

PRELIMINARY INVENTORY
OF THE
RECORDS OF THE
SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES
OF THE HOUSE OF REPRESENTATIVES, 1962
87TH CONGRESS

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INTRODUCTION

As it customarily does in Congressional election years, the House of Representatives created, in 1962, a special committee to oversee the campaigns of candidates for election to the House in that year. This committee, the Special Committee To Investigate Campaign Expenditures, 1962, was created by the adoption of House Resolution 753 on August 9, 1962. By the terms of the resolution, the committee was directed to investigate and report to the House, not later than January 3, 1963, with respect to the following matters:

1. The extent and nature of expenditures made by all candidates for the House of Representatives in connection with their campaign for nomination and election to such office.
2. The amounts subscribed, contributed, or expended, and the value of services rendered, and facilities made available (including personal services, use of advertising space, radio and television time, office space, moving picture films, and automobile and other transportation facilities) by an individual, individuals, or group of individuals, committee, partnership, corporation, or labor union, to or on behalf of each such candidate in connection with any such campaign or for the purposes of influencing the votes cast or to be cast at any convention or election held in 1962 to which a candidate for the House of Representatives is to be nominated or elected.
3. The use of any other means or influence (including the promise or use of patronage) for the purpose of aiding or influencing the nomination or election of any such candidates.
4. The amounts, if any, raised, contributed, and expended by any individual, individuals, or group of individuals, committee, partnership, corporation, or labor union, including any political committee thereof, in connection with any such election, and the amounts received by any political committee from any corporation, labor union, individual, individuals, or group of individuals, committee, or partnership.
5. The violations, if any, of the following statutes of the United States:
 - (a) The Federal Corrupt Practices Act.
 - (b) The Act of August 2, 1939, as amended, relating to pernicious political activities, commonly referred to as the Hatch Act.
 - (c) The provisions of section 304, Public Law 101, Eightieth Congress, chapter 120, first session, referred to as the Labor-Management Relations Act of 1947.

- (d) Any statute or legislative Act of the United States or the State within which a candidate is seeking nomination or reelection to the House of Representatives, the violation of which Federal or State statute, or statutes, would affect the qualification of a Member of the House of Representatives within the meaning of article I, section 5, of the Constitution of the United States.
6. Such other matters relating to the election of Members of the House of Representatives in 1962, and the campaigns of candidates in connection therewith as the committee deems to be of public interest, and which in its opinion will aid the House of Representatives in enacting remedial legislation, or in deciding contests that may be instituted involving the right to a seat in the House of Representatives.

In carrying out its investigations the committee was authorized:

to hold such public hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the 87th Congress, to employ such attorneys, experts, clerical, and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, and to take such testimony, as it deems advisable. Subpoenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by such chairman, and may be served by any person designated by any such chairman and member.

The committee was further authorized to report any violation of Federal or State statutes to the Attorney General of the United States for proper action.

On August 30, 1962, the House adopted House Resolution 756, which authorized the committee to incur expenses not exceeding \$35,000 in carry-out its investigations. Previously, on August 14, 1962, the Speaker of the House had appointed the following Representatives to the committee: Clifford Davis, of Tennessee (chairman); Robert E. Jones, of Alabama; Leo W. O'Brien, of New York; William C. Cramer, of Florida; and Samuel L. Devine, of Ohio. The membership was identical to that of the 1960 investigating committee, and Chairman Davis was serving as chairman of such a committee for the fourth time.

The committee at once adopted the policy that it would conduct investigations of specific campaigns "only upon receipt of a complaint in writing and under oath by any person, candidate or political committee containing sufficient and definite allegations of fact to establish a prima facie case requiring investigation by the committee." The committee also decided that in general it would not conduct investigations in complaints when adequate remedy was available under State laws,

although it reserved the right to act on its own motion in any way it believed would better enable it to carry out the duties imposed by House Resolution 753.

The committee decided that its responsibilities under House Resolution 753 could best be carried out within the time available by a three point program:

1. Furnish all candidates in the general election with copies of the pertinent Federal legislation to assist them in conducting their campaigns pursuant to law, and to advise them of the purpose of an laws regarding the questionnaire forms that each received from the clerk of the House.
2. Inform all candidates in the general election of the existence of the committee, its jurisdiction, and the policy it had adopted regarding investigations of particular campaigns.
3. Investigate particular campaigns where the policy of the committee had been met or where it was determined that the committee should act upon its own motion to carry out the duties imposed upon it by House Resolution 753.

