

SENATORIAL CAMPAIGN EXPENDITURES, 1932
(LOUISIANA)

JANUARY 11 (calendar day, JANUARY 16), 1934.—Ordered to be printed

Mr. CONNALLY, from the Special Committee on Investigation of Presidential and Senatorial Campaign Expenditures, submitted the following

REPORT

[Pursuant to S.Res. 174, 72d Congress]

Your special committee, composed of Senators Connally, Logan, Thomas of Utah, Townsend, and Carey, appointed in pursuance of Senate Resolution 174, Seventy-second Congress, first session, to investigate Presidential and senatorial campaign expenditures in 1932, report as follows:

This committee was created by Senate Resolution 174, Seventy-second Congress, first session, which in words and figures is as follows, to wit:

Resolved, That a special committee consisting of five Senators, to be appointed by the Vice President, is hereby authorized and directed to investigate the campaign expenditures of the various Presidential candidates, Vice Presidential candidates, and candidates for the United States Senate, in both parties, the names of the persons, firms, or corporations subscribing, the amount contributed, the method of expenditure of said sums, and all facts in relation thereto, not only as to the subscriptions of money and expenditures thereof but as to the use of any other means or influence, including the promise or use of patronage, and all other facts in relation thereto which would not only be of public interest but which would aid the Senate in enacting any remedial legislation or in deciding any contests which might be instituted involving the right to a seat in the United States Senate.

No Senator shall be appointed upon said committee from a State in which a Senator is to be elected at the general election in November 1932.

The investigation hereby provided for, in all the respects above enumerated, shall apply to candidates and contests before primaries, conventions, and the contests and campaigns terminating in the general election in November 1932.

Said committee is hereby authorized to act upon its own initiative and upon such information as in its judgment may be reasonable or reliable. Upon complaint being made before said committee, under oath, by any person, persons, candidate, or political committee, setting forth allegations as to facts which, under this resolution, it would be the duty of said committee to investigate, the said committee shall investigate such charges as fully as though it were acting upon its own motion, unless, after a hearing upon such complaint, the committee shall find that the allegations in said complaint are immaterial or untrue.

Said committee is hereby authorized, in the performance of its duties, to sit at such times and places, either in the District of Columbia or elsewhere, as it deems necessary or proper. It is specifically authorized to require the attendance of witnesses by subpoena or otherwise, to require the production of books, papers, and documents; and to employ counsel, experts, clerical, and other assistants; and to employ stenographers at a cost not exceeding 25 cents per 100 words.

Said committee is hereby specifically authorized to act through any subcommittee authorized to be appointed by said committee. The chairman of said committee or any member of any subcommittee may administer oaths to witnesses and sign subpoenas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee or who appears and refuses to answer questions pertinent to said investigation shall be punished as prescribed by law.

The expense of said investigation, not exceeding in the aggregate \$25,000 shall be paid from the contingent fund of the Senate on vouchers signed by the chairman of the committee or the chairman of any subcommittee.

All hearings before said committee shall be public, and all orders or decisions of the committee shall be public.

The committee shall make a full report to the Senate on the first day of the next session of the Congress.

Under the authority of the foregoing resolution the Vice President appointed Senator R. B. Howell, of Nebraska; Senator John G. Townsend, Jr., of Delaware; Senator Robert D. Carey, of Wyoming; Senator Sam G. Bratton, of New Mexico, and Senator Tom Connally, of Texas to constitute the committee raised by the resolution quoted.

Thereafter and before the completion of the investigation discussed in this report, Senator Howell, who had been made chairman of the committee, died, and the Vice President appointed to succeed him Senator M. M. Logan, of Kentucky; Senator Sam G. Bratton resigned from the Senate; and Senator Elbert D. Thomas of Utah was appointed to succeed him on the committee. The vacancies occurred and were filled between what may be denominated as the first hearing conducted by Senator Howell, chairman, and the second hearing conducted in the latter part of 1933 by Senator Connally, chairman of the committee, and other members of the committee.

Senator Bratton was selected chairman of the committee after the death of Senator Howell, but soon thereafter retired from the Senate, when Senator Connally was selected chairman of the committee, on June 17, 1933, after the adjournment of the last session of Congress.

The committee forwarded questionnaires to all candidates for nomination for United States Senator in the States holding senatorial elections in 1932 and to the managers of Presidential and Vice Presidential candidates as to campaign expenditures. It received reports in answer thereto which are available to the Senate for any appropriate purpose.

OVERTON-BROUSSARD SENATORIAL PRIMARY IN LOUISIANA

On September 21, 1932, the then Senator from Louisiana, Edwin S. Broussard, addressed a letter to Senator R. B. Howell, then chairman of the committee, which is printed beginning on page 2 of the record. This letter contains suggestions that the primary election held in Louisiana to nominate a Senator on the 13th day of September 1932 was not free from fraud and that certain matters therein pointed out constituted fraud of a grave nature. The letter

concluded with the request that the committee make an investigation of the primary election mentioned above. The request resulted in the appointment of a subcommittee, consisting of Senators Bratton and Connally, which made a preliminary investigation. The subcommittee held a meeting in the city of New Orleans on October 5, 1932. After receiving certain documents relating to that election, which were made a part of the record, the subcommittee allowed Senator Broussard through his attorney, Edward Richter, to file a supplemental statement making more specific the charges in his letter addressed to Senator Howell on September 21, which statement is found beginning on page 10 of the record and is in words and figures as follows:

BROUSSARD STATEMENT

To the Honorable Tom Connally, chairman, and subcommittee of the Senate Election Expenditure Committee.

Complaints having reached me in large numbers from reliable citizens of this State that fraud and corruption had been practiced on a large scale at the primary election held throughout Louisiana on September 13 last, in which primary election Congressman John H. Overton and myself were candidates for the Democratic nomination to the United States Senate, on September 21 I forwarded to the chairman of your subcommittee a telegram setting forth to some extent such popular complaints and suggested the advisability of an investigation into the conduct of that primary.

I now beg to reiterate what was stated by me in that telegram.

Your committee, by the resolution of its creation, is empowered, among other things, to investigate into the expenditures made by candidates at primary elections held to choose nominees to the United States Senate. The returns of expenditures required have been made and your committee, I understand, now desires full information as to the amounts that were actually spent at the senatorial primary in question and the sources from which your committee can find the extent and character of the actual expenditures.

Where instead of money being directly used for the purpose of buying votes, or otherwise affecting the election, promises of political positions and threats of discharge from political positions were made, I understand your committee desires to be given the sources from which by its investigation these things can also be revealed, and, accordingly, I furnish the committee in this sworn complaint, information from sources I deem reliable, and I will hereafter explain why I do not state here the full facts in specific detail.

I am reliably informed that forced contributions from State and city employees for the purpose of influencing the vote at the primary election and the direct use of State money and property for the same purpose, can also be shown by the investigation of your committee through the methods that will be pointed out.

Enormous sums illegally used in other ways can also be revealed by proper investigation.

It is not known at this time, but it can be discovered by a thorough investigation, to what extent fraudulent voting papers and forged poll-tax receipts were used in this election, but their existence and the danger of their use is evidenced by the fact that the district attorney of New Orleans felt it his duty to place in the press immediately before the election in question, a facsimile of an illegally printed poll-tax receipt from a number in his possession and warn against the use of them.

This warning aroused no fear because in spite of the efforts of the district attorney to pass a law making election frauds a crime in this State the last legislature, under the control of the city and State organizations, opposed to my candidacy, fought and defeated it.

A few years ago that section of the primary law that provided criminal punishment for election frauds was declared by the Supreme Court technically unconstitutional. To remedy the defect the district attorney drafted appropriate legislation. The bill was passed by the lower house in 1932, but when it reached the senate it was referred to a committee of that body, under the control of the head of the organization that supported Mr. Overton, and no effort could make that committee report it favorably. The door of immunity to punishment was thus officially thrown open to election thieves.

