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Report of Proceedings

Hearing held before

Subcommittee of the Committee on Finance

NOMINATION OF PAUL R. LEAKE

January 24, 1940

Washington, D. C.

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NOMINATION OF PAUL R. LEAKE

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

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

Wednesday, January 24, 1940

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

The subcommittee met, pursuant to recess, at 2:30 a. m. in room 310, Senate Office Building, Senator Josiah W. Bailey, presiding.

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

Senator Bailey: The hearing will come to order.

Senator Downey, you stated yesterday that by this hour, you would be prepared to determine your course in certain respects. We will be very glad to hear from you.

Senator Downey: Well, Mr. Chairman, I had very seriously contemplated before Mr. Leake testified, withdrawing my objection to Mr. Leake on the ground that he was personally obnoxious to me, but in view of Mr. Leake's testi-

mony, and in view of his demeanor and attitude, I have decided to stand upon that objection, and to add to it the two further objections to the confirmation of Mr. Leake, - first, the additional objection is this, that Mr. Leake fraudulently and unlawfully claimed an exemption under the constitutional provisions of the State of California to the effect that a World War veteran was entitled to have \$1,000 of property exempt from taxation, when in reality he had not served during the war in the military forces of the United States and had never received an honorable discharge from the military service; and secondly, because Mr. Leake has himself admitted that in 1924 he inherited a quarter interest in any estate worth in excess of \$100,000, and continuously from then until the present he owned that quarter interest in an estate worth at least \$100,000; and upon the further ground that Mr. Leake has admitted that he filed in the County Assessor's office a felonious and fraudulent affidavit showing that he was entitled to an exemption to which he was not entitled.

I just desire to add this, that I have examined the penal statutes of the State of California, and it is my opinion as a lawyer of California that Mr. Leake by his own testimony was guilty of three criminal offenses under the laws of California.

Senator Bailey: Senator, in order to shorten this

matter, I understand that you have rested so far as the question of obnoxiousness is concerned; that you have no more to add on that subject?

Senator Downey: I have certain other things, Mr. Chairman.

Senator Bailey: I thought you showed all of that in the first hearing and that we had gotten through with it?

Senator Downey: Mr. Chairman, I have here excerpts from California papers which circulate in the vicinity of Mr. Leake's home, showing that wide publicity was given to the fact that I supported the cause of President Roosevelt in the Cleveland-Townsend convention. I desire to cross examine the witness on those.

Senator Bailey: All right, if you wish to go on with that.

Senator Downey: Yes, I do, Mr. Chairman.

Senator Bailey: You know that we agreed that we would get through by 4 o'clock today.

Senator Downey: I think I said that I would not take but 30 minutes more.

Senator Bailey: All right. You have until a quarter after three then.

Senator Downey: Mr. Leake, I wish to ask you certain questions.

STATEMENT OF PAUL R. LEAKE (resumed)

Senator Downey: Mr. Leake, let me first state to you that the Cleveland convention of the Townsend organization was held from July 15 to July 19, 1936. I now read to you an excerpt from the San Francisco Chronicle of July 16, 1936, headed "Rooseveltians to Counter" and stating:

"Tonight, threats of a counter attack on the part of the Roosevelt friends, led by Sheridan Downey, Sacramento, and Representative Smith, hung over tomorrow's convention proceedings."

That appeared in the San Francisco Chronicle of July 16.

Senator Bailey: Is that Associated Press?

Senator Downey: No, I might state that the San Francisco Chronicle had there a special writer, Earl Barrons, one of our prominent political writers, and all of these excerpts that I read were under the by-line of Earl Barrons.

Do you desire to examine this, Mr. Leake?

Mr. Leake: Mr. Downey, what date was that with reference to the convention itself?

Senator Downey: The convention started July 15, and extended to the 19th, and this is under date line of July 16, the second day of the convention.

Mr. Leake: I will take your word for it.

Senator Downey: I say, did you read this?

Mr. Leake: No, I did not.

Senator Downey: You habitually read the Chronicle, don't you?

Mr. Leake: Well, I read it rather regularly, Mr. Downey.

Senator Downey: I read now to you from the Chronicle of July 17, 1936, under the title headlined, "Gomer Smith Asked to Quit in Townsend Rift" and continuing:

"Yesterday Dr. Townsend and Gerald Smith, successor to the late Huey P. Long as head of the 'Share the Wealth' Clubs, attacked President Roosevelt in addresses before the Convention. That Gomer Smith, recently a candidate for the Democratic nomination for Senator in Oklahoma, was going to join with Sheridan Downey of California and others in defense of the Roosevelt Administration and take the battle to the Convention floor, became known yesterday."

