

Vol. 1

The United States Senate

Report of Proceedings

*See -
Downey's
connections*

Hearing held before

Subcommittee of the Committee on Finance

NOMINATION OF PAUL R. LEAKE

January 15, 1940

Washington, D. C.

WARD & PAUL

OFFICIAL REPORTERS
1706 L ST., N. W.
WASHINGTON, D. C.

NATIONAL { 4266
 { 4267
 { 4268

NOMINATION OF PAUL R. LEAKE

Paul R. Leake, of Woodland, California, to be collector of customs for customs collection district numbered 28, with headquarters at San Francisco, California, in place of Charles O. Dunbar, deceased.

(Mr. Leake is now serving under temporary commission issued during the recess of the Senate).

Monday, January 15, 1940

United States Senate,
Subcommittee of the Committee on Finance,
Washington, D. C.

The committee met, pursuant to call, at 11 a. m., in room 310, Senate Office Building, Senator Josiah W. Bailey, presiding.

Present: Senators Josiah W. Bailey (chairman), Edwin C. Johnson, (Colorado), and John G. Townsend, Jr.

Senator Bailey: The committee will come to order. The nomination of Paul R. Leake of Woodland, California, to be Collector of Customs for the Customs Collection District No. 28, headquarters at San Francisco, California, having been sent to the Senate, referred to the Finance Committee, and by the chairman of the Finance Committee to a subcommittee consisting of Senators Bailey, Johnson, and Townsend,

duly met on January 15, 1940.

It appearing that the chairman of the Finance Committee had in regular course informed Senator Johnson of California and Senator Downey of California of the nomination, Senator Johnson has reported as follows:

"Paul R. Leake is a fine character, presenting every qualification for any office to which he aspires. Notwithstanding the manner of his selection, and much as I regret and resent the treatment of my colleague in the selection of an appointee to this office, I could not do otherwise than recommend Mr. Leake."

Senator Downey, in response to the letter of the chairman, informing him of the nomination, replied as follows:

"Thanks for the opportunity to say that Mr. Leake is personally obnoxious to me. For many years his newspaper, at Woodland, California, has been filled with false and defamatory statements concerning me. For the information of the committee, I enclosing a typical editorial from Mr. Leake's paper, 80 percent of which is wholly untrue."

The editorial is as follows:

"Where Was Mr. Downey?

"Like the sound of an empty freight train going over a bridge, the voice of Sheridan Downey, Congressional candidate, boomed forth here last night.

"In fact, there was something pitiful and pathetic in

his talk to the Townsendites - the spectacle of a bright man using his bile instead of his brains to beg for votes.

"The absurdity of it all defeated his attempt to arouse the emotions and passions of his listeners.

"While Mr. Downey again professed a strong friendship for President Roosevelt, he forgot to explain his own profound silence during the Townsend convention in Cleveland when Rev. Alphabet Smith, a disgruntled self-seeking, political preacher, with broken down arches trying to stand in the shadow of Huey Long, joined with self-satisfied Father Coughlin in villifying and 'crucifying' the President.

"It was Gomer Smith, vice president of the Townsend national organization and not Mr. Downey, who arose gallantly to defend the President when his defamers characterized him as a 'liar', a 'betrayor' and a 'double crosser.' Even in a meeting of Communists or avowed Reds, such an attack would have met with a storm of indignation and protest, and probably an S.O.S. for the police car.

"For exercising his right of free speech and ^{for} replying to this unbecoming abuse of the head of our government, Gomer Smith, if Dr. Townsend had had his way, would have been read out of the old-age tax organization. 'Gomer Smith is no longer a member of our group,' shouted Dr. Townsend.

"And while this anti-American demonstration was in progress, where was Sheridan Downey?

"Did one word drop from his lips in defense of his 'friend' - the President of the United States?

"He was at the convention more prosperous looking than a divorce lawyer in Reno, as persuasive as an automobile salesman with a new prospect and busier than a tick on a turtle. But this 'devoted admirer' of Mr. Roosevelt never made a single move to stop the disgraceful attack.

"In silencing Gomer Smith, Dr. Townsend, an advocate of pure and unadulterated democracy, was himself, practicing autocracy with an iron hand.

"But did Mr. Downey object? Not on your life.

"Would the former Epic leader and apostle of Upton Sinclair risk losing that weekly fee as the lawyer for Dr. Townsend to support his 'friend' - the President?

"In behalf of Mr. Roosevelt, Mr. Downey in Cleveland was as useless as a 'busted' relative.

"He has eloquence and talent as a speaker. He could have joined with Gomer Smith and stopped that shameful demonstration against the President the minute it started, but visualizing only his fee and the Townsend votes he might get for Congress he remained as unemotional as a veterinarian pulling a dog's tooth.

"The opportunity for Mr. Downey afforded a test of his proclaimed friendship for the man who has already done more for the aged and the poor and the distressed than any na-

tional leader in this generation, but he failed to respond. His was a case of fear and jitters, realizing that he might be pouring gold out of his own pockets if he dared to defy Dr. Townsend and the assailants of the President. When 'silence is golden' depend upon it that Mr. Downey will hold his tongue.

"Mr. Downey was more occupied in Cleveland than Ghandi slapping at mosquitoes; so much so, in fact, he couldn't find time to utter a single word in condemnation of the pair of speakers who debauched their own standing as 'men of the cloth.'

"And yet this is the man who professes to be a true Democrat, a friend of the President.

"Congressman Clarence Lea and Frank Buck will not offer \$200 a month, or any other sum, of other people's money for votes. They have very frankly expressed the belief that it is folly to take from those who earn to give to those not in need or to others greatly in excess of their need.

"Mr. Downey, who pays no more attention to facts than a rabbit does to birth control, is not so much concerned about the aged as he is their ballots.

"Probably least deserving of recognition last night was the Epic disciple's charge that all chambers of commerce are supporting Mr. Buck and one of the first places the Congressman will visit when he come to Woodland is the C. of C.

quarters. Secretary Van Tongeren had a good laugh to himself, as Mr. Buck has not been inside the C. of C. sanctum this year and he and 'Van' have never had the pleasure of meeting each other.

"Such misstatements mean nothing to the conscience of the crafty attorney who seeks to pull the wool over the eyes of the decrepit.

"In last night's talk, he was as futile as a robin serenading a riveter when he told how he had spurned \$15,000 worth of financing for his campaign because he 'will not place in jeopardy my political liberty.' It is as reasonable to fall for that hokum as it is to believe the fellow who swore he never lost a collar button and never dropped the cap off a tube of toothpaste.

"Townsend political candidates will get nowhere by abusing and lying about their opponents. Their followers will accomplish nothing for the cause of old age tax pensions, by tolerating deceit and misrepresentation from their spokesmen.

"Furthermore, if the Townsend old-age tax plan is as good as they say it is, the Townsend people must be as good sports as they want everybody else to be. Editorial discussion and caustic criticism will not hurt it.

"For years the eloquent but erratic Mr. Downey has been going around in circles like a goldfish, and he's still

doing it - and with his mouth wide open, too, spouting fish stories and trying hard to get into the political swim."

(Reproduced by photostat from Woodland Democrat, date 8-4-'36, p. 6 c. 1. Date reproduced 12-27-39. California State Library).

In addition, Senator Downey wrote Senator Harrison, chairman of the committee, as follows, under date of January 8:

"I have been informed the statement has been made that the President did not appoint the individual recommended by me as Collector of Customs because he was a disbarred attorney.

"There is no truth or foundation to this statement. The man I have recommended is not an attorney, and so far as I know bears a most excellent reputation. I offered his name because the political leaders in his district thought he was entitled to the position, and reported to me he had the very best of reputation.

