



Figure 1: Massachusetts State House (Source: Massachusetts Secretary of State)

LEO M. BIRMINGHAM: A POLITICAL BIOGRAPHY

BY FRED DONOVAN

INTRODUCTION

Leo M. Birmingham was a state representative from the Brighton section of Boston from 1925 to 1936 and was Democratic House floor leader of the Massachusetts House of Representatives from 1929 to 1934.

Birmingham was born in Brighton in 1893, attended Boston College, served in World War I as a U.S. Navy ensign, and was a prominent businessman, owning the Leo M. Birmingham Funeral Home on Washington Street. He lived at 72 Hobson St. and then moved to 82 Hunnewell Ave., where he lived with his wife Kathleen and daughter Kathleen at his death.

As a legislator, some of the issues he focused on included abolishing the death penalty, regulating power companies, improving workers' rights, lowering the eligibility age for old-age assistance, expanding mass transit in Boston, and fighting Boston city corruption.

Shortly after his death in 1936, the House voted to rename Soldier's Field Road Extension in Brighton as the Leo M. Birmingham Parkway. This book examines the political and moral issues Birmingham wrestled with while serving in the Massachusetts House of Representatives.



Figure 2: Leo M. Birmingham (Source: Public Officials of Massachusetts 1935-36)

1925: Freshman Legislator from Brighton

Massachusetts in the 1920s was in a period of transition. The state had been one of the leaders in the industrialization of the United States in the 19th century and was known for its textile and shoe mills in New Bedford, Fall River, Lawrence, Lowell, and other cities. The state's prosperity attracted immigrants from Europe, particularly Ireland, Italy, and Portugal, to work in the mills.

By the 1920s, the immigrants and their descendants were increasing their political and economic power in the cities. The Irish, in particular, were able to gain political dominance in Boston. Politicians like Martin Lomasney, John F. Fitzgerald (Honey Fitz), and James Michael Curley vied for influence among Boston Irish Democrats.¹



Figure 3: Calvin Coolidge (Source: Notman Studio, Boston, Public Domain)

Calvin Coolidge, the former Republican governor of Massachusetts, was sworn in as president in 1925 after soundly defeating Democratic presidential candidate John W. Davis and Progressive candidate Robert LaFollette. He had served as vice president under Warren Harding and assumed the presidency following Harding's unexpected death in August 1923.

Alvan T. Fuller was sworn in as Massachusetts' governor in January 1925, after defeating Democratic candidate Curley

who was serving as mayor of Boston while running for governor. Fuller had previously served as

¹ J. Joseph Huthmacher, *Massachusetts People and Politics* (New York: Atheneum, 1969), Chapter 1.

lieutenant governor for four years under former Governor Channing Cox. Fuller was the fourth consecutive Republican to serve as governor of the state.

Leo M. Birmingham was new to Boston politics when he ran and was elected as the state representative from District 22 in Brighton. Birmingham jumped right in and introduced several bills. Two of his bills, House bill No. 842 to protect renters from abrupt termination of a tenancy at will and House bill No. 844 to provide for a discretionary stay of proceedings in certain cases of summary process, were enacted by the legislature.² It was rare for a freshman representative from the minority party to get bills enacted.

Boston Elevated Railway Company

Birmingham did not shy away from controversial topics. He introduced House resolve No. 900 calling for an investigation into the state's purchase of the financially troubled Boston Elevated Railway Company, which ran the transportation system of Boston.

Set up back in 1897, the Boston Elevated Railway Company struggled to make a profit from the outset, and complaints about its services mounted. By the 1920s, there was a move for the state to take ownership of the company.

The state ended up taking over the company through a state-appointed board of trustees.³ The state also agreed that if the company did not earn 6 percent dividends for stockholders, the cities and towns in which the railway operated could be required to contribute funds to make up the difference. Birmingham withdrew his bill due to a lack of support.

² *Journal of the House of Representatives of the Commonwealth of Massachusetts 1925* (Boston: Wright & Potter Printing Co., 1925) URL: <https://archives.lib.state.ma.us/handle/2452/796170>

³ Michael Hennessy, *Massachusetts Politics 1890-1935* (Norwood, MA: The Norwood Press, 1935), 355.

In addition, Birmingham and William J. Walsh of Brighton submitted petitions to the legislature proposing the extension of the Boston Elevated system to Newton along Commonwealth and Brighton Avenue and Washington Street.

On Feb. 25, the Legislative Committees on Metropolitan Affairs and Street Railways held a joint hearing on the petitions.⁴ Testifying in favor, State Treasurer William S. Youngman said that the Newton-Brighton line experienced the most delays of any line of the Boston Elevated system. He argued that increased taxation from the growing Brighton population would cover much of the expense incurred by extending the line.

Also testifying in favor, Birmingham asserted that the Newton-Brighton line traffic was often delayed at Governor Square, Cottage Farm Bridge, Harvard Avenue, and other points along the line. Citing information from the Trustees of the Boston Elevated, he said that the Newton-Brighton line was carrying more traffic than any other line on the system.

Birmingham criticized the rapid transit line for “packing people into the cars worse than would be done to animals.”

Rep. Martin Hays, a Republican lawmaker from Brighton, testified that the extension was needed because of the rapid increase in Brighton’s population but cautioned he would oppose any plan that resulted in a fare hike. He supported taking trolleys out of the subway and using rapid transit trains exclusively underground. He also said that putting in a terminal along Commonwealth Avenue might be a “necessary evil” but added that residents would rather have a straight ride to downtown Boston.

⁴ *Boston Evening Globe*, Feb. 25, 1925, 11.

Boston Transit Commission Chairman Col. Thomas F. Sullivan spoke against the proposal, saying it would cost \$31 million to implement and require increasing the fare to more than the current 10 cents. Ultimately, the petitions were withdrawn, and no legislative action was taken regarding the Newton-Brighton line in 1925.

Boston Mayoral Candidate Row

Birmingham also dove into fractious Boston politics in his first year as a legislator. In 1925, there were many Democrats considering a run for mayor of Boston. This concerned Democratic Party leaders because it threatened to split the Democratic vote in the nonpartisan election, possibly resulting in the election of a Republican candidate.

One of the potential Democratic mayoral candidates was former mayor Honey Fitz. He was first elected mayor in 1906 and served until 1908. He was reelected mayor in 1920 under a new charter approved by the electorate in 1909 that extended the mayoral term to four years and made the election nonpartisan.

Honey Fitz was followed as mayor by James Michael Curley, who served from 1914 to 1918. To curb Curley's growing political power, the Republican-controlled legislature passed legislation in 1918 to prohibit the mayor from serving consecutive terms. Andrew J. Peters,



*Figure 4: John F. (Honey Fitz) Fitzgerald
(Source: George Grantham Bain collection at the Library of Congress, Public Domain)*

Democratic, was elected mayor in 1918 and served a four-year term. Curley again won the mayoral election in 1922 but was prohibited from running again in 1925.

In an attempt to reduce the number of Democratic mayoral candidates, the City Committee led by John I. Fitzgerald, a Boston politician with a name confusingly close to Honey Fitz, held a meeting Sept. 22 at the American House, a prominent Boston hotel, to listen to statements from District Attorney Thomas C. O'Brien and City Councilor James T. Purcell, who were two of the declared Democratic mayoral candidates. It received messages from Sheriff John A. Keliher and Gen. Dunn, who also were declared mayoral candidates but did not attend the meeting.⁵

The goal was to reach an agreement to back a single Democratic candidate. The committee held another meeting on Sept. 25 at the American House. However, it was unable to reach an agreement. It decided that none of the candidates that had spoken at the previous meeting seemed able to consolidate Democratic support and defeat the Republican candidate Malcolm F. Nichols.⁶

Birmingham decided to join in the effort to narrow the field of Democratic mayoral candidates. He invited his Democratic House colleagues from Boston to meet at the American House on Sept. 23.

Reacting to the news about Birmingham's invitation, John I. Fitzgerald commented:

"The City Committee will look on such action by the Boston Democrats in the Legislature as an attempt to help the Good Government Association. The City Committee is the body which

⁵ *Boston Globe*, Sept. 23, 1925, 1, 15.

⁶ *Boston Globe*, Sept. 26, 1925, 4.

ought to act in the circumstances. We intend to proceed and at the proper time we shall endorse a candidate and shall expect the Democratic voters to support him.”

The Good Government Association was set up years earlier as an anti-Curley group to prevent Curley from winning the Boston alderman election.⁷ The association was funded by the Chamber of Commerce, the Merchants’ Association, the Associated Board of Trade, the Fruit and Produce Association, and the Bar Association.

Of the 41 Democratic state legislators from Boston, 18 showed up to the meeting called by Birmingham.⁸ At the meeting, the Brighton representative cautioned against rash action, although many participants wanted to adopt a resolution refusing to be bound by decisions of the City Committee.

Sen. William J. Francis of Charlestown wanted a formal denunciation of the “Lomasney plot,” which he charged was designed to bring about an endorsement of Honey Fitz for mayor. Patrick J. Sullivan from Roxbury cautioned that until the City Committee took action, any attack would have no effect.

Thomas F. Donovan, one of Keliher’s supporters, advised his colleagues not to get excited, predicting that Lomasney would be unable to swing a majority of the City Committee for Honey Fritz.

Rep. James J. Twohig wanted a referendum of enrolled Democrats about the matter but was dissuaded based on the cost of such a move.

⁷ Jack Beatty, *Rascal King* (Addison-Wesley, 1992), 83.

⁸ *Boston Herald*, Sept. 24, 1925, 1, 2.

The legislators ended up adopting a lukewarm resolution that read: “We, the Democratic representatives and senators of Boston, at a meeting tonight, have unanimously voted to render every possible assistance to bring peace and harmony within the ranks of the Democratic party to make possible Democratic success in the coming mayoralty election. Fully appreciating the fact that Boston is a great Democratic city and should be presided over by a regular Democrat, we pledge ourselves to render every possible assistance to bring this condition to pass, and to further this, another meeting of all the representatives and senators will be held Monday, Sept. 28, at 7:45 P.M., in the American House.”

In addition to Sen. Francis, the following state representatives voted in favor of the resolution: Robert Dinsmore of East Boston; Thomas F. Donovan, James W. Hayes and Edward Matz of the South End; Leo M. Birmingham of Brighton; James J. Twohig, Walter B. Grant and Maurice E. Foley of South Boston; Daniel J. Curley, Patrick J. Sullivan, Garrett J. Byrne, and Thomas S. Kennedy of Roxbury; Joseph M. Ward of Jamaica Plain; Joseph Mulhern, Francis X. Coyne, Bernard P. Casey, Peter J. Fitzgerald of Dorchester.

At the meeting on Sept. 28, the Boston lawmakers again failed to reach a consensus on supporting a single Democratic candidate.⁹ Twohig tried to get an endorsement of Gen. Charles H. Cole, but he was blocked by Birmingham, Coyne, Francis, and Dinsmore. Instead, the lawmakers decided not to endorse a candidate.

⁹ *Boston Globe*, Sept. 29, 1925, 2.

The 1925 Boston mayoral race turned out to be a free-for-all on the Democratic side. Even Curley's brother John entered the race, although James did not endorse him.¹⁰ Instead, James supported Theodore A. Glynn. Some pundits opined that Curley wanted the Republican candidate to win so that he would not face strong Democratic candidates in the next mayoral election.

Other Democratic candidates running for mayor¹¹ were Alonzo B. Cook, W.T.A. Fitzgerald, Charles L. Burrill, Joseph H. O'Neil, Daniel H. Coakley, and Walter G. McGauley. As feared by Birmingham and others, the plethora of Democratic candidates split the Democratic vote, and Republican Nichols won the mayoral election held Nov. 3.

¹⁰ Beatty, *Rascal King*, 246-248.

¹¹ City of Boston, Board of Election Commissioners, *Annual Report: Year 1925*, (Boston: City of Boston Printing Department, 1926), 48. <https://archive.org/stream/annualreportofbo1925bost#page/48/mode/2up>

1926: CRUSADE AGAINST THE DEATH PENALTY

The year 1926 saw the last Republican mayor of Boston take office: Malcolm Nichols. Nichols was able to take advantage of disarray among the Democrats due to Curley being prevented from running for a second consecutive term. Thus, the Republican Party controlled the Boston city government, the state government, and the national government.



*Figure 5: Malcolm Nichols
(Practical Politics, 1908,
Public Domain)*

In 1926, Birmingham ramped up his crusade against the death penalty. He was motivated both by a conviction that capital punishment was immoral and a personal interest in a highly publicized death penalty case in Massachusetts.

The so-called car barn trio death penalty case involved John J. Devereaux, John J. McLaughlin, and Edward J. Heinlein. They were charged with the murder of James H. Ferneau, a watchman on duty at the Boston and Middlesex Street Railway office in Waltham.¹²

The killing occurred during a 1925 robbery at the railway's office by the three men. According to prosecutors, Devereau killed Ferneau during a struggle on the first floor of the building, during which the watchman was shot and beaten, while McLaughlin and Heinlein were robbing the railway cashier on the second floor.

¹² Commonwealth of Massachusetts, Trial Court Law Libraries, COMMONWEALTH vs. JOHN J. DEVEREAUX. SAME vs. EDWARD J. HEINLEIN. SAME VS. JOHN J. McLAUGHLIN, <http://masscases.com/cases/sjc/256/256mass387.html>

On November 29, 1925, a jury found all three men guilty of first-degree murder and sentenced them to death.

Birmingham had been a friend of McLaughlin since they were boys and led an effort to convince the governor to commute the three men's death sentence.¹³

The Brighton representative was an active member of the Massachusetts Clemency Committee, which campaigned to stop their execution.

At a July 13 meeting of the committee in Brighton, Birmingham spoke against the execution of the three men. He related that they had served in the U.S. armed forces, and this would be the first time that veterans had been put to death in the state. He urged the committee to redouble its efforts to stop the executions.¹⁴

Also urging clemency at the meeting were Rep. Thomas S. Kennedy of Jamaica Plain and attorney Thomas Vahey. Kennedy said that interest in the petition calling for clemency for the trio was spreading throughout the state. Vahey noted that he had been involved in 20 capital cases in Massachusetts and that no clemency request had better reasons to be granted than this case.

In response to a public petition, Gov. Fuller held a hearing on Aug. 3 at the State House to consider commuting the car barn trio's death sentence.¹⁵ During the hearing, friends and relatives of the three men spoke in favor of clemency. Birmingham said he had known McLaughlin for 30 years and Devereaux for four years. He said that Devereaux did not appear

¹³ *Boston Herald*, Aug. 4, 1926, 1, 9.

¹⁴ *Boston Globe*, July 14, 1926, 14.

¹⁵ *Boston Globe*, Aug. 4, 1926, 1, 7.

normal to him, a condition he blamed on his war experience. Birmingham judged that the three men must have been drinking at the time of the robbery.

At an Aug. 8 rally of the Clemency Committee in Brighton, Birmingham urged participants to write letters to Fuller asking for clemency.¹⁶ He also called on the audience to urge neighbors to write letters as well.

Clemency Committee Secretary Frank J. Manning told the rally that the committee had received assurance that the executions would not be carried out until after lawyers for the trio had been allowed to argue the case before the state Supreme Court on Aug. 11. However, the Supreme Court declined to overturn the jury's verdict and the decision to put the defendants to death.¹⁷

Manning also told the crowd that the mothers of the three condemned men had left Brighton to make a personal appeal for clemency to Fuller at his summer home at Little Boar's Head, N.H. The meeting with the mothers did not change the governor's mind.

Despite the efforts of Birmingham, Kennedy, Vahey, the Massachusetts Clemency Committee, and others, the three men were put to death by electrocution on January 6, 1927, at the Massachusetts State Prison in Charlestown.¹⁸

¹⁶ *Boston Globe*, Aug. 9, 1926, 1, 2.

¹⁷ COMMONWEALTH vs. JOHN J. DEVEREAUX. SAME vs. EDWARD J. HEINLEIN. SAME vs. JOHN J. McLAUGHLIN. Justia, US Law, Massachusetts Supreme Judicial Court Decisions. <https://law.justia.com/cases/massachusetts/supreme-court/volumes/256/256mass387.html>

¹⁸ *Boston Globe*, Jan. 6, 1927, 1.

