
SENATORIAL CAMPAIGN EXPENDITURES

FEBRUARY 12, 1927.—Ordered to be printed

Mr. REED of Missouri, from the Special Committee Investigating Expenditures in Senatorial Primary and General Elections, submitted the following

PARTIAL REPORT

[Pursuant to Senate Resolution 195]

Comes now said committee and further reports to the Senate that under the authority of said resolution it proceeded to take the testimony of various witnesses touching the matters covered by said resolution. That in view of the authority contained in said resolution and of the fact that the Senate possesses the inherent power, and that it is the right of the Senate to inquire into and ascertain the qualifications of its members; and that the Senate is also charged with the duty of enacting legislation to promote the interests of the United States Government, and especially in view of the fact that section 4 of Article I of the Constitution of the United States expressly empowers the Congress at any time by law to make, alter, or change the times and manner of holding elections for Senators and Representatives, there would seem to be no doubt as to the power of Congress to ascertain all facts bearing upon any of the subject matters aforesaid.

Your committee accordingly sought within the limits of its just authority to pursue its inquiries and lay before the Senate the facts touching the nomination of candidates for the Senate, the relation of such nominations to the general election to be holden on the 2d day of November, 1926, together with such information growing out of said elections as might be of value to the Senate in framing future legislation.

All of the acts of the committee and all of the testimony by it taken are disclosed by the printed records of the hearings, which are hereby referred to and made a part of this report, as fully as though set forth herein. Likewise, said reports disclose all questions which were propounded to the witnesses, together with the refusal of certain witnesses herein named to answer the interrogatories propounded and the reasons alleged by said witnesses as grounds and reasons for such refusal; all of which appears in said printed records.

Your committee sets forth the following conclusions of fact which will be found to be sustained by said printed record:

ILLINOIS

On the 13th day of April, 1926, there was holden in the State of Illinois a primary election at which candidates for the United States Senate were to be nominated, and also certain National, State, and county officers, to wit: Representatives in Congress, State treasurer, superintendent of public instruction, State senators, State representatives, and other State officers; judges of county courts, county treasurer, sheriffs, county clerks, county commissioners, and other county officers.

The statutes of Illinois relating to primary and general elections will be found in Revised Statutes, 1925 (Smith-Hurd) (ch. 46, secs. 1 to 495), which are hereby incorporated by reference.

For all practical purposes it may be said that no candidate for the Senate at the last election in the State of Illinois could have any reasonable hope of election unless nominated in the primary by one of the regular party organizations. The intimate relation of the primary and general election and the interdependency of the latter upon the former can not be subject to any serious dispute.

The evidence discloses that Frank L. Smith and Senator William B. McKinley were the leading candidates for nomination on the Republican ticket for the United States Senate. For the purposes of this report it is only necessary to briefly refer to Senator McKinley's organization. His campaign was directed by Henry I. Greene and was heavily financed by Senator McKinley himself, all of which appears more fully in the former report of your committee (S. 1197, pt. 1), which is herewith incorporated by reference.

The campaign of Frank L. Smith was in the direct charge of his manager, Representative Allan F. Moore. The facts relating to the collection of money and the contributors and the inability of the committee to secure a full list of the contributors, is set forth at page 5 of the committee's report (No. 1197, pt. 1).

The evidence clearly discloses that the so-called Crowe-Barrett organization, otherwise known as the Republican organization of Cook County, was a powerful political organization or combination exercising great and in many instances dominant control in the various wards and precincts of Chicago.

This organization, taken as a whole, was directly interested in the promotion of the nomination of Mr. Smith for the United States Senate. It was also interested in the nomination of a county and State ticket. There were a few defections from the general course and policy of the organization, but the evidence discloses that the Crowe-Barrett organization in general exercised its powerful influence and its machinery for the purpose of promoting the nomination of Mr. Smith.

It is fair to say that without the support of that organization, Mr. Smith would probably have been defeated at the primary. The evidence sufficiently discloses that this organization expended considerable sums of money, and that the whole effect of the money received by it went, with the exceptions of the negligible defections as above stated, to promote Mr. Smith's nomination.

The foregoing facts make it manifest that it was impossible for your committee to ascertain to what extent money was used to influence the nomination of Mr. Smith, unless it could learn the amount of money expended by the Crowe-Barrett combination in conducting its general fight for the nomination of the county and State ticket—Mr. Smith being clearly a direct beneficiary of all of the influence of that organization and of all of the money by it expended.

Accordingly, your committee sought to ascertain how much moneys had been contributed to the Crowe-Barrett combination and the method of expenditure of such moneys and the benefits accruing to Mr. Smith from the work of such organization and moneys expended. At that point, the committee was confronted by the refusals of the witnesses hereinafter named to answer interrogatories put to them. The committee again refers to the entire testimony and proceedings before it and makes such testimony and proceedings a part of this report, but for convenience of the Senate, your committee herein sets forth in some detail the facts relating to the conduct of the following witnesses:

SAMUEL INSULL

Samuel Insull appeared before your committee and was sworn on July 26, 1926. He reappeared on August 4. His testimony on both dates is here reproduced:

TESTIMONY OF SAMUEL INSULL

(The witness had been previously sworn by the chairman.)

The CHAIRMAN. I believe you have been sworn, Mr. Insull?

Mr. INSULL. I have; yes, sir.

The CHAIRMAN. Please state your full name.

Mr. INSULL. Samuel Insull.

The CHAIRMAN. Your place of residence?

Mr. INSULL. No. 1100 Lake Shore Drive, Chicago.

The CHAIRMAN. Your business?

Mr. INSULL. Utility executive; and farmer, incidentally.

The CHAIRMAN. You are about the same kind of a farmer that Ike Stephenson was, are you not?

Mr. INSULL. Not quite as bad as that.

The CHAIRMAN. Senator Ike, I mean. I remember that at a time when he had one cow and about 20 banks, I think, he described himself as a farmer. Well, Mr. Insull, we all know who you are, and that is a mere pleasantry, or an attempt at pleasantry.

You have heard the testimony that has been given here to-day, I believe. You have been present?

Mr. INSULL. Yes, sir.

The CHAIRMAN. How much money did you contribute to Colonel Smith's campaign?

Mr. INSULL. \$125,000.

The CHAIRMAN. Can you give us the dates when you made the payments?

Mr. INSULL. No; I have not got the dates. I paid the money in three payments. One was toward the end of last year, \$50,000. I made another subscription—it may have been in February or March, I do not remember which—of \$50,000; and then I made a further subscription of \$25,000. I have spent some more money in connection with the matter, but that represents the money I subscribed to Colonel Smith's campaign.

The CHAIRMAN. You say you spent some more money?

Mr. INSULL. Yes.

The CHAIRMAN. In connection with Colonel Smith's campaign?

Mr. INSULL. Well, no; it affected Colonel Smith's campaign. I spent some money directly which, while I think he knows I was doing something in that direction, and I think Mr. Moore knew I was doing something, I do not think they either of them have any idea what my expenditures were in connection with it. It was in connection with the World Court agitation.

The CHAIRMAN. Since they do not know about it, will you tell us?

Mr. INSULL. I spent \$26,904.34 on a campaign against the World Court amongst the foreign-language groups, and in addition to that I spent \$2,330.85 in connection with newspaper advertising in the foreign-language newspapers.

The CHAIRMAN. For Colonel Smith?

Mr. INSULL. No. Those expenses were incurred by me in carrying on propaganda against the World Court.

The CHAIRMAN. That being an issue in the campaign, you figure that it was beneficial to Colonel Smith?

Mr. INSULL. There is no question but that it was beneficial to Colonel Smith, but I would have spent it just the same, whoever was the candidate, because I am very much concerned on that subject—on the subject of general European relations of the United States.

Then, in addition to that, I spent \$4,500 on similar propaganda, especially among the colored people. I can not give you the details of that, but in the case of all three of those items the expenditures were made at my request by Mr. Daniel J. Schuyler. I do not think you have subpoenaed him, but he will be very glad to give you the details.

Senator LA FOLLETTE. Were those moneys spent among colored people against the World Court?

Mr. INSULL. Yes.

The CHAIRMAN. Can you tell us approximately when this money—this \$26,904.34—was spent?

Mr. INSULL. Those three items were spent—more of it was spent 60 to 90 days before the primary, but the expenditures spread to a limited extent for a period a little prior to that. I would say that a small amount may have been spent in 1925, but the greater portion was spent in 1926.

The CHAIRMAN. Were there some other moneys that you spent that were of benefit, naturally, to the campaign of Mr. Smith?

Mr. INSULL. None that I am aware of, sir.

The CHAIRMAN. Did you give contributions to what is termed the organization here, the Crowe-Barrett organization, that was supporting or supposed to be mostly supporting Smith?

Mr. INSULL. I want to give you all the information I possibly can as to my operations, but there is a certain point that one gets to where one would feel he has to consult counsel as to the powers of this committee to ask for information. Now, I want to give you all the information that it is possible for me to give. I looked upon the Crowe-Barrett organization as opposed to Colonel Smith. In fact, I was in London before I knew that the Crowe-Barrett organization were likely to support Mr. Smith.

The CHAIRMAN. Mr. Insull, the committee wants to be fair with you. The committee wants to keep within the scope of its legitimate inquiry. The committee will, of course, permit any witness to consult with counsel and give him time to do it. We are not prosecuting anybody here; we are trying to find out some facts and report back to our principals.

You say to us that you understood that the Crowe-Barrett combination were supporting Mr. McKinley, and yet that you paid money to that organization?

Mr. INSULL. I did not say so, Senator. I said that before answering that question I would like to have, with your permission, an opportunity to consult counsel. I did not say whether I did or whether I did not. And yet I do not want to be in the position of refusing any information.

The CHAIRMAN. Manifestly, if you did not give any money to the Crowe-Barrett organization there would not be any embarrassment in saying "no."

Mr. INSULL. You must draw your own inferences.

The CHAIRMAN. Did you give any money to any other candidate for the Senate?

Mr. INSULL. Yes; I gave \$15,000 to my friend George Brennan; and I feel a little bit ashamed that it was not more.

The CHAIRMAN. I was going to say I do not think you treated George just right.

Mr. INSULL. If that is so, he will have to take part of the blame.

The CHAIRMAN. I want to ask you these questions. You need not answer for the present.

First, whether you gave any money to any person connected with the Crowe-Barrett combination; and if so, how much money and for what purpose it was understood to be used, if there was any understanding.

Second, whether you gave any money to any other organization than the Crowe-Barrett organization to be used in the last (April 13) primary or in the campaign preceding the primary—preceding the election; the names of the persons to whom the money was given and the purposes for which the money was paid and the amounts in each case.

I will say to you that the opinion of the members of the committee who are here is that where there was money used in this campaign where there were organizations or parts of organizations supporting either of these candidates, the money so employed necessarily affected the result; and you can have any reasonable time to talk with your counsel about that.

Mr. INSULL. With your permission, I prefer not to answer those questions until I have had an opportunity to consult with counsel.

The CHAIRMAN. That is perfectly all right, and we will excuse you for the present, so that you can have that consultation.

Mr. INSULL. Will you excuse me until to-morrow?

The CHAIRMAN. Yes; we will excuse you until to-morrow morning. Is that time enough?

Mr. INSULL. I think so.

The CHAIRMAN. Very well, to-morrow morning at 10 o'clock we will try to resume with you.

TESTIMONY OF SAMUEL INSULL—RESUMED

The CHAIRMAN. Mr. Insull, when you were on the stand before you were asked to give the names of the persons to whom you had made contributions in the last senatorial campaign. We reached the point in your testimony where you thought you wanted to advise with your attorney with reference to giving further names, and we excused you so that you could have that opportunity; and the committee is going to ask you now to please give us the names of all persons to whom you contributed in the senatorial campaign.

Mr. INSULL. As I stated on my previous examination, I contributed \$125,000 to promote the nomination at the primary of Frank L. Smith as the Republican candidate for United States Senator, and that I contributed \$32,925.19 for propaganda against the adherence by the United States to the World Court; and that policy was advocated by Mr. Smith, and, of course, he benefited to that extent. The contribution was to his benefit.

I also then stated that I had contributed \$15,000 to George E. Brennan in his campaign for nomination at the primary as the Democratic candidate for United States Senator.

I now wish to say that, so far as I recall, no additional moneys whatever were contributed by me to any organization or individual for the purpose of influencing the nomination at the primary of any person or persons for United States Senator.

The CHAIRMAN. You have been reading your answer, Mr. Insull.

Is that the result of your conference with your attorney?

Mr. INSULL. Well, yes and no. I happened to have the exact figures in the memorandum. But I conferred with my attorney, and I want to be as explicit as I can to the committee and want to answer all the questions that I can.

The CHAIRMAN. Yes.

Mr. INSULL. But so far as contributions in connection with the nominations of United States Senators, those are all the contributions I made.

The CHAIRMAN. You gave Mr. Barrett some money, did you not?

Mr. INSULL. Well, that goes into a question that, as I understand it, does not come within the range of the powers of this committee; and if it would suit your purpose better, I would like to read a statement which I would like to go into the record.

The CHAIRMAN. You can read any statement you desire.