"Likewise, I was told that this gentlemen, Carl Cook, had been the roommate of Justice Douglas in college, and his close friend. I interviewed Justice Douglas concerning the qualifications of Mr. Cook. He stated to me that Mr. Cook's reputation and character were of the very best.

"The statements as to my having recommended some lawyer who has been disbarred are evidently made for the purpose

of confusing the issue.

"The President at no time consulted with me about this appointment, and gave me no intimation or advance notice that he intended to appoint a personal enemy of mine, recommended by ex-Senator McAdoo.

"If I can give you any further information on this subject please call upon me.

"Again thanks for your many courtesies to me.

"Sincerely, Sheridan Downey."

I have certain other communications which will be put in later if the committee thinks proper. Meantime, I suggest that we hear Mr. Downey.

Senator Downey, Thank you, Senator Bailey. Let me say in the first place, that my personal sensibilities are not really involved in my resisting the approval of Mr. Leake's appointment. I consider it a rather grave social issue. I believe upon rather credible information that President Roosevelt has been actuated in making this appointment by resentment against me, first because I defeated Senator McAdoo, when he went out to California to support him; and, secondly, and more immediately because I resisted very vigorously the President's recent program on neutrality. However this appointment was accomplished, it did result in picking out of the approximately 6 million people in the State of California, almost the only man I

would have said was obnoxious to me.

I have been very actively in politics in California for about 10 years, and during most of that time, most of the newspapers of the state have opposed both my economic ideas and have opposed me politically. I cannot say that the newspapers of the state were always perfect in their treatment, but at least I cannot recall a single newspaper that ever was abusive or engaged in bitter personalities against me except this one newspaper run by Mr. Leake in Woodland. Mr. Leake repeatedly in his columns of his paper assailed me in very cheap, vulgar, abusive language. The editorial, Senator Townsend, that you hold in your hand is typical of 10 or 15 others that I can submit.

Not alone were Mr. Leake's editorials very abusive and ~~very~~ unhappy in their language and their personal aspects, but generally they were entirely false. To show how false that particular editorial is --

Senator Bailey: (interposing) Do you want a copy of it before you?

Senator Downey: No. It relates principally to an accusation that I was ~~very~~ cowardly and thinking of certain attorney's fees and certain monies when, in the Townsend national convention prior to the last Presidential election, it is alleged, ~~that~~ I believe, Father Coughlin and Gerald Smith and Mr. Lemke very bitterly assailed President Roose-

velt and that I did not defend him because I was making money out of the Townsend movement.

Now, as a matter of fact, in that particular convention, Senator Bailey, there were some very great speeches made and some very abusive speeches. Father Coughlin bitterly assailed Franklin Roosevelt in a ~~very~~ tremendous philippic against him, and this chap Gerald Smith, who is a ~~very~~ powerful ^{speaker} ~~rabble-rouser~~ did too, and Mr. Lemke and some other people. Gomer Smith, who was recently defeated in Oklahoma, took the platform after those speeches were over and immediately defended President Roosevelt in a ~~very~~ vigorous speech. I spoke two or three times in the convention and expressed my regret and resentment at the ~~very~~ vicious ~~and terrible~~ attacks that had been made upon President Roosevelt. As a matter of fact, I ~~was~~ strongly defended President ^Roosevelt, and as a result of my attitude in that convention, Dr. Townsend and I while preserving friendly personal relations, went different ways; in other words, because of the fact that I did not follow Dr. Townsend's lead in his attitude toward President Roosevelt at that particular time, my relationship such as it was with the Townsend organization was broken, which resulted in ^{an} ~~a~~ very unhappy political situation for me. I do not say that the election would have resulted ~~very~~ differently, but I was at that time running against Mr. Buck for Congress out in

our congressional district --

Senator Bailey: (interposing) What year was that?

Mr. Buck: (Member of Congress, 3rd California District) Don't say that, please.

Senator Bailey: Let him say anything he pleases, and when the time comes for contradiction, we will hear you.

Senator Downey: I am ~~very~~ glad to hear him now.

Senator Bailey: No. Please go on.

Senator Downey: I was running for the Democratic nomination for Congress in the district in which I live, and Mr. Buck was the encumbent and I was opposing him. ~~That is correct, isn't it?~~ Thousands of Townsendites in that district telephoned me, and many of them wrote to me that they believed that I had made a serious mistake in the convention in my speeches, and told me they would not go to the polls and vote for me. In addition to that, some of Mr. Buck's strongest supporters spread this same story that Mr. Leake spread here indicating that I had been against Mr. Roosevelt, and I lost a lot of labor and Roosevelt votes that I otherwise would have had. I don't care what Mr. Buck says, but the labor leaders and the Townsendites told me this personally. I do not say that the election would have been any different; that is totally immaterial. Mr. Buck is not at all responsible for that. I have not the slightest suggestion of any criticism of Mr. Buck for anything that

ever occurred in our campaigns. He was always ~~very~~ friendly and ~~very~~ fair. All I am trying to say is that this editorial is 80 percent untrue, and was of course put out in order to affect me disadvantageously in that political campaign. All that you will have to do is to read that editorial to see the character of the man whom the President is appointing to this office. I have 15 or 20 typical editorials like that in my office which I will be glad to submit.

Senator Johnson: Were all of them written prior to that election? Were any of these bitter editorials you speak of written after your election?

Senator Downey: What election are you referring to?

Senator Johnson: Your election to the United States Senate.

Senator Downey: I don't know. After I defeated Senator McAdoo, Mr. Leake published in his paper some ~~very~~ bitter attacks upon me taken from other newspapers, and he did not support me in my campaign.

Senator Johnson: (Colorado) After the primary?

Senator Downey: After the primary.

Senator Bailey: Weren't you the Democratic nominee?

Senator Downey: Yes, I was.

Senator Bailey: Were you the nominee of any other party?

Senator Downey: I think I did receive the Progressive

and Townsendite and - I don't know. Perhaps some others. In California, you can get five or six nominations.

Senator Bailey: You can get both the Democratic and the Republican?

Senator Downey: Yes. Senator Johnson did that the last time, I think. Mr. Buck has done that right along. He has been successful in getting both nominations, Republican and Democrat. In fact, generally I think he has run better in the Republican Party than the Democratic Party.

Senator Johnson: (Colorado) Do I understand that Mr. Leake supported your Republican opponent after the McAddo-Downey primary election?

Senator Downey: Mr. Johnson, I have not specifically examined the columns since then. All I can say is this, that I remember reading his columns between the primary and the election, and he had reprinted from other papers, other Republican papers, ~~very~~ strong attacks upon my economic and political ideas. I understand that Mr. Leake's claim now is that those articles did not express his own ideas, but he merely republished them from other papers for the information of the voters. I believe that is his claim.

Senator Johnson: (Colorado) I am trying to make a distinction between his attitude after the primary election and before the primary election.

Senator Downey: Well, as I say, Senator Johnson, I don't

know that after the primary he came out with any such abusive editorials as this, but he did reprint in his paper very derogatory sentiments concerning my political and economic ideas, which of course only could have hurt me very greatly in the county where that paper circulates.

Let me express this, - Yolo County is just across the river from Sacramento County. In the election, I carried Sacramento County by a very substantial majority, and on the other side, Yolo County, where this paper circulates, I lost, and I think one of the reasons I lost it is because of the publicity of Mr. Leake in his newspaper. I am not evading what you are saying. Mr. Leake did reprint in his paper between the primary and the election, derogatory articles to me, but I understand he claims that those did not express his sentiments, but he merely reprinted them from the other papers, and he has written ^{me} that those reprints did not express his opinion of me between the primary and the election.

