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RECORD GROUP 128: RECORDS OF JOINT COMMITTEES OF CONGRESS

PRELIMINARY INVENTORY
OF THE
RECORDS OF THE SPECIAL JOINT CONGRESSIONAL COMMITTEE
TO INVESTIGATE THE TENNESSEE VALLEY AUTHORITY
1938-39

Compiled by
Sidney Goldmann

INTRODUCTION

Public Resolution No. 83 (75th Cong., ch.61, 3rd sess., S. J. Res. 277), approved April 4, 1938, created a special joint congressional committee "to make a full and complete investigation" of the Tennessee Valley Authority for the purpose of "obtaining information as a basis for legislation." The committee, to be made up of five Senators appointed by the President of the Senate and five Representatives appointed by the Speaker of the House, was specifically directed to investigate the nature of the administration of the TVA Act by the Board of Directors and its subordinates; the conduct of the Board members themselves, particularly "any interference or handicaps placed in the way of the prompt, efficient, and economical administration of [TVA's] functions by internal dissension"; phases of alleged maladministration of TVA such as partiality to large corporations, interference with the Comptroller General's audits of the Authority, dissipation of funds through extravagance, mismanagement, and illegal conduct; and activities of private power companies opposed to TVA and the results of such opposition. The committee was also directed to investigate the possibility of the production of sodium nitrate at a lower price than that at which it was then being bought. Congress appropriated \$50,000 to the committee and gave it power of subpoena, the right to administer oaths, and authority "to utilize the services, information, facilities and personnel of any department or agency in the executive branch of the government." The committee was directed to report to Congress not later than January 3, 1939.

The committee was created because of difficulties in TVA management that had culminated in the dismissal of the chairman of the Board of Directors a month previously. In accordance with the Tennessee Valley Authority Act of 1933 (Public, No. 17, 73d Cong., H. R. 5081), direction of TVA was vested in a three-man Board of Directors, appointed by the President by and with the consent of the Senate. This board consisted of Arthur E. Morgan, chairman, David E. Lilienthal, and Harcourt A. Morgan. Chairman Morgan had brought charges that dissension existed among the board members and that there had been inefficient and uneconomical administration of the TVA Act. President Roosevelt held a series of hearings on March 11, 18, and 21, 1938, to review these charges and thereafter removed Chairman Morgan.

The committee authorized on April 4, 1938, was appointed on April 5 and consisted of Senators Fred H. Brown, James J. Davis, Vic Donahey, Lynn J. Frazier, and H. H. Schwartz, and Representatives William J. Driver, Thomas A. Jenkins, James M. Mead, Ewing Thomason, and Charles A. Woverton. At the first meeting of the committee, April 27, 1938, Senator Donahey was elected chairman and Representative Mead vice chairman. Representative Graham A. Barden replaced Representative Driver upon the latter's resignation, August 22, 1938, and James M. Mead, who resigned as a member from the House of Representatives upon his appointment to the Senate, replaced Senator Brown, January 3, 1939. The vacancy caused by Mead's resignation was not filled. W. O. Heffernan was appointed Secretary to the committee soon after its creation. Francis Biddle was appointed General Counsel at a meeting of the committee, June 7, 1938, and Thomas A. Panter, Chief Engineer at an executive session, June 15. Richard E. Elwell became Assistant Chief Counsel of the committee, and A. B. Hale served as official reporter.

Meetings of the committee, April 27 to June 14, were held in Washington, D. C. In July and August, a number of meetings were held in Knoxville, Tenn. Thereafter the committee again held its meetings in Washington. At the January 12 meeting it was voted to ask Congress for an additional appropriation of \$25,000, and to extend the date for the filing of the final report to April 1, 1939. Both requests were acceded to. At the last meeting of the committee, March 30, 1939, it was decided to print 4,000 copies of the final report (which appeared as S. Doc. 56, 76th Cong., 1st sess.) and 3,000 copies of the hearings. The final report as submitted contained as appendix B the report of the Chief Engineer, which had been submitted to the committee and approved on January 14, 1939. The hearings include the testimony of A. E. Morgan, H. A. Morgan, and David E. Lilienthal, taken in the May 1938, as well as that of some 100 witnesses heard by the committee at Washington, Chattanooga, and Knoxville. The committee made extensive use of personnel transferred temporarily by other Federal departments, which, in addition, furnished the committee with studies, information, and reports bearing on the TVA investigation, many of which were used as exhibits or in connection with committee hearings.

