

FORMER STATE HOUSE COMMISSION'S REPLY.

Text of the Answer to the Legislative Committee's Report on the State House.

ALL THE ISSUES ARE FULLY DISCUSSED

A Document of Interest to All the People of South Carolina--The Charges and Counter Charges.

To the Honorable Senate and the House of Representatives:

On Monday, Feb. 8th, 1904, there was presented to your honorable body a report of the joint committee appointed under concurrent resolutions adopted at the session of 1893, "to consider the several reports of the commission on the completion of the State house and facts relating thereto," of which committee Hon. Robert Aldrich, of Barnwell, was chairman, and Hon. R. I. Manning, of Sumter, J. O. Patterson of Barnwell, J. B. Edens, of Washington of Richland and T. Y. Williams of Lancaster were members.

This report contained the findings of said committee and the testimony upon which said findings were based. The sole testimony relating to the work included therein was that of "Captain" S. S. Hunt, who swore that he was a resident of Washington, D. C., and for four years had held the position of "Superintendent of construction of the United States Capitol Building," and that he had been in charge of the work on the State capitol which had been done by the commission appointed for the completion of the building.

No other or further testimony relating to the work of construction on the building was taken, except that of A. W. Edens, inspector of plumbing of the city of Columbia, who was questioned in regard to the newly erected water closets.

The testimony of these two witnesses was concealed from the public and the undersigned until the said report was presented to your honorable body. Upon this testimony the aforesaid committee concluded, among other things, that "the testimony taken revealed a dark picture," (p. 13), "a monstrous swindle," (p. 13), and that "it would regard it remarkable indeed if there is not some remedy, civil or criminal, or both, to bring these malefactors to justice and to some extent to redress the wrongs of the State." (p. 13).

A REQUEST FOR A FULL, FREE AND IMPARTIAL INVESTIGATION.

Feeling that they had been unjustly reflected on therein, and if these conclusions had any foundation whatever--if there was even ground to suspect such a condition of affairs--that there should be made a full, thorough and searching investigation into this matter certain members of the commission for the completion of the State house met in the city of Columbia and adopted the following memorial, which was presented to your honorable body along with and accompanying a resolution providing for such an investigation.

"Gentlemen of the General Assembly: From an investigation of the report of the joint committee 'to consider the several reports of the commission on the completion of the State house and facts relating thereto,' we, the undersigned members of the commission, authorized and directed 'to complete the State house,' feel that the report of the committee does us a manifest injustice, as it, wittingly or unwittingly, unfairly condemns our acts and the work approved by us without giving us an opportunity to be heard and even refusing to allow us a hearing. Many of the allegations of error and incompetency are easily explained. Certain conclusions could not and would not have been drawn had available evidence been heard. Above all, we feel that an impression that must necessarily result from the tenor and terms of the report would not exist if it were allowed the opportunity to be heard.

"Therefore, believing that the general assembly can have no intention of condemning us without a hearing, as members of the commission upon whom you imposed an involuntary public duty, should be allowed to account for their trust and to give their answer and explanation to any allegation or insinuation, do most respectfully memorialize your honorable body to make provision for giving us a hearing in order that further and all evidence may be produced that may give light upon the question before the committee, and that our evidence and reply to the report of the committee should become a public record of your honorable body and of the report itself.

"Respectfully,
M. B. McSwainey,
G. Duncan Bellinger,
J. Harvey Wilson,
R. H. Jennings,
Robert J. Gantt,
W. J. Johnson.

When the said memorial was presented Hon. T. Y. Williams introduced in the house of representatives, and Hon. Robert Aldrich in the senate, the following resolution:
"Whereas certain members of the former commission to complete the State house have memorialized the general assembly to make provision to give them a hearing in reply to the report of the joint committee to consider the several reports of the commission for the completion of the State house, and facts relating thereto,
"Be It Resolved by the general assembly of the State of South Carolina That any evidence, explanation, or other

Columbia to teach the officials and citizens of this State the aesthetic as well as architecture, who testifies in reference, generally, to this work that it is "A parody upon the science of architecture and an insult to the fame of John R. Niernse, and a disgrace to the State of South Carolina." (Report, p. 13.)

