

September 25, 1959

File Ref: R/W-RD-2.1
(P.P.M. 21-4.1)

Bureau of Public Roads
Right of Way Division
Natick Building
1717 H Street N.W.
Washington, D. C.

ATTN: S. T. Phillips, Assistant Chief, Right of Way Division.

Gentlemen:

Please refer to sections 3-d and 4-c of Policy and Procedure Memorandum 21-4.1, promulgated by the United States Department of Commerce, Bureau of Public Roads, on January 31, 1958. The Division of Highways, Department of Public Works, State of Alaska, requests the formal interpretation of the Bureau in respect to the term "maintaining the central office", as used in the last sentence of section 3-d, and the terms "all private installations" and "encroachments on or private use of", as used in the first sentence of section 4-c.

The Division is uncertain as to the exact limits of the first term in respect to salaries (particularly in respect to supervisors, stenographic personnel typing appraisals and instruments of acquisition, right of way engineers, review appraisers, utilities engineers, title examiners, etc. and in respect to whether or not district or field offices would be included in the term "central office".

The Division also is uncertain as to whether or not driveways or private approach roads would be included in the terms quoted from section 4-c. Considering the numerous installations of this type throughout the nation, and the fact that the Bureau has approved standards for such installations, the Division is certain that the question has previously arisen and been resolved in favor of permitting such facilities, but has been unable to find written substantiation upon this point. Driveways and approach roads definitely are included within the terms "all private installations" and "encroachments on or private use of" but the very function of any highway, except a freeway (controlled-access facility), requires the construction of such facilities both during the initial construction of the highway and subsequently during the development of the adjoining lands. A further question arises in this connection as to the status of such installations when they are constructed by the adjoining land owners (under permit and to acceptable standards, of course) subsequent to the construction of the highway. It is necessary for the Division to have an explicit interpretation of these terms in section 4-c before it can properly recommend State statutes and regulations to the authorities directly representing the people of this new State, and before it can promulgate the regulations of the Division in respect to such private facilities.

RG 30, Bur. of Public Roads
E. G. D., Gen. Corr. + Related Recs., 1955-59
Box 1131

Letter to Bureau of Public Roads
Page Two
September 25, 1959

The same terms apparently prohibit the use of the lands or rights of way by any privately owned public utility which was not installed therein at the time of acquisition, but the Division would greatly appreciate a formal amplification or correction on this point, particularly in respect to both overhead and subsurface crossings and in respect to underground longitudinal encroachments subsequently constructed by a privately owned utility. Section 4-s apparently precludes overhead crossings, but might be construed to permit privately owned underground facilities to be constructed, both as crossings and as longitudinal encroachments, were this section to be considered apart from the explicit prohibition set forth in section 4-c.

Inasmuch as the subject memorandum did not originally include Region 10, it also would be preferable were the Division of Highways to be furnished a definition of the term "division engineer" (as used throughout this memorandum) which specifically contemplates the situation in which the State of Alaska includes three Divisions of the Bureau of Public Roads and is identical in boundaries with Region 10.

Thank you for your courtesy and cooperation.

Very truly yours,

Lee D. Hubbard
Director of Highways

JWS:je

cc: Regional Engineer, Region 10

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E. G. D., Gen. Corr + Related Recs, 1955-59
Box 1131

BUREAU OF PUBLIC ROADS

Alaska Lands

Mr. W. J. Miami, Regional Engineer

October 8, 1955

Juneau, Alaska

C. W. Enfield, General Counsel

21-21

By:

R. H. Krevor, Assistant General Counsel

State of Alaska's Request for Transfer of Right-of-Way at Bethel

Reference is made to your memorandum of August 21 to Mr. Williams with attached correspondence regarding the application by the State of Alaska for approximately 25,879 acres of land for right-of-way, in connection with an access road at Bethel, Alaska, and requesting that necessary arrangements be made for the completion of the transfer.

The Army's letter of June 3 to you advises that the Air Force intends to relinquish to the Bureau of Land Management "a portion of the access road in the vicinity of the Bethel Air Force station" which land is presently under permit to us by the Air Force. The inference from this letter is that an application be made by the State to BLM for the purpose of securing the right-of-way. It is assumed that this "portion" refers to the lands requested by the State.

After examining the metes and bounds description and maps submitted by you, the Bureau of Land Management in Washington informs us that the subject lands are under the jurisdiction of BLM, Bureau of Indian Affairs and Alaska Road Commission. Its records do not indicate that a withdrawal has been effected on behalf of the Air Force. Please contact the Fairbanks land office of BLM to ascertain the Federal agency that has present jurisdiction over the lands requested.

If subject land is presently under the jurisdiction of BLM, the State's application should be transmitted to BLM in Alaska. Since the Bureau has determined that the area requested is reasonably necessary for highway purposes, it is suggested that you recommend to BLM that the transfer be effected under 23 U. S. Code 317. In the event that the lands have not been formally returned to BLM and are still under Air Force control, it is suggested that application be made at such time as BLM reacquires jurisdiction. In the interim, the State may utilize the lands under our 5 year permit from the Air Force. If the lands are under the original jurisdiction of a Federal agency other than BLM, we shall be pleased to make the necessary request.

ADGoldstein:jlc

cc: Mr. O'Donoghue
Mr. EnfieldMr. Williams, R/W
ChronLands 3
ADC

Files (2) ✓

Wash. Post

9/22/59

Honorable Ernest Gruening
United States Senate
Washington 25, D. C.

Dear Senator Gruening:

On August 7, you forwarded a letter of inquiry to the Secretary of the Interior concerning the Copper River and Northwestern Railroad Company. As the right-of-way and the functions of the Alaska Road Commission were transferred to the Bureau of Public Roads, your letter has been referred to the Department of Commerce.

You have asked for information about the right-of-way and the property right in the rails of the old Copper River and Northwestern Railway. According to the enclosed agreement for settlement, the Government retained the railroad right-of-way and all rails located thereon, permitting the purchaser or their assignees a term of seven years in which to remove certain rails. The assignment, or purchase of certain rails, is conditioned upon removal of the rails.

In accordance with the agreement noted above, the property right in all rails was vested in the United States, with permission in Mr. Huben Grevin, Escorse, Michigan; Charles Roman, Pittsburgh, Pennsylvania; and William T. Murry, Seattle, Washington, to remove rails within certain designated areas; the property right of all other rails remaining in the United States. The right of removal granted Mr. Grevin and his associates of the certain rails, if not exercised, continues title in the United States of all rail.

The right-of-way is retained by the United States.

The Federal Highway Administrator is investigating the alleged blocking of the right-of-way and I have asked that his report be forwarded directly to you.

If I may be of further aid, please advise.

