

## PHONE SYSTEM REWRITES LAWS, FCC DISCOVERS

A. T. & T. Also Shown to Have Sought Utility Bill Defeat.

BY RUTH FINNEY  
Times Special Writer

WASHINGTON, April 3.—With elaborate precautions for secrecy, attorneys in the Bell System rewrote a holding company bill for the Maryland Public Service Commission and a tax bill for a Governor of Missouri, records of the Federal Communications Commission showed today.

They also campaigned to defeat the Johnson bill limiting jurisdiction of Federal courts over utilities.

Among documents put into the records of the FCC's investigation of the American Telephone and Telegraph Co. were a telegram and letter sent in 1934 by former Senator Hamilton F. Kean (R., N. J.) to President Walter Gifford of A. T. & T., advising him that the Senate Interstate Commerce Committee had postponed for a week consideration of a resolution to investigate the company.

The story of the Maryland Holding Co. bill was disclosed in letters between R. A. Van Orsdel of the Chesapeake & Potomac Telephone Co. and C. M. Braceon, vice president and general counsel of A. T. & T.

### Conferences Are Revealed

Van Orsdel and other telephone company officials held a number of conferences with Chairman West of the Maryland Public Service Commission, according to the letters, and finally asked him "if it would be satisfactory if we prepared a bill that would cover the things the commission wanted and yet would in a certain degree protect our interests and not create any hardships in the future."

Van Orsdel wrote Braceon that West "would be glad to consider any suggestions along this line," and asked Braceon if he would care to suggest proper wording.

A subsequent letter from Van Orsdel called Braceon's attention to the fact that the bill had been incorporated in the bill and added that secrecy had been preserved.

"What possible motive was there for concealing what was done?" Chief Counsel Samuel Becker asked Braceon yesterday.

### Suggest Possible Reason

No doubt Mr. Van Orsdel was afraid that if some suspicious-minded person or some wild-eyed reformer learned the general counsel of a corporation had conferred with members of the commission about the legislation they would try to embarrass the members of the commission," Braceon replied.

The story of tax legislation in Missouri was told in a letter from George B. Whissell, tax attorney for the Southwestern Bell Telephone Co. at St. Louis, to A. E. Holcomb, tax attorney for A. T. & T. in New York City. The letter was dated March 15, 1936.

It began by recalling that the 1924 income tax act was "prepared by a number of corporations of which we were one, and it was, when it left my hands, in what I believed fairly good shape." But after that, the letter said, amendments were added and the man "whom the commissioner of corporations designated to take the bill to Jefferson City was not as capable as the man who had worked on the drawing of the bill," and he agreed to the amendments "without consulting the rest of us."

### Rushes to Capitol

Mr. Whissell "rushed to Jefferson City," and explained "the terrible mess that had thus been created," but was unable to do much about it.

In 1929, he wrote, a new Governor had selected William Gilbert to draft a new tax bill and "at the urgent request of state officials and Mr. Gilbert himself I was asked to collaborate with him."

Mr. Gilbert refused to take Whissell's wording and rewrote it in a manner that distressed Mr. Whissell greatly, but, he added, "if the bill passes, which I doubt very much, it will not be as bad, if bad at all, as the present bill or as bad as Mr. Gilbert's first draft."

Whissell added that the information must be regarded "in strict confidence, as to disclose it to any one in the state, even any counsel which you might hire, would embarrass our new Governor personally."

### Braceon Directed Drive

Braceon himself took charge of the campaign against the Johnson bill, enlisting the services of counsel of associated companies in all parts of the country and writing E. D. Duffield, president of the Prudential Life Insurance Co., about bringing the matter up at a meet-

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