The files of the committee are confused and show little evidence of considered arrangement. The records were kept by the secretaries to the Secretary and Auditor, General Counsel, Chief Engineer, and the Assistant General Counsel. Copies of the same document, bulletin, report, or technical study are often found in several files. Some of these records appear in as many as six copies. Staff memoranda and studies are to be found where they were left after being used in preparing for hearings. The same is the case with much of the correspondence. A few of the exhibits are missing, but these are to be found reproduced in the printed hearings. The records were received in Accession 449 and total 80 linear feet.

RECORDS OF THE SPECIAL JOINT CONGRESSIONAL COMMITTEE
TO INVESTIGATE THE TENNESSEE VALLEY AUTHORITY

MINUTES OF THE COMMITTEE. Apr. 27, 1938-Mar. 30, 1939. 1 vol. 1½ in. 1
Minutes of committee meetings held at Washington, D. C., Mar. 27-June 15, 1938; at Knoxville, Tenn., June 11-Aug. 30, 1938; and again in Washington, Nov. 14, 1938-Mar. 30, 1939. All meetings except the first five (before June 7, 1938) were in executive session. Arranged chronologically.

REPORT OF THE COMMITTEE. Apr. 1, 1939. 6¼ in. 2
Printed as 76th Cong., 1st sess., S. Doc. 56, in three parts:
(1) Report; (2) Appendix A, Reports and Exhibits; (3) Appendix B, Report of Chief Engineer [T. A. Panter--report dated Jan. 7, 1939]. The minority report of Senator James J. Davis and Representatives Thomas A. Jenkins and Charles A. Wolverton, and a special minority report by Representative Jenkins, referred to in committee Chairman Vic Donahey's letter of submittal dated Apr. 1, 1939, are not in the records. There are many extra printed copies of the Summary of the Report and an extra copy of parts 2 and 3 of the Report.

PRELIMINARY REPORT OF THE COMMITTEE. Jan. 24, 1939. 1/8 in. 3
Printed and unsigned typed copies (76th Cong., 1st sess., S. Doc. 22).

HEARINGS OF THE COMMITTEE. May 25, 1938-Dec. 21, 1938. 21½ ft. 4
Mimeographed transcript of hearings held at Washington, Knoxville, and Chattanooga, chronologically arranged in 75 volumes except for hearings of May 25-26, 1938. The last volume is an index to witnesses (listed alphabetically and chronologically arranged) and to exhibits (listed numerically). There is a complete extra set of this transcript, as well as the officially printed copy of the hearings in 14 parts: Investigation of the Tennessee Valley Authority. Part 14 contains a list of exhibits introduced, an index to witnesses, and a topical index. There are 20 bundles (9½ ft.) of printer's copy and galley proofs relating to the printed hearings.

GENERAL FILES OF THE COMMITTEE. Apr. 8, 1938-May 29, 1939. 11 1/3 ft. 5
Miscellaneous correspondence and memoranda dealing with committee affairs, expense accounts, budget, contracts, equipment and supplies; correspondence of the General Counsel; Secretary's correspondence with committee members; General Accounting Office data on TVA; copies of committee minutes; an accountant's report to TVA on certain utilities; a summary outline of testimony given at the hearings; an incomplete file of weekly reports to the committee rendered for a limited period by the General Counsel, the Chief Engineer, and the Secretary; arranged alphabetically by subject (name). Files relating to activities of power companies opposed to the TVA program; TVA cost allocations; TVA Board members David E. Lilienthal, Arthur E. Morgan, and Harcourt A. Morgan, including correspondence with these men; and dealing with other matters, arranged alphabetically by subject. Copies of reports, exhibits, statements, and testimony used or made by witnesses at or in