Sincerely yours,

(S) Frederick H. Mueller

Secretary of Commerce

Enclosures - 2

Bureau of Public Roads
NFGLass: cf - 9-18-59
Control No. 45009
Copies to:
Signer

Under Secretary for Transportation
BPR Files
General Counsel
Mr. Tallamy

Mr. Armstrong
Mr. Kreyer
CC Unit
General Counsel

Chron
Contracts
Mr. Glass

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BUREAU OF PUBLIC ROADS

Alaska Lands 3

Mr. G. M. Williams, Assistant Commissioner
for Engineering

September 4, 1959

26-21

C. W. Enfield, General Counsel
By:

H. H. Kruvor, Acting Assistant General Counsel
State Request for Transfer of Land at Venema, Alaska
for Use as a Maintenance Site

Reference is made to your memorandum of August 27 to which is attached Mr. Wiant's memorandum of August 10 to you requesting the transfer of subject land to the State for a maintenance site. You express considerable doubt as to whether the provisions contained in 23 U.S.C. 317 are sufficiently broad to justify a request for transfer of lands for maintenance site purposes.

It is our opinion, as previously set forth, that the authority contained in 23 U.S.C. 317 to effect the appropriation for highway purposes of lands or interests in lands owned by the United States is limited to transfers of rights-of-way and material sources in connection with the construction and maintenance of highways. Such authority is not applicable to a transfer requested by a State for a maintenance site.

Your memorandum mentions that you have other requests pending for maintenance site purposes. In this connection, we have received an inquiry from General Services Administration as to the status of the deed relative to Idaho Patent P-5121(3), Materials Site, concerning which matter you expressed a reservation to the Regional Engineer on July 31. Since Mr. Earl Taylor has informally advised us that the land requested by the State is to be used as a maintenance site, it will be appreciated if you would advise the Regional Engineer that the State's request for transfer may not be submitted pursuant to 23 U.S.C. 317. When we have been notified that such information has been furnished to the Regional Engineer, we shall advise GSA accordingly.

The papers submitted to us in the subject matter are returned to you herewith.

Attachments

WJL

AD:Solistain:lrh
cc: ~~Mr. Wiant, Reg. Eng.~~ *9/4*
Mr. Cunningham ✓
Mr. Enfield
~~Mr. Williams, A/W~~
Chron
Files (2) ✓ Lands PF ADC
File - Idaho P-5121(3)

BUREAU OF PUBLIC ROADS

Alaska Form 3-11

Jelks

Mr. W. J. Niemi, Regional Engineer
Juneau, Alaska

September 3, 1959

G. M. Williams, Assistant Commissioner
Washington, D. C.

ymw

22-51

Alaska -- Right-of-Way Procedures

I would like to take this opportunity to express my appreciation to you and your staff for the courtesy and cooperation shown Mr. S. Z. Phillips of the Right-of-Way Division during his recent visit to your region to review the organization, policies and procedures being followed by the region and the Alaska Department of Public Works in connection with the acquisition of rights-of-way.

As a result of his review of the situation in Alaska Mr. Phillips has made certain recommendations which it is felt would improve the right-of-way operations if adopted. These recommendations are passed on to you for your consideration and adoption of such thereof as you deem practicable.

1. The Regional Right-of-Way Unit is now operating under the Design Division and it is felt that better coordination and consideration of right-of-way matters would result if the Right-of-Way Unit was raised to staff status. This is in line with the recommendations the Administrator has made to a number of States upon review of their submissions under paragraph 3 of PPM 21-4.1.

2. The right-of-way maps in use in the region do not show all data needed by the appraisers and negotiators. Consultation was held between your Design Division and the State on this matter while Mr. Phillips was in Alaska and it is believed that the necessary additions are being worked out.

3. It is felt that right-of-way considerations should be taken into account at the early stages of a project. Paragraph 4-a of PPM 21-4.1 states that "a right-of-way representative from the State and from Public Roads should make inspections in company with the location and design engineers at both the preliminary and final stages of location of the highway." The paragraph does not make such inspection mandatory but does strongly indicate that such a procedure should be adopted. It is realized that such a procedure would require more travel on the part of the right-of-way personnel but is felt that it would pay large dividends in the long run.

(more)

4. It is urged that as much leadtime as possible be allotted to the right-of-way phase of a project. It takes some time to properly appraise and negotiate for right-of-way and a better job can be done if adequate time is provided. This matter of leadtime would also be applicable to utility adjustments.

5. With the State having organized its Right-of-Way Division it is suggested that it take over the appraisal of all properties and the determination of the fair market price to be used in negotiations and that the Bureau appraiser check the State's appraisal work on a spot check basis. The number of appraisals to be spot checked on any one project would depend to a great extent on the circumstances. It could vary from a very small percentage to a 100 percent check. This would release the appraiser's time to be utilized in checking other phases of the State's organization, policies and procedures.

6. We understand that the State is experiencing difficulties in its negotiations because of berms that have been left along the highway by previous construction. It is suggested that particular attention be given on final inspections to see that the contractor has complied with the provisions of the contract, which we understand provides for the disposition of unsatisfactory material by means other than a berm.

7. We understand that because of the distances involved and communication difficulties, you have assigned an engineering-aid to the Anchorage office to act more or less as a liaison man between the Bureau and the State on right-of-way matters. It might be well for a representative of your Right-of-Way Unit to spend sometime with the engineering-aid with a view to seeing that he is thoroughly indoctrinated in right-of-way matters. In this connection it might improve relations with the State if the chief of your Right-of-Way Unit made more frequent trips to the field for personal contact and consultation with the State personnel.

8. It is believed that the State should be urged to establish a position of reviewing appraiser to relieve the chief right-of-way agent of the detail of approving appraisals and determining the fair-market value for negotiation purposes.

9. The State personnel seemed to be having considerable difficulty in determining just what its laws were insofar as right-of-way acquisition is concerned and there seemed to be some differences of opinion between the chief right-of-way agent and the attorney general's office as to what laws were applicable. The State should be urged to clarify the status of right-of-way acquisition as soon as practicable.

(more)

The above suggestions were discussed by Mr. Phillips with your Right-of-Way Unit and the State right-of-way personnel, and some of them may have already been placed in effect. However, the State was advised by Mr. Phillips that he had no authority to require any changes in their operations and that any definite instructions would come through your office, for this reason we have attempted to give rather full coverage of the matter. If you determine that any of the suggestions should be adopted it will be appreciated if you will advise us to what extent they will be put into effect.

We are preparing an amendment to Policy and Procedure Memorandum 21-4.1 which will make it applicable to the State of Alaska with authority in the Commissioner of Public Roads to make necessary exceptions thereto during the transition period. It is hoped that the amendment can be cleared expeditiously, but in the meantime you should continue to use PPM 21-4.1 as a guide to your operations.