This situation gave a free hand to the fraudulently selected commissioners of the dummy candidates and they violated the primary laws with impunity in the senatorial election.

It is a matter of common knowledge that during the several weeks prior to the primary, the State administration brought into the campaign a veritable army of employees of various departments of the State government, among them those of the highway commission, the conservation commission, the State board of health, the department of supervisor of public accounts, the charity hospital, the asylums for the insane, the board of control of the State penitentiary, the dock board, the Orleans levee board and the tax commission and a large number of persons were added to the pay rolls of these departments during the campaign and a vast sum of money of the taxpayers of the State was expended in behalf of Mr. Overton's candidacy.

In addition, the employees of these State departments not only devoted their time to the campaign, but were assessed a percentage, usually 10 percent, of their salaries, in cash, which constituted in part the funds expended legitimately and illegitimately during the campaign, including the day of election, in behalf of Congressman Overton's candidacy, and even after the campaign small office holders were once more assessed, as the managers of that campaign expended even a greater amount than they dreamed would be needed to nominate a candidate for the United States Senate.

In the city of New Orleans, the regular Democratic organization, supporting Mr. Overton, joined hands with the State organization and did much through the police and the power of its government that this committee will not countenance.

While under the election law the police of New Orleans are under the control of the election commissioners, the commissioners were not representing the Overton faction were in a number of cases placed under arrest by the police who were under control of the Overton faction, and the commissioners thus deprived of the power to see a fair count.

Promises of jobs under the State and city government were made far and wide throughout the State in compensation for support of the candidacy of Mr. Overton.

Promises to release from the State penitentiary after the election many persons there incarcerated were made to friends and relatives of the prisoners in consideration of the support of Mr. Overton, and within 2 weeks after the election the release of convicts was made under reprieves illegally granted by the governor under the pretext that the turning loose upon the community of one half of those confined in the penitentiary was an act of economy necessary at this time. Some of these convicts so released have already, according to the public press, returned to their criminal activities.

It is a matter of common report and the details your investigators can definitely discover, that on a large scale throughout the State tax commissioners have used the assessing and taxing powers as instruments of political oppression. Citizens who assert their rights and are politically independent have been punished by higher taxes and the subservients have been rewarded with lower assessments.

An investigation into the activities of the State bank examiner, whose powers due to the late depression when used for political purposes have become most dangerous to the State, may show this committee, and should show it, that not only the poor and dependent but even the rich and powerful have been by the present State administration made at least somewhat subservient to the candidacy of Congressman Overton.

I am reliably informed that proof will be furnished the investigators of this committee that there are houses in the city of New Orleans whereat there is such a number of voters registered there that they could hardly physically be contained in the rooms of those houses.

The conditions in St. Bernard Parish with its small area and population and with its large and unanimous vote has been a public disgrace in political matters in this State for some years, and the conditions in that parish should be investigated by this committee; and if they are as they are generally believed, the entire vote of that parish should be thrown out in this election. This applies to other parishes, and details will be furnished investigators.

It may be asked, and possibly will be asked before this committee today, why such evidence is not furnished in detail now and a list of witnesses supplied whose testimony would sustain this complaint. It is my understanding that this is a preliminary hearing whereat no matters are before this subcommittee other

than a sufficient appearance of fraud, corruption, intimidation, and misuse of money to justify this committee in making an investigation.

In addition thereto, were there at this time to be made public in detail the individual cases with the places and circumstances of fraud and corruption, such publicity would not lighten the labors of this committee but would surely, possibly, and maybe probably, make the evidence disappear and the witnesses unwilling to testify.

I think I have, as far as I possibly can, laid before this committee the situation in the State of Louisiana relative to fraud and corruption in the late senatorial primary. Independent of my own personal view, it is the general and almost unanimous opinion of all the people of this State that this election was corrupt, fraudulent, and failed to reflect the wishes of the voters and such a general prevailing opinion in itself, to me, is sufficient for your committee to make a thorough investigation into that election.

As a presently sitting United States Senator I consider it my high duty to lay the above complaint before my fellow Senators on this committee and to respectfully pray that the committee do order a thorough probe into the conduct of the senatorial primary in Louisiana held on September 13, 1932.

Respectfully submitted.

E. S. BROUSSARD.

STATE OF LOUISIANA,
Parish of Orleans:

Before me, the undersigned authority, personally came and appeared Edwin S. Broussard, who being by me first duly sworn, deposed, and said:

That from information and belief, and from sources considered reliable, the statements above set forth are true and correct.

E. S. BROUSSARD.

Sworn to and subscribed before me, this 4th day of October 1932.

[SEAL]

HENRY G. NEYREY, Jr.,
Notary Public.

HONEST ELECTION LEAGUE

The subcommittee also allowed Mr. Burt W. Henry, attorney for the Honest Election League, to file a statement which is found beginning on page 13 of the record, and which is as follows:

The Honest Election League, a nonpartisan organization of citizens recently organized for the purpose of securing honest elections in Louisiana, desired to submit the following protest to your honorable committee, and in support thereof respectfully alleges:

EFFORTS TO CURB ELECTION FRAUDS

That Hon. Eugene Stanley, district attorney for the Parish of Orleans, prior to the recent primary election, and before the meeting of the 1932 session of the Louisiana Legislature, called attention publicly to the fact that as a result of the decision rendered by the Supreme Court of Louisiana in the case of *State v. Gravolet*, reported in 168 Louisiana Reports, page 648 (123 S.R., p. 111) holding that section 33 of act no. 97 of 1922 was unconstitutional insofar as it attempted to impose certain penalties therein provided, because these penalties were cumulative, made it impossible to prosecute and convict anyone guilty of fraudulent election practices. That as a result of the decision on the Gravolet case it was necessary to amend the primary election law in order to restore and provide penalties for its violation.

The district attorney subsequently presented to the legislature of this State a bill drafted by him making it possible to prosecute and convict anyone guilty of fraudulent election practices.

The bill was reported favorably in committee, passed the house of representatives on July 1, 1932, by a vote of 76 yeas to 2 nays, but was killed in the senate on July 6 by a vote of 19 to 6.

This action by the senate was slightly more than 2 months preceding the date of the primary election for United States Senator and for certain other State and parish officers, including a justice of the supreme court, and unmistakably points to the fact that the Louisiana Legislature, notoriously controlled by the Long-Walmsley organization, did not want to adopt any law calculated in any way to interfere with fraudulent election practices.

Following the primary election, the Times-Picayune of September 17, quoted Hon. Eugene Stanley, district attorney, as saying that:

"In view of the decision of the Louisiana Supreme Court in the *Gravelet case* (168 La. p. 648), that the general penalty clause of the primary election law was unconstitutional, the district attorney's office is unable to institute any prosecution for any fraud committed in primary elections denounced by the penal section of the primary law."

The statement of the district attorney, according to the press, followed a complaint made by Criminal Sheriff George E. Williams of the parish of Orleans, of alleged fraud at the polling booth of the twentieth precinct of the third ward, in which precinct the sheriff asserted that the returns reported from the box gave Broussard 122 votes and Overton 330, and that this tabulation was protested and a recount demanded by Lawrence Juratich, official watcher for Senator Broussard at the poll.

The newspaper further stated that when Juratich demanded a recount of the first tabulating, the Overton commissioners began to recount the ballots, whereupon Broussard made such gains after 40 ballots had been recounted that the commissioners discontinued the tabulation.