connection with committee hearings (among them are J. E. Aldredge, Director of the Commerce Department of TVA; the American Farm Bureau; Commonwealth and Southern Corp.; Edison Electric Institute; James L. Fly, Chief Counsel of TVA; E. L. Kohler, TVA comptroller; J. A. Krug, Chief Power Planning Engineer of TVA; David E. Lilienthal; A. E. Morgan; and H. A. Morgan); arranged alphabetically by name, except for Lilienthal and the Morgans, whose folders appear at the end. Correspondence from numerous persons relating to TVA and its activities, arranged as follows: (a) General, (b) complaints on TVA competition with private industry, (c) labor complaints from employees and others, (d) land acquisition complaints from land owners and others, and (e) Muscle Shoals (failure to locate the principal office there and other matters). Correspondence (unarranged) requesting copies of committee hearings or the final report. Copies of various laws, documents, and articles relating to TVA, among them the Supreme Court decision upholding the constitutionality of the TVA Act, President Roosevelt's message removing Board member Arthur E. Morgan, TVA appropriation bills, the TVA Act of 1933 and its amendments, Pub. Res. 83, 75th Cong., creating the Joint Investigating Committee, and printed or processed TVA pamphlets, bulletins, and reports, including a two-volume compilation of TVA administrative bulletins; all unarranged. Maps, plans, and tables relating to the TVA projects and to the Memphis and Chattanooga, Tenn., power systems. Reports prepared for the Committee by TVA departments on various projects and phases of the TVA program; and documents, bulletins, articles, and reports on TVA and other public utilities prepared by others; all unarranged. A special compilation of speeches and statements by A. E. Morgan. Mimeographed copies of power contracts entered into between TVA and various municipalities and companies in its area.

Many of the reports, bulletins, and statements are duplicated in the files of the General Counsel and the Chief Engineer. The files of the committee were kept by its Secretary, W. O. Heffernan, and much of the material appears under his name.

FILES OF THE COMMITTEE CHAIRMAN [SENATOR VIC DONAHEY]. Apr. 4, 1938-Apr. 5, 1939. 5 in. 6

Correspondence consisting of original letters, telegrams, and post cards, and carbon copy replies, with other committee members, General Counsel Francis Biddle, the Department of Agriculture, and the Federal Trade Commission concerning TVA and Arthur E. Morgan; miscellaneous correspondence regarding the committee and its work; correspondence commenting on and complaining against TVA, the Committee's conduct of the hearings and its staff appointments, and the President's removal of Arthur E. Morgan as Board member of TVA; memoranda and statements made by the Chairman; and his personal copy of the committee minutes. Correspondence by subject, unarranged.

Some of the correspondence dates back to Mar. 5, 1938, before the creation of the committee; these letters relate to A. E. Morgan's charges against TVA and urge an investigation.

FILES OF THE GENERAL COUNSEL [FRANCIS BIDDLE]. June 4, 1938-June 16, 1939. 7 ft.

Correspondence with Chairman Vic Donahey and other committee members relating to meetings, hearings, appropriations, staff, quarters, expenses, and the final report; correspondence with and memoranda by members of the legal staff in the field regarding particular investigations conducted by them, witnesses, and the preparation of special memoranda to be used at hearings; correspondence with and reports by Federal departments and agencies, such as the Agriculture Department, the Budget Bureau, the Civilian Conservation Corps, the Commerce Department, the General Accounting Office, the Interior Department, the Interstate Commerce Commission, the National Park Service, the Rural Electrification Administration, and the War Department, dealing mainly with cooperation between each of them and TVA; correspondence with governors of States in the TVA area concerning cooperation between State agencies and TVA; correspondence with TVA officials, among them General Manager John B. Blandford, Chief Counsel James L. Fly, Chief Power Planning Engineer J. A. Krug, Chief Budget Officer Paul Ager, Land Acquisition Department Head John I. Snyder, Chief Chemical Engineer Harry A. Curtis, Chief Geologist E. C. Eckel, Chief Engineer of Water Control and River Channel T. B. Parker, Director of Personnel Gordon R. Clapp, and Director of Information W. L. Sturdevant, regarding the policy, program, and operations of their several departments, together with reports and special studies prepared by these officials, or at their direction, as well as outlines of testimony and memoranda to be used at the hearings; correspondence with Wendell Willkie, president of the Commonwealth and Southern Corp., regarding that company and its subsidiaries, his appearance at the hearings and his testimony; and correspondence with former TVA Chairman Arthur E. Morgan regarding the hearings and his testimony. These records constitute a minor part of the files.