To carry out the first two phases of this program, the committee staff,

headed by Chief Counsel John Warren McGarry, prepared a committee print entitled, "Information of Importance to Candidates for Office of United States Representative in the 88th Congress," which was mailed to every congressional candidate in the general election of November 6, 1962. This publication contained summaries and extracts of Federal statutes concerning elections, and also detailed information on the committee's jurisdiction and policies. In carrying out the third phase of its program, the investigative function, the committee considered formal sworn complaints filed in connection with the elections in the Tenth District of Wisconsin, the Third District of Florida, the Second District of New Jersey, the Second District of Maine, and the Sixth District of Minnesota.

On October 28, 1962, the committee received a telegram from Patrick Lucey, State Chairman of the Wisconsin Democratic Party, relating to the contest in the 10th District between the Republican incumbent, the Honorable Alvin E. O'Konski, and his Democratic opponent, J. Louis Hanson. This was followed on November 2 by a sworn complaint from Mr. Hanson's attorney. The complaint concerned certain newspaper advertisements in the 10th District which allegedly stated that Mr. Hanson was a resident of Illinois and therefore ineligible for election. In addition the complaint alleged that Mr. O'Konski had released a public statement accusing Mr. Hanson of fraud in a previous election. When the committee later learned that Representative O'Konski and his supporters had published retractions of the newspaper advertisements in question, and that litigation had been instituted

in regard to the accusation of fraud, it decided that no further action was required.

On November 6, 1962, the committee received a wire from William C. Martin, county Democratic chairman in Dade County, Florida, charging that huge amounts of "smear material" were being distributed against the Democratic candidate in the Third District of Florida, Claude Pepper. The wire was followed on December 19 by a sworn statement from Mr. Pepper, who had won the election, which gave details as to the alleged distribution of defamatory campaign material and charged that those responsible for this material were not properly identified as required by law. The committee, on learning from the Justice Department that the Federal Bureau of Investigation was making a thorough inquiry into this complaint, decided to refer the matter to the Attorney General of the United States for whatever action he deemed appropriate. The committee stated in its report that there was no evidence that Mr. Pepper's opponent, Mr. Robert Peterson, was in any way responsible for the printing or distribution of the literature involved.

The committee received a complaint on November 4, 1962, from Paul R. Porreca, Democratic candidate in the Second District of New Jersey. This complaint concerned alleged irregularities in the voting of absentee ballots in Atlantic County. Mr. Porreca's letter was accompanied by the sworn statement of an attorney, R. N. McAllister, Jr., who had visited an Atlantic City nursing home and allegedly discovered illegal practices in regard to absentee ballots. The Chief Counsel of the committee visited Atlantic City and conferred with local officials; it was learned that a grand jury was investigating the matter and that the Federal Bureau of Investigation was also investigating. The committee therefore referred the matter to the Attorney General of the United States for any necessary action. It was stated in the committee report that no information had been received to link either candidate or party to a concerted effort with regard to absentee ballot irregularities.

On December 5, 1962, the committee received a sworn complaint from William D. Hathaway, Democratic candidate for the Second District of Maine. The complaint charged irregularities in the counting of ballots because of confusion as to how to count a ballot marked both as a "straight" ticket and also for individual candidates. Mr. Hathaway also alleged that more absentee ballots were counted than had been applied for and stated that he was applying for a recount under Maine laws. The committee received a copy of a letter by Mr. Hathaway to the Secretary of State of Maine, dated December 17, 1962, stating that he was withdrawing his application for a recount; the committee thereupon considered the matter as closed.

The last formal sworn complaint received by the committee was received on December 7, 1962, from Robert J. Odegard, Republican candidate in the Sixth District of Minnesota. Accompanying the letter was a notice of intention to contest the election, in which Mr. Odegard's Democratic opponent, Alec Olson, had been reported the winner. Various irregularities were alleged in the counting of ballots and in election

procedures generally. Affidavits in support of Mr. Odegard's allegations were received by the committee on December 12, 1962. Further correspondence ensued between the committee and Mr. Odegard's attorney on the question of whether a recount was available under Minnesota law, Mr. Odegard holding that it was not and asking the committee to conduct a recount. The committee decided that the petitioner had not clearly demonstrated that a recount could not be obtained under State law, and referred the request to the Committee on House Administration without recommendation.