DUMMY CANDIDATE DEVICE

That Mr. John H. Overton was admittedly the candidate of and affiliated with the political organization in the State of Louisiana, popularly known as the "Long-Walmsley machine", composed of the State and city of New Orleans administration patronage and organizations. That prior to the recent senatorial primary, this organization, headed by Senator Huey P. Long and Mayor T. Semmos Walmsley of New Orleans, with the knowledge and consent of Mr. Overton, its candidate for the United States Senate, adopted a plan of procedure in connection with the selection of election commissioners by means of the use of "dummy" candidates which was designated to control the election machinery of the State of Louisiana, and which could have had no other purpose or design than to prevent, as it did, a fair and honest election in the recount primary.

Under the law of Louisiana primary elections are conducted by at least five commissioners of election at each polling booth. The power and importance of these officials are illustrated by the fact that with the exception of voters who enter the polls to cast their ballots, no one but the qualified commissioners of election is permitted to enter the polls until the voting has ceased and the polls have been closed at the end of the day. (See sec. 25 of Act 97 of 1922.) In short, the commissioners of election have complete control and supervision of the ballot boxes and the machinery of election during the election day, and a fair election can only be guaranteed by each side in an election having approximately the same number of commissioners, and the letter and spirit of the Louisiana primary election law is admittedly designed to bring about this result. In this connection section 25 of the Act No. 97 of 1922 provides that the commissioners of election shall be selected as follows:

"That in any election held under this act, each local candidate in each parish in this State shall submit to the respective parish committee of said parish on or before the 25th day prior to the date on which any primary election is to be held under this act, the name of one duly qualified voter to act as commissioner of elections for each voting place in said parish, should there be five or more local candidates. Should there be three local candidates in any election held under this act, each local candidate in each parish in this State shall submit to the respective parish committee of said parish, at the time specified above, the names of two duly qualified voters to act as commissioners of election for each voting place in each parish. * * * Should there be but two local candidates in any election held under this act each local candidate in each parish in this State shall submit to the respective parish committee of said parish, at the time specified above, the names of three duly qualified voters to act as commissioners of election for each voting place in said parish. Should there be four local candidates in any election held under this act, each local candidate in each parish in this State shall submit to the respective parish committee of said parish at the time specified above, the names of two duly qualified voters, to act as commissioners of election for each voting place in said parish.

"The names so furnished by each local candidate shall be submitted for the drawing as hereinafter provided, and under said drawing five names shall be

drawn, and these five act as the commissioners of elections. The remaining names drawn shall be commissioned as watchers.

"That the commissioners of election for such precinct shall be drawn separately; that is, one precinct at a time until the commissioners of election for each precinct in the parish shall have been thus selected. The commissioners of election and watchers shall forthwith be commissioned by the chairman of the parish committee, or, in case of his failure or inability to act, by the vice chairman.

"In the event that at any primary election held to nominate candidates for State offices, district offices, and Members of Congress, there should be no local officers to be nominated at the same time, the respective candidates for the State offices, district offices, and Members of Congress shall send in to the various parish committees the name of one or more duly qualified voters under this act for each precinct in this parish, as hereinbefore provided for local candidates to do, and the commissioners of election shall be drawn in the same manner from these names, as hereinbefore provided in this section.

"That the term 'local candidate' used herein, in this section is defined to be any candidate for either house of the legislature or for any parish or municipal office, except those of justice of the peace or constable."

It will be noted that the Louisiana law hereinabove referred to, contemplates that the supervision of election booths, and the counting of ballots shall be in the hands of election commissioners, and that in order to insure as nearly equal representation among the competing candidates for office as possible, the commissioners are selected by a drawing from names submitted by candidates.

Although the law plainly contemplates that the privilege of submitting names to be drawn as commissioners is given to bona fide candidates for the purpose of guaranteeing as nearly as possible equal representation at the polls, the Long-Walmsley organization, by virtue of its control of the local committees, were able to have accepted as candidates in 25 parishes of the State of Louisiana, including the parish of Orleans, men who, although they qualified as candidates, publicly admitted that they did not intend to run for the office for which they qualified, and who, as a matter of fact, withdrew as candidates as soon as they submitted names to be drawn as commissioners and the drawing had been completed. The men who qualified as candidates for the purpose of naming commissioners to be drawn for their political organization, openly admitted that they had never intended to run for the office in question and confirmed this admission by immediately withdrawing as candidates after their purpose had been accomplished, with the result that with the partisan commissioners, obtained in the manner we have described, their political organization was enabled to control the election machinery by having, in many polling booths, all of the election commissioners affiliated with their organization, and in many other polling booths either substantial or overwhelming majorities of the commissioners.

This general procedure was openly engaged in by the Long-Walmsley machine, with the knowledge, consent, and approval of the candidate, Mr. Overton. The "dummy candidate device" could have had no other purpose or design than to enable the political organization so indulging in the scheme to control the election machinery as well as the election for its candidates, because if a fair count and honest election had been desired or contemplated by this political organization, there could have been no possible excuse for the procedure adopted, and no objection on its part to permitting its opponents equal representation among the election commissioners at the polls, which would have been substantially guaranteed by the primary law, if the "dummy candidate device" had not been used.

The "dummy candidate device" adopted by the Long-Walmsley organization of having men holding political jobs and others closely affiliated with their own organization to qualify as candidates for office for the sole purpose of submitting names to be drawn as commissioners of election in order to control the election machinery, was used in the parish of Orleans, with 262 precincts and polling booths involved, in which a total of 87,990 votes were reported as cast, and in the parishes of Iberville, Ascension, Assumption, Lafourche, St. Mary, St. Martin, Lafayette, Vernon, Cameron, Calcasieu, Beauregard, Jefferson Davis, Evangeline, Acadia, Avoyelles, Pointe Coupee, Feliciana, East Feliciana, St. Helena, Livingston, Tangipahoa, Washington, and St. Tammany composing part of the second public-service-commission district in which a total of approxi-

mately 82,258 votes were reported as cast in the public press of September 15, 1932, with many precincts missing. (See Times-Picayune, Sept. 15, 1932.)

The dummy candidates, we are advised, were not permitted to submit names to be drawn as commissioners by the local parish committees in the parishes of Iberia, St. Landry, Allen, East Baton Rouge, and West Baton Rouge of the second public service commission district, and there were no dummy candidates in the parish of Terrebonne in said district. The names of the nine dummy candidates for the public service commission in the second public service commission district and the names of the various dummy candidates in the parish of Orleans, together with their political jobs and affiliations, will be submitted to your committee upon request. It will appear from the above that the approximate vote reported to be cast in the country parishes hereinabove named of 82,258 votes and the vote reported as cast in the parish of Orleans of 87,890 votes makes a total of 170,248 votes reported as cast in the area composed of the parishes in the State of Louisiana where the election machinery was tainted and controlled by the use of the "dummy candidate device." The foregoing figures are based on a total vote for the entire State of 298,658 votes, as reported in the public press (see Times-Picayune, Sept. 15, 1932). The official returns of the secretary of state by parishes are not available, but the total official vote was given as 306,399 votes. An analysis of the official returns by parishes, when available, we feel sure will show the same relative result as the comparison indicated by the newspaper reports hereinabove quoted.

As a result, for example, of the use of the "dummy candidate device" in the parish of Orleans alone, in 104 precincts and polling booths Senator Broussard had no commissioners, and the Long-Walmsley organization had all of the commissioners in these precincts, while in the remaining 158 precincts the Long-Walmsley organization had at each polling booth a majority, and in many of such polling booths an overwhelming majority of the election commissioners. Your petitioner has not available at this time the statistics showing the number of commissioners of the Long-Walmsley machine in each election precinct in the country parishes hereinabove named, resulting from the use of nine dummy candidates, but these facts will be given to your committee in due course upon request.

The practice we have described was contested in the courts. The Supreme Court, however, held in a 4 to 3 decision that supervision of such matters was vested in the local committees, and that the State courts had no jurisdiction to interfere. The Supreme Court, however, unanimously and vigorously condemned the ethics and fairness of such a practice in the following language:

"It must be conceded that if the court had jurisdiction and, consequently, the power and authority to determine or inquire into the bona fides [good faith] of aspirants for office in political primaries the defendants were properly disqualified.