"When Gomer Smith took the platform, Sheridan Downey, Sacramento attorney and general counsel for the Townsend Organization, as well as personal attorney for Dr. Townsend, warned delegates what to expect.

"Downey said he subscribed to the statements Smith was about to make, but Downey did not know Smith intended to attack various members of the Townsend staff. Tonight it was undecided whether Dr. Townsend would seek to discipline Downey for his support of Smith."

Do you ever remember reading anything of that kind?

Mr. Leake: No, I did not remember that, Senator Downey.

Senator Downey: Now, I desire to read to you from the San Francisco Chronicle of July 20 under the heading "Lemke Describes 'Self as 100% for Pensions" and continuing:

"Sheridan Downey, Sacramento attorney, described the Townsend Convention as unequaled in the history of America, 'for turbulence and turmoil, devotion and enthusiams; controversy and dramatics' and asked the Townsendites to take it as a warning against allowing 'prejudice and passion' to enter into the coming campaign.

"His was a plea in answer to the controversy which has arisen among the delegates over the speeches of Dr. Townsend, Father Coughlin, Reverend Gerald Smith and others against the Roosevelt Administration. Downey has announced he will support Roosevelt in the coming campaign. He is general counsel for the Townsend Movement and for Dr. Townsend personally. He urged concentration on the Townsend Plan Program."

Have you any recollection of reading that?

Mr. Leake: No, Senator Downey.

Senator Downey: I notice in your columns several quotations for the Sacramento Union in reference to me, Mr. Leake.

Mr. Leake: That is correct.

Senator Downey: You read the Sacramento Union, I assume?

Mr. Leake: Yes, I read the Union regularly.

Senator Downey: I will ask you if you read this article in the Sacramento Union, of Friday, July 17, 1936, headed "Townsend Move Raises Question in Downey Camp.

"Pension Chief acts against counsel; wonder if ouster coming for Sacramento too?"

That is a headline. And then the article follows:

"Dr. Francis Townsend's decision last night at the Cleveland convention of his organization to take the stump for the Lemke Union Party and his threat to oust Gomer Smith, vice president of the Pension Plan Organization for supporting President Roosevelt, raised a big question about Sheridan Downey of Sacramento.

"Downey is Townsend's personal counsel, he is the 'drafted' candidate of the Townsendites for the third District Congressional race. But he is also pledged to support President Roosevelt.

"Same For Downey Too?"

"In threatening to oust Smith in backing Roosevelt, Townsend said:

"'I don't want anyone in the official family who is kicking up a rumpus.'

"This was interpreted as meaning that he would brook

no opposition in his campaign to attack Roosevelt and back William Lemke for President.

"Downey for weeks has been counsel against this move. He has urged Townsend and other leaders in the pension move to stay out of the Presidential race and concentrate on Congressional candidates."

Have you any recollection of reading that?

Mr. Leake: I think I might have read something to that effect. I am not sure, Senator Downey. That is quite a long way back.

Mr. Downey: I will read to you from the Sacramento Union of Monday, July 20, 1936:

"Lemke Pledges Third Party To Townsend Plan; Downey adds appeal" and the article reads:

"Sheridan Downey of California, personal counsel for Townsend urged the delegates to 'win not by intolerance but by the ballot.' 'Don't attack bankers,' he said, 'they are among our best citizens. Fight against their principles.'"

Now, Mr. Chairman, I would like to make this very brief comment. Father Coughlin and Mr. Lemke have made a very bitter personal attack not only upon President Roosevelt, but likewise upon the international bankers and the bankers of America, and in my address in which I counseled moderation and concentration upon the question of pensions, I made this statement, that as far as I was concerned, it was my

belief that the bankers of America generally held their positions because they were people of leading integrity in their own communities, and that while certain bankers were human like the rest of us, that I would say that if I went into a strange community and was compelled to entrust one man without knowing anything in particular any man in that community, that I would first select to trust, without knowing anything more about him, the banker of the town, and that has reference to that.

I also desire to state to the Chairman that while the Sacramento Bee, and the San Francisco News and others papers of this vicinity were not present during this particular time, almost every paper there, as I recollect, carried publications commenting upon the fact that I was at that time supporting Mr. Roosevelt and supporting him in the convention.

