

## Chapter CLXXXVII.<sup>1</sup>

### THE CONDUCT OF INVESTIGATIONS.

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1. Committees empowered to summon witnesses. Section 370.
  2. Inquiries by selected and joint committees. Sections 371–376.
  3. Swearing and examination of witnesses. Section 377.
  4. Reports and custody of testimony. Sections 378–384.
  5. Power to compel testimony. Sections 385–387.
  6. Expenditures by committees. Sections 388–393.
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**370. Instance wherein the House, upon request of a committee of investigation, limited the scope of its inquiry.**

**At the suggestion of a committee charged with an investigation its authority to inspect private and secret archives was canceled.**

**The report of a committee authorized to report “during the present session” is privileged.**

On January 9, 1909,<sup>2</sup> the House agreed to the following resolution:

*Resolved*, That the Speaker is authorized to appoint a select committee of five members, whose duty it shall be to inquire and report to the House at its present session, as follows:

First. What appropriations were made at the first session of the Sixtieth Congress for the fiscal year 1909 that could be used to prevent frauds in and depredations upon the several branches of the public service, including the protection of public lands and their products from fraudulent entry or appropriation, and to apprehend and punish persons charged with violations of the laws of the United States; also what increase, if any, was made in any of such appropriations over the amounts appropriated for 1908.

Second. What branches of the public service, paid for in whole or in part out of the United States Treasury, are authorized or are in existence and supported by appropriations made by Congress, whose principal duties are to detect and prevent frauds, or to apprehend and bring to trial and punishment persons charged with violating the laws of the United States; whether such branches of the public service or any persons employed therein have been or are engaged in any duty not contemplated by the law or the appropriation establishing or providing for such service; the names of the persons employed, for any period, in each branch of such service during the current and last fiscal year, the rates of compensation and allowance paid or being paid to each of them, by whom they were appointed and on whose recommendation, and a statement of the specific duty performed, or engaged upon by each of such employees, each day since the beginning of the fiscal year 1908.

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<sup>1</sup>Supplementary to Chapter LV.

<sup>2</sup>Second session Sixtieth Congress, Record, p. 699; Journal, p. 137.

The committee, or any subcommittee thereof, is authorized to sit during the session of the House; to send for persons and papers, including private or secret archives; to administer oaths; and to employ such clerical, messenger, and stenographic assistance as they shall deem necessary; all expenses incurred hereunder shall be paid on the certificate of the chairman of the committee out of the contingent fund of the House.

Mr. Marlin E. Olmsted, of Pennsylvania, from the select committee so created, submitted on February 1,<sup>1</sup> a resolution enlarging the powers of the committee by authorizing an inquiry into what decrease as well as increase

If any was made in any of such appropriations over the amounts appropriated for nineteen hundred and eight.

authorized in the first paragraph of the original resolution, and eliminating the requirement that the committee ascertain and report on

the names of the persons employed, for any period, in each branch of such service during the current and last fiscal year; the rates of compensation and allowance paid or being paid to each of them, by whom they were appointed and on whose recommendation, and a statement of the specific duty performed or engaged upon by each of such employees each day since the beginning of the fiscal year nineteen hundred and eight.

The clause in the last paragraph:

Including private or secret archives.

was also eliminated.

The resolution was agreed to, and on March 3,<sup>2</sup> Mr. Olmsted submitted the final report of the committee with the request that it be printed in the Record without being read.

Mr. Edwin W. Higgins, of Connecticut, objected.

Mr. Olmsted submitted that under the authority of the resolution creating the committee it was authorized to report at any time and the report was privileged.

The Speaker<sup>3</sup> held that the report was privileged and as such could be read and would thereupon appear in the Record, but that unanimous consent was required for its insertion in the Record without reading.

**371. By joint resolution a joint committee was created, empowered, and instructed to make an investigation.**

**The House by special order provided for election of House members of a joint select committee previously authorized by law.**

**The resignation of a member from a joint select committee created by law is made either to the House or to the committee and, while the House has no power either to accept or to refuse to accept such resignation, it may fill the vacancy so occasioned.**

**Instance wherein the House investigated delay in the reference and transmission of paper to a committee.**

**The report of a committee of investigation making no recommendations was laid on the table.**

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<sup>1</sup> Record, p. 1685; Journal, p. 242.

<sup>2</sup> Record, p. 3795; Journal, p. 395.

<sup>3</sup> Joseph G. Cannon, of Illinois, Speaker.

**Discussion of the procedure in the presentation and reference of reports from commissions created by law and from joint committees of the two Houses.**

**A statute provides for the printing and distribution of documents.**

**Discussion of the functions of the joint committee on printing.**

**A standing committee of the House, to which had been referred the report of a joint select committee of investigation, concluded it was not authorized to review the evidence or pass judgment on the findings so referred, and that the only duty which devolved upon it was to present to the House bills designed to carry into effect the recommendations of the committee of investigation.**

On January 7, 1910,<sup>1</sup> the House transmitted to the Senate a joint resolution authorizing an investigation of the Interior Department and the Bureau of Forestry of the Department of Agriculture, which was later agreed to by the Senate and approved by the President January 19, 1920, in the following form:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That a joint committee of both Houses of Congress is hereby created, to be composed of six Members of the Senate, to be appointed by the President thereof, and six Members of the House of Representatives, to be elected by that body. Any vacancy occurring on the committee shall be filled in the same manner as the original appointment. The said committee is hereby empowered and directed to make a thorough and complete investigation of the administration, action, and conduct of the Department of the Interior and its several bureaus, officers, and employees, and of the Bureau of Forestry, in the Department of Agriculture, and its officers and employees, touching, relating to, or bearing upon the reclamation, conservation, management, and disposal of the lands of the United States, or any lands held in trust by the United States for any purpose, including all the resources and appurtenances of such lands, and said committee is authorized and empowered to make any further investigation touching said Interior Department, its bureaus, officers, and employees, and of said Bureau of Forestry, its officers, and employees, as it may deem desirable. Said committee or any subcommittee thereof is hereby empowered to sit and act during the session or recess of Congress, or of either House thereof; to require, by subpoena or otherwise, the attendance of witnesses and the production of books, documents, and papers; to take the testimony of witnesses under oath; to obtain documents, papers, and other information from the several departments of the Government, or any bureau thereof; to employ stenographers to take and make a record of all evidence taken and received by the committee, and to keep a record of its proceedings; to have such evidence, record, and other matter required by the committee printed and suitably bound; and to employ such assistance as may be deemed necessary. The chairman of the committee, or any member thereof, may administer oaths to witnesses. Subpoenas for witnesses shall be issued under the signature of the chairman of the committee or the chairman of any subcommittee thereof. And in case of disobedience to a subpoena this committee may invoke the aid of any court of the United States or of any of the Territories thereof or of the District of Columbia or the district of Alaska, within the jurisdiction of which any inquiry may be carried on by said committee in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this resolution. And any such court within the jurisdiction of which the inquiry under this resolution is being carried on may, in case of contumacy or refusal to obey a subpoena issued to any person under authority of this resolution, issue an order requiring such person to appear before said committee and produce books and papers if so ordered and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend

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<sup>1</sup>Second session Sixty-first Congress, Record, p. 383.

to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding except in prosecution for perjury committed in giving such testimony. In addition to being subject to punishment for contempt, as hereinbefore provided, every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, Willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation herein authorized, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than one thousand dollars nor less than one hundred dollars, and imprisonment in a common jail for not more than one year nor less than one month.

Any official or ex-official of the Department of the Interior, or of the Bureau of Forestry, in the Department of Agriculture, whose official conduct is in question, may appear and be heard before the said joint committee or any subcommittee thereof, in person or by counsel.

All hearings by and before said joint committee or any subcommittee thereof shall be open to the public. The said joint committee shall conclude its investigation and report to this Congress all the evidence taken and received and their findings and conclusions thereon. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said joint committee, the said sum to be disbursed by the Secretary of the Senate upon vouchers to be approved by the chairman of the committee.

On January 20,<sup>1</sup> the House agreed to the following resolution reported by the Committee on Rules:

*Resolved*, That immediately on the adoption of this resolution the House shall proceed by resolution to elect its members of the joint committee provided for by the joint resolution "Authorizing the investigation of the Interior Department and the Bureau of Forestry of the Department of Agriculture."

Thereupon, Mr. Frank D. Currier, of New Hampshire, "by direction of the Republican Caucus," offered the following which was agreed to:

*Resolved*, That the following Members be elected the House members of the joint committee provided for by the joint resolution authorizing an investigation of the Interior Department and the Bureau of Forestry of the Department of Agriculture: Mr. Samuel W. McCall, of Massachusetts; Mr. Marlin E. Olmsted, of Pennsylvania; Mr. Edwin Denby, of Michigan; Mr. Edward H. Madison, of Kansas; Mr. James T. Lloyd, of Missouri; and Mr. Ollie M. James, of Kentucky.

On the following day Mr. Lloyd tendered in writing:

Hon. JOSEPH G. CANNON,

*Speaker of the House of Representatives.*

DEAR SIR: I hereby request to be excused from service on the joint committee to investigate the Interior Department and the Bureau of Forestry in the Department of Agriculture.

JAMES T. LLOYD.

A question arising as to whether the House was authorized to accept the resignation, the Speaker said:

As to the right of the gentleman from Missouri, Mr. Lloyd, to resign, this is the situation: The gentleman was appointed under the joint resolution, which is a law, which provided that the House should select six members and the Senate six members of the joint committee or commission of investigation, the Vice-President appointing the Senate members and the House electing the members on the part of the House. The commission exists under law. The House of Representatives, in the opinion of the Chair, has no power in this instance to make a removal or refuse a resignation. In many respects resignation from this joint committee is like unto the resigna-

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<sup>1</sup>Record, p. 837; Journal, p. 195.

tion by a Member of Congress. Ordinarily the resignation by a Member of Congress is to the House. It may be to the governor of the State. The governor of the State in such case notifies the House, or the Member notifies the House that he has sent his resignation to the governor.

Now, the House, under the law, has the power which it has exercised in appointing the members of the commission in question. In the event of a vacancy among the House members upon the commission the House, as the law provides, has the power to fill that vacancy.

**After citing various precedents:**

That is sufficient to show what the practice has been; but if it were an open question, the House having the power under the law to appoint this commission, while it has no power to accept a resignation and no power to refuse to accept such a resignation, in the opinion of the Chair the resignation may be to the House, which has the power to select a successor, or it may be to the commission.