SZPhillips:glg

cc: Files (2)

Mr. W. J. Niemi ✓

Mr. C. W. Enfield ✓

Mr. F. P. Alexander ✓

Mr. J. C. Allen ✓

Mr. C. W. Phillips (2) ✓

Mr. G. M. Williams ?

Alaska Land 3 GOLDSTEIN

DATE 9-4-59	FILE SYMBOL 26-21	DATE	FILE SYMBOL
NAME Juneau, Alaska. MEMI REG. ENGR.		NAME	
SUBJECT H. H. Brewer, Acting Assistant Genl. Counsel Revision to Alaska HWY system transferred to State of Alaska. etc - File copy.		SUBJECT	
ATTACHED TO LETTER FROM as above.	DATED 9-14-59	ATTACHED TO LETTER FROM	DATED
CHARGED TO (Name and file symbol) 26-21 General Council		CHARGED TO (Name and file symbol)	
DATE CHARGED OUT 9-17-59		DATE CHARGED OUT	

FORM PR-852
(10-10-58)

U.S. DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS

CORRESPONDENCE CHARGE-OUT

PLACE IN UPRIGHT POSITION

PLACE IN UPRIGHT POSITION

DATE CHARGED OUT	DATE CHARGED OUT
CHARGED TO (Name and file symbol)	CHARGED TO (Name and file symbol)
ATTACHED TO LETTER FROM	ATTACHED TO LETTER FROM
DATED	DATED
SUBJECT	SUBJECT
NAME	NAME
DATE	DATE
FILE SYMBOL	FILE SYMBOL

USCOMM-DC 48555

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Box 1131

TELEGRAPHIC MESSAGE

OFFICIAL BUSINESS—U. S. GOVERNMENT

SE
04
RUSH
1959 JUN 30 AM 11 50 / 45

Alaska Land 3

FROM Department of Commerce

BUREAU Public Roads

CHG. APPROPRIATION 100-26-00-10-0000

GPO : 1956—O—373780

26-00

WASHINGTON, D. C., JUNE 30, 1959

URGENT

HONORABLE WILLIAM A. EGAN
GOVERNOR OF ALASKA
JUNEAU, ALASKA

RE TRANSFER OF PROPERTY TO THE STATE OF ALASKA PURSUANT TO SECTION 21 OF THE ACT APPROVED BY THE PRESIDENT JUNE 25, 1959 (73 STAT. 141). A DEED QUITCLAIMING REAL PROPERTY LISTED IN SCHEDULES A, B, AND C, AND AN INSTRUMENT TRANSFERRING PERSONAL PROPERTY LISTED IN SCHEDULES D AND E, COPIES OF WHICH HAVE BEEN FURNISHED YOU, WERE SIGNED BY ME TODAY. PLEASE WIRE ACCEPTANCE OF SAID PROPERTY BY STATE OF ALASKA. AFTER NOTIFICATION OF ACCEPTANCE, MR. M. W. BALES WILL CARRY TO ALASKA ON JULY 1, 1959, FOR DELIVERY TO YOU, SIGNED COPIES OF THE PROPERTY TRANSFER INSTRUMENTS AND A FULLY EXECUTED COPY OF THE CONTRACT FOR PERFORMANCE OF HIGHWAY CONSTRUCTION AND MAINTENANCE SERVICES BY THE BUREAU OF PUBLIC ROADS FOR THE STATE OF ALASKA. YOUR COOPERATION AND ASSISTANCE AND THAT OF YOUR STAFF IN THE EXPEDITIOUS HANDLING OF THESE MATTERS ARE GREATLY APPRECIATED.

Frederick H. Mueller
ACTING SECRETARY OF COMMERCE

Frederick H. Mueller

CWEnfield:vms
CC: Mr. Wm. J. Niemi
Mr. H. E. Cunningham
Mr. B. D. Tallamy
Secretary of Commerce
General Counsel (Dept of Commerce)
Files
Gen Counsel (BPR)
Chron

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Box 1131

26-20 Wm

Alaska Land 3

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. G. M. Williams, Assistant Commissioner
for Engineering, Attention: Mr. C. W. Phillips

DATE: August 17, 1959

FROM : C. W. Enfield, General Counsel

By
26-20 H. H. Krevor, Acting Assistant General Counsel

SUBJECT: Alaska Right-of-Way

Reference is made to your memorandum of August 6 on the subject of Alaska Right-of-Way wherein our attention is invited to the fact that complaints have been received from several property owners regarding the length of time required to secure reimbursement for properties taken for right-of-way, titles to which were required to be approved by the Attorney General in Washington.

Upon reviewing our files we find that on December 24, 1958, we sent the Attorney General's preliminary opinions affecting all these lands to the Regional Engineer, and requested that curative action be taken in accordance with these opinions so as to obtain the necessary final opinions. On May 14, the Regional Engineer advised that the indicated curative action was being taken.

We are presently replying to a title question raised by the Regional Engineer with regard to the title certificates in these matters.

cc: Mr. W. J. Niemi, Regional Engineer

Noted by R/W Div.

BUREAU OF PUBLIC ROADS

Mr. C. W. Bufield, General Counsel
Washington, D. C.

Wern
August 6, 1959

G. M. Williams, Assistant Commissioner
Washington, D. C.

C. W. PHILLIPS

22-51
Alaska Right-of-Way

On a recent field trip to Alaska, Mr. S. Z. Phillips was advised that complaints were being received from several property owners about the length of time that it was taking to secure reimbursement for properties, titles to which were required to be approved by the Attorney General in Washington. It appears that some requests for opinions on title have been in the Department of Justice for approximately a year.

The matter was brought up while on a field inspection and it was not possible to determine the names and locations of the properties, but it is thought that you would have a reference to any pending cases with the Department of Justice. The regional men are very anxious that these matters be cleared as it is becoming increasingly embarrassing to them.

This information is furnished you for whatever action you deem appropriate.

HET
SZPhillips:llr

cc: Files (2)

Mr. W. J. Niemi (2)

Mr. C. W. Phillips (2)

Mr. G. M. Williams

Prof
8-7-59

DATE: August 27, 1958

CROSS REF: Alaska Land 2

TO: Dept of Justice (Morton)

FROM:

SUMMARY:

SEE: Alaska Land 3-1-6

REMARKS:

U. S. DEPARTMENT OF COMMERCE
CROSS REFERENCE

FORM CD-113b
(11-5-54)

☆ U. S. GOVERNMENT PRINTING OFFICE: 1955-332674

RG 30, Bur. of Public Roads
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Box 1131

Alaska

24-32

February 13, 1959

~~REGISTERED MAIL~~

William T. Manser, Esq.
United States Attorney
Anchorage, Alaska

Re: Strong vs. United States
\$500 for Plat. Alaska
Civil No. 4-2436
157-4-20
Dept. Interior (Alaska Ed.
Comm.) transfer to FBI
FRA Litigation

Dear Mr. Manser:

The enclosed check was payable to the plaintiff in the above-captioned action. It is herewith pursuant to letter, Department of Justice, Mr. George Nathan sent to the Solicitor, Department of the Interior, dated January 26, 1959, a copy of which was forwarded your office.