Senator Bailey: All right, you can ask him the question if he made that statement in his editorial to the fact that you did not defend Mr. Roosevelt, and were as silent as a rabbit or whatever it was that was said in that editorial. Whether he made it knowingly. Is that not the whole point here?

Senator Downey: Surely, or whether the articles were true or whether they were in disregard of the fact, and whether what he wrote was true or false.

Senator Bailey: That is the question.

Senator Downey: Necessarily so.

Mr. Leake: Senator Downey, my recollection of the newspaper files at the time was this, and I think that is covered in Mr. Barrons' story there. You said that you would subscribe to what Gomer Smith was going to say. My editorial as stated here states that you did not personally defend the President. I said that I thought you were profoundly silent at the time the President was being abused, and I think that you were silent, because Senator Downey, you have a reputation for being a good speaker, and it would seem to me that Gomer Smith represented you by proxy with anything in that matter.

I would say also, Mr. Downey, that when this editorial came out, undoubtedly you must have received a copy of it. If you had telephone to the office, we would have been glad to have made a retraction. We never refused the other man the right to our columns, and we would have been very glad to have corrected it.

Maybe I am mistaken in this situation, but the point that we made in the editorial was that you did not personally answer those attacks, and once more, as I just said, Mr. Downey, you had told the convention that you would subscribe to what Gomer Smith said.

Senator Downey: Thus, Mr. Leake, you do now recall that you read the articles of Earl Barrons' in the San Fran-

cisco Chronicle describing what happened at the Townsend convention.

Mr. Leake: No, I do not.

Senator Downey: I thought you just said you did?

Mr. Leake: No, Mr. Downey. I will tell you what happened. I knew that Mr. Barrons covered that convention, and I called Mr. Barrons up in San Francisco before I left, and I asked Mr. Barrons if he had the files in the morgue on what he wrote, and I wanted to find out whether I had done you any injustice, whether I was wrong in this situation, and I called Mr. Barrons and he read certain excerpts, and he stated that the most pointed one is the one I referred to, that you got up and said that you would subscribe to what Gomer Smith said.

Senator Downey: Mr. Chairman, I desire to make a brief statement to the committee at this time showing how grossly unfair is this witness toward me and toward his evaluation of what I did. These are the facts, as they appeared in Mr. Barrons' columns. I haven't them here - all of them.

The night before Gerald Smith made this unjust attack, and Father Coughlin, and Gomer Smith defended President Roosevelt, there was a meeting of the board of directors at which Dr. Townsend was present, who is here in court, and several of the directors. Dr. Townsend desired to present a resolution to the convention supporting Mr. Lenke and opposing the candidacy of Mr. Roosevelt. Several of

the directors, including Mr. Gomer Smith and myself, opposed that and it was agreed among the board of directors that Dr. Townsend and Mr. Gerald Smith should speak in opposition to Mr. Roosevelt, and for Mr. Gomer Smith and me should speak in behalf of President Roosevelt. The first day's speeches were allotted to Mr. Gerald Smith, Dr. Townsend and Gomer Smith, and I had no opportunity to speak. I did, however, desire to immediately be put on record, so I introduced Gomer Smith and I stated that I was to speak the following day, but that nevertheless I subscribed to the statements that were to be made by Mr. Gomer Smith, and that is as carried in the newspapers, and I made two additional speeches during the following three or four days in which I reiterated that. I desire to call to the attention of the Committee Mr. Barrons' reference on July 20 about the speech I made on a subsequent date to the time that Mr. Gomer Smith spoke. His speech was an answer to Father Coughlin, Gerald Smith and others, against the Roosevelt Administration. In the San Francisco Chronicle of Monday, July 20, is stated, "Downey has announced he will support Roosevelt in the coming campaign. He urged concentration on the Townsend Plan program."

I might say this. The newspapers of that district were filled with distorted and misleading statements that I was in opposition to President Roosevelt. As a matter of

fact, I went out on a national radio hook-up for him during that campaign, but there was no newspaper that went to the false and libelous lengths as the newspaper of Mr. Leake did. Everybody in the district knew that I had supported Mr. Roosevelt in that convention, and that while Dr. Townsend and I remained close friends, and that while I still was a strong supporter of Dr. Townsend, that Dr. Townsend and I had temporarily come to the parting over that issue. And everybody in the district knew it.

I want to say this, - that this gentleman is the first person that I have ever talked to from the congressional district that did not know that fact.

Senator Bailey: I think I will caution you now not to make your Senate floor speech here. We would rather have that in the Senate.

Senator Downey: Very well.

