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MR. FLEMING:

The recent report of the Acting Comptroller General on certain schools and training courses conducted by various Government departments and agencies has been given wide publicity, part of which resulted from complaints on the part of several government offices that the report contained many inaccurate statements. These inaccuracies have been specifically pointed out and formal denials have been made of certain statements attributed to several of the persons interviewed before the report was issued.

Upon receipt of the report from the Speaker of the House of Representatives, Mr. Cochran, Chairman of the Committee on Expenditures in the Executive Departments, introduced into the Record a personal criticism of the report, saying at the outset, "... I have seen many government reports but I can conceive of no more plain political bunk than the report which was submitted to the Speaker of the House under date of April 12 signed by Hon. R. N. Elliott, Acting Comptroller General of the United States.....". Mr. Cochran read into the Record a letter dated September 3, 1931, from the then Comptroller General, Mr. McCarl, to the Secretary of Agriculture, raising questions about the Graduate School of that Department, and also the reply made by R. N. Dunlap, Acting Secretary of Agriculture. It was evident that the Comptroller General was satisfied on the basis of this letter that the activities of the Graduate School required no criticism or interference from his office. Mr. Cochran also introduced into the Record at that time a statement prepared by the Graduate School of the Department of Agriculture with respect to its history and activities.

Considerable publicity was given to Mr. Elliott's report, due in great measure to the almost immediate statements from several sources to the effect that the report was inaccurate and biased and that portions of it were totally unjustified and irrelevant.

Formal protests were filed with the Committee on Expenditures in the Executive Departments, House of Representatives, by officials of several departments or agencies. Specifically, the Chairman, Mr. Cochran, has introduced the following into the Record for the purpose of giving official recognition to the statements of those who claim that the report is inaccurate:

In the Congressional Record of April 25, there appeared a statement by Mr. Cochran in which he included a letter from J. Warren Madden, Chairman of the National Labor Relations Board, and one from Abe Fortas, General Counsel of the Bituminous Coal Division of the Department of the Interior. Mr. Madden made the following points: first, that certain quoted paragraphs of the report "have no conceivable relevance to the supposed subject matter of the report, namely, 'Schools and Training Courses in Government Departments'"; second, "the statement that Mr. Emerson's name appears upon the Dies list of alleged members of the American League for Peace and Democracy is pure fabrication;" third, "while it is true that Mr. Witt's name appears upon the list of alleged members of the American League for Peace and Democracy, the fact is that he also is not and never has been a member of that organization;" fourth, the implication of the report that there is something improper in the fact that two officials of the Board are members of the national committee of the International Juridical Association and that the Association has expressed itself upon the issue of the amendment of the National Labor Relations Act is not only unjustified but the fact is that neither Mr. Emerson nor Mr. Witt had anything to do with the policy of the International Juridical Association upon the amendment to the National Labor Relations Act; finally, Mr. Madden stated, "I wish to point out that the report was based either upon an ex parte inquiry into the facts or upon no inquiry at all. I am unable to comprehend how any supposedly responsible agency of the government could undertake to report to Congress upon the affairs of another government agency without affording such other agency an opportunity even to know that charges were being made against it, much less an opportunity to answer such charges."

In his letter, Abe Fortas first made a detailed statement with respect to the assignment of Tucker Dean as a so-called interne in connection with the legal staff of the Bituminous Coal Division. At the conclusion of this part of his statement, Mr. Fortas says, "In his discussion of this matter the Acting Comptroller General implies that the Department was without authority to make this appointment (Rept., p.41). The Bituminous Coal Act of 1937 authorizes us to 'accept and utilize voluntary and uncompensated services of any person' (sec. 2(a)). This provision clearly authorizes the appointment of Dean on the basis upon which it was made. Assistant Secretary Burtlew advises me that he expressly pointed out this statutory authority to the investigator from the General Accounting Office, but it is nowhere adverted to in the report." Mr. Fortas then takes up certain

references made in the report to his own activities and connections. He denies that his name ever appeared on the list of members of the American League for Peace and Democracy published by the "committee investigating subversive activities," which he assumes to refer to the "Special Committee on Un-American Activities." He states, "I have never been a member of the league, and I have never been connected with it in any way, directly or indirectly, nor has any member of my family."

Mr. Fortas further states that reference to this matter and to his membership on the National Committee of the International Juridical Association are "utterly immaterial and irrelevant to the subject matter of the report." "Incidentally," he states, "I have never participated in the affairs of the association and my committee membership is entirely nominal."

In the Congressional Record of May 14 Mr. Cochran inserted letters from Honorable H. A. Wallace, Secretary of Agriculture, and Mr. Winston B. Stephens, Coordinator and Director of Training, Civil Service Commission.

Secretary Wallace referred to the statement in the report that "the acts quoted do nothing more than provide that Government records, documents, and papers shall be available to students and research workers; and the Executive Order quoted does nothing more than authorize the conduct of in-service training courses...." He then stated, "It is hardly necessary to say that this is not the interpretation which has been uniformly adhered to in reference to those acts....", and added: "The only time that this matter has ever been questioned was in a memorandum from the Comptroller General of the United States under date of September 3, 1931, addressed to the Secretary of Agriculture..... That letter was replied to by the Acting Secretary of Agriculture under date of October 8, 1931, citing these acts and our operations under them. No objection to the procedure set forth in the Acting Secretary's letter was ever raised by the Comptroller General. This correspondence was not included in the report of the Acting Comptroller General The long-continued interpretation of these acts by the government officials who are charged with their administration should be given the most careful consideration."

Commenting on the charge that "no accounting has ever been made to the government for any of the school's funds," Secretary Wallace said that this is true so far as the General Accounting Office is concerned, because the funds are not government funds, but that an

accounting has been made by the treasurer of the school to the director each year and that the accounts and records were thrown open to the investigators from the General Accounting Office. He stated that "The school is not operating in any special connection with the Council of Personnel Administration," as was stated in the report. Concerning that portion of the report relating to instruction of persons preparing for civil service examination, Secretary Wallace pointed out that "The graduate school has always been extremely careful in this matter, and teachers in its courses have been instructed not to give work with special reference to any civil service examination." He denied that there was any "tie-in" between the Graduate School and "Union Now." He also pointed out that the Acting Comptroller General had not in his letter "clearly distinguished between strictly in-service training courses, largely given during official hours for training of employees at government expense for the better performance of their official duties, and the courses in our graduate school given after official hours at the expense of the students."

The letter of Mr. Stephens of the Civil Service Commission said that the report contained "certain statements and views ascribed to me which are seriously at variance with the statements I made to the investigators of the General Accounting Office at the time of their visit to my office." He denied that he had expressed himself with respect to the degree to which Executive Order 7916 had clarified the authority for existence of the Graduate School and that he had stated this Order was itself responsible for any expansion the school may have had. His letter further pointed out that "no statement was made by me that could have been construed to mean that the object of training activities is 'ultimately to bring all personnel matters, classifications, reclassifications, promotions, and control of personnel under the new personnel management set-up'". It continued, "It is difficult to understand how anything I may have said, even in answer to a leading question, could have been interpreted to mean what is contained in this sentence, 'He conceded this would, to a great extent, deprive supervisory and operating management of control over employees of the government' No matter what interpretation might be placed upon the sentence..... I would not subscribe, and have never subscribed, to the sentiment expressed. Even if reference is made to the organizational relationship indicated in the Executive Order, the statement is still at variance with my views because of the continuing staff relationship of personnel divisions to management."

/s/ Winston B. Stephens
Coordinator and Director of Training