The report<sup>1</sup> of the joint committee was submitted to the House on December 7.

On January 26, 1911,<sup>2</sup> Mr. Gilbert M. Hitchcock, of Nebraska, rising to a question of the privilege of the House, offered the following:

Whereas on December 7 the House received from the joint committee appointed to investigate the Department of Interior and the Forestry Bureau three reports, made under House joint resolution 103; and

Whereas there was unexplained delay, doubt, and mystery, and confusion in referring said reports to the Committee on Agriculture, and the said reference was not made until December 19; and

Whereas the said committee did not receive said reports in accordance with said order of reference until January 25; and

Whereas said reports during that period were neither upon the Speaker's desk nor in the hands of the Committee on Agriculture, to which they were referred, nor of any other committee: Now, therefore,

*Resolved*, That these irregular proceedings and this misleading and improper treatment of these reports, rendering them for six weeks unavailable and inaccessible, constitute a violation of the proper procedure of the House, and the Committee on Rules be, and it is hereby, directed to investigate and report to the House within one week the reasons for the delay and irregular treatment of these reports.

After debate Mr. Hitchcock offered the following in lieu thereof, which was agreed to by the House:

*Resolved*, That the Committee on Rules be, and it is hereby, directed to investigate and report to the House within one week all facts connected with the reference of the so-called Ballinger reports and any delay regarding the transmission of said reports to the committee to which referred.

During the investigation by the Committee on Rules, Mr. Asher C. Hinds, clerk at the Speaker's table, testified:

The first question which came up about that report was in what way it should be made, and the view was taken that that committee was in reality a commission established by law, and was not a committee, parliamentarily, and that the proper way to make the report would be for the vice chairman, Mr. McCall, on behalf of the House, to write a letter of transmittal to the Speaker, and send the report that way. A report so sent to the House is treated as we treat executive communications, that is the communications from the heads of departments of the Government and other communications to the House that the Speaker lays before the House through the

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<sup>1</sup> Senate Document No. 719.

<sup>2</sup> Third session Sixty-first Congress, p. 1491.

basket, and the usual way of treating it is for the endorsement to be made in behalf of the Speaker on the back of it, showing what it is and also showing the reference. That endorsement was made in this case, and the reference also on the back of the letter of transmittal, and the document was put into the basket on the Clerk's desk or handed to the journal clerk. Mr. McCall was anxious that the House should know that the report had been brought in, so he asked unanimous consent to have that letter of transmittal read to the House; and that letter of transmittal was read to the House, as a matter of information, by unanimous consent.

You will find that in the Congressional Record of December 7. That was merely an outside performance; it had nothing to do with the reference. It was a privilege accorded Mr. McCall by the House, but not one to which he had a right under the rules.

But nothing was said by the Speaker about a reference, because a document of that kind would not be referred in open House, but would be referred through the basket.

As to the printing and distribution of documents, he explained:

Where a document is referred, the minute it is referred the rules and the law take charge of it as to printing, and the law provides for the printing of 1,682 copies, and provides how they shall be distributed;

And the fact is that I had no right, so far as official authority goes, to send word to hold the report. When I have referred the document and handed it to the Journal clerk it has gone beyond my jurisdiction, or rather the Speaker's jurisdiction, but for convenience I sometimes use discretion to keep the business moving in proper channels.

For instance, the rule is that everything that is referred through that basket shall be printed. Sometimes some department of the Government will send up a wooden box of manuscript that would cost thousands of dollars to print. There is no way of bringing that to the attention of the House, so I simply leave off the direction to print. Strictly, under the rules, the printing is required as an incident of the reference, but by leaving off the direction to print time is given for the committee to whom a document is referred to examine as to the necessity for printing. Of course all that is beyond the proper authority of my office; but that little discretion does no harm and saves some useless printing. It was in line with this habit of exercising some discretion, and in order to facilitate the printing in the way desired by the joint committee, that I sent word to hold the report. Of course, really when it has passed from me to the Journal clerk the Speaker's connection with it was through.

As to the method of presenting reports from commissions:

Reports from commissions have very generally been handled as I tell you. It has varied, however. Sometimes they have arisen on the floor and asked unanimous consent to bring them in, and they were in those cases referred on the floor to committees by unanimous consent; but that takes time, so when Members have come to me in such cases I have always advised them to present the report by a letter of transmission; that saves delay and all bother.

If it had been a joint committee of the two Houses, created by the action of the two Houses entirely, the proper procedure would be for its report to go to the calendar directly.

In response to an inquiry as to the method of referring reports from the Joint Committee on Printing:

The Joint Committee on Printing, so far as its joint functions are concerned, has seemed not to be a legislating committee. The Joint Committee on Printing makes us no reports. It is a very anomalous committee. I do not remember when anything of a legislative nature has ever been reported from that committee, as a joint committee, to the House. The two parts of that committee act as standing committees of their respective Houses, and whenever you have a report on the calendar from the Committee on Printing it is not from the joint committee, but it is from the House section of it. The Joint Committee on Printing has practically no functions except executive functions.

But this joint committee was established by statute, and its method of compelling testimony was the statutory method and not the constitutional method under the prerogative of the House.

The report<sup>1</sup> of the Committee on Rules found:

On December 7, Senator Nelson, chairman of the Ballinger Commission, introduced into the Senate a concurrent resolution calling for the printing of 30,000 copies.

The only delay seems to have been caused by the slow progress through the Senate and the House of Senator Nelson's concurrent resolution. The committee are unable to find from the testimony submitted any delay as the result of design upon the part of anyone.

The Committee on Agriculture, to which the report of the joint committee of the Senate and House was referred, reported<sup>2</sup> on February 2, holding:

Your committee does not conceive it to be its duty or within its province to review this evidence as if it were a court of appeals and pass judgment upon the finding of the joint committee. Your committee does believe that through the reference to it of this report it might properly assume jurisdiction and present to the House for its consideration bills designed to carry into effect the legislative recommendations of the joint committee.

The records of the Congress disclosed the fact, however, that bills are now pending precisely in line with these recommendations. Inasmuch, therefore, as measures designed to carry into effect the recommendations of the report of the joint committee have been already introduced in the respective Houses and are under consideration by the committees to which they were properly referred, it would seem futile and unnecessary for this committee to enter upon the field.

For these reasons it is the judgment of your Committee on Agriculture that it has no function to perform in relation to this report, and it therefore respectfully returns the same to the House with the recommendation that it be discharged from the further consideration thereof.

**372. The term of a resolution creating and empowering a committee of investigation have not always been strictly construed.**

**A committee of investigation expressed the opinion that the appearance as lobbyists of former Senators and former Members of the House should be discouraged.**

On February 28, 1911,<sup>3</sup> the select committee appointed to investigate certain Indian contracts submitted their report.

The resolution under which the committee was appointed directed the committee to investigate—

all circumstances connected with certain contracts now said to exist by and between J. F. McMurray, an attorney, of McAlester, Oklahoma, or any other person or persons, and the Choctaw and Chickasaw Tribes of Indians of Oklahoma, or any member or members thereof, or any other of the Five Civilized Tribes, the Osage Indians, or any members thereof, this to include bribery, fraud, or any undue influence that may have been exerted on behalf of the approval or procuring of the said contracts, or any of them.

The report thus construes the resolution:

Strictly construed the text of the resolution would have limited the committee to the investigation of existing contracts. But when the resolution was being considered in the House it was evidently contemplated that the committee was not to be so limited in its inquiry, but might inquire into any contracts. See Congressional Record of June 25, 1910, wherein the following colloquy, which occurred on the floor of the House immediately prior to the adoption of the resolution, is reported:

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<sup>1</sup> House Report No. 2102.

<sup>2</sup> House Report No. 2044.

<sup>3</sup> Third session Sixty-first Congress, Record, p. 3711; House Report No. 2273.

“Mr. STEPHENS of Texas. I desire to ask the chairman of the committee whether or not this resolution is broad enough to include all contracts between this man McMurray and these nations of Indians?”

“Mr. TAWNEY. And any other contracts?”

“Mr. STEPHENS of Texas. Will it go back 10 years?”

“Mr. MANN. It will go back as long as the committee wants it to go back.”

It was deemed necessary, therefore, in order to make an exhaustive and intelligent inquiry relative to existing contracts with McMurray, to ascertain his contractual relations with any of the Five Civilized Tribes prior to entering into the pending or existing contracts.

In the course of its report the committee express the following opinion on the activities of former Members of the Senate and House in seeking to affect legislation:

Furthermore, the committee is of the opinion that the appearance of former Senators and former Members of the House of Representatives in respect to matters where legislation is desired to be procured through their activities, as well as in matters requiring executive or departmental approval, should be discouraged.

**373. The House has sometimes provided for the election of a select committee.**

**The motion to amend is not entertained while the motion to refer is pending.**

**A resolution providing for the election of a select committee previously authorized is privileged as affecting the organization of the House.**

**A motion may be withdrawn in the House, although an amendment to it may have been offered and may be pending.**

**The motion to refer, the previous question not being ordered, has precedence of the motion to amend.**

**The ordering of the previous question on a pending proposition precludes the motion to amend.**

**The previous question may be moved on both the motion to refer and on the pending proposition.**

**The House has by resolution authorized a committee of investigation to sit wherever it might deem necessary.**

On May 9, 1911,<sup>1</sup> the House agreed to the resolution (H. Res. 157) providing for the election of a select committee to investigate and ascertain whether the American Sugar Refining Co. had violated the antitrust act.

On a subsequent day<sup>2</sup> Mr. Robert L. Henry, of Texas, offered, as privileged, the following:

*Resolved*, That the following Members shall constitute the select committee provided for in House resolution 157: Thomas W. Hardwick (chairman), Finis J. Garrett, William Sulzer, H. M. Jacoway, John E. Raker, George R. Malby, Joseph W. Fordney, E. H. Madison, and Asher C. Hinds.

After debate, Mr. Thomas U. Sisson, of Mississippi, moved to refer the resolution to the Committee on Rules.

Mr. Victor Murdock, of Kansas, then proposed to offer an amendment striking out a name and substituting another.

<sup>1</sup>First session Sixty-second Congress, Record, p. 1143.

<sup>2</sup>Record, p. 1254; Journal p. 205.