Does this committee discredit the intelligence of the people of this State to such an extent as to believe that they will accept the statement that the intention is herein expressed to reflect upon the commission who was a party to such an "insult" to a distinguished man, and to such a "disgrace" to our native State? If this model of linguistic inaccuracy was honestly intended to be simply a statement that mechanical draftsmen had failed to carry out their contract, why the bombastic and grandiloquent language in which the report is dressed? When a committee ascertains and reports that an architect has failed to be efficient, does it "reveal a dark picture?"

Again: In referring to the satisfaction entered by the governor on the bond given by the contractors, the lucid composer of the report uses the following language: "The State may yet be able to realize upon this security."

"Your committee do not consider that it comes within the scope of their duties to determine questions of law involved in the matters embraced herein, but would regard it remarkable indeed if there were not some remedy, civil or criminal, or both, to bring these malefactors to justice, and to some extent redress the wrongs of the State." (Report, p. 12.)

The members of this commission office deem it proper to state that their self-respect forces them to treat this language as if it does not express the ideas or opinions of the respective members of the investigating committee, yet we have reason to know that many intelligent people of this State believe "the malefactors" referred to are the then governor and the then attorney general, inasmuch as the only charge (if intelligently used by a man of ordinary education) is that these officers "attempted" and "undertook" to destroy the only remedy that the State had against the employees who had committed a palpable and notorious fraud and swindle upon the commonwealth.

Laying aside expressions of indignation and using simply the language of criticism, we feel that the words of the distinguished composer of the report, as he addresses the dome of the capitol, justly describes these two paragraphs in connection with the crowning piece of this work in more sense than one. Taken all in all it is simply infamous. To start with, an uglier and a more unsightly creation could not be devised even had it been properly carried out by our observant eye, that it is nothing short of a miserable fraud." (Report, p. 9.)

We feel that we are unjustly reflected upon. We knew that we had discharged our duty faithfully and honestly. We knew that the State had received the full benefit for every penny we had expended, and we only asked an opportunity to prove these facts.

The members of the State house commission have been honored by the people of South Carolina, and they feel that their good names have been assailed and that they owe it to themselves and their families but to their people as well, that the greatest and fullest flood of light should be thrown upon the whole transaction.

HOW THE SO-CALLED INVESTIGATION WAS CONDUCTED.

That against which we most strenuously protest is the manner in which the joint committee conducted the investigation. It was denied upon the floor of the house that a member of our commission had asked for a hearing. The intention of your honorable body is, therefore, especially asked to what we consider to be undeniable facts in connection with the report of the joint committee herebefore referred to.

It will be noted that said committee was empowered to consider the several reports of the commission for the completion of the State house, to appoint a secretary, to employ an architect, and to summon witnesses. We contend that the report of the majority of the commission, as well as the report of the minority, should have received the same consideration, and that witnesses should have been impartially summoned to sustain or attack both.

The majority report is practically dismissed with a quotation of less than four lines, whereas the dissenting and minority member, is set out at large in 11 specifications, and all of the testimony taken is directed against the majority and in favor of the minority report; and the committee thereupon, to the surprise of all, "feel constrained to report generally that the minority report of Senator J. Q. Marshall was fully sustained by the evidence taken and by the visible facts for all to see for themselves who choose to go upon their own examination of it."

It will be remembered that both of these reports went officially to the legislature and both of them were referred to the joint investigating committee. We contend that each should have received the same consideration as the other. We submit evidence to show that Mr. Marshall attended the sittings of the committee during the taking of the testimony herein, whereas no member of this commission was present at any of the sittings of the committee. (See affidavits of D. H. Means, exhibit E, and of J. B. Garfunkel, exhibit F.)

It is an admitted fact that no single member of the commission, with the exception of Mr. Marshall, was notified that he could be heard before the committee or given notice as to the time or place of meeting of said committee. We tender testimony to show that at least two of the non-attending members of this commission notified two of the five members of the committee that the commission desired to be heard in their own behalf and that such requests were treated with silent contempt. (See affidavits of Messrs. Johnson and Bellinger, marked respectively Exhibit B and Exhibit A.)