Mr. INSULL (reading):

"As I understand it, the precise question asked me by Senator Reed at the afternoon session of the committee on July 26, and to which the committee now desires an answer, was whether or not I made any contributions to the preprimary campaign in addition to those about which I had already testified. The question embraces contributions for promoting nominations to the many local offices involved in the primary. Nominations were made at the

primary for a great many State and county offices (50 or more in Cook County), and the campaign preceding the primary included activities by individuals and political organizations in support of the various persons seeking nominations for these State and county offices. I have consulted counsel and I am advised by him that the Senate lacks power or jurisdiction to investigate the matter of contributions in connection with the primary election; that the Senate resolution under which the committee is acting does not authorize or purport to authorize the committee to inquire as to what contributions, if any were made to the preprimary campaign for purposes other than the purpose of influencing nominations for United States Senator, and that the members of the committee conducting this hearing have no right to seek or compel evidence relating to contributions to such campaign, particularly contributions for the purpose of promoting nominations for State and county offices. I have willingly testified as to all contributions made by me to influence nominations for the Senatorship, for this is information which the Senate thinks it ought to have and which by its resolution it has asked for. But when members of the committee seek to go beyond the scope of the inquiry as defined in the resolution by asking questions concerning matters which the Senate has not authorized them to investigate, such as contributions to promote nominations for local offices, I do not feel called upon to answer. Therefore, with all due respect to the committee, I must decline, on advice of counsel, and for the reasons given, to answer the question above mentioned, asked by Senator Reed at the former session, or to state whether or not contributions were made by me to the preprimary campaign for purposes other than the purpose of influencing nominations for United States Senator."

The CHAIRMAN. I presume, Mr. Insull, that the statement which you have just read was prepared by your counsel?

Mr. INSULL. Yes, sir.

The CHAIRMAN. And was intended as a direct challenge to the authority of this committee to ascertain for itself what the money was contributed for and where it went, and to leave it to you and your counsel to decide whether the money was contributed for a particular purpose, regardless of how it was used?

Mr. INSULL. Is that a question or a statement?

The CHAIRMAN. I think it was quite as much a question as your document was an answer; but if you do not care to answer, you need not.

Mr. Insull, I am now going to ask you some questions, and you will have to assume the responsibility of your answers, or refusal to answer. Did you not give, or cause to be given on your behalf, a large sum of money to Mr. Charles V. Barrett, which was a contribution to be used by Mr. Barrett and his associates in the last Illinois primary, held on April 13, 1926?

Mr. INSULL. I would submit that the statement that I filed here covers the answer to that question.

The CHAIRMAN. And you decline to answer?

Mr. INSULL. Yes.

The CHAIRMAN. Did you not give to Robert E. Crowe, or cause to be given to him on your behalf, a considerable sum of money to be used in the primary to be held on the 13th day of April, 1926, in the State of Illinois?

Mr. INSULL. I make the same answer to that question, that I think it is covered by the statement that I filed with the committee.

The CHAIRMAN. And you decline to answer?

Mr. INSULL. If that is the way you want the record to read; yes, sir.

The CHAIRMAN. I do not want the record to read that way. I want you to answer.

Mr. INSULL. I mean in view of my position.

The CHAIRMAN. I want an answer. Did you give any money in this primary that I have referred to in the previous questions, to Homer Galpin?

Mr. INSULL. I would make the same answer to that question, Mr. Senator, that I think my memorandum covers the point; and I can not make any further answer.

The CHAIRMAN. And you decline to answer?

Mr. INSULL. And I decline to answer.

The CHAIRMAN. When you gave money to Mr. Galpin did you specify, at the time you donated the money, the particular use that it was to be put to?

Mr. INSULL. I think my memorandum as filed is a reply to that question, and I decline to answer.

The CHAIRMAN. Roy O. West has testified that you gave him \$10,000. Is that a fact?

Mr. INSULL. I have to make the same answer, Mr. Chairman, that the statement I presented is an answer to this whole series of questions, and I have not any more to say on that subject.

The CHAIRMAN. Did you contribute any money to promote the nomination of Senator Deneen?

Mr. INSULL. I really do not remember whether I did or not. I was trying to remember whether I was in the country at the time. I really do not remember whether I contributed or not. What was the date?

The CHAIRMAN. My recollection is that Mr. Barrett testified that you gave him \$10,000. Is that a fact?

Mr. INSULL. In what connection?

The CHAIRMAN. In connection with the primary campaign. They have not all been so specific as you are, Mr. Insull.

Mr. INSULL. All I can say in reply is that I think my memorandum covers that point, and I have no further reply to make.

The CHAIRMAN. You have another memorandum here with you that shows you exactly where you contributed this money, does it not?

Mr. INSULL. You mean the memorandum I read first?

The CHAIRMAN. No; a memorandum that you had here that you referred to when you testified before.

Mr. INSULL. Yes; I have the only memorandum that I have on the subject.

The CHAIRMAN. Have you not a memorandum that shows that you made the contribution I just referred to?

Mr. INSULL. What one was that?

The CHAIRMAN. The reporter will read the question.

The REPORTER (reading):

"The CHAIRMAN. My recollection is that Mr. Barrett testified that you gave him \$10,000. Is that a fact?"

The CHAIRMAN. That is the question. Does not your memorandum show?

Mr. INSULL. No. I can give you my memorandum here.

The CHAIRMAN. When you made this memorandum, what did you make it from? [After a pause.] You handed me this memorandum just now, did you not?

Mr. INSULL. Yes.

The CHAIRMAN. That will be marked as an exhibit.

The CHAIRMAN. The first memorandum you handed me, and from which you said you had testified when you gave the amounts of your subscriptions or donations to the campaign, reads as follows [reading]:

"World Court, as per details, \$28,425.19.

"Colored people, \$4,500."

What has that to do with the items that you have testified to?

Mr. INSULL. The total of the two makes the \$32,925.19.

The CHAIRMAN. Very well. Who were the colored people to whom you gave this money?

Mr. INSULL. Those expenditures in that campaign were conducted by one of my counsel, and he can give you the details. The details are all there with the exception of \$4,500.

The CHAIRMAN. Who was the counsel?

Mr. INSULL. Mr. W. J. Schuyler.

The CHAIRMAN. Who made up this statement for you, Exhibit 253?

Mr. INSULL. Mr. Daniel J. Schuyler.

The CHAIRMAN. He kept some books, did he?

Mr. INSULL. I do not know. He supplied me with the statement.

The CHAIRMAN. There are no dates on this document except this:

"Campaign expenditures against the World Court among foreign-language groups, January 7, 1926, to April 15, 1926."

Do you understand those two dates and the interval between them to cover the period when this money was spent?

Mr. INSULL. I assume so; but I prefer that Mr. Schuyler should be asked that question, because I took the statement just as it was presented.

The CHAIRMAN. According to this statement, there was expended or paid to certain newspapers \$2,330.85. I presume that you know in a general way, having been an old-time resident here, whether or not these are foreign-language newspapers as I read them to you. "Svornost"—that is a foreign-language newspaper, is it not?

Mr. INSULL. Yes. I think it is fair to assume that those are all foreign-language papers.

The CHAIRMAN. "L'Italia," etc. You come here conceding that this money that was expended, as shown in Exhibit 253, was for the purpose of aiding Smith in his campaign by opposing entrance into the World Court. That is your position, as I understand it?

Mr. INSULL. No; I would have spent that money whether Mr. Smith was the candidate or anybody else was the candidate.

The CHAIRMAN. Very well; but you said that you counted it because it did go to his benefit by making sentiment against the World Court. That was your testimony?

Mr. INSULL. I counted it because I did not want to be put in the position of having it developed in cross-examination that that might have helped him in the World Court fight.

The CHAIRMAN. Yes.

Mr. INSULL. But I would have spent that money and more, a great deal more if necessary, on that particular cause, irrespective of the candidate for United States Senator or any other office.

The CHAIRMAN. But you put it in because you thought that it might be claimed or shown that it indirectly benefited Smith in his candidacy?

Mr. INSULL. Well, I am under oath, Mr. Senator, and that is not the reason I started that campaign.

The CHAIRMAN. I did not say that. I say you put it in here to us, you reported it to us as having been expended, because you felt that it had a relation to Smith's campaign; it aided him?

Mr. INSULL. Well, if you like to put it that way; but that was not the purpose of my carrying on that campaign.

Mr. CHAIRMAN. I understand. You say that your purpose in expending this money was to help defeat the World Court, and that you would have given it anyway; but when you were reporting the contributions you made, you put that in with the statement in substance and effect that you now reported it to the committee because you felt that it went to the benefit of Mr. Smith?

Mr. INSULL. Yes, sir.

The CHAIRMAN. So that you think that where you put money into a campaign that did influence the choice of the people in a senatorial candidate, it ought to be reported?

Mr. INSULL. Yes, sir.

The CHAIRMAN. Since that is the case, and since I have asked you whether you did not give money to Mr. Barrett and Mr. Crowe, who were engaged at one and the same time through one and the same organization, substantially, in promoting the candidacy of county officers and promoting the candidacy of senatorial officers, working substantially through the same machinery, why do you not take the same position there, and say that the money you gave might have been used to affect and did affect the choice of the people for a senatorial candidate?

Mr. INSULL. Excuse me, Mr. Senator, but that question is practically asking me to take part in an argument on that subject. All I have to say on that subject has been stated in my memorandum, and I have not anything further to add to it.

The CHAIRMAN. Very well. Was it not your understanding that the Crowe-Barrett organization, the main part of it, was promoting the candidacy of Smith?

Mr. INSULL. No; that was not my information.

The CHAIRMAN. Was it your understanding that Crowe was for Smith?

Mr. INSULL. I do not know.

Mr. CHAIRMAN. Who did you understand was for Smith, among the leading men? By the way, I will ask that in another way. To whom did you give the \$125,000?

Mr. INSULL. To Mr. Allen Moore. I gave it in three payments to Mr. Allen Moore, Mr. Smith's campaign manager. I gave a payment of \$50,000 at one time in cash, and \$50,000 another time, and \$25,000 another time.

The CHAIRMAN. You knew, did you not, that Judge Crowe had publicly announced for Mr. Smith?

Mr. INSULL. I could not swear to it that I did.

The CHAIRMAN. Do you not know that he had made that statement many, many times in public?

Mr. INSULL. I was not here during the whole of this primary campaign. I left here some time in March, and I was not back here again, I think, until I should say about the 11th or 12th of May. I was out of the country during that time. I sailed on the 20th of March. I left Chicago about the 16th of March and sailed on the 20th of March, and I sailed from Southampton on the 4th of May, so that would get me back here about the 12th or 10th.

The CHAIRMAN. After the primary was over?

Mr. INSULL. Yes.

The CHAIRMAN. What date in March did you leave?

Mr. INSULL. I sailed on the 20th of March. I probably left town on the 15th or 16th of March. I usually leave two or three days before I sail; and at the time I left, my impression was that the Deneen crowd, the Crowe-Barrett crowd and what was left of the old Lundin crowd, were against Smith. That was my impression.

The CHAIRMAN. When did Deneen come to Chicago and announce for McKinley?

Mr. INSULL. I was away. I do not know.

The CHAIRMAN. You were not here at that time?

Mr. INSULL. I do not think so, Senator. My recollection is that I was not, although when I went away I was under the impression that the Deneen crowd would be against Smith.

The CHAIRMAN. And that the Lundin crowd would be against him?

Mr. INSULL. I was under that impression.

The CHAIRMAN. And that the whole Crowe-Barrett crowd would be against him?

Mr. INSULL. That was my impression at that time—or else be absolutely neutral.

The CHAIRMAN. You were for him?

Mr. INSULL. For Smith?

The CHAIRMAN. Yes.

Mr. INSULL. Most decidedly. Everybody knew I was for him.

The CHAIRMAN. And yet you gave money to the Crowe-Barrett crowd, according to their testimony?

Mr. INSULL. Well, that is your statement, Mr. Senator. I have made my reply.

The CHAIRMAN. Well, is it not a fact? I am asking you to make the statement.

Mr. INSULL. Oh! I beg your pardon. I thought you made the statement—

The CHAIRMAN. No.

Mr. INSULL. Because I thought you were aware that I had made my reply to that line of questioning.

The CHAIRMAN. I am asking it with a rising inflection.

Mr. INSULL. Oh! I beg your pardon. I will try to keep track of the inflections. I have no reply to make to that.

The CHAIRMAN. You decline to answer?

Mr. INSULL. Yes.

The CHAIRMAN. Very well.

Mr. INSULL. I did not know you expected me to make an answer to that.

If I may be permitted, before you get away from that question of those payments to those foreign newspapers, I should very much like to interject here a statement.

I have been very much interested for a number of years—certainly since the war—in a number of schemes of Americanization, and I have made considerable contributions to that cause. I started some time ago to try and work out an organization of my own. The various institutions that I am connected with do a great deal of advertising, and my intention was to go ahead and develop that organization and use the business position that I occupy as a patron of the newspaper press in an advertising sense to help a series of articles on Americanization. I had not gotten around to doing it. I was beginning to get the organization in shape, and it occurred to me to use this same organization in connection with a discussion of World Court matters; and that is how it happens that Mr. Schuyler handled that proposition for me. I have a very strong opinion on the subject of the World Court. I have some knowledge of international politics from not only an American but a European point of view. I have some very decided prejudices in connection with the matter; and the strongest prejudice I have is that if this country became involved in membership in the World Court they would finally be involved in very close relations with the League of Nations.

I am a great believer, whenever the necessity arises, in cooperation between, say, the United States and England, or the United States and France, or the United States and Germany; but I am not a believer in getting tied up in these various organizations. Fundamentally, I am not a believer in the League of Nations as a cure for war. I think Europe will have to struggle along under the balance-of-power scheme for a good long time, until human nature changes somewhat; but above everything else I am very much opposed, as a citizen, to a

country with such a heterogeneous population as we have in this country being mixed up with European affairs generally—very much opposed to it.