The Speaker <sup>1</sup> held:

If the motion to refer should be voted down, then any gentleman on the floor in the present situation has a right to offer to end this original resolution by striking out any name and substituting another, or by striking out all of the names and substituting others. That is true until some gentleman moves the previous question and the previous question is ordered. The gentleman from Louisiana is recognized.

In the course of debate Mr. S. A. Roddenbery, of Georgia, inquired if the resolution was privileged.

The Speaker replied that it was privileged because affecting the organization of the House.

After further debate, Mr. James R. Mann, of Illinois, offered as an amendment to Mr. Sisson's motion a proposition to refer the resolution to a select committee of 15 members instead of to the Committee on Rules.

Mr. Sisson then proposed to withdraw his motion to refer, when Mr. N. E. Kendall, of Iowa, raised the point of order that a motion could not be withdrawn after an amendment had been offered and was pending.

The Speaker ruled that the mover of the resolution could withdraw it, no amendment having been adopted or decision made thereon, and that Mr. Sisson's motion was withdrawn.

Whereupon, Mr. Mann moved to refer the resolution to a select committee of 15 members.

Mr. Oscar W. Underwood, of Alabama, having moved the previous question, on the motion of Mr. Mann, Mr. Murdock inquired if a motion to strike out and insert was in order.

The Speaker replied that the demand for the previous question, if ordered, would preclude amendment.

Thereupon Mr. Mann made the point of order that the previous question could not be moved on the original resolution while a motion to refer was pending.

The Speaker held that it was in order to move the previous question on both the resolution and the motion to refer and entertained the motion for the previous question which was ordered, yeas 139; nays 80. The resolution was then agreed to.

Subsequently <sup>2</sup> the House further—

*Resolved*, That the special committee created 'under the provisions of House resolution No. 157 be authorized to sit, as a whole or by subcommittee, at such places as it may deem necessary.

**374. The House by resolution elected a committee of investigation.**

**A Member appointed on a committee of investigation was, at his request, excused by the House from service on the committee.**

**Discussion of practices of the committees in ordering printing of hearings.**

**The House has denied to subcommittees the right granted to the committee as a whole to sit at such places as it might deem necessary.**

**The Department of Justice having instituted proceedings involving an investigation of subjects previously entrusted to a committee of investiga-**

<sup>1</sup> Champ Clark, of Missouri, Speaker.

<sup>2</sup> Record, p. 2944; Journal, p. 310.

**tion appointed by the House, the committee of its own initiative abandoned that phase of the investigation and confined its attention to other subjects committed to it by the House.**

**Form of special order providing for consideration of report of a committee of investigation.**

On May 16, 1911,<sup>1</sup> the House by resolution elected the committee previously authorized under the resolution providing for an investigation of alleged violations of the antitrust act by the United States Steel Corporation.

On the following day<sup>2</sup> the Speaker laid before the House:

WASHINGTON, D. C., *May 17, 1911.*

Hon. CHAMP CLARK,

*Speaker of the House of Representatives.*

MY DEAR MR. SPEAKER: Not anticipating that any business would be transacted by the House yesterday beyond the debate upon the resolution providing for the approval of the constitutions of New Mexico and Arizona, I withdrew from the Hall to attend to other matters. During my absence the House paid me the compliment of a unanimous election to membership on the select committee provided for by House resolution 148, for the investigation of the affairs of the United States Steel Corporation and other corporations. That election, coming without solicitation or suggestion from me, I very much appreciate, but I find that the resolution includes, by name, the Pennsylvania Steel Co. and calls for an inquiry whether it has any relations of affiliations in violation of law with the so-called Steel Corporation.

The Pennsylvania Steel Co. is located in my district. I have no financial interest in it of any kind and have never represented it professionally or in any other way. I have, however, a great interest in its welfare because so many of my constituents are dependent upon it for support and some of its officers are my warm personal friends. I do not believe that it has any relations or affiliations in violation of law with the United States Steel Corporation or anybody else, but it will avoid any appearance of partiality if the finding to that effect be made by others than myself. I therefore beg to be excused from service upon the committee.

Very respectfully,

M. E. OLMSTED.

There being no objection when the question was put by the Speaker the resignation was accepted, and on June 2,<sup>3</sup> the House—

*Resolved*, That Augustus P. Gardner be, and is hereby, elected a member of the select committee provided for in House resolution 148 in place of Marlin E. Olmsted, resigned.

On June 9, 1911,<sup>4</sup> Mr. Augustus O. Stanley, of Kentucky, chairman of the select committee, asked unanimous consent for the consideration of the following:

*Resolved*, That there shall be printed 10,000 extra copies of the testimony taken in each of the hearings before the special committee appointed under House resolution 148, to investigate violations of the antitrust act of 1890, and other acts.

Mr. James R. Mann, of Illinois, reserving the right to object, said:

It does not require action on the part of the House at all to accomplish this; that the matter has always been in the hands of the Committee on Printing; and that under the law the committee would have authority to order a thousand copies of hearings printed on its own order; and under the law, within the limit of \$200 at each time the hearing is printed, which would cover

<sup>1</sup> First session Sixty-second Congress, Record, p. 1253.

<sup>2</sup> Record, p. 1296; Journal, p. 214.

<sup>3</sup> Journal, p. 245; Record, p. 1683.

<sup>4</sup> Journal, p. Record, p. 1341.

more than 10,000 copies, they can get that number printed by getting a certificate from the clerk of the Committee on Printing. That leaves it so that the gentleman can have such number printed as he desires. If he prints 5,000 copies to-day and run short of the number necessary to meet the demand, he can order more printed to-morrow by getting an order from the Committee on Printing.

The special committee on pulp and paper printed a good many thousand copies of different hearings. We would order at one time 2,500 copies, or 3,000 or 4,000 copies, and, as the demand came in later, we would get another order. Of course, we had to go to the Committee on Printing, but there never was any hesitation in granting the order, and we had some control over the matter.

One time I took possession of some rooms over in the House Office Building which had been occupied by a special committee known as the Lilly investigation committee. I found in that room stacked up a great mass—tons, I should say—of hearings that had been ordered printed on the assumption that they would be used, which were still there, printed at great expense, and I ordered them thrown away or sold as waste paper, there being no other disposition to be made of them.

Thereupon Mr. Stanley withdrew the resolution.

Subsequently,<sup>1</sup> Mr. Stanley asked for the consideration of the following resolution:

*Be it resolved, etc.,* That the special committee created under the provisions of the House resolution No. 148 be authorized to sit (as a whole or by subcommittee) at such places as it may deem necessary.

Mr. Mann said:

It has been called to my attention that various investigating committees are appointing small subcommittees where there is no occasion for it, to carry on investigations that ought to be carried on by the full committees, where all the minority members may attend and have notice.

After debate the resolution was modified and agreed to in the following form:

*Be it resolved, etc.,* That the special committee created under the provisions of House resolution 148 be authorized to sit at such places as it may deem necessary.

Under the original resolution creating and empowering the select committee to conduct the investigation, the committee was particularly charged with the duty of determining whether the organization and operation of the United States Steel Corporation was in violation of the Sherman antitrust law. During the progress of the investigation, however, the Department of Justice instituted a proceeding in the Federal court seeking the dissolution of the corporation.

Thereupon, the select committee determined as follows:

The committee has had under careful consideration the objections made by the United States Steel Corporation, through its counsel, to the further prosecution of this investigation. The resolution under which this committee is proceeding directs the committee—

First. To inquire into and report as to whether the United States Steel Corporation is in its organization or operations acting in violation of the antitrust law.

Second. To inquire into and report violations of the interstate-commerce acts and amendments thereto, and to the acts relating to national-banking associations.

Third. To inquire into the restriction or destruction of competition by reason of the relations of the United States Steel Corporation and its officers with other companies.

Fourth. The excessive capitalization and bonding of corporations.

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<sup>1</sup>Journal, p. 313; Record, p. 3076.

Fifth. Combinations created by holding companies, interlocking directorates, and other devices.

Sixth. Combinations to depress the value of stocks and bonds for the purpose of acquiring them.

Seventh. Panics in the bond and stock markets.

And the committee is also directed to recommend such further legislation by Congress as in its opinion is desirable.

The objection made by the counsel for the Steel Corporation to the further continuance of the investigation was based upon the ground that the Government had filed a bill in the courts of New Jersey against the United States Steel Corporation, seeking its dissolution under the antitrust law. As to this objection, it is our unanimous opinion that the committee should continue the investigation as if no proceeding on the part of the United States Government were now pending against said corporation, but not for the purpose of determining the questions involved in the action brought by the Government against the United States Steel Corporation, and any inquiry into the subjects embraced in that action should be made for the purpose of enabling the committee to recommend such further legislation as in its opinion is desirable. Touching all other matters the committee will proceed as heretofore.

The report of the special committee was submitted by Mr. Stanley on August 2, 1912,<sup>1</sup> and was later debated under the following order agreed to on August 6.<sup>2</sup>

*Resolved*, That there be evening sessions of the House of Representatives on Thursday August 8, 1912, and Friday, August 9, 1912, beginning at 8 o'clock p. m. and continuing until 11 o'clock p. m. on each day, during which time it shall only be in order to discuss the report of the special committee appointed under House resolution 148 to investigate violations of the antitrust act of 1890, one half of the time to be controlled by the gentleman from Kentucky [Mr. Stanley] and the other half by the gentleman from Massachusetts [Mr. Gardner]; that on said days it shall be in order, when the business of the House is disposed of, to move to take a recess until 8 o'clock.

**375. Instance wherein a committee of the House to which was referred a resolution providing for the creation of a select committee to make an investigation, itself conducted the investigation and reported to the House.**

On June 6, 1911,<sup>3</sup> Mr. Robert L. Henry, of Texas, from the Committee on Rules, to which had been referred a resolution providing for the creation of a select committee to investigate the arrest and extradition of John J. McNamara, submitted the following report:<sup>4</sup>

The Committee on Rules has had under consideration House concurrent resolution 6, providing for the appointment of a committee on investigation and, report: That they held hearings, at which the proponent and all others desiring to be heard appeared and gave testimony. In the opinion of your committee it covered all the material facts that could be elicited by a select committee, and further investigation would throw no additional light on the transaction, and it is therefore unnecessary. The testimony is herewith submitted for the information of the House, with a view of determining whether or not further legislation is necessary. It is recommended that House concurrent resolution 6 do lie upon the table.