WHY HIDE THE TRUTH?
Does it not seem very singular, to say the least, that the members constituting this investigating committee led the fight upon the floor of both the house and the senate to prevent any further investigations of this matter, and that on the same night identically the same resolution, the purpose of which was to deny a full hearing, was introduced by said committee in the

house and the senate? The true mission of an investigating committee, as its name implies, is to investigate and bring to light every side and bearing of a question, and not to prosecute. This is the first time in the annals of South Carolina where an investigating committee only heard and reported one side of an important matter, or which held secret meetings behind closed doors, from which members of the press and the public were excluded.

THE BEST CRIMINAL IS GIVEN A HEARING.

In his message to your body our chief executive asked you to devise some law to put an end to the lynching in our State. Now what Gov. Pickens proposed to do was to give a trial to the vilest class of felons who have been denied some of our civil rights who have been recognized and honored by their people--the right of making a defense, and a fair, impartial hearing. Before this report is ended we propose to prove to you that we will give every fair-minded person in South Carolina that our commission was tried behind closed doors, only one witness at the time being admitted, and what is a most unheard of proceeding, the reports of the State papers were not made public.

A. H. Seats, Exhibit C, and Lewis G. Wood, Jr., Exhibit D). Not only this, but apparently to keep the members of our commission in ignorance of what was going on in that meeting some of the witnesses would not divulge the questions that had been asked them. (See affidavit of D. H. Means, Exhibit E). To show further what a one-sided affair this was, the son of one of this committee was made clerk and the only witness called for that room was Senator Marshall, the minority member and the prosecutor. (See affidavits of J. B. Garfunkel, Exhibit F.)

Is the life, liberty, property or good name of any citizen of South Carolina safe when he can be tried by such a secret, one-sided tribunal of so-called justice?

The palladium of liberty in every country is a free press, but we find in the proud State which we are investigating that the press is not free. When an investigation was in progress in which every taxpayer of the State is personally interested.

HUNTING FOR HUNT.

We are convinced, gentlemen, from such evidence as we are able to secure that the sole witnesses against us were falsely represented to the people of South Carolina, as an "expert architect" in charge of the work of the United States government, when his name does not appear in the list of building architects which is totally unknown to the experts of the United States government who are charged with the construction of its buildings; that his name does not appear in the "blue book" which contains the names of all government employees of the nation; and while the directory of congress which contains the names of the attaches of the national capitol, does not show any such officer as "superintendent of construction."

All we now have to ask of you is that you please be given the fullest publicity, as you have promised, and we further beg the press of South Carolina, and of every other State that has given publicity to that report, to reproduce our defense.

LET US ASK YOU TO ASK THE PEOPLE.

Let us say that we have nothing more to ask of your body. We now appeal to the highest tribunal known to a sovereign State--an honorable, just and fair-minded people.

A PERFECT BUILDING HAS NOT BEEN ERECTED SINCE THE DAYS OF SOLOMON.

We assert that we have given to the completion of the capitol the same watchful care that we would have done had this building been our personal property. The men who were in charge of the work are not architects, and the legislature was aware of this fact when they appointed us to this duty.

We do assert, however, that we gave careful thought and study to the problem presented. We do not suppose that anyone ever constructed a building, however humble it might be, but might have been better off had we made improvements. It is easy to criticize the builder after his work is done. A building erected by human hands is never perfect, and this, of course, is true of the work on the State house, and we do assert that the general public was to do the work, and we further believe that it would satisfy the taxpayers of the State who are paying for this work were they familiar with all the facts surrounding the task assigned us and approved by them when we were appointed to do the work and the problems presented in the construction of our State house thousands have visited Columbia and inspected this work, and expressions as to the beauty and magnificence of this building have been heard on every side.

The State House commission alleges that if there are some defects in the South Carolina capitol, that the responsibility rests not upon the commission, but is due to the fact that the building is totally inadequate to complete the building in conformity with the original work on this structure. The State House commission endeavored to complete the building so that it would present an imposing appearance, and did not attempt to do the work according to the methods of 50 years ago, but took advantage of improvements in methods of construction, and for this it has no apology to offer.

This duty, gentlemen, was not so-called "improvements" and we thought they were justified in the selection they had made.

our pleasure, to prosecute either or both to the extent of the law. Any facts in the possession of this commission, either matters of official record or matters of personal knowledge in connection with the work on the State house, will be fully and frankly given under oath to any attorney or attorneys that the legislature, governor or any other properly constituted authority may appoint to prosecute the same.