U.S. Membership in World Court

Also in 1926, Birmingham joined with Rep. Patrick Moran in introducing a bill urging the U.S. Senate not to approve membership in the World Court. The bill was subsequently withdrawn due to lack of support.¹⁹

The Covenant of the League of Nations had called for the setting up of a World Court in The Hague, Netherlands. Although President Woodrow Wilson was unsuccessful in convincing the United States to join the League of Nations, U.S. diplomat Elihu Root assisted in drafting the World Court's protocol. President Harding recommended in 1923 that the United States join the World Court even though it had not joined the League of Nations.

In January 1926, the U.S. Senate voted to join the World Court, but several significant reservations proved unacceptable to the World Court members. As a result, in November 1926, President Coolidge announced that the nation would not join the World Court.

¹⁹ *Journal of the House of Representatives of the Commonwealth of Massachusetts 1926* (Boston: Wright & Potter Printing Co., 1925) URL: <https://archives.lib.state.ma.us/handle/2452/796173>

1927: LEGISLATION TO ABOLISH CAPITAL PUNISHMENT

Gov. Fuller won re-election to a second term, defeating his Democratic opponent Col. William Gaston by a convincing margin. In his address to the legislature of 1927, Fuller criticized the excessive profits of the gas and electric companies and called for the legislature to enact a law to give the Department of Public Utilities the authority to reduce the rates if they are “unjust or unreasonable.”²⁰ Birmingham would pick up and pursue this issue in subsequent years.

After failing to get clemency for the car barn trio, Birmingham decided to take the fight against capital punishment to the legislature.

The effort to abolish the death penalty in the Massachusetts legislature dated back to before the Civil War. Rep. Robert Rantoul Jr. of Gloucester introduced a bill in 1835 to abolish capital punishment, which was defeated in the House.²¹ However, the following year, Gov. Edward Everett supported Rantoul’s bill. The House passed an amended version of Rantoul’s bill by a vote of 237 to 171, but the measure failed to pass the Senate.

The crusade to end capital punishment again gained momentum in the late 19th and early 20th centuries. Spurred on by lobbying carried out by the Anti-Death Penalty League, the House in 1900 again considered a bill to abolish the death penalty. The measure was narrowly defeated by a vote of 103 to 105.²² In 1907, a bill that would have allowed a jury to qualify its

²⁰ Hennessy, *Massachusetts Politics*, 364.

²¹ Alan Rogers, *Murder and the Death Penalty in Massachusetts* (University of Massachusetts Press, 2008), 80-83.

²² *Ibid.*, 158-159.

first-degree murder conviction by adding “without capital punishment” passed the Senate 20 to 17 but was defeated in the House by a razor thin margin of 93 to 92.

It would be more than two decades before another serious attempt was made to abolish the death penalty. In 1927, a number of lawmakers introduced bills to end capital punishment. Birmingham introduced his bill, House bill No. 911, on Jan. 21.²³

Other sponsors of bills to end the death penalty were Reps. James J. Twohig, C. F. N. Pratt, and Maurice J. Tobin, and Sens. John J. Mulvey and Wendell P. Thore. However, the Legislative Committee on the Judiciary was in no mood to consider abolishing capital punishment and rejected the bills at a March 7 hearing.²⁴

A few days later, Birmingham argued in favor of abolishing the death penalty on the House floor.²⁵ He said he favored swift and severe punishment for those found guilty of murder but opposed any sentence that could not be revoked. He also questioned whether capital punishment had a deterrent effect.

He opined that if the car barn trio had been granted a new trial, they would have been found guilty of second-degree murder only and likely would have received a life sentence instead of the death penalty.

Rep. William H. Hearn of Boston proposed a bill that would put the question of whether capital punishment should be abolished on the ballot at the next election. He said that voters

²³ House Bill No. 911 (Commonwealth of Massachusetts, House of Representatives, 1926) URL: <https://archives.lib.state.ma.us/bitstream/handle/2452/281968/ocm39986872-1927-HB-0911.pdf>

²⁴ *Boston Globe*, March 8, 1927, 8.

²⁵ *Boston Globe*, March 10, 1927, 19.

should be able to express their opinion on the issue and that he would not support a bill abolishing the death penalty without the referendum.

Rep. Thomas R. Bateman of Winchester raised a point of order that the Hearn bill was beyond the scope of the discussion. Rep. Louis L. Green of Cambridge moved postponement of further consideration to the end of the calendar year.

Birmingham's opposition to the death penalty also led him into the cause célèbre of the 1920s in Massachusetts: the Sacco-Vanzetti case.

Nicola Sacco and Bartolomeo Vanzetti were Italian-born American anarchists who were convicted of first-degree murder in killing a guard and a paymaster during a 1920 robbery of the

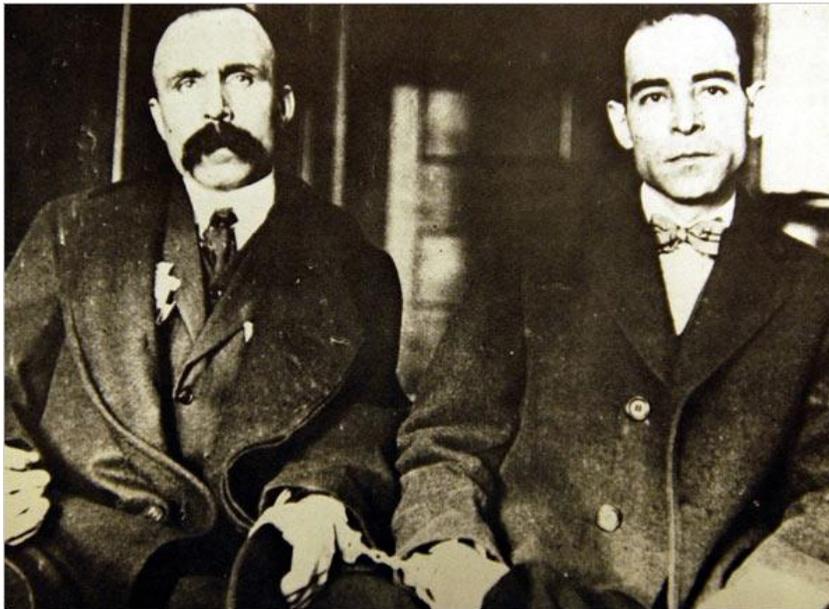


Figure 6: Bartolomeo Vanzetti (left) and Nicola Sacco (right) (Source: Boston Public Library, Public Domain)

Slater and Morrill Shoe Company in Braintree. They were sentenced to death by the trial judge Webster Thayer.

In April 1927, Birmingham was one of only six House members who voted in favor of a resolution

asking Gov. Fuller to appoint a commission to review evidence in the case.²⁶

²⁶ *Boston Globe*, April 15, 1927, 1, 17.

The House Rules Committee recommended against suspending the rules to admit the resolution. Birmingham and five other legislators voted to suspend the rules so the resolution could be considered. The House vote was 146 to 6 against suspending the rules, and the effort failed.

The representatives joining Birmingham were the resolution's sponsor, Rep. Roland D. Sawyer of Ware, and Reps. Tony Garofano of Lynn, C. F. Nelson Pratt of Saugus, Lewis R. Sullivan of Boston, and Charles A. Kelley of Worcester.

Despite the failure of the resolution, the governor agreed to appoint a special commission consisting of Harvard President Abbott Lawrence Lowell, MIT President Dr. Samuel W. Stratton, and retired Probate Judge Robert Grant. The panel decided that the verdict and death sentence in the Sacco-Vanzetti case were justified. The two men were executed on Aug. 23, 1927.

Birmingham Versus AFL Lobbyist

On March 21, Birmingham joined his Democratic colleagues Rep. John F. Buckley and Rep. Twohig in criticizing Martin T. Joyce, a lobbyist for the Massachusetts State Branch of the American Federation of Labor (AFL). Joyce had earlier charged that House Democrats "kill off legislation supporting labor."²⁷

Joyce and other labor lobbyists had shown little interest in pushing labor issues in the Massachusetts legislature, the three Democratic legislators responded in a statement. "The only written communication we have received on legislation so far this session from labor is the one urging that we vote for Sunday professional baseball," they quipped.

²⁷ *Boston Globe*, March 22, 1927, 28.

By contrast, Democratic House members had been fighting hard to advance labor interests in the legislature, appearing before committees to testify in favor of labor-friendly bills and fighting for their passage, they asserted.

“All the roll calls put through on labor bills were put through on the request of Democratic members, and the request for these roll calls was 100 percent,” the statement said.

Republican members of the House from heavily union labor districts did not take the initiative to secure roll calls on these bills. The statement concluded that union members in those districts had to depend on the Democrats to look after their interests.

1928: FOCUS ON LOCAL ISSUES

At the national level, the 1928 presidential nomination fight was in full gear. Commerce Secretary Herbert Hoover emerged as a frontrunner after incumbent President Calvin Coolidge announced in 1927 that he would not run for a second term. On the Democratic side, New York Governor Al Smith was the frontrunner.

In Massachusetts, Republican Lt. Governor Frank Allen squared off against Democratic candidate Charles Cole for the governorship.

In 1928, Rep. Birmingham served on a special committee to investigate car schedules, car stops, crowded conditions, and other issues with the Elevated Railway Company.²⁸

Other committee members included City Councilor Edward M. Gallagher, Faneuil Improvement Association President Thomas E. Kiley, Lewis L. Martinson, and Louis Sigismund.

The Faneuil Improvement Association established the committee to investigate transit in the Brighton district. The association held its regular meeting on Jan. 3 at the Faneuil Branch Public Library, with 115 members present.

At a previous association meeting, members of the public had complained about poor service, crowded conditions, and lack of car stops on the Elevated Railway transit system.

In response, the company took steps to improve car stop facilities in the district, and it assured the association that it planned other improvements.

²⁸ *Boston Globe*, Jan. 4, 1928, 19.

The committee reported that it had studied conditions on various street corners, checked the crowds, and counted the cars. It concluded that the situation was not as bad as the complaints had indicated.

In July, Birmingham sent a letter to U.S. Sen. David Walsh (D-Mass.) asking the senator to speak with the U.S. postal authorities to restore to the Brighton and Allston post offices the ability to collect and sort mail.²⁹ The postal authorities had previously moved these duties to the Brookline post office.

Since the change, there had been delays in the mail reaching its destination, and Brighton and Allston residents had complained, Birmingham related.

Sen. Walsh responded to Birmingham's letter in which he proposed to take up the issue with the federal postal authorities.³⁰

Tough Renomination Fight

In September 1928, Birmingham faced a tough renomination fight from Paul R. Rowen for his District 22 seat.³¹

The *Globe* described the contest as "one of the bitterest fights the district has ever known" but provided few details. Birmingham won the nomination with 2,963 votes to Rowen's 2,301



Figure 7: Sen. David Walsh (Source: U.S. Senate Historical Office, Public Domain)

²⁹ *Boston Globe*, July 20, 1928, 5.

³⁰ *Boston Globe*, Aug. 7, 1928, 10.

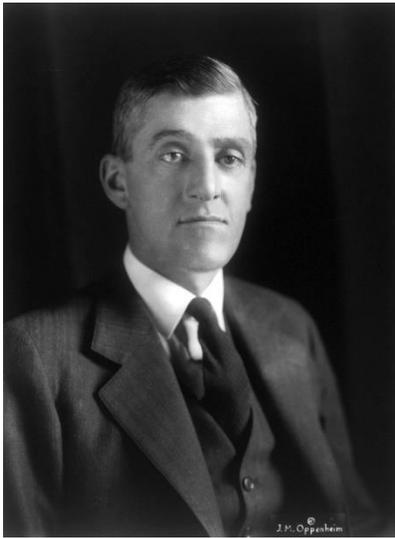
³¹ *Boston Globe*, Sept. 19, 1928, 4.

and Thomas H. McVey's 293 votes. Birmingham put on a "great victory parade" soon after he was declared the winner.

The contest for the other Brighton district, District 21, was won by incumbent Republican Martin Hayes, even though his opposition, Harold J. Oppenheim, was backed by Gov. Fuller.

1929: DEMOCRATIC HOUSE FLOOR LEADER

In just a few short years, Birmingham was able to gain sufficient support from the Democratic members of the House to be elected Democratic House floor leader in 1929. He served in that position until 1934.



*Figure 8: Leverett Saltonstall
(Source: Julius M. Oppenheim,
Public Domain)*

Leverett Saltonstall, a Republican representative from Newton, was first elected Speaker of the House in 1929, a position he held until 1936. Saltonstall would serve as governor of Massachusetts from 1939 to 1945 and a U.S. senator from 1945 to 1967.

At the national level, Herbert Hoover was sworn in as the 31st president of the United States, having defeated Smith, the governor of New York and first Catholic candidate for the presidency from a major party, by a convincing margin. Smith won Massachusetts but failed to win his home state of New York.

At the state level, Republican Frank Allen was sworn in as the 51st governor of Massachusetts, having defeated his Democratic opponent, Charles Cole.

During a Jan. 22 hearing of the Legislative Committee on Legal Affairs, Birmingham testified in opposition to taking power away from the Boston City Council to grant permits.³² He stated that he was against taking power from elected officials in principle.

The committee was considering two bills that would have removed the permit-granting

³² *Boston Globe*, Jan 23, 1929, 1, 8.

authority for Sunday professional sports from the City Council. One bill, sponsored by Rep. A. B. Casson, would have given the power for issuing permits to the mayor, Boston Police Commissioner, and the Chief Justice of the Municipal Court. The other bill, sponsored by Rep. George Gilman, would have transferred the power to the Boston Licensing Board with the approval of the Police Commissioner.

City Councilor Israel Ruby testified: "The people, when they voted in favor of the measure, showed they desired to have the City Council make rules and regulations governing Sunday sports. It is not fair for the legislature to take away what they did not see fit to give the people at the last session. Why should Boston be discriminated against in this manner? There was no hue and cry when other communities failed to accept the act. We accepted the act," he said.

Councilor John F. Dowd of Roxbury added that the people who voted for the referendum knew the council would issue the permits. "But now the legislature wants to step in and take away what little power is left."

Neither bill made it out of committee.

Bill to Borrow \$435K for Brighton Route

Birmingham opposed a bill that would have authorized the city of Boston to borrow money for the construction of a new road from Cambridge St., Brighton, to Soldiers Field Road, during a Feb. 18 hearing before the Legislative Committee on Municipal Finance.³³

The purpose of the new road was to provide a route from Harvard Square to Brookline.

³³ *Boston Globe*, Feb. 18, 1929, 19.

Birmingham said the city could afford to build the new road without borrowing the money and that the road was unnecessary because the route through North Harvard St., Brighton, was “far superior” to the proposed road.

“Because Harvard College, which doesn’t pay a cent of taxes to the city, wants this route, everything must be put aside. Let Boston build within the debt limit, as it did the Exchange St. job, after the Legislature had refused for four years to allow borrowing,” Birmingham said.

The bill was put forward by the Metropolitan Planning Division and Boston Mayor Nichols. Testifying in favor of the bill, Henry I. Harriman, representing the division, said the new \$435,000 route was badly needed.

Day Baker, representing the Massachusetts Automobile Dealers’ Association, testified in favor of the new route. The bill did not make it out of committee.

Bill to Limit Referenda to State Issues

In March, Birmingham opposed a Senate bill that would have limited public referenda only to policy issues that fall under the state legislature’s authority.³⁴

The Senate passed the bill in response to a referendum the previous fall about whether Congress should repeal the 18th Amendment (Prohibition). A majority of the public voted in favor of the referendum, which directed the state Senate to send a “memorial” to Congress seeking repeal.

Birmingham opened the debate in the House on the Senate bill, opposing the measure and

³⁴ *Boston Herald*, March 28, 1929, 1, 34.

arguing that the people of Massachusetts should have the right to express their views on federal as well as state matters and urged his colleagues to vote against the bill.

Arguing in favor of the Senate measure, Rep. Howard Fall of Malden said that its purpose was to prevent useless legislation because memorials to Congress were usually ignored.

Rep. Martha N. Brooks agreed, saying that the discussion of the Senate bill should not be based on the merits of Prohibition; instead, the Senate bill was designed to prevent the situation where people voted on ineffectual referenda.

Rep. Eliot Wadsworth of Boston said that 1,200 certified signatures of registered voters were required for a referendum and that many voters were unlikely to support trivial or foolish subjects. He said the people should be able to express their views on important questions, whether they are about issues under the state legislature's authority or not.