I took up this question of the World Court propaganda on that account. I would have taken it up, as I said, whoever might be nominated. I do not know, even, whether Mr. Smith knows that I took it up. I do not know whether Mr. Moore knows from information he got from me. I take part in public affairs more or less. I have a right to. I am a citizen. Notwithstanding some of the newspaper comments—excuse my quoting the newspapers—as being responsible for \$650,000,000 of investment in the State of Illinois, I have some right to take part in these affairs.

I have wandered a little from my subject.

The CHAIRMAN. Do I understand you to mean that you have a special right because you control this money?

Mr. INSULL. No, sir; no, sir. I have a special duty to the 100,000 stockholders and 150,000 bondholders in the State of Illinois to watch their interests. But that is not the basis of my being interested in public affairs. I became a citizen of the United States because I wanted to exercise the right of franchise and take part in the public affairs of the United States, and the fact that I am a utility man should not be any deterrent to my being allowed to take part in them.

The CHAIRMAN. When you gave the first \$50,000 to Mr. Allen Moore, I believe you said that was in cash?

Mr. INSULL. All of it was in cash, Mr. Senator. All three payments were in cash.

The CHAIRMAN. Where did you get the money from?

Mr. INSULL. My own personal resources. Every dollar that I have contributed to Mr. Smith's campaign and every dollar that I have contributed to this World Court campaign is the money absolutely of Samuel Insull—of myself.

The CHAIRMAN. There was no arrangement for any reimbursement?

Mr. INSULL. Absolutely none whatsoever—no more possibility of reimbursement than there is of my getting it in this room.

The CHAIRMAN. It would be a poor place to take up a collection?

Mr. INSULL. I am not so sure of that.

The CHAIRMAN. I only had in mind the newspaper men in that.

As to these colored people, do you happen to know an Edward H. Wright, who in substance testified that he was the manager—the controlling manager—of one of the wards, and that he had an organization, and when any member of the organization did not do what he wanted, he fired them, to use his language, and put in another?

Do you happen to know that colored gentleman?

Mr. INSULL. I know him, because I think he is the Mr. Wright who is a member of the Illinois State Commerce Commission. I never met him until I met him in this room the day I testified.

The CHAIRMAN. How much of this money went to him?

Mr. INSULL. Of that \$4,500?

The CHAIRMAN. Or any other sum.

Mr. INSULL. I do not know of any money going to him at all, in any way whatsoever.

The CHAIRMAN. You do not know who the colored brethren were who got this \$4,500?

Mr. INSULL. No; that is why I mentioned Mr. Schuyler's name. That is the only information I have on that subject.

The CHAIRMAN. I notice here you have an item of church meetings, \$60. Do you know what that is for?

Mr. INSULL. No; you would have to ask Mr. Schuyler about that and about all of those things. I am not familiar with them.

The CHAIRMAN. The Reverend Moore, church work?

Mr. INSULL. No; I am not familiar with that.

The CHAIRMAN. \$60 I think that is. No; it is \$5.

Advertisement in "The Pilgrim Baptist Inf." I do not know what that is. That is \$60. Do you know what that paper is?

Mr. INSULL. No; you would have to get Mr. Schuyler to tell you as to that whole statement.

The CHAIRMAN. The Rev. Thomas Evanston, \$150.

Mr. INSULL. No.

The CHAIRMAN. Do you know what church he is connected with?

Mr. INSULL. No; I do not. I did not know the details of that at all.

The CHAIRMAN. Here is a Morgan Park meeting; the Reverend Lucas, \$95. Do you know anything about that?

Mr. INSULL. No; I am not familiar with any of the details in that statement.

The CHAIRMAN. You may not be familiar with all of them, but I thought perhaps you would know some of them.

Mr. INSULL. No. What I did was to supply the money for that campaign.

The CHAIRMAN. You could not tell us anything about the Reverend Martin, who got \$25, or the Reverend Jordan, who got \$15?

Mr. INSULL. No, sir.

The CHAIRMAN. Or the Reverend Cheek, who got \$5, or the Reverend Bryant, who got \$5, or the Reverend Scott, who got \$25? You could not tell us anything about those items?

Mr. INSULL. No, sir; I do not know the gentlemen.

The CHAIRMAN. Or the Reverend Thomas, who got \$100?

Mr. INSULL. No, sir; I do not know any of them.

The CHAIRMAN. Would it help you any if I called attention to the detail that the Reverend Johnson, of the Mount Vernon Baptist Church, got \$200?

Mr. INSULL. No, sir.

The CHAIRMAN. You do not know what the Reverend Johnson did to earn that money?

Mr. INSULL. No; Mr. Schuyler ran the whole scheme, and he can give you the information on that.

The CHAIRMAN. The Wabash Avenue Church; you do not know about that, either?

Mr. INSULL. No, sir.

The CHAIRMAN. The Rev. B. L. Rose, of the Salem Baptist Church, \$100?

Mr. INSULL. No, sir.

The CHAIRMAN. Here is the Reverend Johnson again, \$75; the Rev. J. S. Jordan, \$35; the Reverend Moore, of Waukegan, \$10. Do you know what he did?

Mr. INSULL. No.

The CHAIRMAN. The Reverend Johnson again, \$75; Rev. E. J. McCoo, \$25; Rev. F. A. McCoo, \$50. You can not tell us anything about them?

Mr. INSULL. No, sir.

The CHAIRMAN. The Rev. Austin Moore, afterwards named, \$100.

Mr. INSULL. No, sir.

The CHAIRMAN. Do you know who Antonio Ferrari is, who appears to have gotten \$889.30?

Mr. INSULL. No, sir.

The CHAIRMAN. That amount is not large enough to have attracted your attention?

Mr. INSULL. No. All I did was to supply money. Mr. Schuyler ran the campaign, and that was my report of the money spent.

The CHAIRMAN. When you gave these moneys to any person, it was left to that person to spend the money, was it not?

Mr. INSULL. I just ask for information, Mr. Chairman, are you referring to my contributions to Mr. Smith's campaign through Mr. Allen Moore?

The CHAIRMAN. No; any moneys that you paid out. You gave them to some individual, and was it left to the individual then to actually pay out the money?

Mr. INSULL. The moneys that I gave to the senatorial campaign, and which were paid either to Mr. Allen G. Moore for Mr. Smith's campaign, or to Mr. Daniel J. Schuyler, for the World Court propaganda, those moneys were turned over, and were intended by inference to be used for the purpose for which they were given.

The CHAIRMAN. Yes.

Mr. INSULL. Yes.

The CHAIRMAN. That was not my question.

Mr. INSULL. I was not through with my answer.

The CHAIRMAN. I beg your pardon.

Mr. INSULL. With relation to the rest of your question, which implies that I gave moneys for other purposes, I can only refer you to the statement I have made.

The CHAIRMAN. There is no implication in my question at all. I will ask it in another way.

Mr. INSULL. Yes.

The CHAIRMAN. When you gave the \$125,000 to Mr. Allen Moore, you say that by inference it was to be used by Mr. Moore for Mr. Smith's campaign?

Mr. INSULL. Naturally.

The CHAIRMAN. You did not say to Mr. Moore, "You must pay this out for that"?

Mr. INSULL. No.

The CHAIRMAN. But you knew that he was Mr. Smith's manager, and you gave him the money?

Mr. INSULL. Yes.

The CHAIRMAN. You did not then say to him, "Now, you shall use this in this particular way"?

Mr. INSULL. No, sir; none whatever.

The CHAIRMAN. And if he took part of that money and gave it to Mr. William Hale Thompson and Mr. William Hale Thompson took it over and put it into the treasury of the Crowe-Barrett committee, you had nothing to do with that?

Mr. INSULL. Nothing whatever to do with it.

The CHAIRMAN. And so if you gave any money to Mr. Barrett or Mr. Crowe which by implication was to go to the county, and they took part of that money and expended it in the senatorial campaign, you had nothing to do with that, either?

Mr. INSULL. That is not a question that I feel the committee is competent to discuss with me, in view of the position that I have taken in my reply to the first questions addressed to me.

The CHAIRMAN. You still refuse to answer?

Mr. INSULL. Yes.

The CHAIRMAN. Mr. Insull, is there anything in connection with your contributions that you regard as against public morals, or that would, if you told about it, subject you to any kind of public obloquy; or were they just square-toed, fair contributions?

Mr. INSULL. Absolutely fair, square-toed contributions.

The CHAIRMAN. Why will you not tell us about them?

Mr. INSULL. I have given my reply to that, Mr. Senator.

The CHAIRMAN. I know; but you say you are a citizen of the United States?

Mr. INSULL. Yes.

The CHAIRMAN. And you are interested in the public welfare. You gave all this money for the public welfare?

Mr. INSULL. Yes.

The CHAIRMAN. The committee, with its limitations, thinks that it is for the public welfare to know the amount of money that was actually expended in Cook County in this campaign, and so we are asking you now, as a public-spirited citizen who has nothing to conceal, as you have just said, to tell us all about how much money you actually gave.

Mr. INSULL. I am very sorry that I have got to give you the same answer, Senator; very sorry; but under all the circumstances it is the only answer I can give.

The CHAIRMAN. What are the circumstances that make it impossible for you to give it?

Mr. INSULL. From my point of view it is the only answer I can give.

The CHAIRMAN. Just what is your point of view?

Mr. INSULL. I will say again, from my point of view that is the only answer I can give, and my point of view is that my duty is to accept the advice of my counsel.

The CHAIRMAN. Your counsel has not told you that there would be anything immoral in telling this, has he? He has advised you on what he thinks is the jurisdiction of the committee, in which the committee thinks, if he gave that advice, he is very badly mistaken, with all the respect in the world to your eminent counsel, whom I happen to know and admire very much.

Mr. INSULL. I have given all the answer that I can give to those questions, Mr. Senator. All I can do is to keep on refusing to answer.

The CHAIRMAN. Since some of these men we have asked you about have, under oath, stated that they received this money from you, why is it you refuse to tell about that? Did they not tell the truth?

Mr. INSULL. Because, if I start discussing that, it opens up the whole question; and while I am not a lawyer, I know you are, and a very distinguished lawyer, and I probably would get beyond my depth before very long, and therefore I am going to cling to my life preserver, my counsel, in answering questions. I am very anxious to give you any information on the subject of my relation to the senatorial campaign of Mr. Smith or any other candidate, that comes within the scope.

The CHAIRMAN. You have contributed to other senatorial campaigns besides the Smith campaign, have you not?

Mr. INSULL. Oh, yes.

The CHAIRMAN. I mean in this present campaign that is now going on?

Mr. INSULL. Yes; I contributed, as I testified here, \$15,000 to Mr. Brennan.

The CHAIRMAN. Yes; and you have contributed outside of that, have you not?

Mr. INSULL. No; I do not think so. I contributed to Mr. Smith's campaign, as I have testified, \$125,000.

The CHAIRMAN. No; but outside of those two?

Mr. INSULL. I do not know of any.

The CHAIRMAN. Outside of the State of Illinois?

Mr. INSULL. Oh!

The CHAIRMAN. You know, we are not just investigating Illinois.

Mr. INSULL. I do not think I have. I have not any knowledge of any such thing. I may have, but I have no knowledge of it.

The CHAIRMAN. It is in evidence here, Mr. Insull, that your money went into the campaign—when you contributed to Roy O. West, as he testified, you knew that Roy O. West was supporting McKinley, did you not?

Mr. INSULL. I thought that they were going to end up by supporting McKinley; but I think at the time I made the contribution I did not know one way or the other.

The CHAIRMAN. Then you did make the contribution, did you not?

Mr. INSULL. What?

The CHAIRMAN. Then you did make the contribution, did you not?

Mr. INSULL. I take my hat off to you. [Laughter.]

The CHAIRMAN. Now, tell us how much it was?

Mr. INSULL. I am not going to say anything more, Mr. Senator. You see I am not used to being cross-examined. You are too smart for me.

The CHAIRMAN. Could you refresh your recollection from your books, or memoranda, or in any other way ascertain positively whether you have contributed to the campaigns of candidates for the Senate outside of Illinois and in the present contest that is going on for nomination?

Mr. INSULL. My recollection is that I have not. I do not know of any.

The CHAIRMAN. Mr. Insull, I think I ought to say to you what I was obliged to say to another witness.

Mr. INSULL. Yes.

The CHAIRMAN. And I say it not by way of any attempt at a threat, but simply to state the fact. If you stand upon the refusal to answer these questions which have been asked you, it will be the very painful duty of the committee to report that fact to the United States Senate for its action. We are merely the agents of the Senate to collect these facts for its consideration. I had hoped, after you consulted your counsel and in view of your position that you wanted to protect the public and were a public-spirited citizen, that you would make a full and frank disclosure of all of your contributions.

You have the right to take the position that you do, but if you persist in it there will be no course left to the committee except to report the fact to the Senate. I want it distinctly understood that there is nothing in the way of a threat in the statement, but it is only a fair statement to make because it is a fact, and one that will be carried out.

I now make that statement, and I ask you if you persist in your refusal to answer each and all of the questions which have been asked you and which you have hitherto refused to answer?

Mr. INSULL. Yes; as contained in my statement.

The CHAIRMAN. Have you made any contributions to the senatorial campaign in the State of Indiana?

Mr. INSULL. Not to my knowledge.

The CHAIRMAN. You would know, would you not? You do not have an agent who makes these contributions in your absence, do you, and without your knowledge?

Mr. INSULL. Oh, no; no, I do not. Personally I have not made any contribution that I know of.

The CHAIRMAN. Let us not have any misunderstanding.

Mr. INSULL. I do not want to. I want to be very positive in that statement. I do not know whether any of my friends—

The CHAIRMAN. You are a man of large affairs.