"To countenance the practice here resorted to would lend judicial sanction to the destruction of the objects and purposes of the primary law, the most important of which was to insure fairness in primary elections.

"But, however reprehensible the practice may be, and though attended with unwholesome and unjust consequences, we cannot justify judicial encroachment upon the legislative domain upon that ground; consequently, if the court to overstep the bounds of its jurisdiction by trespassing upon the of a candidate in a primary election because of lack of judicial authority to do so, no consideration of the gravity of the situation should properly induce the court to overstep the bounds of its jurisdiction by trespassing upon the legislative field simply because we believe the law should be different. We cannot under the guise of interpreting a statute, a proper judicial function, amend it or remold it to the heart's desire.

"The failure of the plaintiff in this case of appeal to the executive committee is fatal for the reason that it is only after resort has been had to the executive committee that the courts have any jurisdiction in the premises.

"It may be said that resort to the executive committee is frequently useless as they are often controlled by individuals, hostile to the contestant because affiliated with opposing faction or for other reasons and, if this be true, it is a situation beyond control of the courts.

"It is the result of the imperfection of human institutions or the failure of the legislature to circumvent partizanship in the committee, but, whatever may be the cause it is in no sense a matter which the courts have any authority to correct."

In spite of general indignation and publicity in relation to the dummy candidate device and notwithstanding the denunciation of the honesty of the practice by the Supreme Court of Louisiana, the Long-Walmsley machine and Mr. Overton failed to repudiate the practice, but, on the contrary, approved and defended it and now claim the benefit of the recent primary election, achieved by a strangling and "reprehensible" control of the election machinery, in their favor.

It is respectfully submitted that by this unfair and dishonest method of procedure the Long-Walmsley machine controlled a large part of the election machinery in the recent primary; that the methods and devices adopted by them and their organization could have had no other purposes or design than to prevent a fair and honest election in Louisiana; and that, as a matter of fact, such a dishonest and unfair result necessarily followed.

It is further submitted that the United States Senate and your committee could not and will not approve the election of a United States Senator, or condone the result of an election openly and admittedly conducted by a candidate for the United States Senate and his political organization, with the aid of indiscriminate and general use of such an obviously dishonest and unfair method and practice as the "dummy-candidate device."

ST. BERNARD AND PLAQUEMINES PARISH FRAUDS

As an illustration of the fraudulent manipulation and mockery that has been made of elections in Louisiana under the Long-Walmsley regime, it is timely to cite the case of St. Bernard Parish, the dominate political factor of which is Dr. L. A. Meraux, the sheriff of said parish. In 1928, the year in which Mr. Long was elected Governor, the total vote of the parish in the gubernatorial Democratic primary of January 17, 1928, was 1,538; Long receiving 947 votes, Simpson 63 votes, and Wilson 28 votes. In the senatorial Democratic primary of September 9, 1930, a total of 3,988 votes was reported as cast; Long receiving 3,978 and Reansdell 9 votes, or within less than 3 years the total vote of the parish was increased 2,450, or approximately 163 percent, exceeding by 908 votes the increase in the population of 1,544 persons for the parish in the 10-year census period of 1921-30, inclusive.

In the gubernatorial primary of January 19, 1932, there was a total vote for the parish of 3,152. Although there were five gubernatorial candidates the vote was unanimous for the Long candidate, O. K. Allen. In fact, 3,152 votes were returned as being cast for each of the Long-Walmsley candidates for the seven other State elective offices. In the Democratic senatorial primary of September 13, 1932, there was a total vote of 3,189; Overton receiving 3,176 and Broussard 13.

figures the fraud becomes palpable and obvious. The United States census When the foregoing votes are compared with official United States census of 1930 for St. Bernard Parish shows that the total number of white men and women above the age of 20 as 2,510. It is a matter of common knowledge that Negroes in Louisiana do not participate in Democratic primaries. The difference between the election and the census figures becomes more marked when it is borne in mind that in the primaries a minimum age limit of 21 years was required, whereas in the United States census figures the minimum age limit was fixed at 20 years.

According to the United States census of 1930, the total population of St. Bernard Parish was 6,512. It will thus be seen that the vote returned in the 1930 senatorial primary was more than 61 percent of the total population, in the 1932 gubernatorial primary approximately 48.5 percent, and in the 1932 senatorial primary approximately 49 percent.

Should these percentages be applied to the entire population of Louisiana, which the United States census of 1930 shows to be 2,101,593, it will be seen that a total vote for the entire State of from more than a million and a quarter to more than a million would have been warranted for the respective primary elections. And the enormity of the fraud becomes glaringly patent when it is noted that the actual number of votes in the three primaries returned for the entire State as officially promulgated by the secretary of state's office as 261,091, 379,949, and 308,390, respectively, or 12.4 percent, 18 percent, and 14.5 percent of the total population of the State.

The mockery of elections in St. Bernard Parish is further revealed by showing the total vote cast in wards 1 and 2 of the parish in the primary election

of September 9, 1930, compared with the population of these wards, as shown by the United States census for 1930:

Ward	Vote	Population
1.....	917	1,029
2.....	913	912

Your petitioner, for further illustration and details relative to fraudulent election practices that have prevailed in the parish of St. Bernard, respectfully refers your committee to the exhibits and testimony contained in the official court record in the case of Percy Saint against Harry W. Fisher, registrar of voters, and parish Democratic executive committee for the parish of St. Bernard, no. 742, twenty-fifth judicial district court for the parish of St. Bernard, and to the same case of Percy Saint against Harry W. Fisher, registrar of voters, and parish Democratic executive committee for the parish of St. Bernard—I haven't got the number on that—Supreme Court of Louisiana.

Almost equally striking is the obvious padding of the vote for Plaquemines Parish, which is the adjoining parish of St. Bernard. In the 1928 gubernatorial primary the total vote of Plaquemines was 1,496, Long receiving 671, Simpson 796, and Wilson 29. In the 1930 senatorial primary the total vote was 2,044, Long receiving 1,913 and Ransdell 131 votes, an increase of 649 votes over the gubernatorial vote of 1928. In the gubernatorial primary of 1932 the total vote returned was 2,236, and in the 1932 senatorial primary, 2,326, an increase of 90 votes over the total vote cast in the gubernatorial election, Overton receiving 2,137 and Broussard 189 votes. The increase for St. Bernard Parish in these two elections was 37 votes, it and Plaquemines being the only two parishes in the State to show increases, whereas the remaining 62 parishes showed decreases varying from 10 to 42 percent.

The close affiliation of St. Bernard and Plaquemines Parishes with the Long regime has become notorious throughout the State. Interest therein was whetted to a keen edge in the first congressional district race of 1930 between O'Connor, supported by the Walmsley city machine and Fernandez who had the support of the Long city and State machine. The district comprises wards 3, 4, 5, 6, 7, 8, 9, and 15 of the parish of Orleans, and the entire parishes of St. Bernard and Plaquemines. The total vote received in the affected wards of the parish of Orleans for O'Connor was 23,030 while Fernandez received 19,944, O'Connor leading Fernandez in the city by 3,586 votes.

In St. Bernard, Fernandez received 3,652 and O'Connor 295 votes. In Plaquemines, Fernandez received 1,873 and O'Connor 160 votes. It will thus be observed in these parishes Fernandez led O'Connor by 5,070 votes, with the result that Fernandez received a majority of 1,484 votes in the congressional district as a whole. As the majorities received by Fernandez in St. Bernard and Plaquemines were obviously fraudulent to an extent which warranted O'Connor claiming the election, it was announced by him and taken for granted by his constituents and the public generally that he would protest the election. But immediately after the election, O'Connor abandoned the proposed contest, and is now assistant attorney general for the State of Louisiana, an appointive office given him on recommendation of the Long-Walmsley organization, with which he is now affiliated.