The committee completed its work and transmitted its report (House Report 2570, 87th Congress 2d Session) to the House of Representatives on January 3, 1963. This report contained information on the origin and duties of the committee and summaries of actions taken in response to specific complaints. Appendices to the report included exhibits submitted with the complaints. The committee held no public hearings during its existence.

The records described in this inventory, amounting to two cubic feet, are the records of the Special Committee To Investigate Campaign Expenditures 1962 that were in the National Archives on February 2, 1970. They are a part of Record Group 233, Records of the House of Representatives. No person may have access to, or receive information from, the committee's records, without the permission of the House of Representatives.

INVENTORY

GENERAL SUBJECT FILE. July 1962-January 1963. 7 in. 1

This file consists generally of two types of records: administrative records of the committee and records relating to specific complaints of campaign practices from various congressional districts. The administrative records include lists of candidates for the House of Representatives in 1962; memoranda and correspondence concerning travel arrangements for committee staff members; copies of a statement to be made by Chairman Davis to the Committee on House Administration justifying the \$35,000 appropriation; requests for committee publications; correspondence of the chairman and the Speaker of the House concerning the appointment of a chief counsel; copies of pamphlets issued by the Fair Campaign Practices Committee; copies of committee news releases; and correspondence with the Clerk of the House in regard to administrative arrangements. The records relating to specific complaints concern various districts in addition to those five from which the committee received formal sworn complaints. These records include correspondence from complainants and affidavits submitted by them and by others as to alleged improprieties; copies of campaign literature, news clippings, and similar material submitted as exhibits; and memoranda from staff members who investigated complaints.

~~Arranged alphabetically by subject or name of State. For a list of the folder titles in this series see Appendix I.~~

RECORDS RELATING TO CONGRESSIONAL ELECTION CONTESTS AND RECOUNTS. 2

April 1958-December 1962. 9 in.

Included are letters from officials of State Governments in reply to letters sent by the committee asking for details of State recount procedures, if any, and for information on any recent congressional election recount held in the State; printed copies of the election laws of the States of Delaware, Florida, Illinois, Maine, Montana, Nevada, Oregon, South Carolina, Virginia, Wyoming; and congressional reports and other publications relating to various election contests before the House of Representatives in the 85th and 86th Congress. There are also a copy of Senate Document 71, 87th Congress 2d Session, "Senate Election, Expulsion, and Censure Cases 1789-1960," and a processed list of House election contests from 1933 to 1955, compiled by Samuel Still of the Legislative Reference Service. Arranged by type of record.

PUBLICATIONS OF THE COMMITTEE. September 1962-January 1963. 2 in. 3

Five copies each of the committee print, "Information of Importance to Candidates for office of United States Representative in the 88th Congress," and the committee's report, House Report 2570, 87th Congress, 2d Session.

MISCELLANEOUS RECORDS. January 1961-January 1963. 2 in.

4

One envelope of contracts and vouchers for staff salaries and other committee expenses; lists of the records of the 1958 and 1962 committees, compiled by Ruth Heritage, their clerk; printed calendar of the Subcommittee on Elections of the Committee on House Administration, 87th Congress; a page of the New York Times, November 11, 1962, showing results in congressional, senatorial, and gubernatorial elections; and a statement to be made in the House in January 1961, objecting to the seating of George Chambers of the 5th District of Indiana.

APPENDIX I

List of the folder titles in the General Subject File
(entry 1)

A

Airlines

B

C

California-12th District
California-27th District
C. and P. Telephone Co.
Committee Prints 1962
Committee Print Requests 1962
Connecticut-At Large
Cramer, William C.
Credit Cards

D

Davis, Chairman Clifford
Devine, Samuel

E

F

Florida-3rd District

G

Georgia-8th District
Gerber, Hal
Government Printing Office

H

Heritage, Ruth
House Administration Committee

I

Information for hearings

J

Job applicants
Jones, Robert E.

K

L

Library of Congress

M

Maine-2nd District
Maryland-1st District
Minnesota-6th District
Minority Counsel
Miscellaneous complaints

Mc

McGarry, John Warren

N

New Jersey-2nd District
News releases

O

O'Brien, Leo W.
Ohio-10th District
Oklahoma-6th District

P

Pennsylvania-13th District
Personnel Forms
Primary--States
Print Requests
Print Returns

R

Resolutions
Roberts, Ralph

S

States with recounts
States without recounts
Stationery room

T

Texas--22nd District

U

V

W

Western Union
West Virginia-4th District
Wisconsin-10th District

Yates, Paul

XYZ