After brief debate, on motion of Mr. Henry, by unanimous consent, the testimony and the report were referred to the committee on the Judiciary.

The resolution was then laid on the table without debate or division.

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<sup>1</sup> Second session Sixty-second Congress, Record, p. 10078; House Report No. 1127.

<sup>2</sup> Record, p. 10304; Journal, p. 928.

<sup>3</sup> First session Sixty-second Congress, Record, p. 1717; Journal, p. 250.

<sup>4</sup> House report No. 46.

**376. The House sometimes confers upon subcommittees the power to send for persons and papers.**

**A general investigation having been conducted by subcommittees, the several reports were made to the committee and appended to its general report.**

**Minority views may accompany the report of a subcommittee made to the committee.**

**A committee, under authority expressly conferred by the House, apportioned work of investigation among subcommittees.**

**Pursuant to authorization to "meet at such places as said committee deems advisable," subcommittees of a select committee held hearings in various States of the Union and in Europe.**

On June 4, 1919,<sup>1</sup> the House agreed to the following resolution providing for the appointment of a select committee on expenditures in the War Department to investigate all contracts and expenditures by the War Department or under its direction during the World War:

*Resolved*, That the Speaker of the House of Representatives be, and he is hereby, directed to appoint from the membership of this House a select committee of 15 members, for the Sixty-sixth Congress, and which said committee is hereby authorized to fully investigate all contracts and expenditures made by the War Department, or under its directions, during the present war; and, in addition to the powers herein conferred, shall have the same powers and authority as are now conferred by the rules of this House upon the standing Committee on Expenditures in the War Department; said committee is hereby authorized to send for persons and papers, to administer oaths and affirmations, to take testimony, to sit during the sessions of the House and during any recess which may occur during its sessions, and may meet at such places as said committee deems advisable. Said committee is also hereby authorized and empowered to appoint such subcommittees as it may deem advisable, and such subcommittees, when so appointed, are hereby authorized to send for persons and papers, to administer oaths and take testimony, and to meet at such times and places as said committee shall from time to time direct.

*Resolved further*, That said select committee shall report to the House, in one or more reports, as it may deem advisable, the result of its investigations, with such recommendations as it may care to make.

*Resolved further*, That the Speaker of the House is hereby authorized to issue subpoenas to witnesses, upon the request of said committee or any subcommittee thereof, during any recess of Congress during the sessions.

*Resolved further*, That the Sergeant at Arms of the House be directed to serve all subpoenas and other process put into his hands by said committee or any subcommittee thereof.

Pursuant to this resolution, the Speaker appointed Messrs. William J. Graham, of Illinois; Edwin S. Johnson, of South Dakota; Charles F. Reavis, of Nebraska; Walter W. Magee, of New York; Roscoe C. McCulloch, of Ohio; Oscar E. Bland, of Indiana; Albert W. Jefferis, of Nebraska; Clarence MacGregor, of New York; Henry D. Flood, of Virginia; Finis J. Garrett, of Tennessee; Frank E. Doremus, of Michigan; Jerome F. Donovan, of New York; and Clarence F. Lea, of California, as members of the select committee.

Subsequently the following resolution providing for payment of the expenses of the investigation was agreed to by the House:

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<sup>1</sup>First session Sixty-sixth Congress, Record, p. 640, Journal, p. 133.

*Resolved*, That the Select Committee on Expenditures in the War Department, appointed under the resolution of the House of Representatives adopted June 4, 1919, be, and is hereby, authorized and empowered to employ such stenographic, clerical, and legal assistance and such accountants, and to have such printing and binding done, as it may deem necessary.

All expenses that may be incurred by said committee, including the expenses of said committee or any subcommittee thereof when sitting outside of the District of Columbia, shall be paid out of the contingent fund of the House of Representatives on vouchers signed by the chairman of said select committee, or by the chairman of a subcommittee, where such expenses are incurred by such subcommittee.

Upon organization, the select committee apportioned the work of the investigation among five subcommittees: Subcommittee No. 1, on aviation; subcommittee No. 2, on camps; subcommittee No. 3, on foreign expenditures; subcommittee No. 4, on the Quartermaster's Department; and subcommittee No. 5, on ordnance, there being two majority Members and one minority Member on each subcommittee.

These subcommittees held hearings and made exhaustive investigations in various States and in Europe and from time to time submitted reports to the select committee, which were adopted as reports of the select committee and by it reported<sup>1</sup> to the House. Most of the reports were accompanied by minority views. Accompanying these reports were minority views signed by dissenting members of the subcommittees.

In addition to findings of fact, the committee reported legislative and administrative recommendations, including resolutions requesting the Secretary of War to place on sale surplus food products,<sup>2</sup> providing for sale and distribution of surplus motor vehicles,<sup>3</sup> requesting the Secretary of Wax to review settlement of certain claims arising out of war contracts,<sup>4</sup> and bills<sup>5</sup> prohibiting sale of Government property to certain persons, and directing transfer of certain claims to Court of claims.

**377. A committee of investigation adopted rules for examination of witnesses and taking of testimony.**

**The House enlarged the powers of a select committee after it had been created.**

On May 9, 1911,<sup>6</sup> the following resolution providing for an investigation of violations of the antitrust act of July 2, 1890, commonly known as the Sherman anti-trust law, by a special committee to be elected by the House, was agreed to:

*Resolved*, That a committee of nine members, to be elected by the House, be, and is hereby, directed to make an investigation for the purpose of ascertaining whether or not there have been violations of the antitrust act of July 2, 1890, and the various acts supplementary thereto, by the American Sugar Refining Co., incorporated January 10, 1891, under the laws of the State of New Jersey, and the various corporations controlled thereby or holding stocks or bonds therein or whose stocks or bonds are held, in whole or in part, thereby, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, which said violations have not been prosecuted by the executive officers of the Government.

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<sup>1</sup> House reports Nos. 171, 463, 441, 616, 637, 816, 998, 1002, 1307, 1400, 1406, 1408, 1410.

<sup>2</sup> Record, p. 3356.

<sup>3</sup> Record, p. 8898.

<sup>4</sup> Record, p. 8362.

<sup>5</sup> Third session Sixty-sixth Congress, Record, p. 357.

<sup>6</sup> First session Sixty-second Congress, Journal, p. 198. Record, p. 1147.

Said committee is also directed to investigate the organization and operations of said American Sugar Refining Co., and its relations with other persons or corporations engaged in the business of manufacturing or refining sugar, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, and if in connection therewith violations of the aforesaid laws are disclosed, to report same to the House.

Said committee shall also inquire whether the organization and operations of the American Sugar Refining Co. and other persons or corporations having relations with it, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, have caused or had a tendency to cause any of the following results:

First. The restriction or destruction of competition among manufacturers or refiners of sugar.

Second. An increase in price of refined sugar to the consumer or decrease in the price of sugar cane or sugar beets to the producer thereof.

And said committee shall report to the House all the facts and circumstances disclosed by the investigation herein provided, with such recommendations as it may deem advisable.

And said committee as a whole, or any subcommittee thereof, is authorized to sit during sessions of the House and the recess of Congress, to employ clerical and other assistance, to compel the attendance of witnesses, to send for persons and papers, and to administer oaths to witnesses.

The Speaker shall have authority to sign, and the Clerk to attest, subpoenas during the recess of Congress.

Mr. Henry of Texas, from the Committee on Rules, submitted the following:

The Committee on Rules, to whom was referred House resolution 157, to investigate violations of the antitrust act of 1890 and other acts, have considered the same and beg leave to report with the recommendation that it do pass.

Later the House by separate resolutions, designated the committee so authorized;<sup>1</sup> provided for payment of expenses, not to exceed \$25,000,<sup>2</sup> and empowered it to sit as a whole or as a subcommittee wherever deemed necessary.<sup>3</sup>

Upon organizing the committee announced the adoption of the following rules:<sup>4</sup>

RULE 1. That each witness appearing before the committee shall first be examined by the chairman, or by a member designated by him, without interruption until conclusion, and after the chairman or member has concluded, then any other member desiring shall be permitted to ask such questions as he may wish, and when he shall have concluded, then any other member, and so on, until the members of the committee have had opportunity for examination.

RULE 2. That if in the public proceedings of the committee any objection is made by any member of the committee, or by any witness or other person, with regard to the admissibility of testimony or any other matter or thing, it shall, in the first instance, be ruled upon by the chairman of the committee, and if any member of the committee desires to object to such ruling, then the question shall be submitted to the committee.

RULE 3. Counsel may attend witnesses summoned before this committee, but may not participate in the proceedings, either by way of examination or argument, except upon permission given by the committee, from time to time, as the occasion arises.

RULE 4. These rules shall apply to any subcommittee sitting for the purpose of taking testimony.

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<sup>1</sup>Record, p. 1296.

<sup>2</sup>Record, p. 1717.

<sup>3</sup>Record, p. 2945.

<sup>4</sup>Committee hearings, vol. 1, p. 3.

On February 17, 1912,<sup>1</sup> Mr. Thomas W. Hardwick, of Georgia, from the special committee presented the report of the committee which was ordered to be printed.

**378. A committee having completed the investigation with which charged, suggested in its report thereupon the filing of a supplemental report showing the results of the investigation.**

**The House has by express authorization granted a select committee power to report at any time.**

The resolution adopted by the House September 11, 1917,<sup>2</sup> authorizing the appointment of a committee to investigate the East St. Louis riots, provided that the committee so appointed should "have power to report at any time."

The report of the committee was presented on July 6, 1918,<sup>3</sup> and closed with the following statement:

Your committee has not adjourned sine die for the reason that it is possible, at least, that a supplementary report may be made showing the beneficial results of the exposures brought about by the investigation and also by the vigorous prosecutions hereinbefore referred to.

No further report was submitted.

**379. A committee of investigation expressed the opinion that an organization under investigation had violated the provisions of the corrupt practices act.**

**Upon the presentation of a privileged report embodying no recommendations, any Member offering a motion for its disposition is entitled to recognition for one hour's debate thereon.**

**A Member presenting a privileged report and Members submitting minority views are entitled to recognition to read in full the report or views respectively although no question may be pending.**

**The consideration of conference reports is in order at any time and may interrupt the presentation of a privileged report, but a privileged report so interrupted remains the unfinished business and is in order following the disposition of the conference report.**

**The report of a select committee of investigation was agreed to by the House, although it contained no resolution or recommendation.**

On March 3, 1919,<sup>4</sup> Mr. Ben Johnson, of Kentucky, from the select committee appointed to investigate and report on the character, activities, and purposes of the National Security League, submitted a privileged report<sup>5</sup> which he read from the floor.