Birmingham and Wadsworth succeeded in convincing the House to vote against the Senate measure. The final vote was 35 in favor and 172 against.

Auto Insurance Fraud

In an April letter to Attorney General Joseph E. Warner, Birmingham criticized the attorney general for inaction in combatting auto insurance fraud, which was being blamed for higher insurance rates. Birmingham noted that Warner had expressed "indignation and promised actions" to reduce insurance fraud during his previous election campaign.³⁵

Birmingham also attacked Gov. Allen for inaction. As lieutenant-general Allen had urged Insurance Commissioner Wesley E. Monk to keep the rates on compulsory auto liability

³⁵ *Springfield Republican*, April 5, 1929, 1, 16.

insurance at the same level until further data was collected.

Frank A. Goodwin, the former registrar of motor vehicles who Fuller ousted, denied rumors that he wrote the letter sent by Birmingham to Warner. Before leaving his post as registrar, Goodwin had compiled a list of around 80 cases in which no accident report was made but later an insurance claim was filed for personal damage. In some of these cases, the lawyers had filed the claims without the vehicle operator's consent.

In response to Birmingham's letter, Warner referred to the report he submitted to the legislature in which he determined that information given to him did not warrant prosecutions.

Below is Birmingham's letter in full:

Hon Joseph E. Warner, attorney-general for the state of Massachusetts, State House, Boston, Massachusetts:

Dear Sir: As a representative of the people, I feel it my duty to interest myself in the present compulsory automobile insurance law and am writing to you as you have shown interest in it to the extent of promising a complete investigation of the corrupt practices of lawyers and doctors in presenting fraudulent claims—an alleged reason for the higher rates. I dissented, as a member of the rules committee, on the resolve presented by the committee on insurance that a special commission be appointed to study these insurance rates in the future. The time to look into them is now. If this vital question is longer postponed, the people will protest actively against their slow moving public officials. Most earnestly do I desire to be quick to defend the

people of this commonwealth; and, therefore, I am going to ask you to give the results of your investigation.

First let me quote some of the fervent official denunciations of these rates, made, it is true, in August 1928, when the Republican party was seeking votes.

You, yourself, said in your letter to Commissioner Monk in August 1928 that you “would act as prosecutor to the rights of the people of the commonwealth in an investigation of the connection between ‘quacks’ and ‘shysters’ and insurance rates.”

Gov Fuller was also aroused to state on August 21, 1928—

“Large numbers of people have made fraudulent claims under the law and were aided and abetted in this contemptible practice by doctors and lawyers alike to a point where the insurance commissioner is going to make a complaint to the Bar association that certain lawyers notorious for practice in this regard should be disbarred. It is well known that certain doctors have collaborated in offering evidence for fraudulent claims and this matter the state board of registration in medicine has already taken up.”

Was this indignation and promised action a gesture? If not, why is it all so soon forgotten? What was the outcome of your investigation? The people of this state should not be penalized to uphold the practices of dishonest lawyers and doctors. If these frauds were perpetrated, by all means let us have the matter brought into light. If the statement of Commissioner Monk had no foundation, then this feature which contributed so largely to the adopting of higher rates should be corrected, and the rates correspondingly lowered.

The present silence after such a storm of protest makes those anxious to clear up this

situation feel that something has been hushed up. Was Commissioner Monk fair with the people? Let me remark here that I understand that he is now holding a position with an insurance company which pays him about \$15,000 a year.

Commissioner Monk also stated that approximately \$6,000,000 was held in reserve for the settlement of 13,000 odd cases. This was in August 1928. Now, in April 1929, it is still maintained that the same amount and the same number of cases are still outstanding. Has none of the cases been settled by the court procedure? It is strange that this large sum of money does not decrease, nor the cases reach conclusion.

Our present governor, then Lieut-Gov Allen, injected himself into the issue and on August 25, 1928, he requested Commissioner Monk to allow the present rates on compulsory automobile liability insurance to remain as at present until at least further data had been received. Why doesn't Gov Allen take definitive steps now to relieve the situation if he held such views before election?

Lieut-Gov [William S.] Youngman was so deeply interested as to file a bill against this unjust legislation, but what has he done to further corrective measures? His voice so often raised on the platform election time was silent when an opportunity came for him to pursue tangible policy. Does he oppose the dilly-dally policy of the Republican legislation, or is he a party to it?

On the Republican party rests the responsibility of these rates and they must assume the responsibility. Now in April 1929, just in August 1928, these office-seekers must clear themselves in the eyes of the people of this state. They must do something—now. Next year the insurance companies, fattening on the easy money of the present tax, will seek and obtain

another larger tax. Let us seek to make one rate for the zoning law, and that one the minimum and not the maximum rate. Let up take up the fight as earnestly as the Republicans promised to do before election, and let us accomplish this vital reform without further delay.

I have risen as a representative of the people of this commonwealth to bitterly oppose a further postponement of this question. As you have in the past professed a deep interest in the subject, will you join forces with me in the present to settle this subject of insurance rates by giving me details of your investigation?

May I have a speedy reply to this important matter?

Very truly yours,

Rep. Leo M. Birmingham

During a May 1 hearing of the House Ways and Means Committee, Birmingham criticized the Committee on Insurance for abdicating its responsibility on compulsory automobile insurance rates.³⁶ He said that the committee should have tackled the problem themselves instead of proposing to set up a special commission.

The House Ways and Means Committee held the hearing to examine the Insurance Committee's proposal to create a special commission to study the issue of compulsory automobile insurance rates. The Senate and House chairmen of the Insurance Committee said that they had proposed the commission to study compulsory auto insurance because they did not have sufficient information to make a decision.

³⁶ *Boston Globe*, May 1, 1929, 12.

Rep. Renton Whidden of Brookline noted that the committee had only held one executive session on the subject. "At this session, not one of the bills was opened or discussed. And without considering any of them the committee voted to report out a resolve creating a commission."

Whidden urged the Ways and Means Committee to instruct the Insurance Committee to "do its duty and take some action on the many bills which were submitted to it."

During a debate on the House floor in early May, Birmingham moved for a rule suspension to permit consideration of a motion to refer the matter of high auto insurance rates back to the Insurance Committee, but the House refused to suspend the rules to entertain Birmingham's motion.³⁷

Birmingham charged the Republicans with a cover up regarding the insurance rates. He said the attorney general refused to answer his letter protesting the lack of action. He demanded that the attorney general stop stonewalling, summon a special grand jury and the ex-commissioner of insurance, and examine whether false insurance claims had been filed.

During the debate, Rep. Eliot Wadsworth criticized the decision to require compulsory insurance, suggesting that this was contributing to the high insurance rates. Wadsworth opposed Birmingham's motion and said the commission needed time to study the issue and the bills before the committee.

³⁷ *Springfield Republican*, May 9, 1929, 13.

Power Trusts and Newspapers

In April, Birmingham accused power trusts of planning to buy and operate a chain of newspapers in New England in addition to the two Boston dailies—the *Boston Herald* and *Boston Traveler*—they already owned.³⁸

“It has been brought to my attention that at least six publishers of important papers in this state, Maine and Connecticut, recently have been approached by brokers’ agents sent out of New York, and that in each case a price far in excess of real value of the paper was offered for its acquisition,” said Birmingham.

“There is no doubt, because of the source of this information, that the offers were made by gigantic financial interests battling among themselves for a New England light and power monopoly. These offers, the men behind them and the purpose behind them, we hope to reach through the investigation called for in resolves” in the House, he added.

The author of one of the resolves, Rep. Daniel P. Leahy of Cambridge, warned that a single great power combine could swallow up smaller companies and establish a monopoly of light and power distribution in New England.

“I have observed the rapid and menacing developments of mergers of Massachusetts electric companies. The movement has so far progressed that today the great majority of the 62 private electric companies in this state are under the domination or control of great power combines,” Leahy warned.

³⁸ *Detroit Evening Times*, April 16, 1929, 14.

“This condition is a menace, not only to the people served by the private companies, but also in the 40 or more cities and towns where municipal lighting systems are in existence, because many of those municipal systems, like many of the private companies, no longer have generating stations of their own, but obtain their current from the wholesale power companies,” he said.

“I have evidence that one of these great power groups is actively bidding for municipal plants. I believe that this situation demands a thorough investigation and action by the Legislature to protect our people and our industries, as well against the danger of economic slavery to the power trust,” he concluded.

During an April 29 Joint Rules Committee hearing into the International Paper and Power Company, Birmingham grilled President Archibald R. Graustein about the company’s control of much of the state’s power assets and the *Boston Herald-Advertiser* newspapers.³⁹

Birmingham asked Graustein if he would allow the legislature to look at the company’s books and records. Graustein answered in the affirmative.

Then, Birmingham asked him if he expected to make additional acquisition of power operating companies in the state, to which Graustein responded that he did plan to make additional acquisitions.

He demanded that Graustein provide the details of his company’s planned acquisition of the Worcester Electric Light Company. Graustein responded that he had told the committee what

³⁹ *Boston Herald*, April 30, 1929, 1, 14.

he knows and that Frank D. Comerford, president of the company's New England Power Association subsidiary, could provide additional details.

The House Democratic floor leader noted that Graustein's company acquired some of Worcester Electric Light Company's stock at \$185 per share. Birmingham asked if the company had arranged to pay for all of the stock at that price. Graustein responded that his company arranged to acquire some ownership by the exchange of securities, the value of which had not yet been determined by the market.

Birmingham then asked how many shares of the *Herald-Traveler* the company had purchased. Graustein said it had acquired 50 percent but declined to disclose the price per share. The Brighton representative asked if the purchase price exceeded the market value, and Graustein responded that it did not.

Birmingham inquired if Graustein's company intended to buy other newspapers in the state to which the witness said that he did not plan to buy other newspapers "unless we could buy where the investment was profitable without the newsprint contract and could get that in addition."

The lawmaker asked Graustein if his company intended to use the *Herald-Traveler* to back political candidates favorable to its interest.

"The *Herald* and the *Traveler* have been here for a long time. Their policies are known ... And we won't try to dictate [policies] in the future. It would not be good business. We have a financial investment in the *Herald-Traveler*. The only way to make money on it is to get circulation and you can't do that unless you have the confidence of the public. I can't change

your mind, but just watch us. The *Herald-Traveler* won't play any part in our business, except as an independent paper," asserted Graustein.

Taxicab Monopoly

During April 25 House floor debate, Birmingham charged that the taxicab monopoly could have been addressed years ago by the Police Commissioner if he had wanted to do so, but he was "interested in other concerns."⁴⁰

The Democratic House floor leader asserted that the independent taxicab operators were insulted when they appealed to the commissioner. He charged that a taxicab monopoly existed, and there was now an opportunity to end it.

Birmingham was commenting on a bill proposed by Rep. Joseph Finnegan that would have abolished special or exclusive taxicab stands and make public stands free and open for all vehicles whose owners were licensed.

Finnegan's bill was reported adversely by the House Committee on Cities, but Finnegan continued to fight for the bill. The House voted 158 to 46 to substitute Finnegan's bill for the adverse committee report.

Finnegan argued that the Checker taxicab company had an unfair competitive advantage in having exclusive stands set aside for its taxis.

"This measure is not designed as an attack on the police commissioner. It merely says that when a taxi stand is set aside by the city it shall be opened to all licensed taxicabs, which would

⁴⁰ *Boston Herald*, April 26, 1929, 7.

include special or exclusive stands in a policy of equal treatment for all. Provision is made for reasonable rules and regulations by the police commissioner," he said during debate on the bill.

Finnegan alleged that Charles Innes, a director of the Checker Taxi Company, was behind the opposition to the bill and the reason that the Committee on Cities issued an adverse report.

Rep. James Twohig of South Boston charged that police officials own Checker company stock and want to put the independent operators out of business.

Rep. Rupert Thompson of Newton, speaking for the Committee on Cities, said that a bill was passed setting up a Boston traffic commission and the committee thought that the question of exclusive taxicab stands should be left to the commission to decide.

Rep. Richard Crockwell of Medford, committee chairman, objected to Finnegan's suggestion that Innes was the reason the committee reported adversely on his bill. "Mr. Innes had absolutely nothing to do with the report on this bill," he said.

Finnegan's bill led to a compromise measure that passed both legislative houses, which resulted in the establishment of a special commission and recess committee to study the regulation of taxicabs in Boston.

During a May 20 meeting of the Massachusetts Council for the Abolition of the Death Penalty, Birmingham accused former Attorney General Arthur K. Reading of being motivated by political ambition when he pushed for the death penalty in the car barn trio murder case.⁴¹

Birmingham accused Reading of furthering his own political career by advocating for the

⁴¹ *Boston Herald*, May 21, 1929, 29.

death penalty. Subsequently, Reading was forced to resign as attorney general due to impeachment proceedings.

Rev. Raymond L. Calkins presided at the meeting, which included other speakers who favored abolishing capital punishment.

Compromise Bill on Boston Elevated Future

As the House Democratic floor leader, Birmingham was instrumental in brokering compromise legislation on the future of the Boston Elevated.⁴² Birmingham was a member of the conference committee of the House and Senate that hammered out the compromise. Other House members of the conference committee were Reps. Scott of West Springfield and Bigelow of Brookline. Senate members of the committee were Sens. Wragg of Needham, Davis of Haverhill, and Hale of Springfield.

The compromise, which was pushed by Gov. Allen, dropped the requirement that public control be ended in 1932, even though the legislature had already approved of that move. It added a provision setting up a metropolitan transportation district that included the cities and towns served by the Boston Elevated. The transit district would be managed by a board of five trustees – four appointed by the governor and one by the mayor of Boston.

The district would take over the existing structures of the Boston Elevated, subways, tunnels, and other property, with the takeover funded by a bond issue. The Boston mayor and city council would have to approve the takeover of the Boston subways.

The measure would set up a transit council made up of mayors and board of selectmen chairmen,

⁴² *Boston Herald*, June 8, 1929, 1, 2.; *Boston Globe*, June 8, 1929, 1, 17.

with each community having one vote for every \$100 million of valuation represented in the community. The council would require the consent of the Boston mayor and City Council to take over control of the existing subways. Rapid transit extensions would be decided by the legislature, not the council, although the council could recommend extensions to the Governor, who would submit them to the legislature.

The extensions would be built by a new transit department made up of three members – the commissioner to be appointed by the governor and two by the Boston mayor. The department would replace the current Boston transit board.

The compromise also called for the Boston Elevated to negotiate with the Eastern Massachusetts Street Railway Company to buy their lines in Chelsea and Revere.

In addition, the measure called for a non-binding public referendum in 1930 on the future of the Boston Elevated in the form of three proposals: one would return it to private management, one would maintain public control under private ownership, and a third would transfer it to public ownership.

The compromise bill was passed by both houses of the legislature and signed into law by Gov. Allen on June 8.⁴³

⁴³ *Boston Globe*, June 10, 1929, 1.

1930: WAR ON CORRUPTION, POWER TRUSTS

On Jan. 6, 1930, James Michael Curley, the perennial candidate for political office in Massachusetts, was sworn in as Boston's mayor after defeating incumbent Republican mayor Malcolm Nichols.



*Figure 9: James Michael Curley
(Source: U.S. Library of Congress's
Prints and Photographs division,
Public Domain)*

The following week, during a hearing of the Joint Committee on Rules, Birmingham asked Police Commissioner Herbert Wilson if he thought it strange that Oliver Garrett, the disgraced head of the Boston Police Department's liquor squad, requested a pension while corruption charges were pending against him.⁴⁴

"Of course, I did. But whether I thought it was strange or peculiar I had no other option but to refer the application to the Board of Health and abide by the decision of the officer of that body making the examination. I merely followed the law," Wilson replied.

Wilson explained that Garrett was first injured on Aug. 2, 1927, and then again at the Marshfield Fair on Aug. 22, 1929. Garrett apparently fell off a horse and hit his head.

Garrett applied for a pension on Sept. 27, 1929, and the pension was granted sometime later.

"The application for a pension had to be submitted by me to the Board of Health and I was required under the law to retire the officer when the Health Board certified that he was incapacitated," Wilson said.

⁴⁴ *Boston Globe*, Jan. 16, 1930, 27.

During a Feb. 18 hearing of the House Committee on Cities, Birmingham spoke in favor of having the Boston mayor appoint the Police Commissioner.⁴⁵

“I honestly believe there is as much corruption in the Police Commissioner’s office as there is in any office in this State. I’m firmly persuaded to that extent.”