Mr. INSULL. Yes.

The CHAIRMAN. And it would be entirely possible that you might have some man in whom you had confidence make contributions of your funds. Does anything like that condition exist?

Mr. INSULL. No. I think I would be referred to.

The CHAIRMAN. Is there any man, or are there any men, who in any way are charged with that responsibility, and such rights and privileges as that they could make contributions on your behalf without your knowledge?

Mr. INSULL. No, no. They might make contributions on their own behalf; yes.

The CHAIRMAN. Not out of your money?

Mr. INSULL. No.

The CHAIRMAN. Or the company with which you are connected?

Mr. INSULL. No. I do not even know who were the candidates in Indiana. Do you happen to know, Senator?

The CHAIRMAN. Yes.

Mr. INSULL. I do not.

The CHAIRMAN. Is the Indiana Service Corporation one of your companies?

Mr. INSULL. The Indiana Service Corporation is a subsidiary of the Midland Utilities Co., of which I am president. There is one statement I would like to correct, Mr. Chairman. Unless I refer to it, the wrong impression will be given. These are not my companies. I operate them and have a very small percentage of interest in any of them; very small, some of them very low indeed; and I do not believe there is a corporation I operate, in which I have a 10 per cent interest. In a lot of companies my interest goes down as low as 1 per cent. I operate them for my stockholders.

The CHAIRMAN. I am using the term as a descriptive term. When we speak of a Morgan bank, we do not mean that any particular Morgan owns that bank, but his name is identified with it; and so with these interests of which you are the directing head, which are referred to as the "Insull interests."

Mr. INSULL. It is a mistake. I think altogether they are owned by a hundred thousand stockholders and a hundred to a hundred and fifty thousand bondholders.

The CHAIRMAN. I think we understand each other. You say that the Indiana—

Mr. INSULL. Indiana Service Co.

The CHAIRMAN. The Indiana Service Corporation is a subsidiary—

Mr. INSULL. Of the Midland Utilities.

The CHAIRMAN. Of the Midland Utilities?

Mr. INSULL. Of which I am president.

The CHAIRMAN. Of which you are president?

Mr. INSULL. And which operates largely in Indiana.

The CHAIRMAN. How about the Winona Traction Co.?

Mr. INSULL. That is none of my affair. I have nothing to do with it.

The CHAIRMAN. Do you know Mr. John Motto, of Warsaw, Ind.?

Mr. INSULL. I do not think I do.

The CHAIRMAN. He is manager of the Indiana Service Corporation, or Winona Traction Co.

Mr. INSULL. I do not think so, Senator.

The CHAIRMAN. Are you in any way interested in the Merchants' Heat & Light Co. of Indianapolis?

Mr. INSULL. Most remotely. I have to trace it through about half a dozen corporations.

The CHAIRMAN. But those corporations finally end—

Mr. INSULL. In what is known as the American Public Utilities Co.

The CHAIRMAN. And what is your relation to that company?

Mr. INSULL. I do not remember, Mr. Senator, whether I am an officer or just a director; but it is generally operated by the interests with which I am connected.

The CHAIRMAN. And which, for want of a better term, we call the Insull interests.

Mr. INSULL. No; I would not call it that. It is not as closely connected with us as that.

The CHAIRMAN. Are the stockholders in that a part of the 150,000 that you told us you were trying to protect?

Mr. INSULL. I do not think they would be; no. No; that is a concern—

The CHAIRMAN. You think they lie outside the horizon of your protection?

Mr. INSULL. We have a relatively small interest there as stockholders. That is my recollection.

The CHAIRMAN. What is the T. H. I. & E. Traction Co.?

Mr. INSULL. That is an institution that furnishes transportation and electric light and power. I do not know whether they do any gas business in the State of Indiana or not.

The CHAIRMAN. Is that in any way connected with what we term the Insull interests?

Mr. INSULL. No, no.

The CHAIRMAN. It has not any connection at all?

Mr. INSULL. No; there is a negotiation pending for a consolidation, but I do not know whether it will ever take place.

The CHAIRMAN. That company and the others I have named operate largely in Indiana.

Mr. INSULL. In Indiana; yes. There are some other companies in the same group that operate in Indiana.

The CHAIRMAN. This Indianapolis Traction & Terminal Co. controls something like 100 public utilities in Indiana, does it not?

Mr. INSULL. No; I do not think so; but I am not interested in it.

The CHAIRMAN. But there are negotiations going on for acquiring it?

Mr. INSULL. Oh, yes; that is a matter of public knowledge.

The CHAIRMAN. By what we call the Insull interests?

Mr. INSULL. No. There is a general consolidation to take place of two different corporations. We are not going to do any acquiring except it will be done by an exchange of securities.

The CHAIRMAN. Yes.

Mr. INSULL. Yes. We are interested in one of those institutions.

The CHAIRMAN. It will be brought under the control of the Insull management?

Mr. INSULL. I do not know.

The CHAIRMAN. That is the plan.

Mr. INSULL. I do not know whether that is the way it would run—whether we would control or somebody else would control.

The CHAIRMAN. That is what you are working for.

Mr. INSULL. Well—

The CHAIRMAN. Oh, you know, Mr. Insull.

Mr. INSULL. I do know, and that is why I am saying—if you know anybody who would be interested in buying the control of both, I would be delighted to sell them.

The CHAIRMAN. I expect you could give us a good deal of information about both of them.

Mr. INSULL. What?

The CHAIRMAN. Under those circumstances you would be able to give us a good deal of detailed information with respect to both of them.

Mr. INSULL. No; the two institutions that you mention, Mr. Senator, I have so little to do with, although my interests have more or less to do with them, that I am not in a position to give you information about either the T. H. I. & E. or the Merchants Co.

The CHAIRMAN. Then when I want to buy I am not going to come to you, because you do not know anything about it.

Mr. INSULL. I will get the information by that time if you want to buy.

The CHAIRMAN. The plan is to amalgamate these in some way with the Insull properties? That is the plan, is it not?

Mr. INSULL. Yes; that is the general plan, with some of our properties.

The CHAIRMAN. You still think you do not want to tell us, do you?

Mr. INSULL. I am still of the same opinion.

The CHAIRMAN. Very well. We will excuse you, sir.

Mr. INSULL. Are you likely to want me again?

The CHAIRMAN. No, sir.

Mr. INSULL. Because I am very anxious to go out of town on business.

The CHAIRMAN. You can go, Mr. Insull.

The witness, Insull, refused to testify whether he gave to Robert E. Crowe a sum of money—just as the witness, Crowe, as will be shown later, refused to testify whether the \$15,000 alleged by him to have been expended in behalf of a Crowe-Barrett candidate, Capt. Joseph P. Savage, had been contributed to him by Samuel Insull. The witness, Insull, also declined to answer questions put to him as to whether he had given \$10,000 to Roy O. West, of the Deneen group,

which was supporting the candidacy of Senator McKinley. (See p. 6, S. Rept. 1197.)

The witness, Insull, read a prepared statement into the record, wherein he stated:

As I understand it, the precise question asked me by Senator Reed at the afternoon session of the committee on July 26, and to which the committee now desires an answer, was whether or not I made any contributions to the pre-primary campaign in addition to those about which I had already testified. The question embraces contributions for promoting nominations to the many local offices involved in the primary. Nominations were made at the primary for a great many State and county offices (50 or more in Cook County), and the campaign preceding the primary included activities by individuals and political organizations in support of the various persons seeking nominations for these State and county offices. I have consulted counsel and I am advised by him that the Senate lacks power or jurisdiction to investigate the matter of contributions in connection with the primary election; that the Senate resolution under which the committee is acting does not authorize or purport to authorize the committee to inquire as to what contributions, if any, were made to the pre-primary campaign for purposes other than the purpose of influencing nominations for United States Senator, and that the members of the committee conducting this hearing have no right to seek or compel evidence relating to contributions to such campaign, particularly contributions for the purpose of promoting nominations for State and county offices. I have willingly testified as to all contributions made by me to influence nominations for the Senatorship, for this is information which the Senate thinks it ought to have and which by its resolution it has asked for. But when members of the committee seek to go beyond the scope of the inquiry as defined in the resolution by asking questions concerning matters which the Senate has not authorized them to investigate, such as contributions to promote nominations for local offices, I do not feel called upon to answer. Therefore, with all due respect to the committee, I must decline, on advice of counsel and for the reasons given, to answer the question above mentioned, asked by Senator Reed at the former session, or to state whether or not contributions were made by me to the preprimary campaign for purposes other than the purpose of influencing nominations for United States Senator.

ROBERT E. CROWE

The general character of Robert E. Crowe's testimony has been dealt with in the previous partial report of your committee touching the Illinois senatorial primary election. (Rept. No. 1197, pt. 1.) Therein it was submitted that it is impossible to accept—

the contributions and expenditures of the senatorial primary candidates * * * as final or complete.

In some instances money was contributed to groups or a ticket of primary candidates for State and county offices who were allied with one of the senatorial candidates. In Cook County, for instance, the Republican faction controlled by Robert E. Crowe and Charles V. Barrett et al., who had previously supported Senator McKinley, put a county ticket in the field, and in a majority of their wards headed that ticket with Frank L. Smith for United States Senator. Indeterminate but considerable sums of money were contributed in behalf of these candidates and expended to aid the entire slate. For this reason, it was considered by your committee pertinent in arriving at the amounts expended to aid senatorial candidates to inquire into these closely allied transactions.

The lack of cooperation on the part of such organization leaders was discouraging. Robert E. Crowe, of the Crowe-Barrett faction and a Smith supporter, protested the jurisdiction of the committee over these blanket expenditures and refused to state the sums of money received or from whom received. Particularly, he refused to state whether any part of \$15,000 collected by him in behalf of one of his group candidates had been contributed by Samuel Insull, who had partially admitted previously that he had made a contribution to Mr. Crowe (p. 1850).

This candidate was Capt. Joseph P. Savage, running for Republican nomination to one of the county offices. Your committee had

no interest in the political fortunes or individual campaign of Captain Savage.

However, in fulfilling the mandate of the Senate, your committee considered it to be its plain duty to ascertain the effect on the senatorial candidates of every dollar spent by or contributed to any political group advocating a ticket or slate on which appeared the name of one of the senatorial candidates. Assistance to one of these candidates was obviously assistance to all. In its investigations, your committee has uniformly inquired into such related, connected, and collective expenditures, notably the expenditures in the Pennsylvania primaries in behalf of Governor Fisher and Edward P. Beidleman, who were placed upon tickets with the primary senatorial candidates, Senator George W. Pepper and Representative William S. Vare, respectively.

It may be said that the Crowe-Barrett faction was known as the regular Republican organization in Cook County, according to the definition of its coleader, Charles V. Barrett:

Mr. BARRETT. It is called the regular Republican organization because within the organization there was a majority of the regularly elected county central committeemen under the laws of the State of Illinois who control by a majority vote the power to nominate the regular officers in accordance with the statute (p. 1691).

This demonstrates clearly the importance of, and benefits to be derived from affiliation with, the activities of this powerful factional organization.

Accordingly, on August 4, 1926, having been previously sworn, Mr. Crowe was recalled to the stand and questioned concerning the source of the funds solicited and expended by him and the Crowe-Barrett faction in Captain Savage's behalf.

In reply to repeated questioning, Witness Crowe obstinately refused to answer any question touching the source of \$15,000 or \$16,000 collected by him and alleged by him to have been expended exclusively in Captain Savage's behalf. Further, the witness, Crowe, stated that he was "willing to answer any question pertinent to this inquiry."

Your committee therefore submits that the testimony hereinafter exhibited in extenso and hereby incorporated in this report and made a part hereof sufficiently discloses the obstinate and contumacious conduct of the witness, Crowe.

TESTIMONY OF ROBERT E. CROWE—RESUMED

The CHAIRMAN. Judge, you were sworn before?

Mr. CROWE. Yes, sir.

The CHAIRMAN. How much money did you get from Samuel Insull in the campaign?

Mr. CROWE. For what purpose?

The CHAIRMAN. For any purpose.

Mr. CROWE. I received no money from Samuel Insull whatever on the senatorial proposition.

The CHAIRMAN. Was it to be used in the last primary?

Mr. CROWE. I received no money from Samuel Insull on the senatorial proposition.

The CHAIRMAN. No; but I am asking if you received money to be used in the last primary?

Mr. CROWE. For what purpose?

The CHAIRMAN. Any purpose; any money of any sort that was to be used in the last primary.

Mr. CROWE. I repeat my answer. I received no money from Samuel Insull to be used in the senatorial primary.

The CHAIRMAN. Did you receive any money to be used in the primary held on April 13?

Mr. CROWE. I collected, in addition to the amounts that I have heretofore recited, somewhere in the neighborhood of \$15,000 or \$16,000. That was used exclusively to promote the candidacy of Capt. Joseph P. Savage.

The CHAIRMAN. He was running at the same time that all the rest of them were running on the ticket?

Mr. CROWE. All the money that we spent—

The CHAIRMAN. Was not that true?

Mr. CROWE. Yes. And all the money we spent was distributed to promote his candidacy; and none of it was spent on primary day. It was all spent for the purpose of advertising the candidacy of Capt. Joseph P. Savage.

The CHAIRMAN. Did you receive any of that from Mr. Insull?

Mr. CROWE. There were two or three hundred candidates in the primary. All of them spent money. I assume all of them collected money; and the sources from which they received money is not a proper inquiry for this committee. The persons who gave me that money were personal friends of mine, and it was used exclusively for Captain Savage.

The CHAIRMAN. Is Mr. Insull one of your personal friends?