Senator Johnson: (Colorado) What is his claim; that he did support you after you were nominated?

Senator Downey: I am sure that he does not make that claim. As far as I know, there was not one word of support of my candidacy after the primary. I asked someone to search the paper, and they could not find anything in his columns supporting me after the primary. I have not personally ex-

amined the paper and I do not know. Mr. Buck may know and have the material.

Senator Johnson: (Colorado) Did Senator McAdoo and President Roosevelt support you after the McAdoo primary contest?

Senator Downey: Of course, Senator McAdoo did not. As a matter of fact, Senator McAdoo continued to oppose me. I cannot recall that President Roosevelt expressed himself after the primary and before the election as to my candidacy, but he may have in some of his formal appeals for the Democratic candidates, he may have, Senator Johnson, but I don't know.

Senator Johnson: (Colorado) As I recall it, he did send a telegram or something endorsing you as a progressive.

Senator Downey: Perhaps he did; perhaps he did. I don't ~~know~~ remember. SD.

Senator Bailey: It made no impression on your mind if he did?

Senator Downey: No, Senator Bailey, it did not. And, gentlemen, I would like the committee to clearly get my viewpoint. The only reason I am here is because I think there is a question of important public policy involved in ^{this} ~~that~~ issue, as to whether a President of the United States should utilize the power of appointment to hasten and discipline a United States Senator because he either personally does not like him or because he does not support the

legislation that the President likes. And I state that I am firmly of the opinion that this appointment is the outgrowth of the desire on the part of President Roosevelt and Senator McAdoo and other people in California to punish me for not being what I might term a good rubber stamp.

It has been intimated to me several times that if I ~~rather~~ bowed the knee to Mr. Roosevelt on his different legislation and these different matters, my way would be very much easier in Washington in a great many different ways. I came to Washington to fight certain economic battles and those things are so much greater in importance to me than this question of patronage, that it does not count with me at all, and I won't be unhappy whatever may eventuate out of this matter.

Senator Townsend: You say in your letter that the man you recommended was not an attorney?

Senator Downey: No, he was not an attorney, and to take you down into ~~the rather unhappy and subterranean channels~~ of Democratic politics, while I was not in California after I had ^{the name of} presented Mr. Call Cook, Mr. George Creel met with certain of my well-known supporters out in California and for some strange reason that Mr. Creel could perhaps explain, he manipulated that group so that that group agreed that I, the United States Senator, should recommend ^{N.W. Hildebrand} ~~this disbarred~~ attorney, and apparently in some way it was given out that

~~I had recommended him by Mr. Greel, and apparently it was~~
 given out from the White House that the reason the Presi-
 dent would not appoint the person that I had recommended
 was because he was a disbarred attorney. Exactly where the
~~wires were crossed~~ *mistake arose*, I don't know, because I never did
 recommend this gentleman and never considered recommending
 him, and never recommended anybody but Mr. Cal Cook, who
 is not a lawyer as far as I know; ^{who} has a very fine reputation
 and character, and was okayed by Mr. Bill Douglas, one of
 the men whom apparently the President of the United
 States has great confidence in. And so the President, I
~~can hardly~~ ^{hardly} think, would have turned down Mr. Cook's ap-
 pointment, because Mr. Cook had been a roommate of Justice
 Douglas, I believe, in law school, and is highly regarded
 by him as to his character.

Senator Townsend: What is the man's name that they
 claim you recommended?

Senator Downey: Clifton Hildebrand, who was a lawyer
 in Oakland, California.

Senator Townsend: You did not recommend him at all?

Senator Downey: No, I did not, Senator Townsend.
 Perhaps there was a trap set for the junior Senator from
 California and it was expected that he would fall into the
 trap and recommend this gentleman, and the gentlemen an-

anticipated the closing of the trap. They, in other words, wanted to give the President of the United States the excuse to castigate ~~the person who was recommended by the Senator, but I did not do it,~~ ^{me for recommending Mr. Hildebrand} ~~Senator Townsend.~~ ^{but I never had presented his name.} And I never thought of doing it. There was not any letter or any indication of it.

Senator Bailey: Is that all?

Senator Downey: That is all I have to say.

Senator Bailey: Now, you rest your case on two points, - one, your allegation that this appointment is personally obnoxious to you because it is an appointment in which the President is undertaking to discipline you for not going along with him; is that correct?

Senator Downey: That is correct.

Senator Bailey: Your second point is that this appointment is personally obnoxious to you, because the appointee has continually abused you in the editorial columns of his paper and has printed other abusive things from other newspapers; is that correct?

Senator Downey: That is correct.

Senator Bailey: Will you have anything more to say?

Senator Downey: No, not now. May I remain here?

Senator Bailey: Oh, certainly. Now, Mr. Buck, you have told me that you wish to be heard.

Mr. Frank H. Buck: (Representing the 3rd Congressional District of California), Gentlemen, I do wish to be

heard. I should like to preface my remarks, Mr. Chairman and Senator Johnson and Townsend, with the statement that while Mr. Downey and I have been political opponents - he was twice a candidate for the Democratic nomination against me and of course we had pretty hot battles during that time - I have no personal animosity against Mr. Downey, and I think that he realizes that he has gotten along fairly well and satisfactorily since he has been elected Senator from California.

I question, Mr. Chairman, whether there is any question about Mr. Leake's fitness, ability or integrity, and I do not know and could not understand from Mr. Downey's remarks whether he wished to raise that question or not.

Senator Bailey: He did not raise it.

Mr. Buck: If he does, I want to go into that fully.

Senator Bailey: No, he did not raise it.

Mr. Buck: All right. Then we will simply take it for granted that as far as ability and integrity and character are concerned, that Mr. Leake is capable of filling this office.

Senator Bailey: I will settle that right now in Mr. Downey's presence. You did not raise any question as to the character or the qualifications of Mr. Leake for the office?

Senator Downey: No, Senator Bailey, I did not raise that question, but let me point this out to you. There is

a question of whether or not a man who would write such an editorial as introduced here in evidence is a man that the Senate of the United States ought to believe ought to be appointed to such an office. I just submit the editorial on that. The editorial speaks for itself.

Senator Bailey: Well, but you are resting your case on personal obnoxiousness and not on the man's qualifications for the office?

Senator Downey: That is correct.

Mr. Buck: Under those circumstances, I shall not take any great length of time, Senators, to go into Mr. Leake's character. He is a man who is in his 40's, a graduate of the Santa Clara University, and educated, well-read, and has been active in Democratic politics out there during his entire lifetime. His father, I may add, was Collector of the Port at San Francisco under Woodrow Wilson, and it is possible that some of you whose political experience goes back that far may have known him. At any rate, he has always been active in support. He is now, among other things, vice president of the California State Association of Newspapers, and for what the committee may want to do with them, I would like to submit to you gentlemen a number of editorials endorsing the appointment of Mr. Leake as an encouragement to California, and so forth.

Senator Bailey: To put them in the record?

Mr. Buck: I don't know. If you want to look them over or put them in the record - I would like to put them in.

Senator Johnson: (Colorado) Are you asking us to put them in the record?

Mr. Buck: I offer them for the record, Senator.

Senator Johnson: (Colorado) Do they afford any evidence pertaining to the issues that Senator Downey has raised here?

Mr. Buck: They all deal with the question of Mr. Downey's opposition to Mr. Leake.

Senator Bailey: We can examine them and determine later whether or not they should go in.

Senator Johnson: (Colorado) If they are pertinent to the issues which Senator Downey has raised, I think they should go in the record.

Mr. Buck: I can read one of them, and, Senator Bailey, you can look them over. It is all right if you reject those that do not deal with the issues.