“Place the Commissioner under the Mayor of Boston and we have a Finance Commission to investigate him. I question what will be accomplished by an investigation conducted by the Attorney General of the Garrett case. He is a Republican. This is an election year. The Republican party is not anxious to expose too much and, of course, to my mind, when one mentions the Garrett case it really means an investigation of Commissioner Wilson. If you want any State supervision over the Police Commissioner of Boston let the Civil Service Commissioner approve him, but let the Mayor appoint him,” said Birmingham.

In April, Birmingham backed a proposal to set up a three-person panel to appoint Boston’s Police Commissioner.⁴⁶

“The appointing power, now lodged with the governor, should be vested in a three-headed commission, one of whom should be named by the mayor, one by the chief justice of the municipal court, and the third selected by the first two. I believe there would be no difficulty in selecting the third member,” he said.

“I claim that the police commissioner, under the present system of appointment, is responsible

⁴⁵ *Boston Globe*, Feb. 18, 1930, 1, 21.

⁴⁶ *Boston American*, April 7, 1930 (JMC Scrapbooks, Vol. 21, 89).

to no one. Although graft and corruption have been brought to the attention of the Republican governors time and again, the condition was allowed to continue. Only through local control of the police department can we get a responsive system," he concluded.

On May 5, Wilson was fired by Gov. Allen following a report by Attorney General Joseph Warner into police department corruption. In particular, the report examined the granting of a pension to Garrett, the former leader of the vice squad who was removed in response to corruption charges.⁴⁷ Garrett was accused of extortion and racketeering while working on the vice squad.

The following day, the Joint Rules Committee held a closed-door meeting about the Warner report. Commenting on the hearing, Birmingham said: "I want Atty.-Gen. Warner in there to tell us many things omitted in the report. I want to be sure that his hands are clean. When he issued an open invitation to the world for witnesses to come forward with any additional information having any bearing on the case why did not his assistant, Mr. Clapp, volunteer to go on the stand and tell the entire story of the opinion he wrote for Wilson to submit to the Legislature concerning the second medical examination of Garrett? I also am curious to know why it was written at the Yale Club," he said.

"I said in the Legislature at the time that the opinion was illegal and that it would not be upheld in any court of law. I understand that Representative Renton Whidden has a photostatic copy of that opinion written in Clapp's handwriting. I want all these facts on it because if it is legal it has pinned Garrett's pension definitely to the statutes," he said.

⁴⁷ *Boston Herald*, May 6, 1930, 1, 6.

“Warner’s report did not go far enough. The supreme court, in an opinion given him, said that no legislative recommendations were required, but it did not say that he couldn’t make any recommendations. Are there some higher-ups being protected? If there are, we certainly want them exposed and the way to do it is to permit Wilson to come before the rules committee and tell his story publicly,” he concluded.

Birmingham left the committee’s closed-door meeting an hour after it had begun in protest because he objected to the Garrett report not being discussed in public.⁴⁸

Wilson sent letters to the presiding officers of both legislative branches demanding a hearing “with the right to summon and examine witnesses under oath, including members of the executive departments and of the Legislature.”

Birmingham placed blame for corruption in the Boston police department squarely with Gov. Allen and ex-Gov. Alvan T. Fuller, charging “laxity” in the administration of the department.

In response to Birmingham’s protest, Senate President Gaspar G. Bacon and House Speaker Leverett Saltonstall issued a statement following the closed-door session:

“The committee on rules, acting concurrently, have voted by majority vote to hold no public hearings on the report of the attorney-general on the Garrett investigation (House No. 1335) as a whole. The matters suggested by the attorney-general therein as being capable of legislative consideration have not yet been considered, and the committees have reached no conclusion as to hearings or as to legislation with respect to such suggestions.”

⁴⁸ *Springfield Republican*, May 7, 1930, 1, 3, 7.

“If the committees concluded at a later date that some legislation may be necessary, public hearings on such proposed legislation will of course be held. The committees adjourned subject to the usual call of the presiding officers.”

Birmingham commented on the reexamination of Garrett’s pension ordered by Wilson after Gov. Allen received the assistant attorney-general’s opinion: “The assistant attorney-general had rendered an opinion that a man examined on December 31, 1929, could be reexamined on January 1, 1930, after an elapse of a few hours. I maintain that no court in the commonwealth would have sustained such an opinion.”

“The governor requested this opinion from the attorney-general on this phase of the question and an assistant attorney-general gave him the ruling which could cause this condition to exist.”

“I feel that Mr Fuller and the present governor were familiar with all these facts ... Both the ex-governor and the present governor must have known, from the information given them by the state police, that something was wrong in the police department and the time to act was when they were in possession of this information.”

“Their laxity might have been responsible to a great extent for the conditions existing in the police department. I felt that the opinion was asked and given to stifle the investigation of which I was heartily in favor.”

“I am not attempting to defend Mr Wilson. I understand from a good authoritative source that Mr Wilson, as a private citizen, now desires to appear before the rules committee on House document No 1335 (Warner report), if the hearing were opened to the public. I believe

that every citizen, no matter who he is, should be given an opportunity of free speech before any legislative committee.”

During House consideration of the Warner report, Birmingham attacked the attorney general.⁴⁹

He criticized Warner’s conduct of the investigation into Garrett. Despite his attacks and those of other representatives, such as Rep. Roland D. Sawyer of Ware, the House accepted Warner's report.

Birmingham also charged the Joint Rules Committee with trying to stop the investigation into Garrett. The committee had denied Wilson a public hearing to prevent him from revealing information that would be embarrassing to prominent members of the Republican Party, he said.

Probe of Power Conglomerates

In March, a House Special Commission on Control and Conduct of Public Utilities issued a report concluding that the gas and electric holding companies that dominated the industry in Massachusetts had charged consumers artificially high rates for gas and electricity.⁵⁰

The holding companies were charging high rates to cover the high price of the stock of the operating companies acquired by these holding companies, which dominated nine-tenths of the total gas and electricity business in the state, the report found.

⁴⁹ *Boston Herald*, May 25, 1930, 14.

⁵⁰ Commonwealth of Massachusetts, Report of the Special Commission on Control and Conduct of Public Utilities, March 1930. <https://babel.hathitrust.org/cgi/pt?id=mdp.39015063796422&view=1up&seq=2>

In addition, these holding companies set up affiliated companies for management, construction, purchasing, financing, and other related services. According to the report, these affiliated companies made large profits by charging high prices for these services to the operating companies owned by these same holding companies.

Instead of breaking up the holding companies, the report, prepared by the Republican majority, recommended that the gas and electricity operating companies be subjected to additional regulation. The report proposed several bills that would impose greater financial transparency on holding, operating, and service companies and give the Department of Public Utilities additional powers, including regulating rates of bulk energy prices charged to operating companies and municipalities.

Birmingham wrote a dissenting report, criticizing the majority report for not going far enough in exposing the “unjust charges for electric light and power” that consumers had to pay because the holding companies generated high profits “to pay dividends” on the “watered stock” of these holding companies.

Birmingham charged the majority report with not conducting a thorough investigation of the financial practices of these holding companies, including interviewing company executives and examining the books and records of these companies in open hearings.

Despite being given the authority by the legislature to conduct a thorough investigation of these companies’ practices, the committee failed “to convey adequate information to the Legislature or the public as to the methods which are being employed in the management of these companies.”

In addition, Birmingham criticized the committee for not thoroughly investigating the ownership of the *Boston Herald-Traveler* by the International Paper and Power Company, which controlled the New England Power Association. Press reports about ownership of the paper spurred the creation of the special commission, yet it failed to explore this issue adequately, he argued.

He wrote that “the menace of unemployed cannot be removed if this State is to go on paying rates for light and power far beyond what they should be. The responsibility of changing these conditions in the interest of the businessmen and the workers of Massachusetts is squarely up to the General Court.”

“The facts presented to this commission prove conclusively that the people and industries of Massachusetts are being forced to carry a heavy burden of unjust charges for electric light and power,” he said, citing the higher prices charged by Edison Electric Illuminating Company of Boston than those set by municipal plants. Edison charged \$2.13 for 25-kilowatt hours of power, compared to \$1.00 to \$1.80 charged by municipal plants in Massachusetts.

The House Democratic floor leader criticized the majority report for not recommending that the state take over direct control of the power holding companies. He called for banning mergers of power companies unless the legislature approved.

The minority report included a number of legislative proposals, including bills giving the Public Utilities Department the power to regulate power holding companies, limiting the ability of power companies to borrow money to build or enlarge facilities, prohibiting additional mergers of the holding companies, easing the ability of towns to build municipal power

companies, regulating power companies regarding their capital stock, and memorializing Congress to restore to the states the ability to regulate and control public utilities.

On April 8, the Legislative Committee on Power and Light held hearings on the regulation of power companies. Birmingham argued that the power holding companies should be regulated to secure fair power rates.⁵¹

The Democratic House floor leader said that encroachment by outside holding companies of the local power market had been going on for years without any action by the Public Utilities Department. Only the purchase of the *Boston Herald-Traveler* had aroused the public and prevented the monopoly of the power interest in the state. Such a monopoly would prevail unless the state regulated holding companies and forbade further mergers, he said.

The bills proposed by the commission's Republican majority members would give the Public Utilities Department the authority to supervise contracts between utilities and the holding companies that control them but would not regulate the holding companies directly. The bills would also require the holding companies to provide certain information to enable adequate regulation.

During an April 9 hearing of the Legislative Committee on Power and Light, Birmingham criticized the committee for not printing his bills and said he would not argue in support of them until they were printed.⁵²

⁵¹ *Boston Globe*, April 9, 1930, 8.

⁵² *Boston Globe*, April 10, 1930, 18.

Birmingham introduced a bill that would have eliminated reproduction value as a rate base. The bill would have prohibited power companies from using the reproduction value theory, which they had relied on in court appeals for rate reductions.

His bill would have required a power company to sign a contract to abide by the Massachusetts investment value basis of rate-making. The company would have been required to sign the contract to receive protection against competition from a municipal lighting plant.

According to the bill, if a company refused to ink the contract, it would have no redress should a local community set up its own lighting department without buying out the private company.

The commission majority's counsel, Arthur D. Hill, testified that reproduction value was a "fictitious value" because it was the cost of "rebuilding something that nobody would rebuild because it is obsolete."

Hill argued that the use of the theory in court results in a constant threat of costly litigation because it is difficult to apply. He supported the idea of having the Public Utilities Commission be the arbiter of the price the community would pay for the plant. The commission should use the basis of the plant's cost less its depreciation for the plant's value.

Charles E. Wardwell, counsel for the Massachusetts Gas and Electric Association, told the Legislative Committee on Power and Light April 23 that Birmingham's minority report on power rates drew an inaccurate picture of comparative costs of operating municipal and private power plants.⁵³

⁵³ *Boston Globe*, April 23, 1930, 11.

Wardwell said that if the Boston Edison Company did business on the same basis as the Belmont municipal power plant, which charges a rate of 5 cents per kilowatt-hour, the rate the Boston company would charge would be around 3½ cents instead of the 8½ cent maximum rate that was now imposed.

The association's counsel said it was virtually impossible to compare the rates in one community with a privately owned plant with the rates in another community with a municipal plant. Not only were the conditions in the two communities different, but methods of doing business, such as taxation, lamp service, and average costs, differed materially, he argued.

During an April 29 hearing of the committee, Birmingham said that "only last week the Koppers interests secured control of the Charlestown Gas & Electric Company, while we discuss the advisability of restraining such mergers."⁵⁴

Citing the proposed takeover of the city hall power plant by the Edison company and the plan to have Edison supply electricity in the new post office building, he urged the city and federal government to "join with us in attempting to have rates reasonable instead of trying to save a few dollars."

During the afternoon session, Frank D. Comerford, president of the New England Power Association, said his group was willing to accept state regulation, but it saw no differences between its interest and the public interest.

Comerford supported the majority report of the special power commission, which basically supported maintenance of the status quo concerning regulation.

⁵⁴ *Boston Herald*, April 30, 1930, 21.

The association's policy is "to provide adequate facilities for service and to reduce rates as quickly as feasible in order that increased use, by reason of lower rates, may make use of the facilities," he told the committee.

Comerford stressed that his association contributed investment and employment to Massachusetts and the New England region and had many small local shareholders.

"I believe that on the whole the great body of the public is satisfied with its utilities and believes that there are other and more important matters requiring public attention. Has it occurred to you, as it has to me, that in all the agitation arising from the hearings of the investigating committee and the hearings which you have held this year and in previous years, practically no interest has been shown by anyone except the same small group of zealous advocates?" Comerford concluded.

At a May 13 hearing, the Committee on Power and Light approved the majority's bill that would extend the law authorizing cities and towns to purchase and operate power plants.⁵⁵ The bill was amended in committee to give power companies the right to appeal a decision by the Department of Public Utilities on the price to be paid by the municipality to buy a privately owned power plant.

The committee decided that "no legislation [was] necessary" regarding Birmingham's minority report and bills.

⁵⁵ *Boston Globe*, May 14, 1930, 28.

During his gubernatorial nomination acceptance speech at the state Democratic convention, Joseph Ely supported a proposal by Birmingham that municipalities be allowed to buy power distribution companies in their area.

“As a check upon the unwise and unjustifiable methods in the operation of public utilities I favor legislation making it easier for municipalities to acquire ownership of the distributing companies in their various localities, substantially in accord with the minority report made to the legislature by Representative Leo M. Birmingham,” Ely said.⁵⁶

Ely said that high power rates were making Massachusetts products less competitive with products made in other parts of the country where power rates are lower.

“The question of light and power rates is important, because of its close relation to prosperity and unemployment. The products of our factories cannot be sold in competition with those produced in other sections of the country if the cost is too high,” he said.

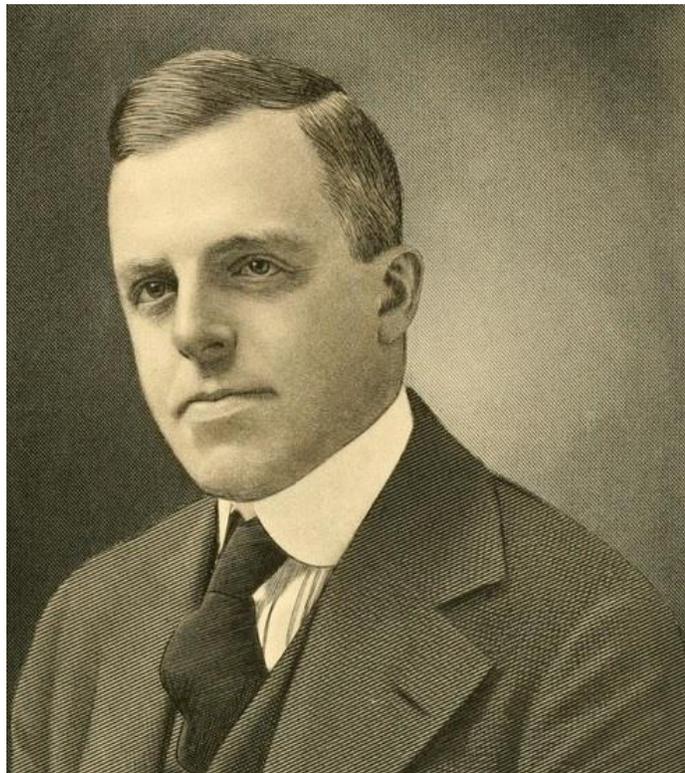


Figure 10: Joseph Ely (Source: Lewis Historical Publishing Company, Public Domain)

⁵⁶ *Springfield Republican*, Sept. 28, 1930, pp. 1, 2.

“The operation of this utility has been conducted under franchise privileges from the state, in return for which it is the duty of the government to see that its rates are based upon the theory of reasonable and prudent investment. It has been publicly admitted that even a difference of a quarter of a cent per kilowatt in power rates meant the difference between profit and loss in many industries,” Ely added.

Infrastructure Takes Center Stage

Infrastructure was also on the mind of the House Democratic minority leader in 1930. Birmingham testified in favor of a proposal, put forward by himself and Rep. Hays, to extend the Boylston subway line beyond Kenmore Square under Commonwealth Avenue and Beacon Street for \$3 million.⁵⁷

During March 19 testimony before the House Committee on Metropolitan Affairs, the Brighton representative argued that the subway extension was necessary to ease traffic congestion.