Senator Bailey: I would like to ask this witness a question. You stated that you did not know about Senator Downey's activity in defense of the President at the Townsend convention. Now, assuming that you did not know, what was it that induced you to impute to Senator Downey compromising and monetary motives for his silence?

Mr. Leake: Well, Mr. Chairman, I thought that Senator Downey, who has a reputation as a good speaker, - and he is a good speaker, --

Senator Bailey: (interposing) That's all right. That is where you drew your conclusion that he was silent. Now, in good faith, you said that he was silent?

Mr. Leake: That is correct.

Senator Bailey: What induced you to say that he was silent because he had a \$250 weekly fee in his pocket and he was afraid he would lose his fee, and so forth? That is the gravamen here.

Mr. Leake: Let me say this, Senator. A lot of things are said by men who are running for office and by newspapers, that are said, possibly, in an exaggerated manner. This campaign, as you probably realize, was one in which we felt that a great issue was at stake. There was an economic plan involved that we felt might ruin the State of California, in our humble judgment, and possibly we did get a little bit overheated. I believe that happens in other political campaigns, but I will say this again, that if Mr. Downey felt at that time that I had done him an injustice, he certainly had access to our newspaper --

Senator Bailey: (interposing) I do not think that makes any difference. We cannot follow all of the newspapers in the country that talk about us. I would not hold any Senator or anybody else responsible for failing to deny something that is in the papers. We have to take that. We have that case up frequently. But what I want to

get at is this, - you did impute a sordid motive to the Senator when he was a candidate, and that is a part of the basis here for his allegation of personal obnoxiousness. Now, you know as a matter of fact that he was active in behalf of President Roosevelt at that convention. You were wrong in your inference that he was silent. What do you say now about having imputed that sordid motive to him upon a basis that did not exist? Wouldn't you withdraw that whole business?

Mr. Leake: Mr. Chairman, I am perfectly willing to take Senator Downey's word for it that he was not at that time getting this fee. I was in error in that instance.

Senator Bailey: Wouldn't you be willing to write an editorial for your paper and state that in this editorial you said that Senator Downey was silent, and you have since learned that he was not silent on the subject of defending the President, and that you imputed to him a sordid motive as a ground for his silence and that you must withdraw that because that basis did not exist?

Mr. Leake: Mr. Chairman, we have always stood ready to make that sort of a statement if Mr. Downey had notified us. It seems to me - maybe I am wrong in this - but if Mr. Downey was so aroused and considered me so obnoxious after this campaign is over, that he would not have met me in Sacramento and shook hands with me and said "Mr. Leake, we

have just had a rather strenuous campaign. I think you hit pretty hard, but there is no - it is all in the game of politics, I guess, and as far as I am concerned, it is forgiven." He also stated at that time, he said, "My son," - and incidentally he has a very fine son, a young California attorney, - "my son got rather wrought up over this and he was coming over to lick you one night". He said, "I talked to him and told him, 'well, it is all in the game of politics, son, and forget it.'"

Senator Bailey: You cannot afford to whip an editor in a political campaign.

(Laughter).

Senator Downey: If I had not stopped my son, there would have been an editor that would have been licked. This was only just about the last of about 25 such scurrilous attacks that finally became too much for my rather hot headed son, and he was going to go over there and take on Mr. Leake personally.

Senator Bailey: He takes after his dad.

(Laughter).

Senator Downey: No, he is a much more athletic young man than I.

Mr. Leake: Mr. Downey's son made a speech in behalf of his father in the finals of this campaign, as I recall it, and Mr. Downey's son made a very fine impression, and one

of the things that Mr. Downey's son said was "We hold no grudges." He said, "You have a good Representative; we have had a little difficulty. He has always defeated us," or words to that effect, "but now I hope you give my father support." He went on to say that his father was a sound man, and naturally he was there to speak for him. Mr. Downey Jr. made a very distinct point of the fact when he said "we have no grudges."

Senator Johnson: (Colorado) I don't like to take your time, Senator Downey. But I would like to have one point cleared up. As I understood the testimony yesterday, Mr. Leake took the position that he still stood by that editorial word for word and every inference that it may contain, that he was not backing up a single inch on any part of it, that that was his opinion then and that is his opinion now. Now, I understood from the testimony too, that there had been an understanding between the Senator and Mr. Leake, that they had shaken hands in a friendly manner after this campaign was over, but if that is your position, Mr. Leake, at the present time, Senator Downey must have been laboring under a misapprehension at the time he shook hands with you on a friendly basis?