FAILURE TO PUBLISH LOCATION OF POLLING BOOTHS

Section 23 of Act. No. 97 of 1922, of the legislature of the State of Louisiana, provides as follows:

"Sec. 23. That a poll shall be established in every voting precinct of the State, as now or may hereafter be fixed and established by law, at which said election shall be held, and the polls shall be opened at 6 a.m. and shall be closed at 7 p.m.

"The location of said polling booths, when not fixed by law, shall be selected by the various parish committees throughout the State.

"The respective committees in the several parishes throughout the State shall cause to be published the location of said polling booths in the official journal of the parish, at least three times for 3 weeks preceding the day of the election, and the city of New Orleans in any of the daily newspapers."

Notwithstanding this plain statutory provision, the location of the polling booths for use in the primary election of September 1932, insofar as the city of New Orleans was concerned, was totally disregarded, the first publication of the location of the polling booths in the parish of Orleans having been made in the Item-Tribune, the official journal, published in the city of New Orleans, on September 9, 10, and 11, 1932.

The evident purpose of this provision of the law was to give the voters due and ample notice of the location of their respective polling booths, which purpose seems to have been studiously avoided by the Orleans Democratic committee, the members of which are affiliated with the Long-Walmsley faction. Its failure to publish the location of the polling booths during the time prescribed by law was in the very teeth of the statute.

ENFORCED CONTRIBUTION BY EMPLOYEES OF STATE BOARDS FOR ELECTION PURPOSES

The primary election was held on Tuesday, September 13, 1932. On Friday morning, September 16, 1932, the Times-Picayune, a daily newspaper published in the city of New Orleans, reported that employees of the board of commissioners of the port of New Orleans, a State agency, and generally called the "Dock Board", had been told on Thursday, September 15, when they received their semimonthly pay checks, that they would be expected to return 10 percent of the proceeds of their checks "to defray cost of Overton campaign", and that they would be further expected to donate a like 10 percent of the proceeds of their check on October 1 for a like purpose.

Again the Times-Picayune in its issue of September 17, 1932, reported that employees of the State highway commission and of the department of conservation had likewise been called upon to contribute 10 percent of their salaries for a like period of 4 weeks to likewise "defray the cost of the Overton campaign."

The Times-Picayune in its issue of both September 16 and of September 17, 1932, also reported that it had been suggested to the employees of the dock board, of the highway commission, and of the conservation commission, that the failure to make "these contributions" in the foregoing amounts would cost them their jobs.

These reports in the Times-Picayune were simply in line with what was common gossip on the streets of New Orleans.

The scheme of exacting contributions from State employees out of their salaries under penalty of losing their jobs is repugnant to the aims and purposes of all laws having in view fair and honest elections.

It is reasonable to assume that if these reports upon investigation by your committee are found to be true, that a similar levy was made on the other State and city employees, with the result that an exorbitant amount of money was raised for the campaign.

Respectfully submitted.

BURT W. HENRY,
Chairman Honest Election League.

STATE OF LOUISIANA,

Parish of Orleans, City of New Orleans:

Personally came and appeared Burt W. Henry who, being duly sworn, deposes and says that he is chairman of the Honest Election League, and signed the foregoing protest in his capacity as such. That the matters and things set forth in the foregoing protest are true and correct except as to those based upon information and belief, and as to those affiant has good reason to believe them to be true.

BURT W. HENRY.

Sworn to and subscribed before me this 5th day of October 1932.

[SEAL]

HERMAN K. BARNETT, *Notary Public.*

In response the attorney for Senator Overton made an oral statement appearing in the record and Senator Overton made a written reply appearing in the record.

DUTIES AND POWER OF COMMITTEE

The duties and powers of the special committee appointed pursuant to the authority of Senate Resolution 174, Seventy-second

Congress, first session, are limited to those conferred by that resolution. It has been suggested that such a resolution should be liberally construed. The answer to that suggestion may be found in the report of the committee in the Powell Clayton case to the Forty-second Congress. The proceedings in that case may be found in Senate Journals, Forty-second Congress, second and third sessions, and the reports of the committee from Senate reports, third session, Forty-second Congress, no. 512. In the course of the report in that case, which was adopted by the Senate, we find this paragraph:

In respect to the subject matter referred to a committee, the rule is that they are not at liberty to entertain any proposition or go into any inquiry which does not come within the direct purpose for which the committee was appointed, as expressly or clearly implied in the authority conferred upon it, or which is not grounded upon some paper which is referred to the consideration of the committee. (Cushing's L. P. of Leg. Pro., ss. 1906.) This is upon the clear principle that a committee, being a creature of the body giving it life, is bound by and is not at liberty to depart from the order of reference. If any other rule were adopted, and it could depart from the order of reference, all business would, of course, be at an end, and endless confusion and contests between the body and the committee would ensue (ss. 1907).

With this rule before us it is necessary to examine the resolution creating the committee. We find that the committee is authorized and directed to investigate the campaign expenditures of certain candidates including United States Senators in the elections of 1932. The investigation of campaign expenditures calls for the ascertainment of the names of the persons, firms, or corporations subscribing, the amount contributed, the method of expenditure of said sums, and all facts in relation thereto, not only as to the subscription of money and expenditures thereof but as to the use of any other means of influence, including the promise or using of patronage, and all other acts in relation thereto which would not only be of public interest but which would aid the Senate in enacting any remedial legislation or in deciding any contests which might be instituted involving the right to a seat in the United States Senate.

If we reduce the powers and duties of the committee to their simplest form, we find that it may do these things: (1) Investigate the campaign expenditures of candidates for United States Senator in 1932, and the investigation should ascertain the names of persons, firms, or corporations subscribing, the amount contributed, the method of expenditure of said sums, and all facts in relation thereto; (2) investigate means or influence other than the use of money that influenced the election or nomination of a Senator, including the promise or use of patronage; (3) investigate all other acts in relation to the nomination and election of Senators which would not only be of public interest but which would aid the Senate in enacting any remedial legislation, or in deciding any contest which might be instituted involving the right to a seat in the United States Senate.

The investigation of the committee is without any validity except insofar as it is confined within the authority mentioned above. The report of this committee must be confined within the purview of the resolution; that is, it may report such facts in connection with its investigation as it deems of public interest, or that would aid the Senate in enacting any remedial legislation, or which would aid the Senate in deciding a contest. Three purposes are stated as just enumerated. There was no contest filed and none is pending, so it is

the duty of the committee to embody in this report facts which would be of public interest, or which would aid the Senate in enacting any remedial legislation, or any future action in the nature of a contest.

The activities of the committee were further limited in that its investigations must be confined to elections held in the year 1932; that is, to primaries or conventions in which Senators were nominated to be voted for at the general election in November 1932. The committee had no authority or power and was not directed to investigate the election of United States Senators who were not nominated and elected in 1932.

NOT AN ELECTION CONTEST

There has been widespread misunderstanding of the functions and duty of the committee. There has been general public belief that the committee was investigating Senator Huey P. Long and his election. The committee had no authority to investigate the election of Senator Long. He was elected in 1930. Neither was it investigating charges against Senator Long. The charges filed with the Senate against Senator Long are pending before another committee of the Senate of appropriate jurisdiction. Neither was the committee trying an election contest between Senator Broussard and Senator Overton. No contest of the election was ever filed by Senator Broussard or by any other person. Neither did Senator Broussard claim that he had been nominated in the primary of 1932. The committee began its first hearing on October 5, 1932, shortly after the primary election. Thereafter in the general election in November Senator Overton was elected without opposition.