Mr. CROWE. That is not a proper—

The CHAIRMAN. I want to know if you include him among your personal friends?

Mr. CROWE. I would not say that he was a personal friend. I would not say he was not. I know Mr. Insull.

The CHAIRMAN. A moment ago in giving your reasons for not answering, you said that there was money obtained from personal friends for other candidates than those who were running for the Senate; and I am asking you whether you include Mr. Insull in that list?

Mr. CROWE. I got money from friends of mine for Joseph P. Savage. That money was used exclusively for Joseph P. Savage. None of it was used primary day, and the persons who gave it to me I refuse to name.

The CHAIRMAN. I just asked you about one man, Judge.

Mr. CROWE. I say I know Mr. Insull.

The CHAIRMAN. I asked you if he gave you any of that money?

Mr. CROWE. My other answer covers it.

The CHAIRMAN. You refuse to answer; is that it?

Mr. CROWE. I will not name the persons who contributed, because it is not a proper sort of inquiry here.

The CHAIRMAN. Of course, you may think so, but we might have a different opinion.

Mr. CROWE. That is my opinion, of course. In other words, there were several hundred candidates running for various local offices and none of them have been interrogated, and I do not assume they will be.

The CHAIRMAN. What?

Mr. CROWE. I say their campaign funds are not under investigation here.

The CHAIRMAN. That depends. I do not care to argue this matter. I think I will be able to convince the proper body whether it is pertinent.

All of these candidates that you speak of were running at one primary?

Mr. CROWE. One primary.

The CHAIRMAN. Yes. Where were you when Mr. Insull gave you this money, Judge?

Mr. CROWE. I decline to answer. I have not stated that Mr. Insull gave me any money.

The CHAIRMAN. Do you decline to answer whether he did give you any?

Mr. CROWE. I decline to answer any question in reference to moneys that were contributed for Captain Savage's individual campaign.

The CHAIRMAN. I am not asking you anything about Captain Savage's or anybody else's individual campaign. I am asking you whether Mr. Insull gave you any money that was used for any purpose connected with the primary campaign on April 13, 1926. You can decline to answer that or you can answer it.

Mr. CROWE. I decline to answer any question in reference to the \$15,000 or \$16,000 that was used for Captain Savage's—

The CHAIRMAN. Do you decline to answer the question I asked you?

Mr. CROWE. I think I have answered it.

The CHAIRMAN. What?

Mr. CROWE. I think I have answered it. Will you read the question?

The CHAIRMAN. Read the question, Mr. Reporter.

The REPORTER (reading):

"The CHAIRMAN. Where were you when Mr. Insull gave you this money, Judge?"

"Mr. CROWE. I decline to answer. I have not stated that Mr. Insull gave me any money.

"The CHAIRMAN. Do you decline to answer whether he did give you any?"

The CHAIRMAN. That is the question.

Mr. CROWE. I have answered that. I stated that the persons who contributed to the individual campaigns—and the names of the persons—of the two hundred and odd candidates, is not a proper subject of inquiry.

The CHAIRMAN. Judge, on behalf of the committee, I am trying to get you to answer the question whether Mr. Insull gave you any money in the campaign which was held in Illinois on April 13. When I speak of the campaign I mean the primary held on that day, and the work which preceded election, which made up the work of the campaign.

I am going to direct you to answer that. You can refuse if you see fit; but, of course, you—

Mr. CROWE. I think I have answered to the best of my recollection all the moneys that I received that were used in the senatorial and the county campaign, the general county campaign; and I am merely declining to go into the question of who the persons were who contributed to Captain Savage's campaign.

The CHAIRMAN. Do you decline to answer the question as to whether Insull contributed any of that money, or any other money?

Mr. CROWE. I think I have answered it.

The CHAIRMAN. You decline to answer; is that it?

Mr. CROWE. I think I have answered it.

The CHAIRMAN. Will you answer this question? Did you get any money from Mr. Insull for use in the primary which ended in the primary election of April 13, 1926, in the State of Illinois?

Mr. CROWE. I think I have already answered that.

The CHAIRMAN. You decline to answer?

Mr. CROWE. I think I have already answered it.

The CHAIRMAN. Suppose you answer again, "yes" or "no," whether you decline?

Mr. CROWE. I have stated the persons, to the best of my recollection, who contributed money either to the senatorial or the general county campaign. Outside of that, the only moneys I received were \$15,000 or \$16,000, approximately, that I got from friends of mine for Captain Savage's campaign.

The CHAIRMAN. Was Savage on the slate that you supported?

Mr. CROWE. Yes, sir.

The CHAIRMAN. Was he supported generally by your organization?

Mr. CROWE. I think so.

The CHAIRMAN. In conducting the campaign, as I understand—and if I am wrong, correct me; and if I am not, inform me—you had a ward organization?

Mr. CROWE. Yes, sir.

The CHAIRMAN. You had ward organizations?

Mr. CROWE. Yes, sir.

The CHAIRMAN. You had precinct captains or managers, and that, in a general way, constituted your force in a particular ward. Is that correct?

Mr. CROWE. Yes.

The CHAIRMAN. That force was supporting what we will call your slate, the slate that you were supporting? That is right, is it?

Mr. CROWE. That is right.

The CHAIRMAN. And on that slate Mr. Savage's name appeared?

Mr. CROWE. That is right.

The CHAIRMAN. That is right, is it?

Mr. CROWE. Yes, sir.

The CHAIRMAN. On that slate Mr. Smith's name appeared as a candidate for the Senate?

Mr. CROWE. Not in our wards.

The CHAIRMAN. But in some of the wards?

Mr. CROWE. Yes.

The CHAIRMAN. In how many of the wards did it appear?

Mr. CROWE. I could not tell you accurately. A majority of the wards supported Colonel Smith and a large minority supported Senator McKinley.

The CHAIRMAN. But in the majority of the wards where the Crowe-Barrett people were working, Smith was being supported and Savage was being supported, and certain other men were being supported, all running together on one slate.

Mr. CROWE. That is correct.

The CHAIRMAN. That is right, is it not?

Mr. CROWE. That is right. In other words, in the majority of the wards our organization supported Colonel Smith; and in a large minority of the wards they supported Senator McKinley.

The CHAIRMAN. Can you tell me the names of the wards in which your organization did support Colonel Smith?

Mr. CROWE. I would not want to be taken as answering that accurately. In a general way I could tell you what my impressions were.

The CHAIRMAN. Yes.

Mr. CROWE. The first ward, I believe, was with Colonel Smith. The second ward was with Colonel Smith. The third ward was with Colonel Smith. I am not certain whom the fourth ward supported. The fifth ward supported McKinley, I believe.

They changed the ward numbers here and increased the number of wards from 35 to 50, and I can tell you the leaders better than I can the wards.

The CHAIRMAN. Begin with the first ward.

Mr. CROWE. Mr. Brady, when he was alive, I believe, was with Colonel Smith.

The CHAIRMAN. And also with the rest of the slate?

Mr. CROWE. Yes.

The CHAIRMAN. Which had Savage on it?

Mr. CROWE. Yes; and when he died he was succeeded by D. W. Scanlan. I believe he supported Smith.

The second ward, I believe, supported Smith.

The third ward, I believe, Mr. Kersey supported Smith.

In the fourth ward there were two organizations, Levy and Harding. I do not know what they did. Levy would be inclined ordinarily to be with McKinley, and I believe Harding, on account of his close friendship with Mayor Thompson, would be with Smith.

In the sixth ward Bernard W. Snow was with McKinley. If you have that list of committeemen which Mr. Barrett produced, I could give them to you better, or I could go along and skip some.

The CHAIRMAN. What ones have you skipped up to date?

Mr. CROWE. I believe I have covered them up to the eighth or ninth ward. I am not sure.

The CHAIRMAN. I will hand you now this list of ward committeemen that was submitted to us by Mr. Barrett, for the purpose of refreshing your recollection.

Mr. CROWE. Of course, when I state that this committeeman was with Smith and the other committeeman was with McKinley, that is my best information.

I will commence with the first ward.

The first ward, Daniel W. Scanlan was with Smith.

In the second ward, Edward H. Wright was with Smith.

In the third ward, George T. Kersy was with Smith.

In the fourth ward, Charles Krutekoff and Robert Levy, I do not know. I would imagine that Krutekoff, on account of his close contact with William Hale Thompson and George Harding, would be with Smith, and Levy I think would be with McKinley.

The CHAIRMAN. That is the fourth ward?

Mr. CROWE. Yes. I am not positive. I do not know what action they took, but that is my best information.

In the fifth ward, Behan was with McKinley.

In the sixth ward, Bernard W. Snow was with McKinley.

In the seventh ward, Charles Ringer was with McKinley.

In the eighth ward, Andrew C. Metzger; I would not know. I do not know personally how he stood on that, but I understand from Behan's testimony that he was with McKinley, and he is the chief deputy of Snow; and if Snow was with McKinley, I assume that Metzger would go along with him.

In the ninth ward, C. S. Piggott; I have not any idea what he did. He was a candidate himself, and I did not see much of him. I think he was principally interested in his own candidacy.

In the tenth ward, I believe Elmer A. Brown was with Smith.

In the eleventh ward, Wendling; I do not know. I assume he went the way King did.

The CHAIRMAN. That would be what?

Mr. CROWE. King, in the next ward, was with Smith.

In the thirteenth ward, Hugh Norris was with Smith. Those three are very close politically, and if one of them was with Smith, I assume the other two were, without knowing.

In the fourteenth ward, Walsh; I have not any idea whom he was with. My guess would be that he was with Smith.

In the fifteenth ward, Withall; I believe he was with Smith.

In the sixteenth ward, Reid was with Smith.

In the seventeenth ward, Balmer; I do not know what he did.

In the eighteenth ward, Williams; I do not know what he did.

In the nineteenth ward, Fairbank; I believe he was with Smith.

In the twentieth ward, Morris Eller; I believe he was with Smith.

In the twenty-first ward, Charles V. Barrett was with Smith.

In the twenty-second ward, Miller was with Smith.

In the twenty-third ward, Charles Vavrik, I believe, also was with Smith, although I am not positive of that.

In the twenty-fourth ward, I believe Rothenberg was with Smith.

In the twenty-fifth ward, I do not know whom they supported; either Radzwill or Mamer.

In the twenty-sixth ward, Curran was with Smith.

In the twenty-seventh ward, Galpin was with McKinley.

In the twenty-eighth ward, Graydon; I have no information on that, but I think that one of the witnesses testified that Graydon was with McKinley.

In the twenty-ninth ward, Nye was with Smith.

In the thirtieth ward, I believe Moore was with Smith.

In the thirty-first ward, Erickson was with Smith.

In the thirty-second ward, I do not remember talking to Sullivan at all, but I assume, from his connection, that he would be with Smith also.

In the thirty-third ward, Doctor Coffey was with Smith.

In the thirty-fourth ward, Thomas A. Brockmeyer was a candidate himself, and I do not recollect talking to him on the senatorial proposition at all, but I imagine that he went along with Smith also.

In the thirty-fifth ward, I believe Feinberg was with Smith.

In the thirty-sixth ward, Hitzman was with Smith.

In the thirty-seventh ward, Brekke was with Smith.

In the thirty-eighth ward, I believe Byrne was with Smith.

In the thirty-ninth ward, I believe Reuss was also with Smith.

In the fortieth ward, White supported McKinley, I believe.

In the forty-first ward, Millner; I do not know whom he supported.

In the forty-second ward, I think that Immenhausen was with Smith.

In the forty-third ward, I do not know whom Haffa supported. I understand that he supported McKinley.

In the forty-fourth ward, I believe Wallace supported McKinley.

In the forty-fifth ward, I believe Brundage supported McKinley.

In the forty-sixth ward, Edward J. Brundage also supported McKinley.

In the forty-seventh ward, Gibson was with Smith.

In the forty-eighth ward, without knowing, I would say that Boutell, on account of his connection with Brundage, would be with McKinley.

The same is true of Newby in the forty-ninth ward.

In the fiftieth ward, Nettelhorst; I would not attempt to tell whom he supported. He is a close friend of Brundage's and also the chief clerk in Wallace's office, and if they were with McKinley he would probably be, too, although he might not have been.

The CHAIRMAN. In what ward was Wallace?

Mr. CROWE. In the forty-fourth ward. He was clerk in the circuit court here.

The CHAIRMAN. These men whom you have named in this territory were the Crowe-Barrett committeemen in these various wards?

Mr. CROWE. They were.

The CHAIRMAN. They were furnished some funds to help them carry on the fight in their wards?

Mr. CROWE. By the treasurer of the committee, Charles V. Barrett.

The CHAIRMAN. By the Crowe-Barrett committee?

Mr. CROWE. Yes.

The CHAIRMAN. Did you collect any moneys that you did not put in the treasury of the committee?

Mr. CROWE. I collected this \$15,000 or \$16,000 I have talked about, and none of that money went to any of these gentlemen.

The CHAIRMAN. Did you collect any other moneys than you have already accounted for that went in to the committee or any members of the committee?

Mr. CROWE. I collected, as I said, those sums that were testified to that went to Barrett.

In addition to that, I collected this \$15,000 or \$16,000 which was used exclusively for Savage, and none of that money went to any of these committeemen.

The CHAIRMAN. I am asking you if you collected any other moneys than this \$15,000 or \$16,000 and the moneys which you have heretofore testified were turned over to Mr. Barrett?

Mr. CROWE. I might have collected some money early in the campaign, when we had that dance in our ward, that was turned over to the ward treasury, although I have no recollection of getting any.

The CHAIRMAN. Aside from that, have you collected any?