Now, with reference to the editorial that the Senator has submitted to you, I want to call your attention to this fact. In 1936, there was a very bitter primary campaign in the Democratic party. The Senator in the early part of the year was representing Dr. Townsend back here as his attorney before the House investigating committee,

and the Senator came to me one day and he said that he thought that he was going to have to make the race for Congress against me, and I told him quite politely that if he did, that I would defeat him, but he went ahead anyway and he had the Townsend support. I have never heard until today that he ever lost any of it after the Cleveland convention. It may be that he lost a few votes. At any rate, the battle was fought on that issue, solely on the question of whether or not, as I have been known to be opposed definitely to the Townsend legislation, whether or not I should be reelected or the Senator elected.

Mr. Leake was one of my ardent supporters. He wrote a number of editorials during the course of the campaign. They were written in the heat of a very hot campaign, I want to say, and perhaps in one or two respects he might have even stepped over the bounds, but when the campaign was over - I am sure the Senator will recall this - that at the State Convention, I came up to him and we shook hands and I said "This war is over. Are you going to support the President?" Because Dr. Townsend had moved off the reservation and was definitely opposing the President. And the Senator said, "Yes." At a later date he also met Mr. Leake and they exchanged - whether they shook hands or not I don't know, but they exchanged the same sort of assurances that this matter was a dead horse.

Now, I think frankly, that this editorial should be regarded by you gentlemen as simply a political editorial written in a hot campaign. I know that Mr. Leake --

Senator Bailey: (interposing) Let me ask you, Mr. Buck, a question. In the course of the editorial, it being entitled "Where was Mr. Downey?" I found this paragraph: "Townsend political candidates will get nowhere by abusing and lying about their opponents. Their followers will accomplish nothing for the cause of old-age tax pensions by tolerating deceit and misrepresentation from their spokesmen."

Now, do you in reading that editorial, impute to it the innuendo that Mr. Downey was lying in the campaign?

Mr. Buck: Well, Senator, I would hardly say that. I think that both Mr. Downey and certainly some of his ardent supporters made allegations with reference to me that were unquestionably distortions of fact, and those statements were made in political speeches.

Senator Bailey: This editor uses the word "lied". A lie is not a distortion of the truth. A lie is a false statement maliciously made with the intention to do injury. That is my conception of a lie.

Mr. Buck: I would not demean myself by trying to say that the Senator ever lied about me. My record was an open record --

Senator Bailey: (interposing) There is this one paragraph - I am not saying that he meant to refer to Mr. Downey. It is a generalization.

Mr. Buck: You will recall, Senator, there was more than one Townsendite candidate running around that district. In the first district, there was also a very bitter fight being made against Clarence Lea at that time.

Senator Bailey: What I am getting at is, do you conceive that this was an innuendo or even a direct allegation?

Mr. Buck: I would not so conceive it myself.

Senator Bailey: That Mr. Downey was lying in the campaign.

Mr. Buck: I would not so conceive it.

Senator Bailey: There are many false statements made in political campaigns, but frequently they are made in good faith.

Mr. Buck: One of the issues in that campaign was exactly what Senator Downey expressed here a minute ago, as to whether he was or wasnot going to be a supporter of President Roosevelt, and I was running on a straight administration program, and of course we were trying to bring home to the people the fact that we did not believe the Senator would be an administration supporter, and I don't know if we were not right about that, but never mind that.

Senator Bailey: What is the date of that editorial?

Mr. Buck: August 4th, 1936. The primary of August, 1936.

Senator Bailey: It was in your fight?

Mr. Buck: Yes, it was in my fight, and had nothing to do with the Senator's late campaign.

I want to say this much, that Mr. Leake probably differs from the Senator fundamentally on economic principles. He has not been for the Epic plan on which the Senator once ran, he was not for the Townsend plan, he was not for the Ham and Egg plan, and maybe he was behind the eight ball, Senator, when you were nominated there, but I know this much of my own facts, that he never wrote an editorial opposing you after you were nominated in the 1938 primary.

Senator Bailey: Do you mean to say that he supported Mr. Downey at the ballot box?

Mr. Buck: I had no idea how he voted; I could not tell you that.

Senator Johnson: (Colorado) Did he support him in his paper, or did he just drop the matter?

Mr. Buck: He dropped the matter, Senator.

Senator Johnson: (Colorado) Neither supported nor opposed him?

Mr. Buck: Neither supported nor opposed him. I think if I might read to you a paragraph from a letter that Mr. Leake wrote one of your colleagues in the Senate, of which he

sent me a carbon copy, so I presume I am entitled to use it:

"After Senator Downey's announcement that he is opposed to me because I am personally obnoxious to him, I am frank to say that I cannot see any grounds upon which he can base this objection. If he had said that I was personally antipathetic to him, I could readily understand that. The term 'obnoxious' implies either that I have done something of an unfair or unethical nature in my opposition to him in supporting Congressman Buck, or when Mr. Downey ran against him for Congress in 1936, or that I have been guilty of something involving moral turpitude or otherwise which would justify this objection. I can assure you that I have done neither. A careful examination of the files of the Woodland Democrat will disclose that I did not at anytime deal unfairly with Senator Downey. While the Woodland Democratic bitterly opposed Mr. Downey in his primary fight, just as it opposed Senator Downey in the primary fight against Senator McAdoo, nevertheless its news and editorial columns treated Senator Downey with absolute fairness."

And might I add to that, that during the campaign I had to call up Mr. Leake several times and tell him that he was giving the Senator too much space in his news columns, that he was not, in my opinion, treating Brother Buck fairly enough in the news columns.

Senator Johnson: (Colorado) That is after the primary election in 1938?

Mr. Buck: No, I am talking about this whole editorial which the Senator refers to, which came out in our primary fight in 1936. As he said, I also obtained the Republican nomination at that time, and I thought he was giving Mr. Downey too much publicity in his columns.

Senator Johnson: (Colorado) Then you were objecting to his opposing Senator Downey so vigorously?

Mr. Buck: I was objecting to his giving so much space to Senator Downey in the news columns. He was supporting me.

Senator Bailey: How do you reconcile Mr. Leake's statement you have just quoted with the language in this editorial? Mr. Leake says that he had not accused Senator Downey of anything touching or involving moral turpitude. Let me read this:

"In last night's talk" that is Senator Downey's talk - "he was as futile as a robbin serenading a riveter when he told how he had spurned \$15,000 worth of financing for his campaign because he 'will not place in jeopardy my political liberty'. It is as reasonable to fall for that hum as it is to believe in the fellow who swore he never lost a collar button and never dropped the cap off of a tube of toothpaste.

"Townsend political candidates will get nowhere by abusing and lying about their opponents. Their followers will accomplish for the cause of old-age tax pensions by tolerating deceit and misrepresentation from their spokesmen."

Now, do you say that that does not suggest at any rate and even directly accuses Senator Downey of lying and moral turpitude? What would you say about it?

Mr. Buck: Senator, I merely repeat what I said before, - editorials of that kind are to be read in the light of the heat of a campaign. In the first place, I don't know anything about any \$15,000 that the Senator may have spurned. I do know this, that at every Townsend club meeting during that campaign, a collection was taken up for the purposes of defeating Representative Buck. I do know that they went back in 1938 and did the same thing, and at the same time they wrote a song "Give Buck to Beat Buck". This is all in the record on the Social Security bill, so I have no hesitancy in repeating it.

And the Townsendites, whether the Senator was involved in it or not I don't know, - have never accounted for one cent of that money, in spite of the effort of the Ways and Means Committee to get such an accounting, or the Clerk of the House, under the Corrupt Practices Act.