Mr. Leake: Well, Senator Johnson, maybe I was a little bit strenuous, - I mean rather --

Senator Johnson: (Colorado) I may have misunderstood

you, but that was my understanding yesterday. I hope that I did misunderstand you.

Mr. Leake: Let me say about yesterday's testimony - and I am not going to make any bones about it. I came here as a country newspaper publisher. I have never faced an august body of this kind. I am not a speaker, and I am going to admit to you gentlemen that I had a swell case of jitters, and I think there were some other phases of my testimony there that I might have expressed myself a little bit differently.

Now, regarding this editorial, in view of what Senator Downey has told me, he insists that he did defend the President, he insists that he was sincere in that defense, and all I need is his statement for it. Frankly, if we had this thing to do over again, it would be done differently. Probably Senator Downey in his campaign has become wrought up occasionally, and maybe he has become a little emotional and said some things that after a while he thought it would have been better if he had not said it, and I feel that way about this situation myself.

I want to reiterate this, I was not fighting Senator Downey personally. I felt that the economic idea that he had would be exceedingly destructive to the State of California. It was more of a principle, and certainly not a personal fight that I intended to make. Is that clear,

Senator?

Senator Johnson: (Colorado) Yes, I understand now that you are not of the same opinion still that you were when you wrote that editorial.

Mr. Leake: Well, there are many phases of the newspaper business that I think are very perplexing. You write editorials and you write them hurriedly, in the heat of the moment. Mr. Downey had spoken at Woodland the night before, and he made some rather uncomplimentary remarks about me, and I did not care about it. I think I was a little bit overwrought at the time, but I never thought anything more about it afterwards.

Senator Downey: Mr. Chairman, permit me to interrupt. If I am going to be held to the time limit that was suggested, I have certain material that I want to put in.

Senator Bailey: He was answering Senator Johnson.

Senator Downey: I want to call attention to the fact that I have not utilized very much of my time.

Senator Johnson: (Colorado) I want to have that point cleared up on my time.

Senator Downey: Perhaps Mr. Leake would talk more to the point if I would offer one or two further comments, if you would allow me to.

Senator Bailey: Go ahead.

Senator Downey: This editorial followed many others of

a similar nature, some of them more critical and venomous even than this.

Senator Bailey: Are you going to place them in the record?

Senator Downey: No, I had not thought of doing so. There are 15 or 16 of them that I can put in if you wish.

I may say that the afternoon of the day that I delivered this speech, I went to Mr. Leake's office. Mr. Leake was not there, but I notified whoever was in charge of the office that I was going to speak that night and that I was going to deny many statements that Mr. Leake had made about me, and would ask that a correction be run. I was assured that a reporter would be there to cover the story. I did deny the statements of Mr. Leake that I was not supporting President Roosevelt, and I did deny these other things and then came out possibly the most abusive and virulent attack that appeared against me after I had endeavored to explain and deny and answer what Mr. Leake had said. I don't know whether Mr. Leake ever knew - I cannot say that he knew that I called at his office that afternoon, but I did.

Senator Bailey: All right. Let us get ahead.

Senator Johnson: (Colorado) I would like to ask just one more question along the line of my former questions to Mr. Leake. After all these editorials were written and published, then you and Mr. Leake met and shook hands and

let bygones be bygones.

Senator Downey: Senator Johnson, I must assume that what Mr. Leake says is true. I have absolutely no recollection of it, but let me say this, - when a person loses a campaign, you can remember everybody that greets you because nobody greets you. When you win a campaign, thousands of them come up and say, "We are glad you have won, let bygones be bygones". I assume that what Mr. Leake says is true, but, Senator Johnson, I have no knowledge of it. If I said anything, I said it as a matter of routine. As a matter of fact, the last expression before that about me was that I was a tinhorn politician, just a few weeks before that convention - continuing his criticism in his paper.

Mr. Leake, I have here in my hand --

Mr. Leake: (interposing) Pardon me, Senator. Regarding that meeting in Sacramento, I want to state this --

Senator Downey: (interposing) I am willing to accept what you say about it as true. My recollection of those matters is very poor, and there were literally thousands of people in those two or three weeks congratulated me on my election who walked around the block to avoid me before that time. That is after I was elected Senator.

Mr. Leake: I thought we were on this meeting in Woodland.