Among other conclusions the committee reported the National Security League had participated actively in political campaigns without complying with the provisions of the corrupt practices act requiring itemized statements of expenditures on the part of political committees.

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<sup>1</sup> House Report No. 331.

<sup>2</sup> First session Sixty-fifth Congress, Record, p. 6961; Journal, p. 352.

<sup>3</sup> Second session Sixty-fifth Congress, Record, p. 8826; House document No. 1231.

<sup>4</sup> Third session Sixty-fifth Congress, Record, p. 4921.

<sup>5</sup> House Report, No. 1173.

The report says:

Section 1 of the Federal act, generally known as the "corrupt practices act," approved June 25, 1910, is as follows:

"The term 'Political committee,' under the provisions of the act, shall include national committees of all political parties, the national congressional campaign committees of all political parties, and all committees, associations, or organizations which shall in two or more States influence the result, or attempt to influence the result of an election at which Representatives in Congress are to be elected."

Sections 5 and 6 of the act, as amended by an act approved August 19, 1911, require that such political committees as are defined in section 1 shall file with the Clerk of the House of Representatives, at Washington, D.C., certain itemized statements which shall be verified by oath.

In the judgment of your committee the National Security League has violated the provisions of that act, the penalty for which is a fine of not more than \$1,000, or imprisonment not longer than one year, or both.

At the conclusion of the reading of the report Mr. Joseph Walsh, of Massachusetts, proposed to read the minority report, when Mr. J. Thomas Heflin, of Alabama, made the point of order that a Member submitting a minority report was not entitled to the floor.

The Speaker<sup>1</sup> held that a Member submitting minority views was entitled to the same privilege granted the chairman of the committee for the submission of the majority report, and recognized Mr. Walsh to read the minority views.

Mr. Edward E. Browne, of Wisconsin, rising to a parliamentary inquiry, asked how much time was permitted for discussion of the reports.

The Speaker replied that no recommendation was embodied in the report, and any member offering a motion for its disposition would be entitled to recognition for one hour in which to debate his motion.

Before the minority views could be presented, Mr. Henry D. Flood, of Virginia, called up the conference report on the diplomatic and consular bill.

Mr. James R. Mann, of Illinois, submitted as a parliamentary inquiry that while the presentation of a conference report was in order at any time and took precedence over the pending report of the select committee, the latter remained the unfinished business and was in order immediately following the disposition of the conference report.

The Speaker sustained Mr. Mann's contention, and after the disposition of the conference report again recognized Mr. Walsh, who read the minority views.<sup>2</sup>

Thereupon Mr. Browne moved the adoption of the majority report. The motion was agreed to without debate or division.

**380. The two Houses, by concurrent resolution, constituted a joint select committee of investigation, with power to send for persons and papers and sit during the recess of Congress.**

**By concurrent resolution the two Houses fixed the time within which a committee of investigation should complete the investigation and file its report thereon.**

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<sup>1</sup> Champ Clark, of Missouri, Speaker.

<sup>2</sup> Record, p. 5035; Journal, p. 289.

On May 31, 1921,<sup>1</sup> the Senate sent to the House the following resolution in which the House concurred without amendment:

*Resolved by the Senate (the House of Representatives concurring),* That a joint commission is hereby created, to be known as the joint commission of agricultural inquiry, which shall consist of five Senators, three of whom shall be members of the majority party and two of whom shall be members of the minority party, to be appointed by the President of the Senate; and five Representatives, three of whom shall be members of the majority party and two of whom shall be members of the minority party, to be appointed by the Speaker.

Said commission shall investigate and report to the Congress within 90 days after the passage of this resolution upon the following subjects:

1. The causes of the present condition of agriculture.
2. The cause of the difference between the prices of agricultural products paid to the producer and the ultimate cost to the consumer.
3. The comparative condition of industries other than agriculture.
4. The relation of prices of commodities other than agricultural products to such products.
5. The banking and financial resources and credits of the country, especially as affecting agricultural credits.
6. The marketing and transportation facilities of the country.

The commission shall include in its report recommendations for legislation which in its opinion will tend to remedy existing conditions and shall specifically report upon the limitations of the powers of Congress in enacting relief legislation.

The commission shall elect its chairman, and vacancies occurring in the membership of the commission shall be filled in the same manner as the original appointments.

The commission or any subcommittee of its members is authorized to sit during the session or recesses of Congress in the District of Columbia or elsewhere, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to employ such personal services and incur such expenses as may be necessary to carry out the purposes of this resolution; such expenditure shall be paid from the contingent funds of the Senate and House of Representatives in equal proportions, upon vouchers authorized by the committee and signed by the chairman thereof.

On August 4,<sup>2</sup> the Senate concurred in the following resolution transmitted by the House:

*Resolved by the House of Representatives (the Senate concurring),* That the time for the completion of the investigation by the Joint Commission of Agricultural Inquiry, created by Senate concurrent resolution No. 4, of the present session, and the filing of the report to Congress therein directed to be made, be, and the same is hereby, extended to a date not later than the first Monday in January, 1922.

Subsequently<sup>3</sup> the two Houses concurred in the following:

*Resolved by the House of Representatives (the Senate concurring),* That the time for the completion of the investigation by the Joint Commission of Agricultural Inquiry, created by a Senate concurrent resolution (S. Con. Res. 4) of the first session of the Sixty-seventh Congress, and the filing of the report to Congress therein directed to be made, be, and the same is hereby, extended to a date not later than the 15th of April, 1922.

**381. A committee of investigation was granted leave to file report with the Clerk of the House after adjournment of the Congress in which it was appointed.**

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<sup>1</sup> First session Sixty-seventh Congress, Record, p. 1899; House Report No. 408.

<sup>2</sup> Record, p. 4644.

<sup>3</sup> Second session Sixty-seventh Congress. pp 311, 344.

On March 24, 1924,<sup>1</sup> the House agreed to a resolution providing for an investigation of the United States Army Air Service, the Naval Bureau of Aeronautics, and the mail air service by a special committee of nine, to be appointed by the Speaker.

The committee, consisting of Messrs. Florian Lampert, of Wisconsin; Albert H. Vestal, of Indiana; Randolph Perkins, of New Jersey; Charles L. Faust, of Missouri; Frank R. Reid, of Illinois; Clarence F. Lea, of California; Anning S. Prall, of New York; Patrick B. O'Sullivan, of Connecticut; William N. Rogers, of New Hampshire, was appointed by the Speaker March 24, and was subsequently authorized by resolution to employ legal and clerical assistance and incur expenses not exceeding \$25,000.

On March 3, 1925,<sup>2</sup> Mr. Perkins said:

Mr. Speaker, I ask unanimous consent that the select committee appointed by the Speaker under House resolution 192, Sixty-eighth Congress, first session, have the right to file its report with the Clerk on or before the second Monday in December, with the strict understanding that no further expense of any kind will be incurred by the committee.

There was no objection, and the committee prepared and filed its report<sup>3</sup> with the Clerk of the House after the adjournment of the Sixty-eighth Congress.

**382. Instance wherein time for filing report of a select committee was extended beyond life of the Congress in which appointed.**

**Form of resolution authorizing an investigation by select committee of the House.**

On March 4, 1924,<sup>4</sup> the House agreed to the following resolution:

*Resolved*, That the Speaker of the House of Representatives be, and he is hereby, directed to appoint from the membership of the House a select committee of seven Members, for the Sixty-eighth Congress, and which said committee is hereby authorized and directed to inquire into the operations, policies, and affairs of the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation, or any agency, branch, or subsidiary of either; said inquiry shall include an investigation of contracts, leases, sales, settlements, accounts, expenditures, receipts, assets, liabilities, properties, and any and all transactions, affairs, policies, and plans of the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation and any other corporations, firms, individuals, or agencies in any way associated with or controlled or regulated by the said Shipping Board or Emergency Fleet Corporation from the date of the passage of the several acts creating the same, together with an inquiry into such other pertinent matters as may aid the committee in determining and recommending future policies with respect to the Shipping Board and Emergency Fleet Corporation and the properties and agencies under their control.

*Resolved further*, That said committee is also hereby authorized and empowered to appoint such subcommittees as it may deem advisable, and the said committee or any subcommittee thereof is hereby authorized to sit during the sessions of the House or during any recess of the House, and to hold its sessions in such places as the committee may determine; to require by subpoenas, or otherwise the attendance of witnesses, the production of books, papers, and documents, to administer oaths and affirmations, and to take testimony.

*Resolved further*, That the Speaker is hereby authorized to issue subpoenas to witnesses upon the request of the committee or any subcommittee thereof at any time, including any recess of

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<sup>1</sup>First session Sixty-eighth Congress, Record, p. 4817.

<sup>2</sup>Second session Sixty-eighth Congress, Journal, p. 389. Record, p. 5466.

<sup>3</sup>House Report No. 1653.

<sup>4</sup>First session Sixty-eighth Congress, Record, p. 3553.

Congress; and the Sergeant at Arms is hereby empowered and directed to serve all subpoenas and other processes put into his hands by said committee or any subcommittee thereof.

*Resolved further*, That said select committee shall have the right at any time to report to the House in one or more reports the results of its inquiries with such recommendations as it may deem advisable.

Pursuant to this resolution, the Speaker appointed as members of the select committee Messrs. Wallace H. White, jr., of Maine, Chairman; Henry Allen Cooper, of Wisconsin; Frederick R. Lehlbach, of New Jersey; Walter F. Lineberger, of California; Edwin L. Davis, of Tennessee; William B. Bankhead, of Alabama ; and Tom Connally, of Texas.

The powers of the committee were further supplemented in the House March 18:<sup>1</sup>

*Resolved*, That the select committee, appointed under the provisions of House Resolution 186, adopted March 4, 1924, to make inquiry into the affairs of the United States Shipping Board, The United States, Shipping Board Emergency Fleet Corporation, or any agency, branch, or subsidiary of either, is hereby authorized to employ such stenographic, legal, and clerical assistance, including accountants and statisticians, as it may deem necessary, and is further authorized to have such printing and binding done as it may require.