Senator Bailey: Was the Townsend movement there in the form of a political party or in the form of a faction within

the primary, undertaking to get the Democratic nomination for Mr. Downey? I don't quite understand.

Senator Downey: It was a faction.

Mr. Buck: The Senator is right. It was a faction or whatever you want to call it, - an element in the party. I am just quoting from the official record. The Townsend party itself was not organized in California until the 1938 election. In 1936 it operated within the party.

Senator Bailey: It is now a party?

Mr. Buck: It is now a party called the Townsend Party.

Senator Bailey: In California, you can be a member of two parties at one time?

Mr. Buck: No, you can only be a member of one party, but you can run on as many tickets as you pay the filing fee for.

Senator Bailey: I do not suppose you know which party Senator Downey belongs to?

Mr. Buck: Senator Downey - I take it - I think he was nominated as a Democrat. I think that is correct, isn't it?

Senator Downey: Yes, that is correct. Mr. Chairman, may I say this?

Senator Bailey: Yes, I would like to know about that. You are a member of the Townsend Party?

Senator Downey: No, we have the Prohibition Party, the Townsend Party, the Communist Party, the Democratic Party,

the Republican Party - Mr. Buck has been perhaps the most successful one in running on two parties, because he uniformly has run on both the Democratic and the Republican tickets, and his best support has been in the Republican Party.

Mr. Buck: One moment, Senator. I will give you the figures, and they show --

Senator Downey: (interposing) I will withdraw the remark.

Mr. Buck: I got 72-1/2 percent of the Democratic primary in 1938, and 60 percent of the Republican.

Senator Downey: ~~Yes, but you recall that you substantially beat Senator Ingalls (?) on that chain store issue.~~ The chain store issue has been very strong out in California and in that particular campaign as in other campaigns, I was offered the sum of \$10,000 by the chain store lobbyists for campaign purposes for that particular campaign. I understand it was offered to almost all the candidates, and that some of them took it.

Mr. Buck: It was not offered to me.

Senator Downey: It was offered to some of them. And I refused it. It was not \$15,000, but it was \$10,000, and I am ~~very~~ happy to substantiate that offer to this committee if it is of any importance. I never particularly made any point of that. I have been offered large sums of money by

different groups and organizations for campaign purposes and I refused them. In some way it came out in my campaign. I never made any charge that Mr. Buck received any money from the chain stores. But when Mr. Leake says that I lied about that, that is absolutely false, because it was a true statement. It was not \$15,000, but it was \$10,000.

Also, Mr. Chairman, if I might make this comment - I did want to burden this committee with reading these editorials, but I have 10 or 15 editorials extending over a series of years of ~~very~~ much that same tenor, accusing me of deceit and falsehood, and that my political activities were actuated by desire to get money out of the Townsend movement, and so forth. In this campaign that Mr. Buck has spoken of, I did not have one penny of contribution from any of the Townsend clubs. As a matter of fact, I went around and made speeches and I paid all of my own expenses. I did not make one penny of them.

Mr. Buck: Some of them were getting the money that they were collecting.

Senator Bailey: Mr. Buck, you have not finished, have you?

Mr. Buck: No. I want to make a few more observations when you are ready to hear me. I do not want to interrupt any of the other speakers.

Senator Bailey: I think that we had better finish with

you, because I want to ask Senator Downey about two or three matters on this editorial. I think I will ask you --

Mr. Buck: (interposing) Let me say this much about the editorial, that I never had a copy of that editorial in my possession until the other day when I saw it in your hands.

Senator Bailey: The editorial states in part, "The opportunity for Mr. Downey afforded a test of his proclaimed friendship for the man who has already done more for the aged and the poor and the distressed than any national leader in this generation, but he failed to respond."

That is Mr. Downey - "failed to respond. His was a case of fear and jitters, realizing that he might be pouring gold out of his own pockets if he dared to defy Dr. Townsend and the assailants of the President. When 'silence is golden', depend upon it that Mr. Downey will hold his tongue."

That is the statement.

Mr. Buck: I believe the fear and the jitters and the silence is golden, is a conclusion of the editorial writer. As far as the Cleveland situation is concerned, I accept the Senator's statement that these attacks - I know the Senator will verify that - that the attacks were made very bitterly upon the President, and Mr. Downey, as Mr. Leake said did not get up or say anything about them at that time.

Later on Mr. Downey says that he did make some complimentary remarks about the President before the convention adjourned, and I accept that as a fact, but the point is that I think Mr. Leake made a perfectly truthful statement there about what actually happened, that on the day the attack was made on the President in Cleveland at that Cleveland convention, and the other statements you read are merely an editorial rather than a conclusion as to what had happened.

Senator Bailey: He draws the conclusion that Mr. Downey was actuated by --

Senator Johnson: (interposing) By gold.

Mr. Buck: I merely call your attention to the fact that this was a very heated campaign, and things were said that could very well be forgotten. I am sorry the Senator wanted it revived and publish this editorial again. The fact was that he was on Dr. Townsend's payroll as his attorney all during the months preceding, and as far as I know, at the time of the convention, and until he just disclaimed it. I always assumed that he had been throughout the entire political campaign. I take his word as to when the employment terminated.

Senator Bailey: What do you say as to this in the editorial:

"He has eloquence and talent as a speaker."

Mr. Buck: I agree with that.

Senator Bailey: (continuing) "He could have joined with Gomer Smith and stopped that shameful demonstration against the President the minute it started, but visualizing only his fee and the Townsend votes he might get for Congress, he remained as unemotional as a veterinarian pulling a dog's tooth."

Senator Downey: I wish you would read some of the rest of it for the edification of the press. It is really --

Senator Bailey: (interposing) I am not reading it for the edification of the press. I am reading it now in order to get at the substance of this matter. He says Senator Downey was visualizing a fee and that was his inducement to be silent. What does he mean? Was there any fee involved?

Mr. Buck: The Senator can answer that better than I can.

Senator Downey: I want to make a statement --

Mr. Buck: (interposing) Either the Senator was employed - as far as I know, and I think it was common knowledge, that he was representing Dr. Townsend here. I don't know what the terms were or anything of that kind - that is a matter for him to divulge, if he cares to. The point I want to make before the committee, and I will conclude except for any questions you care to ask, is two points:

In the first place, that Leake is a fine man, capable of holding down this position, and there are involved in this

position certain responsibilities which require a man of considerable character. I suggest that while the Senators have the question before them of the consideration of this particular appointment, in view of the statement Senator Downey made, that the candidate that he had suggested is not a disbarred attorney and that there was some error about that, I would suggest that the Senator inquire of the Bureau of Internal Revenue who had previously investigated that gentleman's application to become a deputy collector of internal revenue and was turned down because of certain irregularities, - I don't know whether the Senator knows that - but such is the case.

Now, Mr. Leake is fit by the admission of practically everybody in California, and certainly should be by democratic standards if this is a political position. He has been a lifelong democrat, and supported the party, with the exception perhaps of Senator Downey's campaign for Senator, but as I say, he was behind the eight ball, he was opposed to ham and eggs, and the Senator was running on a ham and eggs platform, and he was opposed to certain philosophies he had, and he did not support him, but he did not oppose him.

As to these editorials, I want you to remember that they were written in the heat of the campaign. I have had some written about me that I was ashamed to take home and I

was ashamed to show them to my wife and secretary. But I laughed them off, and I think the Senator ought to laugh these off.

Senator Bailey: Who was the gentleman you mentioned as to the irregularities?

Mr. Buck: Cook.

Senator Bailey: Do you think the committee should investigate him?

Mr. Buck: He is not before you.

Senator Bailey: No, he is not before us at all.

Now, Mr. Downey, you said just now that you wished to make a statement?