Most of the files consist of materials dealing with various aspects of the investigation directed to be made under the joint resolution, and with the charges brought by Arthur E. Morgan. Among the subjects treated are: Opposition to TVA by private power companies and associations such as Birmingham Power Co., Commonwealth and Southern Corp. and its subsidiaries, Edison Electric Institute, and Tennessee Electric Power Co.; the conduct of TVA Board members; the alleged changes made in TVA Board minutes; the location of TVA's principal office; the so-called Berry marble claims case; the "18-Power Companies Case"; personnel policy and practice; land acquisition policy; power rates; and accounting methods. These folders contain miscellaneous correspondence, reports, and memoranda prepared by members of the legal staff, TVA officials, officials of other Federal agencies, and outside experts such as Leland Olds (power rates) and Leonard White (personnel administration); miscellaneous background material; statements by and material on Arthur E. Morgan; statements and other material prepared by David Lilienthal; a file of complaints about TVA. All the records mentioned in this and the preceding paragraph are alphabetically arranged according to subject. Correspondence folders have no definite internal chronological arrangement.

Immediately following this subject array are a series of special folders containing correspondence and memoranda concerning members of the legal staff, alphabetically arranged by name, dealing almost entirely with the loan of their services by other Federal agencies and their continued service in the investigation. These files are followed by extra copies of hearing exhibits and by a number of folders on Wendell Willkie, the Commonwealth and Southern Corp., and its subsidiaries, consisting of statements, informational material, and memoranda to be used in the course of the hearing.

FILES OF THE ASSISTANT GENERAL COUNSEL [RICHARD E. ELWELL]. Aug. 1938-Mar. 1939. 3 ft. 2 $\frac{1}{4}$ in. 8

Correspondence, memoranda, and other materials relating to the conduct of hearings, witnesses to be called, testimony, exhibits to be offered, and the final report; alphabetically arranged by subject, with the main body of records appearing in the "working files," which are themselves alphabetically arranged by subject and then by person. Many items duplicate material in the General Counsel's and Chief Engineer's files.

These files are followed by several folders of miscellaneous records on the opposition to municipal utilities in the Birmingham area in 1933 and correspondence and data relating to Negro employment by TVA and rural electrification. A series of envelopes, alphabetically arranged by witness' names and containing corrections to testimony, follow.

GENERAL FILES OF THE LEGAL DEPARTMENT. Apr. 26, 1938-Dec. 11, 1938. 22 $\frac{1}{2}$ ft. 2

Exhibits 1-611 introduced in the course of the committee hearings, numerically arranged. Miscellaneous correspondence with and memoranda relating to TVA policies and programs, material for use in the hearings, the obstruction of TVA and public utility advocates by private utilities, and TVA cooperation with other Federal agencies; unarranged. Articles, reports, studies, printed transcripts of congressional committee hearings, and other published material relating to TVA and its individual projects, phosphate lands, private utilities, flood control, public utility rates, and regional conservation and development; President Roosevelt's Message on the Removal of a Member of TVA [Arthur E. Morgan] (75th Cong., 3d sess., S. Doc. 155); copies of H. A. Morgan's and David Lilienthal's statements replying to A. E. Morgan's charge and other statements made in the course of the hearings; materials resulting from investigations of the Committee of Utility Executives, American Federation of Investors, National Coal Assn., and especially the Commonwealth and Southern Corp. and its subsidiaries, on which there are three large folders. All this material is unarranged. There are also three bound volumes of press releases issued by TVA in 1933, 1936, and 1937.