*Resolved further*, That all expenses incurred by aid committee under the provisions of House Resolution 186, including the expenses of such committee or any subcommittee thereof when sitting outside of the District of Columbia shall be paid out of the contingent fund of the House of Representatives on vouchers, ordered by said committee, signed by the chairman of said select committee, or by the chairman of a subcommittee where such expenses are incurred by such subcommittee, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

On January 28, 1925,<sup>2</sup> Mr. White made the following request:

Mr. Speaker, I ask unanimous consent that the select committee appointed by the Speaker of the House under authority of House Resolution 186, Sixty-eighth Congress, first session, shall have the right to file the report of its inquiries, with such recommendations as it may deem advisable, with the Clerk of the House on or before the Second Monday of December next, and that the same right shall be accorded to any member or members of said committee, it being expressly understood that this request and consent thereto shall not extend the power and authority of said committee or of any member thereof in any other respect beyond the adjournment of the present Congress. This request is made by the direction of the committee designated by the Speaker to inquire into the Shipping Board and Emergency Fleet Corporation and its activities. The committee has conducted most exhaustive inquiries, but it is very much delayed in the printing of the record. This request contemplates that this committee shall have absolutely no authority beyond the 4th of March other than to write and file the report.

There was no objection, and the report of the select committee was filed with the Clerk of the House during vacation following the adjournment of the Sixty-eighth Congress.

**383. A committee requested and was granted time in which to file a report beyond that specified in the authorizing resolution.**

On February 28, 1924,<sup>3</sup> the Senate agreed to a resolution authorizing an investigation by the Committee on the District of Columbia as to housing condi-

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<sup>1</sup> Journal, p. 348.

<sup>2</sup> Second session Sixty-eighth Congress, Journal, p. 171; Record, p. 2605.

<sup>3</sup> First session Sixty-eighth Congress, Record, p. 3240.

tions and combinations controlling rents and prices in the District of Columbia, in order to determine the advisability of extending the District of Columbia rent act approved October 2, 1919.

This resolution provided that final report should be made by the committee of its investigations, with recommendations, not later than March 31, 1924.

On March 31, 1924, Mr. Heisler L. Ball, of Delaware, said:

Mr. President, under the resolution (S. Res. 158) authorizing the Committee on the District of Columbia to make an investigation of rental conditions in Washington, the committee was to file report on the 31st day of March, which is to-day. I ask for an extension of one week in which to submit the report. The investigation itself is completed, but the report is not yet ready to be presented to the Senate.

There was no objection, and the report of the committee was submitted May 12.<sup>1</sup>

**384. Instance wherein the Senate increased the limit of expenditure originally provided for a select committee.**

**A select committee reported a resolution authorizing continuance of its investigation which was not acted on by the Senate.**

On March 2, 1923,<sup>2</sup> the Senate, by the following resolution, authorized an investigation of the Veterans' Bureau:

Whereas complaints are being made against alleged delay by the Veterans' Bureau in the adjustment of claims for relief of invalid and disabled veterans of the World War under the various acts of Congress; and

Whereas it is claimed that there has been great and needless delay in the construction of hospitals and in providing proper hospitalization for the relief of disabled veterans, as a result of which much unnecessary suffering exists; and

Whereas it is claimed that an unnecessarily large proportion of the appropriations made by Congress for the relief of the veterans is being improperly consumed in overhead expense, duplication of duties, excessive rent of properties and quarters, and in the employment of an unnecessarily large number of agents, doctors, inspectors, instructors, and other persons; and

Whereas it has been charged that certain sales of surplus property belonging to the Government and under the supervision of the United States Veterans' Bureau were made improperly: Therefore be it

*Resolved*, That a committee consisting of three Senators, Members of the Sixty-eighth Congress, to be appointed by the President of the Senate, is authorized and directed to investigate the leases and contracts executed by the United States Veterans' Bureau or the Treasury Department for vocational schools and hospitals and for the purchase, rental, and sales of real estate and supplies used or to be used directly or indirectly by the Veterans' Bureau for the benefit of the veterans of the World War and the matters and conditions in the premises set forth and to report their findings, together with recommendations for the improvement of such conditions, to the next regular session of Congress. Such committee is authorized to sit during any recess of Congress and send for persons and papers, to administer oaths to witnesses, and to incur necessary expenses for clerical and other services not exceeding \$20,000, which shall be paid out of the contingent fund of the Senate.

The limitation on expenditures was subsequently<sup>3</sup> increased to \$26,500

<sup>1</sup> Senate Report No. 530.

<sup>2</sup> Fourth session Sixty-seventh Congress, Record, p. 5102.

<sup>3</sup> First session Sixty-eighth Congress, Record, p. 773.

The committee appointed under the resolution, consisting of Messrs. David A. Reed, David I. Walsh, and Tasker L. Oddie, submitted preliminary reports<sup>1</sup> No. 1, No. 2, and No. 3 on January 8, 1924, February 7, and June 6, respectively. A resolution to continue the committee until the conclusion of the Sixty-eighth Congress, placed on the calendar, January 31, 1925, was not acted upon by the Senate.

**385. A witness having declined to answer a pertinent question before a committee charged with an investigation, the House directed the Speaker to certify that fact to the United States district attorney.**

**The House sometimes enlarges the powers of a committee of investigation.**

**The report of a committee of investigation, as such, is without privilege.**

On April 25, 1912,<sup>2</sup> Mr. Robert L. Henry, of Texas, from the Committee on Rules, presented as privileged a resolution enlarging the powers of the Committee on Banking and Currency in its conduct of an investigation of banking and currency conditions of the United States, previously authorized<sup>3</sup> and including the following:

Fifth. Said committee as a whole or by subcommittee is authorized to sit during the sessions of the House and during the recess of Congress. Its hearings shall be open to the public. The committee as a whole or by subcommittee is authorized to hold its meetings both during the sessions of Congress and throughout the recesses and adjournment thereof and in such cities and places in the United States as it may from time to time designate; to employ counsel, experts, accountants, bookkeepers, clerical and other assistants; may summon and compel the attendance of witnesses; may send for persons and papers; and administer oaths to witnesses. The Comptroller of the Currency, the Secretary of the Treasury, and the Commissioner of the Bureau of Corporations, and their respective assistants and subordinates, are hereby respectively directed to comply with all directions of the committee for assistance in its labors, to place at the service of the committee all the data and records of their respective departments, to procure for the committee from time to time such information as is subject to their control or inspection, and to allow the use of their assistants for the making of such investigations with respect to corporations under their respective jurisdictions as the committee or any subcommittee may from time to time request.

Subsequently<sup>4</sup> Mr. Arsene P. Pujo, of Louisiana, being recognized by the Speaker to submit a privileged motion said:

Mr. Speaker, as chairman of the Committee on Banking and Currency and acting under its instructions by unanimous vote, I present as privileged the contumacy of Mr. George G. Henry, of New York, who declined as a witness to answer certain questions propounded by counsel for the committee pertinent to the inquiry being had under House resolutions 429 and 504. I submit the report<sup>5</sup> of the committee, with the record of the proceedings had and the questions declined to be answered as a part thereof. I now move pro forma, as the statute does not require the approval of the House, but preferring to have its action thereon, that the question of the contumacy of the witness, George G. Henry, be certified by the Speaker to the United States district attorney, under the seal of the House, so that the said officer shall bring the matter before the grand jury of the District of Columbia for such action as may be authorized by sections 101, 102, 103, and 104 of the Revised Statutes of the United States.

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<sup>1</sup> Senate Report No. 103.

<sup>2</sup> Second session Sixty-second Congress, Record, p. 5336; Journal, p. 604.

<sup>3</sup> Record p. 2418.

<sup>4</sup> Third session Sixty-second Congress, Record, p. 1296

<sup>5</sup> House Report No. 1285.

The motion was agreed to.

On February 28, 1913,<sup>1</sup> Mr. Pujo submitted the report of the committee as privileged, when Mr. James R. Mann, of Illinois, made the point of order that it was not privileged.

The Speaker<sup>2</sup> sustained the point of order and the report was delivered to the clerk.

**386. A person summoned as a witness before a select committee of the Senate declined to testify on the ground that the authorization under which the examining committee purported to act had expired.**

**Form of resolution authorizing continuance of an investigation beyond the expiration of the Congress in which instituted.**

**The authority of its committee to pursue an investigation having been challenged, the Senate passed a further resolution confirming the authority previously sought to be conferred.**

On April 29, 1922<sup>3</sup> (legislative day of April 20), the Senate agreed to the following resolution providing for an investigation by the Committee on Public Lands and Surveys of leases upon naval oil reserves:

*Resolved*, That the Secretary of the Interior is directed to send to the Senate:

(a) Copies of all oil leases made by the Department of the Interior within naval oil reserve numbered one, and, separately, naval oil reserve numbered two, both in the State of California, and naval oil reserve numbered three in the State of Wyoming, showing as to each the claim upon which the lease was based or issued; the name of the lessee; the date of the lease; the area of the leased property; the amount of the rent, royalty, bonus, and all other compensation paid and to be paid to the United States.

(b) All Executive orders and other papers in the files of the Department of the Interior and its bureaus, or copies thereof if the originals are not in the files, authorizing or regulating such leases, including correspondence or memoranda embodying or concerning all agreements, instructions, and requests by the President or the Navy Department as to the making of such leases and the terms thereof.

(c) All correspondence, papers, and files showing and concerning the applications for such leases and the action of the Department of the Interior and its bureaus thereon and upon all the several claims upon which such leases were based or issued, all in said naval reserves.

(d) And all contracts for drilling wells on naval oil reserves, date and terms of same, reasons therefor, and the number and date of the drilling of wells on private lands adjacent to oil reserves.

*Resolved further*, That the Committee on Public Lands and Surveys be authorized to investigate this entire subject of leases upon naval oil reserves, with particular reference to the protection of the rights and equities of the Government of the United States and the preservation of its natural resources, and to report its findings and recommendations to the Senate.

Thereafter, on June 5<sup>4</sup> (legislative day of April 20), this resolution was supplemented by the following resolution authorizing activities of the committee essential to the investigation and providing for payment of expenses:

*Resolved*, That S. Res. 282 is hereby amended by adding, at the end of said resolution, the following:

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<sup>1</sup> Journal, p. 108; Record, p. 4355.