Senator Johnson: (Colorado) May I ask Mr. Buck a question before he concludes?

Senator Bailey: Surely.

Senator Johnson: (Colorado) You have not touched upon the other issue that Senator Downey raised as to just how Mr. Leake did receive his appointment. Do you know how he received his appointment? Was that a spite appointment?

Mr. Buck: If the Senator has any quarrel with the President of the United States, that is his quarrel and not mine. I endorsed Mr. Leake for the appointment. I called the Senator's office, and he was in California, when I found out that Mr. Leake was desirous of obtaining this appointment. Mr. Leake had been a party worker for a long time, and we

had endeavored to get him an appointment in 1933, but because my district was not sufficiently large and populous to get two appointments, I had to be content to getting the United States marshalship there, but Mr. Leake had been hoping, I will say, for some recognition of his services. When I found out that he was interested in this, I immediately went to the bat with what limited ability I have to try to get the endorsement for him.

Senator Johnson: (Colorado) Did the President or anyone here in Washington ask you to get active for Mr. Leake?

Mr. Buck: Mr. Leake asked me himself. I will be glad to insert in the record his letter, if it is of interest to anybody.

Senator Johnson: (Colorado) But you were not asked by the Administration?

Mr. Buck: I was not asked by the Administration, and I was not asked by the present Senator's predecessor in office, as far as that is concerned.

Senator Bailey: Now, Mr. Downey?

Senator Downey: Mr. Chairman, there are only three or four points that I want to cover very briefly.

In the first place, let me say that I am very confident that I never used any harsh language against Mr. Buck in any of our campaigns. I differ very greatly from Mr. Buck in economic ideas. I think that his ideas are completely at

variance with mine on pension reform, and Mr. Buck boasts of that privately, so certainly that was not any charge against him. In none of my campaigns have I ever indulged in any abuse or personalities. The statement that I distorted the facts is just not true.

In the second place, I ^{had} have been representing the Townsend organization and Dr. Townsend in legal matter for perhaps two years before there was the Townsend investigation here before the committee of the House of Representatives, and I suppose that I had put in several months of work on the various matters and I never had charged them or collected one dollar from them. In addition to that, I traveled all over the state of California, and while collections were taken up, I always paid my own expenses and received not one dollar of Townsend money ever.

Dr. Townsend having appeared before this committee for several weeks back here in Washington, he wanted me to come back to represent him. I was very heavily indebted personally, and a large part of my income ^{was} ~~still~~ going to my creditors, and ^{had} ~~has~~ been for several years, and I told Mr. Townsend that I could not abandon my California office and come here. Finally, we calculated what it would cost to run my office, two stenographers and a lawyer at Sacramento, and the expenses of ^{my trip to Washington} ~~the office~~, and it came to \$250 a week. I received that \$250 a week perhaps for two or three

months, which left me with a very definite loss. Now, I am not certain, but I believe that that entire contract for employment as attorney back here was abrogated before this Cleveland convention. I am not sure of this, but at least, Mr. Chairman, I can say this with entire confidence, that I never took another dollar of attorney's fees from Dr. Townsend or the Townsend organization after the Cleveland convention, because very definitely I would not involve myself in the campaign that Dr. Townsend then very sincerely and honestly took on to beat Franklin Roosevelt for President of the United States. It was not any financial sacrifice for me, because I do not believe that I was drawing any attorney's fees at that time, but if I was, I took the sacrifice and ceased to make it.

Also, Mr. Chairman, I would like to say this, - it is rather unfortunate that in the newspapers of America, and I am not criticizing the papers for it, but if you abuse a man or attack him or castigate him, you get great headlines, and when Mr. Lemke and Father Coughlin and Gerald Smith roundly attacked and abused President Roosevelt in ^{the} most unmeasured and ~~terrible~~ language that you ^{can} ~~could~~ imagine, there were banner headlines all over the United States. The same day they made those charges, Gomer Smith arose to reply for President Roosevelt, and he castigated Gerald Smith and Huey Long - Gerald Smith had been the aide-de-camp of

Huey Long, and he castigated Father Coughlin in just as violent and abusive language as they had used to President Roosevelt, and ^{that} they took banner headlines ^{also}.

Now, I am not a very good politician, because when I took my turn to reply to Father Coughlin and Gerald Smith the next day, I spoke of tolerance and kindness and decency and fairness; that we ~~must~~ ^{should} not involve ourselves in these ~~tremendous~~ ^{litter} controversies; that we should not use such language, that we should not employ, hate, fire and fury. I expressed myself as standing for President Roosevelt at that time, and I expressed myself ~~very~~ emphatically against the ~~terrible~~ attacks that had been made upon him. But I did it tolerably ^{ably} and kindly, and I think justly, and I might say that at the conclusion of that convention hundreds of Townsendites came to me and told me that they were happy that I had struck that note, but where the ~~great-banner~~ headlines were given the men that had used the abusive language, I got a little paragraph on the fourth or fifth page and it is possible that Mr. Leake did not know that I had defended President Roosevelt. I parted from Dr. Townsend at least for a year or two as the result of it, but I can assure the committee with the utmost confidence that at least 80 percent of ~~the~~ editorial is not only defamatory but it is false, and I have 14 or 15 other editorials that ~~will~~ ^{would} take us hours to discuss ~~the issues involved~~, that I

will be glad to present.

Senator Bailey: I do not understand that you have taken the position that you would apply the objection of personal obnoxiousness against the newspaper publisher who wrote even false representations or editorials concerning you. That is not your position, is it?

Senator Downey: Well, I cannot quite say that, Senator Bailey. I take the position against him because I think the President of the United States has selected a man who would be most personally obnoxious to me, because he had written these editorials.

Senator Bailey: You think the President knew about these editorials?

Senator Downey: Mr. Chairman, I can only tell you what I know by hearsay. George Creel told me long before Mr. Buck made the recommendation he speaks of that Paul Leake had called him up from Woodland and told him that Senator McAdoo at that time was back in Washington, and that Senator McAdoo had telephone him, Paul Leake, that he, Senator McAdoo, was arranging the appointment of Paul Leake for this position. This is what George Creel told me in San Francisco, and his information turned out to be correct that he had been appointed, so I suppose it was correct, and that Mr. Creel told me that Mr. Leake and Mr. McAdoo and the President were anxious to know what would be my attitude

on Leake in view of his opposition to me, and Mr. Creel came to see me to find out for Mr. Leake, Mr. McAdoo and the President, what would be my attitude towards this man who had been my political enemy. That is mere hearsay on the question --

Senator Bailey: (interposing) Did you state then what your attitude was?

Senator Downey: I told Mr. Creel this, that until the President of the United States himself did me the courtesy to inform me what he intended to do, that I would make no comment. If the President of the United States wanted to know what was my attitude toward any appointee, I would be ~~very~~ glad to call upon the President and tell him.

And I might also say, just to show you - my brother is very prominent in the Scout movement in California, and Mr. Leake is too. Instead of the President of the United States or Mr. Buck or Senator McAdoo asking me about what I thought about of his appointment, Mr. Leake ^{went} goes to a friend of my brother's and ^{told} tells him that the President ^{was} is considering appointment of him and ^{asked} asking what ~~would be~~ my attitude ^{would be}. Well, I have the deepest affection for my brother, and I ^{when he wrote me} said to him that I would consider it an inappropriate thing to express any opinion about the appointment of any candidate until the President of the United States ^{had} has told me that he was contemplating such an appointment and ^{asked} asking me

what may attitude was.

~~The President of the United States had~~ - I hate and despise these matters of patronage ~~as usual~~, but nevertheless I believe that I was entitled to that courtesy.