Mr. CROWE. Not that I remember.

The CHAIRMAN. Was any part of this \$15,000 or \$16,000 that you have spoken of used on election day?

Mr. CROWE. Not a penny.

The CHAIRMAN. It was used prior to the election?

Mr. CROWE. Used prior to the election, and none of it went to any of the committeemen. It was used in getting out advertisements of various sorts and for expenses incidental to Savage's personal campaign.

The CHAIRMAN. Savage was running for what office?

Mr. CROWE. County judge.

The CHAIRMAN. County judge?

Mr. CROWE. Yes.

The CHAIRMAN. Judge Crowe, the committee will consider what action ought to be taken in regard to your refusal to answer; and I am going to say to you, although it is none of my business to lecture you, that I am unable to conceive of any reason why public officials should refuse to disclose the sources or the disposition of moneys used in a public election.

Mr. CROWE. I would be very glad to tell any committee investigating a general campaign in Cook County and the individual expenditures of the various candidates, who the persons were who gave me this \$15,000 or \$16,000.

The CHAIRMAN. I assume you are interested, and the public ought to be interested, in the whole question of honest elections. This committee, however humble it may be individually, is sent here by the United States Senate to ascertain the facts touching this primary. When you undertake to say that certain moneys had no influence whatever upon the choice of a senatorial candidate, we think that that is a question the Senate is entitled to decide when it has the facts, and, without any desire to tell you what to do, we think that any public official ought to state the facts gladly in regard to that; and I am putting it up to you in that way.

Mr. CROWE. As I say, I am very glad to tell you gentlemen about all the moneys that were used in any manner that could possibly affect the election of United States Senators.

The CHAIRMAN. We think they are intimately related, and we think they have to do with the motives of certain contributors. It is one thing that a man might have contributed to a particular candidate; and if—and I am not undertaking to confine myself to facts in this illustration—if it should transpire that certain interests that had something to do with the public are not only giving their money to elect a senatorial candidate but are using their money to elect other candidates who had had dealings with them, or who might have dealings with them, that evidence might throw a great deal of light upon the motives of the contributors. I know you are a good enough lawyer to see that point. Therefore we think that particularly a public official ought to be willing to make full disclosure.

Mr. CROWE. If there were an investigation as to the amount of money that Trude spent, and the other candidates for county judge, there is nothing that I would not freely and gladly tell to that committee, because there is no money that I received in this campaign or in any other campaign that I would be ashamed to proclaim from the housetops.

The CHAIRMAN. Then just why will you not tell us? Is it merely because you want to stand on the technical ground that you think that your judgment is that the committee has not any right to ask?

Mr. CROWE. Because I can not see why Savage should be picked out of 200 candidates to have his expenditures investigated.

The CHAIRMAN. We are not picking him out. If you will tell us some others that collected money and used it in this campaign we shall be very glad to investigate with respect to all of them, for we think that you can not any more separate the moneys that were used in this election than you can separate the particles of air which are all part of the atmosphere, except that you may find that a certain group of candidates was supported by a certain group of committee men or prominent gentlemen. Therefore we think there ought to be a disclosure made, not only as to Savage—we are not hunting Savage, and we are not hunting anybody—but there ought to be a disclosure made of all of the moneys expended in Cook County in this primary and in the State of Illinois in this primary, if we had time to hunt the State over.

I am saying that to you in the hope that as a public official you will aid us, who are also public officials, and have no other desire than to get the facts. I can see why Mr. Insull might not want to tell, although I am casting no reflections upon him; I can see why a private citizen might not want to tell; but I can not see why a public official should not want to tell.

Mr. CROWE. Well, I am willing to answer any question that is pertinent to this inquiry.

The CHAIRMAN. But you are not willing to answer the questions you have declined thus far to answer?

Mr. CROWE. My answers are in the record.

The CHAIRMAN. Very well; that is all, sir.

DANIEL T. SCHUYLER

Daniel T. Schuyler appeared before your committee and was sworn on August 5, 1926. He testified that he was an attorney for Samuel Insull; that he had held that relationship for 15 or 16 years; that he contributed \$3,600 personally in Frank L. Smith's interest; and that he had paid to various negro, foreign, and other political groups who were interested in the candidacy of Frank L. Smith at least \$34,000 of moneys belonging to Samuel Insull.

When questioned as to any further contributions, either directly or indirectly, to the primary campaign by him personally or as agent of Samuel Insull, the witness Schuyler steadfastly refused to answer. His testimony is here reproduced in full:

TESTIMONY OF DANIEL J. SCHUYLER

(The witness was sworn by the chairman.)

The CHAIRMAN. Will you please state your full name?

Mr. SCHUYLER. Daniel J. Schuyler.

The CHAIRMAN. Where do you reside?

Mr. SCHUYLER. No. 3741 Grand Boulevard, Chicago.

The CHAIRMAN. By profession you are a lawyer?

Mr. SCHUYLER. Yes.

The CHAIRMAN. And do you in any way represent Mr. Insull?

Mr. SCHUYLER. I am one of his attorneys; yes, sir.

The CHAIRMAN. How long have you held that relationship to him?

Mr. SCHUYLER. I should say about 15 or 16 years.

The CHAIRMAN. Did you contribute any money in the last primary in Illinois?

Mr. SCHUYLER. Personally?

The CHAIRMAN. Yes.

Mr. SCHUYLER. To the senatorial primary?

The CHAIRMAN. Yes.

Mr. SCHUYLER. Yes, sir. I gave \$2,500 to the campaign of Frank L. Smith.

The CHAIRMAN. Did you give any other moneys in that campaign?

Mr. SCHUYLER. Yes. I paid \$1,100 in bills for a meeting which was held at the Eighth Regiment Armory. It was a meeting against a World Court, and Frank L. Smith spoke at that meeting.

The CHAIRMAN. \$1,100 at the—

Mr. SCHUYLER. Eighth Regiment Armory. That was my own money—\$1 100. There might have been eleven hundred and some odd dollars.

The CHAIRMAN. Anything else?

Mr. SCHUYLER. You mean of my own?

The CHAIRMAN. Yes.

Mr. SCHUYLER. No; that is all I can recall so far as I am concerned.

The CHAIRMAN. For all political purposes?

Mr. SCHUYLER. As far as any other political purposes are concerned, Senator, I shall have to respectfully decline to answer.

The CHAIRMAN. All right; we will come back to that after a while. You have inquired whether we were asking about money that you had expended of your own?

Mr. SCHUYLER. Yes, sir.

The CHAIRMAN. And I answered that you have accounted here for \$3,600 of your own?

Mr. SCHUYLER. Yes.

The CHAIRMAN. Did you expend or handle anybody else's money?

Mr. SCHUYLER. Yes, sir. I spent in the colored district \$4,500 of Mr. Insull's money. \$3,500 of that I gave to Mr. A. B. Messer and Mr. Frank Summers.

Mr. Summers is colored. I gave \$1,000 to George Kersey.

The CHAIRMAN. Let me get that straightened out.

Mr. SCHUYLER. Yes.

The CHAIRMAN. You spent \$4,500 in the colored district. You said \$3,500 of that you gave to A. B. Messer?

Mr. SCHUYLER. And Frank Summers.

The CHAIRMAN. How much of it did you give to each of them?

Mr. SCHUYLER. I gave it to them together.

The CHAIRMAN. Then you gave \$1,000 to George Kersey?

Mr. SCHUYLER. To George Kersey, a colored man.

The CHAIRMAN. The other two gentlemen you named are white men?

Mr. SCHUYLER. No; Summers is colored.

The CHAIRMAN. Summers is colored?

Mr. SCHUYLER. Yes.

The CHAIRMAN. Messer is white?

Mr. SCHUYLER. Yes.

The CHAIRMAN. They were together when you gave them this money?

Mr. SCHUYLER. Yes.

The CHAIRMAN. That \$1,100 you spent at the armory is not in that?

Mr. SCHUYLER. No, sir; that was my money.

The CHAIRMAN. This money you gave to Mr. Messer and Mr. Summers and Mr. Kersey, aggregating \$4,500, was furnished by whom?

Mr. SCHUYLER. By Mr. Insull.

The CHAIRMAN. Who is A. B. Messer?

Mr. SCHUYLER. A. B. Messer is a citizen of Chicago, who is manager of the Foreign Language Newspaper Service. That is an organization that was primarily organized for the purpose of helping to Americanize the foreign-born people of Chicago, and when this campaign came up Mr. Insull asked me if I thought it was possible to make a campaign of education against the World Court, and I told him it was. Mr. Messer had had an experience of 30 years with foreign-language people, and I turned that campaign over to him—that is, the details of it.

The CHAIRMAN. How much of this \$3,500 was employed with the foreign-language newspapers?

Mr. SCHUYLER. That colored money?

The CHAIRMAN. Yes.

Mr. SCHUYLER. Oh, none of that.

The CHAIRMAN. Let me understand. You gave \$4,500 to the colored districts?

Mr. SCHUYLER. That did not have anything to do with the foreign-language campaign at all.

The CHAIRMAN. Very well. Then the \$3,500 you gave to Messer and Summers, was that part of the \$4,500?

Mr. SCHUYLER. That \$3,500 was confined alone to the colored district. That is exclusive of the foreign-language campaign.

The CHAIRMAN. That is exactly it. I think you misspoke yourself. You said \$3,500, of which, as I understood you, part was given. Now, I understand you gave \$4,500 to the colored district, and that was Mr. Insull's money?

Mr. SCHUYLER. Yes.

The CHAIRMAN. And then you gave \$3,500 to Mr. Messer and Mr. Summers? Mr. SCHUYLER. No; I meant Summers and Messer also handled that money in the colored district.

The CHAIRMAN. They also handled the \$4,500?

Mr. SCHUYLER. Yes.

The CHAIRMAN. And in addition to the \$4,500, you gave them \$3,500?

Mr. SCHUYLER. No; that is not it.

The CHAIRMAN. Well, I have asked that twice. We will get it straight. Go ahead and let us get it straight, that is all. Let us begin all over again. You gave \$4,500 to the colored district?

Mr. SCHUYLER. \$4,500 was spent in the colored district.

The CHAIRMAN. Exactly.

Mr. SCHUYLER. That was disbursed in detail by Messer and Summers, all except \$1,000, which was given to George Kersey. Now, that winds up the colored district, with the exception of the \$1,100 which I gave myself to that meeting.

The CHAIRMAN. Now, about the foreign-language newspapers?

Mr. SCHUYLER. The foreign-language newspapers; for advertising there was spent \$2,330.85.

The CHAIRMAN. Who did you say handled the foreign-language newspaper situation?

Mr. SCHUYLER. Mr. A. B. Messer.

The CHAIRMAN. The same man who had helped handle the \$3,500?

Mr. SCHUYLER. Yes; although Summers was principally the man that handled that down there.

The CHAIRMAN. When was it you gave this \$4,500 to the colored district?

Mr. SCHUYLER. It was before the primary. I can not tell you exactly.

The CHAIRMAN. Can you tell me about how long it was?

Mr. SCHUYLER. I do not believe I can.

The CHAIRMAN. Have you not any memoranda or anything from which you can tell?

Mr. SCHUYLER. I rather imagine it might have been a month or two months before primary day. It may have been a little longer than that.

The CHAIRMAN. When did you pay the money to the foreign-language newspapers—that is, when did you pay it to the man who gave it to them?

Mr. SCHUYLER. That was some time before the primary. That was for plain advertising.

The CHAIRMAN. Advertising for what?

Mr. SCHUYLER. For Frank Smith.

The CHAIRMAN. Then, what other moneys did you handle?

Mr. SCHUYLER. Then I turned over from time to time during the primary—and I suppose this began four months before the primary and wound up some time before—altogether, in addition to that, \$26,904.34.

The CHAIRMAN. Whom did you turn it over to?

Mr. SCHUYLER. I turned it over to Mr. Messer [handing paper to the chairman]. That is the front page of the same statement Mr. Insull handed to you.

The CHAIRMAN. Then, did you have anything to do with the expenditure of this money which was turned over in the colored district, after you had turned it over?

Mr. SCHUYLER. After I had turned it over to Mr. Messer?

The CHAIRMAN. Yes.

Mr. SCHUYLER. No, sir.

The CHAIRMAN. Mr. Messer, then, is the man who will know to whom he paid it?

Mr. SCHUYLER. Yes; he will.

The CHAIRMAN. And the business or occupation or color or race of the people he gave it to?

Mr. SCHUYLER. Yes.

The CHAIRMAN. Very well. What other moneys did you have anything to do with distributing on behalf of any other senatorial candidate than Mr. Smith?

Mr. SCHUYLER. None at all.

The CHAIRMAN. You have indicated that you gave other moneys than those you have spoken of?

Mr. SCHUYLER. No.

The CHAIRMAN. Which you say went in the senatorial fight?

Mr. SCHUYLER. I did not mean to indicate that, Senator. I would merely say that I did not care to go into that.

The CHAIRMAN. What officers were you interested in?

Mr. SCHUYLER. I was not particularly interested in any of them.

The CHAIRMAN. Then whom did this money go to? I want to know whether it went to a committee?

Mr. SCHUYLER. What money?

The CHAIRMAN. The money you handled.

Mr. SCHUYLER. I did not—

The CHAIRMAN. I am asking if you did not pay it to committees or committee-men?

Mr. SCHUYLER. That I shall have to decline to answer. I have told you about all the moneys that I collected and disbursed.

The CHAIRMAN. Yes. You and some other gentlemen here, I believe, think you know the scope of the authority of this committee and that you have a right to put your construction on it. Did you not receive from Samuel Insull substantial sums of money which were employed in the primary in Illinois, which was held on the 13th day of April, 1926?