AUTHORIZED TO ACT ON OWN INITIATIVE

The committee was given authority to act on its own initiative or upon such information as in its judgment may be reasonable or reliable. Any person or persons, candidate or political committee is given authority in the resolution to make complaint under oath to the committee and if it contains facts which under the resolution it would be the duty of the committee to investigate, the committee is directed by the resolution to investigate such charges as fully as if the committee were acting on its own motion, unless after hearing such complaint the committee shall find the allegations in the complaint immaterial or untrue.

At the preliminary hearing on October 5, 1932, there was placed in the record the report of Senator Broussard, showing his primary campaign expenditures to have been \$12,270.69, which report had been filed with the chairman of the committee in response to a letter addressed to him by the chairman. There was also placed in the record the report of primary campaign expenses by Senator Overton in the amount of \$13,116.42.

The preliminary investigation by the subcommittee ended on October 6, 1932. The subcommittee was unwilling to dismiss the complaints without further investigation, and, the parties being unprepared to proceed, the hearing was recessed.

The complaint filed by Senator Broussard contains certain specific charges in addition to those of a general nature, and these charges may be summarized as follows:

(1) That State and city employees were forced to make contributions to the campaign fund of Senator Overton and that such fund was used to influence votes at the primary election;

(2) That money and property belonging to the State were directly used to influence votes in the primary;

(3) That enormous sums of money were used illegally to influence votes in the primary;

(4) That fraudulent voting papers and forged poll-tax receipts were used in the primary;

(5) That dummy candidates were used which enabled the friends of Senator Overton to violate election laws with impunity in the primary;

(6) That numerous employees were placed on the State pay roll just prior to the primary for the purpose of influencing the result;

(7) That the employees of State departments were assessed a certain percentage of their salaries to create a campaign fund to be used in the interest of Senator Overton in the primary and that such officials were assessed after the election to create a fund to discharge a deficit growing out of the primary in which Mr. Overton was nominated;

(8) That the regular Democratic organization in New Orleans joined with the State organization in supporting Senator Overton and that the conduct of these two organizations was such as to materially affect the result of the primary;

(9) That the police in the city of New Orleans was used in the interest of Senator Overton;

(10) That promises of jobs under State and city governments were made in consideration of support of the candidacy of Senator Overton;

(11) That promises were made to release convicts from the State penitentiary in order to obtain support for Senator Overton;

(12) That the tax commissioners throughout the State had used their assessing and taxing power as instruments of political oppression and to further the candidacy of Senator Overton;

(13) That the State bank examiner had been active in using his official powers to further the candidacy of Senator Overton;

(14) That voters who had been illegally registered were voted for Senator Overton; and

(15) That the primary election in St. Bernard Parish was so illegal and unlawful that the vote of the entire parish should be excluded from consideration.

These charges were made by Senator Broussard on information and belief. He did not undertake to state that any of them were based upon his personal knowledge.

The charges or complaint made by the Honest Election League were supplemental to those made by Senator Broussard, with two or three additional charges. One related to alleged fraud in the parishes of St. Bernard and Plaquemines. That charge was in effect that in these parishes the total number of votes certified was far in excess of the legal voters in the respective parishes. Another charge was to the effect that the law was not complied with by ad-

vertising or publishing the location of polling booths in the city of New Orleans, and there are some charges relating to specific acts of fraud in some of the voting precincts on election day.

JURISDICTION OF COMMITTEE

There was no contest filed by Senator Broussard either as to the primary or the general election, and no contest relating to the election of Senator Overton is pending. No charges have been filed against Senator Overton with the committee in relation to the general election. The matter before the committee was well stated by Mr. Edward Rightor, attorney for Senator Broussard. When addressing the subcommittee at its preliminary hearing in New Orleans, he said:

Now what is the jurisdiction of this committee? This committee is not trying an election contest between Mr. Overton and Senator Broussard. That is not the issue. This committee cannot determine that Senator Broussard is elected. This committee is appointed solely for the purpose of determining whether or not Mr. Overton's title to a seat in the United States Senate is clean. That is all this committee can decide, and it can decide nothing else.

After this statement Senator Bratton, a member of the subcommittee, and Mr. Rightor engaged in the following colloquy:

Senator BRATTON. I think you are discussing a matter where there may be some misunderstanding. You concede, do you not, that Senator Broussard was not nominated?

Mr. RIGHTOR. I concede that Senator Broussard in this proceeding does not claim to be the nominee.

Senator BRATTON. Does not claim to be the nominee.

Mr. RIGHTOR. I concede this—

Senator BRATTON. And he is not seeking a finding at the hands of this committee or the Senate itself that he was nominated?

Mr. RIGHTOR. No, sir; I concede that Senator Broussard, neither by the courts of Louisiana, the political committee of Louisiana, nor any judicial or legislative body, can be declared nominated.

Senator BRATTON. And it is your concept that it is the duty of this committee, and the Senate itself, under the issues tendered, to determine the facts attendant upon Mr. Overton's nomination?

Mr. RIGHTOR. To supplement the—

Senator BRATTON. Let me get your answer to that question.

Mr. RIGHTOR. Yes, sir; I agree with you. I was going to illustrate how clearly I was with you in this: That while this supplementary complaint we put before you today was signed by Senator Broussard, he signed that merely as an ordinary individual. The fact that he is a United States Senator is a mere incident to the matter, bringing out clearly—not to read the resolution, the committee is acquainted with it—that any person can do it, and that it simply incidentally and accidentally happens to be Senator Broussard, and the duty of this committee to investigate and to inquire into Mr. Overton's title, would be just the same if Senator Broussard were standing up here championing Mr. Overton's title. If he appeared representing Mr. Overton, I would still have a right in this proceeding, to come here in this proceeding and say Mr. Overton has an unclean claim to his seat in the United States Senate.

Mr. Rightor's statement and foregoing colloquy took place on October 5, 1932, after the primary and before the general election, in which Mr. Overton was elected without opposition.

If the statement of Mr. Rightor is a correct statement of the jurisdiction of this committee it would appear that its power, so far as Senator Overton's seat in the Senate is concerned, was limited to investigating and reporting to the Senate facts bearing on the question of whether Senator Overton had been guilty, either directly or

indirectly, through excessive or corrupt campaign expenditures or other corrupt practice with regard to the primary election, as would render him unfit to retain a seat in the United States Senate and such other general information regarding the primary or general election as the committee was directed to report to the Senate. Mr. Rightor, representing Senator Broussard, clarified that issue in his very accurate statement of the jurisdiction of the committee as it related to the primary election. He conceded that Senator Overton had been nominated as a candidate for the office of United States Senator and that if his title to the nomination was clean he could not be disturbed. While Mr. Rightor referred to Senator Overton's title to a seat in the Senate, he could only have referred to the primary nomination since the general election had not at that time yet taken place.

The committee had no power to determine the title to a primary nomination. That is a matter exclusively within the jurisdiction of State courts and political-party authorities. The Senate, of course, has power to determine the title to a seat in the Senate derived from a general election by the people. However, there has been no contest filed as to the general election for Senator, nor has any charge been made as to any irregularity therein.

POLITICAL ORGANIZATIONS

When Senator Overton became a candidate for the nomination for United States Senator at the Democratic primary election to be held on September 13, 1932, the Louisiana Democratic Association, a political organization of the State of Louisiana (known as the Huey P. Long organization), endorsed his candidacy. The organization in New Orleans which was a dominant organization in the city at that time was known as the Choctaw Club, or the Old Regulars (known as the Walmsley organization), also endorsed the candidacy of Senator Overton. The dominant organization of the State was at that time the Louisiana Democratic Association, made up and controlled largely by Senator Long and the State administration. The Choctaw Club was dominated by the city administration of the city of New Orleans. There were a number of minor political or semi-political organizations, none of which exerted much influence in the political life of Louisiana with the possible exception of the Jackson Democratic Club in the city of New Orleans (known as the Francis Williams organization). The only other candidate for the United States Senate before that primary was Senator Broussard, who had the endorsement of the Jackson Democratic Club. The primary resulted in the nomination of Senator Overton, according to the official returns by a 56,529 majority, and of that majority the city of New Orleans contributed 25,877.

