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DISMISSING PETITION OF JOHN RANDOLPH NEAL  
AGAINST TOM STEWART, SENATOR FROM THE STATE  
OF TENNESSEE

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FEBRUARY 25, 1943.—Ordered to be printed

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MR. GREEN, from the Committee on Privileges and Elections, sub-  
mitted the following

REPORT

[To accompany S. Res. 110]

On Thursday, February 4, 1943, the Vice President laid before the Senate the petition of John Randolph Neal, Knox County, Tenn., contesting the election of Tom Stewart to the office of United States Senator. The petition was referred to the Committee on Privileges and Elections.

*To the United States Senate, Washington, D. C.:*

GREETINGS: Your orator, John Randolph Neal, shows to the Senate of the United States that he is a citizen of the United States and of the State of Tennessee residing in Rhea County in said State and that he is more than 30 years of age; that in the year 1942 the people of the State of Tennessee were entitled to elect a United States Senator for a term of 6 years; that section 2269 of the Tennessee Code of 1932 prohibits the expenditure of more than \$10,000 by any candidate for the office of United States Senator in any primary or election in the State including all amounts expended on his behalf by others; and section 2047 of said Code provides that the name of an independent candidate for any office shall be printed upon election ballots when such independent has been requested to be a candidate by a written petition signed by at least 15 citizens qualified to vote in said election to fill such office when such petition is given at least 10 days previous to the election; that on October 10, 1942, which was more than 10 days previous to the general election of November 3, 1942, there was filed with the county commissioners of election in each and every county in Tennessee petitions signed by more than 15 qualified voters of the State of Tennessee requesting John Randolph Neal to become a candidate for the office of United States Senator and requesting all of said county commissioners of elections to place the name of said John Randolph Neal upon the official ballots to be used in the general election of November 3, 1942; that the Honorable Tom Stewart was a candidate for the same office, having been nominated in a State-wide Primary held August 6, 1942; that the Honorable Tom Stewart entered into an agreement with the Honorable Prentice Cooper, Governor of Tennessee and a candidate to succeed himself, and the Honorable Leon Jourloman, State commissioner of public utilities, the terms of said agreement being that the State campaign organization of Governor Cooper would use all of the means at its command to promote the candidacies and secure the re-nomination and reelection of Hon. Tom Stewart, Hon. Prentice Cooper, and Hon. Leon Jourloman and that in turn each of them would promote to the best of his ability the election of the other two parties to the agreement and that in furtherance of and in accordance with the terms of this agreement they assiduously campaigned throughout the State of Tennessee advocating the election of each

other and that as a part of and in the carrying out of said agreement the said three candidates and/or their friends and/or campaign managers illegally expended more than \$200,000, in the primary election of August 6, 1942, and the general election of November 3, 1942, in violation of the laws of the State of Tennessee and of the United States: that the election of the Honorable Tom Stewart as Senator was directly procured by the expenditure of more than the sum of \$10,000 allowed by law to be expended in the two elections of August 6, 1942, and November 3, 1942, and by illegal registrations in Shelby County and the falsification of the election returns in said county and also the falsification of the returns in many counties in the State and by the further fact that in a number of the counties of the State of Tennessee the name of John Randolph Neal was omitted from the official ballots in the election of November 3, 1942, by commissioners of elections who were under the domination and control of the Governor of the State, one of the parties to the agreement above set out; that the funds expended to debauch and corrupt said elections of August 6, 1942, and November 3, 1942, were procured by assessments levied upon the employees of the State of Tennessee and upon Federal Employees whose domiciles were in Tennessee and by contributions forced from persons and/or corporations selling machinery, supplies, and merchandise to the State of Tennessee and that each and all of said candidates knew of said facts, that they were specifically charged with knowing said facts during the campaign, that the parties to the aforesaid agreement did on numerous occasions cause to be circulated throughout the State of Tennessee reports that unless those persons receiving Federal relief voted for the so-called regular democratic nominees (meaning Messrs. Tom Stewart, Cooper, and Jurloman) Federal aid would be withdrawn from persons then receiving it; that more than \$50,000 was expended illegally in Shelby County to secure the nominations and elections of Hon. Tom Stewart; that if the ballots which were legally cast in said election of November 3, 1942, were fairly and correctly counted your orator would have, he verily believes, obtained a majority vote over the Honorable Tom Stewart; that the Honorable Tom Stewart is disqualified from holding the office of United States Senator by reason of the fact that he knowingly allowed a sum greater than \$10,000 to be expended to procure his nomination and election in violation of the laws of the State of Tennessee and of the United States and for the other reasons herein set forth; in that he failed within the time fixed by Federal statute to make a report of his campaign expenditures to the United States Senate.

THEREFORE, the premises considered, your orator prays that the Senate of the United States allow him, the said John Randolph Neal, to contest the election of the said Honorable Tom Stewart to the office of United States Senator and to produce to the United States Senate proof substantiating all of the charges and allegations made in this petition and that the said Tom Stewart be not allowed to hold the office of United States Senator but that the said John Randolph Neal be declared rightfully entitled thereto.

JOHN RANDOLPH NEAL.

STATE OF TENNESSEE,  
County of Knox, ss:

Personally appeared before me, a notary public in and for the county aforesaid, John Randolph Neal, who makes oath that the foregoing statements made of his own knowledge are true and that those made on information and belief he believes to be true.

Subscribed and sworn to before me this 2d day of January 1943.

MAUD LE BOW,  
Notary Public, Knox County.

My commission expires January 12, 1943.

We, your Committee on Privileges and Elections, beg leave to report that we have given careful consideration to the petition filed by the contestant in the above-captioned proceedings and at a meeting at which 11 members were present it was unanimously voted to recommend that the petition be dismissed and that no further consideration be given to the contest. Therefore, we recommend that the following resolution be adopted by the Senate:

Resolved, That the contest of John Randolph Neal against Tom Stewart, Senator from the State of Tennessee, be, and the same is hereby, dismissed.

THEODORE FRANCIS GREEN,  
Chairman.