Inasmuch as the Alaska Road Commission and its functions have been transferred to the Bureau of Public Roads, Department of Commerce, the check has been drawn upon funds presently administered by this agency.

Your receipt being acknowledged by the plaintiff, it would be appreciated if a copy of the release and return could be forwarded to this office.

Sincerely,

C. W. REFIELD

C. W. REFIELD
General Counsel

BMC
Enclosure
Check No. 22,791,573
Payee Robert W. Strong
\$500.00

Registered

805064

2/13 L

Enclosure

cc: Files

Chron

Contracts

Mr. C. W. Refield
Justice Dept.

Mr. H. E. Cunningham
Mr. E. H. Swick
Mr. E. P. Glass

Alaska

BUREAU OF PUBLIC ROADS

Mr. H. E. Swick, Regional Engineer
Juneau, Alaska

February 2, 1939

10-00

C. W. Enfield, General Counsel
By (Signed) Joseph Guandolo
Joseph Guandolo, Assistant General Counsel

26-32

Litigation Report - Litigation arising under Alaska Road Commission -
Stipulation and Compromise. Strong vs. U. S., Civil No. - A-8456

*re-truck -
Alaska Road
Commission 2603*

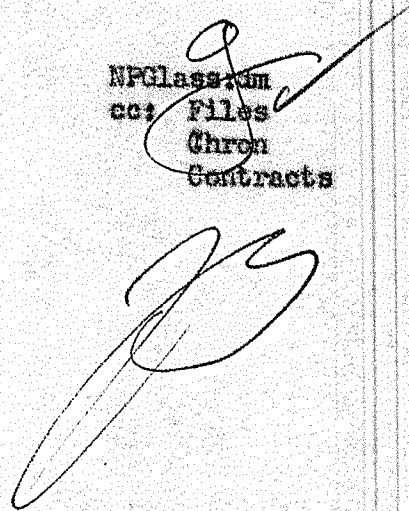
The attached order effecting a stipulation of compromise is forwarded for your information and file as settlement of the above styled case.

As one of the cases derived from the Alaska Road Commission, this office has no record of the type of action or summary of the facts so it would be appreciated if a very short summary of the factual information could be forwarded for inclusion in our Fiscal Year Report.

Attachment

NPClass:om
cc: Files
Chron
Contracts

Mr. C. W. Enfield
Mr. H. E. Cunningham
Mr. H. P. Glass



2/2h

26.22

Alaska Land 3

~~SECRET~~

BUREAU OF PUBLIC ROADS

Mr. H. E. Cunningham, Eastern General Counsel
San Francisco, California

August 18, 1958

C. W. Enfield, General Counsel

By:

R. H. Hoover, Acting Assistant General Counsel
Alaska Right-of-Way

I believe you may be interested in the marked paragraph of the
attached copy of a memorandum prepared by Mr. G. J. Maddel with
reference to right-of-way negotiation in Alaska.

Attachment

GGW

GJMaddel:jic ✓

cc--Files (2)

Lands

Chron

C. W. Enfield

Right-of-Way

8/1/58

5

Mr. H. H. Kirtner

August 15, 1956

Carter J. Haddel

Alaska: Right-of-Way -- Delegation of Authority

Agreeable to your request, I have assembled, and attach hereto, documents, including delegations of authority, pertinent to the above question, as follows:

Order No. 2313, April 9, 1956, Delegation, Secretary of the Interior to Director, Office of Territories. Delegates authority vested in the Secretary of the Interior under the act of June 30, 1932, (47 Stat. 446, 48 USC, 321a et seq.) or any other act with respect to the construction, etc., of roads etc. Authorizes re-delegation to Deputy or Assistant Director of Territories, or any officer or employee of the Alaska Road Commission and authorizes written redelegation. Order specifically excludes authority to acquire by condemnation.

Section 107(b), 1956 Act, transfers the functions, duties, and authority pertaining to the construction, repair, and maintenance of roads, etc., in Alaska from the Department of the Interior to the Department of Commerce effective not later than 90 days after approval of the 1956 Act (June 29, 1956). Section 107(c) transfers "all personal, unexpended funds, equipment, materials, etc." Section 107(e) empowers the Secretary of Commerce, "by order or regulations, to distribute the functions, duties, and authority hereby transferred, and appropriations pertaining thereto, as he may deem proper to accomplish the economical and effective organization and administration thereof."

Memorandum dated August 3, 1956, from the Secretary of Commerce to the Commissioner of Public Roads authorizes the Commissioner of Public Roads to exercise all authority, etc., vested in the Commissioner of Public Roads under any law, order, or regulation in effect immediately prior to the enactment of the 1956 Act, and until appointment of Federal Highway Administrator and thereafter, subject to direction of the Administrator.

Notice dated August 3, 1956, in the Federal Register, of the delegation of authority from the Secretary of Commerce to the Commissioner of Public Roads, to exercise all authority, etc., which had been delegated to the Commissioner under any law, order, or regulation in effect immediately prior to the enactment of Public Law 966, 84th Congress (1956 Act) pending appointment of Administrator. etc. P. 3.

Y Doc. 56-5792 filed Augst 22, 1956, 8:46 a.m., Federal Register 8-23-56 Vol. 21, No. 164, p 6356 (notices).

Also Memorandum of August 17, 1956, from the Secretary of Commerce to the Commissioner of Public Roads, Subject—Transfer of Alaska Road Commission to the Bureau of Public Roads pursuant to authority of re-organization plan No. 3 of 1950, and Section 107(a), 1956 Act, authorizes the Commissioner of Public Roads to perform and exercise the authority of the Secretary of Commerce under Section 107(a) thereof. —authorizes exercise of authority in connection with roads in Alaska transferred from the Department of the Interior to the Department of Commerce by Section 107(b) of the 1956 Act pending the appointment of the Highway Administrator and thereafter subject to his direction. Also authorizes redelegation. (This includes the authority to acquire right-of-way in any way necessary.)

Also Memorandum dated September 16, 1956, from the Commissioner to Deputy Commissioners and Regional Engineers, Subject—establishment of Alaska Division Office. Transfers records, property, personnel, funds, and activities of the Alaska Road Commission to the Alaska Division, and pending enactment of HR 1-10, extends the delegations of authority therein, for Divisions 7, 8, and 9, to Division 10, and continues and applies, as applicable, within procedure and regulations of the Bureau of Public Roads, the existing delegations of authority from the Office of Territories to the Director of the Alaska Road Commission until December 31, 1956. Note: Mr. Rankin informs me that this application was later extended beyond this date. I have not seen the extension.