<sup>2</sup> Champ Clark, of Missouri, Speaker.

<sup>3</sup> Second session Sixty-seventh Congress, Record, p. 6097.

<sup>4</sup> Record, p. 8140.

“That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper and to require the attendance of witnesses by subpoenas or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, and other assistants, and stenographers, at a cost not exceeding \$1.25 per printed page. The chairman of the committee, or any member thereof, 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 appears and refuses to answer questions pertinent to said investigation shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.”

For the purpose of authorizing continuance of this investigation beyond the expiration of the Sixty-seventh Congress, the Senate, on February 5, 1923<sup>1</sup> agreed to the following:

*Resolved*, That Senate Resolution 282, agreed to April 21, 1922, and Senate Resolution 292, agreed to May 15, 1922, authorizing and directing the Committee on Public Lands and Surveys to investigate the entire subject to leases upon naval oil reserves, with particular reference to the protection of the rights and equities of the Government of the United States and the preservation of its natural resources, and to report its findings and recommendations to the Senate, and providing that the expenses of such investigation be paid from the contingent fund of the Senate, be, and the same are, continued in full force and effect until the end of the Sixty-eighth Congress.

The committee or any subcommittee thereof is authorized to sit during the sessions or the recesses of the Senate, and after the expiration of the present Congress until the assembling of the Sixty-eighth Congress, and until otherwise ordered by the Senate.

Subsequent to the adjournment of the Sixty-seventh Congress, a witness appearing before the committee, Albert B. Fall, declined to testify, giving as his reason for so refusing:

I decline to answer the question for the following reasons and on the following grounds:

The committee is conducting an investigation under Senate Resolution 282, agreed to April 21, 1922, in the Sixty-seventh Congress, and Senate Resolution 294, agreed to May 15, 1922, in the same Congress, and further by virtue of Senate Resolution 434, agreed to by the Senate on February 5, 1923, during the same Congress, and I do not consider that, acting under those resolutions, or under the last-named resolution, which authorizes the committee to sit after the expiration of the Sixty-seventh Congress “until the assembling of the Sixty-eighth Congress, and until otherwise ordered by the Senate,” this committee has any authority to conduct the investigation now attempted to be conducted by the addressing of this question to me.

I decline to answer on the further ground that on January 7, 1924, Senator Caraway introduced in the Senate of the United States, in this Congress, Senate Joint Resolution 54, attempting to deal with the lease of the Mammoth Oil Co.; that that resolution was referred to this committee and in due course the Senate discharged this committee as of January 24, 1924, and the Senate thereafter, on January 31, 1924, agreed to that resolution and completed its consideration thereof, the resolution being so amended as to deal, in the Senate, in a plenary way, with the leases upon naval oil reserves which were before this committee under Senate Resolution 282 and Senate Resolution 294; and that this committee has not further authority to deal with Senate Joint Resolution 54, since it has been discharged by the Senate, and the Senate itself has finally acted upon the resolution.

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<sup>1</sup> Fourth session Sixty-seventh Congress, Record, p. 3048.

For the purpose of confirming the authority of the committee thus questioned, the Senate on February 7, 1924,<sup>1</sup> agreed to the following resolution:

*Resolved*, That the Secretary of the Interior is directed to send to the Senate:

(a) Copies of all oil leases made by the Department of the Interior within naval oil reserve numbered 1, and, separately, naval oil reserve numbered 2, both in the State of California, and naval oil reserve numbered 3, in the State of Wyoming, showing as to each the claim upon which the lease was based or issued; the name of the lessee; the date of the lease; the area of the leased property; the amount of the rent, royalty, bonus, and all other compensation paid and to be paid to the United States.

(b) All Executive orders and other papers in the files of the Department of the Interior and its bureaus, or copies thereof, if the originals are not in the files, authorizing or regulating such leases, including correspondence or memoranda embodying or concerning all agreements, instructions, and requests by the President or the Navy Department as to the making of such leases and the terms thereof.

(c) All correspondence, papers, and files showing and concerning the applications for such leases and the action of the Department of the Interior and its bureaus thereon and upon all the several claims upon which such leases were based or issued, all in said naval reserves.

(d) And all contracts for drilling wells on naval oil reserves, date and terms of same, reasons therefor, and the number and date of the drilling of wells on private lands adjacent to oil reserves.

*Resolved further*, That the Committee on Public Lands and Surveys be authorized to investigate this entire subject of leases upon naval oil reserves, with particular reference to the protection of the rights and equities of the Government of the United States and the preservation of its natural resources, and to ascertain what, if any, other or additional legislation may be advisable, and to report its findings and recommendations to the Senate.

*Resolved further*, That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper and to require the attendance of witnesses by subpoenas or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, and other assistants, and stenographers, at a cost not exceeding 25 cents per hundred words, to report such hearings. The chairman of the committee, or any member thereof, 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 appears and refuses to answer questions pertinent to said investigation shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The report of the majority of the committee signed by Messrs. Ladd, Norbeck, Jones, Adams, Kendrick, Dill, Walsh, and Pittman, was submitted on June 6, 1924,<sup>2</sup> by Mr. Walsh of Montana, accompanied by minority views signed by Messrs. Spencer, Smoot, Stanfield, Cameron, and Bursum.

On June 6, 1924, and again on June 7, in the Senate Mr. Walsh of Montana moved the adoption of the report but consideration of the motion was not reached.

Supplemental minority views were filed January 15, 1925, and debated in the Senate on March 17 and March 18.<sup>3</sup>

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<sup>1</sup> First session Sixty-eighth Congress, Record, p. 1972.

<sup>2</sup> Senate Report No. 794.

<sup>3</sup> Special session of the Senate, Sixty-ninth Congress, Record, p. 322.

**387. Witnesses having declined to testify, hearings were discontinued.**

On January 17, 1924,<sup>1</sup> the Senate agreed to the following resolution:

*Resolved*, That a special committee of five shall be forthwith appointed by the President pro tempore of the Senate, and said committee is hereby authorized and directed immediately to investigate and report to the Senate whether there is any organized effort being made to control public opinion and the action of Congress upon legislative matters through propaganda or by the use of money, by advertising, or by the control of publicity, and especially to inquire what, if any, such methods are being employed to control the action of Congress upon revenue measures, and whether or not the profiteers of the war are now contributing to defeat the soldiers' adjusted compensation bill by money or influence, and what, if any, such influences are being employed, either by American citizens or the representatives of foreign governments or foreign institutions, to control or affect the foreign or domestic policies of the United States.

Said committee is authorized to send for or subpoena persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not exceeding 25 cents per 100 words to report such hearings, and that said committee shall report the evidence and its conclusion to the Senate as early as is reasonably possible.

The proposed investigation had particular reference to a competitive prize offered, final award of which was contingent upon acceptance by the Senate.

The special committee consisting of Messrs. George H. Moses, of New Hampshire; Henrik Shipstead, of Minnesota; Frank L. Green, of Vermont; James A. Reed, of Missouri; and T. H. Caraway, of Arkansas, subpoenaed as witnesses Edward Bok and Esther Lape. Both witnesses declining to answer questions propounded by members of the committee, the hearings were discontinued and no report was formulated.

**388. Form of resolution providing for expenses of a select committee of investigation.**

On May 4, 1911,<sup>2</sup> the House agreed to the following resolution authorizing the election of a special committee to investigate violations of the antitrust act of 1890:

*Resolved*, That a committee of nine Members, to be elected by the House, be, and is hereby directed to make an investigation for the purpose of ascertaining whether there have occurred violations by the United States Steel Corporation, or other corporations or persons as hereinafter set out, of the antitrust act of July second, eighteen hundred and ninety, and the acts supplementary thereto, the various interstate-commerce acts, and the acts relative to the national banking associations, which violations have not been prosecuted by the executive officers of the Government; and if any such violations are disclosed, said committee is directed to report the facts and circumstances to the House.

Said committee is also directed to investigate the United States Steel Corporation, its organization and operation, and if in connection therewith violations of law as aforesaid are disclosed, to report the same.

Said committee shall inquire whether said Steel Corporation has any relations or affiliations in violation of law with the Pennsylvania Steel Company, the Cambria Steel Company, the Lackawanna Steel Company, or any other iron or steel company.

Also whether said Steel Corporation, through the persons owning its stock, its officers or agents, has or has had relations with the Pennsylvania Railroad Company, or any other railroad company, or any coal companies, nationalbanking companies, trust companies, insurance companies, or other corporate organizations or companies, or with the stockholders, directors, or

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<sup>1</sup>First session Sixty-eighth Congress, Record, p. 1086.

<sup>2</sup>First session Sixty-second Congress Journal, p. 179. Record, p. 918.

other officers or agents of said companies, or with any person or persons, which have caused or have a tendency to cause any of the results following:

First. The restriction or destruction of competition in production, sale, or transportation.

Second. Excessive capitalization and bonding of corporations.

Third. Combinations created by ownership or control by one corporation, or the stockholders or bond holders thereof, of the stock or bonds of other corporations, or combinations between the officers or agents of one corporation and the officers or agents of other corporations by duplication of directors or other means and devices.

Fourth. Speculations in stocks and bonds by agreement among officers and agents of corporations to depress the value of the stocks and bonds of other corporations for the purpose of acquiring or controlling same.

Fifth. Profits through such speculation to officers or agents of such corporations to the detriment of the stockholders and the public.

Sixth. Panics in the bond, stock, and money markets.

Said committee shall in its report recommend such further legislation by Congress as in its opinion is desirable.

Said committee, as a whole or by subcommittee, is authorized to sit during sessions of the House and the recess of Congress, to employ clerical and other assistance, to compel the attendance of witnesses, to send for persons and papers, and to administer oaths to witnesses.

The Speaker shall have authority to sign and the Clerk to attest subpoenas during the recess of Congress.

Pursuant to this resolution the House on May 17, 1911, resolved, that the following Members shall constitute the committee provided for in House resolution 148: Augustus O. Stanley (chairman), Charles L. Bartlett, Jack Beall, Martin W. Littleton, Daniel J. McGillicuddy, Marlin E. Olmsted, H. Olin Young, J. A. Sterling, H. G. Danforth.