The bill proposed to extend the Boylston line under Beacon Street to just east of the railroad bridge and under Commonwealth to opposite Temple Israel.

Speaking on behalf of Mayor Curley, Corporation Counsel Samuel Silverman testified in favor of the bill, saying that the extension was necessary to ease traffic around Governor Square.

Silverman said the extension would cost \$3 million and would be financed by Boston city bonds. The city would also charge Boston Elevated an annual rent of not less than 4.5 percent.

⁵⁷ JMC Scrapbooks, Vol. 20, 3, 5, 10.

Any deficit in the operation of the subway extensions would be paid for by an assessment on the cities and towns in the Metropolitan Transit District (MTD). This was a point of contention for the surrounding towns in the MTD.

Representatives of the Newton, Belmont, Milton, Somerville, and other communities testified against the bill, arguing that it was only intended to ease traffic problems in Boston, so they should not be required to contribute to the extension.

Newton City Solicitor Joseph W. Bartlett said that the assessment would set a precedent in which his city might be expected to pay for future subway improvements that did not benefit Newton.

Bartlett also argued that subway expansion should be decided by the Metropolitan District Council instead by legislation.

Belmont Town Counsel Amos L. Taylor agreed, arguing that a decision on the extension should be postponed until voters voted on the future ownership structure of the Boston Elevated, which was scheduled for the fall. The voters approved the continuation of the public control but private ownership of Boston Elevated.⁵⁸

Birmingham also backed a bill to give Boston authority to build a bridge between Boston and East Boston.⁵⁹

Boston had already received legislative authority to build a tunnel the previous year, so the bill was intended to give the city the option of building a bridge.

⁵⁸ *Boston Globe*, Nov. 5, 1930, 14.

⁵⁹ *Boston Globe* March 21, 1930 (JMC Scrapbooks Vol. 20, p. 18).

Arguing in favor of the bill, Birmingham said that building a bridge would be cheaper than digging a tunnel and that the city should be given that option.

Public Utilities Commissioner Everett Stone earlier argued in favor of building a bridge because of the cheaper costs. In addition, Mayor Curley favored the construction of a bridge.

The House Rules Committee recommended that the rules be suspended so that the bill might be admitted for consideration by the full House. However, the House, by voice vote on March 20, refused to consider it.

Reps. Barker and Carr of Boston opposed the bill, arguing that bridge construction would mean extensive damage to the land and that money and time had already been spent on the tunnel. Consideration of the bill to authorize construction of a bridge was postponed until the 1931 legislative session.

The previous year, the legislature had authorized \$16 million to build a tunnel connecting the two parts of Boston, and \$50,000 had already been spent on plans and surveys. The tunnel, which was later named the Sumner Tunnel, was completed in 1934.

During a March 25 hearing of the Legislative Committee on Municipal Finance, Birmingham argued in favor of including unaccepted streets in a bill authorizing Boston to borrow \$10 million to pave accepted streets and private roads. He said it was an outrage to force people to pay taxes on unaccepted roads without fixing them.⁶⁰

⁶⁰ JMC Scrapbooks, Vol. 20, 31, 52, 65, 66; Vol. 21, 8.

Massachusetts defined an unaccepted street or road as open to public travel but not formally accepted by a community, usually by a vote of the town meeting. Some private roads were also considered unaccepted roads.

Birmingham urged favorable action to help outlying sections of the city instead of spending road improvement money on widening streets downtown.

Rep. James J. Twohig of South Boston testified that his district badly needed money to improve its streets. Most of the accepted streets are in "horrible condition," he said.

Silverman testified that the mayor was seeking \$10 million for permanent paving of new streets and that the city was ready to start work on spending between \$5 million and \$6 million on its street improvement program.

On March 30, the committee reconvened, and Silverman testified that there were 502 petitions for permanent paving of unaccepted streets. Of the 502 petitions, 96 were for paving Brighton streets. Silverman estimated that paving would cost \$10,000 per street, or a total of \$5 million, with Brighton getting \$1.1 million.

Public Works Commissioner Joseph A. Rourke said that many accepted streets needed paving and submitted his department's paving plan to the committee. He noted that \$590,000 was already earmarked in the Boston city budget for street improvement.

Senator Frank W. Osborne of Lynn asked Rourke how much it would cost to "clear up the street problem in Boston?" Rourke replied that it would probably require between \$80 million and \$90 million.

In response to Rep. John P. Higgins of Boston, Rourke said his department would have to double its workforce to implement the entire Boston road improvement program.

Birmingham said that Rourke had assured him that the money would be equally divided between improving unaccepted and accepted streets. He said the street improvement program met with his approval and favored the bills.

In a special session of the legislature held in the fall, Birmingham introduced a bill for the Metropolitan District Commission to take over and maintain three bridges over the Charles River between Cambridge and Boston—the River St Bridge, the Western Ave. Bridge, and the Larz Anderson Bridge.⁶¹

The bill would have also provided for the extension of the approaches to the bridges on both sides of Charles River, including Memorial Drive, Cambridge, and Soldiers Field Road.

Investment Trusts Probe

In June, Rep. Birmingham urged Warner to investigate investment trusts, which were widely blamed for contributing to the Great Stock Market Crash of the preceding October.⁶²

Birmingham criticized the lack of supervision of these trusts. “In my opinion these organizations are handling their funds contrary to all the general acceptances of sound investment trust financing and ought to be investigated before another crash and the barn door is locked after the horse is stolen,” he stated.

⁶¹ *Boston Globe*, Dec. 10, 1930, 17.

⁶² *Boston Globe*, June 6, 1930, 42.

Investment trusts, which proliferated in the months before the crash, were set up to hold stock in companies, which in turn held stock in other companies—a scheme known as pyramiding.⁶³

As an example, Goldman Sachs and Company set up an investment trust, the Goldman Sachs Trading Corporation, in December 1928. That corporation sold preferred and common stocks to the public but retained enough stock to exercise control.

In July 1929, Goldman Sachs Trading Corporation joined Harrison Williams to set up the Shenandoah Corporation, which sold preferred and common stock to the public. Again, a controlling interest was retained by the corporation. Then, in the fall of 1929, the Shenandoah Corporation set up the Blue Ridge Corporation. Stock was sold to the public, but the corporation retained a controlling interest. Ultimately, Goldman Sachs retained control of all of the corporations and received revenue and value from them.

This entire structure was based on debt and leverage. When the stock market crashed, the structure collapsed, and shareholders in the corporations were left with nothing.

It was this practice that Birmingham wanted investigated, given the devastating consequences of the crash on his constituents and Massachusetts residents in general. He favored having the Boston Stock Exchange implement a rule forbidding investment trusts from retaining or buying their shares, a ruling that the New York Stock Exchange had implemented not long before.

⁶³ John Kenneth Galbraith, “The 1929 Parallel,” January 1987
<https://www.theatlantic.com/magazine/archive/1987/01/the-1929-parallel/304903/>

“The Attorney General has assured me that he has already given serious attention to the whole situation of investment trust financing, and intends to seek authority from the Legislature that will enable his department or the State Bank Department to protect the public in these enormous operations of so-called investment trusts,” Birmingham stated.

The House minority leader decided to cancel a meeting of Democratic members of the legislature scheduled to be held July 28, 1930, before the conference called by the Democratic State Committee to consider the party’s ticket for the next election.

In a statement explaining the cancellation, Birmingham said that he was concerned the purpose of the meeting might be misunderstood.⁶⁴

Below is Birmingham’s statement:

“After further consideration I deem it advisable to cancel the tentative plan made for a gathering of the Democratic members of the Legislature before the meeting called by the Democratic State committee for Monday, July 28, in Worcester. I do this because it seems to me, after contemplation of the matter, that best service can be rendered by having the members of the Democratic party present their individual opinions at this meeting in Worcester.”

“To avoid the appearance of any element of contention or compulsion on the part of the Democrats which might arise in the general minds by such a prior gathering of the representatives of their ranks, I think it wiser to abolish the plan which was, in fact, only partly

⁶⁴ Boston Globe, July 26, 1930, 2.

formulated. Otherwise the very aim which we desire to accomplish might, by misunderstanding of our sincere motive, be brought to defeat.”

“By a cancellation of this separate meeting before the coming together of all eligible members it will be apparent that the ideas of members expressed are not imposed upon them but simply disclosed frankly. Their unbiased opinions of the policies which they believe will be for the best interest of the Democratic party [sic].”

Curley’s Role in Democratic Gubernatorial Nomination

In September, Birmingham attacked Mayor James Michael Curley for trying to manipulate the Democratic nomination for governor by backing John F. Fitzgerald even after Fitzgerald withdrew from the race due to illness.⁶⁵

Birmingham issued a statement chastising Curley for vowing to battle to nominate Fitzgerald despite the candidate’s decision to withdraw as an “insult to the intelligence of the Democratic voters of Massachusetts.”

Curley’s effort to have Fitzgerald nominated was reportedly an attempt to substitute his candidate, Gen. Edward L. Logan, for Fitzgerald at the convention. Fitzgerald’s withdrawal left Joseph Ely and John J. Cummings in the race for the Democratic gubernatorial nomination.

Curley initially backed Fitzgerald for governor based on an agreement that the aging Fitzgerald would only serve one term, making way for Curley in 1932.⁶⁶

The Republican party had an “escalator system” in which the lieutenant governor would

⁶⁵ *Springfield Republican*, Sept. 10, 1930, 1, 18.

⁶⁶ Huthmacher, *Massachusetts People and Politics*, 201.

become the next candidate for governor once the current governor served two terms. Curley considered the Republican lieutenant governor, William Youngman, to be a weak candidate whom he could beat in 1932. Birmingham hinted at this plan by Curley in his statement opposing Curley's effort in supporting Fitzgerald.

Birmingham's full statement is below:

"Mr Curley today appears in the role of a party dictator when he would override the wishes of former Mayor Fitzgerald and the members of Mr. Fitzgerald's family, have the party nominate Mayor Fitzgerald and then have the state committee 'substitute the ablest man in the Democratic party.' Is he running out on Allen now? He already has run out on Whipple and Logan.

"Mr Curley's proposition is an insult to the intelligence of the Democratic voters of Massachusetts. Moreover, he shows not the slightest consideration for former Mayor Fitzgerald or the latter's family, confirming the opinion held all along by those familiar with the situation that Mr Curley had not the slightest interest in Mayor Fitzgerald's success after the primary but was simply using him to prevent the nomination of someone who he feared might defeat Gov Allen and thus stand in the way of the fulfilment of Mr Curley's pipe dream that he could be nominated and elected in 1932."

"Mr. Curley flouts the voters as usual. He would have them go through the form of nominating Mayor Fitzgerald and then have the former mayor withdraw and let 100 or more members of the state committee fill the vacancy. In other words, he would have 100 Democrats instead of the 800,000 in Massachusetts do the nominating for the party. It is ridiculous. Mr

Curley [illegible] fast thinker, but apparently he thought too fast in this situation, not stopping to reflect that the state committee, if it did not nominate Mr Ely, might choose former Mayor Peters as the candidate in the event of the nomination and withdrawal of former Mayor Fitzgerald.”

“I am a better friend of Mayor Fitzgerald than is Mr Curley. I sympathize with Mayor Fitzgerald and can do this without changing my previously expressed belief that the Democratic voters of Massachusetts would have chosen Mr Ely as their standard-bearer even with Mayor Fitzgerald as his opponent. The Democrats of Massachusetts will nominate Ely next Tuesday and the voters of Massachusetts will elect him on the first Tuesday of November. Mr Curley and his friend, Gov Allen, are very uncomfortable today.”

Challenge to Birmingham

Three Democratic representatives—Rep. Paul Dever of Cambridge, Anthony A. McNulty of Boston, and William H. Hearn of East Boston—mounted challenges to Birmingham for the position of minority floor leader in the waning days of 1930.⁶⁷

Governor-elect Joseph Ely was asked to remain neutral on the question, even though Birmingham backed his election even when that was unpopular among Irish Catholic politicians.

Dever became the leading candidate but his close relationship with Curley, a political opponent of Ely, made legislators who supported Ely reluctant to elect him as the governor’s spokesman in the House.

⁶⁷ *Boston Herald*, Dec. 14, 1930, 57.

1931: BIRMINGHAM REELECTED AS MINORITY LEADER

Democratic Gov. Joseph Ely was inaugurated on Jan. 8, 1931, after defeating incumbent Republican Governor Frank Allen. Ely received 606,902 votes to Allen's 590,228 votes.⁶⁸

Ely was the first Democratic governor of the state since 1914 when David I. Walsh held the position.

During his inaugural address, Ely backed Birmingham's report about regulating power holding companies, "which are now the means of circumventing the present laws of the Commonwealth in reference to the regulation and ownership of utilities."

The previous day, Birmingham was reelected Democratic House floor leader by a vote of 68 to 26 in the Democratic caucus, defeating Rep. Paul Dever of Cambridge.⁶⁹ Saltonstall was reelected House Speaker unanimously.

Gov. Ely signed his first bill as chief executive on Jan. 15—his emergency unemployment bill that provided for \$330,700 in immediate expenditures by state agencies.⁷⁰

During the signing ceremony, Ely was flanked by Senate President Gaspar G. Bacon, Saltonstall, Birmingham, and Rep. Dexter A. Snow of Westfield.

The bill was passed expeditiously by both houses Jan. 15 without division or debate, record time for action on legislation proposed by a new governor.

⁶⁸ Michael Hennessey, *Four Decades of Massachusetts Politics: 1890-1935*, 430-433.

⁶⁹ *Boston Globe*, Jan. 7, 1931, 17.

⁷⁰ *Boston Globe*, Jan. 16, 1931, 1, 6.

Panel of Democratic Lawmakers

A Jan. 22 meeting of Democratic legislators, presided over by Birmingham, decided to set up a steering committee to meet weekly with Ely to cooperate on the passage of legislation supported by the governor.⁷¹

The steering committee was composed of three state senators—Buckley, Joseph Finnegan of Dorchester, and James E. Warren of Lawrence—and 16 members of the House—Birmingham, Reps. John Ford of Fall River, James E. Hagan of Somerville, William P. Hickey of Boston, William H. Hearn of East Boston, John A. Jones of Peabody, Edward J. Kelley of Worcester, John P. Lyons of Boston, Anthony A. McNulty of Boston, James P. Meehan of Lawrence, Daniel F. Moriarty of Lowell, Francis E. Rafter of Salem, Joseph Roach of North Adams, Roland D. Sawyer of Ware, Lewis R. Sullivan of Boston, and Michael Zack of Lynn.⁷²

Ely met with the steering committee Jan. 28 to discuss the governor's financial policy, particularly a bond issue he proposed to pay for unemployment relief. The committee assured the governor of its support.⁷³

Birmingham said after the meeting with Ely:

"I am sure the rank and file of the citizens of the State believe that the recommendation of the Governor for a bond issue is a meritorious one, and I do not believe that most of the members of the Legislature, regardless of their party, will attempt to obstruct legislation which is to be so beneficial to so many people.

⁷¹ *Boston Herald*, Jan. 23, 1931, 30.

⁷² *Boston Globe*, Jan. 24, 1931, 5.

⁷³ *Boston Globe*, Jan. 29, 1931, 11.

“The members of the steering committee, whose views I am now presenting, assured the Governor of their upmost support in bringing about the passage of the legislation. The time for dilly-dallying is past. The time for action designed to improve conditions in our State is at hand, and action should start. The Governor is absolutely right when he says: ‘I am not interested in Constitutional questions when people are crying for bread.’”

House Panel Mulls Birmingham Bill on Power Firms

The Legislative Committee on Constitutional Law held a hearing on a bill introduced by Birmingham that would memorialize Congress in favor of legislation that would assure states of their authority over intrastate utility businesses.⁷⁴

Wallace H. Walker, secretary of the Public Franchise League, spoke in favor of Birmingham’s bill. He said that passage would “prevent local utilities from jumping into federal courts before they had taken advantage of their rights of appeal to state courts.”

The Massachusetts Gas and Electric Association opposed the bill, arguing that even if the federal legislation were enacted, it would not prevent state utilities from asking federal courts to review their cases and that the right of appeal to state courts was limited.