Department of Commerce Order No. 109 Revised, effective January 23, 1957. Section 1, Secretary of Commerce delegates to Federal Highway Commissioner, authority to perform the functions vested in the Secretary of Commerce by the Federal-Aid Road Act of 1916, Federal Highway Act, 1931, and all acts amendatory thereof and supplemental thereto, except appointment and other functions the Secretary may reserve by directive or administrative regulation.

Memorandum dated February 21, 1957, from the Federal Highway Administrator to the Commissioner of Public Roads, Subject—delegation of authority. All delegations of authority to the Commissioner of Public Roads, or to any official or officials of the Bureau of Public Roads, in effect immediately prior to February 1, 1957, the date of publication in the Federal Register of the revised regulations under the Federal-Aid Road Act of July 11, 1916, as amended and supplemented, shall continue in full force and effect until revoked or superseded.

Memorandum dated January 1, 1958, from the Federal Highway Administrator to Turner, Williams, Royster, Allen, Nelson, and Purfield, Subject—delegation of authority to serve for the Federal Highway Administrator. Authorizes all persons and officials now authorized to sign papers and documents for the Commissioner of Public Roads hereafter and until notified otherwise, to execute such papers and documents for the Federal Highway Administrator. Note: there is nothing contained

here in regard to redelegation of this authority.

Order No. 2565, 15 F.R. 3795, dated June 5, 1950; The Secretary of the Interior authorized the Commissioner of Public Roads for Alaska and the Chief Engineer of the Alaska Road Commission, severally, to acquire rights-of-way by purchase or donation.

Order No. 2113, ^{21 FR 2447} dated April 9, 1956; The Secretary of the Interior revoked the above Order, and authorized the Director, Office of Territories, to exercise the authority vested in the Secretary of the Interior by the act of June 10, 1932 (which transferred the duties and authority of the Board of Road Commissioners and Secretary of War to the Department of the Interior, and authorized redelegation authority described as "purch", and "donat" to "locate", "lay out", and "construct" roads, etc.). He concludes that these powers include the authority to purchase right-of-way, and apparently the Secretary of the Interior interpreted this authority, to this effect, when he issued the delegation above referred to, of June 5, 1950. *

On 8-17-58, I talked to Mrs. Ruth VanLiere, Acting Assistant Solicitor, Branch of Territories, in the Office of the Associate Solicitor for Territories in the Department of the Interior, and was informed that the last above-mentioned Order (No. 2113, April 9, 1956) was the last delegation of Order issued by the Interior Department relative to authority of the Alaska Road Commission to purchase right-of-way.

It will be noted that this was issued on April 9, 1956, and that the Federal-Aid Highway Act of 1956, which transferred the Alaska Road Commission to the Department of Commerce was approved June 23, 1956.

Apparently, no authority existed in the Alaska Road Commission to purchase right-of-way, between April 9, 1956 and the time of the transfer of its functions, etc., to the Department of Commerce, by the 1956 Federal-Aid Highway Act. Consequently, the memorandum of September 16, 1956, from the Commissioner of Public Roads continuing and applying, as applicable, under the Bureau of Public Roads' procedures and regulations, existing delegations of authority, from the Office of Territories to the Director of the Alaska Road Commission, could not have furnished authority to the Regional Engineer of the Bureau, to purchase right-of-way.

Telegram dated October 28, 1957, Tullany to Seick, extended delegations under A.R. 1-15.3 to Alaska, also included authority "to enter into agreements with others in carrying out functions of former Alaska Road Commission under 1973, 1956 Act". (Mr. Brewer believes it is questionable whether Commissioner's memorandum of September 16, 1956, A. R. 1-15, and this wire are sufficient to authorize Mr. Seick to acquire right-of-way by purchase. Since territory

is now acquiring right-of-way, matter is not too important. If any question develops, we can grant specific delegation.)

I have discussed, with Mr. Ardery Rankin, the A. R. series 1-10.1, 1-10.2, and 1-10.3 and supplements, and Mr. Rankin advises me that he believes these contain all of the delegations of authority, from the Washington level to the region, affecting the Regional Engineer's authority in respect to right-of-way in Alaska except for a telegram dated December 17, 1956, from Deputy Commissioner Allen to Mr. F. S. Andrews, Portland, Oregon, containing identical language to that of the Commissioner's memorandum of September 16, 1956, above cited, a copy of which is attached hereto with the other documents.

Also attached below is a copy of memorandum from Mr. Trevor to Files dated March 3, 1956, tracing history of Alaska Road Commission from its establishment in 1935 and explaining the basis for the Administrator's authorization to acquire right-of-way.

* Note: It is a familiar, general legal principle that "when the law gives to anyone a right, or imposes on anyone a duty, it implicitly gives everything, which is necessary to the enjoyment and exercise of that right or without which the duty cannot be performed."

Waddell:ran
ent Mr. G. J. Waddell
Lands
Alaska
Chron

*Alaska Land 3
Alaska 4476*

Wm

59

Mr. C. S. Woolsey

April 23, 1959

ADMINISTRATIVELY RESTRICTED

Remove restriction after _____
Date Sign.

26-32

C. W. Enfield, General Counsel

By

S. K. Booth, Deputy General Counsel

Alleged fraud against the Government, Haines, Alaska

This office has reviewed three FBI reports concerning an alleged fraud against the Government by one Kenneth Leroy Searcey, dated respectively February 17, 1959, March 5, 1959, and March 30, 1959.

The alleged fraudulent activity apparently grew out of a disagreement between the City of Haines, Alaska, and the Bureau of Public Roads over the use of city water by the Bureau. The pipes used to transmit the water from its source to the Bureau were old and had developed leaks, thereby cutting down on the water supply available to the city. Mr. Searcey, who doubled as Mayor and Water Commissioner, and a local tavern proprietor, Mr. Charles R. Burnett went to Juneau in February 1958 and conferred with a Mr. Stears (or Steers) of Public Roads about the faulty water system. Stears indicated the matter would be taken up with appropriate Public Roads officials and nothing more was done until the fall when the work was commenced by Public Roads forces. During the course of this activity, Searcey, as Water Commissioner, was on or about the job for varying periods of time. Following completion of the work he submitted a bill alleging that he had worked a total of 68 hours from October 27, 1958, through November 7, 1958, at \$4.50 an hour, installing the new water main. In accordance with this bill the city submitted a voucher to the Bureau of Public Roads in the amount of \$306.00. Division Engineer Wyller at Juneau questioned the bill involving 68 hours and indicated that if the bill were adjusted to show Mr. Searcey's time as 38 hours total (the same amount charged by Public Roads employees) the bill would be paid.