When the commission was appointed to complete the State house, the scope of the work was clearly marked out in the act creating it. It was required by the law to complete the State house within the appropriation of \$175,000. When the fact is considered that the State house as it stood in its incompleteness cost the State of South Carolina over \$2,000,000, it would have been the height of folly for our commission to attempt with the limited amount given us to carry out the design and the contract we were signed and contemplated at \$5,000,000.

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work, in which they declared not only that the plans were sufficient but that if the true intent and spirit of the law were carried out the State would save a good job. Not being ourselves competent to pass upon a technical point of this nature, we knew no higher or better authority to whom we could refer the matter. That we had secured a most desirable result, and that our specifications were felt to be sufficient and satisfied when the other bids submitted under them ranged up as high as \$212,000, which seemed to be the price necessary to justify that work according to the accepted requirements. The difference in the lowest bid and the one next to it of nearly \$10,000, absolutely precluded any idea of collusion in awarding the contract.

There is a general impression fostered by this report that no created thereby that the act creating the commission for the completion of the State house directed that said commission should require bond from the contractor. It will, therefore, be a surprise to most members of the general assembly and the public to be informed of the fact which is now stated, that no such bond was required or suggested by the legislature when defining the duties of the commission. There being an utter absence of any mention of bond in connection therewith, it is clear that the bond actually taken was one required by the commission solely upon its own motion and in order the better to aid them in enforcing the performance of the contract by the contractor, and not by the State.

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It would be necessary for the State to furnish a column to replace the one broken. The column was a portion of the material to be furnished by the State under the contract and there was no doubt in the minds of a majority of the commission, after a careful examination of the contract, plans and specifications, that the commission could have been compelled by the contractor to furnish a new column.

To quarry and carve a new column would have cost the State at least \$2,000; it would have delayed the work of completion of the State house about six months.

The contractor reported that the column could be patched by putting in a section of new stone at a cost of about \$500, and a delay in the work of 30 days.

According to the plans there were to be two columns placed within what is now the open space on the second portico. These columns supported none of the weight of the walls of the structure, and were located by the architect within this area because under the approved plans the State had on hand two columns that could be used for purely ornamental purposes. The contractor proposed to the commission that he would deduct the cost of raising these two inner columns into position and the cost of the unfinished carving of caps for same if they could be left out, and the work proceed. Upon the report of the architect that the strength of the structure of the completed building would be in no way impaired, this solution of the problem was deemed the best and most expedient, inasmuch as the funds in the hands of the commission were limited the work would be delayed and no damage would be done to the structure. At a subsequent meeting of the legislature the broken columns were appropriated and given by the State to Greenwood and Spartanburg.

The question of utility having been settled to the satisfaction of a majority of the commission it then became one purely of taste and ornament, and upon this issue we considered that the old material, which was represented by carrying to completion the front portico as it now stands. It may be added that in the final vote as to leaving out these two centre columns voted with Mr. Marshall in the negative, the other members present constituting a majority, voting in the affirmative.

In addition to the \$600 above mentioned as a part of the consideration for relieving the contractor of the work of placing the columns the commission reserved, for the use of the State the remnants of the broken columns.

THE CEILING IN THE MAIN LOBBY.

One of the most serious charges brought by the investigating committee against the contractor was the placing in the main lobby and this is a typical illustration of their methods and of the value of their conclusions.

"Captain" Hunt in his testimony (p. 17) swore that the State had lost in his opinion \$15,000 by the removal of the ceiling, which was represented as "steel" ceiling and that "had cost in the neighborhood of \$10,000." (p. 7.) Now, what are the facts? The official records of the old State house commission show the awarding of the contract for this ceiling as follows: "The ceiling, which was represented as 'steel' ceiling and that 'had cost in the neighborhood of \$10,000.' (p. 7.) Now, what are the facts? The official records of the old State house commission show the awarding of the contract for this ceiling as follows: "The ceiling, which was represented as 'steel' ceiling and that 'had cost in the neighborhood of \$10,000.' (p. 7.) Now, what are the facts? The official records of the old State house commission show the awarding of the contract for this ceiling as follows: "The ceiling, which was represented as 'steel' ceiling and that 'had cost in the neighborhood of \$10,000.' 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