DUMMY CANDIDATES

Perhaps the most serious charge that is made touching the primary election was the use of dummy candidates. To understand the full significance of this practice it is necessary to briefly refer to the laws of the State providing the method of selecting election commissioners which conduct the election in the voting precincts. Every

parish or district candidate to be voted for in a precinct has the right to submit the name of some voter who may be selected to act as election commissioner. Senatorial candidates may not submit names for election commissioners. When the names are all submitted they are placed in a container and drawn out one at a time, and the first five names drawn constitute the election commissioners for the particular precinct. A dummy candidate is one who files as a candidate without any intention of making the race but for the sole purpose of submitting a name for a commissioner favorable to some one or more candidates on the ticket. When a candidate files, he must pay a filing fee of about \$125. Any candidate or group of candidates who are desirous of having election commissioners favorable may induce candidates to file for the sole purpose of submitting a name. When the names are thus submitted and drawn, the dummy candidate withdraws from the race and has his filing fee returned to him.

It is contended that dummy candidates filed who were favorable to both Senator Overton and to Senator Broussard, but Senator Broussard claims that no dummy candidates, with possibly one small exception, were filed in his interest. The evidence is conflicting on the point, but the committee exonerates Senator Broussard of any knowledge of any dummy candidate filed in his interest, and there is no evidence that he had any part in it, if any such candidates were filed. The same can be said of Senator Overton so far as his inducing anyone to file as a dummy candidate is concerned. Dummies were filed by organizations supporting his candidacy but no evidence that he personally directed or procured the filing of dummies was submitted. The dummies were local candidates. It is apparent from the evidence that a large number of dummy candidates filed in the interest of the group of candidates running on what may be denominated as the Overton slate. Those interested in Mr. Overton's candidacy induced dummy candidates to file and paid the filing fees. As a result of this practice there is no doubt that a majority of the election commissioners were dummy candidates filed were favorable to the candidacy of Senator Overton. In the city of New Orleans where there were 1,200 or 1,400 commissioners, perhaps not more than 200 of them were favorable to Senator Broussard. In 104 precincts of the city of New Orleans all of the commissioners were favorable to Senator Overton.

DUMMY-CANDIDATE DEVICE CONDEMNED

The practice of causing dummy candidates to file cannot be too severely condemned. It gives an opportunity for fraud and corruption. It makes possible the selection of commissioners who do not serve, and if only one commissioner appears, he may name another and that other names another, and so on, until all five of the same organization are selected. If it should be desired to use election crooks as commissioners, they might be selected through the scheme of filing dummy candidates. It is true the other names suggested by election commissioners when drawn enable every candidate to have a representative at the polls, as those whose names are drawn who are not commissioners become official watchers, but that is not complete

protection of the rights of the candidate who may have no election commissioner. The official watchers are not allowed within the voting room, but are allowed to stay within the barriers outside of the voting room. They are allowed to be present at the count of the votes.

It is perfectly possible to have an election entirely fair when a candidate has no election commissioner and all the commissioners are supporting his opponent, but the opportunity for fraud is there. Many witnesses testified about what took place in many of the precincts where the dummy candidate device gave all or a majority of the commissioners to the Overton ticket and allied candidates. These witnesses described many things tending to show actual fraud in such precincts. Some witnesses testified to the stuffing of the ballot boxes; others testified to open voting by the commissioners; others testified to the casting of votes by those who were not entitled to vote; others testified that assaults were made upon watchers not favorable to the candidates supported by the commissioners; others testified as to police interference; others testified to the failure to properly count the votes cast or to make returns without counting the votes. On the other hand witnesses were produced by Senator Overton to contradict the testimony of those witnesses who had given evidence of such fraudulent practices. One or more witnesses would testify to fraudulent practices within a particular precinct, and other witnesses would be produced to testify that no such fraudulent practices were engaged in. Approximately a third of the precincts in the State were affected by dummy candidates, but it is not contended that there was fraud in all of the precincts where the election commissioners, made possible by the use of dummy candidates, held the election. In the case of a contest of the primary or recount, it may be that many of the precincts could have been thrown out. If the Congress cannot prevent such practices, certainly the State of Louisiana should see to it that such practices are not allowed to prevail in elections.

Your committee finds that the use of dummy candidates is a fraud upon the rights of the citizens of any State where such practices prevail. The State of Louisiana has no corrupt practice act relating to elections. The law as construed by the Supreme Court of Louisiana allows dummy candidates on the ground that the courts cannot explore the mind of the candidate who files and determine whether he is in good faith a candidate. The laws of Louisiana allow a defeated candidate for United States Senator to contest the nomination of his opponent in a primary election but only when the defeated candidate claims that he was nominated, and since Senator Broussard did not claim that he was nominated he could not contest the nomination of Senator Overton under the laws of the State of Louisiana. The courts of Louisiana appear to accept the view that the nomination of candidates is purely a matter to be left largely to regulations by political parties. There seems to be some provision whereby the good faith of a candidate may be attacked upon notice, but the astute politicians appear to find some way to avoid the application of that remedy.

The committee condemns the dummy-candidate device and the method by which it is applied in Louisiana as a vicious and abhorrent political practice. It ought not to be countenanced in any free gov-

ernment. It is a system by which political organizations or machines may completely control the votes in those precincts or boxes where they are able to secure all of the election commissioners. Fairness and impartiality on the part of election officials are absolutely essential to a free and honest ballot. This system has been countenanced by the laws of Louisiana for years. It ought to be eradicated from the political system of that State. The dummy-candidate system is an invitation to corruption.

TESTIMONY AS TO FRAUD

It is the view of the committee that fraud was perpetrated in boxes in New Orleans through the dummy-candidate device, but the committee was unable to determine the extent of such fraud or what would have been the result in such boxes had not such fraud occurred. If all of the boxes in which the dummy-candidate device was employed or where dummies were entered or in which fraud was shown be thrown out and disregarded, Senator Overton would have on the face of the returns a majority of 11,382.

In obtaining this result it may be pointed out that St. Bernard and Plaquemines Parishes in which it is claimed that too many votes were cast are among those in which the votes are wholly disregarded.

It may be argued that but for the use of the dummy candidates Senator Broussard might have carried boxes apparently carried by Senator Overton. Of course, that is a matter which was impossible of determination. The committee could not go into the field of mere speculation.

There was no charge made by the complaint filed with the committee that Senator Overton personally participated in any fraud or with guilty knowledge approved any fraud. There was no probative evidence produced before the committee that Senator Overton personally participated in or instigated any fraud, unless the inference were indulged that being the beneficiary of whatever frauds would result from the employment of the dummy candidate device by the organizations supporting his candidacy he was chargeable with knowledge thereof. We cannot indulge such an inference in the face of the fact that there was neither a charge nor evidence to that effect. All of these matters occurred in the primary. Thereafter Senator Overton was elected in the general election without opposition.

Since this committee has no jurisdiction to try a contest if one were pending and since no contest is now pending before the Senate, we report the facts to the Senate in obedience to its instructions, for its use in any contest or other proceeding that has or may be brought before the Senate relating to a seat in the Senate.

LEVYING ASSESSMENTS UPON OFFICEHOLDERS AND EMPLOYEES

Another practice which cannot be approved is that of levying compulsory assessments upon officeholders to raise campaign funds. The testimony discloses the names of those reported to have contributed to the campaign of Senator Overton. The amount reported as contributed was not unusually large, the sum being around \$13,116.42. There were candidates for Congress in the same primary and also candidates for certain district offices. The amount of

money expended so far as disclosed by the sworn testimony was something over \$30,000 for the entire ticket.