These resolutions were subsequently supplemented by the passage of the following:

*Resolved*, That all expenses that may be incurred by the committee appointed under the resolution of the House of Representatives adopted May 16, 1911, to make an investigation for the purpose of ascertaining whether there have occurred violations by the United States Steel Corporation or other corporations or persons of the antitrust act of July 2, 1890, and the acts supplementary thereto, the various interstate commerce acts and the acts relative to the national banking associations to an amount not exceeding \$25,000, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

On August 2, 1912,<sup>1</sup> Mr. Augustus O. Stanley, of Kentucky, from the special committee, presented the report of the committee on its investigation of the United States Steel Corporation, with recommendations for remedial legislation.

**389. The House in providing for the expenses of a committee of investigation has limited both the amount and purpose of its expenditures.**

On June 12, 1911,<sup>2</sup> Mr. John C. Floyd, of Arkansas, from the Committee on Accounts, presented, as privileged, the following resolution:

*Resolved*, That all expenses that may be incurred by the committee appointed under the resolution of the House of Representatives adopted June 6, 1911, to make an investigation and an inquiry into the operations and methods of the departments of assessment and collection of taxes of the Dis-

<sup>1</sup> House Report No. 1127.

<sup>2</sup> First session Sixty-second Congress, Record, p. 1925; Journal, p. 265.

trict of Columbia and such other departments of the District of Columbia as may be determined by them, as well as the organization, capitalization, bonded and other indebtedness, management and conduct of any and all of the public-utility corporations doing business in the said District, to an amount not exceeding \$5,000, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof: *Provided*, That no expenses incurred by members of the said committee appointed under the said resolution for the purpose herein mentioned, in going outside of the District of Columbia, or incurred outside the said District, shall be payable out of the fund designated herein.

A committee amendment striking out the proviso was disagreed to, yeas 43, nays 52.

The resolution was then agreed to.

**390. Expenditures by various select and joint committees of investigation, as reported by the Clerk of the House.**

On September 5, 1919,<sup>1</sup> the Clerk of the House submitted the following statement of expenses incurred by committees of investigation from 1909 to 1919:

*Expenditures incurred by certain committees of investigation.*

Investigations of the United States Steel Corporation .....	\$4,643.91
Investigation of the American Sugar Refining Co .....	7,556.83
Investigations of alleged violations of the antitrust act and other acts .....	37,408.89
Investigation by the Committee on Banking and Currency of the so-called money trust ....	61,277.12
Investigation of the "Taylor system" .....	4,287.00
Investigation of the Manufacturers' Association .....	4,119.56
Investigation of the shipping industry .....	15,284.00
Investigation of the affairs of the District of Columbia .....	51,191.03
Investigation of the charges by F. T. Lawson ("Leak") .....	22,883.76
Investigation of the expenditures in the Interior Department .....	13,503.16
Investigation of the expenditures in the Post Office Department .....	10,639.96
Investigation of the expenditures in the Department of Commerce and Labor .....	6,175.34
Investigation of the expenditures in the Department of Agriculture .....	5,461.95
Investigation of the expenditures in the Treasury Department .....	3,682.78
Investigation of the expenditures in the Department of Justice .....	3,834.48
Investigation of the expenditures in the Department of War .....	3,665.13
Investigation of the expenditures in the Navy Department .....	3,074.60
Investigation of expenditures in the State Department .....	2,969.20
Investigation of expenditures on public buildings .....	2,135.90
Investigation of the Forestry Service (Ballinger-Pinchot) .....	25,000.00

**391. Annual Reports<sup>2</sup> of the Clerk of the House report the following expenditures by committees of investigation from 1919 to 1925:**

*Expenditures of committees, regular and special, under authority of House resolutions during the Sixty-sixth and Sixty-seventh Congresses to January 12, 1922.*

Committee on Expenditures in the War Department and five subcommittees, total expenditures, June 11, 1919, to July 1, 1921 .....	\$157,109.91
Committee to Investigate Shipping Board Operations, total expenditures from August 2, 1919, to July 1, 1921 .....	43,969.04

<sup>1</sup> Hearings on first deficiency appropriation bill, 1920, p. 876.

<sup>2</sup> Annual Reports of the Clerk of the House of Representatives, 1919-1924.

*Expenditures of committees, regular and special, under authority of House resolutions during the Sixty-sixth and Sixty-seventh Congresses to January 12, 1922.—Continued*

Committee on Immigration and Naturalization, total expenditures from November 17, 1919, to July 1, 1921 .....	\$10,047.13
Committee on Ways and Means, total expenditures from June 2, 1919, to January 12, 1923 .....	14,809.96
Committee on Military Affairs, investigation of camp sites, total expenditures from September 8, 1919, to July 1, 1921 .....	2,500.00
Committee on Education, investigation of Federal Board for Vocational Education March 27, 1920, to July 1, 1921 .....	1,143.94
Committee on Expenditures in the Treasury Department, total expenditures from August 1, 1919, to July 1, 1921 .....	991.50
Committee on Expenditures in the Navy Department, total expenditures from August 1, 1919, to July 1, 1921 .....	150.00
Joint Committee to Investigate Naval Bases on the Pacific Coast, total expenditures from June 4, 1920, to July 1, 1921 (one-half) .....	8,492.42
Committee to investigate the Escape of Grover Bergdoll, total expenditures from April 18, 1921, to January 12, 1922 .....	6,441.85
Joint Committee of Agricultural Inquiry, total expenditures from June 7, 1921, to January 12, 1922 (one-half) .....	10,913.21
Joint Commission on Reorganization of the Executive Departments, total expenditures from July 1, 1921, to January 12, 1922 (one-half) .....	3,802.73
Joint Committee to investigate the efficiency of commissioned and enlisted forces of the Army and Navy, total expenditures, from November 1, 1921, to January 12, 1922 (one-half) .....	33.33

**392.** The following summary of expenses incurred by standing and select committees in carrying out investigations authorized by the House in the Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses is reported by the Clerk of the House:<sup>1</sup>

*Expenditures of committees, regular and special, under authority of House resolutions during the Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses.*

Committee on Expenditures in the War Department and five subcommittees, total expenditures, June 11, 1919, to July 1, 1921 .....	\$157,109.91
Committee to Investigate Shipping Board Operations, total expenditures from August 2, 1919, to July 1, 1921 .....	43,969.04
Committee on Immigration and Naturalization, total expenditures from November 17, 1919, to July 1, 1921 .....	10,047.13
Committee on Ways and Mean, total expenditures from June 2, 1919, to June 30, 1924 ...	17,083.87
Committee on Military Affairs, investigation of camp sites, total expenditures from September 8, 1919, to July 1, 1921 .....	2,500.00
Committee on Education, investigation of Federal Board for Vocational Education, March 27, 1920, to July 1, 1921 .....	1,143.94
Committee on Expenditures in the Treasury Department, total expenditures from August 1, 1919, to July 1, 1921 .....	991.50
Committee on Expenditures in the Navy Department, total expenditures from August 1, 1919, to July 1, 1921 .....	150.00
Joint Committee to Investigate Naval Bases on the Pacific Coast, total expenditures from June 4, 1920, to July 1, 1921 (one-half) .....	8,492.42
Committee to Investigate the Escape of Grover Cleveland Bergdoll, total expenditures from April 18, 1921, to June 30, 1923 .....	5,816.85

<sup>1</sup> Annual Report of the Clerk of the House of Representatives, 1925.

*Expenditures of committees, regular and special, under authority of House resolutions during the Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses.—Continued*

Joint Committee of Agricultural Inquiry, total expenditures from June 7, 1911, to June 30, 1924 (one-half) .....	\$21,440.92
Joint Commission on Reorganization of the Executive Departments, total expenditures from July 1, 1921, to June 30, 1924 (one-half) .....	16,948.16
Joint Committee to Investigate the Efficiency of Commissioned and Enlisted Forces of the Army and Navy, total expenditures from November 1, 1921, to January 12, 1922 (one-half) .....	333.33
Joint Committee to Investigate Membership of State Banks and Trust Companies of the Agricultural Sections in the Federal Reserve System (five eighths) .....	5,650.17
Select Committee to Investigate the Air Service, Sixty-eighth Congress .....	24,995.63
Select Committee to Investigate the United States Shipping Board and Emergency Fleet Corporation, Sixty-eighth Congress, to July 1, 1925 .....	24,102.71
Select Committee to Investigate Alleged Charges Against Two Members, Sixty-eighth Congress .....	3,089.93
Select Committee to Investigate Alleged Duplication of Bonds, Sixty-eighth Congress .....	9,627.03
Select Committee to Investigate the National Disabled Soldiers' League, Sixty-eighth Congress .....	999.30
Committee on World War Veterans Investigation of Hospitals, Sixty-eighth Congress .....	6,912.02
Committee on the Judiciary:	
Charges against Judge English (Missouri) .....	3,193.37
Charges against Judge Baker (West Virginia) .....	2,043.06
Investigation of Federal prisons .....	68.90

**393. The rules provide for the rate of compensation of witnesses summoned to appear before the House or its committees.**

Rule XXXVI provides:

The rule for paying witnesses subpoenaed to appear before the House or either of its committees shall be as follows: For each day a witness shall attend, the sum of six dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of seven cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial.

This is the form adopted in 1930. It was taken from the old Rule 138, which was dated from May 31, 1872,<sup>1</sup> and is practically the same except that the rule of compensation was then \$4. On February 27, 1880,<sup>2</sup> the daily compensation was changed from \$4 to \$2 to conform to the rate then paid witnesses in the United States courts,<sup>3</sup> and remained at the rate until increased, February 25, 1930,<sup>4</sup> to \$6 with an increase in mileage from 5 cents each mile to 7 cents.

The compensation of a witness residing in the District of Columbia was before the adoption of this rule fixed by statute at a sum not exceeding \$2 a day.<sup>5</sup>

<sup>1</sup> Second session Forty-second Congress, Cong. Globe, p. 4090.

<sup>2</sup> Second session Forty-sixth Congress, Record, p. 1206.

<sup>3</sup> On February 2, 1804 (first session Eighth Congress, Journal, p. 564; Annals, p. 966), the House by resolution provided that witnesses summoned before any committee during that session should be paid out of the contingent fund at the rate of \$2.50 a day and 12½ cents mileage; and for every messenger sent after witnesses, \$3 for every 20 miles.

<sup>4</sup> Second session Seventy-first Congress, Record, p. 4406 tem.

<sup>5</sup> 19 Stat. L., p. 41.