Democratic Opposition to Birmingham on Labor Bills

The Democratic floor leader faced opposition from his party Feb. 20 in his attempt to stop three bills on working hours and workmen’s compensation from passing the House.⁷⁵

⁷⁴ *Springfield Republican*, Feb. 5, 1931, 15.

⁷⁵ *Boston Herald*, Feb. 21, 1931, 24.

One bill would have made workmen's compensation retroactive to the date of injury. The two other bills would have provided watchmen and employees who maintained fires with a mandatory one-day off in seven days worked, respectively.

Birmingham worked with Speaker Saltonstall to defeat the bills. Saltonstall ordered the doors of the House locked, and the members were placed under technical arrest to defeat the bills.

Many of the Democratic representatives protested against Birmingham's effort to join forces with the Republican leadership. They complained that they had not been informed in advance of the votes. They assumed that Birmingham was working at the direction of Gov. Ely, who opposed the legislation.

Several independent Republicans joined with the Democrats in trying to get the bills passed. Ultimately, only the bill on employees maintaining fires was passed.

House Approved Bill on Old-Age Pension

By a vote of 118 to 100, the House approved a bill to reduce from 70 to 65 the age of male beneficiaries under the old-age pension fund.⁷⁶

Birmingham led the fight for passage of the bill, which was based on a recommendation made by Ely in his inaugural address. Birmingham argued that it would wipe out the poorhouse in the state and reduce the cost of old-age assistance.

⁷⁶ *Springfield Republican*, March 5, 1931, 1, 12.

“I do not want it said that this prosperous state refused to listen to the appeal of these workers who have given their lives to building up prosperity and have passed the age of working,” he said.

Rep. Cahill of Braintree led the opposition to the bill. He argued that lowering the age would have an uncertain cost impact, particularly when the legislature was still trying to figure out how to raise the revenue for old-age pension with the age set at 70.

Rep. Daniel J. Coakley of Chicopee urged the House not to amend the bill but give the law a year’s trial at 70 years. If it were successful, he pledged to vote to lower the age to 65.

The previous year, Birmingham had offered an amendment to an old-age pension bill that would have lowered the age to 65 years for men and 60 years for women. The House approved Birmingham’s amendment and passed the amended old-age pension bill by a vote of 202 to 27. That bill failed in the Senate.

Power Company Monopolies

During a March 4 hearing of the Legislative Committee on Light and Power, Birmingham joined with Wallace H. Walker, secretary of the Public Finance League, and others to urge passage of their bills to ease the establishment of municipal electric plants.

He pushed for passage of his resolution to prevent power companies, “drunk with exorbitant profits,” from appealing to federal courts.⁷⁷ He argued that the state should have the sole authority to determine the amount of property and price for a town to set up a municipal power plant.

⁷⁷ *Boston Globe*, March 5, 1931, 4.

Birmingham supported enabling municipalities to take over ownership of electric and gas provisioning without being required to purchase company properties. He argued that the rates for electricity and gas were excessive and that the existing system had not adequately protected the public.

Public Utilities Commission Chairman Henry C. Attwill testified April 23 before the House Ways and Means Committee that a bill filed by Birmingham to give the commission authority over power holding companies was not necessary.⁷⁸

Attwill said that the best way for the commission to safeguard consumer interests was through control of power operating companies, not holding companies.

If passed and enacted, Birmingham's bill would have likely resulted in the commission dissipating its energies "chasing the owners of the stock" rather than ensuring that the power rates were reasonable and served the public, he argued.

During an April 24 hearing of the same committee on Birmingham's bill, Sheldon E. Wardwell, counsel for the Massachusetts Electric and Gas Association, said that the proposed legislation was unconstitutional.⁷⁹

He also asserted that gas and electricity rates would be much higher and service worse if not for the power holding companies.

Wardwell argued that the commission already has the authority to secure the facts needed to regulate the rates charged to consumers.

⁷⁸ *Boston Globe*, April 24, 1931, 35.

⁷⁹ *Boston Globe*, April 25, 1931, 4.

“I can see no way in which the holding of stock of an operating company can affect the rates of the operating company if we have intelligent and fearless regulation,” he asserted.

“If that statement is not correct, then we have got to come to some form of regulation of holding companies, but I have never heard any argument advanced or known of any reason why an efficient Department of Public Utilities, if given proper appropriation, cannot regulate rates and make them fair to the consumer. I believe our Massachusetts department has regulated the rates and made them fair to the consumer,” he added.

Wardwell also argued that giving the commission the mandate to regulate holding companies would “take its attention from material facts.”

Robert H. Holt, representing the state’s gas companies, agreed with Wardwell that the Birmingham bill was unconstitutional and that the commission had enough authority to regulate rates through operating companies.

Defending the bill, Wallace H. Walker, secretary of the Public Franchise League, said his organization believes that the bill would make possible the regulation of future mergers of holding companies, ensure regulation of securities issued by holding companies, and allow regulation of service charges.

“We believe that it would be to the benefit of the consumers and the investors as well to authorize the regulation of holding companies’ activities,” Walker said.

Tax Increase on Low Wage Earners

Birmingham opposed attempts to increase taxes on low-wage earners as part of a 10 percent state tax increase proposed by Boston Mayor James Michael Curley and half-heartedly endorsed by Gov. Joseph Ely.⁸⁰

Curley recommended the tax increase to pay for public welfare expenditures, old-age assistance, expansion in state activities, and Ely's public works program. Boston would get \$1 million from the increase, while other cities and towns would get the rest based on their last income tax returns.

Curley directed Corporation Counsel Samuel Silverman to work with Tax Commissioner Henry Long in drafting the tax bill that would apply the tax increase retroactively to the 1930 tax year.

The mayor dismissed arguments that the increase was unconstitutional, citing a similar tax imposed on foreign and domestic corporations in 1918 to pay for the war bonus and the income tax increase in 1923 to pay for national bank tax reimbursements.

Curley threatened to increase the city's real estate tax if he didn't get the 10-percent state income tax hike.

Even though much of the Curley tax increase would go to the cities and towns, local officials were not sure such an increase in the tax burden was advisable.

Business leaders were virtually united in their opposition to the mayor's tax proposal, arguing that it would burden taxpayers and slow any economic recovery.

⁸⁰ *Boston Herald*, March 7, 1931, 1.

Birmingham's Bill Restricting Hypothecation

A March 10 hearing of the Legislative Banks and Banking Committee examined a bill introduced by Rep. Birmingham to restrict brokers from rehypothecating securities.⁸¹

The Birmingham bill provided that “no person, who as broker has bought or holds securities for another, shall rehypothecate or pledge any such security without in each instance stating in writing to his principal or customer the purpose, the name of the proposed pledgee, purchaser or borrower, together with a statement in detail of all profit, interest or commission of the broker and then obtaining the express written consent of his principal or customer to such rehypothecation.”

Rehypothecation “is the practice by banks and brokers of using, for their own purposes, assets that have been posted as collateral by their clients. Clients who permit rehypothecation of their collateral may be compensated either through a lower cost of borrowing or a rebate on fees,” according to Investopedia.com.⁸²

“In a typical example of rehypothecation, securities that have been posted with a prime brokerage as collateral by a hedge fund are used by the brokerage to back its own transactions and trades,” it added.

Charles T. Cronan of Hornblower & Weeks and Ralph Burrell of Pain Webber & Co. testified before the committee in opposition to Birmingham's bill.

⁸¹ *Boston Globe*, March 10, 1931, 29.

⁸² Julia Kagan, “Rehypothecation,” Investopedia.com: <https://www.investopedia.com/terms/r/rehypothecation.asp>

Cronan argued that if the bill passed, brokerage houses would have "to render service of impossible details." He argued that the clearinghouse system would be upset, and the investment banking business would be driven from the state.

Burrell said that it would be impossible to comply with the requirements of the bill.

Birmingham was not present during the hearing to argue in favor of his bill.

Criticism of Junket at Hotel Statler

Birmingham criticized the Legislative Committee on Municipal Finance's April 2 meeting at the Hotel Statler as a "needless junket."⁸³

The committee met to consider Mayor Curley's budget proposal for \$31 million in development projects. At the meeting, the panel recommended slashing the proposed budget to \$3.5 million.

In response, Curley attacked the committee for its severe cuts and asked Senate Chairman Samuel H. Wragg to call a special meeting of the committee to see if they would hear the mayor's objections to its recommendation. Wragg agreed to call the special meeting but expressed skepticism that the committee would change its recommendations.

Birmingham, a member of the committee who did not attend the session at the Hotel Statler, charged the members with excessive spending in booking an "expensive hotel suite" and ordering a "bounteous repast." He noted that the State House had plenty of space for the committee meeting without additional cost to the taxpayers.

⁸³ *Boston Herald*, April 4, 1931, 15.

While Birmingham objected to the committee holding its meeting at the Hotel Statler on the taxpayer's dime, he didn't oppose the cuts to Curley's projects. In fact, he thought the committee was too liberal in its recommendations toward Curley's street construction appropriations request.

He also attacked the committee for its "unfriendly gesture" in releasing a statement noting that he was the only member absent from the meeting. He had objected in private to the committee holding the meeting at the hotel and requested that the committee move the meeting to the State House, which the committee ignored.

Bill Restricting Law Practice in State Splits Democrats

Birmingham's opposition to a bill to restrict the practice of law in the state caused a rift among Democratic lawmakers.⁸⁴

The bill, which would have placed restrictions on the authorized practice of law, was ordered to a third reading on a vote of 87 to 52 during the April 29 House session.

On April 29, the bill was amended on the House floor to exclude from its provisions representatives of labor unions or employers appearing before the industrial accident board.

The bill, sponsored by Rep. John S. Derham of Uxbridge, was intended to prevent banks from acting as fiduciaries, drawing up wills, and making trusts.

Other Democratic lawmakers resented Birmingham's participation in the discussion as an opponent of the bill. Protests came from Derham and Reps. John Patrick Connolly and Paul A. Dever.

⁸⁴ *Boston Herald*, April 30, 1931, 13.

Congressional Redistricting Plan

Senate President Gaspar Bacon and House Speaker Leverett Saltonstall appointed a special commission to draft a redistricting bill to redraw the congressional districts in response to the national census, which resulted in the state losing one seat in Congress. At the time, the Massachusetts delegation to Congress was made up of 12 Republicans and 4 Democrats.

The commission's redistricting bill was introduced into the Senate on May 15.⁸⁵ It proposed two options. Plan 1 would result in the Republicans having 8 of the 15 districts, the Democrats 5, the Beacon Hill district held by Republican Congressman George Tinkham would be "construed as Democratic," and one would combine districts 8 and 13, according to the *Boston Globe*. Districts 8 and 13 were each held by Republicans – Frederick W. Dallinger of Cambridge and Robert Luce of Waltham. Plan 2 would keep the same districts except for district 9, held by Congressman Charles Underhill, which would be eliminated and the area redistributed to other districts.

Although the Democratic members of the committee signed the majority report issued by the Republicans, other Democratic members of the Senate and House expressed concerns about the plans. In response to the Republican redistricting proposal, Birmingham was tasked to select a committee of 15 from the Democratic Party in both houses to draft a new congressional redistricting bill more favorable to the Democrats.⁸⁶

⁸⁵ *Boston Globe*, May 15, 1931, 1.

⁸⁶ *Boston Herald*, May 19, 1931, 1, 8.

Birmingham called the Republican proposal a “Gerrymander” and favored redistricting that would result in 7 districts in Republican hands, 7 in Democrats' hand, and 1 in a toss-up category.

He said that there was too great a population spread in some districts under the current plans, particularly between districts 9 and 10 and between districts 11 and 12. District 12, with a population of 34,000, was too large, and cities, including Cambridge, Salem, Revere, Lawrence, and Chelsea, had been divided up too much. He favored a redistricting plan that would keep each city as a unit within the district.

Birmingham judged that the Republicans seemed worried they would be buried under a rising tide of Democracy, during a May 25 address to the Pioneers in Lawrence.⁸⁷ He opposed splitting up any city into two districts, such as had been proposed for Lawrence.

The Senate voted on June 1 by a razor-thin margin of 18-17 to approve the Republican’s Plan 1.⁸⁸ Sens. John P. Buckley of Charlestown, Democratic minority leader, and James E. Warren of Lawrence were the only Democrats to vote for the redistricting plan.

Two amendments to the bill put the cities of Lawrence and Revere into the new 7th district, which Congressman William P. Connery of Lynn largely represented.

The Senate redistricting bill was sent to the House for approval. The House amended the Senate bill by taking Reading, Wilmington, and Tewksbury from Congressman Connery’s district and restoring them to Congresswoman Edith Nourse Rogers’ district. The House approved the

⁸⁷ *Boston Globe*, May 26, 1931, 16.

⁸⁸ *Boston Herald*, June 2, 1931, 1, 2.

bill on June 4, and the Senate approved the amended bill on the same day.⁸⁹ Gov. Ely signed the bill on June 10 after failing to get the legislature to amend it.⁹⁰

Lowell High School Centennial Celebration

Birmingham represented Gov. Ely as the principal speaker at the centennial celebration of Lowell High School held on Dec. 1 at the Memorial Auditorium. Other speakers included Frank W. Wright, director of secondary education at the state Department of Education, and Judge Arthur L. Emo, representing the alumni association.⁹¹

Below are excerpts from Birmingham's speech:

"I believe that on an anniversary of this kind we should go back 300 years to the settlement of the Massachusetts Bay colony in this country. Those settlers left their native shores, not as exiles or convicts, but as intelligent men and women settling a land where they might establish society on their own basic principles. They came here that they might have liberty which was deprived them in their native land; they came that they might find a place where they could, unmolested, worship God in their own way."

"They faced the hardships of this new country with courage, foresight and perseverance. Their advance forward was immediate, and in 1636 their first school was found in Newtowne, now Cambridge. In 1647 permission was given the individual towns to support schools by taxation if they desired. Third among all communities to take advantage of this offer was Lowell. You, therefore, should feel proud to study in a school built on sacrifice and on the noble

⁸⁹ *Boston Globe*, June 5, 1931, p. 19.

⁹⁰ *Boston Globe*, June 11, 1931, p. 28.

⁹¹ *Lowell Sun*, Dec. 1, 1931, p. 1, 9.

deeds of men and women of Lowell long since dead. Their task in founding your school was not simple.”

“The educational system then established could not have existed if the children had not been taught the [sic] to God and country that had imbued their forefathers.”

“And may I speak a word to the parents who are here today. They have cause to rejoice in seeing their children attending such a splendid institution. And they should constantly remember the unselfishness of the teachers who care for their children the greater part of the day.”

“I am not exactly a stranger in your city; I know many Lowell men, and I have the greatest respect for my friends here. For the past five years I have been friendly with your mayor-elect, Charles H. Slowey, and I can well understand why the thinking people of your city placed him in office. I well know the keenness of this intellect and the soundness of his judgment. But my knowledge of Lowell is given a new inspiration today by the sight of this assembly and the nature of the exercises.”

“Although we are now in times of stress and unemployment, remember that bright and happier days are coming. Remember that this country was built on sacrifice—and let us become imbued with that spirit. Let nothing shake you, my young friends, as you carry forward the banner in the same manner in which you received it.”

1932: MEEHAN'S CONFIRMATION TO LABOR POST

During a Jan. 19 hearing at the State House presided over by Gov. Ely, Birmingham conducted the case for the confirmation of Mary F. Meehan as assistant commissioner of labor and industries.⁹²

At one point in the hearing, the governor ordered Henry J. Sullivan out of the hearing room. Sullivan had accused the "nominal member of the Democratic party on the Executive Council" of blocking the confirmation of Meehan.

Ely told Sullivan to confine his remarks to the point at issue, or he would be asked to leave if he did not do so. Sullivan began speaking and again referred to the Democratic member of the council. The governor then ordered Sullivan to be escorted from the room.

The hearing room, one of the largest in the State House, was filled to overflowing for the hearing about the confirmation of Meehan by the Governor's Council. In attendance were Councilors Campbell, Cote, Chamberlain, Frazer, and Brennan, as well as former Boston Mayor Honey Fitz and Charles Riordan, acting chairman of the Democratic State Committee.

Meehan's nomination had faced opposition from member of the Council because some critics argued that she did not have the technical knowledge for the position.

Ely gave the opening remarks, in which he outlined the purpose of the hearing and the procedures. During the early part of the hearing, Meehan remained outside with a group of friends who could not find room inside the hearing room.