The testimony of Weiss, who handled the campaign funds for the Long organization ticket including Senator Overton, four Congressmen, and a public-service commissioner, was that something over \$30,000 was spent for all candidates. There had been a primary for State offices in January of 1932 in which considerable money had been expended. After the primary election in September a deficit of around \$30,000 remained unpaid. The Louisiana Democratic Association appears to have been responsible for making good the deficit. The State officials and employees were assessed in an amount equal to 10 percent of a month's salary. While all of the officials did not contribute, the evidence indicates rather clearly that most of them did. There was evidence that the assessment was compulsory, at least in some cases. The deficit was thus wiped out. It is contended by Senator Overton, as well as the members of the Louisiana Democratic Association, that there was no deficit growing out of the Overton campaign and that the money raised by the contributions from the officeholders was to take care of the deficit left over from the January primary, and perhaps to make contribution to the Presidential campaign.

There is evidence that some of the officeholders were told that they were required to contribute to take care of the deficit growing out of the Overton campaign, but a preponderance of the direct evidence was that it was the Allen deficit. The practice of coercing officeholders to contribute to a political campaign is against sound public policy and should be prohibited by law. There is little direct evidence of the expenditure of money for fraudulent purposes, such as buying votes.

However, the committee desires to register its hearty condemnation of the practice in Louisiana of coercing State and city employees to pay assessments for political campaign funds. It seems to be the custom to require enforced contributions. It opens the door to lavish expenditures, and since no law of Louisiana requires an accounting of campaign collections or expenditures, it becomes even more reprehensible. It is in evidence that collections from State and city employees were turned over to parties who made no accounting and kept no records or books, either as to receipts or expenditures.

ELECTION EXPENDITURES

Since the primary function of the committee was the investigation of campaign expenditures in the election of 1932, the committee diligently and patiently undertook to secure all available evidence with regard thereto. The committee summoned representatives from the banks in the city of New Orleans. It had before it the campaign managers of Senator Overton. It had Mayor Walmsley, head of the old Regulars, New Orleans organization, the officials of the Choctaw Club, and other witnesses who were presumed to have knowledge with respect to such expenditures. Particularly the committee desires to call attention to the case of Mr. Seymour Weiss, manager of the Roosevelt Hotel, which is headquarters for the Long organization. He was admittedly the receiver and disbursing officer of campaign

funds for the Long organization in both the Overton primary and the primary race of Allen for governor in January preceding, both supported by the Long organization.

Mr. Weiss testified that when campaign funds were needed, he circulated among certain of his friends in Louisiana and secured contributions to the extent of the amount needed. He then disbursed such funds in the payment of bills and other expenses without making any record of receipts or expenditures. Louisiana law requires neither the keeping of accounts nor report of expenditures. It was contended throughout the testimony on the part of Senator Overton's supporters that the assessment of State employees, which was made in September 1932, was for the purpose of paying a deficit in the campaign expenses of Governor Allen. The fact that this assessment was made during September, and that the primary election in which Senator Overton was nominated was also held in September, raises a strong presumption that such assessment was in fact employed in the payment of expenditures for Senator Overton and associates on his ticket. However, the preponderance of direct testimony from those who made such contributions was to the effect that such contribution was made to pay a deficit in the Allen campaign and for the purpose of making a contribution to the national Democratic campaign. This, however, does not lessen the vice and odium attaching to the enforced collection of campaign contributions from State and city employees and their expenditure by irresponsible parties who are under the law in no wise required to make an accounting to any official or to any other agency of government.

Under such a system there is no accurate method by which campaign funds can be traced from the donors to the expenditures. It cannot be determined whether funds collected from State employees are actually or legally expended for campaign purposes or may be diverted to some other purpose. Such a practice is not in keeping with the conception of even a low standard of ethics in politics or government.

In the hands of a corrupt organization it may be made an engine whereby large sums of money may be extorted from helpless employees and diverted to the private or personal profit of those who dominate the organization under the pretext that they are to be expended for campaign purposes. It appears that in 1 or 2 parishes entirely too many votes were cast in that primary, but the parishes were small and had no appreciable effect on the result of the primary except for their importance as showing the existence of fraud.

POLITICAL CONDITIONS IN LOUISIANA

The situation in Louisiana as it relates to elections cannot be defended. The political organizations there play the political game according to the standard that the result is the important thing and the means of obtaining it are secondary considerations. There is probably no great difference in the methods of operation so far as the old regulars in the city of New Orleans, the Jackson Democratic Club in that city, and the Louisiana Democratic Association are concerned. The difference is one of degree and the degree is determined by the intelligence and skill of the operators.

Our investigation discloses that the State organization, sometimes called the Democratic Association, but more generally known as the Long organization in Louisiana, in 1932 absolutely dominated the politics of the State. It further appears that Senator Huey P. Long and his lieutenants completely controlled the affairs and policies of that organization and that he directed the Overton campaign. Through the use of dummy candidates, through the support of all State officers and employees, through a widespread and closely knit organization and through an alliance with the Walmsley-New Orleans organization, and through the enforced collection of campaign funds from State employees, the Long organization or machine controlled not only the primary election in which the Governor was nominated, but the primary in September 1932. It further appears that this organization dominates and controls not only the Governor of Louisiana and his policies, but also directs and controls all, or practically all, of the State departments and their employees.

There is a very bitter factional controversy raging in Louisiana. There are a number of political groups. In some elections one or more of these groups are allied in the support of a candidate or ticket. Frequently in the next election there will be another grouping, and one or more factions formerly allied will be in opposition. Of course the control of the domestic affairs of Louisiana is the concern and responsibility of the people of that State. However, since the Senate directed the committee to report upon matters relating to the election and political conditions in senatorial primaries and elections in 1932 which might be of public interest, the committee feels that its duty requires that it candidly and frankly reveal to the Senate the deplorable and distressing political conditions existing in the State of Louisiana.

COMMITTEE HARASSED AND HAMPERED

As an evidence of the bitter factional and prejudiced lines of division between the various political organizations and groups in Louisiana, it may be pointed out that the labors of the committee were greatly hampered and the committee was frequently harassed by shouting groups in attendance at the hearings. However, it must be remembered that the resolution under which the committee was acting directed that its hearings should be public. The committee undertook in the face of these vexations to perform its duty in an impartial and dispassionate manner in order that it might report to the Senate the facts and conditions as disclosed by the investigation. It would have been improper for the committee to prejudge the case in any fashion whatever and to proceed as a prosecutor or defender of any faction or group in Louisiana. With unusual restraint and patience, the committee sat through long and tedious sessions in an endeavor to secure the facts in this remarkable situation. It may be also pointed out that in this maelstrom of political passion and bitter factional controversy, it was often very difficult to secure the facts respecting conditions and transactions surrounding the primary election of 1932. In its search for the truth it permitted the testimony to cover a wide range and the strict rules as to the admissibility of evidence as observed in the courts were not

followed. Some persons were reluctant to testify because they claimed to fear reprisals against themselves or relatives.

The committee has undertaken to perform its duty to the Senate. It has expended entirely the funds appropriated for its use. In fact there will remain a deficit for which the committee hopes the Senate may make proper provision.

The committee submits the several thousand printed pages of the testimony taken at the hearings in obedience to the Senate's instruction to "aid the Senate in enacting any remedial legislation or in deciding any contests which might be instituted involving the right to a seat in the United States Senate", and for any other purpose which the judgment of the Senate may suggest.

Respectfully submitted.

TOM CONNALLY,
Chairman.

M. M. LOGAN.
ELBERT D. THOMAS.
JOHN G. TOWNSEND, Jr.
ROBERT D. CAREY.

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