On April 25, 1951, a Subcommittee on Privileges and Elections presented to the full Committee on Rules and Administration its Report on the New York Election Investigation with a request for further instructions. The investigation had been conducted as a result of a complaint filed on October 17, 1950, by Arthur Schutzer, State Executive Secretary of the American Labor Party in New York, and had been directed primarily to the circumstances surrounding the writing of a certain letter by Joe R. Hanley, dated September 5, 1950, to Congressman W. Kingsland Macy, which contained inferences that Mr. Hanley had received assurances of being able to pay his financial obligations within 90 days and had been promised a State job by Governor Dewey as consideration for his (Mr. Hanley's) withdrawal from the gubernatorial candidacy and his acceptance of the senatorial nomination. No definite action was taken on this report until June 13, 1951, at which time Senators Hennings and Hendrickson were appointed as a subcommittee to prepare a final draft for adoption by the full Committee.

Your Subcommittee has studied the Report on the New York Election Investigation over a long period of time but cannot agree on the vital issue of jurisdiction.

One view is that the jurisdiction of the Senate Committee on Rules and Administration (and/or its Subcommittee on Privileges and Elections) over the Dewey-Hanley deal is beyond question; that the only law defining the limits of the Committee's jurisdiction, insofar as a matter of this kind is concerned, is set forth in Sec. 102 (a) (B) of Public Law 601, 76th Congress, and that said law is certainly broad enough to include many aspects of this matter; that the jurisdiction of the Committee does not depend upon the existence of any legal violation—federal or state; that, in fact, the very absence of a legal violation in a corrupt, unethical, or irregular practice in a federal election would be indicative of a need for an investigation by this Committee so that proper legislation might be prepared, reported and enacted into law that there is sufficient evidence and indication of such a need for federal legislation in connection with the possible or probable corrupt practices here involved; that if a nomination to a federal office was one of the principal elements of the transaction, and that further investigation should be commenced at the earliest practicable date.

The other view is that this Committee has no jurisdiction in this instance; that it is a matter of state—not federal—and that if any laws have been violated they are state—not federal—laws; that the senatorial nomination was only incidental to and not an essential element of the alleged deal between Mr. Hanley and Governor Dewey.

In addition to the issue of jurisdiction there is another matter which should be resolved—by the full Committee and not by this subcommittee—before any further action is taken. Should the Committee extend its investigatory power beyond the actual nomination of a senatorial candidate who was defeated and whose victor has filed no complaint? This investigatory power in rather extensive under the law but there may be certain practicable limitations within which the Committee might wish to confine itself as a matter of efficiency and beyond which it might not wish to go as a matter of policy.

It is therefore recommended that the Committee render a formal decision on the issue of jurisdiction, state a definite policy on the extent of the use of its investigatory power and then, depending on the nature of these decisions, prepare a final report presently or direct the Subcommittee on Privileges and Elections to summon the principal witnesses for questioning and bring this investigation to a close at the earliest practicable date.

Respectfully submitted by

(signed) Thomas C. Hennings, Jr.

(signed) Robert C. Hendrickson