Senator Downey: I beg your pardon. I wish to read to

you a telegram from my son, Sheridan Downey, Jr., as follows:
This is in response to one in which I made the inquiry as to the details concerning the estate left by your father, Mr. Ed Leake:

"Death September 1926. Decree distribution October 1927. Total net value one hundred thirty thousand, consisted principally sixty seven thousand cash twenty five thousand real property thirty three thousand publishing company distributees wife who still alive son Ed son Paul. Sons got third publishing stock fourth remainder. Pauls share approximately thirty three."

Now, I will ask you, so far as you know is that information correct? If you desire to check it, here is the telegram. (Handing paper to Mr. Leake).

Mr. Leake: Mr. Chairman, may I ask - I don't know whether I am in order - as I say, I am very inexperienced here, but Senator Downey has charged me with unfairness, and he has read that editorial time and time again, and he referred to it himself and he started this meeting on that basis, and I have had very little time to rebut that particular line of testimony. I have not said very much.

We have, for instance, a news account of that meeting that was in Woodland on that night, and I have numerous clippings here to show that the news columns were very generous with him, and I also have some editorials that were

more complimentary. There were not 15 editorials, to my recollection and according to my files, that could be classified as vicious. I really have not --

Senator Bailey: (interposing) Were there any in your judgment that could be classified as vicious?

Mr. Leake: I would not contend that they were, because I do not think they were personally malicious.

Senator Downey: Were they about the same as this, Mr. Leake?

Mr. Leake: No, they were not.

Senator Downey: Not as bad as this?

Mr. Leake: I would not say that that was so bad, Senator Downey. I have had worse things said about me.

Senator Downey: I have not.

Mr. Leake: If we had to do these things over again in our lives, there are probably lots of corrections that we would make.

Senator Downey: Mr. Chairman, I have no objection to the witness, of course, making any explanation that he wants to, but I have a question here, Mr. Chairman, that I would like to ask him.

Senator Bailey: We will bear your question in mind, but I think he should be allowed to explain.

Mr. Leake: Personally, I would like to clean up one point at a time, and that is the reason that I brought that

up again.

Senator Bailey: Go ahead.

Mr. Leake: I have about a one and three-quarter inch column devoted to his meeting in Woodland, and I think it was a very fair account, and that is the particular meeting where he said he did not like me - he did not say that, but it was rather uncomplimentary to me. I made no criticism of it. But these clippings - there are many on his campaign that I would be glad to have you gentlemen see. I think that we treated Mr. Downey with the usual newspaper courtesy, and I don't want to take up a lot of your time in reading these. The clippings are here, and I would be glad to have them scanned, or if you would like me to drop the point, why, that is perfectly all right.

But even in a talk when Senator Downey spoke over in Winters, he said some things about me that I did not think were very favorable, in fact a gentleman called me up and got me out of bed at eleven-thirty o'clock - I did not attend the meeting - and he said "Well, Senator Downey certainly lowered the boom on you." I said "Where was this?" He said, "At Winters." I said, "Well, that's all right. That's his privilege. We are opposing Senator Downey bitterly." He said, "Well, I thought he was rather abusive, and I thought that you would want to know about it" - but we made no complaint about that.

We ran another news story on that meeting and covered the meeting in detail just like any newspaper would do. Just because we were opposing him politically did not mean that we were going to close the news columns to him and we did not close the news columns. I have a whole book of printings to show that. I know that you gentlemen are rushed --

Senator Bailey: (interposing) You can put those in, but I do not think that is material. You could attack me bitterly and then give me the freedom of your paper to answer, but that would not relieve the attack.

Mr. Leake: Senator, I was just trying to show my fairness as a newspaper, - that is all.

Senator Bailey: That is all right to show that, but the whole thing centers around the editorial and not the news columns. I take the position that if you attack me bitterly and then tell me that I can answer in your paper, that does not relieve the character of the attack at all. It just gives me what every man ought to have; he ought to have an opportunity and the right to answer.

Mr. Leake: I realize that, Mr. Chairman, but I believe that a newspaper should have some credit for giving a man the correct news.

Senator Bailey: I don't think so; I think that is a duty.

Mr. Leake: I agree with you, exactly. But Senator

Downey has indicated that I have never been very fair at any time, and that is the reason --

Senator Bailey: (interposing) I don't think he said that you denied him access to your columns. He said he did not use them.

Mr. Leake: Also, on the day of his election, we had an editorial which I thought was very favorable. Could I read an excerpt from that?

Senator Bailey: I think if you printed that editorial, it would tend to show your good faith and your good attitude towards him. Was that written subsequent to this editorial that is complained of?

Mr. Leake: Yes.

Senator Bailey: All right; let us see what you said then. Any kind word that may be produced about a United States Senator ought to be put into the record, anyhow.