Following this, the FBI was notified, apparently by one Harry E. Ellingen, a real estate broker at Haines, and commenced investigation of the matter. This investigation has now been concluded with a ruling of the Assistant U. S. Attorney Roger G. Connor, First Judicial Division, Juneau, that prosecution in this case would be declined because of insufficient evidence to prove knowledge and fraudulent attempt on the part of Mr. Searcey.

g

RG 30, Bur. of Public Roads
E. G. D., Gen. Corr + Related Recs, 1455-59
Box 1131

From a review of the FBI reports in these cases, this office would tend to agree with Mr. Connor that further criminal investigation would be inadvisable. At first, it appeared that Mr. Searcey certainly was involved in something that could have been fraudulent. His hours did not check out with the hours worked by Public Roads employees, and the amount charged appeared to be excessive. However, as the investigation proceeded, it became apparent that Mr. Searcey may very well have worked more hours than actually were put in on the job. There were certain functions such as fabricating and installing couplings and other devices for which Searcey had to use the city repair shop facilities in order to make the proper connections. In other words, he may well have put in the 68 hours. In any event, it would be impossible to prove fraudulent intent with the evidence which is now available.

However, the problem still remains as to the vouchers submitted by the City of Haines in the amount of \$306.00 covering Mr. Searcey's services. The record as developed by the FBI is not at all clear as to what agreement if any was made between Public Roads and the city with respect to this work.

During the interview with Searcey, he went to great lengths to indicate that a City ordinance (No. 92) states that no water line installations "will be made or constructed by any person other than by employees of the Town of Haines." During his interview with the FBI, Searcey stated that this ordinance precluded use of Public Roads labor for the installation of the public works water system and made it mandatory for an employee of the city to do the actual work. However, other evidence especially the statement of Mr. Ellingen indicated that the Haines City Council had requested Public Roads to replace the water lines and that it was agreed Public Roads would install the new lines connecting with the Haines water system by means of Public Roads employees with all material to be furnished by the Bureau. On completion of the installation it was to be inspected and approved by the Water Superintendent, Mr. Searcey. I believe that these matters should be brought to the attention of the Regional office in Alaska so that this claim will not be either paid or denied without sufficient consideration as to whether there was a valid agreement between the city and Public Roads for this construction, and secondly, whether that agreement could be construed so as to cover Mr. Searcey's services as Water Commissioner on an hourly basis.

If you agree, this office will be happy to prepare a memorandum to the Regional Engineer at Juneau outlining this situation and requesting his advice as to the last mentioned items.

GFMcInerny:jeb

cc: Files

Mr. C. W. Enfield

Chron.

Contracts

4-28-59

(Alaska Administratively Restricted Files)

0-14 (Rev. 5-8-57)

From
Director
Federal Bureau of Investigation
To

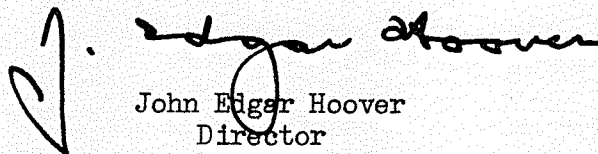
4/9/59

Mr. John W. Phillips
Security Control Officer
Room 5423
Department of Commerce
Washington, D. C.

Dear Sir:

For your information, I am enclosing
herewith communications which may be of interest
to you.

Very truly yours,


John Edgar Hoover
Director

Enclosures

RG 30, Bur. of Public Roads
E. G. D., Gen. Corr + Related Recs, 1955-59
Box 1131

Office Memorandum • UNITED STATES GOVERNMENT
DEPARTMENT OF COMMERCE

TO : Mr. C. S. Woolsey
Special Assistant to Administrator
Bureau of Public Roads

DATE: March 18, 1959

FROM : Security Control Officer

SUBJECT: KENNETH LEROY SEARCEY
Bureau of Public Roads
Funds-1958
FRAUD AGAINST THE GOVERNMENT

For your further information in subject case, there is attached a FBI report prepared by Charles R. St. John at Anchorage under date of March 5, 1959. A FBI report dated February 17, 1959 was sent to you by memorandum of March 10, 1959.


John W. Phillips

Attachment

0-14 (Rev. 5-8-57)

From
Director
Federal Bureau of Investigation
To

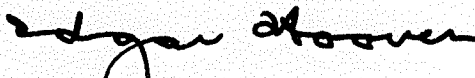
3/16/59

Mr. John W. Phillips
Security Control Officer
Room 5423
Department of Commerce
Washington, D. C.

Dear Sir:

For your information, I am enclosing
herewith communications which may be of interest
to you.

Very truly yours,


John Edgar Hoover
Director

Enclosures

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E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

Commerce

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-USA, JUNEAU

Report of: CHARLES R. ST. JOHN
Date: 3-5-59

Office: ANCHORAGE

File Number: Bufile 46-35794
AN 46-609

Title: KENNETH LEROY SEARCEY,
Bureau of Public Roads
Funds-1958

Character: FRAUD AGAINST THE GOVERNMENT

Synopsis: Sworn signed statements obtained from 10 Bureau of Public Road (BPR) employees, Haines, Alaska alleging subject had no contract with BPR to install their water system and subject not known to have worked full time on project as claimed. Records Haines City Clerk contain no additional pertinent information. Subject executed sworn signed statement explaining situation and claiming justification of activity. Admitted no verbal or written contract with BPR to reimburse City for city employees time spent on project. States BPR aware of fact that project had to be done at their expense and at no cost to city. Furnished copy of city ordinance to back up position. Feels misunderstanding on part of BPR and claims had no intention of presenting false claim. Description set forth.

1959 MAR 17 PM 12 15

SECURITY CONTROL OFFICE

-P-

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16-74025-1 GPO

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Box 1131

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

3-3-59

KARL O. COMSTOCK, clerk, Bureau of Public Roads Depot, Haines, Alaska, furnished the following sworn signed statement on February 20, 1959:

"2/20/59
Haines, Alaska"

"I, Karl O. Comstock, after being duly sworn, make the following free and voluntary statement to Charles R. St. John, who has identified himself to me as a Special Agent of the FBI. No threats or promises have been made to me. I understand I need make no statement, but any statement I do make may be used in a court of law."

"I am employed as a clerk by the Bureau of Public Roads in Haines, Alaska, and in such capacity I kept the time records of all BPR employees engaged in hooking in a BPR water system with the City of Haines water system which was done in Oct. & Nov. 1958. My records reflect the following hours spent by BPR employees on this project:

Name	10/27	10/28	10/29	10/30	11/4	11/5	11/6	11/7
Thomas Helms			4		1	4	6	
Fred H. McRae	4	4	8	2	4	6	5	8
Warren E. Sheppard			4	2	4	7	6	6
Marvin L. Smith			6		4	7		4
John W. Thompson	4	4	8	2	4	5	4	4
Frank L. Wallace			4	2	4	7	8	6
Thomas A. Ward	3	4	8	2		8	8	8
Leo R. Albecker					4	7		
Lee R. Klannan							4	

"It was my understanding that the BPR would furnish the labor and material for this project. Inspection and or supervision of the project would be done by City Water Supt. Kenneth Searcey, at no cost to the BPR. I understand that Searcey told McRae not to worry about his time as the City would take care of it, as they were glad to get the system operating satisfactorily resulting in a savings of water."