Mr. SCHUYLER. I have told you about all the moneys that I received or expended in the senatorial campaign; and further than that I shall have to respectfully decline to answer.

The CHAIRMAN. Do you refuse to say whether you received other moneys and turned them over, as indicated in my last question?

Mr. SCHUYLER. Yes; I do.

The CHAIRMAN. Is it not a fact that you received substantial sums of money from Samuel Insull, which you turned over to members of political organizations that were working not only for candidates who were aspirants for county or State nominations, but also were working for Smith for the Senate?

Mr. SCHUYLER. I shall have to decline to answer.

The CHAIRMAN. I do not intend to pursue this further than to say that, of course, you understand the situation?

Mr. SCHUYLER. Yes.

The CHAIRMAN. It will be our duty to report the facts to the Senate.

Senator La Follette, do you want to ask any further questions?

Senator LA FOLLETTE. No.

The CHAIRMAN. That is all, sir.

For reasons above set forth, your committee reports the conduct of Daniel J. Schuyler while under oath before your committee.

PENNSYLVANIA

The laws and facts relating to the primary elections holden in the State of Pennsylvania on May 18, 1926, have already been set forth on pages 4 and 5 of Report 1197, Part II, of your committee, submitted December 22, 1926, which is herewith incorporated in this report and made a part hereof by reference.

THOMAS W. CUNNINGHAM

In Senate Report No. 1197, Part II, submitted December 22, 1926, touching the senatorial primary campaign in the State of Pennsylvania, on page 22 the following statement was made:

Thomas Cunningham, clerk of the court of quarter sessions of Philadelphia, and treasurer of the State Republican committee, pretends to have contributed \$50,000 to the Vare campaign fund. A subpoena was issued for his appearance early in June. A diligent search failed to locate him. Finally, Representative Golder, of the fourth district of Pennsylvania, communicated with the committee, stating that Cunningham would accept service. His whereabouts was disclosed and he was served. He appeared before your committee in its session in the Federal Building in the city of Chicago on July 29, 1926. With him appeared Representative Benjamin M. Golder, who stated that Mr. Cunningham had requested that he be permitted to attend as his attorney. Mr. Cunningham, both for himself and through his attorney, protested the jurisdiction of your committee and refused to answer questions put to him and denied the committee

any information beyond the following facts of his name, residence, and occupation as clerk of the quarter sessions court; that he contributed \$25,000 to the Vare campaign fund through Thomas F. Watson on April 10, 1926, and \$25,000 on April 13.

His testimony is here reproduced in full and made a part of this report for such action as the Senate may deem proper:

TESTIMONY OF THOMAS W. CUNNINGHAM

(The witness was sworn by the chairman.)

The CHAIRMAN. Let the record show the appearance of Mr. Golder.

Mr. GOLDER. Mr. Chairman, in the event that a question is asked which I consider one which Mr. Cunningham should not answer, may I address myself to the Chair or to Mr. Cunningham?

The CHAIRMAN. It would be entirely proper for you to address yourself to the Chair and state your objection, the same as you would to a court.

What is your full name, Mr. Cunningham?

Mr. CUNNINGHAM. Thomas W. Cunningham.

The CHAIRMAN. Where do you reside?

Mr. CUNNINGHAM. 2116 Cherry Street, Philadelphia.

The CHAIRMAN. How long have you resided in Philadelphia?

Mr. CUNNINGHAM. My whole life.

The CHAIRMAN. What is your occupation or business?

Mr. CUNNINGHAM. Clerk of the quarter sessions court.

The CHAIRMAN. With what political organization were you connected during the recent primary in Pennsylvania—the last primary?

Mr. CUNNINGHAM. The Republican organization of Philadelphia County.

The CHAIRMAN. Who was the chairman of that organization?

Mr. CUNNINGHAM. Thomas F. Watson.

The CHAIRMAN. And what candidate for the Senate was that organization supporting?

Mr. CUNNINGHAM. Congressman Vare—W. S. Vare.

The CHAIRMAN. Did you collect any money for use in that campaign?

Mr. CUNNINGHAM. I did not.

The CHAIRMAN. Was any money given to you for use in that campaign?

Mr. CUNNINGHAM. Not one cent.

The CHAIRMAN. I mean to include in money, of course, checks or drafts or anything—

Mr. CUNNINGHAM. No check, no drafts, or anything.

The CHAIRMAN. That you got money on?

Mr. CUNNINGHAM. No, sir.

The CHAIRMAN. Did you handle any money in that campaign?

Mr. CUNNINGHAM. I did not.

The CHAIRMAN. Did you deliver any money to any person?

Mr. CUNNINGHAM. I did.

The CHAIRMAN. That is handling money, Mr. Cunningham?

Mr. CUNNINGHAM. I did not catch your way of saying that.

The CHAIRMAN. Very well. To whom did you give any money?

Mr. CUNNINGHAM. I handed money to Thomas F. Watson, \$25,000, on the 10th day of April, 1926.

The CHAIRMAN. Where did you get that money?

Mr. CUNNINGHAM. I got that money out of my own private funds.

The CHAIRMAN. How is that?

Mr. CUNNINGHAM. Out of my own private funds.

The CHAIRMAN. Your own private moneys?

Mr. CUNNINGHAM. Yes, sir; my own money; my own money.

The CHAIRMAN. How long had it been your own money?

Mr. GOLDER. Mr. Chairman, may I state an objection at this time?

The CHAIRMAN. You may.

Mr. GOLDER. I have advised Mr. Cunningham that, in my judgment, this committee has no jurisdiction to inquire into the primary election held in Pennsylvania; that it is only a local matter for the Commonwealth of Pennsylvania; and that in my professional judgment he can answer those questions which he sees fit dealing with the primary election, and that he may refuse to answer those questions which he considers his own personal business. I have further advised Mr. Cunningham that he need not disclose to this committee from what part of his personal estate, or personal fortune, he paid the money to Mr. Watson that he did pay during this last campaign in Pennsylvania.

I thought I would state that as a matter of record so that I would not have to object each time a question was asked.

The CHAIRMAN. What was my last question?

(The question was read by the reporter as follows:)

"The CHAIRMAN. How long had it been your own money?"

Mr. CUNNINGHAM. I refuse to answer that question, Senator, as a personal question. It is my own private business.

The CHAIRMAN. Where did you get this \$25,000 you say you gave to Mr. Watson?

Mr. CUNNINGHAM. I refuse to answer that question. I think that is personal.

The CHAIRMAN. Where were you keeping this \$25,000 before you gave it to Mr. Watson?

Mr. CUNNINGHAM. That is another personal question, Senator. I refuse to answer it.

The CHAIRMAN. Did you give this money to Mr. Watson in cash or by check?

Mr. CUNNINGHAM. I gave it to him as cash.

The CHAIRMAN. Where were you when you gave it to him?

Mr. CUNNINGHAM. I took it down to his headquarters at the Walton Hotel on the 10th day of April.

The CHAIRMAN. Did you have it in your pocket when you gave it to him—before you gave it to him?

Mr. CUNNINGHAM. Yes, sir.

The CHAIRMAN. Where did you get it from to put in your pocket?

Mr. CUNNINGHAM. That is a personal question, and I decline to answer it.

The CHAIRMAN. How long had you had this money in your possession?

Mr. CUNNINGHAM. That is another personal question, and I decline to answer it. It was my own money, and I do not think I should tell the public where I kept it and how I got, or anything else about it.

The CHAIRMAN. How long have you been clerk of the quarter sessions court?

Mr. CUNNINGHAM. Twenty-one years the 1st of January, 1926.

The CHAIRMAN. What is the salary of that position?

Mr. CUNNINGHAM. \$8,000 a year.

The CHAIRMAN. Was this money which you refer to as the \$25,000 that you gave to Watson, savings from your salary?

Mr. CUNNINGHAM. That is another personal question. I can not answer that.

The CHAIRMAN. Unfortunately, a good many questions are personal.

Mr. CUNNINGHAM. Yes. I think a man's own money is one of his own personal privileges, and he is not supposed to tell how he got it or how he saved it. I think that is a rather unfair question to ask me, how I got the money, how I saved it, and what I done with it.

The CHAIRMAN. I dare say. Is there anything wrong or wicked or crooked about the way you got this money, so that it will embarrass you to answer the question or will subject you to criminal prosecution?

Mr. GOLDER. I think that is an unfair question, Senator, and I advise Mr. Cunningham to disregard it.

The CHAIRMAN. If you were to answer the questions I have asked you with regard to the sources from which and the way in which this money came to you, would it tend to subject you to criminal prosecution or public contempt or obloquy?

Mr. GOLDER. Senator Reed, I think that question is objectionable in form and the way in which it is put, and I advise Mr. Cunningham not to consider it, or not to answer it.

The CHAIRMAN. Do you refuse to answer, Mr. Cunningham?

Mr. CUNNINGHAM. Yes; I refuse to answer.

Mr. GOLDER. You see, Senator, when you ask a question which you know that I have advised Mr. Cunningham not to answer, and put it in such a way as you have, it necessarily implies something which is unsavory, and I think it is an unfair way for you to treat a witness.

The CHAIRMAN. Well, now, we have permitted you to sit here as an act of courtesy, but we will not permit any criticism of the committee from you.

Mr. GOLDER. Senator Reed, you have permitted Mr. Cunningham to have his attorney here, and I assume you will not compel me to advise Mr. Cunningham except as I think best.

The CHAIRMAN. You will maintain a respectful and decent attitude or you will not sit at this table very long as anybody's attorney.

Mr. GOLDER. Senator Reed, I have the utmost respect for the committee and for its membership.

The CHAIRMAN. You may make your objections and make them in a proper way.

Mr. CUNNINGHAM, is there any other reason than the one you have given, or are there any other reasons than those you have given, why you refuse to answer the questions that have been put to you touching the sources from which the \$25,000 came? Have you any other reasons than those you have given?

Mr. CUNNINGHAM. That is all, Senator; just personal reasons.

The CHAIRMAN. Very well; that is all I want to cover.

Mr. CUNNINGHAM. All right, sir.

The CHAIRMAN. Where were you when the subpoena was issued for you from this committee, while it was having its sessions in Washington?

Mr. CUNNINGHAM. I went on a vacation on the 19th day of June and did not get back until the 8th day of July.

The CHAIRMAN. Where were you during that interval?

Mr. CUNNINGHAM. I was on an automobile tour up through the southern coast of New Jersey.

The CHAIRMAN. What places did you visit?

Mr. CUNNINGHAM. I think that is a private, personal question, Senator. I would not answer it.

The CHAIRMAN. Where did you stay nights?

Mr. CUNNINGHAM. I think that is another private question, as I have said. What material difference does it make? I am not in the habit of having to tell where I went and what I did; never have in my life, Senator.

The CHAIRMAN. You knew that a subpoena had been issued for you, did you not?

Mr. CUNNINGHAM. The last three or four days I got in touch with the papers, and I found out that there were subpoenas, according to the newspapers, and I came back to Philadelphia on the 8th day of July.

The CHAIRMAN. Did you give any other money than the \$25,000 to anybody during this campaign?

Mr. CUNNINGHAM. Yes; on the 13th of April I gave Mr. Watson \$25,000 more.

The CHAIRMAN. So that you gave Mr. Watson a total of \$50,000?

Mr. CUNNINGHAM. \$50,000; of my own money.

The CHAIRMAN. Where did you get the second \$25,000 from?

Mr. CUNNINGHAM. I refuse to answer that question, Senator.

The CHAIRMAN. You refuse to tell the committee anything about where you received this money from?

Mr. CUNNINGHAM. Yes, I do.

The CHAIRMAN. The sources from which the money was received?

Mr. CUNNINGHAM. Yes.

The CHAIRMAN. How long had the money been in your possession? You refuse to tell that to the committee?

Mr. CUNNINGHAM. I certainly do, because I think that is a personal, private question.

The CHAIRMAN. How long had you been saving up or accumulating this \$50,000?

Mr. CUNNINGHAM. I do not like to object to your questions, Senator, because I think a man's own money—why, I don't want to make it public to the press, to the newspapers in Philadelphia, about my private affairs, how I got this money or how I saved it.

The CHAIRMAN. Have you inherited any considerable sums of money?

Mr. CUNNINGHAM. Never inherited a dollar in my life.

The CHAIRMAN. Have you been speculating in stocks or bonds or upon the board, so that you accumulated the money in that way?

Mr. GOLDER. I object to that question and advise Mr. Cunningham that he need not answer.

The CHAIRMAN. What does the witness say?

Mr. CUNNINGHAM. I refuse to answer.

The CHAIRMAN. Have you turned in on your tax returns any \$50,000 for taxation purposes?

Mr. GOLDER. I object to that question. Senator, and advise the witness that he need not answer.

Mr. CUNNINGHAM. I refuse to answer.

The CHAIRMAN. Have you paid to the State of Pennsylvania, the county in which you live, or the city in which you live, any taxes upon this \$50,000?

Mr. GOLDER. I object to that question, Senator, and advise the witness that he need not answer. As a matter of fact, there is no taxation in Pennsylvania on any such amount.

Mr. CUNNINGHAM. I refuse to answer, Senator.

The CHAIRMAN. Have you returned to the Federal Government this \$50,000 in any form?

Mr. GOLDER. I object to that question, Senator, and advise the witness he need not answer.

Mr. CUNNINGHAM. I refuse to answer.

The CHAIRMAN. Did you collect any money from persons employed either by the city of Philadelphia or by the State of Pennsylvania?