(Laughter).

Senator Downey: It is very hard to find any applicable to me, Mr. Chairman.

(Laughter).

Mr. Leake: Pardon me for my delay, but I have quite a lot of information here, and it is rather difficult to find it.

I will just read an excerpt, because it is the part that refers to Senator Downey.

Senator Bailey: I think if you are going to read your editorials, you had better read it all, so that we can see what it was.

Mr. Leake: This is the day after election. It is headed "The Election." It is dated November 9, 1938:

"Low moans, most of which approach the high octaves, are emanating from the wheel-horses of the Republican party in California. After 40 years of drought, the Democrats are 'in' and the Republicans 'out'. The last Democratic governor was James H. Budd, who served from 1895 to 1899.

"The election of Senator Culber Olson to succeed Governor Merriam was expected. Against remendous registration odds, the Republica incumbent made a phenomenal showing. Here in Yolo county the Republican leaders have a right to rejoice over the local majorities accorded Mr. Merriam and the senatorial candidate, Philip Bancroft.

"As leader of the liberal forces of both major parties in the legislature during the last two sessions, Senator Olson has demonstrated his right to that label. The senator's record in the Utah legislature before he came to California also was that of a liberal but never that of a radical. The 'Red' pitchfork jabbed into the sention's back by his opponents did not penetrate with the voters.

"Mr. Olson has a background of honest, faithful and intelligent public service and he has been elected on a plat-

form which is truly progressive."

Senator Bailey: Had you opposed Mr. Olson too?

Mr. Leake: I had not.

Senator Bailey: He had not been for the Townsend plan?

Mr. Leake: I just did not oppose him.

Senator Bailey: What?

Mr. Leake: I cannot answer that, Senator.

Senator Bailey: That would be very interesting, for you said you wrote this editorial --

Mr. Euck: (interposing) If it is of any interest to the record, he had not.

Senator Bailey: All right.

Mr. Leake: (continuing) "He is entitled to the support of the people and if he gets it his administration will succeed.

"Sheridan Downey accomplished Tuesday what for many years he has striven for. To his close friends, Mr. Downey will admit that many of the panaceas which he has supported can never hope to be realized. Now that he must shoulder the responsibility of a position in the United States Senate, Mr. Downey may be expected to level off and become a useful public servant. He has natural ability in abundance, a striking personality and a gift for effective oratory. We believe he will conscientiously support the principles of President Roosevelt."

Senator Bailey: If you had that to write over again, you would add that he was pretty good in cross examination, wouldn't you?

(Laughter).

Mr. Leake: I will frankly admit it, but I would say that he is picking on someone that is entirely unaccustomed to cross examination. I will give him credit for it, though.

Senator Bailey: Now, let us go ahead if you are through with that.

Mr. Leake: I have plenty more here, but I do not want to take up your time.

Senator Bailey: We will give you leave to put in the record anything that you think that you said concerning Senator Downey subsequent to this editorial which is complained of, which you think would tend to show that you were not actuated by any personal antipathies or any malice or anything of that sort. You can pick out anything you have. You would not object to that, would you, Senator?

Senator Downey: No, indeed.

Mr. Leake: Senator, I know you folks are crowded for time here. I have plenty of them if you would like me to take up your time.

Senator Bailey: No, we have given you leave to put that in and we will read it in the record.

Mr. Leake: Just editorials?

Senator Bailey: You can do that at the conclusion of your testimony.

Mr. Leake: I have news items that I think are very favorable.

Senator Bailey: If you want to read them go right ahead.

Mr. Leake: Here is a news item, Mr. Chairman, that was in the finals of the campaign. It covered the meeting held in Woodland for Senator Downey, and I would like to read enough of it that is pertinent to the case. Or would you like me to read it all?

Senator Bailey: No, I think I asked you under a misapprehension to read the whole editorial. Read all that you said about Senator Downey.

Mr. Leake: I think that would save your time, but I want to be fair.

Senator Bailey: So that we will get the full text as to Senator Downey.

Mr. Leake: This article was on October 27, 1938, and it is written by Jay Sehorn, a gentleman who is now running my newspaper and was a reporter then. It reads:

"A 25-year old youth, 'taking the stump' in his first political experience to campaign for his father's election as United States Senator, Wednesday night literally 'stole the show' at a meeting of a large group of democrats and a few

Republicans in the chamber of commerce room in the court house.