-2-

Interview with KARL O. COMSTOCK File # 46-609
 on 2-20-59 at Haines, Alaska Dictated: 2-20-59
 by Special Agent CHARLES R. ST. JOHN/ada

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Box 1131

AN 46-609

"I therefore did not attempt to keep track of any time put on this project by any city employee."

"From my records and recollection, Searcey spent most of 10/27/58 running around town getting material and making a tool necessary to adapt the pipe fittings to the city system. Oct 28, 1958 was spent digging the necessary ditches by BPR employees and in my opinion Searcey would not have had any inspection or supervision to perform but he might have. Oct 29, 1958 was spent laying pipe which might have required supervision by Searcey. On Oct. 30, 1958 it was discovered that pipe fittings furnished by the BPR did not fit the City's connections & we had to send to Seattle for the proper parts. No pipe was laid that day and the time spent by BPR men was manning pumps to drain the ditches in order to prevent their caving in. No supervision or inspection by Searcey would have been required this day. The necessary parts did not arrive until the morning plane on 11/4/58. The afternoon of that day as well as 11/5, 6, & 7/58 were spent laying pipe, & connecting water hydrants in completion of the project. Searcey could have been inspecting during those days. I personally know he worked all day 11/7/58 connecting water hydrants."

"I have read the above statement which consists of this page and one other, and it is true and correct to the best of my knowledge."

/s/ Karl O. Comstock
Clerk
2/20/59

"Sworn to & subscribed by Charles R. St. John
Special Agent FBI 2/20/59 Hines Alaska"

Witnessed: /s/ Marvin L. Smith"

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

3-3-59

FREDERICK H. MC RAE, maintenance foreman, Bureau of Public Roads, Depot, Haines, Alaska furnished the following sworn signed statement on February 20, 1959:

"2/20/59
Haines, Alaska"

"I, Frederick H. McRae, after being duly sworn, furnish the following free and voluntary statement to Charles R. St. John who has identified himself to me as a Special Agent of the FBI. No threats or promises have been made to me. I understand I need make no statement but any statement I do make may be used in a court of law."

"Before the project of hooking up the BPR water system into the Haines water system began, I asked Kenneth Searcey, Mayor & Water Supt of Haines, who was going to take care of his time. He said not to worry about it, the City took care of his time. I have no authority to hire anyone for wages and there was no agreement made that Searcey would bill the BPR for any of his time spent on the project."

"As work progressed, Searcey was spending a lot of time on the project & I suggested that to be fair about the matter, he consider submitting a bill for the nominal standard rate of \$25 plus costs of excavation & backfill charged everyone in hooking into the City's system. He said it might be a good idea. When the job was near completion, I again mentioned to him about submitting the standard charge as a bill. He then said there was supposed to be a letter in City Hall from the BPR stating they would foot the entire cost of the project. I told I him I had no copy of this letter & did not believe it to be true. He said he would get the letter. He later advised he could not locate any such letter. I am sure no such letter exists."

Interview with FREDERICK H. MC RAE File # 46-509
on 2-20-59 at Haines, Alaska Dictated: 2-20-59
by Special Agent CHARLES R. ST. JOHN/ddw

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AN 46-609

"He then submitted a bill for \$306 for his labor on the project & I confronted him with the discrepancies in time claimed with that put in by our own employees. He said he could vouch for the difference in time as he spent extra time making a tool for installing the pipe, and making adapters from old to new type pipe & for water hydrants."

"He further stated that the cost was more since the hook up was a lot different than a private residence & meant laying & extending a complete new main. He said the bill involved his wages for labor & was not a bill for supervision and inspection."

"I have showed records of my time spent on this project as kept by Karl Comstock & I believe them to be correct."

"During the hours I worked on the project Searcey was not on the job site a full 8 hours each day. Part of the time he was away from the job site he was making tools & adapters for use on the project. I have no way of knowing how much time he was away from the site that he spent on work for the project. On 10/27, 28/58 while we were digging, I believe Searcey was making some adapters but I don't know how long this took him. I believe he worked with us on Oct. 29th. On Oct. 30th I think he stopped by at the office regarding parts we were ordering but I do not know how he claimed a full 8 hours for this day. He possibly was with us off & on 11/4/58-11/7/58 until the project was completed. I know of no reason why he should have worked or claimed to have worked any part of the day on 10/8/58."

"There was no agreement to hire Searcey, & I therefore made no attempt to keep a time sheet on him. As far as I am concerned he has no valid claim for wages against the U. S. Govt in reference to the above project."

AN 46-509

"I have read the above statement which consists of this page and one other and it is true & correct to the best of my knowledge."

/s/ Fred K. McKee Foreman

"Sworn to and subscribed by:

/s/ Charles R. St. John, Special Agent, FBI 2/20/59
Haines, Alaska

Witnessed:

/s/ John W. Thompson"

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

3-3-59

THOMAS A. WARD, Operator, Bureau of Public Roads Depot, Haines, furnished the following sworn signed statement on February 20, 1959.

"2/20/59
Haines, Alaska"

"I, Thomas A. Ward, after being duly sworn, furnish the following free and voluntary statement to Charles R. St. John who has identified himself to me as a Special Agent of the FBI. No threats or promises have been made to me. I understand I need make no statement but any statement I do make may be used in a court of law."

"I have observed records of my time spent on hooking the BPR water system into the Haines water system in Oct. & Nov. 1958 as kept by Karl Comstock and believe them to be correct."

"During the hours I worked on the project Kenneth Searcey & Earl Lammers worked on the project off and on all the time. At no time were either of them on the project site a full 8 hours. Part of the time they were in town getting material or making tools. I have no way of estimating how much of their time away from the job site was actually spent in doing necessary chores for completion of the project. I assume they had at least one coffee break a day for fifteen or twenty minutes duration. Lammers was not on the project as much as Searcey."

"I have read the above statement and it is true and correct to the best of my knowledge."

/s/ Thomas A. Ward -operator

"Sworn to and subscribed by:
/s/ Charles R. St. John, Special Agent, FBI 2/20/59
Haines, Alaska
Witnessed: /s/ Karl O. Comstock"

-7-

Interview with THOMAS A. WARD File # 46-609
on 2-20-59 at Haines, Alaska Dictated: 2-20-59
by Special Agent CHARLES R. ST. JOHN/ddw

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FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

3-4-59

FRANK L. WALLACE, truck driver, Bureau of Public Roads Depot, Haines, Alaska furnished the following sworn signed statement on February 20, 1959.