Mr. Buck: In view of that last statement, I should like to ask your indulgence for a brief minute here. When Mr. Leake wrote to me, I immediately called Senator Downey's office and I got in touch with his secretary and asked him if he had any candidate for this position, and Mr. Smith, Senator Downey's secretary, said that they did not have, that the Senator was then in California. I said, "What would be your procedure in connection with the matter?" He said, I think, that the Senator will look over the list of candidates while he is in California. I did not tell Mr. Smith whom my candidate was, but there was no use in going further, because Mr. Smith had no authority to set and Mr. Downey was absent in California.

Senator Bailey: Let me ask you a question, Senator Downey. This appointment is not peculiar to the citizens of California, is it?

Senator Downey: No.

Senator Bailey: The President might appoint a Collector of Customs for the Collection District No. 28 with headquarters at San Francisco, a citizen of New York, or of North Carolina, could he not?

Senator Downey: I assume that he could.

Senator Bailey: Are you taking the position that the President owed to you consideration and consultation and advice of a personal character concerning an appointment of a man who might have been appointed to an office which a citizen of New York might be appointed?

Senator Downey: Mr. Chairman, I would not want to speak on that. That is a question for this committee and for the Senate of the United States to decide. I am totally inexperienced in these matters of patronage, and whatever this committee does or the Senate does, of course I will be very happy ^{to abide by.} ~~about~~ it.

Senator Bailey: There is no precedent to guide the Senate in these matters of personal obnoxiousness. Sometimes they are sustained and sometimes they are not. It is not automatic and has not been automatic for 30 or 40 years.

Senator Downey: I understand that every case might present different facts and different conclusions, Mr. Chairman, but I say that I cannot comment on your question, because I do not have the experience to. All that I can say is that he has been my bitter personal enemy, that he is obnoxious to me, and I think he was probably selected for this appointment for that reason.

Senator Bailey: If you were assured that he was not selected for the purpose of humiliating you or affronting

you, would that change your attitude?

Senator Downey: Not if I were assured - if I knew it, Mr. Chairman, but there is no way that I would know it.

Mr. Buck: Let me assure you that my endorsement of Mr. Leake had no purpose in presenting an obnoxious man. Mr. Leake was recommended by me because of his personal services to the party and to the President and to myself for many years past.

Senator Downey: I was just going to say - Mr. Buck will really force this comment upon me. Of course, in California and in other states, it is generally considered that the Representatives have certain patronage on certain jobs, and in the larger positions, the Senators have.

Mr. Buck: I hope the Senator realizes what I said, that I called your office and you were in California, and I talked to your secretary, and he said that you people had no candidate. And I felt free to go ahead after that. I have recommended people for offices before many times. The register of the land office in Sacramento and others.

Senator Downey: I withdraw my remarks.

Senator Bailey: Which remark?

Senator Downey: The last remarks regarding Mr. Buck.

Senator Johnson: (Colorado) I want to ask Mr. Buck if he deemed this appointment California patronage. Because he came from your district, did you figure that you had more

rights than some other Congressmen or a Congressman from some other state to make recommendations?

Mr. Buck: Only to this extent, Senator, that I think it would be rather odd if a Representative from Los Angeles or San Diego made some endorsement of a man who was going to fill a position in San Francisco, in the northern part of the state. As far as I am concerned, I have never signed a petition or endorsed anybody for a position that was to be held in the southern part of California, because I don't know enough about the matter in the first place, and in the second place I think it is none of my business; but if any of these positions become vacant in the northern part of the state, I have never had any hesitancy nor has it ever been objected to about endorsing anybody.

Senator Johnson: (Colorado) The reason for my question is that Senator Bailey's question to Senator Downey would imply that Mr. Downey had no more interest in this appointment than any other Senator of the United States, and you seem to think that as a Congressman, you have more interest in it than anyone else. I just wondered.

Mr. Buck: I would not say that. I think Mr. Lea or anybody else around there might have had just as much interest. Mr. Lea has endorsed Mr. Leake, too.

Senator Johnson: (Colorado) Well, has a Congressman from New York, for instance?

Mr. Buck: Well, let us look at that thought of the Senator's. I recall that in 1894, President Cleveland appointed a district judge in southern California and sent a man from Texas out there. That might be considered California patronage; I don't know. I know it has been done, and I presume from the thought that the Senator expressed, that this particular position probably could be filled by somebody away from there, from New York or North Carolina or even by the elevation of somebody in the civil service there.

Senator Johnson: (Colorado) Has it ever been filled by anyone except a California resident?

Mr. Buck: I never heard of it having been filled by anyone other than a Californian, but I have no records that go back of the Wilson Administration.

Senator Bailey: I put the question, because in thinking the matter over, it occurred to me that this was an office to which any citizen of the United States might be appointed. I don't think the law requires that this Collector shall be a resident or a citizen of California.

Mr. Buck: You are correct in that.

Senator Bailey: Whether that affects this controversy is another question, and we can resolve that question in the light of the fact that notwithstanding a citizen of some other state might have been appointed, in fact a citizen

of California was appointed. You have to look at it in both aspects.

Are there any other witnesses to be heard?

Mr. Buck: I have none to put on.

Senator Bailey: I have a note here from the office of Senator Johnson of California. The office of Senator Johnson, his secretary, telephoned me this morning to say that if the subcommittee should want Mr. Leake to come before it, Senator Johnson would get him to Washington immediately. That is a matter for the subcommittee.

Mr. Buck: I may say, Senator, that I received a communication from Mr. Leake saying that he would be very happy to come on if the subcommittee desired to hear him in person.

Senator Bailey: Do you have anything to say about that, Senator Downey?

Senator Downey: I did not understand the last statement, Mr. Chairman.

Senator Bailey: As to whether we should invite Mr. Leake to come.

Senator Downey: I have no thought on it.

Senator Bailey: It is a pretty good idea to hear the other side and give a man a chance. I would be inclined to say that if Mr. Leake wishes to come, the committee could hardly resist.

Senator Downey: Yes, I would agree with that. I would like merely to make one request in connection with that. If Mr. Leake should come, I would like the opportunity to question him, not only upon this editorial that I have introduced, but the others that are in my possession if that would be satisfactory.

Senator Bailey: Oh, surely. You would have the fullest opportunity.

Senator Downey: Yes, I would rather like Mr. Leake to come here.

Senator Bailey: Mr. Buck has expressed himself in that way. Is the committee ready to do anything about it? What do you say, Senator Townsend?

Senator Townsend: I would say that if it is the desire of Mr. Buck and the Senator, I think he should come.

Senator Bailey: What do you say, Senator Johnson?

Senator Johnson: (Colorado) I would like to have Mr. Leake come. I would like to have Senator Downey ask him questions freely, too. I would like to hear his answers to them.

Mr. Buck: I am sure he would be very happy to answer any questions.

Senator Bailey: He is going to come at his own expense, I assume?

Mr. Buck: I am sure that he would.

Senator Johnson: (Colorado) I think Mr. Leake probably is the only one that could clear up the issue that is raised by Mr. Downey as to just how he got his appointment, whether it is a spite appointment or whether it is not.

Mr. Buck: I can tell you off the record.

(Off the record).

Senator Downey: Mr. Chairman, while we are on that, may I make one comment. Of course, Senator McAdoo, who I assume secured the appointment, knew of course what ~~was~~ the attitude of Mr. Leake ^{was} towards me, ~~certainly~~, and if the President of the United States is going to listen to the recommendations of a Senator who has been defeated upon such ~~recommendations~~, ^{matter} ~~of course~~ ^{then} the President ^{could} ~~would~~ expect that the ex-Senator would recommend somebody who was personally objectionable to the current Senator. I mean, anybody would expect it.

