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The United States Senate

Report of Proceedings

Hearing held before

Committee on Finance

NOMINATION OF D. PATRICK AHERN

TO BE

COLLECTOR OF CUSTOMS WITH HEADQUARTERS AT LOS ANGELES

Wednesday, September 20, 1961

Washington, D. C.

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C O N T E N T S

STATEMENT OF:

PAGE

Honorable Thomas H. Kuchel
A United States Senator from the
State of California

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United States Senate,
Committee on Finance,
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The Committee met, pursuant to notice, at 10:15 o'clock a.m., in Room 2221, New Senate Office Building, Senator Harry Flood Byrd (Chairman) presiding.

Present: Senators Byrd (Chairman), Kerr, Smathers, Anderson, Douglas, Gore, Talmadge, McCarthy, Williams, Bennett, and Curtis.

Also present: Evelyn R. Thompson, Assistant Chief Clerk.

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Senator Kerr. (presiding) The Committee will come to order. At the request of the Chairman we will start, and the first matter on the agenda is the nomination of D. Patrick Ahern of California to be Collector of Customs, and I recognize the distinguished Senator from California, Mr. Kuchel.

STATEMENT OF HONORABLE THOMAS H. KUCHEL

UNITED STATES SENATOR FROM THE STATE OF CALIFORNIA

Senator Kuchel. Thank you, Mr. Chairman.

Mr. Chairman and gentlemen, I appear here today as a Senator and as a citizen of the State of California. I do not know the nominee. I have received letters from citizens of standing and repute in my state, some of whom urge --

Senator Kerr. I am glad you have evidenced that situation, because I had difficulty recognizing where you were from. And you know where he is from but you are not acquainted with him. I hope that does not place me at too great a disadvantage.

(Laughter)

Senator Kuchel. I trust that neither you nor your colleagues on this committee, Mr. Chairman, will be placed at any disadvantage, and heaven forbid that I should be the cause of even a suggestion that that might result from any comment I make to you.

Senator Kerr. Off the record.

(Discussion off the record.)

Senator Kuchel. I have received letters from citizens in my state, people, as I say, of standing and repute, some of whom urge the confirmation of this nominee and others of whom vigorously object to his confirmation. I have given to the Chairman of this committee some of those letters.

I ask consent that I may be permitted to furnish the

committee the original letters in addition to those I have already furnished.

In that connection I also ask consent that a comment appearing in the Long Beach Independent of March 13 of this year in opposition to the nominee likewise be made a part of the record.

The Chairman. That will be inserted in the record.

(The document referred to follows:)

COMMITTEE INSERT

Senator Kuchel. I believe that I best discharge my own responsibility as a Senator, Mr. Chairman, by requesting, as I did request, the Chairman to hold a hearing on this nominee.

I have notified all those who have written to me that this hearing would be held, and that the Chairman would make time available to any witness, either pro or con, to testify before this committee.

In addition, I have asked the Chairman to avail himself of the opportunity to study the report on this nominee by the Federal Bureau of Investigation. That report is not available to individual Senators. It is, however, available to the Chairman.

Senator Anderson. Is that a recent report?

Senator Kuchel. It was made in connection with the nomination of this citizen by the President.

As I say, Mr. Chairman, I do not know this nominee. I do not know what qualifications for Collector of Customs in southern California he has or does not have. This committee, like the Senator from California who is appearing here today, does have a duty to the people of the country, and essentially in this instance to the people of my state. I respectfully suggest that that duty may be best discharged by this committee going into executive session and considering such comments as the Chairman cares to make to you on the basis of the investigatory report which was made available to him in the past.

That I think is about all I have to say.

The Chairman. Mr. Kuchel, it is a great honor and pleasure to have you before the committee.

Senator Kuchel. Thank you, Mr. Chairman.

Senator Kerr. Mr. Chairman, the junior Senator from California has provided the Committee with a statement and exhibit and asks that they be put in the record.

The Chairman. Without objection they will be inserted in the record.

(The documents referred to follow:)

The Chairman. Any further questions?

Senator Anderson. Will we question Mr. Ahern?

The Chairman. Mr. Ahern is not here. He could be brought here if you desire to question him.

Senator Anderson. Isn't this a hearing on his confirmation?

The Chairman. Yes. Usually, for these small offices, we do not require them to come.

Senator Talmadge. Mr. Chairman, may I ask Senator Kuchel a question?

The Chairman. Senator Talmadge.

Senator Talmadge. Senator, I did not understand whether you are opposing his confirmation or urging that it be rejected. Did you indicate, or do you care to indicate, your position on this?

Senator Kuchel. I will be very glad to, Senator. If the broad allegations against this nominee are true, then in my judgment he would not be qualified for this position. I do not know whether those allegations are true or not.

I want to be fair about this, Senator. It seems to me that this committee requires far more than a general allegation, either of competence or lack of competence. The only place I know for this committee to obtain wisdom on that is from witnesses who would come forth before this committee and testify; or secondly, by discussion with the Chairman as to the comments

and the results of the investigation by the Federal Bureau of Investigation. So that I say to you very frankly, in my judgment this committee would be best advised in executive session to consider that report and such comments as the Chairman would be able to make to you concerning that report. That is the honest position which I desire to take.

Senator Talmadge. Thank you.

Senator Gore. Would I have a correct interpretation of your view if I concluded that you requested that this committee carefully consider this matter and act upon the basis of its best judgment?

Senator Kuchel. Precisely.

The Chairman. Thank you very much, Senator.

Senator Kuchel. Thank you, Mr. Chairman, and thank you, gentlemen.

The Chairman. The committee will take the matter up in executive session.

(Whereupon, at 10:25 a.m. the hearing on the Nomination of D. Patrick Ahern was recessed.)