"It was Sheridan Downey, Jr., who went to bat in his father's interest, telling the local audience why he feels the voters of Yolo county should cast their votes for Sheridan Downey, Sr., democratic candidate for senator.

"The apparent sincerity of the son won the father many new friends in Yolo county among the group that had assembled to hear arguments in support of the democratic party's 'Big Three' candidates - Culbert L. Olson for governor; Ellis Patterson for lieutenant-governor, and Sheridan Downey Sr., for United States senator.

"Would Forget Past

"Da, you know, didn't do so well here in the 1932 and 1936 elections,' said Downey, Jr., 'We don't hold a single grudge for that, but we would be pleased if you worked as hard for us as you did for our congressman, Frank H. Buck.' This statement set the young man right with his listeners. They gave him a hand for it.

"After soliciting votes for his father, he went on to explain that he couldn't understand all the charges that are being made against the senatorial candidate.

"'Dad' Sensible.

"'I have found dad a very sensible man' he added, 'and I know he has made mistakes like all of us do. But he does

have ideals, and I should know.

"It is true that dad has supported the Townsend plan, and I can add that when he is elected, he is going to work harder than ever to secure an adequate pension plan for the aged and needy persons.

"Dad has been a leader in the pension plan movement. He has educated California and when he is elected, he will be a leader in congress.

"Ham and Eggs

"A weekly news magazine would have you believe that dad is the founder of the so-called Ham and Egg plan. This statement is untrue. He does not believe that the plan is the solution to our problem, but he does say it is a step in the right direction.'

"Turning his attention to President Franklin D. Roosevelt, young Downey declared:

"Mr. Downey has supported the president in almost all of his New Deal policies, and he believes Mr. Roosevelt is doing a wonderful work.'

"Refutes Young.

"The visitor also added that former Gov. C. C. Young had attempted to convey the impression in a radio address that Mr. Downey is carrying a red flag. 'I'd like to say,' he continued, 'that Mr. Young, whom I always had respected, deliberately misinterpreted a paragraph from my father's book.

Had he followed through and read the next sentence, the true meaning could have been had. He would have you believe dad was advocating a revolution, which again is not true."

Senator Bailey: How much more are you going to read? We wanted to get through at three-thirty?

Mr. Leake: Senator, I am willing to rest on that.

Senator Bailey: We will give you leave to put others in. If you wish to put any in, put them in, but we might put those in at the conclusion.

Senator Townsend: Put in anything that you think helps your case.

Senator Johnson: (Colorado) Just hand them to the reporter.

Senator Bailey: Now, Senator Downey, have you anything else?

Senator Downey: I handed to Mr. Leake a telegram relating to the details of his father's estate and I asked him the question whether the information in that telegram is substantially correct, according to his opinion.

Senator Bailey: Senator Downey, is that from the records?

Senator Downey: From the probate records of Yolo county.

Senator Bailey: I will ask you to get a transcript of it under the seal of the court and put it in the record.

Senator Downey: Yes.

Senator Bailey: It will be so much more authentic.

Senator Downey: Yes. I had to do it by telegraph.

Senator Bailey: Get the transcript under the seals. That is evidence.

Senator Downey: Unless the witness himself will testify that he knows the facts, assuming they are facts within his own knowledge.

Mr. Leake: Senator Downey, I am unable to say. I think that it was quite obvious to you gentlemen yesterday that I was quite wholly unprepared to go into figures that went back 19 years. I don't know, gentlemen, whether many of us can go back to records even about our own personal property, that far with any degree of accuracy, and I feel that I almost made a mistake trying to answer some of those questions yesterday. I thought that it would be better for me to give my best answer as I knew it, but maybe that was a mistake because there probably were some inaccuracies.

Senator Bailey: Do you wish an adjournment in order that you may prepare your answer to the charges against you?

(Discussion off the record).

Senator Downey: Yesterday in my testimony and remarks, I inadvertently made certain statements concerning Mr. Buck that were not in any way meant to reflect upon him. Perhaps some of them were ill-advised or ambiguous, and I would like

to ask the permission of the committee that any of my remarks with reference to Mr. Buck be expunged entirely from the record, except such as Mr. Buck himself may desire to leave in the record.

Senator Bailey: We will take the whole record up before it is printed and revise it and perhaps shorten it.

As to the date to which this hearing will be adjourned - off the record.

(Discussion off the record).

Senator Bailey: The hearing is adjourned to ten-thirty a. m. of February 5, 1940.

(Whereupon, at 3:40 o'clock p. m. an adjournment was taken until February 5, 1940, at 10:30 a. m.).