⁹² *Boston Globe*, Jan. 20, 1932, 1, 23.

In support of Meehan, Birmingham recounted her 20-year connection with various labor organizations and state Democratic councils. Meehan had been an executive dealing with the issue of women and child workers for the past 17 years.

The Brighton representative argued that Meehan's work on behalf of organized labor should not be seen as an impediment to her confirmation. He said that there was a place on the Labor and Industries Board for a person who had labor affiliations and was familiar with the difficulties encountered by women and children in the workplace.

Birmingham then read letters of support for Meehan, including from Rev Jones I. Corrigan, S.J., of Boston College; George R. Glendining, president of the Banker and Tradesman; and Courtenay Guild of Boston.

On Jan. 27, the Governor's Council confirmed Meehan as assistant commissioner of labor and industries.⁹³

Smith's Presidential Candidacy Statement

Many Massachusetts Democrats, including Ely and Birmingham, reacted favorably to Al Smith's announcement in February that he would be willing to be the Democratic presidential candidate if the Democratic National Convention supported his candidacy.⁹⁴

At the same time, Smith stressed that he would not actively campaign for support, so his name would not appear on the state primary ballots.

Ely said that Smith's statement opened the door for the selection of a Massachusetts delegation friendly to his interests. "It seems to me that the best interest of the Democratic

⁹³ *Boston Globe*, Jan. 27, 1932, 1

⁹⁴ *Boston Herald*, Feb. 8, 1932, 1, 4.

party nationally and in Massachusetts will be served by the election of those delegates who, though unpledged in a legal sense, have expressed a preference for the candidacy, the principles and the ideals of Alfred H. Smith.”

Commenting on the Smith announcement, Birmingham said: “I am delighted that Gov. Smith is agreeable to having his name placed before the next Democratic national convention as a candidate for the presidency. It is my opinion that he will be unanimously nominated in Chicago, as he was in Houston in 1928, because this same sentiment still prevails all over the country, and particularly in Massachusetts, for the ‘Happy Warrior.’ With millions of votes added to the 15,000,000 he has proved he can get, I feel that Gov. Smith will be sent to the White House in the next election.”

Mayor Curley, who supported Franklin Delano Roosevelt, declined to comment on the Smith announcement from his vacation spot in Cuba.

Alternate Delegate to State Slate to DNC

Birmingham was named an alternate delegate to the Democratic slate for the 1932 Democratic National Convention by State Committee Chairman Frank J. Donahue.⁹⁵

The slate was composed of supporters of Al Smith. Delegates-at-large included U.S. Senator David Walsh, Massachusetts Gov. Joseph Ely, and Ex-Mayor John F. Fitzgerald.

The delegates had given a pledge to vote for Smith if they were elected.

Fitzgerald withdrew as a delegate-at-large due to health, and Sen. John Buckley and Rep. Birmingham were considered to replace Fitzgerald.

⁹⁵ *Boston Globe*, March 11, 1932, 1, 22.

Mayor Curley, a supporter of Roosevelt, said he would put together a pro-Roosevelt slate of delegates for Massachusetts voters.

In April, Massachusetts Democratic voters overwhelming selected the Smith slate of delegates to the convention.⁹⁶

Birmingham vs. Curley over Municipal Retirement Fund

Birmingham assailed Mayor Curley for stealing city funds, during March 31 House floor debate over whether to override Ely's veto of a bill to allow Boston to take a two-year hiatus on its annual contribution to the municipal retirement fund.⁹⁷

Ely's veto was ultimately sustained by the House on a vote of 115 to 108, thanks in no small part to Birmingham's support for the governor's action.

The original bill would have given the city the authority to withhold its annual contribution of \$500,000 to the municipal retirement fund for 1932 and 1933, even though the city was required to make those contributions by law. The mayor argued that he needed to suspend the payments because of the Depression.

In his veto message, Ely said: "The effect of this legislation is to adopt the principle that the city may at any time, by legislative sanction, postpone payment of the retirement funds which heretofore, under the provisions of the original act, have been assumed to be a debt of the city. In my opinion, the bill is unsound and endangers the whole principle of the Boston retirement act."

⁹⁶ *Boston Globe*, April 27, 1932, 1, 13.

⁹⁷ *Boston Herald*, April 1, 1932 (JMC Scrapbooks, Vol. 73, p. 4).

Birmingham said that the real reason the mayor was seeking to suspend payments was because he had wasted taxpayer money in paying high prices for goods.

“Let Curley stay home and pay attention to the affairs of the city. Let him stop running around like one who has lost his senses. Figures in my possession from the finance commission on the purchase of supplies show a flagrant waste of municipal funds in the payment of excessive prices for commodities.”

Birmingham said that the Mohawk Packing Co. had shut down after Curley’s second administration only to start up again when his current term began, implying that the company was a front for Curley to benefit from the excessive payments to vendors.

The Brighton representative charged the mayor with “faking” because he had \$4 million to “play with” and could apply part of that money for the annual contribution to the municipal retirement fund, avoiding a 26-cents-per-thousand tax increase.

“Let the mayor undergo a moral reform and the city will save, not \$500,000, but millions. Yes sir, I say if he’d stay at City Hall and stop his plundering and robbery, he wouldn’t be here for this \$500,000,” said Birmingham on the House floor.

“He declared that he would not reduce the salaries of city employees but he put the gun on them and compelled them to give one day’s pay a month to go to the public welfare department. Is that a salary cut?” Birmingham asked. “It’s more than a 10 percent cut. It was a ruthless, underhanded way of holding up the employees and done in a manner characteristic of everything he does,” the representative charged.

Rep. Francis D. Dailey, a Democrat from the South End, defended the mayor and accused Birmingham of engaging in a political stunt. Dailey demanded that Birmingham produce evidence of the graft and corruption charges against Curley or other members of the municipal administration and provide that evidence to the district attorney or the state attorney general.

Not one to let an insult pass, Curley took the occasion of a rally for Roosevelt delegates at Warren Hall in Brighton, located in Birmingham's district, to attack Ely and Birmingham.⁹⁸

"Leo M. Birmingham, the man who was so vociferous in support of the governor's veto, is the same man who was silent when the power trust bill was in the House in 1931. But he was vociferous in saddling 25 cents extra on the taxpayers and rent payers of Boston. If the Legislature would have let us transfer that amount the 25 cents could be saved. In addition to that the legislature would not give us permission to transfer \$500,000 from the cemetery funds. The city taxpayers will really pay 50 cents more than they should on the tax rate," Curley said during the rally.

Curley said that Ely's motive was to punish him for supporting Roosevelt over Smith for the Democratic presidential nomination.⁹⁹ Ely's veto of the bill was a "prostitution of the power of his high office to vent his personal spleen on me because I have dared to oppose his wishes and fight for the nomination of Gov. Roosevelt," charged Curley.

Birmingham had joined with Ely to "crush Curley," the mayor said. "You will pay \$1 a month extra to your landlord because of the hostility of Birmingham and Ely to Curley and only because Curley had the temerity to support Gov. Roosevelt in this fight for the presidency."

⁹⁸ *Boston Advertiser*, April 3, 1932 (JMC Scrapbooks, vol. 73, p. 20).

⁹⁹ *Boston Herald*, April 3, 1932 (JMC Scrapbooks, vol. 73, 22).

Curley explained that rents would go up because the taxes on homeowners would have to increase to pay for city's contribution to the municipal retirement fund.

Saltonstall vs. Birmingham Over Youngman Row

House Speaker Leverett Saltonstall had to rap his gavel twice on Birmingham over remarks the Democratic House floor leader made about Lieutenant Governor William Youngman during House floor debate on April 28.¹⁰⁰

In a message to the legislature, Youngman had recommended revoking the state purchase of the inoperative Boston, Worcester, and New York Street Railway franchise for \$563,000. The original reason for the purchase was to build a Boston-Worcester turnpike along the tracks.

Youngman asked the legislature to take steps to recover the \$200,000 already paid and stop payment of the remaining \$363,000.

Birmingham charged that the "case has been tried in the newspapers by the Lieutenant Governor."

In response, Saltonstall rapped Birmingham to order, noting that the motive behind the message was prohibited from being debated.

Birmingham again referred to Youngman, and Saltonstall banged his gavel and asked the Democratic minority leader to abide by the chair's ruling. Birmingham said he would comply because he would have an opportunity later to discuss the message.

¹⁰⁰ *Boston Globe*, April 29, pp. 1, 24.

Birmingham urged the approval of Rep. Jewett's motion to print Youngman's message and postpone action. Jewett said his motion was customary when the House received a message from the governor.

By a voice vote, the House postponed consideration until the following Tuesday. At the time Youngman submitted the message, he was acting governor since Ely was out of state at the National Governors' Conference.

Ely reacted angrily, charging Youngman with a breach of faith. In a reply message sent to the legislature, the governor wrote: "There is no question in my mind as to the advisability of the approval of the contract because the loss to the Commonwealth is definitely established and is less than would be the cost of construction of the highway, leaving the tracks of the street railway in place."¹⁰¹

Birmingham's Criticism of Senate

In a May 14 speech to the Railroad Agents' Association of New England, Birmingham accused the Senate of being a "death house" because it defeated so many bills passed by the House of Representatives that were in the "best interests of the Commonwealth."¹⁰²

The Senate was "too far away from the interests of the people," he said during an address to the association's 45th annual ladies' night held at the Hotel Statler ballroom. Birmingham was representing Gov. Ely at the meeting.

¹⁰¹ *Boston Globe*, May 4, 1932, 32.

¹⁰² *Boston Globe*, May 15, 1932, p. A19.

Birmingham said that the people of Massachusetts needed to be more involved in public affairs to counteract the influence of lobbyists for particular interests. "It is the responsibility of all people to be interested in public affairs," he said.

In addition, Birmingham supported relief to financially troubled communities in the state. Without the relief, "they will be as defunct as any corporation unable to protect itself ... when the Governor says that all should take an interest in the matter, there is small attention paid to it."

Ely's Luxury Tax Package

Birmingham, along with Rep. Francis E. Rafter of Salem and Rep. John V. Mahoney of Dorchester, led the fight to push Ely's luxury tax package through the House after the committee on taxation reported the tax package unfavorably on May 19.¹⁰³

The luxury tax package included excise taxes on tobacco, soft drinks, and amusements. Birmingham led the soft drinks tax fight, while Rafter promoted the tobacco tax, and Mahoney pushed the amusement tax on theaters, baseball, boxing, wrestling, and hockey.

Sen. Erland F. Fish of Brookline, chairman of the taxation committee, said his panel could find no justification for singling out the three industries for special taxation. He said that no tax increases should be voted on until cities and towns reduce their expenditures.

Responding, Ely said: "Senator Fish says that if any more tax measures are passed to raise funds for cities and towns they will not cut down on expenses, but that does not help the man who pays a real estate tax any [sic]. He still will be required to pay the tax. The further

¹⁰³ *Boston Herald*, May 20, 1932, 1, 20.

argument is used that the three industries should not be singled out but the three industries fall into one classification and that classification is luxury. The tobacco industry is sufficiently profitable so that the president of one particular company received a salary and bonus in excess of \$1,000,000. I am tremendously disappointed that the committee did not see fit to report these bills and I believe the people generally will be disappointed.”

Democratic House members held a caucus June 2 at the request of Ely to consider the Ways and Means Committee’s tax program.¹⁰⁴

Birmingham read a communication from Ely to the House Democratic caucus urging it to support the committee’s tax program. However, the caucus voted not to accept the program in its entirety.

The committee’s tax program included an additional \$2 poll tax, salary reductions for state and county employees, and a 10 percent supplement on income taxes. Ely also said in the communication that if the caucus could not support the plan, it should formulate its tax program.

The caucus then took up individual items in the committee's plan. The caucus voted down the provision for a state and county employee pay reduction, but it approved a 10 percent increase on personal income, corporation, and public utility taxes.

The caucus voted in favor of a more sweeping proposal to increase by 10 percent all taxes and license fees imposed by the state, which would automatically take in the 10 percent tax increase on the personal income, corporate, and public utility taxes.

¹⁰⁴ *Boston Globe*, June 3, 1932, 1, 17.

In his communication, Ely expressed opposition to a proposal by Rep. Pratt to put a tax on stocks and bonds and other forms of intangibles. Rep. Pratt had proposed a bill that would have provided for a \$20 million state bond issue to assist cities and towns in public welfare relief as a substitute for the committee's tax plan.

The caucus appointed a committee of seven to make a report to Gov Ely about its recommendations. Committee members included Reps. Birmingham, Charles H. Slowey of Lowell, Patrick Moore of Pittsfield, John V. Mahoney of Boston, Timothy J. Cronin of Cambridge, Joseph P. White of Boston, Paul A. Dever of Cambridge, and Frank E. Rafter of Salem.

The alternative tax program proposed by the Democratic caucus included taking \$2 million from the gasoline tax receipts or highway fund to provide public welfare relief to the cities and towns, imposing a 10 percent tax on the total amount of all income taxes paid, a 10 percent tax on all fees collected by the state, and an excise tax of 1 cent on every 10 cigarettes.

Curley and Birmingham at Democratic National Convention

At the 1932 Democratic National Convention in Chicago Mayor Curley was able to outflank Birmingham and Chelsea Mayor Lawrence F. Quigley.¹⁰⁵

Because of his active support of Roosevelt, Curley was not part of the Massachusetts delegation to the convention, which was pledged to support Smith. However, Roosevelt supporters arranged for Curley to be at the convention as a



National Convention (Source: ACME Newspictures, Public Domain)

¹⁰⁵ *Boston Herald*, July 3, 1932, 4.

delegate from Puerto Rico under the name "Jaime Miguel Curleo."

Both Birmingham and Quigley had challenged Curley's right to speak at the convention. However, they were caught off guard when Curley took the stage at the convention and joined in the seconding of John Garner as the running mate to Roosevelt.

Sensing the support for Garner at the convention, the Massachusetts delegation withdrew their opposition and sat silently as Garner's nomination for vice president was approved by voice vote.

Rep. John W. McCormack of South Boston declared that he would second Garner's nomination on behalf of Massachusetts, but opposition from his fellow delegates changed his mind.

In response to Garner's nomination, the Massachusetts delegation deserted their section of the convention hall. A large group of delegates decided to leave Chicago early and arranged for a special train to take them back to Boston.

Gov. Ely delayed the special train's departure to keep the delegation at the convention for the final session, although some delegates left early anyway. Ultimately, the convention nominated Roosevelt for president and Garner for vice president.

1933: BIRMINGHAM FOCUSES ON LABOR RIGHTS

Franklin Delano Roosevelt was inaugurated president on March 4, 1933, after defeating incumbent President Herbert Hoover. Joseph Ely was sworn in as governor for a second term after defeating Republican candidate William S. Youngman.

On Jan. 11 Birmingham filed a bill that would have limited the employment of minors under 18 in jobs that involve an element of danger or could have harmful effects on their health.¹⁰⁶

The bill would have also prohibited the employment of minors under 16 in connection with power-driven machinery, in tunnels, in pool rooms and bowling alleys, and in handling tobacco.

Curley Administration's Finances

Birmingham supported an investigation into the financial operations of the Curley administration that the House was considering.¹⁰⁷

The Committee on Rules held a hearing on Feb. 10 to review a petition, signed by 7,200 individuals, to investigate Boston's financial operations. Birmingham indicated that he would dissent if the committee recommended against conducting an investigation, while Sen. Finnegan said he would object if the committee recommended a probe.

One of the petitioners, Mrs. Hannah M. Connors, secretary of the Massachusetts Real Estate Owners' Association, had alleged that James Roosevelt, the son of President Roosevelt, had received commissions on insurance policies he had written for the city. Curley had supported Roosevelt over Al Smith in the Democratic presidential primary and worked with

¹⁰⁶ *Boston Globe*, Jan. 12, 1933, 4.

¹⁰⁷ *Boston Traveler*, Feb. 12, 1933, and other Boston newspapers (JMC Scrapbooks, Vol. 88, p. 5, 14, 26, 60, 70).

James to promote Roosevelt's candidacy in Massachusetts.

James Roosevelt vehemently denied profiting from any business transactions involving the city of Boston. In a letter sent to the Sen. Erland Fish of Brookline, chairman of the Rules Committee, Roosevelt said: "In order that the record may be correct, may I state to you and through you to the Rules Committee that never at any time have I received one cent of commission for insurance or any other business from either the mayor or the city of Boston."

