense investigation by trained investigators.
4. Hearings were held in Washington, D. C., New York City, Boston, Chicago, Detroit, Seattle, Portland, Oreg., San Francisco, Los Angeles, Chattanooga, Birmingham, Atlanta, New Orleans, and Memphis.
5. Two hundred and seventy-five witnesses appeared, and 6,373 pages of testimony was given.
6. Investigated communism pertaining to: (a) Political activity (50 subsidiary organizations of Communist Party), (b) publications, (c) industrial activity, (d) youth activity, (e) activity in armed forces of the United States, (f) activity in trade and commerce, (g) Amtorg Trading Corporation, (h) immigration, (i) religion, (j) international labor defense, (k) Ogpu, (l) American Civil Liberties Union, (m) Garland fund, (n) Federated Press, and (o) foreign activity.
7. Recommendations: (a) Enlarging Federal Bureau of Investigation to constantly investigate communism, (b) strengthen immigration laws, (c) appropriation for Bureau of Immigration to vigorously prosecute deportation cases, and (d) amend naturalization law to prevent Communist becoming citizen, and canceling citizenship if he becomes Communist.

INVESTIGATION OF NAZI AND OTHER PROPAGANDA

(H. Res. 198, Mar. 20, 1934, 73d Cong.; H. Rept. 153, Feb. 15, 1935, serial 9890.)

1. Seven members: McCormack, chairman; Dickstein, Weideman, Kramer, Jenkins, Taylor, Guyer.
2. \$30,000 allotted originally.
3. Committee counsel and special investigators used.
4. Seven public hearings and 24 executive hearings were held in Washington, D. C., New York, Chicago, Los Angeles, Asheville, N. C., and Newark, N. J.
5. Four thousand three hundred and twenty pages of testimony were given.
6. Investigated: (a) Nazi-ism, (b) fascism, (c) Silver Shirts, (d) communism.
7. Recommended: (a) Registration of all foreign government publicity and propaganda agents. (Agreed to in conference May 28, 1938); (b) statute shortening visitors permit where propaganda disseminated by visitor; (c) agreement with foreign nations to accept persons deported; (d) statute penalizing person giving advice to soldiers or sailors to disobey laws of United States; (e) statute allowing district attorney outside of District of Columbia

to prosecute witnesses refusing to appear and testify before committee (passed 1936); (f) statute making unlawful the advocacy of change in government of United States that incites destruction of government by force; (g) deny reentry to persons going to Russia to learn communism; (h) amend post-office laws to ban use of mails to Communist papers; (i) amend interstate commerce laws to ban interstate transportation of Communist books, papers, and magazines; (j) statute to prosecute Communists, etc., when causing run on banks; (k) prohibit code or cipher messages to be sent between United States and government with whom United States has no diplomatic relations; (l) investigate pulp plants of Soviet Russia as to convict help being used there, thus barring entry of this material into the United States under our laws; (m) declare Communist Party illegal.

My Attitude Toward Lynching

EXTENSION OF REMARKS

OF

HON. WILBURN CARTWRIGHT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1938

Mr. CARTWRIGHT. Mr. Speaker, because of an effort to make an issue in my district of the fact that I voted against the Gavagan anti-lynching bill, I am taking this occasion to speak on lynching, a subject which has not been before the House in several months. I am not in favor of lynching, but I did vote against that bill, because I firmly believed that it was unconstitutional, and because I did not believe then, and do not believe now, that that bill would or could improve the situation in any respect.

The Seventy-fifth Congress, both in the House and in the Senate, has given a great deal of study and time to the subject of lynching. To that end the Gavagan bill was debated for many weeks. There has been a division of opinion among the Members of both Houses as to what would be the actual effect of a Federal statute on this subject.

Many have contended that lynching is being wiped out and will eventually be completely wiped out through the continuation of the efforts that have been made in the States and counties during the past 50 years. There is no doubt that lynching has been greatly reduced through the special activities of religious bodies, interracial organizations, education, and the healthy sentiment which has been built up through agitation for law observance and enforcement through constituted authorities. To me it has been most remarkable to note the progress that has been made toward wiping out lynching in this country. The number has been reduced from the high peak of 231 in 1892—120 Negroes, 110 white men, and 1 white woman—to only 8 in 1937. Oklahoma has had only 1 lynching in 10 years. No other crime has been reduced with one-tenth the same rapidity.

The Gavagan bill voted on in the House in the first session of the Seventy-fifth Congress provided for a fine of \$10,000 to the county and \$5,000 fine and 5 years imprisonment for the sheriff, or his deputies if a mob took a prisoner away from them. Of course, under such conditions, the sheriff for fear of becoming involved could simply leave the suspected criminal to the mob in the first place. The sheriff could easily be hunting the suspect in one part of the county when it was reasonable to suppose he was in another part. In that event the suspect would have no protection.

It is regrettable that an effort is being made to inject this sort of thing in a State and district where lynching is not a problem, and to create racial prejudice where it does not exist. I believe that effort should be resented and repudiated by the people of all races and classes.

My work as a citizen and a Congressman is open to inspection and completely refutes any attempt of this kind on my part. At present I am a member of the Committee on Insular Affairs of the House, and chairman of the subcommittee which handles the affairs of the Virgin Islands. It is