A number of the 611 exhibits are missing but appear in the transcript of hearings held by President Roosevelt on the TVA, Mar. 11, 18, and 21, 1938, which led to the removal of Arthur E. Morgan from the Board. Other exhibits are not in the numbered series but appear elsewhere in these files; a few are missing altogether but appear in the

printed transcript of the hearings. There are a large number of extra copies of the exhibits; duplicates of various reports prepared for the committee by TVA officials relating to various aspects of TVA; extra copies of TVA reports, bulletins, and other publications antedating the investigation; as well as duplicates of the Auditor's Report Appendix and the Report of the Engineer.

FILES OF THE CHIEF ENGINEER [THOMAS A. PANTER]. June 15, 1938-Mar. 13, 1939. 9 ft. 10

Technical reports and studies prepared by members of the Chief Engineer's staff, by TVA departments and engineers, and by others, occupy the major portion of these files. They cover many aspects of TVA's policy, program and operations, including allocation of project costs; navigation; flood control; power market, costs and rates; actual and potential power consumption; rural electrification; transmission and distribution of power; and other power systems in the TVA area. These technical studies are reflected in the Report of the Chief Engineer (Appendix B of the Committee Report). The files include extra carbon copies of the Chief Engineer's Report (Vols. I and II, and Appendixes A, B, C, and D); copies of invitations to bid and the recommendations of awards made by the TVA engineering staff on the several TVA projects; alphabetically arranged correspondence between Panter and others bearing on TVA and related subjects; and project data books (vols. 1-5, 7, and 9) on the various TVA projects. Also included are the files of Paul J. Raver of the Chief Engineer's staff, alphabetically arranged and dealing with such technical questions as TVA costs, power policy, duplication of facilities, rates, and the TVA rate "yardstick." Among these are two groups of folders, alphabetically arranged internally, entitled "Municipalities and Cooperative Contracts," and "Large Industrial Contracts," both relating to TVA power distribution and sales, as well as an alphabetically arranged folder of Raver's correspondence.

REPORT OF THE AUDITOR [W. O. HEFFERNAN]. Mar. 28, 1939. 2½ ft. 11

The report proper appears only on page 23 of Appendix A of the printed Report of the Committee. The following, attached to the original report, do appear in the records: (a) Auditor's Appendix, in 2 vols., and (b) Audit Findings of the General Accounting Office on the Tennessee Valley Authority for the fiscal years 1934-36, in 5 vols. There are 5 complete typed sets of these volumes (1 ribbon and 4 carbon carbons), and one incomplete set.

FISCAL FILES. Apr. 4, 1938-Aug. 31, 1939. 9 3/4 in. 12

Bound account book of the committee containing separate accounts for reporting service, general expenses, the several employees of the committee, office supplies, and office equipment; as well as general summary entries. Eleven folders contain ledger-sheet copies of vouchers, numerically arranged, each folder having its own summary sheet and adding-machine tape. There is a folder of committee members'

expense accounts; balance sheets; classified disbursements; and a list of vouchers by number and name (Dec. 31, 1938-May 31, 1939). An alphabetically arranged letter file contains bills paid, the correspondence being attached to the bills.

The account book contains loose correspondence (Mar. 26-June 4, 1940) dealing with accounts claimed to be due to Robert H. Marquid, Lawrence P. Sherfy, and Paul J. Raver, of the committee's staff.

PERSONNEL FILES. Apr. 8, 1938-July 1, 1939. 11½ in. 13

Correspondence consisting of original letters and telegrams from persons applying for positions of accountant, attorney, engineer, clerk, investigator, and official reporter with the committee, and carbon replies, alphabetically arranged by applicant's name under each position; lists of such applications; several folders of miscellaneous correspondence dealing with applications for accountant, attorney, or engineer; one folder each of general correspondence relating to the appointment of Francis Biddle as General Counsel and of Thomas A. Panter as Chief Engineer; one folder of copies of appointments made (form "powers of appointment"); and a list of staff members.

PUBLIC RELATIONS FILES. Apr. 8, 1938-Apr. 3, 1939. 2 in. 14

Press releases issued by the committee from time to time; mailing lists for such releases and copies of the Committee Report; and unarranged correspondence requesting press releases and information.