"2/20/59
Haines, Alaska"

"I, Frank L. Wallace, after being duly sworn, furnish the following free and voluntary statement to Charles R. St. John who has identified himself to me as a Special Agent of the FBI. No threats or promises have been made to me. I understand I need make no statement but any statement I do make may be used in a court of law."

"I have observed records of my time spent on hooking the BPR water system into the Haines water system in Oct. & Nov. 1958 as kept by Karl Comstock, and believe them to be correct."

"During the hours I worked on the project, Kenneth Searcey, was performing work on the project site or engaged in making tools to be used on the project. I believe he put in at least as many hours as I did on the days I worked. Earl Lammers, another city employee worked for a short while at the beginning of the project."

"I have read the above statement and it is true and correct to the best of my knowledge."

/s/ Frank L. Wallace
Truck Driver

"Sworn to and Subscribed by:
/s/ Charles R. St. John, Special Agent, FBI 2/20/59
Haines, Alaska
Witnessed: /s/ Karl O. Comstock"

Interview with FRANK L. WALLACE File # 46-609
on 2-20-59 Haines, Alaska Dictated: 2-20-59
by Special Agent CHARLES R. ST. JOHN/ddw

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FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

3-4-59

WARREN E. SHEPPARD, grader operator, Bureau of Public Roads Depot, Haines, Alaska furnished the following sworn signed statement on February 20, 1959.

"2/20/59
Haines, Alaska"

"I, Warren E. Sheppard, after being duly sworn, make the following free and voluntary statement to Charles R. St. John who has identified himself to me as a Special Agent of the FBI. No threats or promises have been made to me. I understand I need make no statement but any statement I do make may be used in a court of law."

"I have observed records of my time spent on hooking the BPR water system into the Haines water system in Oct. & Nov. 1958 as kept by Karl Comstock and believe them to be correct."

"During the hours I spent on the project, City employees Kenneth Searcey and Earl Lammers were also at the site. Searcey spent more time there than did Lammers. Searcey made connections for fire hydrants, refitted pipe so it could be installed correctly and on occasion went to town for parts. In general, Searcey supervised the project. I can not swear to the number of hours Searcey worked on the project each day but know that he at least made an appearance every day."

"I have read the above statement and it is true and correct to the best of my knowledge."

/s/ Warren E. Sheppard (WS15-2)
Feb. 20-1959

Grader operator

"Sworn to and Subscribed by:

/s/ Charles R. St. John, Special Agent, FBI 2/20/59
Haines, Alaska

Witnessed: /s/ Karl O. Comstock"

-9-

Interview with WARREN E. SHEPPARD File # 46-609
on 2-20-59 Haines, Alaska Dictated: 2-20-59
by Special Agent CHARLES R. ST. JOHN/adw

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FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

3-4-59

LEO R. ALBECKER, SR., truck driver, Bureau of Public Roads Depot, Haines, Alaska furnished the following sworn signed statement on February 20, 1959.

"2/20/59
Haines, Alaska"

"I, Leo R. Albecker, Sr., after being duly sworn, furnish the following free and voluntary statement to Charles R. St. John who has identified himself to me as a Special Agent of the FBI. No threats or promises have been made to me. I understand I need make no statement, but any statement I do make, may be used in a court of law."

"I have observed records of my time spent on hooking up the BPR water system into the Haines water system in Oct. & Nov. 1958 as kept by Karl Comstock, and believe them to be correct."

"During the eleven hours I worked on the project, I would estimate Kenneth Searcey was on the job site approximately 80 to 90 per cent of the time. During this time he supervised and actually performed some work. I do not know where he was when he wasn't on the job site."

"I have read the above statement and it is true and correct to the best of my knowledge."

/s/ Leo R. Albecker, Sr.
truck driver

"Sworn to and Subscribed by:
/s/ Charles R. St. John, Special Agent, FBI 2/20/59
Haines, Alaska
Witnessed: /s/ Karl O. Comstock"

-10-

Interview with LEO R. ALBECKER, SR. File # 46-609
on 2-20-59 at Haines, Alaska DICTATED: 2-20-59
by Special Agent CHARLES R. ST. JOHN/dd

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E.6D, Gen Corr + Related Recs, 1955-59
Box 1131

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

3-4-59

LEE R. KINNAN, engineer and mechanic,
Bureau of Public Roads Depot, Haines, Alaska
furnished the following sworn signed statement on
February 20, 1959.

"2/20/59
Haines, Alaska"

"I, Lee R. Kinnan, after being duly sworn, make the following free and voluntary statement to Charles R. St. John who has identified himself to me as a Special Agent of the FBI. No threats or promises have been made to me. I understand I need make no statement but any statement I do make may be used in a court of law."

"I have observed records of my time spent on hooking the BPR water system into the Haines water system in Oct. & Nov. 1958 as kept by Karl Comstock, and believe them to be correct."

"During the hours I worked on the project I noticed city employees Kenneth Searcey and Earl Lammers at the project site. I believe Lammers was in the ditch helping put a foundation under a hydrant. Searcey was standing around watching."

"I have read the above statement and it is true & correct to the best of my knowledge."

/s/ Lee R. Kinnan
Engineer & Mechanic 2/20/59

Sworn to and subscribed by:
/s/ Charles R. St. John, Special Agent, FBI 2/20/59
Haines, Alaska
Witnessed: /s/ Karl O. Comstock"

-11-

Interview with LEE R. KINNAN File # 46-609
on 2-20-59 at Haines, Alaska Dictated: 2-20-59
by Special Agent CHARLES R. ST. JOHN/adw

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FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

3-4-59

THOMAS M. HELMS, mechanic's helper, Bureau of Public Roads Depot, Haines, Alaska furnished the following sworn signed statement on February 20, 1959.

"2/20/59
Haines, Alaska"

"I, Thomas M. Helms, after being duly sworn, furnish the following free & voluntary statement to Charles R. St. John who has identified himself to me as a Special Agent of the FBI. No threats or promises have been made to me. I understand I need make no statement but any statement I do make may be used in a court of law."

"I have observed records of my time spent on hooking the BPR system into the Haines water system in Oct. & Nov. 1958 as kept by Karl Comstock and believe them to be correct."

"During the hours I worked on the project, no city employee worked with me. I observed Kenneth Searsey and Earl Lemmers, city employees on the project site part of the time just standing around watching. I saw neither of them perform any actual work."

"I have read the above statement and it true and correct to the best of my recollection."

/s/ Thomas Helms
Mc. Helper 2-20-59

"Sworn to and subscribed by:
/s/ Charles R. St. John, Special Agent, FBI 2/20/59
Haines, Alaska
Witnessed: /s/ Karl O. Comstock"

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Interview with THOMAS M. HELMS File # 46-609
on 2-20-59 Haines, Alaska Dictated: 2-20-59
by Special Agent CHARLES R. ST. JOHN/daw

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