

MAINE STATE LEGISLATURE

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October 1, 1942

The Attorney General

Governor Sewall

I have made a careful study of the material in this office covering the subject of possible embezzlement of \$190,000 by former Governor Brann.

We have no evidence of any such unlawful conduct. There was a Joint Legislative Committee in action in 1937, which gave some study to the matter but, although it failed to locate 153 canceled checks representing an aggregate sum of apparently \$196,000 and Ex-Governor Brann was unable to produce any receipts, vouchers or accounts covering the funds so expended, there is nothing in the record to suggest that any of the amounts were expended unlawfully or any of the checks given for improper purposes.

Moreover, the evidence such as we have seems to disclose that the funds in question were Federal funds and that the Governor handled them, not as representing the State of Maine, but as Agent for the Federal Government and, as such, acted in his individual capacity. There is nothing in the record to indicate that the State of Maine is involved in any way, or is to the slightest extent indebted to the Federal Government for a single cent of this money.

The evidence further discloses that the State of Maine as a State has no authority to interfere in this matter. The funds were purely Federal funds and the Courts have held that in any such cases the Federal Government alone has jurisdiction to prosecute in any cases where prosecution may be necessary. In other words, it is a Federal and not a State question. If the evidence disclosed that there was actually embezzlement, as has been suggested, the State would be powerless to move.

Frank I. Cowan
Attorney General

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