Mr. CUNNINGHAM. Not one dollar.

The CHAIRMAN. Were any moneys paid to you by any of these persons I have just referred to?

Mr. CUNNINGHAM. No, sir.

The CHAIRMAN. Do you know of any collection of money from State employees for political purposes?

Mr. CUNNINGHAM. I do not, Senator.

The CHAIRMAN. Do you know of any contributions by the employees of the city to the Vare campaign?

Mr. CUNNINGHAM. I will tell you for information that in the primary election there is never any assessment of any kind. In primary elections we never heard tell of any donations from employees.

The CHAIRMAN. In the primaries?

Mr. CUNNINGHAM. In the primary elections.

The CHAIRMAN. Do you know Martin Powers?

Mr. CUNNINGHAM. Yes, sir.

The CHAIRMAN. Did you spend any of this vacation at his home in New Jersey?

Mr. CUNNINGHAM. How is that?

The CHAIRMAN. Did you spend any part of your vacation in company with Mr. Martin Powers?

Mr. GOLDER. Mr. Chairman, I object to that question. The witness has already testified that he declines to state where and with whom he spent his vacation.

The CHAIRMAN. I did not ask him with whom he spent it until just now.

Mr. GOLDER. I advise the witness that he need not answer that question.

Mr. CUNNINGHAM. I refuse to answer the question, Senator.

The CHAIRMAN. Did you leave the city of Philadelphia with Mr. Powers?

Mr. GOLDER. I advise the witness that he need not answer that question, Senator.

Mr. CUNNINGHAM. I did not.

The CHAIRMAN. Did you leave the city of Philadelphia in an automobile?

Mr. GOLDER. I advise the witness that he need not answer that question, Senator, it being entirely immaterial and a personal matter.

Mr. CUNNINGHAM. I refuse to answer.

The CHAIRMAN. Whose car did you leave in?

Mr. GOLDER. I advise the witness that he need not answer that question.

Mr. CUNNINGHAM. I refuse to answer, Senator.

The CHAIRMAN. You say you know Mr. Powers. What is his business?

Mr. CUNNINGHAM. I have known Mr. Powers from boyhood. He is a member of the bar, an attorney at law.

The CHAIRMAN. Is he connected with a trust company in Philadelphia?

Mr. CUNNINGHAM. I do not know.

The CHAIRMAN. Did Mr. Powers formerly have a partner who is now president of a trust company?

Mr. GOLDER. I advise the witness that he need not answer that question.

The CHAIRMAN. Oh, well, now, that is getting to be sheer insolence, to advise a witness not to answer a question of that kind. It could not possibly harm this witness.

Mr. GOLDER. Perhaps not, Senator; but it might lead to other things. I think we ought to draw the line of advising the witness what he may answer and what he should not answer.

Mr. CUNNINGHAM. I do not know anything at all about that, Senator.

The CHAIRMAN. If you came here to tell this witness that he should not answer any question, whether it is pertinent or not, you are abusing the courtesy of the committee extended to you, whether it is a thing that could possibly affect his own honor or his own private business.

Mr. GOLDER. Senator, I do not agree with you; and I am sorry to disagree with you.

The CHAIRMAN. Well, I am sorry you do.

Mr. GOLDER. But I must use my own judgment.

The CHAIRMAN. You may use it as long as we permit you to sit here; but if you abuse the privilege, you will not sit here.

Mr. GOLDER. I do not intend to abuse it, Senator.

The CHAIRMAN. Well, you are abusing it. Did Powers formerly have a partner whose name began with "Mac"?

Mr. CUNNINGHAM. I do not know the first thing about it, Senator. I do not know anything at all about Powers's private business whatever.

The CHAIRMAN. Did you have in your possession, of your own money, 30 days before you say you gave this money to Watson, as much as \$1,000?

Mr. CUNNINGHAM. As much as \$1,000?

The CHAIRMAN. Yes.

Mr. CUNNINGHAM. Oh, yes, sir.

The CHAIRMAN. What bank do you bank in?

Mr. GOLDER. Mr. Chairman, I object to that question, and advise the witness that he need not answer.

The CHAIRMAN. What is the answer of the witness?

Mr. CUNNINGHAM. I refuse to answer.

The CHAIRMAN. Have you ever had a bank account anywhere?

Mr. CUNNINGHAM. Sure.

The CHAIRMAN. Where?

Mr. CUNNINGHAM. I have a bank account for my office.

The CHAIRMAN. A bank account in your office?

Mr. CUNNINGHAM. I say I have to run my office, and therefore I have to use a bank account for the proceeds of my office.

The CHAIRMAN. Is that your personal account?

Mr. CUNNINGHAM. One of them is; yes.

The CHAIRMAN. What bank is it in?

Mr. GOLDER. Senator, I object to that question and advise the witness he need not answer where he deposits his money, it being entirely a private matter.

Mr. CUNNINGHAM. I refuse to answer.

The CHAIRMAN. I do not intend to get into an argument with you, Mr. Golder. You know perfectly well that when a man states that he had \$50,000, and it was his own money, and assuming, now, that this committee has any jurisdiction—which I understand you challenge, and which you have a right to challenge—we have the right to test the reasonableness of that story. We are not concluded by the bald statement that it was the witness's own money; and so we have the right to know, assuming that we have any right at all to conduct this investigation, the source from which this money came, in order that we may ascertain whether, as a matter of fact, the witness did have it. So, with that explanation, I am asking the witness where he kept his bank account?

Mr. GOLDER. Senator, may I be permitted to state our position?

The CHAIRMAN. You have stated it, I think.

Mr. GOLDER. May I repeat it, then, in answer to what you have just said?

My position is that this committee had no right, in the first place, to inquire whether this witness contributed anything to the Pennsylvania primary. If the witness saw fit to state that he did, that does not waive any right that he may have to refuse to answer any other question connected or disconnected with the \$50,000. I do not think this committee had any right to inquire into the \$50,000 initially.

The CHAIRMAN. And, of course, you think that your opinion is the final word as to the law?

Mr. GOLDER. It will be with Mr. Cunningham, at least, at this time.

The CHAIRMAN. We will ascertain whether that is true or not a little later.

How long have you known Congressman Vare?

Mr. CUNNINGHAM. Ever since I have been a boy—35 or 40 years, I guess.

The CHAIRMAN. Were you in any way connected with his campaign committee, the committee which was conducting his campaign in the last primary?

Mr. CUNNINGHAM. Only in one way; I was for him after he concluded to be a candidate for United States Senator.

The CHAIRMAN. Did you ever talk with him?

Mr. CUNNINGHAM. I talked with him on several occasions about it.

The CHAIRMAN. With him during the campaign?

Mr. CUNNINGHAM. No, sir. This was prior to the campaign, before he came out as a candidate.

The CHAIRMAN. Did you urge him to come out?

Mr. CUNNINGHAM. No; I rather urged the other way, Senator.

The CHAIRMAN. When he did come out, you became one of his supporters?

Mr. CUNNINGHAM. Because our organization, as a rule—if the majority make up their mind to be for a candidate—the majority made up their minds for William S. Vare, and I went along with the majority.

The CHAIRMAN. When you speak of "our organization," what organization do you mean?

Mr. CUNNINGHAM. The Republican city committee of Philadelphia. We have 48 wards; 48 members of that committee.

The CHAIRMAN. Are you a member?

Mr. CUNNINGHAM. A member of that committee; yes, sir.

The CHAIRMAN. For which ward?

Mr. CUNNINGHAM. The tenth ward.

The CHAIRMAN. During the campaign, then, after the organization resolved to support Vare, you gave him your loyal support?

Mr. CUNNINGHAM. Yes, sir.

The CHAIRMAN. Who asked you to make this contribution of \$50,000?

Mr. CUNNINGHAM. Nobody asked me, Senator. I will tell you the reason why I made this contribution.

I was a Penrose man to the day he died, in Philadelphia. Eddie Beidleman and Harry Baker have been the same as my two sons, and were very close friends of Penrose's to the day of his death. Beidleman's ambition was to be governor. I was for Beidleman four years ago. George Alder was picked, and he had to step aside. This time I thought that he would make the best governor Pennsylvania ever had. I thought he was the most practical man in the State of Pennsylvania, a man who was a member of the legislature, State senator for four years, lieutenant governor four years, and a real man, and I thought he would make the best governor Pennsylvania ever had, and I was very fond of him. Now, that was my whole interest.

The CHAIRMAN. Had you ever made any such contribution as this before out of your own money?

Mr. CUNNINGHAM. Never before in my life. I had made small contributions, a hundred or five hundred dollars at different times, to help some poor fellow running for council.

The CHAIRMAN. Are you a man of considerable means, Mr. Cunningham?

Mr. CUNNINGHAM. Well, pretty fairly at the present time.

The CHAIRMAN. Did you draw this money out of any bank?

Mr. CUNNINGHAM. No, sir.

The CHAIRMAN. How long had you had it in your pocket?

Mr. GOLDER. Mr. Senator, I think we have had that question up before, and I advised him not to answer.

Mr. CUNNINGHAM. I think I answered that before.

The CHAIRMAN. I thought you might change your mind.

Mr. CUNNINGHAM. No. You are so nice about it, anybody would change their mind if he felt inclined to change it, Senator.

The CHAIRMAN. I desire to be nice to everybody.

Mr. CUNNINGHAM. I know it; I have seen that since I have been here, the last four days.

The CHAIRMAN. You are the only man who has come here who has been unwilling to tell where he got his money.

Mr. CUNNINGHAM. Well, Senator, I am an American citizen. I was born in the greatest American city to-day in the United States, Philadelphia, and I have never been used to telling people where I went or what I done or how I made my money, and I am too old now to change my thought of mind.

The CHAIRMAN. You just formed the habit of independence?

Mr. CUNNINGHAM. I formed that habit through my late friend, Senator Penrose. I guess I learned that trick from him—saving money and putting it away and keeping it under cover. I have been with him, and I was his friend to the day he died.

The CHAIRMAN. You say you learned this habit of putting it away from Penrose?

Mr. CUNNINGHAM. Yes, sir. He was a past master in not letting his right hand know what his left hand done, and he dealt absolutely in cash. The "long green" was the issue.

The CHAIRMAN. Is there any danger involved in your right hand knowing what your left hand does?

Mr. CUNNINGHAM. Well, I never let it be known.

The CHAIRMAN. You do not even want to know, yourself?

Mr. CUNNINGHAM. Sometimes I really do not.

The CHAIRMAN. And that is one of the attributes of independence in Pennsylvania, is it?

Mr. CUNNINGHAM. Yes, sir.

The CHAIRMAN. That your right hand shall not know what your left hand does?

Mr. CUNNINGHAM. Yes, sir. If a great many people would do that, there would not be so much trouble in Chicago and other big cities.

The CHAIRMAN. That is, you mean by that, I think, Mr. Cunningham, that if you do a thing secretly enough, so that nobody ever finds out about it, you never have any trouble about it?

Mr. CUNNINGHAM. So long as you do it honestly it is all right, Senator.

The CHAIRMAN. And if you are doing it honestly, all the more reason for secrecy, I presume?

Mr. GOLDER. Senator, are you not really arguing with the witness?

The CHAIRMAN. I am trying to get the witness's mental slant on this. Mr. Cunningham, I want to be perfectly frank with you. It will be the duty of the committee to report you to the United States Senate for contempt. That is not a threat; we are not making threats. That is the fact. Then, of course, it will have to be determined whether you have to answer these questions. What the result may be will have to be determined by the Senate and possibly by the courts. I think it is only fair to make that statement to you, and having made it, I ask you if you adhere to the position you have taken in your various refusals to answer.

Mr. GOLDER. Senator, your voice dropped near the end; I do not think Mr. Cunningham heard all that you said.

The CHAIRMAN. The stenographer will read my statement.

(The reporter read as follows:)

"Mr. Cunningham, I want to be perfectly frank with you. It will be the duty of the committee to report you to the United States Senate for contempt. That is not a threat; we are not making threats. That is the fact. Then, of course, it will have to be determined whether you have to answer these questions. What the result may be will have to be determined by the Senate and possibly by the courts. I think it is only fair to make that statement to you, and having made it, I ask you if you adhere to the position you have taken in your various refusals to answer?"

Mr. CUNNINGHAM. I do, Senator.

The CHAIRMAN. Very well; that is all, sir.

Thomas W. Cunningham appeared before your committee in Chicago, Ill., on July 29, 1926, having been previously sworn.

The testimony of the witness, Cunningham, speaks for itself. Every opportunity was given the witness, Cunningham, to testify, and, as his testimony fully discloses, he steadfastly and obdurately refused to give your committee any information.

Your committee therefore reports the conduct of Thomas W. Cunningham to the Senate.

Your committee respectfully reports that because of the recalcitrance and refusal of said witnesses to answer the interrogatories addressed to them, your committee was unable to ascertain and is therefore unable to report the amounts of moneys which were collected and expended, or the persons from whom collected, in order to promote the nomination of Frank L. Smith.

Further, your committee was unable to ascertain and report as to the methods which may have been employed and which may be employed by unfair or dishonest means to secure nominations or conduct elections, or to gather that character of information which Congress is entitled to have in order that it may by proper legislation safeguard the nomination and election of Members of the United

States Senate. Your committee conceives the purpose for which it was created to have been that it should ascertain not only whether those seeking entrance into the Senate gained their apparent nomination and election by fair and honest means, but also to ascertain all facts touching the methods of conducting elections which would be of advantage to the Congress in framing proper statutes to govern the conduct of elections.

Wherefore, your committee reports the facts as aforesaid to the Senate for such further action as the Senate may deem mete and proper.

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