Boston City Councilman Francis E. Kelly of Dorchester, who supported an investigation, filed a statement with the committee charging "graft and corruption during the present administration."

An investigation into city finances was supported by the Boston Chamber of Commerce, the Boston Real Estate Exchange, the municipal research bureau, the Massachusetts Real Estate Owners Association, the Massachusetts Tax Association, the Good Government Association, and other organizations.

Democratic Opposition to State Employee Pay-cut Bill

Birmingham faced stiff opposition from 52 Democrats and 9 Republicans over a bill providing a 10 percent to 15 percent payroll reduction for state employees. The bill was sponsored by the Ways and Means Committee and backed by Ely.¹⁰⁸

Several Democratic opponents to the bill planned to call a caucus to remove Birmingham as the Democratic House floor leader.

¹⁰⁸ *Boston Herald*, March 26, 1933, 4.

The opposition group, mostly Boston Democrats, also threatened a filibuster of the general appropriations bill to extend the House session into midsummer in retaliation for passage of the pay cuts.

They planned to ask for debate on every one of the more than 100 appropriations items. Only 30 members were required for a roll-call on each item, so this would have delayed the process for weeks.

In particular, the opposition group threatened to hold up appropriations items beneficial for farmers because rural districts had been supportive of the pay cut for state employees. One appropriations item they planned to oppose was reimbursement for farmers whose cattle had died from disease.

Rep. John P. Higgins and Rep. John V. Mahoney, who had been supportive of the governor's agenda, joined the opposition to the pay-cut bill. The bill was scheduled to go to the Senate for a vote, where it was expected to pass.

Reversing course, Birmingham, along with Rep. C. F. Nelson Pratt of Saugus and Rep. Stephen D. Manning of Marlboro, petitioned Ely to restore pay cuts for state, county, and Boston city employees during a special legislative session called by the governor to enact liquor control legislation.¹⁰⁹

The bill would restore the employees to their previous pay scale by Dec. 1. It was expected to be referred to the House Rules Committee. If the committee failed to act on the bill, it would require a four-fifths vote to bring the bill before the special session.

¹⁰⁹ *Boston Globe*, Nov. 10, 1933, 6.

Other bills were presented to restore the pay cuts, but only this bill was marked for consideration at the special session.

1934: BIRMINGHAM ATTACKS NEEDHAM FOR FIREARMS THEFT

President Roosevelt entered his second year in office focused on implementing his New Deal agenda, while Gov. Ely entered the final year as gubernatorial term. Frederick Mansfield, a Democrat, was sworn in as Boston mayor Jan. 1.

On the House floor, Birmingham led an attack on Gen. Daniel H. Needham, state commissioner of public safety.¹¹⁰

His criticism came during a March 1 debate on an amendment that Birmingham offered that would have cut \$10,000 from a \$30,000 appropriation to train 20 additional state troopers. The amendment was defeated by a vote of 146 to 72.

Rep. John S. Derham of Uxbridge had alleged that Needham was responsible for the theft of state police firearms from the Mechanics building by the Millen-Faber gang, which committed robbery and murder.

Others joining in the attack on Needham were Reps. Paul A. Dever of Cambridge, J. Walton Tuttle of Framingham, and John Aspell of Boston.

Coming to Needham's defense, Rep. Horace T. Cahill of Braintree, Republican House floor leader, charged that the attacks were motivated by House members not being able to pressure Needham to "fix" police cases.

Rep. Harold E. Cole of Taunton also defended Needham: "All this attack on Gen. Needham goes back to the time shortly after his appointment when he refused to fix certain cases and

¹¹⁰ *Boston Herald*, March 2, 1934, 22.

was informed by some members that they would 'get' him when the general appropriation for his department came before them."

Child Labor Amendment

James A. Farley, the Democratic national committee chairman, sent a telegram to Birmingham and Sen. Joseph Finnegan, the Senate Democratic floor leader, urging the state to ratify the federal Child Labor Amendment, which would give power to Congress to "limit, regulate, and prohibit the labor of persons under eighteen years of age."¹¹¹

A hearing on the amendment was held at the State House on Feb. 7 by the Legislative Committee on Constitutional Law. The packed hearing took place in the largest committee room available.¹¹²

The Farley telegram read: "The Democratic national committee hopes Massachusetts becomes the 21st State to ratify the Child Labor amendment and make permanent the gains under the N.R.A. (National Recovery Administration). Fourteen States have ratified this year under the leadership of the Democratic party."

Rep. Roland D. Sawyer, who sponsored the petition filed by the State Federation of Labor supporting ratification of the amendment, testified in favor of the amendment.

"This amendment touches only regulation of the labor of those under 18 years of age, and I cannot believe that any Legislature would seek, or if it so sought, would be allowed by the

¹¹¹ The Child Labor Amendment, 1924-1934. URL: <http://library.cqpress.com/cqresearcher/document.php?id=cqresrre1934030300>

¹¹² *Boston Globe*, Feb. 7, 1934, 14.

United States Supreme Court to make any laws affecting the education or religion of our youth," said Sawyer.

"Those distinguished men who oppose this amendment because of the unhappy results of the 18th amendment, so far as I can see, have no real basis for seeing any analogy between them," he added.

Robert J. Watt, secretary-treasurer of the State Federation of Labor, said that the amendment would give Congress the power to limit, regulate, and prohibit labor of individuals younger than 18 years old but not impinge on state's rights.

Watt went after those critics who compared the amendment to Prohibition, stressing that the two were completely different.

He also criticized Cardinal O'Connell for his opposition to the amendment, stressing that he was acting as an individual, not a diocese representative.

The Massachusetts legislature did not ratify the amendment. Ultimately, the Child Labor Amendment failed to gain ratification of the constitutionally required three-fourths of states.

Bill to Expand State Detective Force

The House Rules Committee reviewed on March 12 a bill introduced by Birmingham to expand the state detective force by 10 people.¹¹³

Birmingham said that the additional personnel must come from the civil service lists and not from other branches of the Department of Public Safety. He argued that this process would improve the efficiency of the detective bureau.

¹¹³ *Boston Globe*, March 13, 1934, 11.

Rep. Frank J. McFarland of Dorchester supported Birmingham's bill and opposed transferring personnel from the uniformed State Police force to the detective branch. Birmingham and Rep. John P. Lyons of Brockton nearly came to blows in the House of Representative lobby after a June 29 debate over his bill.¹¹⁴

The Ways and Means Committee had recommended against Birmingham's bill. Lyons, a member of the committee, had led the fight against the bill.

However, Birmingham convinced the full House to reject the committee's recommendation by a vote of 68 in favor to 124 opposed.

After the vote, the House recessed. The two men met in the lobby and continued their argument over the bill. They separated, but then they began shouting at each other. Lyons charged Birmingham, ready to hit the minority floor leader. However, spectators and other House members intervened and separated the two men until their tempers cooled.

Meeting on Mayor Mansfield's Cuts

On April 4, Birmingham called a meeting of Democratic legislators from Boston to discuss the legislative program put forward by the newly elected Boston Mayor Frederick Mansfield. The lawmakers failed to reach a consensus on the mayor's program.¹¹⁵

As a result, each member was left free to decide whether to support or oppose the mayor's legislative program, which included authorizing the consolidation of city departments without the city council's approval.

The mayor's program included putting 1,800 Public Works Department per diem employees

¹¹⁴ *Lowell Sun*, June 29, 1934, 18.

¹¹⁵ *Boston Globe*, April 5, 1934, 1, 16.

on a five-day pay basis, which would result in a pay cut from \$27 to \$22.50 per week. The change would reduce total salaries by 21 percent.

Under former Mayor Curley, the department workers were paid for a full six days but only had to work five and half days.

In addition, department employees on a yearly salary would be required to take a month's leave of absence without pay to balance the situation.

After announcing the program, Mansfield traveled to New York to address a luncheon club on Wall Street. Acting Mayor John Dowd, president of the city council, said he opposed Mansfield's economy program.

Power Companies under State Supervision

Birmingham successfully pushed for House passage of his bill to put gas and electric power holding companies under state supervision. The bill was passed May 1 by a vote of 118 to 72.¹¹⁶

The bill would put the state Department of Public Utilities in charge of corporations, partnerships, trusts, and voluntary associations owning or controlling more than 5 percent of the capital stock of a gas or electric power company.

Rep. Harry D. Brown of Billerica, the Republican floor leader, led opposition to the bill's passage. But Birmingham prevailed in the fight for passage. Upon House passage, the bill was sent to the Senate for approval, where it failed to pass.

Saltonstall Hands Gavel Over to Birmingham

House Speaker Leverett Saltonstall handed the gavel over to Birmingham on June 19. There

¹¹⁶ *Boston Herald*, May 2, 1934, 11.

was “prolonged applause” when Birmingham took the House chair.¹¹⁷

This was the first time in that House session that a Democrat presided over the deliberations of the lower branch of the legislature.

Visit to St. Elizabeth’s Hospital

Birmingham was hospitalized for an undisclosed ailment at the Cardinal O’Connell House in St. Elizabeth’s Hospital.¹¹⁸

Birmingham had been sick for several weeks. He was admitted to the hospital Oct. 27 and was expected to be hospitalized for at least two weeks.

The following January, the caucus of the House Democratic members sent a message of cheer to Birmingham, who was at home sick.¹¹⁹

As a result of his illness, Birmingham he did not run for House Democratic floor leader in 1935.¹²⁰

¹¹⁷ *Boston Globe*, June 19, 1934, 21.

¹¹⁸ *Boston Globe*, Oct. 29, 1934, 3.

¹¹⁹ *Boston Globe*, Jan. 2, 1935, 34.

¹²⁰ *Boston Globe*, Jan. 2, 1935, 4.

1935: BIRMINGHAM'S OPPOSITION TO JURY TRIAL FEE BILL

James Michael Curley was sworn in on Jan. 3 as the state's governor after defeating Republican candidate Gaspar G. Bacon.

Just days after being sworn into office himself, Gov. Curley swore in Birmingham and Rep. Eugene H. Giroux of Somerville in the governor's office. Both representatives were unable to attend the opening House session.¹²¹

They were conducted to the governor's office by Rep. Edward J. Kelley of Worcester, who took over the Democratic House floor leader position from Birmingham.

Jury Trial Fee

Birmingham came out strongly against a bill that would have required anyone requesting a jury trial to pay a \$10 fee.¹²²

"The man who works for \$12 a week on the ERA will be deprived of the right of a jury trial under this bill," Birmingham said in opposing the measure.

Fellow Brighton representative Martin Hays supported the bill. "We have the most cumbersome, obsolete, almost vicious court system of any of our sister states," Hays said.

"The delay is extraordinary. When decisions are handed down, they are almost a travesty of justice because of the delay. In England cases are disposed of in six months. In Massachusetts it takes four years," Hays noted.

"There are so many judges now that they are stumbling over each other. We do not lack judges. The delay is caused by the lack of celerity with which jury trials are secured," Hays

¹²¹ *Boston Globe*, Jan. 9, 1935, 17.

¹²² *Boston Herald*, May 22, 1935, 24

added. He stressed that under the bill a judge would be allowed to waive the fee if a plaintiff or defendant did not have sufficient funds.

Despite Hays' arguments, the House sided with Birmingham and defeated the measure by a vote of 141 to 67.

Criticism of Republican 'Hypocrisy'

Birmingham accused the Republican majority in the House of "hypocrisy" for taking credit for workmen's compensation legislation that passed the House on May 23.¹²³

He argued that the Democrats in the House had pushed for the legislation protecting workers, not the Republicans. He focused his ire on Rep. Henry Cabot Lodge, Jr., of Beverly, a Republican member of the House who was praised by members of both parties for his work on the legislation.

The labor legislative package consisted of three bills. The first provided a minimum weekly wage of \$7 during the period when the employee was unable to work because of a work-related accident. The second provided a minimum weekly wage of \$10 for an employee who lost a limb. The third denied any compensation for an employee injured because of misconduct but granted compensation to the family in the case of the employee's death.

The three bills were passed on a vote of 206 to 2 for the first bill, 198 to 5 for the second, and 168 to 28 for the third.

Defending his party from Birmingham's charge, John E. Hallwell of New Bedford, a labor union member, asked if the Democrats wanted to take credit for all the progressive legislation

¹²³ *North Adams Transcript*, May 24, 1935, 5.

passed by the Republican-controlled House since 1915. "If they would, I would defend my party against the opposition at any time," he said.

Lodge took a more conciliatory tone. He noted that Birmingham was absent when he had publicly complimented the efforts of Sen. James P. Meehan, a Democratic from Lawrence, for the work he had done on behalf of labor.

1936: LEADING POLITICIANS ATTEND BIRMINGHAM'S FUNERAL

Birmingham passed away in early January from cancer. The Jan. 17 funeral at Our Lady of Presentation Church in Brighton for Birmingham was a who's who of Massachusetts politics.¹²⁴

Leading the way was Gov. James Michael Curley. Honorary pallbearers were House Speaker Leverett Saltonstall, Reps. Anthony McNulty, James W. Hennigan, Timothy J. McDonough, Bernard Finkelstein, Thomas Dorgan, John B. Wenzler, Bernard P. Casey, Owen Gallagher, Albert F. Bigelow, Michael Jordan, Christian Herter, Leo Landry, Thomas Barry, Frank Kelley, Thomas Goggin, Frank Irwin, Peter J. Fitzgerald, David G. Nagle, and Daniel J. Honan.

Active pallbearers were Reps. Martin Hays of Brighton, Horace T. Cahill, Ernest H. Sparrell, Joseph N. Roach, Thomas P. Dillon, Augustine Airola, Patrick J. Walsh, and Edward J. Kelley.

Ushers were Herbert P. Jones and George Muldoon.

Also in attendance were Lt. Gov. Joseph L. Hurley, Atty. Gen. Paul A. Dever, State Treasurer Charles F. Hurley, State Auditor Thomas H. Buckley, Gov. Councillors Daniel H. Coakley and Frank T. Brooks, Adj. Gen. William I. Rose, and Maj. Joseph Timilty. Election Commissioner Francis B. McKinney represented Mayor Mansfield at the funeral.

The pastor, Rev. James J. Murphy, celebrated a solemn high mass of requiem, with Rev. Daniel J. Donovan as deacon and Rev. John M. Gibbons as subdeacon.

Birmingham was buried in Holyhood Cemetery in Brookline, where Rev. Donovan read prayers.

Curley Signs Bill Renaming Soldiers' Field Extension as Birmingham Parkway

¹²⁴ *Brighton Item*, Jan. 25, 1936 (JMC Scrapbook, Vol. 261).



*Figure 12: Leo M. Birmingham Parkway plaque
(Source: Fred Donovan)*

Gov. Curley signed a bill sponsored by Rep. Daniel Coakley Jr. to name the Soldiers' Field Extension between Western Ave. and North Beacon St. Leo M. Birmingham Parkway in memory of Birmingham.¹²⁵

The bill (No. 1715) provided for a tablet bearing the designation Birmingham Parkway at each terminus by the Metropolitan District

Commission.

Soldier's Field Extension was finally opened in November 1929. Shortly after it opened, it became a magnet for auto accidents. Within six months of its opening, there had been 20 serious accidents on the roadway.¹²⁶ This characteristic of the parkway continues to this day.

The roadway was close to the Brighton Abattoir, where cattle were housed and slaughtered. Shortly after it was renamed Birmingham Parkway, cattle escaped from the Abattoir and were grazing on the "succulent green grass" along the roadway.¹²⁷ Brighton's finest had to herd the cows back to the Abattoir because they were causing traffic problems.

Leo M. Birmingham Parkway was officially dedicated on Oct. 26, 1941. Around 5,000 people attended the dedication exercises and parade.¹²⁸ Paul Everett was chief marshal.

¹²⁵ *Boston Globe*, June 17, 1936, 2.

¹²⁶ *Boston Globe*, March 14, 1930, 16.

¹²⁷ *Boston Globe*, Aug. 24, 1936, 15.

¹²⁸ *Boston Globe*, Oct. 27, 1941, 8.

Participating in the exercises were members of the Brighton-Allston Post, A.L.; Alston Post, V.F.W.; Brighton Council K. of C.; Allston Council, K. of C.; Boston Fire Department Band; Massachusetts State Guard; and the Junior Police Corps.