Senator Bailey: I have a letter here from Senator McAdoo. I have questioned whether I would offer it for the record. I will quote from his letter:

"Some newspaper items have appeared in the California press to the effect that Senator Downey has expressed opposition to Mr. Leake's confirmation and has raised an issue between him and me as to the distribution of California patronage. These reports are wholly untrue. I certainly have no desire to distribute local California

patronage, and I have been thanking God ever since I left the Senate that that burden has been taken from my shoulders."

I think that is probably enough at this time to put in the record, but if the committee wishes to consider the matter further, the letter is here.

Now, I think it is agreed by the committee that we shall notify the office of Senator Johnson of California that the committee is ready to hear Mr. Leake, and since California is quite a long distance away, we will have to ascertain when he can come before we can arrange another meeting of the committee.

Senator Townsend: Very well, Mr. Chairman.

Senator Bailey: I will ask Mr. Johnson, the committee clerk, to tell him that we wish the matter to be finished as soon as possible. Mr. Leake is to come at his own expense, and we will show him when he comes here a copy of what has been submitted. I think we can have this record printed up to this point.

Now, Mr. Buck, you are at least a friend of Mr. Leake's, and I suppose that you will notify him by wire that we will place a copy of this testimony in his hands or in the hands of any friend here, tomorrow or the next day.

Mr. Buck: Might I suggest, Senator, that that copy be delivered to me at my office in the House Office Building, and it will be here awaiting his arrival, and he can go over

it. The testimony has not been so long that he cannot read it in a short time.

Senator Bailey: With a view to that, I am going to file this editorial for the record. I think, Senator Downey, you filed it for the information of the committee. I don't know that you would object to printing it in the record?

Senator Downey: No. I am very happy - not happy - but well satisfied to have it go in.

Senator Bailey: It says a lot of things. That will go in the record. We will hold in abeyance these other editorials; they are not important now.

I will offer this letter from Mr. Clarence Lea, who is a member of the House.

(The same is as follows:)

CONGRESS OF THE UNITED STATES

House of Representatives

Washington, D. C.

January 13, 1940

Hon. Josiah W. Bailey

U. S. Senate

Washington, D. C.

Dear Senator:

I understand that the nomination of Mr. Paul Leake for Collector of the Port of San Francisco is pending before your

committee. I have known Mr. Leake for many years. I have the highest regard for him as a man and citizen. His reputation for integrity and ability and all those qualities that make up a well respected citizen are well known. I unhesitatingly say that his appointment to a position of responsibility, would reflect credit on the appointing power. I would have no doubt that he would perform his services with diligence, fidelity, and impartiality, with credit to the Government.

Sincerely yours,

(Signed) Clarence F. Lea.

Senator Bailey: I have a telegram here from the Yolo County Central Democratic Committee by Lloyd Lowrey, Chairman. This is favorable to Mr. Leake. Is there any objection to putting this in the record?

(No response).

(The same is as follows:)

Woodland California - January 13 1940

Hon J. W. Bailey

Senate Office Bldg

The Democratic Central Committee of Yolo County California heartily endorses Paul R. Leake of Yolo County an ardent substantial fighting Democrat for the position of Collector of Customs of the Port of San Francisco. Committee feels from a personal and party standpoint that there is no one

better qualified in northern California.

Yolo County Democratic Central Committee by Lloyd Lowrey Chairman.

Senator Bailey: I also have a telegram from the Mariposa County Democratic Central Committee by George M. Spark, President and Lewis T. Milburn, Chairman for the record.

(Same is as follows)

Mariposa California - January 14, 1940

Hon. J. W. Bailey

Member of the U.S. Senate, Washington, D. C.

Our committee endorses the appointment of Paul R. Leake as United States Collector of Customs and Trusts the appointment will be confirmed.

Mariposa County Democratic Central Committee by George M. Spark President By Lewis T. Milburn Chairman.

Senator Bailey: I also have a telegram from J. G. Bruton, Superior Judge of Yolo County, California, which may go into the record.

(The same is as follows:)

Woodland, California - January 13, 1940

Senator G. W. Bailey

U. S. Senate, Washington, D. C.

I wish to endorse Mr. Paul Leake for Collector of Customs for San Francisco I have known him for 40 years and am glad

to vouch for both his ability and integrity. He enjoys the trust and confidence of this community.

J. G. Bruton - Superior Judge, Yolo County, Calif.

Senator Bailey: I will be glad if the clerk will notify these people that we have received their wires and that they are placed in the record.

Here is a letter from Miss Beatrice Cobb of North Carolina. She is the woman member of the Democratic National Committee from my state. She is herself editor of an important paper in North Carolina, and a very excellent woman. She writes to me and solicits my earnest consideration, and attaches a wire from Roy A. Brown, who has a paper connection. I think I shall offer them. You do not object, do you?

Senator Downey: No, indeed.

(The same are as follows:)

THE NEWS-HERALD

Morganton, N.C.

January 13, 1940.

Senator Josiah W. Bailey,
Senate Office Building,
Washington, D. C.

Dear Senator Bailey:

Enclosed is a copy of a telegram received this morning from a newspaper friend in California, a member of the board

of directors of the National Editorial Association, in which organization I have known and worked with him.

Of course, you know that I have only long-distance acquaintance with the political situation in California, but I do know that the sender of this telegram and the men mentioned in it as being interested are dependable leaders in that state. Mr. Craemer was formerly secretary to a California governor and is of much the same type as our Sanford Martin. Both he and Roy Brown publish excellent newspapers. Mr. Long is executive secretary of the California newspaper organization. Personally I would be willing to accept their recommendation on any matter affecting their state.

These are the facts as I know them. Because these men are good friends of mine I would appreciate very much your earnest consideration of their appeal. When Mr. Craemer's air letter comes I shall forward that to you.

With kind regards and best wishes,

Sincerely,

(Signed) Beatrice Cobb.

(Attachment) TELEGRAM

Miss Beatrice Cobb,

Morganton, North Carolina.

Justus Craemer John Long and all California newspaper friends would appreciate your contacting at once Senator Bailey in

behalf of Paul Leake who has been nominated by President Roosevelt for customs collector port of San Francisco stop Leake is being opposed by Senator Downey of California stop Downey is an Upton Sinclair Epic and is identified with ham and eggheads and radical elements stop Leake is an outstanding Democrat supported by Creel and all solid Democratic groups stop Justus is sending details in air mail letter stop committee hearing to take place Monday Senator Bailey chairman of committee stop thanks stop regards.

ROY A. BROWN

Senator Bailey: I think that is all except Mr. McAdoo's letter. I have quoted the pertinent paragraph from that, and then we will hold these editorials in abeyance. I am sure that you would not insist that they put in here preliminarily?

Mr. Buck: I am not insisting. That is for the committee to decide. I would like you to look at them and examine them, and I think you will receive a letter, if you have not already, from other Representatives in the House, and if that is received, I would like to have that put in the record, Representative Shepherd.

Senator Bailey: You can send that over. The only objection I can see to these editorials is that this gentleman, Mr. Leake, is an editor, and we could get a great many editorials from California papers and we would

not like a great big record. We can print a few and then get a few from editors who have endorsed him.

Mr. Buck: You can use your own judgment, of course, about that.

Senator Bailey: The clerk tells me that a great many telegrams have been received, and we can also make a statement that telegrams were received from the following persons - the clerk of the committee tells me that he has hundreds.

I think that these telegrams from the Democratic committees should go in and Miss Cobb's letter and so forth, but I do not want to make a great big record.

(Whereupon, at 12:25 o'clock p. m. the hearing was recessed subject to further call).